



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

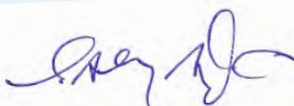
D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

**REVISED - AGENDA**  
**REGULAR MEETING #03-2023**  
**FEBRUARY 16, 2023 – 7:00 PM AT DISTRICT OFFICES**  
ALSO, THE MEETING WILL BE AVAILABLE TO THE PUBLIC ONLINE AT:  
[LOXAHATCHEERIVER.ORG/PUBLICMEETING](http://LOXAHATCHEERIVER.ORG/PUBLICMEETING)

1. Call to Order & Pledge of Allegiance
2. Administrative Matters
  - A. Roll Call
  - B. Previous Meeting Minutes **Page 4**
  - C. Additions and Deletions to the Agenda
3. Comments from the Public
4. Status Updates
  - A. Loxahatchee River Watershed **Page 10**
  - B. Loxahatchee River District Dashboard **Page 35**
5. Consent Agenda (see next page) **Page 36**
6. Regular Agenda
  - A. Consent Agenda Items Pulled for Discussion
  - B. Annual Audit for Fiscal Years 2022 & 2021 **Page 50**
  - C. 20 Acre Conceptual Site Plan – Final Presentation **Page 127**
  - D. LRD Rule Chapter 31-10 Schedule of Rates, Fees and Charges (Rate Study) **Page 140**
  - E. LRD Rule Chapter 31-13 Regulation of Sewer Use **Page 169**
7. Reports (see next page) Pulled for Discussion
8. Future Business **Page 282**
9. Board Comments
10. Adjournment

“...if a person decides to appeal any decision made by the Board, with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she 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.”

Submitted by:   
Date: February 9, 2023

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

**Gordon M. Boggie**  
BOARD MEMBER

**Stephen B. Rockoff**  
BOARD MEMBER

**Clinton R. Yerkes**  
BOARD MEMBER

## 5. CONSENT AGENDA

All items listed in this portion of the agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Board member or citizen; in which event, the item will be removed and considered under the regular agenda.

- A. Final Assessment Olympus Drive – to approve assessment [Page 37](#)
- B. Lift Station 054 Clean-Out Installation – to reject all bids [Page 44](#)
- C. Waste Disposal Contract (Waste Pro) – to approve contract extension [Page 46](#)
- D. Fixed Asset Disposal – to approve disposal [Page 47](#)
- E. Change Order - Lift Station Rehabilitation General Construction Services/18-005-LSGENCONSTR – to authorize additional funds for FY23 [Page 48](#)

## 7. REPORTS

- A. Neighborhood Sewering [Page 223](#)
- B. Legal Counsel's Report [Page 225](#)
- C. Engineer's Report [Page 228](#)
- D. Busch Wildlife Sanctuary [Page 238](#)
- E. Director's Report [Page 239](#)



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D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

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**AGENDA**  
**PUBLIC HEARING #01-2023**  
**FEBRUARY 16, 2023 - 6:55 P.M. AT DISTRICT OFFICES**  
**ALL MEETINGS ARE OPEN TO THE PUBLIC**

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. To receive public comments pertaining to the Final Assessment of Olympus Drive
4. Comments from the Board
5. Adjournment

"... if a person decides to appeal any decision made by the Board, with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she 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."

Submitted by:  
Date: February 6, 2023

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

**Gordon M. Boggie**  
BOARD MEMBER

**Stephen B. Rockoff**  
BOARD MEMBER

**Clinton R. Yerkes**  
BOARD MEMBER



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

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D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

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## MEMORANDUM

TO: Governing Board  
FROM: D. Albrey Arrington, Ph.D., Executive Director  
DATE: February 16, 2023  
SUBJECT: Approval of Meeting Minutes

Attached herewith are the minutes of the Regular Meeting of January 19, 2023. As such, the following motion is presented for your consideration:

**“THAT THE GOVERNING BOARD** approve the minutes of the Regular Meeting of January 19, 2023 as submitted.”

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

**Gordon M. Boggie**  
BOARD MEMBER

**Stephen B. Rockoff**  
BOARD MEMBER

**Clinton R. Yerkes**  
BOARD MEMBER

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
REGULAR MEETING - MINUTES  
JANUARY 19, 2023

1. CALL TO ORDER

Vice-Chairman Rostock called the Regular Meeting of January 19, 2023 to order at 7:00 PM.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

The following Board Members were in attendance:

Dr. Rostock  
Mr. Boggie  
Mr. Rockoff  
Mr. Snyder (outgoing Board Chairman)  
Mr. Yerkes (1st meeting as newly elected member)  
Mr. Barker (1st meeting as newly elected member)

Staff Members in attendance were Dr. Arrington, Mr. Dean, Mr. Howard, Ms. Fraraccio, Mr. Pugsley, Ms. Jones and Mr. Nicoletto.

Consultants in attendance were Mr. Curtis Shenkman and Mr. Hunter Shenkman, Lisa Wynne from Busch Wildlife, Christine Miranda & Tony Campbell from Holtz, Suzanne Dombrowski from Chen Moore.

B. PREVIOUS MEETING MINUTES

The minutes of the Regular Meeting of December 15, 2022 and Board Workshop of January 09, 2023 were presented for approval and the following motion was made:

“THAT THE GOVERNING BOARD approve the minutes of the Regular Meeting of December 15, 2022 and Board Workshop of January 09, 2023 as submitted.”

MOTION: Made by Mr. Rockoff, Seconded by Dr. Rostock  
Passed Unanimously.

C. OATH OF OFFICE

Mr. Snyder participated in a ceremonial passing of the gavel to Vice-Chairman Rockoff and Mr. Baker and Mr. Yerkes were invited to be seated at the dais. Mr. Yerkes, Mr. Baker and all returning Board members then stood and recited the oath of office.

D. ELECTION OF OFFICERS

"THAT THE GOVERNING BOARD elect: Dr. Rostock to serve as Chairman, Mr. Rockoff to serve as Vice Chairman, Mr. Boggie to serve as Treasurer, Mr. Yerkes to serve as Secretary and Mr. Baker to serve as Assistant Secretary/Treasurer of the Governing Board of the Loxahatchee River Environmental Control District."

MOTION: Made by Mr. Boggie, Seconded by Mr. Rockoff,  
Passed Unanimously.

E. ADDITIONS & DELETIONS TO THE AGENDA

3. COMMENTS FROM THE PUBLIC

No comments from the public were received.

4. STATUS UPDATES

A. LOXAHATCHEE WATERSHED STATUS

Mr. Howard presented on the Right Whale mother and calf that were recently observed very close to the Jupiter Inlet and Juno Beach Pier.

B. LOXAHATCHEE RIVER DISTRICT DASHBOARD

Dr. Arrington reviewed the District Dashboard.

5. CONSENT AGENDA

MOTION: Made by Mr. Rockoff, Seconded by Mr. Baker  
Passed unanimously.

"THAT THE GOVERNING BOARD approve the Consent Agenda of January 19, 2023 as presented."

The following motions were approved as a result of the Board's adoption of the Consent Agenda:

A. Authorization to Execute Reports

"THAT THE GOVERNING BOARD approve Resolution 2023-01 authorizing specific signatures for execution of all reports required under the Florida Statutes."

B. Employee Retirement Plan Trustee Designation

"THAT THE GOVERNING BOARD elects Mr. Gordon Boggie to serve as Trustee for the Loxahatchee River Environmental Control District Money Purchase Plan and Trust."

C. Portable Generator – to approve purchase

“THAT THE DISTRICT GOVERNING BOARD authorize the piggy-back of the FSA&AC contract for FSA20-EQU18.0: HEAVY EQUIPMENT with ACF Standby Systems for a 150KW Mobile Generator Package in accordance with ACF Standby Systems quote dated December 30, 2022 in the amount of \$206,567.78”

D. Olympus Drive Low Pressure Sewer System - Preliminary Assessment (Res.2023-02)

"THAT THE GOVERNING BOARD approve Resolution 2023-02 adopting the OLYMPUS DRIVE Preliminary Assessment Roll."

E. Chlorine Disinfection System Study – to approve Professional Engineering Services Contract

“THAT THE DISTRICT GOVERNING BOARD approves the attached, revised Drug-Free Workplace Policy with an effective date of January 21, 2022.”

F. Gravity System Cleaning and TV Inspection FY23 – to award Piggy-back Contract

“THAT THE DISTRICT GOVERNING BOARD authorize the “piggyback” of the TOHO Water Authority contract IFB 20-133 with Atlantic Pipe Services, LLC in accordance with their proposals dated January 6, 2023 in the amount of \$92,783.80”

and

“THAT THE DISTRICT GOVERNING BOARD authorize an additional contingency amount of \$10,000.00.”

G. ITB 18-005-LSGENCONSTR / Lift Station Rehabilitation General Construction Services – Contract Extension

“THAT THE DISTRICT GOVERNING BOARD authorize the third of three 12 month extensions to ITB 18-005-LSGENCONSTR and authorize a unit price adjustment of 7.1%.”

H. Fixed Asset Disposal – to approve disposal

“THAT THE GOVERNING BOARD authorize the Executive Director to dispose of tangible personal property asset number OE0302 and asset tag numbers 2550, 2621 and 2791 in accordance with the District’s Disposal of Surplus Tangible Personal Property Policy.”

D. Change Orders to Current Contracts – to approve modifications

No Change Orders are presented for Board consideration this month.

## 6. REGULAR AGENDA

### A. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

### B. Governing Board Appointments and Liaisons

"THAT THE GOVERNING BOARD adopt the attached chart of Governing Board appointments and liaisons for the 2023 calendar year."

MOTION: Made by Mr. Yerkes, Seconded by Mr. Rockoff, Passed unanimously.

### C. Science Center at JILONA – Construction Contract Award

Dr. Arrington discussed the recent bids received for ITB 22-009-00119 (site work, demolition, and reconstruction associated with the planned Science Center at Jupiter Inlet Lighthouse Outstanding Natural Area). Sealed bids were significantly higher than the engineer's estimate, and the engineer (Chen Moore and Associates) recommended rejection of all bids because the bids are out of line with current market conditions. While staff were eager to move this project forward, the current bids render the project insupportable.

"THAT THE DISTRICT GOVERNING BOARD reject all bids for ITB 22-009-00119."

MOTION: Made by Mr. Baker, Seconded by Mr. Boggie, Passed unanimously.

## 7. REPORTS

The following reports stood as written.

### A. NEIGHBORHOOD SEWERING

### B. LEGAL COUNSEL'S REPORT

### C. ENGINEER'S REPORTS

### D. BUSCH WILDLIFE SANCTUARY

### E. DIRECTOR'S REPORT

## 8. FUTURE BUSINESS

Dr. Arrington reviewed Future Business.



9. COMMENTS FROM THE BOARD

No comments were received.

10. ADJOURNMENT

MOTION: Made by Mr. Rockoff, Seconded by Mr. Boggie,  
Passed Unanimously.

“That the regular meeting of January 19, 2023 adjourns at 7:59 PM.”

\_\_\_\_\_  
BOARD CHAIRMAN

\_\_\_\_\_  
BOARD SECRETARY

\_\_\_\_\_  
RECORDING SECRETARY



## Loxahatchee River Watershed Status

### Jupiter Inlet Lighthouse Outstanding Natural Area

### Great American Outdoors Act – Shoreline Stabilization Project

This month, Peter DeWitt from the Bureau of Land Management will join us to discuss the Shoreline Stabilization Project that is proposed for the Jupiter Inlet Lighthouse Outstanding Natural Area. Mr. DeWitt's presentation is provided on the subsequent pages.

Currently, the Bureau of Land Management is accepting public comments on this project. Comments should be submitted in writing at the following website: submit comments in writing to the Bureau of Land Management at: <https://eplanning.blm.gov/eplanning-ui/project/2018428/510>

Comments are due by 5pm on February 26, 2023.





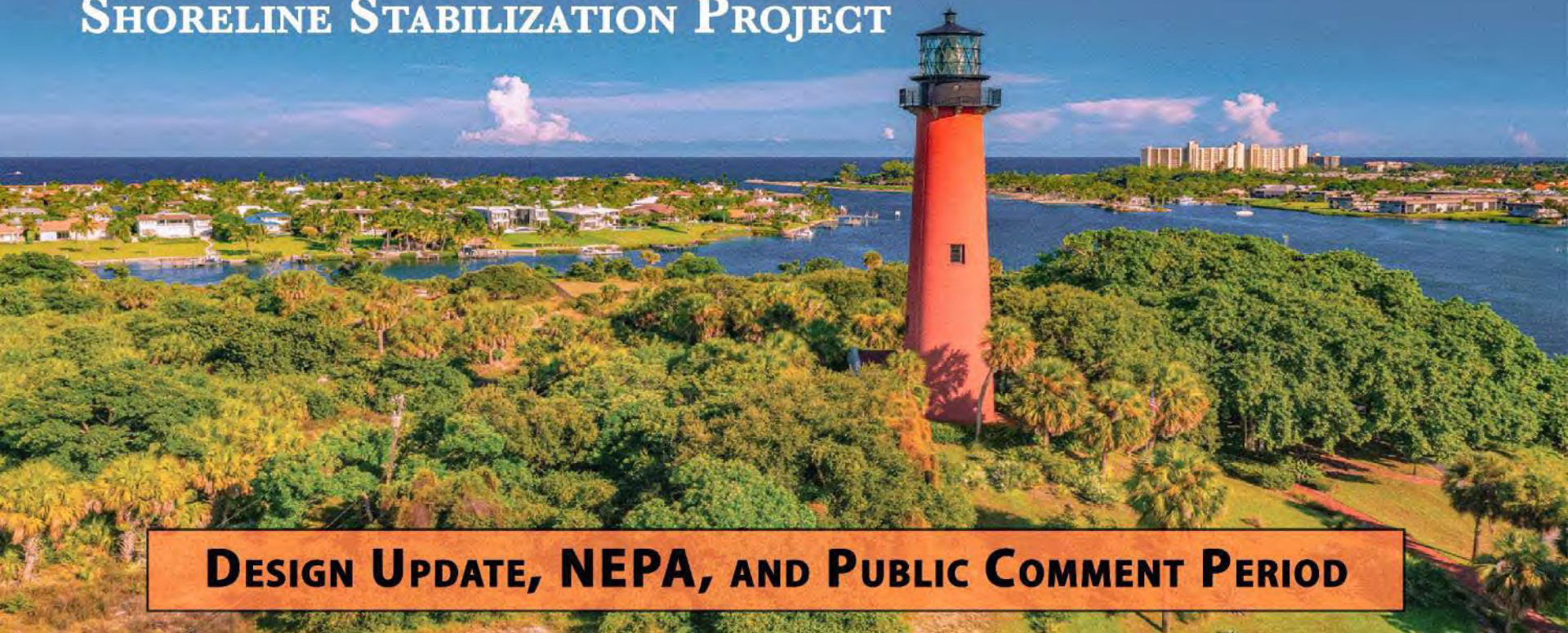
**NATIONAL  
CONSERVATION  
LANDS**

Jupiter Inlet Lighthouse  
Outstanding Natural Area



# JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA

GREAT AMERICAN OUTDOORS ACT  
SHORELINE STABILIZATION PROJECT



**DESIGN UPDATE, NEPA, AND PUBLIC COMMENT PERIOD**



# Outstanding Natural Area Designation



“Jupiter Inlet Outstanding Natural Area will be managed to protect, conserve, and enhance the unique and nationally important... values... for the benefit of current and future generations”

- Consolidated Natural Resources Act of 2008 (Public Law 110-229)





# Protected Values

- **Historic**
  - Significant Maritime and Military History
- **Cultural**
  - 5,000+ years of archaeological resources
- **Biological**
  - 28 special status species across 4 sensitive habitats
- **Recreation**
  - Over 100,000 visits annually
- **Science**
  - Active research with FAU, PBSC, BYU
- **Education**
  - Over 100 K-12 programs delivered annually and wide variety of other education opportunities.
- **Scenic**

❖ Recreational Values

❖ Educational Values

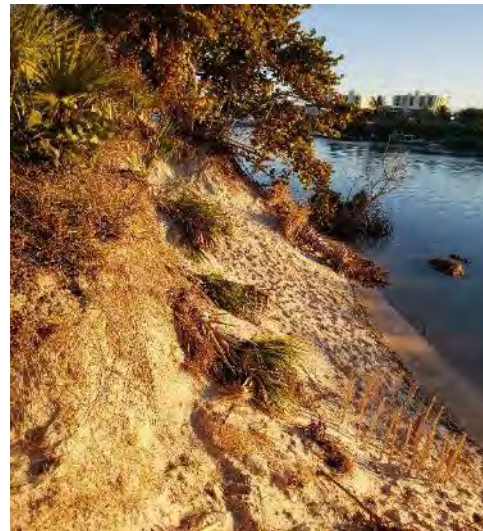
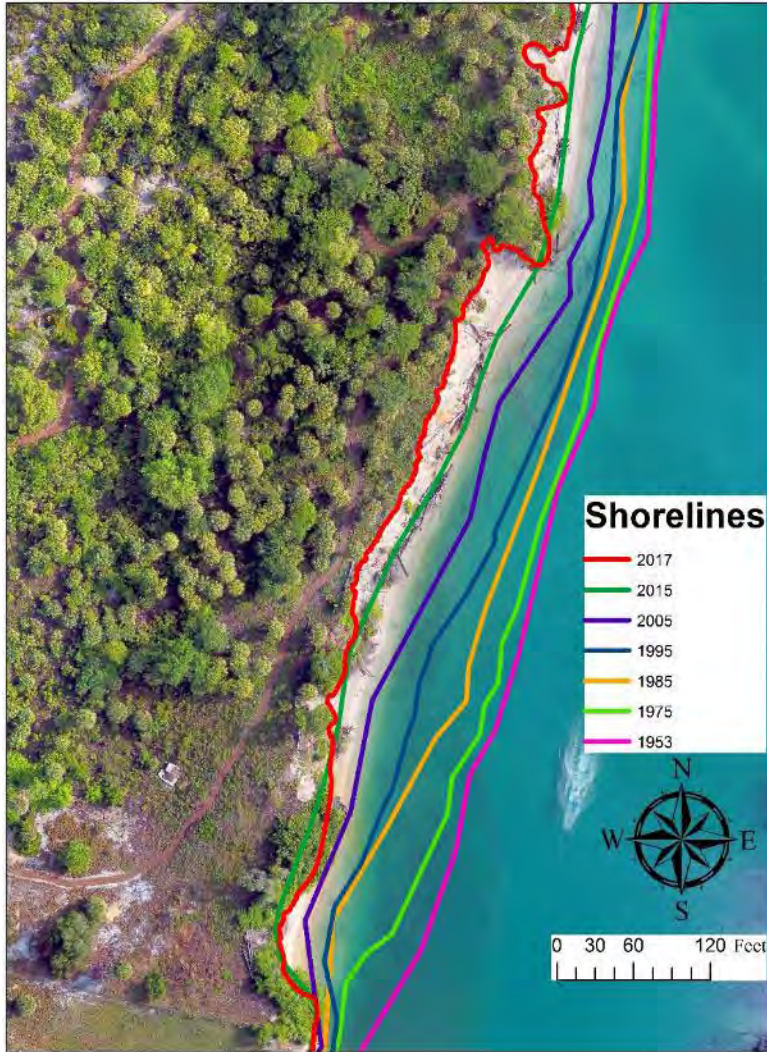
❖ Scenic Values

❖ Historic Values

❖ Cultural Values

❖ Natural Values

❖ Scientific Values





# Proposed Action



TAYLOR ENGINEERING, INC.





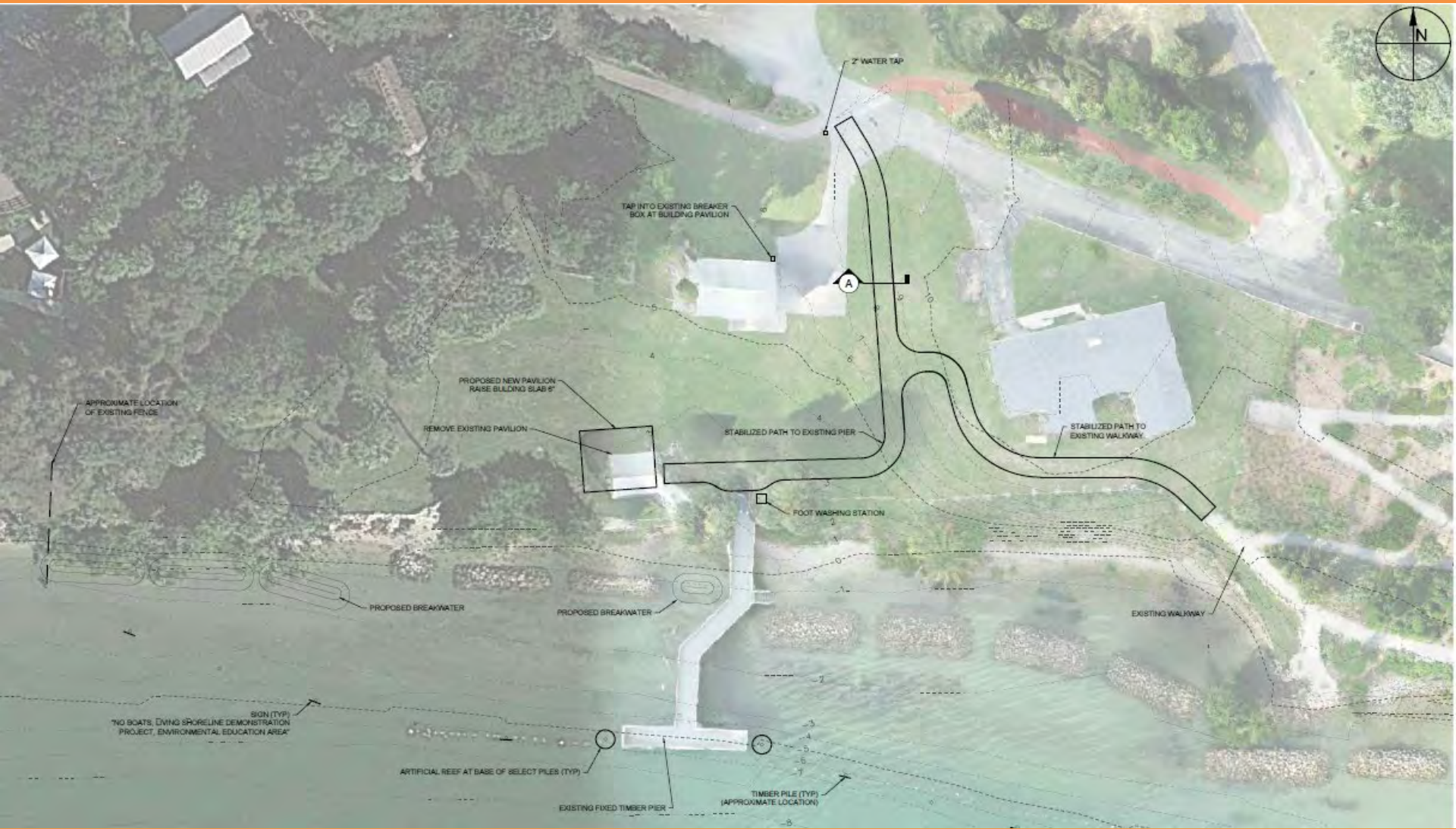
# Project Objectives

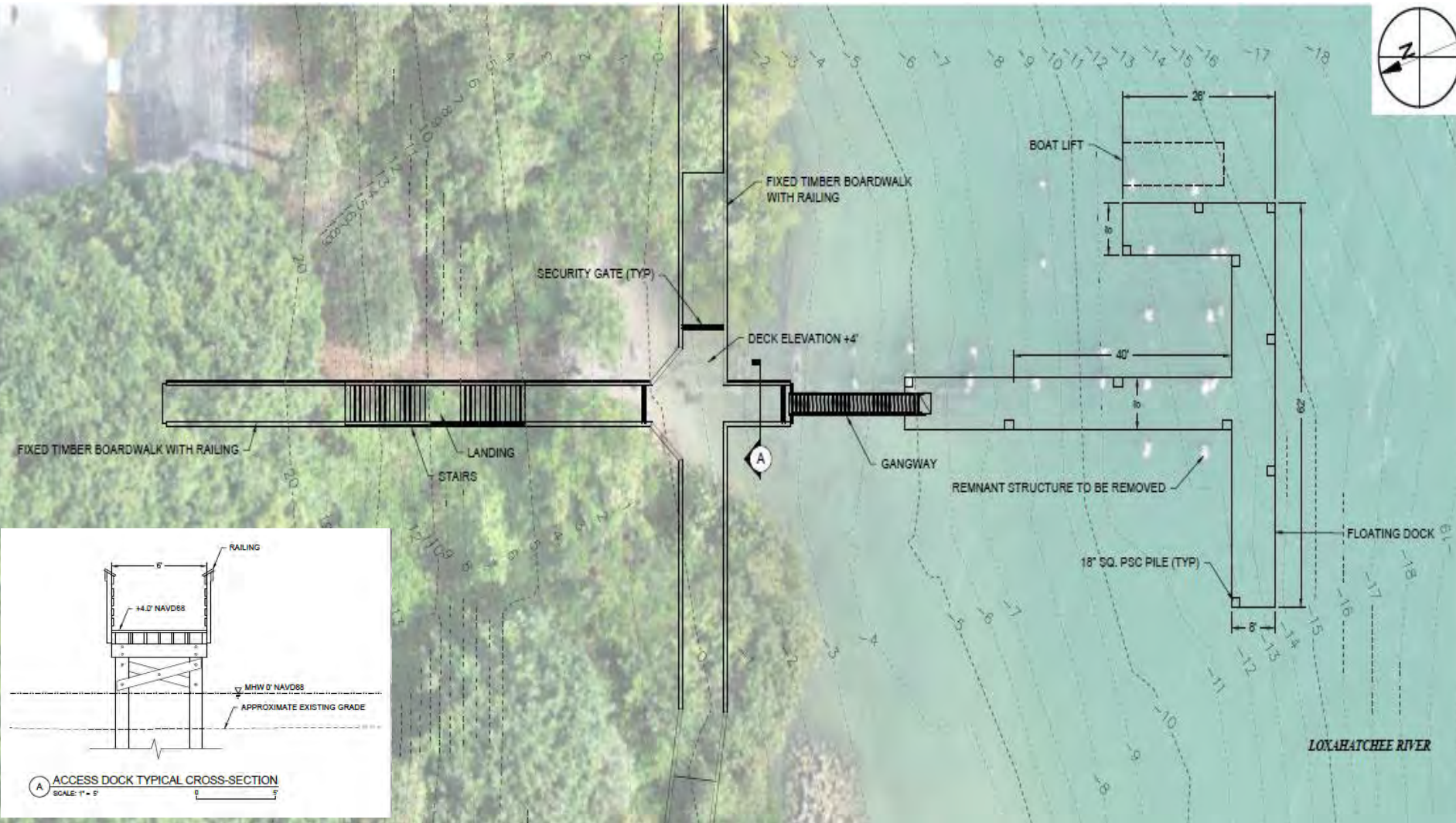
- Multiple Use and Interdisciplinary Approach
  - *alleviate erosion and deposition of material into the Intracoastal Waterway.*
  - *stabilize the shoreline bank to curtail the loss of land.*
  - *eliminate safety concerns from collapsing sands and falling vegetation.*
  - *protect the navigability of the intracoastal waterway.*
  - *enhance aquatic and terrestrial habitats.*
  - *accommodate recreational elements that allow for continued shoreline use for recreational boaters (motorized and non-motorized) and ONA visitors, at appropriate locations.*
  - *maintain and enhance the scenic integrity of the ONA.*

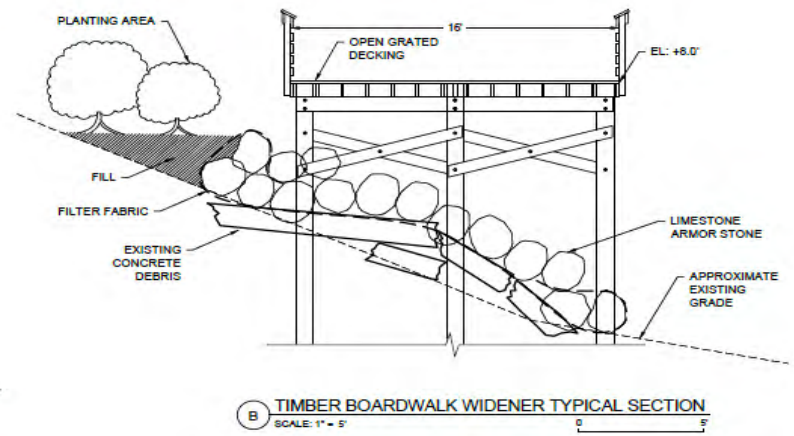
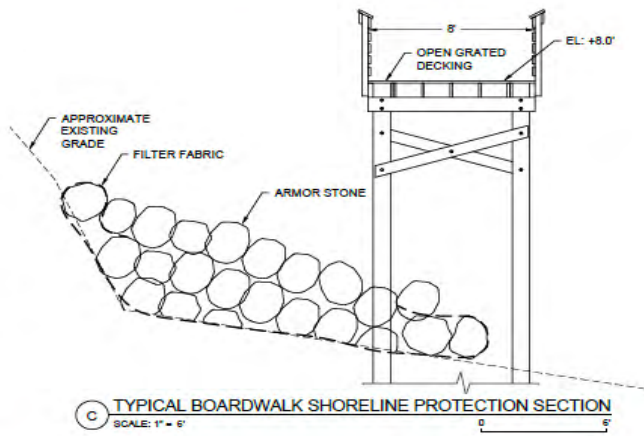
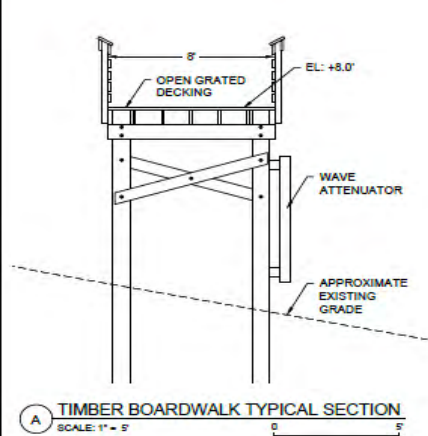
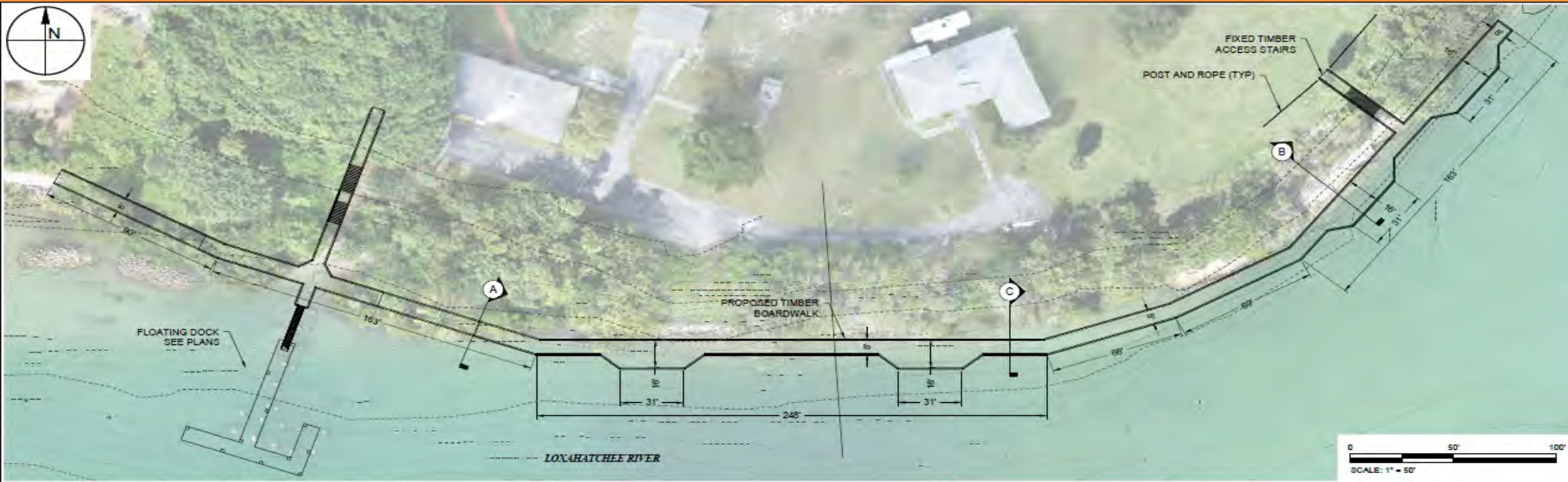










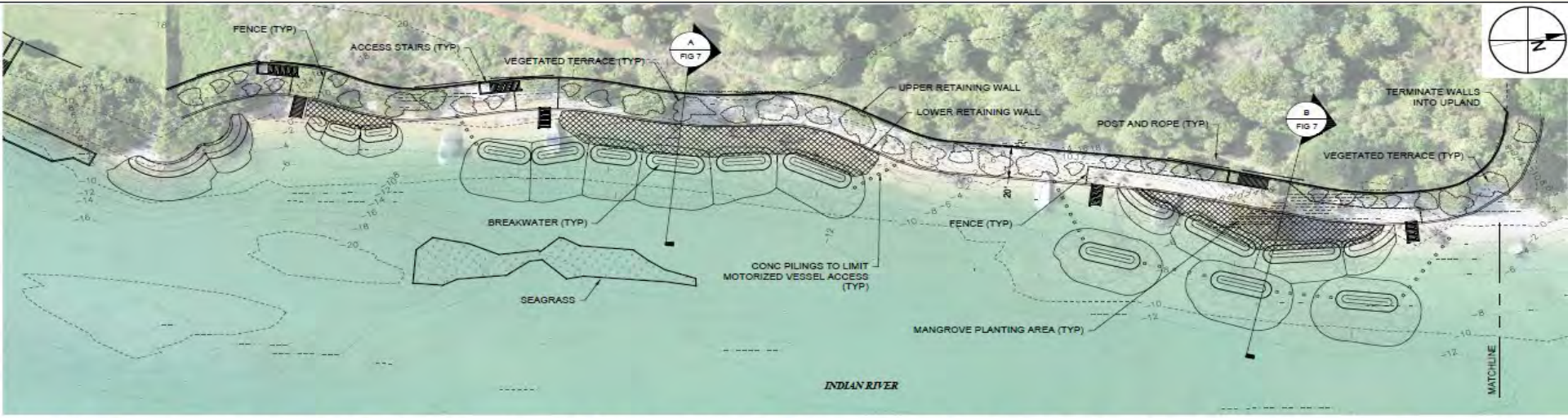




# NATIONAL CONSERVATION LANDS

## Jupiter Inlet Lighthouse Outstanding Natural Area



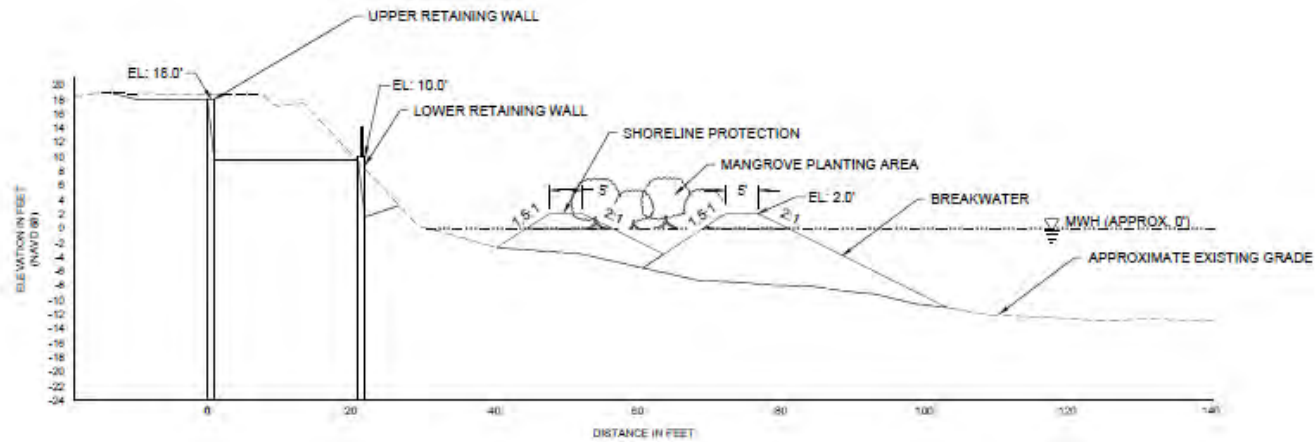
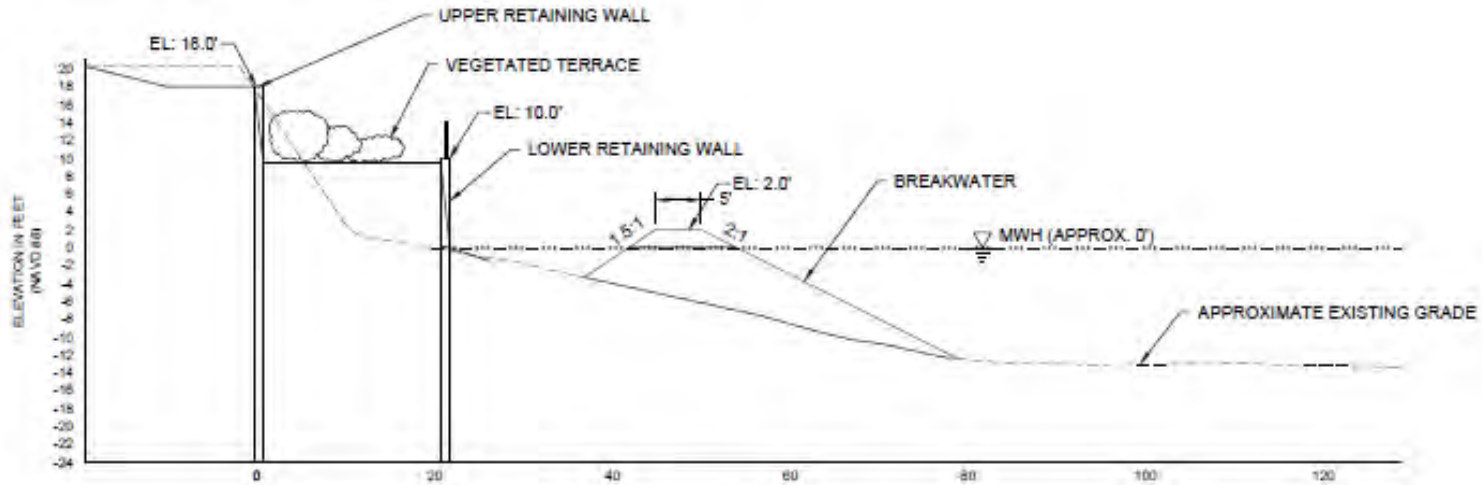




# NATIONAL CONSERVATION LANDS

## Jupiter Inlet Lighthouse Outstanding Natural Area





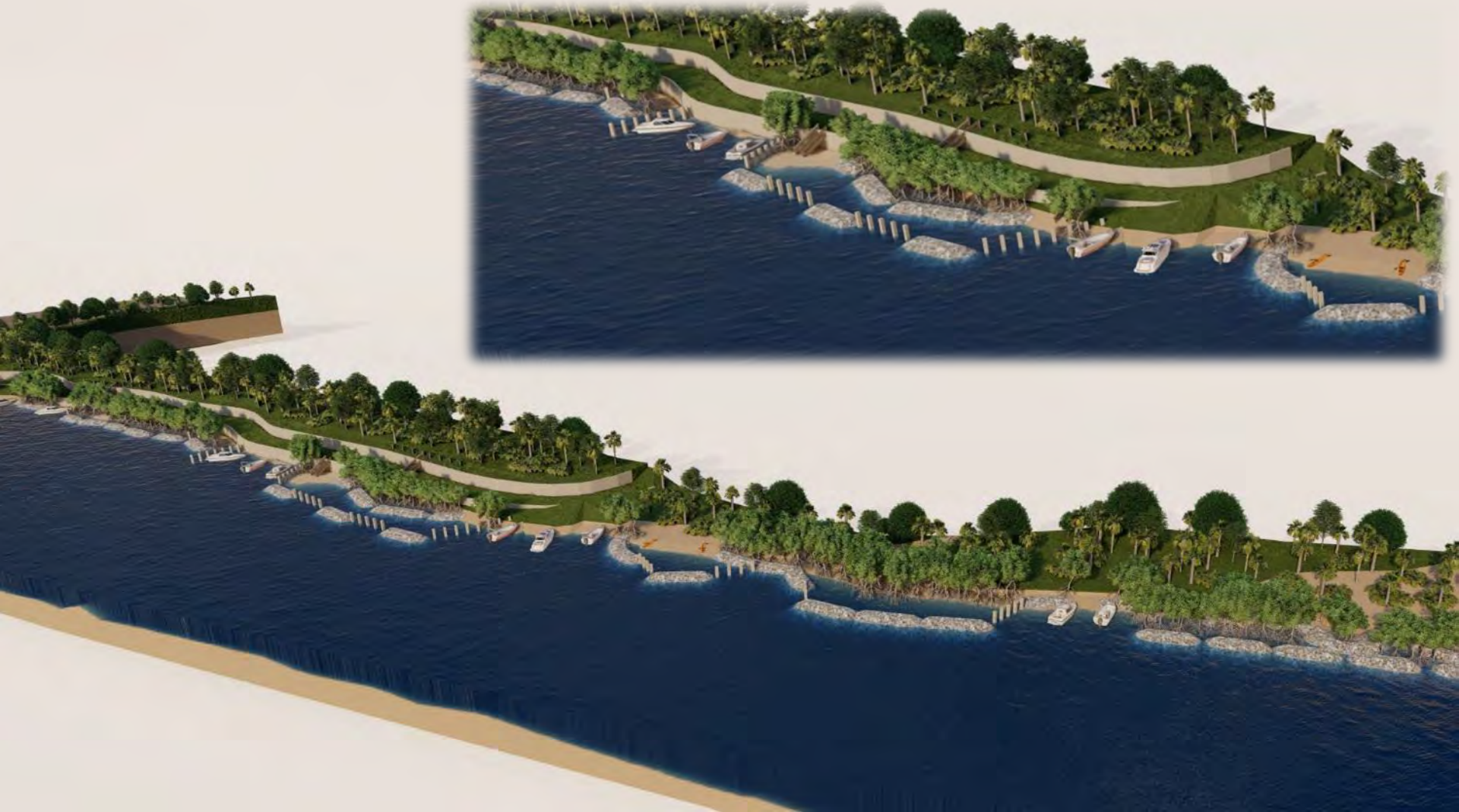
**B SOUTH SHORELINE PROTECTION CROSS-SECTION B**  
SCALE: 1" = 20'





# NATIONAL CONSERVATION LANDS

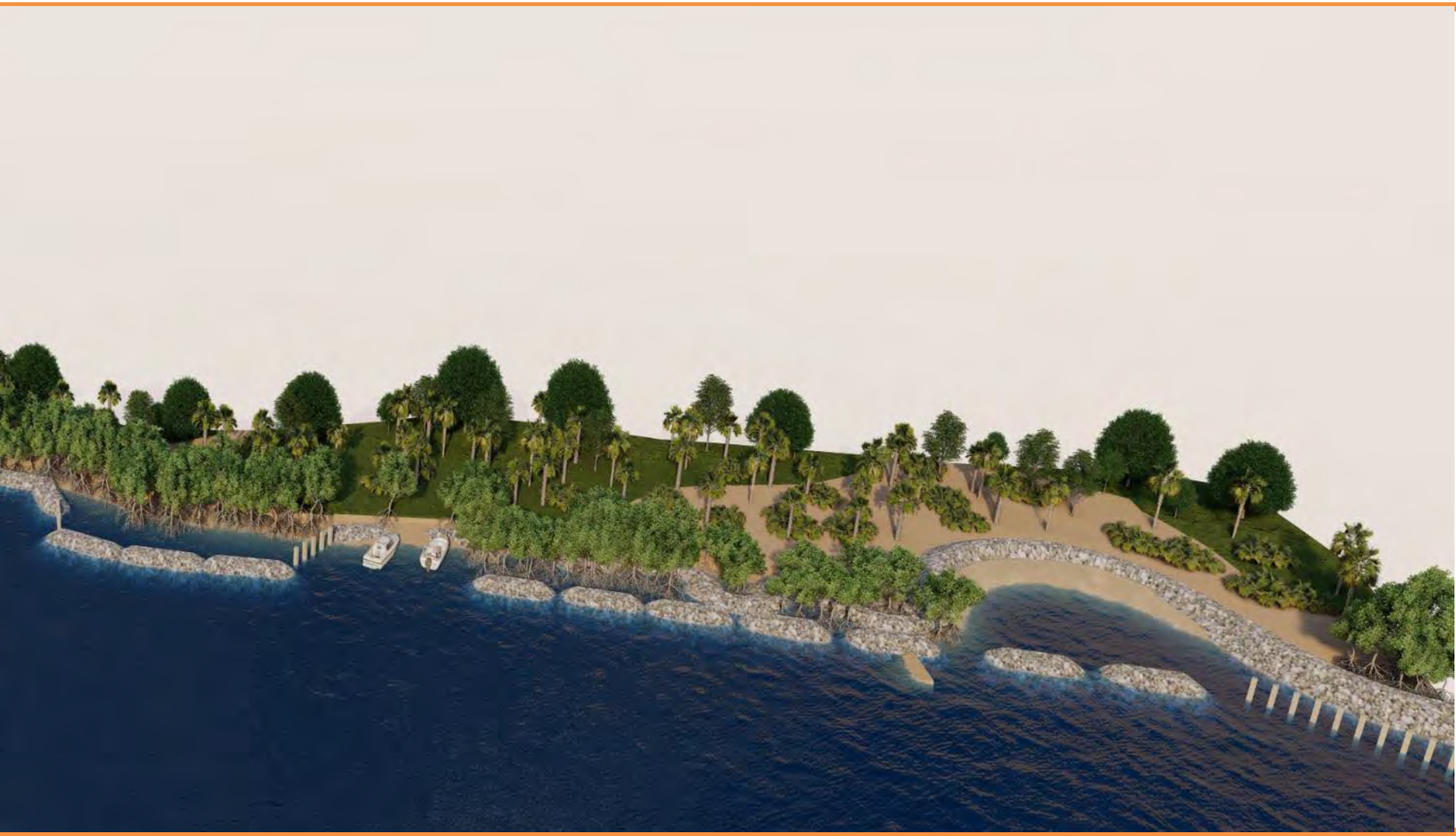
## Jupiter Inlet Lighthouse Outstanding Natural Area

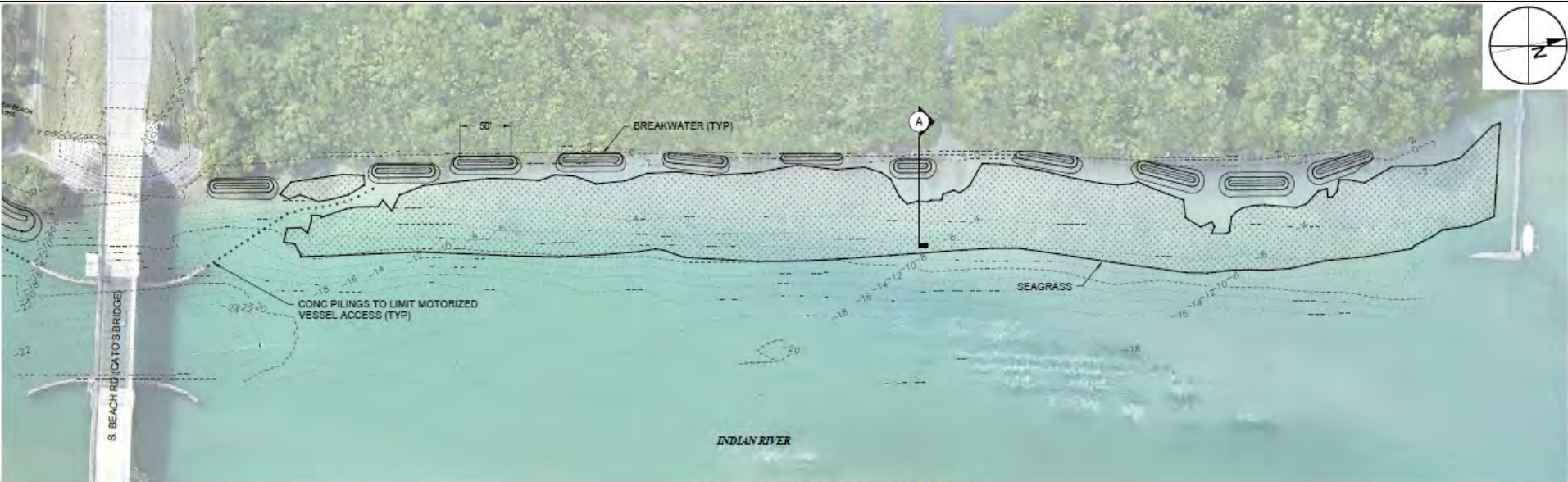




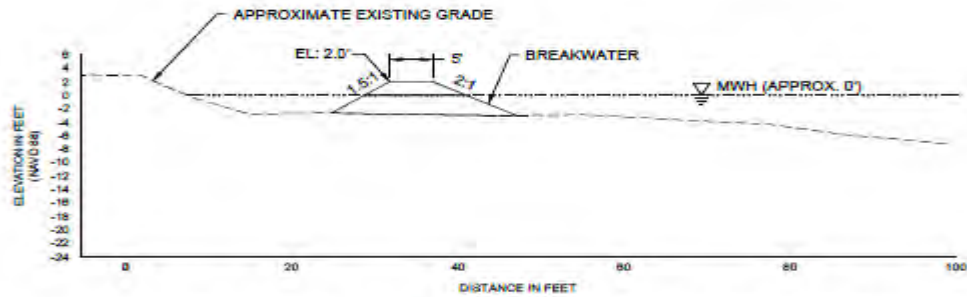
# NATIONAL CONSERVATION LANDS

## Jupiter Inlet Lighthouse Outstanding Natural Area





**NORTH SHORELINE PROTECTION PLAN**  
SCALE: 1" = 100'



**(A) NORTH SHORELINE PROTECTION TYPICAL CROSS-SECTION**  
SCALE: 1" = 20'



# National Environmental Policy Act Environmental Assessment





# National Environmental Policy Act

## **What NEPA does:**

- Requires agency and public participation in planning/decision-making process.
- Requires disclosure about the action, alternatives, environmental effects, and mitigation.
- Brings out environmental concerns of the affected publics.
- Requires environmental impacts to be considered during decision making.
- Results in informed and better decisions.

## **What NEPA does not do:**

- Decide which alternative to chose.
- Prevent environmental impacts from happening.
- Guarantee decisions you like (decision makers base decisions on multiple factors rather than individual interests).
- Prohibit any actions.





# Public Comment Period





# How to Participate

- **Attend Public Comment Presentation**
- **Review Draft Decision Documents – On the BLM’s ePlanning Website at <https://eplanning.blm.gov/eplanning-ui/project/2018428/510>**
- **Submit comments**
  - Before including your address, phone number, email, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment – including your PII – may be made publicly available at any time. While individuals may request the BLM to withhold PII from public view, the BLM cannot guarantee it will be able to do so.
  - **Comments must focus on:**
    - The Proposed Action
    - Impacted Resource
    - Analysis
    - Unclear/Missing Information





# ePlanning Website



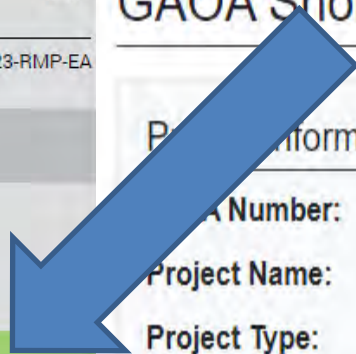
DOI-BLM-Eastern States-0020-2020-0023-RMP-EA

- Home
- Documents
- How to Get Involved
- Participate Now

[View ePlanning](#)

Last Updated: 1/21/2022, 08:53:40 MST

### GAOA Shoreline Stabilization Project



**Project Information**

**Project Number:** DOI-BLM-Eastern States-J000-2022-0010-EA

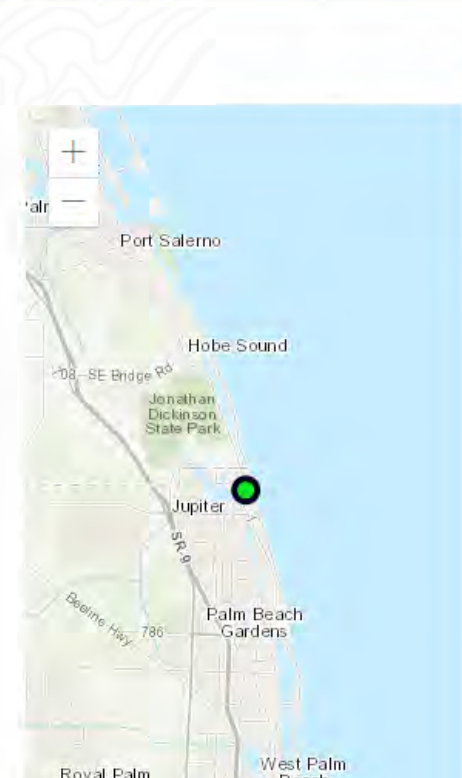
**Project Name:** GAOA Shoreline Stabilization Project

**Project Type:** Environmental Assessment

**Project Status:** In Progress - Analysis & Document Preparation

**Lead Office:** Southeastern States DO

**Last Updated:** 07/12/2022 14:59:22 MDT



### Project Description





# Public Comment

Please submit comments in writing to the  
Bureau of Land Management at:

[https://eplanning.blm.gov/eplanning-  
ui/project/2018428/510](https://eplanning.blm.gov/eplanning-ui/project/2018428/510)

**Comments due by 5pm on  
February 26, 2023**



**NATIONAL  
CONSERVATION  
LANDS**

Jupiter Inlet Lighthouse  
Outstanding Natural Area



**THANK YOU FOR YOUR ATTENTION**

**EMAIL: [BLM\\_ES\\_JUPITERONA@BLM.GOV](mailto:BLM_ES_JUPITERONA@BLM.GOV)**

**FACEBOOK: [@BLMJUPITERINLET](https://www.facebook.com/BLMJUPITERINLET)**

**[WWW.BLM.GOV/JUPITERONA](http://WWW.BLM.GOV/JUPITERONA)**

# LOXAHATCHEE RIVER DISTRICT'S EXECUTIVE DASHBOARD



Stewardship		Pre-Treatment	Collection & Transmission		Wastewater Treatment			Reclaimed Water	EHS	General Business					River Health			
# People educated at RC		Grease Interceptor Inspections	Customer Service	Unauthorized Discharge of Sewage	Mean Daily Incoming Flow	Permit exceedance	NANO Blend to Reuse (@ 511)	Delivery of Reclaimed Water	Employee Safety	Cash Available	Revenue (excluding assessment & capital contrib.)	Operating Expenses	Capital Projects		Minimum Flow Compliance	Salinity @ NB seagrass beds	River Water Quality	
Units	% of Target	% requiring pump out	# blockages with damage in home	Gallons; # impacting surface waters	million gallons/day	# occurrences	Max Specific Conductance (umhos/cm)	# days demand not met	# of OSHA recordable injuries	\$	% of Budget	% of Budget	% within budget	average # days ahead (behind) schedule	# Days MFL Violation	%	Fecal Coliform Bacteria (cfu/100ml)	
<b>Green Level</b>	≥ 90%	≤ 15	Zero	<704; 0	< 7.7	Zero	<1542	<2	Zero	≥ \$9,894,657	≥ 95%	≥ 85% but ≤ 105%	≥80%	≥ (30)	0	min ≥ 20 ‰	≤ 1 site > 200	
<b>Yellow</b>	< 90%	≤ 25	1	≤1,500; 0	< 8.8	1	≤1875	≥ 2	-	< \$9,894,657	≥ 90%	≥ 80%	≥60%	< (30)	1	min ≥ 10 ‰	≤ 3 sites >200	
<b>Red</b>	<75%	> 25	≥ 2	>1,500; ≥1	≥ 8.8	≥ 2	>1875	≥ 9	≥ 1	< \$5,557,057	< 90%	< 80% or > 105%	< 60%	< (60)	≥ 2	min < 10 ‰	≥ 4 sites > 200	
<b>2020 Baseline</b>	34%	8	0.1	3,292	7.2	0	1,183	1	0.3	\$ 35,350,661	100%	90%	91%	-15	7	14.6	2	
<b>2021 Baseline</b>	113%	16	0.3	1,130	7.1	0	1,294	2	0.2	\$ 40,651,532	97%	89%	79%	-34	0	24.3	3	
<b>2022 Baseline</b>	81%	12	0.1	395	6.8	0	1,268	3	0.0	\$ 44,372,235	101%	91%	83%	-51	1	22.6	3	
<b>2022</b>																		
Jan	65%	16	0	25; 0	7.3	0	1,154	0	0	\$ 42,677,604	103%	95%	77%	(42)	0	27.9	4	
Feb	79%	8	0	225; 0	7.3	0	1,383	0	0	\$ 44,675,863	101%	94%	80%	(54)	0	30.2	3	
Mar	91%	12	0	241; 0	7.2	0	1,384	0	0	\$ 44,151,634	100%	93%	80%	(59)	0	24.0	2	
Apr	104%	22	1	217; 0	7.1	0	1,296	0	0	\$ 44,230,248	103%	93%	83%	(62)	0	29.3	4	
May	55%	13	0	13; 0	6.5	0	1,312	1	0	\$ 46,067,857	102%	92%	81%	(39)	16	31.8	2	
June	86%	14	0	17; 0	6.6	0	1,249	1	0	\$ 44,902,557	101%	91%	81%	(36)	0	20.6	4	
July	95%	8	0	310; 0	6.2	0	1,245	7	0	\$ 44,247,503	102%	93%	81%	(52)	0	26.9	4	
Aug	88%	10	0	45; 0	6.3	0	1,275	4	0	\$ 45,392,935	101%	92%	84%	(69)	0	32.2	3	
Sept	77%	10	0	11; 0	6.4	0	1,207	13	0	\$ 43,373,290	92%	92%	84%	(87)	0	5.0	4	
Oct	79%	13	0	120; 0	6.9	0	1,101	5	0	\$ 43,464,126	97%	84%	86%	(34)	0	13.8	3	
Nov	53%	9	0	31; 0	7.2	0	1,269	3	0	\$ 45,258,800	103%	83%	87%	(36)	0	17.3	0	
Dec	94%	14	0	3,482; 0	7.1	0	1,342	0	0	\$ 44,024,404	107%	92%	89%	(36)	0	11.8	1	
<b>2023</b>																		
Jan	69%	11	0	50; 0	7.1	0	1,447	9	0	\$ 44,602,531	106%	91%	90%	(23)	0	26.5	1	
<b>Consecutive Months at Green</b>	0	9	9	0	164	21	18	0	14	160	15	2	12	1	8	1	3	
<b>Metric Owner</b>	O'Neill	Pugsley	Dean	Dean	Pugsley	Pugsley	Pugsley	Dean	Horchar	Fraraccio	Fraraccio	Fraraccio	Dean	Dean	Howard	Howard	Howard	

**Metric** Environmental Education  
**Explanation** The total number of visitors at the River Center is once again well below our target. On average our programs had a 76% participation rate. We are working to understand the factors impacting the number of visitors at the River Center.  
 IQ Water Delivery FPL issues caused limited IQ Water deliveries to one IQ customer on 5 days (short by 2,000 to 69,000 gallons per day); issues with our northern booster pump appears to have caused limited IQ Water deliveries to one customer on 3 days (short by 12,000 to 26,000 gpd); an additional power issue caused one customer to not receive 175,000 gallons of IQ Water on one day.



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: Governing Board  
FROM: Administration Staff  
DATE: February 10, 2023  
SUBJECT: Consent Agenda

All items listed below are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Board Member or citizen, in which event, the item will be removed and considered under the regular agenda.

This month's consent agenda consists of the following items:

- A. Final Assessment Olympus Drive – to approve assessment
- B. Lift Station 054 Clean-out Installations – to reject all bids
- C. Waste Disposal Contract (Waste Pro) – to approve contract extension
- D. Fixed Asset Disposal – to approve disposal
- E. Change Order - Lift Station Rehabilitation General Construction Services/18-005-LSGENCONSTR – to authorize additional funds for FY23

Should you have any questions regarding these items, I would be pleased to discuss them further with you.

The following Motion is provided for Board consideration:

**“THAT THE GOVERNING BOARD approve the Consent Agenda of February 16, 2023 as presented.”**

Signed

D. Albrey Arrington, Ph.D.  
Executive Director

Dr. Matt H. Rostock  
CHAIRMAN

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

Stephen B. Rockoff  
BOARD MEMBER

Clinton R. Yerkes  
BOARD MEMBER

# Curtis Shenkman, P.A.

---

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[Curtis@PalmBeachLawyer.Law](mailto:Curtis@PalmBeachLawyer.Law)  
[Hunter@PalmBeachLawyer.Law](mailto:Hunter@PalmBeachLawyer.Law)  
[Judy@PalmBeachLawyer.Law](mailto:Judy@PalmBeachLawyer.Law)  
[Carolina@PalmBeachLawyer.Law](mailto:Carolina@PalmBeachLawyer.Law)  
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Board Certified Real Estate Attorney  
Embassy Suites Office Tower  
4400 PGA Blvd, Suite 300  
Palm Beach Gardens, FL 33410

phone 561-822-3939  
phone #561-822-3933  
fax #561-898-2266

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February 6, 2023

D. Albrey Arrington, Ph.D., Executive Director  
Loxahatchee River Environmental Control District  
2500 Jupiter Drive  
Jupiter, Florida 33458-8964

Re: **Resolution 2023-03 and FINAL Assessment Roll for OLYMPUS DRIVE**

Dear Albrey:

Attached to this letter is Transfer of Property Lien, Resolution 2023-03, Exhibit "A" Final Assessment Roll, Exhibit B Map, and the most recent list of property owners, as part of the Resolution.

