

MEMORANDUM

TO: Governing Board Members
FROM: Chip Merriam, Deputy Executive Director, Water Resources
DATE: January 5, 2009
SUBJECT: Everglades Protection Area Water Quality Based Effluent Limit Level II Study

Background: The Everglades Forever Act (EFA), § 373.4592, includes a requirement to define the relationships between waters discharged to and the resulting water quality in the Everglades Protection Area and to use these relationships to establish discharge limits in permits for discharges into the Everglades Agricultural Area canals and to the Everglades Protection Area (EPA). In response to these EFA requirements, a project was included in the 2003 Everglades Protection Area Tributary Basins Long-Term Plan for Achieving Water Quality Goals (Long-Term Plan) to provide the necessary evaluations to define these relationships. Adding emphasis to the EFA requirements, STA operation permits issued in 2007 by the Florida Department of Environmental Protection contain a requirement for the South Florida Water Management District (District) to complete the study for the development of a Water Quality Based Effluent Limit (WQBEL) for each of the Water Conservation Areas (WCA) by December 31, 2009.

The EPA WQBEL Level II Study is the District's first WQBEL study. In FY08, staff worked closely with Office of Counsel to identify firms that had a proven track record in WQBEL development, and Applied Technology and Management, Inc. was determined to possess a unique combination of technical and policy experience in similar studies; as such, the vendor was consulted in FY08 for the initial phase of the WQBEL development process. This first phase consisted of compiling all available references, data summaries, previous studies and related efforts, then using this information to develop a draft Plan of Study for the WQBEL for submittal to FDEP. Because of the legal and regulatory issues surrounding Everglades water quality compliance, the WQBEL Study is expected to receive a great deal of scrutiny by stakeholders and other interested parties. For this reason, staff recommends a waiver of competition to enter into a contract with Applied Technology and Management, Inc., a firm that is proficient with the WQBEL development process and that is technically qualified to provide the necessary hydrologic and water quality modeling to complete the WQBEL Study by the required date of December 31, 2009.

How this helps meet the District's 10-Year Strategic Plan: The WQBEL Study is part of the Long-Term Plan which is mandated by the EFA. Restoring the Everglades by implementation of the Long-Term Plan is one of the District's top strategic priorities.

Funding Source: This is a ten month agreement with Applied Technology and Management, Inc., for the purpose of completing the Everglades Protection Area Water Quality Based Effluent Limit Level II Study, and a Waiver of Competition as an exception to the general standards of competition, in an amount not to exceed \$347,000, for which dedicated funds (Everglades Restoration Trust Fund) are budgeted.

This Board item impacts what areas of the District, both resource areas and geography: The WQBEL Study is being managed by staff in the Watershed Management department and the Office of Counsel. The EPA and more specifically WCA-1, WCA-2 and WCA-3 are the geographical areas covered by the WQBEL Study.

What concerns could this Board item raise? Due to legal and regulatory issues surrounding Everglades water quality compliance, the WQBEL development effort is expected to receive a great deal of scrutiny by stakeholders and other interested parties. Because of this, it is necessary to secure a firm that is proficient with the WQBEL development process and is technically qualified to provide the needed hydrologic and water quality modeling, as is Applied Technology and Management, Inc., to complete the study by the required date.

Why should the Governing Board approve this item? The current required completion date for the WQBEL Study is December 31, 2009. If this item is not approved, the District would be at risk of non-compliance with the EFA and the Specific Condition in the STA operation permits requiring the District to complete the WQBEL Study.

CM/tp

Attachment – Resolution, Map