

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

Technical Meeting Summary

Thursday, September 19, 2013

10:00 AM – 12:00 PM

Woodville Community Center, Live Oak Room

8000 Old Woodville Road, Tallahassee, Florida 32305

Attendees

Joseph Addae-Mensa, DEO	Howard Kessler, Wakulla County
Craig Barkve, Tallahassee	John Kraynak, Leon County
Carly Barnes, FDACS	Debbie Lightsey, Citizen
Winston Borkowski, Hopping Green & Sams	Eric Livingston, Citizen
Catherine Bray, Tallahassee	Alex Mahon, Leon County Health Department
Kathy Burke, Leon County	Sean McGlynn, MLI
Tiffany Busby, Wildwood Consulting	Anita Nash, FDEP
John Buss, Tallahassee	Bob Newburgh, Citizen
Edward Chelette, NFWFMD	Terry Peacock, USFWS
Steve Cioccia, FDEP	Steve Peene, ATM
John Cox, Tallahassee	Marcy Policastro, Wildwood Consulting
Holly Edmond, FDACS	Eberhard Roeder, FDOH
Eric Etters, Tallahassee	Peter Scalco, FDEP
John Folks, FAMU	Lee Smith, ECT
Charlie Gauthier, FDEP	Ed Steinmeyer, Leon County
Katherine Gilbert, Citizen	Shaw Stiller, Tallahassee
Pam Hall, Citizen	Elke Ursin, FDOH
John Hallas, Talquin Electric Cooperative	Aaron Van Smith, Hatch Mott MacDonald
David Hammonds, FDOH	Richard Wieckowicz, Consultant
Theresa Heiker, Leon County	Rob Williams, Center for Earth Jurisprudence
Steve Hodges, Tallahassee	Mark Yelland, DEO
Jill Jeglie, Gadsden County	Laura Youmans, Leon County

Welcome and Introductions

Tiffany Busby welcomed everyone to the Upper Wakulla River and Wakulla Springs Basin Management Action Plan (BMAP) meeting. The participants introduced themselves and the entity they represent.

Onsite Sewage Treatment and Disposal Systems (OSTDS) Initiative Review

Steve Cioccia stated that the OSTDS Initiative was discussed during the last meeting; however, a lot of the details were not presented. The purpose of today's presentation is to provide more information on why the Florida Department of Environmental Protection developed this initiative and what will be included. The Department believes that additional time and data are needed to determine the ultimate nitrate concentrations at the spring that will result from recent management strategies in the basin, mainly the City of Tallahassee's wastewater treatment facility (WWTF) upgrade. It is prudent to make this consideration to determine what additional load reductions are needed before requiring reductions from OSTDS, since these reductions will likely be expensive and difficult. The OSTDS Initiative is intended to position the BMAP and stakeholders with ready-to-implement load reduction strategies by the end of the first BMAP

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iteration through this planning process. The Initiative will focus on identifying OSTDS management strategies within the BMAP Priority Focus Areas (PFAs) because these are the most vulnerable areas that contribute nitrate most heavily to the river and springs.

The objectives of the OSTDS Initiative include identifying effective and feasible strategies to reduce nutrient loads from OSTDS sources, establishing stakeholder OSTDS responsibilities, along with a mechanism for reduction strategy development and implementation, and ensuring implementation through stakeholder commitments and BMAP authority. The adopted BMAP will include OSTDS strategies that are ready for implementation as an enforceable responsibility. In lieu of currently implementable strategies, the stakeholders will commit to participating in the OSTDS Initiative. A post-adoption schedule for the Initiative will be developed to include stakeholder responsibilities for preparing and reaching agreement on an overall OSTDS strategy that will be implemented in second BMAP iteration. This schedule will be timed to take into account funding needs and the completion of the Florida Department of Health (FDOH) study, which will provide information on how to retrofit existing septic tank systems. The water quality status and OSTDS load reduction achievements and needs will be reported each year at the annual BMAP meeting. OSTDS strategies will be identified, as needed, based on the water quality trends in the river and springs.

Catherine Bray asked if the stakeholders would start reporting on OSTDS reduction requirements in this first, five-year BMAP iteration. Steve responded that annual reports would be prepared and meetings held during the first BMAP iteration, which would include this information. In addition, there will be OSTDS Initiative meetings to discuss the OSTDS reduction requirements. The Department hopes by the end of the second year of BMAP implementation to have a better idea of the water quality trends and what additional reductions would be needed.

