

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

Technical Meeting Summary

Thursday, October 31, 2013

9:30 AM – 10:30 AM

Woodville Community Center, Live Oak Room

8000 Old Woodville Road, Tallahassee, Florida 32305

Attendees

Beth Alvi, FDEP	John Jenkins, Nabors Law Firm/Wakulla County
Carly Barnes, FDACS	Howard Kessler, Wakulla County
Winston Borkowski, Hopping Green & Sams	John Kraynak, Leon County
Catherine Bray, Tallahassee	Debbie Lightsey, Citizen
Kathy Burke, Leon County	Alex Mahon, Leon County Health Department
Tiffany Busby, Wildwood Consulting	Amanda Mayor, The Wakulla News
John Buss, Tallahassee	Sean McGlynn, MLI
Steve Cioccia, FDEP	Dan Pennington, 1000 Friends of Florida
Holly Edmond, FDACS	Ron Piasecki, Friends of Wakulla Springs
Eric Etters, Tallahassee	Marcy Policastro, Wildwood Consulting
Charlie Gauthier, FDEP	Johnny Richardson, Leon County
Allara Gutcher, Gadsden County	Eberhard Roeder, FDOH
Pam Hall, Citizen	Donald Rogers, FDOT
John Hallas, Talquin Electric Cooperative	Luis Serna, Wakulla County
David Hammonds, FDOH	Ed Steinmeyer, Leon County
Theresa Heiker, Leon County	Bob Thompson, Citizen
James Hennessey, Wakulla Wetland Alliance	Elke Ursin, FDOH
David Henry, Tallahassee	Richard Wieckowicz, Consultant
Steve Hodges, Tallahassee/Leon County	Jessica Woodham, FDOT
Cal Jamison, Friends of Wakulla Springs	Laura Youmans, Leon County
Jill Jeglie, Gadsden County	

Welcome and Introductions

Tiffany Busby welcomed everyone to the Upper Wakulla River and Wakulla Springs Basin Management Action Plan (BMAP) meeting. Tiffany noted that an email was sent to notify the stakeholders that this will be a shorter meeting than what was originally planned.

Charlie Gauthier thanked the stakeholders for attending the meeting. He noted that there are 17 adopted BMAPs in the state, and another 10 BMAPs under development. Several of the BMAPs in development are for springs, and the Florida Department of Environmental Protection is learning a lot about springs issues through these BMAP processes. Charlie introduced Beth Alvi, who is the new Program Administrator for the Watershed Restoration Program. Charlie noted that Drew Bartlett was promoted to Deputy Secretary and Tom Frick was promoted to Division Director.

The Upper Wakulla River and Wakulla Springs BMAP process had been ongoing for about a year. The Department has received feedback from around the state that the BMAP processes need to move forward more quickly. The draft Upper Wakulla River and Wakulla Springs BMAP was distributed in September, and the Department received a lot of comments from the stakeholders. Charlie noted that the Department is internally working through comments, and staff need to coordinate with senior

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

management to set a path forward for the BMAP. There will be at least one more stakeholder meeting on the BMAP, which will not occur until early 2014; however, there is the possibility of a technical meeting before then, but this has yet to be determined. Charlie stated that the Department appreciates all the comments, and is working to set a path forward for the BMAP.

Beth thanked everyone for attending the meeting. She noted that she is new to this basin, and is working to understand the water quality issues in the river and springs. The issues and problems in this basin are challenging, and finding the right solution is equally challenging. Beth stated that it is heartening to note the level of interest and involvement from the stakeholders. The number of organizations and local governments that provided comments is astounding, and the comments go to a great level of detail. Beth stated that the Department is taking more time to evaluate the BMAP, as the stakeholders requested. The Department is comparing the technical merits of the stakeholders' proposals to what the Department has proposed. When the Department has had time to do this, they will reach out to the stakeholders to continue the discussion. The stakeholders will have adequate time to comment on the next version of the BMAP, and there will likely be another technical meeting before the end of the year. The final meeting on the BMAP will not be until next year. All of the written BMAP comments received have been posted to the FTP site.

The participants introduced themselves and the entity they represent.

