

**VERO BEACH UTILITIES COMMISSION MEETING  
TUESDAY, MARCH 8, 2022 - 9:30 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**A G E N D A**

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
  - A) [January 11, 2022](#)**
- 3. PUBLIC COMMENT**
- 4. NEW BUSINESS**
  - A) [Objections to Florida Department of Environmental Protection Indian River Lagoon Basin Management Action Plan – Mr. Matt Mitts, Director of Public Works](#)**
  - B) [Septic Policy for City of Vero Beach Discussion](#)**
- 5. OLD BUSINESS**
  - A) [Update on Florida HB 621 / SB1162](#)**
  - B) [Update on the Florida City Gas Pipeline](#)**
- 6. CHAIRMAN’S MATTERS**
- 7. MEMBER’S MATTERS**
- 8. ADJOURNMENT**

This is a Public Meeting. Should any interested party seek to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City’s Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

**VERO BEACH UTILITIES COMMISSION MINUTES  
TUESDAY, JANUARY 11, 2022 - 9:30 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Jane Burton; Members: Judy Orcutt, Bill Eggers, Mark Mucher (arrived at 9:38 a.m.), Member at Large, JT Mooney, and Indian River Shores Representative, Bob Auwaerter **Also Present:** Water and Sewer Director, Rob Bolton; Assistant City Attorney, Jenny Flanigan and Deputy City Clerk, Sherri Philo

**Unexcused Absence:** John Sanders

**1. CALL TO ORDER**

Today's meeting was called to order at 9:30 a.m. and the Deputy City Clerk performed the roll call.

**2. ELECTION OF OFFICERS**

**A) Chairman**

Ms. Jenny Flanigan, Assistant City Attorney, called for nominations for Chairman of the Utilities Commission.

**Mrs. Orcutt nominated Mrs. Jane Burton for Chairman of the Utilities Commission. There were no other nominations.**

**Mrs. Jane Burton was unanimously appointed Chairman of the Utilities Commission.**

**B) Vice Chairman**

The Chairman called for nominations for Vice Chairman of the Utilities Commission.

**Mrs. Burton nominated Mr. Bob Auwaerter for Vice Chairman of the Utilities Commission. There were no other nominations.**

**Mr. Bob Auwaerter was unanimously appointed Vice Chairman of the Utilities Commission.**

**3. APPROVAL OF MINUTES**

**A) November 9, 2021**

**Mr. Auwaerter made a motion to approve the minutes of the November 9, 2021 Utilities Commission meeting. Mrs. Orcutt seconded the motion and it passed unanimously.**

**4. PUBLIC COMMENT**

None

## 5. NEW BUSINESS

### A) Update on Florida Department of Environmental Protection's Protecting Florida Together Grant Award – Mr. Rob Bolton, Water and Sewer Director

Mr. Rob Bolton, Water and Sewer Director, suggested because there are some new members on the Commission that he would like each member to introduce themselves and give some of their background.

At this time, each Commission member introduced themselves and gave some of their background. After the Commission members finished their introductory, Mr. Bolton then gave some of his background.

Mr. Bolton reported that the City applied for a grant through the Department of Environmental Protection (DEP) for the conversion of septic systems on the barrier island. The two (2) areas staff looked at was South Beach and the Town of Indian River Shores. The City received the grant in the amount of \$1.2 million, however since the time the grant was applied for the City became in a conflict with the Service Territory Agreement. Staff discussed this with the City Council and contacted the DEP to request the grant funds be reallocated to be used for the design or construction of the new Water Reclamation Facility.

Mr. Mucher asked whose idea was it to take City grant funds for the benefit of non-City residents.

Mr. Bolton said the City did not accept the grant yet.

Mr. Mucher said but that was the original direction.

Mr. Bolton explained that the septic to sewer program inside the City limits for the extension of lines is complete. If the City is still going down the line of septic to sewer conversion outside the City limits, it is the responsibility of the entity who is providing service to those residents to come up with a program.

Mr. Mucher asked if some of the funds could be used to assist City residents in hooking up to the STEP System.

Mr. Bolton said not that funding source. The City has applied for 319 grants to do what he (Mr. Mucher) is talking about. This grant is strictly to be used for septic to sewer and advanced wastewater treatment plants.

Mr. Mooney said that he put in the STEP System when they purchased their home. He asked when someone purchases a new piece of property, is it incumbent on the owner to make the upgrade to the STEP System or is it still voluntary.

