

Meeting Summary
Lakes Harney and Monroe Basin Management Action Plan (BMAP)
Technical Meeting
Thursday, October 21, 2010
10:00 AM – 12:00 PM
Deltona Library and Environmental Center, Deltona, Florida

Meeting Attendees

John Abendroth, FDEP	Ferrell Hickson, FDOT
Virginia Barker, Brevard County	Danielle Honour, CDM
Brian Bates, Lake Mary	Carol Johnson, FDACS
Ann Benedetti, SJRWMD	Robert King, Friends of Lake Jesup
Mary Brabham, SJRWMD	Robert Kirby, Volusia County
Sherry Brandt-Williams, SJRWMD	Regina Lovings-Morse, SJRWMD
Samantha Budd, FDEP	Ryan Mitchell, E-Sciences
Tiffany Busby, Wildwood Consulting	Kim Ornberg, Seminole County
Marie Duffy, City of Sanford	Marcy Policastro, Wildwood Consulting
Gloria Eby, Seminole County	Robert Potts, E-Sciences
Mark Ellard, Geosyntec	Jennifer Sagan, BCI
Chris Ferraro, FDEP	Russ Sheibenberger, City of Sanford
Mark Flomerfelt, Seminole County	Steve Szabo, Jones Edmunds and Associates
John Gamble, Volusia County	Kalina Warren, FDEP
Vivian Garfein, FDEP	Shannon Wetzler, Seminole County
Andrew Gianni, Quentin L. Hampton Associates	Kelly Young, Volusia County
David Hamstra, Pegasus Engineering	Tom Ziegler, SJRWMD
Janet Hearn, ATM	

Welcome and Opening Remarks

Tiffany Busby welcomed everyone to the Lakes Harney and Monroe meeting. John Abendroth stated that he is the Administrator of the Florida Department of Environmental Protection's (FDEP) Watershed Planning and Coordination Section. This section is responsible for bringing together stakeholders in the basin management action plan (BMAP) efforts to implement the total maximum daily loads (TMDLs). John stated that he appreciates the stakeholders taking the time to attend the meeting and he asked if they could let FDEP know if anyone is missing who should be here. FDEP will follow up with those entities but it would also help them to hear the importance of these meetings from other stakeholders.

John introduced Tiffany and Marcy Policastro with Wildwood Consulting who are independent facilitators and will help move the BMAP process forward. Samantha Budd is the FDEP Basin Coordinator for the entire Middle St. Johns River Basin. She came in at the end of the Lake Jesup BMAP process and is also working on the Wekiva BMAP. From the FDEP District, Vivian Garfein (District Director), Chris Ferraro, and Kalina Warren will also be involved in the BMAP. Vivian welcomed everyone and stated that a lot of hard work goes into developing the BMAP. She also thanked the St. Johns River Water Management District (SJRWMD) for their partnership and key role in this effort.

John noted that the purpose of the meeting to provide an introduction to the BMAP process. If the stakeholders have any questions, they can contact Samantha (her information is provided at the bottom of the agenda and in a separate handout). The participants introduced themselves and the entities they represent. Tiffany stated that FDEP is looking for room location suggestions for the next meeting. The location should be in the basin and would ideally allow tables to be set up in a U shape to make it easier for everyone to see one another.

BMAP Components

Tiffany stated that this is the first meeting to kick-off a BMAP for the Lakes Harney and Monroe basin. Not all TMDLs have a BMAP but there are benefits to having a BMAP. One benefit is the stakeholders can provide input on the plan and Tiffany requested assistance from the stakeholders on identifying others who should be participating in these meetings.

Samantha Budd stated that the BMAP will include several key components. The BMAP will describe the TMDLs being addressed, which include six waterbody identification (WBID) numbers for the river segments between Lakes Harney and Monroe, the river segment above the Wekiva River, and the two lakes. The BMAP will include assumptions made during the process, considerations for improving the TMDLs and BMAP in the next iteration, discussion of future growth in the basin, allocations, projects to meet the TMDLs, sources of funding, monitoring plan for both water quality and project efficiency to determine progress towards the TMDLs, an implementation timeline and letters of commitment from the stakeholders, and appendices with supporting information.

