

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
BRADENTON AREA CONVENTION CENTER, LONGBOAT KEY ROOM
One Haben Boulevard
Palmetto, Florida
September 22, 2020**

Meeting video link: <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were:

Betsy Benac, Chairman
Carol Whitmore, First Vice-Chairman
Misty Servia, Second Vice-Chairman
Reggie Bellamy, Third Vice-Chairman
Vanessa Baugh
Stephen R. Jonsson (attended via Zoom)
Priscilla Whisenant Trace

Also present were:

Cheri Coryea, County Administrator
Mitchell O. Palmer, County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court



Chairman Benac called the meeting to order at 9:00 a.m.

AGENDA

BC20200922DOC001

Agenda Update Memorandum

BC20200922DOC002

4. Item 1 – Piney Pointe Reservoirs – Letter from the Florida Department of Environmental Protection (DEP) and copies of the proposed Administrative Agreement with DEP (Draft 1, Draft 2 and Current Draft)

1. **PINEY POINTE RESERVOIRS**



Charlie Hunsicker, Parks and Natural Resources Director, submitted a proposed order of the presentation.



Jeff Barath, HRK Holdings Site Manager, discussed the current process of water storage conditions for the former Piney Point gypsum stack. He used a PowerPoint to discuss the site and the freeboard elevation and availability capacity of each pond. A graph demonstrated the 2020 rainfall and process water seepage collection tools. There are 742,880,000 gallons of processed water on the site, with a 19.01 inch remaining capacity. Approximately 55,600,000 gallons of processed water are treated onsite annually.



Discussion ensued regarding the ultimate goal is to close the site and work with the State, and there has been a spike in rainfall over the past few years.



Jeff Goodwin, Wastewater Division Deputy Director, reviewed the history of the Piney Point site and addressed a draft of the Administrative Agreement with the Florida Department of Environmental Protection (DEP) for HRK to discharge 50,000 gallons of treated process per day to the Manatee County Utility Department Waste water facility. There are risks associated with contamination from the discharge, but the County will have the ability to shut the valve off if they need to.



Discussion ensued regarding the possibility of the County funding the project up front with the State paying back the County; questions regarding deep well injection, discharge needs to be monitored, define the roles of all parties, deep well injection will be part of the

solution, indemnity, DEP has funding available from the land reclamation trust fund, and are there other solutions.



Mr. Goodwin reiterated if the risk becomes too great Utilities has the ability to shut off the valve.



Discussion ensued regarding new technology to discharge the water, deep injection wells do not clean the water, nothing else has been brought forward as a good solution, must be a cap on the deep injection well and it should only be used for Piney Point, will not support putting water into the bay, Manatee County does not approve deep wells, and a large nitrogen load cannot be put in the bay.



Mr. Hunsicker explained there is a treatment process in place for the utility system, and there is a need to protect the plant from other contaminants. HRK must provide pretreatment before the water would go into the County's system.



John Coates, DEP, reviewed previous discussions regarding Piney Point, and noted the rainfall in the last three years has increased, which has reduced storage capacity at the Piney Point site. County infrastructure must be protected, and benefits of the agreement include eliminating more discharge and allowing treated water to connect with the County utility system. He shared graphs that depict the increased volume in the three ponds on the site.



Discussion continued regarding the need for a long term plan, and immediate solutions, importance of a commitment from DEP, legislative appropriation to fund the project, HRK has responsibility for the site, risks regarding the limited discharge, time line and action steps for the plan, wastewater discharge, and would the discharge effect reclaimed water.



Mr. Coates stated the plan proposes a 50,000 gallon per day discharge that would eventually reduce levels in the ponds by 12 inches. A funding source is still needed, and the technology is yet to be identified. There must be a commitment to keep Tampa Bay clean.



Mr. Hunsicker explained the 50,000 gallon per day discharge would be separate to the deep well. He questioned the design and purpose of the discharge, to hold the line from rainfall.



