

Florida Specifier



Practical Information For Environmental Professionals

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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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MFLs for NW Florida waters to be established after years of delays

By ROY LAUGHLIN

The Northwest Florida Water Management District will begin in its next budget year to collect data and undertake the technical analysis needed to set minimum flows and levels for some Panhandle springs and rivers.

This commitment reverses a decades-old district practice of avoiding the deadlines under 373.042(2), Florida Statutes.

The Florida Legislature passed its first law requiring MFL rules in 1972 and has amended it periodically since. That law required the state's water management districts to set minimum flows and levels as a conservation and management practice.

Lauren Engel, a spokeswoman for the Northwest district, wrote in an e-mail responding to questions about this issue that district personnel have identified 18 springs and rivers in their jurisdiction that under law should be subject to MFL rulemaking.

The district currently has no MFL rules on the books but is currently committed to establishing MFLs for seven of the 18 springs and rivers during the next 15 years.

In early February, the district's gov-

erning board appropriated \$260,000 to begin implementation of enhanced hydrologic data monitoring and services critical to the development of MFLs, as well as district-wide hydrologic data collection.

In addition, the district's proposed fiscal year 2013-2014 budget includes approximately \$1.3 million for MFL

MFL
Continued on Page 14



Photo by Kevan Loller

Dr. Kimberly Ritchie, senior scientist with Mote Marine Laboratory, and Dr. Billy Causey, Southeast National Marine Sanctuaries manager, collect coral larvae for toxicity testing of oil and oil dispersants. Their study conclusions might surprise you. See story on Page 14.

Florida Cabinet extends 30-year no-bid land leases to Big Sugar

By SUSAN TELFORD

By unanimous vote, the Florida Cabinet agreed to extend no-bid land leases for 30 years on 13,000 acres of state-owned land currently used by Florida Crystals and A. Duda and Sons.

In exchange, the companies have agreed to sell parcels of land that the South Florida Water Management District needs for Everglades restoration.

Over the objections of environmental groups that urged the panel to approve shorter terms for the leases, Gov. Rick Scott, Attorney General Pam Bondi, Agricultural Commissioner Adam Putnam and Chief Financial Officer Jeff Atwater agreed with the state Department of Environmental Protection and SFWMD's recommendation to support the deal.

Under the terms of the agreement, the district would pay Duda \$1.9 million for 638 acres of land in Glades County. This parcel is needed to restore Lake Hicpochee.

Priced at 56 percent below the appraised value, the land seems like a good deal. However, the district will have to pay the full price of \$16.9 million if it decides to buy the adjoining 2,489 acres in the future.

The other deal is to swap a portion of the 27,000 acres of land the district purchased from U.S. Sugar in 2010 for 4,700 acres the district needs for another restoration project. The owners of the 4,700 acres, Florida Crystals, also want 30-year no-bid leases from the state.

SFWMD Executive Director Melissa Meeker said that extending the leases on state land is part of the Everglades restoration effort and is critical to ongoing negotiations between the district and the companies owning tracts

bordering the Everglades.

Meeker told cabinet members that those tracts are needed for "shovel-ready" projects on parcels adjacent to state-owned lands that impact the Everglades and the Caloosahatchee River.

The leases will allow the state to negotiate with each tract owner for the property it wants to buy. Many of the parcels are being purchased for half of their appraised value, which the district considers a good deal considering that

it has little money to spend for additional land purchases.

It is not so much the land leases that environmental groups oppose; it's the length of the leases that make them question the wisdom of the state. They believe that the agreements will tie the hands of state officials as the decades-long Everglades restoration effort con-

LEASES
Continued on Page 12

Scott's budget proposal for environmental funding emphasizes water resources

By PRAKASH GANDHI

Florida Gov. Rick Scott has proposed a budget with more than a billion dollars for the environment in Florida with a strong emphasis on restoration projects in the Everglades and water quality improvements.

His proposed \$1.2 billion budget places a priority on projects that protect and renew the state's water resources.

Scott doubled the amount of money to be spent on Everglades restoration last year. The plan builds upon a \$1.8 billion investment in Everglades water quality improvements.

He earmarked \$60 million to fund his Everglades water quality plan and to continue funding for the Comprehensive Everglades Restoration Plan.

The budget includes design, engineering and construction of flood control projects to enhance water quality and ensure a reliable water supply for southern Floridians.

Scott also earmarked \$269.5 million

for restoring waterways and water supply. The budget includes an increase of \$6.5 million for springs restoration and funding for wastewater treatment facility construction, drinking water facility construction and water quality planning.

In addition, he proposed \$135 million for the petroleum cleanup program, and \$75 million for the Florida Forever program.

His budget recommended \$50 million in budget authority from the proceeds of the sale of surplus state lands and an additional \$25 million from the general revenue to buy land needed for springs restoration, military buffering or water resource protection.

Another \$25 million is being proposed for beach erosion control to help local governments with beach and dune restoration, beach nourishment, inlet sand bypassing and regional sediment management.

Scott's proposed budget has drawn

BUDGET
Continued on Page 13

EPA releases 2012 enforcement and compliance report claiming significant environmental, health protections

Staff report

In 2012, the U.S. Environmental Protection Agency conducted enforcement and compliance actions that reduced pollutant loads to air, water and land by 2.2 billion pounds; hazardous wastes reduction equaled 4.4 billion pounds; and the agency obtained \$252 million in civil and criminal penalties.

The agency prioritizes enforcement action in several categories. First on its list was "sustained and focused enforcement attention on serious violators of clean drinking water standards." They reported

a 60 percent decline in serious breaches of drinking water standards by public water utilities.

Combined sewer systems that may overflow from excess stormwater and release sewage to surface waters was the second area of focus. EPA reports progress collaborating with local utilities to adopt green infrastructure that is affordable and provides multiple benefits.

The agency noted that it will bring criminal prosecution against polluters that threaten the public health when they don't

use required pollution control, willfully violate pollution control rules or falsify information with consequences that threaten public health or result in death or serious harm.

EPA also reported an increasing emphasis on facilities that emit air pollution and are required to monitor and report emission data to the public.

The agency allocated an additional \$44 million from settlements to support environmental projects that benefit "impacted communities."

They characterized this effort as part of a larger environmental justice effort.

EPA has made a special effort to make compliance results available to the public in the hopes that public accountability will increase compliance. Using a web browser, any interested person can view compliance efforts by geographical location, or by the type of emission, energy extraction or hazardous chemicals.

The data are also summarized by region. EPA Region 4, which includes Florida and seven other southeastern states, initiated 492 enforcement and compliance actions and has settled 482 of them in the past year.

In Region 4, 1.7 billion pounds of pollution has been reduced, treated or eliminated. In addition, 192,000 pounds of hazardous waste was treated, minimized or properly disposed of. Plus, nearly 45 million cubic yards of contaminated soil and water will be cleaned up as a result of enforcement actions.

As substantial as the 2012 results seem to be, they do not include some large recent compliance judgments against BP for the Deepwater Horizon oil spill.

The complete results are available online at <http://www.epa.gov/enforcement/index.html>

Risk assessments for household chemical. The EPA moved into uncharted territory when it recently released draft risk assessments—under the Toxic Substances Control Act work plan—for five chemicals commonly used in household products.

The purpose of the action is to identify for future assessment chemicals that could have adverse impacts on the environment and human health.

The five assessments cover the following: methylene chloride; dichloromethane (DCM) and n-methylpyrrolidone (NMP), used in paint stripping products; trichloroethylene (TCE), used as a degreaser and aerosol-applied protective coating; antimony trioxide (ATO), a flame retardant used along with halogenated chemicals; and 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta (gamma)-2-benzopyran (HHCB), a fragrance used in commercial and personal care products.

The draft risk assessments for DCM, NMP and TCE reflect potential concern for human health, under specific exposure scenarios for particular uses. For the other two chemicals, ATO and HHCB, the risk assessment reflects a low concern for ecological health.

For the first three, those judged to have some potential risk to human health, the EPA is recommending that the public follow label directions and use commercial products containing them outside, or with good ventilation, or with protective equipment that significantly reduces human exposure.

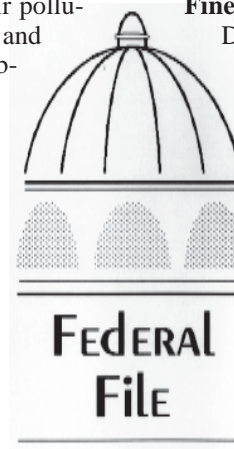
The draft assessments will first be open for public comment, followed by independent, scientific peer review. The public comment period will end the first week of March.

The agency hopes to begin final rule development in the fall. Final rules will focus on human health or ecological hazards subject to regulation under TSCA.

In 2012, EPA also initiated assessments

for two additional chemicals, both chlorinated paraffins. These assessments will be released when they are completed.

On June 1, 2012, EPA also released a list of 18 additional chemicals that were added to the ongoing assessment work plan in 2013–2014.



Fine particle pollution outreach. In December, EPA updated its national air quality standards for fine particulates, those in the 2.5 micron size class, PM_{2.5}. The new standard is 12 micrograms per cubic meter. The former standard was promulgated in 1997 and most areas in the country meet those standards.

In January, EPA announced its PM Advance program to assist local authorities and communities that now meet the 1997 standard to continue to meet the most recently established ones.

The agency said that its new program, which is voluntary, will supply technical advice and other support and outreach information, noting that its technical experts can suggest compliance strategies that make sense for given areas and are cost-effective.

More information is available at <http://epa.gov/ozonepmadvance/>.

EPA award for Tallahassee. The city of Tallahassee's Underground Utilities won a prestigious EPA Consumer Confidence Report Excellence Award. Annually, the agency gives these awards to recognize water systems with exemplary consumer confidence reports.

EPA, in cooperation with the Florida Department of Environmental Protection, requires public drinking water suppliers to prepare an annual drinking water quality report and disseminate it to customers. The report includes general reporting requirements, such as the source of the drinking water, possible susceptibility to contamination, identification of contamination and possible health effects, and educational information about substances ubiquitously present but sometimes harmful such as nitrate, arsenic or lead.

Excellence awards are given to utilities in six categories that are broken into large, medium and small groundwater systems, and large, medium and small surface water systems. Tallahassee received the excellence award in the large underground utilities category. It was the only public drinking water utility in Florida to receive any award through this program.