Mr. Bolton said it is voluntary until there is a septic system failure. It is not at the point of the sale of a home.

Mr. Mooney felt that it would be wise to encourage people to make the change at the point of sale.

Mrs. Orcutt said there has been an effort to get the City to mandate connection on the barrier island. Also, the Water Management District has a new requirement for there to be a mandatory connection policy if you expect to get septic to sewer conversion, however that policy was passed after the City's STEP System Ordinance was written.

Mr. Eggert said if there is any doubt about the harm septic systems do to the river, Mr. Brian Lapointe recently published a paper and made no bones about the fact that septic systems are the second leading cause of harm to the river.

Mrs. Orcutt said that she would be sure that information is submitted (she will provide the information to the City Clerk's office to distribute to the Commission members).

At this time, Mr. Bolton gave a brief update on the stormwater project, the new Water Reclamation Facility project, the stormwater main canal project, and the John's Island Water Management pipeline.

Mr. Keith Drewett said the STEP System is a technical triumph and he is a satisfied user.

## **6. OLD BUSINESS**

None

## **7. CHAIRMAN'S MATTERS**

### **A) Annual Report**

Mrs. Burton reported that before the Commission is a draft of the Utilities Commission's 2021 Annual Report.

**Mr. Mucher made a motion to approve the 2021 Annual Report. Mrs. Burton seconded the motion and it passed unanimously.**

## **8. MEMBER'S MATTERS**

None

## **9. ADJOURNMENT**

**Mr. Auwaerter made a motion to adjourn today's meeting at 10:49 a.m. Mr. Eggert seconded the motion and it passed unanimously.**

/sp

# Florida Department of Environmental Protection Basin Management Action Plan

March 8, 2022 - Utilities Commission Meeting



Presented by: Matthew T. Mitts, P.E.

Public Works Director-City Engineer

# Introduction

## ▶ FDEP: Florida Department of Environmental Protection

- ▶ Lead Agency for State of Florida for environmental management and stewardship, protecting air, water, and land.

## ▶ BMAP: Basin Management Action Plan

- ▶ Framework for water quality restoration that contains local and state commitments to reduce pollutant loading through current and future projects and strategies. BMAPs contain a comprehensive set of solutions, such as permit limits on wastewater facilities, urban and agricultural best management practices, and conservation programs designed to achieve pollutant reductions established by a total maximum daily load (TMDL). These broad-based plans are developed with local stakeholders and rely on local input and commitment for development and successful implementation. BMAPs are adopted by FDEP Secretarial Order and are legally enforceable.

## ▶ TMDL: Total Maximum Daily Load

- ▶ A scientific determination of the maximum amount of a given pollutant that a surface water can absorb and still meet the water quality standards that protect human health and aquatic life. Waterbodies that do not meet water quality standards are identified as “impaired” for the pollutants of concern - nutrients, bacteria, mercury, etc. and TMDLs must be developed, adopted and implemented for those pollutants to reduce pollutants and clean up the waterbody.