Steve stated that Phase I of the OSTDS Initiative will occur before the BMAP is adopted, and most of this information is already available. The items in Phase I include identifying the existing number of OSTDS and the distribution within the PFAs, estimating loading from these OSTDS, and obtaining commitments from the local governments and stakeholders to participate in the Initiative. Steve noted that it is important to have participation in the Initiative from stakeholders in the area who have expertise and planning tools that would help with the discussion.

Phase II will occur after BMAP adoption to evaluate potential management strategies and identify potential barriers to implementation. The list of potential strategies are in the presentation and the draft BMAP. Steve noted that some of these strategies are already in process and the Department hopes to benefit from the information that has already been developed. The goal is to create a cohesive and consensus-based road map of how to move forward with OSTDS reductions. The list of potential management strategies was compiled from literature, brainstorming, and feedback from the stakeholders.

There are also several potential barriers to implementation of OSTDS strategies, which will be discussed during Phase II. These potential barriers include absence of central wastewater in areas where OSTDS reductions are needed; financial impediments to extension of the wastewater system; distribution of OSTDS in the PFAs and the practicality of connection to central sewer;

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financial impacts to homeowners; practicality of cluster systems; and administrative and financial needs, as well as potential opposition to developing a Regional Management Entity (RME) for OSTDS.

Phase III will develop the management strategies and implementation responsibilities. The items in this phase include continuing to evaluate OSTDS contributions and track ongoing reduction activities, reviewing monitoring results, determining proposed target reductions to be achieved, identifying potential future loading prevention policy strategies, presenting the OSTDS Initiative findings to give direction on future decision making, and preparing a Department agency report on management strategies. The agency report will be completed 30 months after BMAP adoption and will describe the selected BMAP management strategies, prioritize the strategies and identify stakeholder responsibilities, and identify the relative responsibilities for nitrate contributions from individual stakeholders including commitments for strategy implementation.

Phase IV is the implementation of OSTDS management strategies. Based on the agency report, stakeholders will be required to develop detailed implementation plans that include management strategies for their areas of responsibility. The implementation plans would be presented to the Department to ensure they address OSTDS contributions, and would be included in the next BMAP iteration. Steve noted that once the second BMAP iteration begins, the responsible stakeholders will be ready to start making reductions or will be well into procuring the necessary funding. The Upper Wakulla River and Wakulla Springs BMAP is projected to be adopted in December 2013. January 2015 is the anticipated completion for the FDOH study. In July 2016, the Department would complete the agency report. By January 2019, the Department would have completed an assessment of reaching the TMDL target and additional management strategies would be added to the second BMAP iteration, based on the OSTDS Initiative.

Pam Hall asked if the milestone dates are included in the BMAP. Steve responded that these milestones can be added to the BMAP text. Pam noted that the schedule graphic provided in the OSTDS Initiative handout at the last meeting would also be helpful in the BMAP. Debbie Lightsey stated that the Department would continue to evaluate water quality over the next two years because they assume that the nitrate concentration will continue to drop and meet the total maximum daily load (TMDL) target of 0.35 mg/L. Steve responded that the Department would like additional time to evaluate water quality to determine how far the reductions from existing strategies will go towards meeting the target. There is currently a decreasing trend in nitrate in the river and springs, but this trend will eventually plateau. It will take some time to evaluate whether the ultimate nitrate concentration is above or below the target because quarterly data are currently being collected. Once the system has equilibrated, the Department can determine if additional reductions are needed to achieve the TMDL target.

Debbie asked where the quarterly data are being collected. Steve responded that samples are collected quarterly at the spring vent but real time nitrate data should start to be collected in October at the boat dock. The boat dock is close enough to the spring vent to represent the water quality conditions at the vent. Eric Livingston asked what happened to the Department's commitment to add monitoring at the vent. Anita Nash responded that when the Department evaluated adding the nitrate meter to the vent, they realized it would be difficult to maintain the meter at this location. Therefore, the nitrate meter will be added at the boat dock, which is about

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100 feet downstream. The Department is still evaluating adding data monitors in the conduits, and these monitors are part of the BMAP monitoring plan. Eric noted that the Department is saying there are not enough data for a water quality evaluation; therefore, monitoring needs to be added. Anita responded that the monitoring strategy in the BMAP has more efforts than what was first presented, based on comments received from the stakeholders. Eric stated that the Department has not shown that the monitoring plan is adequate to represent what is occurring in the system. Steve responded that the new boat dock station is close enough to the springs to determine what is occurring with water quality. Rich Wieckowicz stated that he believes there are different parameters used for total organic carbon for the vent and the river. One parameter is filtered and the other is not. Steve responded that he would follow up on this.

