

Florida Specifier

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WMD budget changes 6

The Florida Legislature changed the way Florida's five water management districts will be supported by ad valorem property taxes and held accountable for their budgets. We take a closer look at the financial impacts for each district and what lies ahead.

Lawmakers blasted 8

Environmental advocacy groups blasted Florida lawmakers accusing the state's leadership of wreaking havoc on the environment during this spring's legislative session. They say bills passed will have a harmful impact on the state's fragile environment.

Dismantling DCA 9

Senate Bill 2156 eliminated and reorganized state agencies and their missions. House Bill 7207, the Community Planning Act, repealed growth management rule 9-J5, Florida Administrative Code. The combined bills effectively dismantled the Florida Department of Community Affairs, the agency that oversaw residential and commercial development in Florida for the past forty years.

Gulf County biomass 17

Residents in northwest Florida say they will continue to aggressively oppose a proposed biomass incinerator in Port St. Joe even though state environmental regulators have approved a draft permit for the Northwest Florida Renewable Energy Center project.

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Got a story lead?

Got an idea for a story? Like to submit a column for consideration? Fire away. And don't forget to fill us in on your organization's new people and programs, projects and technologies—anything of interest to environmental professionals in the state. Send to P.O. Box 2175, Goldenrod, FL 32733. Call us at (407) 671-7777; fax us at (407) 671-7757, or email us at info@enviro-net.com.

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DEP approves cleanup plan for Raytheon site

By PRAKASH GANDHI

Florida environmental regulators have given the green light to a major clean up plan submitted by Raytheon for St. Petersburg's Azalea neighborhood. In May, Raytheon presented its cleanup solution for the groundwater contamination it is charged with leaving throughout the neighborhood.

Under the approved plan, Raytheon will remediate the contamination with a combination of electrodes and chemicals aimed at neutralizing the pollution, and sink new cleanup wells throughout the area to pump out what's left of the pollution.

Raytheon has already pumped, cleaned and disposed of millions of gallons of contaminated groundwater.

News of the groundwater contamination was not made available to residents until 2008. In the years since then, some homeowners have filed lawsuits and many more have called on local politicians to force Raytheon to

RAYTHEON
Continued on Page 13



Photo by Mike Campbell

A NASA-funded study seeking sources of algae has recently completed water testing on three artificial reefs off the coast of Lee County. The study was led by Research Professor Brian Lapointe, PhD, of Florida Atlantic University's Harbor Branch Oceanographic Institute, shown above collecting algae samples from Blanda's Reef, nine miles off the coast. Lapointe says information gathered during the study will be part of the data used by the U.S. Environmental Protection Agency in making decisions for future numeric nutrient criteria standards for Florida water bodies. See story on Page 16.

St. Johns district grants JEA controversial groundwater pumping permit

By DAN MILLOTT

On the surface, it appeared that the St. Johns River Water Management District may have opened the floodgates in granting Jacksonville's JEA a very generous water use permit on May 10.

But while the water management district gave the okay for JEA to draw up to 162.5 million gallons per day from groundwater by 2031, the utility has to meet several benchmarks along the way before that total can be reached.

"Reuse water was the key to the board's approval of this permit," said Teresa Monson, a spokesperson for the district.

JEA is the largest water user in the district's Northeast Florida territory. While they service 700,000 customers now, they estimate that number will grow to a million by 2030.

The May decision involved a process that started back in 2005, Monson said. JEA originally had 27 separate permits that in total allowed the utility to withdraw 155 million gallons per day from the Floridan Aquifer.

Monson said that six years ago JEA consolidated 10 of their permits to extract groundwater into a single permit. In 2007, JEA came back to the district and sought to consolidate 17 other permits into one.

Then in 2010, Monson said JEA came back yet again with a request to increase their withdrawal of groundwater to 187.78 mgd by 2030.

When the WMD responded to JEA's request with a letter requesting additional information, the utility came back with a reduced allocation proposal of 165 mgd.

Since water reuse is vital to the district, staff recommended to the governing board that they approve a phased permit for an allowable base of 142 mgd with some carrots left dangling. If the JEA met certain reuse goals, that allocation could reach 155 mgd by 2031. And, if they exceeded the reuse amounts that the permit required, their level of tapping groundwater could rise to as much as 162.5 mgd.

Currently JEA is providing about 11 million gallons per day of reuse water in their service area. That will have to increase to 43.76 mgd by the end of 2030.

JEA serves all of Duval County and portions of neighboring Nassau, Clay

and St. Johns counties. The reuse water now goes to golf courses, factories and other utilities.

The St. Johns district ultimately approved the JEA application with the provisos included.

Besides the series of yardsticks for reuse water, the district said JEA must also participate in the development and implantation of prevention and recovery strategies for three lakes—Cowpen Lake in Putnam County, and Geneva and Brooklyn lakes in Keystone Heights in Clay County.

JEA
Continued on Page 13

State monitoring water quality after discharge at Piney Point

By PRAKASH GANDHI

State environmental officials are continuing to monitor conditions at the old Piney Point facility in Manatee County after a tear developed in the protective lining for one of the abandoned phosphogypsum stacks, releasing potentially contaminated seawater into Bishop Harbor.

The Florida Department of Environmental Protection issued an emergency order over the Memorial Day weekend to HRK Holdings LLC, the firm that took over the Piney Point facility in 2006.

Since April 22, the facility has been receiving dredge materials from the construction of Berth 12 at Port Manatee.

As a result of monitoring required under the construction permit for dredging operations for Port Manatee and for

HRK's operations at the site, the department was told about a possible leak in the liner system.

State environmental officials ordered the firm to dump some of the seawater creating pressure into Bishop Harbor "to protect human health and safety and to protect the environment from a potential catastrophic failure of the containment facility."

DEP spokeswoman Dee Ann Miller said in June that the department has continued to closely monitor conditions at the site and HRK's efforts to ensure the stability of the dikes, berms and ditches until HRK can isolate and repair the source of the leak.

Miller said that HRK discontinued emergency discharge at the site after

PINEY POINT
Continued on Page 12

Researchers link fracking to high methane concentrations in drinking water

Staff report

High-pressure rock fracturing to free trapped hydrocarbons, fracking, is unambiguously linked to methane in drinking water, according to a study recently published by a team of four Duke University scientists.

The scientists examined the occurrence and concentration of methane in 68 drinking water wells in northeastern Pennsylvania and southern New York. Sixty of those wells contained dissolved methane in the drinking water.

In addition, increasing concentrations of methane correlated with proximity of gas wells where fracking was used. Water samples from drinking water wells within a kilometer of the gas wells averaged 17 times the methane concentration of wells further away.

Twenty six wells within a kilometer of active gas wells had methane concentrations between 19.2 and 64 mg CH₄ L⁻¹.

Methane concentrations in well water obtained outside the one kilometer radius of producing gas wells had dissolved methane concentrations that averaged only 1.1

mg L⁻¹ (n = 34).

The study's authors said that the average concentration of methane they found in drinking water wells is deemed within the range designated as dangerous and requiring urgent hazard mitigation, according to the U.S. Department of the Interior.

In addition to methane concentrations, the team of investigators also examined carbon isotope ratios, ratios of methane to other petrogenic hydrocarbons, and also looked for the presence of deep brines and drilling fluids in water from the drinking wells.

Isotopic ratios and hydrocarbon chain length ratios both suggested thermogenic methane typical of the Marcellus and Utica shale drilling areas was responsible for the methane in wells with high concentrations of that hydrocarbon.

That same data set suggested that drinking water wells outside a one kilometer radius had hydrocarbons derived from biogenic or mixed biogenic/thermogenic methane sources.

The investigators found no indication that brines or drilling fluids used in fracking were in drinking water in the wells tested, in contrast to methane.

Small business EPA grants. A Florida company categorized as a small business was one of 10 new recipients of the U.S. Environmental Protection Agency's Small Business Innovative Research program grants.

Smart Polymers Research Corp. will receive up to \$225,000 for its research project, "Quantum Dot/Aptamer Real-Time Flow Sensor."

In its press release for the SBIR grants, EPA announced that it would award up to a total of \$5 million, including 10 new small businesses recipients, to support the development of new technologies for protecting the environment and public health.

EPA's SBIR program is divided into several subcategories including air pollution, air pollution monitoring and control, biofuels, drinking water treatment and monitoring, emission reductions and biofuels, green buildings, greenhouse gases, homeland security, innovations in manufacturing, nanotechnology, waste and wastewater, and sustainable infrastructure.

Each of these categories includes at least two recipients. Most of the grant awards are in the \$70,000 - \$80,000 range for the first year, but multi-year funding for some projects may raise the total funding to as high as \$300,000.

The SBIR program includes an annual competitive selection cycle for proposals to develop technology addressing the areas listed above. Eligible businesses must be organized for-profit U.S. businesses with fewer than 500 employees.

This year, the EPA's program description included a strong job creation subtext, replacing the prior administration's subtext of successful international business competitiveness.

Additional information and application information for the next round of SBIR grants is available on-line at www.epa.gov/ncer/sbir.

Ft. Lauderdale site nears closure. The Hollingsworth Solderless Terminal Co. in northwestern Fort Lauderdale has been on the federal Superfund list since 1983, but may soon be ready for delisting.

The company manufactured electric terminals and disposed of its waste in a 100-foot well. Some of those wastes included vinyl chloride, and cis-dichlorotetraene.

For the past several years, contaminant degrading microbes have been used in a bioremediation project to degrade these chlorinated organic contaminants.

Contaminant concentrations have declined sufficiently so that active remediation efforts may be discontinued, allowing natural attenuation to further reduce the concentration of any remaining organic chemicals.

Chattanooga smog. The most recent set of air quality data showed that Chattanooga, TN, is now in compliance with health-based air quality standards developed in 1997.

EPA finalized that decision at the end of May, when the agency was satisfied that local authorities have developed and will implement a plan to ensure air quality continues to meet required standards for particulates and fine particulates.

Fine particulates penetrate deeply into the lungs and are not easily expelled, contributing to premature death and a wide range of heart and lung diseases including heart attacks and asthma.

Meeting Chattanooga's air quality standards required cooperation by authorities in the Chattanooga area including all of Hamilton County.

In addition, Catoosa and Walker counties in Georgia and a portion of Jackson County, AL, joined the effort so that the entire region would effectively contribute to meeting regional air quality standards for particulates.

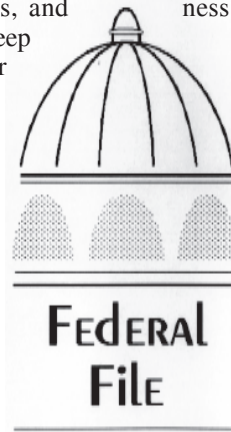
Florida brownfield funding. The EPA will increase federal brownfield program funding by \$76 million in 2011. Ten Florida communities have been selected to receive a total of \$7,215,000 of the new funding.

Four recipients are slated to receive \$1 million each, including the Central Florida Regional Planning Council, Pasco County, and the city of Tallahassee. Other recipients include Orange County, three projects in Plant City, the Sarasota/Manatee Metropolitan Planning Organization, the Treasure Coast Regional Planning Council, the city of Wauchula, and the West Florida Regional Planning Council. The city of Daytona Beach will receive \$200,000 for cleaning up a contaminated parking lot.

In Florida, the funding was divided among the brownfield program's three subcategories: the revolving loan program, cleanup program and assessment program.

According to EPA, the goals of the brownfield program in general, and the supplemental program in particular, is to remove environmental contamination, promote public health and restore economic opportunity in environmentally blighted communities.

The funding is a supplement to the 2010-2011 budget. Recipients can begin work on projects in the near future.