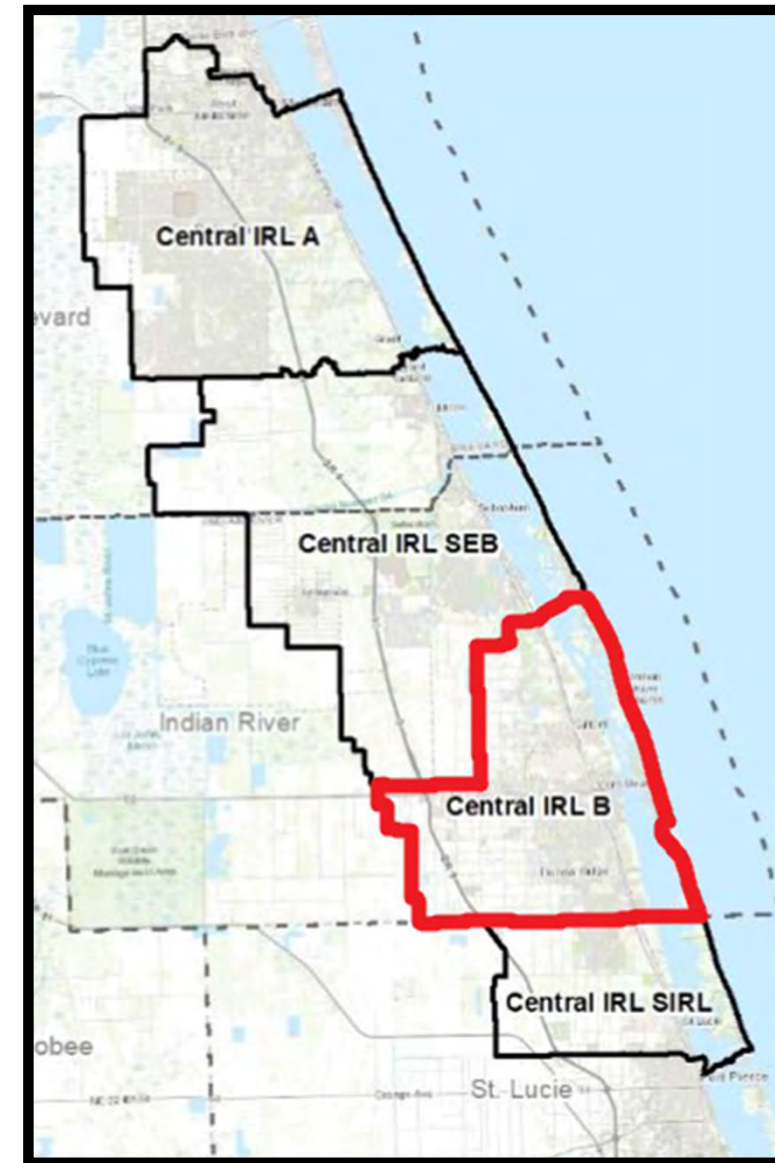
# Indian River Lagoon (IRL) BMAP Areas



North IRL BMAP



Banana River BMAP



Central IRL BMAP

## LEGEND

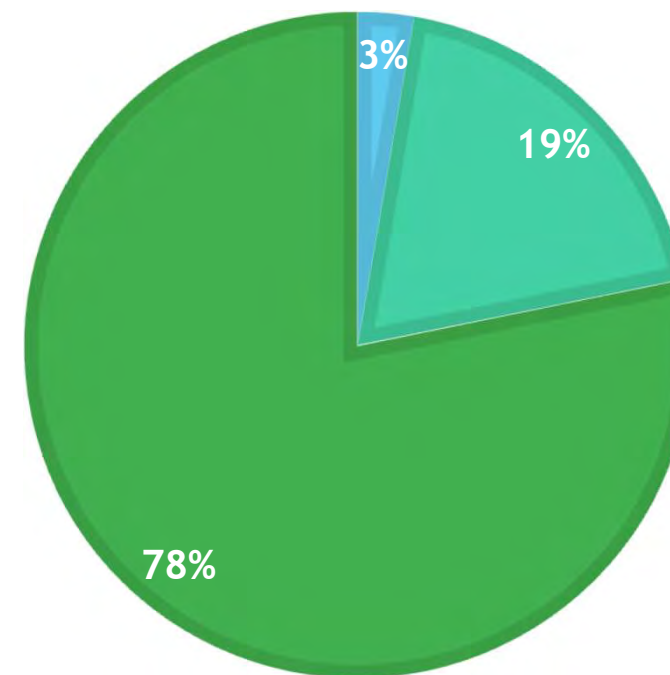
- COVB BMAP
- Other BMAP

# Central Indian River Lagoon (CIRL) BMAP

- ▶ Total CIRL BMAP Area: 316,218 acres
- ▶ Total Zone B Area: 68,937 acres
- ▶ City of Vero Beach:
  - ▶ 8,544 acres of Zone B
  - ▶ 3% of CIRL
  - ▶ 12% of Zone B

## CIRL BMAP BY LAND AREA

- Zone B: COVB
- Zone B: Other Stakeholders
- Other Zones (A, SEB, SIRL)





# Mandated Reductions

## FDEP Reductions

	TN (lb/yr)	TP (lb/yr)
Total CIRL	883,711	141,796
Total Zone B	292,141	37,570
City of Vero Beach	30,713	3,998