Good news, bad news on fracking. By 2030, the U.S. may be substantially self-sufficient in fossil fuel energy production, according to the new report "Global Trends 2030: Alternative Worlds," a publication of the National Intelligence Council.

The report said it is possible that the availability of shale oil will help make the country not only self-sufficient, but able to produce oil for \$44–68 per barrel. The report noted that by 2020, 5 to 15 million barrels per day of shale oil might be available.

During the past five years, shale gas production, made economically viable by horizontal drilling and high pressure fracking in shale formations, has increased U.S. natural gas production by 50 percent per year and is poised to turn the country into a natural gas exporter.

Using conventional oil extraction methods, global oil supplies might increase one percent per year, according to the report. But by using new extraction technologies, U.S. shale oil production will be multiples of that one percent value.

All that is the good news. Its contribution to climate change is the bad news.

Increasing emissions of CO₂ into the atmosphere will accelerate climate change. And drought, which limits the amount of

FEDFILES

Continued on Page 12

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Appeals court denies Seminole Tribe attempt to block FPL power plant

Staff report

A Florida appeals court has denied a second attempt by the Seminole Tribe of Florida to quash a Hendry County ordinance that would allow Florida Power & Light to build a power-generating plant on over three thousand acres near its reservation.

FPL's proposed natural gas plant and solar energy farm would generate 3,750 megawatts of electricity.

The tribe, along with several environmental advocacy groups, has other appeals still pending.

They argued that Hendry County commissioners' unanimous vote to adopt the ordinance—rezoning the land from agricultural to planned unit development—violated their own land development code.

The tribe also cited concern over the plant's impact on the ecosystem, water and wildlife.

The tribe, the Sierra Club, the Conservancy of Southwest Florida and the South Florida Wildlands Association oppose the plant.

The groups question the proposed plant's impact on air quality and water consumption, noting it would require up to 7.5 million gallons of water daily to cool each of its three units.

Miramar waste. A circuit court judge sided with start-up solid waste company Sun Bergeron, ruling that it legitimately won the city of Miramar's trash disposal bid.

The ruling paves the way for other cities to join Miramar's contract.

The city and Sun Bergeron landed in court when Miramar became the first city in Broward County to hire a new solid waste disposal company in July.

The deal effectively broke up Wheelabrator Technology's 25-year hold on garbage disposal within the county.

Wheelabrator claimed that the city's bid process favored Sun Bergeron by giving the company a second chance to lower its initial bid for the contract.

But Judge Jack Tuter said that in accordance with the state's Sunshine Laws, the city gave both companies an equal opportunity to negotiate a lower price for the contract.

Wheelabrator also claimed that Sun Bergeron was not qualified to meet the demands of the trash disposal contract, and had neither the experience nor the proper facilities to dispose of the trash.

Judge Tuter said there was no evidence suggesting Sun Bergeron could not fulfill the requirements of the contract.

Miramar said the new contract will go into effect in July.

Pilot recycling in Wellington. A new pilot recycling program in the village of Wellington, Recycling On the Go, will provide citizens with a chance to recycle while enjoying some of the county's public recreational spaces.

New bins are being supplied free of charge to the village. The blue metal bins have neon green tops that illustrate what refuse is acceptable for recycling.

The bins also have round cut-outs on the top. Recycling bins and regular trash bins are located close together so the public won't be tempted to throw all their trash in one bin or the other.

Wellington officials said residents already do an excellent job with the village's residential curbside recycling program.

Wellington is the first community in Palm Beach County to earn the title of Gold Certified Green Local Government. The designation is given by the Florida Green Building Coalition to cities and counties that make "going green" a part of doing business.

Orlando solar. The city of Orlando has installed solar panels on the roof of their Fleet Management Division building.

The solar project is part of Green Works Orlando, the city's sustainability initiative to engage everyone who lives, works and

visits Central Florida in the effort to be greener.

A total of 1,392 solar panels are being installed in the three-array system which covers about 50,000 square feet.

The 417-kilowatt solar array will save the city an estimated \$800,000 in energy costs over its 25-year life-span.

In total, the project will generate enough energy to power about 43 average Orlando homes and offset emissions equivalent to planting 2,400 trees.

People in the news. Pavese Law Firm Partner Katherine R. English has been appointed to the Florida Farm Bureau's Water and Natural Resources Advisory Committee. English focuses her practice on environmental and agricultural law, and has extensive agricultural experience.

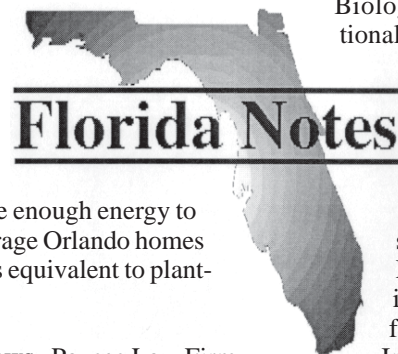
James Getting, PE, has joined the Florida operations of SCS Engineers as a project director. He will be responsible for assisting SCS clients in the Southeast with landfill gas management and other solid

waste management needs. He has more than 30 years of experience in the landfill gas industry.

Kevin Wright, PE, a professional engineer at the Suwannee River Water Management District, is one of 13 young engineers across the nation nominated by the American Society of Agricultural and Biological Engineers for the National Engineers Week Foundation New Faces of Engineering 2013. Wright is the first ASABE candidate to be selected in the top five twice.

Company news. Consulting and engineering firm McKim & Creed has expanded its water resources service portfolio through the acquisition of Infracore Consultants Inc. based in Atlanta, GA. McKim & Creed has seven offices throughout Florida.

Global consulting, design and construction services firm Golder Associates has strengthened its environmental services portfolio and its design-build capabilities through the acquisition of InterGEO Services Inc., based in Trevose, PA. Inter-Geo is a geo-environmental contractor serving the waste management, power, oil and gas, transportation, and mining industries.





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Florida Keys underwater laboratory gets second life, courtesy of FIU

Staff report

An underwater laboratory, now operated by the U.S. government but facing eminent demise due to budget cuts, got new life when Florida International University agreed to take over the aging facility.

The 81-ton yellow pressurized steel tube lab is anchored 60 feet below surface next to a Key Largo coral reef. The lab,

dubbed Aquarius, is the last known underwater research lab in the world.

When it was learned that federal budget cuts could spell the end for the lab, FIU's School of Environment, Arts and Society Executive Director Mike Heithaus saw a great opportunity.

He recognized that work the school is now conducting fits in well with the research possibilities offered by the lab.

Last year when the National Oceanic and Atmospheric Administration signaled plans to scuttle the lab, a firestorm of protests came from the scientific and political community. NOAA awarded FIU a \$600,000 six-month grant to cover basic maintenance of the facility.

To continue the lab's operation, FIU has to come up with a business plan incorporating financial support from other government agencies, private industry and groups, and other universities.

as a hazardous waste site, restoration project and water storage area on the other.

For two decades, bulldozers and levees have been used around Lake Apopka to manage water pollution and pesticide contamination in former farmlands. Those restoration efforts will continue.

Dave Walker, the district's basin program manager, said that project focus will shift more to wildlife benefits and citizen's use while work continues on water quality improvement and curtailing pesticide intrusion into the Lake.

Waldo wastewater. A January start on a new \$5.3 million wastewater system will allow the city of Waldo to decommission its current treatment plant and construct a new pump station and force main to interconnect with Gainesville Regional Utilities to provide treatment of the city's wastewater.

The current plant, constructed in 1985, is now operating under a Florida Department of Environmental Protection permit that allows the city to discharge treated effluent to surface waters via three constructed on-site wetland cells. The effluent then flows into natural wetlands, eventually discharging into the Santa Fe River.

The DEP issued a consent order to the old plant due to nutrient, toxicity and surface water quality issues. This prompted the city to secure a \$2.5 million U.S. Department of Agriculture loan and a \$2.8 million grant to construct a master pump station and a 10.5-mile pipeline along State Road 24 to connect with Gainesville Regional Utilities.

According to Waldo Mayor Louie Davis, the connection to GRU plant will help improve water quality conditions in the Santa Fe River.

Lake Apopka cleanup shift. The St. Johns River Water Management District took steps recently to emphasize upgrading public access and improving wildlife habitat on the northern shore of Central Florida's Lake Apopka.

At the same time, efforts to clean up the lake plagued with pea green water and pesticide contamination will continue.

A major problem area for the lake is its 31-square-mile North Shore section. The area is remarkably beautiful but has experienced great devastation.

The North Shore area, formerly farmland, is both a park, wildlife refuge and bird watcher's paradise on the one hand, as well

New Umatilla plant. The city of Umatilla turned the tap on a new \$1.3 million water plant in mid-January. The new plant will serve 1,500 water customers.

Upgrades to the system include new pipeline that will connect 116 new customers previously served by the South Umatilla Water System.

Alan Kirkland of the Lake County Public Works Department said the new Umatilla plant was needed in order to meet standards set by the Florida Department of Environmental Protection.

Funding for the plant came from a grant via Lake County's Community Development Block Grant Program.

Black Creek cleanup. A debris cleanup of Clay County's Black Creek kicked off in late January. The cleanup was necessitated by damage caused by Tropical Storm Debbie.

The Clay County Emergency Management Department and the Clay County Sheriff's office are working with the Florida Department of Environmental Protection's Natural Conservation Service on the project.

The estimated cost of the project is \$84,000 and will be paid for with state and federal funds.

John Ward, Clay County's emergency management director, said the cleanup would take four to five weeks to complete.

He said the debris includes trees, vegetation, sunken recreational boats, unclaimed dock debris and various household appliances.

NWFWMD projects. The Northwest Florida Water Management District Governing Board recently approved two water projects totaling \$435,845 for Washington County and the city of Blountstown.

In January, the governing board approved an agreement to fund up to \$200,000 in Washington County for a series of stream bank restoration and protection activities along Holmes Creek.

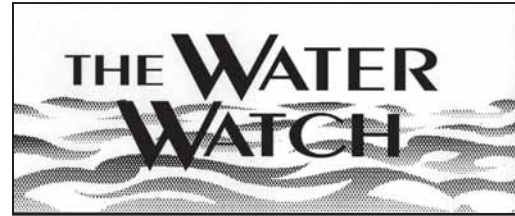
The board also approved up to \$235,845 in grant funding to the city of Blountstown to complete needed repairs and upgrades to its drinking water distribution system.

