

District Notes & News



Established 1923

Winter 2011-2012

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Office Hours:

8:00 a.m. - 4:30 p.m.

Monday-Friday

*The Board of Supervisors meets
the third Thursday of each
month at Jupiter High School
at 7:30 p.m.*

*Contact the District Office
for an agenda.*

Manager of Operations Annual Report *(October 2010-September 2011)*



Michael Dillon

As most of you may be aware, my position as Manager of Operations began in March after Gale English, the District Manager for 30 years, passed away. I had the privilege of working with Gale for fifteen

years. He was always willing to share his knowledge of the District with me and was my coach and mentor. Gale had a passion to serve those who lived in the District and beyond. He loved his job and the people he served and was a dedicated public servant in every way. Walter Reuther wrote, "There is no greater calling than to serve your fellow man. There is no greater contribution than to help the weak. There is no greater satisfaction than to have done it well," and well done indeed, Mr. English, well done!

For the benefit of new landowners in the District, the following is a brief overview of our function as a special district. The District provides both water control and road maintenance functions for landowners and operates under limitations imposed by Chapter 298 of the Florida Statutes. Assessments are levied in the amount necessary to provide those services and are closely monitored with monthly reports and annual audits to ensure accountability of available funds.

As the District continues to grow and move forward, the demands on our water control and road maintenance programs are always increasing. During the rainy season, unimproved road sections can only absorb so much water, filling every low area and causing unfavorable road conditions. This year rainfall totaled only 45.72 inches after a wet 2010, when we received 63.69 inches. The below average rainfall enabled us to keep up with service demands and make improvements to secondary roads throughout the District.

Drainage issues were also minimized due to the "dry" rainy season. Crews replaced numerous road culverts totaling approximately 1600 feet and installed rip-rap at the intersections. Backhoes continued to patrol roads, correcting areas of erosion and shoaling, as well as non-functioning driveway culverts and unapproved installations of any type.

Keeping up mowing operations with 185 miles of roadside swales and 60 miles of canals in the District is challenging. Operators are assigned sections throughout the District on a monthly basis. During the summer months, box blades are exchanged for wing mowers as the demand for mowing services increase. The effort is entered into wholeheartedly by all operators as we strive to maintain landowners' expectations. As a result, we receive very few complaints, and when we do, we normally respond by the following day.



Manager of Operations Mike Dillon with Supervisor Mike Ryan at the Annual Landowners Family Day

Although, our maintenance equipment may be a source of interest, we ask that all landowners, especially children, keep a safe distance from the machines while in operation. Safety is always a priority and although the operators are trained to be aware of their surroundings, your cooperation is appreciated.

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Manager of Operations Report

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The District continues to be concerned with the illegal and reckless use of ATVs and dirt bikes on roadways and public right-of-ways such as restricted canal berms. These illegal activities are being monitored by Palm Beach Sheriff's Office who is writing citations and in some cases, confiscating the vehicle.

Landscape debris that is deposited on roadsides must be correctly cut before Solid Waste Authority will remove it. They will not transport tree stumps. Also, debris that is stockpiled in front of a vacant lot will not be picked up by Solid Waste. If the debris is not removed in a reasonable time, Palm Beach County Code Enforcement will tag the pile as "illegal dumping" and the homeowner may be cited. Please be advised that debris deposited within the traveled portion of the road right-of-ways is subject to a citation as well.

The District continues to apply regulated and permitted herbicides in the canal and outfall systems for the control of aquatic weeds. The 60 miles of canal



Rocky Pines OGEM-surfaced roadway

banks and work platforms are mowed regularly to ensure safe access for pedestrian and equestrian traffic.

In response to landowners' requests, the Board of Supervisors continues to assist in providing paving for interested residents. The Board now requires a petition from 35% of the affected landowners before going to a referendum (this was previously 25%). The Board also agreed to a one-year waiting period after a referendum fails before accepting a new petition for that roadway. Petitions for paving can be picked up at the District's office.

Currently, the existing Open-Graded Emulsified Mix (OGEM) surfaced roadways are on a schedule to receive long-term maintenance service of fogging and overlay material. This service does not require special assessments to implement. The 16th Plan of Improvements, a landowner-initiated road paving project, is in the final stages of construction with the application of asphalt on ten roads and OGEM on five roads throughout the District. Several landowners took advantage of the opportunity to pay in full up front for the paving to save on financing costs.

This year the District received \$22,225 from the School District of Palm Beach County for road and drainage maintenance; \$30,000 from Palm Beach County for road maintenance; and \$24,000 from the Verizon cell tower lease.



Riprap installation on a canal in Palm Beach Country Estates

The District continues to be involved with the extended community of municipal, county, and state governmental agencies, as well as support groups and committees that serve their interests. These agencies have the potential for major impact on District landowners and our participation remains vital to ensure that the District's best interests are considered. For instance, for the convenience of the residents, the work center serves as polling precinct #1021 for the Palm Beach County Supervisor of Elections Office.

Intentional dumping and discharging into the District's swales or canal system, or Palm Beach County's catch basins, as well as accidental spills that could enter the system, should be reported to the District office at 747-0550 immediately so that corrective action can be taken.

The District's office is open from Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. You are invited to stop by and make us aware of any problem with which we can assist you within the scope of our responsibility and authority.

SIRWCD AND REGULATORY AGENCIES

Each year, a summary of regulatory agencies affecting SIRWCD is listed in the Annual Report to help landowners be aware of the number of regulatory agencies and cooperative associations the District deals with and their potential impact on District capital improvements, operations, and maintenance:

- United States Environmental Protection Agency
- United States Fish and Wildlife Services
- Florida Department of Community Affairs
- Florida Fish and Wildlife Conservation Commission
- Treasure Coast Regional Planning Council
- Loxahatchee River Environmental Control District
- Northern Palm Beach County Improvement District
- Seacoast Utility Authority
- Numerous Citizen Interest Groups and Committees
- United States Army Corps of Engineers
- Florida Department of Environmental Protection
- Florida Department of Transportation
- South Florida Water Management District
- City of West Palm Beach
- City of Palm Beach Gardens
- Indian Trail Improvement District
- Loxahatchee River Ecosystem Management Area Committee
- Solid Waste Authority of Palm Beach County (SWA)
- U.S. Geological Survey
- Palm Beach County
- Town of Jupiter
- Jupiter Inlet District
- Martin County

District Engineer's Annual Report (October 2010-September 2011)



Lennart J. Lindahl, P.E.

