



# FWRC Drinking Water and Wastewater Utilities Potpourri 2 Recap

Lisa Wilson-Davis, City of Boca Raton Utility Services

# Legislative Potpourri

*Thank you to Greg Munson of Gunster for this information*

What  
Happened  
During The  
2023  
Legislative  
Session

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<b><u>Statistic</u></b> <small>(as of 6/8/23)</small>	<b><u>Count</u></b>
<b>Bills</b>	<b>1,828</b>
<b>Enrolled</b>	<b>356</b>
<b>Law</b>	<b>197</b>
<b>Vetoed</b>	<b>2</b>
<b>Bills Presented</b>	<b>38</b>

# SB 2500 General Appropriations Act (GAA)



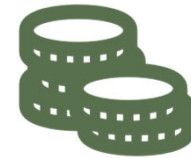
**\$117 billion**  
The GAA for FY 23/24



**\$4.9 billion**

**DEP**

\$2.2 billion General Revenue  
\$1.1 billion Land Acquisition  
Trust Fund (LATF)  
\$1.7 billion other Trust Funds



**July 1, 2023**

# 2023 Environmental Budget

**Wastewater Grant Program**

**\$200 million**

**Water Projects**

**\$433 million**

**Wastewater & Drinking Water Revolving Loan Programs**

**\$508.9 million**

**Total Maximum Daily Loads**

**\$40 million**

**Springs Restoration**

**\$50 million**

**Alternative Water Supply**

**\$60 million**

**Water Infrastructure Improvements**

**\$155.7 million**

**Flood and Sea-Level Rise Program**

**\$300 million**

**Biscayne Bay Water Quality Improvements**

**\$20 million**

# Bills of Interest that passed

## CS/CS/HB 23 and CS/CS/SB 162 Water and Wastewater Facility Operators

- Requires DEP to develop rules for the issuance of water treatment plant operator licenses, water distribution system operator licenses, & domestic wastewater treatment plant operator licenses by reciprocity
- Authorizes DEP to issue temporary operator licenses during declared state of emergency
- Requires DEP to waive application fee for temporary operator licenses
- Establishes water and wastewater personnel as essential first responders

• ***Chapter No. 2023-204 6/9/23***

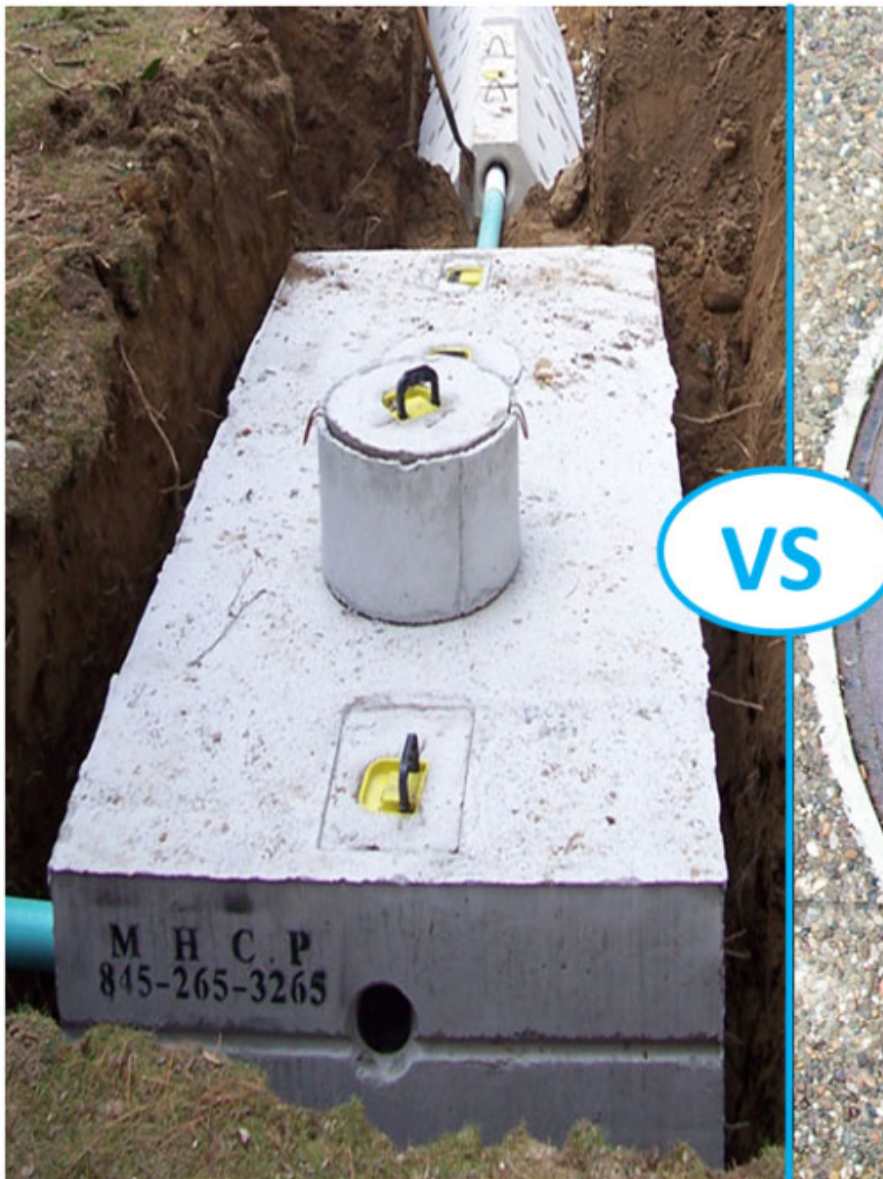


# Bills of Interest that passed

## CS/HB 1405 and CS/SB 880 Biosolids

- Establishes biosolids grant program within DEP
  - Defines eligible projects
  - 10% of grant funds reserved for rural areas of opportunity
  - 50% match requirement
- Requires DEP publish annual report
- ***Enrolled 5/4/23***





