

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

Public Meeting Summary

Monday, February 22, 2016

10:00 AM – 11:24 AM

Florida Department of Environmental Protection

2600 Blair Stone Road, Tallahassee, Florida

Attendees

Doug Barr, Citizen	Steve Hodges, City of Tallahassee and Leon County
Kris Barrios, NFWFMD	Moirra Homann, DEP
Catherine Bray, City of Tallahassee	Cal Jamison, Friends
Kathy Burke, Leon County	Jill Jeglie, Gadsden County
Tiffany Busby, Wildwood Consulting	John Kraynak, Leon County
James Call, Tallahassee Democrat	John Labie, WRC
Richard Cantrell, Cardno	Sondra Lee, City of Tallahassee
Colleen Castille, Terra Conservation Group	Debbie Lightsey, Citizen
David Childs, HGS	Roy Lima, Florida Forest Service
Melissa Corbett, Wakulla County	Alex Mahon, Leon Health Department
Kevin Coyne, DEP	Sean McGlynn, MLI
Greg DeAngelo, DEP	Dee Ann Miller, DEP
Holly Edmond, FDACS	Cheryl Minskey, DEP
Eric Etters, City of Tallahassee	Low Norvell, City of Tallahassee
Samantha Fillmore, Handex Consulting & Remediation	Tony Park, Leon County
John Folks, Citizen	Eberhard Roeder, FDOH
Tom Frick, DEP	Bob Routa, Attorney
Bill Graham, Leon County	Jerrick Saquibal, NFWFMD
Lewis Graham, NFWFMD	Travis Shannon, DRMP for FDOT
Allara Gutcher, Gadsden County	Ed Steinmeyer, Leon County
Pam Hall, Citizen	Jim Stevenson, Citizen
Katie Hallas, FDACS	Somer Strickland, Wakulla County
David Hammonds, FDOH	Bob Thompson, Citizen
Scott Hannahs, Citizen	Amy Tracy, ETM
Kenny Hayman, DEP	Elke Ursin, FDOH
Mark Heidecker, City of Tallahassee	Richard Wieckowicz, Consultant
Theresa Heiker, Leon County	Bruce Wilson, NFWFMD
Bob Henderson, Audubon	Heather York, Wildwood Consulting

Tiffany Busby welcomed attendees to the first meeting since the Upper Wakulla River and Wakulla Springs Basin Management Action Plan was adopted. She stated that many of the attendees worked with the department to complete the BMAP and the department is looking forward to beginning implementation and reducing nitrogen loads to Wakulla River.

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

Tiffany stated that sign-in sheets are available at the door and these assist with meeting notes, maintenance of the list of participants as well as the distribution list. She added that a person could be removed from the list by notifying her or Moira. Tiffany asked attendees to introduce themselves and then introduced Moira Homann as the basin coordinator for the Upper Wakulla River and Wakulla Springs BMAP. Moira can assist with making contact with others and with comments and questions. Tiffany pointed out the website on the bottom of the agenda which contains online BMAP resources.

Moira thanked everyone for being at the meeting. She stated that the department has changed their communication and notification system. If anyone received notification emails in the past but is no longer receiving them, then they should let Moira know so she can update the new system. Moira thanked the participants for being a part of the BMAP adoption process. The purpose of the meeting today is to discuss the next big step for the restoration plan.

Moira presented a slide containing the agenda for the meeting. She will discuss the approach for the restoration plan. Kenny Hayman will discuss Florida's Sunshine Law, since these will apply to the advisory committee. She will provide an opportunity for public comments. She plans to coordinate the next meeting in six to eight weeks to discuss the restoration plan format in more detail.

Moira stated that the BMAP was adopted on October 27, 2015 and includes projects and management actions in various stages of completion including proposed, under construction, completed and ongoing activities.

Moira stated that staff in the groundwater section at the department used the Nitrogen Source Inventory and Loading Tool (NSILT) to determine relative contributions of major sources of nitrogen to groundwater in the Upper Wakulla River and Wakulla Springs Basin. She stated that NSILT is being used for all springs BMAPs. The figure represents contributions for the whole BMAP contributing area. She stated that the largest piece represented in the figure is septic tanks.

Moira stated that the BMAP contains many different types of projects to address the different contributing sources except atmospheric deposition. The BMAP contains the following types of projects: stormwater structural best management practices (BMPs), agricultural BMPs, special studies and plans, education and outreach, stormwater operation and maintenance, street sweeping, conservation land acquisition, wastewater and onsite sewage treatment and disposal systems projects, and wastewater collection system maintenance. She stated that many of these

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

projects have been ongoing for years and many are slated to start soon. She stated that a big piece of the BMAP restoration plan, septic tanks, is not addressed by most of these projects. The focus of the OSTDS remediation plan will be reducing the nitrogen loads from septic tanks. She stated that this effort will kick off today.