Mr. Coates responded the discharge is designed to offset the increased water levels experienced on the site. There needs to be some form of reduction on the site.



Discussion ensued regarding the 50,000 gallons will eventually go into the bay, need more information regarding the discharge, can everything be drained into the deep well, and it is long process for a deep well to be operational.



Mr. Coates stated the primary focus is to protect water resources, and there is a need for a plan at the site. There would be a thorough investigation regarding the quality of the discharged water to ensure the safety of the bay.



Discussion continued regarding not ready to enter into an agreement without more answers regarding costs and responsibility, current load of nitrogen, water does not disappear from the deep injection well, try to clean the water if there is technology available,

listen to the science, salt intrusion in Florida, what are the alternatives, future contaminations, and how will Utilities be effected by the discharge.

 Mr. Goodwin addressed the risks of the draft agreement to future infrastructure. The chemistry of the ponds is different from in the past. There can be risks to operations to the collection structure and to the quality of the affluent, and if Utilities sees levels going up, they will have time to react, and the agreement takes any responsibility off the County.

 Mr. Hunsicker noted everyone wants the same outcome to protect the environment and staff will offer guidance. Manatee County is a member of the Tampa Bay Nitrogen Consortium, which provides allocations for all parties involved as to how much nitrogen can go into Tampa Bay per day, without causing harm. Each participant in the Consortium has an allocation, and each participant in each county has their own allocation. It is questionable if another Consortium member would be willing to give up their allocation to help another entity.

 William Clague, Chief Assistant county Attorney, stressed the County does not regulate pollution coming from the Piney Point site. Manatee County is only a stakeholder. DEP is responsible, and the County does not have a say as to the regulatory jurisdiction. Manatee County can take a role in the process. Funding is the source of problem fixing the issue. He provided a history of the situation regarding DEP's actions with the site. When HRK purchased the site, they were hoping revenue from use of the site would help to offset the costs of the solution. The County has been willing to explore possibilities to come up with a solution, but the ultimate solution for the site must happen between HRK and DEP, but Manatee County's concerns need to be taken seriously. He suggested DEP present alternatives for the treatment.

 Discussion ensued regarding if the Board is committed to providing some funding recommendation and move forward to come up with a solution.

RECESS/RECONVENE: 10:48 a.m. – 11:01 a.m. All Commissioners were present.

 Mr. Barath stated several studies have been done and HRK continues to evaluate all economically feasible options. There is currently no other viable alternative. The aeration treatments have not been successful in large scale projects, and the water at Piney Point is different from other areas around the state.

 Mr. Hunsicker stated Manatee County holds the permit for all discharge. There would be costs to add load , but the question remains as to who would be responsible for those costs. He addressed measures taken at the preserves to reduce nitrogen by creating and protecting wetlands.

 Discussion ensued regarding the agreement was drafted by DEP, and the current draft is included with the agenda.

 Mr. Goodwin stated assurances were given by DEP that there would be no enforcement if there was an issue with the discharge, and Manatee County would have enough time to deal with the issues.

 Mr. Coates noted DEP agrees with the terms of the draft agreement regarding the

removal of water from Piney Point. DEP will continue to work on the long term solution and acknowledges there are funding issues.

Discussion continued that this is a viable short term solution to maintain the water levels, and all parties will continue looking for a long term solution, possibility of using reserves or financing with bonding, and discharge from lower treatments were paid for by the State using phosphate trust funds.

 Mr. Coates clarified that in 2011 there were leaks from the site, which cost \$2.5 to 3 million and the cost to fix the leaks with a controlled emergency discharge were paid by HRK. Port Manatee also incurred costs since the leaks were related to a Port dredging project. Emergency authorizations were used to address the bankruptcy on the site when HRK agreed to pay for the issues associated with the closure in 2011.

