Welcome/Introductions – FSAWWA/FWEA Utility Council Joint Meeting

David Richardson kicked off the joint meeting at 1:10 pm discussing how the two utility councils have a lot of overlap concerning water and introductions.

Legislative/Regulatory Updates

*CupCON – Brian Wheeler and Tom Miller*

Brian Wheeler and Tom Miller formed a workgroup after the water resources conference meeting. There was a meeting in July and DEP is proposing if a utility can show water conservation efforts, the water would not go back into the “pot”, but would extend the length of the permit.

The workgroup and FDEP is looking at a two tier system. The metric that is being looked at is using a “Residential per Capita” measure. If you are below it, the workgroup is considering that the utility can do: water conservation education, a water loss audit, and to continue their current water conservation efforts. If above the goal base program, the goal will be determined by BMPs. If you go above that goal, the utility may be allowed extend the length of the permit. Right now these are just ideas/suggestions. The workgroup needs to determine, how is the metric going to be calculated, what the basis to implement BMPs is, and how to determine what the savings is, these are the questions that the workgroup is still working through with FDEP.

This is probably the most flexibility we (utilities) have seen over the years with FDEP with this discussion. FDEP would like to see this go forward like the reclaim language. They need to know that the utilities are together on this. The metric will probably be based on a regional number/water supply planning area.

Tom Miller also said that some utilities are worried that this will be used as a regulatory “hammer”.
**FSAWWA UC Legislative Update – Edgar Fernandez**

The legislative committee has identified some main issues and has put together draft white papers if legislation comes about. This will allow the Legislative Committee to be more prepared to support these issues. Many of these issues overlap both water and wastewater utilities and these issues can be supported by both Utility Councils. The following issues are:

- Water Infrastructure Funding
- Public Private Partnership Legislation – This bill will come back in the 2013 Legislative Session
- Ocean Outfall
- Water Conservation
- CUPCON Process
- Minimum Flows and Levels – If this comes back, this will allow us to be more prepared
- Utility Worker Safety – Looking for a new sponsor if we are going to bring it back in 2013
- Affordability
- Investor-Owned Water and Wastewater Utility Study Committee
- Irrigation of edible crops with Reclalm Water

**ASR Update**

Recently, West Palm Beach applied for the aquifer exemption rule to show that no one would use the aquifer for drinking water, but was still denied. EPA is not backing off on the aquifer exemption rule. FDEP will continue to permit them and give a Water Quality (WQ) exemption. Peace River and Polk County are trying for the WQ exemption. EPA still feels there is an endangerment issue with the arsenic. The current approach is the most viable at this time with FDEP moving forward and the EPA “looking the other way”.

**Adjournment of Joint Meeting**
- Motion to adjourn – 3:10 pm

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**Welcome/Introductions - FSAWWAUC Meeting**

Pat Lehman welcomed everyone and the meeting began at 3:17 pm.

**Approval of Minutes and Budget**

Minutes
- Motion to approve minutes – Tom Miller
- Second - Suzanne Goss
- Motion passes

Budget
- Motion to approve budget – Edgar Fernandez
- Second - Suzanne Goss
- Motion passes
**Legislative Day 2013 Tallahassee**

The Legislative Committee wants to go earlier to Tallahassee to discuss Water Infrastructure Funding. They want to go prior to session, around February 2013.

The goal is to work with the legislative sponsors during committee week and to have utilities meet with their local representatives. Meet in the morning and have appointments ready to bring the message about infrastructure needs and funding issues. They also want to try and meet with the Speaker of the House or House President to discuss the water funding issues. The business community is also on board, such as consultants, to support the issue.

**Agreement with Anfield Consulting Group, Inc.**

Utility council members discussed the Performance Review for Anfield Consulting Group, Inc. It was discussed to extend the agreement for 2013.

Motion to Approve one (1) extension of $60,000.00 flat fee with allowable charges for additional meetings, travel, services above and beyond the contract, etc.