A **SUGGESTED MOTION** for the Board at the February 16, 2023 meeting is as follows:  
"THAT THE GOVERNING BOARD approve Resolution **2023-03** adopting the **OLYMPUS DRIVE FINAL Assessment Roll and Exhibits.**"

Sincerely,

*Curtis L. Shenkman*

Curtis L. Shenkman

RESOLUTION NO. **2023-03**

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **OLYMPUS DRIVE** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE ASSESSMENT ROLL FOR **OLYMPUS DRIVE** ASSESSMENT AREA IMPROVEMENTS; CONFIRMING SAID SPECIAL ASSESSMENT ROLL AS ATTACHED HERETO AS EXHIBITS “A” AND “B”; PROVIDING FOR ELLIS RULE COMPLIANCE; PROVIDING FOR DECLARING LINE AVAILABLE FOR CONNECTION; PROVIDING THE SPECIAL ASSESSMENTS SHALL BE COLLECTED AS NON-AD VALOREM SPECIAL ASSESSMENTS ON THE REAL ESTATE TAX BILL; AUTHORIZING THE DISTRICT CLERK TO PREPARE AND DELIVER THE NON-AD VALOREM SPECIAL ASSESSMENT ROLL TO THE PALM BEACH COUNTY AND MARTIN COUNTY PROPERTY APPRAISERS, TAX COLLECTORS, AND FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR CONSISTENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Governing Board of the Loxahatchee River Environmental Control District (hereinafter called the “District”) has authorized the sewer improvements constructed in the **OLYMPUS DRIVE** Assessment Area; and

WHEREAS, The District’s previous Resolutions **2020-05 & 2023-02** were approved by the District’s Governing Board and directed the preparation of the Assessment Roll.

WHEREAS, the Governing Board, on the 16<sup>th</sup> day of FEBRUARY, 2023 at 6:55 P.M., sat as Board of Adjustment as provided in District Rule 31-11.005, and held the Public Hearings under Florida Statutes Chapter 197.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE DISTRICT THAT:

Section 1. The Governing Board confirms the Special Assessment Roll attached hereto as Exhibits “A” and “B” without further modification. The unit of measurement for each assessment area is that each parcel is assessed equally.

Section 2. The Special Assessment is in compliance with the “Ellis Rule” requirement of District Rule 31-10.011, and Resolution Nos. **2020-05 & 2023-02** of the District.

Section 3. In accordance with District Rule Chapter 31-11, and Florida Statutes Chapter 197, said Special Assessment Liens shall remain liens co-equal with the lien of all State, County, District and Municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. Any failure to so pay these non-ad valorem Special Assessments shall be a default hereunder and will cause a tax certificate to be issued against the property which may result in a loss of title.

RESOLUTION 2023-03

Loxahatchee River Environmental Control District

Section 4. Availability for Connection and Required Connection.

The waste water and sewerage system was “Available” for connection in accordance with District Rule 31-3.003(3) and Florida Statutes 381.0065(2)(a) when the Loxahatchee River District released the system for service on February 01, 2023, which is the date of actual “Availability”. In accordance with Florida Statutes 381.00655, the affected property owners shall be required to connect to the sewerage system within one (1) year of the actual Availability.

Section 5. The **District Clerk, as the designee of the chairman** of the Governing Board, **is directed to certify the non-ad valorem assessment roll, on a compatible electronic medium tied to the property identification number** and deliver it to the tax collector by September 15 of each year, or as otherwise provided for in the agreements with the tax collector. The certification shall be made on **Form DR-408A**.

Section 6. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, THIS 16<sup>th</sup> day of FEBRUARY, 2023.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT:  
VOTE

\_\_\_\_\_  
DR. MATT H. ROSTOCK

\_\_\_\_\_  
STEPHEN B. ROCKOFF

\_\_\_\_\_  
GORDON M. BOGGIE

\_\_\_\_\_  
KEVIN L. BAKER

\_\_\_\_\_  
CLINTON R. YERKES

EXHIBIT "A"  
FINAL ASSESSMENT ROLL  
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
**OLYMPUS DRIVE ASSESSMENT AREA**

TOTAL COSTS AND EXPENSES RELATED TO THE IMPROVEMENTS. The District shall consider the **total** costs and expenses related to the improvements in the **OLYMPUS DRIVE** Assessment Area shall be **\$ 9447.04** per parcel of property in the Area.

APPORTIONMENT OF COSTS BETWEEN THE DISTRICT AND THE PROPERTY OWNERS. The District shall pay from the District's general funds ten percent (10%) of the total cost to the District of construction, reconstruction, labor, materials, acquisition, or property rights, surveys, design, engineering, and legal fees, administration expenses, and all other expenses necessary or incidental to completion of the specially assessed improvement and each lot or parcel of land subject to this special assessment shall be responsible for ninety percent (90%) of the total cost.

PAYMENT OF ASSESSMENT. As to Parcels of **OLYMPUS DRIVE** Assessment Area Property in EXHIBIT "B", the **\$ 8,502.34** assessment may be paid, interest free, at the office of the District on or before May 1, 2024.

**Owners who do not pay the \$ 8,502.34 assessment on or before May 1, 2023 shall have the \$ 8,502.34 principal added to the tax roll as a non-ad valorem assessment to accrue interest, beginning October 1, 2023, at eight percent (8%) per annum, to be collected in twenty (20) equal annual installments of \$ 865.98, commencing with the November 1, 2023 Real Estate Tax Bill.**

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

By: \_\_\_\_\_  
D. Albrey Arrington, District Clerk, Executive Director



PREPARED BY AND RETURN TO:  
D. Albrey Arrington, as Executive Director  
Loxahatchee River District  
2500 Jupiter Park Drive  
Jupiter, FL 33458

**TRANSFER OF PROPERTY LIEN TO NON-AD  
VALOREM TAX BILL & CERTIFICATION OF SPECIAL  
ASSESSMENT ROLL FOR OLYMPUS DRIVE SPECIAL ASSESSMENTS**

THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida created and existing pursuant to Chapter 2002-358, Laws of Florida (the "District"), gives public notice that the District's Governing Board as of and effective on the 16<sup>th</sup> day of FEBRUARY, 2023, passed Resolution 2023-03 which is attached hereto, approving the non-ad valorem tax bill, AND TRANSFERRING THE RECORDED LIEN ON PROPERTIES IDENTIFIED AS BEING PART OF THE **OLYMPUS DRIVE** AREA LISTED IN THE FOLLOWING DOCUMENTS, as recorded in the Public Records of **PALM BEACH** County, Florida:

1. Pending Lien Notice of Intent to Assess, and Resolution **2020-05**, recorded on **July 27<sup>th</sup>, 2020** in **Official Record Book 31603, Pages 0280 through 0286** in the Public Records of **PALM BEACH County, Florida**.

Any inquiries as to payment of special assessments should be directed to:

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
2500 Jupiter Park Drive  
Jupiter, Florida 33458  
(561) 747-5700

IN WITNESS WHEREOF, the undersigned, Executive Director of the Loxahatchee River Environmental Control District, hereby certifies on FEBRUARY 16, 2023, the information contained herein is true and accurate.

WITNESSES:

LOXAHATCHEE RIVER ENVIRONMENTAL  
CONTROL DISTRICT

\_\_\_\_\_

By: \_\_\_\_\_

D. Albrey Arrington, Ph.D.  
Executive Director

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of X physical presence or \_\_\_ online notarization on February 16, 2023, by D. Albrey Arrington, Ph.D., EXECUTIVE DIRECTOR of the LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida, on behalf of the District, who is personally known to me.

(Notary Seal)

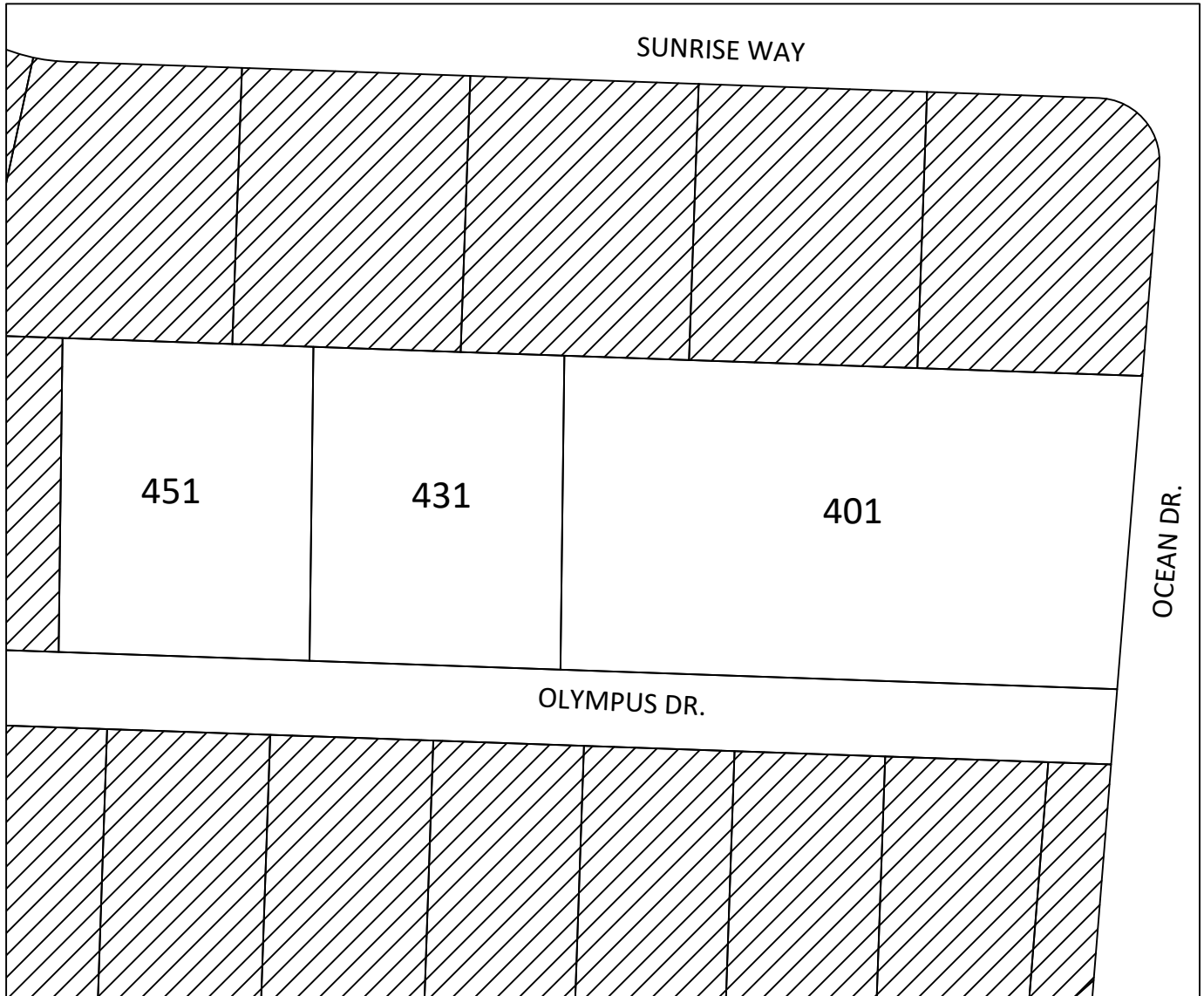
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Ms. Maria Bedoya  
re: 431 Olympus Dr  
431 Olympus Dr  
Juno Bch FL 33408  
28-43-41-28-01-000-0322

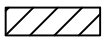
Mr. Steven Allen  
re: 451 Olympus Dr  
451 Olympus Dr  
Juno Bch FL 33408  
28-43-41-28-01-000-0323

Mr. & Mrs. Edgar Abovich  
re: 401 Olympus Dr  
878 Lakeside Dr  
N Palm Bch FL 33408  
28-43-41-28-01-000-0324

# EXHIBIT "B" OLYMPUS DRIVE LOW PRESSURE SEWER SYSTEM ASSESSMENT AREA



## LEGEND



NOT IN ASSESSMENT AREA

JUNO BEACH, FLORIDA



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: D. Albrey Arrington, Ph.D.

FROM: Kris Dean, P.E., Deputy Executive Director

DATE: February 8, 2023

SUBJECT: ITB 23-003-00125/Lift Station No. 54 System Cleanout Installation -  
Recommendation of Award

On January 17, 2023 the District opened sealed bids for the subject project. The bids provided for installation of cleanouts in Lift Station 054 collection system.

Bids as summarized in the attached bid tabulation sheet were:

Intercounty Engineering	\$329,864.00
Johnson-Davis	\$560,850.00

The engineer's estimate for this project was \$100,000. The apparent low was 329% higher and the second was 560% higher.

Based on the large discrepancy between the engineer's estimate and submitted bids staff recommend the following motion:

**“THAT THE DISTRICT GOVERNING BOARD reject all bids for ITB 23-003-00125.”**

Dr. Matt H. Rostock  
CHAIRMAN

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

Stephen B. Rockoff  
BOARD MEMBER

Clinton R. Yerkes  
BOARD MEMBER

# Tabulation Sheet

**Agency Name** Loxahatchee River District

**Bid Number** ITB-ITB #23-003-00125-0-2023/SA

**Bid Name** LIFT STATION NO. 054 SYSTEM CLEANOUT INSTALLATION

**Bid Due Date** 01/17/2023 14:00:00 Eastern

**Bid Opening** **Closed**

2 responses found.

✓ online, 
 ✕ offline, 
 ● not submitting, 
 ⚠ not received

Company	Responded	Address	Bid Amount	Alt Bid Amount	Declared Attributes	Documents	Sent
<b>Complete</b>							
1 Intercounty Engineering, Inc	01/17/2023 13:40:51 Eastern	1925 NW. 18th Street, Pompano Beach, FL, 33069	\$329864.0000	0.0000	Small Business	Response Document	✓
2 Johnson-Davis Incorporated	01/17/2023 13:31:03 Eastern	604 Hillbrath Dr , Lantana , FL, 33462	\$560850.0000	0.0000		Response Document	✓



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

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FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: D. Albrey Arrington, Ph.D. Executive Director  
FROM: Jason A. Pugsley, P.E. Operations – Plant Manager  
DATE: February 9, 2023  
SUBJECT: Waste Disposal Contract Extension – Waste Pro of Florida, Inc.

The District previously solicited bids for Waste Disposal in February 2019 as part of ITB No. 19-001. A total of three (3) responsive bids were received and specific services were awarded to each of the three bidders which included Waste Pro, Republic Services of Florida and Waste Management. The Agreement to each bidder was for an initial twenty-four (24) month term with the option to renew the Agreement for three (3) additional years executed on a 12-month basis. Prior to execution of the original agreement, Waste Pro of Florida, Inc. acquired Republic Services of Florida. As such, Waste Pro was subsequently awarded the following specific Bid Items:

Bid Item No. 2: Special Waste – Grit (Headworks)  
Bid Item No. 3: Special Waste – Grit (Headworks - Spare)  
Bid Item No. 4: Special Waste – Dirt (Vac-Con Pit – 1 of 2)  
Bid Item No. 5: Special Waste – Dirt (Vac-Con Pit – 2 of 2)  
Bid Item No. 6: Waste – Yard Waste (Maintained at Lakes)  
Bid Item No. 7: Waste – Yard Waste (Maintained at Lakes)  
Bid Item No. 8: Waste – Industrial Construction Material (Maintained at Lakes).

It is the opinion of Staff that Waste Pro has done a satisfactory job, and we support continuing the contract for the third of three potential one-year renewals. Under the terms of the agreement, a rate increase equivalent the CPI-U published index for June of the prior year is warranted, not to exceed 5.0%. The June 2021 CPI-U was published as 9.1%.

Staff recommends the following motion for approval:

**“THAT THE DISTRICT GOVERNING BOARD authorize the Executive Director to execute a contract extension with Waste Pro of Florida for Bid Item No’s. 2 through 8 as outlined in ITB No. 19-001 and in accordance with the contract specifications and the rates specified within their Bid dated February 6, 2019 including a 5.0% increase per the June 2022 Consumer Price Index.”**

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

**Gordon M. Boggie**  
BOARD MEMBER

**Stephen B. Rockoff**  
BOARD MEMBER

**Clinton R. Yerkes**  
BOARD MEMBER



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

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FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

To: Governing Board  
 From: Kara Fraraccio, Director of Finance and Administration  
 Date: February 10, 2023  
 Subject: Disposal of Surplus Property

Whenever the District disposes of tangible personal property of a non-consumable nature, Florida Statutes and our Disposal of Surplus Tangible Personal Property Policy require Governing Board approval before any Surplus Tangible Personal Property can be disposed of. The following assets were aggregated with other assets or grouped as part of a project when purchased and we therefore do not have individualized asset information on each item, instead a description of each asset is provided. Consistent with state statute and our policies and procedures, I request your authorization to dispose of the items listed below:

<u>Description</u>	<u>Serial Number</u>	<u>Condition</u>	<u>Estimated Value</u>
15 HP Flygt Pump	FLY-0170034	Beyond Repair	\$0
Barnes Pump	SGVF2022L	Beyond Repair	\$0
Barnes Pump	SGVF2022L	Beyond Repair	\$0
Barnes Pump	SGVF2022L	Beyond Repair	\$0
Barnes Pump	2GVF2022L	Beyond Repair	\$0
Barnes Pump	SGVF2022L	Beyond Repair	\$0
Barnes Pump	SGVF2022L	Beyond Repair	\$0
Hydromatic Pump	SPG200M2-2/G56538	Beyond Repair	\$0
Hydromatic Pump	Unknown	Beyond Repair	\$0

The items listed in the schedule above are no longer of use to the District and are considered Surplus. The assets will be disposed of in accordance with the District's Disposal of Surplus Tangible Personal Property Policy.

Items slated for disposal that have no remaining value will be recycled or otherwise disposed of in an environmentally conscious manner.

If you have any questions, please feel free to contact me.

I offer the following motion for your approval:

**“THAT THE GOVERNING BOARD authorize the Executive Director to dispose of the items from aggregated assets listed in the schedule above in accordance with the District’s Disposal of Surplus Tangible Personal Property Policy.”**

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

Stephen B. Rockoff  
BOARD MEMBER

Dr. Matt H. Rostock  
BOARD MEMBER

Clinton R. Yerkes  
BOARD MEMBER



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: D. Albrey Arrington, Ph.D.

FROM: Kris Dean, P.E., Director of Engineering Services

DATE: February 8, 2023

SUBJECT: ITB # 18-005-LSGENCONSTR: Lift Station Rehabilitation General Construction Services – Reauthorize Contract

This contract, originally awarded for 24 months in February 2019, provides unit prices to perform various aspects of lift station rehabilitations that can be selected a la carte to custom tailor a rehabilitation to a lift station's specific needs.

This contract has streamlined our lift station rehabilitation process by reducing time and effort previously expended bidding specific lift station rehabilitations each year and allowed us to address numerous deficiencies in our system.

In January 2023 the District awarded the 3<sup>rd</sup> of 3 potential extensions to contract ITB # 18-005-LSGENCONSTR with Hinterland Group, Inc. for lift station rehabilitation general construction services. Staff have identified approximately \$600,000 of lift station rehabilitation work to be performed under this contract. There is currently an unspent balance of \$362,114.52 on the contract. Staff are requesting a re-authorization of an additional \$350,000 to continue use of this contract through January 2024.

Staff recommend the following motion:

**“THAT THE DISTRICT GOVERNING BOARD reauthorize the lift station rehabilitation general construction services contract with Hinterland Group, Inc. in the amount not to exceed \$ 850,000.00.”**

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

**Gordon M. Boggie**  
BOARD MEMBER

**Stephen B. Rockoff**  
BOARD MEMBER

**Clinton R. Yerkes**  
BOARD MEMBER



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# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

To: Governing Board  
From: Kara Fraraccio, Director of Finance and Administration  
Date: February 10, 2023  
Subject: Audit for Fiscal Years 2022 & 2021

The Final Annual Financial Report for the fiscal years ended September 30, 2022 and 2021 is provided for your review.

I am proud to tell you we received an unmodified or 'clean' audit opinion with no recommendations to improve financial management from the auditors. As you read the audit, I suggest you pay particular attention to the "Management's Discussion and Analysis" (pages 4-10). This section is prepared by the District and provides an overview of the financial activities of the District for the fiscal year ended September 30, 2022, with comparative information for the prior two years.

The following reports are prepared by the auditors and are required by either Auditing Standards or Florida Statutes. These reports describe what is required by the auditors and detail any findings and conclusions.

- Independent Auditor's Report (pages 1-3)
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on and Audit of Finance Statements Performed in Accordance with *Government Auditing Standards* (pages 52-53)
- Independent Auditor's Management Letter Required by Chapter 10.550, Rules of the State of Florida, Office of the Auditor General (page 54-56)
- Independent Accountant's Report on Compliance with Section 218.415, Florida Statutes (pages 57-58)

The audit firm will present the audit at our Board meeting this month. If no major concerns arise, a final report will be presented. If you have questions before the Board meeting, please feel free to call Mr. Terry Morton directly (561-659-3060) or you can contact me.

Therefore, I recommend the following motion:

**"THAT THE GOVERNING BOARD receive the Annual Financial Report for the fiscal years ended September 30, 2022 and 2021 as prepared and submitted by Nowlen, Holt & Miner, P.A.."**

Dr. Matt H. Rostock

Kevin L. Baker

Gordon M. Boggie

Stephen B. Rockoff

Clinton R. Yerkes

CHAIRMAN

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER



**Annual Comprehensive Financial Report**  
For the Fiscal Years Ended September 30, 2022 & 2021

**Loxahatchee River Environmental  
Control District**  
-Jupiter, Florida-

**LOXAHATCHEE RIVER  
ENVIRONMENTAL CONTROL DISTRICT  
JUPITER, FLORIDA**

**ANNUAL COMPREHENSIVE FINANCIAL REPORT**

**Fiscal Years Ended  
September 30, 2022 and 2021**

**Prepared by:  
Finance Department**

**Kara Fraraccio, CPA  
Director of Finance and Administration**

**LOXAHATCHEE RIVER  
ENVIRONMENTAL CONTROL DISTRICT  
ANNUAL COMPREHENSIVE FINANCIAL REPORT  
For the Fiscal Years Ended September 30, 2022 and 2021**

**TABLE OF CONTENTS**

	<b>Page</b>
<b>INTRODUCTORY SECTION</b>	
Letter of Transmittal	i - vi
Certificate of Achievement for Excellence in Financial Reporting	vii
Organization Chart	viii
List of Principal Officials	ix
<b>FINANCIAL SECTION</b>	
<b>Independent Auditor’s Report</b>	1 – 3
<b>Management’s Discussion and Analysis</b>	4 – 10
<b>Basic Financial Statements</b>	
Statements of Net Position	11 – 12
Statements of Revenues, Expenses, and Changes in Net Position	13
Statements of Cash Flows	14 – 15
Notes to Financial Statements	16 - 35
<b>STATISTICAL SECTION</b>	
Schedule of Net Position by Component	36
Schedule of Changes in Net Position	37
Schedule of Revenue by Source	38
Total Sewer Units by Category	39
Total Sewer Revenue by Category	40
Schedule of Sewer Rates	41
Wastewater Treated	42
Ratio of Outstanding Debt	43
Schedule of Pledged Revenue Coverage	44
Demographic and Economic Statistics	45
Principal Employers	46
Full-time Equivalent Employees by Function	47
Schedule of Wastewater Treatment Capacity	48
Capital and Infrastructure Statistics	49
<b>OTHER INFORMATION SECTION</b>	
Information Required by Section 218.39(3)(c), Florida Statutes	50
Budget Variance Report	51
<b>OTHER REPORTS</b>	
Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	52 - 53
Independent Auditor’s Management Letter Required by Chapter 10.550, Rules of the State of Florida, Office of the Auditor General	54 - 56
Independent Accountant’s Report on Compliance with Section 218.415, Florida Statutes	57 - 58

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**INTRODUCTORY SECTION**

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## LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

February 16, 2023

Chairman and Members of  
the District Governing Board  
Loxahatchee River Environmental Control District  
Jupiter, Florida

Florida Statutes require that government entities publish, within nine months of the close of each fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards accepted in the United States and government auditing standards by a firm of licensed certified public accountants. Pursuant to that requirement, we are pleased to submit this Annual Comprehensive Financial Report of the Loxahatchee River Environmental Control District (the District) for the fiscal years ended September 30, 2022 and 2021. District staff remains committed to reaching and maintaining the highest possible standards in financial reporting now and in the future.

This report was prepared by the District's Finance Department. Responsibility for data accuracy and completeness and fairness of the presentation, including all disclosures, rests with the District's management. We believe the data, as presented, are accurate in all material respects, that they are presented in a manner designed to fairly set forth the financial position and results of operations of the District, and that all disclosures necessary to enable readers to gain maximum understanding of the District's financial activity have been included.

Nowlen, Holt & Miner, P.A., independent auditors, have issued an unmodified opinion on the Loxahatchee River Environmental Control District's financial statements for the fiscal years ended September 30, 2022 and 2021. The independent auditor's report is presented as the first component of the financial section of this report.

Following the independent auditor's report, you will find the Management Discussion and Analysis (MD&A) where senior District staff provide a narrative introduction, overview, and analysis of the basic financial statements. The MD&A complements this letter and should be read in conjunction with it.

### District Profile

The Loxahatchee River Environmental Control District was created by Chapter 71-822, Special Acts of Florida, 1971, as amended, and codified in Chapter 2021-249, Laws of Florida, as a separate local agency of government to provide for the management of sewage, storm drainage, and water supply, and conduct environmental monitoring, education, and enhancements in an area of approximately 73 square miles in portions of northern Palm Beach and southern Martin Counties generally defined as the Loxahatchee River Basin. An elected five-member board governs the District.

Dr. Matt H. Rostock  
CHAIRMAN

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

Stephen B. Rockoff  
BOARD MEMBER

Clinton R. Yerkes  
BOARD MEMBER

The District is dedicated to protecting public health and preserving the Loxahatchee River watershed and its natural habitats through innovative wastewater solutions, research, and environmental stewardship.

The District's wastewater treatment facility provides the following services to approximately 31,500 residential customers and 1,500 commercial customers.

## ***Wastewater collection, treatment and disposal***

The District's wastewater system is made up of more than 1,578,720 feet or 299 miles of gravity sewer pipes, over 1,526 single family residential sewage pumping units, 233 regional or neighborhood sewage pumping stations, and 554,400 feet of major force mains. This network carries wastewater from homes and businesses to our regional wastewater treatment facility, which is located at 2500 Jupiter Park Drive, Jupiter, FL. The original treatment plant became operational in 1978. In 2007, a major upgrade to our wastewater treatment facility increased its capacity from 9 to 11 million gallons per day. Excess treated wastewater, i.e., during wet periods, is disposed of using our deep injection well, which effectively removes the water from our local hydrologic cycle. Excess microbial biomass generated in our wastewater treatment facility, also known as biosolids, is dewatered onsite and hauled in tractor trailers to the Biosolids Processing Facility (adjacent to the SWA landfill) where methane gas from the landfill is used to process the microbial biomass into energy and nutrient dense pellets and recycled as fertilizer.

## ***Irrigation Quality Water***

During normal and dry periods, 100% of the wastewater we treat is recycled to meet landscape irrigation needs. Our treated wastewater goes by many names: treated effluent, reclaimed water, reuse water, and, our favorite, Irrigation Quality (IQ) Water. In 1986 the District began recycling our treated wastewater to meet local landscape irrigation needs as a proactive effort to offset impacts to the National Wild and Scenic Loxahatchee River being caused by saltwater intrusion. Today, our Irrigation Quality Water meets the irrigation needs at 13 local golf courses and throughout Abacoa. The District distributes IQ Water to these customers through more than 184,800 feet or 35 miles of force mains (pipes) that measure up to 24-inches in diameter.

## ***Water Quality***

The District's Wildpine Laboratory is a state-certified laboratory that provides scientific staff, equipment, and professional analysis of daily wastewater treatment facility operations, as well as an extensive environmental monitoring program. Scientists conduct routine monitoring of water quality throughout the watershed on a monthly basis. Scientists also assess seagrass and oyster health within the Loxahatchee River because these species provide critical habitat to countless species and are a reliable indicator of ecosystem health.

## ***Environmental Education***

The District's River Center features live aquatic tanks, interactive exhibits, and a touch tank, all of which allow the public, especially children, to explore, experience, and connect with the diverse habitats and creatures found within the Loxahatchee River watershed. The River Center provides a fun educational opportunity for school children, adults, visitors, and long-time residents to learn about Florida's first National Wild and Scenic River and the efforts to preserve and protect it. The River Center offers a variety of programs such as Seine & Snorkel, Fishing Clinics, Youth Camps, Monthly Lecture Series, Kayak Trips, and Boating Safety Classes.



## **Financial Data**

The District's financial accounting system is based on the full accrual basis of accounting. All District activities are accounted for within a single proprietary (enterprise) fund.

In developing and evaluating the District's accounting system, consideration is given to the adequacy of internal accounting controls which are designed to provide reasonable, but not absolute, assurance regarding: (1) the safeguarding of assets against loss from unauthorized use or disposition; and (2) the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that the cost of an internal control system should not exceed the benefits likely to be derived, and that the evaluation of cost and benefits requires estimates and judgements by management. We are confident the District's internal accounting controls adequately safeguard assets and provide reasonable assurance of proper recording of financial transactions.

The District maintains a system of budgetary controls. The objective of these controls is to ensure compliance with legal provisions embodied in the annual, appropriated budget approved by the Board. The budget process begins in March with the rate study. The operating budget incorporates the goals and objectives identified during the rate study and the strategic plan. The Board begins reviewing proposed budget figures in June and approves final budget appropriations in September; any subsequent revisions that increase the total appropriations must be approved by the Board.

The District follows its adopted investment policy when handling public funds. The investment policy is in compliance with Florida Statutes, Section 218.415 and the intent of this policy is to 1) ensure the preservation of principal, 2) maintain sufficient cash flow to enable the District to meet its obligations, and 3) maximize the return on assets for acceptably low exposure to risk.

The District currently has no outstanding debt. The intent of the Governing Board is that the cost of providing goods or services to the general public is financed primarily through user charges. Operational and maintenance costs, including minor equipment purchases, are funded from customer fees and charges. The acquisition and construction of capital assets are funded by assessment charges, grants, contributions from customers and developers, and customer revenues.

## **Economic Outlook**

Systematic, effective treatment and disposal of wastewater (sewage) is critical to the maintenance of public health and environmental health. Wastewater treatment is a public necessity; thus, revenues derived from wastewater treatment typically remain stable regardless of transient economic conditions. During the fiscal year 2022, the District had an increase in residential equivalent connections (ECs) of 209 (0.3%). The District expects a continued increase in equivalent connections until build out has been reached, which is anticipated to be in the fiscal year 2024. Once the District has reached build out, the District anticipates redevelopment and rate increases will sustain our future revenue needs.

The District performs an annual rate study where rates are compared to planned spending over the course of a five-year period. During the fiscal year 2022, the District implemented a 2% rate increase for quarterly sewer service charges; 7% rate increase for connection charges, a 3% rate increase for retail IQ Water charges, and a 5% rate increase in Nano IQ Water charges. There was no rate increase for wholesale IQ Water charges.

The District remains financially sound through conservative budgeting and continuously monitoring costs compared to the budget. District staff makes a concerted effort to be frugal with

expenditures, which helps keep annual rate increases minimal. Nonetheless, the District understands the critical importance of renewal and replacement of existing assets, and each year we systematically assess our assets and invest in rehabilitation and/or renewal of degraded assets (e.g., gravity sewer pipe lining projects, rehabilitation of sewage pumping stations, cleaning and rehabilitation of aeration basins).

## **Major Initiatives**

The Strategic Plan sets the priorities and the direction of the District. In 2018, the Governing Board and senior management utilized a comprehensive strategic planning process to identify and prioritize key strategic objectives and improvement initiatives. The four strategic initiatives are Stakeholder Focus, Operational Excellence, Employee Learning and Growth, and Financial Stewardship. An update of the accomplishments and advancements of strategic initiatives is summarized below.

### **Stakeholder Focus**

The Stakeholder Focus initiative is to improve Customer and Stakeholder satisfaction.

- During the fiscal year 2022, the District began the implementation of a new customer information and billing system (CIS). The District has maintained the present CIS system for nearly 20 years. As the District has evolved, so have our needs and desires for centralized digital information to manage all aspects of our customers' information including billing, delinquency, commercial bill computations, sewer assessments, payment plans, etc. The new CIS system is anticipated to provide a feature-rich solution that will meet all of our service needs and desires. Along with a new CIS system, the District is in the process of switching our payment service provider and print and mail provider.
- Construction is underway to interconnect B-structure with IQ511 to bypass lakes in drought conditions. This project will minimize losses during regional droughts and assure that IQ water is available to fulfill contracted quantities for existing IQ customers and develop new supplies and opportunities where economically feasible. Construction is scheduled for completion in fiscal year 2023.

### **Operational Excellence**

The Operational Excellence initiative is to increase system reliability, optimize use of technology, improve analytical use of data, improve internal policies and procedures, improve workplace safety, and improve environmental stewardship.

Major initiatives for this strategy during fiscal year 2022 included:

- As part of the District's comprehensive rehabilitation initiative, the District started work on our gravity system lining program, where we use lining services which install a structural pipe liner within existing vitrified clay gravity mains and laterals. To date, this program has lined 89,599 linear feet out of 484,735 linear feet of vitrified clay gravity mains and 553 out of 3,704 vitrified clay laterals. We expect to continue this lining program over the next several years.
- The District is committed to serving as a steward of environmental, financial, and human health for its customers and the surrounding community. Recognizing that greenhouse gases (GHG) are a contributor to climate change, the District engaged in a Operational

Greenhouse Gas and Cost Assessment that looks at greenhouse gas emissions specific to our collection system, water reclamation facility, effluent storage and disposal, reuse system and biosolids process. This study provided process specific emissions and cost data as well as benchmarking to other utilities and will be used to make informed decisions moving forward on potential process and system improvements.

- The District continues to fund capital improvement projects to maintain and improve District facilities. The most notable FY 2022 capital project completed was the completion of the Olympus Drive Force Main Replacement. This project was completed and placed into service and replaces aging asbestos cement force main piping in our system with piping that meets our current construction standards, reducing the risk of failure when construction activities are nearby due to settlement and vibration.
- The District completed two neighborhood sewerage projects, converting an additional 26 homes from septic systems to our regional sanitary sewer system.
- The District continued to conduct Wastewater Surveillance to monitor trends of infection rates of SARS-CoV-2, the virus that causes COVID-19, within our sewer system area. These SARS-CoV-2 virus fragments are shed from individuals infected with the virus, including both symptomatic and asymptomatic infections. Because individuals shed huge amounts of SARS-CoV-2 early in their infection, even before symptoms, wastewater surveillance of SARS-CoV-2 virus fragments is a proven early indicator of COVID-19 infection rates in a community.

## **Employee Learning and Growth**

The Employee Learning and Growth initiative is to maintain employee morale and satisfaction, improve employee capabilities, and enhance internal communication.

During the fiscal year the District had over 150 assigned classroom trainings completed, with the most significant training being a six sigma green belt training for select team members to collaborate and improve processes on five team defined projects. This training spanned over the course of eight weeks, teaching the tools and methods that are essential to participate in the DMIAC (Define, Measure, Analyze, Improve and Control) improvement of projects. The green belt training was designed to give team members an understanding of not only the six sigma principles, but how to incorporate the approach in their daily workload.

Other notable training conducted during the year were: Internet and online security training, Fall Protection Awareness Training, Confined Space Entry Training, Utility Truck Crane Operator Use and Inspection Training; and Lock Out/Tag Out Training. Providing employees with the proper training gives them the knowledge to perform their duties confidently while ensuring the safety of employees and surrounding neighborhood and environment.

## **Financial Stewardship**

The Financial Stewardship initiative is to ensure prudent financial stewardship to achieve the expected level of return to stakeholders.

- The District had an unmodified or 'clean' audit report for the fiscal year 2022.
- The District's operating expenses came in \$1,046,574 (6.1%) below the anticipated budget.
- The District has continued to operate at full capacity without the need to issue any debt.

Finally, the Strategic Plan provides a strategic direction to the District and staff for the focus of our resources and efforts over the coming years. These accomplishments over the past year are primarily the result of the efforts of the District's dedicated professional staff, who routinely and consistently deliver superior service to our customers in an efficient and respectful manner.

## **Awards and Acknowledgements**

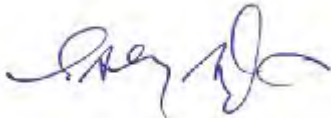
The Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the Loxahatchee River Environmental Control District for its comprehensive annual financial report for the fiscal year ended September 30, 2021. This was the fourth year the District has achieved this prestigious award. Requirements to receive a Certificate of Achievement include the government publishing an easily readable and efficiently organized comprehensive annual financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current annual comprehensive financial report continues to meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

The preparation of this annual comprehensive financial report was made possible by the dedicated service of the entire staff of the District. Each participant has our sincere appreciation for the contributions made in support of this report.

We would like to thank the Governing Board and customers of the Loxahatchee River Environmental Control District for their interest and support in enabling the District to achieve its goal of providing quality service in a cost effective and responsible manner.

Respectfully submitted,



D. Albrey Arrington, Ph.D.  
Executive Director



Kara Fraraccio, CPA  
Director of Finance  
and Administration



Government Finance Officers Association

Certificate of  
Achievement  
for Excellence  
in Financial  
Reporting

Presented to

**Loxahatchee River Environmental Control District  
Florida**

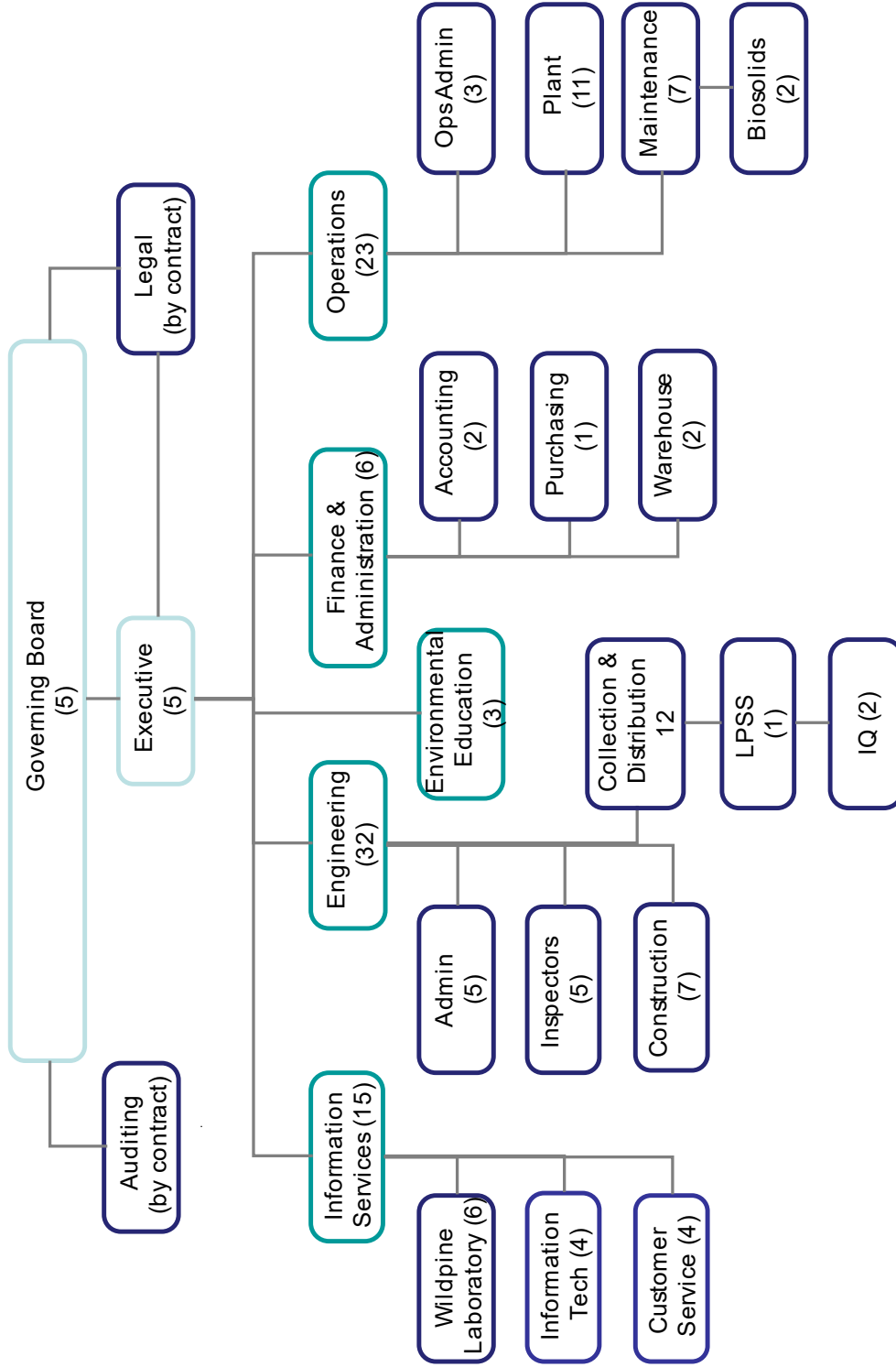
For its Annual Comprehensive  
Financial Report  
For the Fiscal Year Ended

September 30, 2021

*Christopher P. Morill*

Executive Director/CEO

# LRD Organizational Chart



**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
LIST OF PRINCIPAL OFFICIALS  
September 30, 2022**

**Governing Board Members**

James D. Snyder	Chairman
Dr. Matt H. Rostock	Vice-Chairman
Stephen B. Rockoff	Treasurer
Gordon Boggie	Secretary
Vacant	Assistant Secretary/Treasurer

**District Staff**

D. Albrey Arrington, Ph.D.	Executive Director
Kris Dean, PE	Deputy Executive Director/ Director of Engineering
Kara D. Fraraccio, CPA	Director of Finance and Administration
Kenneth Howard	Director of Information Services
Jason A. Pugsley, PE	Plant Manager

**Consultants**

Curtis Shenkman, P.A.	Legal Counsel
Nowlen, Holt & Miner, P.A.	Independent Auditors

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**FINANCIAL SECTION**

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NOWLEN, HOLT & MINER, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

WEST PALM BEACH OFFICE
NORTHBRIIDGE CENTRE
315 S. FLAGLER DRIVE, SUITE 1700
POST OFFICE BOX 547
WEST PALM BEACH, FLORIDA 33402-0547
TELEPHONE (561) 629-3000
FAX (561) 629-0628
WWW.NH&MCPA.COM

EVERETT B. NOWLEN (1939-1994), CPA
EDWARD T. HOLT, CPA
WILLIAM B. MINER, RETIRED
ROBERT W. HENDRIX, JR., CPA
JANET R. BARICEVICH, RETIRED, CPA
TERRY L. MORTON, JR., CPA
M. RONALD BENNETT, CPA, ABV, CFP, CPA
ALEXIA G. WARKIN, CFE, CPA
EDWARD T. HOLT, JR., PFS, CPA
BRIAN G. BRESICIA, CFP, CPA

MARK J. BYMASTER, CFE, CPA
RYAN M. SHORE, CFP, CPA
WEL PAUL, CPA
WILLIAM G. RUSKER, CPA
RICHARD E. DOTTIS, CPA

BELLE GLADE OFFICE
333 S.E. 2nd STREET
POST OFFICE BOX 538
BELLE GLADE, FLORIDA 33430-0338
TELEPHONE (561) 895-5612
FAX (561) 895-6248

INDEPENDENT AUDITOR'S REPORT

To the Governing Board
Loxahatchee River Environmental Control District
Jupiter, Florida

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the Loxahatchee River Environmental Control District, as of and for the years ended September 30, 2022 and 2021, and the related notes to the financial statements, which collectively comprise the Loxahatchee River Environmental Control District's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Loxahatchee River Environmental Control District, as of September 30, 2022 and 2021, and the respective changes in financial position and cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Loxahatchee River Environmental Control District and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Change in Accounting Principle

As described in Note 11 to the financial statements, the Loxahatchee River Environmental Control District implemented Governmental Accounting Standards Board (GASB) Statement No. 87, Leases, during the year ended September 30, 2022. Application of this new standard to October 1, 2020, the earliest year presented, was insignificant. Our opinion is not modified with respect to this matter.

## ***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Loxahatchee River Environmental Control District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

## ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Loxahatchee River Environmental Control District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Loxahatchee River Environmental Control District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 10 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Information***

Management is responsible for the other information included in the annual report. The other information comprises the introductory, statistical, and other information sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated February 9, 2023, on our consideration of the Loxahatchee River Environmental Control District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Loxahatchee River Environmental Control District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Loxahatchee River Environmental Control District's internal control over financial reporting and compliance.

West Palm Beach, Florida  
February 9, 2023

## MANAGEMENT'S DISCUSSION AND ANALYSIS

The Loxahatchee River Environmental Control District's (the District) Management's Discussion and Analysis presents highlights of the District's financial activities for the fiscal years ended September 30, 2022 and 2021. Please read it in conjunction with the letter of transmittal in the introductory section and the District's audited financial statements which follow.

### OVERVIEW OF THE FINANCIAL STATEMENTS

The District uses a single enterprise fund to provide wastewater services. The Annual Comprehensive Financial Report is presented in four sections: Introductory, Financial, Statistical, and Compliance. The Introductory section includes a Transmittal Letter, List of Principal Officials and Staff, and the District's Organization Chart. The Financial section includes the MD&A, audited basic financial statements and accompanying notes, as well as the report of the independent certified public accountant on the financial statements. The Statistical section includes unaudited financial and demographic information, and the Compliance section includes the supplemental auditors' reports.

The MD&A represents management's examination, analysis, and report on the District's financial condition and performance. The financial statements as well as other available operational and financial information and budget were used for this analysis. The MD&A should be used with the audited financial statements and the accompanying notes to those statements.

### FINANCIAL HIGHLIGHTS

- Operating revenues were \$20,052,329, an increase of 3.33% over the prior year.
- Capital contributions were \$2,878,217, an increase of 73.19% over the prior year.
- Operating Expenses, including depreciation and amortization, were \$23,095,413, an increase of 5.15% over the prior year.
- Net position increased by \$754,259 or 0.42%.
- Net investment in capital assets were \$121,680,199, a decrease of 0.38% over the prior year.

### REQUIRED FINANCIAL STATEMENTS

As an Enterprise Fund, the District's financial statements and accounting methods closely resemble those used by private sector companies. These statements offer short and long-term financial information about its activities. The required financial statements include Statement of Net Position; Statement of Revenues, Expenses and Changes in Net Position; Statement of Cash Flows; and Notes to Basic Financial Statements.

The Statement of Net Position includes all of the District's assets and liabilities. This statement provides information about the nature and amounts of investments in resources (assets) and the obligations to District creditors (liabilities). It also provides the basis for computing rate of return, evaluating the capital structure of the District and assessing the liquidity and financial flexibility of the District. Over time, increases or decreases are indicators of whether the financial position is improving or not.

All of the current year's revenues and expenses are accounted for in the Statement of Revenues, Expenses, and Changes in Net Position. This statement measures the success of the District's operations over the past year and can be used to determine whether the District has successfully recovered all its costs through its user fees and other charges, as well as being fiscally accountable and creditworthy. While the Statement of Net Position discussed previously shows a snapshot of balances as of a certain date, the Statement of Revenues, Expenses, and Changes in Net Position focuses on changes in the fiscal operating period.

The final required financial statement is the Statement of Cash Flows. The primary purpose of this statement is to provide information about the District’s cash receipts and cash payments during the reporting period. This statement reports cash receipts, cash payments, and net changes in cash resulting from operating, non-capital and capital financing, and investing activities and provides answers to such questions as where did cash come from, what was cash used for, and what was the change in the cash balance during the reporting period.

Finally, the accompanying Notes to the Financial Statements provide required disclosures and other information pertinent to understanding and explaining the financial statements. The notes contain information such as accounting policies, explanations, and descriptions of significant account balances, expended detail on summarized data in the financial statements, as well as required disclosures about the District.

## FINANCIAL ANALYSIS OF THE DISTRICT

Net position may serve over time as a useful indicator of a government’s financial position. The Statement of Net Position and the Statement of Revenues, Expenses and Changes in Net Position report information about the District’s activities in a way that will help determine the District’s financial position at September 30, 2022. The District’s net position is one way to measure the financial health or financial position of the District. Over time, increases and decreases in the District’s net position indicate whether the District’s financial health is improving or deteriorating. However, other factors such as changes in economic conditions, population growth, and new or changed governmental legislation also impact the fiscal condition.

### Net Position

We begin our analysis by providing a summary of the District’s statements of net position for the fiscal years ended September 30, 2022, 2021, and 2020. The analysis below shows the District net position (Table 1) and changes in net position (Table 2) during the year in a condensed format.

**Table 1**  
**Condensed Statements of Net Position**

	<b>2022</b>	<b>2021</b>	<b>%</b>	<b>2020</b>	<b>%</b>
Current and other assets	\$ 60,871,381	\$ 58,814,098	3.50	\$ 55,484,729	6.00
Capital assets, net	122,895,010	122,527,302	0.30	125,718,802	(2.54)
Total assets	<u>183,766,391</u>	<u>181,341,400</u>	1.34	<u>181,203,531</u>	0.08
Long-term debt	\$	\$		\$	
Other liabilities	5,367,032	3,696,300	45.20	3,641,358	1.51
Total liabilities	<u>5,367,032</u>	<u>3,696,300</u>	45.20	<u>3,641,358</u>	1.51
Net position:					
Net investment in capital assets	\$ 121,680,199	\$ 122,143,333	(0.38)	\$ 125,138,836	(2.39)
Restricted					
Unrestricted	56,719,160	55,501,767	2.19	52,423,337	5.87
Total net position	<u>178,399,359</u>	<u>177,645,100</u>	0.42	<u>177,562,173</u>	0.05

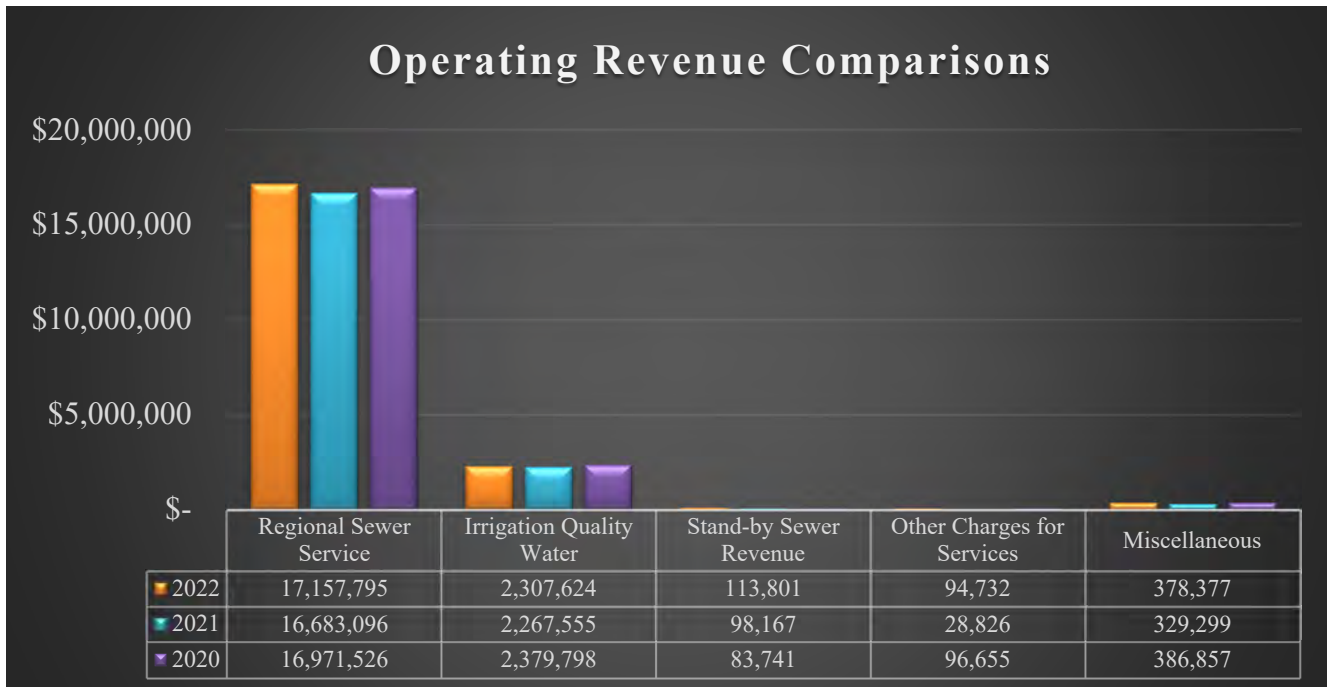
As illustrated in the table above, the District’s assets exceeded liabilities by \$178,399,359, \$177,645,100, and \$177,562,173, at September 30, 2022, 2021, and 2020, respectively. A broad array of factors contributed to this positive increase in net position: conscientious collection practices, careful attention to cost control, sizable capital contributions. The largest portion of the District’s net position (68.0%) reflects its investment in capital assets (land, right to use asset, treatment and disposal systems, collection and transmission systems, equipment and construction in progress). The District uses capital assets to provide services to citizens; accordingly, these assets are not available for future spending. Current and other assets include \$9.9 million in noncurrent special assessments receivable.

**Table 2**  
**Condensed Statements of Revenues, Expenses, and Changes in Net Position**

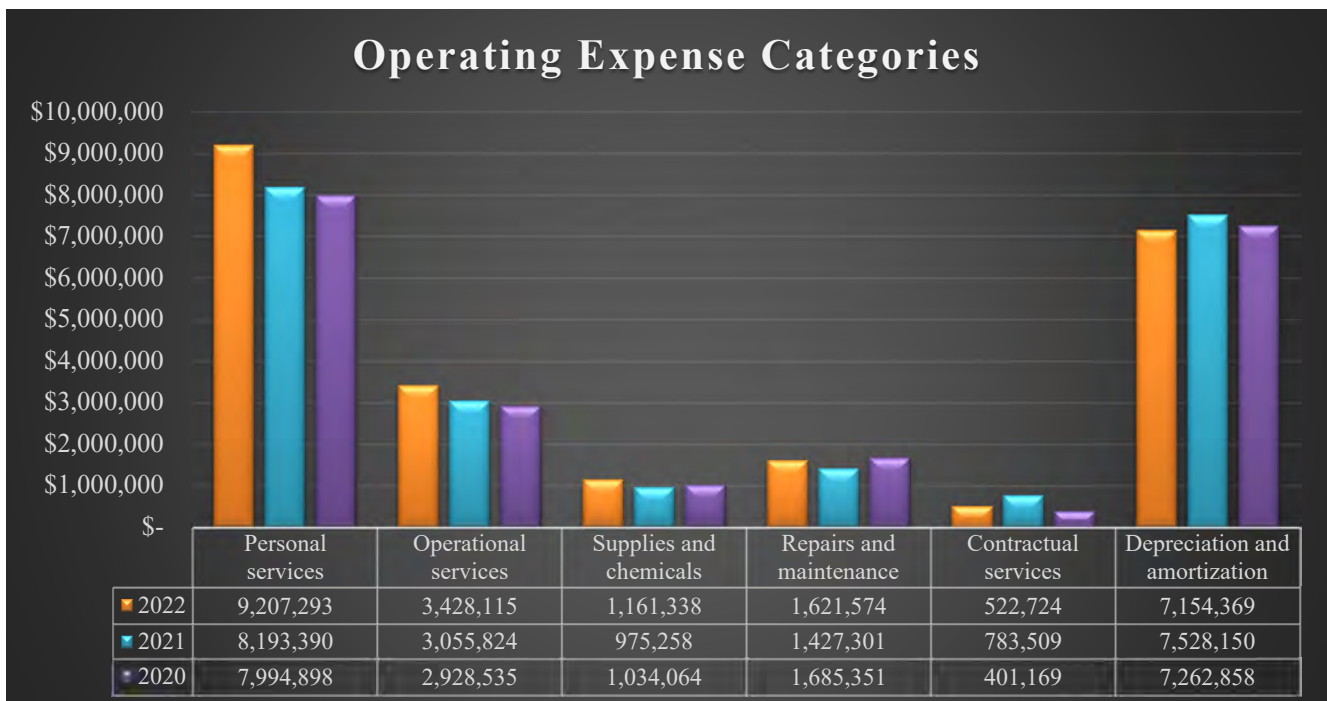
	2022	2021	%	2020	%
Operating revenues:					
Charges for services	\$ 19,673,952	\$ 19,077,644	3.13	\$ 19,531,720	(2.32)
Miscellaneous	378,377	329,299	14.90	386,857	(14.88)
Total operating revenues	20,052,329	19,406,943	3.33	19,918,577	(2.57)
Operating expenses:					
Personal services	9,207,293	8,193,390	12.37	7,994,898	2.48
Operational	3,428,115	3,055,824	12.18	2,928,535	4.35
Supplies and chemicals	1,161,338	975,258	19.08	1,034,064	(5.69)
Repairs and maintenance	1,621,574	1,427,301	13.61	1,685,351	(15.31)
Contractual services	522,724	783,509	(33.28)	401,169	95.31
Depreciation and amortization	7,154,369	7,528,150	(4.97)	7,262,858	3.65
Total operating expenses	23,095,413	21,963,432	5.15	21,306,875	3.08
Nonoperating revenues					
(expenses):					
Grant revenue	351,500	270,000	30.19	-	100.00
Interest income	754,712	722,220	4.50	969,565	(25.51)
Net increase (decrease) on fair value of investments	(152,397)	-	100.00	-	100.00
Net income (loss) on disposal of capital assets	(28,603)	(14,652)	95.22	63,860	122.94
Interest expense	(6,086)	-	100.00	-	-
Total nonoperating revenues (expenses)	919,126	977,568	(5.98)	1,033,425	(5.41)
Income (loss) before capital contributions	(2,123,958)	(1,578,921)	34.52	(354,873)	344.93
Capital contributions	2,878,217	1,661,848	73.19	6,961,105	(76.13)
Change in net position	754,259	82,927	809.55	6,606,232	(98.74)
Net position, beginning of year	177,645,100	177,562,173	0.05	170,955,941	3.86
Net position, end of year	\$ 178,399,359	\$ 177,645,100	0.42	\$ 177,562,173	0.05

While the statements of net position show the change in financial position of the District, the statements of revenues, expenses and changes in net position provide answers as to the nature and source of these changes.

Operating revenue increased by \$645,386 or 3.3% compared to fiscal year 2021 and increased \$133,752 or .67% comparing fiscal year 2022 to 2020. The chart below compares operating revenues by source for the fiscal years 2022, 2021, and 2020. The increase in Regional Sewer Service is largely due to a 2% rate increase effective April 1, 2022, and an increase in commercial business usage after a decline in 2021 due to COVID-19 closures. Commercial sewer sales are billed based on their average prior year usage; therefore, there is a lag between the COVID-19 effects and the reported revenues. Other charges include charges for late fees, interest, etc. During fiscal year 2020 and throughout fiscal year 2021, the District forgave all delinquency fees, charges, interest, and all lien processing fees. These charges were reinstated during fiscal year 2022, causing the level to increase back to a more normal amount. In fiscal year 2021, Irrigation Quality Water agreements were curtailed due to dry weather conditions. Curtailed agreements offset by a rate increase effective April 1, 2022, caused Irrigation Quality Water sales to increase from fiscal year 2021 and are comparable to fiscal year 2020.



Operating expenses increased from \$21,306,875 in fiscal year 2020 to \$21,963,432 in fiscal year 2021 and \$23,095,413 in fiscal year 2022. The chart below presents operating expenses for the comparative years ending September 30, 2022, 2021, and 2020. Of the increases driving fiscal year 2022 higher, inflation was the principal factor, but not the only factor. Personal Services have increased largely due to open positions being filled during fiscal year 2021 and maintained throughout fiscal year 2022 along with additional overtime to accommodate a COVID-19 work schedule. The increase in Contractual Services in fiscal year 2021 is primarily related to wastewater surveillance to test trends of SARS-CoV-2 within our sewer system area, where testing continued throughout fiscal year 2022 and the Nano Bubble Ozone Technology (NBOT) water quality project which started in fiscal year 2021 and concluded in 2022.



