



FWEA Utility Council

Protecting Florida's Clean Water Environment
P.O. Box 10755 • Tallahassee, Florida 32302 • (850) 425-3428
www.fweauc.org

May 8, 2014

Sharon Sawicki
Florida Department of Environmental Protection
Division of Water Resource Management
2600 Blair Stone Rd., MS 3540
Tallahassee, FL 32399

Re: Proposed Changes to Chapters 62-600 and 62-601, F.A.C.

Ms. Sawicki,

The Florida Water Environment Association Utility Council (FWEAUC) thanks the Florida Department of Environmental Protection (Department) for the opportunity to comment on the proposed amendments to Chapters 62-600 and 62-601, F.A.C. The FWEAUC is an association of 51 local government and private utilities in Florida that own and operate domestic wastewater treatment, disposal, reuse and recycling facilities. Many FWEAUC members also operate public water supply systems. FWEAUC members provide essential public infrastructure for over eight million Floridians. Upon its review of the proposed rule changes, the FWEAUC provides the following comments:

- **Draft Rule 62-600.200** – The introduction to the definition section states that “[t]he meaning of any term not defined below shall be taken from definitions in other rules of the Department, unless such meaning would defeat the purpose or intent of this chapter.” The draft rule, however, does not explain what definition would be used if a definition found in another rule does not meet the intent or purpose of the chapter. The phrasing appears to grant the Department unfettered discretion in defining certain terms. Additionally, there are terms that are defined in other chapters of Department rules that are also defined in this section, resulting in inconsistencies. The FWEAUC recommends that the Department cite the section of rule to be referenced if the term to be utilized is defined elsewhere in Department rules, and define those terms that have specific meaning within the context of Chapter 62-600, F.A.C. This action will improve the clarity of the rule and facilitate its implementation.
- **Draft Rule 62-600.200 (10)** – As presently drafted, the new definition of “coastal recreation waters” could be read to create a previously undefined water body classification. The FWEAUC recommends that the Department carefully review the proposed definition and referenced EPA regulation, and amend the draft rule as necessary to avoid any unintended modification to Florida’s water body classification system.
- **Draft Rule 62-600.200(13) and (24)** – The FWEAUC recommends combining the definitions of composite sample and flow proportional composite sample into one definition such that a single composite sample is broken into sections for time and flow.
- **Draft Rule 62-600.200(23)** – The FWEAUC recommends that this section be amended to more accurately incorporate data collection via the utilization of computerized systems. The definition

should reflect the current technology utilized to collect data and produce flow readings and reports through Supervisory Control and Data Acquisition (SCADA). Historically, operators read individual meters daily and then calculated the daily flow. Today, as a result of the utilization of continuous online meters reporting to SCADA, operators record flows from the field meters more often and accurately. As a result, SCADA now generates reports for flows required for the monthly operating reports. The FWEAUC would be pleased to discuss SCADA in more detail with representatives of the Department.

- **Draft Rule 62-600.200(29)** – The FWEAUC recommends revising the definition of “individual service connection” to be the point at which the service lateral intersects the right-of-way line. Utilities tend to define the service connection as the point at which the property owner is connected to the central collection system (which is usually where the customer’s lateral line connects to a sewer main) as opposed to where the wastewater leaves the building. The Department uses the correct terminology when it refers to the end point of the building sewer in the definition of “septic system” at 62-600.200(56). Possible revision language could indicate that an individual service connection is the point at which the building sewer intersects the right-of-way line.

- **Draft Rule 62-600.200(30)** – There has been a debate as to whether demineralized concentrate is considered industrial waste and regulated as such or regulated as demineralized concentrate in itself (Section 403.0882 (1 & 2(a)) F.S., Chapters 62-620 and 62-4.244, F.A.C.). The rulemaking amendments provide an opportunity to clarify this issue, as many water plants are/will be producing demineralized concentrate as they move to alternative water supply systems. The FWEAUC proposes the inclusion of a separate definition for demineralization/membrane concentrate, as it falls between domestic and industrial waste and recommends that the Department classify demineralization concentrate as a potable water byproduct in accordance with Rule 62-610.865(1), F.A.C.