# Bills of Interest that passed

## CS/HB 1379 and CS/SB 1632 - Environmental Protection

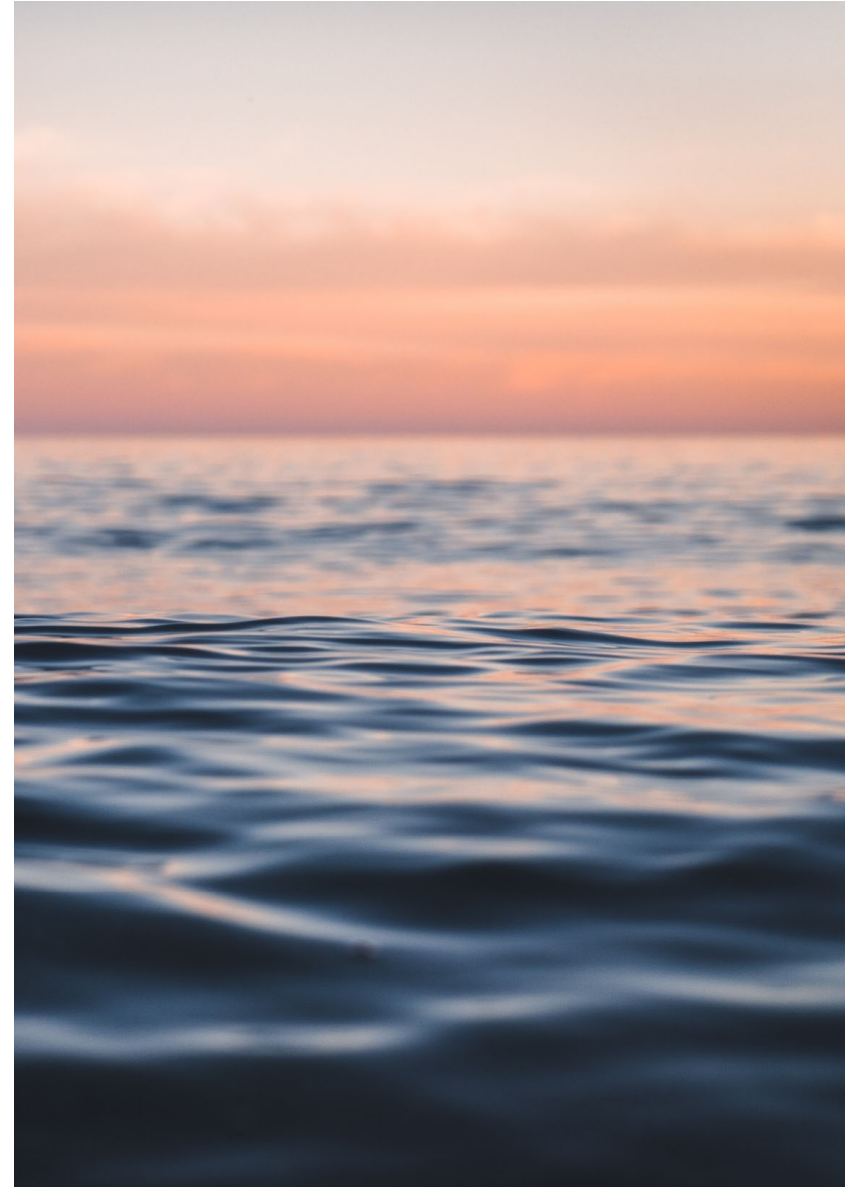
- Comprehensive bill
  - Advanced waste treatment
  - On site treatment disposal systems (OSTDS)
  - Indian River Lagoon
  - Sanitary sewer services
  - Wastewater grant program
  - Basin Management Action Plans (BMAPs)
- **Chapter No. 2023-169 6/1/23**

# Bills of Interest that Passed

## CS/HB 111 and SB 1170 Flooding and Sea Level Rise Vulnerability Studies

- Revises purposes for which DEP may provide grants under Resilient Florida Grant Program to counties, municipalities, & water management districts;
- Requires state-financed constructors to take specified actions before commencing construction;
- Requires DEP to develop specified sea level impact projection study standard;
- Provides for civil actions, injunctive relief, recovery of certain funds, & enforcement; provides for future repeal of requirements for construction of certain structures in coastal building zone.

• ***Presented to Governor 6/9/23***





## Just a Few More Bills of Interest that passed

### **HB 7027 and CS/SB 7002 - Ratification of Rules of the Department of Environmental Protection**

- Ratifying specified rules (62-600 F.A.C.) relating to:
  - standards for onsite sewage treatment and disposal systems and
  - domestic wastewater facility planning for facilities expansion, collection/transmission systems, and an operation and maintenance manual
- **Enrolled 5/4/23**

### **CS/CS/HB 239 and CS/SB 7024 Retirement**

- Significant Changes in Florida Retirement System that could provide increased costs to impacted governmental agencies
- **Chapter No. 2023-193 6/6/2023**



# Bills of Interest that failed



## **HB 713 and SB 742 — Administrative Procedures**

The bill(s) attempted to amend the Administrative Procedures Act (APA). The APA contains a uniform set of procedures that agencies must follow when exercising rulemaking authority delegated by the Legislature.

- Provided a new mechanism for an agency to review, revise, and repeal its rules. Required:
  - Each agency review their rules for consistency with the powers and duties granted by the agency's enabling statutes.
  - The Department of Environmental Protection and each water management district review and report on their permitting processes.



## Bills of Interest that failed



### CS/HB 1331 - Municipal Utilities and SB 1712 - Municipal Water and Sewer Utility Rates

- Authorizes municipality to fund or finance general government functions with portion of revenues from utility operations; establishes limits on utility revenue transfers for municipal utilities; modifies provisions relating to permissible rates, fees, & charges imposed by municipal water & sewer utilities on customers located outside municipal boundaries.
- Requiring a municipality to charge customers receiving its utility services in another municipality the same rates, fees, and charges as it charges consumers within its municipal boundaries under certain circumstances, etc. planning agency within a specified timeframe, etc.

# Bills of Interest that failed

## HB 1079 and SB 734 Saltwater Intrusion Vulnerability Assessments

- Authorizing the Department of Environmental Protection to provide grants to coastal counties for saltwater intrusion vulnerability assessments;
- Requiring the department to update the comprehensive statewide flood vulnerability and sea level rise data set and make certain information received from the saltwater intrusion vulnerability assessments available on its website;
- Requiring the department to provide cost-share funding up to a specified amount for awarded grants, etc.



# Bills of Interest that failed

## HB 177 and SB 172 Safe Waterways Act

Requires DOH to adopt & enforce rules & to issue health advisories under certain circumstances; directs DOH to require closure of beach waters & public bathing places under certain circumstances; requires DOH to adopt health advisory sign & posted in specified manner; provides municipalities & counties are responsible for maintaining such signage; requires DOH and FWCC to coordinate to implement signage requirements; requires DOH to establish public statewide interagency database & coordinate with DEP to adopt certain rules & procedures for such database.

- ***Local Sponsors***



# Just a Few More Bills of Interest that failed

HB 661 and SB 1420 - Sanitary Sewer Lateral Inspection Programs

HB 423 and CS/SB 1538 - Implementation of the Recommendations of the Blue-Green Algae Task Force





# Looking ahead

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## **Interim Committee Meetings**

September 18<sup>th</sup> – December 15<sup>th</sup> (7 weeks)

