2010 KEY LARGO WASTEWATER TREATMENT DISTRICT
BOARD OF COMMISSIONERS

AGENDA

Tuesday April 6, 2010 4:00 PM
98880 Overseas Hwy
Key Largo, FL 33037

Norman Higgins	**Chair**
Robert Majeska	**Vice Chair**
Susan Hammaker	**Secretary-Treasurer**
Andrew Tobin	**Commissioner**
Charles Brooks	**Commissioner**

.....

Charles F. Fishburn	**General Manager**
Thomas Dillon	**District Counsel**
Carol Walker	**District Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the District Clerk at 30-43-804 at least 48 hours in advance to request accommodations.

A. CALL TO ORDER - PLEASE MUTE CELL PHONES

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR CONTINUANCES

E. PUBLIC COMMENT

F. GENERAL MANAGER'S REPORT **TAB 1**

1. WWTP Plaque — Action
2. Overholt Change Order #8 Vacuum Station "A" — Action

3. Overholt Change Order #9 Vacuum Station "I" Action
4. EPA Numeric Nutrient Requirements

G. COMMISSIONER'S ITEMS **TAB 2**

5. Islamorada Resolution (Commissioner Tobin) Action
6. Unique Properties (Commissioner Tobin)
7. "No Gift" Policy (Commissioner Tobin)

H. BULK ITEMS Action **TAB 3**

8. Pending Payments for April 6, 2009
9. Minutes March 16, 2010
10. Assessment Appeal Key Largo School
11. RESOLUTION NO. 07-04-10

    A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ROBERT A. BARKER AND JANNIE K. BARKER, HUSBAND AND WIFE, FOR REMOVAL OF ONE TAX PARCEL FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

I. STATUS REPORTS **TAB 4**

12. Package Plant Status Report
13. Customer Service Status Report
14. Tie In Status Report

J. OPERATIONS MANAGER **TAB 5**

15. Asset Management Action
16. Operations Update
17. IT Update
18. Operations Building Layout
19. Mobile Radios for Trucks

K. ENGINEER'S REPORT **TAB 6**

20. Status Report & Maps

L. FINANCIAL REPORT **TAB 7**

21. Capital Projects Status Report

M. LEGAL COUNSEL REPORT

N. COMMISSIONERS ROUNDTABLE

O. ADJOURNMENT

TAB 1

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 1

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Plaque for Wastewater Treatment Plant Control Building

RECOMMENDED MOTION/ACTION: Approval

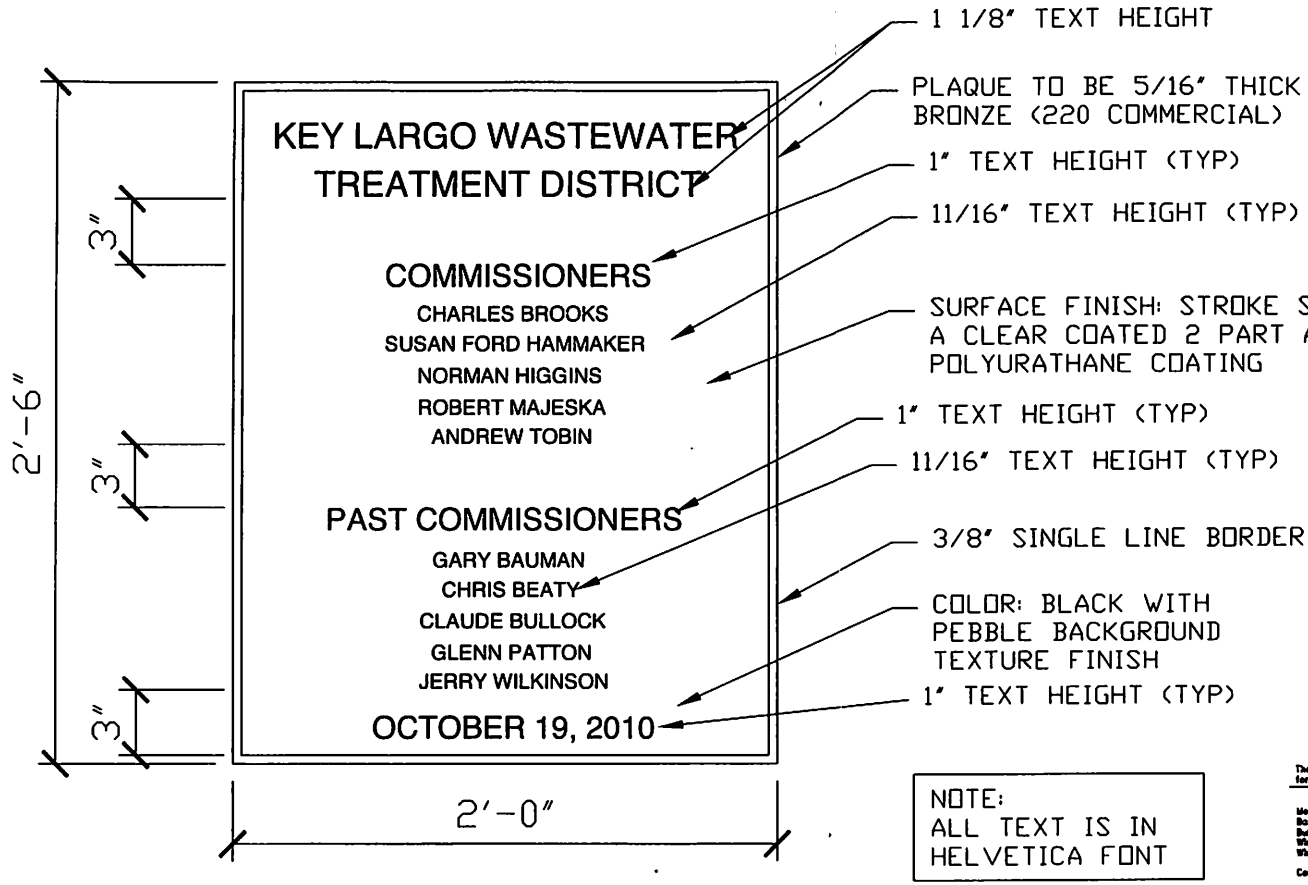
Approved by General Manager C.J.2
Date: 3-22-10

Originating Department: General Manager	Costs: Approximately Funding Source: Acct.	**Attachments:** Detail for Plaque for control building
Department Review: [ ] District Counsel _____ [X] General Manager C.J.2 [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: A Bronze Plaque is to be attached to the Wastewater Treatment Plant Control Building,

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6



NOTE:
ALL TEXT IS IN HELVETICA FONT

PLAQUE FOR CONTROL BUILDING

SCALE: NTS

WEC

These plans are in Compliance with Florida Building Code 2007 for wind parameters indicated.

Method of Design: ASCE 7-05
Basic wind speed: 150 MPH
Building category: II
Wind importance Factor: 1.0
Wind exposure: C

Component & Cladding Wind Pressure: N/A

This Engineer of Record is for structural only and not to be considered the Engineer of Record with total responsibility for all specifications relative to the entire structure and specific site location including but not limited to life safety issues of egress/accessibility/fire/hazard/et al., energy code, electrical, plumbing, HVAC, soil conditions, survey, and drainage.

This certification is not valid without an original signature and date and embossed with a raised seal.

The Weiler Engineering Corporation
20020 Veterans Blvd., Suite 7-9, FL 33954

KEY LARGO WWTP

DETAILS FOR PLAQUE TO CONTROL BUILDING

WEC THE WEILER ENGINEERING CORPORATION

SK-12

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 2

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Overholt Change Order #8

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.O.
Date: 4-1-10

Originating Department: General Manager	Costs: Approximately $16,528.83 Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C.J.O. [ ] Finance _____	[X] Engineering E C [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

COPY

SECTION 00950

CHANGE ORDER FORM

Change Order No. 8

Project Title Vacuum Station Basin A

Bid No. _____

Owner: Key Largo Wastewater Treatment District

Contractor: Overholt Construction Company

Agreement Date: _____

This Change Order is necessary to cover changes in the work to be performed under this Agreement. The GENERAL CONDITIONS, SUPPLEMENTARY CONDITIONS, and STANDARD SPECIFICATIONS apply to and govern all work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE CONTRACT DOCUMENTS:

(1)	Original Contract Price	$961,267.00
(2)	Current Contract Price (Adjusted by Previous Change Orders)	$4,173,987.14
(3)	Total Proposed Change in Contract Price	$16,528.83
(4)	New Contract Price (Item 2 + Item 3)	$4,190,515.97
(5)	Original Contract Time	240 Days
(6)	Current Contract Time (Adjusted by Previous Change Orders)	480 Days
(7)	Total Proposed Change in Contract Time	0 Days
(8)	New Contract Time (Item 6 + Item 7)	480 Days
(9)	Original Contract Substantial Completion Date	9/17/09
(10)	New Contract Substantial Completion Date	5/15/10

CHANGES ORDERED

ITEM 1

Description of Change: Odor Control deduct.

Reason for Change: Purchased by KLWTD.

Change in Contract Price: ($99,000.00)

Change in Contract Time: 0

ITEM 2

Description of Change: Generator deduct.

Reason for Change: Purchased by KLWTD.

Change in Contract Price: ($55,358.59)

Change in Contract Time: 0

ITEM 3

Description of Change: Paint skids and tank, abrade floor surface and clean prior to applying epoxy coating, including electrical room, and clean brackets and pipe with solvent, paint with primer and coating.

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $4,299.81

Change in Contract Time: 0

ITEM 4

Description of Change: Relocate tank gauges above grid decking.

Reason for Change: Tank gauges more accessible. Requested by KLWTD.

Change in Contract Price: $274.77

Change in Contract Time: 0

ITEM 5

Description of Change: Upgrade roofing material to galvalume.

Reason for Change: Color requested by property owner.

Change in Contract Price: $1,050.00

Change in Contract Time: 0

ITEM 6

Description of Change: Add three (3) butterfly valves to Odor Control System.

Reason for Change: Necessary to complete.

Change in Contract Price: $4,453.09

Change in Contract Time: **0**

ITEM 7

Description of Change: Add 32 control wires for 12 shown on plans.

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $969.62

Change in Contract Time: 0

ITEM 8

Description of Change: Insulated generator louver.

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $3,234.56

Change in Contract Time: 0

ITEM 9

Description of Change: Replace glass block w/ louvers

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $$3,490.83

Change in Contract Time: 0

ITEM 10

Description of Change: Relocate force main

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $$3,864.00

Change in Contract Time: 0

ITEM 11

Description of Change: Replace SDR21 w/ DI pipe. Add Linkseals

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $11.339.90

Change in Contract Time: 0

ITEM 12

Description of Change: DI pipe for SS VAC header

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $26,363.97

Change in Contract Time: 0

ITEM 13

Description of Change: UG Electric Feed

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $14,965.02

Change in Contract Time: 0

ITEM 14

Description of Change: Stormwater Swale Drain Connection

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $7,896.00

Change in Contract Time: 0

ITEM 15

Description of Change: Utility work from Property Line to US1 ROW

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $88,685.85

Change in Contract Time: 0

CHANGE ORDER SUMMARY			
No.	**Description**	**Change in Contract Price**	**Change in Contract Time**
1	Odor Control deduct	($99,000.00)	0
2	Generator deduct	($55,358.59)	0
3	Paint skids & tank, coat floor w/ epoxy, clean & paint brackets	$4,299.81	0
4	Relocate gauges	$274.77	0
5	Roof material change to color galvalume	$1,050.00	0
6	Add three (3) butterfly valves	$4,453.09	0
7	Add 32 control wires for 12 shown on plans	$969.62	0
8	Insulated generator louver.	$3,234.56	0
9	Replace glass block w/ louvers	$3,490.83	0
10	Relocate force main	$3,864.00	0
11	Replace SDR21 w/ DI pipe. Add Linkseals	$11,339.90	0
12	DI pipe for SS VAC header	$26,363.97	0
13	UG Electric Feed	$14,965.02	0
14	Stormwater Swale Drain Connection	$7,896.00	0
15	Utility work from Property Line to US1 ROW	$88,685.85	0
TOTAL		**$16,528.83**	**0 Days**

WAIVER This Change Order constitutes full and mutual accord and satisfaction for the adjustment of the Contract Price and Contract Time as a result of increases or decreases in cost and time of performance caused directly and indirectly from the change. Acceptance of this Waiver constitutes an agreement between OWNER and CONTRACTOR that the Change Order represents an equitable adjustment to the Agreement and that CONTRACTOR shall waive all rights to file a Contract Claim or claim of any nature on this Change Order. Execution of this Change Order shall constitute CONTRACTOR's complete acceptance and satisfaction that it is entitled to no more costs or time (direct, indirect, impact, etc.) pursuant to this Change Order.

APPROVAL AND CHANGE ORDER AUTHORIZATION

ACKNOWLEDGMENTS

The aforementioned change, and work affected thereby, is subject to all provisions of the original Agreement and specifically changed by this Change Order; and

It is expressly understood and agreed that the approval of the Change Order shall have no effect on the original Agreement other than matters expressly provided herein.

ATTEST:

_____
(Secretary)

_____
Date

(Corporate Seal)

_____
Contractor

_____
Printed Name and Title of Officer

_____
By (Signature)

_____
Date

ATTEST:

_____
(Signature)

_____
Date

(Seal)

_____
Owner

_____
Printed Name and Title

_____
By (Signature)

_____
Date

END OF SECTION

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 3

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Overholt Change Order #9

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.H
Date: 4-1-10

Originating Department: General Manager	Costs: Approximately ($136,422.49) Deduct Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C.J.H [ ] Finance _____	[X] Engineering EC [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

COPY

SECTION 00950

CHANGE ORDER FORM

Change Order No. 9

Project Title Vacuum Station Basin I

Bid No. _____

Owner: Key Largo Wastewater Treatment District

Contractor: Overholt Construction Company

Agreement Date: _____

This Change Order is necessary to cover changes in the work to be performed under this Agreement. The GENERAL CONDITIONS, SUPPLEMENTARY CONDITIONS, and STANDARD SPECIFICATIONS apply to and govern all work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE CONTRACT DOCUMENTS:

(1)	Original Contract Price	$961,267.00
(2)	Current Contract Price (Adjusted by Previous Change Orders)	$4,190,515.97
(3)	Total Proposed Change in Contract Price	($136,422.49)
(4)	New Contract Price (Item 2 + Item 3)	$4,054,091.48
(5)	Original Contract Time	240 Days
(6)	Current Contract Time (Adjusted by Previous Change Orders)	480 Days
(7)	Total Proposed Change in Contract Time	60 Days
(8)	New Contract Time (Item 6 + Item 7)	540 Days
(9)	Original Contract Substantial Completion Date	9/17/09
(10)	New Contract Substantial Completion Date	7/15/10

CHANGES ORDERED

ITEM 1

Description of Change: Odor Control deduct.

Reason for Change: Purchased by KLWTD.

Change in Contract Price: ($99,000.00)

Change in Contract Time: 0

ITEM 2

Description of Change: Generator deduct.

Reason for Change: Purchased by KLWTD.

Change in Contract Price: ($55,358.59)

Change in Contract Time: 0

ITEM 3

Description of Change: Paint skids and tank, abrade floor surface and clean prior to applying epoxy coating, including electrical room, and clean brackets and pipe with solvent, paint with primer and coating.

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $4,299.81

Change in Contract Time: 0

ITEM 4

Description of Change: Relocate tank gauges above grid decking.

Reason for Change: Tank gauges more accessible. Requested by KLWTD.

Change in Contract Price: $274.77

Change in Contract Time: 0

ITEM 5

Description of Change: Upgrade roofing material to galvalume.

Reason for Change: Color requested by property owner.

Change in Contract Price: $1,050.00

Change in Contract Time: 0

ITEM 6

Description of Change: Add 32 control wires for 12 shown on plans.

Reason for Change: Necessary to complete. Requested by KLWTD.

Change in Contract Price: $969.62

Change in Contract Time: 0

ITEM 7

Description of Change: Replace SDR21 w/ DI pipe & add Linkseals

Reason for Change: Necessary to complete. Requested by District

Change in Contract Price: $11,339.90

Change in Contract Time: 0

CHANGE ORDER SUMMARY			
No.	**Description**	**Change in Contract Price**	**Change in Contract Time**
1	Odor Control deduct	($99,000.00)	0
2	Generator deduct	($55,358.59)	0
3	Paint skids & tank, coat floor w/ epoxy, clean & paint brackets	$4,299.81	0
4	Relocate gauges	$274.77	0
5	Roof material change to color galvalume	$1,050.00	0
6	Add 32 control wires for 12 shown on plans	$969.62	0
7	Replace SDR21 w/ DI pipe & add Linkseals	$11,339.90	0
	Permit delays		60
TOTAL		**($136,424.49)**	**60 Days**

WAIVER This Change Order constitutes full and mutual accord and satisfaction for the adjustment of the Contract Price and Contract Time as a result of increases or decreases in cost and time of performance caused directly and indirectly from the change. Acceptance of this Waiver constitutes an agreement between OWNER and CONTRACTOR that the Change Order represents an equitable adjustment to the Agreement and that CONTRACTOR shall waive all rights to file a Contract Claim or claim of any nature on this Change Order. Execution of this Change Order shall constitute CONTRACTOR's complete acceptance and satisfaction that it is entitled to no more costs or time (direct, indirect, impact, etc.) pursuant to this Change Order.

APPROVAL AND CHANGE ORDER AUTHORIZATION

ACKNOWLEDGMENTS

The aforementioned change, and work affected thereby, is subject to all provisions of the original Agreement and specifically changed by this Change Order; and

It is expressly understood and agreed that the approval of the Change Order shall have no effect on the original Agreement other than matters expressly provided herein.

ATTEST:

_____
(Secretary)

_____
Date

(Corporate Seal)

_____
Contractor

_____
Printed Name and Title of Officer

_____
By (Signature)

_____
Date

ATTEST:

_____
(Signature)

_____
Date

(Seal)

_____
Owner

_____
Printed Name and Title

_____
By (Signature)

_____
Date

END OF SECTION

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 4

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: EPA Numeric Nutrient criteria

RECOMMENDED MOTION/ACTION:

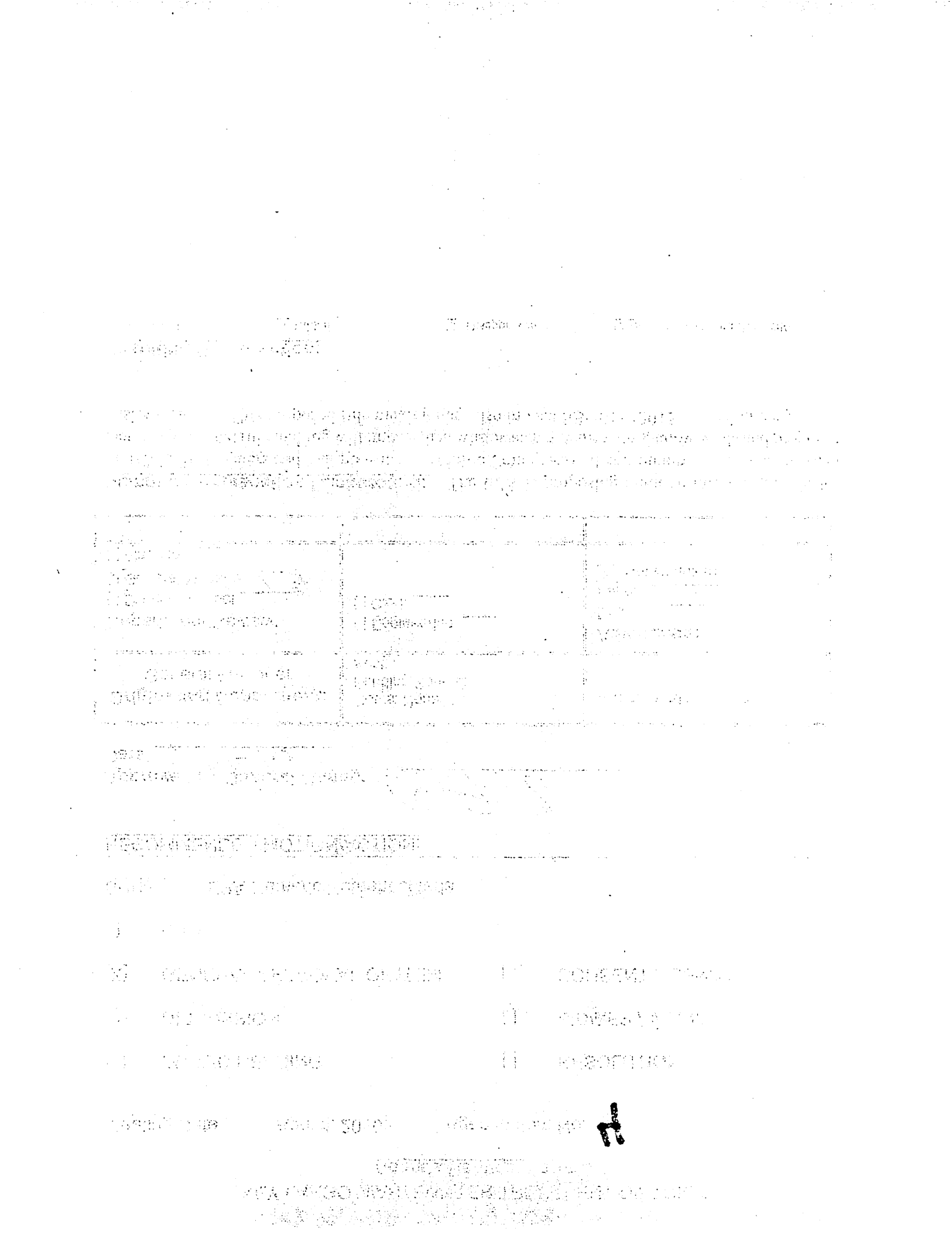
Approved by General Manager C.J.L
Date: 3-31-10

Originating Department: General Manager	Costs: None Funding Source: Acct.	**Attachments:** Memo
Department Review: [ ] District Counsel _____ [X] General Manager CJL [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: The EPA is proposing numeric nutrient criteria for Florida's fresh waters and marine waters. Monroe County and other municipalities are concerned that this proposed rule making will impact their wastewater systems with shallow wells and proposed onsite systems. This proposed rule making may also impact SB 2018 (2015 extension etc.).

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6



4

Reply to: West Palm Beach

MEMORANDUM

TO: Roman Gastesi

FROM: Erin Deady

DATE: February 20, 2010

SUBJECT: **Numeric Nutrient Criteria**
EPA Rulemaking and DEP Reclassification Rulemaking

This memorandum is a summary on the status of efforts by the U.S. Environmental Protection Agency's ("EPA") to promulgate numeric nutrient criteria for water quality standards in Florida. I am providing this memorandum pursuant to your request, discussing some of the impacts and considerations for Monroe County with this rule. This memorandum is not meant to be final, but introductory to answer some of the questions you have posed to me concerning the effect of this rule on the County. As you are aware, we have been working on this issue for quite some time and we are working with several public and private clients on the rule development. One of our primary clients is the Florida Association of Special Districts and they obviously have great interest in monitoring the rule and trying to influence its outcome.

This memorandum cannot be considered comprehensive in terms of the impact of the rule because we have not reviewed any information concerning the actual performance or implementation success of the County's overall wastewater/stormwater planning and implementation efforts to date. This is the best information we have on the rule at this point, however, the rule development effort is still evolving as you know and the information contained within this memorandum is likely to change.

I. Water Quality requirements for Monroe County

Section 6 of Chapter 99-395, Laws of Florida (L.O.F.), requires all new sewage facilities in Monroe County, including onsite sewage treatment and disposal systems ("OSTDS"), permitted after June 18, 1999 to comply with the following standards by July 1, 2010:

DRAFT

Table 1: BAT and AWT Standards (Section 6 of chapter 99-395, L.O.F.)

Effluent (treated wastewater) concentration in milligrams per liter (mg/L) as annual average (mg/l is equal to 1 part per million)	BOD	TSS	TN	TP
BAT standards apply to facilities with design capacities less than 100,000 gallons/day (generally, OSTDS and "package plants").	10	10	10	1
AWT standards apply to facilities with design capacities equal to or greater than 100,000 gallons/day (community and central wastewater treatment systems)	5	5	3	1

BOD = Biochemical Oxygen Demand; TSS = Total suspended solids; TN = Total nitrogen; TP = Total phosphorus.

(Section 6 also prohibited new surface water discharges of wastewater and required elimination of existing surface water discharges by July 1, 2006.). These requirements apply to the owners of the facilities and OSTDS systems, whether they are local governments, public or private utilities, other private entities (restaurants, stores, condominiums, etc.), or individual homeowners.

