



**Florida Water
Environment
Association**

UTILITY COUNCIL

wef. Member Association

ANNUAL REPORT 2020

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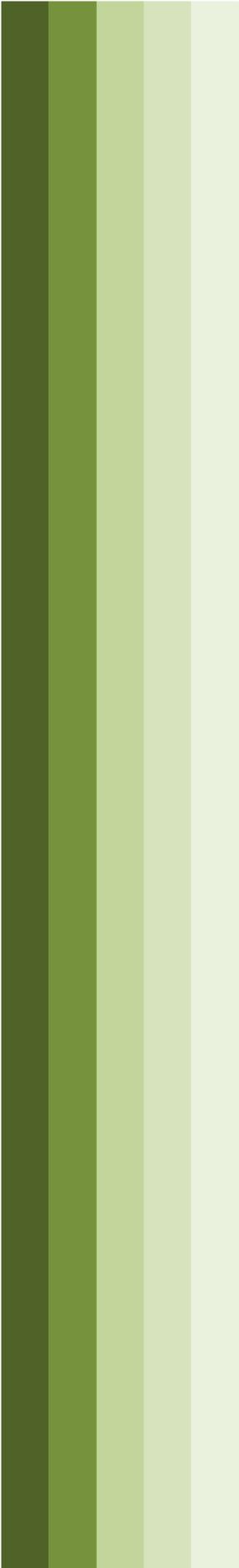
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PRESIDENT'S REPORT

Paul Steinbrecher, PE
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FWEA Utility Council
President

Dear Members,

As our state continues to grow, our utilities are continuously working to meet the challenges of ensuring protection of public health and the environment as we provide affordable essential services to our customers, the citizens of Florida.

The FWEA Utility Council (“Utility Council”) accomplishes its advocacy work through open dialogue amongst its members to discern areas of common interest, and then implements policy advocacy through working subgroups lead by various board members and broadly consisting of any and all interested utility members. That’s a big sentence to say we find out how to lift all boats. I cannot remember a time in nearly 18 years of involvement where our membership was this active, with such a strong board and subcommittee talent and effective engagement. We have also seen record setting dues collection – a sign of value to our members.

One of the reasons for this increased activity is the extraordinary level of environmental regulatory and legislative activity. This year continued the trend of increased interest in clean water issues as the state focuses on sustainable water and environmental resources to ensure continued growth and prosperity. Two years ago we saw complex water management and nearshore water quality issues from the southern part of the state explode into a statewide political issue. This year, following on Governor DeSantis’ emphasis on environmental protection, we saw unprecedented engagement by executive and legislative branch leaders.

The Utility Council advocated on behalf of its members on these issues on a number of fronts. Areas of keen interest and activity this year have been: biosolids; reclaimed water, including potable reuse regulatory development and public education to add this as an important alternative water supply technique; and partnering with DEP to develop a statewide asset management program. It was an especially active year with legislative proposals, which will continue next year as well, with a continued focus on increasing the use of reclaimed water as a resource. You will see detailed updates on these and other issues in the following sections of this Annual Report.

In response to the COVID-19 epidemic, we quickly organized a weekly best management practices teleconference to provide support to utilities of all sizes. These popular weekly calls, jointly held by the Utility Council and FSAWWA Water Utility Council, have drawn 60 to 100 participants most weeks. The discussions inform our conversations with Florida Department of Environmental Protection (“FDEP”) leadership and have resulted in big tent letters from our clean water utilities to our Federal delegation seeking additional funding and first responder agency support for the clean water sector moving forward.

Our work on the COVID-19 issue is just the latest example of the Utility Council coalescing around a common need and effectively engaging to achieve concrete results. We have achieved a hard-earned level of credibility as an effective organization committed to scientifically and economically based sound clean water policies. Our effectiveness as an organization is also reflective of the quality of our members. I am pleased to report that our membership is stronger than ever as evidenced by our outstanding member engagement.

It was an honor to serve a second time as president of the Utility Council, and I am proud to hand the gavel to Rick Hutton of Gainesville Regional Utilities. He's been an incredible Vice President as you all know. On behalf of the Board, I thank you for your continued membership and participation.