Moira stated that the Wastewater/OSTDS Remediation Plan will be the result of the efforts of the advisory committee and stakeholders. The first step in the process is to form an advisory committee. This group will be a sunshine group as defined by Florida statute. Kenny will discuss this in more detail today. Moira stated that the plan in the BMAP is called the OSTDS Remediation Plan. It is referred to as different names in other BMAPs, but the names all refer to the same kind of plan. The plan will identify cost-effective and financially feasible projects. Moira stated that the effort will focus only on the OSTDS and wastewater component of the NSILT. Other source contributions will be addressed by other projects.

Moira displayed a map of Priority Focus Areas one and two. She said that the area outlined in purple is the overall contributing area. During this effort, the department will focus on Priority Focus Areas one and two, since projects within these areas will have the greatest impact sooner. She stated that the area within the red circle is where the focus will be for the first five years.

Moira stated that within the BMAP document, the deadline for to begin the restoration plan is within three months of BMAP adoption. The plan must be completed within 36 months of plan initiation. New legislation provides more specific deadlines. Moira stated that the new legislation requires plan completion by July 1, 2018.

Moira stated that the highlights of the water bill, also known as Provision 373807, Florida Statutes, include the following for BMAPs including an Outstanding Florida Spring:

1. Priority Focus Areas developed.
2. Determine if a plan is needed. If so then the plan must be adopted by the five year BMAP milestone.
3. List specific projects.
4. List of all projects and programs identified.
5. Project priority rank, planning level cost estimate, and completion date.
6. Identify point sources using NSILT.
7. Implementation plan to achieve the TMDL within 20 years.
8. Adopt a fertilizer ordinance by July 1, 2017.
9. Department to notify local governments of 10-2 general permit applications.

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

10. Certain new domestic wastewater, septic tank, biosolid, and hazardous waste activities may be prohibited. The department will work closely with the Department of Health because the department has no enforcement authority over this activity.

Moira described the parts of the OSTDS strategy. She stated that objective one is data collection, objective two is analysis and prioritization, and objective three is public education and outreach. She added the fact that objective two on this slide is the same as objective three within the BMAP. She stated that the stakeholders are already working towards this strategy.

Moira stated that one thing she mentioned earlier is an advisory committee. One thing to keep in mind is that the group should be limited in size. She mentioned a few things to consider when nominating a person for the committee including the following:

1. Which entities or sectors should be represented.
2. Size of the committee.
3. Responsibilities and duties of the members.
4. Public involvement.
5. Selection process.
6. Alternates.
7. Specialized technical support.
8. Spectrum of input.
9. Advisory Committee meetings.

Moira stated that many different perspectives are needed on the committee. She added that there will be committee meetings and there may be a need to appoint topic coordinators to communicate with the department. She presented an Advisory Committee Makeup table. Moira said that categories with an asterisk are required by legislation such as the department, Department of Health, counties and cities. Sectors with a dash were identified in the BMAP. If private utilities are located within the area, then these would be included. Moira stated that one person from the environmental interest groups, one representing homeowners or property owners and one person from other community interests will be included in the advisory committee.

She pointed out that one entity missing from the table is the Northwest Florida Water Management District (NFWWMD). The NFWWMD will not have a committee seat, but will be involved with technical discussions and data collection. The NFWWMD may be a potential source of project funding and responsible for questions regarding minimum flows and levels. Moira stated that the department envisions the NFWWMD responsibilities as providing the department with input and ideas. She stated that the department envisions special focus groups

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

for science and education. These groups would be a liaison between the community and the department. Moira stated that there will be no funding provided for participation on the committee.

Moira stated that the department proposes sending nomination requests and the Sunshine Law requirements to individual sectors. The department will also work with an entity to help select a person for the committee. The department plans to use the process for all proposed representatives. Moira stated that she can be contacted if anyone feels a group has been missed and should be involved with the advisory committee.

Moira stated that the advisory committee will have various responsibilities including the following:

1. Provide discussion topics/ideas to DEP.
2. Advise/provide DEP with opinions or direction on Wastewater/OSTDS Remediation Plan.
3. Assist specialized focus “groups” with topics being researched.
4. Provide information back to community leaders, decision makers, and homeowners.
5. Not a commitment to provide a specific funding amount.

Moira presented a slide stating the deliverables of the plan. She stated that the plan must include a priority project list, and implementation schedule, reductions to be achieved, and data needs. Other deliverables include education efforts, scientific studies as needed, and a schedule for implementation.