Debbie asked if within the first two years of BMAP implementation, it becomes clear that the nitrate levels are not going to be reduced to 0.35 mg/L, what actions within the remaining BMAP timeline will reduce nitrates. The stakeholders expected to see a schedule for additional reductions, but now the Department is taking a wait and see approach. Steve responded that during the first BMAP period, the Department and stakeholders will be going through the OSTDS Initiative process to develop strategies and implementation plans for any reductions needed, based on the water quality data. In early 2016 (two years after BMAP adoption), the Department would make a decision about the water quality status and then would target reductions in the areas where reductions are needed. The necessary strategies to accomplish the reductions would be determined with the stakeholders, and this information would be captured in the agency report. The responsible parties would then have to prepare implementation schedules for appropriate strategies, which would start in the second BMAP iteration.

Debbie stated that the Initiative is another five years of waiting and planning, which does not help the springs. Steve responded that the Department understands this concern, but there are no projects that could be implemented within the next five years to take OSTDS offline because there are no funds in place. Tiffany added that the OSTDS Initiative is only one element of the BMAP, and there are other activities included in the BMAP that will be reducing nitrates over the next five years. Laura Youmans stated that Leon County is implementing OSTDS strategies, such as planning requirements and protection zones. The county is also working toward Blueprint 2000 funding for sewerage Woodville. For the BMAP timeline of five years, this is a reasonable approach and the county is doing something to address OSTDS.

Pam stated that in Phase IV of the OSTDS Initiative, the stakeholders would be developing implementation plans. She asked how the Department would judge the sufficiency of these implementation plans. Steve responded that the sufficiency of the implementation plans would be determined by the amount of reductions needed from septic tanks. The list of management strategies in Phase II would be evaluated within the first two years of BMAP implementation so that the appropriate strategies could be included in the agency report. Then, responsibilities would be assigned so that the stakeholders could create the implementation plans. The Department would review these plans for sufficiency during the last year of the first BMAP iteration so they are ready to be implemented in the second BMAP iteration.

Theresa Heiker stated that one of the options for addressing septic tanks is to construct small package plans. Leon County identified several existing package plants in the basin that could be

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an issue, and they heard from the Department that the Department could not ask them to upgrade to advanced wastewater treatment (AWT) standards. Therefore, any new plants would be held to the same treatment level as the current facilities. Steve responded that this would be discussed in more detail during the review of the BMAP, but the Department recognizes that the wastewater must go somewhere for treatment. The BMAP includes a treatment requirement of 3.0 mg/L of total nitrogen (TN) for facilities in PFA1. Theresa asked how this standard could be applied when all facilities are held to the same permitting requirements. Steve responded that the Department permittees would go through a review process that would take into account the ground water processes in the basin. Anita added that since this requirement will be in the BMAP, the permittees must apply it to those facilities.

John Hallas stated that most of the potential management strategies listed in Phase II of the OSTDS Initiative would be rendered ineffective by requiring AWT. Talquin is not located in the PFAs, but they have been proactive in using other treatment technologies, such as wetlands. John stated that Talquin's facilities would not meet AWT since that is an end-of-pipe standard. Steve responded that the BMAP does not require AWT, because that type of treatment has a set definition. The BMAP requirement is to meet 3.0 mg/L of TN. John Buss stated that the language in the BMAP needs to be clarified. The text talks about requiring the 3.0 mg/L of TN for facilities greater than 100,000 gallons per day (gpd), but the end of the paragraph states that the requirement would apply to all new facilities. John asked if the 100,000 gpd threshold also applied to the new facilities or just the existing ones. Steve responded that the Department is still working on this language, but the intent is that all new facilities that are equal to or greater than 100,000 gpd would have to meet the 3.0 mg/L of TN requirement. Existing facilities of this size would be given an opportunity to show they are not a contributor to the water quality problem. If they cannot show they are not a contributor, then the requirement would apply to existing facilities within PFA1 as well.

