

# ANNUAL REPORT 2001



**Florida Water  
Environment  
Association  
Utility Council**

*Dedicated to the  
Preservation and  
Enhancement of  
Florida's Water  
Environment*

## Note From the President

My Fellow Members:

It has been a pleasure to serve as your Chairman for the past two years. The past months have been filled with many events, most beneficial and positive. Regretfully, events such as the 9/11 attacks on America have left a lasting impression of a country forever changed. As we move forward, we must look back and remember not to take our freedom for granted.

On a positive note, the Council has been involved in many issues, keeping our executive coordinator, Holly Hanson, and our legal representative, Mike Petrovich of Hopping, Green & Sams, P.A., very busy.

The EPA has proposed new regulations for the Capacity, Management and Operations and Maintenance (CMOM) program. The Sanitary Sewer Overflows Working Group reviewed these and commented on utility concerns. This group is also looking at the proposed changes to Chapter 62-604 Florida Administrative Code (F.A.C.) relating to collection and transmission systems. The Council has been involved in Florida's implementation of the Total Maximum Daily Load (TMDL) program. Council member Ray Hanson of Orange County Utilities is a member of the Allocation TAC Committee that finalized and submitted its findings to the Florida Legislature and other policymakers. The Water Quality Working Group has also submitted specific written comments regarding the TMDL program.

The Deep Well Working Group continues monitoring the deep well injection issue and supports the study "Assessment of the Relative Risks of Human And Ecological Impacts From Municipal Wastewater Disposal Methods in Southeastern Florida" completed by the University of Miami. The results indicate that deep injection wells offer lower health risks when compared to other disposal methods. The Infrastructure Working Group participated in the proposed amendments to Chapters 62-604 and 62-555 F.A.C. rules dealing with construction, operation, and maintenance of wastewater, transmission, and public water systems. Both the Council and the FS/AWWA Utility Council were interested in modifying the rules for the physical separation of water, wastewater, storm water, and reclaimed piping.

The Reuse Working Group focused on the State Florida Water Conservation Initiative, a conservation initiative by the Florida Department of Environmental Protection (FDEP) in response to the 2001 drought. The draft report recommended shifting many conservation efforts from incentive-based to mandatory. The Council commented to the FDEP to continue its existing successful incentive-based conservation program with suggestions for improvement.

The Council focuses on issues of concern to its members. Its representation on technical committees and agency requests for representation on future committees stand as significant professional achievements. These engagements establish a professional commitment to work toward a beneficial understanding between our industry and the regulating community. The Council's success is reflective of its members and their support.

As chairman of both the FWEA and F/AWA Utility Councils, I have seen our common interests far outweigh our differences. It has been a very interesting two years, and I thank you for the rewarding experience.

Fred Rapach, R.E.P.  
President, FWEA Utility Council

## 2001 Review & 2002 Forecast

### SANITARY SEWER OVERFLOW (SSO)

There are two issues that the Florida Water Environment Association Utility Council (FWEAUC or Council) SSO Work Group focused on in 2001. The first is the proposed U.S. Environmental Protection Agency (EPA) Capacity, Management and Operations and Maintenance (CMOM) regulations. These regulations were signed by Carol Browner on January 4 or 5, 2001. The rules were to be published in the Federal Register shortly thereafter with a 120-day comment period. However, the Bush Administration withdrew these regulations for review by the new EPA Administrator. The SSO Work Group has read the Clinton-proposed regulations thoroughly, consolidated all the comments, and presented them to the FWEAUC Board for consideration and use at such time that the EPA reissues these regulations.

The second major regulatory issue this FWEAUC Work Group has been monitoring is the proposed revisions to Chapter 62-604, Florida Administrative Code (F.A.C.), relating to collection systems and transmission facilities. Technical Advisory Committee (TAC) meetings were held on September 26, 2000, in Tallahassee and on February 26, 2002, in Orlando. The SSO Work Group will continue to monitor the deliberations of the TAC and participate in any subsequent Florida Department of Environmental Protection (FDEP) rulemaking.