BMAP Development Process

Samantha stated that the BMAP process is a collaborative effort, and FDEP wants input, feedback, and ideas from the stakeholders to ensure this plan is something everyone can support. The BMAP is enforceable through permits for wastewater treatment facilities (WWTFs) and municipal separate storm sewer systems (MS4s). For the nonpoint sources, the BMAP projects are enforceable. Agriculture will be required to implement appropriate best management practices (BMPs) or monitor to show they are not having an impact on water quality. The BMAP will be adopted by FDEP Secretarial Order once it is completed. The BMAP will include a complete plan to show how the TMDLs will be met, including considerations for improvements in next iteration such as more research and monitoring.

Tiffany noted that the BMAP process is the local opportunity to have an implementation plan and schedule to meet the TMDLs. Once TMDLs are adopted, the U.S. Environmental Protection Agency (EPA) has the authority to implement the reductions in the TMDLs. Where there are permits involved EPA can write new requirements into the permits to implement the TMDLs. However, the BMAP gives stakeholders the opportunity to define those requirements, including the schedule and who is responsible for what portion of the load reductions. This opportunity to provide input on assignments that will become requirements should be a big motivator to participate in the BMAP process.

Samantha stated that agriculture will be assigned its own load reduction. Producers will need to implement appropriate BMPs or monitoring to show they are not having an impact. The Florida Department of Agriculture and Consumer Services (FDACS) is a partner in the BMAP. In this

basin, agriculture is about 3% of the land use. BMAP responsibility for reductions can be assigned to all sources including WWTFs, MS4s, non-MS4s, nonpoint sources, agriculture, and power plants. A lack of funding does not mean that no action is required. If a facility has already upgraded it may need to do more to meet the reductions. In addition, other projects may be needed to meet the reductions such as regional or cooperative projects or water retention. Any innovative ideas for projects are welcome and these projects can be discussed at the technical meetings.

Carol Johnson asked if FDEP has looked at how much public land is in the basin. Samantha responded that the land use break down is included in the TMDL and there are more public lands around Lake Harney than Lake Monroe. John Gamble asked if the term “basin” means just the WBID or the area contributing to that WBID. Samantha responded that the basin includes all areas that contribute loading to the impaired WBIDs. The BMAP focus will not just be on the WBID boundaries but on the entire area that drains to the waterbodies. John Abendroth added that the impairment is just for one small segment of water but the TMDLs include loading from the entire contributing area. John Gamble noted that Deep Creek that feeds into basin and is largely agricultural. This area is a significant percentage of Volusia County. John asked how the basins were delineated because they have found big differences between the five foot and one foot contours. Sherry Brandt-Williams responded that the SJRWMD delineated the watershed. John Abendroth added that the next meeting will have Dr. Xueqing Gao (FDEP) and a representative from the SJRWMD to discuss what is included in the TMDL.

TMDLs Being Implemented

Samantha stated that a TMDL is the maximum amount of a pollutant that a waterbody can assimilate and still meet water quality standards. TMDLs are adopted for those waterbodies that are listed as impaired. A TMDL has two parts: (1) a target based on water quality standards, and (2) load allocations for the pollutants needed to meet target. This TMDL includes six WBIDs that are impaired for dissolved oxygen (DO) and/or nutrients. The targets for the Lakes Harney and Monroe TMDLs were established using the state’s narrative nutrient criteria. The targets were established to restore healthy chlorophyll-a levels and Trophic State Index (TSI) values. Each WBID has a total nitrogen (TN) and total phosphorus (TP) concentration to meet the target.