Moira stated that Kenny Hayman will present an overview of Florida’s Government in the Sunshine Law. Kenny stated that the laws are contained in Article One, Section 24 of the Florida Constitution and implemented through Florida statute. He stated that for the purposes of the advisory committee, the group will be considered a sunshine body with several requirements. He stated that the meetings of the advisory committee need to be open to the public. The department must provide reasonable public notice. The department provides notice through the Florida Administrative Register. The department also must provide minutes of the meeting.

Kenny also stated that members of the committee need to follow some rules to be in compliance with the law. The Sunshine Law is applied to meetings including two or more members reasonably expected to come before the committee. He added this includes phone calls and texts outside of a publicly-noticed meeting. Members of the committee cannot discuss these issues outside of the public meetings. This includes lunch meetings. Kenny stated that if a member is

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

given a task to be discussed at a future committee meeting, then it can be distributed but there can be no dialog regarding the document.

Kenny stated that because of the Sunshine Law restrictions, the stakeholders should carefully consider whom to nominate. The goal is to avoid impediments to work functions due to the advisory committee. Kenny reminded the stakeholders that additional resources are available online regarding the Sunshine Law and he is also available for questions.

Pam Hall asked how the Sunshine Law would apply to alternates. Kenny stated that the alternates can talk to the primary appointee to the advisory committee. She also asked how the Sunshine Law would apply to the technical groups. Kenny stated that the technical groups would not be sunshine bodies, but each secondary group or committee would need to be determined on a case by case basis.

Debbie Lightsey asked for clarification of the terms focus groups and ad hoc committees and technical groups. Moira responded that the terms were being used interchangeably during the meeting. Kevin Coyne stated that the focus of the meeting today is the advisory committee. Moira added that the nominations also are limited to the advisory committee. Other meetings may be identified as needed by the advisory committee. She stated that there will be many opportunities to participate if a person is interested.

Moira stated that in summary, the department hopes to form the advisory committee within the next six to eight weeks, in time for the next public meeting in early to mid-April. She stated that the department is working out the details, but this approach will be used in all springshed BMAPs. The makeup of the advisory committee may vary from BMAP to BMAP.

Colleen Castille asked who makes the decision regarding non-government nominations. Moira stated that it would be helpful if these groups could come together as a group to nominate a committee member. The department will make the final decision. Kevin added that part of the goal of the meeting today is to give the stakeholders an idea of what the department is looking for in terms of nominees.

Tom Frick asked if the BMAP does not have specific language regarding the number of representatives and sectors represented on the advisory committee. Moira added that the department did identify the groups, but not the number of representatives and sectors.

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

Pam stated that there have been conversations about technical capacities in Wakulla County. She is unaware of how the necessary expertise might be funded. She added that there is expertise in the group identified as community interest. She also asked if a person can nominate himself or herself. She also pointed out that the technical focus groups can have a high impact and groups need to think carefully about whom to nominate to the advisory committee. Moira responded that the technical group needs to be able to communicate with the group but maybe not as an advisory committee member. She agreed it is important to think carefully about who should be on the advisory committee.

Rich Wieckowicz asked why FDOT is not included on the advisory committee when all of the utilities run through their right-of-way. Moira responded that FDOT was not specifically identified in the legislation or in the BMAP as a member.

Doug Barr stated that the department goes through the process of creating this plan and wondered if the public is going to be able to review the data and reports. Moira responded yes. Kenny added that all of the information will be public record and is readily available through the department's website.

Elke Ursin stated that one group that should be considered for the advisory committee is the OSTDS wastewater industry. She also stated that on the pie chart representing the NSILT results, she believes this group will be addressing the septic tank slice as well as the wastewater slice. Moira stated that additional sanitary sewer lines will impact the wastewater treatment plants. She added that wastewater treatment plants are addressed by permits, and so the OSTDS remediation plan will not address those sources. She stated that the department will work with municipalities to consider this shift. Pam added that the goal is to shrink the pie and not just to shift the relative percentages in the pie.

Pam asked if there is a potential conflict of interest if a project is proposed within the municipality of the person on the advisory committee. Kenny responded that this would not likely be a conflict, since the ultimate decision will be made by the department based on recommendations from the committee. Kevin agreed this is a good point. Tom stated that we are not planning to have the committee vote on projects, but to simply make recommendations. Pam asked if this will be a consensus driven decision for projects assuming there may not be full agreement among the committee members. Kenny stated that is acceptable for the committee members to have different opinions. Moira added that it will be important for the committee to keep the goal in mind. She stated that it may be helpful for the committee to include pros and

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

cons with their recommendations. Tiffany agreed that this documentation would be helpful for the department, since they will ultimately make the decision.