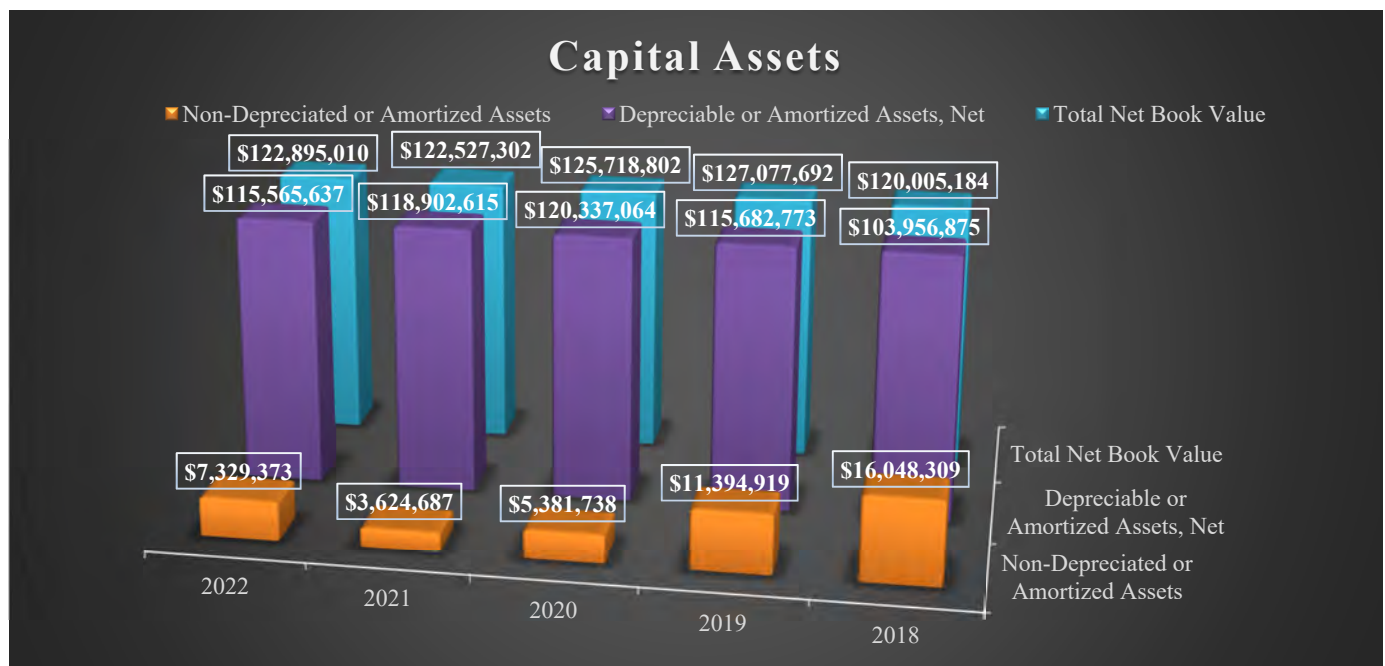
Non-operating revenues and expenses decreased slightly to \$919,126 in fiscal year 2022 from \$977,568 in fiscal year 2021 and \$1,033,425 in fiscal year 2020. Market conditions, investable surplus, and cash flow needs dictate the District's investment earnings. Changing interest rate market conditions between fiscal year 2020 and fiscal year 2022 resulted in a decrease in interest income. In March 2020, impacts related to COVID-19 and other economic conditions reduced investment yields notably. Interest rates remained low throughout fiscal year 2021, only starting to increase in late fiscal year 2022. The District received grant revenue of \$270,000 for a completed neighborhood sewerage project during fiscal year 2021 and grant revenue of \$350,000 to fund the Nano Bubble Ozone Technology (NBOT) water quality project during fiscal year 2022. During fiscal year 2022, the District invested in government backed bond funds. However, the impacts of COVID-19 weakened the bond market, sending rates on potential authorized investments to historical lows resulting in a decrease in the fair value of investments of \$152,397. A loss on disposal of capital assets results when capital items are replaced before they are fully depreciated, the amount of which will vary from year to year. District staff seeks to maximize cash recovery for disposed assets by public sale. By the end of fiscal year 2022, construction costs related to a rehab of an original force main was capitalized and the original asset, which was not fully depreciated, was written off resulting in a loss. Interest expense in fiscal year 2022 is a result of the District implementing GASB 87, Accounting for Leases.

Capital Contributions are composed of special assessments related to neighborhood sewerage, connection charges, and donated infrastructure. Consequently, capital contributions can fluctuate from one fiscal year to the next. In fiscal year 2020 activity was extraordinary due to the completion of a major neighborhood sewerage project. Assessment revenue fell back to a more typical level in fiscal year 2021 and 2022. Completed developer construction activity donated and accepted by the District caused the increase in capital contribution revenues in fiscal year 2022.

## CAPITAL ASSETS AND DEBT ADMINISTRATION

### Capital Assets

The District's investment in capital assets as of September 30, 2022, in the amount of \$122,895,010 (net of accumulated depreciation and amortization) has increased 0.30% over the prior year. This investment in capital assets includes land, right to use asset, treatment and reuse/disposal system, collection and transmission system, equipment, and construction in progress. There were \$7.3 million in capital additions, but the decrease of \$7.0 million due to normal scheduled depreciation, amortization and asset disposals left an increase in capital assets of approximately \$300,000.





Major capital asset events during the current year included the following:

- Construction work in progress as of the close of the fiscal year ended September 30, 2022, was \$6,474,939. Of this amount, notable projects include: \$2,387,500 for septic to sewer conversions; \$2,174,640 for lift station improvements; \$630,542 for IQ Pump Station improvements; and \$447,665 for Loxahatchee River Subaqueous Replacement Project.
- Construction of new treatment and disposal features and renewal of existing features completed and booked during fiscal year 2022 totaled \$146,695.
- Construction of new collection and transmission systems and renewal of existing features completed and recorded in fiscal year 2022 totaled \$3,115,370.
- Construction of IQ system improvements completed in fiscal year 2022 totaled \$98,348.

Also, presented in Note 4 to the financial statements are additional details of the District’s Capital Assets.

### Long-term Debt

The District has no long-term debt. Additional information on the District’s long-term liabilities can be found in Note 6 to the financial statements.

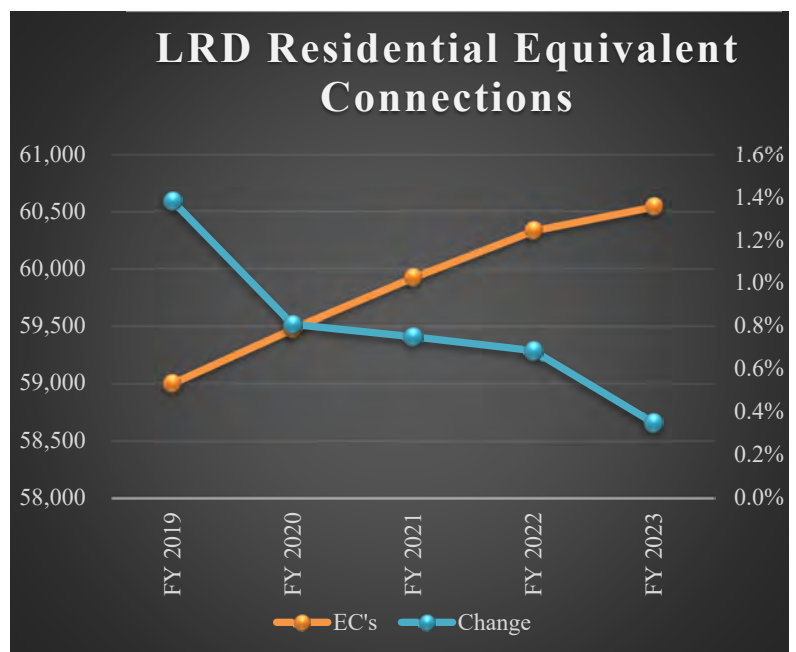
### ECONOMIC FACTORS AND RATES

The District operates in a stable economic environment evidenced by a steadily growing customer base along with some of the most affordable rates in South Florida. Numerous economic factors, such as increasing operating costs, the need for new or renewed facilities, the pace of growth, cost of financing, etc., are evaluated when determining the District’s budget and rates. Charges for services continue to be the District’s largest single source of revenue, as wastewater treatment is a public necessity. Revenue typically remains stable as long as the number of equivalent connections does not decline.

The following information summarizes the financial conditions anticipated over the next few years and the core assumptions that produced these conditions.

### Rates and System Growth

In March, 2022, the District approved the revised District Rule 31-10 which included an annual rate increase of 2.0% in 2022 and 2023 and 3.0% in 2024 through 2026 for Quarterly Services Charges, and an increase of 7.28% in 2022 for total connection charges (Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges) to be followed by annual increases using the Engineering News Records (ENR) Utility Cost Construction Index. These rate increases were implemented in an effort to provide funding for anticipated future expenses while balancing a desire to reduce the unrestricted cash balance. The figure on the right shows the change in residential equivalent connections over the last 5 years (based on October billing). Once the remaining developable land is consumed this growth rate is anticipated to fall to near zero.



Significant neighborhood sewerage projects have been ongoing for over 20 years, so we are starting to experience a decline in assessment revenues. However, low pressure sewers were completed on SE Hobart Street and 181<sup>st</sup> Street N during fiscal year 2022, for a total assessment of \$287,035. Other ongoing neighborhood sewerage projects include Rolling Hills and Olympus Drive. Excluding private roads, neighborhood sewerage east of I-95 will be completed in 2023.

## **System Renewal and Replacement**

Over the last few years, the District initiated several major construction projects that focus on renewal and replacement of its facilities and infrastructure. The District's capital improvements will continue to be funded primarily through existing cash reserves, grants, and rate revenue. No additional debt is expected to be issued. Approved capital improvements include:

- Fiscal year 2023 neighborhood sewerage projects include Rolling Hills, Olympus Drive, 5331 Center Street, Island Way, and 69<sup>th</sup> Terrace. The District will continue to pay 10% of associated neighborhood sewerage costs.
- Rehabilitation of Lift Station #82.
- Completion of Construction of Fall Protection at all existing District Lift Stations.
- Lift Station Cellular Telemetry.
- IQ511 Pump Station Piping Improvements.

## **CONTACTING THE DISTRICT'S FINANCIAL MANAGER**

This financial report is designed to provide our citizens, customers, investors, and creditors with a general overview of the District's finances and to demonstrate the District's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the District at 2500 Jupiter Park Drive, Jupiter, Florida 33458.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**Statements of Net Position**  
**September 30, 2022 and 2021**

	2022	2021
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents - unrestricted	\$ 23,672,396	\$ 29,742,612
Cash and cash equivalents - restricted	78,945	86,463
Investments	19,839,185	10,632,289
Receivables		
Accounts	465,495	541,128
Special assessments	1,155,632	1,125,686
Accrued interest	565,080	600,509
Due from other governments	476,614	352,258
Inventories	2,689,221	2,555,888
Prepaid expenses	369,893	360,629
Total current assets	49,312,461	45,997,462
<b>Noncurrent assets</b>		
Receivables		
Accounts	614,711	650,399
Accounts - allowance	(157,185)	(157,185)
Special assessments	9,897,400	10,943,585
Investment in joint venture	1,203,994	1,379,837
Capital assets		
Right to use lease assets (net of amortization)	108,639	
Non-depreciable	7,329,373	3,624,687
Depreciable (net of depreciation)	115,456,998	118,902,615
Total noncurrent assets	134,453,930	135,343,938
<b>Total assets</b>	<b>\$ 183,766,391</b>	<b>\$ 181,341,400</b>

Continued on the following page.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**Statements of Net Position (Continued)**  
**September 30, 2022 and 2021**

	2022	2021
<b>Liabilities</b>		
<b>Current liabilities</b>		
Accounts payable	\$ 627,716	\$ 471,957
Construction contracts payable	1,099,649	383,969
<b>Accrued liabilities</b>		
Wages and payroll taxes	289,882	230,552
Pension	43,007	33,054
Compensated absences	108,056	95,051
Unearned revenue	2,075,325	1,462,019
Lease liability	71,885	
<b>Total current liabilities (payable from current assets)</b>	4,315,520	2,676,602
<b>Payable from restricted assets</b>		
Customer deposits	78,945	86,463
<b>Total current liabilities (payable from restricted assets)</b>	78,945	86,463
<b>Total current liabilities</b>	4,394,465	2,763,065
<b>Noncurrent liabilities</b>		
Compensated absences	929,290	933,235
Lease liability	43,277	
<b>Total noncurrent liabilities</b>	972,567	933,235
<b>Total liabilities</b>	5,367,032	3,696,300
<b>Net Position</b>		
Net investment in capital assets	121,680,199	122,143,333
Unrestricted	56,719,160	55,501,767
<b>Total net position</b>	\$ 178,399,359	\$ 177,645,100

See notes to the financial statement.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**Statements of Revenues, Expenses and Changes in Net Position**  
**For the Fiscal Years Ended September 30, 2022 and 2021**

	2022	2021
Operating revenues		
Charges for services	\$ 19,673,952	\$ 19,077,644
Miscellaneous	378,377	329,299
Total operating revenues	20,052,329	19,406,943
Operating expenses		
Personal services	9,207,293	8,193,390
Operational	3,428,115	3,055,824
Supplies and chemicals	1,161,338	975,258
Repairs and maintenance	1,621,574	1,427,301
Contractual services	522,724	783,509
Depreciation and amortization	7,154,369	7,528,150
Total operating expenses	23,095,413	21,963,432
Operating (loss)	(3,043,084)	(2,556,489)
Nonoperating revenues (expenses)		
Grants	351,500	270,000
Interest income	754,712	722,220
Net increase (decrease) in fair value of investments	(152,397)	
Gain (loss) on disposal of capital assets	(28,603)	(14,652)
Interest expense	(6,086)	
Total nonoperating revenues (expenses)	919,126	977,568
Income before capital contributions	(2,123,958)	(1,578,921)
Capital contributions	2,878,217	1,661,848
Change in net position	754,259	82,927
Total net position, beginning of year	177,645,100	177,562,173
Total net position, end of year	\$ 178,399,359	\$ 177,645,100

See notes to the financial statement.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**Statements of Cash Flows**  
**For the Fiscal Years Ended September 30, 2022 and 2021**

	2022	2021
Cash flows from operating activities:		
Receipts from customers	\$ 19,777,755	\$ 19,697,612
Payments to employees	(9,128,950)	(8,081,443)
Payments for goods and services	(6,720,589)	(6,585,034)
Cash (payments) receipts	988,535	748,168
Net cash provided (used) by operating activities	4,916,751	5,779,303
Cash flows from non-capital financing activities:		
Grants	351,500	
Net cash provided (used) by non-capital financing activities	351,500	
Cash flows from capital and related financing activities:		
Contributed capital	1,118,258	804,293
Acquisition and construction of capital assets	(5,168,011)	(4,245,907)
Cash received from the sale of capital assets	50,069	34,763
Paymnet paid on leasing activities	(67,336)	
Interest paid on leasing activities	(6,086)	
Proceeds from collections of special assessments	1,296,273	2,033,610
Net cash provided (used) by capital and related financing activities	(2,776,833)	(1,373,241)
Cash flows from investing activities:		
Purchase of investments	(25,989,282)	(16,257,486)
Proceeds from sales of investments	16,629,989	9,292,146
Interest and dividends on investments	790,141	701,247
Net cash provided (used) by investing activities	(8,569,152)	(6,264,093)
Net increase (decrease) in cash and cash equivalents	(6,077,734)	(1,858,031)
Cash and cash equivalents at beginning of year	29,829,075	31,687,106
Cash and cash equivalents at end of year	\$ 23,751,341	\$ 29,829,075

Continued on the following page.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**Statements of Cash Flows (Continued)**  
**For the Fiscal Years Ended September 30, 2022 and 2021**

	2022	2021
Reconciliation of operating income (loss) to net cash provided (used) by operating activities:		
Operating loss	\$ (3,043,084)	\$ (2,556,489)
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:		
Depreciation and amortization	7,154,369	7,528,150
(Increase) decrease in assets:		
Accounts receivable	111,321	602,695
Due from other governments	(3,148)	58,346
Inventory	(133,333)	(96,625)
Prepaid expenses	(9,264)	(7,713)
Increase (decrease) in liabilities:		
Accounts payable and accrued liabilities	234,102	(126,857)
Developer deposits	(7,518)	17,273
Unearned revenue	613,306	360,523
Net cash provided by operating activities	\$ 4,916,751	\$ 5,779,303
 Noncash investing, capital and financing activities		
Contributions of lift stations, lines and equipment	\$ 1,358,717	\$ 171,202
Book value of assets disposed	78,672	54,419

See notes to the financial statements.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Loxahatchee River Environmental Control District (the District) was created by Chapter 71-822, Special Acts of Florida, 1971, as amended, and codified pursuant to Chapter 2021-249, Laws of Florida, as a separate local agency of government to provide for the management of sewage, storm drainage, and water supply, and conduct environmental monitoring, education, and enhancements in an area of approximately 73 square miles in portions of northern Palm Beach and southern Martin Counties generally defined as the Loxahatchee River Basin. An elected five-member board governs the District. The following is a summary of the more significant accounting principles and policies used in the preparation of these financial statements.

**Reporting Entity**

As required by generally accepted accounting principles, these financial statements present the government and its component units. Component units are legally separate entities for which the primary government is considered to be financially accountable and for which the nature and significance of their relationship with the primary government are such that exclusion would cause the District's financial statements to be misleading or incomplete. The primary government is considered financially accountable if it appoints a voting majority of an organization's governing body and imposes its will on that organization. The primary government may also be financially accountable if an organization is fiscally dependent on the primary government, regardless of the authority of the organization's governing board. Blended component units, although legally separate entities, are, in substance, part of the primary government's operations and are included as part of the primary government.

Based on the application of the criteria set forth by the Governmental Accounting Standards Board (GASB), the District has determined that there are no legally separate entities to consider as potential component units.

**Basis of Presentation and Accounting**

On October 1, 2002, the District adopted the provisions of Statement No. 34 ("Statement 34") of the Governmental Accounting Standards Board "*Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments.*" Statement 34 established standards for external financial reporting for all state and local governmental entities which includes a statement of net position, a statement of revenues, expenses, and changes in net position and a statement of cash flows. It requires the classification of net position into three components – net investment in capital assets, restricted and unrestricted. These classifications are defined as follows:



**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Basis of Presentation and Accounting* (Continued)

- Net investment in capital assets – This component of net position consists of capital assets, including restricted capital assets, net of accumulated depreciation/amortization and reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction or improvement of those assets. If there are significant unspent related debt proceeds at year-end, the portion of the debt attributable to the unspent proceeds are not included in the calculation of net investment in capital assets. Rather, that portion of the debt is included in the same net position component as the unspent proceeds.
- Restricted net position – This component of net position consists of constraints placed on net position use through external constraints imposed by creditors (such as through debt covenants), grantors, contributors or laws or regulations of other governments or constraints imposed by law through constitutional provisions or enabling legislation.
- Unrestricted net position – This component of net position consists of net position that does not meet the definition of “restricted” or “net investment in capital assets.”

The District’s financial statements are presented on the full accrual basis. All activities of the District are accounted for within a single proprietary (enterprise) fund. Proprietary funds are used to account for operations that are: (a) financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the cost (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund’s principal ongoing operations. The principal operating revenues of the District’s wastewater treatment enterprise fund are charges for the operation of the plant facilities. Operating expenses for the enterprise fund include the cost of the operation of the plant facilities, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

The accounting and financial reporting treatment applied to the District is determined by its measurement focus. The transactions of the District are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operations are included on the Statement of Net Position.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Budgetary Accounting*

The District's procedures for establishing budgetary data are as follows:

- The District's Executive Director submits a proposed operating budget to the governing board for the fiscal year commencing the following October 1.
- Public meetings and a public hearing are conducted to obtain comments.
- Formal budget integration is employed as a management control device during the year. The accounting principles applied for the purpose of developing data on a budgetary basis differ from those used to present financial statements in conformity with generally accepted accounting principles in that the District does not provide for depreciation expense in its budget.
- The Governing Board approves the budget appropriations. Any revisions that increase the total appropriations must be approved by the Governing Board.
- Unused appropriations for budgeted funds lapse at the end of the fiscal year.

*Reclassifications*

Certain accounts in the prior year information have been reclassified for comparative purposes to conform with the presentation in the current-year financial statements.

*Other Post Employment Benefits (OPEB)*

The District implemented Governmental Accounting Standards Board Statement 75 (GASB 75), *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* for the fiscal year ending September 30, 2018. The District has determined that they do not provide any benefits that qualify as other postemployment benefits under GASB 75.

*Estimates*

The financial statements and related disclosures are prepared in conformity with accounting principles generally accepted in the United States. Management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and revenue and expenses during the period reported. These estimates include assessing the collectability of accounts receivable, the use and recoverability of inventory, and useful lives and impairment of tangible assets. Accordingly, actual results could differ from those estimates.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Cash and Cash Equivalents*

The District's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

*Investments*

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value is a market-based measurement, not an entity-specific measurement. For some assets and liabilities, observable market transactions or market information might be available; for others, it might not be available. However, the objective of fair value measurement in both cases is the same, that is, to determine the price at which an orderly transaction to sell the asset or to transfer the liability would take place between market participants at the measurement date under current market conditions. Fair value is an exit price at the measurement date from the perspective of a market participant that controls the asset or is obligated for the liability. The District categorizes investments reported at fair value in accordance with the fair value hierarchy established by GASB Statement No. 72, *Fair Value Measurement and Application*. Investments are stated at fair value except for non-negotiable certificates of deposit which are stated at cost and Florida Prime of the Local Government Surplus Funds Trust, which is stated at amortized cost. Investments should also be considered the fair value of the investment. The investments held by the District consist of non-negotiable certificates of deposit with original maturities ranging from three months to two years, mutual funds, and Florida Prime. Florida Prime is reported as cash and cash equivalents.

*Inventory and Prepaid Items*

Inventories are valued at cost (as determined by the first-in/first-out method).

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepayments on the statement of net position.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Capital Assets*

Property, plant and equipment in service and construction in progress are recorded at cost, if purchased or constructed. Assets acquired through contributions from developers or other customers are capitalized at acquisition value. All assets greater than \$5,000 are capitalized. Expenditures for maintenance and repairs are expensed as incurred, while expenditures for renewals and improvements are capitalized. Construction costs of new collection and transmission facilities that are reimbursed by users or financed by developers and property owners are capitalized and recorded as revenues.

Depreciation has been provided over the useful lives using the straight-line method. The estimated useful lives are as follows:

Lakes and retention ponds	50-100 years
Buildings	10-40 years
Improvements other than buildings	20-60 years
Equipment	3-10 years

*Accumulated Compensated Absences*

It is the District's policy to permit employees to accumulate a limited amount of earned but unused vacation and sick leave, which will be paid upon separation from the District's service. The District uses the vesting method in accruing vacation and sick leave as the benefits are earned by the employee if it is probable that the employee will be compensated for the benefits through payments conditioned on termination or retirement.

*Restricted Assets*

As of September 30, 2022 and 2021, the District has \$78,945 and \$86,463, respectively of cash and investments restricted for customer deposits. When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed.

*Special Assessments*

The District levies special assessments against benefited property owners for design, construction and other expenses necessary to complete wastewater and sewerage system improvements constructed in their assessment area. The property owners have an option to pay the assessment in full at the time of connection or have installment payments added to their real estate taxes over a period of 20 years with a rate of Wall Street Journal Prime Rate plus 2% at the time assessed.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Leases*

Lease contracts that provide the District with control of a non-financial asset, such as land, buildings, or equipment, for a period of time in excess of twelve months are reported as an intangible right to use lease asset with a related lease liability. The lease liability is recorded at the present value of future lease payments, including fixed payments, variable payments based on an index or fixed rate and reasonably certain residual guarantees. The intangible right to use leased asset is recorded for the same amount as the related lease liability plus any prepayments and initial direct costs to place the asset in service. Leased assets are amortized over the shorter of the useful life of the asset or the lease term. The lease liability is reduced for lease payments made, less the interest portion of the lease payment.

Lease contracts that provide an external entity with control of a District's non-financial asset, such as land, buildings, or equipment, for a period of time in excess of twelve months are reported as a leased receivable with a related lease deferred inflow of resources. The lease receivable is recorded at the present value of future lease payments expected to be received during the lease term, reduced by any provision for estimated uncollectible amounts. The lease deferred inflow of resources is recorded for the same amount as the related lease receivable less any lease incentives. Leased deferred inflow of resources are amortized over the lease term. The lease receivable is reduced for lease payments made, less the interest portion of the lease payment.

*Unearned Revenues*

Unearned revenues primarily represent capital connection and inspection fees and service payments that are paid in advance by customers. These fees will be recognized as income in subsequent years as the services are performed.

*Capital Contributions*

Capital contributions are recognized in the statement of revenues, expenses, and changes in net position when earned and include capital grants or contributions from developers, customers, or other governmental agencies.

*Allowance for Doubtful Accounts*

The District's enabling legislation gives the District the authority to place liens on properties in the event that fees or charges are not paid when due. An allowance for uncollectible accounts is maintained at a level the District believes is sufficient to cover potential losses. A portion of the accounts receivable is classified as a noncurrent asset. These represent accounts that currently have liens or are anticipated to have liens placed on them in the future.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Implementation of Governmental Accounting Standards Board Statements*

The District implemented the following Governmental Accounting Standards Board (GASB) Statements during the fiscal year ended September 30, 2022:

- GASB Statement No. 87, *Leases*. This Statement will increase the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting that is based on the foundational principle that leases are financings of the right to use an underlying asset.
- GASB Statement No. 89, *Accounting for Interest Cost Incurred Before the End of a Construction Period*. This Statement requires that interest cost incurred before the end of a construction period be recognized as an expense in the period in which the cost is incurred. As a result, interest cost incurred before the end of a construction period will not be included in the historical cost of a capital asset.
- GASB Statement No. 92, *Omnibus 2020*. This Statement will enhance comparability in accounting and financial reporting and improve the consistency of authoritative literature by addressing practice issues that have been identified during the implementation and application of certain GASB Statements. This Statement addresses a variety of topics. The requirements of this Statement related to the effective date of Statement No. 87 and Implementation Guide 2019-3, reinsurance recoveries, and terminology used to refer to derivative instruments are effective upon issuance.
- GASB Statement No. 93, *Replacement of Interbank Offered Rates*. This Statement will enhance comparability in the application of accounting and financial reporting requirements and will improve the consistency of authoritative literature by addressing the accounting and financial reporting implications that result from the replacement of an Interbank Offered Rate (IBOR) for agreements in which variable payments made or received depend on an IBOR.
- GASB Statement No. 97, *Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans—an amendment of GASB Statements No. 14 and No. 84, and a supersession of GASB Statement No. 32*. The requirements of this Statement will result in more consistent financial reporting of defined contribution pension plans, defined contribution OPEB plans, and other employee benefit plans, while mitigating the costs associated with reporting those plans.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Recent Accounting Pronouncements*

The Governmental Accounting Standards Board has also issued new Statements effective in future years. Management has not completed its analysis of the effects, if any, of these GASB statements on the financial statements of the District:

- GASB Statement No. 91, *Conduit Debt Obligation*. This Statement will provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with commitments extended by issuers, arrangements associated with conduit debt obligations, and related note disclosures. This Statement is effective for the fiscal year ending September 30, 2023.
- GASB Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*. This Statement will improve financial reporting by establishing the definitions of public-private and public-public partnership arrangements (PPPs) and availability payment arrangements (APAs) and providing uniform guidance on accounting and financial reporting for transactions that meet those definitions. This Statement is effective for the fiscal year ending September 30, 2023.
- GASB Statement No. 96, *Subscription-Based Information Technology Arrangements*. This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). This Statement is effective for the fiscal year ending September 30, 2023.
- GASB Statement No. 99, *Omnibus 2022*. The requirements of this Statement will enhance comparability in the application of accounting and financial reporting requirements and will improve the consistency of authoritative literature. Consistent authoritative literature enables governments and other stakeholders to more easily locate and apply the correct accounting and financial reporting provisions, which improves the consistency with which such provisions are applied. The comparability of financial statements also will improve as a result of this Statement. Better consistency and comparability improve the usefulness of information for users of state and local government financial statements. The requirements related to leases, public-private and public-public partnerships, and subscription-based information technology arrangements are effective for the fiscal year ending September 30, 2023. The requirements related to financial guarantees and the classification and reporting of derivative instruments within the scope of Statement 53 are effective for the fiscal year ending September 30, 2024.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

*Recent Accounting Pronouncements* (Continued)

- GASB Statement No. 100, *Accounting Changes and Error Corrections*. The requirements of this Statement will improve the clarity of the accounting and financial reporting requirements for accounting changes and error corrections, which will result in greater consistency in application in practice. In turn, more understandable, reliable, relevant, consistent, and comparable information will be provided to financial statement users for making decisions or assessing accountability. In addition, the display and note disclosure requirements will result in more consistent, decision useful, understandable, and comprehensive information for users about accounting changes and error corrections. This Statement is effective for the fiscal year ending September 30, 2024.
- GASB Statement No. 101, *Compensated Absences*. The unified recognition and measurement model in this Statement will result in a liability for compensated absences that more appropriately reflects when a government incurs an obligation. In addition, the model can be applied consistently to any type of compensated absence and will eliminate potential comparability issues between governments that offer different types of leave. The model also will result in a more robust estimate of the amount of compensated absences that a government will pay or settle, which will enhance the relevance and reliability of information about the liability for compensated absences. This Statement is effective for the fiscal year ending September 30, 2025.

**NOTE 2 – DEPOSITS AND INVESTMENTS**

*Deposits*

In addition to insurance provided by the Federal Depository Insurance Corporation, all deposits are held in banking institutions approved by the Treasurer of the State of Florida. Under Florida Statutes, Chapter 280, *Florida Security for Public Deposits Act*, the State Treasurer requires all Florida qualified public depositories to deposit with the Treasurer or other banking institution eligible collateral. In the event of the failure of a qualified public depository, the remaining public depositories would be responsible for covering any resulting losses. The District's deposits are considered insured for custodial credit risk purposes.

At September 30, 2022 and 2021, the carrying amount of the District's deposits were \$38,203,413 and \$40,450,439, respectively, and the related bank balance was \$38,474,177 and \$39,814,112, respectively. As of September 30, 2022 and 2021, the District also had cash on hand of \$10,925 and \$10,925, respectively. At September 30, 2022 and 2021, deposits included non-negotiable certificates of deposit with financial institutions with original maturities greater than three months in the amount of \$16,476,221 and \$10,632,289, respectively. The non-negotiable certificates of deposit are reported as investments.



**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 2 – DEPOSITS AND INVESTMENTS** (Continued)

*Investments*

The investment of surplus public funds is governed by an investment policy approved by the Board. The policy limits investments to the following securities:

- A. The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in Florida Statutes s. 163.01.
- B. Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.
- C. Interest-bearing time deposits, savings accounts, or money market accounts in qualified public depositories as defined in Florida Statutes s. 280.02.
- D. Direct obligations of the United States Treasury.
- E. Federal agencies and instrumentalities.
- F. Securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.
- G. Repurchase agreements collateralized by obligations of the United States Government.
- H. Authorized Deposits up to the amount guaranteed by the U.S. Government under Federal Deposit Insurance Corporation (FDIC) limits where:
  - 1. Funds are initially deposited in a qualified public depository, as defined in Florida Statutes, 280.02 selected by the District;
  - 2. The selected depository arranges for depositing the funds in financial deposit instruments insured by the FDIC in one or more federally insured banks or savings and loan associations, wherever located, for the account of the unit of local government;
  - 3. The full amount of the principal and accrued interest of each financial deposit instrument is insured by the FDIC; and
  - 4. The selected depository acts as custodian for the unit of local government with respect to each financial deposit instrument issued for its account.
- I. Other investments authorized by law or by resolution of the Governing Board.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 2 – DEPOSITS AND INVESTMENTS** (Continued)

*Investments* (Continued)

GASB Statement No. 72, Fair Value Measurement and Application, requires governments to disclose the fair value hierarchy for each type of asset or liability measured at fair value in the notes to the financial statements. The standard also requires governments to disclose a description of the valuation techniques used in the fair value measurement and any significant changes in valuation techniques. GASB 72 establishes a three-tier fair value hierarchy. The hierarchy is based on valuation inputs used to measure the fair value as follows:

- Level 1: Inputs are directly observable, quoted prices in active markets for identical assets or liabilities.
- Level 2: Inputs are other than quoted prices included within Level 1 that are for the asset or liability, either directly or indirectly. These inputs are derived from or corroborated by observable market data through correlation or by other means.
- Level 3: Inputs are unobservable inputs used only when relevant Level 1 and Level 2 inputs are unavailable.

The level to which an asset is assigned is not indicative of its quality but an indication of the source of valuation inputs.

The Florida PRIME investment pool and the non-negotiable certificate of deposit are exempt from reporting under the fair value hierarchy. The fair value of the Florida PRIME is measured at amortized cost in accordance with GASB Statement No. 79. Fair value of the certificates of deposit is measured at cost.

The Florida Prime fund consists of equity in an external investment pool administered by the State of Florida which meets the requirements with GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. GASB Statement No. 79 allows reporting the investments at amortized cost. As of September 30, 2022 and 2021, there were no redemption fees or maximum transaction amounts, or any other requirements that serve to limit a participant's daily access to 100 percent of their account value. However, the Trustees of the funds can suspend the right of withdrawal or postpone the date of payment if the Trustees determine that there is an emergency that makes the sale of a Portfolio's securities or determination of its net asset value not reasonably practical.

## LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT NOTES TO FINANCIAL STATEMENTS SEPTEMBER 30, 2022 AND 2021

### **NOTE 2 – DEPOSITS AND INVESTMENTS** (Continued)

#### *Investments* (Continued)

As of September 30, 2022, the District held the following investments:

<u>Investments by Level</u>	Weighted Average Maturity	Fair Value	Fair Value Measurement	
			Level 1	Level 2
U.S Government and Agency	67 days	\$ 1,731,805	\$	\$ 1,731,805
Fixed Income Mutual Funds	N/A	1,631,159	1,631,159	
		3,362,964	<u>\$ 1,631,159</u>	<u>\$ 1,731,805</u>
 <u>Investments Reported at Cost</u>				
Non-Negotiable Certificates of Deposit	223 days	16,476,221		
 <u>Investments Reported at Amortized Cost</u>				
Cash equivalent:				
Florida Prime	21 days	2,013,224		
Total Investments		<u>\$ 21,852,409</u>		

As of September 30, 2021, the District held the following investments:

<u>Investments Reported at Cost</u>	Weighted Average Maturity	Fair Value
Non-Negotiable Certificates of Deposit	214 days	<u>\$ 10,632,289</u>

#### *Interest Rate Risk*

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The District limits its exposure to fair value losses resulting from rising interest rates by structuring the investment portfolio to remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated and structuring the portfolio so that securities mature concurrent with cash needs. The District's investment policy does not specifically limit the maturity of investments.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 2 – DEPOSITS AND INVESTMENTS** (Continued)

*Investments* (Continued)

*Credit Risk*

Credit risk is the risk that an issuer will not fulfill its obligations. The District’s investment policy addresses credit risk by limiting allowable investments in U.S. Agencies and Instrumentalities, Local Government Surplus Funds Trust Fund, Local Government Investment Pools, Authorized Deposits, Repurchase Agreements, and High-Quality Investments. The security rating by a Nationally Recognized Statistical Rating Organization (NRSRO) is also an indication of credit risk. The table below outlines the District’s credit ratings for investments with certain investments not specifically rate by both S&P and Moody’s.

As of September 30, 2022, the District held the following investments:

<u>Investments</u>	<u>S&amp;P Rating</u>	<u>Moody's Rating</u>	<u>Fair Value</u>
U.S Government and Agency	AA+	AAAa	\$ 1,731,805
Fixed Income Mutual Funds	NR	NR	1,631,159
Non-Negotiable Certificates of Deposit	NR	NR	16,476,221
Cash equivalent:			
Florida Prime	AAAm	NR	<u>2,013,224</u>
Total Investments			<u><u>\$21,852,409</u></u>

As of September 30, 2021, the District held the following investments:

<u>Investments</u>	<u>S&amp;P Rating</u>	<u>Fair Value</u>
Non-Negotiable Certificates of Deposit	NR	<u><u>\$ 10,632,289</u></u>

*Custodial Credit Risk*

Custodial credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The District’s investment policy limits its investments to high quality investments to control custodial credit risk.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 3 – INVESTMENT IN JOINT VENTURE**

*Biosolids Processing and Recycling Facility*

On June 7, 2005, the District entered into an interlocal agreement (Agreement) with the Solid Waste Authority (SWA) to fund a portion of the cost to design, build, and operate a Biosolids Processing and Recycling Facility (BPF). There have been three amendments to the original agreement. The first amendment dated June 15, 2006 adjusted the original capital costs of the BPF, and the second amendment dated June 21, 2012 set forth the total net capital costs for the BPF. On July 18, 2013, the District sold 1.54% of its share of the original capacity to another government agency, thereby reducing the District's share of the total capacity to 8.96%. Proceeds from the sale were \$448,282, which reduced the District's original capital cost to \$3,311,772. Additional capital costs were incurred in the fiscal year ended September 30, 2014 in the amount of \$68,944; in the fiscal year ended September 30, 2018 in the amount of \$84,224; and in the fiscal year ended September 30, 2021 in the amount of \$5,232, increasing its portion of the capital cost to \$3,470,172.

The BPF processes certain wastewater treatment residuals (biosolids) which is necessary to comply with increasingly stringent environmental regulations that have significantly decreased the number of land application sites available. Prior to August 2009, bulk land application was the primary method of disposing of the biosolids.

The Agreement is for a period of 20 years beginning with the August 1, 2009 operations commencement. Upon the conclusion of the term of the agreement, the BPF will remain the property of SWA with each participating entity owning its share of the BPF, in perpetuity, for the life of the plant. Under accounting principles generally accepted in the United States of America, the District is required to account for this arrangement as a joint venture. Therefore, an asset is reported on the District's financial statements under the caption "Investment in joint venture." Since the BPF agreement does not state that the participants are to share in the profits and losses of the joint venture, the investment in joint venture account will not be adjusted to reflect the joint venture's results of operations. Rather the investment in joint venture will be amortized using the straight-line method over the 20-year life of the agreement. The District's total operating costs were \$751,215, and \$667,917 for the years ended September 30, 2022 and 2021. The District's pro rata share of the construction costs is shown as an asset – investment in joint venture – on the statements of net position.

The SWA is responsible for the design, construction, operation, and maintenance of the BPF. On April 12, 2005, the SWA approved a contract with a private company, NEFCO, to design/build/operate the BPF. The District, along with the other participating entities, are in turn responsible for delivering wastewater biosolids to the BPF and for paying their pro rata share of the capital and net operating costs. This provision helps to ensure that the BPF venture does not accumulate assets that may result in a financial benefit to the District or cause the District to experience fiscal stress from the BPF.

## LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT NOTES TO FINANCIAL STATEMENTS SEPTEMBER 30, 2022 AND 2021

### **NOTE 3 – INVESTMENT IN JOINT VENTURE** (Continued)

No separate financial statements are prepared for the BPF, which is reported as part of the SWA operations. Financial statements for the SWA may be obtained at the following address: Solid Waste Authority, 7501 North Jog Road, West Palm Beach, Florida 33412.

### **NOTE 4 – CAPITAL ASSETS**

A summary of the District’s property, plant, and equipment at September 30, 2022 and 2021 is as follows:

	<b>September 30, 2022</b>			Ending Balance
	Beginning Balance	Increases	Decreases	
Capital assets not being depreciated and amortized				
Land and land rights	\$ 854,434	\$	\$	\$ 854,434
Construction in progress	2,770,253	5,300,421	(1,595,735)	6,474,939
Total capital assets not being depreciated and amortized	<u>3,624,687</u>	<u>5,300,421</u>	<u>(1,595,735)</u>	<u>7,329,373</u>
Capital assets being depreciated and amortized				
Treatment and disposal system				
Plant	70,439,005	146,695	(114,432)	70,471,268
Lakes	1,211,079			1,211,079
Lines	119,554,170	2,480,294	(197,602)	121,836,862
Lift stations	31,243,972	733,425	(85,309)	31,892,088
Equipment	10,581,960	201,515	(394,259)	10,389,216
Leased assets - equipment		245,868		245,868
Total capital assets being depreciated and amortized	<u>233,030,186</u>	<u>3,807,797</u>	<u>(791,602)</u>	<u>236,046,381</u>
Less accumulated depreciation and amortization				
Treatment and disposal system				
Plant	(39,221,035)	(2,244,222)	90,283	(41,374,974)
Lakes	(527,261)	(12,121)		(539,382)
Lines	(47,041,969)	(3,146,995)	137,324	(50,051,640)
Lift stations	(19,804,641)	(1,075,280)	72,102	(20,807,819)
Equipment	(7,532,665)	(431,294)	394,259	(7,569,700)
Leased assets - equipment		(137,229)		(137,229)
Total accumulated depreciation and amortization	<u>(114,127,571)</u>	<u>(7,047,141)</u>	<u>693,968</u>	<u>(120,480,744)</u>
Total capital assets being depreciated and amortized, net	<u>118,902,615</u>	<u>(3,239,344)</u>	<u>(97,634)</u>	<u>115,565,637</u>
Capital assets, net	<u>\$ 122,527,302</u>	<u>\$ 2,061,077</u>	<u>\$ (1,693,369)</u>	<u>\$ 122,895,010</u>

## LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT NOTES TO FINANCIAL STATEMENTS SEPTEMBER 30, 2022 AND 2021

### NOTE 4 – CAPITAL ASSETS (Continued)

	September 30, 2021			Ending Balance
	Beginning Balance	Increases	Decreases	
Capital assets not being depreciated				
Land and land rights	\$ 854,434	\$	\$	\$ 854,434
Construction in progress	4,527,304	2,818,999	(4,576,050)	2,770,253
Total capital assets not being depreciated	5,381,738	2,818,999	(4,576,050)	3,624,687
Capital assets being depreciated				
Treatment and disposal system				
Plant	69,955,333	625,555	(141,883)	70,439,005
Lakes	1,211,079			1,211,079
Lines	115,655,808	3,937,701	(39,339)	119,554,170
Lift stations	30,681,089	630,970	(68,087)	31,243,972
Equipment	9,981,099	778,707	(177,846)	10,581,960
Total capital assets being depreciated	227,484,408	5,972,933	(427,155)	233,030,186
Less accumulated depreciation				
Treatment and disposal system				
Plant	(36,564,731)	(2,771,762)	115,458	(39,221,035)
Lakes	(515,140)	(12,121)		(527,261)
Lines	(44,014,856)	(3,050,148)	23,035	(47,041,969)
Lift stations	(18,772,933)	(1,088,103)	56,395	(19,804,641)
Equipment	(7,279,684)	(430,827)	177,846	(7,532,665)
Total accumulated depreciation	(107,147,344)	(7,352,961)	372,734	(114,127,571)
Total capital assets being depreciated, net	120,337,064	(1,380,028)	(54,421)	118,902,615
Capital assets, net	\$ 125,718,802	\$ 1,438,971	\$ (4,630,471)	\$ 122,527,302

Depreciation expense was \$6,909,912 and \$7,352,961 for the years ended September 30, 2022 and 2021, respectively.

Restatement for the implementation of GASB 87 as of October 1, 2020 and October 1, 2021 were deemed insignificant. The changes in intangible right to use assets (Leased assets – equipment) in the summary on page 30 reflect the increases or additions presented for the implementation of GASB 87 in fiscal year ending September 30, 2022. The actual amortization expense related to the fiscal year ending September 30, 2022 was \$68,614. See Note 11.

## LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT NOTES TO FINANCIAL STATEMENTS SEPTEMBER 30, 2022 AND 2021

### NOTE 5 – CONTRACTS PAYABLE

Construction contracts of the District at September 30, 2022 and 2021 are as follows:

	<b>September 30, 2022</b>			
	Total Project Authorization	Total Expended	Contracts Payable	Balance to Complete
Lift Station Rehabilitations	\$ 167,001	\$ 133,433	\$ 4,094	\$ 29,474
Septic to Sewer Conversions	2,720,790	1,241,010	769,735	710,045
Sewering Line Lining	1,150,000	280,458	118,494	751,048
Other Construction Contracts	2,000,192	1,251,904	207,326	540,962
<b>Total:</b>	<b>\$ 6,037,983</b>	<b>\$ 2,906,805</b>	<b>\$ 1,099,649</b>	<b>\$ 2,031,529</b>

	<b>September 30, 2021</b>			
	Total Project Authorization	Total Expended	Contracts Payable	Balance to Complete
Sewering Line Lining	\$ 1,363,388	\$ 1,062,833	\$	\$ 300,555
Other Construction Contracts	3,537,890	1,544,184	383,969	1,609,737
<b>Total:</b>	<b>\$ 4,901,278</b>	<b>\$ 2,607,017</b>	<b>\$ 383,969</b>	<b>\$ 1,910,292</b>

### NOTE 6 – LONG-TERM LIABILITIES

Changes in long-term liabilities for the years ended September 30, 2022 were as follows:

	<b>September 30, 2022</b>				
	Balance October 1, 2021	Additions	Reductions	Balance September 30, 2022	Due Within One year
Compensated absences	\$ 1,028,286	\$ 111,960	\$ 102,900	\$ 1,037,346	\$ 108,056
Lease liability		245,868	130,706	115,162	71,885
<b>Total:</b>	<b>\$ 1,028,286</b>	<b>\$ 357,828</b>	<b>\$ 233,606</b>	<b>\$ 1,152,508</b>	<b>\$ 179,941</b>

Restatement for the implementation of GASB 87 as of October 1, 2021 related to the lease liability was deemed insignificant. The changes in the lease liability summarized above reflect the additions and reductions presented for the implementation of GASB 87 in fiscal year ending September 30, 2022. See Note 11.



## LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT NOTES TO FINANCIAL STATEMENTS SEPTEMBER 30, 2022 AND 2021

### **NOTE 6 – LONG-TERM LIABILITIES** (Continued)

	September 30, 2021				
	Balance October 1, 2020	Additions	Reductions	Balance September 30, 2021	Due Within One year
Compensated absences	\$ 967,283	\$ 125,287	\$ 64,284	\$ 1,028,286	\$ 95,051
Total:	\$ 967,283	\$ 125,287	\$ 64,284	\$ 1,028,286	\$ 95,051

Restatement for the implementation of GASB 87 as of October 1, 2020 related to the lease liability was deemed insignificant.

### **NOTE 7 – RESTRICTED ASSETS, LIABILITIES AND RESERVES**

Restricted assets and liabilities at September 30, 2022 and 2021 consist of customer deposits. Assets restricted for these purposes represent cash and investments totaling \$78,945 and \$86,463 for the years ended September 30, 2022 and 2021, respectively.

The following is a summary of restricted assets, related liabilities, and restricted net position at September 30, 2022 and 2021:

September 30, 2022	Restricted Assets	Liabilities Payable from Restricted Assets	Restricted Net Position
Customer Deposits	\$ 78,945	\$ 78,945	\$
September 30, 2021	Restricted Assets	Liabilities Payable from Restricted Assets	Restricted Net Position
Customer Deposits	\$ 86,463	\$ 86,463	\$

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 8 – DEFINED CONTRIBUTION PLAN**

The District contributes to the Loxahatchee River Environmental Control District Money Purchase Plan and Trust, a defined contribution pension plan, for its full-time employees. The Plan is administered by an Administrative Committee that reports to the Governing Board. Benefit terms, including contribution requirements, for the Plan are established and may be amended by the Governing Board. The District is required to contribute 12% of annual salary to individual employee accounts for each participating employee. Employees contribute 4% of their eligible compensation. For the years ended September 30, 2022 and 2021, employee contributions totaled \$218,347 and \$198,813 and the District's recognized pension expense was \$890,106 and \$818,300, respectively.

Employees are required to participate in the District's mandatory plan after attainment of 18 years of age and completion of one year of continuous service. Employees are fully vested after two years of plan participation. Nonvested contributions are forfeited upon termination of employment and such forfeitures are used to reduce employer contributions. There were no forfeitures for the year ended September 30, 2022 and there were forfeitures in the amount of \$16,084 for the year ended September 30, 2021.

The District had a liability to the Plan at September 30, 2022 and 2021 in the amount of \$43,007 and \$33,054, respectively.

**NOTE 9 – COMMITMENTS**

*Service Agreement*

The District entered into an agreement with Synagro South, LLC for the hauling and disposal of wastewater sludge to the SWA Pelletization Facility for a 24-month period starting October 1, 2018. The contract provided for the hauling and disposal of wastewater sludge from the District's facility to the SWA Pelletization Facility at an agreed upon distance of 16 miles at a rate of \$9.01 per mile. The contract also provided for the hauling and disposal of wastewater sludge from the District's facility to an undesignated site within a 60-mile radius at a rate of \$5.61 per mile. In September 2020, the District Governing Board executed the first of three one-year options with Synagro South, LLC. The new rates were \$9.07 per mile and \$5.65 per mile. In September 2021, the District Governing Board approved the second one-year option with Synagro South, LLC. The new rates were \$9.55 per mile and \$5.96 per mile. In September 2022, the District Governing Board approved the third one-year option with Synagro South, LLC. The new rates will be \$10.42 per mile and \$6.50 per mile. For the years ended September 30, 2022 and 2021, the District paid \$145,212 and \$137,774, respectively.

*Purchase Commitments*

The District had outstanding purchase orders totaling approximately \$276,392 and \$342,604 for the fiscal years ended September 30, 2022 and 2021, respectively.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
SEPTEMBER 30, 2022 AND 2021**

**NOTE 10 – RISK MANAGEMENT**

The District is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the District carries commercial insurance. Specifically, the District purchases commercial insurance for property, medical benefits, workers’ compensation, general liability, automobile liability, errors and omissions, and directors and officers liability. The District is also covered by Florida Statutes under the Doctrine of Sovereign Immunity, which effectively limits the amount of liability of government agencies to individual claims of \$200,000/\$300,000 for all claims relating to the same accident. In March 2021, the District removed approximately \$17,000,000 of lift stations from property insurance. There were no changes in insurance coverage for the year ended September 30, 2022. There were no settlements that exceeded insurance coverage in the last three years.

**NOTE 11 – LEASES**

Effective October 1, 2021, the District implemented Governmental Accounting Standards Board Statement 87 (GASB 87), *Leases*. Restatement for the implementation of GASB 87 as of October 1, 2020 and October 1, 2021 were deemed insignificant.

*Right to Use Lease*

In January 2019, the District entered into a right to use lease for certain biofilter and odor control scrubber equipment. Under the terms of the agreement, the lease is paid monthly with a term of 64 months. The discount rate was 4% using the District’s estimated incremental borrowing rate.

Annual lease requirements to term are as follows:

Year Ending September 30,	Principal	Interest	Total
2023	\$ 71,885	\$ 3,298	\$ 75,183
2024	43,277	579	43,856
	\$ 115,162	\$ 3,877	\$ 119,039

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**STATISTICAL SECTION**

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## STATISTICAL SECTION

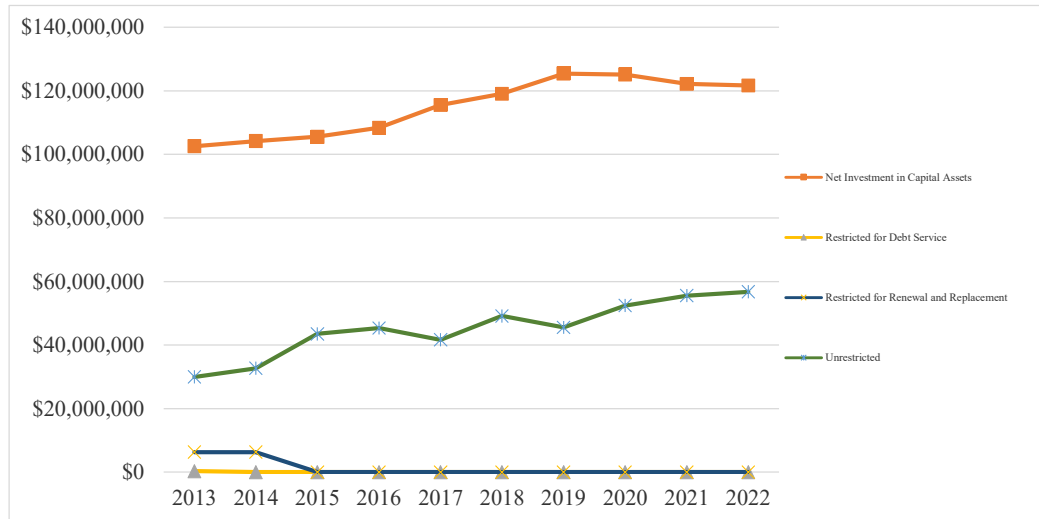
This part of the District’s Annual Comprehensive Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the government’s overall financial health.

<b>Contents</b>	<b>Page</b>
<b>Financial Trends</b>	
<i>These schedules contain trend information to help the reader understand how the District’s financial performance and well-being have changed over time.</i>	
Schedule of Net Position by Component	36
Schedule of Changes in Net Position	37
<b>Revenue Capacity</b>	
<i>These schedules contain service and infrastructure data to help the reader understand how information in the government’s financial report relates to the services the government provides and the activities it performs.</i>	
Schedule of Revenue by Source	38
Total Sewer Units by Category	39
Total Sewer Revenue by Category	40
Schedule of Sewer Rates	41
Wastewater Treated	42
<b>Debt Capacity</b>	
<i>These schedules present information to help the reader assess the affordability of the District’s current levels of outstanding debt, as well as the District ability to issue debt in the future.</i>	
Ratio of Outstanding Debt	43
Schedule of Pledged Revenue Coverage	44
<b>Demographic and Economic Information</b>	
<i>These schedules offer demographic and economic indicators to help the reader understand the environment within which the District’s financial activities take place.</i>	
Demographic and Economic Statistics	45
Principal Employers	46
<b>Operating Information</b>	
<i>These schedules contain service and infrastructure data to help the reader understand how information in the government’s financial report relates to the services the government provides and the activities it performs.</i>	
Full-time Equivalent Employees by Function	47
Schedule of Wastewater Treatment Capacity	48
Capital and Infrastructure Statistics	49

Sources: Unless otherwise noted, the information in these schedules were obtained from the District’s records.

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
SCHEDULE OF NET POSITION BY COMPONENT  
For the Last Ten Fiscal Years**

<b>Fiscal Year Ended September 30,</b>	<b>Net Investment in Capital Assets</b>	<b>Restricted for Debt Service</b>	<b>Restricted for Renewal and Replacement</b>	<b>Unrestricted</b>	<b>Total Net Position</b>	<b>Change from Prior Year</b>
2013	\$ 102,544,712	\$ 278,024	\$ 6,300,000	\$ 29,974,212	\$ 139,096,948	2.09%
2014	104,210,176		6,300,000	32,666,737	143,176,913	2.93%
2015	105,523,262			43,503,660	149,026,922	4.09%
2016	108,348,576			45,289,111	153,637,687	3.09%
2017	115,529,222			41,618,783	157,148,005	2.28%
2018	119,058,082			49,135,460	168,193,542	7.03%
2019	125,449,146			45,506,795	170,955,941	1.64%
2020	125,138,836			52,423,337	177,562,173	3.86%
2021	122,143,333			55,501,767	177,645,100	0.05%
2022	121,680,199			56,719,160	178,399,359	0.42%



Source: Loxahatchee River Environmental Control District

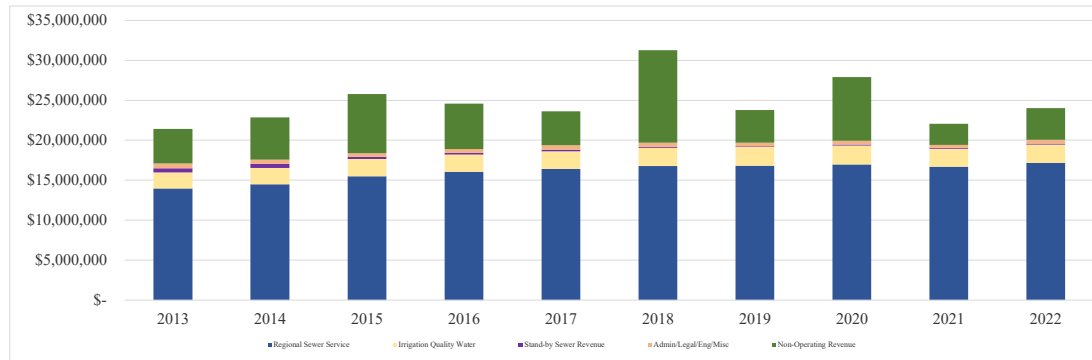
**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**SCHEDULE OF CHANGES IN NET POSITION**  
**For the Last Ten Fiscal Years**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>OPERATING REVENUES:</b>										
Charges for services	\$ 16,558,320	\$ 17,068,443	\$ 17,955,155	\$ 18,439,733	\$ 18,929,914	\$ 19,269,413	\$ 19,387,399	\$ 19,531,720	\$ 19,077,644	\$ 19,673,952
Miscellaneous	534,846	500,866	420,734	472,844	436,024	416,191	314,265	386,857	329,299	378,377
<b>Total operating revenues</b>	<b>17,093,166</b>	<b>17,569,309</b>	<b>18,375,889</b>	<b>18,912,577</b>	<b>19,365,938</b>	<b>19,685,604</b>	<b>19,701,664</b>	<b>19,918,577</b>	<b>19,406,943</b>	<b>20,052,329</b>
<b>OPERATING EXPENSES:</b>										
Personal services	6,079,828	6,322,100	6,933,959	7,183,021	7,382,421	7,486,707	7,652,362	7,994,898	8,193,390	9,207,293
Operational	2,615,615	2,688,221	2,700,888	2,751,449	2,895,600	3,182,510	3,037,405	2,928,535	3,055,824	3,428,115
Supplies and chemicals	1,287,386	1,404,409	1,350,463	1,538,706	1,454,776	1,285,931	1,199,984	1,034,064	975,258	1,161,338
Repairs and maintenance	1,959,972	2,030,502	2,051,192	1,731,117	1,719,023	1,479,091	1,723,423	1,685,351	1,427,301	1,621,574
Contractual services	275,639	353,989	228,673	209,288	294,311	392,387	421,393	401,169	783,509	522,724
Depreciation and amortization	5,867,335	5,885,015	6,067,532	6,221,487	6,348,091	6,365,385	6,532,952	7,262,858	7,528,150	7,154,369
<b>Total operating expenses</b>	<b>18,085,775</b>	<b>18,684,236</b>	<b>19,332,707</b>	<b>19,635,068</b>	<b>20,094,222</b>	<b>20,192,011</b>	<b>20,567,519</b>	<b>21,306,875</b>	<b>21,963,432</b>	<b>23,095,413</b>
<b>OPERATING INCOME (DEFICIT)</b>	<b>(992,609)</b>	<b>(1,114,927)</b>	<b>(956,818)</b>	<b>(722,491)</b>	<b>(728,284)</b>	<b>(506,407)</b>	<b>(865,855)</b>	<b>(1,388,298)</b>	<b>(2,556,489)</b>	<b>(3,043,084)</b>
<b>NONOPERATING REVENUES (EXPENSES)</b>										
Grants	11,336	10,000	62,060	33,329	13,550	190,980	-		270,000	351,500
Interest income	757,045	784,574	871,896	936,584	988,965	1,079,754	1,381,134	969,565	722,220	754,712
Net gain (loss) on fair value of investments	13,594	(7,386)								(152,397)
Loss on extinguishment of debt			(419,797)							
Gain (loss) on disposal of capital assets	(339,020)	(83,934)	(198,364)	(318,769)	33,630	(33,294)	(456,428)	63,860	(14,652)	(28,603)
Interest expense	(137,397)	(5,834)								(6,086)
<b>Total nonoperating revenue (expenses)</b>	<b>305,558</b>	<b>697,420</b>	<b>315,795</b>	<b>651,144</b>	<b>1,036,145</b>	<b>1,237,440</b>	<b>924,706</b>	<b>1,033,425</b>	<b>977,568</b>	<b>919,126</b>
<b>INCOME (DEFICIT) BEFORE CAPITAL CONTRIBUTIONS</b>	<b>(687,051)</b>	<b>(417,507)</b>	<b>(641,023)</b>	<b>(71,347)</b>	<b>307,861</b>	<b>731,033</b>	<b>58,851</b>	<b>(354,873)</b>	<b>(1,578,921)</b>	<b>(2,123,958)</b>
<b>CAPITAL CONTRIBUTIONS</b>	<b>3,532,332</b>	<b>4,497,472</b>	<b>6,491,032</b>	<b>4,682,112</b>	<b>3,202,457</b>	<b>10,314,504</b>	<b>2,703,548</b>	<b>6,961,105</b>	<b>1,661,848</b>	<b>2,878,217</b>
<b>INCREASE (DECREASE) IN NET POSITION</b>	<b>2,845,281</b>	<b>4,079,965</b>	<b>5,850,009</b>	<b>4,610,765</b>	<b>3,510,318</b>	<b>11,045,537</b>	<b>2,762,399</b>	<b>6,606,232</b>	<b>82,927</b>	<b>754,259</b>
<b>NET POSITION, BEGINNING OF PERIOD</b>	<b>136,251,667</b>	<b>139,096,948</b>	<b>143,176,913</b>	<b>149,026,922</b>	<b>153,637,687</b>	<b>157,148,005</b>	<b>168,193,542</b>	<b>170,955,941</b>	<b>177,562,173</b>	<b>177,645,100</b>
<b>NET POSITION, END OF PERIOD</b>	<b>\$ 139,096,948</b>	<b>\$ 143,176,913</b>	<b>\$ 149,026,922</b>	<b>\$ 153,637,687</b>	<b>\$ 157,148,005</b>	<b>\$ 168,193,542</b>	<b>\$ 170,955,941</b>	<b>\$ 177,562,173</b>	<b>\$ 177,645,100</b>	<b>\$ 178,399,359</b>

Source: Loxahatchee River Environmental Control District

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
SCHEDULE OF REVENUE BY SOURCE  
For the Last Ten Fiscal Years**

Fiscal Year Ended September 30,	Operating Revenues					Non-Operating Revenues							
	Regional Sewer Service	Irrigation Quality Water	Stand-by Sewer Revenue	Admin/Legal Engineering Fees and Miscellaneous	Total Operating Revenues	Assessment Revenue	Connection Charges	Line Charges	Investment Income	Grants/ Contributed Capital	Other	Total Non-Operating Revenues	Total Revenues
2013	\$ 13,971,883	\$ 2,001,583	\$ 526,409	593,291	\$ 17,093,166	\$ 277,518	\$ 1,345,534	\$ 863,959	\$ 757,045	\$ 1,056,657	\$ 13,594	\$ 4,314,307	\$ 21,407,473
2014	14,478,093	2,059,339	496,829	535,048	17,569,309	327,432	2,569,441	670,857	784,574	939,742		5,292,046	22,861,355
2015	15,502,465	2,131,578	305,107	436,739	18,375,889	2,571,005	2,455,424	279,076	871,896	1,247,587		7,424,988	25,800,877
2016	16,051,221	2,154,339	221,965	485,052	18,912,577	2,035,390	1,073,180	369,122	936,584	1,237,749		5,652,025	24,564,602
2017	16,408,048	2,221,586	175,916	560,388	19,365,938	388,857	854,526	286,500	988,965	1,686,124		4,238,602	23,604,540
2018	16,751,205	2,307,946	120,034	506,419	19,685,604	6,508,665	1,409,475	547,129	1,079,754	1,849,235	33,630.00	11,585,238	31,270,842
2019	16,806,144	2,361,783	99,294	434,443	19,701,664	733,072	573,255	241,047	1,381,134	1,156,174		4,084,682	23,786,346
2020	16,971,526	2,379,798	93,741	473,512	19,918,577	5,118,705	675,485	412,140	969,565	754,775	63,860	7,994,530	27,913,107
2021	16,683,096	2,267,555	98,167	358,125	19,406,943	454,670	658,413	303,397	722,220	515,368		2,654,068	22,061,011
2022	17,157,795	2,307,624	113,801	473,109	20,052,329	287,035	571,288	181,071	754,712	2,190,323		3,984,429	24,036,758

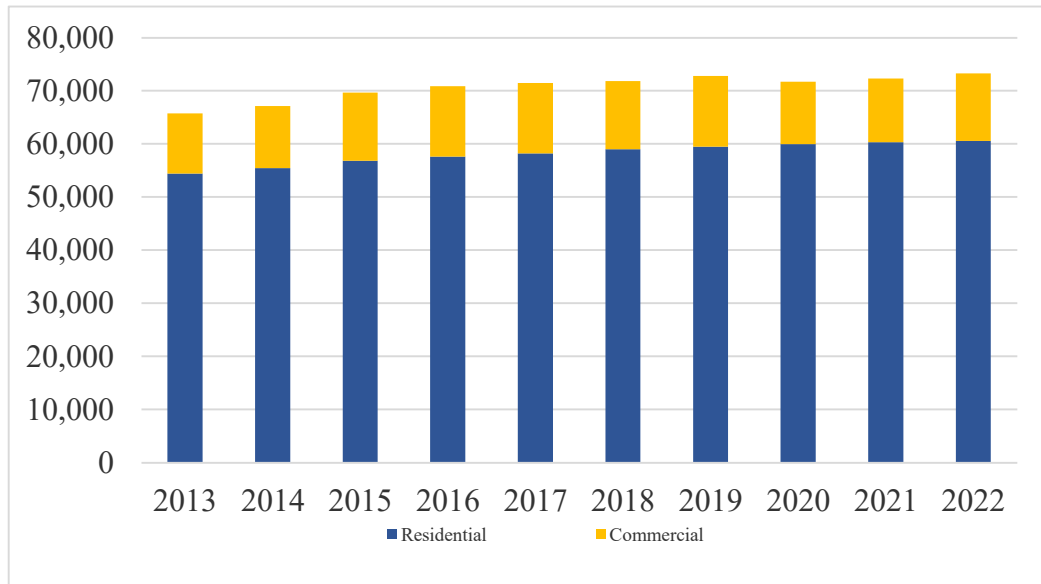


Source: Loxahatchee River Environmental Control District



**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
TOTAL SEWER UNITS BY CATEGORY  
For the Last Ten Fiscal Years**

<b>Fiscal Year</b>	<b>Residential</b>		<b>Commercial</b>		<b>Total</b>
	<b>Equivalent Connections</b>	<b>% of Annual Total</b>	<b>Equivalent Connections</b>	<b>% of Annual Total</b>	
2013	54,414	83%	11,335	17%	65,749
2014	55,417	83%	11,675	17%	67,092
2015	56,794	82%	12,836	18%	69,630
2016	57,579	81%	13,276	19%	70,855
2017	58,196	81%	13,269	19%	71,465
2018	59,002	82%	12,784	18%	71,786
2019	59,478	82%	13,276	18%	72,754
2020	59,923	84%	11,784	16%	71,707
2021	60,333	83%	11,958	17%	72,291
2022	60,542	83%	12,728	17%	73,270

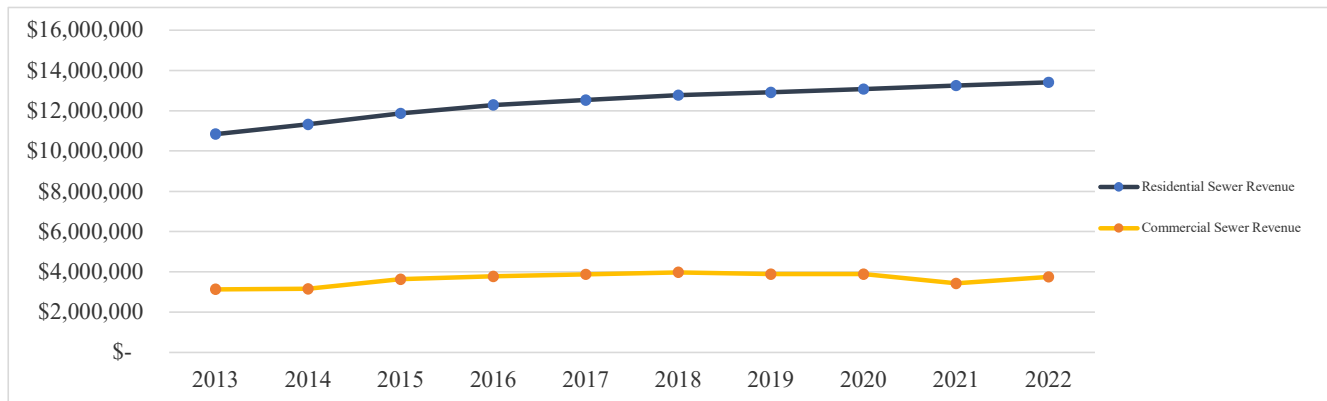


Source: Loxahatchee River Environmental Control District

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
TOTAL SEWER REVENUE BY CATEGORY  
For the Last Ten Fiscal Years**

Fiscal Year	Residential				Commercial				Total
	Regional Sewer Service Revenue	% of Annual Total	Number of Equivalent Connections	Rate per Equivalent Connection	Regional Sewer Service Revenue	% of Annual Total	Number of Equivalent Connections	Rate per Equivalent Connection	
2013	\$ 10,843,903	78%	54,208	\$ 200.04	\$ 3,127,980	22%	11,431	\$ 273.64	\$ 13,971,883
2014	11,325,317	78%	54,864	206.43	3,152,776	22%	11,156	282.61	14,478,093
2015	11,864,990	77%	55,931	212.14	3,637,475	23%	12,450	292.17	15,502,465
2016	12,284,659	77%	57,199	214.77	3,766,562	23%	12,850	293.12	16,051,221
2017	12,527,978	76%	57,853	216.55	3,880,070	24%	13,180	294.39	16,408,048
2018	12,776,079	76%	58,533	218.27	3,975,126	24%	13,319	298.46	16,751,205
2019	12,919,575	77%	59,201	218.23	3,886,569	23%	13,015	298.62	16,806,144
2020	13,079,358	77%	59,625	219.36	3,892,168	23%	12,956	300.41	16,971,526
2021	13,256,092	79%	60,128	220.46	3,427,004	21%	11,348	301.99	16,683,096
2022	13,408,178	78%	60,408	221.96	3,749,617	22%	12,292	305.05	17,157,795

Note: The Schedule of Principal Payors is not presented. The District bills residential customers by Equivalent Connection, therefore all residential customers pay approximately the same amount.