- Motion - Edgar Fernandez
- Second - Suzanne Goss
- Motion passes

Meeting adjourned at 4:00 pm

### Future Meetings

<table>
<thead>
<tr>
<th>Meeting/Other</th>
<th>Location</th>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>FSAWWA UC</td>
<td>Rosen Shingle Creek 9939 Universal Boulevard Orlando, FL 32819</td>
<td>November 27, 2012</td>
<td>2:00 – 4:00 PM</td>
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<tr>
<td>2012 FSAWWA Fall Conference</td>
<td>Rosen Shingle Creek 9939 Universal Boulevard Orlando, FL 32819</td>
<td>November 25 - 29, 2012</td>
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Attachments: Agenda, Budget, Sign-in List, FDEP ASR Presentation, White Papers
American Water Works Association

AWWA FLORIDA
Utility Council

FSAWWA Utility Council Meeting
Orlando Utilities Commission
3800 Gardenia Avenue, Orlando, Florida
September 5, 2012 @ 2:30 PM

1. Introductions

2. Council Business
   a. Meeting Summary of May 1, 2012
      Action Required: Motion to Approve
   b. Financial Report
   c. Proposed UC Budget for 2013
      Action Required: Motion to Approve
   d. Legislative Day 2013 in Tallahassee

3. Agreement with Anfield Consulting Group, Inc.
   a. Performance Review
   b. Extension of Agreement for 2013
      Action Required: Motion to Approve one (1) extension

4. Legislative and Regulatory Issues
   a. Water Infrastructure Funding Legislation
   b. Ocean Outfalls
   c. Minimum Flows and Levels
   d. Utility Employee Safety
   e. Water Conservation
   f. CUPcon
   g. Public/Private Partnerships
   h. Affordability of Regulatory Requirements
   i. Reclaimed Water for Vegetable Garden Use
   j. Private Utilities Study Commission

5. Other Business

6. Next Meeting: November 27 @ 2:00 – 4:00 P.M.
   FSAWWA Fall Conference
   Rosen Shingle Creek Hotel
   Orlando, FL
# FSAWWA UC

**PROPOSED BUDGET for CALENDAR YEAR 2013**  
[September 5, 2012]

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<tr>
<th>Name</th>
<th>Agency</th>
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<th>Email</th>
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<tr>
<td>Betty DiPiero</td>
<td>Lee County Utilities</td>
<td>239-533-8534</td>
<td><a href="mailto:dipeier.pm@leegov.com">dipeier.pm@leegov.com</a></td>
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<tr>
<td>Pat Lehman</td>
<td>Peace River Manasota Park</td>
<td>941-923-0124</td>
<td><a href="mailto:plehman@regionaldwater.com">plehman@regionaldwater.com</a></td>
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<tr>
<td>Brian Wheeler</td>
<td>Toho Water Authority</td>
<td>407-444-5131</td>
<td><a href="mailto:bwheeler@tohowater.com">bwheeler@tohowater.com</a></td>
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<tr>
<td>David Richardson</td>
<td>Cambridge Regional Utilities</td>
<td>352-393-1612</td>
<td><a href="mailto:richardsonm@gru.com">richardsonm@gru.com</a></td>
</tr>
<tr>
<td>Lisa Norden-Davis</td>
<td>City of Boca Raton</td>
<td>561-338-2310</td>
<td><a href="mailto:lindsay.davis@bocafl.org">lindsay.davis@bocafl.org</a></td>
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<tr>
<td>Tom Milton</td>
<td>PBC Water</td>
<td>561-493-4204</td>
<td><a href="mailto:toml@browardcounty.com">toml@browardcounty.com</a></td>
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<tr>
<td>Edgar Fernandez</td>
<td>WPBW 159</td>
<td>786-532-8943</td>
<td><a href="mailto:ed@mililadesign.com">ed@mililadesign.com</a></td>
</tr>
<tr>
<td>Suzanne Gross</td>
<td>JEA</td>
<td>904-645-8331</td>
<td><a href="mailto:sgg5ce@jea.com">sgg5ce@jea.com</a></td>
</tr>
<tr>
<td>Paula Dye</td>
<td>Tampa Bay Water</td>
<td>727-796-2355</td>
<td><a href="mailto:pdye@tampabaywater.org">pdye@tampabaywater.org</a></td>
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<tr>
<td>Michael Sweeney</td>
<td>Toho Water Authority</td>
<td>407-944-5129</td>
<td><a href="mailto:msweeney@tohowater.com">msweeney@tohowater.com</a></td>
</tr>
<tr>
<td>Charlotte St John</td>
<td>PBC WSS</td>
<td>954-731-0115</td>
<td><a href="mailto:cstjohn@broward.org">cstjohn@broward.org</a></td>
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<td>Anne Mearray</td>
<td>Mabie Consulting</td>
<td>712-221-1442</td>
<td><a href="mailto:amearray@mabie.fl.us">amearray@mabie.fl.us</a></td>
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<tr>
<td>Jim Merriam</td>
<td>OUC</td>
<td>407-434-2201</td>
<td><a href="mailto:cmerriaum@ouc.com">cmerriaum@ouc.com</a></td>
</tr>
<tr>
<td>Frank Bernardino</td>
<td>Anfield Consulting</td>
<td>561-718-2345</td>
<td><a href="mailto:frank@anfieldflorida.com">frank@anfieldflorida.com</a></td>
</tr>
<tr>
<td>Lee Klauser</td>
<td>Anfield Consulting</td>
<td>850-322-8907</td>
<td><a href="mailto:leek@anfieldflorida.com">leek@anfieldflorida.com</a></td>
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</table>
Aquifer Storage and Recovery (ASR)