For the last year, engineering activities in support of South Indian River Water Control District (SIRWCD), can be categorized into three primary areas of interest:

1. Existing and future water management issues that have a direct or indirect effect on works of the District and/or their operations.
2. The investigation and/or initiation of capital improvements involving District roadways.
3. Providing engineering support to District operations and maintenance.

Since SIRWCD is positioned as a strategic entity in the planning and management of water resources to the surrounding area, the District is involved in activities external to its boundary. As plans are being developed and implemented, the geographic location of the District is a strategic element in any water management plan for the Loxahatchee River Basin. The potential impacts from development, particularly from a water quantity and quality standpoint, are being monitored by agencies and/or individuals that have a focused interest on maintaining a healthy ecosystem within the Loxahatchee River Basin, and specifically, the Northwest Fork of the Loxahatchee River. The Board of Supervisors and staff actively engage in the many external dealings that are influencing the District from a water supply, flood control, water quality, and ecosystem management perspective. The Board of Supervisors and staff are focused on making sure that the goals and expectations of these external activities do not conflict with the District's best interests in regard to the functioning of SIRWCD's system and the ability to deliver an appropriate level of service.

The District examines needs to implement capital improvement projects that could enhance the works of the District. Roadway improvements are initiated where the traffic volumes for a specific roadway necessitate the improvements, or the improvements are undertaken as a result of landowner initiatives. Landowner-initiated roadway petitions for the application of Palm Beach County Standard Asphalt or Open-Graded Emulsified Mix (OGEM) are received

periodically and analyzed by staff on a regular basis. This year the *16th Plan of Improvements* for 1.5 miles of OGEM application and 4.0 miles of Palm Beach County Standard Asphalt was initiated and is currently under construction.

From an operation and maintenance standpoint, the District continues to work with the landowners at improving conditions affecting water management and roadways. District staff also continues to assist the Board of Supervisors with operation and maintenance involving site-specific drainage improvements that impact landowners, canal and culvert maintenance, and restoration to facilities that affect the works of the District. The District's operation and maintenance is discussed thoroughly at the Annual Landowner's meeting with the goal of informing residents about how and why the water management system and roadways are operated and maintained. Discussions include, but are not limited to, the level of service and performance standards represented by the existing system and that are, to a large extent, regulated by local, regional, state, and federal agencies.

Each year, it is appropriately restated and recognized in the engineering report that the SIRWCD Board of Supervisors, through its policies and procedures, is responsible for formulating direction regarding District operations and inter-governmental issues. This is accomplished through a respected structure in which the District is managed through its Board of Supervisors and supporting staff. The Board of Supervisors establishes policy and provides direction to staff concerning budget, priorities, relationship with other public entities, and landowner issues. Staff is responsible for implementing Board policy. Accordingly, staff responds pursuant to the Board's direction. Engineering tasks continue to be formulated to respond to the Board of Supervisors by implementing their policies and directives, as well as supporting the Manager of Operations in resolving various landowner issues. The relationship between the Board of Supervisors and District staff has been extremely effective in both the delivery of services to the residents and landowners within the District, and prospective management in response to requirements that are imposed upon the District by other governmental entities.

With regard to the current status of the District, to the best of my knowledge and belief, the District is in compliance with all regulatory requirements that affect works of the District and its operation, and the works of the District continue to be operated and maintained in a manner that achieves the available level of service.



OGEM application on 80th Drive N in Palm Beach Country Estates

CAPITAL IMPROVEMENTS Sixteenth Plan of Improvements

Based on a landowner initiative, a referendum was prepared by SIRWCD and verified by the Palm Beach County Supervisor of Elections to implement the application of OGEM and asphalt on their roadway surfaces as a roadway improvement project. These different applications were divided into two units of development RI-16A and RI-16B. RI-16A consists of the application of OGEM on approximately 1.5 miles of roadway within both Jupiter Farms and Palm Beach Country Estates and RI-16B consists of the application of asphalt on approximately 4.0 miles within only Palm Beach Country Estates. These roads are listed as follows:

Unit of Development RI-16A (1.5 miles)

- 92nd Way N between 150th Court N and 154th Road N
- 151st Lane N between 133rd Terrace N and Canal 13
- 98th Trail N between 150th Court N and 154th Road N
- 80th Drive N between 155th Place N and 159th Court N

Unit of Development RI-16B (4.0 miles)

- 72nd Drive N between 150th Place N and 154th Road N
- 165th Street N between 75th Avenue N and 79th Terrace N

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- 72nd Drive N between 155th Drive N and 159th Court N
- 167th Court N between 75th Avenue N and 78th Drive N
- 84th Avenue N between 155th Place N and 159th Court N
- 140th Lane N between 64th Drive N and 69th Drive N
- 75th Way N between 165th Street N and 167th Court N
- 67th Avenue N between 141st Lane N and Donald Ross Road
- 71st Drive N between 150th Place N and 154th Road N
- 151st Court N between 69th Drive N and 69th Trail N
- 154th Road between 69th Drive N and 75th Avenue N

The *16th Plan of Improvements* received all the necessary approvals and South Florida Water Management District (SFWMD) staff found no issues with the proposed plan. Based on discussions at subsequent Board of Supervisor's meetings, a referendum was re-issued for 187th Place N between 126th Terrace N and 129th Terrace N and 129th Terrace N between 186th Court N and 187th Place N. The majority of the landowners who voted were "in favor" and as a result, this proposed landowner-initiated improvement, which was previously included in the *15th Plan of Improvements*, was included in this construction effort.

The construction documents were divided into two projects: 16A and 16B. These projects were advertised for bid on March 13, 2011, and bids were received on April 12. On May 5, the Board of Supervisors awarded the contracts to two contractors. For 16A, staff issued the notice to proceed for construction on June 29 and construction began on July 11, with substantial completion anticipated on September 27. For 16B, staff negotiated the agreement with the contractor and a notice to proceed was issued on July 14, for construction and construction began on July 25 with substantial completion anticipated on November 11.