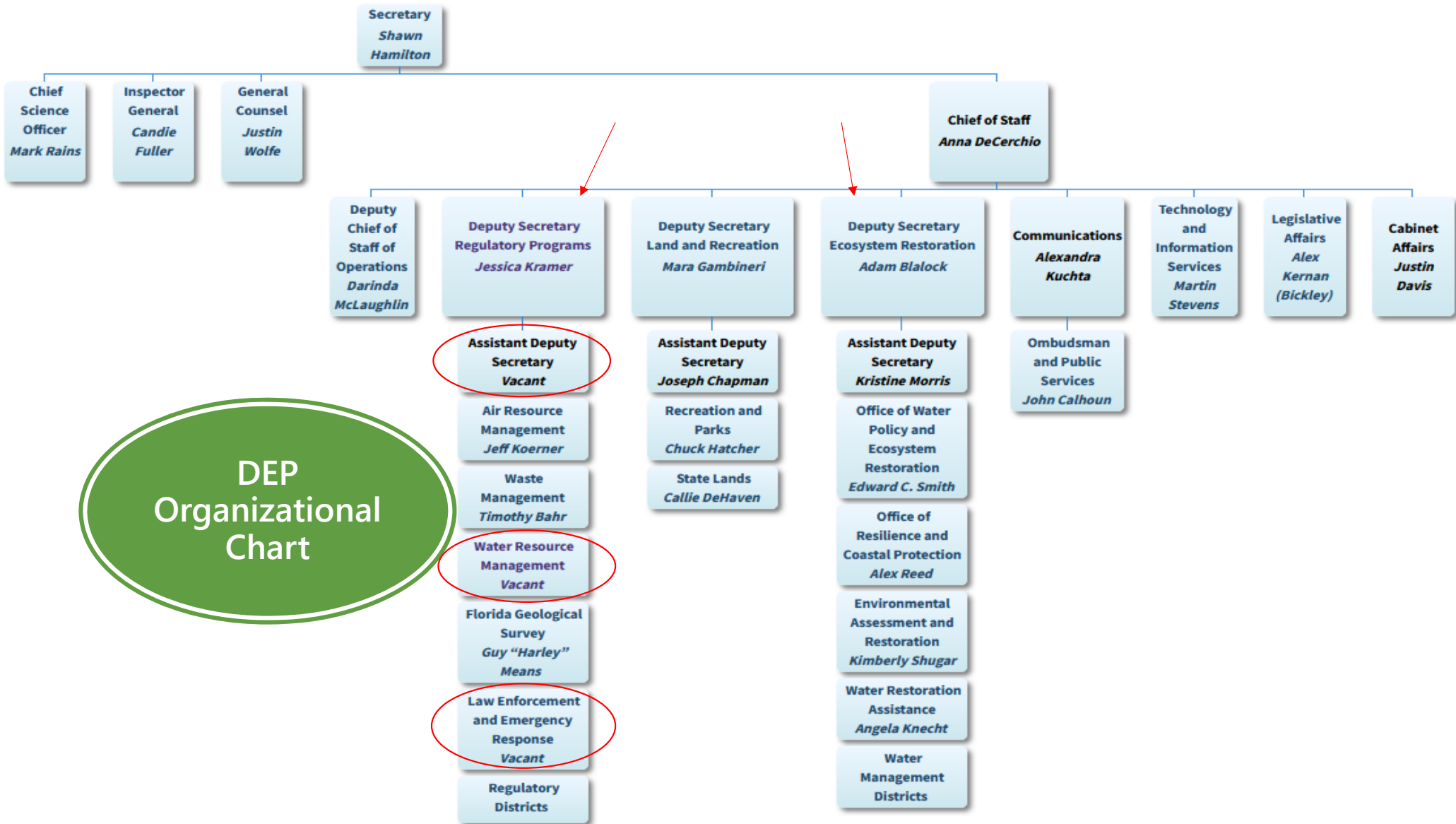
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## **2024 Session**

January 9<sup>th</sup> – March 8th (60 days)

# Regulatory Potpourri



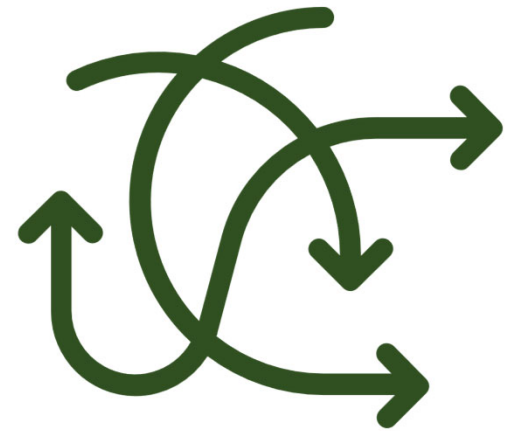


# Potable Reuse Rulemaking Update

*Thank you to David Childs of the Vogel Group for this information*

## Change in Direction

- Florida Department of Environmental Protection withdrew its previously proposed amendments to Rule 62-610, F.A.C.
- The Department has determined that much of the proposed rule language would be more appropriately located in a new drinking water rule, which will be codified in a new Chapter 62-656, F.A.C.
- The Department will be publishing a new Notice of Rule Development for proposed amendments to Chapter 62-610, F.A.C., along with the related rule development for a new Chapter 62-565, F.A.C., in an upcoming volume of the Florida Administrative Register.



# Heading in the Right Direction



Move will benefit utilities who have longstanding aquifer recharge programs or otherwise utilize reclaimed water in a manner that offsets the impacts of freshwater withdrawals.



This decision to regulate potable reuse in a new chapter 62-656 should help avoid that outcome while also making the regulatory program easier to navigate, as utilities will not be subjected to numerous cross-references between rule chapters during the permitting process.



Meanwhile, the small and informal reuse working group of utility representatives and Department personnel continues to create benefits. This working group is helping the Department understand the engineering and appropriate staffing certification requirements needed for successful potable reuse systems.



# Stay Informed!

***Chapter 62-565 F.A.C., Permitting,  
Construction, Operation and Maintenance of  
Advance Treatment Water Facilities and  
Associated Systems.***

Bookmark the FDEP webpages:

[Water Reuse News & Rulemaking Information](#)

and

[Water Resource Management Rules in  
Development](#)

# EPA: Consumer Confidence Report Rule Revisions

*Thank you to Monica Wallis of Destin Water Users, Inc. for this information*

**EPA-HQ-OW-2022-0260**

**Rule Revisions Published in Federal  
Register on April 5, 2023**

**Comments due May 22, 2023**



# Background



Consumer Confidence Reports (CCRs) were first regulated in 1998 after the 1996 SDWA amendments as part of “Right to Know” provisions.



America’s Water Infrastructure Act of 2018 (10/23/2018) Section 2008 amended Safe Drinking Water Act’s (SDWA) Section 1414(c)(4)(F) requiring some revisions within 2 years (10/23/2020) including:

- Frequency – twice a year
- Readability - Understandability, Clarity
- Accuracy & Risk Communication
- Report Delivery (Electronic)
- Corrosion Control Information (for lead action level exceedance)
- Compliance Monitoring Data
- State Primacy – w/in two years



National Resources Defense Council filed a complaint in Jan 2021; EPA under consent decree to make updates by March 15, 2024.