Best in service,



Paul Steinbrecher, P.E.
President, FWEA Utility Council



2020 FWEAUC/DEP DAY ON FEBRUARY 28, 2020

SANITARY SEWER OVERFLOWS, ASSET MANAGEMENT AND PUBLIC NOTIFICATION

Rick Hutton, PE
Gainesville Regional Utilities

FWEA Utility Council
Vice President

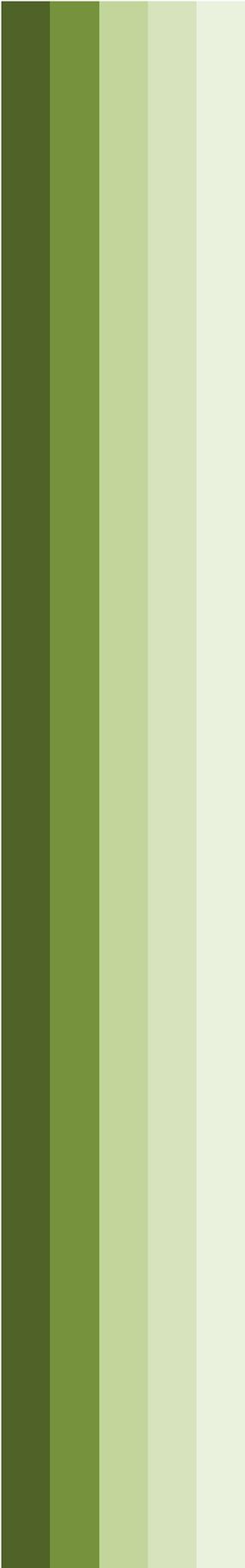
Water quality has continued to be a high profile issue to the Governor, legislature, media, and public. Interest in water quality this past year has been accompanied by unprecedented interest by elected leaders in wastewater utility issues including sanitary sewer overflows (“SSOs”), biosolids, reclaimed water, surface water discharges, and septic to sewer. SSOs drew particular attention in the media. There has been a push from the Governor and legislature to tighten FDEP enforcement, increase fines, and add more onerous reporting requirements for SSOs, fueled by the perception that SSOs are caused by utilities not properly maintaining and investing in their infrastructure.

At the same time, there was a recognition by the Governor and legislative leaders of the need for scientific input to develop science-based solutions to major water quality issues such as blue-green algae blooms, red-tide, springs, etc. Governor DeSantis took the extraordinary step of appointing a Chief Science Officer and Blue Green Algae Task Force to work with FDEP to guide comprehensive legislation to address water quality.

This situation created both the need and the opportunity for the Utility Council and its members to increase efforts to educate elected officials, regulators, scientists, and the public on how utilities operate, the good work we are doing, the causes and challenges of SSOs, and the work that utilities are doing to address SSOs and replace aging infrastructure. Over the past few years, the Utility Council has worked to shift the focus from increasing penalties in reaction to SSOs to promoting best management practices for operation, maintenance, assessment, and repair and replacement of infrastructure in order to improve resiliency, reduce SSOs, and ensure long-term sustainability.

Many Utility Council members contributed to this effort by visiting with their elected leaders. Special thanks go to Lisa Wilson-Davis of the City of Boca Raton who presented to the Blue Green Algae Task Force and to Todd Swingle of Toho Water Authority who provided an excellent presentation to the Appropriations Subcommittee on Agriculture, Environment, and General Government. David Childs continued to do an amazing job at working with FDEP and legislators to promote sound scientifically-based policy.

As a result of these efforts, the utility asset management components of the Blue Star legislation that the Utility Council has advocated for in the past few years were integrated into the landmark Clean Waterways Act (SB 712). The act, which passed the legislature unanimously, provides a comprehensive approach for addressing major water quality issues in Florida across multiple sectors including wastewater, stormwater, agriculture, septic tanks, etc. While House Bill 1091, which also passed the legislature this year, includes increased penalties for SSOs, the Clean Water Ways Act recognizes that many SSOs are from factors not under utilities’ control. The act includes provisions that incentivize utilities with robust asset management programs by reducing penalties for SSOs.



Given the extraordinary amount of scrutiny utilities faced this year, this outcome is truly amazing. It is perhaps not surprising given the amount of hard work put in by our representatives at Hopping Green and Sams and our members. However, there is much more work to do. Rulemaking to implement the asset management/I/I reduction components of the Clean Waterways Act is expected to start later this year. The Utility Council and its members will need to stay engaged in this process to ensure that the resulting rules are logical and achievable and will achieve the goal of helping utilities maintain and improve their asset management programs to continue to improve resiliency, protect the environment, and serve our customers. Also, the issue of third party contractors hitting utility lines is worthy of further discussion in the coming year. It is also important that members continue to meet with and educate their elected leaders.