BMAP Plan Forward

Steve Cioccia stated that he will present the partial plan forward for the BMAP, which is what the Department knows will occur over the next month or two. Steve thanked everyone who took the time to comment on the BMAP. Many of the comments were substantive, and all comments are posted to the FTP site at the link in the presentation. Steve noted that the comments covered many aspects of the BMAP, so the Department is conducting a serious review of the BMAP and reevaluating how to move forward.

The major categories of comments received are the need for greater reductions; the need for detailed allocations, and although the Department provided the rationale for the sufficiency of effort approach, they are taking into account the counter argument; future growth considerations beyond what was included in the BMAP; responsibility for onsite sewage treatment and disposal systems (OSTDS); commitment to the OSTDS Initiative; purpose of the OSTDS Initiative; monitoring plan elements; wastewater treatment facility (WWTF) requirements, which will be discussed in more detail later in the presentation; and sources from Georgia.

Steve stated that staff will complete the review of the comments submitted, and will talk with Department upper management about how to proceed with addressing the comments and modifying the BMAP. Another stakeholder meeting will be held to review the revised draft BMAP, and the second draft BMAP will not be released until early 2014. In addition, there probably will be a need for a technical meeting before the BMAP meeting, and a notice will be sent to the distribution list once the meeting date is set.

Steve stated that for the WWTF requirements, the Department decided to take into account all facilities in Priority Focus Area 1 (PFA1), instead of only facilities greater than or equal to 100,000 gallons per day (gpd). There are five WWTFs in PFA1. Since PFA1 has the greatest contribution to the river and

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

springs, the standards in the BMAP will apply to the facilities in this area. The City of Tallahassee's T.P. Smith Water Reclamation Facility (WRF) has already been upgraded to advanced wastewater treatment (AWT) standards; therefore, the Department does not expect additional reductions from this facility. The city also removed the biosolids application in the basin, and ceased fertilizer application on the spray field to further reduce nutrients.

The WWTF requirements are now organized into three tiers. The first tier is for facilities greater than or equal to 100,000 gpd, and these facilities must meet a final effluent total nitrogen (TN) concentration of 3 mg/L. This requirement was included in the draft BMAP. T.P. Smith WRF falls into this tier and already meets this concentration. Winco Utilities, Inc. is also in this tier, and the Department has met with Winco to discuss this requirement. The second tier is for facilities from 100,000 gpd to 20,000 gpd, and these WWTFs will have to meet a final effluent TN of 6 mg/L. DISC Village and Lake Bradford Estates WWTFs are in this tier. The third tier is for facilities with capacities less than 20,000 gpd, and these WWTFs will have to meet a final effluent TN of 10 mg/L. Woodville Elementary School WWTF is in this category.

Steve stated that these tiers were determined with the Department's permit group, and are based somewhat on the Wekiva Springs Basin requirements. The Wekiva Springs requirements were also based on an aquifer vulnerability assessment (AVA) but it covered a much larger area than PFA1. Since PFA1 has the highest vulnerability for ground water contamination, the Department decided that any wastewater application to the ground would make its way quickly to the river and springs. The Department has met with the owners of the existing facilities in PFA1. The existing WWTFs can demonstrate a reasonable assurance that the discharge is protective of ground water quality with respect to the 0.35 mg/L nitrate requirement. If this can be demonstrated, the WWTF will not have to meet the new standards. The Department is in the process of developing the reasonable assurance text, and this will be sent to the stakeholders once it is completed. Steve stated that Talquin provided comments that the standards should allow for innovative treatment technologies. The Department is working to factor this into the requirements so that other types of treatment, such as wetlands, could be allowed to meet the concentration requirements.

John Buss asked if the tier for less than 20,000 gpd would also apply to small cluster systems or OSTDS. Steve responded that it could apply to cluster systems but the requirement would not apply to OSTDS. The Department will coordinate with the Florida Department of Health (FDOH) on the language for the WWTF requirements to ensure this distinction is clear.