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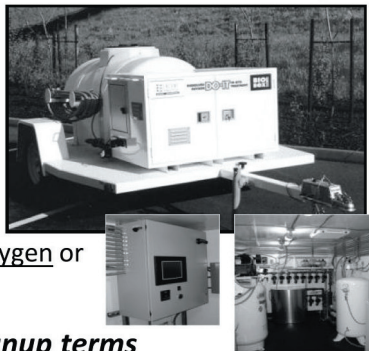
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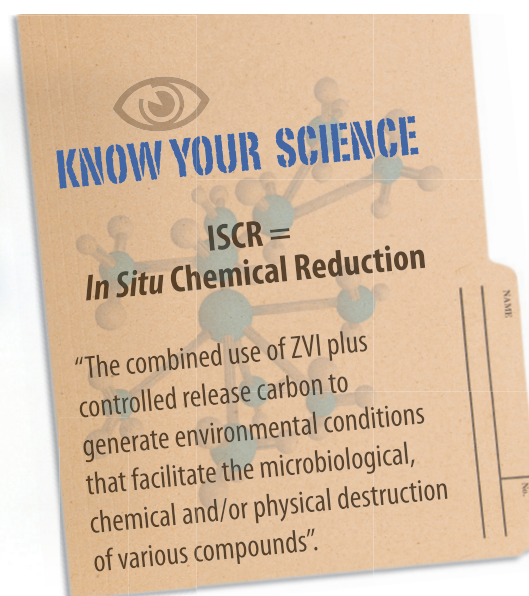


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FPL launches new solar energy rebate program

Staff report

A new \$15.5 million solar energy rebate program for Florida Power & Light Co. customers has started.

Under the five-year pilot program recently approved by the Florida Public Service Commission, customers interested in installing solar-powered upgrades to their homes and businesses can apply for rebates. The program is aimed at reducing energy use and peak demand.

Customers who install solar water heating or solar photovoltaic panels will receive rebates on a first-come, first-served basis. The program will provide up to \$1,000 per installed residential solar water heater. FPL estimates rebates will be available for about 4,500 customers.

Residential customers can receive up to \$2 per kilowatt of output, or a maximum of \$20,000 for a PV system. FPL estimates rebates will be available for about 400 customers. Business customers can receive up to \$50,000 per site for solar water heaters and up to \$50,000 for PV systems.

FPL estimates that water heater rebates will be available for about 50 businesses, and PV rebates for about 80 businesses.

FPL estimates that about 1,100 of the utility's 4.5 million customer accounts operate their own solar generation.

Nuclear expansion delayed. Federal regulators have delayed giving the go-ahead to a next-generation nuclear reactor design chosen by Florida Power & Light for its proposed expansion at Turkey Point in South Miami-Dade County.

The Nuclear Regulatory Commission made its decision following safety concerns expressed by outside experts and by the agency's own lead structural reviewer.

The main concern about the Westinghouse AP 1000 is whether a reaction shield building planned to prevent a radiation release is strong enough to withstand plane strikes, earthquakes, tornadoes or hurricanes.

The agency's chairman, Gregory Jaczko, issued a statement saying additional review revealed new concerns about Westinghouse's calculation for the shield building.

The company has already changed plans 19 times during the approval process, including making changes to address fears about whether the shield building was too weak to withstand air strikes or other major impacts.

Westinghouse officials say they will continue working with regulators but have confidence in the design.

Palmetto restoration. The Palmetto City Commission has approved the second phase of an environmental restoration project at Estuary Park.

The project calls for restoring 7.86 acres south from about Seventh Street West to near where Haben Boulevard intersects with U.S. 41/301 N.

Plans call for designing and building about half an acre of wetlands, improvements to 4.5 acres of wetlands and upgrades to three acres of surrounding uplands.

The project is expected to cost about \$130,000, which will be paid by the Southwest Florida Water Management District. Construction is expected to begin Aug. 31 and be completed a year later.

Plans call for upland and wetlands plants to be added to the site to provide soil stabilization and to help recolonize disturbed areas.

Other goals include improving estuarine flows and providing treatment enhancement for Carr Drain, a major outfall for the city.

The water management district will take the lead for the coastal habitat project, but the city of Palmetto will provide in-kind services and maintain the area after construction is completed.

In 2000, Phase One of the project was completed, restoring about 30 acres of estuarine and coastal upland habitat.

CEMEX permit. CEMEX has been given the go-ahead to increase the capacity of its newest cement kiln.

Officially with the Florida Department of Environmental Protection say they intend to issue a permit granting CEMEX Construction Materials Florida a 25 percent increase in capacity.

Kiln number two at the CEMEX South Brooksville Cement Plant, with a 2,800-ton-per-day capacity, would expand to 3,500 tons per day.

CEMEX has been seeking a permit to burn alternative fuels and to change Hernando County's future land use map to designate 573 acres from residential use to mining.

In 2008, CEMEX closed two kilns at its Brooksville North facility for economic reasons. The kiln that is specified in the latest application began operating in November, 2008.

Last year, DEP fined the company \$525,000 for emitting mercury at amounts as high as ten times the allowable limit. The company has since made changes to the kilns to bring the levels into compliance.

CEMEX officials say the permit will bring the operating kiln to the capacity that it was originally designed to handle.

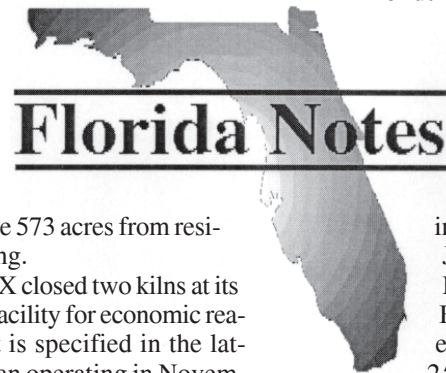
The process rate increase for the kiln will allow the existing equipment to produce at a higher rate.

The company says it wants to build up its reserves of raw materials and extend the length of the mining operation.

Company news. Moran Environmental Recovery LLC has acquired Jacksonville Pollution Control Inc.

JPC responds to spills of oil and other hazardous materials in Northeast Florida. It will keep existing clients and contracts under its brand, operating as a subsidiary of MER. JPC has five employees. MER, located in Atlantic Beach, employs about 45 employees and has around 250 workers company-wide.

Stacy Watson May opened a new law firm in Jacksonville focused on environmental law and mediation of environmental and commercial cases. She is a state-certified circuit mediator in all judicial circuits in Florida, facilitating the resolution of disputes, including those which have not yet reached the courts.



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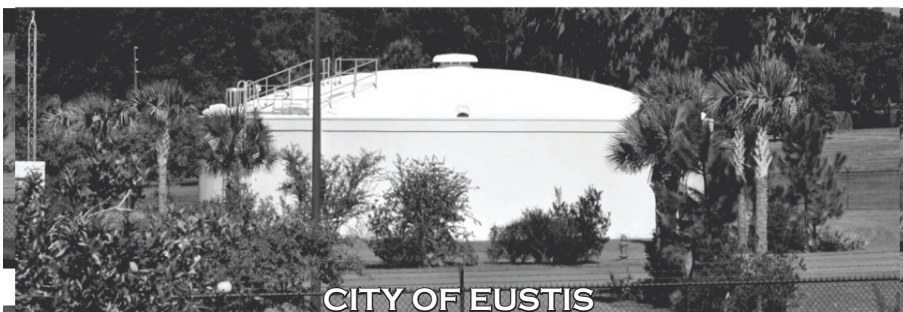
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Tarpon Springs gets permit, moves forward on water treatment plant

Staff report

The city of Tarpon Springs is cautiously moving forward with a \$45-million water treatment plant after receiving a final permit for the project.

But a local resident, Henry Ross, might take a legal challenge to the Second District Court of Appeals in Lakeland in an attempt to stop the project. Ross opposes it, claiming it will damage the environment.

In late May, the Southwest Florida

Water Management District governing board modified a water use permit for Tarpon Springs allowing the city to draw 4.2 million gallons per day from the ground. The prior limit was 1.38 million gallons per day.

The pumping increase granted by Swiftmud coupled with the new water treatment plant will make the city water independent. The 1.38 million gallons per day now used comes from seven existing well-fields.

But much of the drinking water used in Tarpon Springs must be purchased from Pinellas County.

Earlier this year, an administrative judge ruled against Ross' initial challenge and the Florida Department of Environmental Protection granted Tarpon Springs a permit to move forward with the project.

Paul Smith, Tarpon Springs' public service director, said the legal challenges have delayed the project for nearly a year and cost them thousands of dollars—nearly \$40,000 in legal fees alone.

He said that construction on the project will begin with the installation of monitoring wells. This is a minimum risk first step, he said, taken in case an appeal court judge was to stop the project.

In 2006, voters in Tarpon Springs approved construction of a reverse osmosis treatment plant. It would produce fresh drinking water from brackish seawater from the nearby Gulf of Mexico. The brine extracted would then be flushed back into an industrial canal that empties into the Gulf.

Smith estimated that it will take 19 months to complete the project.

Consultant sues Lake Worth. An Orlando consultant investigating a dispute between the city of Lake Worth and its seven regional sewer system partners has sued the city for withholding public records.

The lawsuit claims the city failed to produce documents related to the sewer system including budgets, maintenance records, annual reports and incoming and outgoing e-mails sent and received by former city officials.

The suit was filed in Palm Beach County Circuit Court on behalf of Daniel Friedman, an employee of GAI Consultants of Orlando, an environmental and engineering firm retained by the law firm GrayRobinson.

GrayRobinson was retained by the seven regional sewer partners—Atlantis, Lantana, Manalapan, Palm Beach, South Palm Beach, Palm Springs and Palm Beach State College—who were sued by Lake Worth last August.

Lake Worth claims the partners failed to make required payments to the renewal and replacement fund. The purpose of the fund is to cover capital costs for maintaining sewer lines, lift stations and the East Central Regional Wastewater Plant where the sewage is treated.

Lake Worth City Manager Susan Stanton claims the suit is not appropriate because the sewer partners and the city are following the government dispute resolution process as outlined by Florida law.

In March, legislators ordered the state's auditor general to conduct an operational and financial audit of the Lake Worth sewer system, which is currently underway.

Naples courses cutback. A diminishing supply of recycled water means golf courses in Naples will get less, but residential customers will be able to water their lawns as much as they want.

Naples' utility managers have imposed new restrictions on recycled water use. Golf courses are limited to three days a week for watering, but residents can water seven days a week.

Golf Course superintendents are looking to the Naples City Council for relief, but so far the council has been reluctant to act.

Naples Utilities Director Bob Middleton says that the dry season has diminished the recycled water supply. In an ironic twist, Middleton says the departure of winter residents means fewer people taking showers, flushing toilets and doing laundry means less wastewater coming into the system.

Collier County has taken similar steps to reduce reclaimed water consumption by golf courses and gated communities.

St. Lucie explores utility system. Would a countywide water and wastewater utility system in St. Lucie County save users and taxpayers money? The county commission wants to explore that possibility.

At a May workshop, commissioners asked Chairman Chris Craft to write a letter to Fort Pierce, Port St. Lucie and other utility providers to test the waters of interest.

Craft, a long time advocate of regionalized utilities, said the current system is inefficient because different entities are building their own water and wastewater treatment plants rather than connecting to existing plants.

Craft plans to continue contact with the other utilities, but some commissioners questioned if there would be any interest. The county has been in discussions with other utilities for five years, but no agreements have been reached.