The Florida Department of Environmental Protection ("DEP") has identified certain water quality "impairments" in the Keys that are consistent with the impacts associated with inadequately treated and managed wastewater, specifically nutrients and bacteria, including fecal coliform. Typically after identifying an impaired waterbody a total maximum daily load ("TMDL") would be established requiring pollutant load reductions to resolve the problems. In lieu of a TMDL for Monroe County, a Reasonable Assurance Plan was developed by DEP to set forth and accelerate the actions that have been taken or are planned to be taken to reduce nutrient loadings to near shore waters throughout the County so that water quality standards are met and beneficial uses are restored. The plan has been reviewed and accepted by DEP and sent to the United States Environmental Protection Agency ("EPA") for review and comment in February 2009. However, our best information as of last week supplied by DEP is that no action has been taken yet by EPA, meaning that the Reasonable Assurance Plan ("RAP") is not an accepted alternative to establishing TMDLs under the Clean Water Act.

Outstanding Florida Waters are afforded a higher degree of protection through antidegradation permitting requirements for discharges into such waters. But canals in Monroe County are not part of the Outstanding Florida Waters designation and more than 200 canals and access channels were dredged from the 1950s-1970s. Although Monroe County's **canals** are not Outstanding Florida Waters, DEP has specifically designated them an "area of concern" by imposing the stringent standards noted above. These standards are also included in Senate Bill 2018 with a new December 31, 2015 compliance deadline.

DRAFT

II. Numeric Nutrient Water Quality Standards

A. EPA Rule Development Background

Florida currently employs narrative nutrient standards to guide the management and protection of its surface waters; standards that were previously reviewed and approved by the EPA. In July of 2008, several environmental groups initiated a lawsuit to force EPA to establish numeric nutrient criteria (versus narrative standards) for all of Florida's surface waters. By letter dated January 14, 2009, the EPA notified the DEP that numeric water quality standards for nutrients would be necessary for the State to comply with the requirements of the Clean Water Act ("CWA"). The State of Florida's efforts to establish numeric standards had been ongoing for at least seven years[1]. With a lawsuit in the background, the efforts to establish numeric criteria were accelerated and became litigation driven.

On August 19, 2009, EPA settled the lawsuit by entering into a consent decree with the environmental groups whereby EPA agreed to establish numeric nutrient criteria for all lakes, streams, and canals by January 2010, to be implemented by October 2010. Criteria for coastal waters will be established by January 2011 and implemented by October 2011.

On January 14, 2010, EPA published for public consumption, a draft rule establishing numeric nutrient criteria for Florida's *flowing waters and lakes*, which is scheduled to become effective by October of this year. In February, EPA conducted three public workshops in Tallahassee, Orlando, and West Palm Beach. All three public workshops began with a thirty minute overview of the proposed numeric criteria by EPA, followed by hours of public comment. In addition to the public comments at the workshops, EPA will also accept written comments, which are now due by April 28, 2010. This deadline was just extended in yesterday's version of the Federal Register.

EPA's proposed rule sets forth "in-stream" numeric nutrient water quality standards for nitrogen, phosphorus, and chlorophyll *a* (as a response variable) for lakes, streams, and canals in Florida. With regard to *flowing waters*, EPA utilized a regional-referenced based approach similar to the methodology used by DEP to statistically derive criteria for flowing waters. For streams, the threshold for total nitrogen and total phosphorus will be the 75th percentile of reference waterbody concentrations. Concentration levels higher than 75th percentile of the regional waters selected to establish the regional criteria will not be considered protective of designated uses. EPA used the same reference- based approach in determining numeric nutrient criteria for South Florida canals;

[1] In May of 2002, DEP submitted a Draft Numeric Nutrient Criteria Development Plan to EPA. The 2002 plan was revised in December of 2003 to respond to EPA comments. In July of 2004, the EPA and DEP entered into a mutual agreement on the numeric criteria development plan.

DRAFT

however, the canals selected to establish the criteria were predominately ground water feed canals that were deemed to be meeting Class III designated uses. Essentially, EPA only selected those canals that most mimic natural systems with regards habitat and uses. EPA's proposed water quality standards for South Florida canals are far more protective than the standards noted in the table above and are as follows:

	Chlorophyll *a* (µg/L) [a]	Total Phosphorus (TP) (mg/L) [a, b]	Total Nitrogen (TN) (mg/L) [a]
Canals	4.0	0.042	1.6

[a] Concentration values are based on annual geometric mean not to be surpassed more than once in a three-year period. In addition, the long-term average of annual geometric mean values shall not surpass the listed concentration values. (Duration = annual; Frequency = not to be surpassed more than once in a three-year period or as a long-term average).

[b] Applies to all canals within the Florida Department of Environmental Protection's South Florida bioregion, with the exception of canals within the Everglades Protection Area (EvPA) where the TP criterion of 0.010 mg/L currently applies.

EPA's proposed rule does not specifically limit the proposed criteria to **freshwater** systems, but it is believed that the standards will apply to waterbody identification numbers ("WBIDs") that are *predominantly fresh waters* as defined by Rule 62-302.200, F.A.C. DEP defines "predominantly fresh waters" as those "surface waters in which the chloride concentration at the surface is less than to 1,500 milligrams per liter. For those WBIDs that have surface concentrations greater or equal to 1,500 milligrams per liter for chloride, they would be considered predominantly marine waters[2].

Regardless of the fact that the standards currently being proposed will only apply to predominately fresh waters, it is important to note that, in addition to in-stream protection criteria, EPA is also proposing interim downstream protection values ("DPV") to protect downstream lakes **and estuaries**. EPA proposed a "downstream protection overlay" which will further reduce EPA's regional in-stream numbers (lower than those listed above) based on the perceived sensitivity of downstream waters to nutrient loading. This is probably the most critical issue for Monroe County to monitor during this part of the rulemaking effort. Simply stated, EPA's proposed DPVs for estuarine waters for total nitrogen is established by determining the mid-point between the estimated nutrient loadings without human sources of nutrients and the estimated current loadings. Once the DPV for a given estuary is established, load allocations for all stream and canal reaches (and/or WBIDs) within the estuary's watershed are set by implementing a complex formula(s) to estimate the nutrient loading to downstream waters. The estimated loading will be used to set

[2] In those cases where there is significant variation in salinity (sometimes it is marine water and sometimes it is fresh water), the WBID will be assessed based on the salinity of the sample. It should also be noted that a given waterbody can have more than one WBID and that WBID boundaries are subject to change.

revised total nutrient criteria for in-stream protection, which, in most cases, be will lower than the regional criteria. Simply stated, the closer a reach (and/or WBID) is to a given estuary, the more protective the DPV will be and the likelihood of EPA establishing lower in-stream criteria is greatly increased. It should be noted that it does not appear a similar downstream protection overlay for estuaries has yet been developed for total phosphorous; however, it is likely one will be included in the final rule.

Interim DPVs aside, EPA is now currently developing numeric nutrient criteria for **coastal waters**, which is scheduled to be officially proposed January 2011 and implemented October 2011. Based on the DPV approach, it is anticipated that the estuarine criteria that will be implemented in 2011 will be at least as protective as the DPVs. Consequently, it is also anticipated that predominately marine waters that feed into estuaries (directly or indirectly) will have numeric nutrient criteria established that will be far more protective than those currently being proposed for predominately fresh waters.

Consequently, EPA's approach is far more protective than previous DEP's approaches. For example, DEP tested reference streams throughout the state that were considered the healthiest and most preserved by both DEP and EPA in order to determine if they would attain the numeric criteria proposed by EPA. DEP determined that up to 85% of the State's most pristine waters would fail and be considered impaired when the DPVs were considered. It should be noted that DEP did not consider one reach of any canal in South Florida to be "healthy and preserved" as to qualify for this field study. It can therefore be safe to assume if 85% of the State's most pristine streams would fail, then almost all, if not all, of South Florida's canals would surely fail.

B. Issues Raised in the Rule Development Process

i. Arbitrary Science

Issues have been raised about the methodologies being employed by EPA to set the numeric nutrient criteria both in Florida and nationally. EPA's methodologies have been questioned, especially, when one considers DEP's evaluation whereby 85% of the State's most pristine waters would fail. EPA methodologies have also come under attack from the regulated community and EPA's own Science Advisory Board as being technically flawed. In particular, as noted above, EPA did not select representative canals in South Florida to establish the proposed numeric nutrient criteria for that region. South Florida canals are predominately surface water feed with nutrient levels that are typically much higher than one would expect to find in a system that is predominately ground water feed. By selecting canals that are groundwater feed, the numeric nutrient criteria for canals is artificially overprotective and virtually impossible to meet as the criteria essentially assumes little to no surface water loading of nutrients.

DRAFT

The DPVs also have come under attack as being unsound. EPA utilized the Spatially-Referenced Regression on Watershed attributes ("SPARROW") model to derive the loading allocations associated with the DPVs. The SPARROW model has been used by U.S. Geological Survey to assess large scale watersheds like the Mississippi River basin and Chesapeake Bay watershed. Presumably, due to the time constraints, EPA utilized the SPARROW model without recalibrating it to assess smaller watersheds like the eco-regions in Florida, which are being used to establish regional numeric criteria. Consequentially, the application of the SPARROW model to derive the DPV loading and establish permanent numeric criteria for coastal waters in 2011 has been attacked as being unsound and arbitrary science.

Notably, the principal concern over EPA's science has been that EPA has not been able to demonstrate a causal relationship between the level of nutrients in a given waterbody and the waterbody's biological health. EPA has admitted to this limitation, however, has responded that even though they cannot demonstrate a connection, "it must surely be there".

ii. Economic Feasibility

The economic impacts that local governments and facility owners will have to bear in order to even attempt compliance with these standards are astronomical. The Florida Stormwater Association has estimated costs exceeding $75 Billion[3] statewide. Some utilities have stated rate increases up to $700.00 per household. These costs do not factor in the land acquisition cost of residential and commercial properties needed to construct water treatment areas/facilities. The economic impacts are further augmented by the fact that the proposed standards could very well be unattainable even with billions of dollars of investment.

iii. National Pollution Discharge Elimination System Permitting

The establishment of numeric nutrient criteria will significantly change the National Pollution Discharge Elimination System Permitting ("NPDES") permitting process. Currently, Florida conducts site-specific assessment of the proposed discharges for a project to determine whether the proposed action will cause an "imbalance". By having preset nutrient benchmarks, in theory, NPDES permits should be reviewed in a timelier manner; however, there will no project specific analysis. The issuance of an NPDES permit will be reduced to a simple comparison of proposed discharge numbers versus benchmark numbers, potentially leaving no flexibility to

[3] See Florida Stormwater Association's general comment letter on EPA's proposed criteria, which is attached for your review. The $75 Billion statewide estimate is based on the cost of compliance for only stormwater capital costs that would be necessary (not including wastewater).

account for other variables. This will directly impact an applicant's ability to renew the necessary NPDES permits, creating potentially more enforcement issues.

iv. Effect on "Impaired Waters"

As previously noted, DEP is proposing a RAP to address the nutrient problems in the County. However, EPA has not approved the RAP as conveyed to us by DEP late last week. Considering that the RAP sets forth standards **that are not as protective** as EPA's proposed criteria[4], it is likely that the RAP will have to be either revised to be consistent with EPA's criteria or be submitted as a Site Specific Alternative Criteria ("SSAC") for nutrient criteria. If the RAP is not approved or a SSAC is not implemented, an alternative might be that EPA require a TMDL to be established for all impaired waters. It should also be noted that while Senate Bill 2018 appears to be codifying the standards set forth in the RAP and establishing a December 31, 2015, compliance deadline. The 2015 deadline will be rendered meaningless by EPA's proposed standards which will be implemented by October 2010 for fresh waters and 2011 for marine waters.[5] If EPA's final criteria are more protective than the RAP's, DEP could propose the RAP's less protective standards as "interim standards", while Monroe County works toward complying with EPA's standards. Another approach might be to establish the RAP's criteria as a SSAC although there are compliance, process and cost issues associated with that approach also.

The costs associated with establishing a SSAC or a TMDL are significant. As outlined in the chart below, a SSAC costs $15,000 (per individual parameter, like phosphorus, nitrogen, etc.)

[4] The RAP is based on achieving Total Phosphorus levels of 1 mg/L and Total Nitrogen levels of 10 mg/L (3 mg/L for AWT standards). As noted in the figure above, EPA is proposing a Total Phosphorus limit of .042 mg/L and Total Nitrogen of 1.6 mg/L for predominately fresh water canals.

[5] Objective E of the October 2009, Monroe County Area of Critical State Concern De-designation Report: All of the Year 10 objectives which remain outstanding are related to implementation of the Monroe County Sanitary Wastewater Master Plan. The County has made substantial effort in recent years and particularly in recent months to secure funding for the implementation and completion of the wastewater project, not just in unincorporated Monroe County but in the Florida Keys. The Regional Wastewater Partnership which includes Monroe County, the Florida Keys Aqueduct Authority, the Key Largo Wastewater Treatment District, the City of Key West, Bahia Honda State Park, the City of Marathon, the City of Key Colony Beach, the City of Layton, the Village of Islamorada, and the North Key Largo Utility Corporation remain committed to meeting the intent of the *statutory mandate* to provide AWT/BAT to the citizenry of Monroe County.

Monroe County has not completed the implementation of the Sanitary Wastewater Master Plan, the Monroe County Stormwater Management Plan, nor the acquisition of all lands identified for acquisition in the Land Management and Acquisition Master Plan. The County does have substantial investments in the completion of these plans and continues to strive toward implementation and completion with the State of Florida as our partner. However, the direct language of State Statute makes it very difficult to determine substantial progress has not been made in the implementation of the 10 Year Work Program.

DRAFT

for the application fee[6] and that does not include the costs associated with the required "Use Attainability Assessment", monitoring data, and any other reports that might be necessary to secure the SSAC. The difficulty in establishing a SSAC in South Florida is further augmented by the fact that there is no established "Stream Condition Index for South Florida". Therefore, an applicant in South Florida will have to expend more time and money in establishing a SSAC than in other parts of the State. Based on our experience with SSACs and TMDLs, Monroe County could expect approximately $150,000.00 minimum to establish a SSAC for one parameter in one waterbody[7]. Our experience also suggests that the establishment of a TMDL can cost up to $800,000.00, more if the system is complex. The cost estimates associated with establishing a SSAC or TMDL do not include the costs associated with implementation, which can be expected to be much higher. See table on the following page.

Criteria Alternatives	Costs	Notes
SSAC	$15,000.00 application fee per parameter	Up to **$150,000.00** when the costs associated with the require Use Attainability Assessments, monitoring and other studies are included. Also would require a minimum of 3 years of data
TMDL	Up to $800,000.00	

As previously stated, it should be noted that the standards for predominately marine water canals will likely be much more protective based on EPA's approach with the DPVs for predominantly fresh water. Again, the DPVs are designed to protect downstream waters, specifically estuaries. This additional concern is because DPVs become more protective/stringent the closer a WBID is to an estuary. Considering most of Monroe County's "marine" canals are in close proximity to coastal waters, it is safe to assume EPA will be proposing in 2011 criteria for those marine waters that will be more stringent than currently being proposed for fresh waters. Consequently, Monroe County would have to evaluate the performance from implementing its wastewater (and stormwater) projects to achieve much more protective standards versus attempting to establish SSACs for every one of the affected canals **for each parameter**. The alternative is that every canal would be considered "impaired" under EPA's proposed criteria and TMDL's would be established for every canal at a significant cost to Monroe County.

[6] See 62-4.050 (4)(p)2.(q) 1., F.A.C.

[7] SSACs are by definition "site specific" so it may be difficult to establish a global SSAC for all of Monroe County's canals in one application.

v. Permitting

The imposition of the proposed numeric criteria in South Florida could result in a majority of the region's utilities, water treatment, water supply, and water control facilities being out of compliance with these new regulatory standards and could have significant adverse implications on the ability to operate and maintain those facilities. As a condition of issuance of any state-issued Environmental Resource Permit or U.S. Army Corps of Engineers permit, the applicant must demonstrate compliance with state water quality standards including the new numeric nutrient criteria. Therefore, these facilities may not be able to obtain the necessary state and federal authorizations to continue their operations and service the public welfare.

C. Implementation

EPA has acknowledged that a compliance schedule would be needed in order to implement the proposed criteria. EPA is recommending a process where the state would propose (subject to EPA approval) "interim criteria" to allow attainment of the designated use over phased time periods. The idea is that as a waterbody improves over time and the interim criteria levels would move closer to the targeted numeric nutrient criteria set by EPA. However, it is not clear that DEP would be willing or is in a position to establish interim criteria and DEP could require a SSAC application instead. In addition to the cost of establishing a SSAC as previously discussed, one must consider that a SSAC: (1) can take between 18 months to 3 years to finalize; (2) require DEP and EPA approval; (3) there is no "Stream Condition Index" for South Florida, which is the primary tool contemplated for the SSAC process; and (4) requires several detailed and costly biological studies along with at least 3 years of data.

Even if DEP does develop interim criteria that is timely approved by EPA, local governments will have to immediately secure financing and expend capital costs to begin any compliance initiative because as you know, the planning and permitting for that takes years to complete. Consequently, local governments like Monroe County will experience immediate budgetary impacts.

Recently constructed facilities designed to comply with the water quality standards set by the State pursuant to Chapter 99-395, Laws of Florida (and the RAP) may not be entirely effective in complying with the new water quality standards. Some of these facilities may need to be re-tooled to satisfy EPA's proposed standards; however, the costs associated with initially constructing the new or separate facilities are also a factor to consider.

III. Reclassification of Florida's Surface Waters

In response to pressure being exerted by environmental groups and a select group of cities and counties, DEP has continued its efforts at the reclassification of Florida's surface waters. The

DRAFT

principal problem with establishing numeric criteria for canal systems is that Florida's current classification of waters did not account for "artificial" systems. Instead, Florida law has a default, "one size fits all" class whereby a majority of Florida's natural and artificial flowing waters (canals) are lumped together as Class III waters.

This necessarily meant that uses of artificial canals would, from a regulatory perspective, be expected to maintain the same designated uses expected in a natural system. It was this failure to acknowledge the biological differences between canals and natural systems that was the catalyst for reclassifying Florida's waters to portray a more accurate picture of the aquatic universe. Initially, DEP proposed a draft rule that included eight human uses and four aquatic uses that more accurately portrayed the diversity of Florida's surface waters. In an earlier draft of the reclassification rule, Monroe County was designated "Human Use-2" defined as "Protection of shellfish harvesting for human consumption, fish consumption, and full body contact". Protection of shellfish consumption involves maintaining a level of water quality that will prevent unpalatable flavor or accumulation of substances harmful to human health in shellfish tissue.

Apparently, in response to comments received by those involved in the reclassification rule development, DEP has significantly backtracked by proposing to only add one subclass to the "one-size fits all" Class III designation. DEP is now proposing to create one sub-class for Class III waters (Class III-Limited). The only difference between Class III and Class III-Limited is that the Class III-Limited classification allows for limited recreation and limited fish and wildlife populations whereas Class III is not limited in those uses.

In order to qualify for this proposed new sub-class, Class III-Limited, a waterbody would have to have been dredged wholly from uplands or be designated as "altered waterbodies" that were dredged before November 28, 1975. In addition, any applicant seeking to reclassify a waterbody to Class III-Limited would have to provide a "Use Attainability Analysis" to demonstrate the designated use that is to be removed is in fact unattainable. What is especially troubling is that the Use Attainability Analysis must be a full study to determine all potential attainable uses (in a perfect world) and not simply to prove a particular use is not attainable[8]. Also, an applicant will have to provide Site Specific Alternative Criteria for at least one of eight parameters: nutrients (including nutrient response variables), bacteria, dissolved oxygen, alkalinity, specific conductance, transparency, turbidity, or PH.

At present, since Monroe County is a designated Class II water body, this newest proposed change does not appear to impact the County. But the reclassification rule development effort should be monitored.

---

[8] When determining the potential uses of a waterbody, the Use Attainability Assessment does not consider human caused conditions except for the physical characteristics of a canal. Consequently, stormwater runoff and other discharges that inevitably impact the biological and use potential of a canal are not factored. Essentially, a significantly disturbed canal's designated uses are determined as if the discharges/human conditions do not exist.

DRAFT

IV. Impact to Monroe County

A. Wastewater Plan

According to the Wastewater Master Plan there were 246 small wastewater treatment plants (WWTPs) throughout the Keys. The Plan states there are (were) 23,000 onsite wastewater treatment systems in operation and approximately 2,800 early cesspools. Previous cost estimates for implementation of wastewater treatment options will likely be "higher" than originally anticipated if more stringent standards are adopted.[9]

B. 2010 Legislative Issues

As previously noted, Senate Bill 2018 essentially codifies the standards set forth in the RAP and gives Monroe County five more years to achieve compliance with water quality standards. However, EPA's proposed numeric nutrient criteria may serve to render Senate Bill 2018 meaningless with regard to the standards and the compliance deadline. The state legislature cannot trump the Clean Water Act or EPA regulations; therefore, if EPA's criteria are more protective, then it will be EPA's criteria that will be the operative water quality standard. Also, compliance with EPA's standards will not be influenced by Senate Bill 2018's compliance deadlines. EPA's criteria will become operative this October for fresh waters and by October 2011 for marine waters. While EPA's proposed rule does contemplate a compliance schedule, such a phased compliance approach would require DEP to establish interim criteria. To date, DEP has not expressed any indication that they would establish interim criteria, which would ultimately have to be approved by EPA. Instead, DEP has indicated that the SSAC process would probably be used. Regardless, EPA's proposed rule development has the potential to significantly render much of Senate Bill 2018 meaningless.

Senate Bill 2056, filed by Oelrich, states that the DEP is directed to contract with the National Academy of Sciences for a review and evaluation of scientific and technological issues related to the establishment of numeric nutrient criteria for surface waters in this state proposed by the EPA. DEP must ensure that the review and evaluation provides opportunities for input from scientists having expertise in nutrients and water quality and take into consideration such additional scientific and technological factors that are necessary and appropriate to the successful implementation of numeric nutrient criteria. The bill also requires DEP to report to the Legislature and identify issues that must be addressed in order to implement an orderly process for nutrient source control and abatement of nutrient enrichment and will achieve water quality standards.

[9] Objective E of the October 2009, Monroe County Area of Critical State Concern De-designation Report: Obtain $80 million in bond financing secured by connection fees.

DRAFT

C. Growth Management/Comprehensive Plan Implications

Finally, we have not completed an analysis yet on the Comprehensive Plan implications recognizing that Section 163.3180(13)(d), F.S., describes "financial feasibility" as a standard adopted to make concurrency more predictable and local governments more accountable. Section 163.3164, F.S., has been amended to define the term "financial feasibility" as a local government having sufficient revenues currently available or those revenues will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5 of a 5 year capital improvement schedule. Given that the County is seeking $80 million in bond financing to complete the Monroe County Sanitary Wastewater Master Plan, it might be appropriate to begin reviewing the Plan, financing and implementation schedule in light of EPA's rulemaking efforts.

DRAFT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 17 2010

OFFICE OF
WATER

Michael Sole
Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, M.S. 10
Tallahassee, Florida 32399

Dear Secretary Sole:

The U.S. Environmental Protection Agency (EPA) appreciates the continued feedback and perspectives expressed by the Florida Department of Environmental Protection (FDEP), and the comments and concerns expressed to us by Florida citizens at the recent public hearings with regard to the January proposed Water Quality Standards Rule for nutrients in Florida's lakes and flowing waters. I want to take this opportunity to communicate two key decisions the Agency has made as we move forward in the process to ensure protective numeric water quality criteria are in place for springs, lakes, and flowing waters this year, and estuaries and coastal waters next year.

First, the Agency has decided to delay finalizing promulgation of the "downstream protection values," or DPVs with respect to downstream estuary protection and to address this issue in the 2011 estuary and coastal rulemaking. The DPVs are specific stream concentrations that were proposed to assure the maintenance and protection of water quality standards in downstream estuaries. EPA used the USGS SPARROW model as a technical foundation for the proposed values. In the January proposal, EPA indicated that it planned to finalize the DPVs as part of the 2011 estuaries and coastal rulemaking, but retained the option to go final in 2010. The Agency is now committed to fold this aspect of establishing protective water quality criteria into the 2011 rulemaking. As we indicated in the January proposal, this will facilitate coordination with the development of proposed estuarine and coastal water quality criteria. Any DPVs that EPA proposes in January 2011 will also be subject to review and public comment as part of that rulemaking process.

Second, EPA will seek additional third party review of the scientific basis for water quality standards to protect downstream estuarine and coastal waters. We commit to consult with FDEP on the scope of third party review and will announce in early April the specific plans for that review. We will work together with Florida DEP to ensure we have the best science and analyses to support developing water quality standards to protect downstream estuarine and coastal waters.

Printed on Recycled Paper

I want to thank you and the staff at DEP for your continued efforts and engagement in the process. We share important goals and a commitment to restore and maintain Florida waters through application of the best available science.