Debbie Lightsey stated that many of the stakeholders have questioned the sufficiency of effort approach and whether it is supported by law. Debbie asked how the Department qualified the projects submitted and determined whether to take them seriously. There are several sewerage projects submitted by both counties that are not in any approved capital budgets. In previous BMAP efforts, the projects had to be funded and approved before they could be included in the BMAP. In addition, even if the sewer lines are constructed, there is no enforcement mechanism to compel people to hook up, which means that nitrate reductions will not occur. Some projects also do not seem reasonable, such as building a large sewer pipe to Woodville, which goes across the springshed and encourages additional development. Steve responded that the Department reviewed the management strategies submitted to determine if they were viable (realistic) and if they would result in nitrate reductions. The Department also met with each of the local governments to discuss the strategies and to ensure they had a plan on how to move forward.

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

A lot of the sewerage projects are contingent on funding, either through the Leon County sales tax extension or RESTORE funding. The supporting information for the sufficiency of effort evaluation can be posted to the FTP site. Tiffany added that even when the Department does detailed allocations in a BMAP, there is no requirement that the management strategies have funding secured. The BMAP assigns load reductions and a timeline, so a stakeholder is out of compliance with the BMAP if they do not complete a project or one that has equivalent load reductions. Marcy Policastro noted that the sufficiency of effort evaluation found that the sewerage strategies to address OSTDS were not sufficient, which is why the OSTDS Initiative was created. While these were good strategies, there was no guarantee that these reductions would occur.

Pam Hall asked what other criteria for sufficiency were evaluated, other than whether the project was funded. Steve responded that the projects had to be reasonable, viable, and result in nitrogen reductions. Pam stated that one of major issues is how to address future growth; therefore, a viable project should account for future growth. Steve responded that the sufficiency of effort process also evaluated for future growth. The Department felt that there are a lot of ordinances in place that would help address future growth. The sewerage projects are being implemented to address an existing problem, not a future one. Pam noted that when a local government puts in a sewer system, there is an expectation for future growth because the sewer system is expensive and they would need the growth to pay for the cost of construction. Steve responded that while this is true, the Department cannot dictate how the local municipalities grow. Beth added that what is implicit in this process is that there is a total maximum daily load (TMDL) for this area, and the local governments are aware of this TMDL and its limitations on loading. The TMDL has to be met at some point, and the local governments should be keeping this in mind as the process moves forward. The Department does not tell the stakeholders how to put in projects, and the stakeholders are expected to implement projects that will best address the load. Pam asked if the Department is also looking at the projects in the context of the future land use map. Steve responded that there are certain aspects that the Department identified on which that would be good for the stakeholders to coordinate. One of the items in the OSTDS Initiative is to look at ordinances and requirements for connection of OSTDS.

Dan Pennington stated that the issue is not only addressing new growth but how to make existing OSTDS connect to the sewer system. This is an issue not just in the Upper Wakulla River and Wakulla Springs Basin but in other parts of the state. Dan asked how the Department is pushing local governments to ensure that OSTDS are removed. Steve responded that there is a state statute that requires entities responsible for central sewer to connect systems within a certain distance within 365 days. However, there has not been aggressive pursuit to implement this statute in all areas of the state. In the Bayou Chico area, there has been a greater than 90% connection rate for OSTDS because the utility in that area waives the connection fee for the first year. Pam noted that this requires the utility to have the funding to waive the connection fee. Dan asked if the Department is looking to have this kind of mechanism in the Upper Wakulla River and Springs BMAP to ensure that OSTDS are connected. Steve responded that the Department realizes that only extending the sewer system does not achieve reductions, so the entities responsible for connection need to be motivated and there needs to be funding sources to help with the connections. Laura Youmans noted that the Woodville sewerage project does include some funding to subsidize connection; however, the sales tax extension is needed to have the funding for this subsidy.

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

John noted that the BMAP needs to say that the number of OSTDS connected to the central sewer system are more important than the feet of sewer pipe laid. Debbie stated that there is no enforcement mechanism in Leon County to make the OSTDS connections happen. They are the jurisdiction issuing development permits and should be responsible for the connections. Tiffany responded that the OSTDS Initiative is designed to discuss these issues. Since adding a sewer line does not result in reductions, those projects will not receive credit in the BMAP unless OSTDS are removed. Theresa Heiker stated that the Department is saying that the responsible entity for OSTDS is Leon County; however, the property owner, not the county, is responsible for the septic tanks.