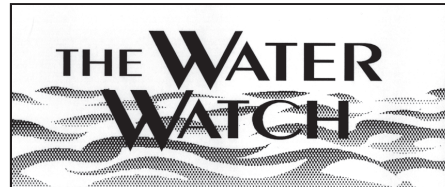
Currently the Port St. Lucie utility has 60,000 customers; Fort Pierce has 20,000; and the county system has 7,000.

Lee County lake cleanup. Lee County will move forward with plans to clean up the 158-acre West Lake, the centerpiece of the Lakes Regional Park in South Fort Myers.

The Lee County Commission hired Douglas N. Higgins Inc. for the cleanup. Initially they will install structures designed to flush the lake of nutrients and impurities. That was scheduled to begin in late May.

Anura Kanuna-Muni, manager for the project, said the job will improve water circulation in the lake and help lessen the murkiness now prevalent.

WATCH
Continued on Page 5





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WATCH
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It will also make it more attractive for people and animals.

The cleanup will also benefit the Estero Bay ecosystem. According to Bob Repenning, land stewardship coordinator for Lee County Parks, stormwater runoff passes over parking lots, roads and fertilized lawns before entering Hendry Creek. The creek feeds into the Estero Bay Aquatic Preserve.

The lake has been used for fishing, canoeing, paddle boating and kayaking. Swimming has been forbidden for years; that is not expected to change for some time.

Davis Lake cleanup delays. A \$5-million price tag to remove muck from the bottom of Davis Lake has forced the city of Lynn Haven to put a hold on the project.

City Manager John Lynch said that original estimates for the depth of the muck at the lake's bottom were at one to two feet. But the city has since learned that the depth is as much as nine feet in places.

The original plan called for the muck to be removed mechanically, but the greater depth makes that plan unfeasible. The alternative calls for removing the muck with a dredge at an estimated cost of \$4.8 million.

Lynch said Lynn Haven doesn't have the money to get the job done. He plans to confer with the U.S. Army Corps of Engineers and other agencies in search of other funding options.

Drought closes Lee plant. Lee County's water plant at Olga near the Caloosahatchee River has been taken off line. Hot, dry weather that spiked algae and salt levels necessitated the action.

Lee County Commission Chairman Frank Mann said the move was a precaution. Utility customers will see no changes in their water delivery since water will be diverted from other treatment plants.

The South Florida Water Management District reported that rainfall between early October, 2010 and mid-May is eight inches below normal and May is historically the driest month of the year.

Vero Beach utility system sale. The Vero Beach City Council will spend over \$170,000 to analyze the city's water and sewer systems, an initial step toward its possible sale to Indian River County.

The appraisal will take about 90 days to complete and the accompanying optimization study will take 100 days.

Gerald Hartman, vice president of GAI Consultants, the firm contracted for both efforts, said the optimization study will determine whether the city can maintain their current water and sewer rates over the next five to 10 years.

Indian River County has proposed paying off all of the Vero's system debt of \$25 million and providing \$28 million to connect the city system to the county's.

Indian River County Utilities Director Erik Olson described the potential merger of the two systems as a piping project. It will involve new lines, but not new plants.

The city council and county commission jointly decided in April to move ahead with the merger of the two systems. Olson estimated that the two systems could be totally merged within two years.

Vero Beach, Indian River Shores and the barrier island communities would be part of the merged system.

North Pinellas reclaim cut. Reclaimed water use by 4,800 customers in northern Pinellas County has been cut to three days a week.

Pinellas County Utilities said they are taking steps to cut use to reduce demand and avoid the risk of running out of reclaimed water.

The limitations began in mid-May. Customers south of Alderman Road and west of U.S. 19 N. were limited to reclaimed water use on Tuesday, Thursday and Saturday, midnight to midnight; customers in other areas, Wednesday, Friday and Sunday.

Hernando sewage plant decision.

The Hernando County Planning and Zoning Commission approved a sewage treatment plant despite protests from residents. The final decision will be made by the full county commission.

The proposed plant calls for two underground 10,000-gallon tanks that would contain sewage sludge mixed with lime. The facility is on a 12-acre tract where hay will be grown, fertilized with the treated sewage/lime mixture.

Area residents said the plan stinks. They complained about the smells generated and voiced concerns by dust kicked up by trucks bringing sludge and lime to the site.

Residents also voiced concerns about property values and felt the plant should be located in more isolated area.

USDA denies grant for Davenport sewers. The city of Davenport has learned that the U.S. Department of Agriculture will not provide a grant for impact fees or for hooking up eastside residents to a new sewer system.

The decision means the city is about \$1.5 million short of what it needs to complete a new collection system and wastewater treatment plant.

Vice Mayor H.B. Robinson, who was

WATCH
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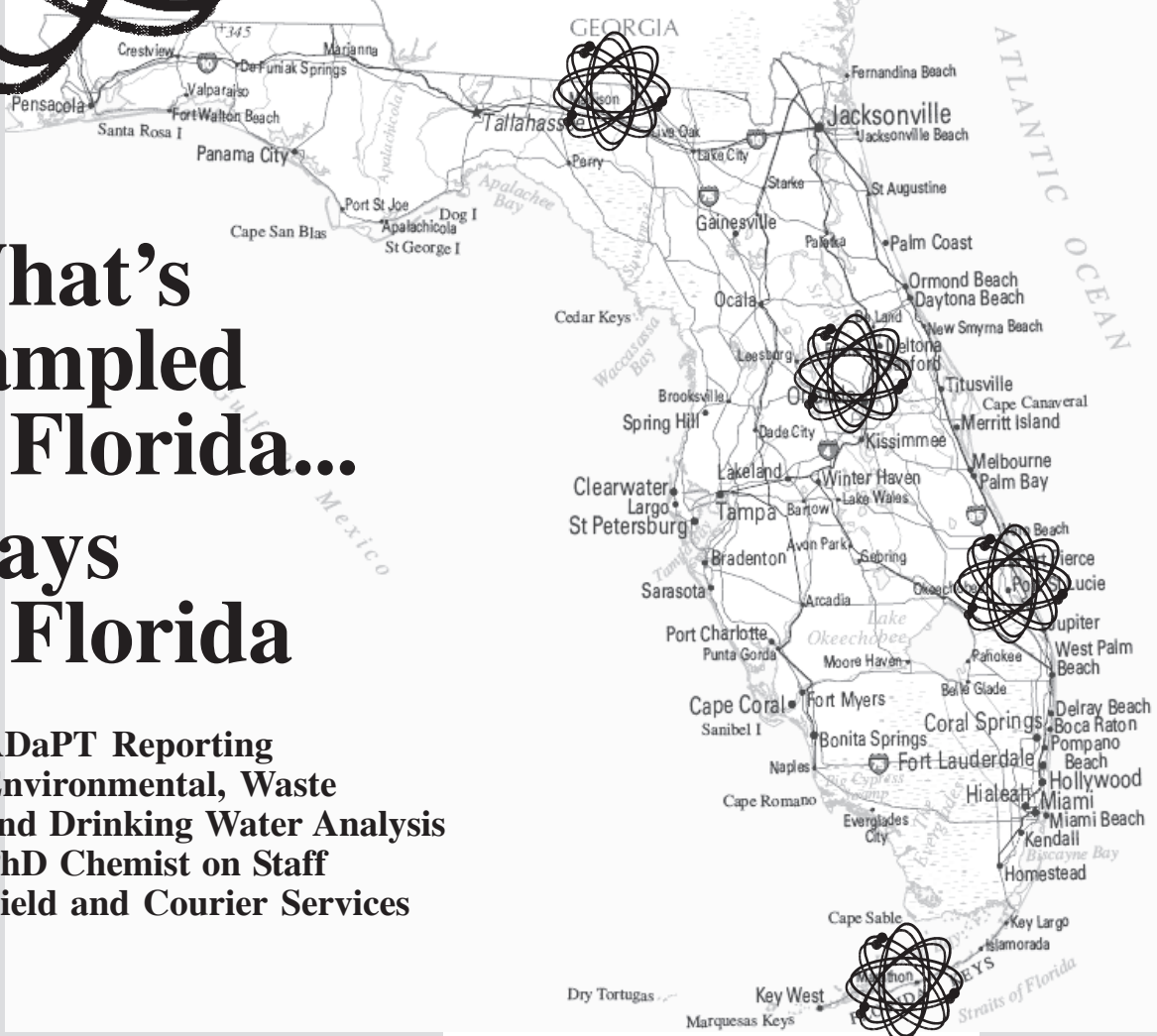
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Changes in store for water districts after state imposes tax cap

By ROY LAUGHLIN

The Florida Legislature, in passing SB 2142, made a once-in-a-generation change in the way Florida's water management districts will be supported by ad valorem property taxes and held accountable for their budgets. The new law includes two provisions that hammer down changes desired by the state legislature and Gov. Rick Scott.

SB 2142 puts a cap on ad valorem property tax collections for each of Florida's five water management districts. These

caps differ for each district, and are roughly scaled to the population served by each district.

The South Florida Water Management District's cap is \$285 million; the Southwest Florida Water Management District's cap is \$108 million; and the St. Johns River Water Management District's taxing limit will be \$85 million.

Florida's two smaller water management districts, the Suwannee River Water Management District and the Northwest Florida Water Management District, will be limited to approximately \$5.4 million, and \$4 mil-

lion, respectively.

During the current budget year, Florida's five water management districts collectively will spend about \$2 billion. South Florida Water Management District's 2010-11 budget alone is \$1.1 billion. Ad valorem property taxes comprise somewhere between 4 percent to over 40 percent of the total budget for each water management district.

SB 2142 reduces ad valorem property taxes from 0-30 percent, depending on the district. In the 2011-12 fiscal year, the sum of all water management district budgets statewide will be lowered by \$210 million to start—due solely to the tax caps.

Other sources of water management district revenues include direct funding from the legislature, which is also expected to continue to decline, federal grants and contracts, permitting fees, rents, leases, timber and other natural resource sales, and property sales.

Many of these revenue sources are likely to remain static or decline until the economy improves.

District by district

The information for each of the districts that follows was current as of the week of June 13. The numbers given are estimates, and will likely be refined as district financial staff has additional time to prepare budgets.

District staff will be presenting working preliminary budgets to the boards of directors for approval during late June and early July, and that budget plan will be further refined before submission to Tallahassee authorities on Aug. 1.

The South Florida Water Management District has the highest budget of any district. When Melissa Meeker assumed the SFWMD executive director's position in early May, she immediately cut her own salary, and those of key management at the top. In the process, she reduced the number of top managers from 15 to 9, reducing executive compensation from \$2.5 to \$1.3

million.

Layoffs among the rank and file will be determined during budget preparation, and like the other districts, detailed information will become publicly available in the final days of June or early July.

The Southwest Florida Water Management District's budget history illustrates the complexity of water management district budgeting. Since its 2007-2008 fiscal year, its highest budget ever, its budget has dropped about \$150 million, primarily due to declining property values.

It is mandated under SB 2142 to an additional 36 percent budget cut, \$112 million for the 2011-12 year. Its fiscal year 2011-12 preliminary budget will be presented to its board of directors at the end of

June. At that time, the overall magnitude of the budget reductions will be apparent.

The St. Johns River Water Management District is slated for an ad valorem property tax cut of 26 percent, according to Hank Largin, a spokesperson for the district. In the current year, the district's total budget was \$254 million. The ad valorem property tax portion was \$115 million, 45 percent of the \$254 million total.

Next year, under provisions of SB 2142, ad valorem tax funding will not exceed \$85 million. If everything else stays the same, SJRWMD would experience only a 13 percent budget decrease overall. But other revenue sources will likely be pinched also.

SJRWMD will also have a preliminary budget available by the end of June, but plans already include a \$12 million decrease in the salary and benefits component of its budget. Layoffs and staff reductions will be needed as a result of the reduction.