- The use of ASR is an important tool to water utilities, water management districts, and the state in general to help conserve and sustain our water resources.

- EPA needs to support ASR as a benefit to water supply rather than viewing it as a waste disposal practice.

Florida Fresh Water Demand & Use

Regional Water Supply Plans

- Planning horizon of at least 20 years
- Options must be feasible
- Coordination with local governments, suppliers

> Plans should include:
  - Quantification of needs
  - Water supply development options
  - Enhanced water conservation
  - Water resource development
  - MFIs, recovery and prevention strategies
  - Funding strategy

Regional Water Supply Planning

How to Meet Future Demand?

- Develop more water supplies
  - Reclaimed water
  - Surface water supplies
  - Treatment of brackish groundwater/sea water
  - Increase storage (reservoirs and ASR)

- Conservation
  - Delays the need for water supply development
**Attributes of ASR**

1. Allows storage where topography and land availability not suitable for reservoirs
2. Least expensive option for large-scale storage
   - Lowest capital cost
   - Lowest O&M cost
   - Lowest land cost
3. ASR can be located where it is needed

**Emerging Importance of ASR**

1. Traditional sources are nearly tapped out and many alternatives sources require storage to be reliable
2. ASR by itself can extend the reliability of alternative sources (seasonal reliability)
3. ASR in conjunction with traditional storage can greatly extend reliability (drought reliability)

4. There are no evaporative losses from storage
5. ASR can have an exceptionally small footprint for land needs
6. Additional storage can be added as needed and easily integrated into an existing system

**Importance of Storage in SJRWMD**

1. Seasonal storage is anticipated to be critically important for new alternative supplies in SJRWMD.
2. Construction costs for storage could be as much as $100M more for surface reservoirs compared to ASR over next 20 years.
3. Land costs for surface reservoirs may add $10M to $20M more, but land may not be available in all cases.
Importance of ASR in SWFWMD

- Potable water storage (Bradenton, PRMWVA, Tampa)
- Meet seasonal gaps in supply
- Valuable for supplies reliant on surface water sources
- Reclaimed water storage (SHARP, Clewiston, Polk)
  - To address wet weather disposal
  - Mitigate impacts of groundwater withdrawals
  - Expand future water supplies
- More than 100 mgd of drought/dry season
  - Environmentally friendly alternative water supplies
could be developed through ASR in SWFWMD

Importance of ASR in South Florida

Utilities:
- Defer expansion of water withdrawal facilities
- Expansion of reclaimed water systems
- Long-term storage
- Seasonal, diurnal and emergency water needs
- Mitigate the impacts of drought

CERP:
- Long-term storage
- Lake-level control and reduce estuary discharges
- Improve water quality/nutrient reduction
- Protect endangered species/Everglades restoration
- 2 pilot projects

Unintended consequences of ASR

Regulatory Uncertainty

- Greatly slowed development of ASR (concern that operating permit will not be granted after up-front capital costs.)
- Conversion of ASR wells to Florida supply wells
  - Everglades, Fort Lauderdale, St. Lucie River, Palm Beach County, Broward County, Florida Keys Aquifer Authority
- Arsenic standard compliance has caused cessation of testing
  - Okeechobee, St. Lucie, Gator County
- To meet standards, utilities are installing ASR systems, in deeper aquifers with lower recovery efficiencies