Source: Loxahatchee River Environmental Control District

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
SCHEDULE OF SEWER RATES  
As of September 30, 2022**

**Quarterly Service Charge**

<b>Residential</b>			<b>Non-Residential</b>	
Equivalent Connection	Rate			
1.00	\$ 56.25			\$6.42 / 1,000 gallons or minimum of \$76.98/quarter
1.25	70.31			
1.50	84.38			
1.75	98.44			
2.00	112.50			
2.25	126.56			
2.50	140.63			
2.75	154.69			

**Quarterly Stand-by Sewer Revenue Charge**

Residential	\$	38.25	\per Equivalent Connection
Non-Residential		52.35	\per Equivalent Connection

**Connection Charges**

Equivalent Connection	Rate
1.00	\$ 3,136.00
1.25	3,920.00
1.50	4,704.00
1.75	5,488.00
0.25	784.00

Rates effective April 1, 2022

Source: Loxahatchee River Environmental Control District

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
WASTEWATER TREATED  
For the Last Ten Fiscal Years**

<b>Fiscal Year Ended September 30,</b>	<b>Annual Influent Treated (MGD)</b>	<b>Regional Sewer Service Revenue</b>	<b>Total Direct Sewer Rates (1)</b>
2013	2,498	\$ 13,971,883	\$ 5.59
2014	2,479	14,478,093	5.84
2015	2,474	15,502,465	6.27
2016	2,453	16,051,221	6.54
2017	2,386	16,408,048	6.88
2018	2,493	16,751,205	6.72
2019	2,476	16,806,144	6.79
2020	2,611	16,971,526	6.50
2021	2,617	16,683,096	6.56
2022	2,508	17,157,795	6.84

(1) per thousand gallons influent treated.

MGD = Millions of gallons per day.

Source: Loxahatchee River Environmental Control District

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
RATIO OF OUTSTANDING DEBT  
For the Last Ten Fiscal Years**

<b>Fiscal Year Ended September 30,</b>	<b>1997B Revenue Bonds</b>	<b>1997C Revenue Bonds</b>	<b>2003 Revenue Bonds</b>	<b>2009 Revenue Bonds</b>	<b>2010 Revenue Bonds</b>	<b>Total Debt Outstanding</b>	<b>Debt Per Equivalent Connection</b>
2013	\$ 611,772	\$ 652,035	\$	\$ 2,855,025	\$ 191,518	\$ 4,310,350	\$ 64.25
2014				2,648,163		2,648,163	38.03
2015							
2016							
2017							
2018							
2019							
2020							
2021							
2022							

Note: Bonds were paid off during fiscal year 2015.

Source: Loxahatchee River Environmental Control District

43

DRAFT 02-10-2023

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
SCHEDULE OF PLEDGED REVENUE COVERAGE  
For the Last Ten Fiscal Years**

<b>Fiscal Year Ended September 30,</b>	<b>Total Debt Service Requirement</b>	<b>Gross Revenues</b>	<b>Operating Expenses Before Depreciation</b>	<b>Net Revenue Available (1)</b>	<b>Debt Service Coverage (2)</b>	<b>Capital Charges</b>	<b>Net Revenue Available</b>	<b>Debt Service Coverage (3)</b>
2013	\$ 1,876,057	\$ 17,536,121	\$ 12,218,440	\$ 5,317,681	2.83	\$ 3,532,332	\$ 8,850,013	4.72
2014	915,791	18,272,563	12,799,221	5,473,342	5.98	4,497,472	9,970,814	10.89
2015	331,540	18,691,684	13,265,175	5,426,509	16.37	6,491,032	11,917,541	35.95
2016								
2017								
2018								
2019								
2020								
2021								
2022								

44

- (1) Net revenue available before capital charges
- (2) In accordance with the Bond Resolutions, required debt service coverage is 1.10 times
- (3) In accordance with the Bond Resolutions, required debt service coverage is 1.25 times

Note: Bonds were paid off during fiscal year 2015.

Source: Loxahatchee River Environmental Control District

DRAFT 02-10-2023

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
DEMOGRAPHIC AND ECONOMIC STATISTICS  
For the Last Ten Fiscal Years**

Fiscal Year	Population (1)				Personal Income (2)		Per Capita Personal Income (2)		Unemployment Rate (3)	
	Town of Jupiter	Village of Tequesta	Town of Juno Beach	Town of Jupiter Inlet Colony	Palm Beach County	Martin County	Palm Beach County	Martin County	Palm Beach County	Martin County
2013	56,577	5,652	3,191	401	\$83,679,890	\$ 9,371,873	\$ 60,704	\$ 61,975	7.1%	7.2%
2014	57,263	5,629	3,194	396	92,842,100	10,666,979	66,218	69,607	5.9%	6.1%
2015	59,108	5,665	3,240	396	100,579,513	11,397,001	70,415	73,189	5.3%	5.3%
2016	60,615	5,699	3,351	411	104,108,093	12,078,164	71,613	76,211	5.0%	5.0%
2017	61,388	5,731	3,400	407	109,973,732	12,650,502	74,754	79,104	4.1%	4.0%
2018	62,100	5,857	3,427	409	118,519,249	13,496,101	79,760	83,873	3.1%	3.0%
2019	62,497	5,850	3,442	406	124,632,614	13,748,480	83,268	85,394	3.2%	2.9%
2020	63,188	5,874	3,463	414	131,881,463	14,455,817	87,478	89,185	6.6%	4.6%
2021	61,121	6,152	3,862	403	150,737,459	16,357,821	100,627	102,273	4.1%	3.4%
2022	61,341	6,152	3,869	406	N/A	N/A	N/A	N/A	3.5%	2.9%

Data Sources:

- (1) University of Florida, Bureau of Economic and Business Research.
- (2) U.S. Department of Commerce, Bureau of Economic Analysis, Regional Economic Information System.
- (3) U.S. Department of Labor Statistics - based on not seasonally adjusted September rates.

N/A - Data not available

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
PRINCIPAL EMPLOYERS  
Current Year and Nine Years Ago**

Employer	2022			2013		
	Employees	Rank	Percentage of Total County Employment	Employees	Rank	Percentage of Total County Employment
<b>Palm Beach County</b>						
Palm Beach County School District	22,426	1	2.98%	20,810	1	3.25%
Palm Beach County - BOCC	5,753	2	0.76%	11,000	2	1.72%
Tenet Coastal Division of Palm Beach County	5,734	3	0.76%	6,100	3	0.95%
NextEra Energy/Florida Power & Light	5,330	4	0.71%	3,804	4	0.59%
Florida Atlantic University	5,059	5	0.67%	2,980	6	0.46%
Boca Raton Regional Hospital	3,135	6	0.42%	2,250	10	0.35%
Veterans Health Administration	2,600	7	0.35%	2,700	8	0.42%
Hospital Corporation of America - HCA	2,419	8	0.32%	2,714	7	0.42%
The Breakers	2,300	9	0.31%			
Baptist Health of South Florida	2,282	10	0.30%	2,643	9	0.41%
G4S (Wackenhut Corp)				3,000	5	0.47%
Totals	<u>57,038</u>		<u>7.57%</u>	<u>58,001</u>		<u>9.05%</u>
<b>Martin County</b>						
Martin Memorial Health Systems	3,619	1	4.81%	2,783	1	4.27%
Martin County School District	2,780	2	3.69%	2,571	2	3.95%
Martin County Government	1,650	3	2.19%	1,575	3	2.42%
Publix	1,491	4	1.98%			
Martin Memorial Physicians Corp	619	5	0.82%			
Walmart	382	6	0.51%			
Home Depot	373	7	0.50%			
Visiting Nurse Services of Treasure Coast	360	8	0.48%			
Visiting Nurse Association of Florida	337	9	0.45%			
Liberator Medical Holding, Ins.	334	10	0.44%			
State of Florida				510	4	0.78%
Triumph Group - Vought Aircraft Division				408	5	0.63%
Paradigm Precision				396	6	0.61%
Liberator Medical Holding, Ins.				340	7	0.52%
Seacoast National Bank				294	8	0.45%
Louis Dreyfus Commodities				250	9	0.38%
Armellini Industries				223	10	0.34%
Totals	<u>11,945</u>		<u>15.87%</u>	<u>9,350</u>		<u>14.35%</u>

Source: Palm Beach County data from Business Development Board of Palm Beach County. Data is for Palm Beach County. Martin County data is from Martin County.



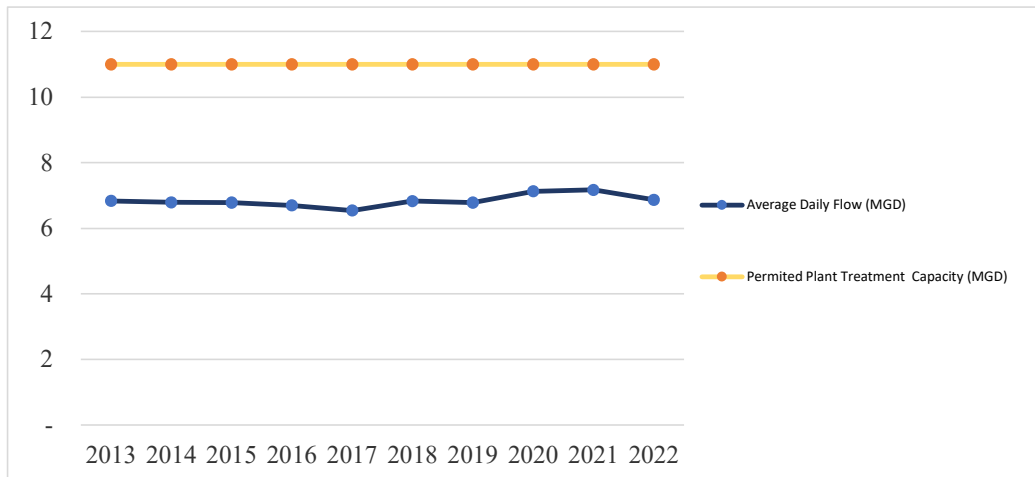
**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
FULL-TIME EQUIVALENT EMPLOYEES BY FUNCTION  
For the Last Ten Fiscal Years**

<b>Function</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Executive	3	3	3	4	4	4	4	5	5	5
Finance	8	8	8	7	7	7	6	6	6	6
Public Education	2	3	3	3	3	3	3	3	3	3
WildPine Lab	7	7	7	7	7	7	7	7	7	7
Customer Service			4	4	4	4	4	4	4	4
Information Technology			4	4	4	4	4	5	4	4
Engineering and Inspection	9	9	8	8	9	9	10	10	10	10
Construction	6	6	7	7	6	6	6	6	7	7
Operations Administration	9	9	3	4	4	3	3	2	3	3
Collection and Transmission	12	13	13	11	11	11	11	11	13	13
Treatment and Disposal	16	16	16	17	18	19	19	19	18	18
Reuse	2	2	2	2	2	2	2	2	2	2
Bio-Solid	2	2	2	2	2	2	2	2	2	2
<b>Total</b>	<b>76</b>	<b>78</b>	<b>80</b>	<b>80</b>	<b>81</b>	<b>81</b>	<b>81</b>	<b>82</b>	<b>84</b>	<b>84</b>

## LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT SCHEDULE OF WASTEWATER TREATMENT CAPACITY For the Last Ten Fiscal Years

<b>Fiscal Year Ended September 30,</b>	<b>Permitted Plant Treatment Capacity (MGD)</b>	<b>Average Daily Flow (MGD)</b>	<b>Max Daily Flow (MGD)</b>	<b>Annual Influent Treated (MGD)</b>	<b>Percent Capacity</b>
2013	11	6.84	10.21	2,497.59	62%
2014	11	6.79	8.55	2,479.42	62%
2015	11	6.78	8.76	2,473.96	62%
2016	11	6.70	9.89	2,453.35	61%
2017	11	6.54	8.30	2,386.16	59%
2018	11	6.83	9.35	2,492.55	62%
2019	11	6.78	8.70	2,475.53	62%
2020	11	7.13	11.74	2,610.69	65%
2021	11	7.17	9.98	2,617.27	65%
2022	11	6.87	8.32	2,507.52	65%

MGD = Millions of gallons per day.



**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
CAPITAL AND INFRASTRUCTURE STATISTICS  
For the Last Ten Fiscal Years**

<b>Fiscal Year Ended September 30,</b>	<b>Low Pressure Main (miles)</b>	<b>Low Pressure Services</b>	<b>Force Main (miles)</b>	<b>Gravity Sewer (miles)</b>	<b>Gravity Sewer Services</b>	<b>Irrigation Quality (miles)</b>	<b>Number of Lift Stations</b>	<b>Number of Manholes</b>
2013								
2014								
2015								
2016								
2017								
2018	27.03	N/A	103.95	294.12	N/A	26.70	224	7,944
2019	27.03	1,390	103.95	294.12	15,666	34.66	224	7,944
2020	29.56	1,420	104.77	296.84	15,689	34.81	226	8,032
2021	29.91	1,453	105.24	299.98	15,248	34.85	227	8,068
2022	30.28	1,526	105.12	299.07	15,341	35.16	233	8,414

Infrastructure information is provided by the District's Geographical Information System.

\* Information is not available for year prior to 2018.

N/A - Data not available.

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**OTHER INFORMATION SECTION**

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**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**Other Information - Information Required by Section 218.39(3)(c), Florida Statutes**  
**For the Fiscal Year Ended September 30, 2022**  
**Unaudited**

**As required by Section 218.39(3)(c), Florida Statutes, the District reported:**

Required Information	Reported	
The total number of district employees compensated in the last pay period of the District's fiscal year 2022:	92	
The total number of independent contractors to whom nonemployee compensation was paid in the last month of the District's fiscal year 2022:	Not Applicable	
All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency for fiscal year 2022:	\$ 6,375,948	
All compensation earned by or awarded to nonemployee independent contractors, whether paid or accrued, regardless of contingency for fiscal year 2022:	Not Applicable	
Each construction project with a total cost of at least \$65,000 approved by the District that was scheduled to begin on or after October 1 of the fiscal year 2022, together with the total expenditures for such project:		
Project	Budget	Expenditures
2500 Jupiter Park Drive Site Planning	\$ 250,000	\$ 88,162
LS160 Emergency Generator	150,000	54,514
LS296 Emergency Generator	150,000	1,778
Jupiter Park Drive/Central Blvd Intersection Improvements	75,000	192
Lift Station Collection System Rehabilitation	1,000,000	674,109
Grit Classifier and Hydrocyclone Replacement	100,000	61,650
RAS Pit No. 3 Influent Piping Improvements	100,000	14,148
Clarifier No. 3 Rehabilitation	150,000	40,066
A budget variance based on the budget adopted under Section 189.016(4), Florida Statutes, before the beginning of the fiscal year 2021 being reported if the District amends a final adopted budget under Section 189.016(6), Florida Statutes:	See Page 51	
The rate or rates of non-ad valorem special assessments imposed by the District for fiscal year 2022:	5.25%	
The total amount of special assessments collected by or on behalf of the District for fiscal year 2022:	\$ 1,285,840	
The total amount of outstanding bonds issued by the District and the terms of such bonds:	Not Applicable	

**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**  
**Other Information - Budget Variance Report**  
**For the Fiscal Year Ended September 30, 2022**  
**Unaudited**

	Original (Final) Budget	Actual	Variance With Final Budget Positive (Negative)
<b>Revenues</b>			
<b>Operating revenues</b>			
Regional sewer service	\$ 17,100,000	\$ 17,157,795	\$ 57,795
IQ water charges	2,326,000	2,307,624	(18,376)
Standby sewer service	73,000	113,801	40,801
Administration and engineering fees	38,000	33,929	(4,071)
Other revenue	424,490	469,142	44,652
Total operating revenues	<u>19,961,490</u>	<u>20,082,291</u>	<u>120,801</u>
<b>Capital revenues</b>			
Line charges	287,000	181,071	(105,929)
Assessments	1,188,997	287,035	(901,962)
Plant charges	898,000	571,288	(326,712)
Capital contributions	800,000	1,838,823	1,038,823
Total capital revenues	<u>3,173,997</u>	<u>2,878,217</u>	<u>(295,780)</u>
<b>Other revenues</b>			
Interest income	613,000	754,712	141,712
Net increase (decrease) in fair value of investments		(152,397)	(152,397)
Grant revenue		351,500	351,500
Gain (loss) on disposal of capital assets		(28,603)	(28,603)
Total other revenues	<u>613,000</u>	<u>925,212</u>	<u>312,212</u>
Total revenues	<u>\$ 23,748,487</u>	<u>\$ 23,885,720</u>	<u>\$ 137,233</u>
<b>Expenses</b>			
<b>Operating expenses</b>			
Salaries and wages	\$ 6,522,000	\$ 6,375,948	\$ 146,052
Payroll taxes	470,200	465,620	4,580
Retirement contributions	946,800	890,106	56,694
Employee health insurance	1,558,400	1,418,818	139,582
Workers' compensation insurance	73,700	56,801	16,899
General insurance	374,995	389,675	(14,680)
Supplies and expenses	1,036,285	1,041,792	(5,507)
Utilities	1,407,908	1,524,930	(117,022)
Chemicals	503,000	436,822	66,178
Repairs and maintenance	1,858,362	1,621,574	236,788
Outside services	2,040,930	1,748,920	292,010
Contingency	225,000		225,000
Depreciation and amortization		7,154,369	(7,154,369)
Total operating expenses	<u>17,017,580</u>	<u>23,125,375</u>	<u>(6,107,795)</u>
<b>Other expenses</b>			
Interest expense		6,086	(6,086)
<b>Capital</b>			
	<u>10,537,513</u>	<u>5,914,299</u>	<u>4,623,214</u>
Total expenses	<u>\$ 27,555,093</u>	<u>\$ 29,045,760</u>	<u>\$ (1,490,667)</u>

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**COMPLIANCE SECTION**

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**NOWLEN, HOLT & MINER, P.A.**

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INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL  
 OVER FINANCIAL REPORTING AND ON COMPLIANCE AND  
 OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL  
 STATEMENTS PERFORMED IN ACCORDANCE WITH  
 GOVERNMENT AUDITING STANDARDS

To the Governing Board  
 Loxahatchee River Environmental Control District  
 Jupiter, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Loxahatchee River Environmental Control District, as of and for the year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the Loxahatchee River Environmental Control District’s basic financial statements, and have issued our report thereon dated February 9, 2023.

**Report on Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Loxahatchee River Environmental Control District’s internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Loxahatchee River Environmental Control District’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Loxahatchee River Environmental Control District’s internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.



Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

## **Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Loxahatchee River Environmental Control District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## **Purpose of This Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

West Palm Beach, Florida  
February 9, 2023



NOWLEN, HOLT & MINER, P.A.

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INDEPENDENT AUDITOR'S MANAGEMENT LETTER
REQUIRED BY CHAPTER 10.550, RULES OF THE STATE OF
FLORIDA, OFFICE OF THE AUDITOR GENERAL

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To the Governing Board
Loxahatchee River Environmental Control District
Jupiter, Florida

Report on the Financial Statements

We have audited the financial statements of the Loxahatchee River Environmental Control District (the "District"), as of and for the fiscal year ended September 30, 2022, and have issued our report thereon dated February 9, 2023.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States; and Chapter 10.550, Rules of the Auditor General.

Other Reporting Requirements

We have issued our Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards and Independent Accountant's Report on an examination conducted in accordance with AICPA Professional Standards, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated February 9, 2023, should be considered in conjunction with this Management Letter.

Prior Audit Findings

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding financial audit report. There were no findings or recommendations in the prior year that required corrective actions.

## **Official Title and Legal Authority**

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this Management Letter, unless disclosed in the notes to the financial statements. This information is disclosed in Note 1 to the financial statements.

## **Financial Condition and Management**

Sections 10.554(1)(i)5.a. and 10.556(7), Rules of the Auditor General, require us to apply appropriate procedures and communicate the results of our determination as to whether or not the District met one or more of the conditions described in Section 218.503(1), Florida Statutes, and to identify the specific condition(s) met. In connection with our audit, we determined that the District did not meet any of the conditions described in Section 218.503(1), Florida Statutes, as of and for the year ended September 30, 2022.

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures for the District. It is management's responsibility to monitor the District's financial condition, and our financial condition assessment was based in part on representations made by management and review of financial information provided by same. Our assessment was done as of the fiscal year end. The results of our procedures did not disclose any matters that are required to be reported.

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

## **Special District Component Units**

Section 10.554(1)(i)5.c, Rules of the Auditor General, requires, if appropriate, that we communicate the failure of a special district that is a component unit of a county, municipality, or special district, to provide the financial information necessary for proper reporting of the component unit, within the audited financial statements of the county, municipality, or special district in accordance with Section 218.39(3)(b), Florida Statutes. In connection with our audit, we did not note any special district component units that failed to provide the necessary information for proper reporting in accordance with Section 218.39(3)(b), Florida Statutes.

## **Additional Matters**

Section 10.554(1)(i)3., Rules of the Auditor General, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but warrants the attention of those charged with governance. In connection with our audit, we did not note any such findings.

As required by Section 218.39(3)(c), Florida Statutes, and Section 10.554(1)(i)6, Rules of the Auditor General, the District reported the required information in the Other Information Section on pages 50 and 51.

## **Single Audits**

The District expended less than \$750,000 of federal awards and less than \$750,000 of state financial assistance for the year ended September 30, 2022 and was not required to have a federal single audit or a state single audit.

## **Purpose of this Letter**

Our Management Letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, the Governing Board, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

West Palm Beach, Florida  
February 9, 2023



**NOWLEN, HOLT & MINER, P.A.**

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**INDEPENDENT ACCOUNTANT’S REPORT  
 ON COMPLIANCE WITH SECTION 218.415,  
 FLORIDA STATUTES**

To the Governing Board  
 Loxahatchee River Environmental Control District  
 Jupiter, Florida

We have examined the Loxahatchee River Environmental Control District’s compliance with Section 218.415, Florida Statutes during the year ended September 30, 2022. Management of the Loxahatchee River Environmental Control District is responsible for the Loxahatchee River Environmental Control District’s compliance with the specified requirements. Our responsibility is to express an opinion on the Loxahatchee River Environmental Control District’s compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the AICPA. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Loxahatchee River Environmental Control District complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Loxahatchee River Environmental Control District complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgement, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our other ethical responsibilities in accordance with relevant ethical requirements relating to the examination engagement.

Our examination does not provide a legal determination on the Loxahatchee River Environmental Control District’s compliance with the specified requirements.

In our opinion, the Loxahatchee River Environmental Control District complied, in all material respects, with Section 218.415, Florida Statutes for the year ended September 30, 2022.

This report is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and Florida House of Representatives, the Florida Auditor General, applicable management, and the Governing Board, and is not intended to be and should not be used by anyone other than these specified parties.

West Palm Beach, Florida  
February 9, 2023



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

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D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: D. Albrey Arrington, Ph.D.  
FROM: Kris Dean, P.E., Deputy Executive Director  
DATE: February 8, 2023  
SUBJECT: 9278 Indiantown Road – Conceptual Master Plan

In March 2021 the District engaged with KCI Technologies, Inc. for 9278 Indiantown Road conceptual master planning with the intent to develop a master plan for the property to provide a high functioning base for environmental education and engagement for the public including environmental education facilities, outdoor recreational facilities, utilities, stormwater, parking, water access to the Northwest Fork of the Loxahatchee River, and water features.

This month KCI will present on the final conceptual master plan. As we present the conceptual master plan to the Board we want the Board to recognize this is a conceptual master plan showing what could be developed at the 20 acre site and is presented in phases of development. With this understanding, at the Board's direction staff will engage in additional planning efforts to understand what our environmental education and public engagement goals are and how these could be integrated into the 20 acres and what level of development (phase 1, 2 ,3 or 4) would be required to achieve these goals.

### Background

Conceptual master plan development has focused on the following key areas: site remediation, education, architecture, environmental enhancement, and recreation.

**Site Remediation:** Site remediation including a constructed wetland over the existing lake. This constructed wetland would cap the existing sediments in the lake while submergent, emergent and terrestrial plants incorporated into vegetative islands dispersed across the existing lake footprint would provide filtration to stormwater vastly improving water quality.

**Education:** Conceptual education facilities would include indoor and outdoor classrooms, amphitheater, general signage and displays identifying various aspects of the site, recreational instruction areas and tactile play areas.

Dr. Matt H. Rostock  
CHAIRMAN

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

Stephen B. Rockoff  
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Clinton R. Yerkes  
BOARD MEMBER

Architecture: Based on programming discussions with staff defining potential expectations for education programming, exhibits, and attendance at this site, conceptual architectural facilities include:

- A main building with a lobby, public restrooms, exhibit space, food prep and reception.
- Aquaria, touch tanks and animal care
- Maintenance facilities
- 3 separate classrooms both indoor and outdoor (covered).
- A boathouse canoe/paddleboard storage
- Outdoor spaces for recreation including a chickee hut, fishing pier and open space.

Environmental enhancement: Conceptual environmental aspects of the site would include mesic hardwood forests, cypress stands, sabal palm forests, freshwater sloughs and buffer landscaping. Various environmental aspects would contribute to stormwater and passive recreation activities.

Recreation: Conceptual recreation aspects of the site would include walking trail systems that integrate with the walking and biking trails at Riverbend Park and Cypress Creek Natural Area, canoe/kayak/paddle board launch, wadeable wetlands, fishing pier and fire pit.

#### Conceptual Costs

Costs associated with conceptual facilities are detailed in the attached opinion of construction cost. Costs have been separated into phases depicting incremental levels of development at the property based on the District's ultimate plan for environmental education and engagement with the public.

Phase 1 - Remediation: Remediation would include invasive/exotic removal surrounding the lake, demolition of the fixed weir outfall and capping of the existing sediments with clean fill. Construction costs for Phase 1 are estimated at \$704,100.00.

Phase 2 – Site Amenities: Site amenities including access and parking, temporary utilities, temporary restrooms, 3 small Chickee Huts and buffer landscaping. These amenities would allow basic River Center programs to operate from the site and access the Loxahatchee River. Construction costs for Phase 2 are estimated at \$595,630.00.

Phase 3 – Storm, Drainage, Landscaping: Phase 3 improvements would provide the natural landscape depicted in the renderings as well as a pavilion, boardwalk, ADA and non-ADA compliant pathways. Construction costs for Phase 3 are estimated at \$2,939, 966.54.

Phase 4 – Site Development: Phase 4 provides permanent utilities, the Engagement Center, aquaria, classrooms, a boathouse, fishing pier, amphitheater, various engagement amenities and permanent paved access and parking. Construction costs for Phase 4 are \$9,867,944.15.










Attached to this memorandum are a series of story boards depicting conceptual facilities for site remediation, education, architecture, environmental and recreation.

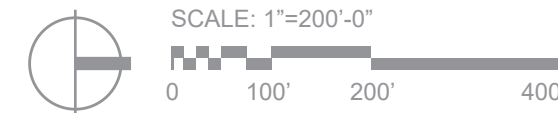
No Board action is required; however, we would appreciate Board discussion and comments on the conceptual master plan, so staff can move forward accordingly.

# LOXAHATCHEE RIVER DISTRICT ENVIRONMENTAL ENGAGEMENT CAMPUS

MASTER PLAN || SITE PLAN



- ① PARK ENTRY
- ② CHICKEE HUT
- ③ MULTI-USE FIELD
- ④ RESTORED WETLAND / BOARDWALK
- ⑤ POROUS PARKING LOTS **P**
- ⑥ DROP-OFF  
- ⑦ WELCOME CENTER
- ⑧ WEeping WIERS
- ⑨ RAINFALL MARKER CHICKEE
- ⑩ BIOSWALES
- ⑪ RAIN GARDEN BASIN
- ⑫ TWIN FLOWER CLASSROOM
- ⑬ WEeping WEIR AMPHITHEATER
- ⑭ PERCOLATION PATH 
- ⑮ UPLAND TRAIL  
- ⑯ CYPRESS STAND
- ⑰ CONSTRUCTED WETLAND
- ⑱ RAINFALL MARKER GARDEN
- ⑲ BASIN BOARDWALK
- ⑳ BEACH
- ㉑ BOAT HOUSE  
- ㉒ CANAL LAUNCH / LOXAHATCHEE RIVER ACCESS
- ㉓ OUTFALL
- ㉔ NEIGHBORING TRAIL SYSTEM
- ㉕ FIREPIT
- ㉖ FISHING PIER WITH DEEPWATER REFUGE
- ㉗ CANOPY CLASSROOM
- ㉘ BRIDGE
- ㉙ AMPHITHEATER PAVILION

















# LRECD ENVIRONMENTAL ENGAGEMENT CAMPUS

Loxahatchee River Env. Control District

## PHASING EXPLORATION

### Master Plan 30% SUBMITTAL

Prepared By: KCI Technologies, Inc.

Date: February 9, 2023

Z:\Projects\482021095.01 Loxahatchee Env Ctrl\LA\Excel\2023\_0207 LRECD Master Budget 30%.xlsx\OPINION OF CONSTRUCTION COST

Item	Description	Qty	U.O.M.	Unit Price	Extended Price
<b>PHASE 1 - REMEDIATION</b>					<b>\$704,100.00</b>
<b>GENERAL REQUIREMENTS</b>					
	Bonds and Insurance				
	Mobilization / Demobilization				
	M.O.T.				
	Erosion Control / NPDES General Use Permit / BMP	1	LS	\$58,675.00	\$58,675.00
	Construction Layout/Survey				
	Material Testing / Densities/ Soil Boring				
	Permits				
				<b>Subtotal</b>	<b>\$28,000.00</b>
<b>CLEARING AND GRUBBING</b>					
	Site Demolition	1.0	AC	\$20,000.00	\$20,000.00
	Fixed Weir Outfall Demo	1	LS	\$8,000.00	\$8,000.00
				<b>Subtotal</b>	<b>\$558,750.00</b>
<b>EARTHWORK</b>					
	Special Fill (Offsite Sand)	14500	CY	\$37.50	\$543,750.00
	Earthen Berm	1	LS	\$15,000.00	\$15,000.00
<b>CONTINGENCY</b>					
	10% Contingency	1	LS	\$58,675.00	\$58,675.00
<b>PHASE 2 - SITE AMENITIES</b>					<b>\$595,630.00</b>
<b>GENERAL REQUIREMENTS</b>					
	Bonds and Insurance				
	Mobilization / Demobilization				
	M.O.T.				
	Erosion Control / NPDES General Use Permit / BMP	1	LS	\$50,625.00	\$50,625.00
	Construction Layout/Survey				
	Material Testing / Densities/ Soil Boring				
	Permits				
				<b>Subtotal</b>	<b>\$20,000.00</b>
<b>CLEARING AND GRUBBING</b>					
	Site Demolition	1.0	AC	\$20,000.00	\$20,000.00
<b>UTILITIES</b>					
				<b>Subtotal</b>	<b>\$75,000.00</b>
	Minimal water	1	LS	\$25,000.00	\$25,000.00
	Minimal electric 240v single phase, 60 amp	1	LS	\$25,000.00	\$25,000.00
	Minimal sewer	1	LS	\$25,000.00	\$25,000.00
<b>EARTHWORK</b>					
				<b>Subtotal</b>	<b>\$18,750.00</b>
	Grading for road/parking lot	500	CY	\$37.50	\$18,750.00
<b>PAVING, AMENITIES, EXTRAS</b>					
				<b>Subtotal</b>	<b>\$287,500.00</b>
	Site Monument Signage	1	EA	\$10,000.00	\$10,000.00
	Small Chickee Huts	3	EA	\$25,000.00	\$75,000.00
	Gravel Pavement - 4" Depth	6000	SY	\$14.50	\$87,000.00
	Fencing / Gates - Chain link vinyl coated	3650	LF	\$30.00	\$109,500.00
	Vehicle Gates	1	EA	\$6,000.00	\$6,000.00
				<b>Subtotal</b>	<b>\$30,000.00</b>
<b>RESTROOMS</b>					
	Temporary restroom facility (3 stall)	12	EA	\$2,500.00	\$30,000.00
<b>LANDSCAPE - Commercial Buffer Planting</b>					
				<b>Subtotal</b>	<b>\$75,000.00</b>
	Trees	60	EA	\$800.00	\$48,000.00
	Shrubs	900	EA	\$20.00	\$18,000.00
	Sod	30000	SF	\$0.30	\$9,000.00
<b>CONTINGENCY</b>					
	10% Contingency	1	LS	\$50,625.00	\$50,625.00

PHASE 3 - STORM, DRAINAGE, LANDSCAPING					\$2,939,966.54
<b>GENERAL REQUIREMENTS</b>					
	Bonds and Insurance				
	Mobilization / Demobilization				
	M.O.T.				
	Erosion Control / NPDES General Use Permit / BMP	1	LS	\$244,997.21	\$244,997.21
	Construction Layout/Survey				
	Material Testing / Densities/ Soil Boring				
	Permits				
<b>EARTHWORK</b>				<b>Subtotal</b>	<b>\$492,140.00</b>
	Unclassified Excavation (Excavation, Compaction, and Placement)	43000	CY	\$7.50	\$322,500.00
	Organic Wetland/Special Fill	1800	CY	\$37.30	\$67,140.00
	Forebay	1	LS	\$25,000.00	\$25,000.00
	Gabion Baskets	150	SY	\$250.00	\$37,500.00
	Bioswales	1	LS	\$10,000.00	\$10,000.00
	Rain Garden	1	LS	\$10,000.00	\$10,000.00
	Terraced Weirs	1	LS	\$20,000.00	\$20,000.00
<b>WETLAND</b>				<b>Subtotal</b>	<b>\$113,895.80</b>
	Exist. Wetland clean/augment	1	LS	\$20,000.00	\$20,000.00
	Submerged	4122	SF	\$2.00	\$8,244.00
	Emergent plants	43203	SF	\$0.60	\$25,921.80
	Terrestrial	15939	SF	\$3.33	\$53,130.00
	Trees	22	EA	\$300.00	\$6,600.00
<b>DRAINAGE</b>				<b>Subtotal</b>	<b>\$85,000.00</b>
	Fixed Weir Outfall	1	LS	\$35,000.00	\$35,000.00
	Endwall	1	EA	\$6,000.00	\$6,000.00
	Catch Basin	1	EA	\$4,000.00	\$4,000.00
	Storm Pipe	100	LF	\$400.00	\$40,000.00
<b>ARCHITECTURE</b>				<b>Subtotal</b>	<b>\$1,256,000.00</b>
	Amphitheater Pavilion	2800	SF	\$200.00	\$560,000.00
	Boardwalk - ADA compliant	11350	SF	\$60.00	\$681,000.00
	Electric	1	LS	\$15,000.00	\$15,000.00
<b>AMENTITIES, EXTRAS</b>				<b>Subtotal</b>	<b>\$293,950.00</b>
	Site path - ADA compliant	21600	SF	\$12.00	\$259,200.00
	Site path - non-ADA compliant Woodland Trail	13500	SF	\$0.50	\$6,750.00
	Bike Rack	20	EA	\$250.00	\$5,000.00
	Trash Receptacle	10	EA	\$800.00	\$8,000.00
	Bench	15	EA	\$1,000.00	\$15,000.00
<b>LANDSCAPE</b>				<b>Subtotal</b>	<b>\$208,986.32</b>
	Sabal relocation	50	EA	\$250.00	\$12,500.00
	Specimen /Trees Palms	32	EA	\$2,000.00	\$64,000.00
	Trees	100	EA	\$800.00	\$80,000.00
	Shrubs	1500	EA	\$20.00	\$30,000.00
	Sod	74954	SF	\$0.30	\$22,486.32
<b>CONTINGENCY</b>					
	10% Contingency	1	LS	\$244,997.21	\$244,997.21

PHASE 4 - SITE DEVELOPMENT					\$9,867,944.15
<b>GENERAL REQUIREMENTS</b>					
	Bonds and Insurance				
	Mobilization / Demobilization				
	M.O.T.				
	Erosion Control / NPDES General Use Permit / BMP	1	LS	\$822,328.68	\$822,328.68
	Construction Layout/Survey				
	Material Testing / Densities/ Soil Boring				
	Permits				
<b>UTILITIES</b>				<b>Subtotal</b>	<b>\$955,482.00</b>
	Domestic Water and Fire	1	LS	\$236,700.00	\$236,700.00
	Sanitary Sewer	1	LS	\$320,600.00	\$320,600.00
	Electrical/Communications Service	1	LS	\$323,182.00	\$323,182.00
	Site Lighting - pole	15	EA	\$5,000.00	\$75,000.00
<b>ARCHITECTURE</b>				<b>Subtotal</b>	<b>\$6,365,200.00</b>
	Engagement Center - Interior space	7020	SF	\$400.00	\$2,808,000.00
	- Basic FF&E	7020	SF	\$10.00	\$70,200.00
	- Exterior covered areas	2880	SF	\$200.00	\$576,000.00
	Aquariums/Display - Interior space	3500	SF	\$400.00	\$1,400,000.00
	- Basic FF&E	3500	SF	\$10.00	\$35,000.00
	Maintenance - Interior space	700	SF	\$200.00	\$140,000.00
	- Screened Yard	1	EA	\$7,500.00	\$7,500.00
	Twinflower Classrooms - Interior space	1800	SF	\$400.00	\$720,000.00
	- Basic FF&E	1800	SF	\$10.00	\$18,000.00
	- Exterior covered areas	500	SF	\$200.00	\$100,000.00
	Boathouse with bathrooms	2370	SF	\$150.00	\$355,500.00
	Chickee Hut (Fishing Pier, Boardwalk)	2	EA	\$60,000.00	\$120,000.00
	Dumpster	1	EA	\$15,000.00	\$15,000.00
<i>The above square foot (SF) amounts include the cost of the building with a basic level of finish. It includes an allowance for basic furniture, but does not include any equipment, special finishes or casework, specialty mechanical, electrical, plumbing or lighting systems and fixtures.</i>					
<b>PAVING, AMENITIES, EXTRAS</b>				<b>Subtotal</b>	<b>\$620,644.00</b>
	Asphalt Pavement Wearing Coase - 2" Depth	670	TON	\$140.00	\$93,800.00
	Lime Rock Base Course - 8" Depth	6000	SY	\$31.00	\$186,000.00
	Pavement Markings	6400	LF	\$0.21	\$1,344.00
	Porous paving - ADA compliant	15900	SF	\$15.00	\$238,500.00
	Pavers / Decorative Concrete	2000	SF	\$12.00	\$24,000.00
	Concrete Sidewalk - 4" Depth	1100	SY	\$70.00	\$77,000.00
<b>AMENITIES, EXTRAS</b>				<b>Subtotal</b>	<b>\$248,250.00</b>
	Educational signage - throughout site	1	LS	\$30,000.00	\$30,000.00
	History signage - near entry	1	LS	\$5,000.00	\$5,000.00
	Water Fountain/Bottle Filler	3	EA	\$5,000.00	\$15,000.00
	Rainfall Marker Garden	1	EA	\$20,000.00	\$20,000.00
	Boat Launch	1	EA	\$25,000.00	\$25,000.00
	Firepit	1	EA	\$5,000.00	\$5,000.00
	Fishing Pier	1	EA	\$59,500.00	\$59,500.00
	Archery	1	EA	\$5,000.00	\$5,000.00
	Amphitheater - seat walls	1	EA	\$54,150.00	\$54,150.00
	Outdoor classroom features	1	LS	\$20,000.00	\$20,000.00
	Picnic Tables	12	EA	\$800.00	\$9,600.00
<b>LANDSCAPE</b>				<b>Subtotal</b>	<b>\$33,710.79</b>
	Specimen /Trees Palms	4	EA	\$2,000.00	\$8,000.00
	Trees	20	EA	\$800.00	\$16,000.00
	Shrubs	300	EA	\$20.00	\$6,000.00
	Sod	12369	SF	\$0.30	\$3,710.79
<b>CONTINGENCY</b>					
	10% Contingency	1	LS	\$822,328.68	\$822,328.68

<b>SUMMARY</b>	
<b>PHASE 1 - REMEDIATION</b>	<b>\$704,100.00</b>
<b>PHASE 2 - SITE AMENITIES</b>	<b>\$595,630.00</b>
<b>PHASE 3 - STORM, DRAINAGE, LANDSCAPING</b>	<b>\$2,939,966.54</b>
<b>PHASE 4 - SITE DEVELOPMENT</b>	<b>\$9,867,944.15</b>
<b>GRAND TOTAL</b>	<b>\$14,107,640.69</b>



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

**TO:** GOVERNING BOARD  
**FROM:** D. ALBREY ARRINGTON, Ph.D.  
**DATE:** FEBRUARY 10, 2023  
**SUBJECT:** RULE 31-10 RATES, FEES, & CHARGES – RATE STUDY

It is time to discuss our annual Rate Study in which LRD staff plans and anticipates significant projects and balances anticipated costs and revenues in light of our projected financial position to develop an equitable rate structure. This process is constrained by our desire to achieve operational excellence (e.g., system reliability, satisfied customers, strong employee morale) while maintaining a reasonable rate structure.

The annual Rate Study Model is a spreadsheet model we use to assess the long-term fiscal position of LRD. The model uses an annual time step and includes terms for expected development within our service area (i.e., customer growth), and the model has explicit terms for operational and capital revenues and expenses. The Rate Study Model provides useful estimates of future budgetary conditions and is the basis for future financial conditions and proposed rates, fees, and charges.

Last year our Rate Study Model was comprehensively assessed by Raftelis Financial Consultants, Inc. (Raftelis), and they performed a five-year financial forecast of utility operations and analysis of our rates, fees, and charges. Raftelis concluded that the District's Rate Study Model was sound, our associated process was effective, and the District was in strong financial condition. They also indicated that the pace at which the District completes major, planned capital projects will have a direct impact on when we might need to borrow funds to continue to execute our long-term capital plan.

On the following pages, you will find a comprehensive summary of the assumptions included in this year's Rate Study. The final page includes a high-level summary of the proposed FY2024 to FY2028 Capital Improvement Plan. This is the same format staff presented last year, and it provides a clear picture of planned work.

No action is needed this month. I am hopeful to engage the Board with meaningful discussions around the key elements of our Capital Improvement Plan and anticipated rate increases. Then, next month staff anticipate returning for Board approval of proposed changes to Chapter 31-10 Rates, Fees, and Charges (attached following this memo).

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

Stephen B. Rockoff  
BOARD MEMBER

Dr. Matt H. Rostock  
BOARD MEMBER

Clinton R. Yerkes  
BOARD MEMBER

This year, the Rate Study is based on the following general assumptions:

1. Revenue from Quarterly Service Charges – The Schedule of Revenue by Source in this year’s audit (see agenda item 6B) shows Regional Sewer Service revenue increased by 2.9% from FY2021 to FY2022. This increase was driven by our rate increase and a return to normal operations by commercial accounts following impacts from COVID-19. Given the lack of developable land in our service area, increases in quarterly sewer revenue are anticipated to be driven, not by growth in customers, but by rate increases. District Rule 31-10 currently includes scheduled rate increases of 2% for this year and 3% for the following 3 years. I propose leaving the rate increases as published in Chapter 31-10 and add a 3% rate increase for year 5 (effective April 1, 2027). While these rate increases are well below current inflationary pressures, our existing cash reserves afford us the opportunity to maintain the currently projected rates if the Board so desires.

2. Revenue from New Development (Plant and Line Charges) – these revenues are paid by new customers (i.e., new development) and represent new customers paying for their fair share of existing infrastructure needed to serve them (i.e., a new home connecting to the sewer system pays for the tiny fraction of the wastewater treatment facility needed to accommodate their wastewater). Moving forward, this source of revenue is projected to provide approximately 3% of our revenues, which is significantly down from the 15% provided in 2005. Last year, following the Raftelis report, we tied these rates to the Engineering News Record Construction Cost Index.

3. Service Availability Standby (SAS) Revenue – projected to continue a slow, gradual decline, which has been occurring as our service area is nearing built-out conditions.

4. IQ Water Revenue – our IQ revenues are relatively stable at \$2.3 million per year. Given constraints on the availability of reclaimed water, we do not anticipate entering into any new IQ Water contracts. Thus, increases in IQ Water revenues will be tied directly to rate increases, which would be affected by cost increases.

5. Miscellaneous Revenues – over the past 10 years, we have averaged \$500,000 per year in miscellaneous revenues. These revenues originate from grant funds (e.g., LRPI grants), cell tower lease, estoppel fees, and sale of surplus equipment. We anticipate these revenues remaining relatively stable.

6. Interest Revenue – we receive two sources of interest revenue (a) interest on assessments, which is fixed at the time the assessment is levied, and (b) interest on investments, which fluctuate with market conditions. We assume the relatively high interest rate environment will be relatively short-lived, and we expect interest rates to return to 3% by 2028.

7. Operating Expenses – we anticipate a 5% increase in budgeted operating expenses between FY2023 and FY2024 because we expect the current environmental conditions (high inflation, a tight labor market, and a long tail of supply chain issues) will continue to impact our operating costs well into FY2024. In FY2025 and subsequent years we anticipate inflationary pressures to return to normal, so we have projected operating expenses increasing at 3.0% per year.

8. Capital Improvement Projects – The remainder of this memo provides a categorical summary of the proposed Rate Study, which is based upon the FY2024 to FY2028 Capital Improvement Plan (see table below). This is the same format we provided last year. It is intended to facilitate the Board’s understanding of forthcoming significant capital investments staff have identified as desired and/or needed. Below, my intent is to specifically discuss any single item or project that is expected to cost \$200,000 or more:

- A. Buildings – \$1 million is anticipated for design and construction of a new maintenance facility and \$625,000 is anticipated for design and construction of a new warehouse building. Both buildings are assumed to be metal buildings rated for hurricanes.
- B. Infrastructure Improvements (not buildings) – Staff have included \$800,000 in FY2024 for remediation of the 20 acres. These funds are budgeted under Treatment and Disposal, because the remediation is occurring as a consequence of using this property as the effluent disposal point from 1975 through 1986. \$350,000 is anticipated in FY2025 for comprehensive rehabilitation of A Structure and B Structure, both are key structures involved in management of treated effluent discharge to our stabilization ponds and lakes.
- C. Machinery and Equipment – Spending in this category is projected to average \$1.26 million per year over the next five years. These funds are targeted to replace and improve a diversity of critical tools used by District staff, including heavy equipment (replacement front end loader), lift station pumps, portable generators, blowers, and points of connection features for IQ Water system. A significant portion of these costs are driven by anticipated work that will emerge from results of our greenhouse gas emissions study (e.g., aerbay process blower improvements).
- D. Vehicles – staff anticipate replacing one vacuum truck in FY2027 with an anticipated cost of \$450,000. We currently have a fleet of three vacuum trucks, and they serve critical functions for multiple District divisions.
- E. Public Education – This line item includes approximately \$2 million for education facilities at the Bureau of Land Management’s Jupiter Inlet Lighthouse Outstanding Natural Area spread over FY2024 and FY2025. Recently, we rejected all bids on this work and staff are working to understand why these costs came in so much higher than the engineer’s estimate. Currently, the Rate Study does not include any funds for environmental education facilities on our 20 acres.
- F. Neighborhood Sewering – With the completion of Rolling Hills and Jupiter Inlet Lighthouse Outstanding Natural Area, the Rate Study only includes minor funds necessary to address sewerage of remnant areas. Should the Board desire to initiate neighborhood sewerage of the areas west of I-95, we would need to revamp these projections.
- G. Lift Stations – We anticipate spending an average of \$785,000 per year for the next 5 years on lift station improvements. These improvements include \$500k per year for rehabilitations, and \$1 million for control panel replacement at 34 lift stations.
- H. Gravity System – We are projecting capital expenditures of approximately \$2.1 million per year over the next 5 years as we continue to rehabilitate our aging collection system

(gravity laterals, gravity mains and manholes). This includes \$1 million for mainline lining, and \$8 million for lining service laterals in the following systems: LS011, LS012, LS014, LS018, LS027, LS041, LS050, LS054, LS070, LS071 and LS190. Staff are confident that these systematic investments in system reliability will decrease long term costs by minimizing very costly emergency point repairs.

- I. Force Main – Over the next 5 years staff have projected an average expenditure of \$3.2 million per year to upgrade and improve resiliency of our wastewater transmission system (i.e., force mains). Such efforts include minimizing the number of pump stations that re-pump wastewater, adding redundancy (where feasible) to our force main network, testing, and rehabilitating aging force main infrastructure. Specific projects include construction of a new Loxahatchee River subaqueous force main replacement for \$1.7 million; force main valve replacements at \$525k over 5 years; and \$4.5 million to replace the force main that parallels Old Dixie Highway (north and south extensions of the proposed new Loxahatchee River subaqueous crossing), which we suspect likely has similar issues to the subaqueous force main which was taken out of service. Also, we have projected in years 4 and 5 \$8 million in new transmission system resiliency projects to address known and assumed limitations or weaknesses in our transmission system.
- J. Permanent Generators – we have anticipated approximately \$775,000 in costs over 5 years to continue to add permanent generators at critical sewage pumping stations and rehabilitate aging permanent generators at lift stations.
- K. Telemetry – The contract to add telemetry to all of our wastewater pumping stations was executed in May 2022 and we anticipate it being completed in FY2024 with \$2.3 million expended in FY2024.
- L. Operations General Site Improvements – Staff anticipate \$100k in FY2024 to complete the site work improving the area along Jupiter Park Drive as part of the existing Interlocal Agreement with the Town of Jupiter and an additional \$100k on improvements to onsite traffic flow and parking (staff vehicles and portable generators).
- M. Treatment and Disposal – Rehabilitation of clarifier #4 is projected to cost \$200k and be conducted in FY2024. We have included \$250k for chlorine system conversion. Also, we have budgeted \$500k for arc flash safety improvements.
- N. Reuse – Martin County is scheduled to rehabilitate their bridge on County Line Rd and we need to relocate our IQ Water force main that is currently located on that bridge, which is projected to cost \$500k. Evaluation and improvements to IQ Water metering systems are projected to cost \$570k and will occur over the next 4 years. In FY2028 we anticipate spending \$500k to begin significant improvements to our reuse pump station IQ518.
- O. Biosolids – Staff anticipate conducting a comprehensive evaluation of our biosolids treatment system that should be completed next year. Implementation of those recommendations are projected to cost approximately \$2.75 million, which would likely be incurred between FY2025 and FY2027. Also, in FY2028 we expected to contribute \$500k to SWA for improvements to the Biosolids Processing Facility, which we own

8.96%. These costs will be incurred if we renew our agreement with Solid Waste Authority Biosolids Processing Facility (see below for more information).

In addition to the items currently in our draft 5-Year Capital Improvement Plan, staff have identified the following large cost items that are likely to occur and have added place holders to the rate study to ensure they are addressed in the coming years. These projects include:

- I. **Biosolids Processing and Recycling Facility** – In 2005, the District entered into an interlocal agreement with the Solid Waste Authority (SWA) to fund a portion of the cost to design, build, and operate a Biosolids Processing and Recycling Facility (BPF). The District owns 8.96% of the facility’s total capacity. The District’s capital costs to date for the facility equal \$3,470,172. The interlocal agreement terminates on August 9, 2029. At that time, the partners shall agree to continue operating the facility (anticipate capital costs to rehabilitate and upgrade the facility) or decommission the facility (anticipate costs to demo the facility and costs to design, permit, construct, and operate a new facility). At this time, SWA and its partners are assuming we will continue operation of the facility, and LRD staff are preparing to conduct an evaluation of our biosolids facilities to identify and address improvements should we continue on with our existing partnership. Presently, the Rate Study includes a capital cost placeholder of \$500k into the rate study for these costs in both FY2028 and FY2029. Also, we will be considering what treatment system upgrades might be necessary if we pivot to an alternate biosolids treatment process. The costs associated with the alternate treatment process are not included in the Rate Study at this time because they are too uncertain.

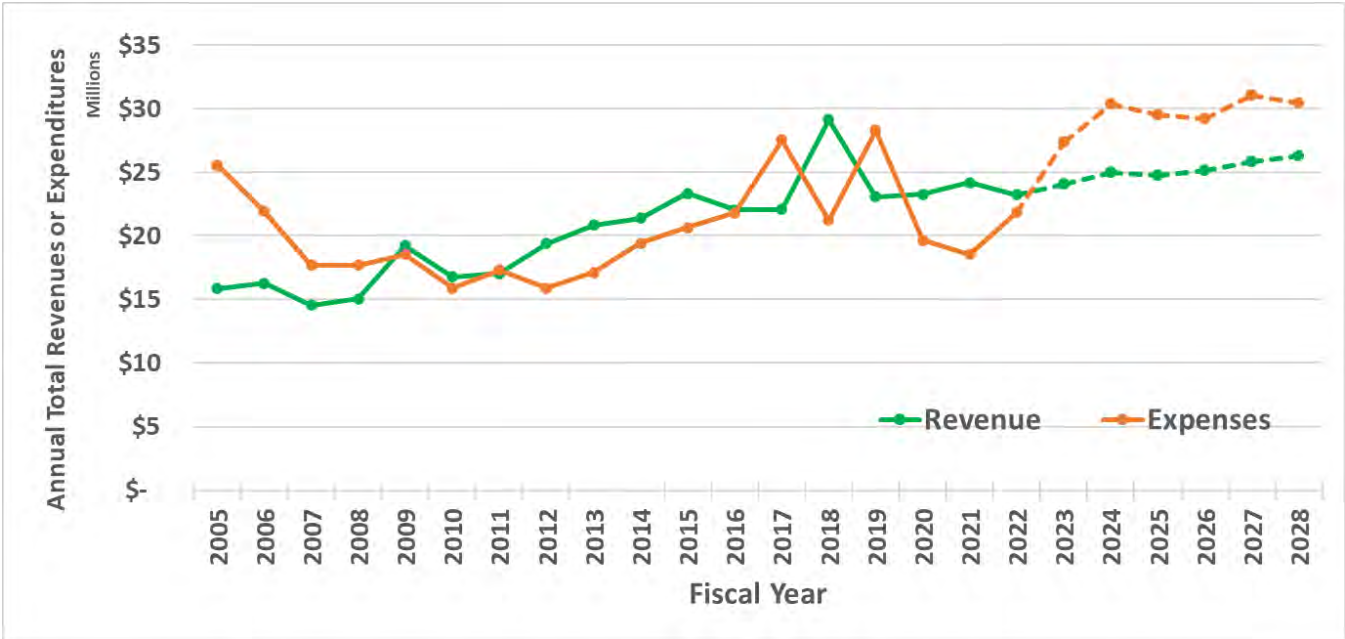
2023 update: given significant uncertainty in the regulatory environment, especially considering PFOS, LRD staff have requested SWA, the other partners, and NEFCO (contractor) extend our current agreement for 36 months to allow new regulations to be implemented, which would decrease the regulatory uncertainty that presently is clouding our assessment of options.

- II. **LRD Solar** – Holtz and Hazen are working to revise the 2017 Solar Evaluations Report prepared by Hazen. Upon completion of this report, the District may want to add funds to the Rate Study to install solar panels at one or more of our facilities to offset our energy consumption and greenhouse gas emissions.
- III. **New Deep Injection Well or Aquifer Storage and Recovery (ASR) Well** - In accordance with Kara’s monthly financial reports, we have designated \$11.5 million towards a new deep injection well or ASR well (see pie chart in Kara’s monthly financial report). While this money remains in our enterprise account, the Year End Total Cash from the Rate Study does not include the funds ‘set aside’ for the Deep Well.

Debt – The District does not have any debt at this time; however, as we move forward with some of the larger projects forecast it is entirely conceivable that the District will need to take on some debt in the future to finance some of these major projects.



The chart below shows total annual revenues and expenditures (operating + capital). This chart shows when we have experienced deficit spending (i.e., years when annual expenses exceeded annual revenues) and when we have experienced surplus years (i.e., years when annual revenues exceeded annual expenses). In general, our capital spending can occur in big chunks (e.g., when we constructed the deep bed filters or when we constructed gravity sewers in Jupiter Inlet Colony). We experienced deficit spending in the period 2005 through 2008 and also in 2017 and 2019. We experienced surplus years from 2012 to 2016, 2018 (when Jupiter Inlet Colony paid off their entire neighborhood sewerage assessment), and 2020, 2021 and 2022. This fiscal year (FY2023) and the subsequent five fiscal years we are projecting deficit spending, which is driven by major capital projects (listed above). Given the projected deficit spending, our available surplus cash will decline significantly over the upcoming years.