The sources in the TMDL include WWTFs, MS4s, nonpoint sources, agriculture, failing septic tanks within 50 feet of surface waters, groundwater, atmospheric deposition on the water, upstream river sources, and Lake Jesup sources. John Gamble asked if wastewater reuse is also considered a source. Samantha responded that the TMDL did not list this as a source; however, if this is determined to be a significant source, then it can be addressed in the BMAP. The TMDL considered groundwater and atmospheric deposition as natural background, and the reductions for upstream river and Lake Jesup sources will be accomplished through other plans. The remainder of the sources will be included in the BMAP. The reductions in this BMAP will only focus on anthropogenic loading from the watershed. Virginia Barker asked how atmospheric deposition on the land will be separated from the stormwater loads so that the communities will not be responsible for that load. John Abendroth responded that atmospheric deposition on the land is considered part of the loading from the land. The TMDL assigns the allowable load to the waterbody so this accounts for some of the loading but it is difficult to determine what portion is atmospheric deposition versus from the land.

Samantha stated that the TMDL components are a wasteload allocation (WLA) for point sources and a load allocation (LA) for nonpoint sources. The TMDL summary table shows the allowable loads and allocations. Tiffany added that the WLA is for MS4s and the LA is for non-MS4s. John Abendroth noted that some of the stakeholders have been involved in other BMAPs and those approaches may not be used here so keep an open mind. There are always some differences due to who is involved, how the TMDLs were put together, and the available information for the BMAP. Tiffany added that the purpose of these meetings is to determine the best way to meet those TMDLs. The information Samantha went through is from the TMDL document, which is available from the FDEP website if the stakeholders want more detail about how the numbers were developed.

Lakes Harney and Monroe BMAP Approach

Tiffany reviewed the map of the watershed. The Wekiva River is downstream of the basin so it is not included in this BMAP. Lake Jesup is to the south of the basin and those reductions are being addressed in another BMAP. The St. Johns River and Econlockhatchee River are also connected to the system but will be addressed in a separate BMAP. John Abendroth added that the Econlockhatchee River, Upper St. Johns River, and Lake Jesup were considered boundary conditions and are shown as separate reductions in the TMDL.

Tiffany stated that the stakeholders in the BMAP include multiple MS4s. Both Brevard County and Lake County are a very small part of the basin. In several other BMAPs, a *de minimus* level was established in which a stakeholder is such a small part of the basin that they are not assigned an allocation in the BMAP. Brevard County and Lake County are candidates for this determination. The goal is to try and be fair on whether it is feasible or meaningful for certain entities to make reductions. John Abendroth added that it is better to have those stakeholders involved from the beginning and letting them go as *de minimus*, rather than pulling stakeholders in late in the process.

Tiffany noted that the stakeholders also include one WWTF, three non-MS4s, and agriculture. The agricultural acres will be pulled out from the jurisdictional areas so that MS4s and non-MS4s are only held accountable for urban sources. There was not a representative from each stakeholder at the meeting and Tiffany asked for suggestions on who to contact to get them involved. The benefit of the BMAP is that it lays out a list of projects and schedule for each entity. If an entity does not participate then FDEP assumes they do not need a schedule to make reductions and they can be held accountable sooner. John Abendroth added that just because an entity does not attend the meetings does not mean that FDEP will assign their responsibility to other stakeholders. Tiffany also asked if any stakeholders are missing from this list because the Geographic Information System (GIS) database may not be up to date. Mark Flomerfelt stated that he does not think Enterprise is incorporated (editor's note: this was verified after the meeting and Enterprise will be removed from the list of stakeholders). John Gamble asked if forestry land uses are considered to be part of the agriculture load. Tiffany responded that forestry/silviculture land uses would be assigned to agriculture.

Tiffany stated that all meetings are open to the public and are noticed in the Florida Administrative Weekly (FAW), the FDEP website, and emails to the distribution list. Technical

meetings will be scheduled monthly, as needed, on the third Thursday of the month. This meeting was scheduled at 10:00 because the library does not open until 9:30. Future meetings may need to be longer so alternative meeting locations may be needed or the meetings may be moved to the afternoon. The purpose of the technical meetings is for information gathering on technical issues to provide feedback to FDEP on what numbers are used in the BMAP.