## Key Comments provided to EPA

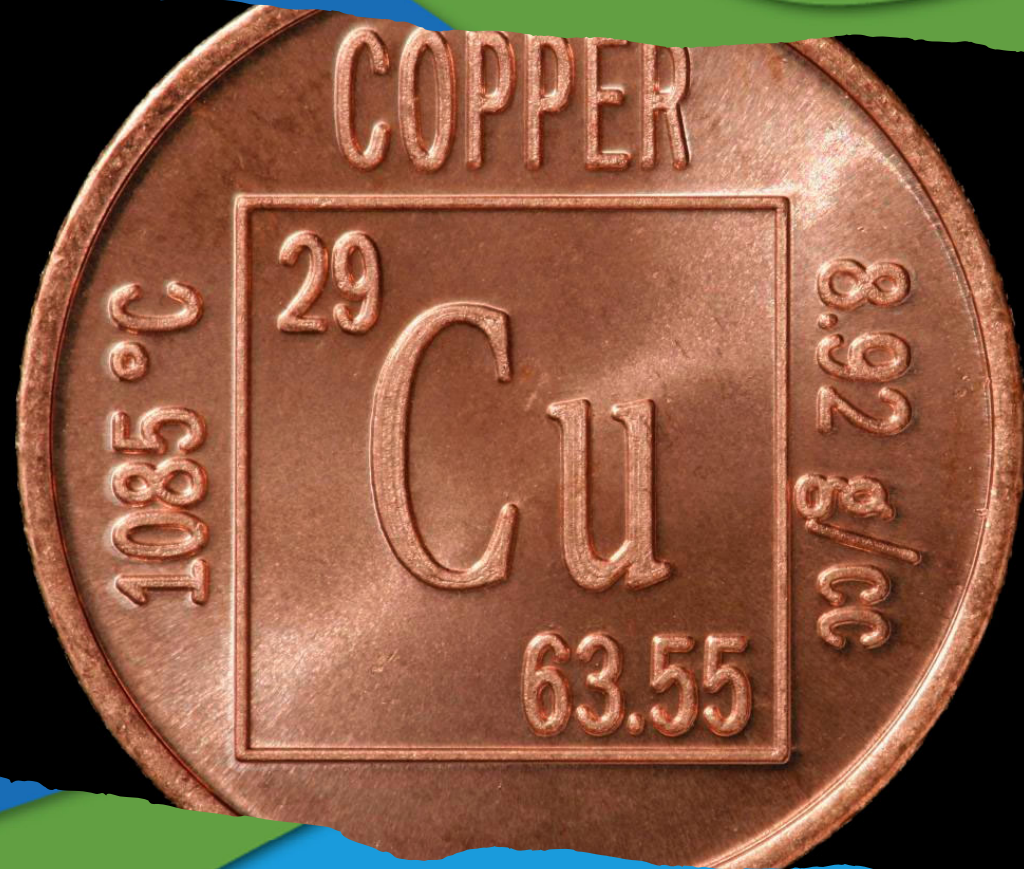
- EPA did not address causes of concern around readability, understandability and clarity required by AWIA
- Critical harm to be caused by “Don’t say safe” provisions
- Separate out the compliance monitoring data from this rule revision
- Delivery timing and requirements of the two reports create concern



## EPA's Three Questions

- Should EPA require water systems to deliver the first report sooner in the year, for example by April 1st and deliver the second report by October 1st of each year, and why or why not?
- Should the deadline to deliver the second report be 3 months or 6 months after delivering the first report, or some other length of time?
- Should EPA require that each report cover the previous 6 months, rather than provide an annual summary and why or why not?

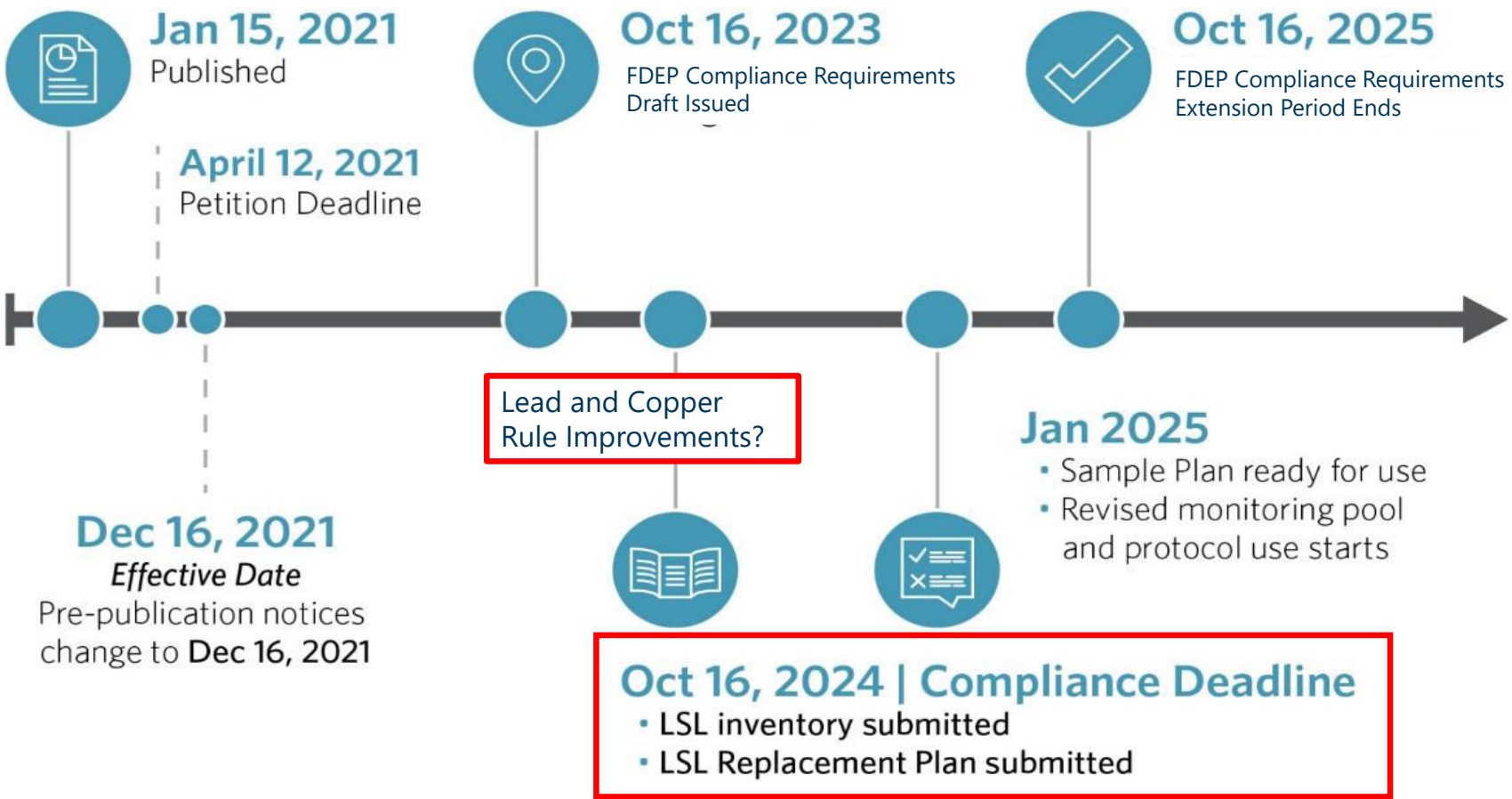




# Lead & Copper Rule Revisions

*Thank you to Ryan Messer of HDR for this information*

# Lead and Copper Rule Revisions Timeline





-  **1** Identifying the areas most impacted
-  **2** Strengthening drinking water treatment requirements
-  **3** Replacing lead service lines
-  **4** Increasing sampling reliability
-  **5** Improving risk communication
-  **6** Protecting children in schools and childcare facilities

# Lead and Copper Rule Improvements (LCRI)

The LCRR will be revised before effective date

Significant Changes May Include:

- More stringent schedule for LSL removal – *Greater removal per year for more years?*
- LSL removal to prioritize on underserved communities
- More changes to sampling requirements – *Analysis of all liters from 1st to 5th L, more liters?*
- AL for all utilities lowered from 15 mg/L – *Maybe 10?*
- TL for medium and large utilities lowered from 10 mg/L – *Maybe 5?*

Will be promulgated before Oct. 16, 2024, when LCRR kicks in.