Importance of ASR & Brackish Supplies Coexisting

- Upper Floridan Aquifer (UFA) in South FL
  - Brackish 10,000 to 10,000 mg/L TDS ~ 1,000 ft thick
  - Underlain by seawater; Overlain by 100s of ft of low permeability clay
- No recharge to UFA wetlands
  - The UFA of limited use as demonstrated by saltwater intrusion in many south Florida RO wellfields
- ASR provides valuable necessary recharge to the UFA

Florida ASR Facilities

Summary of ASR in Florida

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<th>Use</th>
<th>Number</th>
<th>Active</th>
<th>Proposed</th>
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<tr>
<td>Water</td>
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<tr>
<td>Reclaimed Water</td>
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</table>
**Summary of current ASR Arsenic Data**

- **Active Permitted ASR Facilities**: 37
- **ASR Facilities Monitoring for Arsenic**: 21
- **ASR Facilities Exceeding 10 μg/L**: 19
- **Arsenic**
  - Mean and Median Arsenic Values in Recovered Water: 17 facilities
  - 15.15 and 9.6 μg/L
  - Standard Deviation of Arsenic Values in Recovered Water: 17 facilities
  - 16.97 μg/L

1. Injection always meets AS standard
2. As due to geochemical reaction with rock matrix
3. As reductions with Cycle Testing
4. As >10 μg/L never delivered to customers

---

**Example ASR sites - Rome Ave, Tampa**

- 1 billion gallons potable water stored & recovered annually
- Supplies 15% of potable water in dry season
- Operated since 2000
- Recovered water blended and retreated
- 8 injection wells permitted for 10 MGD
- **On-site** As max 19 μg/L  **Off-site** As max 12 μg/L
- Under an order

---

**Rome Ave. Institutional Controls**

- An Ordinance limiting use of the ASR storage zone is a control for smaller sites with less property ownership.
- A program was developed in Tampa that successfully eliminated competing use of the aquifer and connected private domestic wells to the public supply.

---

**Arsenic shows attenuation with each cycle**

- Coagulation process has effectively removed arsenic prior to public supply.

---

**Example ASR sites - Peace River**

- 1 billion gallons potable water stored & recovered annually
- Previously supplied 6-10% of potable water
- Operated since 1987
- Recovered water blended and retreated
- 21 injection wells permitted for 21 MGD
- **On-site** As max 60 μg/L
- **Off-site** As max <10 μg/L
- Under an order
- As values above 10 μg/L occur only on-site

---

**Peace River and Tampa have demonstrated Arsenic above 10 μg/L is spatially limited**

- Freshening supports arrival of stored water
- Arsenic remains below 2 μg/L normally, with some values approaching 10 μg/L

---

**Monitoring Well M-7**
Current DEP Policy

- DEP currently issues permitting and enforcement orders to facilities when arsenic exceeds 10 µg/L.
- Orders contain schedules for compliance.
- Requirements for institutional controls for off-site exceedances.
- May require additional monitoring or cycle tests.
- Orders can be reissued.
- DEP prefers not to use orders and focus on compliance at distribution.


- Hillsborough (>10,000 TDS)
  - "SHARP" project: Floridan aquifer, depth 700-1100 ft.
  - 3.0 MGD
- Clearwater (<10,000 TDS)
  - Floridan aquifer, depth 220-330 ft. First 6 months will test with ground water or potable water.
  - 3.8 MGD
- Manatee (<10,000 TDS)
  - Floridan aquifer, depth 870-1100 ft.
  - 6 MGD

Aquifer Recharge Preliminary Plans: Response to Ocean Outfall Elimination Legislation

- Upper Floridan aquifer, < 10,000 TDS
  - Miami-Dade recharging > 100 MGD
  - Hollywood recharging > 22 MGD

Tools for Addressing As

- Provide for a zone of discharge that would allow As values >10 µg/L on-site.
- Provide for the use of institutional controls when As values >10 µg/L off-site.
- Point of Recovery Treatment.
  - Treatment used to render waters with high TDS levels potable will reduce As levels.

Tools for Addressing As

- Point of Injection Treatment.
  - Treatment of the injectate to reduce arsenic mobilization may be feasible for some systems.
- Aquifer Exemptions (minor) when the TDS is greater than 3,000 mg/L.
- State water quality criteria exemptions.

