

**Quarterly Meeting of the
Technical Oversight Committee (TOC)**

Tuesday, June 30, 2009

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, FL 33406

TOC Representatives:

Garth Redfield, TOC Chair, SFWMD
Nick Aumen, NPS/ENP
Sean Smith, USACE (by phone)

Mike Waldon, USFWS/Refuge
Ernie Marks, FDEP (by phone)

Note: This meeting was recorded by a court reporter and copies are available for purchase; contact Florida Court Reporting (561-689-0999). Handouts and presentations are also available on the TOC Web site (<http://www.sfwmd.gov/toc>).

10:05 a.m. **TOC Meeting called to order by TOC Chair**

10:05 a.m. **Modifications to the agenda and announcement of documents available on the TOC Web site** – Garth Redfield, SFWMD,

The presentation on the C-111 project by the U.S. Army Corps of Engineers will be delayed until a later meeting.

Garth Redfield also announced that documents on the TOC Web site will be posted in either MS Office 2007 or Adobe PDF format. If a user has problems with a file on the TOC site, he or she should contact Trudy Morris Stein (tstein@sfwmd.gov) or Nathan Yates (nyates@sfwmd.gov).

10:10 a.m. **Agenda Item #1. Approval of TOC meeting notes from March 24, 2009, meeting** – Garth Redfield, SFWMD.

The minutes from the March 24, 2009, meeting (**Attachment 1**) have been posted on the TOC Web site. Requested edits will be made to the minutes before the final version is posted.

- ➔ **Action Item #1:** Garth Redfield will post the final minutes from the March 24, 2009, quarterly TOC meeting on the TOC Web site by July 2, 2009.
- ➔ **Action Item #2:** Garth Redfield will post the draft minutes from the June 30, 2009, quarterly TOC meeting on the TOC Web site by July 31, 2009.
- ➔ **Action Item #3:** TOC representatives will review and approve the June 30, 2009, meeting minutes electronically by the September 15, 2009, quarterly meeting.

10:15 a.m. **Agenda Item #2. Presentation of the Settlement Agreement Report** – Pamela Lehr, SFWMD

Pam Lehr presented the Settlement Agreement Report for the First Quarter of 2009. Copies of the report (**Attachment 2**) and presentation (**Attachment 3**) were distributed. The format of the report has been revised and TOC members were asked to provide comments and suggestions.

- ➔ **Action Item #4:** Ernie Marks, FDEP, will work with others in FDEP to consider how to report on the Class III TP water quality rule for the Everglades Protection Area.
- ➔ **Action Item #5:** Pam Lehr will include a longer (five-year) period of record for figure 3B and create similar graphs for other areas included in the quarterly report. The graphs will also indicate when interim and long-term limits and levels apply.
- ➔ **Action Item #6:** Nick Aumen, NPS, has a few comments regarding the new report and will e-mail them to Pam Lehr.

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Mike Waldon, USFWS, discussed the February 2009 TP measurements. The samples taken during this month had the lowest geometric mean TP measures ever recorded in the Refuge.

Nick Aumen mentioned that Bill Walker, DOI, submitted comments regarding Shark River Slough sampling and would like to discuss them at a future TOC meeting.

- ➔ **Action Item #7:** Garth Redfield will add an agenda item for the September 15 meeting to discuss Bill Walker's *Comments on the Compliance Report for the Shark River Slough Inflow Phosphorus Limits in Water Year 2008 (Attachment 4)*.

Pam Lehr noted that the June 2009 preliminary geometric mean TP concentration was 13.2 ppb for the Refuge, which is greater than the long-term level of 12.1 ppb. If the preliminary data stands, this is the second excursion within 12 consecutive sampling events, making it a possible exceedance. Discussion among the committee focused on having a special meeting and forming a small fact-finding technical group (working group) to discuss each agency's interpretations regarding the excursions in November 2008 and June 2009.

- ➔ **Action Item #8:** Nick Aumen will provide sonde and enhanced monitoring data to SFWMD personnel so that they can be made available to interested parties.
- ➔ **Action Item #9:** Juli LaRock, SFWMD, will make a request to prioritize and speed the QA process for flow data related to the June 2009 sampling.
- ➔ **Action Item #10:** Juli LaRock will find an online means (e.g., FTP, TOC Web Board) to provide large data files to interested parties.
- ➔ **Action Item #11:** TOC members will let Garth Redfield know how they want to meet to discuss the November and June excursions and Settlement Agreement issues by August 1, 2009. Options include the following:
 - Have a special meeting of the TOC or working group on August 18.
 - Extend the planned quarterly meeting to a second day on either September 14 or 16 with the possibility of it being held at the Refuge if SFWMD Headquarters are not available. The second day could just be a working group meeting.
 - Have a working group meeting/teleconference one or more times between now and the September 15, 2009, TOC meeting.