John Buss stated that the Department needs to propose legislation to give local governments the authority to regulate for nutrients, and this needs to happen before any OSTDS strategies could occur. John stated that he also believes the BMAP should include language that a Regional Management Entity (RME) is needed in this area within the next three years, and the criteria the RME should meet. John Folks stated that the BMAP has language about Wakulla County's requirement for WWTFs to meet AWT if they are located within the Wakulla Springs Special Planning Area. He asked if this is in conflict with the Department's rule that only facilities greater than 100,000 gpd need to meet this requirement. Steve responded that Wakulla County's requirement is not in conflict with the Department's rule. However, the county's requirement is more stringent, so it would be up to them to enforce it when applicable.

Mark Yelland noted that part of the OSTDS Initiative is that the BMAP would include actions that are ready to implement, which would be enforceable. He asked if this is the same as BMAP enforcement through Section 403.067, Florida Statutes (F.S.). Steve responded that it is the same as BMAP enforcement. Tiffany added that there is also an additional enforcement mechanism if a National Pollutant Discharge Elimination System (NPDES) permit is involved.

John Kraynak asked if the 3.0 mg/L of TN requirement is for the facility's effluent or for a monitoring point outside of the zone of discharge. Steve responded that the Department is still

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working on this with the permittees, but he believes this requirement is for the point of discharge. John Hallas stated that if the Department sets the requirement for the pipe outfall, it would make any other effective technology after the end-of-pipe, such as treatment wetlands, useless. Anita responded that this requirement still needs to be discussed, and the Department does not want this requirement to be a limiting factor on the types of technologies used. John noted that the location for this requirement is not addressed in the BMAP and it needs to be, because the permittees would just restrict it to an end-of-pipe discharge. John Buss stated that if treatment wetlands are part of the facility, it seems as if the 3.0 mg/L of TN standard should apply at the end of the treatment train for the facility. John Hallas responded that he agrees with this point, but the way facilities are typically permitted, the limit would be placed on what is going into the wetland, not what is coming out. There would also be an issue with permitting for a zero discharge wetland.

Tiffany stated that if there is specific language in the BMAP that the stakeholders have concerns with, they can submit these to the Department. The Word version of the BMAP is posted on the FTP site, and track changes should be used to submit specific wording edits. Other comments and edits can be sent too.

Discuss the Draft BMAP Section by Section

Steve stated that the first draft of the BMAP was sent last week to the stakeholders for review and comment. The schedule for this review will be discussed at the end of the presentation. The BMAP was developed as part of the Department's watershed management approach, and was prepared with cooperation and input from the stakeholders. Steve stated that the Department appreciates all of the stakeholders' assistance, and the BMAP acknowledgements table lists the stakeholders that have been involved to date.

Chapter 1 provides the context, purpose, and scope of the plan. The BMAP represents the joint efforts of multiple stakeholders to prepare strategies for water quality restoration to work towards achieving the TMDL. The BMAP includes management strategies to reduce nitrate concentrations to restore the biological community, and a monitoring plan to guide effective long-term restoration efforts. The purpose of the BMAP is to implement nitrate reductions to achieve the Upper Wakulla River TMDL. The BMAP basin is about 848,445 acres. The Department identified two PFAs, which represent the areas that are most vulnerable and have known connectivity to Wakulla Springs. John Buss stated that the eastern boundary of PFA2 does not extend to the basin boundary so a lot of development in this area was missed. He asked how the PFA boundaries were developed. Steve responded that the PFAs correspond to the most vulnerable areas based on the information in the aquifer vulnerability assessments.

Steve stated that technical meetings have been held regularly throughout the BMAP process, starting in January 2013. These meetings were open to the public and noticed in the *Florida Administrative Register*. The Department also met one-on-one with stakeholders to discuss items such as the management strategies. In addition, a public workshop on the BMAP will be held on October 17th. Eric stated that the public workshop is only one month away, which does not provide adequate time to review the BMAP. This is supposed to be a stakeholder driven process, and he asked who set this tight schedule. Charlie Gauthier responded that one of the criticisms of the BMAP process is that some of the BMAPs took three to four years to complete.