The Suwannee River Water Management District expects only a 20 percent overall budget decrease. The composition of its budget is markedly different from the water management districts in eastern and southern Florida.

Ad valorem property tax receipts, now capped at \$5.4 million, make up only about 11 percent of the district's total budget. The district never experienced the real estate bubble burst that the southern and coastal parts of the state saw and has experienced only about 4-6 percent reductions in ad valorem property tax receipts since 2008. The remainder of its budget comes from timber sales, and from state and federal sources.

But funding from some of those sources is declining said Melanie Roberts, director of mission support for SRWMD. Overall she said her water management district's budget will decline an estimated 20 percent in the 2011-12 budget year. The effect of this decline, however, is not expected to result in layoffs.

"We have not had to do anything drastic. We've been at 68 employees for the last 22 years," Roberts explained. Vacant positions, or positions expected to become vacant, will not be filled, she explained further, and a program review will determine what programs can be merged or reduced in response to the district's lower budget going forward.

The Northwest Florida Water Management District will suffer almost no pain under the new budget limitations, in marked contrast to its southern brethren. The \$4 million ad valorem property tax cap man-

SWFWMD basin boards eliminated

At the end of May, all eight basin boards within the Southwest Florida Water Management District were dissolved and all future meetings cancelled.

The basin boards had taxing authority that funded projects within the drainage basins of the district.

They were instrumental in providing funding for individual projects within the water management districts broader mandate.

For example, partial funding for Tampa Bay Water's desalination plant came through Swiftmud's basin boards.

Anticipating passage of SB 2142, the board of the SWFWMD voted to merge the budgets of its eight basin

BOARDS
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DISTRICTS
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Moore resigns as executive director at Southwest Florida Water Management District

Staff report

David L. Moore, executive director of the Southwest Florida Water Management District, resigned his position at the district on May 26, the day Gov. Scott signed SB 2142, making it law.

Moore obtained a bachelor's degree in geology from the University of Charleston, SC, and a master's degree in geology from the University of South Florida, before he began his career with the SWFWMD in 1984, when he joined district staff as a hydrologist.

He has also earned a graduate certifi-

cate in public administration from the University of South Florida.

He worked his way through the ranks at the district as project manager, manager, director and deputy executive director. Then in March, 2003, he became the district's executive director.

Moore's career with Swiftmud spanned the transition of Florida's water policy from flood control to resource management.

During his career at SWFWMD, Moore played significant roles in restoration and preservation of water bodies, establishment of minimum flows and levels, water-

shed assessments, water reuse and reclamation, adoption of regional water supply programs, data collection networks and permitting rule revisions.

In addition to his professional activities with the district, Moore is a past chair of the WaterReuse Foundation, and a graduate of Leadership Florida (Class XXIII).

In mid-June, the district's governing board appointed General Counsel William S. Bilenky to serve as interim executive director. Moore will continue to serve in an advisory capacity until July 15.

Bilenky has been with the district since 1999 and has served as its general counsel since March 2000. Before joining the district, he was in private practice and has also served as general counsel to the Florida Public Service Commission.

Preliminary oil spill research:

Corexit dispersant shows no effect on microbial decomposition

By ROY LAUGHLIN

Did marine microbes feast on chemically dispersed Deep Horizon oil? Professor Wade Jeffrey with the University of West Florida's Center for Environmental Diagnostics and Bioremediation has not seen any results in his experiments to confirm that Corexit-dispersed oil hydrocarbons became part of the marine food chain.

His research interests include characterizing carbon exchange between phytoplankton and marine planktonic bacteria. A significant trophic interaction between these two groups exists. Phytoplankton produce dissolved carbon, both as a result of metabolism when living and upon decomposition after phytoplankton cells die.

Marine planktonic bacteria are a primary consumer of this dissolved carbon originating from phytoplankton photosynthesis.

This linkage was one basis for the assertion that the use of Corexit would produce a cornucopia of dissolved carbon for marine bacteria, increasing biomass pro-

duction that could eventually nourish higher trophic levels.

During last summer's Deep Horizon oil spill, use of about two million gallons of Corexit helped dissolve tens of millions of gallons of leaked oil. Chemical dispersion of so much oil was defended on the assumption that microbes would eventually assimilate it into microbial food webs.

But Jeffrey's first set of experiments using Deep Horizon oil, dispersed with Corexit, and indigenous assemblages of Gulf planktonic bacteria did not show that dissolved oil was a source of nutrition during a week of incubation.

"The samples that had Corexit in them did not show a difference in microbial decomposition," he said. "It is a preliminary result, but it was a result we got."

Jeffrey will spend the summer replicating these experiments, with experimental modification as warranted. He will try to determine if the preliminary results are a consistent phenomenon and that the lack of microbial degradation of dispersed oil is not an experimental artifact.

DISTRICTS

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dated by the legislature will result in no change in the coming year in the amount of property taxes this district will collect. The \$4 million represents only about 8 percent of the NFWFMD's total revenues of \$48 million. The balance of the district's proposed \$115 million budget includes federal funding and appropriations from the state legislature.

Doug Barr, executive director of the NFWFMD, said no layoffs are planned, however the district will not be filling several vacant positions in order to comply with the Gov. Scott's directive to reduce the size of government.

The state legislature's new involvement with district budgets will become an annual affair. SB 2142 requires water management districts to annually provide draft budgets for legislative oversight prior to adoption by the water management dis-

tricts' boards of directors.

By Aug. 1, 2011, a proposed budget from each of the water management districts must be given to Tallahassee officials, including the governor, president of the Senate, speaker of the House and the Department of Environmental Protection.

If the legislature fails to approve a water management district's draft budget by July 1 of the ensuing year, that district's budget remains at the prior year's level.

The legislative review is in addition to the review authority the governor has over each water management district's budget. The governor has always had final say on water management district budgets to the level of a line item veto.

It is routine in Florida for independent taxing entities to have millage caps on taxing authority. However, this is the first time, at least in recent history, that major state mission agencies have seen a legislatively imposed tax cap.

prefer that the basin boards continue.

Some of the boards had fiscal reserves and had made commitments to ongoing projects.

"We're going to try to move forward with any projects currently underway," said Robyn Felix, a spokesperson for SWFWMD.

Reserves of the boards that had them, under statute, can be spent only in the basin where they were collected to directly benefit property owners who paid those ad valorem taxes.

The demise of the basin boards was reportedly in the works for several months and the SWFWMD governing board's decision to abolish them two days before Gov. Scott signed SB 2142 indicated that the board members would rather switch than fight a battle to keep them.

It was apparently not perceived as the most significant aspect of the sweeping budget changes that this water management district will contend with in the near future.



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BOARDS


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boards into the governing board's budget.

The basin board merger is expected to save about \$400,000 in administrative costs. The \$40 million formerly spent by the boards will remain available for a diminished program of cooperatively funded projects in the 16-county area administered by the SWFWMD.

"Through the cooperative funding initiative, the basins boards have played an integral role in the district's ability to implement water resources projects at the local level and to involve residents, organizations and local governments," said David Moore, executive director of the district at the time the boards were eliminated. "We are committed to continuing the work of the basin boards through cooperative funding and other initiatives."

Nevertheless, local newspapers in areas formerly served by the boards have seen more than their usual share of dismayed comments from local officials who



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Environmental advocates blast governor, legislators for anti-environment session

By PRAKASH GANDHI

Environmental advocates have lashed out at Florida lawmakers accusing the state's leadership of wreaking havoc on the environment during this spring's legislative session.

Bills passed by the legislators repeal most of the state's growth management restrictions and will have a harmful effect on the state's fragile environment, say advocates.

"We don't have any leadership in this state that values our natural resources and the environment," said Linda Young, director of the Clean Water Network of Florida. "That was reflected in their priorities and where they used their power."

"It reminds me of a feeding frenzy where ... the bigger fish are fighting it out, trying to get what they can. It is not a pretty scene," she said.

Environmental groups are especially upset about some of the growth management measures passed during the 2011 session. Those measures will, for the most part, put development control in the hands of local officials and end state review of most large projects.

Groups supporting the changes say the state's economy suffers because of

Florida's permitting requirements, which they claim delay projects and cost the state badly needed jobs.

The growth management rewrite dissolves the state Department of Community Affairs and eliminates state oversight of local planning except when proposals with statewide impact are involved.

One growth management measure that is particularly controversial is a new rule that will place the burden of proof on the person challenging the permit—not the developer—who will have to prove that the application harms the environment. Current law puts the burden on the developer to show a project will not harm the environment.

Young said that the bill that shifts the burden of proof on challenging a permit to the person objecting to the application is a "giant step backwards."

"The burden has always been on the applicant to show that their application follows the requirements of the law," Young said. "Now, if somebody is concerned about a permit, you will have to prove a negative. I have complained for years that the administrative law process is rigged."

"I have said it is a huge waste of money. I have told people 'don't even go there.' We never had due process, but to change the law is like a kick in the teeth. Their chances of winning were slim or none anyway, but now it will be absolutely impossible to win a case."

Young slammed the state's leadership which she accused of being hostile to the environment. "I see people who don't belong in public office taking full advantage of resources and power that wiser people would have handled differently," she said. "It's a sad time for Florida. We have turned over the asylum to the lunatics and they are having a field day."

Young was especially critical of the state's new governor, Rick Scott.

"Scott is wreaking havoc on our state," she said. "To see the safeguards stripped away so cavalierly is very disturbing. It seems like anything goes. It reminds me of New Orleans after the Katrina disaster where people were grabbing what they could and running. To see elected officials behave like this is shocking."

Charles Lee, director of advocacy for Audubon of Florida, said he is mostly concerned about cuts to the water manage-

ment districts' budget. The districts are the main regulators of water resources in the state.

Lee said the cuts could make ineffective shells of the districts.

Audubon of Florida sent a letter to Scott asking him to veto four bills passed by the legislature. In addition to the growth management and burden of proof bills, Audubon wanted the governor to veto the bill that would dramatically cut the water management district budgets and a bill that requires wetland protection in agricultural areas.

"For the first time, we have all the dark stars lining up," he said. "In the past, we have always had a governor who cared about the environment. We ended up with a governor and leadership in the House and Senate that don't care about the environment or are hostile to it."

"Particularly with growth management, they believe that what they did will improve the economy. That reveals either a very clear lack of understanding of the economic situation that we're in or utter demagoguery by the leadership. The environment is being made the scapegoat of the bad economy we're in."

But not everyone was unhappy with the legislative session. Doug Buck, director of government affairs for the Florida Home Builders Association, said he was pleased with much of the work lawmakers completed. "I thought it was a very good session," Buck said.

"For businesses who want to come to Florida or expand in the state, the growth management act should not be a barrier to that expansion. When businesses are able to expand and add jobs, then our business will improve."

Buck said the burden of proof bill will stop a lot of lawsuits from groups or individuals that use the law to delay projects. "It will put a damper on using lawsuits to delay project when the delay itself is the goal," he said.

UCF joins UF at the E85 fuel pump

By ROY LAUGHLIN

The University of Central Florida recently joined the University of Florida as the state's only universities running vehicle fleets on E85 gasoline—a 15 percent ethanol-gasoline blend approved earlier this year by the U.S. Environmental Protection Agency for use as a vehicle fuel.

According to Courtney Gilmartin, a UCF spokesperson, the school has about 45 flex fuel vehicles that can use this fuel, a fraction of their total vehicle fleet.

Drivers of the vehicles are instructed to use E85 fuel from the university's pumps when driving locally. When refueling is necessary on the road and one of Florida's approximately 60 filling stations using E85 is not available, the vehicles use the more widely available E90 ethanol blends.