Debbie Lightsey asked if an advisory committee has been formed in any other area. She asked what the makeup and size might be in other areas since it appears that this BMAP will have only eight people on the advisory committee. Moira stated that a group is being formed in Silver/Rainbow Springs, which kicked off on January 21, 2016. The next meeting there will be held in mid-March, but their group would be larger since the Silver Springs and Rainbow Springs BMAP groups have been combined. Also, there are more counties and cities involved with that springshed. The number of committee members and sector makeup will vary among BMAPs. She added that in the Wekiwa springshed, there are three counties involved and multiple cities. In that particular BMAP, the department is considering how to keep the membership to a manageable size in order to have a good, effective working group. Kevin stated that the group should be manageable since the deliverable timeframes are tight. Moira added that the technical support discussions will be key.

Bob Henderson stated that he understands the advisory committee will make recommendations and the department will make the final decision. He asked if there could be a circumstance when the department might trump the recommendation of the committee. Tiffany stated that one circumstance she could imagine is when the department ensures that the recommendation meets the requirements of the Water Bill. She stated that those might not match and adjustments may need to be made.

Pam asked if a deadline was set for nominations. Kevin stated that some people have already contacted the department with recommendations. Moira said the deadline is six to eight weeks away but that nominations could be sent immediately. She added that if a sector did not nominate a committee member, then the department would reach out.

Catherine Bray asked if people could make nominations for the technical groups rather than the advisory committee. She also asked who decides who is on the technical groups. Moira stated that there is no formal process for the technical groups. She added that topics for these small groups may come up during the next meeting.

Catherine asked if it would be better to have only one member of the advisory committee on a technical group. Kenny responded that it would be better, since more than one member would require the Sunshine Law. He added that some of these issues would need to be worked through

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

as we move forward. Tiffany stated that if anyone is aware of others who might be interested in joining a group or receiving meeting notifications, they can notify Moira or Tiffany.

Bob Henderson asked if the department will direct the advisory committee on the topics that need to be discussed. Moira responded that the department will be setting the agendas. Elke Ursin asked if the coordinator for the BMAP also will be facilitating each of these meetings or if there will be another point person at the department for all of the OSTDS Initiatives. Kevin responded that the coordinators will be facilitating.

Pam stated that there is no funding available for the level of detail needed and that this is a problem, since there is a lot of work, time, and money involved with this type of effort. She stated that it is not fair for the department to state that they do not expect anyone to bring funding to the table. Kenny stated that the committee's responsibility is to provide recommendations. At the end of the day, it is the projects that require funding. Pam added that she didn't mean funding for construction, but planning can also be costly. She stated that there is a lot to figure out and someone needs to decide how the committee will accomplish these things in short timeframes with no funding. Kenny stated that things may evolve over time and we may need to look for funding. Kevin stated that we will have to use what resources we have available to get started. Moira added that we already have some projects identified and this is a great starting point. She stated that the stakeholders need to think about how to prioritize.

Steve Hodges asked how formally the advisory committee will function. Kenny responded that the intention is to have them function less formally and similar to other department advisory committees. Moira stated that there will be an agenda, topics for discussion, and a time for public comments.

Debbie Lightsey stated that the discussion today has centered around the plan to prioritize existing capital projects that have already been proposed. She thought the committee would define projects and identify strategies too. She stated that if there is no money available to think outside of the box, or plan, or bring in technical expertise, then the committee will not get beyond capital project prioritization. She added that this is discouraging. Moira responded that the department does intend for more than prioritizing capital projects. She stated that the department does intend to look at other strategies and to think out of the box. She stated that Elke make a good point about having an OSTDS association member on the committee. She stated that the BMAP projects related to OSTDS reductions are just a starting point. She wants to look at the work done by the Florida Department of Health (FDOH) and see about incorporating that information in the OSTDS remediation plan.

Upper Wakulla River and Wakulla Springs Basin Management Action Plan

Tony Park asked if the nomination letter requests from the department are going to be sent out next week. Moira responded that the department will send out the letters if a nomination is not received from a sector. The department would rather the sectors nominate a few people without sending out the letters. Tony asked if the homeowners' associations' area sector is included within the primary focus areas one and two. Moira agreed.

Catherine asked if one sector can nominate a person within another sector. Moira stated that this was a good question, especially related to homeowners associations. Kevin thought this would be fine since the department wants to make sure a sector is not missed and in some cases it may make sense.

The meeting was adjourned at 11:24 AM.

Action Items

All-Notify Moira if you have nominations for the Advisory Committee or questions about nominations.

Moira—Post the PowerPoint presentation from today's meeting and notify the email list with a nomination deadline (Tuesday, March 22, 2016). – *Completed*.

Moira—Announce the next meeting date via email, when the date is established.