Thus, the rate at which we execute our planned capital projects has a significant impact on our projected financial condition. Given our history of slower than expected completion of capital projects, we believe the Rate Study projections (including the chart above) are very conservative. If we expect our past performance to continue (i.e., slower than expected implementation of capital projects; identification of lower-cost alternative projects; access to grant funds), then staff believe maintaining our current rates to be a reasonable path forward.

The attached draft of Chapter 31-10 Rates, Fees, and Charges maintain our existing rate increases and append an additional year of 3% rate increases for the fifth year. Recall, Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges shall increase (or decrease) based upon the annual increase (or decrease) in the Engineering News Record Construction Cost Index (ENR CCI) published in the February edition of each year, which equals 3.88% for February 2023.

**Loxahatchee River District's FY2024 – FY2028 Capital Improvement Plan**

	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>
80% of Total Capital is used in Rate Study Cash Projection Model (due to conservative nature of projected capital costs)	<b>\$ 10,580,000</b>	<b>\$ 9,164,000</b>	<b>\$ 8,216,800</b>	<b>\$ 9,424,000</b>	<b>\$ 8,152,000</b>
<b>Total Projected Capital Costs =</b>	<b>\$ 13,225,000</b>	<b>\$ 11,455,000</b>	<b>\$ 10,271,000</b>	<b>\$ 11,780,000</b>	<b>\$ 10,190,000</b>
<b>Contingency</b>	\$0	\$0	\$0	\$0	\$0
<b>Land</b>	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
<b>Buildings</b>	\$125,000	\$975,000	\$100,000	\$0	\$100,000
<b>Infrastructure Improvements (not buildings)</b>	\$960,000	\$660,000	\$90,000	\$90,000	\$90,000
<b>Machinery and Equipment</b>	\$1,035,000	\$2,365,000	\$1,315,000	\$915,000	\$680,000
<b>Vehicles</b>	\$295,000	\$90,000	\$471,000	\$630,000	\$175,000
<b>Construction in Progress</b>	<b>\$10,800,000</b>	<b>\$7,355,000</b>	<b>\$8,285,000</b>	<b>\$10,135,000</b>	<b>\$9,135,000</b>
CIP - Exec/Finance/Lab/Cust Svc/IT/Construction	\$125,000	\$500,000	\$0	\$0	\$0
CIP - Public Education	\$1,000,000	\$1,000,000	\$0	\$0	\$0
CIP - Engineering Planning Studies	\$100,000	\$100,000	\$100,000	\$50,000	\$50,000
CIP - General Collection & Transmission	\$0	\$0	\$0	\$0	\$0
CIP - Neighborhood Sewering	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
CIP - Lift Station	\$1,025,000	\$1,025,000	\$625,000	\$625,000	\$625,000
CIP - Gravity System	\$2,550,000	\$2,300,000	\$2,350,000	\$2,050,000	\$1,300,000
CIP - Force Main	\$1,975,000	\$1,050,000	\$2,505,000	\$5,205,000	\$5,205,000
CIP - LPSS	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
CIP - Permanent Generator	\$150,000	\$250,000	\$125,000	\$125,000	\$125,000
CIP - Telemetry	\$2,330,000	\$35,000	\$35,000	\$35,000	\$35,000
CIP - Operations Planning Studies	\$0	\$0	\$0	\$0	\$0
CIP - Operations General Site Improvements	\$100,000	\$0	\$0	\$0	\$0
CIP - Treatment & Disposal	\$680,000	\$680,000	\$680,000	\$680,000	\$680,000
CIP - Reuse General	\$550,000	\$50,000	\$50,000	\$50,000	\$50,000
CIP - Reuse Pumping Stations	\$20,000	\$0	\$0	\$0	\$500,000
CIP - Reuse Mains	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
CIP - Reuse Telemetry/Metering/Controls	\$20,000	\$50,000	\$250,000	\$250,000	\$0
CIP - Biosolids	\$110,000	\$250,000	\$1,500,000	\$1,000,000	\$500,000

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RULES  
OF THE  
LOXAHATCHEE RIVER  
ENVIRONMENTAL CONTROL DISTRICT  
CHAPTER 31-10  
SCHEDULE OF RATES, FEES AND CHARGES  
FOR THE USERS OF THE REGIONAL WASTEWATER SYSTEM

- 31-10.001 Definitions.
- 31-10.002 Residential Equivalent Connections.
- 31-10.003 Non-Residential Equivalent Connections.
- 31-10.004 Application for Sewer Service.
- 31-10.005 Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, and Subregional Line Charges for Residential and Non-Residential Units.
- 31-10.006 Special Assessments
- 31-10.007 Quarterly Service Charges for Sewer Service.
- 31-10.008 Determination of Equivalent Connections.
- 31-10.009 Responsibility for Payment and Enforcement of Collections.
- 31-10.010 Payment of Certain Rates, Fees and Charges; Developer Agreement.
- 31-10.011 Connection to Sewer Required. (Repealed)
- 31-10.012 Exceptions to the Payment of Connection Charges.
- 31-10.013 Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Services; Irrigation Quality Water Agreements.
- 31-10.014 Low Pressure Pump Unit Delivery Procedures & Delivery Charge.

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### **31-10.001 Definitions.**

When used in this Chapter the following terms are defined as follows.

(1) “Account” is the account for each property connected to the District’s sewer system established by the District. No more than one (1) account will be established per unique Property Control Number (PCN) as established by either Martin County or Palm Beach County, whichever is applicable.

(2) “Administrative Charge” is the charge paid for each Equivalent Connection to the Regional Wastewater System, to pay for administrative, legal, engineering, and inspection expenses associated with each new connection to the system. The Administrative Charge is due and payable before connection is made to the system and is not transferable or refundable.

(3) “Capital Cost” means the construction cost of regional transmission facilities plus an allowance for associated cost. Construction costs include, but are not limited to, the cost of installation of pipelines, special fittings, valves, pumps, appurtenances, and the cost of acquiring permanent and construction right-of-ways and easements. Allowances for associated costs include engineering services, legal, fiscal, contingencies, and administrative cost. In no event will the allowance for associated cost exceed twenty percent (25%) of the construction cost.

(4) “Delinquent Quarterly Service Charge for Sewer Service” is delinquent if not paid during the service period.

(5) “District” means the Loxahatchee River Environmental Control District, a separate local agency of government operating in accordance with Chapter 2021-249, Laws of Florida.

(6) “Equivalent Connections” or “E.C.” is a multiple factor determined by the amount of toilets (water closets) per individual residential and non-residential unit, the estimated public usage or average flow of wastewater per day, or a combination of the above which may be connected with or used by each parcel of land which may be connected with or used by the Regional Wastewater System, as more particularly set forth in Rules 31-10.002 and 31-10.003.

(7) “Estoppel Fee” means the charge to offset administrative and legal expenses associated with providing information to parties requesting the status in writing for justifiable reliance purposes as to rates, fees, and charges due to the District for a specific property. An Estoppel Fee is determined at \$30.00 per Estoppel letter provided by the District and may be changed from time to time in accordance with the law.

(8) “Governing Board” means the Governing Board of the Loxahatchee River Environmental Control District.

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(9) “G.P.D.” means gallons per day.

(10) “Non-residential Unit” is a non-residential building or structure connected to the Regional Wastewater System including, but not limited to, hotels, motels and boarding houses, wholesale and retail businesses, professional offices, schools, warehouses (including each individual bay) and without limitation all other buildings and structures of a commercial, public, or quasi-public nature.

(11) “Owner” means the legal owner or owners of a property served by the District. By accepting sewage service from the District, all of the property owners of each parcel shall be jointly and severally liable to the District for all charges, rates, and fees incurred for each parcel. If requested by the Owner in writing, the District will submit its bills and other communications to an agent of the Owner such as a property owners or homeowners association manager, property manager, or other legally authorized representative of the Owner.

(12) “Plant Connection Charge” is the charge paid for each Equivalent Connection to the Regional Wastewater System, and credit for which shall run with and be appurtenant to the land. The Plant Connection Charge is due and payable before connection is made to the system and is not transferable. Excess Plant Connection Charge(s) may be refunded if owner demonstrates, in accordance with objective determinations of the District, that fully paid Plant Connection Charges will not be used. In no case shall Plant Connection Charge be refunded for a Residential or Non-residential Unit not connected within one (1) year of sewer being declared Available. Plant Connection Charges are determined as set forth in this rule and may be changed from time to time in accordance with the law.

(13) “Quarterly Service Availability Standby Charge” is the periodic charge for each Equivalent Connection, commencing upon the signing of a Standard Developer Agreement, and is computed at the rate of sixty-eight percent (68%) of the Quarterly Service Charge per Equivalent Connection as established by the Governing Board and amended from time to time.

(14) “Quarterly Service Charge” is the periodic charge for each Equivalent Connection when it is connected to the Regional Wastewater System or within one (1) year of the time the connection is Available, whichever occurs first, and shall be billed in advance. Quarterly Service Charges are established by the Governing Board and amended from time to time.

(15) “Regional Transmission Facility” means transmission lines, force mains, gravity interceptors, lift stations or pump stations that collect wastewater from two or more sub-regions and

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transport the wastewater to the District treatment plant. The size and location of the Regional Transmission Facility are described in the latest Transmission System Master Plan as amended.

(16) “Regional Transmission System Line Charge” is the charge paid for each Equivalent Connection to the Regional Wastewater System, and credit for which shall run with and be appurtenant to the land. The Regional Transmission System Line Charge is due and payable before connection is made to the system and is not transferable. Regional Transmission System Line Charge may be refunded if owner demonstrates, in accordance with objective determinations of the District, that fully paid Regional Transmission System Line Charge will not be used.

(17) “Regional Wastewater System” means any plant, facility or property; and additional extensions and improvements having the capacity for current or future use in connection with the collection, transmission, treatment, purification or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade or business, or from the development of any natural resources. The Regional Wastewater System includes but is not limited to: treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment; all sewer mains and laterals for the reception and collection of sewage; any interest in real and personal property; rights, easements and franchises of any nature whatsoever relating to the District.

(18) “Reserve Service Availability” is the right of an Owner to receive sewer service in the Regional Wastewater System upon reasonable demand.

(19) “Residential Unit” is a residential living unit or structure directly or indirectly connected to the Regional Wastewater System including but not limited to single family dwelling, detached living structure with toilet or sink, and each separate living unit of duplexes, apartments, townhouses, condominiums, and cooperative apartments.

(20) “Special Assessments” are assessments approved, set, and levied by the Governing Board for properties benefitted by the construction, acquisition, extension and operation of the Regional Wastewater System on the basis of the total cost to the District of construction, reconstruction, labor, materials, acquisition, property rights, surveys, design, engineering, legal, administration, operation, maintenance, and all other expenses necessary or incidental to completion of the specially assessed improvements.

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(21) “Subregional Collection Facilities” means neighborhood gravity collection lines, collection manholes, force mains, lift stations and pump stations intended primarily to collect and transport wastewater from the subregional system to the regional transmission facility.

(22) “Transmission System Master Plan” means the report on “Wastewater Collection System Master Plan” for the District dated February 1981 or the latest updated version of the report approved by the Governing Board. The report contains maps and describes those transmission mains, pump stations, lift stations, gravity collectors and interceptors, which constitute the facilities of the regional transmission system.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Section 6(6), (8), (9), (11), (12), and (27), and Section 8. History – New 12-9-76, Amended 9-26-78, 5-21-81, 3-15-2012, 3-20-2014, 3-19-2015, 6-18-2015, 3-17-2016, 3-21-2019, 3-17-22. Formerly 31-10.01.

### **31-10.002 Residential Equivalent Connections.**

The District will use the following amounts to determine Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, Quarterly Service Availability Standby Charges, and Quarterly Service Charges, and other purposes in connection with sewer service provided by the District:

- 1) Residential Equivalent Connections are calculated as:
  - (a) One (1) toilet (water closet) equals 1.000 Equivalent Connection.
  - (b) Two (2) toilets (water closets) equals 1.250 Equivalent Connections.
  - (c) Three (3) toilets (water closets) equals 1.500 Equivalent Connections.
  - (d) Four (4) or more toilets (water closets) equals 1.750 Equivalent Connections.
- 2) Nurseries/Day Care Centers are calculated as 1.0 residential Equivalent Connection per 550 square feet of gross space.
- 3) Live/Work Units (as such zoning designation is approved and defined by the local zoning authority) are calculated based upon two components:
  - (a) The Residential (“Live”) component is calculated as provided in subsection (1) above; plus
  - (b) The Limited Non-Residential (“Limited Work Unit”), defined as a total gross floor area 500 square feet or less, adds 0.50 Equivalent Connection, or the Standard Non-Residential (“Standard Work Unit”), defined as a total gross floor area more than 500 square feet, adds 1.0 Equivalent Connection.

<b>TYPE OF USE</b>	<b>EQUIVALENT CONNECTIONS</b>
Residential Unit with 1 toilet	1.0
Residential Unit with 2 toilets	1.25
Residential Unit with 3 toilets	1.50
Residential Unit with 4 or more toilets	1.75
Nurseries/Day Care	1.0 per 550 square feet of gross space
Limited Live/Work Unit (500 sq. ft. or less of work use) as designated by zoning authority	0.5 per unit plus applicable Residential E.C.
Standard Live/Work Unit (more than 500 sq. ft. of work use) as designated by zoning authority	1.0 per unit plus applicable Residential E.C.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (8), (9), (11), and (19), and Section 8. History-New 12-9-76, Amended 9-26-78, 5-21-81, 6-30-85, 11-1-98, Formerly 31-10.02. Amended 3-17-2005, 3-16-2006, 3-15-2012, 3-20-2014, 6-18-2015, 3-17-22.

**31-10.003 Non-Residential Equivalent Connections.**

(1) The District will use the highest number of Equivalent Connects to determine Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, Quarterly Service Availability Standby Charges, and Quarterly Service Charges, and other purposes in connection with sewer service provided by the District:

- (a) A minimum of one (1) Equivalent Connection per non-residential unit, as defined herein; or
- (b) One (1) Equivalent Connection per toilet (water closet); or
- (c) Equivalent Connections in accordance with the following non-residential businesses, occupations and uses, based upon the maximum occupancy per fire code design where applicable:



<b>TYPE OF USE</b>	<b>EQUIVALENT CONNECTIONS</b>
Tavern (Bar)	.04 per seat
Restaurant (regular)	.06 per seat
Restaurant (24 hours)	.10 per seat
Trailer Park and Mobile Home Park	1 per space
Hotel/Motel (no Bar or Restaurant)	1.0 per unit + 1.0 per common area and/or employee toilet Bar/Restaurant calculated separately
Hospital	.80 per bed + 1.0 per common area and/or employee toilet
Nursing/Rest Home	.40 per bed + 1.0 per common area and/or employee toilet
Assisted Living Facility / Adult Congregate Living Facility	.575 per bed + 1.0 per common area and/or employee toilet
High School and Middle School	.08 per pupil
Elementary School and Pre-School	.06 per pupil
Office Buildings	.75 per 1000 sq. ft. (gross building area) or 1.0 per toilet whichever is greatest
Large Single Use Retail (>20,000 sq. ft.)	.50 per 1000 sq. ft. (gross building area) or 1.0 per toilet whichever is greatest
Laundromats	1.1 per washing machine
Recreational Vehicle (RV) Park	0.75 per recreational vehicle space + 1.0 per common area and/or employee toilet
Swimming Pool Backwash Discharge	0.1 per 3,000 gallons
Elevator Sump	0.5 per sump
Marina pump out station	1.0 per pump out station
Public toilets in parks	1.0 per toilet
Quasi-public toilets e.g., community recreation areas	1.0 per toilet

or,

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- (d) As may be designated by the Governing Board upon presentation of good and sufficient evidence to merit other specific determination.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Sections 6(6), (8), (9), (11), and (19), and Section 8, and Sections 6(9), (12) and (27). History- New 12-9-76, Amended 6-25-78, 9-26-78, 5-21-81, 4-25-84, 6-30-85. Formerly 31-10.03. Amended 3-23-00, 3-17-05, 3-16-06, 03-18-10, 3-20-2014, 6-18-2015, 3-17-2016, 3-17-22.

### **31-10.004 Application for Sewer Service.**

Before any Owner receives sewer service from the District, the Owner shall:

1. if a new customer, submit an application form as provided on the District website (“Application for Sewer Service”) to the District’s Customer Service Department in person;
2. provide proper personal identification and proof of ownership of the property at which sewer service is desired. The District may accept telephone or electronic orders for utility service from existing customers with an active District account provided that the Owner provides the District proper personal identification (driver's license number or state identification card number) that matches the previous information in the Owner’s record and proof of ownership of the property at which service is desired; and
3. pay all outstanding fees and charges owed to the District for the subject property, including any delinquent fees and/or charges.

An Application for Sewer Service shall not be deemed complete unless the above three (3) requirements are met.

The Fair and Accurate Credit Transaction Act of 2003, 15 United States Code, Chapter 41, Section 1681, which can be found at <https://www.ftc.gov/enforcement/statutes/fair-accurate-credit-transactions-act-2003>, requires that the District obtain positive identification from the Owner requesting utility service. The receipt of an application by the District does not constitute a guarantee of sewer service.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (9), (11) and (19), and Section 8. History - New 12-9-76. Repealed 12-12-78, Formerly 31-10.04. New 3-19-2015 as to Application for Sewer Service, Amended 3-17-22.

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**31-10.005 Plant Connection Charges, Regional Transmission System Line Charges and Subregional Line Charges for Residential and Non-Residential Units.**

(1) Before connecting, directly or indirectly, to the Regional Wastewater System, an Owner shall pay all applicable Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, and Subregional Line Charges.

(2) Effective April 1, 1981, all residential and non-residential Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges shall be based on the schedules in effect at the time the District and Owner execute a developer agreement as listed below:

PLANT CONNECTION CHARGES

~~April 1, 2022 thru March 31, 2023 @ \$1,799.00 per E.C.~~

April 1, 2023 thru March 31, 2024 @ \$1,869.00 per E.C.

REGIONAL TRANSMISSION SYSTEM LINE CHARGES

~~April 1, 2022 thru 31 March 31, 2023 @ \$1,168.00 per E.C.~~

April 1, 2023 thru 31 March 31, 2024 @ \$1,214.00 per E.C.

ADMINISTRATIVE CHARGES

~~April 1, 2022 thru March 31, 2023 @ \$169.00 per E.C.~~

April 1, 2023 thru March 31, 2024 @ \$175.59 per E.C.

Commencing April 1, 2023 and thereafter, Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges shall increase (or decrease) based upon the annual increase (or decrease) in the Engineering News Record Construction Cost Index published in the February edition of each year.

The District shall not execute a contract committing to provide service that exceeds the total capacity limitations set by the Governing Board. The full amount of the Regional Transmission System Line Charges and Administrative Charges shall be due and payable in U.S. funds (dollars) or by contract to provide Capital Costs and to construct certain portions of the Regional Transmission System at the time commitment of service is made.

(3) Notwithstanding Section 31-10.005(2) above, effective April 1, 1995, those properties having (or which previously had) buildings or structures having certificates of occupancy prior to April 1, 1981, shall pay the full Plant Connection Charge established in Section 31-10.005(2) less a subsidy of Five Hundred Dollars (\$500.00), provided they are paid for and connected to the Regional Sewer System within one (1) year of the time that lines serving said

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property are formally declared Available by the Governing Board. Notwithstanding Section 31-10.005(2) above, the Plant Connection Charge, Regional Transmission System Line Charges, and Administrative Charges for those buildings or structures having certificates of occupancy prior to notice of sewer availability, can be financed using the District's Installment Agreement method of collection up to five (5) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two percent (2.0%), but not to exceed eight percent (8%), existing at the time of execution of the Installment Agreement, with no prepayment penalty. Should any structure or building not be paid for or financed using the District's Installment Agreement and connected to the District's system within one (1) year of the time that the line serving said property is formally declared Available by the Governing Board, it will at the time of connection pay full Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges as are applicable to new construction at time that connection is made regardless of the date of certificate of occupancy.

(4) Owners with existing contracts for service with the District shall pay Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges as indicated in those contracts, and such charges shall not be subject to increase.

(5) Subregional Line Charges. From time to time the District constructs and extends Subregional Collection Facilities to existing Residential and/or Non-residential Units. The District shall collect the costs of extending the Subregional Collection Facilities through the apportionment of these costs to each of the benefited properties. Such charges shall be payable commencing when the Equivalent Connection is connected to the Regional Wastewater System of the District, or within one (1) year of the time the connection is Available, whichever occurs first. All Subregional Line Charges shall be adjusted each April 1<sup>st</sup> based on the 10-Year Treasury Rate published by the US Department of Treasury on February 1<sup>st</sup>.

(5)(a) Western Indiantown Road Subregional Collection Facilities: Subregional Transmission System Line Charges for the Western Indiantown Road Subregional Collection Facilities shall be ~~\$1,927.321,864.13~~ per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made. Those buildings or structures having certificates of occupancy prior to January 20, 2012, the date this transmission system line was deemed Available, may finance this

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Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by non-ad Valorem tax roll.

5(b) Inlet Village Subregional Line Charge for Inlet Village Subregional Collection Facilities. The rate of the Inlet Village Subregional Line Charge shall be ~~\$2,285.932,210.98~~ per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed Available, may finance this Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by non-ad valorem tax roll.

5(c) Rocking Horse Lane Subregional Line Charge for Rocking Horse Lane Subregional Collection Facilities. The rate of the Rocking Horse Lane Subregional Line Charge shall be ~~\$637.34616.44~~ per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed Available, may finance this Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by non-ad valorem tax roll.

5(d) 66th Terrace Phase 1 Subregional Line Charge for 66th Terrace Phase 1 Subregional Collection Facilities. The rate of the 66th Terrace Phase 1 Subregional Line Charge shall be ~~\$643.11622.02~~ per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board of the District. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those

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buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed available, may finance this Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by Non-Ad Valorem tax roll.

Specific Authority Chapter 2021-249, Laws of Florida, and Section 381.00655, Florida Statutes. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (9), (11), (12), and (19), and Section 8. History - New 12-9-76, Amended, 9-26-78, 12-12-78, 5-21-81, 5-24-82, 4-24-83, 4-25-84, 6-30-85, Formerly 31-10.05. Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-7-92, 5-9-93, 5-9-94, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11, 3-15-2012, 6-21-2012, 3-21-2013, 3-20-2014, 3-19-2015, 3-17-2016, 3-16-2017, 3-21-2019, 10-15-2020, 3-17-22, 3-17-23.

### **31-10.006 Special Assessments.**

Special Assessments are due and payable with interest at the time of transfer of the underlying real property for consideration as an at-arms-length transaction unless transferred to the real estate tax bill for the property as a continuing obligation of the property until paid in full.

Specific Authority Chapter 2021-249, Laws of Florida, Section 6(10), (12), (19) and (27). Law Implemented Chapter 2021-249, Laws of Florida, Section 6(10), (12), (19), and (27). History - New 12-9-76, Amended, 9-26-78, 12-12-78, 5-21-81, 5-24-82, 4-24-83, 4-25-84, 6-30-85, Formerly 31-10.05. Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-7-92, 5-9-93, 5-9-94, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11. 3-15-2012, 3-17-22.

### **31-10.007 Quarterly Service Charges for Sewer Service.**

(1) Quarterly Service Charges shall be payable by the Owner commencing when the Equivalent Connection is connected to the Regional Wastewater System of the District, or within one (1) year of the time the connection is Available, whichever occurs first, and shall be billed in advance. Notwithstanding any other provision of this section, an Owner that has established a tenant as the bill recipient for the Quarterly Service Charge prior to April 1, 2015 may continue to have the established tenant listed as the bill recipient for the Quarterly Service Charge until such time as that tenant relationship changes (e.g., new Owner(s) or new tenant(s)). The Owner is required to notify the District within fifteen (15) days of the tenant relationship change.

(a) The Quarterly Service Charge for Residential Units shall be:

~~For the period of April 1, 2022 thru March 31, 2023 @ \$56.25 per E.C.~~

For the period of April 1, 2023 thru March 31, 2024 @ \$57.38 per E.C.

For the period of April 1, 2024 thru March 31, 2025 @ \$59.10 per E.C.

For the period of April 1, 2025 thru March 31, 2026 @ \$60.87 per E.C.

For the period of April 1, 2026 thru March 31, 2027 @ \$62.70 per E.C.

For the period of April 1, 2027 thru March 31, 2028 @ \$64.58 per E.C.

(b) The Quarterly Service Charge for Non-residential Units shall be as follows:

~~For the period of April 1, 2022 thru March 31, 2023 @ \$6.42 per thousand gallons of metered potable water usage;~~

For the period of April 1, 2023 thru March 31, 2024 @ \$6.55 per thousand gallons of metered potable water usage;

For the period of April 1, 2024 thru March 31, 2025 @ \$6.75 per thousand gallons of metered potable water usage;

For the period of April 1, 2025 thru March 31, 2026 @ \$6.95 per thousand gallons of metered potable water usage;

For the period of April 1, 2026 thru March 31, 2027 @ \$7.16 per thousand gallons of metered potable water usage;

For the period of April 1, 2027 thru March 31, 2028 @ \$7.37 per thousand gallons of metered potable water usage;

provided that the minimum Quarterly Service Charge for Non-residential Units shall be as follows:

~~For the period of April 1, 2022 thru March 31, 2023 @ \$76.98~~

For the period of April 1, 2023 thru March 31, 2024 @ \$78.52

For the period of April 1, 2024 thru March 31, 2025 @ \$80.88

For the period of April 1, 2025 thru March 31, 2026 @ \$83.31

For the period of April 1, 2026 thru March 31, 2027 @ \$85.81

For the period of April 1, 2027 thru March 31, 2028 @ \$88.38

For Non-residential Units that do not have a metered water supply or that have not established a minimum of one (1) month of water use history, and certain other uses (e.g., elevator sump; pool backwash; public toilets in parks; marina pump out station) the Quarterly Service Charge shall be a flat rate of:

~~For the period of April 1, 2022 thru March 31, 2023 @ \$76.98 per E.C.~~

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For the period of April 1, 2023 thru March 31, 2024 @ \$78.52 per E.C.

For the period of April 1, 2024 thru March 31, 2025 @ \$80.88 per E.C.

For the period of April 1, 2025 thru March 31, 2026 @ \$83.31 per E.C.

For the period of April 1, 2026 thru March 31, 2027 @ \$85.81 per E.C.

For the period of April 1, 2027 thru March 31, 2028 @ \$88.38 per E.C.

(2) Temporary Disconnection of Sewer Service – The District may temporarily suspend Quarterly Service Charges when sewer service is disconnected as provided below. If temporarily suspended, quarterly sewer service charges will cease on the first day of the quarter following verification and approval by the District. Quarterly sewer service charges will resume on the first day of the quarter following reconnection to the sewer (e.g., upon receipt of a Certificate of Occupancy). Failure to notify the District of reconnection to the sewer system will result in the District back-billing quarterly sewer service charges to the date reconnection to the sewer was made. Circumstances warranting suspension of quarterly sewer service charges of an existing Residential Unit or Non-residential Unit connected to the District’s sewer system include:

- (a) sewer disconnection in coordination with the District’s Engineering Department and according to District standards, or
- (b) proof of designation as uninhabitable by a municipal authority (e.g., fire official, building official).

(3) The Quarterly Service Availability Standby Charge shall be due and payable for each Equivalent Connection reserving service availability, commencing upon the reserving of service availability and shall continue to be owing for each quarter and paid promptly upon billing in the manner as provided for the Quarterly Service Charge thereafter until payment of the Plant Connection Charge. The amount of the Quarterly Service Availability Standby Charge shall be sixty-eight percent (68%) of the Quarterly Service Charge which is set based upon the fixed expenses incurred by the District in operating the plant and the Regional Wastewater System excluding the variable costs related to the amount of sewerage processed.

- (a) A prepayment of twelve (12) months Service Availability Standby Charges will be required commencing upon the reserving of service availability in addition to the Quarterly Service Availability Standby Charge which shall be prepaid quarterly.
- (b) At the time Plant Connection Charges become due and payable ten and one half (10.5) months of the twelve (12) months of prepaid Service Availability Standby Charges shall be credited to the Plant Connection Charges.



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Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida Section 6(6) (8), (9), (11), (19), and (27), and Section 8. History - New 12-9-76, Amended 6-25-78, 9-26-78, 12-12-78, 11-28-79, 5-21-81, 5-24-82, 10-12-82, 4-24-83, 5-24-84, 6-30-85, Formerly 31-10.07. Amended, 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-12-91, 5-7-92, 5-10-93, 5-7-94, 5-7-95, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11, 3-15-2012, 3-21-2013, 3-20-2014, 3-19-2015, 6-18-2015, 3-17-2016, 3-16-2017, 3-21-2019, 3-17-22, 3-17-23.

### **31-10.008 Determination of Equivalent Connections.**

Each Owner of each lot or parcel of land which may be connected to the Regional Wastewater System shall provide proof of the number of Equivalent Connections for each lot or parcel owned. If the Owner does not produce proof of the number of Equivalent Connections, the District will charge the Owner up to the maximum rates, fees and charges of the District based upon 1.75 E.C. per lot or parcel based upon the best information practically Available to the District.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6) and (9), and Section 8. History - New 12-9-76. Amended 9-26-78, Formerly 31-10.08, Amended 3-15-2012, 3-19-2015, 3-17-22.

### **31-10.009 Responsibility for Payment and Enforcement of Collections and Foreclosure of Liens.**

(1) Responsibility. The District shall hold the Owner of the property being served with sewage service primarily responsible for all charges for sewage service to the property, without regard to the fact that a tenant, licensee, customer or other party was actually utilizing the sewage service and may be paying for same directly to the District.

(2) Payment. All payments to the District shall be made using U.S. funds (dollars). Payment may be made in cash, check, electronic check, money order, electronic bill pay, direct debit, a Master Card or Visa debit card, or credit card or a Discover credit card. All checks shall be in a form that complies with the standards for cash items adopted by the Federal Reserve System to facilitate the sorting, routing, and mechanized processing of such items. Payment made using debit card or credit card is limited to a maximum of \$5,000.00 per account per month.

(3) Delinquent Quarterly Service Charge for Sewer Service. Quarterly Service Charge for Sewer Service shall be delinquent if not paid during the service period. The District will apply a delinquent fee equal to ten percent (10%) of the delinquent Quarterly Service Charge for Sewer Service to accounts with a delinquent balance of \$20.00 or more.

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(4) Default. If any fees, rates, or charges for sewage service are not paid when due and are unpaid for thirty (30) days or more, the Owner shall be in default, and the District may seek recovery of the amounts due from the Owner through any or all available legal remedies.

(5) Enforcement. When the fees, rates, or charges for the services and facilities of any system are not paid when due and are in default as set forth above, the District shall provide written notice to the Owner that the District may discontinue and shut-off the supply of services and facilities to the property until all fees, rates, or charges, including interest at twelve percent (12%) per annum, plus all penalties and charges for the shutting off and discontinuance and the restoration of such services or facilities are fully paid. If the fees or charges remain unpaid for thirty (30) days after being due, such delinquent fees, rates, or charges shall bear interest at the rate of twelve percent (12%) per annum computed from the date when originally due, until paid and the District may discontinue the supply of service and facilities to the property. The District may file suit in a court of competent jurisdiction to recover any delinquent fees or charges, together with legal interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services or facilities and all other costs and other expenses, including court costs and reasonable attorney's fees.

(6) Foreclosure of Liens. The District shall have a lien on all lands and premises served by it for all charges and fees, until paid, for services provided to such lands or premises by the District, or connection fees associated therewith, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. Such lien shall be perfected by the District by recording in the official records of the county in which the lands or premises are located a claim of lien in form substantially as provided in Section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in Section 713.18, Florida Statutes, within ten (10) days after the claim of lien is recorded. If thirty (30) days after service has been made, liens created under this Rule remain delinquent, such liens may be foreclosed by the District in the manner provided by the laws of Florida for the foreclosure of mortgages on real property, and the District shall be entitled to 12% interest per annum, attorney's fees, and other court costs.

(7) No Service Free. No sewage disposal service shall be furnished or rendered free of charge to any Owner, person, firm, corporation, agency or organization whatsoever, and the District and each and every Owner, person, firm, corporation, agency or organization that uses or is required to use such service shall pay the rates, fees, and charges established by the Governing Board.

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(8) Administrative Credits. The Executive Director, or his or her designee, may authorize a credit or refund to an account in certain situations, including billing errors, clerical errors, excessive payments by the customer, meter adjustments, and application of grant funds. In each case, the affected customer must provide a signed written request for refund that quantifies the requested refund, documents the justification for the refund, and states whether the refund should be provided as a credit to the customer's account unless the customer specifically requests a refund check at the same time the customer requests the refund. In no circumstance shall such credit or refund exceed \$10,000 without prior authorization of the Governing Board.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6),(8), (9), (11), and (19), and Section 8. History - New 12-9-76. Formerly 31-3.16, 31-3.18 and 31-10.09. Rules 31-3.016 & 31-3.018 moved, consolidated and renumbered 31-10.009(4), (5) and (6) by amendment on 6-15-2000. Amended 9-26-78, 10-11-80, 3-23-00, 6-15-00, 3-15-2012, 3-19-2015, 3-17-2016, 3-17-22.

**31-10.010 Payment of Certain Rates, Fees and Charges; Developer Agreement.**

(1) Applicants for service requiring less than ten (10) E.C.s must execute an Application for Sewer Service appropriate for the use and shall pay all Connection Charges at the time of application. Applications for Sewer Service forms are provided on the District's website at <https://loxahatcheeriver.org> and may be obtained from the District office.

(2) Applicants desiring to reserve service availability for 10 Equivalent Connections or more must execute a standard developer agreement, as developed and provided by the District ("Standard Developer Agreement"), which is provided on the District's website at <https://loxahatcheeriver.org> and also may be obtained from the District office, and pay all charges and fees required by the agreement. Applicants must also provide plans and specifications with sufficient detail to calculate the number of Equivalent Connections contemplated on the lot or parcel of land.

The following matters are addressed in the Standard Developer Agreement:

- (a) The reservation of the agreed service availability in the Regional Wastewater System on the subject property in terms of Equivalent Connections.
- (b) Payment required to reserve sewer service availability.
- (c) Construction of off-site facilities under certain conditions.
- (d) Dedication of facilities and land to the District.

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- (e) Describing the reservation of service availability in terms of the equivalent connections as non-assignable, non-transferable, and running with the land, and describing exceptions.
  - (f) Requiring payment of a Quarterly Service Availability Standby Charge and prepayment of twelve (12) months thereof.
  - (g) Describing payment and obligations and providing for recovery of costs and attorney's fees.
  - (h) Subject the Owner to the rates, fees and charges of the District as established from time to time but fixing the rate for the Regional Transmission System Line Charge, Administrative Charge, and Plant Connection Charge.

(2) Applicants desiring to reserve service availability for concurrency in the Regional Wastewater System must sign a "Concurrency Reservation Agreement," which is provided on the District's website at <https://loxahatcheeriver.org> ("Concurrency Reservation Agreement") and also may be obtained from the District office, and make all payments required by the agreement. Applicants must also provide plans and specifications with sufficient detail to calculate the number of Equivalent Connections contemplated on the lot or parcel of land. The following matters are addressed in the Concurrency Reservation Agreement:

- (a) The reservation of the agreed service availability in the regional wastewater system on the subject property in terms of equivalent connections.
- (b) Requiring payment of a Quarterly Service Availability Standby Charge and prepayment of twelve (12) months thereof.
- (c) Providing a duration of the shorter of twelve (12) months or thirty (30) days after applicant obtains a development order.
- (d) Providing for the unexpired portion of the prepaid Quarterly Service Availability Standby Charge to be refunded to the applicant if the development order is denied, or credited to the Service Availability Standby Charge if a Standard Developer's Agreement is entered into by the applicant within thirty (30) days of the development order.
- (e) Describing the reservation of service availability in terms of the equivalent connections as non-assignable, non-transferable, and running with the land, and describing exceptions.

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- (f) Describing payment, including rates, fees, and charges of the District, and obligations and providing for recovery of costs and attorney’s fees.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6),(8), (9), (11), and (19), and Section 8. History-New 12-9-76. Amended, 9-26-78, 5-21-81, 5-24-84. Formerly 31-10.10. Amended 5-10-93, 3-20-08, 3-19-09, 3-18-10, 3-15-2012, 3-17-22.

**31-10.012 Exceptions to the Payment of Connection Charges.**

(1) Connection Charges shall not apply to those residential and non-residential buildings and structures referred to in the Agreement for Sale between the Village of Tequesta and the District, dated May 23, 1973.

(2) Those residential and non-residential buildings and structures which have escrowed, paid or committed capital improvement charges and have executed legally binding agreements where capital improvement charges are referred to in such agreements, said agreements shall be enforced according to their tenor, except that the capital improvement charges shall be treated as Plant Connection Charges, and except that where capital improvement charges may be increased or subjected to assessment and reassessment from time to time, there shall be no increase over the amount of capital improvement charges as stated in said agreements, and said provision providing for assessment and reassessment of capital improvement charges shall not be enforced.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (8), (9) (11), (12), and (27), and Section 8. History - New 12-12-79. Formerly 31-10.12, Amended 3-15-2012.

**31-10.013 Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Service; Irrigation Quality Water Agreements.**

(1) “I.Q. Water” is defined as Irrigation Quality Water provided by the District, regardless of the original source of the I.Q. Water. I.Q. Water also may be referred to as “reuse water” or “reclaimed water”, which is further defined in Chapter 62-610, Florida Administrative Code.

(2) “Wholesale I.Q. User” is defined as user of I.Q. Water, for which the I.Q. Water is pumped by the District to a storage facility, such as ponds, lakes, or tanks, at an off-site location. The I.Q. Water is then pumped by a party other than the District, into the lines that irrigate the User’s property.

(3) “Retail I.Q. User” is defined as a user of I.Q. Water, for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes or tanks, at an off-site location.

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The I.Q. Water is then pumped by the District from the storage facility, into the lines that deliver I.Q. Water to the User’s property for further distribution and irrigation by the User.

(4) “Nano I.Q. User” is defined as a user of I.Q. Water, where the I.Q. Water was originally made available by blending the Town of Jupiter’s nanofiltration concentrate and for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes, or tanks, at an off-site location. The I.Q. Water is then pumped by a party other than the District, into the lines that irrigate the User’s property.

(5) Rates, Fees and Charges for Wholesale, Retail, and Nano I.Q. Water Rates are those rates, fees and charges approved, set, and levied by the Governing Board based on the total cost to the District of construction, reconstruction, labor, materials, equipment, acquisition, property rights, surveys, design, engineering, legal, administration, operation, maintenance, and all other expenses necessary or incidental to construction, operation, and improvement of the I.Q. Water system and provision of I.Q. Water.

(6) The District’s rate for I.Q. Water are:

(a) Wholesale I.Q. Users shall pay the following rates for their requested G.P.D.

~~For the period of April 1, 2022 thru March 31, 2023 \$0.4578 per 1,000 gallons.~~

For the period of April 1, 2023 thru March 31, 2024 \$0.4715 per 1,000 gallons.

For the period of April 1, 2024 thru March 31, 2025 \$0.4856 per 1,000 gallons.

For the period of April 1, 2025 thru March 31, 2026 \$0.5002 per 1,000 gallons.

For the period of April 1, 2026 thru March 31, 2027 \$0.5152 per 1,000 gallons.

For the period of April 1, 2027 thru March 31, 2028 \$0.5307 per 1,000 gallons.

(b) Retail I.Q. Users shall pay the following rates for their requested G.P.D.

~~For the period of April 1, 2022 thru March 31, 2023 \$0.6192 per 1,000 gallons.~~

For the period of April 1, 2023 thru March 31, 2024 \$0.6378 per 1,000 gallons.

For the period of April 1, 2024 thru March 31, 2025 \$0.6569 per 1,000 gallons.

For the period of April 1, 2025 thru March 31, 2026 \$0.6766 per 1,000 gallons.

For the period of April 1, 2026 thru March 31, 2027 \$0.6969 per 1,000 gallons.

For the period of April 1, 2027 thru March 31, 2028 \$0.7178 per 1,000 gallons.

(c) Nano I.Q. Users shall pay the following rates for their requested G.P.D.

~~For the period of April 1, 2022 thru March 31, 2023 \$0.7951 per 1,000 gallons.~~

For the period of April 1, 2023 thru March 31, 2024 \$0.8349 per 1,000 gallons.

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For the period of April 1, 2024 thru March 31, 2025 \$0.8766 per 1,000 gallons.

For the period of April 1, 2025 thru March 31, 2026 \$0.9204 per 1,000 gallons.

For the period of April 1, 2026 thru March 31, 2027 \$0.9408 per 1,000 gallons.

For the period of April 1, 2027 thru March 31, 2028 \$0.9690 per 1,000 gallons.

The District may revise its schedule of rates, fees, and charges in accordance with the Loxahatchee River Environmental Control District Act codified in Chapter 2021-249, Laws of Florida, all applicable District rules, and all relevant laws. It is the District's intention to evaluate the sufficiency of I.Q. Water rates during the annual Rate Study, which typically occurs in February and March with potential rate adjustments implemented April 1<sup>st</sup>. The I.Q. Rate shall be billed monthly or such other billing cycle period as the District may determine.

(7) The Start Up Fee of the District for Retail I.Q. Users shall be the greater of (a) six (6) months of charges at the Retail I.Q. Rate for the requested gallons per day, or (b) \$3,500.00. The Application Fee of the District for Wholesale I.Q. Users shall be the greater of (a) six (6) months of charges at the I.Q. Rate for the requested gallons per day, or (b) \$18,000.00.

(8) All persons, firms and corporations (hereinafter called "Applicant") desiring to reserve service availability in the regional I.Q. Water system of the District where said I.Q. Water is Available or is proposed to be Available, as determined by the District, prior to receiving District approval, shall sign a Standard Irrigation Quality Water Agreement and pay the charges and fees specified therein.

Specific Authority Chapter 2101-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Sections 6(6), (8), (9), (11), (12), and (27), and Section 8; History-New 7-23-97, Amended 11-1-98, 3-16-06, 3-18-10, 3-21-2013, 3-19-2015, 3-21-2019, 2-20-2020, 3-17-22, 3-17-23.

### **31-10.014 Low Pressure Pump Unit Delivery Procedures & Delivery Charge.**

(1) All Owners in an area serviced by a low pressure sanitary sewer system, shall be responsible for taking possession of the Low Pressure Pump Unit ("**Pump Unit**") upon notification the Pump Unit is available for pick up at the District. A Property Owner that does not pick up the Pump Unit shall be subject to the following delivery procedures and delivery charge. The First Delivery Notice to the Owner shall provide:

- (a) Owner is delinquent with installation of the low pressure pumping system for their wastewater service.

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- (b) The District has been holding their Pump Unit since the completion of the sewer project.
  - (c) The Pump Unit was included in their assessment and is their responsibility to install.
  - (d) The District will no longer hold the Pump Unit for their pick up and installation.
  - (e) If not picked up within thirty (30) days, the Pump Unit will be delivered at an additional Delivery Charge of \$300.00 to the Owner (the “Delivery Charge”).
  - (f) The Pumping Unit will be delivered in good working order, suitable for District’s future maintenance.
  - (g) If the Owner fails to have the Pump Unit installed within forty five (45) days and there is damage to the Pump Unit components, the Owner will be responsible for the cost to provide a Pump Unit in good working order for District maintenance in the future.
2. If the Pump Unit is not picked up within thirty (30) days after the First Delivery Notice, the Second Delivery Notice shall be sent to the Owner which shall provide:
    - (a) Pump Delivery will be made on a date and time certain.
    - (b) The Pump Unit and appurtenances will be delivered to the most accessible location on the Property or a mutually convenient location as discussed with Owner.
    - (c) A written report will be made of each delivery with photographs of the Pump Unit placement at time of delivery and condition of surrounding area. The District will request written receipt from the Owner for the Pump Unit, however it is not mandatory for the Property Owner to provide or for the District to obtain.
    - (d) The written report shall be signed by two District personnel, witnessed and notarized, and made part of the District’s records.
  3. After delivery, the Owner will be provided written notification that their Pump Unit has been delivered and an Invoice will be provided for the Delivery Charge.
  4. All correspondence to be provided by certified mail with return receipt and regular mail.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Sections 6(6), (8), (9), (10), and (19), and Section 8. History-New 3-15-2012. Amended 3-17-22.





# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

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FAX: (561) 747-9929

**D. Albrey Arrington, Ph.D.** EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

TO: D. Albrey Arrington, Ph.D.  
Executive Director

FROM: Jason A. Pugsley, P.E.  
Operations – Plant Manager

DATE: February 10, 2023

SUBJECT: Proposed Revisions to Chapter 31-13 “Regulation of Sewer Use”

The District’s Chapter 31-13 “Regulation of Sewer Use” Rule is commonly referred to as our “Sewer Use Ordinance” and/or our “Industrial Pretreatment Ordinance” by regulatory agencies such as EPA and FDEP. We last revised Chapter 31-13 in January 2020. This month we are bringing proposed revisions to the Board for discussion purposes.

The two most substantive proposed revisions to Chapter 13-13 are the incorporation of:

1. Rules and requirements related to the District’s existing Fats, Oils and Grease (FOG) Compliance Monitoring Program including specific guidelines for the use and maintenance of grease, oil/sand and lint interceptor units; and
2. Rules and requirements related to Per- and Polyfluoroalkyl (PFAS) substances. PFAS is a large group of highly fluorinated synthetic chemicals used in a wide range of industries. PFAS have been classified by EPA as emerging contaminants of concern. While EPA and FDEP have not established regulatory limits for PFAS they have issued health advisory (HA) levels for drinking water. While PFAS limits have not been formally issued by EPA and FDEP, given the importance of these emerging contaminants we have revised Chapter 31-13 to address the potential discharge of these contaminants to the POTW.

Additional sections were revised to improve overall clarity, to provide reference to the District’s recently revised enabling legislation Chapter 2021-249, Laws of Florida, and to improve conformity with the State of Florida Model Pretreatment Ordinance.

No Board action is being sought this month. Rather, this month we wanted to provide the DRAFT revised rule for review by you and the public. Staff anticipate bringing a final draft of Chapter 31-13 “Regulation of Sewer Use” to the Board for approval in March 2023.

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

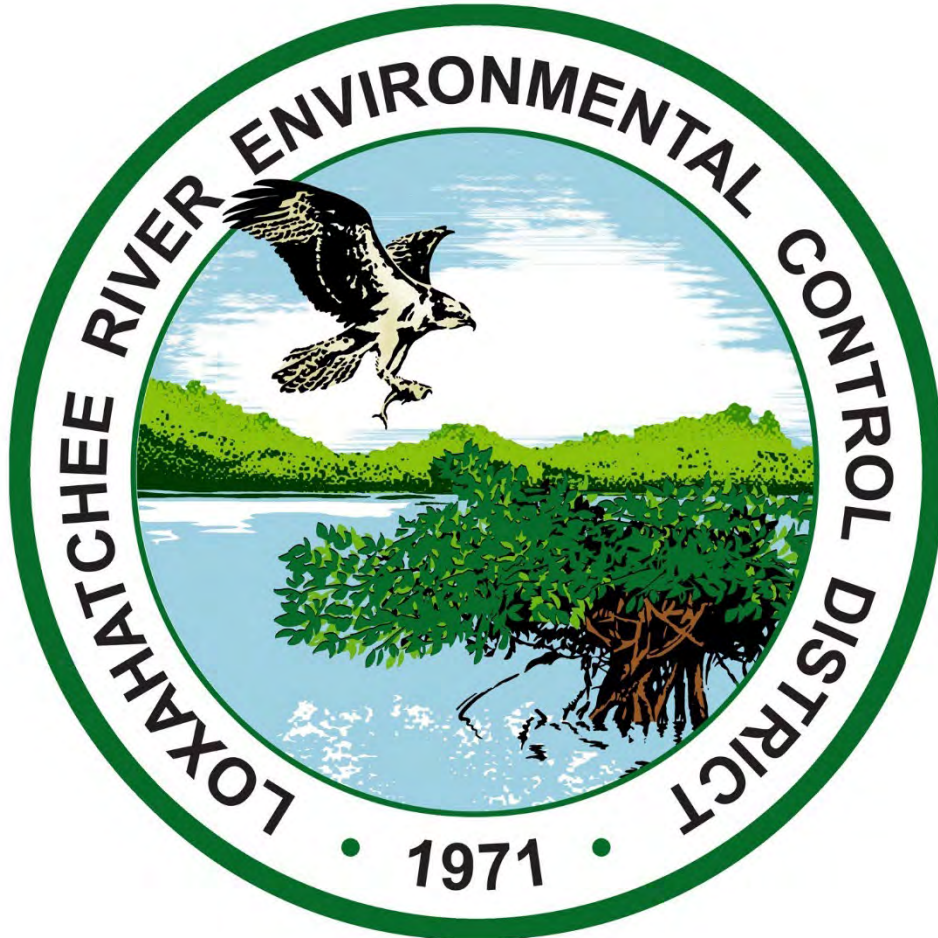
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**LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**

**CHAPTER 31-13 REGULATION OF SEWER USE**



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Palm Beach County  
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# TABLE OF CONTENTS

<u>SECTION 1 - GENERAL PROVISIONS .....</u>	<u>5</u>
<u>    1.1. Purpose and Policy.....</u>	<u>5</u>
<u>    1.2 Administration .....</u>	<u>5</u>
<u>    1.3 Abbreviations.....</u>	<u>6</u>
<u>    1.4 Definitions.....</u>	<u>6</u>
<u>SECTION 2 - GENERAL SEWER USE REQUIREMENTS.....</u>	<u>17</u>
<u>    2.1 Prohibited Discharge Standards.....</u>	<u>17</u>
<u>    2.2 National Categorical Pretreatment Standards.....</u>	<u>18</u>
<u>    2.3 State Requirements .....</u>	<u>19</u>
<u>    2.4 Local Limits.....</u>	<u>19</u>
<u>    2.5 District’s Right of Revision .....</u>	<u>20</u>
<u>    2.6 Dilution.....</u>	<u>20</u>
<u>SECTION 3—PRETREATMENT OF WASTEWATER.....</u>	<u>20</u>
<u>    3.1 Pretreatment Facilities.....</u>	<u>20</u>
<u>    3.2 Additional Pretreatment Measures .....</u>	<u>21</u>
<u>    3.3 Dental Facilities that Remove or Place Amalgam Fillings .....</u>	<u>24</u>
<u>    3.4 Accidental Discharge / Slug Discharge Control Plans .....</u>	<u>26</u>
<u>    3.5 Hauled Wastewater .....</u>	<u>27</u>
<u>SECTION 4 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS.....</u>	<u>27</u>
<u>    4.1 Wastewater Analysis.....</u>	<u>27</u>
<u>    4.2 Individual Wastewater Discharge Permit Requirement .....</u>	<u>27</u>
<u>    4.3 Individual Wastewater Discharge Permitting: Existing Connections.....</u>	<u>28</u>
<u>    4.4 Individual Wastewater Discharge Permitting: New Connections.....</u>	<u>28</u>
<u>    4.5 Individual Wastewater Discharge Permit Application Contents .....</u>	<u>28</u>
<u>    4.6 Application Signatories and Certifications.....</u>	<u>29</u>
<u>    4.7 Individual Wastewater Discharge Permit Decisions .....</u>	<u>30</u>
<u>SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE.....</u>	<u>30</u>
<u>    5.1 Individual Wastewater Discharge Permit Duration .....</u>	<u>30</u>
<u>    5.2 Individual Wastewater Discharge Permit Contents.....</u>	<u>30</u>
<u>    5.3 Individual Wastewater Discharge Permit Appeals.....</u>	<u>31</u>

5.4 Individual Wastewater Discharge Permit Modification.....	31
5.5 Individual Wastewater Discharge Permit Transfer.....	32
5.6 Individual Wastewater Discharge Permit Revocation.....	32
5.7 Individual Wastewater Discharge Permit Reissuance.....	33
5.8 Regulation of Waste Received from Other Jurisdictions.....	33
<b>SECTION 6 - REPORTING REQUIREMENTS.....</b>	<b>34</b>
6.1 Baseline Monitoring Reports.....	34
6.2 Compliance Schedule Progress Reports.....	35
6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline.....	36
6.4 Periodic Compliance Reports for Categorical Industrial Users.....	36
6.5 Periodic Compliance Reports for Industrial Users Not Subject to Categorical Pretreatment Standards....	38
6.6 Reports of Changed Conditions.....	38
6.7 Reports of Potential Problems.....	39
6.8 Reports from Unpermitted Users.....	39
6.9 Notice of Violation/Repeat Sampling and Reporting.....	39
6.10 Notification of the Discharge of Hazardous Waste.....	40
6.11 Analytical Requirements.....	40
6.12 Sample Collection.....	41
6.13 Date of Receipt of Reports.....	42
6.14 Record Keeping.....	42
6.15 Certification Statement.....	42
<b>SECTION 7 - COMPLIANCE MONITORING.....</b>	<b>44</b>
7.1 Right of Entry: Inspection and Sampling.....	44
<b>SECTION 8 - CONFIDENTIAL INFORMATION.....</b>	<b>44</b>
<b>SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE.....</b>	<b>45</b>
<b>SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES.....</b>	<b>46</b>
10.1 Notification of Violation.....	46
10.2 Consent Orders.....	46
10.3 Show Cause Hearing.....	46
10.4 Compliance Orders.....	46
10.5 Cease and Desist Orders.....	47
10.6 Administrative Fines.....	47

<u>10.7 Emergency Suspensions.....</u>	<u>48</u>
<u>10.8 Termination of Discharge (Non-Emergency) .....</u>	<u>48</u>
<u>SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES .....</u>	<u>48</u>
<u>11.1 Injunctive Relief .....</u>	<u>48</u>
<u>11.2 Civil Penalties.....</u>	<u>49</u>
<u>11.3 Criminal Prosecution.....</u>	<u>49</u>
<u>11.4 Remedies Non-Exclusive .....</u>	<u>50</u>
<u>SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS .....</u>	<u>50</u>
<u>12.1 Upset.....</u>	<u>50</u>
<u>12.2 Prohibited Discharge Standards .....</u>	<u>51</u>
<u>12.3 Bypass .....</u>	<u>51</u>
<u>SECTION 13 - MISCELLANEOUS PROVISIONS.....</u>	<u>52</u>
<u>13.1 Pretreatment Charges and Fees .....</u>	<u>52</u>
<u>13.2 Severability .....</u>	<u>53</u>
<u>13.3 Conflicts .....</u>	<u>53</u>
<u>SECTION 14 - EFFECTIVE DATE.....</u>	<u>53</u>

## SECTION 1 - GENERAL PROVISIONS

### 1.1. Purpose and Policy

This Rule sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the area serviced by the Loxahatchee River Environmental Control District (DISTRICT, the District) and enables the District to comply with all applicable State and Federal laws, including (33 United States Code [U.S.C.] section 1251 et seq.), the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403 and Chapter 62-625 Florida Administrative Code [F.A.C.]). The objectives of this Rule are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW, including interference with its use or disposal of municipal biosolids [40 CFR 403.2(a)];
- B. To prevent the introduction of pollutants into the POTW which will Pass Through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant biosolids is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public; and
- E. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW.
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the ~~POTW~~Publicly Owned Treatment Works; and
- G. To enable the District to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, biosolids use, and disposal requirements, and any other Federal or State laws to which the ~~(WWTF)~~wastewater treatment plant is subject.

This Rule shall apply to all Users of the POTW, and requires compliance with Chapter 62-625, F.A.C. of all such Users. The Rule authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### 1.2 Administration

Except as otherwise provided herein, the District's Executive Director shall administer, implement, and enforce the provisions of this Rule. Any powers granted to, or duties imposed upon, the Executive Director may be delegated to other duly authorized District personnel. Whenever the Executive Director is authorized to take any action or make any decisions pursuant to the District's Rules, the District's duly authorized representatives, agents and employees shall have similar authority in the Executive Director's stead.

It is anticipated this document will need periodic review and updating to keep current with changing regulations. However, the basic procedural information and methods of implementation should remain valid.

### 1.3 Abbreviations

The following abbreviations shall have the designated meanings:

- ASPP - Accidental Spill Prevention Plan
- BOD - Biochemical Oxygen Demand
- BMP – Baseline Monitoring Practice
- BMR – Baseline Monitoring Report
- CFR - Code of Federal Regulations
- CIU – Categorical Industrial User
- COD - Chemical Oxygen Demand
- DISTRICT - Loxahatchee River Environmental Control District
- EPA - U.S. Environmental Protection Agency
- F.A.C. – Florida Administrative Code
- FDEP – Florida Department of Environmental Protection
- FSE – Food Service Establishment
- F.S. – Florida Statutes
- GPD - gallons per day
- IU – Industrial User
- MDL – Method Detection Limit
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- NSCIU – Non-Significant Categorical Industrial User
- O&M - Operation and Maintenance
- PFAS – Per-and Polyfluoroalkyl
- PFOA – Perfluorooctanoic Acid
- PFOS – Perfluorooctane Sulfonic Acid
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classifications
- SIU – Significant Industrial User
- SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- TRC – Technical Review Criteria
- TSS - Total Suspended Solids
- USC or U.S.C. - United States Code
- WWF – Wastewater Facility

### 1.4 Definitions

Except as discussed below, the general definitions set forth in the enabling legislation of the District, Chapter ~~2021-24971-822~~, Laws of Florida, ~~as amended~~, and as set forth in Chapter 31, Florida Administrative Code shall apply to this Rule. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Rule, shall have the meanings hereinafter designated.

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
2. Amalgam separator. A device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the ~~sewer~~POTW.
3. Amalgam waste. Non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
4. ANSI/ADA Standard No. 108. The American National Standards Institute and American Dentistry association standard for amalgam separators.
5. Applicable Pretreatment Standards. For any specified pollutant, District prohibitive standards, District specific pretreatment standards (local limits), State of Florida pretreatment standards, or EPA's Categorical Pretreatment Standards (when effective), whichever standard is appropriate or most stringent.
6. Approval Authority. Designated as the State of Florida (due to Florida having an EPA approved pretreatment program)
7. Authorized Representative of the User.
  - a. If the User is a corporation:
    - i. A president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - ii. The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively;
  - c. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
  - d. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the



discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

8. Baseline Monitoring Report (BMR). Required from all industrial users of the POTW, 180 days after the effective date of an applicable categorical pretreatment standard. These reports, which are analogous to NPDES permit applications and are required by 40 CFR 403.12(b) of the General Pretreatment Regulations. All industrial users must provide information on their production processes, water usage, discharge, and compliance status.
9. Best Management Practices (BMPs). Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in ~~subsections~~ Rules 62-625.400(1)(a) and (2), F.A.C. BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
10. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° degrees Celsius, usually expressed as a concentration [milligrams per liter (mg/l)].
11. Bypass. The intentional diversion of wastewater streams from any portion of a User's treatment facility.
12. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
13. Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
14. Categorical User (CU) or Categorical Industrial User (CIU). A User regulated by one of EPA's Categorical Pretreatment Standards
15. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
16. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
17. Control Authority. The Loxahatchee River Environmental Control District (District).
18. Cooling Water/Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

19. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

20. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

21. Disposal Facility. A permitted or certified waste management facility that is authorized to receive interceptor waste.

21.22. Discharge. The introduction of pollutants or other material or substance into the POTW from any from any nondomestic source regulated under Chapter 403, F.S.

22.23. Domestic User (Residential User). Any person who contributes, causes, or allows the contribution of wastewater into the District POTW that is of a similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, 0.17 pounds of BOD per capita per day, and 0.2 pounds of TSS per capita per day.

23.24. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency.

24. Exemption. Exemptions to specific District requirements may be granted when specific criteria are met. Exemptions will be issued on a case-by-case basis by the District's Director of Engineering.

25.

25.26. Existing Source. Any source of discharge that is not a "New Source."

27. Existing User. Any non-categorical User which was discharging wastewater prior to the effective date of this Rule.

28. Food Service Establishment. A restaurant, cafeteria, lunchroom, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

26.29. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

30. Grease Interceptor. A control device that is designed to intercept fats, oil, and grease from wastewater discharged from specific establishments, until they can be removed and disposed of by a waste hauler. It is typically a large liquid retention box with a minimum of two compartment which are separated by baffles and which are installed underground.

27.31. Hauler. A company that removes and properly disposes of waste collected by any type of interceptor unit.

28.32. Hazardous Waste Pharmaceutical. A pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

29.33. Healthcare Facility. Any organization or person that is lawfully authorized to:

a. Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

(2) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

b. Healthcare facility does not include pharmaceutical manufacturers.

30.34. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.

31.35. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

32.36. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, either:

a. Inhibits or disrupts the POTW, its treatment processes or operations;

b. Inhibits or disrupts its biosolids processes, use or disposal; or

c. Is a cause of a violation of the District's NPDES permit or of the prevention of sewage biosolids use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

33.37. ISO 11143. The International Organization for Standardization's standard for amalgam separators.

38. Lint Interceptor. A device designed and intended to capture and prevent lint and other debris from being discharged into the POTW.

39. Local Limit(s). Specific discharge limit(s) developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Rule 62-625.400(1)(a) and (2), F.A.C. Refer to Sections 2.1 A and B for a list of prohibitions.

34.40. Long Term Average. An average based on production over an extended period of time which captures a normal range of flow variation and constituent concentrations.

35.41. Medical Wastes. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

36.42. Method Detection Limit. An estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte-specific and matrix-specific and is laboratory dependent.

37.43. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

38.44. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

39.45. Narrative Standard. A standard or criterion expressed in words rather than numerically.

40.46. New Source.

- a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307 of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- c. Construction of a new source as defined under this paragraph has commenced if the Owner or operator has:
  - i. Begun, or caused to begin as part of a continuous on-site construction program
    - 1. Any placement, assembly, or installation of facilities or equipment; or
    - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - ii. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

41.47. New User. A "New User" is a User that is not regulated under federal categorical pretreatment standards but that applies to the District for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the District's collection system after the effective date of this Rule. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing User" if no significant changes are made in the manufacturing operation.

42.48. Non-contact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

43.49. Non-significant categorical industrial User (NSCIU). Means an industrial User that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- a. Has consistently complied with all applicable categorical pretreatment standards and requirements;
- b. Annually submits the certification statement required in [Rule 62-625.600\(17\), F.A.C.](#), together with any additional information necessary to support the certification statement; and
- c. Never discharges any untreated categorical process wastewater.