In addition, periodic management briefings will be held. These briefings are similar to what was called the Basin Working Group (BWG) in other areas. FDEP will invite managers, public works directors, council members, county managers, etc. FDEP will need feedback from the technical stakeholders on who should be added to the distribution list for the management briefings. The one change we are making from previous BMAPs is that there will not be a set “group,” which eliminates the Sunshine Law constraint that members of a group cannot discuss BMAP items outside of a publicly noticed meeting. FDEP has received feedback in other basins that this Sunshine Law provision makes it difficult for larger entities to coordinate with their municipalities on MS4 issues, and that smaller entities do not have enough staff so this provision affects the ability for people to do their jobs. The management briefings will still allow managers to be informed and provide feedback on the BMAP process but they will be able to coordinate with others on BMAP issues outside of meetings.

John Abendroth added that there are other Sunshine Law issues if, for example, two commissioners attend a meeting and they are held to the Sunshine Law for another group. However, this process prevents Sunshine issues arising directly from the BMAP process. Tiffany noted that FDEP will send an email requesting contact information for who should be involved in the management briefings. Another benefit of this process is that each entity is not limited to nominating one official representative. FDEP is also available for one-on-one meetings during process. In other basins, these meetings have occurred during project collection and credit calculations. FDEP can also provide assistance in preparing presentations or making presentations to commissions and councils. Summaries will be provided for the technical meetings and management briefings and will be posted to the FDEP FTP site.

Public Comments and Wrap Up

Tiffany stated that the next meeting will be November 18th, and staff from FDEP and SJRWMD who worked on the TMDL modeling will attend to review the model and answer questions.

John Gamble asked if the SJRWMD could update the basin boundaries using better data. Volusia County can provide the SJRWMD with Light Detection and Ranging (LIDAR) data to refine the information. Having the correct boundaries is important for the allocations and is also important for the public since they paid for the technology. Sherry responded that SJRWMD is working to add new information to their models. Since the TMDL is adopted, the new information can be incorporated in future years. John noted that it may not help with this BMAP but there are other TMDLs underway and the latest information should be included.

Kim Ornberg noted that there is a landfill in the basin in Seminole County and she asked how this was treated in the TMDL since it has its own permit. Kelly Young added that there is at least one landfill in Volusia County, as well. John Abendroth responded that FDEP will look into how these were handled in the TMDL.

Andrew Gianni asked how the BMAP relates to numeric nutrient criteria (NNC). John Abendroth responded that the NNC should be finalized in November. EPA has not provided many details about what will be included. FDEP's intention is to have existing TMDLs adopted by EPA as site-specific alternative criteria (SSAC) so that the TMDLs would still be effective. Kim noted that she believes the TN and TP targets in this TMDL meet the proposed NNC targets. Tiffany stated that FDEP will post the TMDL documents on the FTP site. This BMAP will also include the Smith Canal WBID, which is included in a separate TMDL document.

Robert Potts asked if the TMDL model and GIS files are posted yet. Samantha responded that she will post the TMDL GIS files. Mark noted that the SJRWMD has done extensive additional work in this basin since the TMDL was adopted. This work is related to the water supply impact study and there updates to the model and LIDAR data. This information may be useful during the BMAP process. John Abendroth responded that some of the information may be incorporated but some will need to wait until the next iteration if it needs to be incorporated into the model or the TMDLs. David Hamstra stated the U.S. Army Corps of Engineers is doing a study of the DeBary Bayou, which should provide helpful information.

Kim noted that for future meetings Sylvan Lake Park and the County Services building, which has the Commission Chambers, could be options. Kelly noted that the auditorium at the library would also work and the Institute of Food and Agricultural Sciences (IFAS) building in Volusia County should also be available.

Tiffany stated that if the stakeholders have information on any studies in the basin that they want to present, to let FDEP know. Kim asked if they should start providing data now. Tiffany responded that the data are not needed now but will be collected later in the process.

Adjourn

The meeting was adjourned at 11:19 AM.

Action Items

- FDEP will remove Enterprise from the list of stakeholders since they are not incorporated.
- The stakeholders should send contact information for the people they want involved in the management briefings; an email will be sent as a notice to submit this information to FDEP.
- FDEP will look into how landfills were addressed in the TMDL.
- Samantha will post the TMDL documents and GIS files to the FDEP FTP site.