LEGISLATIVE UPDATE

David Childs
Hopping Green & Sams, PA

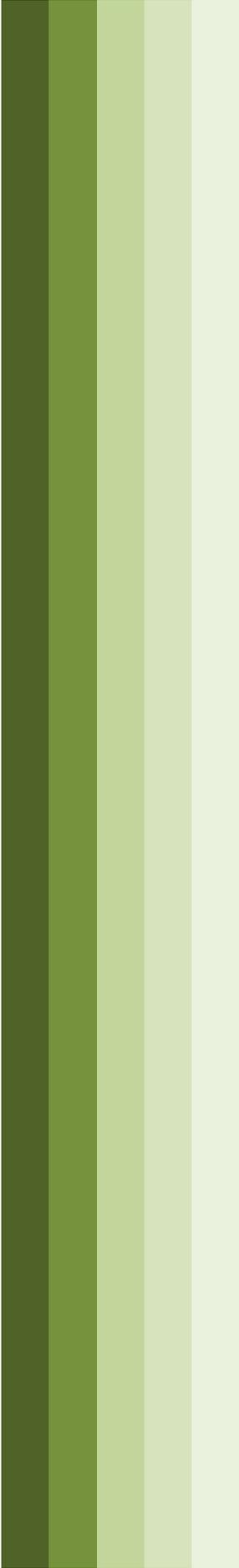
FWEA Utility Council
Legal Counsel

The 2020 Legislative Session was a significant success for the Utility Council. In year when domestic wastewater collection and treatment were focal points for both the Governor and the Florida Legislature, it was the Utility Council that took a leadership role, educating legislators and helping shape and advance the policies that ultimately passed. Indeed, the most significant water legislation to pass in a decade – SB 712 – is replete with policy recommendations from the Utility Council.

Clean Waterways Act, SB 712

SB 712 unanimously passed the Florida Legislature. The legislation incorporates the policy recommendations of the Governor’s Blue Green Algae Task Force. The bill addresses water quality impacts across the stormwater, agricultural, and domestic wastewater sectors by:

- Transferring the Onsite Sewage Program from the Department of Health to FDEP;
- Repealing certain onsite sewage treatment and disposal system (“OSTDS”) advisory committees;
- Creating an OSTDS technical advisory committee to make recommendations that increase the availability of nutrient-reducing OSTDSs and assist FDEP in the development of setback distances;
- Requiring OSTDS remediation plans as part of any nutrient basin management action plan;
- Requiring FDEP staff training to include field inspections of stormwater structural controls;
- Requiring FDEP and the water management districts (“WMDs”) to update the stormwater regulations using the most recent science;
- Requiring the model stormwater management program to contain model ordinances targeting nutrient reduction;
- Requiring local governments to create wastewater treatment plans as part of any nutrient basin management action plan;
- Requiring sanitary sewage facilities to take implement asset management plans and electric power outage mitigation plans to limit sanitary sewer overflows, and directing FDEP to consider the implementation of such plans to mitigate penalties that would otherwise apply due to an SSO;
- Requiring advanced wastewater treatment for domestic wastewater discharges to the Indian River Lagoon;
- Prohibiting the land application of biosolids on sites with a seasonal high water table that interacts with the ground surface, unless reasonable assurances are provided that the practice will not impair surface or ground waters;
- Requiring the Department of Agriculture and Consumer Services (“DACS”) to conduct inspections of producers enrolled in best management practices (“BMPs”);

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- Requiring the University of Florida and other universities to develop research plans for developing new BMPs; and
 - Creating grant programs for the funding of water quality projects.

In addition to these water quality improvement provisions, the legislation includes other water supply related provisions. Most notably, the bill directs FDEP to establish a regulatory framework for the potable reuse of reclaimed water. The bill also directs FDEP to study the impacts of the bottled water industry on surface water flows and evaluate other economic aspects of the industry.

Lastly, the bill preempts local governments from enforcing so-called “Rights of Nature” ordinances. This provision is in response to petition initiatives in Alachua County, Orange County, and elsewhere to amend local ordinances to give individuals the right to file legal challenges against an activity based on an assertion that the activity infringes on the right of a river or some other natural feature.