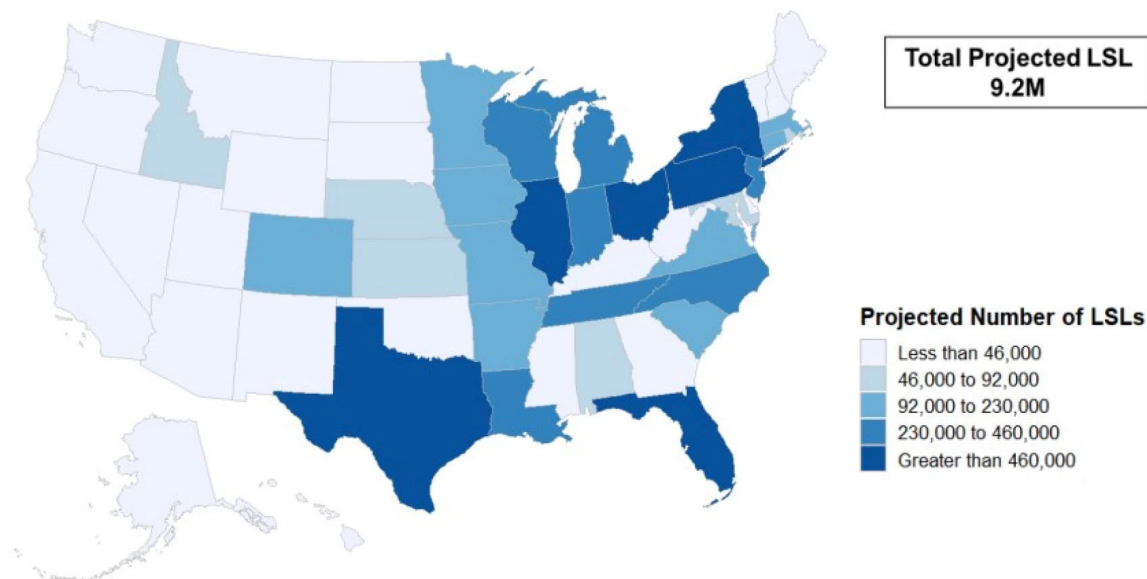
Uncertainty how LCRR and LCRI compliance schedules come together.

What is Florida Department of Environmental Protection Agency's Position?

# HEADLINES ...

Florida has emerged as the state with the most lead service lines in the nation with 1,159,300, according to survey results recently released by the Environmental Protection Agency.

Exhibit 5: Projected Number of Lead Services Lines by State



The White House announced Tuesday it will provide **\$6.5 billion** for drinking water infrastructure upgrades for all states across the country, including tribes and territories, in fiscal 2023.

The funding is through the Drinking Water State Revolving Fund, which is part of the Bipartisan Infrastructure Law signed by President Joe Biden in 2021.

Florida will get **\$376,162,000** from the U.S. Environmental Protection Agency, which is charged with disbursing the funds — **\$254,788,000** of which will go toward lead pipe removal for 2023.

It comes as Florida has emerged as the state with the most lead service lines in the nation with **1,159,300**, according to survey results recently released by the EPA.

# SHIFTING GEARS TO WASHINGTON D.C. and PFAS!

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*Thank you to Kevin Carter for this information!*



# PFAS, It's Everywhere!

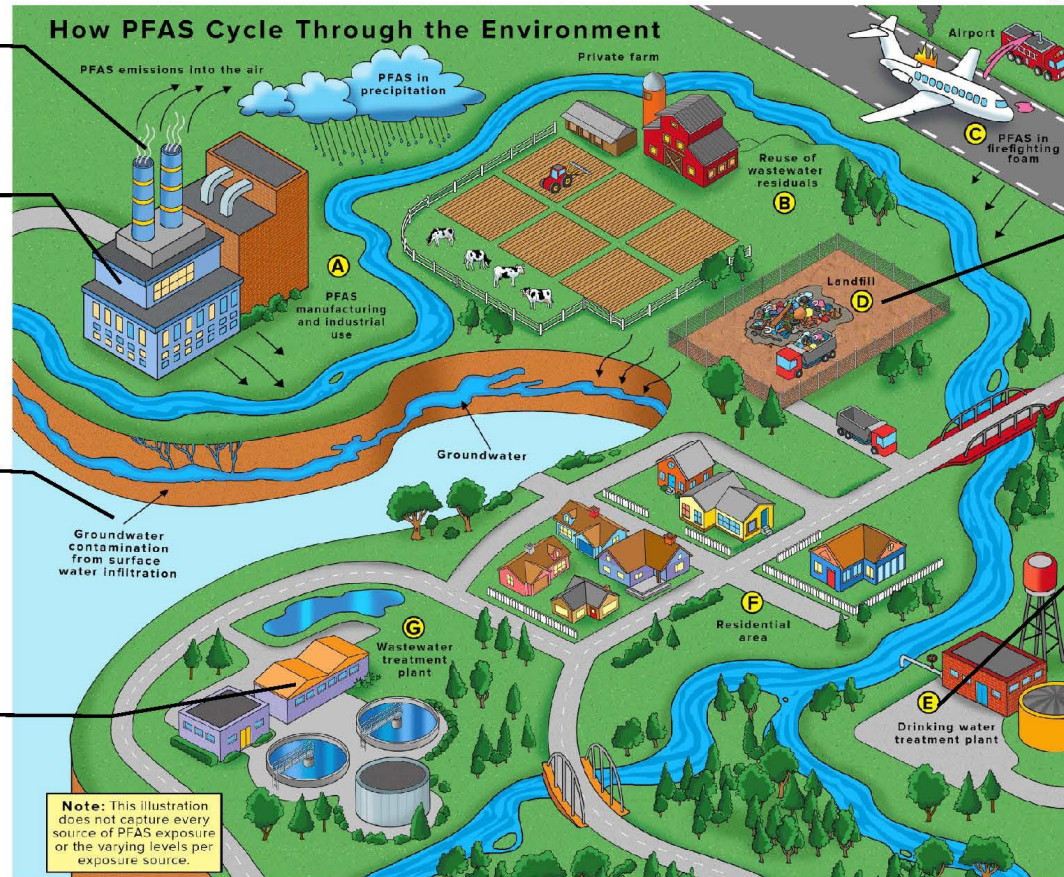
## REGULATORY AUTHORITIES TO ADDRESS PFAS

**Clean Air Act:**  
limits air emissions

**Toxic Substances Control Act**  
(Significant New Use Rules,  
Toxics Release Inventory):  
Controls use of chemicals  
and monitors the release of  
chemicals to the environment


**Comprehensive  
Environmental Response,  
Compensation, and Liability  
Act (Superfund):**  
Requirements for  
contaminated site cleanup