Resource Regulations

■ National Pollutant Discharge Elimination System (NPDES)

The current Palm Beach County Municipal NPDES Permit was issued by the Florida Department of Environmental Protection (FDEP) on November 18, 2002. SIRWCD is a co-permittee along with 34 municipalities, the Department of

Transportation, Palm Beach County, and four special districts. In order to complete the permit-related activities that are performed collectively by the co-permittees, an NPDES Steering Committee was formed. The Steering Committee meets on a regular basis to evaluate the program, to provide training and resources to the co-permittees, and to assist with the preparation of the annual reports. Staff continues to attend the Committee Meetings as a Steering Committee Board member. This past year, the meetings included discussions on completion of the 8th Year Annual Report and the Joint Report, the Third Term Permit, new annual report forms, draft Standard Operating Procedures for proactive and reactive inspections of illicit discharges and high-risk facility inventory and inspection, and viewing of two training videos for NPDES "credit". In addition, numerous discussions were held regarding updates to the development of Numeric Nutrient Criteria (NNC) and Total Maximum Daily Loads (TMDL).

The Third Term Permit was issued by FDEP on March 2, 2011. In addition, new Interlocal Agreements are being executed to reflect the new permit requirements. FDEP has added requirements for development of a standard operating procedures manual for NPDES program activities, and preparation of a total inventory of the surface water management system, including all pipes, inlets, etc., in the first year of the new permit.

■ Environmental Protection Agency

On January 14, 2010, EPA proposed a rule entitled "*Water Quality Standards for the State of Florida's Lakes and Flowing Waters.*" With this rule, the EPA has proposed water quality standards in the State of Florida that would set a series of numeric limits on the amount of phosphorus and nitrogen pollution, also known as "nutrients," that would be allowed in Florida's lakes, rivers, streams, springs, and canals. The rulemaking proposes Numeric Nutrient Criteria (NNC) for the following body types in Florida: lakes, streams, springs and canals.

The EPA held public hearings in February 2010 where comments were provided by representatives of over 50 special districts, agriculture, environmental



Asphalt installation on 67th Avenue N in Palm Beach Country Estates

groups, public utilities, and municipalities. The primary concern is the economic cost of the proposed rule; other concerns include how the NNC were developed, the limitations of special districts' authority, and impacts to reclaimed water and storm water treatment systems currently in place.

EPA set the Numeric Nutrient Standards in two stages – one rule for inland water bodies was established on November 14, 2010 and a second rule for estuaries and coastal water that is to be proposed in the fall of 2011. The first rule will take effect on March 6, 2012 except for the site-specific alternative criteria (SSAC) provision, which was effective February 4, 2011. EPA extended the effective date of the rule for 15 months to allow cities, towns, businesses and other stakeholders as well as the State of Florida a full opportunity to review the standards and develop flexible strategies for implementation.

On April 22, 2011, the Florida Department of Environmental Protection (FDEP) submitted a petition to EPA requesting that EPA withdraw its January 2009 determination that numeric nutrient criteria are necessary in Florida, repeal Federal rulemaking completed in November 2010 to establish such criteria for inland lakes and streams, and refrain from proposing or promulgating any further numeric nutrient.

The petition outlines FDEP's plans to undertake its own rulemaking for nutrient criteria for state waters. The projected rulemaking schedule calls for a Notice of Rule Development in June 2011, a rule development and public outreach process through the summer and early fall of 2011, and adoption of a final rule is anticipated in January 2012, to be followed by a

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legislative ratification process under Florida law.

On June 13, 2011, EPA sent an initial response to FDEP's petition. EPA supports FDEP's commitment to recommence its rulemaking efforts for both inland and estuarine waters. EPA recognizes that states have the primary role in establishing and implementing water quality standards for their waters. Therefore, EPA is prepared to withdraw the federal inland standards if FDEP adopts, and EPA approves, their own protective and scientifically sound numeric standards. In addition, EPA is prepared to adjust their timetables for implementing the inland rule and proposing our estuarine and coastal waters rule if FDEP's efforts progress in accordance with FDEP's proposed schedule to avoid overlap with the final stages of the state rulemaking process. (See page 10 for more information.)

■ FDEP Stormwater Statewide Rule

To address concerns regarding the over-enrichment of Florida's surface waters, ground waters, and springs by nutrients, the FDEP and State Water Management Districts began developing a statewide stormwater treatment rule in 2008. A Technical Advisory Committee (TAC) was created to assist in the development of this rule. The Technical Advisory Committee meetings were held between March 2008 and September 2009 and were open to the public. The next steps in this rulemaking process will be determined in the future. Factors that may influence



Canal mowing on Canal 6

the rulemaking process are the review of the rulemaking process pursuant to Executive Order No. 11-01 by the Office of Fiscal Accountability and Regulatory Reform, the status of the national storm water rulemaking by the U.S. EPA, and any legislation coming out of the 2011 Florida legislative session that may affect the implementation of the state's storm-water program.

■ FDEP Numeric Nutrient Criteria

The FDEP has been actively working with EPA on the development of numeric nutrient criteria for several years. In May 2002, FDEP submitted its initial Draft Numeric Nutrient Criteria Development Plan to EPA and received mutual agreement on the Numeric Nutrient Criteria Development Plan from EPA in July 2007. FDEP and EPA had been working together on the Numeric Nutrient Criteria until January 2009, pursuant to a Clean Water Act determination and consent decree with Florida Wildlife Federation to settle a 2008 lawsuit. EPA had taken the lead in proposing numeric nutrient water quality standards. As discussed above in the EPA section, FDEP petitioned EPA to cease in their determination of the Numeric Nutrient Criteria for Florida and allow FDEP to make the determination. FDEP made several proposals in their petition including a schedule of how they are going to accomplish their determination. In order to keep with FDEP's schedule, several workshops have been held concerning this criterion. Workshops were held on July 27 and August 3, 2011 to present the draft rule language and details. A third public workshop was proposed for the week of September 12. The current schedule is to bring the rule to the Environmental Regulation Commission (ERC) in November 2011, ERC Adoption in January 2012, legislative ratification with the 2012 legislative session, and EPA approval 2012-2013.

■ FDEP Southwest Fork Loxahatchee River (WBID 3226C) Fecal Coliform TMDL

In May 2011, FDEP presented the draft document for establishing Total Maximum Daily Load (TMDL) for fecal coliform on the Southwest Fork of the Loxahatchee River. This TMDL is for water body identification number (WBID) 3226C and Egret Landing is identified within this WBID. Fecal coliform is bacteria found in the digestive tracts of warm-blooded animals and their water products.