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Staff have received direction from the Division Director to adopt BMAPs on a faster schedule. Catherine asked what the timeline for review will be for the second draft. Steve responded that he would review the schedule later in the presentation. Tiffany added that there will be another review period for the stakeholders to provide comments after the October 17th meeting. Steve Peene asked if the comments made prior to October 17th will have the same weight with the Department as later comments, in terms of inclusion in the final document. Steve Cioccia responded that the Department will give equal weight to comments received in each review period.

Steve stated that the BMAP uses a phased approach, and the total reductions to achieve the TMDL will be addressed in five-year increments. The largest source of loading from the TMDL period of record has been addressed with the City of Tallahassee WWTF upgrade. Further reductions in nitrate concentrations are expected in the river and springs from the completed actions in the basin. Given the load reductions to date and the need for additional monitoring to determine to what extent additional reductions are needed, a sufficiency of effort approach was used instead of detailed allocations.

Debbie stated that the stakeholders assumed there would be detailed allocations in the BMAP, but the Department is instead using a sufficiency of effort approach. If the Department determines in the next 24 months that nitrate concentrations have not dropped, they should require something of Leon County and Wakulla County because of the number of septic tanks. She asked, at that time, if the counties propose to hook up a certain number of existing septic tanks to central sewer, would the Department have a financial feasibility requirement to show that the funding is available and that people would be required to connect. Steve responded that as part of the 30-month agency report, the Department would develop target reductions for certain areas in the basin. These reductions would be assigned to the stakeholders based on responsibility, and it would be up to those stakeholders to determine how to achieve the reductions as part of the stakeholder implementation plans.

Debbie asked if the strategies have clauses that the implementation is dependent on funding, would these strategies still be considered viable. Tiffany responded that when reduction assignments are made in BMAPs, the responsible entity is required to make those reductions. The Department does not specify strategies; however, the entity must find a way to implement strategies and make reductions. If the original funding source does not come through, the entity will have to find another funding source. The agency report will identify reductions and responsible stakeholders, and then there will be time for the stakeholders to determine a plan. Debbie asked what would occur if a stakeholder does not meet their reductions. Tiffany responded that the Department would move into enforcement, either through the NPDES permit or the BMAP itself.

John Buss asked what would occur if a local government does not take responsibility for septic tanks and does not sign the BMAP. Tiffany responded that the OSTDS Initiative will determine responsibilities for septic tanks, and the agency report will make assignments for the reductions. For those projects listed in the BMAP, the entities are responsible for implementing them as they are worded now. John noted that Leon County has a septic tank project in the BMAP that has a clause on it for funding. Tiffany responded that in the BMAP, the county is responsible for

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implementing the project as worded. Through the OSTDS Initiative, additional reduction assignments would be determined that would be required during the next BMAP iteration.

Rob Williams stated that the term “sufficiency of effort” is not included in F.S. The statute requires detailed allocations to meet the required reductions in the TMDL. He asked if this BMAP is designed to achieve the 0.35 mg/L nitrate target within the next five years. Steve responded that this BMAP will make reductions in nitrate concentrations; however, the Department cannot say if the target would be achieved within the next five years because more data are needed. This is why the BMAP is phased. If the monitoring shows the target is not achieved, additional reductions would be required in the next BMAP iteration. Eric asked if the Department has anything in writing about the sufficiency of effort process and what requirements are needed to achieve sufficiency. Steve responded that this information is available for the Upper Wakulla River and Wakulla Springs BMAP, but it is not an adopted agency policy. The sufficiency of effort evaluation was a comparison of strategies with source categories, and this information can be provided.

Steve stated that after year four of BMAP implementation, the Department would evaluate available water quality and biological data to determine progress towards the TMDL target. Although this evaluation will occur throughout the BMAP implementation, this would be the last time to evaluate water quality before preparing for the second BMAP iteration. The adopted TMDL sets the allocations, as a percent reduction, to the nonpoint sources to achieve the nitrate target. The BMAP implements the TMDL allocation for the nonpoint sources, since no point sources directly discharge to the Upper Wakulla River. The TMDL was adopted by the Department in March 2012. The Upper Wakulla River was determined to be impaired for nitrate based on poor stream condition index (SCI) surveys. The biological community in the river is affected by excessive algal mats.

There were several assumptions used in BMAP implementation including that reductions in nitrate will result in improved biological communities; the greatest source of nitrate loading to the river is the spring; the scope of TMDL did not include the spring vent, but the BMAP does include the springshed; and this first BMAP iteration focuses on the PFAs, which were identified based on the most vulnerable areas and the ground water pathways in the basin.

