



**AGENDA REQUEST FOR
GOVERNING BOARD MEETING
December 12, 2023**

MEMORANDUM

TO: Governing Board

THROUGH: Michael A. Register, P.E.
Executive Director

FROM: Dale Jenkins, P.G., Director
Division of Infrastructure and Land Resources

SUBJECT: Lake Apopka Innovative Total Phosphorus Removal Project

RECOMMENDATION

Authorize the Executive Director to take actions related to the continued operation of the Lake Apopka Innovative Total Phosphorus Removal project and approve Resolution 2023-11, to amend the Adopted FY 2023–24 Budget via an external budget amendment between funds.

The delegation to the Executive Director includes authorization to negotiate and execute an amendment to Contract 33537 with NuQuatic, LLC (formerly Phosphorus Free Water Solutions, LLC) to increase funding by \$1,200,000 and extend the contract term until June 30, 2024.

Current Contract Amount: \$6,475,000 (not-to exceed)

Proposed Amendment Amount: \$1,200,000

Revised Contract Total: \$7,675,000

Funding Source: District Sources (proposed amendment)

Account Name: Cooperative Funding - Lake Apopka Innovative Total Phosphorus (TP) Removal

Budget Authority: FY 2023–24 (external budget amendment)

Budget: \$1,200,000

EOG Program/Activity Code: 2.3.0 Surface Water Projects

Completion: June 30, 2024

Renewable: Yes (additional 12-month terms)

BACKGROUND

Lake Apopka, the headwaters of the Ocklawaha Chain of Lakes, is the fourth largest lake in Florida (approximately 31,000 acres). The lake is located approximately 15 miles northwest of Orlando. The project is located on the north shore of Lake Apopka in Orange County.

Persistent eutrophic conditions beginning in the 1940s sustained algal blooms in the lake for decades, resulting in the total loss of submerged aquatic vegetation (SAV), decline in sportfish populations, and accumulation of up to a nearly two-foot-thick layer of unconsolidated flocculent organic sediment within the lake.

The District began an aggressive restoration program in the 1990s to reverse eutrophication in the lake by limiting watershed inputs of the limiting nutrient, phosphorus, and removing accumulated phosphorous and flocculent sediments from the lake. Documented recovery of SAV and improvements in water quality have shown that the strategy has been successful. However, the large reservoir of total phosphorus (TP) stored in the flocculent sediments continues to support eutrophic conditions. Therefore, the District is using NuQuatic, LLC's innovative technology to directly remove TP (primarily particulate, including algae).

The NuQuatic, LLC system began partial operation in April 2020 and full system operation in November 2020. Since operations have begun the system has removed approximately 49,000 lbs. of TP.

DISCUSSION

This is a "Pay-For-Performance" contract at a rate of \$115 per pound of TP removed. This price includes design, permitting, materials, construction, operation, labor, byproduct disposal, testing, and decommissioning. The Governing Board has authorized funding for this project from a variety of sources on several occasions:

- November 13, 2018 - a \$1.16 million contract was awarded to NuQuatic, LLC, aimed at removing TP from Lake Apopka using state funds.
- November 10, 2020 meeting - an additional \$1.74 million was approved for the continuation of the project, also financed by state sources.
- January 12, 2021 - an additional \$3.575 million was approved for the continuation of the project meeting, including \$2.75 million in Three Rivers and Springs Coast Grant funding (state sources) and \$825,000 from District sources.

In total, the project has received \$6.475 million in funding. The proposed \$1.2 million of additional funding will allow continued removal of TP at the efficient rate of \$115 per pound.

An extension of the authorized time period is also required for continued operations. The Governing Board initially granted a 5-year authorization, encompassing yearly renewals or alternative terms as deemed suitable. The current contract term and Governing Board authorization expires January 10, 2024. Consideration for extending the authorization period will ensure the continued operation of the system.

The current agreement also incorporates a project lease. The proposed extension of the project lease term will be recommended in Agenda Item #17.

The staff recommendation also includes approval of Resolution 2023-11 to amend the Adopted FY 2023–24 Budget via an external budget amendment between funds. The details of the external budget amendment transfer are as follows:

Consideration (ID # 5019)

Meeting of December 12, 2023

Transfer From:

Infrastructure –

C-10 Water Management Area Project (30-64-11-6301-6301-32022)	\$1,000,000.00
Crane Creek M-1 Canal Flow Restoration (30-64-11-6301-6301-11487)	\$ 200,000.00

Transfer To:

Cooperative Funding –

Lake Apopka Innovative TP Removal (01-64-11-6301-8301-33718)	\$1,200,000.00
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RON DESANTIS
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-717-9418

EOG# O-0056

November 30, 2023

Mr. Mike Register, P.E., Executive Director
St. Johns River Water Management
District Post Office Box 1429
Palatka, Florida 32178-1429

Dear Mr. Register:

Pursuant to your request, SJRWMD/ FDEP-001 dated November 16, 2023, and in accordance with section 373.536(4)(a), *Florida Statutes*, the Executive Office of the Governor hereby approves the amendment to your district's final budget for Fiscal Year 2023-24 as requested.