Sources are broadly classified as either "point sources" or "nonpoint sources." Point sources could be domestic and industrial wastewater treatment facilities. Nonpoint sources are intermittent, rainfall-driven, diffused sources of pollution associated with everyday human activities, including runoff from urban land uses, agriculture, silviculture, and mining; discharges from failing septic systems; and atmospheric deposition.

The proposed Fecal Coliform TMDL for this Class II water body is 43 counts/100mL. The next step for this rule is final adoption, then the development of a Basin Management Action Plan, if the stakeholders choose to develop one.

■ Public Facilities Report/Water Control Plan

Chapter 189 of the Florida Statutes, the Uniform Special District Accountability Act, requires the preparation and submission of a Public Facilities Report to governmental jurisdictions in which the District resides, such as Palm Beach County, Town of Jupiter, and South Florida Water Management District. Special Districts are required to submit this report by March 1st of each year and, at a minimum, must contain information as to the status of the District's public facilities and changes or revisions to those facilities that have occurred in the past year.

Since 1991, when the District filed its first Public Facilities Report, data collection has been an on-going process to provide for better and more accurate mapping of the works of the District. The Public Facilities Report will be modified during the next year as required by Chapter 189.415, Florida Statutes. The modification will include the 16th Plan of Improvements, and proposed capital improvements for next year. In accordance with Chapter 298.225 Florida Statutes, the Water Control Plan is amended consistent with the preparation of any proposed Plan of Improvements during the last year.

Intergovernmental Coordination

■ Loxahatchee River Management Coordinating Council

SIRWCD continues to participate as an active member of the Loxahatchee River Management Coordinating Council. The Northwest Fork of the Loxahatchee River is the primary stormwater outfall for that entire portion of SIRWCD lying west of the SFWMD C-18 Canal. SIRWCD and the Coordinating Council also have several

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mutual issues and interests. In the last year, the Coordinating Council meetings have emphasized the following topics of importance to SIRWCD:

- L-8 Reservoir Pilot Test
- Hobe Grove DRI
- Lainhart Dam Flows versus Salinity
- Minimum Flow and Level of the Loxahatchee River
- Loxahatchee River Science Plan
- Wild & Scenic River Management Plan
- Water Quality and Conditions Monitoring

■ **Loxahatchee River Watershed Restoration Program (Part 1) – North Palm Beach County Project – Part 1 Comprehensive Everglades Restoration Plan (CERP)**

The Alternative Formulation Briefing packet was completed and submitted by SFWMD to the Army Corps of Engineers (Corps) for review in August 2010, and Plan Formulation concerns were discussed with SFWMD and Corps upper management in December 2010. Concerns included cost effective benefit analysis for the reservoir, connate seepage water management costs, clarification of project purpose, and updates to habitat units. In order to resolve concerns, the Corps and SFWMD developed an additional modeling scope. SFWMD has completed reservoir modeling for a 21,000 acre-foot alternative and is currently reviewing results with the Corps. It is likely the Corps will ask the SFWMD to model a 31,000 acre-foot alternative as well. The updated schedule includes Agency Technical Review by the end of 2011 and a revised Alternative Formulation Briefing to Corps management early next year.

Concurrent with the North Palm Beach County CERP project, several components of the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP) continue to move forward. Accepted by the SFWMD Governing Board on May 2002, the NPBCCWMP proposed improvements to store and convey water that would otherwise be lost to tide in the wet season and provide supplemental supplies in the dry season, thus meeting environmental needs and the projected 2020 urban and agricultural demands.

Activities on components located outside of the Loxahatchee River Basin that are integral to the NPBCCWMP include:

1. The existing L-8 Reservoir currently has approximately 16,000 acre-feet of useable storage available with interim inflow (approximately 600 cubic feet per second (cfs)) and discharge (75 cfs) capability. SFWMD has completed initial geotechnical and survey work for an L-8 Reservoir embankment stabilization project. The design of a permanent inflow facility (1,500 cfs) and discharge pump station (300-450 cfs) is expected to be combined with the design for the embankment stabilization and begin in FY2012. SFWMD is considering a design/build effort for this work.

2. The City of West Palm Beach is proceeding with the design and construction of a new 300+/- cfs Control No. 2 pump station. The existing Control No. 2 pump station lifts water from the SFWMD's L-8 Tie-back Canal to the City's M-Canal where it flows eastward to the City's water supply lakes. SFWMD has agreed to provide cost share on the construction of the pump station and the agencies are currently developing a cost share agreement to be executed in the first quarter FY2012. Modifications to the 90% design completed by the City will include pumps delivering restoration flows as well as water supply deliveries. Construction is expected to begin in mid-2012, following execution of the cost share agreement and acquisition of the appropriate permits.

Operational agreements among SFWMD, the City of West Palm Beach, Northern Palm Beach County Improvement District (NPBCID), and SIRWCD will need to be developed for operation of the various facilities described above.

■ **Review of G-160 Impact Analysis Study**

In January 2004, the SFWMD completed construction of the G-160 or Loxahatchee Slough structure in the east leg of the C-18 Canal, immediately south of the C-18 Canal's confluence with the west leg. The purpose of the G-160 structure is to provide for restoration of a more natural hydroperiod for wetland areas located upstream of the structure, while maintaining flood protection for adjacent developed areas and providing base flow augmentation to help restore freshwater flows in the Northwest Fork of the Loxahatchee River. During the process of conducting an Impact Analysis Study and subsequent discussions between the interested parties, the structure remained open until execution of an interlocal agreement between SIRWCD, the City of Palm Beach Gardens, and NPBCID in August 2005. The agreement addresses a

future planned course of action regarding the phased operation schedule for the structure and a study of potential mitigation measures to protect existing facilities. The original agreement authorized operation of the G-160 structure in a limited range from 15.0 feet to 15.5 feet National Geodetic Vertical Datum (NGVD).