**Clean Water Act:**  
Limits wastewater discharges  
to environment

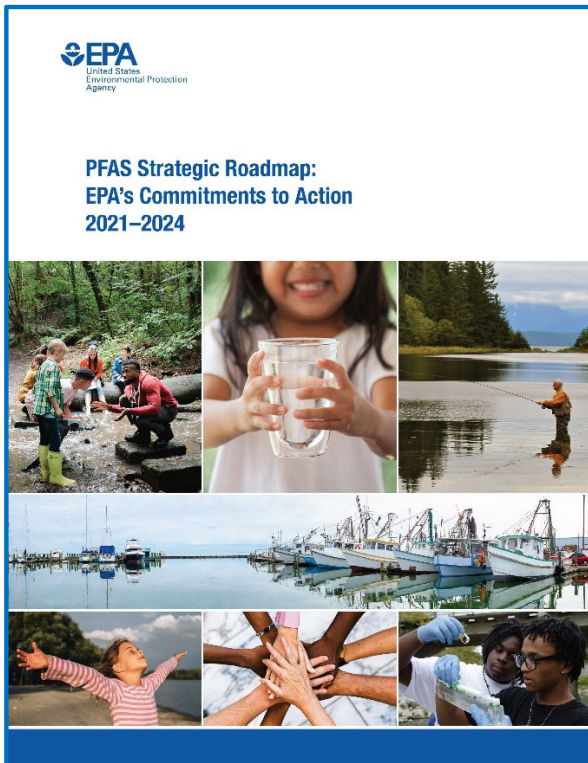


**Resource  
Recovery and  
Conservation Act:**  
Requirements for  
waste  
management.

**Safe Drinking  
Water Act:**  
Drinking water  
requirements.

Graphic Credit:  
AWWA Briefing on PFAS 

# EPA's PFAS Strategic Road Map Released October 2021



<https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

<https://www.epa.gov/pfas/epa-actions-address-pfas>

- Developed by the EPA Council on PFAS who are leaders from across all Programs and Regions.
- Goals focused on 3 Rs – Research, Restrict, and Remediate:
  - Set timelines for action steps to meet those goals.
- Some example of goals initially met:
  - May 2022, Proposed draft aquatic life criteria.
  - December 2022, Provided guidance to states on how to use the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permitting program to reduce harmful PFAS pollution.
- The Road Map's Implementation benefits from the Bipartisan Infrastructure Law's \$2 Billion for PFAS and Emerging Contaminants in Drinking Water announced Feb. 2023.

<https://www.epa.gov/dwcapacity/emerging-contaminants-ec-small-or-disadvantaged-communities-grant-sdc#Imp>



## EPA's PFAS Strategic Road Map: National Primary Drinking Water Regulation (NPDWR)

- March 2021, Determined need for PFOA and PFOS NPDWR:
  - EPA's Scientific Advisory Board part of the process.
- June 2022, Process led to revised, interim Health Advisories\* (HA) for PFOA (0.004 parts per trillion, ppt) and PFOS (0.02 ppt) in June 2022 that replaced 70 ppt value:
  - Also released new HAs\* for GenX Chemicals (10 ppt) and PFBS (2,000 ppt).
- March 2023, Proposed PFOA and PFOS NPDWR Maximum Contaminant Level of 4 ppt and a proposed regulatory determination and Hazard Index for PFNA, PFHxS, GenX (HFPO-DA), and PFBS of 1:
  - Final rule expected December 2023 and effective date December 2026.
  - AWWA and FSAWWA WUC submitted comments on May 30, 2023.

<https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>



## FSAWWA Water Utility Council's Comment Letter on PFAS NPDWR

(letter greatly influenced by AWWA's Governmental Affairs', especially Chris Moody's, great work)

- Underestimated PFAS national occurrence at Public Water Systems:
  - EPA used a model based on Public Water Systems' Unregulated Contaminant Monitoring Rule (UCMR) 3 data. The dataset's Minimum Reporting Level for PFOS (40 parts per trillion (ppt)) and for PFOA (20 ppt) were an order of magnitude higher than proposed maximum contaminant level (4 ppt).
- Failed to consider global supply chain issues.
- Did not consider the synergistic effect of greater national occurrence coupled with global supply chain issues leading to more competition in Funding, Design, and Construction Costs and Timelines.
- Other facility operations (e.g., water reuse) with permits containing Maximum Contaminant Level references could face cost increases.
- Support approach for monitoring results below the practical quantification limits equal zero for the Maximum Contaminant Level (MCL).

A photograph of water being poured into a clear glass. The water is captured in motion, creating a dynamic splash and bubbles. The background is a light, neutral color.

## FSAWWA Water Utility Council's Comment Letter on PFAS NPDWR (con.)

- Recommended EPA remove preliminary regulatory determinations as well as the Hazard Index MCLG and MCLS for PFHxS, Gen X (HFPO-DA), PFNA, and PFBS from a final rule:
  - Further recommended EPA obtain more data and information (e.g., UCMR 5) before releasing a potential new regulatory determination for the 4 compounds.
- Requested EPA reconsider its findings the proposed rule is not a “significant energy action” under Executive Order 13211:
  - Recommended EPA use their own greenhouse gas equivalencies calculator to determine carbon footprint effects.
- Requested EPA more adequately address Environmental Justice concerns based on the expected increased energy/fuel consumption and expected higher utility bills for our low-income and disadvantaged communities.

# AWWA's Comment 'Classic Novel' on PFAS NPDWR

(letter produced by AWWA's Governmental Affairs, Association's WUC, and especially Chris Moody's, great work)



- AWWA submitted 185 page comment letter on May 30, 2023.
- Requested EPA “withdraw and re-propose drinking water standards for PFOA and PFOS given the recurring issues with the underlying analyses.”
  - Recommended a 10 parts per trillion MCL for PFOA and PFOS.
- “Agency’s preliminary determinations for PFNA, HFPO-DA, and PFBS and the mixture of PFHxS, PFNA, HFPO-DA, and PFBS are not sufficiently supported by the available data.”
- “The agency misuses of the hazard index as a maximum contaminant level given it is not supported by federal guidance for assessing risk from mixtures and other issues.”
- “The agency’s proposed regulation concurrent with preliminary regulatory determinations is not within the scope of authorities granted by the Safe Drinking Water Act (SDWA), does not fulfill the obligations under the Administrative Procedures Act, and is inappropriate.”

# EPA's PFAS Strategic Road Map: CERCLA (Superfund Act)



<https://www.epa.gov/superfund/proposed-designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos#>

- National water sector organizations advocated for water and wastewater CERCLA exemptions:
  - Without exemption, water sector could be “potentially responsible parties” who are financially liable for cleanups.
- Aug. 2022, EPA proposed rule to designate PFOA and PFOS as CERCLA hazardous substances:
  - No exemptions and concluded costs were precluded from consideration in proposed rule.
  - AWWA and Hazen & Sawyer report estimates > \$3.7 Billion per year for drinking water residuals.
- Nov. 2022, FWEA Utility Council and FSAWWA WUC submitted comment letters with numerous utilities signing on:
  - Seek water sector exemption, the polluter pays!
  - “Enforcement discretion is no substitute for effective regulation.”

# EPA's PFAS Strategic Road Map: CERCLA (Superfund Act, cont.)



<https://www.congress.gov/bill/118th-congress/senate-bill/1430>

- March 2023, EPA stated in webinar that through enforcement discretion would not target water sector, biosolids land application and other sectors including landfills.
- Water Sector still seeks Congress to pass a CERCLA Exemption Law.
- **S.1430 - Water Systems PFAS Liability Protection Act** introduced by U.S. Senator Cynthia Lummis [R-WY] on May 3rd along with 4 other bills for other sectors (agriculture, landfills, airports, and fire suppression).
- **Both the FSAWWA WUC and the FWEA UC will seek members to sign onto a support letter likely starting next week.**
- EPA released **Advance Notice of Proposed Rulemaking** for potential future hazardous substance designations of 7 additional PFAS compounds under CERCLA (comments were due June 12, 2023 – extended to August 11, 2023).