There are also several considerations that were identified during the BMAP process. The Department is in the process of adopting numeric nutrient criteria, which include a biological standard. The BMAP monitoring plan was designed to collect the necessary data for these new evaluations. The basin boundary could be adjusted in the future based on new data collected during BMAP implementation. The BMAP focuses on the portion of the springshed in Florida, because the Department is only able to control sources in the state. However, if significant sources of loading in Georgia are identified, these should be considered in the next BMAP phase. Leon County has already begun implementing actions to reduce loading from Georgia. Lake swallets may need to be evaluated in the future to determine if these draining lakes contribute nitrate to the river.

Steve stated that F.S. requires that BMAPs “...identify the mechanisms by which potential future increases in pollutant loading will be addressed.” This BMAP relies on the OSTDS Initiative

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and measures from the local governments to control loading from future growth. Eric asked if there has been an assessment to show that these measures will result in a no net increase in loading. Steve responded that this evaluation would occur through the OSTDS Initiative. Eric stated that this evaluation should not be done only for septic tanks, but all sources in the basin. Steve responded that there are a lot of measures in place to help address future growth but no assessment has been done yet to show that these would result in a no net increase in loading.

Debbie asked if springs legislation passes that removes the current impediments related to the FDOH study, how the BMAP would be reopened to provide the ability to address nitrate from conventional septic tanks. Steve responded that if this should occur, it would be taken into account through the OSTDS Initiative and the agency report. Tiffany added that the Department wants the requirements for septic tank reductions to reflect the needs of the river and springs. Time is needed to determine the water quality trends so that the Department is not asking for more reductions than are needed since septic tank projects are expensive. Time is also needed to identify and plan for projects, so even if the Department said something must be done today, it would take a while to plan and fundraise.

Debbie stated that she would like to see more aggressive action if the septic tank impediment is removed. Tiffany responded that BMAPs can be reopened before the end of a five-year cycle; however, the Department needs to balance this option with the stakeholders' need for planning time. Laura asked, unless the legislation mandates a specific action, if the Department would rely on the local governments to determine strategies for septic tanks. Steve responded that this is correct. Pam asked whether the sunset provision in the legislation for 2015 means that the previous law would go back into place or if something else would occur. Elke Ursin responded that she does not know what will happen with the law. The study will be completed in 2015 and FDOH will give their report to the legislature. At that point, the current restriction on septic tank regulation would go away. Pam asked if the Department could provide clear guidance to the stakeholders on what the law says would occur once the current legislation sunsets. Steve responded that the Department could provide this information.

Pam stated that the hydrology of this system is biphasic, not linear, which will make it difficult for the Department to evaluate water quality after 24 months of BMAP implementation. The BMAP should include an acknowledgement of the scope of this problem and the scientific concerns that need to be addressed to evaluate water quality. Rich noted that the BMAP refers to "nitrate" but this should be "nitrate-nitrogen." The actual chemical definition for nitrate is a factor of 4.4 greater than nitrate-nitrogen, so this needs to be specified correctly to avoid a legal issue. Steve responded that the BMAP needs to reflect what is in the TMDL, so he will check the TMDL and update the BMAP accordingly. Catherine added that the Florida Department of Agriculture and Consumer Services (FDACS) looks at nitrate and the City of Tallahassee uses nitrate-nitrogen. When Kirstin Eller (Department) was working on the nitrogen sourcing inventory for the basin, she was making some conversions for nitrate that were not needed.

Catherine noted that throughout the BMAP document it says that the stakeholders commit to implement strategies. She stated that the staff who attend the BMAP meetings cannot make commitments, and she asked if the Department would take the BMAP to the commissions so they are aware there is a commitment that must be implemented. Tiffany responded that the

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Department traditionally leaves this decision up to staff from the entities. The information included in the BMAP is required and provides a compliance schedule. If staff feel like they need board approval of the BMAP strategies, they can obtain this approval. From the Department's perspective, the BMAP adoption is what makes everything in the BMAP official. Catherine stated that there are some things in the city's table that she is not sure about including. Tiffany responded that if the stakeholders want to affect the outcome of the BMAP, they need to participate and provide their strategies and schedule. There is the option to switch out projects as long as the overall reductions and timeline are the same.