In February of 2009, FDEP issued a letter to SFWMD requiring permit compliance by incremental increases in control elevation of the G-160 structure, with monitoring, to begin by June 1, 2009. SFWMD initiated the incremental operating schedule on June 1, 2009, with a wet season G-160 headwater stage of 16.5 feet NGVD (e.g., open 16.7 feet, close 16.3 feet) and a dry season G-160 headwater stage of 15.5 feet NGVD. In conjunction with this schedule, SFWMD coordinated with NPBCID, City of Palm Beach Gardens, and SIRWCD staff to establish a plan to monitor the influence of the increased G-160 levels on communities adjacent to the east side of the Loxahatchee Slough. Regular meetings with SFWMD and interested parties have been held since June 2009 to discuss implementation of the monitoring program. The monitoring wells were completed in March 2010 and water level data has been collected since July 12, 2010. SFWMD is working on a report of the compiled data.

■ **Florida Association of Special Districts (FASD)**

SIRWCD's Board of Supervisors and staff continue to participate in the **Florida Association of Special Districts**. The association acts as a watchdog for codes, ordinances, rules and legislation that might affect the activities of Special Districts. Regular meetings are held throughout the year, where information is shared with regard to policies, procedures, and operation and maintenance issues. The FASD will continue to represent the interests of its members and provide information on pertinent legal requirements, sunshine laws, economical challenges, and environmental, emergency management, and homeland security issues.

■ **Palm Beach County - Hatcher/Halpryn Joint Venture Property**

In 2008, Palm Beach County purchased the Hatcher/Halpryn property and presented their plan for development to the SIRWCD Board of Supervisors. The County plans to expand the existing lake and rehydrate the existing slough. In addition, the County proposes a park on the property.

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A permit application has been submitted and approved by SFWMD and copied to SIRWCD. In accordance with Board direction, staff submitted a letter of conceptual approval to Palm Beach County subject to satisfying the items that were discussed at the Board of Supervisors meeting. SFWMD issued a permit for the project on July 5, 2011, but a permit is still needed from SIRWCD before construction can begin. In the meantime, Palm Beach County is in the process of applying for their Army Corps of Engineer's Permit.



The Hatcher/Halpryn property off Indiantown Road

Operation and Maintenance

■ The District's canal network consists of over 60 miles of canals which are continuously in need of being maintained, restored, and enhanced. The canal clearing and maintenance program's objective is to keep the canal sections easily accessible and, to the extent possible, free from trees and other vegetation that may potentially enter the canal during a major storm event and thereby create a restriction that would aggravate flooding.

The canal clearing and maintenance program provides services that include clearing, grading, and shaping of the canals as well as restoring, replacing or enhancing structural improvements. The program is an ongoing effort and the District has continued to work to maintain and achieve the desired goals.

The Board of Supervisors has authorized an on-going swale maintenance program which allows the District Engineer and Manager of Operations to identify areas within SIRWCD that could be improved for conveyance and storage.

Staff will continue to work toward the desired goals of the Board in the swale maintenance program.

■ In accordance with the provisions of the Florida Statutes, the District maintains a Policies and Procedures Manual that is available to any landowner.

■ There are approximately 185 miles of roads within SIRWCD. These roads give access to each subdivided parcel of land. Currently there are 29 miles of roads paved to Palm Beach County standards, and 41.7 miles of roads which are surfaced with OGEM material. Approximately 114 miles of roads within SIRWCD are currently unpaved.

In the past year, SIRWCD has prepared and approved the *16th Plan of Improvements*, which included the surfacing of approximately 2.0 miles of roadway with OGEM material and 4.0 miles of asphalt. Construction of this plan is currently underway.

■ The District continues its efforts to control aquatic weeds within the primary canal system. In the future, more emphasis may be needed for this program to comply with NPDES water quality programs, the Ecosystem Management Area Plan, and other intergovernmental activities.

■ In accordance with the direction provided at the December 2010 Board of Supervisors meeting, staff prepared a *Minor and Insubstantial Plan Amendment* to the *13th Plan of Improvements* for the Board's consideration to allow for maintenance of the park in Palm Beach Country Estates. The Amendment was approved at the February 2011 Board of Supervisors meeting. Staff is currently coordinating the maintenance activities.

Water Quality Monitoring

Due to the many ecological and regulatory pressures being exerted over the Loxahatchee River Basin area, it was recommended that the District sample and monitor water quality within and adjacent to its boundaries. SIRWCD had historically taken samples through a co-operative agreement with the United States

Geological Survey (USGS), and the Loxahatchee River District (LRD) has been obtaining water quality sampling in recent years. Due to the new water quality legislation being proposed, the Board of Supervisors had instructed staff to implement a water quality monitoring program that augments and expands the current LRD program.

In July 2011, SIRWCD entered into a contract with a water sampling and testing firm. The samples are tested to analyze the surface water and groundwater for various metal, organic and inorganic contaminants as well as water quality criteria. The Lateral Control Structures as part of the *9th Plan of Improvements* have provided the District with a significant amount of water level monitoring data that is very valuable to better manage the system for flood protection and environmental benefits. Likewise, the new water quality monitoring program is being revised to complement the recording stations constructed in association with the *9th Plan of Improvements*.

FEMA

SIRWCD has received requests from landowners within Palm Beach Country Estates to change the floodzone designation because of impacts on landowner's home insurance premiums. The District has researched the process for revising a FEMA floodplain map in this area. At the May 2010 Board of Supervisors meeting, the Board directed staff to send a letter to the affected landowners and determine if the landowners would like SIRWCD to pursue changing the floodplain map on their behalf.

At the August 12, 2010 Board of Supervisors meeting, the Board directed staff to submit a more detailed letter of interest to the landowners. Staff provided more detailed information in the Fall newsletter and prepared a revised letter of interest that was mailed to the landowners. Responses were to be returned by February 28, 2011.

A total of 457 notices were mailed to lots within the FEMA floodzone designation area. A total of 79 landowners responded with 64 landowners responding "Yes, I am interested in SIRWCD applying for a LOMR-F for my structure(s)." The notice stated to landowners: "Depending on the number of participating landowners, the District estimates that this process will likely cost approximately \$200-\$500 per landowner."

(continued on pg. 8)

(continued from pg. 7)

Surveying began on May 3, 2011 for the preparation of the application for the LOMR-F and was completed May 20. Staff prepared the application and it was submitted to FEMA on July 11. A response for additional information from FEMA was received in August and staff is preparing a response. (For updated information, see page 11.)