# THE BONUS ROUND

## Collection System Rulemaking



# REVISIONS TO DEP'S COLLECTION SYSTEM REGULATIONS

**Maurice Barker**

Division of Water Resource Management / Wastewater Management Program  
Florida Department of Environmental Protection

FSAWWA Region III Orlando | May 2023



# AGENDA

- Background on rulemaking.
- Rule revisions for collection systems.
- Rules awaiting legislative ratification
- Questions.



# BACKGROUND ON RULEMAKING

Revisions to DEP's Collection  
System Regulations



# SENATE BILL 712 RULEMAKING

- Chapter 2020-150, Laws of Florida (Senate Bill [SB] 712 or the Florida Clean Waterways Act).
  - Directed DEP to adopt rules to reasonably limit, reduce and eliminate collection system inflow and infiltration (I&I), and leakages.
  - Required an annual report on expenditures on pollution mitigation and prevention (i.e., preventing sanitary sewer overflows [SSOs], I&I and leakages).
  - Required a power outage contingency plan for collection systems/pump stations.
  - Required a pipe assessment, repair and replacement plan.
    - Required a significant percentage of the collection system to be assessed every five years.
    - Required an annual report on plan implementation.



## SENATE BILL 712 RULEMAKING (2)

- Rules Revised.
  - Chapter 62-620, F.A.C., Wastewater Permitting.
    - Key revisions were made for reporting unauthorized discharges, bypasses and SSOs (effective Sept. 14, 2021).
  - Chapter 62-604, F.A.C., Collection Systems and Transmission Facilities.
    - Key revisions were made to the operation and maintenance section; reporting SSOs (effective Oct. 4, 2021).
  - Chapter 62-600, F.A.C., Domestic Wastewater Facilities.
    - Key revisions included new Rule 62-600.705, F.A.C., which added power outage contingency plans and “collection system action plans” for facility collection systems (awaiting legislative ratification).



# RULE REVISIONS FOR COLLECTION SYSTEMS

Revisions to DEP's Collection  
System Regulations



## CHAPTER 62-620, F.A.C.

- Revised requirements in section **62-620.610(20)**, F.A.C., for reporting noncompliance that is included in every wastewater facility permit.
  - Added SSO language, items needed for U.S. Environmental Protection Agency (EPA) eReporting of SSOs and other unauthorized discharges and items needed for annual DEP legislative report.
  - Added public notice of pollution (PNP) reporting requirements for spills/discharges reported to the State Watch Office.
  - Added electronic reporting requirements (five-day follow-up report).
  - **Clarified the reporting of unauthorized discharges of public access or potable reclaimed water to ground water.**



## CHAPTER 62-604, F.A.C.

- Chapter 62-604, F.A.C., primarily regulates the construction of collection systems, but also contains operational requirements for existing collection systems; the chapter is applicable to all public and private collection systems.
  - Rule 62-604.100, F.A.C. – removed scope, intent and purpose provisions (previously identified for rule reductions); clarified that the rule does not apply to the permitting, design and construction of reclaimed water distribution lines.
  - Rule 62-604.200, F.A.C. – added definitions to support new rule provisions - infiltration, inflow, leakage, sanitary sewer overflow and satellite collection system.



## CHAPTER 62-604, F.A.C. (2)

- Section 62-604.300, F.A.C. – updated and added guidance documents; revised the forms and renamed the form for placing a new or modified system into operation to, “Notification of Completion of Construction for a Domestic Wastewater Collection/Transmission System.”
- Section 62-604.400, F.A.C. – revised the line separation distance language to be consistent with drinking water rules.
- **DEP is considering additional revisions.**
  - Adding resiliency considerations for pump station design.
  - Upgrading older pump stations to meet current emergency pumping capability requirements.



## CHAPTER 62-604, F.A.C. (3)

- Rule 62-604.500, F.A.C., is applicable to all new and existing collection systems and its requirements are implemented by rule.
  - Sections 62-604.500(2) and (3), F.A.C. – must maintain emergency pumping capability and must maintain all components of the collection system to function as intended.
  - Sections 62-604.500(4)(b) and (c), F.A.C. – the collection system emergency response plan must address **cybersecurity, surface water monitoring for spills and hurricane/severe storm preparedness and response**; the emergency response plan must be **updated annually**.
  - DEP is considering additional revisions.
    - Submittal of collection system operation and maintenance manuals to DEP.
    - Annual updates of the collection system operation and maintenance manual.



## CHAPTER 62-604, F.A.C. (4)

- Section 62-604.500(5), F.A.C. – requires collection systems to be maintained to minimize excessive I&I and also minimize leakages.
  - Requires corrective action when I&I is excessive.
    - I&I is excessive when either causes or contributes to SSOs (e.g., when an SSO occurs because of wet weather).
  - For SSOs during severe storms, the owner may provide documentation that the I&I is not indicative of system performance (e.g., not related to poor condition).
  - **DEP is considering additional revisions.**
    - Simplify and clarify the I&I requirement; revise or remove “severe storm” language to avoid confusion.
    - Move the satellite collection system I&I corrective requirement into this section.



## CHAPTER 62-604, F.A.C. (5)

- Section 62-604.500(6), F.A.C. – requires collection systems to be operated and maintained to prevent an SSO.
  - Requires the owner/operator of a collection system to evaluate the cause as well as potential corrective actions for an SSO.
  - **DEP is considering additional revisions.**
    - Replacing the “technically and economically feasible” concepts with “sound engineering practices” and guidance manuals.
    - Deleting the repetitive requirement for the owner/operator of a collection system to take corrective action when overflows are caused by excessive I&I.
    - Moving into the I&I rule section the requirement for an owner/operator of a satellite collection system to take corrective action when excessive I&I in the satellite system causes or contributes to a SSO in the receiving collection system.



## CHAPTER 62-604, F.A.C. (6)

- Section 62-604.550, F.A.C. – minor updates to spill reporting.
  - Now use the updated term, “State Watch Office.”
  - Updated the data elements to be reported – most added based on the EPA’s eReporting rule for SSOs.
  - Requires electronic reporting for “five-day” follow-up report.
  - Added PNP reporting requirement.
  - **DEP is considering additional revisions.**
    - Requiring use of the DEP Business Portal for the “five-day” follow-up report.
    - Adding a clarifying requirement for surface water monitoring for spills impacting surface waters.



## CHAPTER 62-604, F.A.C. (7)

- Section 62-604.600, F.A.C.
  - No longer allow a “like-for-like” replacement of a pump station without obtaining a construction permit if the pump station being replaced does not meet the emergency pumping requirements of section 62-604.400(2), F.A.C.
- Section 62-604.700, F.A.C. – require submittal of the “Notice of Completion of Construction of a Domestic Wastewater Collection/Transmission System” through the DEP Business Portal.
  - Automated response is sent that allows owner to use a new or modified collection system after waiting three days from submittal if there were not any substantial deviations from the permitted system or rules or 10 days if there were substantial deviations providing DEP does not contact the owner with concerns.
    - Does not apply to permits issued by delegated local programs.
  - Permittees with permits from local delegated programs follow the local delegated program’s requirements.