Sincerely,

Peter S. Silva
Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 14 2009

OFFICE OF
WATER

Mr. Michael Sole, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Stop 49
Tallahassee, FL 32399-3000

Dear Secretary Sole:

This letter constitutes a determination under Clean Water Act (CWA) section 303(c)(4)(B) that new or revised water quality standards for nutrients are necessary to meet the requirements of the CWA for the State of Florida. I am gratified to have learned that your Department supports EPA's determination that numeric nutrient water quality criteria are necessary to meet the requirements of the CWA for the State of Florida.

In considering whether new or revised standards are necessary, EPA recognizes that Florida has invested over $20 million in collecting and analyzing data on the relationship between nutrient levels and biological impacts for purposes of developing numeric nutrient criteria and that Florida has implemented some of the most progressive nutrient management strategies in the Nation. Moreover, for over a decade, the State has developed and demonstrated an impressive track record of commitment, innovation, and stakeholder outreach and collaboration in its efforts to manage nutrient-related pollution. Florida achieved this record not only as a result of its longstanding commitment to environmental protection but also because it recognized the widespread and very substantial nutrient pollution challenges it faces.

Despite Florida's widely recognized efforts, substantial water quality degradation from nutrient over-enrichment remains a significant challenge in the State and one that is likely to worsen with continued population growth and environmental and land-use changes. EPA has determined that numeric nutrient water quality criteria are necessary for the State of Florida to meet the CWA requirement to have criteria that protect applicable designated uses. Additionally, numeric nutrient criteria will create clear water quality goals and easily measurable quantitative baselines to support stronger collaboration and more effective partnerships with both point and nonpoint source dischargers of nutrient pollution.

Printed on Recycled Paper

Today's determination affirms the wisdom of the substantial investments that Florida has made to date in nutrient data collection, analysis, and stakeholder involvement, and is fully consistent with the State's commitment to a stronger nutrient control program through a greater emphasis on the development of numeric nutrient criteria. Today's determination will support Florida in building upon its already strong record of water quality protection, result in criteria protective of applicable designated uses, and further expand and strengthen the numerous partnerships and collaborative projects Florida has led and supported to date.

Statutory and Regulatory Background

Section 303(c) of the CWA requires States and authorized Tribes (hereafter, collectively referred to as "States") to adopt water quality standards for waters of the United States within their applicable jurisdictions. Section 303(c)(2)(A) and EPA's implementing regulations at 40 CFR part 131 require, among other provisions, that State water quality standards include the designated use or uses to be made of the waters and the criteria necessary to protect those uses. EPA's regulations at 40 CFR § 131.11(a)(1) provide that States shall "adopt those water quality criteria that protect the designated use" and that such criteria "must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use."

States are also required to review their water quality standards at least once every three years and, if appropriate, revise or adopt new standards (CWA section 303(c)(1)). States are required to submit these new or revised water quality standards to EPA for review and approval or disapproval (CWA section 303(c)(2)(A)). Finally, CWA section 303(c)(4)(B) authorizes the Administrator to determine, even in the absence of a State submission, that a new or revised standard is needed to meet the CWA's requirements. When deciding whether a CWA section 303(c)(4)(B) determination is warranted for a particular state, EPA considers each situation based on its particular facts and circumstances. The CWA does not specify particular information or factors that EPA must consider when deciding to exercise its discretion under section 303(c)(4)(B), and EPA thus considers each individual case on its merits. The authority to make a determination under CWA section 303(c)(4)(B) is discretionary and resides exclusively with the Administrator, unless delegated by the Administrator. For the purposes of today's determination, the Administrator has delegated this authority to me, Benjamin H. Grumbles, EPA's Assistant Administrator for Water.

Florida's Current Nutrient Program

Florida has taken a number of steps to control nutrient pollution within the State. In addition to adopting a narrative nutrient criterion and implementing that criterion through NPDES permits, water body assessments, and TMDLs, Florida has established other programs and laws to control nutrient pollution in the State. Despite the State's substantial efforts, however, EPA concludes that, based on the available data, information, and trends, Florida's narrative nutrient criterion alone is not sufficient to

protect applicable designated uses, and that numeric nutrient criteria are necessary to meet the requirements of the CWA.

With respect to addressing nutrient pollution, Florida:

(1) has adopted a nutrient-specific narrative criterion in its water quality standards, in addition to detailed nutrient-specific assessment procedures in its Impaired Waters Rule (IWR),
(2) encourages individual watershed management plans through the State's Basin Management Action Plans (BMAPs), and
(3) has enacted other State laws and programs regarding point and nonpoint source control such as the Grizzle-Figg Act of 1990.

Florida's Narrative Water Quality Criterion for Nutrients and the IWR

Florida's narrative water quality criterion for nutrients provides, in relevant part, that "in no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna."[1] Florida's implementation of the criterion is based on site-specific detailed biological assessments and analyses together with site-by-site outreach and stakeholder engagement in the context of specific CWA-related actions, specifically National Pollutant Discharge Elimination System (NPDES) permits, total maximum daily loads (TMDLs), and assessment and listing decisions.

When deriving NPDES permit limits, Florida initially conducts a site-specific analysis to determine whether a proposed discharge has the reasonable potential to cause or contribute to an exceedance of the narrative water quality criterion in the receiving water or any other affected water. This analysis first involves examining the proposed discharge to determine, in the case of nutrients, whether the discharge contains phosphorus or nitrogen and second, determining the ambient water quality of the receiving water and any other affected waters with regard to nutrient levels and biological impacts. In Florida's case, the State then determines what levels of nutrients would "cause an imbalance in natural populations of aquatic flora or fauna" and translates those levels into numeric "targets" for the receiving water and any other affected waters. If Florida finds that there is reasonable potential, the State calculates permit limits stringent enough to ensure that such a discharge will not cause or contribute to an exceedance of the nutrient target levels (and therefore cause an "imbalance in natural populations of aquatic flora and fauna") for the water body and any other affected water bodies.

Accurately determining, on a water-by-water basis for thousands of waters, the levels of nutrients that would "cause an imbalance in natural populations of aquatic flora or fauna" is a difficult, lengthy, and data-intensive undertaking. This work involves performing detailed site-specific analyses of the receiving water and any other affected waters. If the State has not already completed this analysis for a particular water, it can be very difficult to accurately determine, in the context and timeframe of the NPDES

[1] See Florida Administrative Code (F.A.C. rule 62-302-530(47)(b)).

permitting process, the levels of nutrients that would "cause an imbalance in natural populations of aquatic flora or fauna" and process NPDES permits in a timely manner. For example, in some cases, adequate "cause and effect" data may take several years to collect and therefore may not be available for a particular water at the time of permitting.

Numeric nutrient criteria in Florida would enhance the effectiveness of NPDES permits in protecting designated uses and enable Florida permit writers to derive effluent limitations without the resource intensive and burdensome process of conducting site-specific analyses to determine the appropriate numeric target value. Therefore, numeric nutrient criteria would ensure that criteria are in place that will protect the designated uses of Florida's waters as required by the CWA and EPA's implementing regulations.

Having numeric nutrient criteria in place would have a similar effect in development of TMDLs. When developing TMDLs, Florida translates, as it does when determining reasonable potential and deriving limits in the permitting context, the narrative nutrient criterion into a numeric target that the State determines is necessary to meet the narrative criterion and protect applicable designated uses. This process also involves a site-specific analysis to determine the nutrient levels that would "cause an imbalance in natural populations of aquatic flora or fauna" in a particular water. Each time a site-specific analysis is conducted to determine what the narrative criterion means for a particular water body in developing a TMDL, the State takes site-specific considerations into account and devises a method that works for the data and information available. EPA maintains that numeric criteria for nutrients would enable the State to, in a more timely manner, establish TMDLs that identify nutrient reductions necessary to protect the designated uses. These resource intensive efforts to interpret the State's narrative criterion contribute to delays in implementing the criterion and therefore affect the State's ability to provide the needed protections for applicable designated uses.

In adopting the IWR, Florida took important steps toward improving implementation of its narrative nutrient criterion by establishing and publishing an assessment methodology to identify waters impaired for nutrients. This methodology includes numeric nutrient impairment "thresholds," above which waters are automatically deemed impaired. For all other waters, the IWR specifies a process for conducting site-specific assessments to enable Florida to determine on a site-specific basis whether there is an imbalance in flora or fauna, before a formal impairment or listing decision can be made for these waters. This site-specific process necessarily results in additional delays in identifying all waters impaired by nutrients; such a delay would not exist with numeric criteria.

The thresholds of impairment used in the IWR are expressed as an increasing annual trend in trophic state index (TSI) for lakes and chlorophyll-a mean values for streams, estuaries, and open coastal waters. While these impairment thresholds and the site-specific assessment processes are useful for identifying impaired waters, significant delays in identifying all nutrient-impaired waters unavoidably result from the need to implement the narrative criterion on a site-specific basis for many waters. Numeric nutrient criteria are necessary to facilitate and expedite the identification of all nutrient

impaired waters in Florida; thereby providing necessary protection for the State's designated uses, as required by the CWA.

Implementation of the State's Basin Management Action Plans (BMAPs) and Other Florida Laws and Programs for Nutrient Control

As mentioned above, Florida has other innovative and important State programs designed to control nutrient pollution, such as those adopted to limit nutrient pollution in geographically specific areas. Numeric nutrient criteria will provide more precise, pre-determined targets that will facilitate more effective implementation of these programs and provide greater certainty as to the level of water quality necessary to protect the State's designated uses.

One of the State's innovative programs is the development of Basin Management Action Plans (BMAPs) through which Florida assembles groups of stakeholders to develop plans in order to implement State-adopted and EPA-approved TMDLs. These BMAPs outline strategies to implement TMDLs once they are established and include an implementation schedule, a method for evaluating the effectiveness of the BMAP, and funding strategies, as well as ways to address any future increases in pollutant loadings. NPDES permits may also be revised as necessary in order to implement BMAPs, and permitted dischargers (including storm water and other nonagricultural dischargers) implement Best Management Practices (BMPs) "to the maximum extent practicable" to reduce pollution. Nonpoint source dischargers are also covered by BMAPs, and may demonstrate compliance with the Plan by implementing BMPs or conducting water quality monitoring.[2] An essential prerequisite for successful implementation of this critical watershed approach is that the State first must undertake the process of determining impairments and then developing a TMDL. Timely development of TMDLs, established at levels necessary to protect designated uses, will be facilitated by having numeric nutrient criteria in place so that the State can more effectively and expeditiously implement the State's BMAP program.

In addition to BMAPs, Florida has implemented additional innovative approaches to address nutrient pollution. A good example is the 1990 Grizzle-Figg Act, (see Florida Statutes 403.086[3]), which requires limits of 5/5/3/1 mg/l (BOD_5/SS/TN/TP[4]) for all domestic wastewater treatment facilities in the Tampa Bay area. In 1999, the Florida State Legislature established Advanced Wastewater Treatment (AWT) limits at 5/5/3/1 mg/l (BOD_5/SS/TN/TP) for wastewater facilities in the Florida Keys (see Laws of Florida Chapter 99-395[5]). Florida has also adopted other rules to limit nutrient pollution in geographically specific areas like the Indian River Lagoon System, the Everglades Protection Area, and Wekiva Springs. In these cases, Florida has either specifically limited nutrient pollution in the water body, from point and nonpoint source discharges, limited discharges altogether, or, in the case of the Everglades Protection Area,

---

[2] http://www.waterinstitute.ufl.edu/research/projects/downloads/p001-Ch7_SpringsNutrients.pdf

[3] http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0403/Sec086.HTM

[4] Biological Oxygen Demand (BOD_5), Suspended Solids (SS), Total Nitrogen (TN), and Total Phosphorus (TP)

[5] http://laws.flrules.org/files/Ch_1999-395.pdf

constructed stormwater treatment areas that can remove nutrients from runoff. Implementation of these types of programs could be refined and enhanced if decision makers are aware of the numeric nutrient criteria that are necessary to protect designated uses.

Magnitude of Nutrient Over-Enrichment in Florida

Water quality degradation due to nutrient over-enrichment is a significant environmental issue in Florida. Florida's Department of Environmental Protection has acknowledged and documented the magnitude of over-enrichment. According to Florida's 2008 Integrated Report,[6] approximately 1,000 miles of rivers and streams, 350,000 acres of lakes, and 900 square miles of estuaries are impaired for nutrients in the State. To put this into context, these values represent approximately 16% of the assessed river and stream miles, 36% of the assessed lake acres, and 25% of the assessed square miles of estuaries that Florida has listed as impaired under the IWR. The actual number of miles and acres of waters impaired for nutrients is likely higher, as many waters currently classified as "unassessed" may also be impaired.

This conclusion is based upon a range of available information, including the vast amounts of monitoring data that exist on nutrient-related parameters in Florida waters. With almost 800,000 nutrient-related data points in STORET (including nitrogen, phosphorus, chlorophyll-a, and turbidity), Florida has substantially more data points than any other State or Territory to clearly characterize the magnitude of its nutrient challenges.

Monitoring Data and Impairments Indicate that Nutrient Problems Persist in Florida

An analysis of United States Geological Survey (USGS) monitoring data for nutrients in certain locations in Florida shows that levels of nutrient pollution have not significantly improved since 1980 despite strong efforts to control nutrient pollution. Concentrations of Total Phosphorus (TP) and Total Nitrogen (TN) have remained relatively constant at an average of 0.15mg/L and 1.4mg/L, respectively.[7] Additionally, Florida's recurrent harmful algal blooms continue to pose threats to public drinking water supplies and recreational sites. Harmful algal blooms that occur inland and near shore are typically caused by excess nutrients.[8]

Nutrient pollution in Florida has a predictable and widespread impact. The extent of this impact has been well documented and tracked for many years. According to Florida's most recent EPA-approved CWA section 303(d) list from 2002,[9] of the 823 waters listed as impaired in Florida, over 60% (over 550 waters) are impaired for nutrients.

---

[6] http://www.dep.state.fl.us/water/docs/2008_Integrated_Report.pdf
[7] USEPA. 2000. STORET Legacy Data Center. http://www.epa.gov/storet/dbtop.html
[8] http://www.dep.state.fl.us/water/tmdl/docs/2006_Integrated_Report.pdf
[9] http://www.dep.state.fl.us/water/tmdl/adopted_gp1.htm

Florida's Environment is Unique and Presents Special Challenges

Florida's natural physical factors, including flat topography and numerous wetlands, a warm and humid climate, nutrient-rich soils, hydrology, and erosion caused by tropical storms and hurricanes make controlling nutrient pollution particularly challenging because these conditions are especially conducive to nutrient over-enrichment. In addition, human caused impacts such as hydrological modifications (i.e., canals), intensive agricultural production, population growth and associated urban and suburban development have had a broad and widespread effect. Effectively addressing current nutrient impairments in the State represents a significant challenge and is compounded by a projected population growth of almost 80 percent in Florida from 2000 to 2030.[10] Further development and urbanization will likely result in increased nutrient runoff and pressure to utilize remaining agricultural lands more intensively.[11]

Within the continental United States, Florida possesses unique and nationally valued aquatic ecosystems, including shallow coral reefs, freshwater and salt marshes, swamps, and mangroves.[12] These aquatic ecosystems are particularly sensitive to the effects of excessive nutrients which threaten the State's significant biological diversity. The number of species in Florida (3,500 native vascular plants and 1,500 vertebrates) is higher than in all but three other states. Further, Florida also has many endemic species (410 invertebrates, 258 plants and vertebrates) that are not found anywhere else on Earth.[13] Florida has many water-filled caves and sinkholes that serve as hotspots of biological diversity and provide homes to many species of aquatic life, some unique to particular Florida locations.[14] Additionally, Florida is the only state in the continental United States to have extensive shallow coral reef formations near its coasts (i.e. within five miles).[15] A recent study initiated by the United Nations Food and Agriculture Organization found that the single richest concentration of marine life in the Atlantic Ocean lies some 10 miles off the tip of Southern Florida within the Florida Straits.[16] This biological diversity relies on sufficient quality habitat and other natural resources, including clear, transparent waters low in phosphate and nitrogen nutrients.[13, 14] Especially in the case of coral reefs and flora and fauna in natural spring environments, clear water with plenty of light and oxygen available is critical to the protection of the species that inhabit these locations. Nutrient enriched water can have reduced transparency and low dissolved oxygen levels that are not protective of the natural biology in Florida. Effectively managing nutrient levels in Florida's lakes, flowing waters, estuaries and coastal waters through numeric nutrient criteria is important to maintaining the ecosystems in these waters and important ecosystems that are near shore.

The combined impacts of urban and agricultural activities along with Florida's physical features and important and unique aquatic ecosystems make it clear that the

---

[10] http://www.census.gov/population/projections/SummaryTabA1.pdf
[11] http://www.dep.state.fl.us/water/docs/2008_Integrated_Report.pdf
[12] http://sofia.usgs.gov/publications/ofr/2005-1021/
[13] http://edis.ifas.ufl.edu/CR004
[14] http://www.floridasprings.org/anatomy/life/
[15] http://www.dep.state.fl.us/coastal/habitats/coral.htm
[16] http://www.scienceblog.com/community/older/2003/D/20031748.html

current use of the narrative nutrient criterion alone is insufficient to ensure protection of applicable designated uses. Numeric nutrient criteria will strengthen the foundation for identifying impaired waters, preparing TMDLs and developing NPDES permits, as well as support the State's ability to effectively partner to with point and nonpoint sources to control nutrients, thus providing the necessary protection for the State's designated uses.

Determination

Nutrient pollution in Florida remains a significant and growing challenge. Recognizing this, Florida has invested tens of millions of dollars in the collection of data to establish the cause and effect relationship between nutrients and biological conditions in order to be well positioned to establish what the State, itself, believes are much needed numeric nutrient water quality criteria. As discussed above, despite Florida's considerable data collection and analysis efforts and outreach with stakeholders to date, the State is relying on its narrative nutrient criterion, the application of which is resource intensive, time consuming, and less than effective in implementing programs to protect water quality and prevent impairments of designated uses due to nutrient over-enrichment. The very substantial and widespread nature of nutrient challenges faced by the State and the barriers to effective implementation associated with narrative nutrient criteria in Florida, such as the need for numerous, highly technical site-specific analyses prior to the development of water quality-based effluent limitations in NPDES permits and TMDLs, strongly support the need in this case for numeric nutrient criteria to effectively protect designated uses and prevent impairments. In many circumstances, narrative criteria can be an effective tool for protecting designated uses, particularly when the scope and nature of the environmental problem is easily and clearly defined and derivation of appropriate control measures can be effectively and expeditiously accomplished (e.g., toxic pollutants and bioassessments). However, achieving faster and more effective progress in water quality protection with regard to nutrients is critical in Florida due to the significant and far-reaching impacts of nutrient pollution on the unique and highly valued aquatic ecosystems that exist in the State. In this case, numeric nutrient criteria are needed to protect Florida's designated uses.

While Florida has made headway on this issue by developing a methodology in the IWR that allows the State to automatically list certain waters with higher levels of nutrients, Florida still must conduct case-by-case assessments to determine if an imbalance in flora or fauna exists for waters below the IWR impairment thresholds. The existence of numeric nutrient criteria will facilitate Florida's efforts to identify all nutrient-impaired waters. Quantifiable nutrient criteria also will facilitate Florida's efforts to establish TMDLs and appropriate WQBELs in NPDES permits as necessary to adequately protect applicable designated uses. It will also create a strong and clear baseline against which to measure progress and upon which to support stronger and more effective point and nonpoint partnerships.

For all of these reasons, EPA hereby determines under CWA section 303(c)(4)(B) that new or revised water quality standards for nutrients in the form of numeric nutrient criteria are necessary in the State of Florida to meet the requirements of the CWA (CWA

section 303(c)(2)(A) and 40 CFR § 131.11(a)(1)). Numeric nutrient criteria will enable the State to implement nutrient controls more broadly, effectively, and expeditiously to protect applicable designated uses and meet the challenge of the extent and severity of nutrient pollution in Florida. EPA notes that it has not previously made a determination on whether numeric nutrient criteria are necessary in Florida, and clarifies this point so as to resolve any questions that may previously have arisen on this issue.

EPA's Expectation Regarding a Remedy to this Situation

Section 303(c)(4) of the CWA requires that the Administrator promptly prepare and publish proposed regulations setting forth a new or revised water quality standard when the Administrator makes a determination. EPA will move forward to develop federal proposed regulations setting forth numeric nutrient criteria for Florida and expects that these criteria will be developed in a manner that ensures that there will be no imbalance in natural populations of flora and fauna in Florida waters. EPA will work collaboratively with Florida's technical experts to generate data and conduct analyses. EPA understands that Florida has an extensive stakeholder outreach and comment process underway and has already committed to share with EPA the public comments and stakeholder input received by Florida in this process, so that EPA may consider this input as it develops the federal proposal. EPA intends that the criteria will be protective of applicable designated uses, based on sound scientific rationale, responsive to the specific needs of Florida's waters, and sufficient to meet the needs of the State's complete suite of water quality management tools.

In terms of schedule, the State of Florida has made significant progress in collecting data needed to adopt nutrient criteria for its lakes and flowing waters. Florida expects to complete data collection, laboratory analysis of the data, and compilation of the data by March 2009. EPA anticipates that six months will then be required to complete detailed analyses of the data to identify the relationships between nutrient causal variables, e.g. nitrogen and phosphorus, and key response variables, e.g., chlorophyll a, Secchi depth, periphyton, and dissolved oxygen (DO). This analysis will be an important step in developing the numeric nutrient criteria. EPA expects that an additional four months will be needed to organize, document and assemble the complex technical analysis and administrative record to support and prepare the preamble and federal proposal for publication.

For estuaries and coastal waters, Florida is working to compile and assess the adequacy of the data available to develop nutrient criteria. EPA has reviewed the State's progress and assessed the remaining work associated with this analysis and estimates that 12-24 months will be necessary to develop these criteria values, reflecting the broader technical uncertainties and additional evaluation that will be necessary to determine cause and effect relationships between nutrients and biological response parameters in these waters. Additionally, there is a possibility that additional data collection may be needed should the analyses yield inconclusive results.

In conclusion, EPA expects to propose numeric nutrient criteria for lakes and flowing waters within 12 months, and for estuaries and coastal waters, within 24 months. EPA expects to work closely and collaboratively with the State of Florida to ensure that these numeric nutrient criteria are protective of applicable designated uses, based on sound scientific rationale, responsive to the specific needs of Florida's waters, responsive to available public and stakeholder input, and sufficient to meet the needs of the State's complete suite of water quality management tools. As always, in the event that Florida adopts and EPA approves new or revised water quality standards that sufficiently address this determination before EPA promulgates federal water quality standards, EPA would no longer be obligated to promulgate federal water quality standards.

Sincerely,

Benjamin H. Grumbles
Assistant Administrator

cc: Mr. Jimmy Palmer, Regional Administrator, EPA Region 4
Mr. James D. Giattina, Director, Water Management Division, EPA Region 4

Federal Register

Tuesday,
January 26, 2010

Part III

Environmental Protection Agency

40 CFR Part 131
Water Quality Standards for the State of Florida's Lakes and Flowing Waters; Proposed Rule

U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

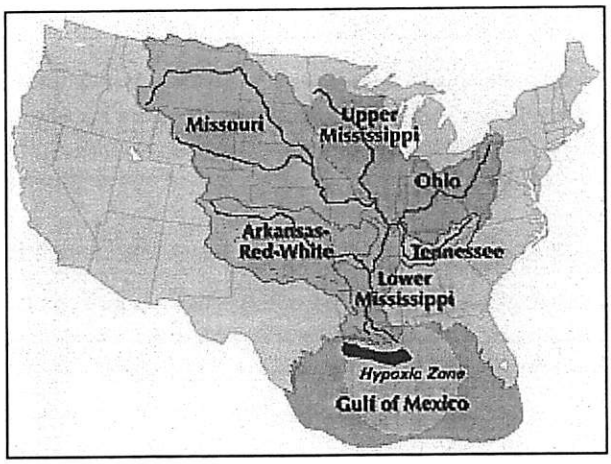
Catalyst for Improving the Environment

Evaluation Report

EPA Needs to Accelerate Adoption of Numeric Nutrient Water Quality Standards

Report No. 09-P-0223

August 26, 2009



TAB 2

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 5

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Islamorada Connection

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. T
Date: 4-1-10

Originating Department: Commissioner Tobin	Costs: $ Funding Source: Acct. #	**Attachments:**
Department Review: [X] District Counsel TMD [X] General Manager C.J.T [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [ ] Not Required

Summary Explanation/Background: Commissioner Tobin would like to discuss whether to adopt a Resolution to authorize District staff to enter into negotiations with Islamorada staff regarding an interlocal agreement covering connection of Islamorada to District facilities, subject to a similar authorization made by the Islamorada Village Counsel.