David Norvell, UCF's director of sustainability and energy, said that the university has not had time to evaluate mileage impacts. He said that they expect it will be as much as a 20 percent reduction in mileage, consistent with EPA's estimates of mileage differences.

Ethanol has a lower energy content than gasoline hydrocarbons and the difference yields lower mileage.

Norvell said that the university pays nearly the same price per gallon for E85 ethanol as it would for a comparable grade of gasoline, so the price differential is not a detrimental factor in the university's use of the new blends.

The availability of E85 is increasing slowly across Florida, with some filling stations selling it for a while and then stopping or sporadically making it available.

According to Internet tracking sites, it is available primarily in Florida's larger cities, on the Florida Turnpike and at government installations such as NASA.

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DCA dismantled: Regulatory changes ahead in growth management

By BLANCHE HARDY, PG

On June 14, Senate Bill 2156 was approved subsequently eliminating and reorganizing state agencies and their missions. House Bill 7207, the Community Planning Act, repeals growth management rule 9-J5, Florida Administrative Code.

The combined bills effectively dismantle the Florida Department of Community Affairs, the agency tasked with oversight of residential and commercial development in Florida for well over two decades.

SB 2156 creates the state Department of Economic Opportunity and delegates oversight of economic development, housing, growth management, community development and unemployment compensation to the agency effective Oct. 1.

A portion of DCA and the Office of Tourism, Trade and Economic Development will reside within this new agency. The Florida Building Commission, formerly a division of DCA, is now housed in the state Department of Business and Professional Regulation.

The new law dramatically reduces coordinated state supervision of development and places a large portion of development-related decision making on local governments. The state's mandate to assure concurrency—evidence of adequate supply to meet demand—for transportation, schools and parks and recreation is eliminated.

The requirements to demonstrate concurrency for potable water, sanitary sewer, solid waste and drainage remain. Of these, adequate potable water supply may become the most decisive criteria in determining a proposed development's future.

Demonstration of financial feasibility for proposed infrastructure within local comprehensive plans is eliminated and measures to address energy-efficient land use and green house gas reduction are no longer required, or are significantly diminished.

Local governments may opt to keep or eliminate existing local concurrency standards, and the limit on the number of plan amendments a local government may propose to the state is removed.

Reviewing state agencies may only comment on "important" state resources and facilities impacted by proposed local plan amendments. Agency comments on amendments and developments of regional impact are narrowly limited to the specific area of the individual reviewing agency's expertise. For example, the Florida Department of Environmental Protection may address wetland impacts, but not impacts to cultural resources.

The regional planning councils are limited to commenting on impacts to regional resources and facilities or potentially adverse impacts resulting from the amendment of one government's comp plan on another government's comp plan.

The RPCs previously provided regional review and planning services to DCA under annual contract. Gov. Rick Scott's line item veto removed \$2.5 million in funding earmarked for the eleven RPCs. It is yet unclear exactly how the RPCs will fit into the state's new growth management scheme.

Funding for the newly created Department of Economic Opportunity will be established through the \$400 million State Economic Enhancement and Development Trust Fund which redirects \$190 million over three fiscal years and \$75 million per year thereafter currently dedicated to the state's Transportation Trust Fund and \$35 and \$40 million per year from affordable housing funds.

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The soil and groundwater cleanup industry in Florida continues to face numerous challenges—technical, regulatory, legislative, financial and marketplace—but has remained solid through the past decade. As the business continues to evolve, more emphasis has been placed on cost-effective tools and treatments, on-site performance and bottom-line results.

This fall, the Annual Florida Remediation Conference, now in its 17th year, will again focus on the issues of soil, groundwater and sediment contamination cleanup in Florida's unique physical and regulatory environment.

Engineers, scientists, hydrogeologists, project managers, regulators, compliance managers, consultants, equipment vendors, lab representatives and other environmental professionals will benefit from the opportunity to exchange information, discuss case studies and analyze field operations in what has become the Southeast's top annual remediation meeting.

All participants will have a chance to learn about emerging treatment technologies and support services available for effective cleanup projects, and how they're being put to the task in the field.

We are now identifying sessions topics for presentation and are asking for abstracts on "green" and sustainable remediation, risk assessment/RBCA, bioremediation, natural attenuation, emerging technologies, mixed waste challenges, site assessment technologies and methods, field sampling, site stabilization, combined strategies, vapor intrusion, regulatory policy and initiatives and cleanup of sites and surface water contaminated with petroleum, PCBs, chlorinated solvents, arsenic and heavy metals, pesticides and other contaminants.

We are again looking for talks on proven technologies with real-world applicability to Florida and appreciate data-heavy presentations and "roll-up-the-sleeve" approaches.

Submission Instructions

We will soon start reviewing subject matter to be included on the 2011 FRC agenda. **If you are interested in being a part of this year's conference, submit an abstract of approximately 250 words by July 12, 2011.** FRC presentations are strictly limited to 25 minutes in length. Mail, fax or e-mail abstracts to:

Florida Remediation Conference
P.O. Box 2175
Goldenrod, FL 32733
Fax: (407) 671-7757
E-mail: mreast@enviro-net.com

Conference Producer

The Florida Remediation Conference is produced and sponsored by National Technical Communications Co. Inc., publishers of the *Florida Specifier*, and producer of the Enviro-Net website, providing on-line news and archival access to print publication articles and columns.

The *Florida Specifier*, NTCC's state-based, industry-leading trade newspaper for over three decades, regularly covers the soil and groundwater cleanup industry in Florida and the Southeast with news and information about state and federal regulatory changes, effective technology-based solutions and the players involved in this solid segment of environmental protection and resource management.

Questions?

You can reach us at (407) 671-7777 or 1-800-881-6822, or online at info@enviro-net.com should you have any questions or need additional information about FRC 2011.

Feel free to contact us anytime.

Exhibit Space Available

Exhibit space is still available for the 17th Annual Florida Remediation Conference. Booth locations are reserved on a first-come, first-served basis, so now's the time to lock up your spot. **We have only four booths still available** ... Visit www.enviro-net.com or call Mike Eastman at (407) 671-7777 for complete information.

Current list of FRC 2011 Exhibitors and Sponsors

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Env. Remediation Services	Lakeland Laboratories	TestAmerica
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ESC Lab Sciences	Liquid Environmental Solutions	Waste Management
ETEC LLC	Microbac Laboratories	Waste Services of Florida
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Flowers Chemical Laboratories	MLE Equipment	ZEBRA Environmental
	Monarch Environmental	

No, the sky is not falling:

Recent session will impact water policy, growth management but state programs will remain vigorous

By R. DUKE WOODSON, ROBERT M. RHODES and KAMALA E. CORBETT

Those who follow Florida water policy and growth management issues are probably aware that the 2011 Florida Legislature adopted new laws, now approved by Gov. Rick Scott, which change the 35-year-old water management district budgeting process and 25-year-old growth management regulations.

The amendments to the water management district budgeting process are found in SB 2142 and the changes to the Growth Management Act are found in HB 7207.

These changes will undoubtedly affect water policy and new development in Florida for years to come, but will likely fall far short of recent commentary describing the legislature as having “killed growth management.”

Water management districts have been described as “thoroughly eviscerated” with the state Department of Community Affairs described as “gutted” and “skinned alive.” Despite these gruesome descriptions, growth management will live to see another day and water policy changes are likely to be insignificant.

The five water management districts in Florida are the lead agencies in developing, regulating and protecting the state’s water resources. Since the districts have been able to assess ad valorem taxes to support their programs, they have largely been immune to budget cutbacks seen by state and local governments.

The districts, without direct control by either the governor or the legislature, have been able to expand their programs and increase their number of employees over the years without fear of interference. Many of these new programs, in fact, were to be implemented by the legislature itself.

The budget reduction climate finally resulted in rain on the district’s glorious parade of the past 35 years with the passage of SB 2142. This legislation establishes caps for ad valorem taxes to be levied by each of the five districts and represents a reduction in ad valorem revenue for the St. Johns River Water Management District of approximately 26 percent from the fiscal year 2010-2011 budget; a 32 percent reduction for the South Florida Water Management District; and a 36 percent reduction for the Southwest Florida Water Management District. The Northwest Florida and Suwannee River water management districts also were given a cap but the reductions for these agencies were much smaller.

The new legislation also requires an annual review by the legislature of a preliminary budget for each district and for the legislature to set the maximum amount of ad valorem revenue to be raised by each district. This is a significant change from the past practice of districts where the budget was reviewed by the governor but not the legislature, usually with no comment or revision.

The true effect of these budget reductions on water policy remains to be seen as each district will be developing a budget for FY 2011-2012 through the summer and into September. One can expect significant staff and program reductions, but is it reasonable to assume that water policy itself will be significantly affected?

The 2011 legislature did not change any of the mandates for programs to be implemented by the water management districts or any of the legislation governing them. The water resource and water supply programs of the districts are arguably their most important programs so it may be that other programs such as wetland protection, land acquisition and management, and flood control will be impacted most by the budget cuts.

Water supply issues are also addressed in growth management regulations, primarily the local comprehensive plans required by Chapter 163, Florida Statutes. The Growth Management Act Amendments in Chapter HB 7207 changed the tone of the statutes as well as the content.

The original 1985 Local Government Comprehensive Planning and Land Development Regulation Act has now been named the Community Planning Act. The intent has been revised to establish and implement comprehensive planning to “guide and manage” future development rather than the 1985 language of “guide and control.”

In addition to the tone of the statute, the role of the state in overseeing local planning has changed to narrow the focus of review to “protecting the functions of important state resources and facilities.” In addition to this reduction in the scope of review, there are procedural changes in the law that reduce the types of local plan amendments that must be reviewed by the state and which shorten the time for state review.

None of these changes affect the parts of the statute that affect water supply and wastewater treatment. Local governments are still required to have comprehensive plans. Although certain elements are no longer mandatory, such as transportation and schools, local governments must still have an element that addresses potable water, groundwater recharge and wastewater disposal as well as “water supply sources necessary to meet and achieve existing and projected water use demand.”

There was no change to the mandatory capital improvement element with its annual review of the adequacy of public facilities including addressing “existing public facility deficiencies,” “public facility costs,” and “schedule of capital improvements.” Each of these issues must continue to be addressed for existing and planned water and wastewater treatment plants.

A future land use element for each local comprehensive plan is still required, with a map that shows “existing and planned public potable water wells, cones of influence, and well head protection areas.” Alternate water supply projects identified in the water management district regional water supply plan must also be addressed in each local comprehensive plan.

The conservation element is also still required, which

requires addressing, among other things, the protection of natural resources including “water, water wells and standards to conserve and protect” protected water resources, natural groundwater recharge areas, well head protection areas and surface water if used as a source of public water supply.

Most importantly, perhaps, concurrency still applies to wastewater treatment, solid waste, drainage and potable water supply, even if it no longer applies to transportation and schools. Thus, the developer of a new project must still demonstrate to a local government there is adequate capacity to serve the new project.

Many commentators have questioned whether local governments are capable of performing this review and have suggested the most important function of the Department of Community Affairs in the past was to make sure that local governments held developers to a stringent standard for concurrency.

With the changes adopted in HB 7207, the successor to DCA, the Division of Community Development within the Department of Economic Opportunity, must still review comprehensive plans to determine whether “important state resources and facilities will be adversely impacted.”

One would think that the state’s water supply and surface water bodies would meet that definition and that state review of local plans will remain vigorous.