## REVISED FORMS

- Revised the application form – DEP Form 62-604.300(3)(a).
  - Available checklist for low pressure sewer systems.
  - Available checklist for vacuum sewer systems.
- Revised the form to put a new/modified system into operation – DEP Form 62-604.300(3)(b).
  - New title – “Notification of Completion of Construction for a Domestic Wastewater Collection/Transmission System.”
  - Requires electronic submittal through the DEP Business Portal.
  - Added the FLSS# number if there is an intermediate collection system to which the project is connected (e.g., the new system is connected to a satellite collection system that connects to a larger facility collection system).



# RULEMAKING ACTIVITY

## CHAPTER 62-604, F.A.C.

- A Notice of Rule Development was published July 29, 2022.
- A public workshop was held Aug. 31, 2022.
- Eight public comment submittals were received (comments were due Sept. 30, 2022).
  - Staff is currently reviewing the submitted comments.
  - Considering revisions to draft language.
- It is possible a Notice of Proposed Rule will be published by early summer 2023.
- Rulemaking information, including the draft rule, workshop presentation and workshop recording, are available at DEP's [Water Resource Management Rules in Development](#) webpage.



## CHAPTER 62-600, F.A.C.

- Rule 62-600.200, F.A.C. – added definitions to support new rule provisions (i.e., infiltration, inflow, leakage, sanitary sewer lateral, sanitary sewer overflow, satellite collection system).
- Added “collection systems” into existing planning, operation and maintenance requirements – i.e., sections 62-600.405(1), 62-600.405(2), 62-600.410(3), 62-600.410(6) and 62-600.735, F.A.C.
- Section 62-600.700(4), F.A.C. – added a new provision requiring public utilities or their affiliated companies to file annual reports and other data for costs/expenditures on pollution mitigation and prevention among the utility’s permitted systems, including prevention of SSOs, collection and transmission system pipe leakages and I&I; specified report may be combined with annual report required by new section 62-600.705(2)(b), F.A.C.; these must be submitted electronically.



# **RULES JUST RATIFIED**

**Revisions to DEP's Collection  
System Regulations**



## RULES JUST RATIFIED

- The Statement of Estimated Regulatory Costs (SERC) prepared by DEP identified Rules 62-600.705 and 720, F.A.C., as needing legislative ratification, because of the estimated costs.
  - Rule 62-600.405, F.A.C., requires collection system flows to be reviewed as part of the pipe assessment, repair and replacement plan required in Rule 62-600.705, F.A.C., which is why it is included in the rules awaiting ratification.
- SB 7002 and House Bill (HB) 7027 of the 2023 legislative session were filed to ratify Rules 62-600.405, 705 and 720, F.A.C.



## RULE 62-600.705(1), F.A.C.

- Section 62-600.705(1), F.A.C. – added a new requirement for wastewater facility permit applicants to submit a power outage contingency plan that mitigates the impacts of power outage on the facility's collection system and pump stations (SB 712).
  - DEP expects utilities to evaluate their pump stations, the consequences of a power outage on those pump stations and the ability to take action to prevent or minimize those consequences.
  - Overall goal is to prevent SSOs.



## RULE 62-600.705(2), F.A.C.

- Section 62-600.705(2), F.A.C. – added new requirements for facilities to proactively prevent SSOs and pipe leaks.
  - Section 62-600.705(2)(a), F.A.C. – **Pipe assessment, repair and replacement plan.**
    - Procedures and requirements for preparing and submitting the plan.
    - Content of the plan.
  - Section 62-600.705(2)(b), F.A.C. – **Annual report for the plan.**
    - Content of the report.
    - Submittal of the report.



## RULE 62-600.705(2)(a), F.A.C.

- Requires facilities to develop pipe assessment, repair and replacement action plans (“**collection system action plans**”) with a five-year planning horizon to mitigate SSOs and leaks.
  - Deliberate, proactive approach for surveying the collection system, as technically and economically feasible; **survey at least 25% of the system over five-year period.**
  - Based on I&I studies, leakage surveys; also based on any follow-up sanitary sewer evaluation surveys if inflow, infiltration or leakage is excessive.
- **A summary of the plan shall be submitted to DEP with the facility permit applications for a new permit, permit renewal or substantial permit revision.**
  - A copy of the plan shall be provided to DEP within seven days of request.
  - The detail of the plan shall be consistent with the complexity of the system.
  - Plan must include a point-of-contact for the facility/contact information.



## RULE 62-600.705(2)(a), F.A.C. (2)

- **Collection System Action Plan must include the following.**
  - A map and inventory of the system; facilities with permitted capacity of one million gallons per day or greater must have a geographic information systems (GIS) map and electronic inventory.
    - Included details and information as practicable (size, length, type of pipe, tracking number, age, service life, flows, topography, water table, rainfall data, complaints, overflows, etc.) for each component (pipe, manhole, pump stations, etc.).
  - A maintenance plan, protocols and recordkeeping.
  - A plan to describe measures, if any, for limiting fats, oils, grease, roots and wet wipes.
  - A plan to describe measures, if any, to minimize I&I from sanitary sewer laterals.
  - Identify all satellite collection systems (effective Dec. 21, 2025) and describe measures, if any, to minimize I&I from satellite collection systems.
  - Describe measures, if any, for resiliency of the collection system related to sea-level rise.



## RULE 62-600.705(2)(b), F.A.C.

- ***An annual report for the collection system action plan shall be submitted electronically no later than June 30 each year that includes the following.***
  - Summary of the assessments conducted (percentages of the collection system investigated, methods used, results and any estimates of the amounts of inflow, infiltration, leakages).
  - Significant repairs, replacements, maintenance activities, expansions and other upgrades; plans for the upcoming year.
  - Any new satellite collection systems (effective Dec. 21, 2025).
  - Annual expenditures on inflow, infiltration, leakage studies, pipe assessment, repair and replacement; limiting fats, oils, grease, etc.
  - Details of facility revenues and expenditures, including any deviation of annual expenditures from identified system needs.
  - Any additional activities relevant to the prevention of SSOs including actions related to flood mitigation and stormwater control.



## RULES 62-600.705(3) – (6), F.A.C.

- Section 62-600.705(3), F.A.C. – allows facilities to propose alternatives providing the same level of protection to the provisions in section 62-600.705(2), F.A.C.
- Section 62-600.705(4), F.A.C. – facilities meeting the stated goals of their collection system action plans shall be eligible for 10-year permits.
- Section 62-600.705(5), F.A.C. – substantial compliance with Rule 62-600.705(2) may be used in mitigation for assessing penalties under DEP rules.
- Section 62-600.705(6), F.A.C. – requires publicly owned satellite collection systems with flows of 100,000 gallons per day (gpd) or greater to have a collection system action plan.
  - Shall be prepared within five years of the date of the rule; owner/operator shall notify DEP and receiving collection system when it is prepared, review it annually, and make it available for inspection within seven days of request by DEP.



## RULE 62-600.720(1), F.A.C.

- Section 62-600.720(1)(c), F.A.C. – requires the facility operations and maintenance manual to include the power outage contingency plan.
- Section 62-600.720(1)(d), F.A.C. – requires facility emergency response plans to include cybersecurity for facilities greater than 500,000 gpd.



# THANK YOU

**Maurice Barker**

Division of Water Resource Management/Wastewater  
Management Program  
Florida Department of Environmental Protection

Contact Information:

850-245-8614

[Maurice.Barker@FloridaDEP.gov](mailto:Maurice.Barker@FloridaDEP.gov)