Environmental Accountability, HB 1091

HB 1091 unanimously passed the Florida Legislature. The legislation increases maximum environmental penalties by 50% across the board.

The legislation also includes language authorizing counties and municipalities to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. The purpose of the program is to identify and reduce extraneous flow from leaking sanitary sewer laterals. The bill requires a seller of real property to disclose to a prospective purchaser, before executing a contract for sale, any known defects in the property’s sanitary sewer lateral.

Potable Reuse Legislation (SB 1656 / HB 715)

The Florida Legislature also considered, but failed to pass, more comprehensive reclaimed water bills (SB 1656 / HB 715). These bills would have established a regulatory framework for potable reuse, provided incentives for developers to install graywater systems, and eliminated most surface water discharges of domestic wastewater and reclaimed water by January 2026. The House amended and passed HB 715; however, SB 1656 died in the Senate Appropriations Committee.

We expect that the surface discharge elimination concept will likely be considered again in 2021. Accordingly, Utility Council members are strongly encouraged to evaluate the feasibility of achieving the surface water discharge requirements contained in HB 715.

RECLAIMED WATER POLICY

POTABLE REUSE / SURFACE WATER DISCHARGE

Lisa Wilson-Davis
City of Boca Raton

FWEA Utility Council
Past President

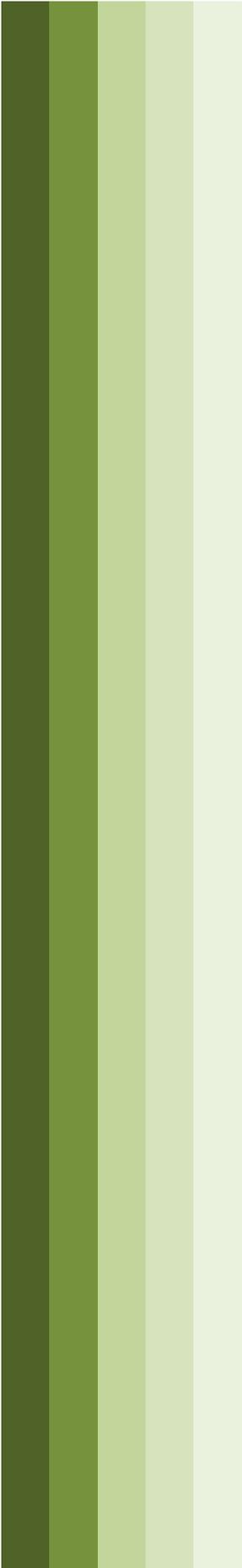
During the past year, the Utility Council continued to actively participate in Florida's Potable Reuse Commission ("PRC") and after more than 18 months of meetings, this stakeholder-driven approach resulted in a proposed framework for the implementation of potable reuse in Florida. The PRC published their report "Framework for the Implementation of Potable Reuse in Florida" in early January 2020.

This was an important milestone in advancing potable reuse in Florida as it provides a consensus-based framework setting the table for the development of rules for direct potable reuse as well as recognizing additional regulatory clarity is needed to protect the investments of utilities planning to implement potable reuse. The group also identified the importance and state-wide need for public education and outreach in order to present a clear and consistent message on potable reuse.

During this past legislative session, HB 715 and SB 1656, both titled Reclaimed Water, were filed and were generally consistent with the PRC recommendations for the implementation of potable reuse. These bills however, also contained a requirement to eliminate nearly all surface water discharges from domestic wastewater treatment facilities after January 1, 2026. The elimination of surface water discharge (especially in the time frame proposed) presented challenges to members due to the complexity and financial impacts of the requirement. To evaluate the complexity and financial impacts of this requirement to members, the Utility Council engaged Carollo Engineering and CDM to evaluate and summarize the impacts in a report. The report, "Evaluation of the Impacts of Eliminating Surface Water Discharges from Domestic Wastewater Treatment Facilities in Florida" summarized the current status of effluent management practices, including reclaimed water use, and evaluates alternatives for eliminating surface water discharges and the associated cost of implementation.