Palm Beach Country Estates Levee

As a result of the operation of the SFWMD G-160 structure, SIRWCD has been evaluating the levee in Palm Beach Country Estates. The levee is located along the south side of Canal E and the west side of the landowners whose properties are along 69th Drive N from Donald Ross Road to 149th Place N. The levee divides Palm Beach Country Estates from the Loxahatchee Preserve area.



Palm Beach Country Estates levee restoration

Upon reviewing the information provided by a geotechnical engineer, SIRWCD moved forward with restoring the levee to its original design from the *7th Plan of Reclamation*. Construction commenced on the levee in June 2011 and was completed in September.

Rainfall Totals

The SIRWCD work center monitors and records the total rainfall the District receives throughout the year. For the twelve-month period from September 2010 through August 2011, the District received 45.72 inches of rainfall. The average annual rainfall for SIRWCD is 65.14 inches. The 2010-2011 year rainfall is lower than the historical rainfall average within the District.

General Operations and Maintenance

The overall focus of SIRWCD operations is maintaining the surface water management system and graded roadways throughout the District. The District staff has an effective system to receive information, requests, and complaints with regard to the condition of the works of the District. Also, when SIRWCD becomes aware of issues with regard to County, Regional, or State responsibility, District staff facilitates the transfer of information to the appropriate personnel within these agencies. Routine activities to operate and maintain the surface water management system and graded roadways throughout the District are scheduled by District staff utilizing available manpower, equipment and financial resources. The District also authorizes mobilizing manpower and equipment during emergency management conditions.

The District maintenance activities involve a great deal of interagency coordination with other public entities that share assets within the District. There is much ongoing coordination with other agencies and some interagency agreements are in place to share maintenance responsibilities through financial reimbursement. Public entities that share and maintain assets within the District include, but are not limited to, Palm Beach County Roadway Department, Palm Beach County Parks and

Recreation, Palm Beach County Fire Control, Palm Beach County School Board, Town of Jupiter, Florida Department of Transportation, and SFWMD. The Manager of Operations is in continuous contact with other governmental entities to coordinate the integration of District operations with the operation and maintenance of facilities under other jurisdictions. In addition, the District periodically participates as a committee member, board director, or chair on several agencies including the FASD, Loxahatchee Council of Governments, Palm Beach County League of Cities, Safety Council of Palm Beach County, Palm Beach Intergovernmental Coordinating Element, and Loxahatchee River Management Coordinating Council, as well as other ad hoc committees.

The District's surface water management system is designed, operated, and maintained for a rural residential community. Accordingly, certain low-lying areas within the District will experience ponding and storage of water during the wet season and following significant storms. Swales may have standing water and many areas will be saturated for extended periods of time during the wet season. Continued development of low-lying areas within the District will reduce storage within the District's watershed. Reduction of available storage is not as severe in developments where ponds are excavated onsite to supply the fill for house pads and improvements due to the fact that the pond serves as compensating storage. The District's Board of Supervisors and staff regularly discuss these factors at the monthly Board of Supervisors meetings, with individual landowners, in forums and meetings within the District, and in the District's newsletter and other publications distributed throughout the District. The Board of Supervisors and staff work to assure that the surface water management system functions to the extent of its permitted capacity, while recognizing the regulatory requirements imposed on the District by other agencies. All of the District work must be implemented within the adopted budget and utilization of existing manpower, equipment and any other resources available to accomplish the tasks.

General Comments

SIRWCD is not an entity that can look solely within its boundaries with regard to its authorized activities. The District has an obligation to its landowners and the surrounding area to consider both internal and external activities due to its strategic location within naturally sensitive conservation areas. This requires participation in activities that look at infrastructure needs and ecosystem management for the overall region. The District and its landowners share in the continued responsibility of being good stewards in maintaining compatibility with these natural systems. The policies and procedures for management of our water resources from a quantity and quality standpoint will continue to evolve and the District will continue to work with SFWMD and other agencies in developing and implementing plans for the District and the Loxahatchee River Basin.

AECOM appreciates the opportunity to continue serving as the SIRWCD Engineer, and we look forward to working with the Board of Supervisors, landowners, and staff in the coming year.



Thomas Powell Reelected to SIRWCD Board of Supervisors

Thomas Powell has been reelected to a three-year term on the South Indian River Water Control District's Board of Supervisors. Powell has served on the board since 1981. Certified totals from the Supervisor of Elections office showed that Powell received 1,665 votes, while Susan Kennedy of Jupiter Farms received 1,277 votes.

There also were 48 unsigned, 3 under vote, 3 duplicate, 3 undeterminable, and 2 over vote ballots. Undeterminable, unsigned, duplicate, and over votes invalidate the ballots and are not counted in the totals. Typically under votes are counted, however in this case because there was only one seat, under votes would mean no candidate was selected.

The board also moved to keep the current slate of officers – Thomas Powell as President, Thomas Rice as Vice-President, and Jane Woodward as Secretary. In addition, committee heads are also to keep their positions – Powell, Budgeting; Rice, Communications; David Beane, Policies and Procedures; and Michael Ryan, Parks, Recreation and Water.



Michael Dillon
Manager of Operations

Michael Dillon Employment Agreement Approved

At their October 19 meeting, the Board of Supervisors unanimously approved the employment agreement of Michael Dillon as Manager of Operations for the District. Supervisor Michael Danchuk noted that he had been receiving comments from residents regarding the excellent job Dillon was doing for the District.

The Board had offered Dillon, a former Operations Superintendent for the District, the position of Manager of Operations in March, due to the sudden illness and the subsequent passing of District General Manager Gale English.

Michael Dillon has worked for the South Indian River Water Control District for fifteen years.

PALM BEACH COUNTRY ESTATES PARK

In accordance with the direction provided at the December 2010 Board of Supervisors meeting, staff prepared a *Minor and Insubstantial Plan Amendment* to the *13th Plan of Improvements* for the Board's consideration to allow for maintenance of the park in Palm Beach Country Estates.

The Amendment was approved at the February 2011 Board of Supervisors meeting.

At the May 5 rescheduled monthly meeting, the Board authorized staff to secure additional bids for the landscaping of the park, which was originally estimated at \$65,000-\$67,000. At the October 19 Board of Supervisors monthly meeting, Manager of Operations Michael Dillon presented additional bids for the park landscaping, with a low bid of \$36,754 received from Paul Leffler. This included trees, shrubs and irrigation for the perimeter of the park and did not include installation of turfgrass. The Board approved this expenditure.