Ron Piasecki stated that the Department may need to recommend a statute change. The current statute states that the utility has the authority to require OSTDS connections. In Shell Point and Spring Creek, Talquin has sewer lines but they are saying they are a cooperative, not a utility, so they do not have the authority to require connections. Senator David Simmons is putting forward springs legislation this session, which includes a requirement that each locality must have a Responsible Management Entity (RME) within one year. The formation of the RME would address who owns the septic tanks and who is responsible. The public should be educated to consider a septic system like a water, electrical, or phone line in which they do not own the infrastructure because it belongs to a utility. The RME would have the responsibility to maintain the septic system, and the homeowner would pay a fee for this as they do for other services.

John stated that he agrees these are difficult questions that need to be discussed. He stated that he also agrees with Leon County about the responsibility for septic tanks, and this issue will have to be addressed through permitting. There should be a consideration as to whether the permitting is causing and contributing to the impairment of the river and springs, and, if so, then the permitting needs to cease. Leon County does issue the permit for development, which is where the OSTDS are put in. Debbie stated that she thought the Department has said that the local government issuing the development permit is the one who is responsible for the OSTDS. Steve responded that this is how the Department is interpreting OSTDS responsibility. Beth responded that the local government is responsible for the load that is coming from its jurisdiction. These items are the same issues that were discussed at past meetings and submitted as comments, and these are issues that the Department will work to address in the next few months.

Johnny Richardson stated the stakeholders would like to see the language for the reasonable assurance for the WWTFs. He asked what would occur if a group of people from a subdivision on OSTDS want to perform a reasonable assurance study to show that their tanks are not contributing. If individuals are asked to address their septic tanks but they are reading in the newspaper that a WWTF that is putting more nitrogen in the ground water than one OSTDS is getting a break, that is not going to look good. WWTF are putting more volume into the ground than one tank, and it is difficult to quantify the load from one septic tank. Steve responded that the Department has considered this issue. At the April BMAP meeting, Kirstin Eller with the Department's Ground Water Management Section presented a loading study with estimates of loading by source in the basin. Since then, this section has been working on the study and refining the information. They have come up with a process to determine loadings based on literature searches and talking with experts. The study includes an average loading per person from a septic tank, and the number of people per household by county. Attenuation factors are applied, and the factors differ depending on whether the OSTDS are located in the confined, unconfined, or semi-confined portion of the basin. Estimate of the loading from a WWTF is easier to determine, and

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

the attenuation factor also need to be applied. The Department is working to determine the equivalent number of OSTDS for a WWTF discharge. Based on preliminary estimates, the Winco WWTF, which is currently a 352,000 gpd facility with an effluent TN of 9 mg/L, is equivalent to 313 septic tanks. The DISC Village WWTF, which has an average flow of 4,000 gpd with an effluent TN of 9 mg/L, equates to 4 septic tanks. These numbers will vary with the requirements for TN and the changes in flow at the facilities. However, for the smaller WWTFs, they are equivalent to a small number of OSTDS. Tiffany requested that if the stakeholders have additional thoughts about the WWTF standards to please provide feedback to the Department. The reason the tiered standards were put in place is so that the Department can show that the WWTF loading has been addressed while the OSTDS Initiative is being implemented.

Johnny stated that the FDOH study on septic systems could be delayed due to lack of funding, and he asked how this delay would affect the BMAP. Steve responded that a delay in the study would impact the localities ability to require onsite nutrient reduction systems onsite. This delay would also delay certain components of the OSTDS Initiative but other items could be addressed in the interim while the study is being finalized.

Johnny asked if the Department plans to move forward with the BMAP as if the proposed springs legislation does not exist, or if the Department will wait to finalize the BMAP until a decision is made on the legislation. Charlie responded that the legislation is part of the Department's internal deliberation on how to move forward with the BMAP. Both the proposed legislation and potential delay in the FDOH study have caused the Department to pause and think about the next steps. Johnny stated that the Department needs to take these factors into account, in addition to all the comments received. Beth responded that the Department is considering all these items and watching to see what happens to determine if the BMAP should be adopted sooner or after these items are sorted out. These conversations have recently started with the Department's upper management.