The Washington County agreement calls for the district to provide funds to complete environmental restoration, protection and improvement projects and repairs at the Hightower, Spurling and Live Oak landings within the Holmes Creek water management area.

At all three sites, vegetative retaining walls will be constructed to help reduce erosion and restore natural functions.

Additional protection activities include constructing several stormwater facilities that will help capture and treat runoff before it enters Holmes Creek, a major tributary of the Choctawhatchee River.

Under the Blountstown agreement, the district will provide funding matched by the city to replace 5,500 linear feet of existing pipeline running under State Road 20. The existing pipeline requires extensive maintenance and repairs leading to periodic disruptions of service.



WATCH
Continued on Page 5



The St. Johns Riverkeeper
Lisa Rinaman

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Wekiva rally increases awareness of springs' plight

By SUSAN TELFORD

Former Senator Bob Graham and Seminole County Commissioner Lee Constantine, along with the Florida Conservation Coalition, Friends of the Wekiva River, St. Johns Riverkeeper and other environmental organizations gathered last month at Wekiva Springs State Park to raise awareness about the need to restore the impaired Wekiva River, the troubled springs that feed it and all of Florida's treasured waterways.

"Each one of us needs to step up and be a better steward of the earth," said former Senator Bob Graham, founder and chairman of FCC.

"Through education and raising awareness, we can avoid future environmental problems like what's happening here," he said. "It's time to raise awareness, participate in events like this and get involved for future generations."

Representatives of FCC gathered sig-

natures from event attendees for the Water and Land Conservation Amendment, an amendment that will ensure funding for protecting and restoring Florida's springs, rivers and natural areas.

FCC hopes to get at least 676,811 signatures to put the amendment on the November ballot. If approved, the amendment would take effect July 1, 2015, and would raise about \$10 billion over 20 years without any new taxes or tax increases.

The money would be set aside for the Land Acquisition Trust Fund until 2035 to clean up the Everglades, protect drinking water sources, support fish and wildlife programs and put some momentum behind the state's commitment to protecting Florida's natural resources.

"We're here today to get the message out about the importance of taking care of the environment," said Kristin Nowak, fluvial geomorphologist for AMEC.

Nowak and co-worker Jacqueline Levine took Graham's words to heart. They brought visual aids and all types of hands-on teaching tools to educate rally attendees about the springs and rivers, and the plants and animals that inhabit them.

WATCH

From Page 4

Dixie County water storage. The Suwannee River Water Management District is restoring the hydrology and water storage of its Steinhatchee Rise property in Dixie County.

The project will reconnect more than eight million gallons of water storage capacity and rehydrate about 50 acres of wetlands to help return the property to its natural condition.

Called the Steinhatchee Rise Dispersed Water Project, it will improve water quality in the river and estuary, reduce downstream flooding impacts, increase water storage and improve natural systems.

The project will mimic natural conditions, retaining excessive water flow from the upstream floodplain through a seven-mile-long ditch eventually discharging to the Steinhatchee River.

The plan also calls for setting up ditch blocks on a portion of ditch before the water reaches the river, diverting it to adjacent wetlands for rehydration.

Casselberry drinking water. The city of Casselberry is implementing new technology to replace water pipes throughout its jurisdiction.

More than half of a \$10-million grant for the water pipe replacement project was awarded because the process to be used is environmentally friendly.

All of the pipe replacement work takes place underground, according to Alan Ambler, water resources manager for the city. Old pipe is fractured, removed and replaced with new plastic pipe.

Workers attach a metal head at the front end of the new plastic pipe that breaks up the old cement pipe. When the new pipe is in place, a hydraulic system pulls the metal head out of the ground.

There are 100 miles of pipeline beneath Casselberry streets. The current project will fund the replacement of 35 miles of the system.

The new pipes are expected to last between 50 and 100 years.

New director in Loxahatchee Groves. The town of Loxahatchee Grove's Water Control District has found a new administrator. The district hired Stephen Yohe, a former public works director for North Palm Beach. He began work in mid-February. Yohe replaces Clete Saunier who managed the district for 15 years. He left in November of 2012.

NFWFMD field office move. The Northwest Florida Water Management District's Crestview field office will relocate one block north to 180 E. Redstone Avenue in Crestview on March 5.

The Crestview field office administers the district's environmental resource permitting, wells and surface water programs.

The field office's telephone and fax numbers will remain the same.



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Industry Trends and Implications

Craig Hurst, Groundwater & Environmental Services Inc., Ft. Lauderdale

Complying with Continuing Obligations on Real Property

Nick Albergo, PE, DEE, HSA Engineers & Scientists, Tampa

The 2013 Florida Legislative Session in Review

John J. Fumero, Sundstrom, Friedman & Fumero LLP, Boca Raton

Can we PARM Yet? Groundwater Quality after Remediation at Multiple Sites in Florida

Drew Baird, PG, REGENESIS, Greenville, SC

Regulatory Panel:

*Glenn MacGraw, PG, The FGS Group, Tallahassee
Wilbur Mayorga, PE, Miami-Dade County, Miami
David Vanlandingham, PE, Broward County, Plantation
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Day Two Agenda Includes:

Panel—Brownfields Advantaged Cleanups in Florida: Policy, Practice, Metrics, Mechanics & Economics

*Michael R. Goldstein, Esq.
The Goldstein Env. Law Firm, Miami
David Vanlandingham, PE
Broward County, Plantation
David Goldman, PG
Kimley-Horn & Associates, Jacksonville*

In-Situ Soil Blending

*John Haselow, PhD, PE
Redox Tech LLC, Cary, NC*

Use of Horizontal In-Situ Thermal Remediation Wells for Remediation of Hydrocarbons in Urban Environs

*Grant Geckeler
TPS Tech America, Los Angeles, CA*

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TRI relays good news, bad news on toxic releases

By ROY LAUGHLIN

Although a substantial increase in mining wastes in 2011 increased the country's total for toxic chemical releases into the environment, trends in air emissions continued to improve.

This is the big-picture view of the U.S. Environmental Protection Agency's 2011 Toxics Release Inventory recently released.

The eight percent annual decrease in hazardous air pollutant emissions is the good news. Since 2009, HAP emissions have declined more than 100 million pounds, according to a statement made by recently retired EPA administrator Lisa Jackson.

Even better with respect to HAP emissions is that hydrochloric acid and mercury—two pollutants that have been the focus of recent rules to reduce their emission from coal-burning power plants—showed substantial decreases.

The EPA attributed this to the installation of effective control technologies at coal power plants and perhaps more importantly to a shift to other fuel sources, especially natural gas.

Reductions in releases of pollutants and contaminants to surface water have also declined. For water contaminants, the decline was three percent.

In the inventory, releases to surface waters are treated as one category and wastes injected underground are considered a separate category. Estimates for the disposal of each during 2011 were 220 million pounds. These two categories, with identical values, receive the smallest amount of waste by far.

On the bad news side, land disposal, with a total of 2.44 billion pounds of waste inventoried, increased 19 percent since 2010. Most of this increase is attributable to the expansion of the mining sector and the disposal of ore wastes. Considering all categories of wastes in the inventory, metal mining accounted for 46 percent of the total wastes.

Electric utilities, which dispose of coal ash and fly ash, were the next largest category, at 15 percent, just a third of the metal-mining category.

Wastes produced by the chemical industry were the third largest category of wastes overall, accounting for 12 percent.

In its discussion of TRI results, EPA noted that waste totals for metal mining are significantly dependent on the quality of the ores mined; more ore is mined if it is of lower quality. Recent commodity price increases apparently made the extraction of marginal ore deposits, which produce more waste, economically viable.

The TRI report includes several subsections with details about the spectrum of wastes inventoried.

HAP emissions dropped to their lowest level in 2009, and since then have oscillated between 55 and 60 million pounds per year. The improvement is substantial.

The pattern for polychlorinated biphenyls is paradoxical. In 2003, 27 million pounds of PCBs were disposed of or released. In 2005, just slightly more than one million pounds were released or disposed of. But since 2005, the trend has been upward, and in 2011 was well over five million pounds.

Because PCBs are no longer being manufactured or used in the U.S., EPA said the increase is due either to site cleanup efforts or to retirement of PCBs taken from electrical capacitors and transformers.

Dioxin and dioxin-like compounds are also showing a similar, but more damped rebound. In 2009, about 30,000 grams of these compounds were released. In the last two years of reporting, the trend is upward with about 55,000 grams released in 2011.

The chemical industries accounted for 77 percent of the dioxin and dioxin-like

TRI Continued on Page 13

In-situ alternative to conventional field testing hits market

By ROY LAUGHLIN

Remediation feasibility testing is often a time-consuming and costly component of soil and groundwater cleanup projects. The In-Situ Microcosm Array, or ISMA, is a recently developed alternative to conventional pilot testing in the field.

The ISMA is an in-well flow through sediment column microcosm. The sediment test column allows for testing amendments added to the water, as well as the capability of microorganisms and efficacy of chemical agents to degrade contaminants. It can be exploited as an inexpensive, simultaneous and rapid evaluation tool under ambient conditions.

The apparatus is now available commercially in a self-contained, solar-powered configuration. The manufacturers describe it as "sustainable and compatible with deployment in remote locations."

The sediment column can be placed in existing or newly drilled wells on a remediation site.

The technology is not an off-the-shelf product.

"It is a custom implementation for the site," said Phil Dennis, senior manager at SiREM, which is now offering the ISMA in conjunction with In Situ Well Technologies LLC. "It's a substitute for a field pilot study. To my knowledge, there's never been anything like this on the market."

Rolf Halden, professor of engineering and director of the Center for Environmen-

tal Security at Arizona State University's Bio Design Institute developed the ISMA technology. His research group has a significant reputation for developing environmental tools.

ISMA technology "has been independently validated by the environmental security technology certification program," according to a SiREM press release. This certification program is operated by the U.S. Department of Defense's Environmental Research Program.

SiREM officials note that smaller scale in-situ testing is more cost-effective than alternative testing protocols.