R. Duke Woodson is a partner with Foley & Lardner LLP and heads the firm’s Real Estate Practice in Orlando. He can be reached at dwoodson@foley.com. Robert M. Rhodes is of counsel to Foley & Lardner LLP in Jacksonville. He is a past chair of the Florida Bar Environmental and Land Use Law and Administrative Law Sections and currently chairs the Northeast Florida Regional Council’s Regional Community Institute. Rhodes can be contacted at rrrhodes@foley.com. Kamala E. Corbett is an associate with Foley & Lardner LLP in Tampa. She can be contacted at kcorbett@foley.com.

Sustainable remediation includes hurricane preparedness plans

By LAURA J. GIMPELSON, PE

With hurricane season upon us, my family is getting ready. We developed a checklist a few years ago and have revised it to incorporate any “lessons learned” after a storm hits the U.S.

Your employer should have a plan too. The plan should cover securing office equipment, alternative work schedules if the office is damaged, and telephone chains to provide information and announcements. A few plans even cover paper records, company vehicles and office supplies.

Securing and protecting field equipment, test equipment and other supplies is often left out of the corporate plan. The developers of these plans often have no field experience or haven’t been in the field for many years. They aren’t up to date on the amount of equipment needed to operate, maintain or monitor remediation systems.

Now is the time to develop a hurricane preparedness plan for field equipment and remediation systems. Like other emergency response plans, HPPs anticipate the worst and develop procedures to minimize harm before, during and after an emergency.

The first step is to identify what is out in the field and around the compound. Spare parts and oils, waste drums and sampling equipment are often stored inside the equipment compound. Overgrown vegetation can block access or cause damage in high winds and heavy rains.

Then clean house. Remove trash, waste drums, and overgrown vegetation including tree limbs that can fall onto the equipment or power supply. If spares and other equipment are not needed for at least a month, store them in a more secure location that is easily accessed prior to scheduled site visits. The goal is to minimize small items that can be blown into the treatment system, knock down the fence or cause damage to adjacent property, especially residential buildings.

Once the physical problems are addressed, determine when and how the treatment system will be shut down. The timing of the shut down should reflect the strength and path of the storm, difficulty in restarting the system and employee preparations. A large storm may activate a mandatory evacuation that limits access to the system.

Also employees will need time to prepare their homes and families to ride out the storm at home or in an emergency shelter.

Shutting down the system too early may cause start-

up problems even at a site that did not experience severe winds and rain.

How to turn off the system also needs to be determined before a storm approaches. While turning off the system by telemetry may be the fastest method and is not impacted by an evacuation order, the sudden action can cause damage to moving parts and control switches, or freeze the automatic controls in the off position.

Another problem is that stagnant fluids allow suspended solids to settle out at low points and elbows in piping and tanks. These solids can cause equipment or line blockage that prevents a remote start and physically damages fittings and instruments.

In the worst case, stagnant liquids can be released into the environment because of storm damage. Besides the broken equipment, secondary damage can occur if liquids drip into the motors and electrical lines or onto the ground.

A manual shut-down can minimize secondary damage since the shut-down can be staged to allow fluids to drain out of the system. Electrical systems can be isolated to minimize damage from high winds and rains. Loose items can be brought back to more protected storage areas.

Restarting the system should occur only after a site inspection is completed. Remote start-ups may be faster but can lead to problems if the storm caused equipment, piping, electrical and instrument damage or filters were flooded by heavy rains.

Once the storm has passed and safe access can be achieved, conduct a pre-start-up safety review. Check the treatment system for damage and the extraction wells for groundwater elevations before turning on the power.

Drain any liquids that were not purged during shut down and manually check the piping and equipment for internal damage and exterior cracks and holes. Low points and instrument sensing lines or floats need to be checked for blockage and cleaned as needed.

Also check the electrical wiring and carbon beds for possible water incursion. Replace if the wiring has been exposed to water or the carbon has been flooded. An electrical short can cause more damage—even a fire—during start-up. Wet carbon will not absorb organics as designed, leading to possible discharge permit violations.

Heavy rains can cause the water table to flood the screened interval of the extraction wells increasing the

GIMPELSON
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Florida
Specifier

P.O. Box 2175
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Michael R. Eastman
Publisher/Editor
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We welcome columns, articles and letters to the editor on any subject or issue pertinent to the environmental, regulatory and technical areas we cover.

We reserve the right to edit all submissions for newspaper style and publish submissions on a space-available basis.

The views expressed in columns authored by industry professionals are their own.

Calendar

July

JULY 8-9—Course: Backflow Prevention Assembly Repair and Maintenance Training and Certification, Venice, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 11-15—Course: Backflow Prevention Assembly Tester Training and Certification, Altamonte Springs, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 11-15—Course: Building the Pyramid, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 12-14—Course: Respiratory Protection, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 12-15—Course: Water Class C Certification Review, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 13—Course: 4-Hour Refresher Course for Spotters at Landfills, C&D Sites and Transfer Stations, Winter Haven, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 13—Course: 8-Hour Training Course for Spotters at Landfills, C&D Sites and Transfer Stations, Winter Haven, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 13-15—Course: Initial Training Course for Landfill Operators and C&D Sites - 24 Hour, Winter Haven, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 13-16—Meeting: 2011 Annual Meeting of the Florida Section of the American Society of Civil Engineers, International Golf Village, St. Augustine, FL.

Call (561) 215-4311 or visit www.fla-asce.org.

JULY 15—Course: Lead: Renovation, Repair & Painting, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 18-21—Conference: AMTA/SEDA 2011 Joint Conference and Exhibition, Miami Beach, FL. Presented by the American Membrane Technology Association and the Southeast Desalting Association. Call (727) 462-0820 or visit www.amtaorg.com.

JULY 18-22—Course: Backflow Prevention Assembly Tester Training and Certification, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 19-21—Conference: U.S. Environmental Protection Agency 12th Community Involvement Training Conference, Community Involvement in the 21st Century: Embracing Diversity, Expanding Engagement, Utilizing Technology. Visit www.epa.gov/ciconference.

JULY 22-30—Course: Backflow Prevention Assembly Tester Training and Certification, Venice, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 25-29—Course: Lead: Supervisor/Contractor, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

JULY 27-29—Conference: 2011 FLERA Annual Conference, Hyatt Regency Sarasota, Sarasota, FL. Presented by the Florida Local Environmental Resource Agencies. Call (850) 561-0904 or visit www.flera.org.

JULY 28-29—Workshop: Hazardous/Toxic Waste Management Workshop, Orlando, FL. Presented by Lion Technology. Call (973) 383-0800 or visit www.lion.com.

August

AUG 4—Course: Lead: Renovation, Repair & Painting, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

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AUG. 4-5—Course: LEED-AP BD&C Overview & Exam Preparation, Crestview, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 9—Course: Asbestos Refresher: Inspector, Destin, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 9—Course: Asbestos Refresher: Management Planner, Destin, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 10—Course: Asbestos Refresher: Contractor/Supervisor, Destin, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG 11-13—Conference: 2011 Annual League of Cities Conference, World Center Marriott, Orlando, FL. Contact Melanie Howe at (850) 222-9684 or e-mail mhowe@lccities.com.

AUG. 15-19—Course: Backflow Prevention Assembly Tester Training and Certification, Destin, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 16-18—Course: Wastewater Class C Certification Review, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 17—Course: Indicators the Health & Status of Your Organization, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 17-18—Conference: 95th Annual FES/FICE Summer Conference & Exposition, Fontainebleau Miami, Miami, FL. Presented by the Florida Engineering Society. Call (850) 224-7121 or visit www.fleng.org.

AUG. 22-26—Course: Backflow Prevention Assembly Tester Training and Certification, Lake Buena Vista, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 23-25—Course: Water Distribution Systems Operator Level 1 Training Course, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 25—Course: Lead: Renovation, Repair & Painting, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

AUG. 26-27—Course: Backflow Prevention Assembly Repair and Maintenance Training and Certification, Venice, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

Visit www.enviro-net.com for additional environmental industry calendar listings.

Opportunity to highlight your green remediation technology at 2011 Florida Remediation Conference

Laura Gimpelson, PE, president of LG Environmental Engineering in Orlando and a regular contributor to the *Florida Specifier*, and National Technical Communications Co. Inc., publishers of the *Specifier*, will be co-hosting a workshop on using innovative green remediation processes at the 2011 Florida Remediation Conference on the afternoon of Friday, Oct. 14, after the close of the annual conference.

During the workshop, a case study will be used to develop a remedial action plan for submittal to the Florida Department of Environmental Protection.

Workshop attendees will review the responses from the various vendors and select one or more to reach cleanup target levels without using excavation or air sparge systems.

A presenter from the Orange County Environmental Protection Division will provide insight regarding how complete a few of the proposals are.

Representatives from vendors submitting the first eight proposals will form the

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amount of groundwater extracted. This will cause the vapor extraction system to shut down due to high water levels. Also the receiving system may not have the capacity to accept the additional flow impacting run times and equipment efficiency.

While these tips may not prevent damage during a major hurricane, they can make the restoration of operations less difficult and time consuming. Preparing for the worst while hoping for the best minimizes surprises, damage and change orders.

Laura Gimpelson, PE, is president of LG Environmental Engineering in Orlando, a WBE providing environmental and remediation services to public and private clients, and offering green remediation courses at www.suncam.com. She can be reached at lg_environmental@bellsouth.net.

panel that discusses the green remediation options to clean up the case study property. Partial solutions are welcomed since the case study may require a staged approach using several green remediation technologies.

The case study is posted on the *Specifier* website, www.enviro-net.com, under the FRC logo.

If you would like to get involved by providing a budget-level proposal to remediate the case study project, please contact Laura Gimpelson at (407) 849-0293 or lg_environmental@bellsouth.net by Aug. 31, 2011.

Florida Specifier

Help us keep our readers informed...

Every month we publish this calendar of environmental industry events...have been for over 30 years now. It's the most comprehensive calendar available of both local events here in Florida and regional/national events of interest to Florida's environmental professionals.

Folks contact us every month with these calendar listings...

But we haven't heard from you yet about your event. Don't be shy—send us the particulars!

Send notices of conferences, seminars, courses, workshops, meetings, expos and other events of interest to environmental professionals working in Florida **at least 45 days in advance of event** to Calendar, *Florida Specifier*, P.O. Box 2175, Goldenrod, FL 32733-2175; fax, (407) 671-7757; e-mail info@enviro-net.com.

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\$325 10/12/2011 8:00 a.m. - 5:00 p.m. CEUs: 0.8

COORDINATOR:

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jrassel@treeo.ufl.edu or 352.392.9570 x212

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SJRWMD reviewing permit application for Volusia groundwater pumping

By PRAKASH GANDHI

St. Johns water managers are reviewing a permit application from a subsidiary of the Miami Corp. to provide water for customers of several west Volusia cities.

Farmton Water Resources has asked the St. Johns River Water Management District for permission to pump up to 7.0 million gallons of water a day.

The application could allow Volusia County and the cities of Deltona, DeLand

and Orange City to augment existing freshwater supplies.

In total, the four utilities are now permitted to pump about 29 million gallons of water daily.

But water managers have told the utilities to reduce pumping in the region to prevent negative impacts to Blue Spring and its manatee population.

The applicant proposes to withdraw 7.0 million gallons of water per day to irrigate 46,060 acres. The type of use will depend on the specific needs of the par-

ticipating water supply partners.

A total of 35 wells are proposed under this bulk water supply project. Each well will be designed to produce an average of 200,000 gallons per day.

Earlier this year, the company got the go-ahead from Volusia and Brevard counties for long-term land use changes on 59,000 acres it owns across the two counties.

About 25,000 homes will be built and there will be about 4.7 million square feet of commercial space on around 19,000 acres. An estimated 40,000 acres will be set aside for conservation.