- **Draft Rule 62-600.200(41) and (56)** – The definitions of “onsite sewage treatment and disposal system” and “septic system” are substantially identical. The FWEAUC recommends that the Department combine and reconcile the two definitions.

- **Draft Rule 62-600.410(6)** – The Department does not define the term “sinkhole” within the rule, allowing for broad discretion in the definition of the term, and uncertainty for the stakeholders regulated under the definition. The FWEAUC recommends that the Department clearly define “sinkhole” within the rule. Additionally, the FWEAUC suggests removing the phrase “or other karst feature” from the language of the rule, as it is overly broad.

- **Draft Rule 62-600.420(2)** – This section lists the various Part V reuse systems in parts (a)-(m). The FWEAUC suggests that it may be easier to organize the language of the rule amendments as follows; Part III reuse systems in accordance with 62-610, Part IV ..., and Part V... instead of listing under 2(a)-2(m).

- **Draft Rule 62-600.430(1)(c)** – In a rule section addressing water quality based effluent limitations (a term of art used in NPDES permitting) and under a section entitled “Surface water discharge,” the Department includes requirements for “land application sites” with discharges to “surface waters.” As presently worded, the draft rule creates the incorrect impression that land application systems are subject to NPDES permitting requirements and discharge to surface waters. Not so. In accordance with state and federal law, NPDES permits are only required for direct discharges from a point source to a surface water. 33 U.S.C. § 1342; § 403.0885, F.S. Sprayfields and similar land application activities do not require NPDES permits. The Department already ensures that sprayfields and other discharges to groundwater do not cause or contribute to surface water impairments through Rules 62-610.850(1)(a) and 62-610.800(1), F.A.C. Accordingly, this new rule language in 600.430(1)(c) is unnecessary, creates confusion, and should be stricken.

- **Draft Rule 62-600.440** – This section of the proposed rule continues to address chlorine as the primary means of disinfection for wastewater treatment facilities and treats utilization of UV or peracetic acid as alternative means of disinfection, allowing the Department broad discretion in determining whether the permittee has provided “reasonable assurances” that public health will be protected. The Department should take this opportunity to more clearly define the requirements for the utilization of alternative means of disinfection, such as UV and peracetic acid.
- **Draft Rule 62-600.660(1)** – This section should be amended to include the correct chart title for Figure 1.
- **Draft Rule 62-600.670(3)** – This section should be amended to include the correct chart title for Figure 2.
- **Draft Rule 62-600.680(1)(c)(2)** – FWEAUC members have not received updated information regarding whether the electronic reporting program will be operational in the near future. Assuming that the program is being implemented the section should clarify what a permittee must first apply to the Department for before submitting electronic reports (i.e. electronic signature).
- **Draft Rule Figure 1** – Minimum Sampling Wastewater Treatment Plant – *Enterococci*. Our review of current practices indicates that utilities are currently required to monitor 6 times a month. The proposed rule amendments increase the monitoring requirement to daily and will significantly increase monitoring costs. We are unaware of any new information meriting an increase in testing frequency. The FWEAUC recommends retaining the current monitoring requirements.
- **Draft Rule Figure 2** – Minimum Sampling Ground Water Monitoring – The table has arsenic, cadmium, chromium and lead as requiring quarterly testing. Many current permits require annual testing for these parameters. The FWEAUC recommends that additional testing is unnecessary and that the Department should include language from Rule 62-601.300(3)(a) that; "Any of the parameters listed for reuse and land application systems (except for nitrate, total dissolved solids, and water level) may be eliminated from the monitoring schedule if the reclaimed water or effluent analysis report shows concentrations less than the drinking water standards established for that parameter in Chapter 62-550 F.A.C." In the alternative, any increased monitoring frequencies should be supported by an examination of existing data supporting a need for more frequent monitoring.

Thank you for your consideration of the above comments of the FWEAUC. If you have any questions, please contact David Childs at (850) 222-7500 or davidc@hgslaw.com or Christopher Pettit, FWEAUC Issue Chair and Policy and Legislation Manager, Palm Beach County Water Utilities Department, at (561) 493-6009 or cpettit@pbcwater.com.

Sincerely,



David Childs
Legal Counsel, FWEA Utility Council

CC: FWEA Utility Council Board of Directors