The report evaluated alternative effluent management practices including public access reclaimed water, rapid infiltration basins ("RIBs"), deep well injection, and potable reuse. The report also identified that as an alternative water supply, reclaimed water is unique in that it is always being produced and at levels not under the control of the utility. Thus, at ever increasing levels of use as an alternative water supply it usually requires ever increasing amounts of storage and backup disposal, due to the variability between supply and demand. Additionally, local geological factors and ongoing environmental programs limit the viable reuse options for many communities. As a result, the levels of reuse contemplated by the legislation would require advanced treatment in many cases, and the capital costs for compliance were estimated to range from \$19 to \$25 per gallon per day production.

The House amended and passed HB 715. The Utility Council spoke in favor of the amendment to HB 715; however, SB 1656 died in the Senate Appropriations Committee.



Thus, the legislation failed to pass. Nevertheless, we expect that the surface discharge elimination concept will be considered again in 2021. Accordingly, Utility Council members are strongly encouraged to evaluate the feasibility of achieving the surface water discharge requirements contained in HB 715.

The Florida Senate added a provision directing FDEP to develop a potable reuse program into SB 712, the Clean Waterways Act. That legislation passed unanimously. The Utility Council will be actively engaged in this rulemaking process as it is rolled out.

BIOSOLIDS

Kevin Carter
Broward County Water & Wastewater Services

FWEA Utility Council
Director-At-Large

Michael Hudkins, P.E.
Orange County Utilities

FWEA Utility Council
Member

Biosolids regulation and legislation continued to be an active Utility Council priority issue over the previous year. FDEP started biosolids rulemaking last year and recently announced a new biosolids rulemaking process to be completed in 2020. We will walk through the activities that occurred between those two important events (please see Figure 1) and briefly preview the coming year.

In late March 2019, FDEP published a Notice of Rule Development “to ensure the proper management, use and land application of biosolids to protect waters of the state from nutrient pollution.” The rulemaking followed an extensive DEP Biosolids Technical Advisory Committee (“TAC”) process reported on in the [2019 Utility Council Annual Report](#). The Utility Council’s representative Michael Hudkins (Orange County Utilities) was one of the [seven member TAC](#).

While DEP’s March 2019 rulemaking was announced, two biosolids companion bills were evolving through 2019 state legislative process. However, biosolids legislation did not pass in 2019. Thus, DEP went forward with its rulemaking including three [public meetings/webinars](#) in in late June 2019 and requested public comments by August 2019. Numerous stakeholders [submitted comments](#) including the [Utility Council](#) who:

- Generally agreed the proposed rule followed the [TAC’s recommendations](#) and were based on sound scientific information to enhance the program’s environmental sustainability.
- Highlighted concerns with a proposed banned land application on any site where the seasonal high groundwater table comes within 15 centimeters of the soil surface or intended depth of biosolids. The proposed restriction was not discussed in the TAC and the scientific basis was not clear.
- Proposed rule revision to allow land application if the actual water table was greater than 15 centimeters from the intended depth of biosolids placement at the time of application. The property must have approved DEP nutrient management plan and water quality monitoring plan to provide reasonable assurance Florida surface water quality of ground water standards will not be violated.

In late October 2019, DEP published a [notice of proposed rule](#) and a [Statement of Estimated Regulatory Costs \(“SERC”\)](#) for the proposed rule. The SERC estimated that “under the revised rule, biosolids land application rates will drop by an average of 75%.” Some SERC scenarios estimated \$300-400 million cost impacts. The proposed rule was

deemed necessary for state legislative ratification because impacts were greater than one million dollars. The Utility Council and other stakeholders provided DEP lower cost regulatory alternative recommendations to the SERC in November 2019. The recommendation focused on the Utility Council’s August 2019 proposed rule revisions including the 15 centimeters change noted above.

Thus, the 2020 State Legislative session began in January with many biosolids rulemaking and policy questions. Senator Debbie Mayfield’s [Senate Bill \(SB\) 712: Environmental Management](#) became the main vehicle for biosolids legislation that provides DEP direction. This large water quality omnibus bill contains numerous important sections (please see legislative update) however, the [biosolids language](#) is in Section 16 (page 70, line 2004) and the Legislature found:

- “...it is in the best interest of this state to regulate biosolids management in order to minimize the migration of nutrients that impair water bodies.”
- ...permitting according to site- specific application conditions, an increased inspection rate, groundwater and surface water monitoring protocols, and nutrient management research will improve biosolids management and assist in protecting this state’s water resources and water quality”
- DEP “shall adopt rules for biosolids management. Rules adopted by the department pursuant to this section may not take effect until ratified by the Legislature.”