Representatives for the company declined to comment on the application, saying it was a "private" matter.

Officials with the water management district are in the process of reviewing the application and cannot say for sure how long the process might take.

Among other things, the company's

consultants will have to conduct tests to determine the size and capacity of the aquifer to try obtaining the permit.

"There is a set of criteria that the district uses, but each application is considered on its merits," said Ed Garland, a spokesman for the St. Johns district.

"Among the issues examined are whether there is a reasonable and beneficial use, whether you are impacting neighboring wells and whether there are environmental impacts," he said.

Garland said the district is nearing its sustainable limits of groundwater withdrawal within its 18-county region. This is defined as how much water can safely be withdrawn without causing unacceptable impacts.

"One of the main goals has been working with different partners to look at alternative sources," he said. "It will be interesting to see what happens over the next few years."

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DCA

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frastructure and job creation, economic development, workforce training and tourism.

Under the new Department of Economic Opportunity, Florida's governor can directly approve funds for economic development projects under \$2 million. Funding for projects ranging from \$2 million to \$5 million require notification to the Legislative Budget Commission. Projects in excess of \$5 million must be approved by the LBC.

As with all new legislation, particularly of this magnitude, there are as many questions as answers at this point.

Proponents of the legislation like the new emphasis on economic development,

the elimination of "red-tape" regulations that they feel hinder land development and emphasis on allowing local governments the flexibility to determine what development is best for their communities.

Opponents are concerned that many local governments may not have the staff or the technical expertise required to comfortably assume the coordination oversight role formerly managed by DCA.

Further, opponents believe that land speculation though plan amendment, zoning and land use changes to increase land value for sale without the actual intent to develop will increase the already large volume of excess built or ready-to-build inventory further diminishing the value of developed or existing land approved for development.

PINEY POINT

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stopping the leak of dredge materials from the reservoir.

She said the firm is working to follow up on turbidity issues related to the dredge materials that affected the tail end of the discharge.

Even though the situation appears to be under control, the agency is keeping a close watch on the problem, Miller said.

"The department expects HRK to continue following up its investigation of what caused the liner leak, finalize response efforts related to the emergency discharge, and conduct any repairs that are needed at the site," she said.

Since the leak was first discovered, the department has been collecting samples of the saltwater discharge from the stack's outfall.

DEP officials have been monitoring for nitrogen, phosphorus, conductivity and

chloride in addition to what would regularly be monitored at the site.

The leak is the latest problem to affect the facility where billions of gallons of acidic water and toxic chemicals were left after the Mulberry Company went bankrupt in 2001 and abandoned the plant.

Over six years, about 1.2 billion gallons of treated wastewater was released into Bishop Harbor. HRK took over the property from DEP in 2006. The company signed a \$3.5 million deal with Port Manatee to store 1.5 million cubic yards of dredge material there.

A few weeks after dredging started, HRK reported an increase in the amount of water pushing through the underground drains.

To fight the problem, the company transferred the dredge materials to a nearby reservoir in the phosphogypsum stacks to lower the water levels to look for and repair any leaks.

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JEA
From Page 1

At the May 10 hearing, reservations regarding the JEA permit application were voiced by Neil Armingeon, St. Johns Riverkeeper, and the organization's executive director Jimmy Orth.

Armingeon is an outspoken critic of JEA. He said they have the worst water reuse program in the state. While there is a projection for JEA to up its water reuse effort, Armingeon noted that "there is no requirement, no regulatory teeth in any of this."

He pointed to language in the district

RAYTHEON
From Page 1

cleanup the mess.

Since notifying homeowners in 2008, Raytheon representatives say they have taken steps to manage and minimize the hazards to property located within the contaminated area.

The main part of Raytheon's plan calls for expanding its current pump and treat system to collect polluted groundwater from a network of wells.

The pump and treat method that is already underway will be followed by thermal remediation, a process that will treat the groundwater and soil so remaining contaminants can be safely removed.

The final step, a process called oxidation, will treat contaminants with a neutralizing chemical and is expected to be underway later this year.

This will be Raytheon's third attempt to root out the pollution spilled by its predecessor, E-Systems. The factory has long been used for manufacturing electronic components. Raytheon took over the property in 1995.

Although Raytheon and DEP officials knew in 1999 that the pollution had gone beyond the plant, they failed to notify resi-

WATCH
From Page 5

on the board when plans were initially brought to the public, said the USDA decision amounted to a rules change and was not fair to the city.

City Manager Amy Arrington said the USDA went back to the original application filed eight years ago. That application did not include impact fees or paying for residential hookups to sewer lines. It only covered septic tank abatement.

Arrington said they will have to find other sources of revenue or customers will have to pay for their own hookups, estimated at \$1,000 per connection.

Aqua Utilities rate hike. The Florida Public Service Commission approved a small rate increase for Aqua Utilities, a firm that services over 16,000 water customers in 17 Florida counties.

The PSC, at a West Palm Beach hearing, heard complaints from about 100 Aqua customers residing in Lake Osborne Estates west of Lake Worth. They cited the poor quality of their water.

Aqua serves about 1,200 customers in Lake Osborne Estates. The utility buys water from Lake Worth Utilities and resells it to Lake Osborne customers at more than twice what they pay Lake Worth.

The requested rate increase was \$4.1 million. But the PSC cut that to \$2.6 million. They also reduced Aqua's profit margin from 9.67 percent to 9.42 percent.

Ken Kurz, a spokesman for YES Communities and operator of Amerando Farms, a Gainesville mobile home community served by Aqua Utilities, said there are complaints about residue in the water, cloudy water, disjointed billing and rude customer service.

He noted that residents are paying \$150 a month for water they can't drink. He said YES operates 67 communities in 12 states and this was the only problem like it in their portfolio.

Commissioners noted that Aqua Utilities service quality has been marginal and directed PSC staff to collaborate with the utility and others to monitor improvements.

Calhoun water supply. The Northwest Florida Water Management District has

staff report discussing meeting conditions on wastewater goals in terms of economic feasibility.

"For JEA, there is nothing economically feasible but to increase their use of water and their water rates," he said.

The timetable for providing reuse water calls for JEA create 31.55 mgd by 2020; 37.36 mgd by 2025 and 43.76 mgd by the end of 2030.

While that is far more than the current 11 mgd, Athena Mann, JEA's vice president of environmental services, said the utility is budgeting \$226 million to expand their water recycling capability.

idents until 2008. By then, the waste had spread, contaminating 19 out of 352 irrigation wells tested.

DEP spokeswoman Ana Gibbs said the agency remains committed to the community and to the cleanup.

"DEP's team of professional geologists and engineers, and the U.S. Environmental Protection Agency carefully reviewed and ultimately approved Raytheon's plan that will address the contaminants of concern and will meet the stringent state cleanup rules," Gibbs said.

"It is important to note that DEP previously approved an interim pump and treat system that has already recovered, cleaned and disposed of about 28 million gallons of contaminated groundwater."

While DEP has issued the approval order, Raytheon will still be required to submit reports to show the system will be constructed and operated as proposed, Gibbs said. There will also be continued groundwater monitoring to track the progress of the cleanup.

"Continued monitoring of the system is required for the duration of the cleanup to ensure it is consistently working as efficiently and effectively as possible," Gibbs said.

moved to improve the water system for Pine Island, an unincorporated community south of Blountstown.

The district approved a \$98,607 grant agreement to help Calhoun County develop plans to extend a new transmission line from Blountstown to the Pine Island Water system.

Pine Island has been served by a small privately owned water company and residents have petitioned the county to repair the aging water system.

The county agreed to seek construction funding that involves planning, engineering and environmental services needed to construct system improvements.

Apalachicola Riverkeeper leadership. Meg Nelson, a Walton County native, returned to West Florida as deputy director of Apalachicola Riverkeeper.

Nelson comes back to Florida after working with the Museums of Los Gatos in California. She was part of a team that designed and built the E.O. Wilson Biophilia Center in Freeport, FL.

She will be working with Dan Tonsmeire who was recently name executive director. The Apalachicola Riverkeeper works to maintain fresh water flows from Georgia and Alabama, and sustain floodplain habitats and bay productivity.

Nelson, a master naturalist and master wildlife conservationist, has a degree in chemistry from the University of Washington in Seattle.

Cape Coral utilities director named. Jeffrey Pearson has been named the first Cape Coral utilities director. The appointment was announced by City Manager Gary King. The city interviewed a number of candidates for the post.

Pearson comes to Cape Coral from Jacksonville, NC, where he served as executive director of the Onslow Water & Sewer Authority since 2009. Prior to that, he held two management posts with Charlotte County, FL, utilities.

Prior to his Charlotte County posts, Pearson was the public works director of Spencer, OK, and for 14 years he was unit operations manager for the Oklahoma City Water and Wastewater Utilities Department.

The water management district has also set a timetable for JEA to submit an alternative water supply facilities master plan by Feb. 28, 2015. That plan must provide an additional 20 mgd.

The request to JEA is in line with requests to all big water users in Northeast Florida. "We are in a priority water resource caution area so all utilities have to work to help solve the problem."

The JEA application was approved by the district's board by a 7-1 vote. The lone dissenting vote was cast by Richard Hamann, an associate law professor at the University of Florida.

"I believe the Floridan Aquifer is already over-allocated in Northeast Florida and consumptive use is currently causing adverse impacts to lakes, springs, wetlands and streams," wrote Hamann in a statement to the *Specifier*.

"Until we have a regional water supply plan that includes prevention and recovery strategies for minimum flows and levels, it doesn't make sense to be issuing long-term 20-year permits for large new withdrawals," he wrote.

"This is especially true when the utility has made limited commitments to stringent water conservation and would not commit to reusing all the wastewater it discharges to the St. Johns River. I would have

issued a five-year permit while plans were developed to allow JEA, the natural systems, and other utilities and businesses in the region to have adequate water."

Armingeon contends that Hamann was the only board member who had not made a decision on the permit before the May 10 district board meeting.

St. Johns Riverkeeper has a water policy group headed by Barbara Ketchum. One of their objectives is to make water conservation a major goal. The group plans to promote meetings with JEA to let the public know what they are doing on water reuse.

The water policy group was formed two years ago when plans were put forth to build a surface water withdrawal plant on the river in Seminole County to supply water to Central Florida.

At the time, the Riverkeeper board noted that very little attention was being paid to water conservation.

"Conservation was not funded as an alternative water supply," said Ketchum. "Our goal was to make water conservation a matter of state policy."

And, according to Ketchum, JEA has a long way to go with water reuse too. Their reuse rate is 11 percent, while the reuse rate is as much as 50 percent in some areas of the state.

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American Lung Association issues latest state of the air report

By ROY LAUGHLIN

Six Florida areas were ranked among those with the cleanest air nationwide, according to the American Lung Association's "State of the Air Report 2011."

Port St. Lucie-Sebastian-Vero Beach

was included in the list of the five areas in the country with the best ozone and year-round particulate pollution scores.

Three other Florida areas were among eleven rated the best for annual particulate pollution and 24-hour particulate pollution: Cape Coral-Fort Myers, Palm Bay-Melbourne-Titusville and Sarasota.

Pensacola and Orlando-Deltona-Daytona Beach joined the list of cleanest cities in any single category of air contamination.

No Florida metropolitan area or county surveyed was ranked nationally for the best air quality conditions considering ozone, year-round particle pollution and 24-hour particle pollution combined. Those honors were shared by Honolulu, HI and Santa Fe, NM.

"One of the points with Florida is that we don't pollute (the air)," said Brenda Olson, RN, chief operating officer, American Lung Association of the Southeast Inc. "But we do have areas with poor air quality."