Resulting Board Action:

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 6

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Unique Properties

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.T
Date: 4-1-10

Originating Department: Commissioner Tobin	Costs: Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C.J.T [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: Commissioner Tobin would like to discuss the resolution adopted on March 16 assessing unique properties.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 7

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Gift Policy

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. 2
Date: 4-1-10

Originating Department: Commissioner Tobin	Costs: Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C. J. T. [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: Commissioner Tobin would like to discuss whether the District's gift policy should be amended.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

TAB 3

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 8

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Pending Payments Schedule

RECOMMENDED MOTION/ACTION: Approve Pending Payments schedule contingent upon availability of funds.

Approved by General Manager _____
Date: 4-1-10

Originating Department: Finance	Costs: Funding Source: Acct. #	**Attachments:** Pending Payments Schedule
Department Review: [ ] District Counsel _____ [X] General Manager [ ] Finance	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____: Please initial one.

Summary Explanation/Background:

Pending Payments schedule for Board review and approval contingent upon availability of funds.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

Key Largo Wastewater Treatment District

Payments Pending 04/6/2010

Prepared by: S. T. Lankford Date: 03/31/2010

CONSOLIDATED CASH BALANCE FORWARD		**($8,098,630.17)**
Administration & Operations		
Cash Balance A&O Account Forward	($111,804.20)	
Plus: Service Charges	900.00	
Line of Credit	80,000.00	
Wastewater Service Revenue	30,160.86	
Total Revenue	111,060.86	
Less: Administration		
UPS Store - Mail out Voluntary Conection Notice	829.16	
Creative Services - Bind CAFR, Business cards	490.00	
Benham Protective Service - Alarm monitoring	36.50	
AT&T - Phones	102.39	
Weismantle Cleaning Service	130.00	
Office Depot - Cabinets, Office Chair, Supplies	1,918.26	
Martel Electronics - Sound amplification and Recording system	1,670.90	
Tim Reynolds Web Development - Revisions Cust Svc database	2,025.00	
Monroe Co Tax Collector - Fee for collection NAV assessment	9,000.00	
Sante Acquisitions - Rent	2,611.25	
Thomas M. Dillon - Legal Fees	7,525.00	
State of Florida - Phones	98.45	
Nabors, Giblin & Nickerson - Bond Counsel	3,274.72	
Customer Service - Reimbursement high water bills -back-charged to contractors	4,055.99	
Less: Shared Expenses		
Unifirst - Staff Uniforms	414.80	
Comcast - Internet Services	289.65	
Federal Express - Postage	238.20	
KLI True Value - Supplies, Repairs and maintenance	379.50	
FKAA - Water	180.33	
FKEC - Electric	3,022.89	
Travel Expenses - Airvac school (Orozco/Hunter/Crow/Campbell)	1,868.00	
Weiler Engineering - Engineering and Consulting Services	7,396.25	
PGIT - Workers Comp Insurance	6,304.50	
VISA Chase Card -Travel, Supplies, Repairs	8,348.63	
Less: Operations		
University Enterprises - Training Class C operators	214.00	
FL Dept of Environmental Protection - Permitting fees existing plant	4,500.00	
Sanders Laboratories - Testing	305.00	
Dumont Company - Chemicals	565.00	
Shell Fleet Plus - Fuel	1,063.05	
Sweetwater Environmental - Sludge hauling	2,400.00	
Sub-total Invoices	71,257.42	
		39,803.44
Cash Balance A&O Account If All Paid	(72,000.76)	

South Components

Cash Balance KLSC Account Forward	$ (6,447,734.22)	
Plus: ACOE Grant - Draw #9	1,712,985.10	
BB&T $30M Loan	2,229,098.39	
Sub-total Receipts	3,942,083.49	
Less: Misc. - Cleaning, electric, water	450.65	200
Ted Beighey - Expense report - Mileage	424.50	
Hugh Grubb - Expense report - Mileage	182.50	
Mike Dempsey - Expense report - Mileage	492.50	
Rebecca Orozco - Expense report - Mileage	39.50	
Richard Crow - Expense report - Mileage	93.98	
Fountain Engineering - Parts collection system	530.00	
Plantation Tree & Landscape - Clearing Vac Station K	4,500.00	
Enos Mitchell - Pump out - IDC Temp tank (4 dates of service)	1,000.00	
Thomas M. Dillon - Legal Fees	1,400.00	
Environmental Performance Systems - Video Sunset Acres system	3,183.75	
Weiler Engineering - Engineering and Consulting Services	14,631.25	
AirVac - Pump Station Vac I, Pits and supplies	692,346.80	
Eckler Engineering - Design - Basins E/F - App #19	30,798.69	
Fountain Engineering - Basin I - Appp #33	195,453.00	
Sub-total Invoices	945,527.12	
		2,996,556.37
Cash Balance KLSC If All Paid	$ (3,451,177.85)	
MC $20M Grant Draw #19 Submitted 03/03/10 $ 352,663		
ACOE Grant Draw #10 Submitted 03/17/09 $ 928,891		

North Components

Cash Balance KLNC Account Forward	$ (1,539,091.75)	
Plus: ACOE Grant - Draw #9	657,052.25	
BB&T $30M Loan	502,587.85	
Sub-total Receipts	1,159,640.10	
Less: FKAA - Water	22.37	
FKEC - Electric - Vac Station D	885.40	
Tim Bricker - Expense report - Mileage	120.36	
Ryan Dempsey - Expense report - Mileage	157.80	
Hugh Grubb - Expense report - Mileage	182.50	
Meridian of the Keys - Network support services	3,675.00	
Fountain Engineering - Collection System Wyes	256.51	
Thomas M. Dillon - Legal Fees	950.00	
FKAA - GIS Training/Seminar	1,047.00	
AirVac - Supplies Buffer tank	5,132.40	
HD Supply Waterworks - Parts used to repair pits	3,715.48	
Eckler Engineering - Design - Basin B - App #16	1,767.50	
All Southern Trucking - Pit installation	19,632.25	
Aqua Aerobic Systemes Inc. - SBR Equipment	83,093.67	
Wharton Smith - RTP - App #15	503,554.08	
Weiler Engineering - Engineering and Consulting Services	109,935.00	
Overholt Construction - Vac Station A - App #12		
Sub-total Invoices	734,127.32	
		425,512.78
Cash Balance KLNC Account If All Paid	$ (1,113,578.97)	
MC $20M Grant Draw #19 Submitted 03/03/10 $ 547,424		
SRF Loan Draw #20 Submitted 03/17/10 $3,172,361		
ACOE Grant Draw #10 Submitted 03/17/10 $ 479,845		

CONSOLIDATED CASH BALANCE IF ALL PAID **$ (4,636,757.58)**

NOTE: A TOTAL OF $ 5,481,184 REQUESTED FOR REIMBURSEMENT IS OUTSTANDING

Approved for payment:

Norman Higgins, Chairman

Susan Hammaker, Treasurer

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 9

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Minutes of March 16, 2010

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.R
Date: 3-22-10

Originating Department: District Clerk	Costs: Funding Source:	**Attachments:** Minutes
Department Review: [ ] District Counsel TO [X] General Manager C.J.R [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

MINUTES
Key Largo Wastewater Treatment District (KLWTD) Meeting

March 16, 2010
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:00 PM. Present were Chairman Norman Higgins, Commissioners, Robert Majeska, Charles Brooks, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Higgins led the Pledge of Allegiance.

APPROVAL OF AGENDA
CFO Martin Waits pulled Pending Payments from Bulk Items. Commissioners Hammaker, and Brooks will discuss complaints under Commissioner's Roundtable.

Motion: **Commissioner Majeska made a motion to approve the agenda as amended. Commissioner Brooks seconded the motion.**

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 4 to 0

PUBLIC COMMENT
The following persons addressed the Commission: Dr. Wells, CR 905. John Hammerstrom, Coral Coast, Jose Jurado, Coral Coast, George Nyman, Coral Coast, and Chris Gardner, Tavernier. They all spoke about Grinder Pumps and the assessments for them.

GENERAL MANAGER'S REPORT
Coral Cost, Ocean Cay, CR 905
General Manager Charles Fishburn reviewed staff's recommendation on what systems should be used in Ocean Cay, Coral Coast, and CR 905.

Motion: **Commissioner Brooks made a motion to establish the policy for properties to be served by low pressure systems as follows: assess the properties for a share of the central wastewater treatment plant, transmission main, and collection system as currently for other properties, making service available at the property line. It will be the property owner's responsibility to provide everything that is necessary to connect from the structure on the property to the District's low pressure collection system at the property line per the District's specification. Commissioner Majeska seconded the motion.**

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 4 to 0

Ocean Cay

Motion: **Commissioner Brooks made a motion for the District to assess, the Ocean Cay Properties, according to their policy, for the installation of low pressure collection systems making service available at the property line. It will be the property owner's responsibility to provide everything that is necessary to connect from the structure on the property to the District's low pressure collection system at the property line per the District's specification. Commissioner Majeska seconded the motion.**

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins			Abstained
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 3 to 0

FKAA 36" WM Abandonment

Motion: **Commissioner Brooks made a motion to do nothing with the FKAA concerning the abandoned pipeline. Commissioner Hammaker seconded the motion.**

Item was tabled.

COMMISSIONER'S ITEMS

Spring Break

Chairman Higgins requested that the Contractors not work on Good Friday. The General Manager will ask, but not direct, the underground contractors not to work on Good Friday.

Lift Station Financing
Chairman Higgins asked to set a policy to help small businesses that cannot afford lift stations. Mr. Waits will check with the Rural Water Association for loans.

BULK ITEMS
Minutes of March 2, 2010
Operator Pay Progression
Sal Gutierniez's Not Tier Properties Waiver
George Pyrpiris' No Tier Properties Waiver

Motion: **Commissioner Brooks made a motion to approve the Bulk Items. Commissioner Hammaker seconded the motion.**

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 4 to 0

March 16, 2010 Pending Payments
Chairman Higgins would like to pull the Wharton Smith invoice until the next meeting.

Motion: **Commissioner Brooks made a motion to approve the entire Pending Payments contingent upon the availability of funds. Commissioner Hammaker seconded the motion.**

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin			Absent
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 4 to 0

OPERATORS MANAGER
IT Update
Pat Mitchell gave a verbal report. He requested an increase authorization of $2,000 on the limit of IT Budget.

Motion: **Commissioner Brooks made a motion to increase the IT Budgeted by another $2,000. Commissioner Majeska seconded the motion.**

Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker			**Abstained**
Commissioner Higgins	**X**		
Commissioner Tobin			**Absent**
Commissioner Brooks	**X**		
Commissioner Majeska	**X**		

Motion passed 3 to 0

ENGINEER'S REPORT
Status Report
Ed Castle, Weiler Engineering gave a verbal report.

FINANCIAL REPORT
2009 Comprehensive Financial Report (CAFR)
Martin Waits presented the 2009 Comprehensive Financial Report.

LEGAL COUNSEL REPORT
N/A

COMMISSIONER'S ROUNDTABLE
The Board discussed customer complaints and how they were handled.

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 6:33 PM.

The KLWTD meeting minutes of March 16, 2010 were approved on April 6, 2010.

_____
Chairman Higgins

_____
Carol Walker, CMC
District Clerk

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 16

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Assessment Appeal Key Largo School

RECOMMENDED MOTION/ACTION: Approve recommendations for Key Largo School Appeal

Approved by General Manager C.J.2
Date: 3-30-10

Originating Department: Finance	Costs: Funding Source: Acct. #	**Attachments:** Review of assessment, property record card, property owner letter, water records, irrigation records
Department Review: [ ] District Counsel ____ [X] General Manager C.J. [ ] Finance SR	[ ] Engineering____ [ ] Clerk____	**Advertised:** Date: ____ Paper: ____ [X] Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone____ or Not applicable in this case____: Please initial one.

Summary Explanation/Background:

Assessment appeal for the Key Largo School as provided to the Commissioners on March 8, 2010.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

KEY LARGO WASTEWATER TREATMENT DISTRICT
98880 OVERSEAS HWY, KEY LARGO, FL 33037
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
PHONE (305) 451-4019 FAX (305) 453-5807

2006 NON AD VALOREM ASSESSMENT

REQUEST FOR REVIEW

DATE RECEIVED: February 23, 2010

AK: 1093785

PROPERTY OWNER: MONROE COUNTY DISTRICT SCHOOL BOARD

PHYSICAL ADDRESS: 107801 OVERSEAS HIGHWAY KEY LARGO

MAX EDU PER WATER 2006 CALCULATION: 59.0 EDU

DOCUMENTATION PROVIDED:
(1) CORRESPONDENCE FROM SCHOOL BOARD
(2) FKAA WATER RECORDS
(3) DEDUCTIVE METER READINGS

REASON FOR APPEAL: KEY LARGO SCHOOL WAS ASSESSED IN 2006. AT THAT TIME ONE METER SERVICED THE BUILDING AND SCHOOL GROUNDS. SINCE THIS TIME KEY LARGO SCHOOL HAS UNDERGONE A TOTAL RENOVATION AND WATER USED FOR IRRIGATION PURPOSES HAS BEEN MONITORED AND REPORTED.

KEY LARGO WASTEWATER TREATMENT DISTRICT
98880 OVERSEAS HWY, KEY LARGO, FL 33037
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
PHONE (305) 451-4019 FAX (305) 453-5807

REPORT OF REVIEW

PURSUANT TO SECTION 4.08 OF THE PRELIMINARY ASSESSMENT RESOLUTION

DATE RECEIVED: February 23, 2010

AK: 1093785

PROPERTY OWNER: MONROE COUNTY DISTRICT SCHOOL BOARD

PHYSICAL ADDRESS: 107801 OVERSEAS HIGHWAY KEY LARGO

MAX EDU PER WATER 2006 CALCULATION: 59.0 EDU

RECOMMENDED CHANGE IN ASSESSMENT: RE-ASSESS AT 18.6 EDU'S, A 40.4 EDU REDUCTION

REASON FOR APPEAL: KEY LARGO SCHOOL WAS ASSESSED IN 2006. AT THAT TIME ONE METER SERVICED THE BUILDING AND SCHOOL GROUNDS. SINCE THIS TIME KEY LARGO SCHOOL HAS UNDERGONE A TOTAL RENOVATION AND WATER USED FOR IRRIGATION PURPOSES HAS BEEN MONITORED AND REPORTED.

RESULTS OF REVIEW: DISTRICT STAFF WAS CONTACTED BY REPRESENTATIVES FROM THE SCHOOL BOARD DURING CONSTRUCTION OF THE NEW FACILITY; THEY WERE ADVISED OF THE DISTRICT'S POLICIES REGARDING CHANGE OF USE AND METERED IRRIGATION. CONSTRUCTION WAS COMPLETE ON THE NEW FACILITY IN FEBRUARY 2009. THE SCHOOL DISTRICT HAS COMPLETED IT DILIGENCE TO MONITOR AND REPORT WATER CONSUMPTION FOR IRRIGATION, AND HAS SUPPLIED THOSE RECORDS TO THE DISTRICT. DISTRICT INSPECTOR'S HAVE COMPLETED AN ON-SITE VERIFICATION OF THE METER CONFIGURATION AND ARE IN AGREEMENT WITH THE CONSUMPTION DATA, AS PROVIDED.

ACTION SUGGESTED: REDUCE ASSESSMENT FOR THE KEY LARGO SCHOOL FACILITY TO 18.6 EDU'S.

SUBMITTED BY Synthia Lankford
Synthia Lankford, KLWTD Assessment Coordinator

DATE 3/8/10

APPROVED BY _____ **DATE** 3-8-10

KEY LARGO WASTEWATER TREATMENT DISTRICT
98880 OVERSEAS HWY, KEY LARGO, FL 33037
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
PHONE (305) 451-4019 FAX (305) 453-5807

Monroe County School District
Att: Mr. Jeff Barrow and Mr. Fred Sims
240 Trumbo Road
Key West, FL 33040

March 8, 2010

AK # 1093785

Dear Sirs,

Pursuant to your request the Key Largo Wastewater Treatment District has conducted an analysis of your Request for Review of the 2006 Assessment for the real estate parcel listed above. The District has reviewed the data provided and conducted an on site inspection of the configuration of your irrigation system. It is the District's recommendation to reduce the wastewater assessment to 18.6 EDU's.

The District suggests the School District consider installation of an Aqueduct Authority irrigation meter. Wastewater billing is based upon water flow through the Aqueduct Authority meter, your deductive meter will not reduce your monthly wastewater charges.

The District Clerk will place the recommendation on the Agenda for approval at the Board meeting on April 6, 2010. At that meeting the Board may decide to accept or modify the recommended decision. This meeting is open to the public if you desire to attend.

If you have any questions please contact me at 305-451-4019, Monday through Friday between 9:00 a.m. and 5:00 p.m.

Yours truly,

Charles F. Fishburn
General Manager
Key Largo Wastewater Treatment District

cc: District Clerk

KLWTD RE-CALCULATION OF KEY LARGO SCHOOL ASSESSMENT

2/4/2010	780
1/7/2010	654
12/4/2009	770
11/5/2009	771
10/5/2009	1260
9/4/2009	370
8/6/2009	685
7/7/2009	303
6/4/2009	855
5/6/2009	474
4/6/2009	863
3/7/2009	555

DJF	73500
NDJ	73200
OND	93400
SON	80000
ASO	77200
JAS	45300
JJA	61400
MJJ	54400
AMJ	73100
MAM	63100

Max 3	93400
Avg 3	69460
Max ADF	3113
AVG ADF	2315
Ratio	1.3
max 3 mo.	18.6
Avg.	13.9

Key Largo Wastewater Treatment District
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 11

[ ]	PUBLIC HEARING	[X]	RESOLUTION
[ ]	DISCUSSION	[ ]	Other:
[ ]	ORDINANCE ON FIRST READING	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA

SUBJECT: Resolution No. 07-04-10

RECOMMENDED MOTION/ACTION: APPROVAL

Approved by General Manager C.J.H **Date:** 3-31-10

Originating Department: Legal	Costs: $ Funding Source:	**Attachments:** Resolution 07-04-10
Department Review: [X] District Counsel T.D. [X] General Manager C.J.H [X] Finance S.L.	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Not necessary

Summary Explanation/Background: RESOLUTION NO. 07-04-10

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ROBERT A. BARKER AND JANNIE K. BARKER, HUSBAND AND WIFE, FOR REMOVAL OF ONE TAX PARCEL FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

RESOLUTION NO. 07-04-10

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ROBERT A. BARKER AND JANNIE K. BARKER, HUSBAND AND WIFE, FOR REMOVAL OF ONE TAX PARCEL FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, Robert A. Barker and Jannie K. Barker, husband and wife, have submitted documentation consisting of a recorded Lot Aggregation Restrictive Covenant, supporting a request for exception from the Wastewater Assessment; and

WHEREAS, the documentation states that the parcels owned by Robert A. Barker and Jannie K. Barker, husband and wife, had the density reduced through a Lot Aggregation Restrictive Covenant from two dwelling units to one dwelling unit; and

WHEREAS, the documentation states that Robert A. Barker and Jannie K. Barker, husband and wife, have voluntary reduced the density from two dwelling units to one dwelling unit on the Parcels in Section One of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT;

Section 1.

Remove

PARCEL ID:	00468471-006700
AK NO.	1572551
PARCEL DESCRIPTION:	BK 4 LT 9 CROSS KEY WATERWAY ESTATES SECTION ONE KEY LARGO PB 6-51 OR513-263 OR1756-2151 OR2176-178

Serve

PARCEL ID:	00468474-006800
AK NO.	1572560
PARCEL DESCRIPTION:	BK 4 LT 9 CROSS KEY WATERWAY ESTATES SECTION ONE KEY LARGO PB 6-51 OR513-263 OR1756-2151 OR2176-178

Section 2. The Key Largo Wastewater Treatment District Board of Commissioners does hereby exclude the lot designated above from the Key Largo Wastewater Treatment District 2007 No Ad-Valorem Assessment.

Section 3. APPLICABILITY AND EFFECTIVE DATE.

This resolution shall take effect upon adoption by the Board of Commissioners.

RESOLVED AND ADOPTED THIS 6th DAY OF APRIL, 2010

This resolution is made in reliance upon information, representations, and documents provided by the owner of the Excluded Parcel. If, at some later date, the District determines that the information, representations, and documents contained false or misleading information material to the District's decision to designate the Tax Parcel as an Excluded Parcel, the District reserves the right, in its discretion, to revoke such designation, and to pursue all remedies at law and equity for injuries to the District caused by exclusion of the Tax Parcel.

If the District in its sole discretion later provides Wastewater Service to an Excluded Parcel, the then-current owner(s) shall be required to pay to the District all direct and indirect costs and expenses, including, but not limited to, an amount fairly representing the special benefit that the Tax Parcel will receive, as determined by the District.. The undersigned understand and acknowledge that the amount charged at the time of later connection is expected to be significantly greater than the 2007 non-ad valorem assessment.

I, Robert A. Barker do hereby accept this resolution and agree that it will be recorded in the Public Record.

State of_____ County of_____

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by Robert A. Barker who is personally known to me or who has produced _____ as identification.

_____, Notary Public

I, Jannie K. Barker do hereby accept this resolution and agree that it will be recorded in the Public Record.

State of_____ County of_____

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by Jannie K. Barker who is personally known to me or who has produced _____ as identification.

_____, Notary Public

The foregoing RESOLUTION was offered by Commissioner _____, who moved its approval. The motion was seconded by Commissioner _____, and being put to a vote the result was as follows:

	AYE	NAY
Chairman Higgins	____	____
Commissioner Hammaker	____	____
Commissioner Brooks	____	____
Commissioner Tobin	____	____
Commissioner Majeska	____	____

The Chairman thereupon declared Resolution No. 07-04-10 duly passed and adopted the 6th day of April, 2010

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY:_____
Chairman Higgins

ATTEST:

_____
Carol Walker, District Clerk

Approved to as to form and legal sufficiency

_____
District Counsel, Thomas M. Dillon

SEAL

This instrument was prepared by:
Robert & Jannie Barker
214 Pimlico Lane
Key Largo, Florida 33037

Doc# 1743895 05/27/2009 11:29AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1743895
Bk# 2414 Pg# 1865

LOT AGGREGATION RESTRICTIVE COVENANT

1. **WHEREAS,** ROBERT A. AND JANNIE K. BARKER, a married couple, the undersigned are the sole owners of the following described real property located in Monroe County, Florida described as follows:

   Lot (s): 9 & 10 **Block:** 4

   Subdivision: Cross Key Waterway Estates Sec.1

   Key: Key Largo **PB:** 6-51

   Real Estate Number (s): 00468471.006700 & 00468471.006800; and

2. **WHEREAS,** this Lot Aggregation Restrictive Covenant restricts the use of the legally described property in order to receive a building permit; and

3. **WHEREAS,** the above described parcels were assigned additional points in the *Permit Allocation System for building permit* **04300781** *for the* voluntary reduction of density through aggregation of vacant, legally platted, buildable lots; and

4. **NOW, THEREFORE,** the undersigned agree as follows:

   - The above described parcels shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and

   - The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

   - This covenant is intended to benefit and run in favor of the County of Monroe; and

- In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate. The applicant agrees to pay for the cost of enforcement action.

EXECUTED ON THIS 26 day of January, , 2009.

WITNESSESS:

(Signature)

Adelfa T. Barker
(Print/Type Name)

(Signature)

Raquel Hernandez
(Print/Type Name)

OWNER OR OWNERS:

(Signature) Robert A. Barker
214 Pimlico Lane
Key Largo, Florida 33037

DocN 1743895
BkN 2414 PgN 1866

(Signature)

Adelfa T. Barker
(Print/Type Name)

(Signature) Jannie K. Barker
214 Pimlico Lane
Key Largo, Florida 33037

(Signature)

Raquel Hernandez
(Print/Type Name)

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 26 day of January , 2009, by Robert A. Barker and Jannie K. Barker,
Who is/are both personally known to me or produced _____ as proof of identification and did take an oath.

Notary Public State of Florida
Luis A Suarez
My Commission DD636484
Expires 04/07/2011

Notary Public (Print Name)

Notary Public (Signature)

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: April 2, 2009

If privately held mortgage, signatures of all mortgagees (husband & wife, partners, co-owners) must be executed, notarized and witnessed. More lines may have to be added.

Doc# 1743895
Bk# 2414 Pg# 1867

(If Applicable)

John Ohlsson, whose address is 708 Garden State Lane, City of Key Largo, State of Florida 33037, having a record interest as recorded in official records of Monroe Country at Book 2176 Page 179 in the lands described in the Lot Aggregation Restrictive Covenant attached hereto between Robert A. Barker & Jannie K. Barker Grantor, and Monroe Country, Florida, Grantee, hereby joins in, consents to, and ratifies that Lot Aggregation Restrictive Covenant on the date indicated below.

Name of Mortgagee
John Ohlsson John Ohlsson

Witness Signature

Signature of Mortgagee's
Authorized Representative
(having authority to bind mortgagee)

Joyce Christe
(Print or Type Name of Witness)

Print Name:
Title:

Witness Signature

Gloria Eberl
(Print or Type Name of Witness)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 27 day of March, 20 09, by John Ohlsson, who is/are personally known to me or produced Drivers License as proof or identification and did take an oath.