It can economically evaluate multiple remedial options, collect essential technical design information to aid selection of the most desirable treatment option, provide greater confidence in the selected remediation treatments' performance under ambient conditions on site and provide better information to estimate the costs of full scale remediation systems.

Dennis summarized the value and benefit of the new technology by noting that the unit has been shown to be effective.

"If you can get it to work in the lab, it may be a realistic option in the field," he said.

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CARES stewardship program expands

By DAN MILLOTT

It started in 2001 when farmers and ranchers in the Suwannee River valley latched on to the idea that farmers and ranchers are the stewards of the land. Thus was born the County Alliance of Responsible Environmental Stewardship.

Scott Eubanks, associate director of agricultural policy for the Florida Farm Bureau, said CARES was started to promote environmentally sound and economically viable farming.

The program recognizes farmers and ranchers who voluntarily implement best management practices.

He said the Florida Department of Agriculture first established BMP's in the mid-90s for water quality and quantity within the state.

The Florida Department of Agriculture and the farm bureau joined forces with the University of Florida's Institute of Food and Agricultural Sciences, the Florida Department of Environmental Protection, the state's five water management districts and trade group's like the Florida Cattlemen's Association to promote CARES.

To date, over five thousand farmers and ranchers have enrolled in the program.

William Carte, a Suwannee County farmer and rancher, has been a part of the program since he was recognized for his work in July of 2001. He said 80 percent of farmers in Suwannee have signed on to CARES.

Eubanks said farmers and ranchers involved in CARES cover about 3 million acres of Florida's agricultural lands.

He described CARES as a three-legged stool. First, there is outreach, education and the extension of research from the University of Florida. Second, the county extension offices establish BMPs. And third, the farm bureau recognizes farmers and ranchers who implement those BMPs.

UF scientists have made recommendations including the proper use of fertilizer, as well as techniques and practices to insure that there are buffers for bodies of water and that there will be no cow pens placed in areas with no buffers.

CARES
Continued on Page 13

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Dr. Jeff Flowers (center) congratulates Charles Schilling, GC/MS Operator (left), and Steve Welsh, Laboratory Sample Coordinator (right), for 25 years of service at Flowers Chemical Labs

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Jax officials seek cleanup help for contamination from 19th century MGP

By SUSAN TELFORD

The pollution at a Jacksonville gas plant started in the 19th century. But city officials want investors who bought the property next to the city's historic Confederate Park to help pay for its cleanup.

More than a century after Jacksonville Gas Co. manufactured gas for streetlights and home use, the cost of cleaning up the coal tar that accumulated on nearby properties has become a problem for Robert Van Winkel, the co-owner of the semi-demolished Park View Inn located at 901 Main

Street.

"It's a city problem," said Van Winkel in a statement regarding the site cleanup.

According to a lawsuit filed in July, pollutants including benzene, arsenic and polycyclic aromatic hydrocarbons were found on the defunct manufactured gas plant site as well as the site of a former food service company located at 937 N. Main St.

The pollution allegedly migrated to city property—including Confederate Park—and the city wants those liable to pony up. Landowners are legally responsible for pollution on their property.

The city has asked a federal judge to declare the owners of the Jacksonville Gas Co. site, located at Main and Orange streets, financially liable for some of the costs for remediation and cleanup—even though the pollution occurred from 1874 to 1912.

The city discovered the pollution in 2001 and signed an agreement with the Florida Department of Environmental Protection to address the issue.

In 2009, DEP asked the U.S. Environ-

mental Protection Agency to add the site to its Superfund National Priorities List.

One investor said the city owns most of the contaminated land and "can't expect small landowners to pick up the tab" for a problem dating back generations.

Michael Wedner, deputy general counsel for the city, stated in an e-mail that "because the city is in ongoing collaborative efforts among interested parties to resolve the matters presented, I have to respectfully decline comment at this time."

Pensacola's ECUA seeks solid waste management alternatives

By DAN MILLOTT

When the cost of trucking waste to a local landfill jumps by over 40 percent in three years, management will inevitably look for better alternatives to dispose of 100,000 tons of refuse annually.

With that cost increase in mind, the Emerald Coast Utility Authority in Pensacola began to look at a new technology that converts waste streams into refuse-derived fuel, RDF.

Steve Sorrell, chief executive officer of ECUA, said the utility has had discussions with California-based Rainbow Environmental Services to do just that.

Sorrell said Rainbow has developed a method of reclaiming all the combustible material from waste and turning it into palletized or shredded fuel stock. ECUA's board was scheduled to vote on a proposal from the company in late February.

Escambia County runs the 300-acre Perdido Landfill and is not happy about the prospect of losing most of the revenues received from ECUA if the authority converts to the new technology.

Sorrell said the county passed a flow control ordinance three years ago requiring all entities, including ECUA, to use their Perdido facility.

"They have raised the rates 41 percent over the last three years," he said. "And they are telling us that they plan to raise them by 3.5 percent in each of the next two years."

Because of those price hikes, technology that was once uncompetitive price-wise is now within reach for potential customers like ECUA.

Since everyone pays to place refuse in the landfill, the cost increases over the last three years and those projected in the future must eventually be passed on to ECUA's customers.

Sorrell says there are two major reasons for considering the change.

"The first is that the technology has ad-

vanced to the point where it is usable and has spread nationwide," he said. "The second is the economics of it. It's now cheaper to convert waste to fuel than to bury it."

As a landfill, Perdido has generally received high marks. It's the cost that's the sticking point with ECUA.

Because of Escambia County's proximity to adjacent states, ECUA would normally have the option of trucking their 100,000 tons per year to a landfill in neighboring Alabama, Mississippi or Louisiana.

The county now charges \$42.07 a ton for the waste. At the out-of-state landfills, the disposal rate averages \$22 a ton. But the county's flow control ordinance makes any out-of-state option legally impossible.

Sorrell said ECUA management is trying to run the utility like a private business. "We are always looking for ways to do things cheaper. Recycling material is cheaper than putting it in landfill."

The potential loss of ECUA's business for disposing of waste in the landfill would hurt the county's bottom line. Sorrell said the county likes the revenue stream from ECUA. "It's been a cash cow for them for a long time," he said.

Recycling is looked on favorably by the state, but since ECUA begun discussions with Rainbow, the county has threatened legal action if the utility enters into an agreement with them.

If Rainbow began handling ECUA's waste, they would recycle 95 percent of it with the balance going to the landfill. That 95 percent would be turned into RDF.

Plus, there is an extra benefit that might accrue if the deal is consummated. Rainbow wants to build a plant in Escambia County to produce the RDF. Rainbow estimated it would employ 100-150 people.

The county has expressed reservations about that so Rainbow has researched other options in nearby counties or states for an RDF plant. Currently the closest operating plant in Florida is located in Palm Beach County.

According to Sorrell, product produced at an RDF plant could be sold to any business entity that now burns coal or wood. That could be anywhere in the country.

"It would be attractive to a business since coal now is about \$80 a ton and the RDF material would be \$10 a ton or less," he said.

Guide to wind energy issues released

The Environmental Law Institute released a guide to key issues local elected officials will face when deciding where to site wind energy facilities.

The nation's local governments will be dealing with the more than 100 new commercial scale wind farms expected to be sited across America this year. Thousands more are expected within the next decade.

"Siting Wind Energy Facilities: What do Local Elected Officials Need to Know?" reviews what is known about the visual impacts, sound impacts, safety, recommended setback distances, impacts to roads, wildlife conservation and decommissioning of wind energy facilities.

The guide also highlights important sources of local ordinance-drafting information that are relied on by local officials, including recent recommendations by the National Association of Counties and the American Planning Association.



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Agreement to convert Silver Springs to state park expected to help restore water quality

By PRAKASH GANDHI

Environmental activists are welcoming plans to turn one of Florida's best known tourist attractions—Silver Springs—into a state park.

The springs has been saddled with serious environmental degradation issues as stormwater runoff loaded with fertilizer and septic waste from homes, farms and other sources has carried nitrate pollution into the springs, fueling thick algae growth.

But state environmental leaders are hoping to breathe new life into Silver Springs' future by turning it into a state park later this year.

Gov. Rick Scott and the Florida Cabinet voted to modify the state's lease with the company operating the park this September instead of waiting until the lease expires in 2029. The modification will allow the property to become part of Florida's state park system by Oct. 1.

The state will officially take charge of the property and combine it with nearby Silver River State Park.

The move was welcomed by Charles Lee, director of advocacy for Audubon Florida.

Lee said his organization has been closely involved in efforts to turn Silver Springs into a state park.

"We were active in favor of that proposal and we attended several meetings to discuss it," he said. "We believe this is a good proposal. The attraction developers have not managed it very well."

The state bought the spring in 1993, then leased it back to the company then operating the amusement park. The current operator said profit margins have dropped from 23.5 percent a year to 5.3 percent as the number of visitors to the park has

dwindled.

The cause of the springs' problems lies with the land surrounding it. About 75 percent of the water coming out of its 69 vents originates in stormwater runoff within a four-mile radius.

Studies have found that currently 90 percent fewer fish are swimming in the springs when compared to the 1950s. In addition, the spring flow has dropped from 790 cubic feet per second before 2000 to 535 CFS in the past decade.

The 242-acre Silver Springs attraction was acquired by the board of trustees of the state's Internal Improvement Trust Fund in 1993.

Palace Entertainment's lease to manage the attraction ran until Dec. 31, 2029. Through negotiations between the company and the Florida Department of Environmental Protection, the state secured \$4 million from Palace to restore the property to its natural condition. Palace will continue to manage the property until Sept. 30.

During that time, the attraction will remain open. DEP officials will start implementing the operations plan that was presented to the public in January by the Florida Park Service.

The department's Division of Environmental Assessment and Restoration also recently held their first meeting to finalize a basin management action plan for Silver Springs. It is the first such restoration plan to reduce nitrates affecting the springs.

Research and monitoring by the department led to designating Silver Springs and the Upper Silver River as impaired for nitrate.

Meanwhile, Audubon officials have opposed consumptive use permitting for the

nearby 25,000-acre Adena Springs Ranch project, which they believe would harm the springs.

Audubon officials believe that the cattle operation will require intensive irrigation and fertilization of pasture grass on relatively poor soils to grow enough grass to allow tens of thousands of cattle to gain weight before being slaughtered. Pollution from fertilizer and manure will leach through the sandy soils into groundwater, said Audubon officials.