Her comment summarized the fact that air pollution is regional as much as it is local. Winds bring in air pollution from the north and west, at times.

She also noted that while Florida's largest metropolitan areas were not ranked among the worst in the country, they still have poor air quality, at least at times.

In general, California had the largest number of areas with the poorest overall air quality levels. The ALA ranked Bakersfield, CA, as the American city with the poorest air quality. Other cities with particularly poor air quality were in the Southwest and Midwest's rust belt.

The report based comparisons and conclusions on three categories of air pollution associated with human health effects: ozone, year-round particle pollution and short-term particle pollution.

Nearly three-quarters of the report consisted of summary tables—state by state down to the county level—of descriptive statistics for the three air pollutants studied.

Tables included comparisons with income and incidence of specific lung disease and sometimes diabetes.

A striking relationship between air pollution ranking and socioeconomic status of the local population is presented in the summary tables but not discussed in the report.

The numbers indicate that as air qual-

ity declines, the numbers or proportions of the population below the established poverty levels rises. This relationship has been noted routinely in similar survey results.

Olson said that people breathing air of poor quality and lacking access to medical care due to poverty disproportionately develop breathing problems. Details of that relationship remain to be more fully explained elsewhere.

The report's data were collected during the 2007 – 2009 period, inclusive, and were obtained from the U.S. Environmental Protection Agency's Air Quality System, formerly called the Aerometric Information Retrieval System database.

ALA contracted with ASL & Associates, Helena, MN, who compiled the data from the EPA. The data analysis and presentation was done largely in-house by the ALA.

This report is revised annually, using data from the most recent three years of complete data.

The American Lung Association's goal, according to Olson, is to promote health by helping people avoid and manage lung disease.

She said that the data summarizes areas across the U.S. to help people with decisions about where to live and when to avoid outside air pollution.

In addition to this report, she said that there are "resources out there to get real-time air quality monitoring ... so that people with chronic conditions can go and figure out what air quality is today. One is www.airnow.gov."

The website offers daily forecasts as well as real-time air quality conditions for over 300 cities across the U.S., and provides links to more detailed state and local air quality web sites.

Floridians, to a greater extent than residents of most other densely populated states, have better air quality state-wide and less worries about the effects of breathing poor air.

The report is available on-line at www.stateoftheair.com.

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Environmental advocates, residents oppose Gulf County biomass plant

By PRAKASH GANDHI

Residents in northwest Florida say they will continue to fight a proposed biomass incinerator in Port St. Joe even though state regulators have given the project the go-ahead.

The Florida Department of Environmental Protection issued the draft permit for the Northwest Florida Renewable Energy Center in April. Later, DEP evaluated written comments received regarding the project and issued a final permit on June 9, said agency spokeswoman Jennifer Diaz.

The company behind the project, Rentech Inc., says a biomass gasifier will be used to provide synthesis gas to a combined-cycle power plant.

The project is designed to produce about 55 megawatts net of renewable low-carbon base load electric power from around 930 dry tons per day of woody biomass. Most of the project's renewable power has been sold to Progress Energy Florida. The plant is expected to be in service by 2013.

A group of local citizens filed a petition requesting an administrative hearing on DEP's notice of intent to issue an air emissions permit for the facility. The petition was filed by Margaret Sheehan, a Massachusetts-based environmental attorney, on behalf of a group called Help Save the Apalachicola River.

Members of Gulf Citizens for Clean Renewable Energy and Help Save the Apalachicola River later dropped a legal appeal of the air permit. But they are continuing to oppose the project.

Those challenging the permit claim that the regulations have not kept pace with science that shows that small particulate pollution for combustion of substances such as woody biomass have major health impacts on breathing, heart conditions, immune systems and more.

Opponents say the biomass incinerator will have negative impacts on health, water resources, real estate values, tourist attractions and air quality.

Organizations such as the American Heart Association and the American Lung Association and federal and state physi-

cian organizations have also expressed concerns about the burning of biomass.

In addition, a Tallahassee attorney, David Ludder, has submitted a letter to Gov. Rick Scott and the secretary of DEP. Ludder said environmental impacts will be unfairly placed on African-American communities in the area.

"Air pollutants will emanate from the plant, but there will be more impacts than that," Ludder said. "What's important here is that the state could lose millions of dollars in federal funding if EPA determines that the permit was issued in a way that discriminates against minorities."

Ludder said that if the facility is permitted by DEP, his clients intend to initiate legal action against the state.

Emissions from the facility will include hazardous air pollutants, sulfur dioxide, volatile organic compounds and carbon monoxide, Ludder wrote in his letter.

"These emissions, as well as other adverse impacts from operation of the proposed facility, will have a disparate impact

on nearby African-American residents," he wrote.

In his letter, Ludder states that if the DEP grants the air emissions permit, Ludder will respond with a civil rights claim against the agency aimed at having all federal funding from the U.S. Environmental Protection Agency to the DEP halted.

Ludder claims that 69 percent of the population living within two kilometers of the proposed woody biomass plant is African-American compared to 16.4 percent of the county's total population, meaning that African-American residents will be unduly and unfairly impacted by air pollution from the plant.

Rentech officials did not return calls for comment. But they have said the Port St. Joe project will generate nearly 200 construction jobs and about 85 direct and indirect jobs during operations.

"The fuels produced from our process provide numerous environmental benefits during production and utilization," the firm says on its website.

Remediation industry bounces back

Staff report

The U.S. remediation business grew 2.9 percent in 2010 to \$7.7 billion in total revenues, up from 1 percent in 2009, according to annual research conducted by Environmental Business International Inc.

Sixty-two percent of remediation revenues were generated by remediation construction, with the remainder in consulting, design and analytical work. For remediation contractors alone, revenue gain was 9 percent in 2010.

Federal work provided stability to the remediation market, including both U.S. Department of Defense and U.S. Department of Energy contracts.

By contrast, commercial and residential property development ranked in the bottom three client sectors in 2010. With more foreclosures to come, brownfields continues to suffer a domino effect, with size and growth of the brownfields remediation sector seeing further declines.

EBI's annual survey indicates that traditional methods of excavation and off-site disposal, and cap and contain are still the most popular. However, they are used on only 40-45 percent of sites today, down from two-thirds of sites in 1992-2004. Bioremediation, chemical oxidation and monitored natural attenuation were each deployed on at least 10 percent of sites in 2010.

Harmony drinking water undergoes testing

By DAN MILLOTT

Drinking water in the town of Harmony in Osceola County is now undergoing a series of tests to determine if adjustments will have to be made to bring water into an acceptable range of Florida Department of Environmental Protection guidelines.

The tests are being conducted by the Toho Water Authority, the utility that provides water to Harmony.

In April, 2010, state-required tests showed excessive levels of contaminants in the water. Though in small amounts, they did increase the risk of cancer. Those tests also found an insufficient level of chlorine to disinfect the water.

Lisa Kelley, external affairs director with the DEP's Central District office, said they entered into a consent order with Toho to make changes in their water system as part of a pilot project. The alternative would have been to obtain a series of permits to modify the Harmony water system.

"We would rather see them find a solution. Future tests will indicate if the changes implemented by Toho are working and we won't know until mid-July," Kelley said.

Since the consent order was signed, Toho Water began work by relocating chemical feed points in their system. Rick Nipper, Toho's water plant manager, said that changes on both the ammonia and chlorine feed systems were made in early May.

Those changes are expected to reduce the disinfection byproduct precursors. That action will reduce both trihalomethanes and haloacetic acids in the distribution system.

Nipper says that system testing will be ongoing and should last six months, but he said they should have a pretty good handle on conditions after 90 days.

Kelley said part of the problem all

water systems face is a toughening of DEP standards.

Toho Water is posting updates on testing to their company website so residents can get updates on progress.

Besides achieving compliance with DEP standards, steps taken by Toho also have the goals of reducing sulfide levels and the accompanying rotten egg smell, and less flushing of the distribution system.

Both Kelley and Nipper agreed that the capacity of Harmony water system, built to serve 4,000 customers, coupled with the smaller customer count of about 500 creates some problems. With a lower demand on the system, water sits in the lines and gives disinfectants more time to react.

"If there is heavy use, the lines get flushed out sooner," Kelley noted. "More by-products can be produced if the use volume is low so it is a challenge for the folks in Harmony."

Some Harmony residents have complained not only about the smell of the water but the appearance of tiny white particles of calcium that show up. One temporary solution offered by Toho was free faucet filters given out to customers.

Nipper said the violation cited by the DEP was caused in the spike of contaminants in a single month.

"We had 15 months when we were in really good shape and then had one high one that put us over and resulted in the consent order," he said.

DEP tests are computed over a period of months so a high reading in a single month can be offset by normal or below normal months over a 12-month period.

While he feels the steps being taken now will work, Nipper cautioned that if it doesn't work, "we will have to look at alternative treatment methods."

He acknowledged that new methods would be more costly — to Toho and ultimately to the consumer.

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South Florida algae study includes Lee County waters

Staff report

A \$399,000 NASA-funded study seeking sources of algae has recently concluded water testing on three artificial reefs of Lee County.

The study was led by Research Professor Brian Lapointe, PhD, of Florida Atlantic University's Harbor Branch Oceanographic Institute.

Lapointe says information gathered will be part of the data used by the U.S. Environmental Protection Agency in making decisions regarding future nutrient standards entering Florida waterways.

The study is considered vital to Lee County's \$2.6 billion per year tourist industry. The county's convention and visitor's bureau has high interest in the study results.

In recent years, Lee County waters have experienced high levels of red drift algae when the summers have been extremely wet.

The May sample-gathering team included Lee County environmental specialist Mike Campbell and environmental manager Erin Resnake with the state Department of Environmental Protection's South District office.

The three reefs checked were the ARC Barge, Blanda and Belton Johnson. At each, samples were taken from the surface and bottom, then tested for nutrients.

At two of the sites, ARC Barge and Blanda, researchers found excessive levels of Cladophora algae.

Choking blooms of Cladophora formed in reefs in Lee County in 2004 and 2005 when water was released from Lake Okeechobee. That algae can grow in fresh water, but researchers are concerned when it shows up on salt water reefs.

Florida Specifier

August Special Focus:

ENVIRO-NET

Enviro-Labs 2011

List your lab in our annual Florida Specifier Environmental Laboratory Directory and on-line at Enviro-Net.com

Each August, we turn our attention to the environmental laboratory business in Florida. As part of this special issue of the *Florida Specifier*, we include a directory of environmental labs providing services in the state.

You're invited to complete the form below, providing details about your lab and your analytical capabilities. **There is a fee of \$200 to list your lab this year.** (Fee waived for advertisers and FRC exhibitors.) In addition to your listing in the directory, your lab will also be included in a special lab section of our *Enviro-Net* Web site.

Please type or LEGIBLY print the information requested and return as soon as possible to Mike Eastman via fax at (407) 671-7757, e-mail mreast@enviro-net.com or mail to P.O. Box 2175, Goldenrod, FL 32733. You can reach us at (407) 671-7777. The deadline for submissions to the August Lab Directory is **Friday, July 8, 2011.**

(If you were listed last year, we will be in touch. Do not complete this form.)

Please include only Florida-based lab operations' capabilities and services

Laboratory name: _____

Primary Florida address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-Mail: _____ Web: _____

Contact: _____ Title: _____

Locations in FL: _____

State of incorporation: _____ Years under same ownership: _____ years

Lab capabilities/specialties: _____

Sample types: _____

Certifications: _____

Additional services: _____

Number of years in business: _____ years

Staff: Total: _____ Engineers/scientists: _____ Technicians: _____

How has the economy affected labs in Florida over the past two years? _____

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