44.50. North American Industry Classification System (NAICS). Groups together and identifies establishments that use the same or similar processes to produce goods or services. Developed jointly by the U.S., Canada, and Mexico to provide comparable statistics about business activity across North America. NAICS has replaced and supersedes the U.S. Standard Industrial Classification (SIC) system.

NAICS		SIC	
2-digit	Sector	Division	Letter
3-digit	Subsector	Major Group	2-digit
4-digit	Industry Group	Industry Group	3-digit
5-digit	NAICS Industry	Industry	4-digit

6-digit	National	N/A	N/A
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### NAICS vs. SIC: Structure and Nomenclature

51. Oil/Sand Interceptors. A device designed and intended to separate and capture oil, sand, dirt and other debris from being discharged into the POTW

52. Originator. A facility that produces any type of products, byproducts, or pollutants other than domestic waste which are discharged into the POTW.

53. PFAS. Also known as “per-and polyfluoroalkyl” substances are made up of PFOS (perfluorooctane sulfonic acid) and PFOA (perfluorooctanoic acid). It is a group of chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease, and water.

54. PFOS. Also known as Perfluorooctane sulfonic acid make up perfluorinated alkylated substances (PFAS). This group of chemicals is commonly used in a wide range of industrial processes and is found in many consumer products. PFOS has been used in stain-resistant fabrics, fire-fighting foams, food packaging, and as a surfactant in industrial processes.

55. PFOA. Also known as perfluorooctanoic acid, is a man-made chemical usually found in products that resist sticking, heat, water, stains, and grease.

45-56. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).

46-57. Permittee. A person or User issued a wastewater discharge permit.

47-58. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, or local governmental entities.

48-59. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

49-60. Pharmaceutical. Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

50-61. Plant Superintendent/Manager. The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Rule. The term also means a Duly Authorized Representative of the District.

51-62. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor].

52-63. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

53-64. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

54-65. Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits and/or BMPs established by the District ~~POTW~~.

55-66. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances, which appear in Sections 2.1 (A) and (B) of this Rule.

56-67. Publicly Owned Treatment Works (POTW). A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

57-68. Removal. A reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical, or biological means and may be the result of specifically designed POTW capabilities or may be incidental to the dilution of a pollutant in the POTW.

58-69. Reverse Distributor. Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

59-70. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~60.~~71. Severe Property Damage. Substantial physical damage to property that causes the property to become inoperable, or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.

~~61.~~72. Sewage. Human excrement and/or gray water (household showers, dishwashing operations, etc.)

73. Sewer. Any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

~~62.~~Sewer System. Any plant, facility, or property, and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary, or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade, or business, or from the development of any natural resources; and without limiting the generality of the foregoing definition shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains and laterals for the reception and collection of sewage from premises connected therewith; and shall include all real and personal property and any interest therein, rights, easements, and franchises of nature whatsoever relating to any such sewer system and necessary or convenient for the operation thereof.

~~74.~~

~~63.~~75. Shall, May, Will. "Shall" and "Will" are is mandatory, "May" is permissive.

~~64.~~76. Significant Industrial User (SIU).

- a. A User subject to categorical pretreatment standards; or
- b. A User that:
  - i. Discharges an average of 25,000 GPD or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or
  - ii. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - iii. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- c. Upon a finding that a User meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a User and in accordance with procedures in ~~paragraph~~ Rule 62-625.500(2)(e), F.A.C. determine that such User should not be considered a significant industrial User.



~~65-77.~~ Significant Non-Compliance ("SNC"). For the purposes of this provision, a User is in significant non-compliance if its violation meets the criteria specified in Section 9 of this Rule.

~~66-78.~~ Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Section 2.1 through 2.4 of this Rule or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

~~67-79.~~ Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

~~68-80.~~ State. The State of Florida or an agency within the state government having relevant jurisdiction.

~~69-81.~~ Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~70-82.~~ Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

~~71-83.~~ Treatment Plant Effluent. The discharge from the POTW into waters of the United States.

~~72-84.~~ Upset. An exceptional incident in which there is unintentional and temporary non-compliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the User.

~~85.~~ User or Industrial User (IU). ~~A source of indirect discharge. A non-domestic discharger introducing an industrial waste stream into the POTW.~~

~~73-86.~~ Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

~~74-87.~~ Wastewater Discharge Permit. An authorization or equivalent control document issued by the District to Users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this Rule.

~~75-88.~~ Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

## SECTION 2 - GENERAL SEWER USE REQUIREMENTS

### 2.1 Prohibited Discharge Standards

- A. General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions: No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140° F (60° C) using the test methods specified in [Chapter 62-730, F.A.C.](#);
  - (2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference; such as, but not limited to, ashes, bones, cinders, sand, mud, grass clippings, straw, spent grains, spent lime, stone or marble dusts, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, hide or fleshings, entrails and paper dishes, cups, milk containers, either whole or ground garbage grinders, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, or glass grinding or polishing wastes;
  - (4) Pollutants, including biological oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Pass Through or Interference with the POTW;
  - (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
  - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (8) Any trucked or hauled pollutants, except at discharge points designated by the District in accordance with Section 3.5 of this Rule. All industrial or septic waste haulers shall have a discharge permit issued by the Palm Beach County Health Unit or Martin County Health Unit. No hauled load may be discharged without prior written consent from the District. Samples may be collected from each load to ensure compliance with applicable standards. The hauler may be required to provide waste analysis of

any load prior to discharge. The hauler must provide a waste tracking form for every load. The form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste. This form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are Resource Conservation and Recovery Act (RCRA) hazardous wastes;

- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the District;
- (13) Any sludge, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
- (14) Medical wastes, except as specifically authorized by the District;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100.0 mg/l;
- (18) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
- (19) Any hazardous wastes as defined in rules published by the State of Florida or in [Chapter 62-730, F.A.C.](#)
- (20) Any hazardous waste pharmaceutical from a healthcare facility or reverse distributor.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

## 2.2 National Categorical Pretreatment Standards

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with requirements specified in [subsection-Rule 62-625.410\(4\), F.A.C.](#).
- B. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations

expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Users, in accordance with requirements specified in ~~subsection~~ Rule 62-625.410(4), F.A.C..

- C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same Standard, the District shall impose an alternate limit in accordance with Rule 62-625.410(6), F.A.C.

## 2.3 State Requirements

State requirements and limitations on discharges to the POTW shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this Rule or in other applicable Rules, regulations or ordinances.

## 2.4 Local Limits

- A. The District is authorized to establish Local Limits pursuant to Rule 62-625.40011(3), F.A.C.

- (1) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for the ~~Loxahatchee River~~ District's POTW using standard procedures, calculations and methods acceptable to FDEP to protect against Pass Through, Interference, protection of POTW employees, and adverse effects on wastewater residuals disposal. No User shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the District. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.
- (2) Established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, POTW operation, performance and processes, the District's User base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

- B. The following pollutant limits are established to protect against Pass Through and Interference. No User shall discharge wastewater containing in excess of the following Instantaneous Limits:

0.24 mg/l arsenic  
400 mg/l BOD5  
0.18 mg/l cadmium  
2.67 mg/l chromium  
16.3 mg/l copper  
0.64 mg/l cyanide  
3.30 mg/l lead  
0.41 mg/l mercury  
0.27 mg/l molybdenum  
1.94 mg/l nickel  
0.34 mg/l selenium

4.44 mg/l silver  
1.66 mg/l zinc  
400 mg/l total suspended solids  
100 mg/l Fats, oils and grease  
< 5.5 pH  
> 9.5 pH  
150° F Temperature

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The District may impose mass limitations in addition to the concentration-based limitations above. Where a User is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

C. The District may develop Best Management Practices (BMPs), by rule or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1 [of this Rule](#).

## 2.5 District's Right of Revision

The District reserves the right to establish, by Rule or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this Rule.

## 2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The District may impose mass limitations on Users which it believes may be using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

# SECTION 3—PRETREATMENT OF WASTEWATER

## 3.1 Pretreatment Facilities

Users shall provide necessary wastewater treatment as necessary to comply with this Rule and shall achieve compliance with all applicable Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this Rule within the time limitations specified by the EPA, the State of Florida, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying such facilities as necessary to produce discharge acceptable to the District under the provisions of this Rule.

### 3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the District may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Rule.

B. The District may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

#### C. Fats, Oils and Grease Compliance Monitoring Program

1. Grease, oil/sand and lint interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil/sand, and lint, except that such interceptors shall not be required for residential users. All Interceptors construction shall be in accordance with the District's Minimum Construction Standards, Section 122 and shall meet all applicable standards in Chapter 64E-6, Florida Administrative Code and in compliance with the 2020 Florida Building Code Plumbing, Chapter 10 Traps, Interceptors and Separators, Section 1003.3.5. All interceptors must be approved by the District Engineer.

(a) Grease Interceptors shall be located outside the building with a minimum capacity of 750 gallons and shall be installed in series when multiple tanks are required and shall not be shared. All equipment and kitchen plumbing fixtures in any Food Service Establishment shall be connected to a common drain line which routes all wastewater flow through the grease interceptor, including but not limited to scullery sinks, pots and pan sinks, floor drains, pre-wash sinks, dishwashers, automatic hood wash units, indoor garbage can washes. Under the counter grease traps are not allowed under any circumstance.

(b) Oil/Sand Interceptors are required for all car washes and establishments with facilities for servicing vehicles/mechanical equipment. All plumbing (other than restrooms) from the area where repairs and maintenance are performed shall be connected to an oil/sand interceptor; this includes but is not limited to floor drains and hand wash sinks. Engine oil, transmission oil, coolant, solvents, additives, brake fluid or any other fluid collected in the process of servicing vehicles/mechanical equipment shall not be discharged into the interceptor or any other plumbing fixture; the handling and

(c) Lint Interceptors are required for all laundromats and establishments with a central laundry room with five (5) washing machines or more. Interceptors shall be equipped with a wire basket or similar device which is removable for cleaning and prevents the passage of solids ½" or larger in size, strings, rags, buttons or other materials detrimental to the wastewater facilities. Lint interceptors shall be sized based on the

following formula: Number of washers x 2 cycles per hour x 20gallons per cycle flow rate x 2.0 hours retention time x 1.5 storage factor.

2. All interceptors shall be inspected on a semi-annual basis, at a minimum. Additionally, all interceptors will have a structural inspection performed by District staff on a 5-year basis pending no change in ownership or operational modifications. The structural inspection will require the interceptor to be pumped out, pressure washed and cleaned of all contents at the Owner's expense, in advance of the scheduled inspection date. If any facility that has a interceptor installed, submits for change of ownership or operation, then a structural inspection will be required (if not already completed within the past 6 months) as part of the District's review and approval process.
3. The maintenance of all interceptors shall be the sole responsibility of the Owner. Maintenance shall include the proper removal and disposal, by appropriate means, of the captured material and the maintenance of records of the dates and the means of disposal. All maintenance records shall be subject to review by the District. Any removal and hauling of the collected materials must be performed by a licensed waste disposal firm in accordance with Federal, State and local regulatory requirements.
  - (a) If inspection of the interceptor(s) performed by the District's Industrial Pretreatment Coordinator is found to be out of compliance and the User is notified by letter, the User shall have all deficiencies outlined in the notice of non-compliance letter corrected within thirty (30) days from the date of the letter and a copy of the invoice for all work completed must be submitted to the District's Industrial Pretreatment Coordinator for verification and recordkeeping purposes.
  - (b) Senate Bill 1110 (Grease Waste Removal and Disposal) requires grease waste haulers to dispose of grease waste, including grease waste from grease interceptors, traps and graywater, at registered disposal facilities and to document grease waste removal and disposal with a service manifest. The manifest shall provide a cradle to grave record of the production, transport and proper disposal of all interceptor contents.

Upon completion of grease removal, the *Originator* must;

- i. Sign the manifest verifying that the information is accurate and
- ii. Retain a copy of the service manifest onsite for a minimum of one year.

Upon completion of grease removal, the *Hauler* must;

- i. Document the removal and disposal of the grease waste in the service manifest
- ii. Verify the information is accurate with the Originator and the disposal facility operator and sign the service manifest.
- iii. Provide a copy of the signed service manifest to the Originator.
- iv. Sign the service manifest, verifying that the information is accurate.
- v. Provide the Originator and the county and municipality in which the Originator is located with a copy of the completed service manifest showing the signatures of the Originator, the Hauler and the disposal facility operator within 30 days after the date of the disposal

Upon completion of grease waste disposal, the disposal facility must;

i. Sign the service manifest verifying that the information is accurate.

(c) There are instances where food service establishments may not be required to provide a grease interceptor. In these instances, an Exemption from a grease interceptor may be issued by the District. In order to qualify for an Exemption, the following minimum criteria must be met:

- No food preparation on-site;
- The following equipment is prohibited from being on-site: oven, dishwasher, stove top, cooking surfaces/griddle, fryers, ranges, or any equipment used to cook food, including pre-cooked frozen food;
- Only pre-made food may be allowed to be heated on-site using the following equipment: toasters, microwaves or sandwich presses;
- Traditional and/or convection ovens which have a microwave feature, or which utilize microwaves to accelerate preparation times are not permitted;
- No reusable buffet serving basins used on-site;
- If serving food on-site, all food is served on paper/plastic plates using disposable utensils or in the pre-packaging it was brought on-site in.

If the above criteria cannot be met or if it is determined that after an Exemption has been issued by the District, the above criteria can no longer be met, then a District-approved grease interceptor must be installed. Failure to do so will result in a violation of this Rule, and may result in fines as well as outlined in Section 10.6 (Administrative Fines) of the Rule.

- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter(s).
- E. When a property's discharge may be injurious to the District's systems or may violate the Rules of the District, the Owner of any property serviced by a building sewer carrying wastes shall, at the request of the District, install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the District. The structure shall be installed by the Owner at the Owner's expense and shall be maintained by the Owner so as to be safe and accessible at all times.
- F. The District will have the right to require a User or an Owner to provide access for inspection of all services including making copies thereof, and to provide information needed to determine compliance with this Rule. These requirements may include:
- (1) Wastewater discharge peak rate and volume over a specified time period;
  - (2) Chemical analyses of wastewaters;
  - (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
  - (5) A plot plan of sewers on the User's or Owner's property showing sewer and pretreatment facility locations;



- (6) Details of wastewater pretreatment facilities;
- (7) Details of systems to prevent and control the losses of materials through spills to any District sewer.

### G. Per-and-Polyfluorinated Substances (PFAS)

1. PFAS compounds are used in industries such as aerospace, automotive, construction, and electronics. PFAS compounds are also applied in a variety of industrial, agricultural, military and commercial products, including firefighting foams, stain-or water-repellant, fabric coating and non-stick cookware. Henceforth, the District may require all IUs to sample their effluent for PFAS using the limits established for drinking water standards and as outlined under the health advisory level, provided by the Florida Health Department, as a not to exceed limit. The purpose of this is to ensure that the reclaimed water produced by the District for irrigation purposes, the biosolids produced from de-water sludge, and the disposal of wastewater by underground injection wells does not add additional contamination of PFAS compounds to the soil and/or groundwater with the primary objective of protecting public health and welfare.
2. Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) are part of a group of chemicals called perfluoroalkyl substances (PFASs). These are a family of man-made compounds that do not occur naturally. They break down very slowly and may also get into drinking water wells. PFAS are found in the blood of people, animals and in the environment (groundwater, air, soil), as well as produce products, such as vegetables and fruits.
3. While there are currently no wastewater standards for PFAS, as of June 2022, EPA has set a health advisory (HA) level of 0.004 part per trillion (ppt) for PFOA and 0.02 part per trillion (ppt) for PFOS in drinking water. The HA level is stipulated for combined concentrations of PFOS and PFOA. This level is set to be protective for both cancer and non-cancer effects over a lifetime. All discharges to the District's POTW shall be less than 150% of any defined regulatory limit and/or HA level for drinking water. Analytical analysis of PFAS samples shall be performed using EPA Method 1633.

### 3.3 Dental Facilities that Remove or Place Amalgam Fillings

- A. All Owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:
  - (1) For dental facilities whose first discharge to the POTW occurred on or before January 16, 2020, the One-Time Compliance Report is due no later than October 12, 2020, or no later than 90 days after transfer of ownership.
  - (2) For dental facilities whose first discharge to the POTW occurred after January 16, 2020, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.
  - (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
  - (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training

records that shall be available for inspection by the District during normal business hours.

- (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
- (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

B. All Owners and operators of dental vacuum suction systems, except as set forth in subsections (C) and (D) of this Section, shall comply with the following:

- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this Rule shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
- (2) Proof of certification and installation records shall be submitted to the District within 30 days of installation.
- (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the District during normal business hours. Records shall be maintained for a minimum of three years.

C. Facilities with vacuum suction systems that meet all the following conditions may apply to the District for an exemption to the requirements of subsection (B) of this Section:

- (1) The system is a dry vacuum pump system with an air-water separator.
- (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and available for audit by the District during normal business hours.
- (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An Owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the District. The District will review the system and, if the exemption is approved, shall provide a written letter of exemption. An exemption obtained pursuant to this subsection (C) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (B) of this Section before commencing further operation.

- D. Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this Section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.
- E. Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:
  - (1) Submits the following statement to the District, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 3.3A:

*“This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

- (2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 48 times per year and as no more than 5% of dental procedures; and
  - (3) The dental practice notifies the District of any changes affecting the applicability of this certification.
- F. Disposal of hauled wastewater from dental facilities to the sanitary sewer must be in accordance with Section 2 General Sewer Use Requirements and Section 3.5 Hauled Wastewater and may be subject to industrial Pretreatment Requirements.
- G. Dental dischargers that fail to comply with this Section will be considered a SIU, and will be subject to the requirements herein, including Section 6 Reporting Requirements, Section 7 Compliance Monitoring, Section 10 Administrative Enforcement Remedies, and/or Section 11 Judicial Enforcement Remedies.

### 3.4 Accidental Discharge / Slug Discharge Control Plans

The District shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action plan to control Slug Discharges. The District may require an SIU to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the District may develop such a plan for any SIU. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;

- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or Slug Discharge, as required by Section 4.5 of this Rule; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### 3.5 Hauled Wastewater

Hauled industrial waste may not be introduced to the POTW.

Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the District. Such wastes shall not violate Section 2 of this Rule or any other requirements established or adopted by the District. Discharge permits for individual vehicles to use such facilities are required and shall be issued by the Plant Superintendent Manager.

- A. Septic tank waste haulers may only discharge loads at locations specifically designated by the District. No load may be discharged without prior consent of the Plant Superintendent Manager. The on-duty Operator shall collect samples of each hauled load to ensure compliance with applicable pretreatment standards. The District may require the hauler to provide a waste analysis of any load prior to discharge.
- B. Septic tank waste haulers will be provided, by the Plant Superintendent Manager, with a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.
- C. Fees for dumping hauled wastes are established as part of the District's Rule Chapter 31-10 Schedule of Rates, Fees, and Charges for the Users of the Regional Wastewater System.

## SECTION 4 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS

### 4.1 Wastewater Analysis

When requested by the District, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Plant Superintendent Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### 4.2 Individual Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the District, except that a

Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this Rule may continue to discharge for the time period specified therein.

- B. The District may require other Users, including liquid waste haulers, to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Rule.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Rule and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this Rule. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

#### 4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Rule and that wishes to continue such discharges in the future shall, within forty-five (45) days after notification by the District, submit a permit application to the District in accordance with Section 4.5 of this Rule and shall not cause or allow discharges to the POTW to continue after ninety (90) days after the effective date of this Rule except in accordance with an individual wastewater discharge permit issued by the District.

#### 4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of this Rule, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

#### 4.5 Individual Wastewater Discharge Permit Application Contents

- A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The District uses the State of Florida, Individual Industrial User Survey Application, from its Pretreatment Guidance Manual as a permit application. Categorical Users submitting the following information shall have complied with [Rule](#) 62-625.600(1), F.A.C. The District may require Users to submit all or some of the following information as part of a permit application:
  - (1) Identifying Information.
    - a. The name and address of the facility, including the name of the operator and Owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises;
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations.
    - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and

standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C [of this Rule](#) ([and Rule](#) 62-625.410(6), F.A.C.).

(7) Measurement of Pollutants.

- a. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated pollutants in the discharge from each regulated process.
- c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Rule. Where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this Rule.

(8) [If appropriate, Users shall submit a](#)Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [of this Rule](#) [[and Rule](#) 62-625.600(4)(c)1, F.A.C.].

(9). Any other information as may be deemed necessary by the District to evaluate the permit application.

[B.](#) Incomplete or inaccurate applications will not be processed and will be returned to the applicant for revision.

#### 4.6 [Application Signatories and Certifications](#)

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.15 A [of this Rule](#).
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to Section 1.4 (~~4032~~) [of this Rule](#) must annually submit the signed certification statement in Section 6.15 B [of this Rule](#) [Note: See [Rule](#) 62-625.200(25)(c), F.A.C.].

#### 4.7 Individual Wastewater Discharge Permit Decisions

The District will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete individual wastewater discharge permit application, the District will determine whether or not to issue a discharge permit. The District may deny any application for any individual wastewater discharge permit.

### SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

#### 5.1 Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the District. Each individual wastewater discharge permit will indicate a specific date upon which it will be effective as well as the date it will expire.

#### 5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the District to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

- A. Industrial wastewater discharge permits must contain:
  - (1) A statement that indicates the wastewater discharge permit issuance date, effective date, and expiration date (in no case more than 5 years);
  - (2) A statement that the wastewater discharge permit is non-transferable without prior notification to the District in accordance with Section 5.5 of this Rule, and provisions for furnishing the new Owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on the applicable general pretreatment standards in Sections 2.4 and 6.12 [of this Rule](#) and [Rule Chapter 62-625.500\(2\)\(a\)\(2\)\(d\)](#), F.A.C., categorical pretreatment standards, local limits, and State and Local laws and;
  - (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4B [of this Rule](#).
  - (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (7) Requirements to control Slug Discharge, if determined by the District to be necessary.
  - (8) Any grant of the monitoring waiver by the District must be included as a condition in the User's permit (Section 6.4B [of this Rule](#)).
- B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
  - (8) Other conditions as deemed appropriate by the District to ensure compliance with this Rule, and State and Federal laws, rules, and regulations.

### 5.3 Individual Wastewater Discharge Permit Appeals

Any person wishing to appeal a decision of the District may do so to the District's Governing Board.

### 5.4 Individual Wastewater Discharge Permit Modification

User requests for permit modifications shall be made in writing and include the facts or reasons which support the request. When modifying a permit, the District shall allow a reasonable time frame for the



User to comply with the new or changed conditions if the User cannot meet them at the time of modification and if permitted by law. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for an industrial wastewater discharge permit modification does not stay any wastewater discharge permit condition.

The District may modify an individual wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District's POTW, personnel, beneficial reuse of biosolids or reclaimed water, or the receiving waters;
- E. Violation of any terms or conditions of the individual wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to Rule 62-625.700, F.A.C.;
- H. To correct typographical or other errors in the wastewater discharge permit;
- I. To reflect a transfer of the facility ownership and/or operation to a new Owner or operator where requested in accordance with Section 5.5 [of this Rule](#); or
- J. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

### 5.5 Individual Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new Owner and/or operator only if the permittee gives at least ninety (90) days advance notice to the District and the District approves the individual wastewater discharge permit transfer. The notice to the District must include a written certification by the new Owner and/or operator which:

- A. States that the new Owner and/or operator has no immediate intent to change the facility's [operations and processes](#);
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater [discharge permit and all requirements therein.](#) ~~discharge permit.~~

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

### 5.6 Individual Wastewater Discharge Permit Revocation

The District may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- ~~A.~~ Failure to notify the District of significant changes to the wastewater prior to a changed discharge;
- ~~B.~~ Failure to provide prior notification to the District of changed conditions pursuant to Section 6.6 of this Rule;
- ~~C.~~ Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- ~~D.~~ Falsifying self-monitoring reports;
- ~~E.~~ Tampering with monitoring equipment;
- ~~F.~~ Refusing to allow the District timely access to the facility premises and records;
- ~~G.~~ Failure to meet effluent limitations;
- ~~H.~~ Failure to pay fines;
- ~~I.~~ Failure to pay sewer charges;
- ~~J.~~ Failure to meet compliance schedules;
- ~~K.~~ Failure to complete a wastewater survey or the wastewater discharge permit application;
- ~~L.~~ Failure to provide advance notice of the transfer of business ownership of a permitted facility; or;
- ~~M.~~ Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Rule.

## 5.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for an individual wastewater discharge permit reissuance by submitting a completed individual wastewater discharge permit application, in accordance with Section 4.5 of this Rule, a minimum of ninety (90) days prior to the expiration of the User's existing ~~individual industrial~~ wastewater discharge permit.

## 5.8 Regulation of Waste Received from Other Jurisdictions

The District must ensure that discharges received from entities outside its jurisdictional boundaries are regulated to the same extent as are discharges from within its jurisdictional boundaries.

- A. If another Special District or Municipality, or User located within another Special District or Municipality, contributes wastewater to the POTW, the District Governing Board shall authorize execution of an interlocal agreement with the contributing Special District or Municipality.
- B. Prior to entering into an agreement required by ~~Section 5.8 A. of this Rule paragraph A, above,~~ the District shall request the following information from the contributing Special District or Municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing Special District or Municipality;
  - (2) An inventory of all Users located within the contributing Special District or Municipality that are discharging to the POTW; and
  - (3) Such other information as the District may deem necessary.
- C. An interlocal agreement, as required by ~~Section 5.8 A. of this Rule paragraph A, above,~~ shall contain the following conditions:
  - (1) A requirement for the contributing Special District or Municipality to adopt a sewer use ordinance which is at least as stringent as this Rule and Local Limits, including

required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this Rule. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the District's Rule or Local Limits;

- (2) A requirement for the contributing Special District or Municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing Special District or Municipality; which of these activities will be conducted by the District; and which of these activities will be conducted jointly by the contributing Special District or Municipality and the District;
- (4) A requirement for the contributing Special District or Municipality to provide the District with access to all information that the contributing Special District or Municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing Special District or Municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing Special District or Municipality's discharge;
- (7) A provision ensuring the District access to the facilities of Users located within the contributing Special District or municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the District; and
- (8) A provision specifying remedies available for breach of the terms of the interlocal agreement.

Nothing in this Section shall impair existing Interlocal Agreements.

## SECTION 6 - REPORTING REQUIREMENTS

### 6.1 Baseline Monitoring Reports

Users that become subject to new or revised categorical Pretreatment Standards are required to comply with following reporting requirements even if they have been designated as Non-Significant Categorical Industrial Users.

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under [Rule 62-625.410\(2\)\(d\)](#), F.A.C., whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District, a report which contains the information listed in [Section 6.1 B. of this Rule](#)~~paragraph B~~, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the District a report which contains the information listed in [Section 6.1 B. of this Rule](#)~~paragraph B~~, below. Each New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. Each New Source shall give estimates of the information requested in [Section 6.1 B.](#)~~B~~ (below) of this Rule.

- B. Users described above shall submit the information set forth below.
- (1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6) of this Rule.
  - (2) Measurement of pollutants.
    - a. The User shall provide the information required in Section 4.5 A (7) (a) through (e) of this Rule.
    - b. The User shall take a minimum of four (4) representative samples to compile the data necessary to comply with the requirements of this paragraph.
    - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream of the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User shall measure the flows and concentrations necessary to allow the use of the combined wastestream formula in Rule 62-625.410(6), F.A.C. to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Rule 62-625.410(6), F.A.C. this adjusted limit along with supporting data shall be submitted to the ~~Control Authority~~ District;
    - d. Sampling and analysis shall be performed in accordance with Sections 6.11 and 6.12 of this Rule;
    - e. The District may allow the submission of a baseline report which utilizes only —historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
    - ~~A.~~ The baseline report shall indicate the time, date and place of sampling and ~~f.~~ —methods of analysis, and shall certify that such sampling and analysis is ~~g.f.~~ — representative of normal work cycles and expected pollutant ~~Discharges~~ discharges to the POTW.
  - (3) Compliance Certification. A statement, reviewed by the User’s Authorized Representative as defined in Section 1.4(7) of this Rule and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this Rule.
  - (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.15(A) of this Rule and signed by an Authorized Representative of the User as defined in Section 1.4(7) of this Rule.

## 6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this Rule.

- A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- B. No progress increment referred to in Section 6.2 (A) of this Rule~~paragraph (A) of this Section~~ shall exceed nine (9) months.
- C. The User shall submit a progress report to the District no later than fourteen (14) days following each progress milestone date in the schedule and the final date for compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for delay, and, if appropriate, the steps being taken by the User to return to the established schedule.
- D. In no event shall more than nine (9) months elapse between such progress reports.

### 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the District, a report containing the information described in Sections 4.5 and 6.1(B)(2) of this Rule.

For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Sections 4.5 and 6.1(B)(2) of this Rule, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.15(A) of this Rule. All sampling will be done in conformance with Section 6.12 of this Rule.

### 6.4 Periodic Compliance Reports for Categorical Industrial Users

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User (NSCIU).

- A. Any CIU, except an NSCIU, after the compliance date of such pretreatment standard, or, in the case of a new source, after the commencement of the discharge into the POTW, shall submit to the District during the months of June and December, annually, unless required more frequently in the pretreatment standard or by the District in accordance with Section 6.4 D of this Rule, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the Industrial User (IU) shall submit documentation required by the District or the pretreatment

standard necessary to determine the compliance status of the IU. The IU may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.

- B. The District may authorize a CIU to waive sampling of a pollutant regulated by a categorical pretreatment standard if the CIU demonstrates the following through sampling and other technical factors:
- (1) The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the CIU; and
  - (2) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
- C. This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:
- (1) The monitoring waiver is valid only for the duration for the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The CIU must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit.
  - (2) In making a demonstration that a pollutant is not present, the CIU must provide data from at least four (4) samplings of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if FDEP's approved method from [Rule 62-4.246, F.A.C.](#), with the lowest [method detection limit \(MDL\)](#) for that pollutant was used in the analysis;
  - (3) The request for a monitoring waiver must be signed in accordance with Section 1.4(7) and include the certification statement in Section 6.15A [of this Rule](#).
  - (4) The authorization must be included as a condition in the CIU's permit. The reasons supporting the waiver and any information submitted by the CIU in its request for the waiver must be maintained by the District for three (3) years after expiration of the waiver.
  - (5) Upon approval of the monitoring waiver and revision of the CIU's individual wastewater discharge permit by the District, the CIU must certify each report with the statement in Section 6.15(C) of this Rule.
  - (6) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the CIU's operations, the CIU must immediately notify the District and comply with the monitoring requirements of Section 6.4A of this Rule or other more frequent monitoring requirements imposed by the District.
- D. All periodic compliance reports must be signed and certified in accordance with Section 6.15A of this Rule and signed by an authorized representative of the user as defined in Section 1.4(7) [of this Rule](#).
- E. Sampling and analysis shall be performed in accordance with Sections 6.11 and 6.12 of this Rule.

- F. For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and pretreatment requirements.
- G. If a User subject to the reporting requirement in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in Section 6.12 of this Rule, the results of this monitoring shall be included in the report.

## 6.5 Periodic Compliance Reports for Industrial Users Not Subject to Categorical Pretreatment Standards

- A. Industrial users with discharges that are not subject to categorical pretreatment standards shall submit to the District during the months of June and December [annually](#), unless required more frequently in the pretreatment standard or by the District in accordance with Section 6.4 of this Rule, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 6.1 B(2) of this Rule. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation required by the District or the pretreatment standard necessary to determine the compliance status of the IU. The IU may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.
- B. All periodic compliance reports must be certified in accordance with Section 6.15 A of this Rule and signed by an authorized representative of the user as defined in Section 1.4(7) [of this Rule](#).
- C. Sampling and analysis shall be performed in accordance with Sections 6.11 and 6.12 of this Rule.
- D. For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- E. If an IU subject to the reporting requirement in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in Section 6.12 of this Rule, the results of this monitoring shall be included in the report.

## 6.6 Reports of Changed Conditions

Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change ([Rule 62-625.600\(9\)](#), F.A.C.).

- A. The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Rule.

- B. The District may issue an individual wastewater discharge permit under Section 5.7 ([Individual Wastewater Discharge](#) Permit Reissuance) of this Rule or modify an existing wastewater discharge permit under Section 5.4 ([Individual Wastewater Discharge](#) Permit Modification) of this Rule in response to changed conditions or anticipated changed conditions.
- C. Users are not permitted to implement any changes to their operations and/or system(s) which would alter the nature, quality or volume of the wastewater to be discharged to the POTW without prior written approval from the District to do so.

## 6.7 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Rule.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in [Section 6.7 A. of this Rule](#)~~paragraph A~~, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. All Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

## 6.8 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the District as the District may require.

## 6.9 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User shall notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Where the District has performed the sampling and analysis in lieu of the User, the District will perform the repeat sampling and analysis unless the User is notified and required to perform the repeat analysis. Re-sampling is not required if the District performs sampling at the Industrial User



at a frequency of at least once per month, or the District performs sampling at the User's sampling location between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling.

## 6.10 Notification of the Discharge of Hazardous Waste

- A. Discharge of hazardous waste, as defined in rules published by the State of Florida or in Chapter 62-730, F.A.C., to the POTW is prohibited. The discharge of hazardous waste to the POTW shall be considered a violation of this rule.
- B. Users shall notify the District and FDEP's hazardous waste and pretreatment authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under [Chapter 62-730, F.A.C., 40 CFR Part 261.](#) Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the IU: (1) An identification of the hazardous constituents contained in the wastes, (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. Users shall provide notification no later than thirty (30) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.6 (Reports of Changed Conditions) of this Rule. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3 and 6.4 of this Rule.
- C. In the case of any new FDEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the District and the FDEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Rule, a permit issued thereunder, or any applicable Federal or State law.

## 6.11 Analytical Requirements

Analytical tests shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, as of [August 28, 2017](#)~~July 1, 2009~~, hereby adopted and incorporated by reference. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the IU and the District, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C. If a sampling procedure is not available or none of the approved

procedures are appropriate for collecting the samples, the sampling organization, with the approval of the IU and the District, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C.

## 6.12 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate quarterly sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the quarterly reporting period.

- A. Except in the case of NSCIUs, the reports required in Sections 6.1, 6.3, 6.4, and 6.5 of this [Rule ordinance](#) shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the District, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the District in lieu of the IU. Where the District performs the required sampling and analysis in lieu of the IU, the IU is not required to submit the compliance certification required in Sections 6.1, 6.3, 6.4 and 6.5 of this [Rule ordinance](#). In addition, where the District collects all the information required for the report, including flow data, the IU is not required to submit the report. All laboratory analytical reports prepared by the IU or the District shall comply with Rule 62-160.340, F.A.C.
- B. The reports required in Sections 6.1, 6.3, 6.4 and 6.5 [of this Rule](#) shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The District will indicate the frequency of monitoring necessary to assess and assure compliance by the IU with applicable Pretreatment Standards and Requirements.
- C. For all sampling required by this ordinance, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the sample must be representative of the discharge and the decision to allow the alternative sampling will be documented in the IU's file. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows:
  - (1) Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;
  - (2) Samples for volatile organics and oil and grease may be composited in the laboratory; and
  - (3) Composite samples for other parameters unaffected by the compositing procedures as allowed in FDEP's approved sampling procedures and laboratory methodologies may be authorized by the District, as appropriate.
- D. Oil and grease samples shall be collected in accordance with Section 6.12 C [of this Rule](#), above, unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing

used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- E. Sampling required in support of baseline monitoring reporting and 90-day compliance reporting required in Section 6.1 and 6.2 of this Rule shall be conducted as follows:
- (1) For Users where historical sampling does not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.
  - (2) For Users where historical sampling data ~~is~~ available, the District may authorize a reduced sample quantity.~~lower minimum.~~

### 6.13 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report by the District shall govern.

### 6.14 Record Keeping

- A. Any IU subject to the reporting requirements of this ordinance shall:
- (1) Maintain records of all information resulting from any monitoring activities required by this ordinance, including documentation associated with BMPs. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.; and
  - (2) Maintain for a minimum of three (3) years all records of monitoring results (whether or not such monitoring activities are required by this ordinance), including documentation associated with BMPs and shall make such records available for inspection and copying by the District and FDEP. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or the District, where the IU has been specifically notified of a longer retention period by the District.
- B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

### 6.15 Certification Statement

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.6 of this Rule; Users submitting baseline monitoring reports under Section 6.1 [Note: See Rule 62-625.600(1)(a) F.A.C.]; Users

submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 [of this Rule](#) [Note: See [Rule 62-625.600\(3\) F.A.C.](#)]; Users submitting periodic compliance reports required by Section 6.4 A–D [of this Rule](#) [Note: See [Rule 62-625.600\(4\) and \(7\) F.A.C.](#)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4C(3) [of this Rule](#) [Note: See [Rule 62-625.600\(4\)\(c\)\(2\) F.A.C.](#)]. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4(7) [of this Rule](#):

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

B. Annual Certification for Non-Significant Categorical Industrial Users ([NSCIU](#)) - A facility determined to be a ~~NSCIU~~ [Non-Significant Categorical Industrial User](#) by the District, pursuant to [Section 1.4\(40\)](#) and [Section 4.6C of this Rule](#), must annually submit the following certification statement signed in accordance with the signatory requirements in [Section 1.4\(7\) of this Rule](#). This certification must accompany an alternative report required by the District:

*Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:*

*(a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in [Section 1.4\(40~~32~~\) of this Rule](#).*

*(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total cateorical wastewater on any given day during this reporting period.*

*This compliance certification is based on the following information.*

\_\_\_\_\_  
\_\_\_\_\_

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B [of this Rule](#) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

*Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable*

*National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A [of this Rule](#).*

## SECTION 7 - COMPLIANCE MONITORING

### 7.1 Right of Entry: Inspection and Sampling

The District shall have the right to enter the premises of any User to verify whether the User is complying with all requirements of this Rule and any individual wastewater discharge permit or order issued hereunder. Users shall allow District personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its site security personnel so that, upon presentation of suitable identification, District personnel shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. District personnel shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications and approved by the District. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Unreasonable delays in allowing District personnel access to the User's premises shall be a violation of this Rule.

### 7.2 Search Warrants

The District may seek issuance of a search warrant(s) from any court of competent jurisdiction for any of the following reasons:

- A. Refusal of access to a building, structure or property or any part thereof.
- B. If the District is able to demonstrate probable cause to believe that there may be a violation of this Rule.
- C. If there is a need to inspect and sample as part of a routine inspection and sampling program of the District.
- D. To protect public health, safety and welfare within the District.

## SECTION 8 - CONFIDENTIAL INFORMATION

In accordance with Chapter 119, F.S., all information, documents, and data submitted to the District are considered to be public information, and as such shall be available to the public. However, in accordance with Section 403.111, F.S., any information submitted to the District in accordance with this Rule may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the District shall make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Section 403.111, F.S. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The District shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the District, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (SIU) (or any other Industrial User that violates one (1) or more of the following criteria:

- A. Chronic violations of wastewater discharge limits defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2.4 of this Rule;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, Long Term Average, Instantaneous Limit, or Narrative Standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- D. Any discharge that has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

## SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

### 10.1 Notification of Violation

When the District finds that a User has violated, or continues to violate, any provision of this Rule, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the District. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, prior to ~~without first~~ issuing a Notice of Violation.

### 10.2 Consent Orders

The District may enter into Consent Orders, ~~assurances of compliance~~, or other similar documents establishing an agreement with any User responsible for non-compliance. Such documents shall include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Rule and shall be judicially enforceable.

### 10.3 Show Cause Hearing

The District may order, via a certified letter or registered mail, a User which has violated or continues to violate any provision of this Rule, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### 10.4 Compliance Orders

When the District finds that a User has violated, or continues to violate any provision of this Rule, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within

the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established by a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### 10.5 Cease and Desist Orders

When the District finds that a User has violated, or continues to violate, any provision of this Rule, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the District may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### 10.6 Administrative Fines

- A. When the District finds that a User has violated or continues to violate any provision of this Rule, an industrial wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such User in at least the amount of one-thousand dollars (\$1,000) a day for each violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- B. Unpaid charges, fines, and penalties shall, after ninety (90) calendar days, be assessed an additional penalty of two percent (2%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the District shall convene a hearing on the matter within forty-five (45) days of receiving the request from the User. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The District ~~may add the~~will also return any costs previously added to the fine which were assessed to cover the District's cost of preparing administrative enforcement actions; ~~such as notices and orders, to the fine.~~
- D. Issuance of an administrative fine shall not be a bar against, or be a prerequisite for, taking any other action against the User.



## 10.7 Emergency Suspensions

The District may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Rule are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 10.3 and 10.8 of this Rule.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this ~~Section~~Rule.

## 10.8 Termination of Discharge (Non-Emergency)

In addition to the provisions in Section 5.6 of this Rule, any User that violates any of the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or
- E. Violation of the Pretreatment Standards defined in Section 2 of this Rule.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Rule why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

## SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

### 11.1 Injunctive Relief

When the District finds that a User has violated, or continues to violate, any provision of this Rule, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or Requirement, the District may seek injunctive, civil and criminal remedies in at least the amount of one thousand dollars (\$1,000.00) a day for each violation in the court(s) of applicable jurisdiction. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

## 11.2 Civil Penalties

The District may seek civil penalties against a User by the ~~applicable~~appropriate State attorney with jurisdiction.

- A. A User which has violated or continues to violate any provision of this Rule, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of not less than \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

## 11.3 Criminal Prosecution

The District may seek criminal prosecution of Users by the appropriate State attorney with jurisdiction.

- A. A User which has willfully or negligently violated any provision of this Rule, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than one-thousand dollars (\$1,000) per day, or imprisonment in accordance with State sentencing guidelines, or both.
- B. A User which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one-thousand dollars (\$1,000) per violation per day and/or be subject to imprisonment in accordance with State sentencing guidelines, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under law.
- C. A User which knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained,

pursuant to this Rule, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Rule shall, upon conviction, be punished by a fine of not less than \$1,000 per violation per day, or imprisonment in accordance with State sentencing guidelines, or both.

- D. In the event of a second conviction, an IU shall be punished by a fine of not less than one thousand dollars (\$1,000) per violation per day, or imprisonment in accordance with State sentencing guidelines, or both.

#### 11.4 Remedies Non-Exclusive

The remedies provided for in this Rule are not exclusive. The District reserves the right to take any, all, or any combination of these actions against a non-compliant User. Enforcement in response to pretreatment violations will generally be in accordance with this Rule. However, the District reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant User. These actions may be taken concurrently.

### SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

#### 12.1 Upset

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary non-compliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable Pretreatment Standards if the requirements of paragraph C of this Section are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and the User can identify the root cause cause(s) of the upset; and
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the District and Plant ~~Superintendent~~ Manager within twenty-four (24) hours of becoming aware of the upset. Note: If this information is provided orally, a written submission must be provided within five (5) days and include at a minimum the following information:
    - (a) A description of the indirect discharge and cause of non-compliance;
    - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of non-compliance.

- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## 12.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 2.1(A) and Section 2.1(B)(3 through 7 and 9 through 18) of this Rule if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- (a) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- (b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable effluent and/or biosolids use or disposal requirements.

## 12.3 Bypass

- A. A User may allow ~~any-a temporary~~ bypass to occur ~~in order to perform simple maintenance to ensure efficient operation, as long as the bypass does not result in a violation of the which does not cause~~ applicable Pretreatment Standards or Requirements ~~to be violated, but only if it is for essential maintenance to assure efficient operation~~. These bypasses are not subject to the provision of paragraphs (B) and (C) of this Section.
- B. Bypass Notification
  - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the District at least ten (10) days before the date of the bypass, if possible. If a User does not know of the need for a bypass ten (10) days prior to the bypass then the User shall notify the District immediately upon knowledge of the need for the bypass.
  - 2. A User shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written

report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

3. In the event further information is requested, the User shall provide the information within forty-eight (48) hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Rule or other applicable law.

#### C. Prohibition of Bypass

1. ~~Any B~~bypass that ~~will result in an exceedance of any-exceeds~~ applicable Pretreatment Standards is prohibited, and the District may take an enforcement action against a User for a bypass, unless:
  - a. ~~The b~~Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The User submitted notices as required under Section 12.3B (above) of this Rule~~paragraph (B) of this Section~~.
- (2) The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three (3) conditions listed in Section 12.3C(1)~~paragraph (C)(1)(-above)~~, of this Section~~Rule~~.

## SECTION 13 - MISCELLANEOUS PROVISIONS

### 13.1 Pretreatment Charges and Fees

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Fees to recover administrative and legal costs associated with an enforcement activity taken by the District to address noncompliance by a User; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Rule and are separate from all other fees, fines, and penalties chargeable by the District.

## 13.2 Severability

If any provision of this Rule is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## 13.3 Conflicts

All other District Rules and parts of other District Rules inconsistent or conflicting with any part of this Rule are hereby repealed to the extent of the inconsistency or conflict.

## SECTION 14 - EFFECTIVE DATE

This Rule shall be in full force and effect immediately following its approval and publication, as provided by law.

*Note: Chapter 31-13 was amended and restated in its entirety based upon the EPA Model Rule, and approved in its entirety by the Governing Board on ~~January 16, 2020~~March ??, 2023~~October 20, 2011~~. The former version is available in the District archives. The Specific Authority for the entire Chapter 31-13 is from the District's enabling Legislation, Chapter ~~2021-249~~2002-358, Laws of Florida, including but not limited to Section (6), subsections (13), (14), (19) and (24).*

*History: New 5-5-85, Amended 5-15-92, 8-19-99, 10-20-2011, 1-16-2020, ~~March ??, 2023~~.*

\_\_\_\_\_ LRD Governing Board Chairman, ~~Stephen B. Rockoff~~Dr. Matt H. Rostock

\_\_\_\_\_ LRD General Counsel, Curtis Shenkman, P.A.

\_\_\_\_\_ LRD Executive Director, D. Albrey Arrington, Ph.D.

\_\_\_\_\_ LRD ~~Operations~~ Plant Manager, Jason Pugsley, P.E.

\_\_\_\_\_ LRD Industrial Pretreatment Coordinator, Deveyand Dave



## Neighborhood Sewering Schedule-Revised February 2020

Rank *	Area Description	# Lots	Activity	Original Target Date	Revised Target Start Date
11	Jupiter Farms (East)	708		TBD	TBD
11	PB Country Estates	1547		TBD	TBD

\* Rank based upon "2010 Septic System Inventory & Assessment"  
 TBD = To be determined

### Remnant Areas

Rank*	Area Description	Lots	Activity	Original Target Date	Revised Target Start Date
H	Olympus Dr, Juno (LP)	2	Notified Owners – June 2013 Prelim. Design started – August 2017 Notice of Intent to Assess – July 2020 Preliminary Assessment – Jan 2023	2016	2021
	605+607 Military Trl (LP)	2	Notified Owners – June 2020 Notice of Intent – Jan 2021	2022	
	18041 69 <sup>th</sup> Terrace	1	LRD procedures shared for connection to sewer services Statutory Way Provision – Jan 2022 Under Construction	N/A	2022
	5331 Center Street	1	LRD procedures shared for connection to sewer services Notice of Intent – March 2022 In Permitting	N/A	2022
	18150 SE Wooden Bridge Lane	1	LRD procedures shared for connection to sewer services Notice of Intent – May 2022 Constr. of Sewer Service Lateral – Dec 2022	N/A	2022
	Island Way Property	1	Notice of Intent – August 2022 Project in Design	N/A	2022

Rank *	Area Description	# Lots	Activity	Original Target Date	Revised Target Start Date
AA	Peninsular Road	4	Private Road Notice of Intent – February 2010 Partial construction complete - June 2013 Soliciting easements for remainder of project	2010	AEO
BB	Rivers Edge Road (Martin Co.)	35	Notified Owners – August 2010 Private Road-Easements Solicited –May 2014 Notice of Intent – February 2014 Project Delayed	2013	AEO
CC	171 <sup>st</sup> Street (Martin Co.)	7	Private Road - In House Design Owners notified October 2012 Easement rec'd from Church – April 2017 Grant received	2014	AEO
CC	Jamaica Dr	11	Private Road Owners notified Oct 2012 Statutory Way Provision (2) – June 2021	2014	AEO
D	Loggerhead Park <i>(institutional)</i>	6 ECs	Need Easements from County-No database	2014	AEO
DD	Taylor Road	38	Notified Owners – September 2011 Private Roads	2015	AEO
FF	Rolling Hills	50	Notified Owners – Jan. 2013 - Private HOA Notice of Intent to Assess – October 2019 Award of Contract – December 2021 Project Under Construction	2017	2021
FF	North A1A	3	Postponed-Town activities in area No database	2012	AEO
GG	815 S US 1 (Yum Yum Tree)	9 ecs	Notified Owner – November 2014	2016	AEO
GG	Rockinghorse <i>(north of Roebuck Road)</i>	11	Notified Owners – January 2013	2018	AEO
GG	Castle Rd SE	5	Notified Owners – Jan 2013-private road	2018	AEO
GG	Jupiter Rd SE	4	Notified Owners – Jan 2013-private road	2018	AEO
HH	Harbor Rd. S. LPSS	6	Notified Owners – January 2014-private road	2017	AEO
HH	Indian Hills SE	12	Notified Owners – January 2016 Easement for Road & Utilities, No Dedication	2019	AEO
16	Limestone Creek Road West	49	Notified Owners – January 2013-private road	2018	TBD
19	US Coast Guard Station Offices <i>(institutional)</i> PX Commercial <i>(commercial)</i>	2 ECs 2 ECs	US Government - private roads-No database Contract for installation of sanitary sewers – September 2020 Project Under Construction	2019	2021
	109+111 Old Jupiter Beach Road	2	Notified Owners – September 2021 Follow Up Reminder – July 2022 Constr. Plans Complete – Pending Owners		
	182 <sup>nd</sup> Road North	12	Sewering Pricing Request by 50% of Owners Design/Cost Est. In Progress		

\* Rank based upon "2010 Septic System Inventory & Assessment  
TBD = To be determined AEO = As easements are obtained



CURTIS L. SHENKMAN  
*Board Certified*  
*Real Estate Attorney*  
HUNTER SHENKMAN  
*Attorney*

**CURTIS SHENKMAN, P.A.**  
4400 PGA BLVD, SUITE 300  
PALM BEACH GARDENS, FLORIDA 33410  
TELEPHONE (561) 822-3939  
**Curtis@PalmBeachLawyer.Law**

**LEGAL ASSISTANTS**  
**REAL ESTATE**  
JUDY D. MONTEIRO  
DENISE B. PAOLUCCI

February 6, 2023

Loxahatchee River Environmental Control District  
D. Albrey Arrington, Exec. Dir. and Board Members (sent by email to S. Patel)  
2500 Jupiter Park Drive  
Jupiter, FL 33458

**RE: PENDING LITIGATION STATUS REPORT**

Dear Dr. Arrington and Board Members:

We are enclosing herewith a brief status report relating to the litigation in which the Loxahatchee River Environmental Control District is involved with our law firm as the attorney of record, and/or monitoring the attorney of record. This status report updates the last monthly status report previously submitted and consists of a summary of the record proceedings which have occurred in each of the pending cases since last month.

**ALL CASES HAVE NO CHANGE IN STATUS SINCE LAST REPORT.**

There are no analyses of the pending cases included, as the inclusion of such items might constitute a waiver of any attorney/client privilege that exists between our firm and the District. Therefore, if you would like to discuss the particulars of any specific case in more detail or would like to obtain more information concerning the strategy, status, or settlement posture of any of the individual cases, please feel free to contact me.

As always, we are available at any time to discuss any of these lawsuits with each individual Board Member by telephone or by conference, if there are any questions.

Respectfully submitted,

***CURTIS L. SHENKMAN***

CURTIS L. SHENKMAN

Attachments

## **OTHER LITIGATION**

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND  
FOR PALM BEACH COUNTY, FLORIDA  
CASE NO. 50-2019 CA 014447 XXXX MB AB

**FRED BEMAN**, Plaintiff, vs.  
LOXAHATCHEE RIVER DISTRICT,  
Defendant.

December 6, 2017. Auto Accident involving District vehicle and vehicle driven by Fred Beman.

April 15, 2020. Summons & Complaint served upon the District.

April 20, 2020. Attorney Lyman Reynolds, appointed be District's Insurance Carrier to Defend the  
District under the District's Insurance Policy.

May 4, 2020. District's Motion to Dismiss filed.

July 8, 2020. District's attorney reports Motion to Dismiss not yet set for a hearing.

August 19, 2020. Agreed Order permitting transfer of the case to Martin County Sept

16, 2020. Amended Complaint filed in Martin County

November 16, 2021, Notice of Lack of Prosecution filed in Palm Beach County.

Dec 2, 2021, Summons served on the District; Attorney Reynolds responded with Motion to Dismiss on  
December 17, 2021.

January 14, 2022. District's Responses to Plaintiff's Request for Production and Interrogatories was filed.

January 31, 2022. District's Motion to Dismiss denied. District's Answer due by February 20, 2022, being  
prepared by Attorney Reynolds.

February 20, 2022, District's Answer Filed.

April 22, 2022, Deposition of Plaintiff

June 21, 2022, Attorney Reynolds indicated projected trial date is December 18, 2023, and provided  
confidential information to claims adjuster.

November 1, 2022 Attorney Reynolds office setting Pre Trial MEDIATION in January 2023.

January 13, 2023 Dr. Michael Zeide performs CME on Plaintiff

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Pre-Suit Notice of Claim under FS 768.28 (6)(a)

Dated August 3, 2020, from Attorney for Plaintiff

**Donovan Mackey and Dee Mackey**, Plaintiff

Vs. LOXAHATCHEE RIVER DISTRICT,  
Defendant.

On or about October 2019 sewage back up into 141 Beacon Lane, Jupiter, FL 33469 (Jupiter  
Inlet Colony). Plaintiffs claim personal injury from the sewage back up.

August 3, 2020, District notified District's insurance carrier of the claim.

August 18, 2020, Insurance Adjuster for the District assigned the claim.

As of July 11, 2022, No activity since Adjuster assigned the claim

Plaintiff cannot file suit until claim is denied. 768.28 (6)(b).

Statute of Limitations is running on the claim.

NO CHANGE IN STATUS SINCE JULY 2022 REPORT.

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**LIEN FORECLOSURES**

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**NONE**

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**MORTGAGE OR LIEN FORECLOSURES / LRD COUNTERCLAIMS/CROSSCLAIMS**

**NONE**



***Loxahatchee River Environmental Control District  
Monthly Status Report  
January 31, 2023***

***Submitted To: Kris Dean, P.E, Deputy Executive Director***

---

The following is a summary of work performed by Baxter and Woodman, Inc. (B&W), on District projects for the monthly period ending January 31, 2023.

**Irrigation Quality 511 (IQ-511) Pump Station Piping Improvements**

The following items were ongoing or completed during the last monthly period:

- Successful start up of IQ-511 was performed on January 10, 2023.
- Substantial Walk Through was performed on January 13, 2023.
- Contractor scheduled to complete punch list items and submit final billing by February 3.

**Structural Condition Assessment of Headworks, Diversion Structure A**

The following items were ongoing or completed during the last monthly period:

- Safety railings installed.
- Condition assessment of headworks structure was performed on January 12, 2023.

**Lift Station Fall Protection Improvements**

The following items were ongoing or completed during the last monthly period:

- B&W transmitted As-Built drawings to the District. Project reached Final Completion and final payment was made to Contractor. This Project will be removed from next status report.

**Lift Station Control Panels & RTU Upgrades**

The following items were ongoing to completed during the last monthly period:

Surveys received and under review for lift stations #21, #132, #155, and #228.

Surveys reviewed and approved for the following lift stations. Starting preparation of the site plans.

- LS #3                   216 Jupiter Woods Dr
- LS #11                1110 Kriss Ln
- LS #24                110 Mohican Blvd
- LS #121              4210 River Edge Rd
- LS #126              34 Fisherman's Way
- LS #153              350 Bush Rd

- LS #164 19969 Loxahatchee Pointe Dr
- LS #191 706 S. Pennock Ln
- LS #207 51 Wandering Trail
- LS #252 234 Sweet Bay Ci
- LS #260 176 Ritz Carlton Club Dr
- LS #301 250 Thelma Ave

Respectfully Submitted by:

**BAXTER & WOODMAN, INC.**



Rebecca Travis, P.E.  
Executive Vice President / Florida Division Manager

**Loxahatchee River Environmental Control District  
CMA Project Status Update  
February 6, 2023**

1. BLM House Demolition and Reconstruction (CMA Project # 494.001)

*Activities Performed:*

- Conceptual Design Memorandum and building layout options were approved by the Board on 10/21/21.
- Coordination meeting was held 11/12/21.
- 90% design, specifications and cost estimate were submitted.
- LRD plan comments were addressed.
- Proposed roof alternative design was submitted to LRD for review (to address comments from SHPO).
- Bid documents were submitted to LRD.
- Comments were received from LRD and meetings/calls conducted to review.
- Final bid documents were submitted to LRD.
- Project advertised for bid (bids due January 10, 2023, anticipated award at January Board meeting).
- Recommendation of bid rejection was presented to the Board on January 19, 2023. Board voted to reject all bids.
- Conducted discussions with LRD staff on possible project adjustments to save costs.

2. 2500 Jupiter Park Drive Conceptual Site Planning

*Activities Performed:*

- Conducted kickoff meeting.
- Environmental field work was performed, report submitted, comments received from LRD, revised report submitted.
- Staff and Board survey was performed.
- Existing site base plan was prepared.
- Review of adjacent stormwater permits was performed.
- Site concept plans was prepared.
- Site visits and meeting with LRD was conducted to review survey results and concept plans.
- Presented survey results and concept plans to the Board.
- Submitted data request to LRD for massing study and received results. Provided LRD with initial space calculations.
- Reviewed WWTF capacity expansion goals with LRD. Submitted memorandum on the WWTF future space to LRD.
- Submitted draft Site Security memorandum, received comments from LRD, and submitted final memorandum.
- Draft massing concepts were presented to LRD at meeting.
- LRD comments were incorporated and a revised massing study was submitted.
- LRD provided comments on the revised massing study. Revisions are underway.
- Site plan underway.



**HOLTZ CONSULTING ENGINEERS, INC.**  
270 South Central Boulevard, Suite 207, Jupiter, FL 33458 (561) 575 2005

**MEMORANDUM**

**To:** Kris Dean, PE, Deputy Director/Director of Engineering, Loxahatchee River Environmental Control District  
**From:** Christine Miranda, PE, Holtz Consulting Engineers, Inc.  
**Date:** February 9, 2023  
**Subject:** **Loxahatchee River Environmental Control District Monthly Status Report**

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The following is a summary of work performed by Holtz Consulting Engineers, Inc. (HCE) on Loxahatchee River District projects through February 9, 2023. **Note: Any information that is historical or repeated from previous months are shown in italics. Otherwise, all information as shown below is newly reported information.**

**Electrical System Condition Assessment, Short Circuit, Device Coordination and Arc Flash Study**

- A site visit was held on February 6, 2023 with District electrical and operations and maintenance staff and Safety Compliance Officer and HCE's electrical subconsultant Hillers Electrical Engineering to discuss the procedures and processes for the project. The first items to be submitted for the project include an updated plant one line diagram and the draft condition assessment analysis technical memorandum.

**Schedule Update:**

*The updated one-line diagram will be completed and submitted to the District by March 10, 2023. The draft technical memorandum for the condition assessment analysis will be submitted to the District for review by May 19, 2023.*

**Greenhouse Gas Strategies Evaluation**

- A kickoff meeting for the solar evaluation component of the project was held on January 20, 2023. HCE is currently coordinating with Hazen and the District to schedule a visit to other floating solar installations in the state. Hazen has successfully completed the field sample collection portion of the project and is currently working on completing the iron vs. bioxide analysis. Hazen has also prepared the clarifier stress testing plan for the flow equalization portion analysis of this project. The District has provided comments which the HCE team is currently working on addressing. Once all items have been addressed and agreed upon by the District, the stress testing event will be scheduled.

**Schedule Update:**

*All work is on schedule. The project is scheduled to be completed by June 9, 2023.*



### **Lift Station No. 082 Improvements**

- The District has executed the change order to pothole the existing water main to determine the pipe material and size. The Contractor is performing the pothole this week to expose the existing Town of Jupiter water main to confirm size and material. If confirmation of size and material matches the existing plan, HCE will proceed with working with the Town of Jupiter to obtain a new utility permit to relocate the existing water main in conflict with the proposed generator. HCE is currently working with the surveyor to obtain new easement for the location of the relocated water main.

#### **Schedule Update:**

*The Contractor is currently working on preparing the change order for the water main relocation, new tie-in location for the force main, and revisions to the generator drawings that include a retaining wall, concrete footer, and aluminum guardrail on the west and north side of the pad. This change order will include the time extension required to complete this work. The current contractual final completion date is April 13, 2023.*

### **Country Club Drive Force Main Transmission System Preliminary Evaluation**

- *The draft technical memorandum was submitted to the District on June 10, 2022 for review and comment. Upon receipt of the comments from the District, the memorandum will be finalized and transmitted to the District.*

**Schedule Update:** *Per the work authorization agreement, upon receipt of comments from the District on the draft memorandum, the final memorandum will be prepared and submitted within two weeks.*

### **Lift Station Telemetry Improvements**

- The Contractor is in the process of modifying the existing control panels of the first five lift stations to be ready for new RTU installations. Work on the first five existing panels will help to narrow down the scope of work for the remaining existing panels. A meeting has been scheduled for February 16, 2023 with HCE, the District, and Contractor to discuss RTU connections to SCADA, including testing I/O points and building HMI screens. A factory site visit to Lakeland will also be forthcoming to review the first five assembled RTU panels after RTU and hardware testing submittals are approved.

**Schedule Update:** *The Notice to Proceed (NTP) has been issued for August 8, 2022. Substantial completion is 595 days from the NTP, March 25, 2024 and final completion is 660 days from the NTP, May 29, 2024. The most recent schedule provided from the Contractor currently shows them completing construction early, at the end of November 2023.*



### **Rolling Hills Gravity Sewer System, Lift Station, & Force Main**

- HCE continues daily monitoring until District and FDEP approval is achieved. The Contractor has been working on the punch list items generated by the District and has completed the raising of the lift station control panel. A lift station start-up was held on January 27, 2023. At the start-up it was discovered that the pressure recorder readings provided for the lift station design were not accurate and that the pumps for the lift station would need to be resized in order to operate correctly. HCE will continue inspections as needed in keeping this project on schedule with completion of critical path items and District directive. As soon as the pumps are replaced and a successful start-up is completed, the certification of completion and release to be placed into service will be submitted to the Florida Department of Environmental Protection.