Lee cautioned that turning the attraction into a state park will not fix the environmental problems that Silver Springs has endured.

"As good as this plan is, running it as a state park is not going to cure water quality and water quantity problems," he said. "There has been a tremendous upsurge in nitrate pollution. We have to look at reforming how we distribute fertilizer."

Lee recently asked Gov. Scott to direct officials of the St. Johns River Water Management District to deny Adena's 13.2 million-gallons-per-day permit if there is the slightest risk that additional groundwater withdrawal might worsen conditions at Silver Springs.

Last year, the department finalized the total maximum daily load for nitrates at 0.35 milligrams per liter. This is the same restoration target that the U.S. Environmental Protection Agency adopted for springs and that has been upheld in both state and federal courts.

In July, DEP expanded its efforts to restore Silver Springs, committing more than a million dollars to water quality improvement projects.

DEP, Marion County and the St. Johns district have committed \$300,000, \$300,000 and \$100,000, respectively, toward the project.

As part of the work, a wastewater discharge will be eliminated from the Silver Springs regional wastewater treatment plant.

Wastewater will be redirected to the Silver Springs Shores Wastewater Treatment Plant that provides higher level treatment ten miles from the springhead.

In a later phase of the project, a series of wastewater treatment plants will be connected to the central facility, providing better treatment and reducing pollution.

Officials say these actions will eliminate more than two tons of nitrogen currently going into the Silver Springs system each year.

Wetlands dispute in St. Johns district headed to Supreme Court

By PRAKASH GANDHI

A long-running battle between a property owner and the St. Johns River Water Management District over wetlands mitigation will be decided by the U.S. Supreme Court.

In January, the court heard the case involving landowner Coy Koontz Jr. The court's decision is expected by July.

In November 2011, the Florida Supreme Court rejected Koontz's complaint that the water management district violated his rights by setting unreasonable conditions on a permit he would need to develop family property.

Koontz persisted, and the U.S. Supreme Court agreed to hear arguments on the case.

The Koontz family has owned about 15 acres alongside State Road 50 in Orange County since the 1970s.

In 1994, Koontz's father asked the water management district for approval to develop 3.7 acres next to the highway.

He applied for permits from the district to dredge and fill part of his property within the Econlockhatchee River Hydrologic Basin. Most of that area was considered wetlands that were part of a special protected zone around the river.

District officials said the applicant acknowledged that his proposal would destroy more than three acres of wetlands so he proposed to preserve about 11 acres elsewhere on his property as mitigation for the environmental harm.

District officials concluded that the mitigation Koontz proposed would not sufficiently offset the harm caused by his project to meet the permitting standards.

The district told Koontz the permits could not be issued unless he modified the project or proposed additional or alternative mitigation.

In particular, the district wanted a con-

WETLANDS
Continued on Page 16

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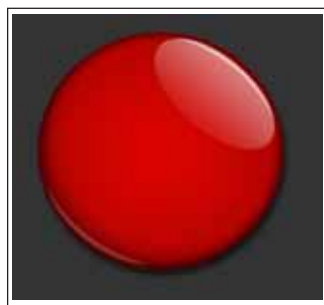
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2013 Legislative Preview: Tallahassee conclave to commence deliberations

By WILLIAM D. PRESTON, ESQ

High anticipation currently pervades all of Tallahassee. Gov. Rick Scott made his opening plea to a joint session of the full Florida Legislature on Tuesday, March 5. After His Excellency departed, the sergeant-at-arms immediately locked and sealed all legislative

members into their respective Senate and House chambers. Hair shirts were donned. Another session of the centuries-old legislative conclave then began.

Downtown Capitol cognoscenti have been gathering each day at 6:00 p.m. to measure the opacity and color of the flue gasses emitting from the 22nd floor. At last! As the long-awaited puff of white smoke

drifts downwind, the courtyard below will fill with throngs of cheering and weeping state workers, legislative staff and hard-boiled lobbyists: "We have a budget!!"

Okay, okay...far-fetched probably. But those of us in Tallahassee enduring yet another 60-day session of the Florida Legislature can still hope for something a little different, can't we? However, if the legislative session unfolds in a more traditional manner, here's some of what you might expect to see.

Legislative primer

Even if you don't have that team of well-qualified Tallahassee lobbyists as a resource, you can still keep up and be a "player" in many other ways. Check in to the Florida Senate and Florida House websites at <http://www.flsenate.gov/> and <http://www.myfloridahouse.com/> periodically for the progress of individual bills, committee meeting schedules and agendas, Senate/House calendars, etc.

If all you have is a bill number, remember that House Bills are odd-numbered, Senate Bills are even-numbered. CS stands for "Committee Substitute" and means that any amendments made in committee are then incorporated into the body of the bill as reported out of committee.

And if a committee instead of an individual member is working on a bill you might see reference to a "PCB" or "pro-

posed committee bill."

Florida's budget

As you have heard it said from me and others, the budget bill is the only "must pass" legislation that lawmakers are required to enact. It must be on all members' desks no later than seventy-two hours prior to the final adjournment set for May 3.

As always, the governor, Senate and House proposed their own respective versions of how the fiscal year 2013-2014 state budget should look.

Note that the governor's budget favors eliminating regulations and providing tax relief to Florida job creators. Related components include: cutting the business tax, building up Florida manufacturing jobs, quick response training program flexibility and funding, attracting and retaining businesses, improving Florida's transportation system and growing jobs in Florida's agricultural industry.

For environmental spending, the governor's proposal includes \$60 million for ongoing Everglades restoration, \$25 million for beach restoration projects, and \$135 million for petroleum tank site clean-ups. Two big DEP revolving loan programs would also be funded for primary distribution to local government utilities: Drinking Water at \$72.9 million and Clean Water (principally wastewater and stormwater) at \$142.7 million.

After witnessing legislative raids on Florida Forever land purchase program monies during recent lean years, the environmental community is pleased to see Gov. Scott set aside \$75 million for Florida Forever in his budget, although \$50 million of that depends on selling off certain state lands.

Ultimately, the final details of the budget bill will be hammered out in conference committees and subcommittees likely to work late into the night and over weekends during the second half of the session. In all seriousness, those conferences really do come as close to the conduct of a papal conclave as one will observe throughout the legislative process.

Of course, one wild card expected to complicate the Florida budgetary process will be the looming across-the-board federal budget cuts known as "sequestration."

Florida springs restoration

Even before major warfare broke out over competing U.S. Environmental Protection Agency and DEP numeric nutrient criteria rulemaking and related developments, DEP was well underway with its regulatory programs intended to adopt and implement restoration goals for Florida's springs.

DEP Sec. Herschel Vinyard has stated "the department has made springs restoration a statewide priority and is working hard to address nutrient impacts to these unique water bodies." HB 789 (SB 978 companion measure) would create the "Springs Revival Act," requiring, among other things, water management districts to develop five-year plans for restoring the water quality and flows of Florida's springs. The governor's budget request also includes \$7.1 million in fiscal year 2013-14 for springs' restoration.

It is also possible that the ongoing NNC dispute could once again lead to some spillover into the Legislature. For example, DEP may ask the Legislature to amend its ratification of the state rules in 2012 because that legislation delayed DEP rule implementation if EPA had not yet withdrawn its own rules. The DEP's NNC rules were upheld in their entirety by the Florida First District Court of Appeal on Feb. 25, 2013.

Should that occur, the springs restoration bills could be viewed as a vehicle for NNC-related amendments. So it would be prudent to continue to monitor the movement of this legislation if you have any interest in this broader topic.

Agriculture and environment

Probably second only to DEP as an agency with a consistently strong environmental-related agenda, is the Florida Department of Agriculture and Consumer

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PRESTON
 Continued on Page 16

Calendar

March

MAR. 4 – Course: Backflow Prevention Recertification Review, Altamonte Springs, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 4-5 – Workshop: Advanced Hazardous Waste Management, Orlando, FL. Presented by Lion Technology. Call (973) 383-0800 or visit www.lion.com.

MAR. 5 – Course: 4-Hour Refresher Course For Spotters at Landfills, C&D sites and Transfer Stations, Daytona Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5 – Course: 8-Hour Training Course For Spotters at Landfills, C&D sites and Transfer Stations, Daytona Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5-6 – Course: Initial Training Course for Transfer Station Operators and Material Recovery Facilities -16 Hour, Daytona Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5 – Course: Hazardous Waste Regulations for Generators, Daytona Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5 – Course: Backflow Prevention Recertification Exam, Altamonte Springs, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5-6 – Course: Pumping Systems Operation and Maintenance, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5-6 – Course: Introduction to Building Energy Modeling, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5 – Course: Asbestos Refresher: Inspector, Tampa, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 5 – Course: Asbestos Refresher Management Planner, Tampa, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 6 – Course: Asbestos Refresher Contractor/Supervisor, Tampa, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 6 – Course: Understanding Hazardous Waste Regulations in Solid Waste Operations and Recycling, Daytona Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 6 – Course: U.S. DOT Hazardous Materials/Waste Transportation, Daytona Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 6-7 – Course: 23rd Annual Cross-Connection Control Conference, Daytona Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 6-8 – Summit: Environmental Industry Summit XI, San Diego, CA. Presented by Environmental Business International. Call (619) 295-7685 or visit www.ebionline.org.

MAR. 7 – Course: Unidirectional Flushing Workshop, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 7 – Workshop: FWEA Air Quality Workshop, Tampa, FL. Presented by the Florida Water Environment Association. Call (407) 574-3318 or visit www.fwea.org.

MAR. 9 – Course: Backflow Prevention Recertification Exam, Bradenton, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 11-15 – Course: Backflow Prevention Assembly Tester Training and Certification, Lake Buena Vista, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 13-14 – Course: Microbiology of Activated Sludge, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 14-15 – Course: LEED-AP BD&C Overview & Exam Preparation, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 15 – Course: 8-Hour OSHA HazWoper Annual Refresher, Tallahassee, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 15-23 – Course: Backflow Prevention Assembly Tester Training and Certification, Fort Myers, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 16 – Course: Backflow Prevention Recertification Review, Jacksonville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 17 – Course: Backflow Prevention Recertification Exam, Jacksonville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 18-22 – Course: Backflow Prevention Assembly Tester Training and Certification, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 19 – Course: Health and Safety for Solid Waste Workers-Part 3, Crestview, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 19 – Course: Lift Station Maintenance, Riviera Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 20 – Course: Hydrology, Drilling and Surface Geology, Orlando, FL. Presented by the Florida Section of the American Water Works Association. Visit www.fsawwa.org.