NOTARY PUBLIC STATE OF FLORIDA
LORETTA MIKULSKIS
MY COMMISSION # DD 544789
EXPIRES: July 7, 2010
1-800-3-NOTARY Fl. Notary Discount Assoc Co

Loretta Mikulskis
Notary Public (Print Name)

Notary Public (Signature

Lot Aggregation Restrictive Covenant
RE No.: 00468471.006700 & 00468471.006800

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: April 2, 2009

If privately held mortgage, signatures of all mortgagees (husband & wife, partners, co-owners) must be executed, notarized and witnessed. More lines may have to be added.

DocN 1743895
Bk# 2414 Pg# 1868

(If Applicable)

John Ohlsson, whose address is 708 Garden State Lane, City of Key Largo, State of Florida 33037, having a record interest as recorded in official records of Monroe Country at Book 2176 Page 179 in the lands described in the Lot Aggregation Restrictive Covenant attached hereto between Robert A. Barker & Jannie K. Barker Grantor, and Monroe Country, Florida, Grantee, hereby joins in, consents to, and ratifies that Lot Aggregation Restrictive Covenant on the date indicated below.

Name of Mortgagee
Alicia Ohlsson Alicia Ohlsson

Witness Signature

Signature of Mortgagee's
Authorized Representative
(having authority to bind mortgagee)

Joyce Christo
(Print or Type Name of Witness)

Print Name:
Title:

Witness Signature

Gloria Ebert
(Print or Type Name of Witness)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me this _____ day of March, 2009, by Alicia Ohlsson, who is/are personally known to me or produced Drivers License as proof or identification and did take an oath.

LORETTA MIKULSKIS
MY COMMISSION # DD 544789
EXPIRES: July 7, 2010
1-800-3-NOTARY

Loretta Mikulskis
Notary Public (Print Name)

Notary Public (Signature

Lot Aggregation Restrictive Covenant
RE No.: 00468471.006700 & 00468471.006800

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: April 2, 2009

MONROE COUNTY
OFFICIAL PUBLIC RECORD

TAB 4

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 12

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Package Plant Progress

RECOMMENDED MOTION/ACTION:

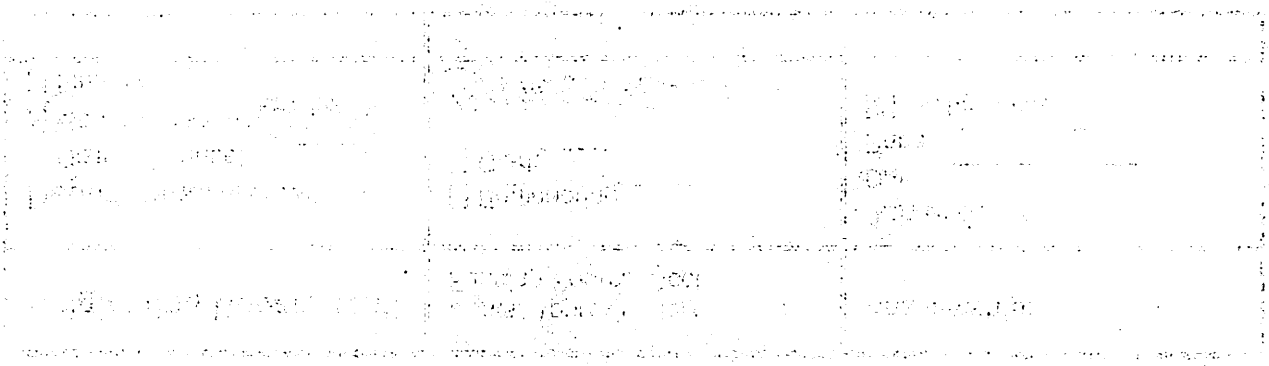
Approved by General Manager C. J. 2
Date: 4-1-10

Originating Department:	Costs: Approximately Funding Source: Acct.	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C. J. 2 [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: Monthly progress of 73 package plant facilities

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6



BUSINESS NAME	ENGINEER	DESIGN	PERMIT	CONSTR	CONNECT
Newport Village Apartments	DAL TECH	X			
Ocean Divers	none		BUZZARD		
Ocean Pointe Condo	McCain	X	X	X	
Paradise Point Mobile Home Park	Glen Boe	X	X	X	
Paradise Pub	Keys Eng.	X			
Pennecamp	C3TS	X	X	X	
Performance Marine	McCain	X			
Pilot House Restaurant	none	ACTIVELY INTERVIEWING			
Pink Plaza	Bluewater	X	X	X	
Port Largo Villas	self OPL	X			
Ramada Resort and Marina	self OPL	X			
Rock Harbor Club	McCain	X	X	X	
Sanctuary at Key Largo Condo	Glen Boe	X	X		
Senor Frijoles	McCain	X	X	X	X
Silver Shores Mobile Home Park	Glen Boe	X	X	X	
Snooks Restaurant	Bluewater	X			
Sunset Acres Mobil Home Park	US Water	X			
Sunset Hammock Condo	Glen Boe	X	X	X	
Tamarind Bay Club	Lamberson	X			
Tarpon Basin Villas	McCain	X	X	X	
Tavernier Towne Center	US Water	X	X		
Tradewind Hammocks	none		OSTRICH		
Tradewind Plaza	Bohler	X	X	X	
Waffle House	McCoig	X	X	X	X
Waldorf Plaza	none	ACTIVELY INTERVIEWING			
Winn-Dixie Key Largo	Glen Boe	X	X	X	

SCORECARD

MONTH	ENG	PERMIT	CONST	CONNECT
APRIL, 2010	67	35	28	6
MAR, 2010	63	33	28	6
FEB, 2010	61	29	22	6
JAN, 2010	60	26	11	6
DEC, 2009	54	21	10	6
NOV, 2009	39	16	4	6

BIRD GUIDE:

PARROT -- talking a good game

BUZZARD -- circling waiting for sewer issue to die

OSTRICH -- has their head in the sand

BUSINESS NAME	ENGINEER	DESIGN	PERMIT	CONSTR.	CONNECT
American Legion	Lamberson	X			
Anchor Condo	Bluewater	X			
Bayside Inn	Weiler	X			
Big Chill	McCain	X	X	X	X
Blue Water Trailer Village	Glen Boe	X			
Buttonwood Bay Condo	Lamberson	X	X	X	
Café Largo	Glen Boe	X			
Calusa Campground	McCain	X	X	X	
Campers Cove	US Water	X	X	X	
Captain Jax	Glen Boe	X	X	X	
Coastal Waterway Trailer Park Condo	Glen Boe	X			
Coral Sands Trailer Park	none		PARROT		
Driftwood Trailer Park	Glen Boe	X	X	X	
El Caribe Plaza		X	X	X	X
Fish House Restaurant	Cangianelli	X	X		
FKEC	Henz	X	X	X	
Florida Bay Club	none	ACTIVELY INTERVIEWING			
Hampton Inn Manatee Bay	none		BUZZARD		
Harborage Condo	Glen Boe	X	X	X	
Harbour 92 Condo	McCain	X	X		
Holiday by the Sea Condo	US Water	X			
Holiday Inn Key Largo	self OPL	X			
Kawama Yacht Club	McCain	X	X	X	
Key Largo Elementary School	self?	X			
Key Largo Grande Hilton	Lamberson	X	X		
Key Largo Harbor Marina	KeysEng.	X			
Key Largo Kampground	Lamberson	X	X	X	
Key Largo Ocean Resort	Milelli	X	X		
Key Largo Wastewater Plant	Arcadis	X	X	X	X
Key Largo Yacht Club Condo	HRC	X			
Key West Inn	Lamberson	X	X	X	
Kings Kamp	Glen Boe	X			
Koblick Marine Resources Foundation	KeysEng.	X			
Lake Surprise II Condo	Weiler	X			
Lakeview Gardens	US Water	X			
Landings of Largo Condo	Lamberson	X	X		
Largo 103		X			
Largo RV Park	Glen Boe	X			
Mahogany Bay	US Water	X			
Marina Del Mar Hotel	self OPL	X			
Marine Mammal Conservancy	Bluewater	X	X	X	
Mariner's Club Resort	Lamberson	X			
Mariner's Hospital	CMB	X			
Marriott Key Largo	self OPL	X			
Moon Bay Condo	McCain	X	X	X	
Murray Nelson Community Center	Wilingham	X	X	X	X

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 13

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Customer Service Report

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.R

Date: 3-31-10

Originating Department: Customer Service	Costs: Approximately Funding Source: Acct.	**Attachments:** Report
Department Review: [ ] District Counsel _____ [X] General Manager C.J.R [X] Finance SH	[ ] Engineering_____ [ ] Clerk_____	

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

Monthly KLWTD Customer Service Report

March 2010

(ending 03/28/2010)

ACTIVE CONSTRUCTION AREAS

C-4	Ctr: Metro	Insp:	Chuck	STM	Ctr: Metro	Insp:	Chuck
F-5	Ctr: Redland	Insp:	Mike	I-4	Ctr: Fountain	Insp:	Ted
F-3	Ctr: Metro	Insp:	Ted	F-4	Ctr: Redland	Insp:	Mike

CALLS

GENERAL	LATERALS	TIE-IN	ASSESSMENT	GRANTS	COMPLAINTS	TOTAL
216	36	29	37	3	20	**341**

WALK-INS

GENERAL	LATERALS	TIE-IN	ASSESSMENT	GRANTS	COMPLAINTS	TOTAL
88	84	49	17	10	10	**258**

General Monthly Summary:

CONSTRUCTION

Approval to Proceed letters may be issued for all of Basins A, B, D, E, F2, C1, 2 & 3.

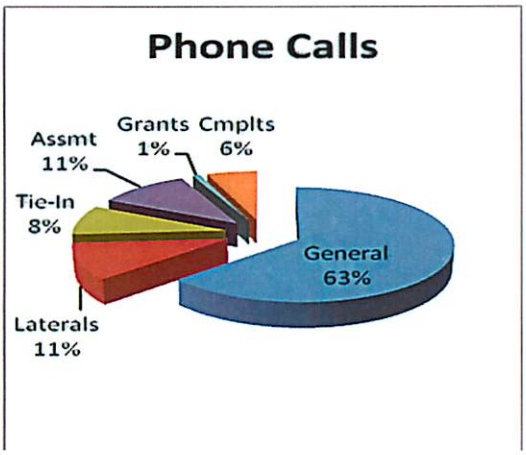
- C4 is nearing completion. Finishing construction and testing.
- Construction progressing in Basin F Phases 4 and 5. Nearing completion in F3.
- Work quickly progressing in Basin I, Phase 4.
- Construction steadily continues along the South Transmission Main.
- We are eagerly awaiting the arrival of drawings for neighborhoods in Basins G.
- Basin JK to go to bid soon. Construction not to begin for another 90+ days.

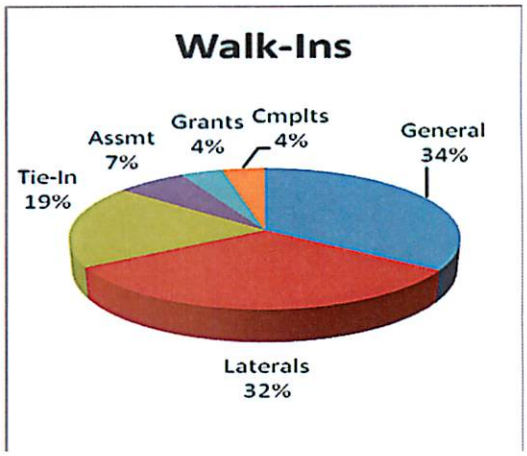
CUSTOMER SRVC / COMPLAINTS

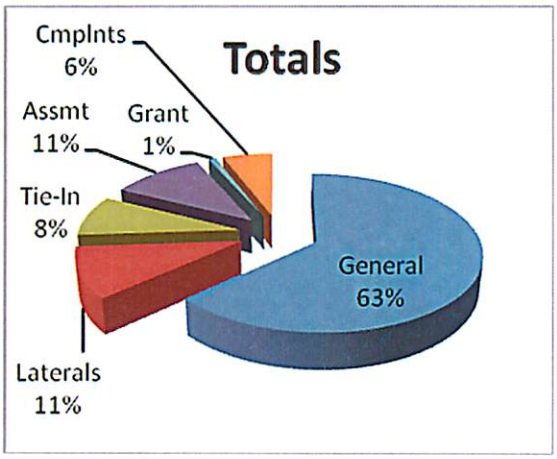
- The number of customer reported issues were comparable to last month. The nature of most issues reported were pertaining to outstanding final restoration projects in areas that were just released. All issues reported have either been addressed or added to the contractors' punch list.
- Traffic has been slow on US 1 North and South towards the end of the month due to work on STM.
- There were 2-3 calls from the A-frame signs, requesting appointments to view lateral locations.

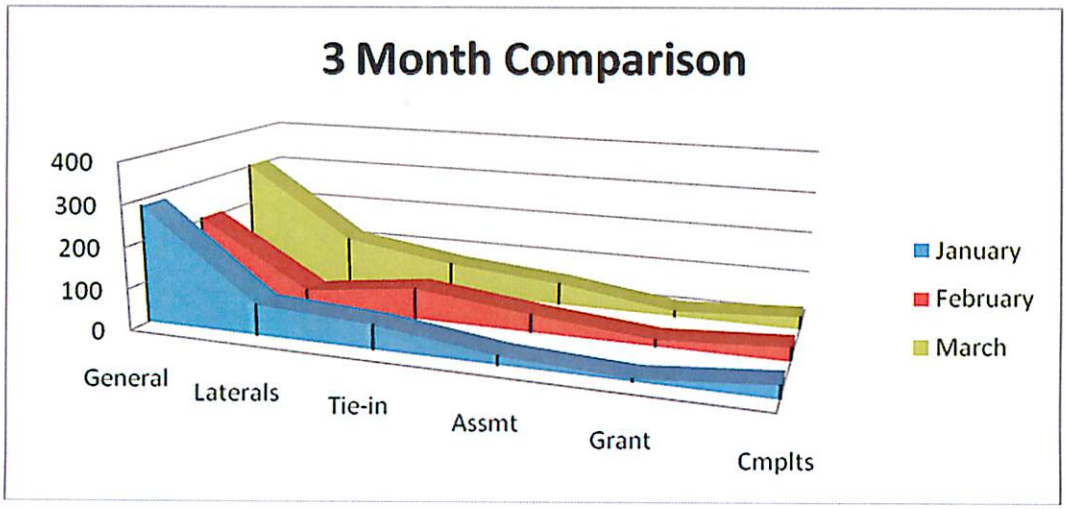
EARLY VOLUNTARY HOOK-UP – BASIN D

- There are 26 properties that have connected to the sewer through the voluntary hook-up program that was offered on March 19. Three are from Basin C.
- There are approximately 10 more properties scheduled to connect at present with expectations for more in the near future.









KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 14

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Tie In Report

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. Jr
Date: 4-1-10

Originating Department: Customer Service	Costs: Approximately Funding Source: Acct.	**Attachments:** Report
Department Review: [ ] District Counsel _____ [X] General Manager C. Jr [ ] Finance _____	[ ] Engineering_____ [X] Clerk PW	

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

FROM JANUARY 1, 2006 TO APRIL 1, 2010

Basin	Phase	Number of Homes	Letter to Proceed Last Report	Letter to Proceed	Connection to Street Last Report	Connection to Street	Connection to House Last Report	Connection to House
A	1	149	64	64	38	39	0	0
	2	116	57	66	32	37	0	0
	3	218	80	86	42	45	0	0
	4	98	35	37	17	18	0	0
	5	222	53	62	27	32	0	0
Subtotal		***803***	***289***	***315***	***156***	***171***	***0***	***0***
B	1	214	77	77	49	54	0	0
	2	219	38	42	14	23	0	0
	3	210	30	39	9	14	0	0
	4	254	55	61	11	17	0	0
	5	209	25	26	12	16	0	0
	6	52	5	5	1	1	0	0
Subtotal		***1158***	***230***	***250***	***95***	***125***	***0***	***0***

Basin	Phase	Number of Homes	Letter to Proceed Last Report	Letter to Proceed	Connection to Street Last Report	Connection to Street	Connection to House Last Report	Connection to House
C	1	218	50	67	5	14	0	3
	2	150	41	45	13	18	0	0
	3	285	2	29	0	0	0	0
	4*	488	2	2	0	0	0	0
Subtotal		***1141***	***95***	***143***	***18***	***32***	***0***	***3***
D	1	650	58	73	14	29	0	17
	2	307	47	73	17	20	0	1
	3	214	23	42	10	11	0	4
	4	78	1	1	1	1	0	1
Subtotal		***1249***	***129***	***189***	***42***	***61***	***0***	***23***

Basin	Phase	Number of Homes	Letter to Proceed Last Report	Letter to Proceed	Connection to Street Last Report	Connection to Street	Connection to House Last Report	Connection to House
E	1*	496	0	1	0	1		1
	2	341	0	3	0	0	0	0
Subtotal		**837**	**0**	4	**0**	1	**0**	1
F	1*	265	0	0	0	0	0	0
	2	320	0	36	0	0	0	0
	3*	348	0	0	0	0	0	0
	4*	275	0	0	0	0	0	0
	5*	536	0	0	0	0	0	0
Subtotal		***1744***	***0***	***36***	***0***	***0***	***0***	***0***
TOTALS		**6932**	**561**	**937**	**311**	**390**	**1**	**27**

* These Phases have not been released yet to allow Letters to Proceed to be issued.

TAB 5

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 15

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Asset Management

RECOMMENDED MOTION/ACTION: Approval

Approved by General Manager OJL

Date: 4-1-10

Originating Department: Operations Manager	Costs: Approximately $29,000 Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager OJL [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____ [ ] Operations Manger	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: Todd Helt, Weiler Engineering, To give presentation with recommendation to purchase City Works Enterprise.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 16

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Operations Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.P.

Date: 4-1-10

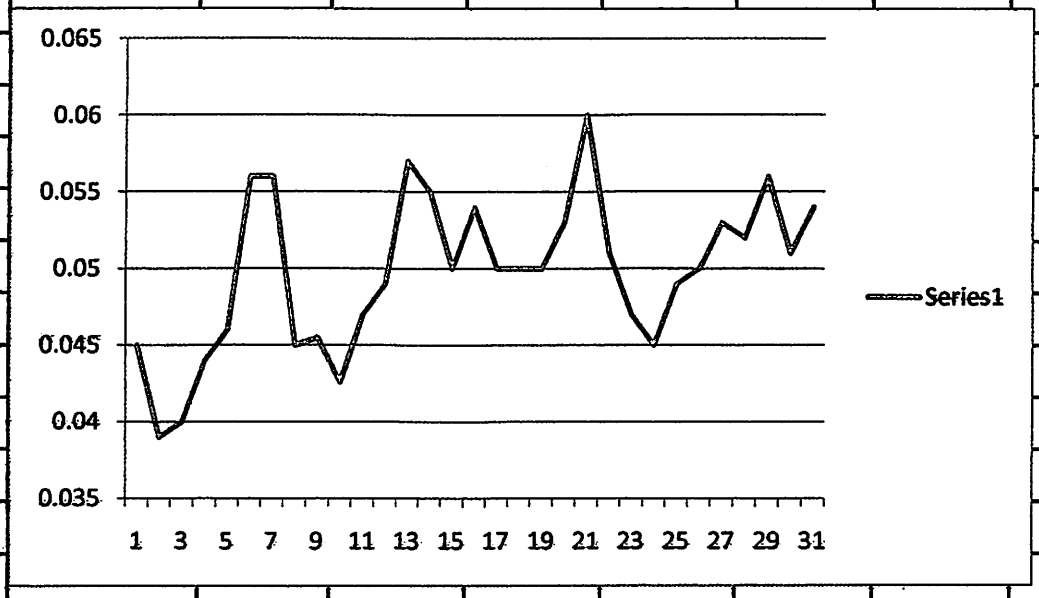
Originating Department:	Costs: Funding Source:	**Attachments:** Graphics
Department Review: [ ] District Counsel ____ [X] General Manager C.J.P. [ ] Finance ____	[ ] Engineering____ [ ] Clerk____	**Advertised:** Date: ____ Paper: ____ [X] Not Required

Summary Explanation/Background:

Attached are a graph depicting March flow and a spreadsheet detailing testing results.
All February tests comply with permit conditions.
We are starting to receive flow from Calusa and Vac Station D.
We replaced one jet mix (main aeration) pump and ordered a replacement spare.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised



2009	2010	March
0.051	0.0497	average flow (million gallons per day)
0.06	0.06	max

				Permit limits		
Feb-10	MAX	AVG	MIN	Single Sample	Monthly Average	Annual Average
BOD, Carbonaceous 5 day	2.78	2.26	2	10	6.25	5
Solids, Total Suspended	7	4.86	3.6	10	6.25	5
Nitrogen,Total (as N)	3.56	2.28	0.8	6	3.75	3
Phosphorus, Total (as P)	1.33	0.93	0.73	2	1.25	1
pH	7.8		6.7	6.0-8.5		
Total Residual Chlorine			0.5	0.5 min.		
Coliform, Fecal	<1.00		u	800	400	200

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 17

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: IT Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. R
Date: 4-1-10

Originating Department:	Costs: Funding Source:	**Attachments:** Agenda & Minutes
Department Review: [ ] District Counsel [X] General Manager C. J. R [ ] Finance	[ ] Engineering [ ] Clerk	**Advertised:** Date: Paper: [X] Not Required

Summary Explanation/Background:

Attached Staff IT meeting 3/25/10 minutes and agenda for 4/1/10 meeting for discussion.

KLWTD Staff is negotiating a contract with TNN for internet service and voip phone service.

Instrumentation &Control / IT employee resume review.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

Agenda

Staff KLWTD Information Technology 4/1/2010

Status report:

1. Third party IT labor
2. Short Term To do list Labor Required:
    a. phone voice prompt revisions
    b. Antivirus installed on computers without
    c. New GIS workstations setup
    d. Workstation email, inventory, cleanup, lock down, & defrag
3. TNN
4. IT/I&C tech

Current Status/Problems roundtable :

1. Phones
2. Database
3. Backups
4. File access
5. Internet access
6. GIS
7. Asset management
8. Email
9. Antivirus
10. TNN
11. Employee IT policy

Discussion of options to move forward :

1. Terra Nova proposal
2. Resume received

Immediate needs to be placed on Board Agenda 4/1/10 for 4/6 meeting

1. Status Report
2. Asset Management Weiler presentation & Staff Recommendations
3. Employee IT policy
4. Long term IT plan

Next meeting time/date 4/8/10 at 1:30 Adjourn

Minutes
Staff KLWTD Information Technology 3/17/2010

Status report: Discussed

1. Third party IT labor
2. Short Term To do list Labor Required:
    a. phone voice prompt revisions
    b. Antivirus installed on computers without
    c. New GIS workstations setup
    d. Workstation email, inventory, cleanup, lock down, & defrag

Current Status/Problems roundtable :

1. Phones OK
2. Database OK
3. Backups OK
4. File access OK
5. Internet access OK
6. GIS OK
7. Asset management
8. Email OK but need upgrades to Outlook/Thunderbird
9. Antivirus OK but need to install on all desktops
10. TNN OK Need to do contract
11. Employee IT policy Needs work

After Construction IT support: Discussed

1. 5-6 office workstations Windows 7, Office basic
2. 3-4 Office workstations Windows 7 Office Premium, Quickbooks, Adobe Pro
3. 2 travel/ presentation laptops, Windows 7 Office premium
4. 4 GIS/Asset mgt workstations, Windows 7, Office basic, ESRI, CW
5. Lift station SCADA (about 60 sites)
6. Vac Station Network (7 sites)
7. Plant I&C network and equipment
8. Plant Security Camera network
9. Plant Office network and computers
10. Business Office network and computers
11. Website
12. Email
13. Record retention
14. Servers – Office, GIS/AM, Cameras
15. Security locks
16. Phones (about 20)

Discussion of options to move forward : Discussed – Keep control. Do not disrupt/retrain construction staff

1. Control of KLWTD assets: Domain names, phone numbers, IP addresses, email
2. Emergency/fail over/backup
3. Terra Nova proposal (attached)
4. Labor for all other needs

Immediate needs to be placed on Board Agenda 4/1/10 for 4/6 meeting: Discussed MB Memo sent to Todd Helt.