**Schedule Update:** The current final completion date for the project was February 8, 2023. Once we get dates as to when the new pumps will arrive for the lift station, a change order will be prepared for District consideration to extend the contract to allow for the delivery and installation of the pumps, start-up, and close-out of the project.

### **Jupiter Inlet Lighthouse Septic to Sewer Conversion**

- Throughout the month of January, HCE continued their onsite observation of ongoing construction efforts. The certification of completion and release to place into service packages for both the water and sewer systems have been submitted and approved by the Palm Beach County Health Department. Additional January milestones included start-up on the three residential simplex grinder pump station units, signed FPL agreement, and completion of several punch list items. Work continues with the installation of electrical components for the main lift station and commercial duplex grinder pump station unit, earthwork and regrading for on-site storm drainage improvements, and punch list items. HCE has continued ongoing coordination of construction activities with the archaeologist, performing cultural resources monitoring throughout the duration of construction. The above photo depicts one of the recent simplex unit start-ups by District inspection technicians. In total, all three simplex units were approved and started up this past month.



**Schedule Update:** *Change Order #3 for critical path delays for the project is currently being reviewed by the District. Once approved by the District the contract time will be extended.*

### **Deep Injection Well Replacement Cost Study**

- *HCE staff is currently working on finalizing the technical memorandum and addressing all comments received by the District and conducting the life cycle cost analysis and breakdown of operation and maintenance costs of the presented options. After all comments are addressed, and additional information inputted, the final memorandum will be completed and submitted to the District.*

**Schedule Update:** *The revised draft technical memorandum will be submitted to the District by February 14, 2023. The final technical memorandum will be submitted to the District three weeks after receipt of District comments on the draft technical memorandum.*

### **Injection Well Pump Manual Transfer Switch Addition**

- A meeting was held on January 12, 2023 to do a final review of the equipment rack installation. Change Order #2 was processed by the District which is for the custom feet fabrication for the equipment rack and onsite welding that was decided at the January 12<sup>th</sup> meeting. The Contractor will also be providing signed and sealed wind load calculations with backup documentation for approval.

**Schedule Update:** Change Order #2 for the changes for the equipment rack installation and wind load calculations extended the contract date. The new substantial completion date is April 15, 2023 and final completion date is April 30, 2023.

### **Master Lift Station No. 1 Traveling Bridge Crane Solicitation**

- The Contractor has reached final completion of this project. HCE is pleased to inform that all coating issues have been rectified and the crane is now up to District and HCE standards. With these outstanding items completed, HCE has prepared and recommend release of final pay application and closing this project out. This project is now complete.



### **Lift Station No. 050 Emergency Generator**

- A kickoff meeting for the project was held on January 26, 2023. Work has commenced on the project. The first elements of the project that will be completed is the generator sizing report and topographic survey. The generator size has been provided by HCE's electrical subconsultant to the District.
- **Schedule Update:** Survey for the project will be completed by the end of February and draft layout for the new generator will be submitted to the District by March 27, 2023. 90% plans and specifications will be submitted to the District for review by May 18, 2023.



### **Bulk Sodium Hypochlorite Conversion Study**

- A kickoff meeting for the project was held on February 2, 2023. Work has commenced on the project. A data request has been provided to the District. A site visit of the chlorine building and electrical building MCC-7 will be scheduled in the near future.
- **Schedule Update:** The draft technical memorandum will be submitted to the District by June 8, 2023 and final technical memorandum will be submitted by July 6, 2023.

### **Emergency Response ESRI Collection Tool & Synovia Vehicle Tracking Assistance**

- *No new activities have occurred for this work.*



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1425 W Cypress Creek Road, Suite 101 • Fort Lauderdale, FL 33309 • Phone 954-776-1616

**Loxahatchee River Environmental Control District  
Master Plan 20-AC “Sierra Square” @ 9278 Indiantown Rd  
LRECD PO# 21-0649 / KCI #482021095.01**

**Progress Report**

**To:** Mr. Kris Dean, P.E., Deputy Executive Director/Director of Engineering  
**From:** Todd Mohler, RLA, KCI, Project Manager  
**Date:** February 8, 2023

ACTIVITIES

KCI Technologies progress report updates for the current billing period are:

**Activities and Support:**

1. **Survey:** Complete.
2. **Environmental:** Complete.
3. **Geotechnical:** Complete.
4. **Electrical Engineering:** Updated files sent 1/31/23. Complete.
5. **Civil Engineering:** Updated files sent 1/31/23. Complete.
6. **Landscape Architecture:** Updated files sent 1/31/23. Upcoming February Board meeting will complete all work.
7. **Architecture:** Complete.

February 7, 2023

Mr. Kris Dean, P.E.  
Deputy Executive Director/Director of Engineering  
Loxahatchee River Environmental Control District  
2500 Jupiter Park Drive  
Jupiter, FL 33458

Ref. No. C0089.40  
Subject: Loxahatchee River Subaqueous Forcemain Replacement  
PO No. 22-0911

Dear Kris:

Below is our Monthly Update for January 2023.

- Progress Construction Drawing towards 95%. Realignment per Town of Jupiter comments and to accommodate temporary piles within FEC R/W incorporated.
- Ongoing Coordination with Town of Jupiter Regarding the Potential of Obtaining an Easement for the proposed pipe alignment.
- Ongoing Permit Coordination.
  - ACOE Permit -Submitted.
  - PBC Health Department – Permit Received/Granted.
  - Town of Jupiter – Submitted. Request for Information No. 1 Received and Response Submitted.

Upcoming Activities:

- 95% Documents to be Submitted to District for Review by February 13, 2023.

If you have any questions, please contact me at 683-3113, extension 293.

Sincerely,  
MOCK, ROOS & ASSOCIATES, INC.



Garry G. Gruber, P.E.  
Senior Vice President

GGG:tsm  
Copies: John Cairnes  
Spencer Schroeder



# Busch Wildlife Sanctuary

The 1st Quarter Report will be presented  
at the April 2023 Board Meeting.





# Director's Report

- Admin. & Fiscal Report attach. #1
- Engineering Report attach. #2
- Operations Report attach. #3
- Information Services Report attach. #4
- Environmental Education attach. #5
- Safety Report attach. #6
- Other Matters (as needed) attach. #7





# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

To: Governing Board  
 From: Kara Fraraccio, Director of Finance and Administration  
 Date: February 10, 2023  
 Subject: Monthly Financial Report

## Cash and Investments

Balance as of January 31, 2023  
 Certificates of Deposit:

Institution	Original Term	Maturity	Rate	Book Value	Monthly Change in Investment	Market Value
TD Bank	6 Months	02/04/23	3.06%	\$ 2,500,000	\$ 6,577	2,537,115
TD Bank	9 Months	05/05/23	3.22%	2,500,000	6,925	2,539,068
TD Bank	9 Months	05/08/23	3.35%	1,274,425	3,674	1,295,032
Bank United	9 Months	05/16/23	2.13%	1,003,248	1,827	1,013,109
TD Bank	12 Months	08/10/23	3.36%	2,000,000	5,783	2,032,436
Bank United	12 Months	08/16/23	2.42%	1,004,118	2,082	1,015,354
Bank United	12 Months	08/16/23	2.42%	1,004,118	2,082	1,015,354
US Century Bank	13 Months	09/22/23	2.71%	2,500,000	5,817	2,530,252
Bank United	12 Months	11/18/23	4.55%	1,060,577	4,116	1,070,377
Bank United	12 Months	11/22/23	4.59%	1,582,357	6,203	1,596,331
<b>Subtotal</b>				<b>\$ 16,428,843</b>	<b>\$ 45,086</b>	<b>\$ 16,644,428</b>
<b>Investment Accounts:</b>						
Synovus - Public Demand			2.00%		\$ 12,635	\$ 7,444,788
Bank United - Public Funds Reserve			3.93%		6,742	2,024,435
Florida Prime - SBA			4.55%		7,861	2,040,400
<b>Subtotal</b>					<b>\$ 27,238</b>	<b>\$ 11,509,623</b>
<b>Checking Account:</b>						
SunTrust-Hybrid Business Account			1.95%		\$ 23,887	\$ 11,510,521
<b>Subtotal</b>					<b>\$ 23,887</b>	<b>\$ 11,510,521</b>
<b>Brokerage Accounts:</b>						
Vanguard GNMA ADM			2.90%	\$ 102,399	\$ 2,659	\$ 91,540
Vanguard Short-Term Treasury			0.57%	1,841,093	10,112	1,782,558
U.S. Treasuries - Due 03/14/23			4.38%	498,712	1,523	502,409
U.S. Treasuries - Due 03/21/23			4.35%	498,805	1,543	501,974
U.S. Treasuries - Due 04/04/23			4.33%	513,717	1,596	515,970
U.S. Treasuries - Due 05/25/23			4.69%	1,231,427	4,341	1,241,827
U.S. Treasuries - Due 06/22/23			4.61%	146,718	528	147,312
U.S. Treasuries - Due 07/06/23			4.77%	151,397	570	151,967
Charles Schwab Bank Sweep					49	2,402
<b>Subtotal</b>				<b>\$ 4,984,268</b>	<b>\$ 22,921</b>	<b>\$ 4,937,959</b>
<b>Total</b>					<b>\$ 119,132</b>	<b>\$ 44,602,531</b>

Average weighted rate of return on investments is: 2.76%

As of 1/31/23:

3 month Short Term Bond: 4.59%

1 month Federal Fund Rate: 4.33%

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

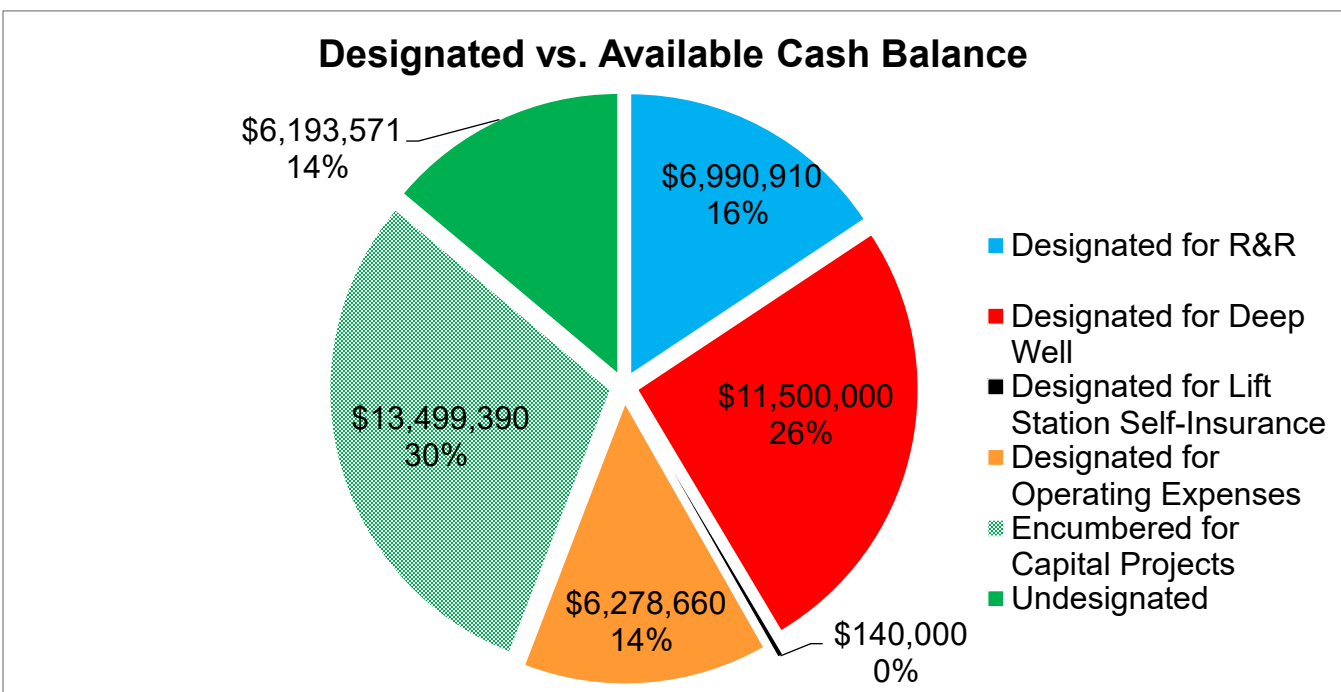
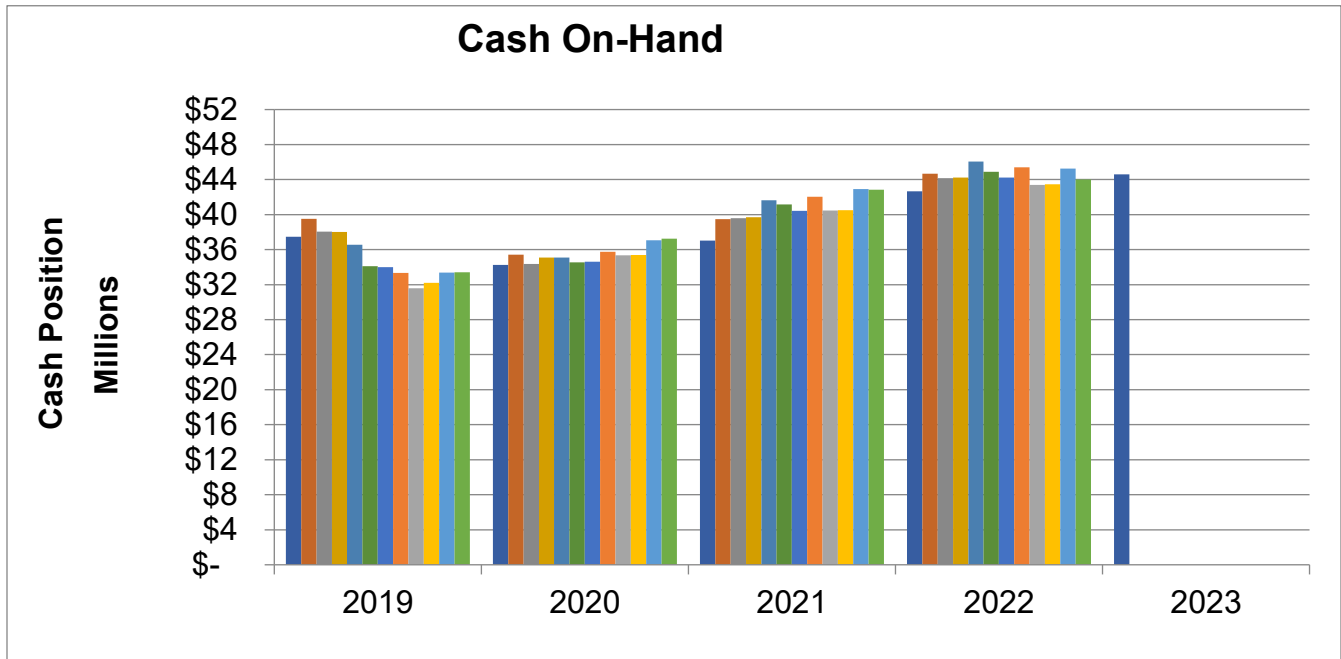
Stephen B. Rockoff  
BOARD MEMBER

Dr. Matt H. Rostock  
BOARD MEMBER

Clinton R. Yerkes  
BOARD MEMBER



Cash position for January 2022 was \$42,677,604. Current Cash position is up by \$1,924,927.



### Financial Information

- Legal Fees billed in January were \$10,435. The fiscal year-to-date total is \$28,910.
- Estoppel fees collected in January totaled \$5,010. The fiscal year-to-date total is \$19,590.
- There was no Septage billing for the month of January.
- Developer's Agreement – There were no new Developer Agreements.
- I.Q. Water Agreements –Abacoa Plaza is past due for November, December and January; Cambridge is past due for December and January; and Osceola Woods is past due for January.

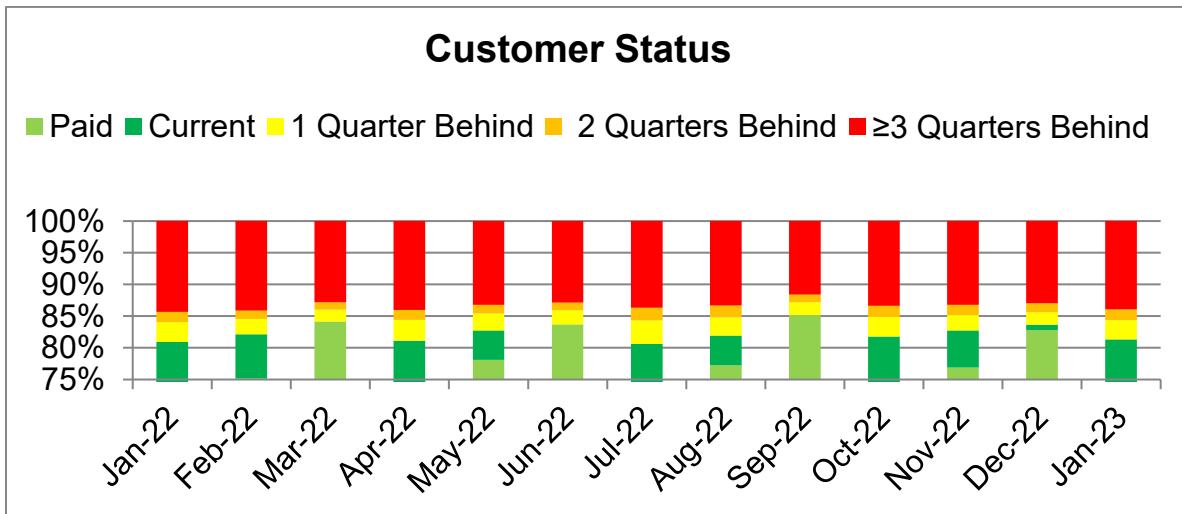
## Summary of Budget vs. Actual

<i>Budget Benchmark</i> 33.33%	Jan-23 Actual	YTD Actual	FY 23 Budget	Favorable (Unfavorable)	Budget Expended	Jan-22 YTD
<b>Revenues</b>						
<b>Operating Revenues</b>						
Regional Sewer Service	\$ 1,467,042	\$ 5,851,634	\$17,501,000	\$ (11,649,366)	33.44%	\$5,643,718
Standby Sewer Service	8,797	35,555	108,000	(72,445)	32.92%	39,421
IQ Water Charges	194,562	777,642	2,352,000	(1,574,358)	33.06%	762,046
Admin. and Engineering Fees	1,463	5,668	63,000	(57,332)	9.00%	17,855
Other Revenue	57,079	156,274	516,265	(359,991)	30.27%	127,298
<b>Subtotal Operating Revenues</b>	<b>1,728,943</b>	<b>6,826,773</b>	<b>20,540,265</b>	<b>(13,713,492)</b>	<b>33.24%</b>	<b>6,590,338</b>
<b>Capital Revenues</b>						
Assessments	\$ 26,866	\$ 991,115	1,411,000	(419,885)	70.24%	993,096
Line Charges	8,234	33,387	465,000	(431,613)	7.18%	84,939
Plant Charges	36,040	101,780	686,000	(584,220)	14.84%	270,903
Capital Contributions			140,000	(140,000)	0.00%	
<b>Subtotal Capital Revenues</b>	<b>71,140</b>	<b>1,126,282</b>	<b>2,702,000</b>	<b>(1,575,718)</b>	<b>41.68%</b>	<b>1,348,938</b>
<b>Other Revenues</b>						
Grants	5,126	5,126		5,126		
Interest Income	133,525	881,642	560,700	320,942	157.24%	516,016
<b>Subtotal Other Revenues</b>	<b>138,651</b>	<b>886,768</b>	<b>560,700</b>	<b>326,068</b>	<b>158.15%</b>	<b>516,016</b>
<b>Total Revenues</b>	<b>\$ 1,938,734</b>	<b>\$ 8,839,823</b>	<b>\$ 23,802,965</b>	<b>\$ (14,963,142)</b>	<b>37.14%</b>	<b>\$ 8,455,292</b>
<b>Expenses</b>						
Salaries and Wages	\$ 532,866	\$ 2,202,904	\$7,381,800	\$ 5,178,896	29.84%	\$2,003,762
Payroll Taxes	38,961	155,398	530,500	375,102	29.29%	141,615
Retirement Contributions	94,953	332,964	1,107,000	774,036	30.08%	288,167
Employee Health Insurance	115,739	486,790	1,542,500	1,055,710	31.56%	338,495
Workers Compensation Insurance		29,895	77,800	47,905	38.43%	28,502
General Insurance	24,820	252,705	423,520	170,815	59.67%	227,359
Supplies and Expenses	78,580	383,365	1,105,382	722,017	34.68%	353,427
Utilities	172,492	523,021	1,555,116	1,032,095	33.63%	461,670
Chemicals	40,166	159,309	634,000	474,691	25.13%	108,869
Repairs and Maintenance	157,532	553,219	1,940,780	1,387,561	28.50%	734,534
Outside Services	136,786	649,742	2,312,578	1,662,836	28.10%	700,512
Contingency			225,000	225,000	0.00%	
<b>Subtotal Operating Expenses</b>	<b>1,392,895</b>	<b>5,729,312</b>	<b>18,835,976</b>	<b>13,106,664</b>	<b>30.42%</b>	<b>5,386,912</b>
<b>Capital</b>						
Capital Improvements	\$ 254,468	\$ 1,707,144	12,741,414	11,034,270	13.40%	504,814
<b>Subtotal Capital</b>	<b>254,468</b>	<b>1,707,144</b>	<b>12,741,414</b>	<b>11,034,270</b>	<b>13.40%</b>	<b>504,814</b>
<b>Total Expenses</b>	<b>\$ 1,647,363</b>	<b>\$ 7,436,456</b>	<b>\$ 31,577,390</b>	<b>\$ 24,140,934</b>	<b>23.55%</b>	<b>\$ 5,891,726</b>
<b>Excess Revenues</b>						
<b>Over (Under) Expenses</b>	<b>\$ 291,371</b>	<b>\$ 1,403,367</b>	<b>\$ (7,774,425)</b>	<b>\$ 9,177,792</b>		<b>\$ 2,563,566</b>

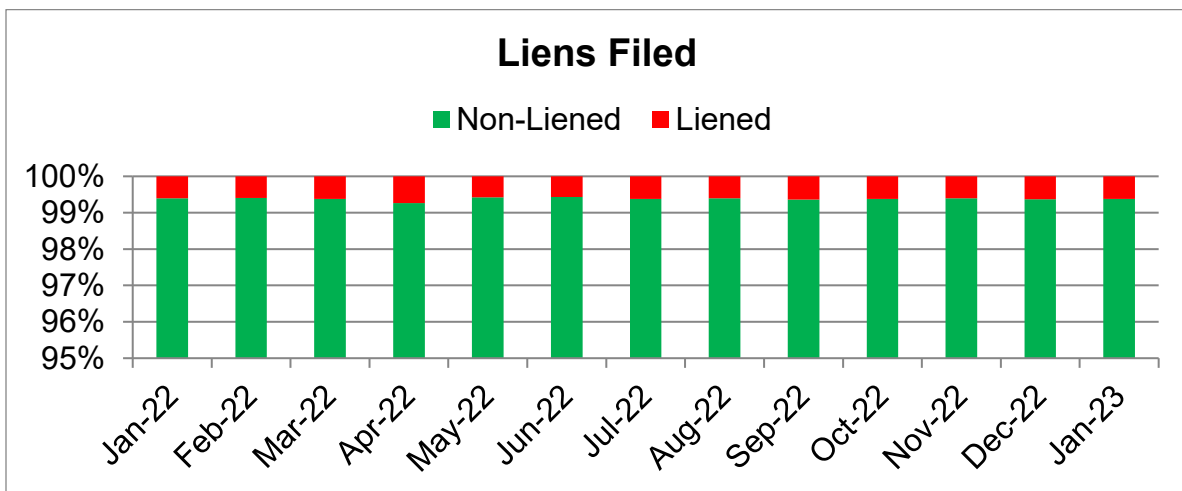
Total Capital expenses incurred and encumbered totalled \$15,206,534 or 119% of the capital budget. This includes funds encumbered in a prior fiscal year for projects that stretch across multiple fiscal years.

## Accounts Receivable

The District's first quarter billing was \$4,409,775, of this amount \$3,585,730 represents customer balances that are either paid or current. The chart below illustrates customers' receivable status as a percentage of quarterly sewer billing. Paid or current balances represent approximately 81.0% billing.



The District serves approximately 33,243 customers. Currently, the District has 205 liens filed which represent approximately 1.0% of our customers.



## Pending/Threatened Litigation

- Vehicle Accident – The District received a legal summons related to a vehicle accident involving a District vehicle. This claim is currently being handled through the District's General Liability Insurance provider, PRIA. PRIA has assigned the firm of Roberts, Reynolds, Bedard & Tuzzio, PLLC to represent the District.
- Beacon Lane – The District received a formal notice that a negligence claim is being made on behalf of a resident on Beacon Lane from injuries sustained as a result of septic and sewage over-flow at the property. We notified the District's legal counsel, the project engineers, the contractor, and the District's General Liability Insurance provider, PRIA.
- Turtle Creek Sub-system 2 & 3 – The District's contract legal counsel, Delaparte and Gilbert, has sent formal notice of latent defects to the Contractor. The Contractor has mobilized and is working to correct paving issues found by Martin County.



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: D. Albrey Arrington, Ph.D., Executive Director

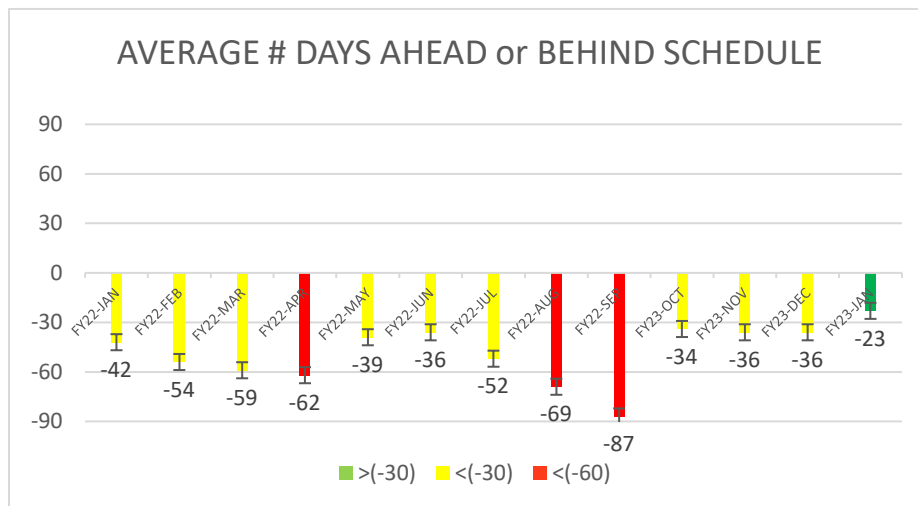
FROM: Kris Dean, P.E., Deputy Executive Director  
Courtney Jones, P.E., Director of Engineering

DATE: February 8, 2023

SUBJECT: Capital Program and Engineering Services Report

### Capital Projects

*Capital Schedule (FLOAT = -23 Days)*



Notable delays to the Capital Program are listed below.

**R19011 – Lift Station 082 Conversion** – Staff are working with the consultant and contractor to complete the project prior to the end of this fiscal year. See Holtz engineering consultant’s report for additional details.

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

**Gordon M. Boggie**  
BOARD MEMBER

**Stephen B. Rockoff**  
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**Clinton R. Yerkes**  
BOARD MEMBER

**N20036 – Improve Operational Flexibility of our IQ System/IQ 511 Piping Modifications** – This project reached substantial completion in January 2023. Staff, consultant and contractor are working to close out the project punch list.

**R21018 – Clarifier # 3 Rehabilitation** – The clarifier rehabilitation was completed in December. The contractor is working through punch list items. Staff anticipate completion in February 2023.

**R20023 – Rolling Hills Gravity Sewer System** – Startup of the lift station has been delayed due to mis-specified owner furnished equipment. Staff have corrected the specifications and are waiting on delivery of the correct equipment.

**N20012 – Jupiter Inlet Lighthouse Septic to Sewer** – The sewer portion of the project is substantially complete. The project is currently delayed due to the utility power conversion portion of the project and electric equipment supply chain issues. Staff are working with the District’s Contracting Officer at BLM to process a time extension. See Tab 5E.

**R21002 – Lift Station 041 Main Lining** – The contractor is working through the punchlist. Staff anticipate completion in March 2023.

**R20036 – Loxahatchee River Subaqueous Crossing Replacement** – The current schedule has design, permit and bidding completing in June 2023.

The overall negative (-) float is attributed to the following causes:

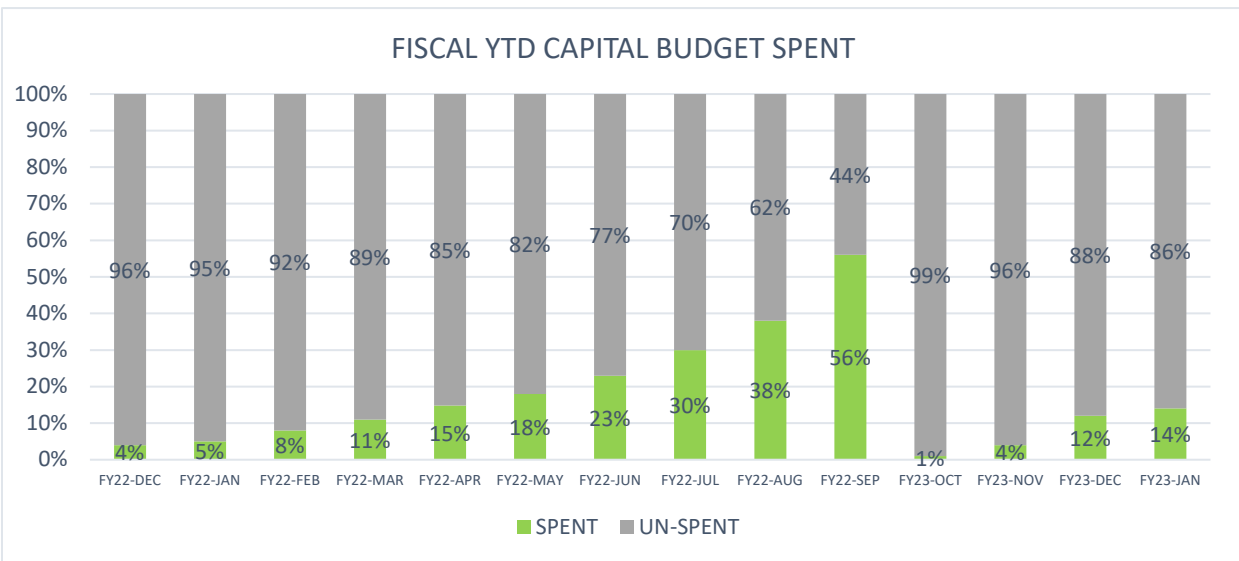
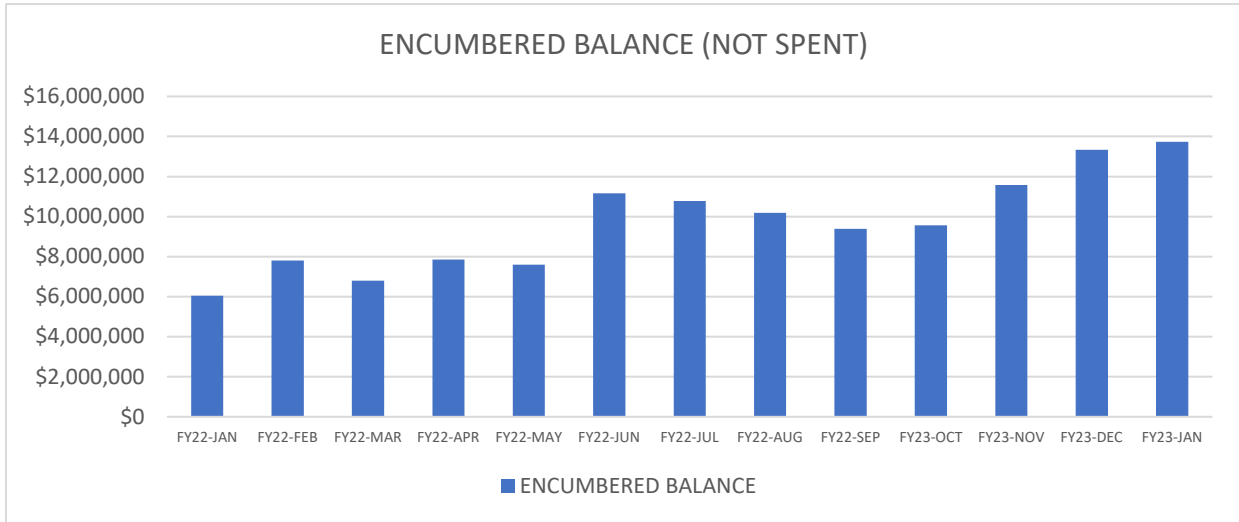
Construction Delays:	70%
Supply Chain Issues:	9%
Design/Permit/Bid:	19%
Late Start:	0%
Planning Contracts:	3%

Construction delays have the largest impact to the negative float (70% from 6 projects total). Staff are working with consultants and contractors to implement recovery schedules with project completions by the end of FY23.

Design/Permit/Bid also have a significant impact to the negative float (19% from 4 projects total). Two projects, both dealing with subaqueous river crossings, are currently impacting negative float. Staff are working with both consultants on recovery schedules.

## Capital Budget

Encumbered Balance (unspent encumbered funds) decreased over January 2023. Note, December's reported unspent encumbered funds was incorrect. The correct unspent encumbered funds for December has been updated in the chart below.



**Project Updates**

**Science Center and Jupiter Inlet Lighthouse Outstanding Natural Area (aka: BLM House Renovations):** Staff are working with the consultant to understand the project costs.

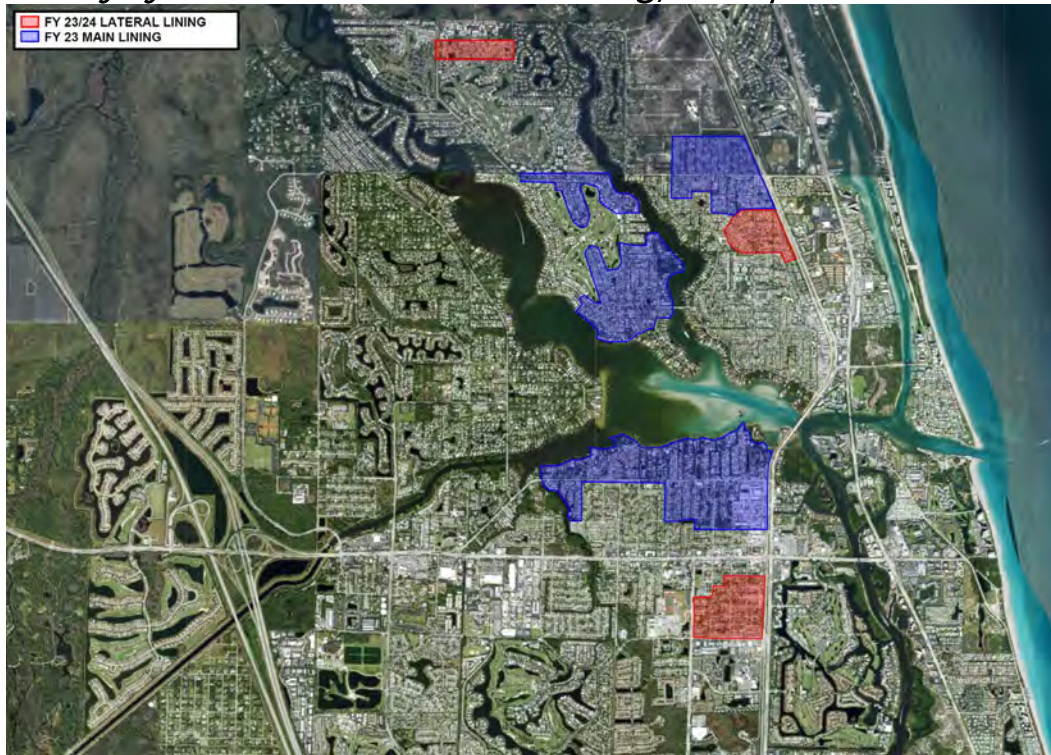
**2500 Jupiter Park Drive Site Planning:** Since the presentation to the Board in May 2022, staff and the consultant have continued to make progress on the massing study, architectural programming, potential treatment facility footprint and security review. Once these components are complete staff will provide revised site plans for Board discussion and consideration.



**20 Acre Site Planning & Design:**  
See Tab 6C.

**In-house Projects**

**Gravity System Rehabilitation – Cleaning, TV Inspection and Lining:**



Main lining work is complete in LS018 LS041 and LS054 systems each have one (1) main line remaining to be lined respectively as part of this project. Punchlist items and coordination have delayed completion of LS041 and LS054, now anticipated in February 2023.

The Board awarded lateral lining contracts for LS018, LS041 and LS054 in November 2022. A preconstruction meeting was held on January 11, 2023. This work is scheduled to commence in April 2023.

The Board also awarded main lining contracts for LS050 in November 2022 and LS070 and LS071 in December 2022. Work commenced in January 2023.

Staff are currently working with multiple contractors to locate a viable contract to perform lining in LS011, LS012, LS014, LS027 and LS190 collection systems. Staff anticipate bringing this to the Board in March or April 2023.

***Lift Station Rehabilitations General Construction Services:***

Lift Station	Inspection	Design	Procurement	Construction
064	COMPLETE	COMPLETE	IN-PROCESS	-----
095	COMPLETE	IN-PROCESS	-----	-----
131	COMPLETE	COMPLETE	IN-PROCESS	-----
163	COMPLETE	COMPLETE	IN-PROCESS	-----
174	COMPLETE	COMPLETE	IN-PROCESS	-----
210	COMPLETE	COMPLETE	IN-PROCESS	-----
211	COMPLETE	COMPLETE	IN-PROCESS	-----
233	COMPLETE	COMPLETE	IN-PROCESS	-----
242	COMPLETE	COMPLETE	IN-PROCESS	-----
266	COMPLETE	COMPLETE	COMPLETE	COMPLETE

***Neighborhood Sewering/Remnant Properties:***

*5331 Center St.:* Design and permitting are complete for 5331 Center Street. Staff are coordinating with contractor for pricing and scheduling. This project includes a single service to be installed in easements coordinated by the property owner.



*18041 and 18049 69<sup>th</sup> Terrace:* The property owner at 18041 69<sup>th</sup> Terrace provided easements and requested staff install sewers to a proposed two-unit residential project. Design and permitting are complete. Staff are coordinating with contractor for pricing and scheduling. This project includes a double service to be installed in easements.

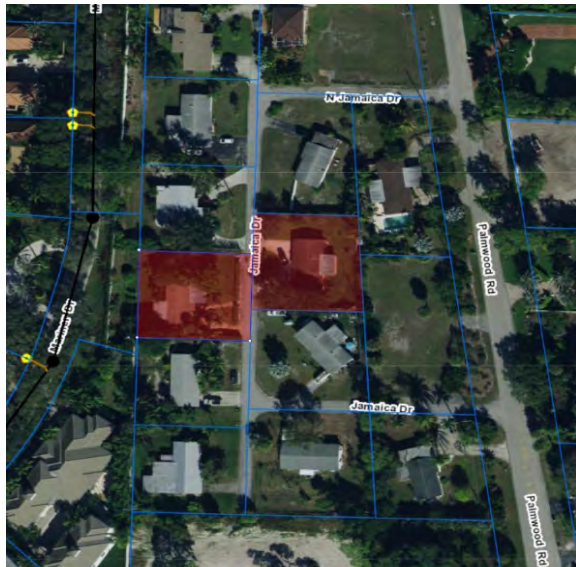
*18150 SE Wooden Bridge Lane:* Design, permitting and construction of the low-pressure service lateral are complete for 18150 SE Wooden Bridge Lane. The project includes a single service to be installed in the right of way. Service is available to the property owner. District staff are coordinating with the property owner regarding requirements for installation of the low-pressure station / connection.

*109-111 Old Jupiter Beach Road:* Design is complete for 109-111 Old Jupiter Beach Road. The project includes two services and low-pressure force main to be installed in existing roadway ingress/egress easement. Homeowners were provided information on 9/22/21 and 7/13/22, but no response has been provided. Project is on hold.

*Island Way LPSS:* Design is in process. The project includes two services and low-pressure force main to be installed in the right of way.

*Other:* Staff are working with IT and customer service to confirm remnant sewerage and update priority listing based on property access rights.

***Statutory Way of Necessity:***



*Jamaica Drive Low Pressure Sewer:* Over the last two years staff have been coordinating with two property owners for utility easements to install sewers to their properties on Jamaica Drive without success. At this time both property owners have determined Statutory Way of Necessity is the preferred option and entered into letter agreements for staff to proceed on their behalf.

Agreements are in place. Staff are coordinating with the contractor for final pricing and scheduling.

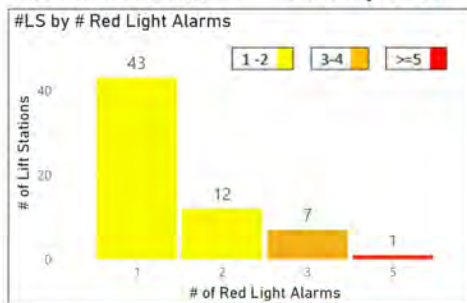
## COLLECTIONS AND REUSE

**Lift Station Red Lights:** This month the system experienced 53 total red lights. 35 lift station red lights (with 5 stations experiencing multiple red light events) and 18 low pressure red lights (with 2 stations experiencing multiple red light events).

Work Order counts due to red lights exclude red lights due to FP&L power failure since staff have no mechanism to impact FP&L performance during inclement weather or other power outages. Staff continue to include FP&L power outages in the 3-month rolling average for repeat stations and work order counts to facilitate FPL coordination on problem areas and potential use of portable standby power to ensure continuity of service.

### Emergency Call Work Orders Dashboard

November 2022 - January 2023



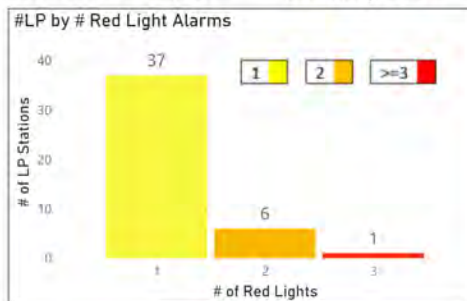
January 2023



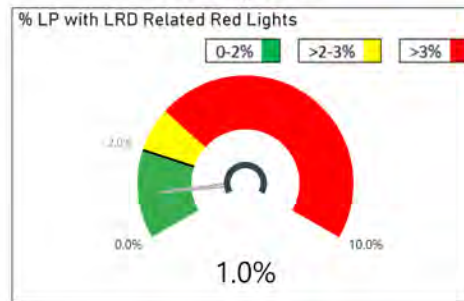
#LS w/ no Red Light Alarms

166

November 2022 - January 2023



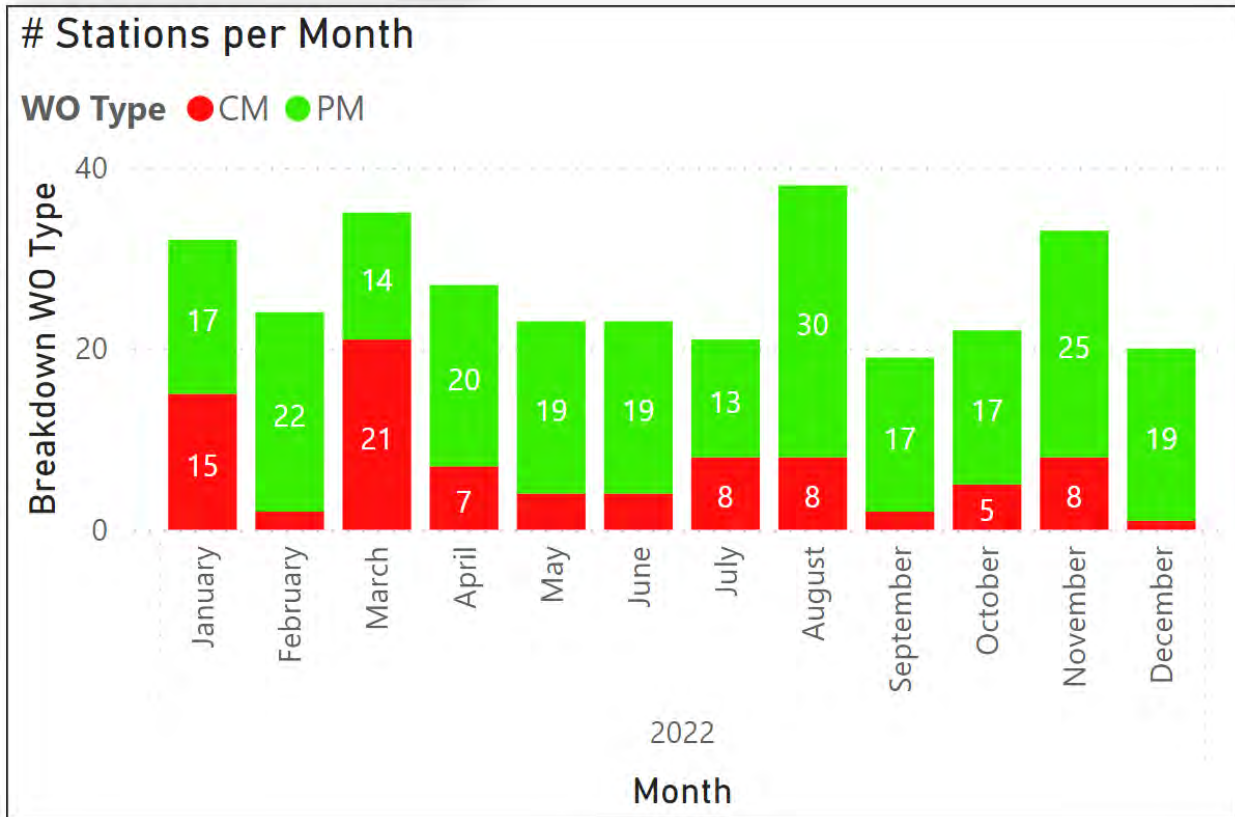
January 2023



#LP w/ no Red Light Alarms

1552

**Wet Well Cleaning:** Unscheduled wetwell cleanings totaled 1 for the month.



**UNAUTHORIZED DISCHARGES (fka SANITARY SEWER OVERFLOWS)**

There were 5 unauthorized discharges in the collection-transmission-distribution system this month.

On January 09, 2023, the District had an unauthorized discharge of 30 Gallons of sewage at a private residence low pressure system (LP0200-VB2) located on W Riverside Drive, Jupiter, FL. The unauthorized discharge was caused by damage to a low-pressure service valve assembly by a contractor performing land clearing near the low-pressure service line. The unauthorized discharge was stopped by making temporary repairs until permanent repairs could be made. The unauthorized discharge was absorbed into the soil. The affected area was disinfected with lime. No known storm drains or bodies of water were affected.

On January 09, 2023, the District had an unauthorized discharge of 8 gallons of sewage from an air-release valve (LS070-VLA06) located on N Old Dixie Hwy, Jupiter, FL. The unauthorized discharge was due to a failed air-release valve seat. The unauthorized discharge was stopped by isolating the valve until repairs could be made. The unauthorized discharge was absorbed into the soil in the immediate area

in the unsealed manhole. The affected area was disinfected with lime. No known storm drains or bodies of water were affected.

On January 31, 2023, the District had an unauthorized discharge of 5 gallons of sewage from an air-release valve (LS151-VA) located on Jupiter Gardens Blvd, Jupiter, FL. The unauthorized discharge was due to a failed air-release valve seat. The unauthorized discharge was stopped by isolating the valve until repairs could be made. Some of the unauthorized discharge was absorbed into the soil in the immediate area around the ARV Box. The affected area was cleaned with 10 gallons of potable water and disinfected with lime. No known storm drains or bodies of water were affected.

On January 31, 2023, the District had an unauthorized discharge of 2 gallons of sewage from a private residence low-pressure system (LP0883) located on Old Mystic Court, Jupiter, FL. The unauthorized discharge was caused by a clogged pump. The unauthorized discharge was stopped by residents not using water until a repair could be made. The unauthorized discharge was absorbed into the soil in the immediate area around the low-pressure system wet well. The affected area was cleaned with 5 gallons of potable water and disinfected with lime. No known storm drains or bodies of water were affected.



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

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D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: Albrey Arrington, Ph.D., Executive Director

FROM: Jason A. Pugsley, P.E., Operations – Plant Manager

DATE: February 9, 2023

SUBJECT: January 2023 Operations Department Monthly Report

### Treatment Plant Division / Maintenance Department

Overall, the month of January was productive with all monthly reports prepared and submitted on time. There were no permit exceedances this month. The treatment plant generally operated efficiently and met all treatment objectives. During the month, influent flows to the plant were on the same order of magnitude as the previous month.

The plant experienced one (1) unauthorized discharge during the month of January. The discharge occurred due to the failure of an air release valve (ARV) on one of the return activated sludge (RAS) pumping units to fully seat. The discharge resulted in approximately one gallon of return activated sludge being released onto the ground. To address these types of minor discharges, Staff modified the vent piping on each of the ARV's dedicated to the RAS pumps and positioned a bucket beneath the vent discharge piping at grade. This arrangement will ensure that any minor discharges are contained and provides a mean for Staff to routinely inspect the buckets to confirm that the ARV's are properly seating. No bodies of water or storm drains were affected by the discharge, and the areas were disinfected with lime. The unauthorized discharge was properly reported to the required agencies.



Kevin L. Baker  
BOARD MEMBER

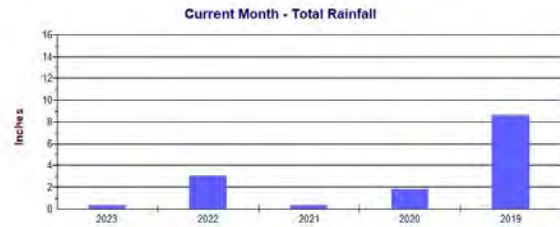
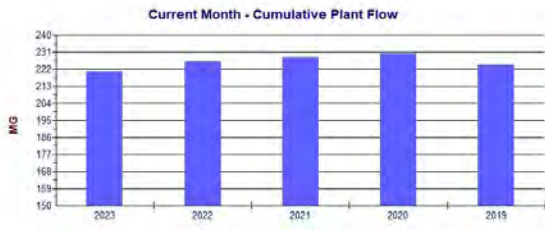
Gordon M. Bogie  
BOARD MEMBER

Stephen B. Rockoff  
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Dr. Matt H. Rostock  
BOARD MEMBER

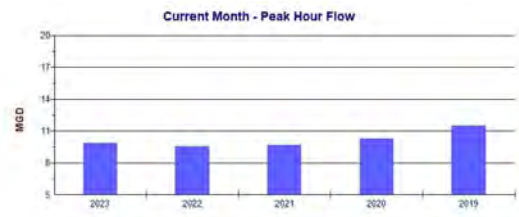
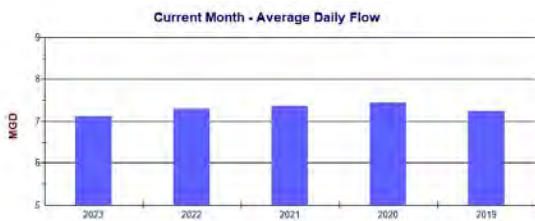
Clinton R. Yerkes  
BOARD MEMBER

Graphical summaries of the plant flows and rainfall during the month of January, including comparisons with plant flows during the previous month (i.e., December 2022), are presented below.



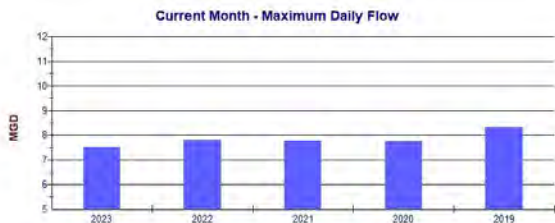
The Cumulative Influent Flow to the plant for the month of January was 220.97 million gallons. This is slightly greater than the December flow of 218.96 million gallons.

0.35 inches of total rainfall was recorded at the plant site during the month of January. This is significantly less than the December rainfall recorded of 3.65 inches.



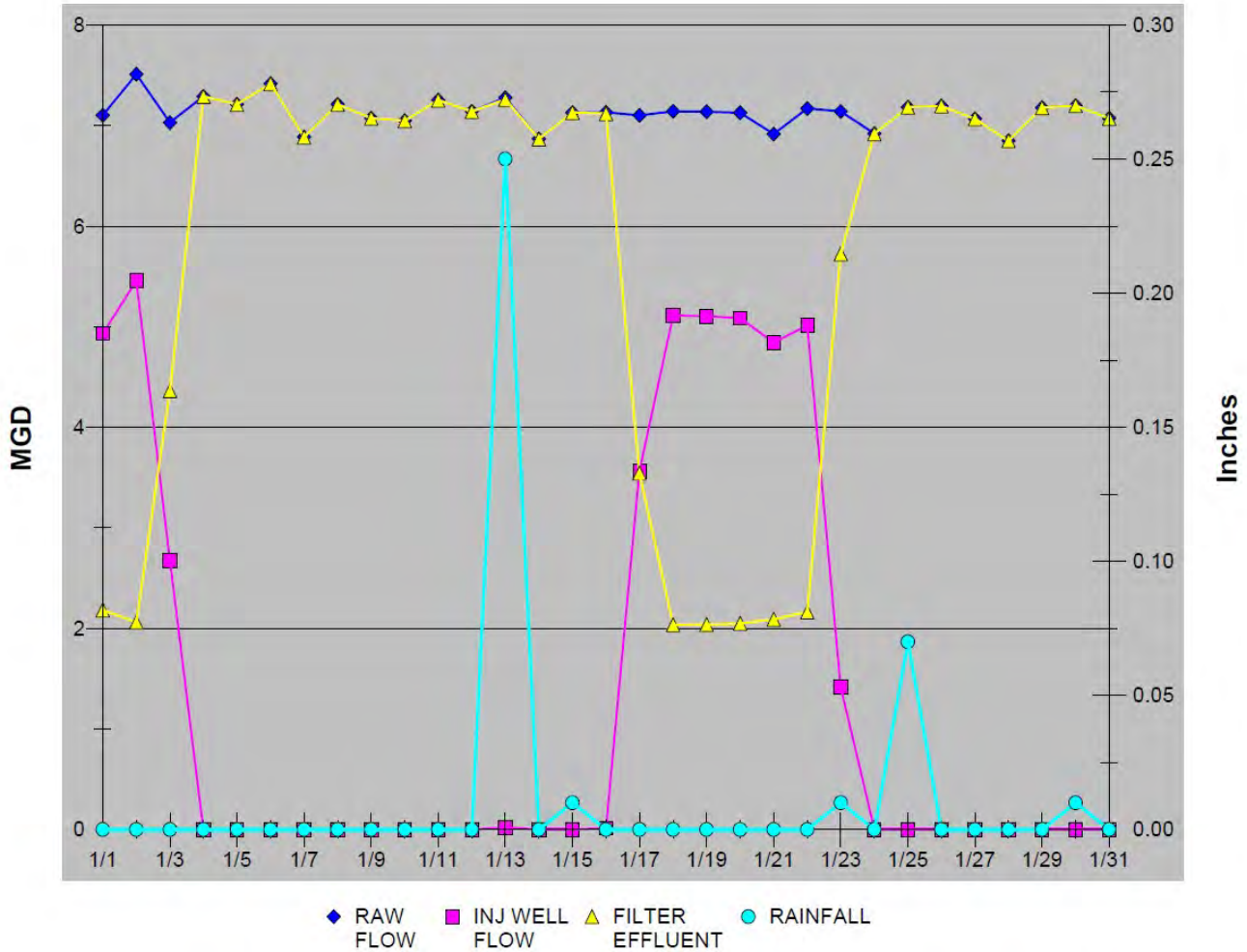
The Average Daily Flow (ADF) for the month of January was recorded at 7.13 MGD compared to 7.06 MGD during the month of December and 7.29 MGD during January 2021.

The Peak Hour Flow (PHF) for January was 6,826 GPM which equates to an equivalent daily rate of 9.83 MGD. This is a slightly lower than the PHF for December of 7,000 GPM (10.08 MGD).



The Maximum Daily Flow (MDF) in January was 7.51 MGD. This is slightly less than the MDF for December of 7.64 MGD.

For the month of January, 80.47% or 177.81 MG of the cumulative influent flow to the plant was sent to the IQ storage system where it was distributed, as needed, to the various golf courses and the Abacoa development sites. A total of 43.24 MG of blended effluent was diverted to the Deep Injection Well. The plant delivered a total of approximately 198.47 million gallons of IQ water to the reuse customers during the month of January.

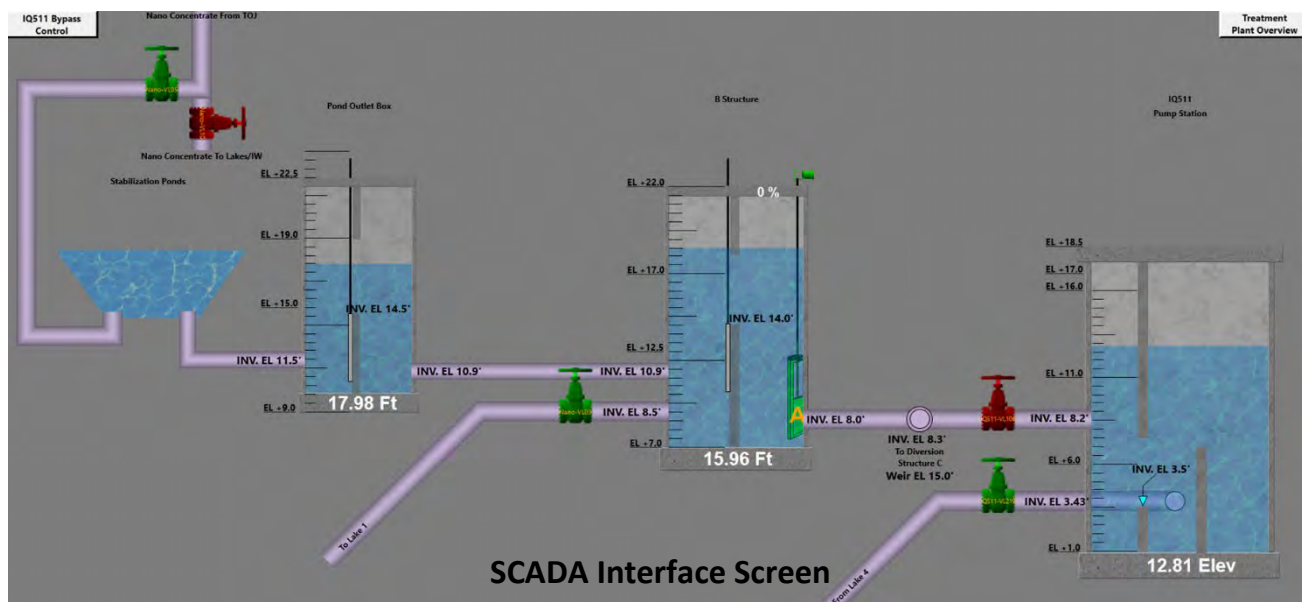


Year to date (i.e., Calendar Year 2023), approximately 80.47% of all influent flow to the plant was treated and available for reuse as IQ water. The total volume of IQ water distributed to reuse customers for the year stands at 177.81 million gallons.

**All monthly reporting was submitted on time.**

## Treatment Plant:

Operations Staff continued to perform routine monitoring, sampling and general maintenance of equipment and structures. Staff also worked and/or provided operational assistance during the execution of various capital improvement projects. One significant project completed this month was the functional testing associated with the IQ-511 Pump Station Improvements project. The objective of the project is to install the necessary improvements required to allow the flow of irrigation quality (IQ) water from the lined stabilization ponds directly to IQ-511 pump station. Currently, IQ water must flow through each of the four (4) unlined IQ storage lakes prior to reaching the pump station. During periods of drought when the lake levels are lowest it is conceivable that the water level in the lakes could be too low to allow gravity flow of IQ water from the outfall at Lake No. 4 to the pump station. Further, during periods of drought, routing IQ water through the onsite lake system will result in a significant loss of IQ water volume due to percolation through the lake floor as a result of the depressed groundwater levels during these periods. With the recently completed improvements, all IQ water produced can be directed into the two lined stabilization ponds and directly to the pump station. As part of the operational testing, Staff manually actuated a series of existing in-ground valves which prevented flow from being discharged to the storage lakes and routed all blended flows (IQ and nano-concentrate) to the lined ponds. Once the flow to the storage lakes was isolated, the blended flows were diverted to IQ-511 pump station using a newly installed motor operated (MO) control gate at B-Structure. When in this configuration, IQ flow to the pump station is modulated using the MO gate based on the liquid level in the IQ-511 pump station wet well. The operational features are controlled and monitored via the plant's site supervisory control and data acquisition (SCADA) system.



The functional testing was performed by District Staff, the project Engineer and the contractor. The testing process lasted about four hours and the IQ storage pond/lake system operating configuration was returned to normal operation shortly after. Upon final close-out of the project, Staff intends to perform operational testing, where the system is returned to the bypass mode and operated for a minimum two-week period. This will allow Staff to fully vet the specific operational criteria required to optimize system performance.



During the month, Operations Staff also scheduled and completed the annual maintenance of the sludge storage tank odor control system packed tower. The annual system maintenance includes the acidification and cleaning of the packed media within each stage of the packed tower unit. The purpose of the plastic media in a packed tower odor control system is to improve the distribution and contact of the hydrogen sulfide laden air captured from the sludge storage tank with the treatment chemicals (i.e., sodium hydroxide and sodium hypochlorite). Over time, the packed media can become fouled from regular use and impurities (i.e., hardness) in the make-up water can result in the build-up of scaling on the packed media. If allowed to build-up, this scaling can have a detrimental impact on the transfer efficiency of the packing, which results in an increase in chemical usage, and associated costs, as well as insufficient treatment potentially resulting in odor complaints. Staff worked closely with the District's Safety/Compliance officer to ensure proper handling and use of the acid solution utilized during the cleaning process. Thanks to proper planning and careful execution by Staff, the media cleaning was successfully completed without incident.