Degasification as a Tool

- Appropriate for:
  - Remote sites where retrofitting is not available
  - Sites with competing water uses
  - Sites without institutional controls or adequate property area
- Cost estimate:
  - Based on two years of operation
  - Approximately 80 cents/1,000 gallons
**Degasification as a Tool**

- Unknowns
  - Performance with reclaimed water
  - Life of membrane degasification system
  - Performance with very large scale systems
- Performance Issues
  - Fouling and clogging of the membrane contactors
  - Frequent cleaning required
  - Test with surface water at Tarpon Lake did not work

**Degasification Tests**

- Degasification tested at two additional drinking water facilities
- Sanford
  - Continues to cycle test
  - Results promising
  - < 1 MGD
- Seminole
  - Not successful
  - < 1 MGD
FSAWWA Legislative Committee Issue Paper

TITLE: Water Infrastructure Funding

PREPARED BY: Frank Bernardino

PROponent: Florida Water Advocates (FWA) and the Florida Water Alliance.

ISSUE SUMMARY: In 2005, as a result of visionary leadership in the Florida Legislature and concerted efforts of allied groups, the Legislature passed, and the Governor signed, SB 444, which provided a dedicated revenue source for water protection and sustainability. That bill provided $100 million dollars a year on a recurring basis for:

- the State’s Total Maximum Daily Load (or TMDL) pollution elimination program;
- the development of new water supply projects;
- the restoration of our wetlands and other water dependent natural areas; and
- the treatment and disposal of wastewater in poor communities.

Despite the significant funding called for in the bill, the total represented less than 1% of the State’s total budget- a small price to pay for the State’s water security. Unfortunately, when faced with dramatic shortfalls in revenues the past several years, the Legislature chose to disproportionately reduce water funding in the state budget compared to other public funding areas. The cuts were opposed by an unprecedented, broad-based coalition including well-known and well-connected representatives from local government, utilities, business, environment, and agriculture, who worked collectively to educate legislators on the state’s pressing water needs and preserve critical funding for water projects. Despite that group’s best efforts, however, the funding was eliminated from the FY 2009/2010 budget. To date, this much-needed funding has not been restored. Moreover, the water resource challenges which need to be addressed by such funding have multiplied exponentially.

Florida Water Advocates is an organization established in 2010 comprised exclusively of volunteers with extensive experience and expertise in water resource issues and challenges who seek to enhance Florida’s primary public resource – water – by promoting dedicated public sector funding and private investment in water infrastructure in Florida.

FWA has actively engaged legislative leadership in pursuit of this goal to enhance Florida’s water resources and their development, including:

1) Creation of a statewide program for:
   a. Regional and local water resource and water supply project development; and
   b. Water quality protection and treatment of impaired waters, and

2) Legislation promoting public–private partnerships for the funding of water and wastewater infrastructure.
IMPACT TO AWWA MEMBERS: As documented in the AWWA report, “Buried No Longer” the needs for water infrastructure funding in Florida is in the billions of dollars. The establishment of a state funding program would not only provide much needed assistance to local governments, but significantly stimulate (jobs) a significant sector of the states’ economy which supports and provides services associated with the financing, design and construction of water infrastructure projects.

RECOMMENDATION TO LEGISLATIVE COMMITTEE: SUPPORT on-going efforts by FWA to promote the passage of legislation that enhances regional and local financial capacity to address water resource and water supply development by funding of the Water Protection and Sustainability Program for alternative water supply development, water quality protection and development, and comprehensive water supply infrastructure needs.

POTENTIAL ALLIES (If any): Florida League of Cities, FAC, AIF, the Florida Chamber, DEP, DACS, the WMD’s, the environmental community, among others.

POTENTIAL OPPONENTS (If any): Depending upon the funding source that is identified, organizations opposed to increased taxation might oppose the legislation.
FSAWWA Legislative Committee Issue Paper

TITLE: Public Private Partnership Legislation

PREPARED BY: Frank Bernardino

PROponent (s): Associated Builders and Contractors of Florida & Florida Water Advocates.

ISSUE SUMMARY: Public-private partnerships are contractual agreements formed between a public entity and a private sector entity that allow for greater private sector participation in the delivery and financing of public buildings and infrastructure projects. Through these agreements, the skills and assets of each sector, public and private, are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service or facility.

In 2012, companion bills (HB 337 & SB 576), modeled after similar legislation passed by other states. The bills would have created the Florida Public-Private Partnership Act to facilitate public-private partnerships to construct public-purpose projects. Although the House bill was passed with an overwhelming vote, the measure died in the Senate.