Ron stated that 20 springs are identified in the legislation and will be addressed through the BMAP process. He asked if the Department is already looking at funding priorities to determine how much money to ask for in this basin so that Wakulla Springs gets its fair share of the money. Beth responded that the Department is always evaluating funding considerations because nothing can occur without funding and the local governments cannot bear the entire cost. Debbie stated that really nothing happens without an assigned responsibility. Once responsibility is assigned, the local governments actively look for funding. Identifying funding first is not the way the world works. Tiffany responded that this is why in the BMAP process the local governments can provide a project list without the funding sources; however, they are ultimately responsible for making the reductions.

Pam stated that she is confused because it sounds like individual Department permittees are being treated individually and can do a reasonable assurance study; however, individual septic tank owners cannot do the same analysis. Pam stated that she agrees that septic tanks should be treated as a population, but the Department will likely have a problem with individuals asking why the septic tanks have to be grouped and they cannot show their tank is not an issue. This is why Leon County is saying they have a group of individuals. Theresa added that the issue is that the septic tanks are individually permitted by FDOH, not Leon County. FDOH is the existing permitting entity, so it is not appropriate to transfer the responsibility for OSTDS to local governments. Steve responded that the discussions about the reasonable assurance documentation has been focused on the WWTFs, similar to the process in the Wekiva Springs Basin. It will be up to the WWTF to provide the reasonable assurance, which

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

could be a significant expense for the monitoring. Pam asked if an individual homeowner has money and wants to conduct a reasonable assurance study if there is a reason they could not do this. The reason may be that the septic tank is permitted by FDOH and not the Department. Steve responded that this issue would need to be discussed further internally.

Debbie stated that looking at the bigger picture, there would not be a septic tank permit if an area was not being developed. The development permit is issued by a jurisdiction, and the local government needs to take responsibility. Dan stated that the real problem is figuring out how to get the majority of people to connect to the sewer system. Pam stated that the Department should look for ideas to address this issue in areas outside of Florida. Dan asked if there has been any effort to have cooperative discussions inclusive of FDOH on this issue. Steve responded that this is one of the goals that would be accomplished through the OSTDS Initiative.

Laura stated that it is important to clarify who has authority for enforcement of sewer connection, and the statute says this is the responsibility of the utility. John asked if the Department could include something in the BMAP about who is responsible for requiring sewer connections to help assign responsibility in this basin. Beth responded that they will need to talk with the Department's attorney about this.

Debbie asked when the Department's source study for the basin will be completed, and when it will be made available to the stakeholders. Beth responded that they would send an email once the study is available; however, the study is still being refined and is not complete yet.

Public Comments and Wrap Up

Steve stated that there will be a presentation at the Florida Agricultural and Mechanical University (FAMU) tomorrow (Friday, November 1st) at 11:00 AM on the causes of algal blooms in springs. This presentation will be given by Dr. Matthew Cohen. Holly Edmonds noted that if people cannot attend the presentation, the Florida Department of Agriculture and Consumer Services (FDACS) has a copy of a previous presentation by Dr. Cohen on its website. Holly will send the link to Steve so he can send it to the stakeholders.

Adjourn

The meeting was adjourned at 10:54 AM.

Action Items

- The Department will complete development of the reasonable assurance requirements for existing WWTFs, and will provide the write up to the stakeholders.
- The Department will coordinate with FDOH on the language for the WWTF standard to ensure the distinction between WWTFs and OSTDS requirements is clear.
- Steve Cioccia will post the sufficiency of effort evaluation supporting information to the FTP site.
- The Department will discuss if there is an option for an individual homeowner to provide reasonable assurance that their septic tank is not contributing to the water quality impairment.
- The Department will coordinate with its attorney about whether the BMAP can include language about assigning responsibility for sewer connections.

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

- Steve will send a notice to the stakeholders once the Department's source inventory is completed with a link to where the report is posted on the FTP site.
- Holly Edmond will send Steve the link to Dr. Cohen's presentation the FDACS website. – *Completed*. Steve will send this link to the stakeholders. – *Completed*.