1. Status Report
2. Asset Management Weiler presentation & Staff Recommendations
3. Employee IT policy
4. Long term IT plan

Next meeting time/date 3/24/10 at 1:30 Adjourn

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: 4/6/10 Agenda Item No. 18

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Operations Building Layout

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. L
Date: 4-1-10

Originating Department:	Costs: Funding Source:	**Attachments:** PLANS
Department Review: [ ] District Counsel ____ [X] General Manager C. J. L [ ] Finance ____	[ ] Engineering____ [ ] Clerk____ [X] Operations Manager	**Advertised:** Date: ____ Paper: ____ [X] Not Required

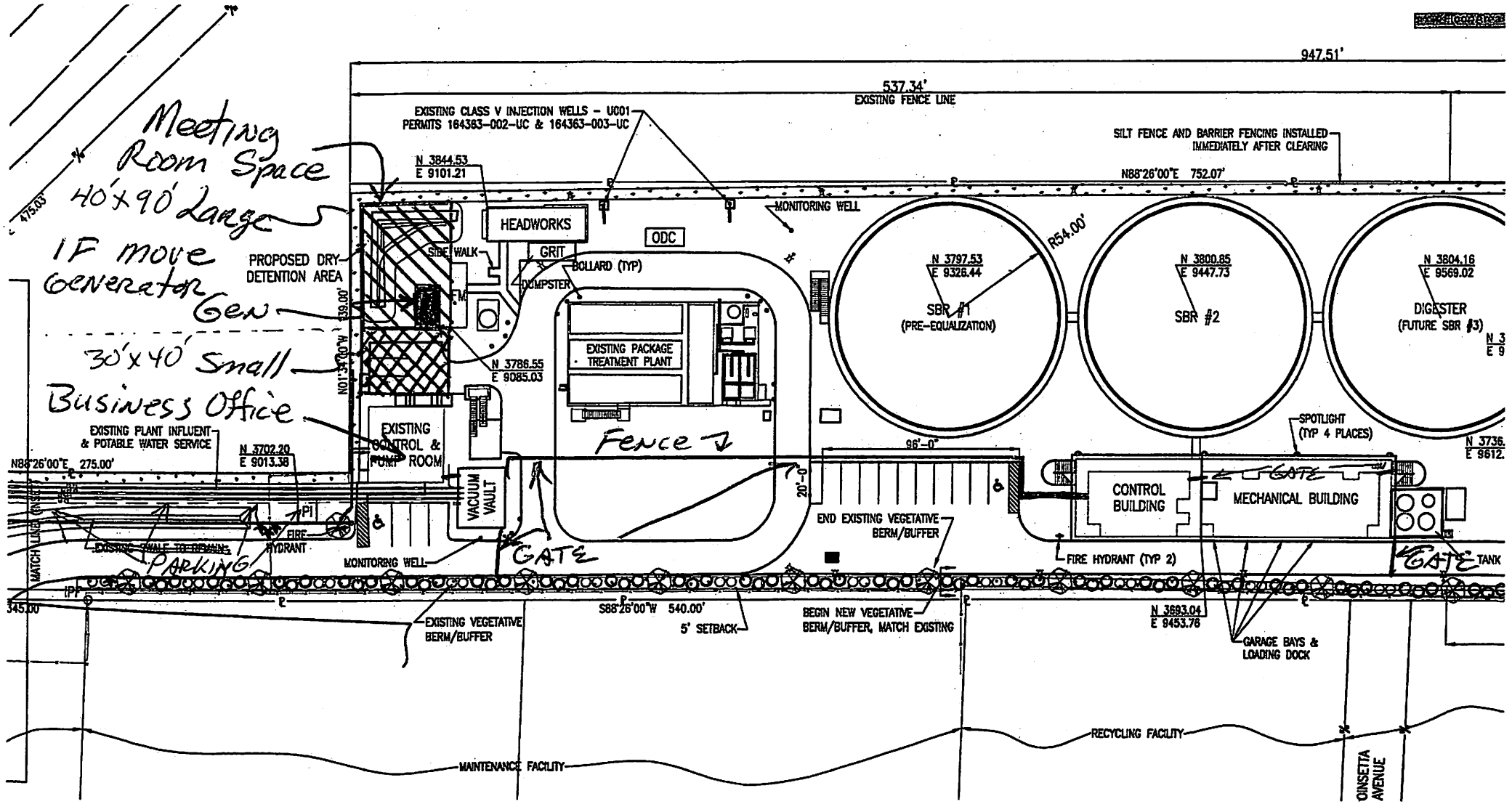
Summary Explanation/Background:

As requested by the Board I looked at the layout of the new control and mechanical building for future needs. The ground floor control building space needs a secure area for the plant control computer. The attached maps show general fence and gate requirements to allow public access.

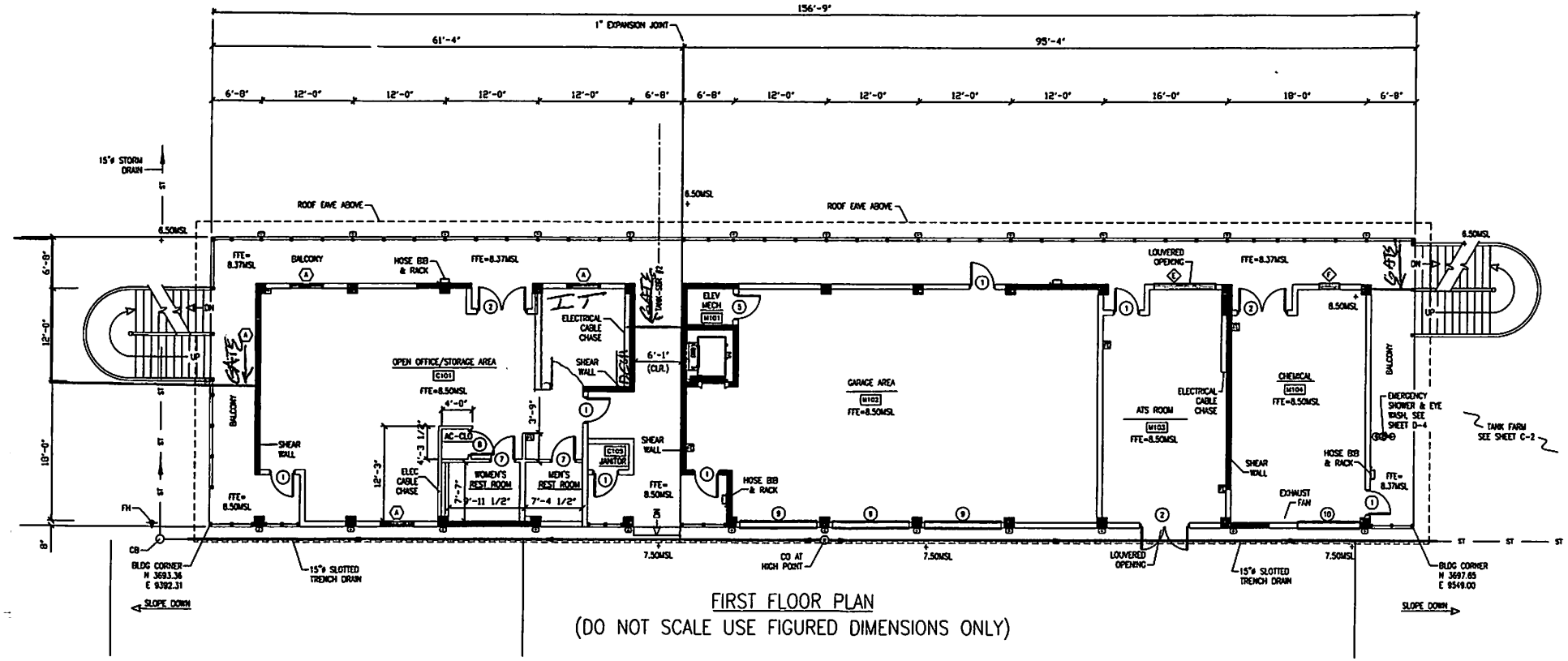
I expanded the task to the onsite vacuum station and realized the existing plant office/lab is big enough for a future business office and could be gated for safe access by the public. Also the area to the North of the existing building could be used for a publicly accessible ground floor meeting room building. The size of the area available to construct a meeting room building can be increased if the existing generator is moved.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised



Meeting Room Space
40'x90' Large
IF move Generator
Gen
30'x40' Small
Business Office
947.51'
537.34'
EXISTING FENCE LINE
EXISTING CLASS V INJECTION WELLS - U001
PERMITS 164363-002-UC & 164363-003-UC
SILT FENCE AND BARRIER FENCING INSTALLED IMMEDIATELY AFTER CLEARING
N 3844.53
E 9101.21
N88°26'00"E 752.07'
MONITORING WELL
HEADWORKS
ODC
GRIT
BOLLARD (TYP)
DUMPSTER
SIDE WALK
PROPOSED DRY DETENTION AREA
N 3786.55
E 9085.03
EXISTING PACKAGE TREATMENT PLANT
N 3797.53
E 9326.44
SBR #1
(PRE-EQUALIZATION)
R54.00'
N 3800.85
E 9447.73
SBR #2
N 3804.16
E 9569.02
DIGESTER
(FUTURE SBR #3)
EXISTING PLANT INFLUENT & POTABLE WATER SERVICE
N 3702.20
E 9013.38
N88°26'00"E 275.00'
EXISTING CONTROL & PUMP ROOM
Fence
VACUUM VAULT
96'-0"
20'-0"
SPOTLIGHT (TYP 4 PLACES)
CONTROL BUILDING
MECHANICAL BUILDING
GATE
END EXISTING VEGETATIVE BERM/BUFFER
FIRE HYDRANT (TYP 2)
TANK
FIRE HYDRANT
EXISTING SWALE TO REMAIN
PARKING
MONITORING WELL
GATE
MATCH LINE (INSET)
S88°26'00"W 540.00'
5' SETBACK
BEGIN NEW VEGETATIVE BERM/BUFFER, MATCH EXISTING
N 3693.04
E 9453.76
GARAGE BAYS & LOADING DOCK
EXISTING VEGETATIVE BERM/BUFFER
RECYCLING FACILITY
MAINTENANCE FACILITY
OINSETTA AVENUE



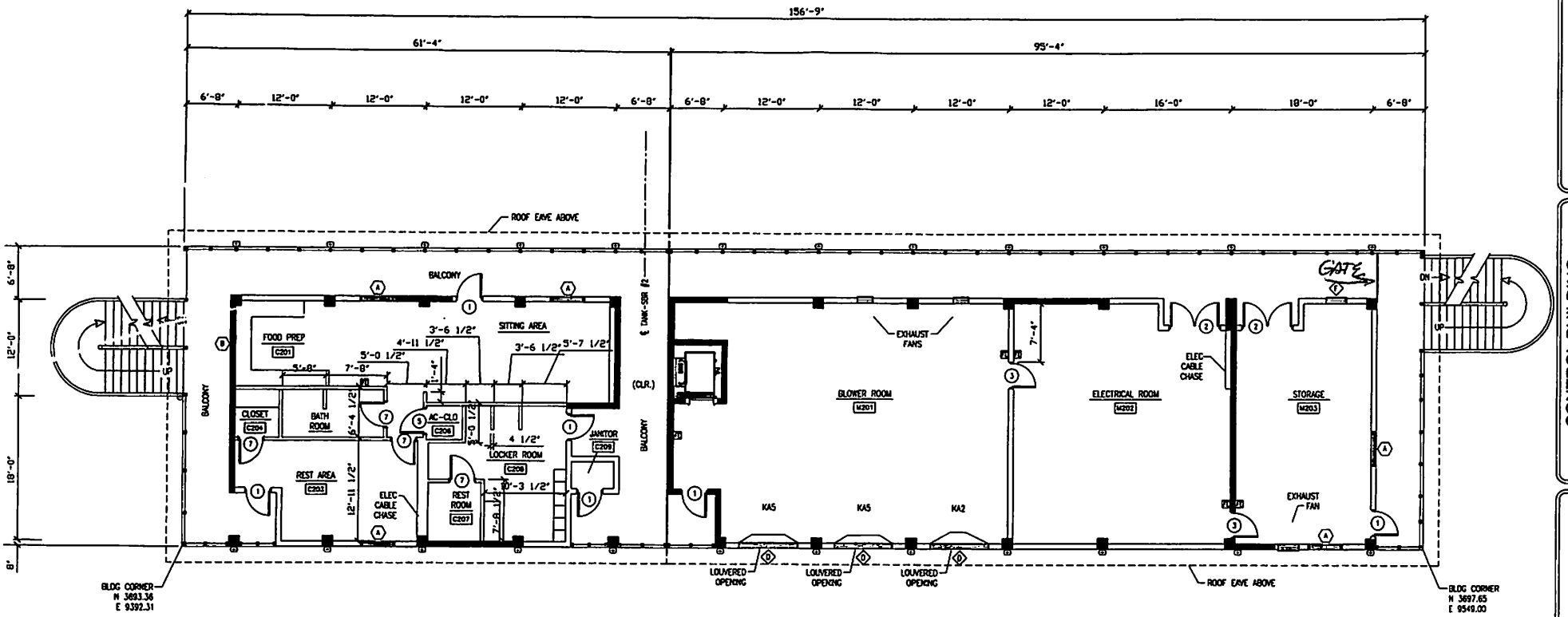
FIRST FLOOR PLAN

(DO NOT SCALE USE FIGURED DIMENSIONS ONLY)

KEY LARGO
WWTP

CONTROL BUILDING
FIRST FLOOR INTERIOR
WALL LAYOUT

WEC THE WEILER ENGINEERING CORPORATION



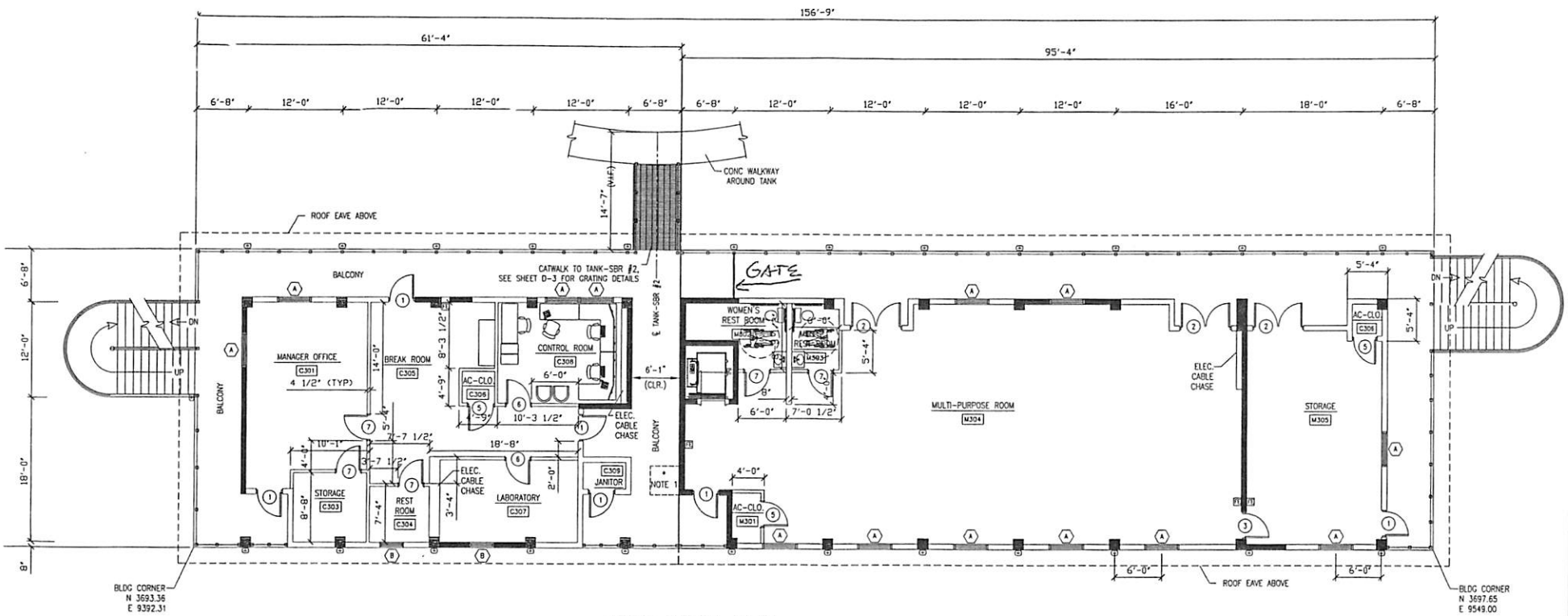
SECOND FLOOR PLAN

(DO NOT SCALE USE FIGURED DIMENSIONS ONLY)

KEY LARGO
WWTP

CONTROL BUILDING
SECOND FLOOR INTERIOR
WALL LAYOUT

WEC THE WEILER ENGINEERING CORPORATION



THIRD FLOOR PLAN

(DO NOT SCALE USE FIGURED DIMENSIONS ONLY)

KEY LARGO
WWTP

CONTROL BUILDING
THIRD FLOOR INTERIOR
WALL LAYOUT

WEC THE WEILER ENGINEERING CORPORATION

DATE 03-26-10
DRAWN A.F.
JOB 03105018
SHEET

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 19

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Mobile Radios for Trucks

RECOMMENDED MOTION/ACTION:

Approved by General Manager C, J, 2

Date: 4-1-10

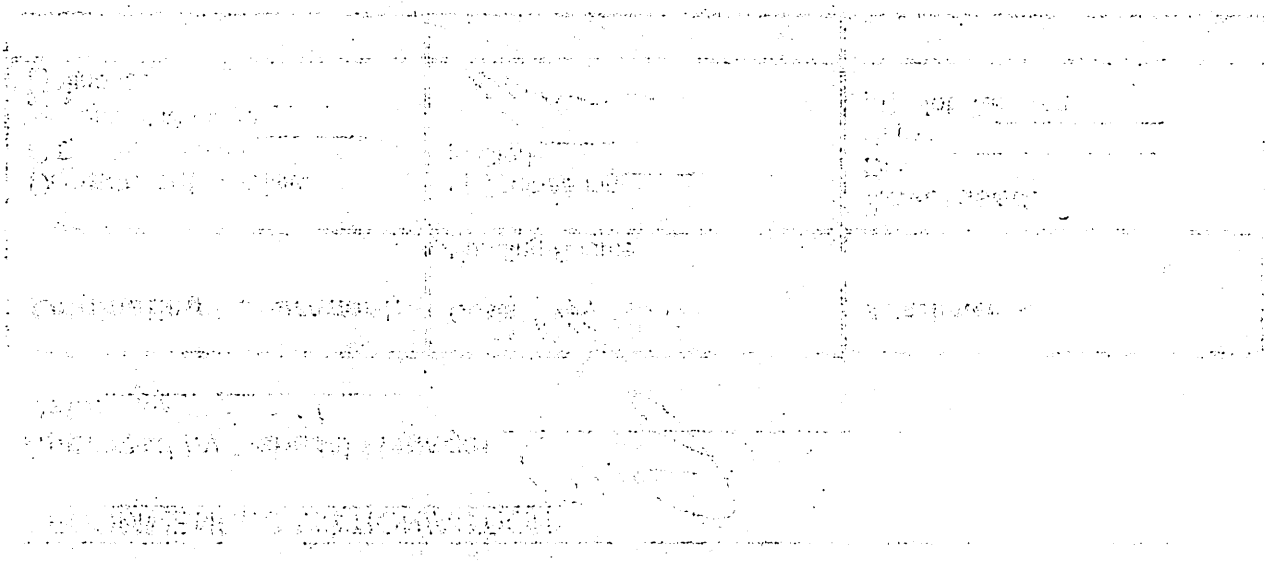
Originating Department:	Costs: $4000 Funding Source:	**Attachments:** E-Mail
Department Review: [ ] District Counsel _____ [X] General Manager ____ [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Hurricane season is around the corner. The Staff requests a purchase of on island mobile emergency communications equipment.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised



Mark Weis

From: Richard Yuskaitis [richardy@suncomm.us]
Sent: Thursday, April 01, 2010 9:15 AM
To: Mark Weis
Cc: Pat Mitchell; 'Chuck Fishburn'; 'Pat'
Subject: RE: Mobile Voice Radios

Good Morning Gentlemen,

Thank you Mark for contacting us about the mobile voice radio project for KLWTD.
Sun Communications is pleased to confirm the price quotation as follows based on the previous quotation dated August 28 2009.

Qty. 3	Motorola XPR 4550 at $ 828 each	$2484
	Installation at $150 each	$ 450
	FCC License	$ 950
	Programming	No Charge
		$3884.00

The FCC License is for ten (10) years and renewal at this time is priced at $250. We can provide our services within 2 weeks from date of order since the XPR's are readily available.

We look forward to working with KLWTD on this project. I will be contacting you soon to follow up on this correspondence.

Richard Yuskaitis 'Rick'
Sun Communications
Motorola Manufacture Representative
Serving Key West and Monroe County
305-797-4970
richardy@suncomm.us

From: Mark Weis [mailto:markw@klwtd.com]
Sent: Thursday, April 01, 2010 7:23 AM
To: richardy@suncomm.us
Cc: 'Pat Mitchell'; Chuck Fishburn
Subject: Mobile Voice Radios

Rick,

Please confirm and quote prices on the following:

MOTOTBO Digital

3 – Mobile Voice Radios 12V Display	XPR 4550	403-470MHz, 25-40w, 160 CH, GPS, Alpha - Numeric

1 – FCC Licensing (Initial)

3 - Installation of Mobiles

3 - Programming Radios

Is the FCC Licensing a life time license or does it renew? If renewable how often and at what cost?

Delivery time?

Thanks
Mark Weis
Project Coordinator - Purchasing

TAB 6

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2009 Agenda Item No. 20

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[x]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Monthly Projects Status Report

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager C.J.2

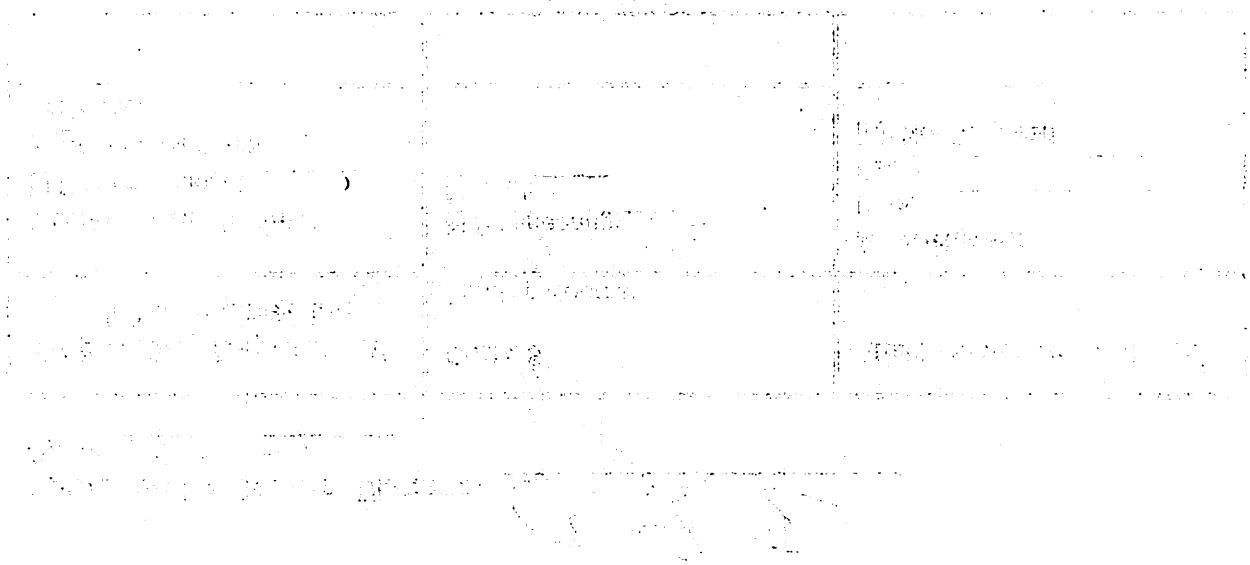
Date: 4-1-10

Originating Department: Weiler Engineering	Costs: $ Funding Source:	**Attachments:** Report & Maps
Department Review: [ ] District Counsel _____ [X] General Manager ____ [ ] Finance _____	[X] Engineering EC [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: A representative from Weiler Engineering will answer questions on the written monthly status report.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised



THE WEILER ENGINEERING CORPORATION

"Excellence in Engineering"

20020 Veterans Boulevard., Suite 7
Port Charlotte, FL 33954
(941) 764-6447 ph
(941) 764-8915 fax

Key Largo Wastewater Treatment District
Engineering Status Report
Period Ending 04/01/10

KLTV Treatment Plant

To be provided by the Operations Manager.

Collection System Design

Basin E & F Design

Design and permitting of the remote vacuum station has been completed. The final 100% design submittal of the upgrade of the existing vacuum station at the WWTP was received on March 16th and is under review by the District and WEC. The permit application for the upgrade has been submitted as well.

The design of an extension of the Basin F vacuum collection system to serve Ocean Cay was awarded to Eckler as a Change Order. Eckler has submitted the 90% design drawings for review. The project is currently on hold as the District reconsiders the grinder pump option for this area.

