

Ref: #11-2009

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
REGULAR MEETING - MINUTES  
JULY 16, 2009  
RECONVENED JULY 20, 2009

1. CALL TO ORDER

Chairman Whalen called the Reconvened Regular Meeting of July 18, 2009 to order on July 20, 2009 at 6:40 P.M.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

Chairman Whalen called the roll and the following Board Members were in attendance:

Mr. Whalen  
Mr. Boggie  
Mr. Silverman

Staff Members in attendance were Dr. Arrington, Ms. Williams, Mr. Vaughn, Mr. Brienza, Mr. Howard and Mr. Yerkes.

Consultants in attendance were Mr. Shenkman from DeSantis, Gaskill and Ms. Krasker.

11. COMMENTS FROM THE BOARD

Chairman Whalen asked Mr. Howard for an update on issues, including improper sand grit disposal, brought to the Board's attention via an anonymous letter to each Board Member. Mr. Howard stated that based upon reviews conducted by the Florida Department of Environmental Protection (FDEP) and the Department of Health, and the input and photographs from Mr. Vaughn, the allegations in the letter proved not to be true. Mr. Howard explained that the sand and grit from the residuals holding tank was washed and disposed of on the plant site. Mr. Howard explained that although this was a common practice, FDEP explained it is no longer allowed. In full cooperation with the FDEP, the District has collected water samples at the sand disposal site and adjacent lakes and the test results from this first round of sampling yielded normal levels well within FDEP standards. Per FDEP request, the District has collected a second set of samples for analysis and will remove the washed sand from the plant site. The agencies will inspect the site again after removal of the sand.

Mr. Boggie asked what mechanism the District had in place to be alerted to any rule changes from the FDEP. Mr. Howard was not aware of any mechanism in place except to ask the FDEP if they have made any rule changes. Mr. Silverman asked how much material needed to be removed and Mr. Howard estimated removing a depth of 1-2 feet. Dr. Arrington stated the District's intention of erring on the side of caution and removing approximately 12 dump truck loads of material.

Mr. Howard stated that he had individually interviewed seven of the 11 employees mentioned in the letter with regard to allegations of retaliation, retribution and safety issues. Mr. Howard did not encounter one employee that felt unsafe conditions exist currently or existed at the time of the alleged incident. The employees interviewed also knew of no employee becoming ill, complaining of being ill, or filing a safety incident report. Mr. Silverman directed Mr. Howard to interview the remaining four employees as soon as they were available.

Mr. Howard stated that his interview questions regarding retribution and/or retaliation did not reveal that any of the employees reported any areas of concern with regard to reporting any wrongdoing and stated that if the employees felt the need, they would be comfortable going directly to Dr. Arrington with their concerns.

Mr. Howard also had the opportunity to receive input from the employees regarding the alleged illegal dumping issues and relayed that no employee observed any sludge being dumped on-site. Mr. Howard stated that the waste was transported to the city of West Palm Beach and the paper trail reflects this to be true. Mr. Howard stated that approximately five to ten yards of washed sand and grit was emptied into an on-site pit and due to a miscommunication, size of the pit was probably larger than what was required, which may have fueled the rumors of illegal dumping.

Chairman Whalen stated that the importance of reiterating the fact that the sand and grit emptied into the pit was from treated sludge, not untreated, and the issue was only with the handling of the material. Mr. Boggie and Chairman Whalen asked staff to determine why the District was not up-to-date on FDEP testing regulations and to review safety procedures with District employees.

Chairman Whalen asked Mr. Howard to have a written report, including all updates, for the next regular board meeting.

Chairman Whalen directed Dr. Arrington to address the concerns listed in an email from Ms. Michelle Brown, a resident of the Jupiter Highlands sewerage project and to convey to Ms. Brown the positive actions taken by the board and that by delaying the project, it will only postpone or exasperate the economic impact to the community.

Dr. Arrington reviewed his response to Jupiter Highlands resident Ms. Barbara Melit regarding additional grant monies. Dr. Arrington explained to Ms. Melit that the grant monies she referred to during the July 16, 2009 regular meeting did not apply to her neighborhood. Chairman Whalen stated that the last time the grant Ms. Melit referred to hasn't been funded since 2004.

## 12. ADJOURNMENT

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

" That the Regular Meeting of July 18, 2009, reconvened on July 20, 2009 at 6:30 P.M., adjourn at 7:38 P.M.. "

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

" That the Motion to Adjourn be rescinded. "

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

" That the Regular Meeting of July 18, 2009, reconvened on July 20, 2009 at 6:30 P.M., adjourn at 8:12 P.M.. "

  
BOARD CHAIRMAN

  
BOARD SECRETARY

  
RECORDING SECRETARY