

SEFLUC
Regulatory Update
July 9, 2018

- **FDEP Clarification of Rule 62-550.822 Disinfection Byproducts (DBP) Requirements: TTHM and HAA5**
 - **June 29 – Conference call with DEP (Joni Synatschk, MPH, CPM, Program Administrator, Capacity Development Supervisor/Division of Water Resource Management – Drinking Water and Aquifer Protection Program/Drinking Water and Jamie Shakar, Environmental Administrator/Division of Water Resource Management) to clarify intent of May 10, 2018 Guidance Memo.**
 - **Items discussed/clarified**
 - **Both DEP and EPA are encouraging utilities to develop means/methods other than free chlorine burns to comply with the DBP requirements.**
 - **Confirmed 21 day max referred to in the memo was intended to be per chlorine burn.**
 - **Confirmed the 21 day max per/chlorine burn is not based on any adopted rules and is the result of an EPA Work Group. Therefore, the 21 day max per/chlorine burn is only recommended best management practice.**
 - **2x per year chlorine burn was not included in memo but raised in verbal communications from DEP to County DOH and is also only a recommended best management practice.**
 - **Informed DEP that the AWWA manual “A Guide for the Implementation and Use of Chloramines” (2004) was actually a Water Research Foundation Guide and only WRF members can purchase and is not listed in 62-550 F.A.C. They are looking into additional guidance manuals they can reference.**
 - **DEP will reach out to DOH to clarify intent of guidance memo and that it cannot be relied upon for enforcement of 21 day per/chlorine burn / 2x per year limits.**

Text from Memo:

- For systems that monitor quarterly, regulatory offices must review DBP monitoring plans to identify the specific week of the quarter that will be sampled. For systems on annual monitoring, schedules must designate the specific month that will be sampled.
- Clarification:
 - a. 62-550.822 F.A.C adopted 40 CFR 141, Subpart U (Section 141.600-141.605) and 40 CFR 141, Subpart V (Section 141.620-141.629).
 - b. As stated in Subpart V in 40 CFR 141.621(a)(2) Footnote 2, Subpart U in §141.605(b) Footnote 2 and §141.605(e), systems on quarterly monitoring must sample every 90 days. The 90-day rule was developed to allow an equal amount

of time between sampling. It is understood that there are more than 90 days in some quarters and that a specific day may fall on a weekend in certain years. To work with these factors, facilities can collect samples during the designated week of monitoring. For example: the 2nd week of the 2nd month for each quarter.

- c. Samples used for compliance purposes must be designated in the system's State approved monitoring plan. Systems may collect more than the required number and frequency of sampling. However, in order to be used in the calculation of the quarterly average used for compliance purposes, the additional samples must be included in the monitoring plan and approved prior to collecting samples. Consideration should be given to assuring that the sampling is equally separated.
 - d. The definition of “normal operating conditions” include any routine maintenance practices. An event such as a chlorine burn, a switch from chloramine to chlorine, is considered to be part of the normal operations of a system for periodic maintenance. A water line break or other disruptive event which is outside the control of the facility is considered non-normal operating condition.
 - e. **The length of chlorine burns should be kept to a maximum of 21 days. Whenever possible, systems should try to optimize processes using guidance such as AWWA manual “A Guide for the Implementation and Use of Chloramines” (2004).**
- **Amendment 1 Funding**
 - Judge Dodson canceled trial brought by environmental groups challenging the State’s use of Amendment 1 money stating he was finding in favor of the plaintiffs and the use of Amendment 1 money by the Legislature did violate the Florida Constitution. Order is still pending and State will appeal. This will have significant impact on portions of DEP’s and the FWC’s budgets.
 - **EPA Risk Management Rule**
 - Promulgated in 1996 under Section 112[®] of the Clean Air Act
 - EPA has delayed the May 14, 2017 effective date until February 19, 2019 due to petitions for reconsideration under CAA Section 307(d)(7)(B) – included Florida State Attorney General.
 - Developed a Notice of Proposed Rulemaking to reconsider the RMP Amendments.
 - **EPA Toxicological Profile for Perfluoroalkyls**
 - **Comments due July 23**
 - The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS) announces the availability of the Draft Toxicological Profile for Perfluoroalkyls for review and comment. All toxicological profiles issued as “Drafts for Public Comment” represent ATSDR's

best efforts to provide important toxicological information on priority hazardous substances.

- ATSDR is seeking public comments and additional information, reports, and studies about the health effects of these substances. Although ATSDR considers key studies for this substance during the profile development process, this document solicits any relevant, additional studies. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion into the profile. ATSDR remains committed to providing a comment period for this document as a means to best serve public health.
- The Tox Profile is accompanied by a fact sheet that utilities may find helpful in putting drinking water PFAS exposure in context for customers.
- EPA is expected to release draft toxicity values for perfluoro-2-propoxypropanoic acid (GenX) - a replacement chemical for PFOA, and perfluorobutane sulfonate (PFBS) in August.
- **SFWMD LEC Water Supply Plan**
 - **July 24 – 9:30 to 12:00 pm** (Broward County Water and Wastewater Services, 2555 West Copans Road, Pompano Beach, FL 33069 (Building 2 Training Room))
 - SFWMD discussion of the East Coast Floridan Model (ECFM) simulations in support of the 2018 Lower East Coast (LEC) Water Supply Plan Update. The model can identify potential changes in water levels and water quality in response to increased water withdrawals based on current and future use of the Floridan aquifer system (FAS).
 - Meeting will focus on the FAS modeling effort, including assumptions and results for two simulations that have been conducted. The meeting will not address other aspects of the 2018 LEC Water Supply Plan Update.
- **Potable Reuse Commission Meeting**
 - **June 15 Meeting** – discussed draft outreach plan; consideration of technical, managerial and financial requirements in regulatory framework; operator training and certification; source control; website
 - **July 12 Meeting** – discuss framework
 - **July 25 Workshop** - Water Research Foundation will provide a summary of recommendations based on stakeholder input.
 - <http://prc.watereuseflorida.com/>
- **Water Infrastructure Finance and Innovation Act**
 - Call for letters of interest by noon July 31st.
 - April 23rd WIFIA webinar
 - new point criteria system that includes major sections for “Repair, rehabilitation, or replacement” projects as well as ones that “Reduces exposure to lead.”

- <https://www.epa.gov/wifia>
- **EPA Requests Comments on Conduit Theory**
 - **Monitoring Court Cases and EPA Action/No Change**
- **State Assumption of CWA 404 Permit Program**
 - **WAITING FOR DRAFT MOAs**