MAR. 19-21 – Course: Process Control of Advanced Waste Treatment Plants, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 20 – Course: 4-Hour Refresher Course for Spotters at Landfills, C&D Sites and Transfer Stations, Crestview, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 20 – Course: 8-Hour Training Course for Spotters at Landfills, C&D Sites and Transfer Stations, Crestview, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 20 – Course: Unidirectional Flushing Workshop, Pompano Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 21 – Course: Unidirectional Flushing Workshop, Gainesville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

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MAR. 19 – Course: Lift Station Maintenance, Riviera Beach, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 22 – Meeting: AWRA March Meeting, Urban Stormwater Issues and Wetlands Restoration in Florida, Gainesville Regional Utilities, Gainesville, FL. Contact Mark Diblin or Jennifer Sagan, AMEC, (352) 332-3318 or visit <http://www.awraflorida.org>.

MAR. 24 – Course: Backflow Prevention Recertification Exam, Tampa, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 25 – Course: Introduction to Backflow Pre-

vention, Altamonte Springs, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.

MAR. 25-29 – Course: Backflow Prevention Assembly Tester Training and Certification, Altamonte Springs, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570.

MAR. 26-29 – 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.

MAR. 30-Apr 7 – Course: Backflow Prevention Assembly Tester Training and Certification, Jacksonville, FL. Presented by the University of Florida TREEO Center. Call (352) 392-9570 or visit www.treeo.ufl.edu.



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The *Florida Specifier* welcomes columns, articles and letters to the editor on any subject or issue pertinent to the environmental, regulatory and technical areas the newspaper covers. We reserve the right to edit all submissions for newspaper style and publish submissions on a space-available basis.

LEASES
From Page 1

tinues to evolve.
Another problem, stated by representatives from Audubon Florida and the Florida Wildlife Federation, is that the agreements do not hold polluters accountable.
"You are the landlord and it is your right and your duty to insist that the tenant maximize their efforts to reduce the impact of the land," said Eric Draper, executive director of Audubon Florida, to the cabinet prior to the vote. "The lease extensions preclude your ability to insist upon that accountability."
Meeker said that the state would con-

tinue to have the authority to increase environmental requirements on the leased land.
According to Meeker, it's time to move forward with the restoration efforts and the focus needs to be on what can be accomplished within the next several years.
A few years ago, the state agreed to buy thousands of acres of heavily farmed sugar land, using taxpayer money, in order to remove that source of phosphorous polluting the Everglades.
Environmentalists question the logic of continuing long leases that allow the pollution to continue while at the same time spending taxpayer money to clean it up.

The cost of the cleanup, according to U.S. Environmental Protection Agency regulations, is supposed to be passed on to the polluters or owners, whom the law dubs as responsible parties.
Florida Crystals, U.S. Sugar, and Duda and Sons dominate Florida's sugar groups. The Sugar Cane Growers Cooperative of Belle Glade and the Florida Crystals Corp. of West Palm Beach co-own American Sugar Refining. Marketed under the Domino Foods brand, American Sugar Refining has a cooperative agreement with Chinese and Swiss companies to market low calorie alternative sweeteners.
Under the 2002 federal farm bill, sugar subsidies artificially prop up the price of sugar in the U.S. There's big money in sugar and environmentalists are saying it showed in the latest cabinet meeting where their concerns were ignored regarding why the state would grant land lease extensions for 30 years at the same time state and federal governments are investing huge amounts of

money to clean the land up.
The sugar companies said that they've lowered phosphorous levels and have become more environmentally friendly as a younger generation of sugar cane growers push for higher environmental standards in the industry.
According to a statement by Gaston Cantens, vice president at Florida Crystals, the company has exceeded the requirements imposed by the 1994 Everglades Forever Act. Instead of meeting a 25 percent phosphorous reduction each year, Florida Crystals reduced its levels by 55 percent each year.
"Along with being stable economic drivers and job providers for our state and county, farmers have a long track record of supporting and implementing Everglades restoration," wrote Cantens.
According to a statement released by the DEP and SFWMD, state officials believe that the land deals will allow them to move forward with aggressive plans for water quality improvements.

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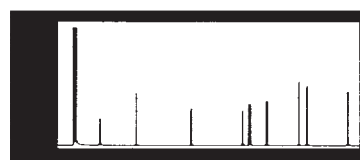


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FEDFILES
From Page 2

water for energy extraction, is a likely and substantial limitation to increasing petroleum and natural gas production.
The possibility that fracking will contaminate drinking water and agricultural water supply aquifers in the U.S. is a major political issue.
If groundwater contamination through fracking is an inherent risk or should occur because of a substantial accident, public opinion may move political authorities to place limits on its use, the report noted.

Corps investigation/feasibility study extended. The U.S. Army Corps of Engineers announced that its fieldwork for the remedial investigation/feasibility study at Franklin County's Camp Gordon Johnston will continue through March, 2013—three months longer than expected.

The camp was used during World War II as an amphibious training center for the U.S. Army. The Army wants to identify areas where munitions may be located and to quantify how much might be at those specific sites.

The training exercises often involved the use of live ordnance including rockets, grenades, mortars and artillery shells. Ammunition that is located will be retrieved and disposed of by contractors working for the corps.

Water samples are also being collected

to determine if munitions chemicals have leached into soil or water.

The study and any necessary munitions disposal was originally expected to be completed last December, but heavy rains during the fall delayed fieldwork necessitating rescheduling the completion date to March.

More information about Camp Gordon Johnston cleanup is available in the Franklin County Public Library in Carrabelle.

Clean air rule update. The U.S. Circuit Court of Appeals for the District of Columbia denied the EPA's request for a rehearing on a case whose outcome blocked enforcement of the Cross-State Air Pollution Rule.

In August, a three-judge panel of the district court blocked the CSAPR because they said it failed to give states an opportunity to regulate air emissions, primarily from large fossil fuel electricity generating plants, and because it might require upwind states to reduce emissions more than in downwind states.

The court found that these provisions exceeded EPA authority under the law.

The agency filed a request for a rehearing after that judgment, which was denied Jan. 24.

In a public statement following the denial, EPA said that it would review the decision to determine if any action should be taken.



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FWC moving forward with plans to better manage species conservation

By **BLANCHE HARDY, PG**

The Florida Fish and Wildlife Conservation Commission is developing a new conservation model to manage and conserve Florida's 60 imperiled wildlife species in a manner that assures their long term survivability.

The new Imperiled Species Management Plan will employ measurable objectives and actions to manage species conservation in Florida over the long haul.

FWC Chairman Kenneth Wright calls the approach "smart thinking."

CARES

From Page 7

In the Suwannee River basin where the program got its start, there is an annual event that recognizes farmers for their efforts as land stewards.

The Suwannee basin stretches from Jefferson County in the west to Hamilton County on the east and south to Levy County on the Gulf Coast. Each year, 20 farmers in the region are recognized for their good works.

Carte, who operates a 1,400-acre farm and ranch near Live Oak, said his activity with the program has evolved as his business has changed.

At one time he had a poultry operation along with cattle and some crops. He's now out of the chicken business, concentrating on the cattle.

He also grows peanuts and peas and a variety of grains, some going to the cattle and some sold at market.

Based on his 11-plus years in the program, Carte said CARES has provided ex-

TRI

From Page 6

cellent data and record keeping.

"There have been a lot of issues with state regulations coming down," he said. "The program has helped with compliance and gives us security in complying with those regulations."

A good deal of help for farmers has come via the Natural Resources Conservation Service, a division of the Florida Department of Agriculture. Carte said he has received some funding assistance through the NRCS for equipment purchases.

Eubanks said the CARES program has spread to other areas through the state. Citrus farmers along the Indian River are now involved as well as agricultural interests north of Lake Okeechobee in Okeechobee, Highlands, Glades, Martin, Osceola and Orange counties.

There is also increasing interest in Polk and Hillsborough counties.

"We are doing more county-by-county expansion of CARES," he said. "We envision the program running from Homestead to Pensacola."

sions of carbon dioxide to the atmosphere were 3.2 billion metric tons, about seven trillion pounds.

The three highest sectors reporting greenhouse gas emissions were electric utilities, petroleum refineries and chemical manufacturing. They accounted for 2.7 billion metric tons of CO₂.

The EPA's Toxic Release Inventory started out primarily as a database effort intended to characterize quantities and trends of contaminants and pollutants released to the environment. Increasingly, analysis is making it more useful as a management tool to evaluate where progress reducing wastes occurred and to identify strategies responsible.

The 2011 results are available on line: <http://www.epa.gov/tri/tridata/tri11/nationalanalysis/index.htm>.

that sustain and protect South Florida's water resources."

Charles Lee, director of advocacy for Audubon Florida, said his group was "elated" with several aspects of the governor's proposed budget, including the proposal to provide funding for the Florida Forever program. Lee said he is hopeful the Florida Legislature might "up the ante" and provide additional funds.

"This is a significant increase in funding for the Everglades and we are glad to see that," Lee said.

Herschel Vinyard, secretary of the Florida Department of Environmental Protection, said in a statement that by requesting more than a billion dollars to continue the state's pursuit of environmental protection, Scott clearly understands that the future of Florida depends on its natural resources.

"This funding will restore water quality in the Everglades, rejuvenate our springs and provide a clean environment for all Floridians," Vinyard said.

Joe Collins, chairman of the South Florida Water Management District governing board, said in a statement that the governor's commitment to protect South Florida's ecosystems is clear in the recommended budget.

"Investments by the state and the South Florida Water Management District together will continue the progress we are making in Everglades restoration, including water quality improvements vital to these natural systems," he said.

commission-approved plan. However, to be listed, a species only needs to meet one of five criteria.

State-designated fish, frogs, reptiles, mammals and birds have received initial biological reviews. Throughout 2013, FWC will be introducing draft management plans for 60 of the 64 species on Florida's resulting threatened and endangered list.

