Welcome/Introductions

Chairperson Suzanne Goss welcomed the attendees and called the meeting to order at 9:30 AM. A booklet prepared by Littlejohn, Mann & Associates was handed out to all participants.

Approval of Minutes (Booklet Pg-2)

Secretary Jason Yarborough requested any comments or changes to the minutes for FSAWWA UC Meeting held on September 17. The minutes were adopted unanimously without any changes.

Treasurer/Membership Report (Booklet Pg-6)

Chairperson Suzanne Goss presented the treasurer’s report. The FSAWWAUC had a beginning fund balance of $293,429 and revenues to date of $30,500, less expenditures of $110,005. As of October 31, 2009, the ending balance was $214,066.

Legislative & Regulatory Policy Committee

- Legislative Issues
  - FL 2030 Water Summit/FL2030 Legislative Action Team (Booklet Pg-38)

Suzanne Goss kicked off a general discussion about the Florida 2030 Water Summit which was held on November 30th and its effectiveness. There was discussion by members regarding an issue that was raised during the 2030 Water Summit about the ability of a
utility to maintain its existing permitted allocation even if water conservation efforts result in reduced water demands. The main concern is that a utility's allocation will be reduced because of conservation, ultimately requiring the utility to unnecessarily develop expensive and environmentally challenging alternative water supply projects to meet future growth.

Because a consensus was reached by utilities, water management districts and the Department of Environmental Protection during the Summit, the Utility Council expressed the need for more immediate action to address this issue legislatively because of ongoing conservation rulemaking proceedings within the St. Johns River Water Management District and other water management districts. Therefore, it was agreed by the Utility Council that protection of water conservation savings would be considered as part of the Legislative Action Team’s proposed legislative program for the 2010 Regular Session. Ed de la Parte agreed to provide the language for the Legislative Action Team’s consideration.

- Tallahassee Update

Doug Mann of Littlejohn, Mann & Associates gave a Legislative update. He spoke of the upcoming Special Session on December 3, 2010.

- State Budget shortfall (Booklet Pg-8)
  
  The State is looking at a budget deficit of possibly $2.6 billion.

- SB 152 – Repeal of Bottle Water Tax Exemption (Booklet Pg-10)
  
  No movement

- Senate Select Committee on Florida Inland Waters (Booklet Pg-13)
  
  Created for Senator Constantine to promote his springs protection plan.

- SB 568 (Booklet Pg-15)
  
  Place holder bill for Senator Constantine. Bill will come out later in session.

- SB 770 – Resale of Water (Booklet Pg-17)
  
  A bill relating to a moratorium on permits for the consumptive use of water for commercial profit. Bill may have unintended consequences for public utilities that charge for their water services.

- HB 273 – PSC Involvement (Booklet Pg-19)
  
  An act relating to the water and wastewater utilities; creating s. 367.0819, F.S., providing for recovery through a surcharge of certain costs relating to improvement projects; requiring utilities to submit tariffs reflecting the surcharge for the recovery of such costs to the Florida Public Service Commission for approval.
• HB 307 (Booklet Pg-22)
  An act relating to the Water Protection and Sustainability Program; revising requirements for the expenditure of funds provided pursuant to the program.

• SB 372 (Booklet Pg-24)
  An act relating to municipal water and sewer utilities; exempting municipalities in certain counties from applicability of provisions limiting the rates that a municipality may charge consumers located outside their boundaries for water or sewer utility services.

• SB 142 – Repeal Delegation WMD Board Authority (Booklet Pg-27)
  An act relating to water management districts; deleting the requirement that the district governing board delegate its authority to take final actions.

• Conserve Florida Report (Booklet Pg-30)
  Chairperson Goss encouraged participation by utilities on future conference calls.

• Funding Alternative Water Supply Report (Booklet Pg-34)

• Rick Lotspeich of Tampa Water discussed the Legislative Action Team issues.
  o Goal Based Water Conservation (Booklet Pg-39)
  o HB 1111 (2009) – Chapter 373 Rewrite (Booklet Pg-56)
    The Bill is being written “clean” as a true rewrite. Benefits for Utilities include clarification of state law on water planning and policy.

• 2010 Legislative Policies
  Lisa Wilson-Davis of the City of Boca Raton sent an email out two weeks ago regarding legislative priorities. If interested, please contact her ASAP. She stated that she will issue an email regarding conference calls. Chairperson Goss stated that the policies are listed on the website.
  o Regulatory Issues
    • Suzanne Goss communicated that the FSAWWA board approved the proposal to retain Hopping Green & Sams for assistance on regulatory/policy issues, including legal support for the numeric nutrient criteria.
    • EPA/FDEP Numeric Nutrient Criteria Update
Lisa Wilson-Davis theorized that FDEP has restarted their effort on the Numeric Nutrient criteria in order to refute what EPA may decree. The FDEP numbers are low compared to EPA. Once the rule is proposed, there is a 60-day comment period. If the EPA rule is not challenged, then it stands. Any data to refute the EPA rule must be submitted and on record for a judge to consider it. If a utility has data to support the negative impact of the EPA numeric nutrient rule, please submit to Lisa Wilson-Davis within 60 days from Jan. 14.

- FDEP/WMD/Stakeholders Reuse Workgroup

Lisa Wilson-Davis communicated that progress is being made. Meetings are held monthly.

- Operator/Distribution Certification Rule

Scott Kelly from JEA discussed this issue. Every distribution system must have certified distribution operators by 2011. The rule requires GED or High School Diplomas that are acceptable by the State. In addition, employees must pass an exam. He estimated that 30-40% of his employees will have problems with the exam or GED/High School requirements. Two issues remain: 1) Exempting the GED/High School requirement would require legislative approval; this is unlikely to pass. 2) Licensed operator onsite. He met with the Pollution Control Operator Association. A position on the issue will go to executive committee for approval on behalf of the Utility Council.

- Other FDEP Rule Updates: Backflow/Cross Connection Rule; Laboratory Rule; Groundwater Rule; Other

Not addressed in detail due to time constraints. We are still waiting on latest version of Backflow/Cross connection rule from DEP.

- WMD Rule Updates: SFWMD Year Round Irrigation, SJRWMD Conservation Rule Enhancements, Other

Not addressed due to time constraints.

- Other Business

  - Conserve Florida

    Previously discussed.

  - Strategic Planning for 2010

    Not addressed due to time constraints.

- Other

Jason Yarborough stated that there are 21 states that have reduced regulatory oversight if a utility has implemented an Environmental Management System such as ISO 14001. He
recommended that the Utility Council explore changes to the regulatory system similar to the other states that recognize the value of an Environmental Management System.

Adjourn

11:20 a.m.

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<tr>
<th>Future Utility Council Meetings / Events</th>
<th>Location</th>
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<th>Time</th>
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<td>FSAWWA UC</td>
<td>TBD</td>
<td>February 2010</td>
<td>TBD</td>
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<tr>
<td>AWWA Fly-in</td>
<td>Washington, DC</td>
<td>March 24 -26, 2010</td>
<td>Details to be posted</td>
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<tr>
<td>Drinking Water Day</td>
<td>Tallahassee</td>
<td>April 8, 2010</td>
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<td>FWRC</td>
<td>Orlando</td>
<td>May 16 -18, 2010</td>
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