Among the principle reasons cited for the refusal to pass the bill were:
1) The proposed option the legislation would have given to local governments to not adhere to CCNA, and
2) On-going concerns regarding the diverse state controlled services which would have been impacted by the proposed measure, including education, healthcare and corrections. Of greatest concern was language which would have permitted private sector entities to submit proposals to “operate” public facilities in these and other governments services arenas.

Currently a number of interest groups are working to narrow the scope of the legislation considered in 2012 and re-introduce the measure.

IMPACT TO AWWA MEMBERS: The bill would provide AWWA’s public and private sector members with the opportunity to explore new and creative ways to procure and deliver services associated with the financing, design, construction and operation of water infrastructure projects. As proposed the legislation is optional (non-mandatory) consequently government entities will always have the ability to decline proposals should they not be consistent with their procurement policies and procedures.

RECOMMENDATION TO LEGISLATIVE COMMITTEE: SUPPORT legislation which provides local government with additional tools for the implementation of water and waste water infrastructure projects.
POTENTIAL ALLIES (If any): AIF, the Florida Chamber and other trade associations.

POTENTIAL OPPONENTS (If any): The states’ labor unions will continue to oppose the legislation as long as it applies to services other than water and waste water programs.
TITe: Ocean Outfall

PREPARED BY: Edgar G. Fernandez

PROONENT: City of Boca Raton, Broward, Hollywood and Miami Dade County

ISSUE SUMMARY:

Broward County (1975: 100 MGD), Miami-Dade County (1950’s and 70’s: 196 MGD) and the City of Hollywood (1969) all control existing outfalls all of which have been permitted by DEP and in cases where the outfall extends to federal waters, by EPA. The plants have consistently operated in compliance with all of the permit conditions, and inspections are done on a regular basis.

In 2008 legislation was approved requiring discontinuation of the use of 6 ocean outfalls in southeast Florida for the disposal of treated. The twin objectives of this legislation were to reduce nutrient loadings to the environment and to achieve more efficient use of water to meet water supply needs. Specifically, the bill requires the local governments to:

- Reduce nitrogen and phosphorus nutrient levels by requiring utilities disposing wastewater through an ocean outfall to meet advanced wastewater treatment and management requirements or its equivalent by December 31, 2018.

- Expand wastewater reuse in South Florida by allowing backup discharges through an ocean outfall after 2025 if the permitted utility has constructed a “functioning reuse system” that reuses 60% of the ocean outfall’s average actual flows between 2003 and 2007.

- Close ocean outfalls operating in South Florida by 2025, except for allowable backup discharges.

Despite this requirement, over the years, the National Oceanic and Atmospheric Administration (NOAA) and other entities have completed scientific studies without finding any environmental or public health problems attributed to the operation of South Florida’s ocean outfalls.

Proposed Key Changes:

Extend the Regulatory compliance and reporting dates established in 2008.

Extend the date for meeting AWT requirements by 2 years to December 31, 2020.
Extend the date by which the outfall utilities must submit their plans to DEP for complying with the ocean outfall law’s requirements 15 months (from July 1, 2013 to October 1, 2014).

**IMPACT TO AWWA MEMBERS:**

**Benefits:**
Date changes allow for more time for the necessary piloting work to prove that a particular reuse option is environmentally safe; more time for planning & design; and more time for economic recovery that can improve financing options for these significant capital investments. Moving the nutrient reduction date also avoids having to construct treatment facilities in multiple phases, one for nutrient reduction and the other for meeting the 2025 full implementation date. This reduces costs by requiring only one procurement process and a single mobilization at each plant site. All four utilities with ocean outfalls are already diverting significant flows to meet the nutrient reduction targets.

**Reuse Expansion:**
Changes the definition of a “functioning reuse system” to allow utilities the option to apply the 60% reuse requirement to the utility’s entire wastewater flows instead of just the ocean outfall’s flows. This gives an outfall utility credit for reuse that is already planned at utility’s facilities that are not served by an ocean outfall.