Staff is currently reviewing information that was provided by the Twisty Pines Playground Foundation and is coordinating the timing of the operation and maintenance activities for the park.

Staff negotiated a change order with Lynch Paving and Construction Company, Inc. (the contractor for the *16th Plan of Improvements*) to assist with the initial maintenance activities for the park.

Staff recently filed for a building permit with Palm Beach County for the construction of the facilities and approval is expected shortly.

New Landowner-Initiated Roadway Improvement Project

At the October 19 Board of Supervisors meeting, District Engineer Lennart J. Lindahl reported that petitions had been received from two roadways in Palm Beach Country Estates for the application of asphalt to Palm Beach County standards:

- 73rd Terrace N between 155th Place N and 159th Court N
- 79th Terrace N between 155th Place N and 162nd Court N

In addition, three roadways in Jupiter Farms have petitioned for the application of Open-Graded Emulsified Mix (OGEM):

- 126th Terrace N between 165th Road N and 169th Court N
- 127th Drive N between 187th Place N and Old Indiantown Grade
- 151st Lane N between 133rd Terrace N and Canal 12

All roadways met the 35% minimum requirement for petition. Lindahl asked for clarification on an earlier board policy that petitions be acted on within one year, since two of the roadways had exceeded this time limit (these roadway petitions had come in just after closing of the previous roadway improvement project).

He noted that due to the economics of project size, a small roadway improvement project may not interest contractors in bidding on the project and could make the project more expensive for those landowners wishing to pave their roads.

After discussion, the board unanimously passed a motion to re-verify any petitions that exceeded the one-year time limit and to advise affected landowners of the status. **The board also set December 31 as the cutoff date for this next roadway improvement project.**

Florida Water Quality Standards and the EPA



The Board of Supervisors was concerned that the implementation of the Environmental Protection Agency (EPA) water quality standards for Florida waters, including man-made canals, would affect operations of the District and significantly impact the District and its landowners economically.

The EPA was sued by environmental organizations in 2008 to enforce the Clean Water act in Florida, and as result had taken over the establishment of numeric criteria standards from the state to reduce phosphorous and nitrogen in stormwater runoff.

The date for promulgation of numeric nutrient criteria (total nitrogen and total phosphorus) for lakes and flowing waters (fresh waters) was set for October 15, 2011; however, the date for South Florida waters, including canals, had been extended to coincide with the revised date for promulgation of numeric nutrient criteria for estuaries and coastal waters. The first notice of rulemaking for estuaries and coastal waters was expected to be November 14, 2011, with final Proulx-gatling expected on August 15, 2012.

District staff attended a meeting conducted by the Florida Department of Environmental Protection (FDEP) on

their determination of numeric nutrient criteria for the estuaries and coastal systems on August 26 and November 17, 2010. On November 14, 2010, EPA approved the numeric nutrient criteria for fresh water and lakes.

Meanwhile, on September 29, 2011, FDEP published a draft Florida Administrative Code (F.A.C.) Chapter 62-302 regarding nutrient standards.

Staff has been reviewing these standards as they effect the District and has attended various workshops concerning the development of the numeric nutrient criteria.

Staff has continued to coordinate a water quality monitoring program with the Loxahatchee River District and as directed by the Board, has HBEL, Inc. under contract for water quality sampling services to meet SIRWCD needs.

However, due to the concerns expressed by the state, municipalities, and special districts that the cost to implement the standards would be prohibitive, the EPA notified Florida on November 2 that the agency would let Florida develop its own anti-pollution rules for lakes, rivers, estuaries, streams, and springs. The EPA agreed that the Clean Water Act envisions that the states should have the primary role in establishing and implementing

water quality standards.

The EPA's evaluation of the state's proposed rule indicates it meets the requirements of the Clean Water Act. It found that some aspects of the state's standards were identical to, or very similar to the EPA's standards. It noted that the Florida standards rely on a water quality database built by the state and builds on the scientific analysis supporting the EPA standards. The EPA added that the state's numeric criteria are very close to the EPA criteria.

After issuing this statement, the EPA stated in mid-November that the deal could be off if Florida decides to exempt all canals from the pollution rules, and if the state doesn't earn EPA approval of its standards by March, the EPA rules will go into effect. Under Florida's current plan, South Florida canals are exempt from the rules because most are man-made and are designed to move water to prevent flooding. Canals in northern Florida are not currently exempt because they are naturally flowing; however, northern Florida cities and water districts have indicated they intend to fight for the exemption. If this occurs, the EPA has indicated it may not approve the state's plan.

Florida Stormwater Education Corner Protecting Florida's Water

While the Environmental Protection Agency (EPA) has indicated it will let Florida establish its own numeric criteria standards at the eleventh hour, there will still be new standards to meet and everyone must do their part to reduce and manage stormwater runoff on their property.

The EPA has produced a number of fact sheets, brochures, and videos that can be of assistance in understanding stormwater runoff and its impacts on the environment.

In 2010, EPA's Office of Water produced a 11-minute video, *Building Green: A Success Story in Philadelphia*, which highlights innovative efforts by green builders in Philadelphia who are helping protect and restore environmental quality and beautify the city. By installing cisterns, green roofs, and porous pavement, the builders are capturing rainwater and reducing stormwater runoff. Despite the belief that "green" infrastructure techniques are more expensive, the units are selling even in a depressed market, thanks to many of the amenities, including the attractive green roofs, reduced utility bills, and proximity to public transit.

The EPA and the U.S. Botanic Garden produced a 9-minute on-line video, *Reduce Runoff: Slow It Down, Spread It Out, Soak It In*, that highlights green techniques such as rain gardens, green roofs and rain barrels to help manage stormwater runoff. The film showcases green techniques that are being used in urban areas to reduce the effects of stormwater runoff on the quality of downstream receiving waters. The goal is to mimic the natural way water

moves through an area before development, using design techniques that infiltrate, evaporate, and reuse runoff close to its source.

The techniques are innovative stormwater management practices that manage urban stormwater runoff at its source, and are very effective at reducing the volume of stormwater runoff and capturing harmful pollutants. Using vegetated areas that capture runoff also improves air quality, mitigates the effects of urban heat islands and reduces a community's overall carbon footprint.