 Discussion ensued to contact State legislatures and have a commitment by the State to fix the issue, work on the deep well injection solution, and who will pay for the long term maintenance, there are other environmental issues such as red tide, and there is no vote today.

 Mr. Clague clarified staff would be responsible for bringing the agreement to the Board for a formal vote.

 Discussion continued that DEP should also make a commitment if the agreement is presented to the Board.

 Mike Gore, Utilities Director, clarified that DEP will not agree to adding milestones in the agreement, as this is a short term solution to get volume off the stacks.

 Mr. Goodwin stated the County has unilateral authority to stop the discharge at any time.

 Mr. Gore responded to questions that staff has worked with DEP, and this is the best dialogue regarding Piney Point. The State is confident that Utilities would be the best choice to manage the deep well. There is the ability for further discussion with DEP, and perhaps to add a stipulation to revisit other technologies.

Discussion continued that the agreement does not address a deep well, but only a daily amount of discharge, a solution will be reached with DEP, but it has not been presented, and HRK does not have funding to pay for the new technology.

 Mr. Clague reiterated the County Administrator makes the decision as to whether or not the agreement will be on an agenda for a vote. It is appropriate for the Board to ask for assurances that there will be a long term solution. Staff will have another conversation with DEP prior to presenting the agreement to the Board.

Discussion ensued regarding yearly reports from DEP,

 Cheri Coryea, County Administrator, noted staff is aware of the Boards desire, and staff will discuss with DEP and HRK regarding the agreement and if there are other solutions. She will also speak with Senate President Galvano.

BC20200922DOC003

RECESS/RECONVENE: 12:00 p.m. – 12:34 p.m. All Commissioner present.

3. **STORMWATER DESIGN STANDARDS**

 Chad Butzow, Public Works Director, introduced staff.

 Thomas Gerstenberger, Engineering Division Manager, introduced himself and Kenneth Kohn, Project Engineer, and Nanette Scott, Project Engineer.

Mr. Kohn provided an overview of the Stormwater Design Standards, and used a slide presentation to address high intensity rainfall events in August 2017 and effects to Pearce Drain and Bowlees Creek, existing design standard challenges including high accumulation totals, long durations, high intensity, outdated rainfall data, cumulative impacts not addressed, and outdated flood maps.

 Mr. Butzow pointed out flood zones can change when the maps are updated.

 Mr. Gerstenberger continued the slides to address accomplishments of collecting data from 24 stations throughout the County, rainfall accumulation and stream elevation data obtained from the sensor network, alarm reports issuing warnings connected to the National Weather Service, watershed management plans, watershed studies take approximately three to four years to complete, all governments must go through the same steps to complete watershed studies, how areas are chosen for a study, trying to combine as many areas as possible in one study, and the Flood Insurance Rate Map (FIRM) amendment has been underway for years.

 Ms. Scott continued the slide presentation to review comparisons of design requirements for new development and redevelopment and floodplain mitigation for Sarasota, Hillsborough, and Pinellas Counties versus Manatee County, drainage runoff requirement for new development and redevelopment, floodplain mitigation requirements, and key elements comparing design requirements.

 Mr. Gerstenberger responded to questions and noted the 9,000 square-foot requirement mimics requirements by the Southwest Florida Water Management District, and if a building meets the 9,000 feet, they must attenuate for the overage. The 25 year storm event attenuation design calculations to determine runoff, is typically around 8 inches in a 24 hour period. The 100-year storm event is equal to 10 inches of rain in a 24 hour period. He continued the slides to discuss staff recommendations to the design manual amendments including: (1) utilization of National Oceanic and Atmospheric Administration (NOAA) Atlas 14; (2) critical design storm frequency event; (3) directly connected floodplain compensation; (4) Countywide flow reduction requirements; and (5) runoff volume/floodplain mitigation safety factors. Staff recommends multiple 1-day and 3-day storm frequency events be analyzed, critical design storm frequency events be considered, and the cumulative rainfall be raised. Referring to the slides, he explained the numbers in black have been used for years.