## City of Vero Beach Credits

Current and Proposed	44,042	5,241
	<ul style="list-style-type: none"> <li>➤ 143% of COVB</li> <li>➤ 15% of Zone B</li> <li>➤ 5% of CIRL</li> </ul>	<ul style="list-style-type: none"> <li>➤ 131% of COVB</li> <li>➤ 14% of Zone B</li> <li>➤ 4% of CIRL</li> </ul>
Excess Credits	13,329	1,243

TN = Total Nitrogen  
 TP = Total Phosphorus  
 lb/yr = Pounds per Year

# Implementation

## REDUCTION MILESTONES AS OF FEBRUARY 2021

YEAR	% OF TARGET REQUIRED TO BE MET
2025	35%
2030	65%
2035	100%



# COVB Reductions

## Current Credits

PROJECTS	TN (lb/yr)	TP (lb/yr)
14 Baffle Boxes Citywide	799	99
Public Education	2,925	423
Deep Injection Well	15,158	1,403
Street Sweeping	683	430
Routine Maintenance	190	114
<b>Total:</b>	<b>19,755</b>	<b>2,469</b>

## Future Credits

PROJECTS	TN (lb/yr)	TP (lb/yr)
Existing Septic Tank Effluent Pump (STEP) System	2,500	0
2 <sup>nd</sup> Street Sweeper	683	430
Future STEP System Installation	4,000	0
Main Canal Pump Station Stormwater to Irrigation	6,450	1,000
Reuse Reduction due to Main Canal Pump Station	10,654	1,522
<b>Sub-Total:</b>	<b>24,287</b>	<b>2,952</b>
2021 Existing Reductions	19,755	2,469
<b>Total:</b>	<b>44,042</b>	<b>5,421</b>

TN = Total Nitrogen  
 TP = Total Phosphorus  
 lb/yr = Pounds per Year

# Stakeholder Milestone Status

## CIRL REPORTED REDUCTIONS PART I AS OF DECEMBER 2020

COVB future projects not included:

- Second street sweeper
- STEP System conversion
- Main Canal pump station
- Reuse reduction

Stakeholder	TN Required Reductions (lb/yr)	TN Credits (lb/yr)	% of Required Reduction
<b>100% REDUCTION – SATISFIES 2035</b>			
FDOT District 4 (Zone SEB)	3,325	6,840	206%
Brevard County (Zone A)	19,940	40,227	202%
FDOT District 4 (Zone SIRL)	3,375	6,277	186%
FDOT District 4 (Zone B)	5,976	9,338	156%
<b>City of Vero Beach (Current &amp; Future Credits)</b>	<b>30,713</b>	<b>44,042</b>	<b>143%</b>
<b>65% REDUCTION – SATISFIES 2030</b>			
City of Fort Pierce	887	867	98%
City of Fellsmere	5,694	4,853	85%
<b>35% REDUCTION - SATISFIES 2025</b>			
<b>City of Vero Beach (Current Credits)</b>	<b>30,713</b>	<b>19,755</b>	<b>64%</b>
FDOT District 5 (Zone A)	5,226	2,080	40%

TN = Total Nitrogen  
lb/yr = Pounds per Year



# Stakeholder Milestone Status (continued)

## CIRL REPORTED REDUCTIONS PART II AS OF DECEMBER 2020

- TN reduction required for CIRL BMAP = **659,294 lb/yr**
- TN credits for all stakeholders as of 2021 BMAP = **247,320 lb/yr (38% of target)**

FDEP considers 2025 target of 35 % to be met collectively for all stakeholders

TN = Total Nitrogen  
lb/yr = Pounds per Year

Stakeholder	TN Required Reductions (lb/yr)	TN Credit (lb/yr)	% Required TN Reduction
<b>LESS THAN 35% OF REDUCTION - DOES NOT SATISFY 2025</b>			
Indian River County (Zone B)	169,639	56,444	33%
Indian River County (Zone SEB)	47,223	13,291	28%
Town of Melbourne Beach	2,817	660	23%
City of Palm Bay (Zone A)	110,334	20,642	19%
St. Lucie County	49,780	8,539	17%
Brevard County (Zone SEB)	27,987	4,114	15%
City of Melbourne	33,921	4,658	14%
City of Palm Bay (Zone SEB)	1,657	185	11%
Town of Melbourne Village	1,713	173	10%
FL Turnpike	391	39	10%
Town of Indialantic	1,925	183	10%
Town of Indian River Shores	11,040	876	8%
City of Sebastian	33,196	2,225	7%
City of West Melbourne	18,449	959	5%
FDOT District 5 (Zone SEB)	1,780	33	2%
Town of St. Lucie Village	1,727	18	1%
U.S. Air Force	512	0	0%
Town of Grant-Valkaria (Zone A)	20,519	0	0%
Town of Grant-Valkaria (Zone SEB)	5,081	0	0%
Town of Malabar	12,386	0	0%
Town of Orchid	1,368	0	0%