**Peak Flow Discharge Allowance:**
Allows up to 5% of the utility’s cumulative average annual flows (measured on a 5-year rolling average) to be discharged through the ocean outfall after 2025 in order to effectively manage peak flows. Peak flows typically occur because of excessive rainfall (e.g., a major storms or prolonged rainfall events). Although not occurring often, peak flows can result in 2 to 3 times more water infiltrating a sewer system than normal. Today, these peak flows are disposed through the ocean outfalls or deepwell injection facilities. Without the 5% peak flow allowance for when the outfalls are closed after 2025, the four utilities would have to construct additional facilities to treat and dispose of these high flows. Building such facilities is very expensive given that they will only occasionally be used.

Cost Savings from Peak Flow Allowance – Costs savings for Broward County, Miami-Dade County and the City of Hollywood from the 5% peak flow allowance are as follows:

**Broward County** - $300 Million from not having to construct filters, 4-6 disposal wells, and pumps. This is based on continuing to discharge peak flows at current treatment levels (as allowed in the bill) through the outfalls after 2025. The County will also see annual operating savings for these facilities in the range of $5-6 million.

**Miami-Dade County** - $820 Million also from filters that do not need to be built, disposal wells that do not need to be built, and pumps that are not needed if the peak flows (that receive
current levels of treatment) can continue to be discharged through the outfalls. Annual operating costs for these facilities would likely be in the range of $5 or $6 million dollars per year.

City of Hollywood – $162 Million based on not having to build additional deep injection wells (with high level disinfection) to dispose of peak flows.

RECOMMENDATION TO LEGISLATIVE COMMITTEE: MONITOR and SUPPORT


TITLE: Water Conservation

PREPARED BY: Brian Wheeler

PROONENT: FDEP has initiated rule development under its Consumptive Use Permit Consistency (CUPCON) effort to include a statewide rule(s) on Water Conservation requirements to be met as a condition of receiving a Consumptive Use Permit. FSAWWA in partnership with FWEAUC have established a Conservation Workgroup composed of a number of utilities to work with FDEP and the WMDs on the rule development.

ISSUE SUMMARY: Proposed CUPCON Conservation Rule(s) will establish requirements for water conservation programs that will become conditions for the issuance of Consumptive Use Permits (CUP). Presently each Water Management District (WMD) has its own prescriptive requirements for water conservation that must be met to obtain a CUP. Utilities concerns about the present approach and anxiety about the CUPCON potential rules are:

1. Under present rules/policy reduction in water demand through conservation could result in a utility receiving a reduction in allocation under its CUP upon renewal or at the 10 year review period. To provide an incentive for conservation utilities should be able to maintain their allocations and have their CUPs extended provided the future demand can be demonstrated. With the incentive of extending a CUP to incorporate the reductions in water demand from conservation a utility will be motivated to invest its resources in water conservation up to the cost of the next available increment of new or alternative water supply.

2. Water conservation programs/requirements should not be prescriptive but should be Goal Based and specific to an individual utility based upon each utility's customer and use characteristics. A utility's water conservation goal should be individual and specific to the utility.

3. The CUPCON approach could propose a statewide water use metric such as gallons per capita per day (gpcd) which would unfairly penalize a number of utilities based on their specific customer characteristics and associated water use requirements. Water use is highly variable in the state relative to topography and soil conditions.

IMPACT TO AWWA MEMBERS: Inappropriately designed and implemented water conservation rule(s) could result in water utilities expending significant resources to meet requirements that may provide little measurable benefit, may not be cost effective, and may provide little or no benefit to the utility.
RECOMMENDATION TO LEGISLATIVE COMMITTEE: The present CUPCON water conservation rule development should be closely MONITORED to insure that the public utility concerns are addressed. Some consideration should be given to evaluating FS373 to insure that it doesn't limit a WMD from extending a CUP based on reductions in water demand from conservation. If the CUPCON rule development does not address the permit extension problem/issue legislation should be proposed.

POTENTIAL ALLIES (If any): FWEA Utility Council is a partner already in this effort. Other allies should be the League of Cities and Association of Counties. Agricultural interests should also be allies relative to the permit extension issue as it would benefit an agricultural CUP holder too.