(Depart Commissioner Whitmore during presentation)

 The rainfall accumulation data is the best provided by NOAA. It is recommended that floodplain compensation areas have a direct connection to drainage systems where possible, with available floodplain mitigation volume from the initial stage and that compensation areas, should be directly related to the channel. Staff would like to make this a requirement in areas along the floodplain. Maintenance berms could be removed which cause better

drainage. Floodplain management mitigation would be associated with each development, but there would also be a cumulative effect for the area. It is recommended to have a 50 percent flow reduction of existing pre-development flow rate as a universal standard throughout the County. A recommended safety factor for runoff volume and floodplain mitigation is proposed. These standards would be used for all development. The goal today is to look at just run-off, and there is no design standard in place to actually look at volume. Staff is recommending a countywide flood reduction for allowable runoff.

 Discussion ensued regarding stopping the release into the receiving water body, all systems should work together, control velocity, and use interconnected ponds that flow downstream.

 Mr. Kohn continued the slides and explained the NOAA Atlas 14 provides a modernized rainfall geographic specific data that is up-to-date and more representative of rainfall amounts to our area. Federal Emergency Management Agency (FEMA) encourages the use of the NOAA Atlas 14 especially for a longer event with extreme flooding. The only agency that uses it currently is the Florida Department of Transportation (FDOT). Other jurisdictions perform watershed studies in conjunction with their water management district. He responded that the concept of using the NOAA 14 aTLAS would take out uncertainty and would provide the best available information available.

 Mr. Butzow explained each proposed amendment can be looked at individually. Staff works closely with other groups in the area.

Discussion continued regarding if there are any consequences to these changes to development, historical areas that hold water, standards should be the same for all areas, and the need for higher standards.

 Mr. Gerstenberger acknowledged that staff considers areas prone to flooding and what impacts wetlands and stormwater will have on a project. BC20200922DOC004

RECESS/RECONVENE: 2:17 p.m. - 2:27 p.m. All Commissioner present except Commissioner Whitmore.

2. **CROSS CONNECTION CONTROL ORDINANCE/MANUAL**

 Katie Gilmore, Water Division Manager, used a slide presentation to address backflow prevention and showed a video regarding the purpose of backflow prevention assemblies (BPA) and the need to prevent cross connection between wastewater and potable water. . The Safe Drinking Act and the Florida Administrative Code require BPA to protect the water system. She continued the slides and provided a history of the rules for Manatee County, where backflow prevention assemblies are required, the current system, currently 83,000 BPAs in the County, challenges include a large list of companies who can perform inspections, need for a shorter ordinance or simplified manual, underground contractors cannot test BPAs, and there are still properties that pose potential risks to the water system.

Proposed modifications to the ordinance include replacing Ordinance 13-35 with a simplified ordinance that has the program requirements, specifications, and administrative components removed. A new manual would contain information removed from the ordinance and a resolution would be adopted. Ms. Gilmore continued the presentation to discuss proposed modifications to the program, including shortening the time frame for notifications and repairs. They are also proposing to establish a mechanism to require properties previously

exempt from the regulation and with no cross connection to install a BPA within a five-year timeline. The next steps would include outreach with Building and Development Services, plumbers, and property owners.

Discussion ensued regarding retesting on a new system would be annual, the industry standard is for testing to occur each year to protect drinking water.



Mark Simpson, Utilities Deputy Director, stated approximately between five and eight percent of the devices fail. A localized leak may not be detected by a drop in pressure.

BC20200922DOC005

Cheri Coryea, County Administrator, distributed cards that provide information to citizens regarding assistance for food and rent. The amount for rent reimbursement has been raised to \$10,000. The County is in a paused phase with the rental assistance.

BC20200922DOC006

ADJOURN

There being no further business, Chairman Benac adjourned the meeting at 2:59 p.m.

Minutes Approved: _____