**Tower Packing Media**



**Sludge Storage Tank – Packed Tower Chemical Odor Control System**

## **Maintenance Department:**

The Maintenance Department continued to efficiently perform planned maintenance (PM) tasks over the last monthly period. In addition to the completion of standard PM tasks, the Maintenance Department addressed non-routine maintenance items as well as “special projects.” A few examples of these types of projects are presented below.

Maintenance Team members worked closely with Operations Team members to perform the annual PM inspection of the two (2) mechanical bar screen units at the plant headworks structure. The proper operation of the mechanical bar screens is critical since these units are the first pretreatment step at the headworks. The screens are located immediately downstream of the common influent chamber on the upper floor of the headworks structure. The bar screens are equipped with a continuous screening belt which consists of a series of staggered interlocking filter elements which create a filter screen with an element spacing of 1/8-inch (3mm). The primary purpose of the screens is to remove inorganic wastes including plastic floatables wastepaper, hygiene products and other debris from the influent waste stream. Staff regularly perform routine inspection and maintenance of each screening unit, however, there is a significant portion of the units which are submerged and not easily accessible. The annual bar screen PM includes a complete inspection of the units including the submerged portions. In order to complete the PM each of the troughs needed to be removed from service in succession and drained and cleaned to provide Staff access to perform a thorough inspection of the entire unit. Prior to execution of the work, Team members completed a detailed review of the work activities with the District’s Safety/Compliance officer to develop a plan to safely complete the work. The annual PM was successfully completed and both screening units were determined to be in good working order with no issues to address. During this work, Staff took the opportunity to have one of the District’s consulting engineers perform a detailed inspection of the interior of the headworks structure. The structure was found to be in relatively good condition. The consultant is in the process of preparing a detailed report which documents the findings and provides specific recommendations for repair of the issues identified.



**Annual Mechanical Bar Screen PM – Fall Protection Measures**

During the month of December, Maintenance Team members worked to fabricate and replace the blower frame support on the inlet side of the sludge tank odor control system exhaust fan. The base support was original and was significantly corroded due to continual contact with condensate which develops as a result of the combination of hydrogen sulfide gas and water vapor which combines and makes the condensate slightly acidic in nature. The existing frame was previously reinforced, so it was not in danger of failure, but the complete replacement was warranted to return the unit to factory condition. Staff fabricated a new steel support base in-house which was a direct replica of the factory base. The work was scheduled to take advantage of the odor control system being offline during the packed media cleaning performed by Operations. Scheduling these tasks concurrently was ideal because it minimized system downtime and reduced the duration of potential odor impacts to Staff, visitors and adjacent residents.



**Sludge Tank Odor Control System – Before and After Repair Photos**

Lastly, Maintenance Team members made improvements to an internal site access driveway which was identified to be a safety concern. The driveway, which is adjacent to the northeast corner of the construction barn, was widened using a combination of base rock and asphalt millings. The earthen roadway was placed and compacted to ensure it would be capable of accommodating any of the District's vacuum truck units. The driveway improvements resulted in a significantly larger turning radius and improved site safety.



**Site Access Driveway Improvements Adjacent to Construction Barn – Looking North**



**Site Access Driveway Improvements Adjacent to Construction Barn – Looking West**



# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

TO: Albrey Arrington, Ph.D., Executive Director  
FROM: Bud Howard, Director of Information Services  
DATE: February 7, 2023  
SUBJECT: Information Services Monthly Governing Board Update for January 2023

### WildPine Ecological Laboratory

#### Riverkeeper Project

In January, the lab staff and our partners collected 160 water quality samples from 30 monitoring stations throughout the watershed. A total of 70 fecal indicator bacteria samples were analysed in support of additional testing for the weekly bacteria monitoring program and the additional monthly testing in Jones and Sims Creeks.

The overall water quality score for January 2023 was “Good” with 85% of all samples meeting the EPA/DEP water quality criteria. This was an improvement over last month’s score of 75%, and similar to last year’s score of 88% for January (see score card below).

For the core parameters, *Total Nitrogen* scored “Good” during January with 100% of sites meeting the water quality criteria. This was a slight increase from last month’s score, and identical to last year’s score. *Total Phosphorus* scored “Good” with 90% of sites meeting the criteria, which was slightly better than last month’s score of 86%, and similar to last year’s 89%. *Chlorophyll* scores dropped in January scoring “Poor” with 53% of sites meeting the water quality criteria and some unusually high concentrations. The chlorophyll scores were down from last month’s score of 76%, and last year’s score of 79%. For the combined *Fecal Indicator Bacteria* (fecal coliforms in all waters, enterococci in marine and brackish waters and *E. coli* in fresh waters), January scored “Good” for the first time since last May 2022 at 90%, which was much better than last month’s score of 64%, and up from last year’s “Good” score of 88%.

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
BOARD MEMBER

Stephen B. Rockoff  
BOARD MEMBER

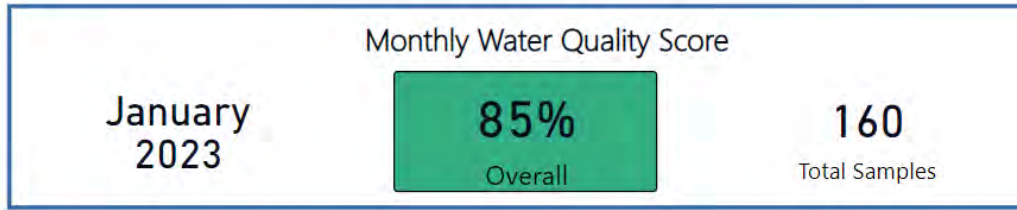
Dr. Matt H. Rostock  
BOARD MEMBER

Clinton R. Yerkes  
BOARD MEMBER

1/1/2022 1/25/2023

Loxahatchee River District  
**Water Quality Scorecard**  
 Results scored to FDEP/EPA Water Quality Criteria

Green - Good: 80% - 100%  
 Yellow - Fair: 60% - 79.9%  
 Red - Poor: < 60%

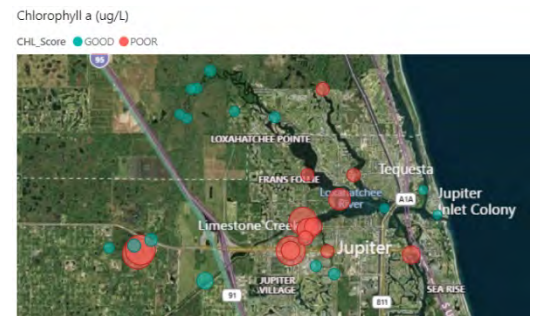


TN: Total Nitrogen, TP: Total Phosphorus, CLA: Chlorophyll a, BAC: Enterococci and E. coli bacteria

Year	Month	# Samples	Overall Score	# TN Samples	Total Nitrogen Percent Good	# TP Samples	Total Phosphorus Percent Good	# CLA Samples	Chlorophyll Percent Good	# BAC Samples	Bacteria Percent Good
2023	January	160	85%	30	100%	30	90%	30	53%	70	90%
2022	December	164	75%	29	93%	29	86%	29	76%	77	64%
2022	November	120	77%	18	100%	18	83%	18	56%	66	74%
2022	October	160	71%	30	100%	30	73%	30	40%	70	71%
2022	September	104	81%	19	100%	19	95%	19	79%	47	68%
2022	August	162	80%	26	88%	26	88%	26	77%	84	76%
2022	July	159	72%	30	93%	30	70%	30	47%	69	75%
2022	June	123	76%	16	88%	16	75%	16	69%	75	75%
2022	May	119	84%	21	95%	20	85%	20	80%	58	81%
2022	April	147	82%	26	96%	27	81%	27	48%	67	91%
2022	March	123	88%	16	100%	16	100%	16	88%	75	83%
2022	February	153	86%	26	88%	26	88%	26	85%	75	84%
2022	January	152	88%	28	100%	28	89%	28	79%	68	85%
<b>Total</b>		<b>1846</b>	<b>80%</b>	<b>315</b>	<b>96%</b>	<b>315</b>	<b>84%</b>	<b>315</b>	<b>66%</b>	<b>901</b>	<b>78%</b>

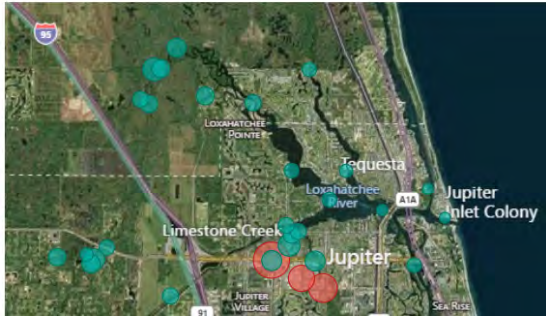
### Spatial Distribution of Water Quality Results

In January, *Chlorophyll* results met the water quality criteria at only 16 out of 30 sites. The highest concentration was an unusually high observation at the WCS2 site in Jupiter Farms at 29 µg/L. LRD’s former water storage lake on its 20-acre property, near the WCS2 site, had 28 µg/L. Site 74 in Sims Canal also had high chlorophylls at 27 µg/L. These values were above the freshwater numeric nutrient limit of 20 µg/L. The other poor-scoring stations were scattered about the estuary, which have very strict water quality standards, with results ranging from 5 µg/L at Station 60 in the NW Fork to 25 µg/L at Station 72 at the Loxahatchee River Road bridge in the SW Fork. Typically we see the higher concentrations of chlorophyll during the late summer and early fall when water temperatures and productivity are higher.



Total Phosphorus (mg/L)

TP\_Score ● GOOD ● POOR

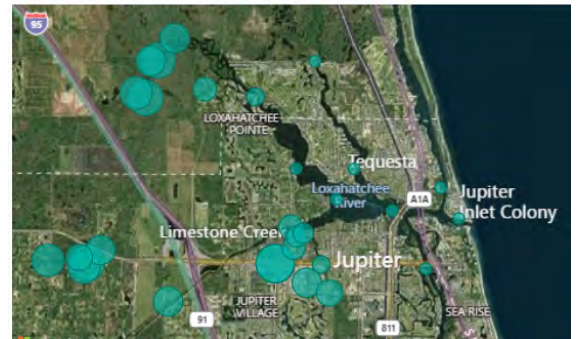


*Total Phosphorus (TP)* results scored “Good” at 27 out of 30 sites in January. Station 74DW in Sims Creek at Indiantown Road Bridge had the highest concentration at 0.15 mg/L, well over the Numeric Nutrient Criteria (NNC) water quality standard of 0.075 mg/L in brackish waters. Two stations in Jones Creek were also over the brackish water NNC. Toney Penna Footbridge (TPJ) sample concentration was 0.11 mg/L and Caloosahatchee Culvert (CALC) was 0.09 mg/L. Nutrient analyses are conducted quarterly in Sims/Jones Creeks and the historical results show impairments for total phosphorus.

*Total Nitrogen* results scored “Good” at all 30 sites in January.

Total Nitrogen (mg/L)

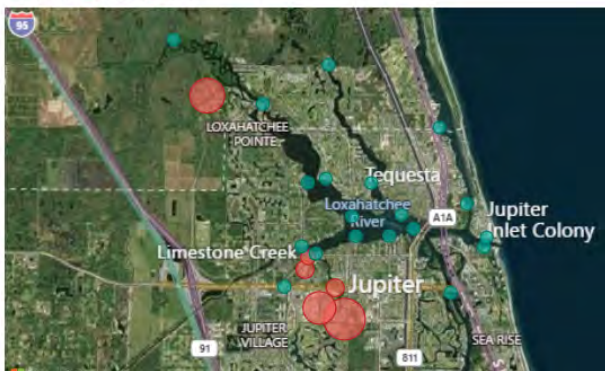
TN\_Score ● GOOD



The *fecal indicator bacteria* results scored “Good” in January, which is a marked improvement from the last seven months. Enterococci (see map below left), the preferred indicator bacteria for salt and brackish waters, scored “Poor” at six stations. Five of those stations were in Jones and Sims Creeks, with the Toney Penna Footbridge having the highest concentration at 2,187 MPN/100mL, down from last month’s 6,131 MPN/100mL. The Caloosahatchee Culvert (CALC) site, also in Jones Creek, was moderately high at 1,515 MPN/100mL, down from last month’s 8,164 MPN/100 mL. River’s Edge (Station 107), a tributary into the northwest fork, was also “Poor” at 1,670 MPN/100 mL. The other three “Poor” scoring stations in Jones/Sims Creeks were between 146 and 414 MPN/100 mL. For *E. coli* (see map below right), the preferred indicator bacteria for freshwater, only one station scored “Poor”. Once again, Sims Canal (Station 74) had the highest *E. coli* count at 1,010 MPN/100mL, slightly lower than last month’s high of 1,274 MPN/100 mL.

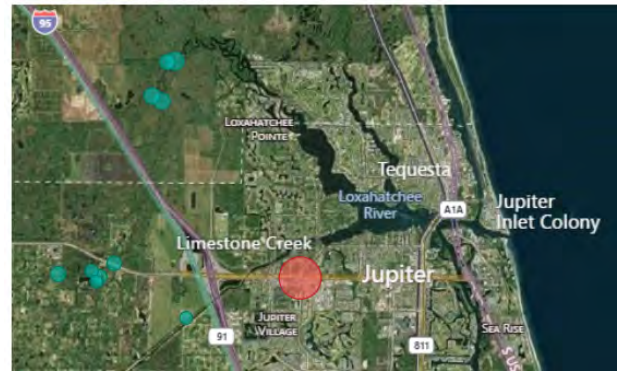
Enterococci Bacteria - Criteria: 130 MPN/100mL

ENT\_Score ● GOOD ● POOR



*E. coli* Bacteria - Criteria: 410 MPN/100mL

ECOL\_Score ● GOOD ● POOR



## Fish Rescue & Datasondes

You never know what you may find when you pull a water quality instrument from the water! Our lab technician, Helen Johnson, was changing out a water quality instrument under the Loxahatchee River Road Bridge (Station 72) when she unexpectedly caught something. A live mangrove snapper was hooked with the line wrapped around the instrument. She was able to unhook and release the fish back into the river.

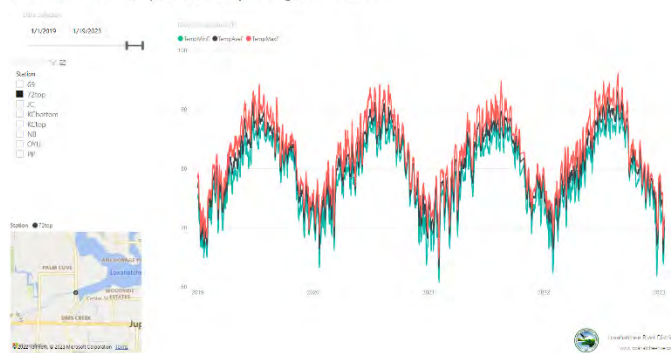
Every two weeks Helen goes out to eight different locations in the river to retrieve and replace datasonde instruments that have been calibrated and programmed to record data every 15 minutes in marine water (for temperature and salinity) and every 60 minutes in fresh water (for temperature, conductivity, pH, dissolved oxygen). All in a good day's work!

After the water quality data is downloaded from the instruments and reviewed for quality control, the results (now over 4.7M records!) are published through visualizations to our web page: <https://loxahatcheeriver.org/river/datasonde/>

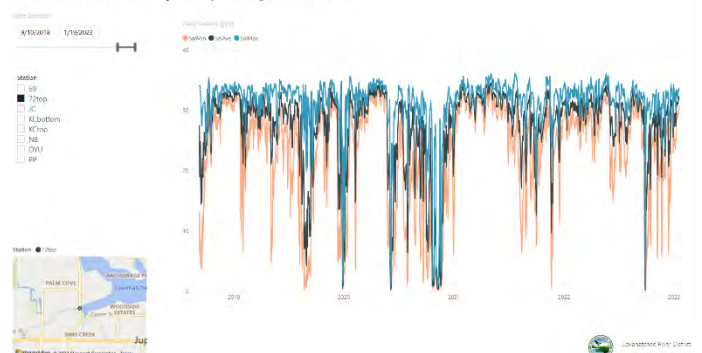


### Examples of data visualizations of the datasonde water quality instrument data

Loxahatchee River Temperature - Daily Average, Min and Max



Loxahatchee River Salinity - Daily Average, Min and Max

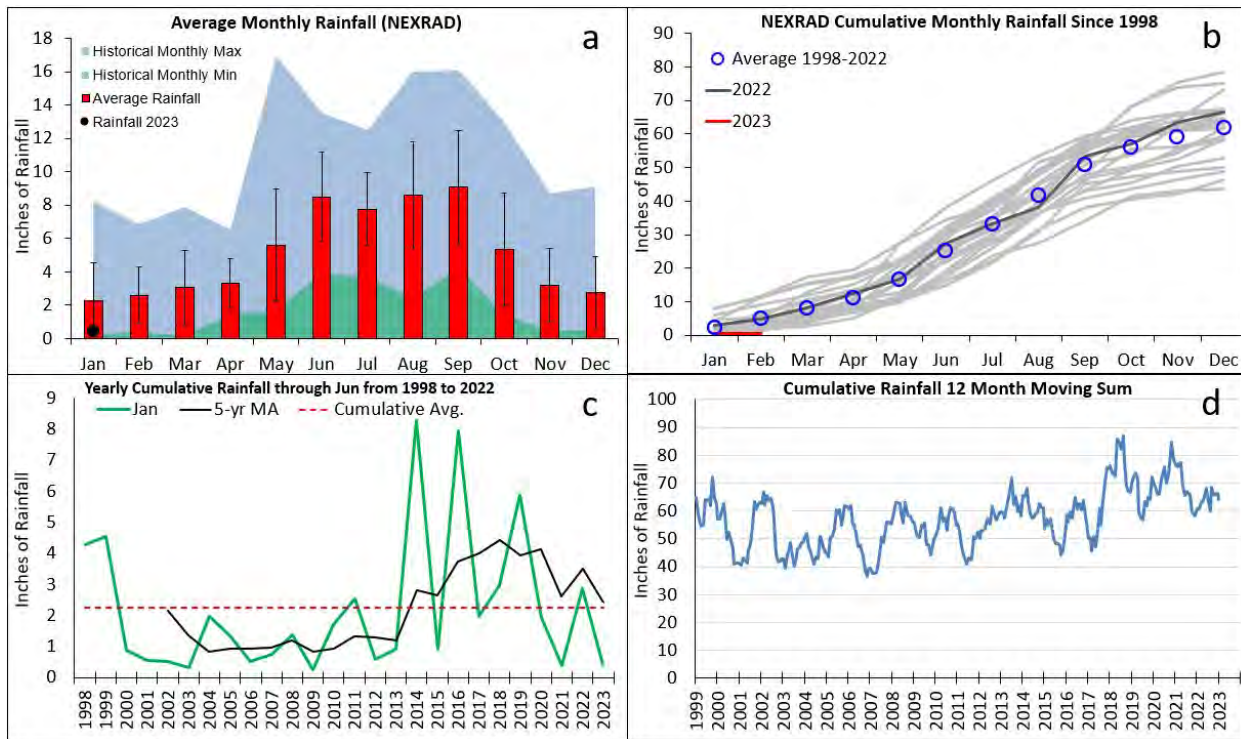




# Hydrologic Monitoring

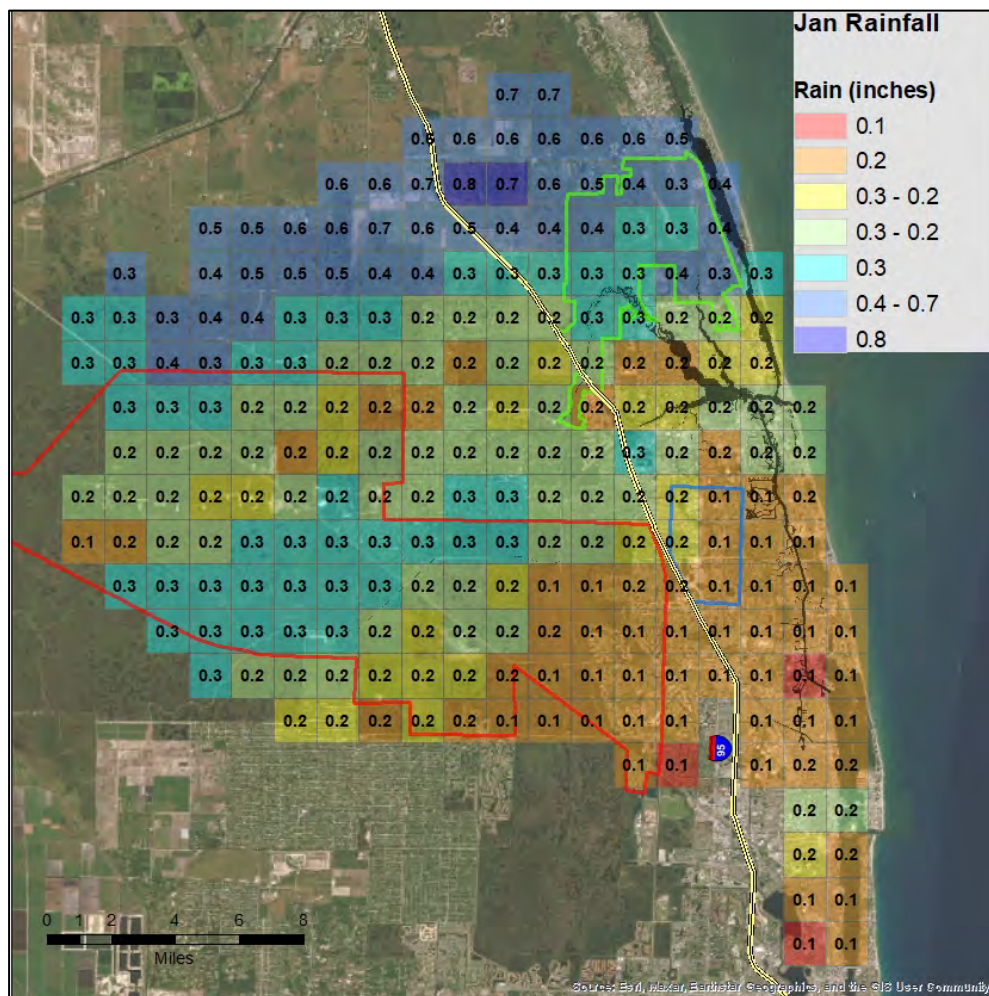
## Rainfall

2023 is starting off with dry conditions with January's average rainfall across the watershed totalling just 0.4" inches (panel 'a' in figure below); far below the historic average of 2.3" for the month and the 2.9" experienced during January 2022. Rainfall was detected within the watershed during 7 days throughout January with the highest single-day total of 0.2" recorded on January 13.



Figures above display various measures of rainfall. Panel (a) shows average monthly rainfall from 1998 to 2022 (red bars; error bars indicate  $\pm 1$  sd). Black dots indicate monthly rainfall for the current year. The blue and green shaded areas show the maximum and minimum rainfall ever recorded for each month. Panel (b) shows monthly cumulative rainfall for each year since 1998. Red line indicates cumulative rainfall during 2023; dark grey line indicates rainfall during 2022. Blue circles are monthly cumulative average rainfall measured between 1998-2022. Panel (c) shows cumulative annual rainfall using NEXRAD radar-based data. Green line indicates cumulative rainfall through indicated month for each year since 1998, when the radar-based rainfall measurements began. Black line is the 5-year moving average across all years and red dashed line shows cumulative average through indicated month. Panel (d) shows cumulative 12-month moving sum of monthly rainfall.

The spatial distribution of rainfall across the watershed in January ranged from less than 0.1” in the driest regions to about 0.8” in the rainiest regions (figure below). In general, highest rainfall totals occurred in the northern reaches of the watershed which include Jonathan Dickinson State Park westward to Hungryland Wildlife Conservation Area (blue and purple cells). Conversely, the driest regions were in the southern portion of the watershed which includes much of Abacoa and portions of Juno Beach (red and orange cells).



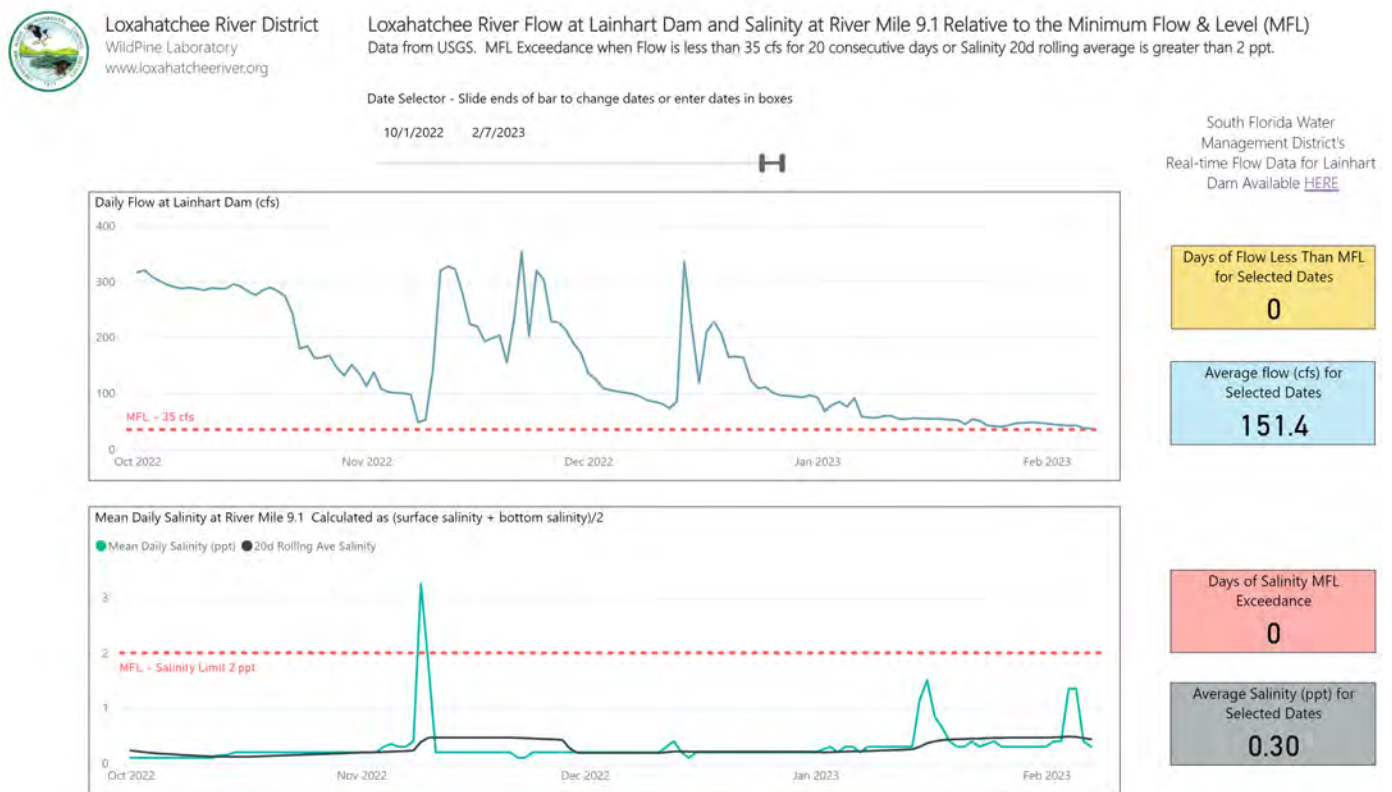
*Rainfall distribution across the watershed using NEXRAD data. Each pixel represents an area of 2 km x 2 km. Blue colored pixels show highest rainfall and red pixels show lowest rainfall. For reference, the red line is the C-18 basin which includes portions of J.W. Corbett WMA, Loxahatchee Slough, and Pine Glades Natural Area; green line shows Jonathan Dickinson State Park boundary, light blue line shows the Abacoa development.*

## River Flows

The low rainfall total resulted in corresponding low river flows during January. Throughout the month, the daily average river flow, measured at the Lainhart Dam, averaged 57 cfs and ranged from a low of 40 cfs to a peak of 91 cfs, which occurred at the beginning of the month (figure below). There were no days when river flow fell below the Minimum Flow and Level target of 35 cfs. Flows decreased substantially from December's average of 130 cfs.

River flows through January were sufficient to maintain low salinity in the upstream reaches of the Northwest Fork of the Loxahatchee River. During mid-month, mean bottom salinity at River Mile 9.1 spiked slightly to a peak of 1.8 ppt on January 16. By January 20 salinity had fallen to 0.3 ppt (fresh water) where it mostly remained for the remainder of the month.

With such low flows this early in the dry season we will closely monitor flow and salinity conditions through our Minimum Flow and Level (MFL) data visualization tool (screenshot below and available at: <https://loxahatcheeriver.org/river/>) and coordinate our observations with the South Florida Water Management District staff.



## Oyster Spat Monitoring

Oyster spat settlement evaluation for the 29-day period ending January 13 showed low oyster settlement activity in both forks of the river as we enter the cooler winter months, but higher than usual for the sampling period. In the Northwest Fork, average spat density was 426 spat m<sup>2</sup> with 94% of the activity occurring at the downstream site. This density was four and a half times higher

than the historical period average of 90 spat/m<sup>2</sup> (see figure right) and was nearly double the 216 spat/m<sup>2</sup> counted during same period in 2021.

Oyster spat settlement in the Southwest Fork was nearly the same as than that in the NWF at 382 spat/m<sup>2</sup> with more than half, or 68%, of settlement activity occurring at the downstream site. Spat density was about double the period average of 180 spat/m<sup>2</sup> but was about 18% below the 465 spat/m<sup>2</sup> counted during same period last year.

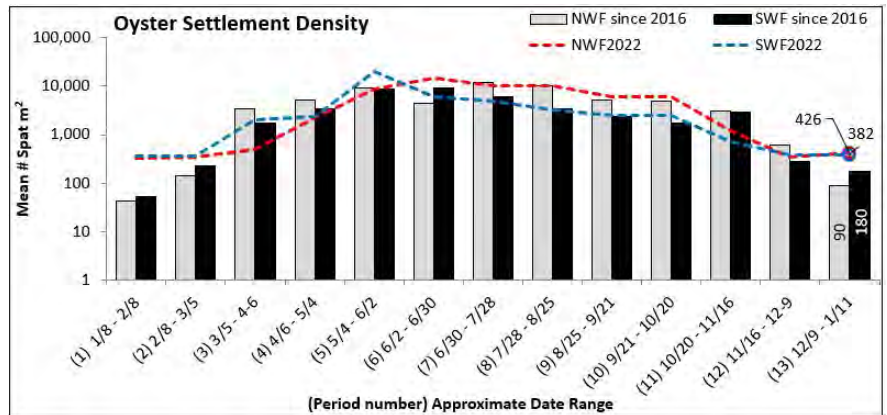
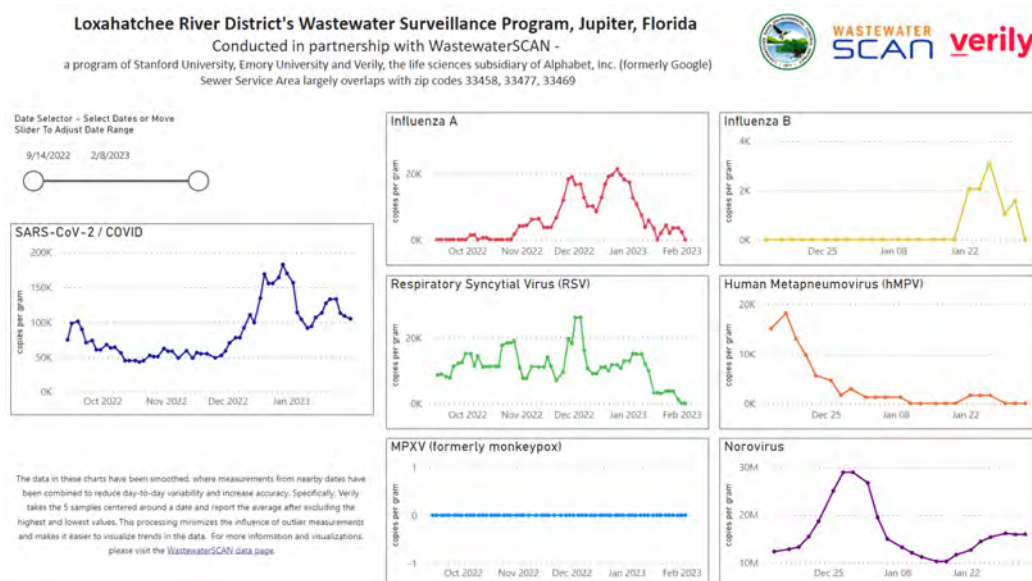


Figure shows mean oyster spat settlement for the Northwest Fork (gray bars) and the Southwest Fork (black bars) since 2016. Dashed lines show oyster spat settlement the current year in the NWF (red) and SWF (blue). Note logarithmic scale of vertical axis.

### Wastewater Surveillance of COVID-19

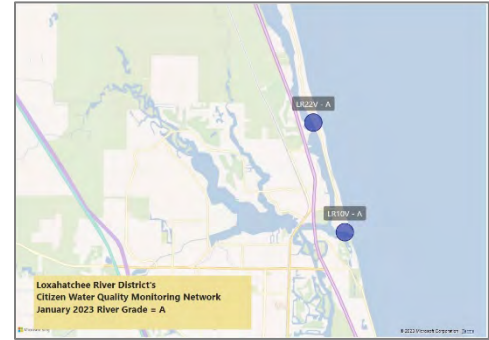
The wastewater surveillance monitoring for the Biobot/CDC and WastewaterSCAN programs for COVID-19 continue to show interesting results as shown in the figure below. In general, the trend in Covid virus concentrations have declined some since the most recent peak around the holidays.

Very interesting is the decline in prevalence in Influenza A. Virologists are watching this data closely to see if this was simply an early year for flu, or if perhaps there will be an unusual double peak of flu cases this year. RSV and hMPV respiratory infections also showed notable declines. Norovirus showed some notable concentrations over the holidays, then declined, but have ramped up again since the middle of January.



## Volunteer Water Quality

It is a great start for the new year as the overall Volunteer Water Quality grade for January 2023 is a “B”. The score for the Jupiter Inlet site was primarily affected by a cold water upwelling that also brought in cloudy sea water in the middle of the month. Otherwise, all the other parameters scored in the “Good” range for both reporting sites.



Site	Averaged results for the Month							Monthly Cumulative Grades						Cumul. Monthly	
	Temp (F)	Secchi	Salinity	pH	DO	DO%	Color	Vis	Salt	pH	DO	DO%	Color	Score	Grade
LR10V	22.2	3.16	34.0	8.2	7.1	99.1	1.0	C	A	A	A	A	A	95.0	A
LR22V	22.3	1.27	34.8	8.2	6.4	90.5	1.0	A	A	A	A	A	A	100.0	A
Average	22.2													96.9	A

VAB (Visible at Bottom)  
 DO (Dissolved Oxygen)  
 ND (No Data)

## Customer Service

### New Staff

Please give a warm welcome Leslie, our newest member of the Customer Service Team. Leslie brings a wealth of customer service experience working in a variety of settings, even winning employee of the year at a large manufacturing company. We are excited to have her as a part of our Team!



### Payment Processing

The distribution of the First Quarter 2023 bills began on January 11. Since then, the Customer Service Team were busy processing just under 11,000 payments totalling nearly \$1.6M from our quick paying customers. First quarter bills are due February 15.

### Customer Information & Billing System

We continue to work with our provider on the implementation of our new Customer Information and Billing System. The revised target “go live” date is the week of May 21, following delays due to programming changes and their software release schedule.

## Information Technology (IT)

### Advanced Phishing Email Handling

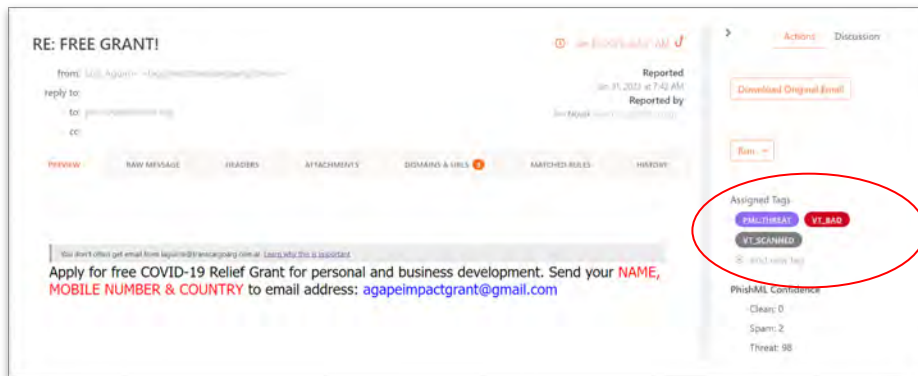
Phishing emails continue to be the most widely used method for cyber attackers to send malicious content. We are continuously improving our tools to combat attacks and respond to current threats reported to the IT Team.

In March 2021, we introduced a reporting tool that would forward a copy of suspected phishing emails to our IT Team, which provided samples of what users thought may be a phishing attempt. From those submissions, we improved both the rules for incoming emails but also identified training opportunities.

One drawback to this system was the need for IT Staff to review each of the suspected phishing emails to determine if each submission was correctly identified a potential threat. To improve this process, the IT Team setup the PhishER platform which will assist with the review process.

PhishER helps to automate much of the threat review workflow through the following steps:

1. User reports an email to IT as a possible phishing attempt
2. PhishER also receives the email and scans various aspects of the message including sender, links, and attachments.
3. If the email is determined to be a threat, PhishER will search the District's email to quarantine other occurrences of this threat.
4. PhishER sends the IT Team a notifications and summary reports of where the threat was identified, quarantined, and even the read status.



Read	Discovery Folder	Subject	Date Found ↓	PhishRIP Status
Unread	Inbox	RE: FREE GRANT!	Jan 31, 2023	Quarantined
Unread		RE: FREE GRANT!	Jan 31, 2023	Quarantined
Read	Deleted Items	RE: FREE GRANT!	Jan 31, 2023	Quarantined
Unread	Inbox	RE: FREE GRANT!	Jan 31, 2023	Quarantined
Unread	Deleted Items	RE: FREE GRANT!	Jan 31, 2023	Quarantined
Unread		RE: FREE GRANT!	Jan 31, 2023	Quarantined
Unread	Inbox	RE: FREE GRANT!	Jan 31, 2023	Quarantined

# Loxahatchee River Environmental Center

February 2023

## River Center Summary Statistics



### LRD'S ENVIRONMENTAL STEWARDSHIP DASHBOARD



	Environmental Stewardship Impact <small>[% ES Impact = (Total Participants x ES Index)/Monthly Target]</small>	Environmental Stewardship Index	Total Visitors <small>(incl. Visitors, Field Trips, Onsite Programs)</small>	Average Program Participation <small>[Actual participants/Capacity of Program]</small>	Volunteer Engagement	1st Time Visitors	Visitor Satisfaction	Staff Overall Program Assessment	Expenses	Program Revenue
Benchmark / Customer Expectation	% of Target	Monthly Average <small>[Max Rating is 9]</small>	% of Target	% of Capacity	% of Target	% of Target	Rating Average <small>[Max Rating is 5]</small>	Rating Average <small>[Max Rating is 9]</small>	% within budget	% of Target
Blue Level	≥ 110%	≥8	≥ 110%	≥ 95%						
Green Level	≥ 90%	≥7	≥ 90%	≥ 75%	≥ 90%	≥ 90%	≥4	≥7	≥ 85% but ≤ 105%	≥ 90%
Yellow	≥ 75%	≥5	≥ 75%	≥ 50%	≥ 75%	≥ 75%	≥3	≥5	≥ 80%	≥ 75%
Red	<75%	<5	<75%	<50%	<75%	<75%	<3	<5	< 80% or > 105%	<75%
2020 Baseline	62%	7.6	28%	50%	70%	65%	4.6	7.8	81%	103%
2021 Baseline	188%	8.1	112%	83%	102%	275%	4.7	7.8	92%	85%
2022 Baseline	118%	8.3	88%	120%	75%	163%	4.6	7.9	91%	94%
2022 Jan	44%	8.4	65%	73%	65%	236%	4.9	7.6	98%	111%
Feb	45%	7.8	79%	90%	109%	235%	4.5	8.1	99%	98%
Mar	82%	8.2	91%	90%	96%	110%	4.7	8.2	103%	103%
Apr	82%	8.6	104%	75%	136%	173%	4.9	7.9	97%	87%
May	45%	8.1	55%	86%	55%	147%	5.0	7.9	100%	153%
June	139%	8.4	86%	92%	105%	107%	4.8	8.0	100%	122%
July	152%	8.3	95%	84%	134%	164%	4.5	7.9	101%	123%
Aug	111%	8.3	88%	100%	147%	184%	3.8	8.0	91%	129%
Sept	63%	7.9	77%	86%	76%	178%	4.6	7.8	89%	120%
Oct	169%	8.4	79%	100%	118%	100%	4.9	7.4	55%	40%
Nov	112%	8.2	53%	104%	82%	111%	4.4	8.0	63%	27%
Dec	141%	8.3	94%	124%	50%	286%	4.6	7.9	96%	23%
2023 Jan	224%	8.1	69%	76%	56%	338%	4.6	7.9	84%	19%
Consecutive Months at Green	4	4	0	9	0	13	5	13	0	0
Metric Owner	O'Neill	O'Neill	O'Neill	Duggan/Warwick	Vacant	O'Neill	O'Neill	O'Neill	O'Neill	O'Neill

Metric	Explanation
Total Visitors	We had 1,095 visitors total with a target of 1,577 (average of 5 years). Two school groups cancelled for a total of 35 students. In addition, we had 76 cancellations for other programs. Participation was particularly low for our lecture this month with only 65%. This is unusual for this time of year, but we did only restart the lecture program a few months ago.
Volunteer Engagement	We discovered that regular volunteer updates were not going out and that some volunteers had not been added to our communication lists. This could be a contributing factor to the reduced number of volunteer hours that we had over the last few months. Volunteer lists are now up to date with new flow charts and SOPs in place.
Expenses	We had fewer expenses in January for our programs than we originally budgeted – in particular Girl Scout Woodworking for Animal Habitats. .
Revenues	Revenues from the Girl Scout Program will be available in February. Most programs this time of year are not revenue generating (school trips, nature hikes, Science with Sam, etc.)

## River Center General

### Special Programs



#### Lecture Series [Friday, Jan. 6th]

This month the lecture guest speaker was Josh Beaulaurier, FWC Fisheries Biologist. This lecture focused on how FWC manages the freshwater communities that live around our communities. Sampling water bodies for the understanding of the fish community, connecting people to fishing for the first time, and answering questions about fish and their habitat are some of the things a fisheries

biologist will do. Getting young people out into the outdoors to have them try things they have not done before like fishing is important. He also helps agencies understand the fish community where they do not have the equipment or staff and providing outreach materials to stakeholders for specific issues. This was an excellent lecture with 55 participants in attendance.

#### Evening Lecture Series [Friday, Jan. 20th]

This month kicked off the start of our new Evening Lecture Series. Our guest speaker was Sara Ayers-Rigsby, the Southeast Region Director for Florida Public Archeology Network. Her lecture taught us about Florida's Ice Age, what life looked like back then and what inhabitants would have been living here. With a cooler climate and roaming mastodons, Florida used to be a much different place 10,000 years ago. Through imagery, facts, and artifacts, Sara transported participants back into the ice age to learn about how Florida's first people survived and thrived in this environment by counting on a paleo-diet.



#### Nature Hike – Loxahatchee Slough Natural Area [Wednesday, Jan. 4<sup>th</sup>]



The River Center team facilitated a nature hike as part of our Naturalist Series. Thirteen visitors and two staff took a trip through the Loxahatchee Slough Natural Area, west of Palm Beach Gardens. The Loxahatchee Slough Natural Area is the largest and most biologically diverse natural area managed by Palm Beach County. It contains the historic headwaters of the Loxahatchee Wild and Scenic River and has nine native Florida habitats. Participants walked along wet prairie trails viewing Spatterdock, Pickerel weed, Cypress trees, Florida Slash Pines, Chimney Swifts, Alligators, Red-shouldered Hawks, Sulfur and Peacock butterflies.

#### Blooming in the Garden [Saturday, January. 7]

The Blooming in the Garden program is designed for children ages 3-6. The theme for this month was "Totally Terrific Turtles & Tortoises." We read a story about these reptiles, and then the children were introduced to one of our yellow-bellied sliders and observed a gopher tortoise. We collected items in the field and garden that a gopher tortoise might eat, then used those items in our craft. When it was time to go home, the children received seeds to take home to start their own garden!

#### Science with Sam [Saturday, Jan. 7<sup>th</sup> & Jan. 21st]

Science with Sam taught a class on animal migrations on January 7th. Students learned what a migration is, why animals migrate, why humans migrate, and the challenges that migrating creatures face. Students had time to brainstorm ways humans can help animals migrate easier, with less negative human impact. The class ended by playing an educational game to showcase the challenges animals face along their



migration routes each year. Each student was a bird making their own migration by using various dice followed by directions with themselves moving as the game piece.

On Saturday, Jan 21<sup>st</sup> Science with Sam taught a class on Invasive Exotic Species. Students learned the difference between native, invasive, and exotic species, along with learning common invasive exotic animals and plants of our area. Students had a class discussion as to how we think some of these species got here and what we can do now that they are. The class ended with animal encounters with invasive exotic species: the Ball Python, and the Leopard Gecko.



### **Homeschool Workshop [Wednesday, Dec. 14th]**

This month the River Center conducted a homeschool workshop for students ages 7-10. Students learned how sea urchins survive in their environment, compared them to other aquatic species, and explored the adaptations necessary for their survival. Students also created their own sea urchin to take home. We had 20 students participate in this workshop.



### **Lighthouse Family Adventure Day [Saturday, Jan. 21<sup>st</sup>]**

The River Center participated in the Jupiter Inlet Lighthouse's Family Adventure Day. This event includes fun and educational activities provided by the Florida Public Archaeology Network, Loggerhead Marinelifelife Center, the Ah-Tah-Thi-Ki Museum and many others. Crafts, music, and animal encounters rounded out this fun and educational event. We saw over 300 participants at this event and are looking

forward to attending it again in the future.



### **Girl Scout Workshop [Saturday, Jan. 28<sup>th</sup>]**

The Woodworking for Animal Habitats Girl Scout Workshop for Juniors and Cadettes is our second Girl Scout workshop for this school year. During this event the scouts learned about endangered and threatened species of Florida, why it is important to protect our critical habitats and how to create your own animal habitats. Girls also learned important woodworking skills like using a hammer, a screwdriver, and a hand saw. This workshop is always a fun and educational time, and we can't wait until the next one.

### **Volunteer of the Month**

Can Matalon is our January 2023 Volunteer of the Month! Can has recently taken on more responsibilities around the River Center by providing support to our animal care team. He has been assisting with the Saturday fish food preparation, feeding, and clean up. He takes the initiative to ensure every guest is having a great experience and provides wonderful information for our guests. Can loves to learn new facts about the animals in our care and is expanding his touch tank knowledge every week. He has a great attitude around the center, and we are grateful for his consistent support every week!

# Upcoming River Center Events

RSVP at [www.lrdrivercenter.org/events-calendar](http://www.lrdrivercenter.org/events-calendar)  
[rivercenter@lrecd.org](mailto:rivercenter@lrecd.org) or 561-743-7123

**Every Thursday, 9:30 a.m. – 10 a.m. – Story time:** Join the River Center for Story Time. Families are welcome as we read stories and have an animal encounter.

**February 18: 1 p.m. – 2 p.m.: Science with Sam [Illuminating Bioluminescence]:** On select Saturdays from 1:00 pm – 2:00 pm, join our Scientist Sam for different science activities for children 6-12. Activities will include garden exploration and hands-on opportunities with wildlife. Each month has a different theme! In this lesson students will discover the enchanting world of bioluminescence through experimentation. Students will have the opportunity to create their own luminescence and understand what a unique adaptation bioluminescence is, and what types of organisms have gained this feature.

**February 25, 1:00 p.m. – 2:30 p.m.: Introduction to Volunteering:** Do you have a passion for the environment? Do you enjoy interacting and educating the public? The River Center is looking for enthusiastic and personable volunteers to join our River Center team! Individuals 14+ are invited to attend the next Intro to Volunteering workshop from 1:00 PM – 2:30 PM. For questions or application information please contact our Volunteer Coordinator Emmy Weeks at 561-339-3107 or [Volunteer@Lrecd.org](mailto:Volunteer@Lrecd.org)

**March 3: 12:00 p.m. – 1:00 p.m.: Lecture Series: Wildflowers, Pollinators and Why They Matter to Us:** CJ McCartney from Florida Wildflower Foundation (Board of Directors) will help us to understand why pollinators should matter to us. Creating vibrant and thriving landscapes are an exciting opportunity for all of us to transform our sterile yards back into flourishing habitats. This presentation takes us through the “why” it matters and “how” to create it – one plant, one yard at a time. The result is a beautiful, natural landscape that offers a safe haven for our pollinators, butterflies and birds by planting native plants and wildflowers. Registration is required to attend.

**March 4, 10 – 11:30 a.m.: Blooming in the Garden [Funny Bunnies]:** Join the River Center for our Blooming in the Garden program, designed for children ages 3-6. The program will start at 10:00am at the River Center Chiki Hut with a story time and a garden themed craft. We will then move to our garden for a garden themed hands-on activity. When it is time to go home, children will receive seeds to take home to start their own garden! This is an exciting opportunity for little ones and their families to enjoy nature together!

**March 4: 8:00 a.m. – 4:00 p.m.: Boating America Class:** The River Center continues to collaborate with the US Coast Guard Auxiliary “Flotilla 52” to provide a series of Boating Safely Classes targeted specifically to young boaters in our community. These classes are provided through a generous sponsorship by the AustinBlu Foundation, a not-for-profit dedicated to raising awareness and promoting educational programs to improve boater safety. There is no cost for this class, however there is a deposit required to reserve a seat. The deposit of \$10 will be refunded in full to all students who complete the class. Recommended for children 12 years and up, but all ages are welcome.

**March 7, 9 – 11 a.m.: River Center Garden Club:** Come and spend some time outdoors. Learn more about native gardening and meet new people. Bring hat, sunscreen, and water. Most equipment is provided but you may want to bring your own gloves, trowels, trimmers, shovels.

**March 11, 10 a.m. – 1 p.m.: Atala Butterfly Festival:** Flutter on over to the River Center’s 4th Atala Butterfly Festival! On Saturday, March 11th we are celebrating the Atala butterfly! Once thought to be extinct, this beautiful butterfly is local and thriving right in our own backyards. Join us for our exciting event which will include Butterfly arts and crafts, Native Plant seed harvesting, Native Plant Sale, Tours of the River Center migratory bird and butterfly garden. Please register to attend tickets are limited. This free event is from 10:00 am – 1:00 pm. Registration is required to attend.

**March 17: 9:00 a.m. – 12:00 p.m.: Family Fishing Clinic:** Don't miss out on this exciting fishing opportunity with the River Center. Fishing clinics are a great way for kids to learn the basics of fishing methods and tactics! Make sure to join us for an engaging overview that includes knot tying, fish identification, and of course fishing! Parents are encouraged to accompany their kids and participate in the clinic. The cost is \$10 per child. Interested participants should bring water, sunscreen, a hat, and sunglasses.

**March 17: 5:00 p.m. – 6:00 p.m.: Evening Lecture Series: The Early Days of Florida Horticulture:** Dr. George Rogers, considered a leading authority on Florida native plants, has authored several field guides to help with native plant identification as well as books designed to encourage native planting in our community. Dr. Rogers earned his doctorate in botany from the University of Michigan and did a post-doctoral fellowship in botany at Harvard University. Dr. Rogers uses his books and teachings to foster a new sense of stewardship to Florida native plants and teach the history of horticulture in our community. Registration is required to attend.

**March 18: 1 p.m. – 2 p.m.: Science with Sam [Exciting Electricity]:** On select Saturdays from 1:00 pm – 2:00 pm, join our Scientist Sam for different science activities for children 6-12. Activities will include garden exploration and hands-on opportunities with wildlife. Each month has a different theme! In this lesson students will discover the enchanting world of bioluminescence through experimentation. Students will have the opportunity to create their own luminescence and understand what a unique adaptation bioluminescence is, and what types of organisms have gained this feature.

**March 21, 9:30 – 11:30 a.m.: Exploring Archery:** Join the River Center for our introductory archery workshop! Learn about the complex history of archery, uses, safety and basic skills. All equipment will be provided but interested participants should bring comfortable clothing, closed toed shoes, water and sunscreen.

**March 22, 10 a.m. – 12 p.m.: Kayak Tour – Cypress Creek South Natural Area:** Join the River Center for our Public Kayak Tour to Cypress Creek South Natural Area. Paddle along through the freshwater marsh on our naturalist led tour for great views of local wildlife. All equipment will be provided but interested participants should bring water shoes, sunscreen, and plenty of water! The cost for this program is \$20 per person. Make sure to reserve your spot today! Space is limited! Kayak Difficulty Level: Easy to moderate, all paddler levels welcome.

**March 23, 10:00 a.m. – 1:00 p.m.: Craft-a-palooza:** Join us in the River Center classroom for some FREE arts and crafts activities. This is a free event, and no RSVP is required to attend or participate. Our crafts are designed for children ages 3-10. Make sure you don't miss out on this exciting holiday break event!

**March 23, 1:30 – 3:30 p.m.: Reptiles of the Loxahatchee Family Field Trip**

**March 24, 10:00 a.m. – 12:00 p.m.: Pal Mar - Hungryland:** Come explore with us! Tie up your hiking boots and join the River Center for our Nature Walk through Pal Mar Natural Area. Walk along the guided paths and immerse yourself in this local natural area. We will explore a path inside this natural area with uneven terrain. Interested participants should wear closed toed shoes, long pants (recommended), a walking stick, comfortable clothing and bring plenty of water. Please RSVP to attend. Space is limited.

**March 25: 1 p.m. – 2 p.m.: Science with Sam [Seagrass]:** On select Saturdays from 1:00 pm – 2:00 pm, join our Scientist Sam for different science activities for children 6-12. Activities will include garden exploration and hands-on opportunities with wildlife. Each month has a different theme! In this lesson students will discover the enchanting world of bioluminescence through experimentation. Students will have the opportunity to create their own luminescence and understand what a unique adaptation bioluminescence is, and what types of organisms have gained this feature.

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# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

[loxahatcheeriver.org](http://loxahatcheeriver.org)

## MEMORANDUM

**To:** D. Albrey Arrington, Ph.D., Executive Director  
**From:** Ed Horchar Safety Officer  
**Date:** February 07, 2023  
**Subject:** District Safety Report for January 2023

### Safety Metrics: January 2023

OSHA recordable injuries: Zero

Lost time injuries: Zero

**Actual TRIR: 0.0** [Goal < 2.2]

TRIR = Total Recordable Incident Rate

### Safety is a Core Value at LRD – Our

*conduct is shaped by a personal commitment to protect the health and safety of ourselves and our colleagues. Safety is driven through education, training, planning, protective equipment, and individual accountability.*

### **OSHA Recordable Incidents/MVA's:**

The LRD has now experienced zero OSHA Recordable Injuries for **fourteen** consecutive months. The District has sustained a Total Recordable Incident Rate (TRIR) of **0.0**, below our goal of 2.2. The District continues to experience a performance best period (recent history) for consecutive months with no recordable injuries.

The District did however experience a Motor Vehicle Accident (MVA) in January. No injuries occurred but damage to the vehicle and facility equipment existed. With a total of two MVAs in the last 12-month period, the MVA incident rate is at 2.3. Slightly above the LRD MVA goal of 2.2.

### **Sustainment:**

Job Hazard Assessment (JHA) activity sustained levels in January comparable to December levels. The increase in activity is the second highest documented monthly total for the District. The following is a comparison of January JHA's performed per employee in each participating department:

Reuse:	25 JHA / employee	Construction:	14 JHA / employee
Operations:	36 JHA / employee	Inspection:	17 JHA / employee
Collections:	41 JHA / employee	Wild Pine Lab	2 JHA / employee
Maintenance:	22 JHA / employee		

Kevin L. Baker  
BOARD MEMBER

Gordon M. Boggie  
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Dr. Matt H. Rostock  
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Clinton R. Yerkes  
BOARD MEMBER

## **JHA and EAM:**

The District continues to process approximately 20% of all JHA's on paper. February data should provide evidence the District is meeting expectations to integrate the "paper" JHA's into EAM work orders. In January a total of 956 JHA's were completed electronically through the EAM Work Order process. Approximately 98% of all EAM Work Orders included a completed JHA. Another very good indicator as expectations exceeds 95% for the second consecutive month. JHA input in EAM will continue to evolve to create a more efficient and value-added process for District employees. Construction gets the shout-out for January for increasing the work order related JHA input by 7 per employee while maintaining a 99% JHA to Work Order ratio. Operations is runner up and maintained the high output with a 99% JHA to Work Order ratio. Nice job everyone!

There were eight Near Miss reports initiated in January. Employees from Construction, Collections and Operations all participated in this program in January. The hazards include plant traffic issues, material handling risk, potential chemical exposure, and trips slips, and falls. Reporting safety issues in the Near Miss Reporting system can also include Unsafe or Unhealthy Conditions, Environmental Pollution Potential, and Suggestions for Safety Process Improvement. This continuous improvement process will enhance the District's overall safety performance. Your input is important, and each employee is encouraged to participate in this program.

## **Training:**

The emphasis on classroom and computer-based safety training continues. The District employees realized a 90% completion rate for all safety training tracked in January. This is below the District goal of 95%. The focus in January was trench and shoring safety. There was no classroom training offered in January. Congratulations goes out to Tommy Cox (Construction), Rod Jessurun (Collections) and James Weaver (Inspection) for receiving the required DOT Class B CDL Licence in January. Nice job! Two District employees in Operations are finalizing their CDL Class B License in February. Once completed, three additional District employees require a CDL License to get to 100%. DOT Tanker Endorsements have been obtained by an additional two District employees with CDL Licences in January through testing at the DMV. A total of thirty-four District employees now have received the endorsement since initiation in October. A reminder to all CDL Drivers who require a tanker endorsement that you have until March 31<sup>st</sup> to obtain your tanker endorsement. Employees can expect at least one computer-based training module deployed every month. Be on the lookout for training notifications from "platform@targetsolutions" and complete the training on time. If employees are overdue, a computer-based training reminder will be sent through target solutions.



At left: Ross Cowell and John Smith are replacing the odor control scrubber fan housing.

At right: After John Smith prepared an expanded road surface to allow larger vehicles to safely travel around the construction rock pit, Kemm Peebles finishes the work by compacting the soil.



A total of 12 Workplace inspections occurred in January. District jobs that were observed included various Sludge storage odor control scrubber maintenance activities including fan housing removal and replacement, acid cleaning and review of the temporary caustic 500-gallon storage container installation. Other observations included plant fuel tank fall protection evaluation, construction barn inspection, rock pit vehicle incident investigation and road widening inspection, collection barn inspection, and manhole cover removal near miss evaluation.



At Left: Fully equipped with chemical resistant aprons, gloves, face shields and chemical goggles, Brian Davis and Dan Winters introduces acid into the odor scrubber for packing media cleaning. At Right: Nathan Jarvis (in the back round) monitors the system PH while directing Brian and Dan throughout the process.



We are starting off the calendar year without losing focus. Fourteen months and counting....! Congratulation to all District employees for whom this trend could not be accomplished. **Fourteen** consecutive months of injury-free work is a considerable feat. Injury free work demonstrates dedication to work smart and stay focused to safety components of each task. The experienced District employees are leading the way by working safely by example. As the Safety Officer, I am optimistic the District can continue this trend. Let's stay safe at home and at work. Feel free to visit with any questions or ideas you may have. And do not forget to utilize the near miss reporting system. Let's help each other to stay safe and reach beyond our goals.





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## MEMORANDUM

**TO:** Governing Board  
**FROM:** Administration Staff  
**DATE:** February 10, 2023  
**SUBJECT:** Consultant Payments

The following amounts have been reviewed and approved for payment to our consultants for work performed during the prior month.

<b>Consultant</b>	<b>Prior Month</b>	<b>Fiscal YTD</b>
Attorneys	\$ 4,130.00	\$ 46,753.17
Baxter & Woodman	—	\$ 12,826.43
Chen Moore	—	\$ 27,212.10
Holtz	\$ 37,582.35	\$124,012.08
KCI	\$ 12,393.00	\$ 77,478.50
Mock, Roos & Associates	\$ 12,709.50	\$ 61,111.75
Kimley-Horn & Associates, Inc.	\$ 6,039.50	\$ 9,303.00

Should you have any questions regarding these items, please contact Kara Fraraccio concerning the attorney invoices, and Kris Dean concerning the engineer invoices.

**Dr. Matt H. Rostock**  
CHAIRMAN

**Kevin L. Baker**  
BOARD MEMBER

**Gordon M. Boggie**  
BOARD MEMBER

**Stephen B. Rockoff**  
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**Clinton R. Yerkes**  
BOARD MEMBER



# Future Business

## General:

- Board Presentation of select Six Sigma green belt projects

## Future Contracts:

- County Line Road Bridge IQ Main Relocation - Award Construction Contract
- FY23 Main Lining – Piggyback Contract
- Jupiter Inlet Lighthouse Outstanding Natural Area Septic to Sewer Conversion/BLM Contract 140L0619R0043 - Contract Modification
- Lift Station 050 Emergency Generator and Automatic Transfer Switch – to approve owner furnished equipment purchase through FSA Piggyback
- Lift Station 054 System Cleanout Installation - Construction Contract Award
- Lift Station Control Panel and RTU Upgrades – Award Construction Contract
- Loxahatchee River Subaqueous Force Main Replacement – Award Construction Contract
- Rolling Hills Gravity Sewer System – Preliminary Assessment
- SE Wooden Bridge Lane – Preliminary Assessment