Three species, the Miami Blue butterfly, the gopher tortoise and the Florida black bear already have commission-approved management plans and the Panama City crayfish plan is now under review.

FWC has assembled 49 teams working in tandem on management planning. The teams focus on the core threats and needs of each species. Recommendations will provide details on the urgency of action, how and by whom actions should be implemented, and how the action will result in objective achievement.

While conducting initial planning efforts, FWC staff realized many species had cross connections within their range. To address this issue, FWC will integrate the

results of the individual action plans into one Imperiled Species Management Plan by identifying common elements within the individual plans.

The commission hopes the common elements may be tailored into specific actions to address survival of all the listed species.

The Imperiled Species Management Plan will include habitat conservation, wildlife management, measurable objectives and associated schedules, possible incentives, potential rule recommendations, and consideration of economic and ecological impacts.

In order to create a broad base of stakeholders capable of supporting conservation statewide and to garner public support, a stakeholder coordinator will facilitate public outreach and coordination, solicit input and build partnerships.

Currently, FWC is supporting both broad and species-specific stakeholders. Initially, the stakeholder coordinator will

SPECIES

Continued on Page 16

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Mote Lab: Use of dispersants to save reef from spilled oil not the answer

By ROY LAUGHLIN

A team of Mote Marine Laboratory researchers, using two species of reef-building corals from the Florida Keys, conducted a series of experiments to test the survival of coral larvae, or planula, when exposed to oil alone, the oil dispersant Corexit 9500 and a combination of oil plus Corexit.

They found that the combination of oil dispersed with Corexit reduced planula survival of both coral species much more than either oil or oil dispersant alone.

The investigators, led by Kimberly Ritchie, PhD, senior scientist and manager in the lab's Marine Microbiology Program, used weathered Deepwater Horizon oil collected during 2010. Mote researchers also tested Corexit 9500, one of the oil dispersant formulas used during the spill.

The planula larvae of two different coral species found in the Keys were exposed for up to 72 hours and observations

of survival and settlement were made daily. Oil concentrations in the water were measured using gas chromatography.

The concentrations of water-accommodated fractions of oil varied from 320 parts per billion to 1.5 parts per million and were different for the two species tested, reflecting their differential sensitivity to oil.

The researchers tested similar amounts of oil mixed with Corexit 9500 and two concentrations of Corexit alone, 25 and 50 ppm.

The two coral species were *Porites asteroides* and *Montastraea faveolata*. Ecologically, the two species are quite distinct. *P. asteroides* is an early recolonizer after disturbance. *M. faveolata* is a much more massive coral that is very important in building reefs.

Ritchie noted that the differences in sensitivity between the two coral species to oil and dispersants are similar to differences in sensitivity to other environmental stressors.

P. asteroides, which broods its larvae, was less sensitive to oil and is typically less sensitive to other stressors such as disease and physical factors. *M. faveolata*, a broadcast breeder, is more sensitive to oil and to other natural stressors.

Although Deepwater Horizon oil was used, the current experiments were not an attempt to replicate exposure from that event.

"As described in the paper, the exposures of concern were based upon a dispersed oil spill trajectory model supplied by NOAA's Hazardous Materials Response

Division for spill research in the Santa Barbara channel and Chesapeake Bay," noted Ritchie.

At least during three days, planulas of these two species of coral were not notably sensitive to oil alone.

The short-term toxicity of Corexit 9500 was significant. What was particularly notable was the toxicity of the mixture of oil and Corexit 9500. The combination was much greater than the toxicity of either

CORAL
Continued on Page 15

MFL
From Page 1

data collection and monitoring, according to Engel. The funding for this multi-year effort, at least initially, will come from district's reserve funds.

This proposed program will support an implementation schedule allowing an MFL determination for Wakulla Springs to be set within five years, followed by one to two years for rule adoption.

The St. Mark's River Rise, another first magnitude spring within the Wakulla Spring watershed, and the Floridan Aquifer in coastal Franklin County are also included on the top of the list for MFL determinations within a similar time frame, noted Engel.

Data requirements for establishing MFLs are formidable. According to Engel, NFWMD has collected flow and level data for many years. However, additional measurements and observations are still needed.

Some data will be available from the U.S. Geological Survey and the Florida Geological Survey. Data from those sources must be vetted before use.

Engel characterized hydrologic data for the district's water resources as sparse, and ecological data as "nearly nonexistent."

Some of the district's 2013-2014 budget includes establishing data collection and monitoring sites in the St. Mark's and Wakulla Springs watershed.

The 1972 law requiring MFL determination tasked Florida's five water management districts with management, technical and rulemaking tasks, but gave the Florida Department of Environmental Protection an oversight and consulting responsibility.

The NFWMD has not completely ignored the law requiring it to establish MFLs. It routinely submitted requests to DEP to delay. Apparently that was at least accepted by the department, if not approved.

When the NFWMD missed its 2012 deadline to establish MFLs and proposed another delay—this time until 2023—an article in *Florida Currents* rallied proponents to a concerted effort to end the district's evasion of its responsibility to set MFLs.

Those opposing more delays include former Florida Senator Bob Graham and noted environmentalist Nathaniel Reed who jointly authored a newspaper opinion piece in the *Tampa Bay Times* sharply critical of the failure.

A grassroots organization in the Panhandle, the Wakulla Springs Alliance, is also active locally putting pressure on the district to protect the area's springs and rivers.

A third group, the Florida Leaders Organized for Water, have drafted the *Flori-*

dan Aquifer Sustainability Act of 2013, which they want the legislature to pass this session.

When he took office several years ago, Gov. Rick Scott cleaned house at the water management districts, eventually appointing new executive directors at all five districts.

Douglas Barr, former long-time NFWMD executive director, explained his district's lack of MFL rulemaking by saying that the district did not have the money to do the studies required. His district's property tax levies could not be increased to pay for the data collection and analysis needed to establish MFLs for rulemaking.

The NW district's millage rates are established in state law and the Florida Constitution.

Barr also noted that negotiations with Georgia over Apalachicola River water flows might have been undermined if Florida had set MFLs. He also said that it would be ecologically counterproductive to set MFL rules that modulated seasonal variability and flows in Panhandle rivers that require large oscillations as an ecologically usual occurrence.

The NFWMD's current management seems to have little appetite to answer for its predecessors.

"We don't want to speculate on the priorities and actions of previous district administrations," noted Engel. "However, we can assure you that the district is now completely committed to following the law by developing a meaningful MFL program for our district."

"This commitment is demonstrated both in our current and upcoming fiscal year budgets, and by the realistic and attainable MFL priority list and schedule set by our knowledgeable staff."

During the past months, the NFWMD has been the media poster child for a morality play explaining how not to dismiss water resource management in Florida.

Not only is the district being criticized by influential environmental activists, Graham recently criticized in detail several water management districts for cutting budgets and firing senior staff members responsible for aquifer and surface water rule enforcement and management.

Specifically, he noted that the St. Johns River Water Management District had reduced its enforcement budget by a third, and had laid off some of its most knowledgeable senior enforcement officials as a result of those cuts.

Environmental advocates are no longer afraid to use political garlic to drive off the current "no money" zeitgeist and are experiencing some level of success with this remedy, most recently in the Panhandle.

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When assessing urban water shortage vulnerability, infrastructure matters

By ROY LAUGHLIN

Infrastructure that efficiently stores, imports or extracts water from aquifers makes a huge difference in U.S. urban areas' vulnerability to water shortages.

The usual methods of evaluating the risk of shortage include runoff measurements and hydraulic methods. They typically characterize a higher level of risk of water shortage than is actually occurring because they fail to factor in the role of infrastructure in effective water supply management.

This is the conclusion put forth in a recently published research paper authored by James Jawitz, assistant professor of Environmental Hydrology in the Soil and Water Science Department at the University of Florida in Gainesville and Julie Padowski, a postdoctoral researcher at Stanford University in Palo Alto, CA.

The researchers compiled data from a variety of sources to characterize water scarcity in 225 U.S. metropolitan areas with populations over 100,000 people. The data included that used to characterize water runoff and hydraulic characteristics of the region.

The researchers concluded that only 10 of 225 of the U.S.' major urban areas could be characterized by their combined methodologies as "at high risk" of water shortages.

Miami was the only city in Florida to have a high risk rating. California had more cities at risk than any other state.

Although the humid subtropical climate in Florida delivers plenty of rain during the wet season, lack of sufficient water storage sites puts Miami and other Florida areas at risk of water shortage, at least seasonally.

"It is because of these constraints that most of Florida is designated by the Florida Department of Environmental Protection as water resource caution areas," wrote Jawitz in an e-mail describing his team's research.

"Many non-Floridians think of us as water rich, but our results for Florida cities were (in our opinion) consistent with the current constraints," he commented further, explaining the paradox between public perception and reality regarding water shortages.

The difference between the results obtained by using the different evaluation methods and public perception of water shortages is a common thread throughout this work. Different methods of evaluating shortage risk give markedly different results.

A risk assessment based only on water runoff—the amount of water delivered by precipitation minus evaporation—suggests that 47 percent of the 225 major U.S. urban areas are at risk of water shortages.

When hydraulic components were included in the analysis, the number of at-risk cities decreased to 17 percent.

Even when the models were run under the low flow conditions of drought, 66 percent of the population in cities was at risk of water shortages under the runoff evaluation compared to 54 percent estimated from hydraulic-based methods.

When the researchers included infrastructure that allowed extraction importation and storage of water for urban water systems, only 10 of 225 cities were in the high risk category.

Professional researchers may be comfortable with numbers like these, but the research team also asked how closely their results corresponded to public perception.

They analyzed 30 years of archived news stories for cities across the country and found that, in general, local news sources do not have a long history of stories regarding water shortages in urban areas.

From this, they conclude that infrastructure has provided a reliable and persistent source of water to U.S. urban areas. The number of articles increased in proportion to the severity of water shortages in those cities where shortages occurred, usually because of drought.

The best correlation between "social media" evaluations and numeric modeling methods occurred with the hydraulic-based approach. The authors suggest that hydraulic methods are more useful for evaluating current water availability status for American cities that have adequate water man-

agement infrastructure.

As a result of climate change and increasing population growth, recent reports and scholarly analyses typically paint a less than rosy picture of abundant—or even adequate—U.S. water resources for the remainder of this century and beyond. This

study does not contradict dire warnings of future shortages.