Sincerely,

A handwritten signature in cursive script that reads "Brandi Gunder".

Brandi Gunder, Deputy Director of Budget
Office of Policy and Budget

BG/ggh

cc: Department of Environmental Protection, Division of Administrative Services

Attachment: SJR EOG# O-0056 Approval Letter (Lake Apopka Innovative Total Phosphorus Removal Project)



St. Johns River Water Management District

Michael A. Register, P.E., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500 • www.sjrwmd.com

RESOLUTION NO. 2023-11

AMENDING THE FISCAL YEAR 2023–24 FINAL BUDGET; PROVIDING AN EFFECTIVE DATE.

Chapters 200 and 373, Florida Statutes (F.S.), as amended, require the Governing Board of the St. Johns River Water Management District (“District”) to adopt a final budget for each fiscal year.

By Resolution No. 2023-07, after a public hearing on September 26, 2023, the District Governing Board adopted a final budget (the “Budget”) covering the District’s proposed operation and other requirements for fiscal year October 1, 2023, through September 30, 2024.

The District may amend the Budget for any of the following reasons: (1) receipt of unanticipated revenues after the budget is adopted pursuant to 373.536(4)(c), F.S.; (2) the discovery of more accurate information after the budget was adopted; (3) modified operating requirements (e.g., transfer of budget authority between funds); and (4) year-end accounting adjustments (e.g., aligning projected budget authority with actual revenues received and expenses incurred).

The District anticipates modifying operating requirements via transfer of budget authority between funds as described in the December 12, 2023 Governing Board Agenda Request.

Pursuant to section 120.525, F.S., the District has provided notice of its intention to amend the Budget in the published notification of the Governing Board meeting at which the amendment will be considered.

In accordance with section 189.016(7), F.S., the District will post the adopted amendment on its official website within five days after its adoption.

Pursuant to section 373.083(5), F.S., and District Policy 120, Governing Board Delegations, the Executive Director is delegated the authority to execute by signature any document which has been approved by the Governing Board, with the exception of any deed of conveyance of any real property owned by the District. Any required attestation may be performed by the General Counsel or Acting General Counsel.

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GOVERNING BOARD

Rob Bradley, CHAIR
FLEMING ISLAND

Maryam H. Ghyabi-White, VICE CHAIR
ORMOND BEACH

J. Chris Peterson, SECRETARY
WINTER PARK

Cole Oliver, TREASURER
MERRITT ISLAND

Ryan Atwood
MOUNT DORA

Doug Bournique
VERO BEACH

Douglas Burnett
ST. AUGUSTINE

Ron Howse
COCOA

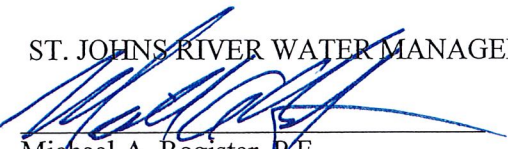
Janet Price
FERNANDINA BEACH

THEREFORE, be it resolved by the Governing Board of the District as follows:

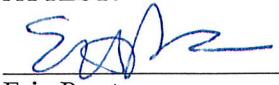
1. The Budget is hereby amended as summarized in the December 12, 2023 Governing Board Agenda Request, attached as Exhibit A, with such amendments to take effect immediately upon adoption.

Passed and adopted this 12th day of December, 2023, A.D., by the Governing Board of the St. Johns River Water Management District.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT


Michael A. Register, P.E.
Executive Director

ATTEST:



Erin Preston
General Counsel

STATE OF FLORIDA
COUNTY OF PUTNAM

BEFORE ME, the undersigned authority, physically appeared MICHAEL A. REGISTER, personally known to me to be the Executive Director of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, who acknowledged before me that he executed the foregoing document on behalf of the Governing Board of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT as its true act and deed and that he was authorized to do so.

WITNESS my hand and official seal in the State and County last aforesaid this 12th day of December, 2023.




NOTARY PUBLIC
Print Name: Kaylee Peters
My Commission Expires: 08/03/2026



RON DESANTIS
GOVERNOR

STATE OF FLORIDA

Office of the Governor

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EOG# O-0056

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Brandi Gunder, Deputy Director of Budget
Office of Policy and Budget

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cc: Department of Environmental Protection, Division of Administrative Services