Debbie asked if the Department still has enforcement ability on BMAP actions even if a stakeholder does not sign off on the BMAP. Tiffany responded that the individual entities do not sign off on the BMAP; only the Department Secretary signs on the BMAP. Shaw Stiller stated that Chapter 120, F.S., only allows four instances for an agency head to enter final enforceable orders. He does not believe that this chapter allows the Department Secretary to unilaterally sign off on the BMAP. Tiffany responded that if Shaw would like to discuss this further, Steve can put him in touch with the Department's attorney. Shaw stated that he is also unsure about the enforcement of some of the actions listed in Phase II of the OSTDS Initiative. He noted that he has real legal concerns that need to be discussed before the BMAP process moves on.

Steve Hodges stated that it would be helpful to have more time to review the BMAP and then have another meeting to discuss it. Kathy Burke added that the October 17th meeting is an unreasonable timeline for providing comments. Charlie responded that they will have to go back to the calendar and review the BMAP timing. Another meeting may be added, but this will need to be discussed with the Division Director. Debbie noted that if the stakeholders are not signing off on the BMAP, the public will not know if a local government chooses not to implement actions, which is a big deal.

Public Comments and Wrap Up

Tiffany stated that the next meeting is scheduled for Thursday, October 17th, and this date should be kept on everyone's calendars. Initial BMAP comments are due by October 3rd. The Department will provide more information on the timing of the BMAP meetings next week.

John Folks stated that the Florida Agricultural and Mechanical University (FAMU) is hosting a presentation on November 1st by Dr. Matthew Cohen from the University of Florida about what causes algal proliferation in springs. This presentation is based on work done by Dr. Cohen over the last four years using data collected since 2004.

Debbie asked what the process is for meetings and public education campaigns after the BMAP is adopted. Steve responded that annual meetings will be held close to the anniversary of BMAP adoption. There will also be numerous meetings about the OSTDS Initiative, which will be public meetings with participants who are willing to help develop the Initiative. John Hallas asked what would occur if the BMAP review schedule was not revised. Charlie responded that he thinks adding another meeting is appropriate. The end date for BMAP adoption would not change, but more activities would occur before then. Eric noted that the end date for BMAP adoption should also be moved. Tiffany stated that if the current schedule were not adjusted, the final BMAP comments would be due November 8th, so that they could be incorporated before

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the BMAP goes to the Secretary for adoption. Catherine stated that she would like to compliment the way the BMAP was written. It flows well and was nicely put together.

Adjourn

The meeting was adjourned at 12:09 PM.

Action Items

- The Department will add the OSTDS Initiative milestones and schedule graphic to the draft BMAP.
- The Department will determine if both the vent and river sites use filtered or unfiltered samples for total organic carbon. – *Completed. Samples collected at the vent/conduit and river sites are all total (unfiltered).*
- The Department will clarify in the BMAP that the 100,000 gpd threshold for the 3.0 mg/L TN requirement applies to all new and existing WWTFs in PFA1.
- The Department will clarify in the BMAP whether the 3.0 mg/L TN standard applies at the end-of-pipe or the end-of-treatment-train at a WWTF.
- The Department will consider the recommendation to propose legislation to give local governments the authority to regulate for nutrients.
- The Department will consider adding language to the BMAP about the need for a RME in this area and the criteria the RME should meet.
- The Department will provide information on the sufficiency of effort evaluation and guidelines used for the BMAP.
- The Department will provide guidance to the stakeholders on what the law says will occur once the current legislation limiting septic tank actions sunsets.
- The Department will add text to the BMAP related to the OSTDS Initiative to acknowledge that the system is biphasic and the scientific concerns that will need to be addressed to evaluate water quality for this type of system.
- The Department will determine if the TMDL was developed for “nitrate” or “nitrate-nitrogen” and then update the BMAP accordingly. – *Completed. The TMDL is for nitrate-nitrogen and this was clarified in the BMAP.*
- Steve Cioccia will put Shaw Stiller in contact with the Department’s attorney to discuss his legal concerns about the BMAP.
- The Department will determine if another BMAP meeting should be added and then will provide an updated schedule to the stakeholders the week of September 23rd.
- Stakeholders should submit initial comments on the BMAP by October 3rd using track changes in the Word document for specific wording edits or written comments for other edits.