But it does show how substantially infrastructure contributes to effective management of current water resources to avoid shortages, and suggests that rational preparation for climate change can be beneficial.

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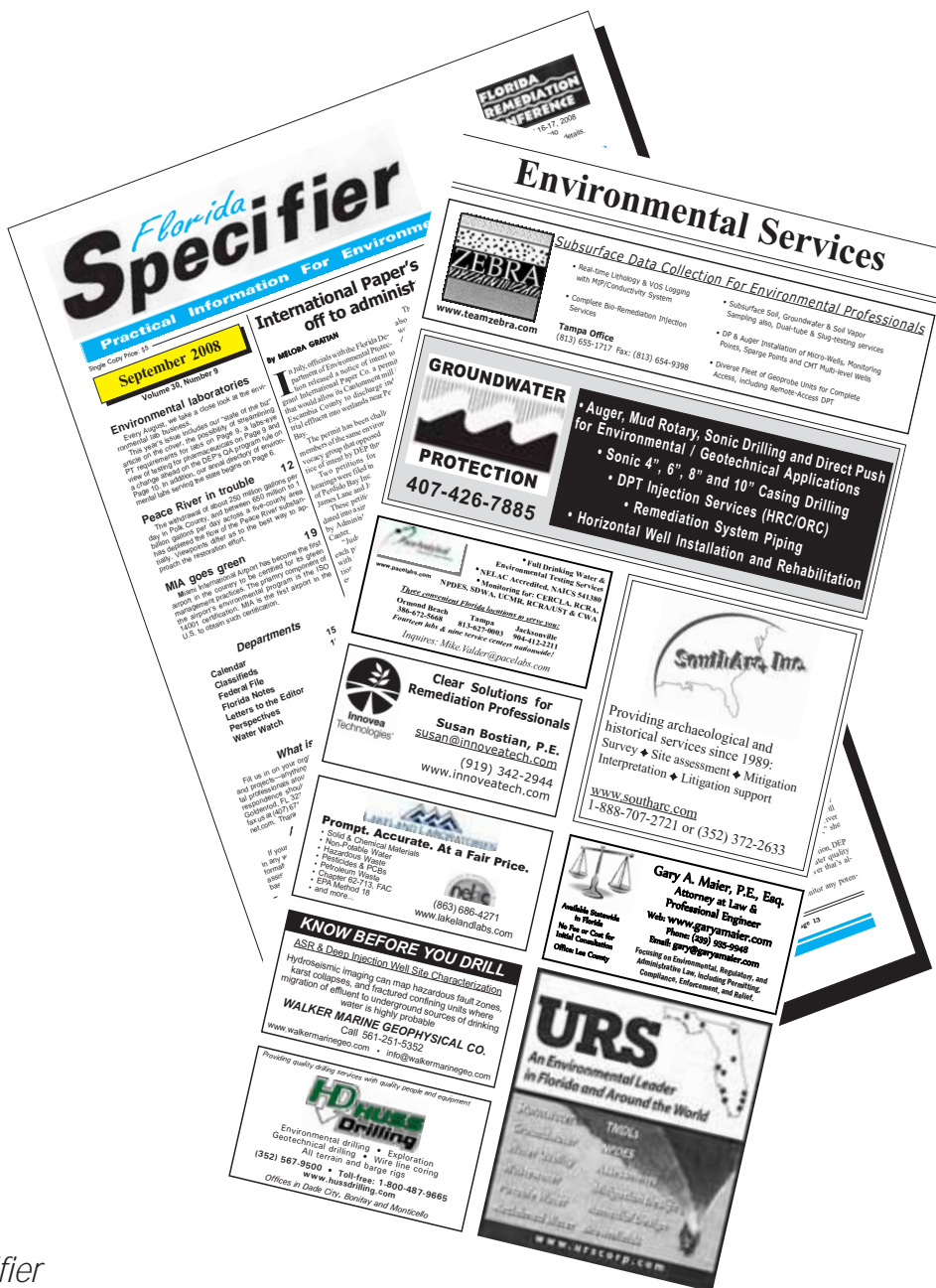
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CORAL

From Page 14 component alone.

According to Ritchie, the primary value of this research is that it is some of the first to provide toxicity information for coral larvae exposed to oil mixed with a dispersant, Corexit 9500. The experimental results show little benefit to dispersing oil that would not contact and smother coral.

"Managers and responders have to mitigate (an oil spill that threatens a reef)," she said. "If the spill were near a reef, I would try to keep them from using dispersants."

In the simple case characterized by these experiments, not dispersing oil that wouldn't otherwise contact coral appears to be the best course of action, at least in the short term, to protect Florida's coral reefs in the event of an oil spill.

PRESTON
From Page 10

Services. Look for more proposed changes to Florida's fertilizer statutes that will reflect current manufacturing capabilities and improvements in fertilizer technologies. There is also some talk about possible state preemption of local control over fertilizer management.

Of course, the Big Dog involving both DEP and DACS will continue to be new plans for Everglades restoration. Multiple parties are working to develop an Everglades restoration program subject to review by the federal court with ongoing jurisdiction. Legislative funding will likely be used for several additional land pur-

chases, for use of stormwater treatment areas to remove phosphorus, as well as for the implementation of best management practices on over one-half million acres of associated lands.

Energy

Recall that in 2011, the Legislature approved the transfer of the State Energy Office from under the governor's domain to DACS. However, no comprehensive energy legislation is expected during the upcoming session.

SB 560 (HB 579) would expand pilot programs that convert vehicle fleets to natural gas. HB 4001 proposes a controversial repeal of the state requirement that gasoline contain about 10 percent ethanol.

Even more contentious might be HB 4003 which would repeal Florida's nuclear cost recovery law. Delayed decisions by electric utilities on building new nuclear power plants, even while collecting money from customers for planning and licensing, has sparked debate over this issue.

Some solar energy project managers continue to advocate for legislation that would require utilities to pay more for renewable energy. Don't hold your breath on passage of any of these measures, since a lack of interest in energy legislation continues to exist in the Florida Senate.

The timing on the pre-session filing of HB 431 on oil and gas exploration might not have been great with the BP Deepwater Horizon civil trial kicking off in New Orleans during the last week of February. This bill would have encouraged companies to conduct exploration for fossil fuels in the Blackwater River State Forest in northwest Florida.

Predictably, opposition from environmentalists in that area quickly mobilized with claims that drilling would threaten sensitive forest habitat. News editorials in opposition and a petition signature collection initiative soon followed. Not coincidentally, the sponsor then withdrew HB 431 from further consideration.

Miscellaneous

You will recall that the big growth management law changes were made in 2011. Last session, the bloom was off that rose so as to allow cities, counties and developers to consider and adjust to the sweeping statutory changes made in 2011.

Indications are that most legislators still feel the same way in 2013. But don't look for a lot to happen on this subject. That said, SB 786 would create a pilot program in Jacksonville, Miami, Tampa, Hialeah, Pinellas County and Broward County for expedited approval of comprehensive plan amendments.

HB 415 (SB 554) contains certain revisions to select components of Florida's brownfields laws. The bills are supported by the Florida Brownfields Association.

SPECIES

From Page 13

address the broad-based stakeholders while the 49 species-specific teams will work with species-specific stakeholders and the coordinator.

As planning progresses, FWC will gradually integrate all the stakeholders and the public into a cohesive support group.

FWC hopes to engage stakeholders and complete all the species action plans by the summer of 2013. This data will be used to develop integrated conservation strategies by the spring of 2014.

Draft rulemaking and the development of an implementation-focused species management plan are scheduled to be completed by this fall with the final plan and proposed rules presented for commission consideration in the spring of 2014.

WETLANDS

From Page 9

conservation easement placed on the rest of the property to make up for wetlands damage from the development, which Koontz Sr. agreed to do. But he refused to modify his project or propose any other mitigation.

District officials said they were following rules set by DEP that said for every acre of wetlands damaged, there had to be 10 acres of mitigation.

The applicant sought compensation from the court on the grounds that the district's decision constituted a taking. But district officials said nothing was taken from the petitioner when the permits were denied.

"He spent no money, time or labor performing any mitigation," said the district in a statement about the case on its website. "In short, he suffered no loss for which he is entitled to compensation."

District officials said that contrary to the petitioner's characterization, the district never required him to perform any particular form of mitigation.

Brian Hodges, an attorney with the Pacific Legal Foundation, which is representing Koontz, could not be reached for comment.

Changes are proposed to tax exemption provisions, procedures for designation of brownfield areas by local governments, and relief of liability for property damages for entities that execute and implement certain brownfields site rehabilitation agreements.

Several water-related bills have also been advancing through committees. SB 244 addresses the issuance of minimum flows and levels when a water project affects adjoining water management districts. This bill was proposed but failed passage in 2012.

SB 364 (HB 109) would allow for longer consumptive use permit durations of at least 30 years for alternative water supply development, including for those facilities financed by bonds that are still outstanding. The intent is to allow water utilities to reduce the cost of bonding these projects and to then pass recent savings on to utility ratepayers.

Finally, a couple of bills which deal with the proposed purchase of state lands are also generating some buzz. HB 33 (SB 466) would authorize individuals and corporations to submit requests to the Board of Trustees of the Internal Improvement Trust Fund to exchange state-owned land for conservation easements over privately held land and provides criteria for consideration of such requests.

SB 584 (HB 901) relates to the purchase of land by a governmental entity and limits the state, a county and a municipality's ability to purchase land for conservation purposes. Some environmental interests have expressed concern that these bills could have an adverse effect on state and local land conservation programs.

The above pre-session snapshot is not intended to be exhaustive or comprehensive.

Remember, this is the Florida Legislature so there are always surprises waiting around the bend. If you are among the faithful watching and praying for the success of that other conclave taking place in Vatican City, you should also consider adding a few Hail Marys for the well being and wisdom of our elected representatives in the Florida Legislature.

Amen.

Bill Preston practices statewide environmental law from his offices in Tallahassee, FL. He can be reached at bill@wprestonpa.com.

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| UNIV OF FLORIDA TREEO CENTER (352) 392-9570 www.docc.ufl.edu/treeo | 11 (352) 392-6910 |
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