Landowners in the District can relate to this, as you have seen that as development has increased, there is more runoff and standing water compared to years ago when there were fewer homes. As more homes, driveways and patios are built, the pervious areas are reduced, resulting in more runoff.

An informative television special on stormwater and its effects was co-produced by the EPA and the Weather Channel in 2004 called *After the Storm*. This program is ideal for educating people on the negative impacts of stormwater. You can view this program by visiting: <http://water.epa.gov/action/weatherchannell/index.cfm>.

To view the first two videos, go to:
<http://water.epa.gov/polwaste/green/video.cfm>.

For information on Low Impact Development go to:
<http://water.epa.gov/polwaste/green/index.cfm>

For information on Greenscapes go to:
<http://www.epa.gov/epawaste/conserve/rrr/greenscapes/index.htm>

FEMA FLOOD ZONE REVISION PALM BEACH COUNTRY ESTATES

At the March 17, 2011 Board of Supervisors monthly meeting, District Engineer Lennart J. Lindahl reported on the information that was sent to affected Palm Beach Country Estates residents regarding possible FEMA insurance cost savings through a District application for a Letter of Map Revision (LOMR-F) to remove their structures from the flood zone. These 457 landowners were mailed two sets of notices and were informed about the opportunity in two issues of the District newsletter and through the website.

Of the 457, only 79 responded with 64 landowners wishing to participate. At this number, Lindahl said the cost per parcel would be approximately \$500.00 to complete the application. The Board instructed the District Engineer to proceed with the application process, noting that if additional participants came forward before surveying was complete, they should be added to the application.

Surveying began on May 3, 2011 for the preparation of the application for the LOMR-F and was completed May 20.

Staff submitted the application to FEMA on July 11. On July 29, a notice was received from FEMA acknowledging receipt of the application and on August 24, FEMA sent a request for additional information. Staff responded to FEMA's request on September 22, and on November 1, staff received the permit from FEMA.

At the District meeting on November 9, Lindahl reported that 58 of the 64 lots have successfully had their structures removed from the flood zone. Three lots were not able to have the structures removed as they did not meet the elevation required.

However, three other lots should have met the standard, but were not removed. As a result, staff will investigate the reason and will report back to the board at a later date.

Those landowners whose structures were removed from the flood zone will now be able to take advantage of significant savings by eliminating their flood insurance.

SIRWCD BOARD APPROVES 2011/2012 BUDGET

The Board of Supervisors of South Indian River Water Control District approved the 2011/2012 budget at their monthly Board meeting on July 21, 2011. The required public hearing on the budget was held prior to the board meeting.

District Treasurer Charles Haas reported that the total assessments from ongoing programs will decrease \$298,000 from \$5,339,000 in 2010/2011 to \$5,041,000 in the 2011/2012 budget year.

New assessments this year are \$25,000 for the Palm Beach Country Estates (PBCE) park maintenance and \$177,000 for the *16th Plan of Improvements*.

Including the new assessment for park maintenance, the total assessment to maintain the District is \$2,210,000, a reduction of \$153,000 from last year, and \$440,000 from its high in 2008/2009.

The proposed budget will result in reduced assessments for most landowners, with the exception of those affected by the landowner-initiated *16th Plan of Improvements*.

The largest reduction is for the parcels paying the debt service on the 2007 open-graded emulsified mix (OGEM) road improvement project, which is proposed to drop from \$480.00 to \$306.39.

The second largest drop is for the parcels in Egret Landing, where a \$138.90 (approximately 14%) reduction is proposed. Egret Landing will benefit from a planned refinancing of the 2001 Section 15 bond issue.

Most of the parcels in Palm Beach Country Estates are expected to realize a drop in assessments of approximately \$65.00, or about a 5.5% reduction, while most parcels in Jupiter Farms are expected to see a drop in assessments of approximately \$14.00, or about 4.7% per parcel.

Haas also stated that the District is fiscally sound and has received 99% of assessments for the current budget year.

After a discussion, the board approved a resolution adopting the budget and the levying of special assessments for 2011 on all lands within the District, pursuant to Section 197.3632, Florida Statutes.

Refunding of Egret Landing Bonds

Haas proposed refunding the Egret Landing bonds. Improvements in Egret Landing were originally financed by a 1993 bond issue, payable over 25 years. In July 2001, this issue was re-funded with a new bond issue payable over 17 years, with a savings in debt service of \$1,119,000. Haas noted that the District may call the bonds once again on November 1, 2011. The bond issue requires a trustee and a full year's debt service to be maintained in a reserve account that generates immaterial amounts of interest income.

As a result, Haas recommended calling the bond and securing a bank loan at an estimated interest rate of 3%, which would save approximately \$650,000 in debt service over the remaining term.

Following a discussion by the Board, they authorized Haas to get proposals from banks and make plans to call the bond.

At the October 19 meeting, Haas stated that the District had received two proposals for the Egret Landing bond refunding from Regions Bank and Wells Fargo. Based on the lower cost to landowners and less restrictive conditions, he recommended the Board approve the Regions proposal, which would save the Egret Landing landowners over \$600,000. The board approved the recommendation to use Regions. District Attorney William Capko stated that the

refunding of the Egret Landing bond would close by November 15, and as a result, requested that the board reschedule the November 17 monthly meeting to earlier in the month. The board set the rescheduled date of the Board meeting to November 9 at 6:00 p.m. at the District's work center.

On November 9, the Board adopted the resolution refinancing the bonds.

Palm Beach Country Estates Water

At the July 21 meeting, Haas also discussed the District's Palm Beach Country Estates (PBCE) potable water hook-up agreement with the Town of Jupiter, which is due to expire in June 2012. Haas said that staff met with Jupiter's Director of Utilities, David Brown, to discuss whether an extension of the agreement, including a possible financing plan, would be beneficial to the District and the Town.

Haas noted that as more landowners hook up to the system, the District is refunded money by the Town and bonds can be called, saving significant interest over the years and resulting in reduced assessments for all PBCE landowners, regardless of whether they hook up to the system.

The District has already called bonds in the amount of \$2,150,000 in August of 2010. He noted that every \$10,000 of called bonds generates a reduction in assessments (over the remaining life of the bonds) of at least \$20,000. Haas reported that there are 873 connections to date, with 535 taking advantage of the original financing program.

The Board directed staff to continue discussions with the Town of Jupiter and work with them to develop an agreement that can be brought back to the Board for consideration.



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