Basin G & H Design

A resubmittal of the 100% design of the vacuum pump station was received on March 31st from McCain and is under review. The application for the FDEP construction permit for the vacuum station was signed by the District in late February. A Request for Additional information was sent to McCain and copied to the District on April 1st. The RAI is fairly simple and should not pose a problem for permitting.

An RAI for the FDOT access permit application for the vacuum station entrance was received by McCain in December of 2009. A response to the RAI was submitted by McCain on March 8th. The FDOT access permit has not yet been received.

An extensive RAI for the ERP permit for storm drainage system for the vacuum station site was received from FDEP on January 21st. McCain drafted a response dated February 17th and

submitted it for review by the District and Weiler Engineering. We provided more advice to McCain on the needed responses. McCain agreed to incorporate our recommendations. The modified RAI response was received for our final review on April 1st. The response will be reviewed by WEC prior to submittal to FDEP. No work can begin at on the Basin G vacuum station site until the ERP is received, at which point clearing and grading can begin. The actual construction cannot begin until both the ERP and the FDEP construction permit are obtained.

Basin I, J & K Design

The design of the Basin I collection system and vacuum pump station has been completed and construction drawings have been submitted to the District. The FDEP construction permit for the vacuum pump station and the collection system has been received. The ERP for the vacuum pump station has also been received. We have received an RAI from FDOT for the work in Basin I that is in the US 1 corridor. A response has been drafted for submission to the FDOT.

The design of the Basin J and K collection system is nearing completion. Comments recently received from the District are being incorporated into the 100% design drawings. When completed, the 100% drawings for all of J and K will be submitted for final review and approval prior to issuance of the construction sets. The FDEP construction permit for the J and K collection system has been issued. The FDOT permit application for the US 1 corridor work in Basins J and K has been submitted and an RAI has been received. A response has been drafted and is currently under final review before submission to FDOT.

The Basin J/K vacuum station has been purchased and has been cleared. The needed topographical survey has been scheduled for April 1st. Preliminary design of the vacuum pump station has been completed. The FDEP construction permit for the vacuum pump station has been received. The ERP application will be submitted when the drainage design is completed after we receive the topographical survey data.

South Transmission Main Construction

Redland has installed approximately 6000 linear feet of transmission main concurrently with the work in F-1. Metro continues with their work on the South Transmission Main as well. All highway crossings have been installed. The 8" force main on Ocean Bay has been installed. Approximately 5700 linear feet of 16" main along US 1 has been completed.

WWTP Expansion

Control Building

The block mason has finished with all exterior/interior walls
The upper tie beam was poured last week and roofing panels were being set on March 30th and are scheduled to be completed by April 1st. This completes the hollow core plank placement for the roof.

Benson Electric:

1) Electricians have been installing branch circuit conduits in the Control/Mechanical Building and have finished on the 1st and 2nd floors of the west side of the building and are currently working on 2nd floor Mechanical Building side (east).
2) All panel boxes have been mounted in the Electric Room and the T-1 transformer has been set. Piping has been started to and from the panels.
3) SBR and Blower Controls panels have been moved to the 2nd floor and are currently being installed and piped to.
4) DCU-1 panel has been set in Control Bldg
5) Benson has been concentrating on the conduit installation in the garage area with main feeders to Motor Control Centers and Distribution Panels throughout the building
6) SBR conduits and Instrument boxes have been mounted – approximately 98% complete with all conduits on tanks – still working on lighting and lightning protection for tanks.
7) The generator and Automatic Transfer Switch are scheduled for delivery – May 3rd
8) The Motor Control Centers are scheduled to ship – April 30th

Trinity Air:

1) Duct work is nearly complete on 1st and 2nd floors, control bldg side. Mechanical side has not started
2) Working on installing 1st floor louvers and fans.

Seaway Plumbing:

1) Has nearly completed the drain piping rough-in on 1st and 2nd floors, Control Bldg side. Mechanical side has not started

Wharton/Smith:

1) Injection Well and Monitoring Well pads have both been poured
    a. Injection Well piping is complete – testing 3/31
    b. Monitoring Well piping is complete but not tested
2) Tie in piping between BPS and PPS is now complete
3) Disinfection Basin is complete – Benson is working on installing electrical disconnects - 3 of the 4 are installed – there is an issue with 1 plugged conduit on pump #3.
4) Disk Filters are 98% complete –
5) Plant Pump Station is a 98% complete –
6) Booster Pump Station – 80% complete - have not set the pumps as of yet. Electrical panel not set and electric can't be run until pumps are set.
7) Yard Piping for 6", 8" and 12" drain is nearly complete. Will start 30" and EQ tank drain piping next week and will set manhole #4 within the next few weeks which will tie in all of the drain piping to the Plant Pump Station.
8) Still working on the baffle issue in the SBR's – PRECON issue
9) 14" S/S air piping is nearly completed on all SBR's.
    a. Issues with alignment to bldg – W/S working with WEC to resolve

10) Blower Room 14" S/S air piping header and valves have been hung but not tied into blowers. Blower motors, filters, plenums and louvers are set but are not anchored. (1 louver damaged this week – will need to be replaced)
11) Headworks is very close to being done – upper 90 percentile with all trades
12) 18" Forcemain, into plant has not started.

Tank Farm and ConVault tank pads have not been poured as of yet. They will be poured as soon as the 30" pipe has cleared the area. Generator pad is ready for generator, transformer pad has not been set – still the only traffic lane to the Booster Pump Station. The transformer is currently in FKEC yard ready for delivery. WEC is working on revision to stormwater grades throughout site.

Basin A Construction.
Basin A collection system construction in all phases is completed.

The AirVac tank has been installed, as well as the vertical turbine pumps with ductile iron piping penetrating through the wall. Redland Company began this week installing the vacuum and forcemain pipes from the building to US 1 and Mockingbird ROW's. Hollow core roofing panels were set today. Generator, MCC and electrical panels have all been set and Hamker Electric has already started pulling wire. Seaway plumbing has installed the main air piping header in the main room and has assembled the tie in's to the odor control tanks with installation this week. Bridge crane was set this week. Final load testing to come. ConVault tank pad has been poured and Gen Set is at Hamker's yard ready to be set. Overhead doors will be set early next week.

Basin B Construction

All pipeline work in Basin B is completed. Restoration is completed in all phases. Only FDOT punch list items remain to be completed in B-6.

Please see the Construction Progress Maps for details

Basin C Construction
Phases C-1 and C-2 have been completed. C-3 installation is complete with the final punchlist items yet to be completed. Metro continues working in C-4 with about 70% of the work completed.

Please see the Construction Progress Maps for details

Basin D Construction
Work on the collection system in Basin D is complete with the exception of the deep oceanfront lots in D-4. The on-site grinder pump demonstration project has been competed. The District

continues to develop the policies for the unique properties. At that point, the design of the system for D-4 can be completed.

Work on the Basin C/D vacuum pump station by Overholt is complete.

Basin E Construction

Redland has completed E-1 and has only final paving and punchlist items in E-2. Work in E-3 has not yet started.

Please see the Construction Progress Maps for details

Basin F Construction

Redland has begun laying pipe in three phases. F-1 is 5% complete, F-4 is 60% complete and F-5 is 90% complete. LaRocco has completed restoration in F-2 and awaits final walkthrough. Metro has completed installation in F-3 and has restoration and cleanup to go.

The construction of the remote vacuum station at Dolphins Plus in Basin F is under way. The underground work and setting of the two structures is approximately 50% complete.

Please see the Construction Progress Maps for details

Basin G Construction

Metro has begun construction of the vacuum sewer system in G-1, installing approximately 5700 feet of vacuum main in the US 1 ROW. They placed 57000 feet of South Transmission Main concurrently with the vacuum pipe installation.

No other collection system work has started in Basin G.

The Basin G vacuum pump station work has not begun. Permits have yet to be obtained.

Please see the Construction Progress Maps for details

Basin H Construction

Construction has not started. Metro has been awarded the Basin H work based on estimated quantities, but is awaiting delivery of final plans to begin construction.

Basin I Construction

Fountain has begun construction on I-4 with approximately 50% of the work completed.

The permits for the Basin I vacuum pump station have been received. Rock has been cut and DA Builders has been excavating what it can. No other work at this time. HDPE forcemain piping has been installed under US1 to ROW.

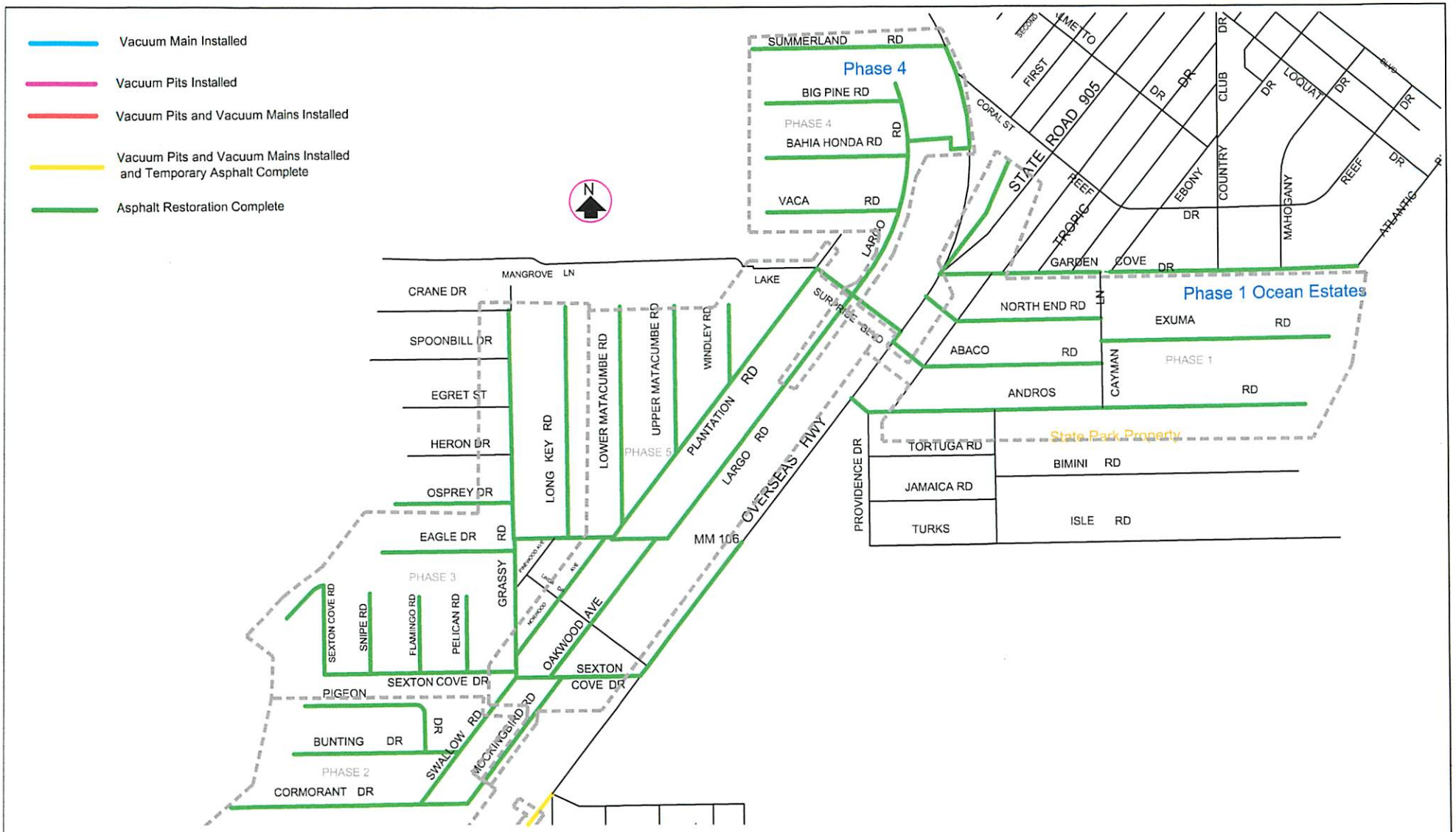
Please see the Construction Progress Maps for details

GPS/GIS
Work on the GPS/GIS project continues.

C-905
Currently on hold.

Glossary of Terms

- ***AWT*** – Advanced Wastewater Treatment. This is the level of treatment required by the year 2010 for all WWTPs in the Keys with capacities of 0.100 MGD or greater. This corresponds to levels of 5 mg/l CBOD, 5 mg/l TSS, 3 mg/l TN and 1 mg/l TP
- ***BAT*** – Best Achievable Treatment. This is the level of treatment required by the year 2010 for all wastewater treatment systems in the Keys with capacities of less than 0.100 MGD, including on-site treatment units. This corresponds to levels of 10 mg/l CBOD, 10 mg/l TSS, 10 mg/l TN and 1 mg/l TP
- ***CBOD*** – Carbonaceous Biochemical Oxygen Demand. This is a measurement of the level of organic pollutants (food) in wastewater
- ***CMMS*** – Computerized Maintenance Management System. This is a program that schedules and tracks preventive and corrective maintenance tasks and tracks inventory and costs.
- ***FDEP*** – Florida Department of Environmental Protection
- ***FKAA*** – Florida Keys Aqueduct Authority
- ***GPD*** – Gallons Per Day
- ***I&I*** – Inflow & Infiltration. Inflow is non-sewage water, typically rain water, that enters a sanitary sewer system through lids on structures such as manholes. Infiltration is non-sewage water, typically groundwater or rain water that has soaked into the ground, that enters a sanitary sewer system through cracks and joints in buried pipes and structures.
- ***MGD*** – Million Gallons per Day
- ***mg/l*** – milligrams per liter (same as parts per million). This is the unit of measurement typically used to report the concentration of pollutants in wastewater
- ***ROW*** – *Publicly owned Right of Way*
- ***SSOCOF*** – Sunshine State One Call of Florida, the state agency that coordinates underground utility construction. Anyone who intends to dig must call SSOCOF to request locates. SSOCOF then relays the construction information to all members in the construction area with instructions to mark the location of their underground utilities in the work area prior to the start of construction.
- ***SRF*** – State Revolving Fund. A source of low-interest loans for utility planning and construction
- ***TN*** – Total Nitrogen. This is a measurement of the level of nitrogenous pollutants in wastewater
- ***TP*** – Total Phosphorus. This is a measurement of the level of phosphate and organic phosphorus pollutants in wastewater
- ***TSS*** – Total Suspended Solids. This is a measurement of the level of particulate matters in suspension in wastewater
- ***WWTP*** – Wastewater Treatment Plant



LATEST UPDATE: 03-29-10

Description	Revisions

KLWTD

SERVICE AREA

"A"

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design DS	Drawn DS
Checked MS	Approved by EC
Scale:	1" = 40'
Job No.	03105.006
Date Issued	05/09/06
Sheet No.	1 of 1

LATEST UPDATE: 03-29-10

Description	Revisions

KLWTD

SERVICE AREA

"B"

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	Drawn	Checked
DR	DR	MD

Approved by	EC
Scale:	1" = 40'
Job No.	03105.006
Date Issued	05/09/06
Sheet No.	1 of 1

LATEST UPDATE: 03-29-10

Description	Revisions

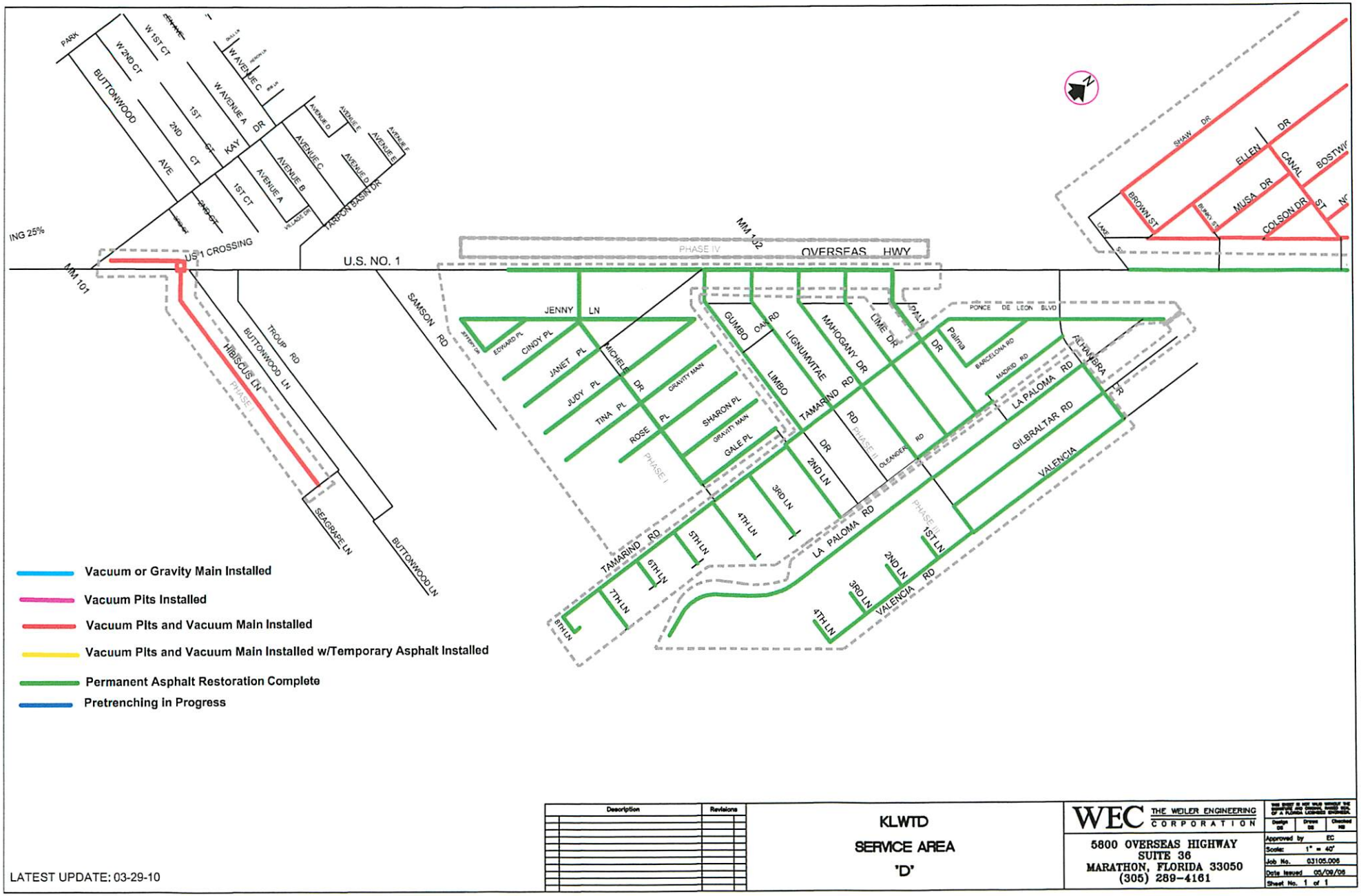
KLWTD

SERVICE AREA

'C'

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	DS
Drawn	DS
Checked	MB
Approved by	EC
Scale:	1" = 40'
Job No.	03105.006
Date Issued	05/09/06
Sheet No.	1 of 1



LATEST UPDATE: 03-29-10

Description	Revisions

KLWTD

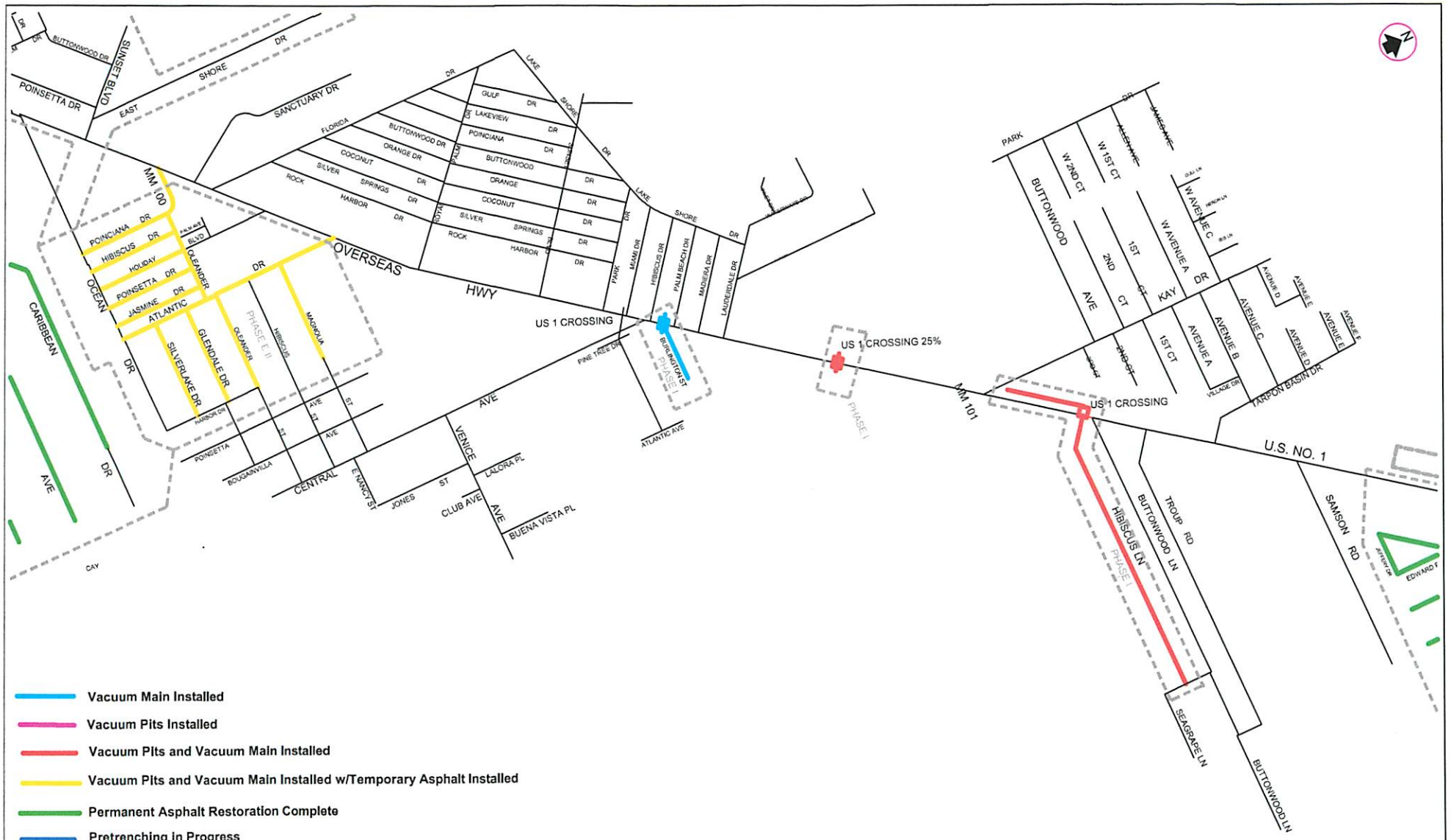
SERVICE AREA

'D'

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	Drawn	Checked
DS	DS	MS

Approved by: EC
Scale: 1" = 40'
Job No. 03105.006
Date Issued 05/09/06
Sheet No. 1 of 1



- Vacuum Main Installed
- Vacuum Pits Installed
- Vacuum Pits and Vacuum Main Installed
- Vacuum Pits and Vacuum Main Installed w/Temporary Asphalt Installed
- Permanent Asphalt Restoration Complete
- Pretrenching in Progress

LATEST UPDATE: 03-29-10

Description	Revisions

KLWTD

SERVICE AREA

'E'

WEC THE WEILER ENGINEERING CORPORATION

5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	DS
Drawn	BS
Checked	RS
Approved by	EC
Scale:	1" = 40'
Job No.	03105.006
Date Issued	05/09/06
Sheet No.	1 of 1

LATEST UPDATE: 03-29-10

Description	Revisions

KLWTD
SERVICE AREA
"F"

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	Drawn	Checked
DS	DS	MS

Approved by EC
Scale: 1" = 40'
Job No. 03105.006
Date Issued 05/09/06
Sheet No. 1 of 1