# Previous Restoration Efforts

- ▶ “DEP recognizes that stakeholders throughout the watershed have implemented stormwater management projects prior to the implementation of the TMDLs and that these efforts have benefited water quality. Projects completed in 2000 or later are considered for credits and inclusion in the BMAP.”

*-Page 42/202 of 2021 CIRL BMAP*



# Staff Objections

- ▶ Individual Stakeholders are not being held accountable for their fair share of nutrient reduction targets to meet BMAP milestones.
- ▶ The FDEP will be calibrating the model used in the BMAP with select projects constructed after 2000. FDEP needs to ensure that previous restoration efforts are allocated to the appropriate stakeholder for works completed after 2000 per the conditions of the BMAP document.

# QUESTIONS

The word "QUESTIONS" is rendered in a bold, white, 3D sans-serif font. It is centered horizontally and surrounded by a cluster of semi-transparent blue and green squares of various sizes. The squares are layered, creating a sense of depth and movement. The background is white, with abstract blue and green geometric shapes in the corners.

4-B)



**Clean Water Coalition**  
**CWC**  
**of Indian River County, Inc.**

TO: City Council  
FROM: Paul Fafeita, President  
DATE: February 24, 2022  
RE: Septic Policy for City of Vero Beach

The Clean Water Coalition of Indian River County (CWC) has formulated the attached Septic System Policy for your consideration. We believe that the adoption of a formal policy to eliminate septic systems from the barrier island is important for the following reasons:

1. The City's ArcNlet Study showed that most of the City's nitrogen pollution from septic systems enter the Lagoon from the barrier island.
2. Financial incentives have been offered and have now expired. At the current inspection rate, there will remain septic systems on the barrier island in 50 years.
3. The City has made an investment in infrastructure to install sewer lines to connect all septic systems with STEP. The City is building an advanced wastewater treatment facility to be completed by 2025. The opportunity exists to make a significant impact to lagoon health by connecting old septic systems to this new plant.
4. Cost to connect does not present a problem for the majority of barrier island residents. With sufficient notice of connection deadlines and the institution of an appeals board, the plan is reasonable and fair.

We urge you to adopt this plan as quickly as possible and we pledge to support this effort.

## Clean Water Coalition's 3 - STEP Connection Plan for Barrier Island

There are 4 basins on the barrier island where mainlines are installed for residents to connect to the STEP municipal sewer system. Originally begun as a "carrot & stick program" – incentives followed by inspections. CWC proposes the addition of STEP 3 - Deadline for connection.

### Step 1 - Incentive Program

Notification Letter to Homeowners started the 1-year eligibility period for financial assistance:

- Bethel Creek Basin – August 21, 2017
- Live Oak Basin – February 28, 2018
- Riomar/South Beach Basins – January 18, 2019

### Step 2 - Pump Out and Inspection Program

"Commencing January 1, 2016, each owner of a private wastewater disposal system shall cause the **pump out** of the system on a regular frequency not to exceed every five years."

1<sup>st</sup> deadline: 12/31/2020

2<sup>nd</sup> deadline: 12/31/2025

Current Connection Status – approximately 50% of barrier island OSTDS are connected to municipal sewer. Of the remaining 50%, approximately 2/3 are pre-1983. A Department of Health study found NO nitrogen removal from these old septic systems.

CWC recommends the elimination of septic systems on the barrier island to coordinate with the completion of the Advanced Wastewater Treatment Plant (end of 2025) due to the high nutrient load coming from barrier island.

### Step3 - Mandatory Connection phased in by Basin (10 years from connection availability)

	Septic Systems Remaining (Feb 2022)
• Bethel Creek – August 2027	75
• Live Oak - February 2028	170
• Riomar/South Beach – January 2029	201

\*\*\*\*Does not apply to septic systems on the mainland. It will be necessary to find additional funding to help supplement connection due to economic constraints of residents.

\*\*\*\*An appeals board should be considered to review variance requests