### WATER QUALITY

The Council has been involved in regulatory activities surrounding Florida's implementation of the TMDL program required under the federal Clean Water Act. In 1999, the Council lobbied for the passage of the Florida Watershed Restoration Act, which determines how the Florida Department of Environmental Protection (FDEP) will implement this federal program. A FWEAUC representative also participated as a member of Allocation TAC created



pursuant to Section 403.067(6), Florida Statutes. That TAC finalized and submitted its findings to the Florida Legislature and other policymakers.

In addition, the Council has also actively participated in the rulemaking activities of FDEP to create Chapter 62-303, F.A.C., which establishes the methodology and associated criteria by which surface waters will be listed as "impaired" under the TMDL program. The FWEA, through the Council, specifically retained Hopping, Green & Sams, P.A., to represent its interests in this rulemaking, including participation in the rule adoption hearing before the Environmental Regulation Commission, which occurred in April 2001. Since that time, FWEA participated as a party intervenor in support of the agency rule chapter in a legal proceeding initiated by environmental groups to invalidate the rule. Post-hearing pleadings have been filed by the parties in this proceeding and a decision is expected in Spring 2002.

The Water Quality Work Group also participated in the FDEP's triennial review of state surface water quality standards. That review was recently concluded and the FWEAUC was effective in shaping rule amendments that were adopted by the ERC in February 2002.

#### DEEP WELL INJECTION

The Deep Well Work Group continues to closely monitor deep well injection issues. In the July 2000 Federal Register, EPA published a proposed rule entitled, "Revision to the Federal Underground Injection Control (UIC) Requirements for Class I Municipal Wells in Florida." The rule acknowledged the Utility Council's long-held position: fluid movement should not be grounds for elimination of injection well technology; protection of underground sources of drinking water should be the key aspect of injection well permitting.

While the rule represented a fundamental shift in EPA's position, it nevertheless would impose some severe, vague requirements prior to allowing utilities with fluid movement to continue injection operation. The Work Group had the following major comments that were provided to FDEP and EPA staff:

- ❧ The proposed rule would only apply to existing injection facilities;
- ❧ Nutrient removal, enhanced BOD removal, and filtration would be required. For the deep injection process, these treatment processes do not provide any benefit to human health or the environment; and
- ❧ The proposed rule is vague and requires compliance with undefined health standards.

In 2001, the Work Group continued to support the study "Assessment Of Relative Risks Of Human And Ecological Impacts From Municipal Wastewater Disposal Methods In Southeastern Florida" being conducted by the University of Miami. The final results of the study issued in 2001 indicate that health risks from deep well injection are significantly lower than risks from other available disposal methods. The study results will be very important in 2002 as the FWEAUC Work Group meets with EPA staff members.

The immediate next steps for the Work Group during 2002 include:

- ❧ Utilize the results from the "Assessment Of Relative Risks Of Human And Ecological Impacts From Municipal Wastewater Disposal Methods In Southeastern Florida" study to educate the EPA administration on the importance and advantages of this disposal technology;
- ❧ Continue to actively participate in the final rulemaking process; and
- ❧ Participate in EPA's risk assessment study, which was announced on March 1, 2001.

#### INFRASTRUCTURE

The Infrastructure Work Group continues to monitor regulatory developments on the state level including proposed amendments to Chapters 62-604 and 62-555, F.A.C. These chapters deal with the permitting, construction, operation, and maintenance of wastewater/transmission and public water systems. Both the Council and the Florida Section of the American Water Works Association Utility Council expressed interest in modifying the requirements in the rules for the physical separation of water, wastewater, stormwater, and reclaimed piping. Resolutions from the board of directors from both organizations supporting a change to the minimum separation of the various different purpose piping were submitted to the FDEP at the beginning of 2000.

Specifically, both utility councils support the reduction of the horizontal separation of potable water from sanitary sewer, reclaimed, and stormwater piping from 10 feet to three feet. A companion reduction in the vertical distance from 18 inches to six inches was also requested. The FDEP has proposed an alternative position where the minimum distances between water and sanitary sewers should generally not be less than six-foot horizontally and one-foot vertically.

An increased interest in modifications to the current water and wastewater piping separation and new trenchless technologies has become even important in light of recent events. The introduction of the federal CMOM program has

created a renewed interest in upgrading wastewater infrastructure. This Work Group will continue to monitor those initiatives and the resulting impact on wastewater system infrastructure.