Description	Revisions

KLWTD

SERVICE AREA

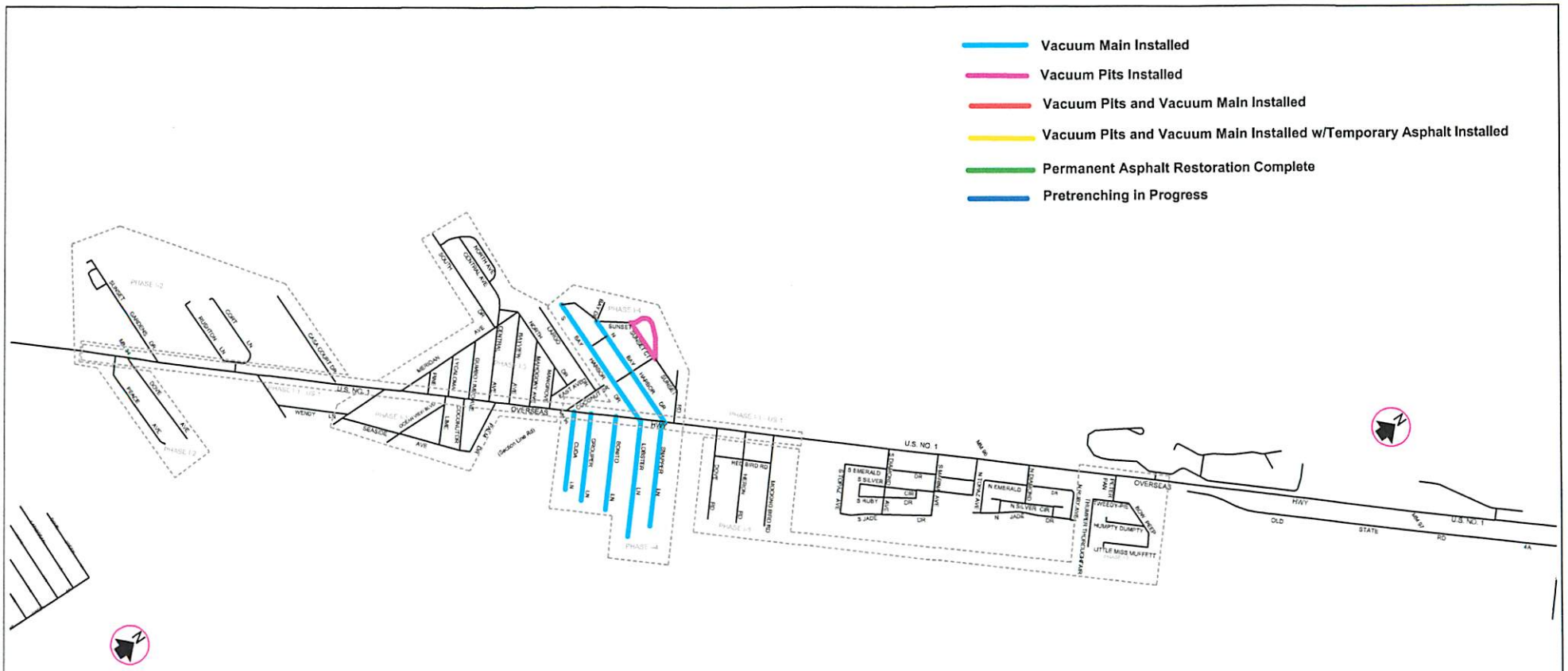
"G"

WEC THE WEILER ENGINEERING CORPORATION

5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design DS	Drawn DS	Checked KS
Approved by	EC	
Scale:	1" = 40'	
Job No.	03105.006	
Date Issued	05/09/06	
Sheet No.	1 of 1	

LATEST UPDATE: 03-29-10



Description	Revisions

KLWTD

SERVICE AREA

"I"

WEC THE WEILER ENGINEERING CORPORATION

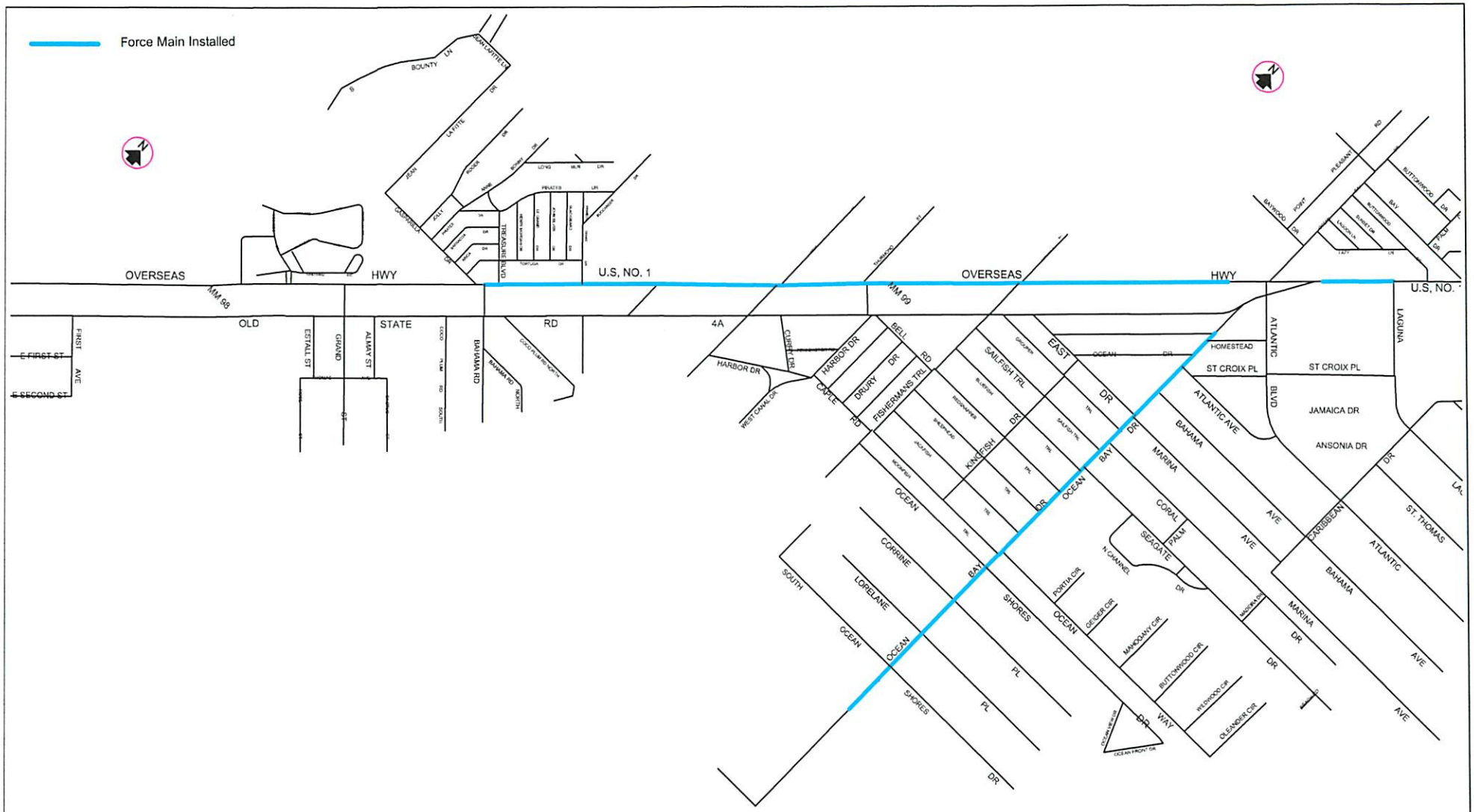
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

THIS SHEET IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED ENGINEER.

Design	Drawn	Checked
DS	DS	RB

Approved by	EC
Scale:	1" = 40'
Job No.	03105.006
Date Issued	05/09/05
Sheet No.	1 of 1

LATEST UPDATE: 03-29-10



LATEST UPDATE: 03-29-10

Description	Revisions

KLWTD

SOUTHERN TRANSMISSION MAIN

WEC THE WEILER ENGINEERING CORPORATION

5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

THIS SHEET IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED ENGINEER.

Design DS	Drawn DS	Checked MB
Approved by	EC	
Scale:	1" = 40'	
Job No.	03105.006	
Date Issued	05/09/06	
Sheet No.	1 of 1	

TAB 7

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: April 6, 2010 Agenda Item No. 21

[ ] PUBLIC HEARING [ ] RESOLUTION

[ ] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[X] STATUS REPORT

SUBJECT: Capital Projects Quarterly Financial Report

RECOMMENDED MOTION/ACTION: None

Approved by General Manager C. Gill
Date: 3-30-10

Originating Department: Finance	Costs: Funding Source:	**Attachments:**
Department Review: [ ] District Counsel [X] General Manager [X] Finance	[ ] Engineering [ ] Clerk	**Advertised:** Date: Paper: [ ] Not Required

Summary Explanation/Background:

Staff will present and review the current status of Sources and Uses of Funds for capital projects, and total projected costs upon completion.

KEY LARGO WASTEWATER TREATMENT DISTRICT
P.O. BOX 491; KEY LARGO, FLORIDA 33037
(305) 453-5804 FAX (305) 453-5807

Memo

To: Board of Commissioners

From: Marty Waits

Date: 03/25/10

Re: Capital Projects Status Report

Commissioners,

The financial report of all Sources & Uses of Funds for capital projects through March 31, 2010, is attached for your review. I offer the following commentary to assist you in identifying the information which I feel is particularly worthy of note:

Consolidated Project Sources & Uses of Funds (Page 1)

The North Components and South Components projects combined are currently projected to cost $131,437,688. When combined with the cost of the KLTV/KLP demonstration project, total system construction cost is projected to total $143,333,343 upon completion of the system.

Grants now in hand, including $2,500,000 of Islamorada ACOE funds, total $43,990,243 and will constitute 31% of total funding if no additional grants are obtained. Assessments are projected to fund $77,464,946 in loans and $1,000,000 in land and equipment purchases. The balance of funding required is currently projected to be $17,434,742. This requirement is a worst case scenario because it assumes no additional grant funding, state or federal, will be obtained.

Design & engineering costs are projected to be approximately 5.4% of total project cost. Project management expense is projected to be approximately 6.4% of total project cost.

North Components Sources & Uses of Funds (Page 2)

The North Components project is currently projected to cost $72,212,720 and is totally funded with $22,638,000 in grants (31%) and $49,574,720 (69%) in loans, essentially all SRF related debt. Since 98% of all work is either completed or under firm contract, this projected cost upon completion is considered a very accurate estimate.

On a financial basis, the North Components project is 84% complete.

North Components Collection System Detail (Page 3)

All collection systems are essentially complete except for the unique properties. The completed cost of $35,268,473 for collection systems in Basins A – D is projected to be approximately 8.5%, or $3 million, less than Weiler's 2005 Facilities Plan estimate.

South Components Sources & Uses of Funds (Page 4)

The South Components project is currently projected to cost $59,224,968, which is $13 million (18%) less than Weiler's 2005 Facilities Plan estimate. At this time approximately $17.5 million in funding has not been specifically identified, and will have to be provided by additional grants and/or loans funded by monthly rates.

On a financial basis, the South Components project is 21% complete.

South Components Collection System Detail (Page 5)

All seven phases in Basins E and F are under contract, and total just over half of the projected cost in Weiler's 2005 Facilities Plan. Basins G & H, based on two phases under contract and recent engineering cost estimates for the other four phases, will also total just over half of the projected Facilities Plan cost. With three out of five phases contracted in Basin I, the cost is projected to be approximately two-thirds of the cost projected in the Facilities Plan.

Conservatively projecting the cost for Basins J and K at 75% of the Facilities Plan cost, the total construction cost for all South Components collection systems is estimated to be $48,071,208.

Total System Construction Cost

The total project cost predicted in Weiler's 2005 Facilities plan was $157,000,000. Total project cost is now estimated to be approximately $143,000,000, which is $14,000,000 less than originally anticipated.

Key Largo Wastewater Treatment District

TOTAL PROJECT SOURCES AND USES OF FUNDS

Prepared By: Marty Waits Date: March 31, 2010

FUNDING PROJECTION	North & South Components	Demonstration Project	Total Project
Grants (Committed):			
Various Federal, State & Local	$ -	$ 11,002,243	$ 11,002,243
FDEP Grant	6,038,000		6,038,000
Corps of Engineers	10,500,000		10,500,000
Monroe County Grant	19,000,000		19,000,000
	35,538,000	11,002,243	46,540,243
	27%	92%	32%
SDC Prepayments	1,000,000		1,000,000
	1%		1%
Loans (Required):			
SRF Related Loans	47,464,946	893,412	48,358,358
$30 M Bank Loan	30,000,000		30,000,000
New Grants or Operations Funded Loans	17,434,742		17,434,742
	94,899,688	893,412	95,793,100
	72%	8%	67%
Total Funds	**$ 131,437,688**	**$ 11,895,655**	**$ 143,333,343**

ESTIMATED PROJECT COST			
Design, Engineering & Const. Mgmt:			
Weiler Engineering - Const. Mgmt.	$ 2,700,000	$ 365,872	3,065,872
Transmission Lines Engineering	500,748		500,748
Collection Systems Engineering	5,198,541		5,198,541
Treatment Plant Engineering	1,349,696		1,349,696
Plant Site Mitigation	423,797		423,797
Other Expenses	2,300,000	71,268	2,371,268
KLWTD Staff Expense (Mgmt, Legal)	3,400,000	311,643	3,711,643
	15,872,782	748,783	16,621,565
Construction:			
Design Build Contract	-	11,146,872	11,146,872
Transmission Lines	5,715,056		5,715,056
Collection Systems & Vacuum Stations	83,339,681		83,339,681
Regional Plant	25,705,599		25,705,599
Land Acquisition	804,570		804,570
	115,564,906	11,146,872	126,711,778
Total Expenses	**$ 131,437,688**	**$ 11,895,655**	**$ 143,333,343**

Key Largo Northern Half

TOTAL PROJECT SOURCES AND USES OF FUNDS

Prepared By: Marty Waits Date: March 31, 2010

FUNDING COMMITMENT

	Total	Received	Balance Due	% Utilized
Grants:				
FDEP Grant	$ 6,038,000	$ 6,038,000	$ -	100%
Corps of Engineers	4,600,000	3,537,511	1,062,489	77%
Monroe County Grant	12,000,000	10,583,565	1,416,435	88%
	22,638,000	20,159,076	2,478,924	89%
	31%			
Loans:				
SRF Preconstruction Loan	2,670,199	2,670,199	-	100%
SRF Loan Commitments	10,000,000	10,000,000	-	100%
SRF/RWA Bridge Loan	14,794,747	14,794,747	-	100%
SRF Bond Funded Loan	20,000,000	12,273,320	7,726,680	61%
$30M Bank Loan	2,109,774	-	2,109,774	
	49,574,720	39,738,266	9,836,454	80%
	69%			
Total Funds	**$ 72,212,720**	**$ 59,897,342**	**$ 12,315,378**	83%

ESTIMATED PROJECT COST

	Est. Total Completed Cost	Billings to 3/31/2010	Balance To Complete	% Expended
Design, Engineering & Const. Mgmt:				
Weiler Engineering - Const. Mgmt.	$ 2,000,000	$ 1,534,765	$ 465,235	77%
Transmission Line - CPH	206,351	206,351	-	100%
- Additional Work	10,000	9,758	242	98%
Basins A & D - CPH	694,608	676,434	18,174	97%
-Vacuum Station C.O.	11,610	-	11,610	0%
Basin B - Eckler	470,601	470,601	-	100%
- CPH (Survey)	93,478	93,478	-	100%
Basin C - Wade Trim	385,578	346,442	39,136	90%
- CPH (Survey)	106,876	106,876	-	100%
Treatment Plant - Arcadis	742,400	742,400	-	100%
- C.O.	174,282	174,282	-	100%
- Deep Well Oversight	333,414	321,676	11,738	96%
- Plant Oversight	99,600	99,600	-	100%
Plant Site Mitigation	423,797	423,797	-	100%
Other Expenses	1,300,000	1,019,762	280,238	78%
KLWTD Staff Expense (Mgmt, Legal)	1,800,000	1,634,154	165,846	91%
	8,852,595	7,860,376	992,219	89%
Construction:				
Transmission Line - LaRocco	2,386,053	2,386,053	-	100%
Collection Systems (Schedule A)	35,268,473	29,743,958	5,524,515	84%
Disposal Well - Youngquist / Ozone	5,272,362	5,272,362	-	100%
Treatment Tanks - Precon	3,546,237	3,350,635	195,602	94%
Treatment Plant - Wharton-Smith	16,887,000	12,564,528	4,322,472	74%
	63,360,125	53,317,536	10,042,589	84%
Total Expenses	**$ 72,212,720**	**$ 61,177,912**	**$ 11,034,808**	85%
Facilities Plan Estimate	$ 68,049,675			

Schedule A

NORTHERN HALF COLLECTION SYSTEM CONSTRUCTION COSTS

Prepared By: Marty Waits Date: March 31, 2010

		Est. Total Completed Cost	Billed through 03/31/2010 Construction	Billed through 03/31/2010 Materials	Est. Balance To Complete	% Expended
Basin A						
Phase 1	**(Fountain $1,179,001)**	$ 1,323,876	$ 1,093,038	$ 144,875	$ 85,963	94%
Phase 2	**(GlobeTec $ 964,488)**	1,091,254	964,488	126,766	-	100%
Phase 3	**(GlobeTec $1,189,390)**	1,418,776	1,189,390	229,386	-	100%
Phase 4	**(Fountain $ 828,335)**	979,247	757,472	150,912	70,863	93%
Phase 5	**(Fountain $1,183,241)**	1,427,718	1,084,451	244,477	98,790	93%
		$ 6,240,871	$ 5,088,839	$ 896,416	$ 255,616	**96%**
Basin B						
Phase 1	**(Ric Man $1,022,530)**	1,230,788	1,022,530	208,258	-	100%
Phase 2	**(Ric-Man $1,150,980)**	1,307,928	1,150,980	156,948	-	100%
Phase 3	**(Metro $1,350,639)**	1,570,969	1,284,673	220,330	65,966	96%
Phase 4	**(LaRocco $1,353,611)**	1,592,051	1,258,406	238,440	95,205	94%
Phase 5	**(Metro $1,184,941)**	1,381,126	1,125,693	196,185	59,248	96%
Phase 6	**(Fountain $1,408,500)**	1,489,992	1,263,697	81,492	144,803	90%
		$ 8,572,854	$ 7,105,979	$ 1,101,653	$ 365,222	**96%**
Basin C						
Phase 1	**(Metro $2,372,439)**	2,726,491	2,254,118	344,052	128,321	95%
Phase 2	**(Metro $1,367,489)**	1,572,733	1,288,494	205,224	79,015	95%
Phase 3	**(Fountain $1,967,246)**	2,247,920	1,635,914	280,674	331,332	85%
Phase 4	**(Metro $3,460,917)**	3,762,717	1,718,478	301,800	1,742,439	54%
		$ 10,309,861	$ 6,897,004	$ 1,131,750	$ 2,281,107	**78%**
Basin D						
Phase 1	**(LaRocco $1,737,803)**	1,973,225	1,575,953	235,422	161,850	92%
Phase 2	**(LaRocco $1,717,300)**	1,934,613	1,459,481	217,313	257,819	87%
Phase 3	**(LaRocco $1,322,770)**	1,531,028	1,142,899	208,258	179,871	88%
		$ 5,438,866	$ 4,178,333	$ 660,993	$ 599,540	**89%**
Unique Properties		$ 1,500,000	$ -	$ -	1,500,000	**0%**
Vacuum Stations						
Vac A	**(Overholt $1,139,660)**	1,686,397	616,630	546,737	523,030	69%
Vac D	**(Overholt $ 896,014)**	1,443,751	896,014	547,737	-	100%
		$ 3,130,148	$ 1,512,644	$ 1,094,474	$ 523,030	**33%**
Miscellaneous Materials		$ 75,873	$ -	$ 75,873	$ -	**100%**
TOTAL CONSTRUCTION COST		**$ 35,268,473**	**$ 24,782,799**	**$ 4,961,159**	**$ 5,524,515**	**84%**
Facilities Plan Estimate		$ 38,545,512				

Key Largo Southern Half

TOTAL PROJECT SOURCES AND USES OF FUNDS

Prepared By: Marty Waits Date: March 31, 2010

FUNDING PROJECTION

	Total	Received	Balance Due	% Utilized
Grants (Committed):				
Corps of Engineers	5,900,000	3,101,131	2,798,869	53%
Monroe County Grant	7,000,000	3,358,144	3,641,856	48%
	12,900,000	6,459,275	6,440,725	50%
	22%			
SDC Prepayments	1,000,000	830,569	169,431	83%
	2%			
Loans (Required):				
$30 M Bank Loan	27,890,226	95,750	27,794,476	0%
New Grants or Operations Funded Loans	17,434,742	-	17,434,742	0%
	45,324,968	95,750	45,229,218	0%
	76%			
Total Funds	**$ 59,224,968**	**$ 7,385,594**	**$ 51,669,943**	12%

ESTIMATED PROJECT COST

	Est. Total Completed Cost	Billings to 3/31/2010	Balance To Complete	% Expended
Design, Engineering & Const. Mgmt:				
Weiler Engineering - Const. Mgmt.	$ 700,000	$ 139,348	$ 560,652	20%
Transmission Line - CPH	284,397	280,993	3,404	99%
Basins E & F - Eckler	875,839	851,534	24,305	97%
Ocean Cay Design - Eckler	24,390	-	24,390	0%
Basins G & H - McCain	712,535	621,452	91,083	87%
Basins I, J & K - Weiler	1,823,026	1,636,658	186,368	90%
Other Expenses	1,000,000	282,026	717,974	28%
KLWTD Staff Expense (Mgmt, Legal)	1,600,000	266,818	1,333,182	17%
	7,020,187	4,078,829	2,941,358	58%
Construction:				
Transmission Line - **Metro**	3,329,003	630,600	2,698,403	19%
Collection Systems - Basins E - K	48,071,208	6,758,054	41,313,154	14%
Land Acquisition	804,570	804,570	-	100%
	52,204,781	8,193,224	44,011,557	16%
Total Expenses	**$ 59,224,968**	**$ 12,272,053**	**$ 46,952,915**	21%
Facility Plan Estimate	$ 72,140,000			

Schedule A

SOUTH COMPONENTS COLLECTION SYSTEM CONSTRUCTION COSTS

Prepared By: Marty Waits Date: March 31, 2010

		Est. Total Completed Cost	Billed through 03/31/2010 Construction	Billed through 03/31/2010 Materials	Est. Balance To Complete	% Expended
Basin E-1,2 & F-1						
	(Redland $1,870,273)	$ 2,259,391	861,838	$ 389,118	$ 1,008,435	55%
Basin F						
Phase 2	**(LaRocco $1,800,199)**	2,068,116	1,371,460	267,917	428,739	79%
Phase 3	**(Metro $1,711,195)**	1,959,245	1,499,427	261,538	198,280	90%
Phase 4,5	**(Redland $1,500,013)**	1,848,157	256,625	348,144	1,243,388	33%
		$ 8,134,909	$ 3,989,350	$ 1,266,717	$ 2,878,842	65%
	Weiler Estimate E & F	$ 14,637,000				
Basins G & H						
G-1 & H-1	**(Metro $2,801,873)**	3,077,148	124,604	189,709	2,762,835	10%
Phase 2	Engineer's Estimate	1,135,964	-	-	1,135,964	
Phase 3	Engineer's Estimate	1,512,787	-	-	1,512,787	
Phase 4	Engineer's Estimate	2,027,559	-	-	2,027,559	
Phase 5	Engineer's Estimate	1,107,508	-	-	1,107,508	
		$ 8,860,966	$ 124,604	$ 189,709	$ 8,546,653	4%
	Facilities Plan Estimate	$ 17,015,000				
Basin I						
Phase 1	Staff Estimate	$ 2,000,000	-	-	2,000,000	
Phases 2,3	**(Larocco $2,165,255)**	2,467,755	-	121,201	2,346,554	
Phase 4	**(Fountain $1,495,087)**	1,749,187	119,880	218,673	1,410,634	
Phase 5	Staff Estimate	2,000,000	-	88,797	1,911,203	
		$ 8,216,942	$ 119,880	$ 428,671	$ 7,668,391	7%
	Facilities Plan Estimate	$ 13,190,000				
Basin J						
Phase 1	Engineer's Estimate		-	-	-	
Phase 2	Engineer's Estimate		-	-	-	
Phase 3	Engineer's Estimate		-	-	-	
	Staff Estimate (75%)	**$ 7,800,000**				0%
	Facilities Plan Estimate	$ 10,404,000				
Basin K						
Phase 1	Engineer's Estimate		-	-	-	
Phase 2	Engineer's Estimate		-	-	-	
	Staff Estimate (75%)	**$ 6,600,000**				0%
	Facilities Plan Estimate	$ 8,771,000				
Unique Properties		**$ 1,000,000**	$ -	$ -	$ 1,000,000	0%
Vacuum Stations						
Basin F Mini	**Redland ($413,000)**	663,000	94,545	-	568,455	14%
Vac G	**Overholt ($961,267)**	1,512,000	-	51,820	1,460,180	3%
Vac I	**Overholt ($961,267)**	1,512,000	-	51,820	1,460,180	3%
Vac J	Estimate	1,512,000	-	51,820	1,460,180	3%
	Staff Estimate	**$ 5,199,000**	$ 94,545	$ 155,460	$ 4,948,995	5%
TOTAL CONSTRUCTION COST		**$ 48,071,208**	**$ 4,328,379**	**$ 2,429,675**	**$26,051,316**	14%