11:15 a.m. **Agenda Item #3A. Update on STAs and related projects** – Tracey Piccone and Jeff Kivett, SFWMD

Tracey Piccone and Jeff Kivett presented an update on the STAs and related projects. Copies of the presentation are available on the TOC Web site (**Attachments 5 and 6**).

11:25 a.m. **Agenda Item #3B. Update on Refuge monitoring and modeling** – Mike Waldon and Matt Harwell, USFWS

Mike Waldon provided an update on modeling efforts being performed by the Refuge. The Refuge hosted a panel meeting on May 11 to review the models and panel recommendations are being incorporated. The June 2009 modeling report (**Attachment 7**) includes the status of the four models. Information on the models is also available at <http://loxmodel.mwaldon.com/>. Model development is expected to be complete this fall. Final model information will be provided on the SOFIA Web site.

Data from the Refuge's enhanced water quality program were provided by Matt Harwell (**Attachment 8**).

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- 11:40 a.m. **Agenda Item #4. Guidelines for stage dependent sampling trips** – Peter Rawlik, SFWMD
- Peter Rawlik presented a table summarizing water quality monitoring changes at WCA-2A structures (**Attachment 9**) in response to an action item from the March 24, 2009, TOC meeting.
- Peter Rawlik also made a presentation that proposes guidelines to make sampling trips by helicopter more productive (**Attachment 10**). Specified zones would not be sampled if remote stage gauge measurements are lower than certain levels. Benefits of avoiding unnecessary sampling trips include significant cost savings (\$700/hr for helicopter), enhanced safety, and protection of wildlife. Peter was unable to finish his presentation. He will complete the presentation at a future TOC meeting and discuss comments.
- **Action Item #12:** TOC members are asked to review past data for successful sampling that would not have occurred under the proposed guidelines (resulting in lost information). Comments should be sent to Peter Rawlik (prawlik@sfwmd.gov) by July 22, 2009.
- 12:10 p.m. **Lunch break**
- 1:10 p.m. **TOC meeting called to order by TOC Chair**
- 1:15 p.m. **Agenda Item #5. Periphyton Stormwater Treatment Area (PSTA) studies STA-1E** – Ron Jones, Portland State University
- Ron Jones presented an update on USACE mesocosm and field-scale experimental studies of phosphorus removal by periphyton growing on various substrates (**Attachment 11**). Testing is expected to be complete in August 2010.
- **Action Item #13:** Sean Smith, USACE, will provide data and quarterly and annual reports for the field and mesocosm PSTA studies to TOC members.
- **Action Item #14:** Garth Redfield will arrange for an update on SFWMD PSTA studies at a future meeting.
- 2:00 p.m. **Agenda Item #6. Request to discontinue Project HGOS** – Mark Gabriel, SFWMD
- Mark Gabriel reviewed Project HGOS and presented reasoning for ending the associated sampling (**Attachment 12**). Members of the TOC had concerns over eliminating mercury sampling at sites G94D, P33, and P34. TOC member agencies will work together to try to find ways to maintain some sampling at these sites. This topic will be followed up at a later meeting.
- **Action Item #15:** Mark Gabriel will work with TOC members to resolve concerns and will review the revised proposal at a later meeting.
- 2:35 p.m. **Agenda Item #7. Public comment**
- Charles Lee, of the Florida Audubon Society, addressed the TOC regarding a landfill proposed for a site adjacent to the northern boundary of STA-1W. The speaker is concerned that construction of the landfill would interfere with the ability of the STA to meet its expected performance for phosphorus removal.
- Erin Deady, of Lewis, Longman & Walker, which represents the land owner, stated that the Palm Beach Solid Waste Authority is still considering multiple sites and the regulatory and permitting processes for the site is only just beginning. Many of the

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concerns raised by Charles Lee will be addressed during those processes and it should not currently be under the purview of the TOC.

Charles Lee responded to Erin Deady's comments.

The Special Master asked the TOC to respond to the letter from the Florida Audubon Society by July 1, 2009.

3:10 p.m. **Review of action items**

Nathan Yates, SFWMD, reviewed and clarified the action items discussed during the meeting.

3:15 p.m. **Meeting adjourned**