In addition, the Utility Council’s proposed revisions to the ‘15 centimeter rule’ are included in the bill. However, local governments may still ban application of Class A and B biosolids. Other important information is included depending on specific permit dates. Overall, SB’s 712 biosolids language was a marked improvement from the bill’s original language. The Utility Council’s Biosolids TAC subcommittee recognizes and thanks David Childs for his tremendous work during the 2020 legislative session to reach this milestone.

SB 712 still needs signed by Governor Ron DeSantis but that is expected to occur. On March 20, 2020, DEP [withdrew the rule](#) that was released in October 2019 due to SB 712. On April 14, 2020, DEP [announced their new biosolids](#) rulemaking. As a reminder, their rule will need ratified by the 2021 State Legislature that begins in March 2021. So please stay tuned over the coming year as we know biosolids regulation and legislation will continue to be a priority item.

Florida Biosolids Regulatory/Legislative Timeline 2019-2020



IN MEMORIAM: KRISTIN DIANE JACOBS



October 17, 1959 – April 11, 2020

Florida Representative Kristin Jacobs was a champion of sound environmental policy. The Broward County Democrat twice sponsored “Blue Star” legislation, which sought to establish a domestic wastewater collection system best management program. Ultimately, the policies she advocated were incorporated into SB 712 during the 2020 Legislative Session, which passed unanimously. For her steadfast commitment to utility issues and protecting the State’s natural resources, the Utility Council recognized her as a Champion of Clean Water in 2018. For those who had the pleasure of working with her, they quickly learned that Representative Jacobs exhibited the rare combination of tenacity and grace, with an eye towards identifying common ground on often contentious issues. It is for that reason that she was able to accomplish so much for Floridians during her six years as a member of the Florida House of Representatives. She will be missed.



2020 ANNUAL MEETING ON APRIL 18, 2018

2019-2020 MEMBERS

AECOM ♦ ARCADIS ♦ Bay County Utility Services ♦ Black & Veatch ♦ Bonita Springs Utilities, Inc. ♦ Broward County ♦ Carollo Engineers ♦ City of Altamonte Springs ♦ City of Boca Raton ♦ City of Boynton Beach ♦ City of Cape Coral ♦ City of Casselberry ♦ City of Clearwater ♦ City of Cocoa Beach ♦ City of Delray Beach ♦ City of Ft. Lauderdale ♦ City of Fort Walton Beach ♦ City of Freeport ♦ City of Gulf Breeze ♦ City of Jacksonville Beach ♦ City of Largo ♦ City of Margate ♦ City of Milton ♦ City of Ocala ♦ City of Oldsmar ♦ City of Orlando ♦ City of Palm Coast ♦ City of Panama City ♦ City of Panama City Beach ♦ City of Sarasota ♦ City of St. Cloud ♦ City of St. Pete ♦ City of Tallahassee ♦ City of Tampa ♦ City of Vero Beach ♦ City of West Palm Beach ♦ Clay County Utility Authority ♦ CPH, Inc. ♦ Destin Water Users, Inc. ♦ Emerald Coast Utilities Authority ♦ Electro Scan, Inc. ♦ Florida Governmental Utility Authority ♦ Fort Pierce Utilities ♦ GAI Consultants, Inc. ♦ Gainesville Regional Utilities ♦ Greeley and Hansen LLC ♦ Gulf Coast Underground ♦ Hazen and Sawyer ♦ HDR Engineering, Inc. ♦ Hernando County Utilities ♦ Hillsborough County ♦ JEA ♦ Jones Edmunds & Associates ♦ Lee County Utilities ♦ Liquid Solutions Group, LLC ♦ Manatee County Utilities ♦ Martin County ♦ Miami-Dade WASD ♦ Earth & Water Group ♦ Okaloosa County ♦ Orange County Utilities ♦ OUC ♦ Pace Water System, Inc. ♦ Pinellas County ♦ Polk County ♦ Polston Applied Technologies ♦ Premier Magnesia LLC ♦ Reedy Creek Improvement District ♦ Reiss Engineering ♦ Santa Rosa County ♦ South Walton Utilities, Inc. ♦ St. Johns County Utilities Department ♦ Stantec ♦ Tetra Tech, Inc. ♦ Toho Water Authority ♦ University of Florida – TREEO Center ♦ Water Company of America ♦ Wright-Pierce ♦ WSP USA Inc.