POTENTIAL OPPONENTS (If any): Environmental and Consumer groups may oppose the CUPCON rules if they perceive them as not strong enough. The same groups could oppose the permit extension incentive though the Audubon organization has previously expressed support for the permit extension incentive.
FSAWWA Legislative Committee Issue Paper

TITLE: CUPCON Process

PREPARED BY: Lee Killinger

PROPOSIANT: DEP & WMDs

ISSUE SUMMARY: The Department of Environmental Protection is leading a statewide effort to improve consistency in the Consumptive/Water Use Permitting Programs implemented by the Water Management Districts. The individual water management district consumptive use permitting rules, while all developed under the authority of Ch. 373, F.S., are inconsistent among the districts. While some of the differences may be based on differing physical and natural characteristics, others are the result of development of separate rules and procedures developed over time. This results in confusion for the regulated public, particularly along the border areas of the districts, and inequitable treatment of similar applicants in different districts. Additionally, the development of separate procedures and rules is costly and inefficient.

The Department’s goals include:

- Make programs less confusing for applicants, particularly those who work in more than one District;
- Treat applicants equitably statewide;
- Provide consistent protection of the environment;
- Streamline the process; and
- Incentivize behavior that protects water resources, including conservation.

Process to date - In November and December 2011, the Department held 10 small group meetings around the state. The Department met with stakeholders from the following groups: public water supply, agricultural water use, industrial use, recreational and small commercial self supply, and environmental interests. The stakeholders identified many issues that should be addressed to improving consistency in consumptive use permitting. The Department and the Water Management Districts have formed a core team that will coordinate CUPcon Issue Workgroups to develop solutions for the issues identified during stakeholder meetings. Changes developed to promote consistency and efficiency will be codified through policy, rulemaking, or legislation as appropriate.

In August additional workshops are being held around the state; the same agenda and presentations are being used at each presentation. The Department is receiving comments until September 14, 2012.
All materials related to the process, including presentations, drafts and other documents, are online, here: [http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm) The “first wave” of rulemaking is expected to include:

- Types of permits/thresholds
- Conditions for Issuance (40X-2.301)
- Water conservation
- 10-Year Compliance Report
- Compliance Monitoring

**IMPACT TO AWWA MEMBERS:** TBD

**RECOMMENDATION TO LEGISLATIVE COMMITTEE:** MONITOR progress of this process and determine whether administrative or legislative action is needed.

**POTENTIAL ALLIES (If any):** TBD

**POTENTIAL OPPONENTS (If any):** TBD
FSAWWA Legislative Committee Issue Paper

TITLE: Minimum Flows and Levels

PREPARED BY: Suzanne Goss

PROPOSER: Legislation was introduced in the 2012 Legislative Session by Representative Porter with the support of the Suwanee River Water Management District (SRWMD).

ISSUE SUMMARY: Under current law, the state of Florida has regulatory authority over a variety of activities that affect waters in the state, primarily through the Consumptive Use and Environmental Resource Permitting programs. These programs are primarily implemented by the water management districts (WMDs) under the general supervision of the Florida Department of Environmental Protection (FDEP). Current law grants the FDEP and WMDs broad authority to adopt water resource/development plans, issue permits and adopt standards for protection of the water resource. One of the standards often used for water resource protection are minimum flows or levels (MFLs), which are defined as those flows or levels at which further withdrawals would be significantly harmful to the water resources or ecology of the area. The law allows FDEP or WMDs to establish MFLs based on a priority list and schedule, which is updated annually by the WMD and approved by FDEP. When the flow or level of water in a water body is below, or is projected to fall within 20 years below an established MFL, the FDEP or WMD, as part of the regional water supply plan, shall expeditiously implement a recovery or prevention strategy. The MFL program has generally been considered a success with only a few exceptions. One of those occurs when a geographic area containing withdrawals affecting an MFL established by one WMD crosses into the jurisdiction of another WMD. In those cases, the WMD without the MFL has declined to consider the neighboring WMD’s MFL, when issuing permits and the WMD with the MFL has declined to develop a recovery or prevention strategy extending outside its boundaries. WMDS do not believe they have the statutory authority to enter into such agreements for non-regulatory resource management activities, studies or projects, nor may they fund such activities addressing cross-district MFLs.

The bill that was introduced would have amended several sections of 373 F.S. Of particular interest were the following:

1) Section 373.042, F.S. - This section already requires the establishment of MFLs and that each WMD submit annually to FDEP a priority list and schedule for review and approval. This list and schedule must identify those water bodies for which the WMD will voluntarily undertake independent scientific review. The proposed amendment would have required that each WMD include the identity of any proposed reservations proposed to be established, and any listed water bodies that have the potential to be
affected by withdrawals in an adjacent WMD for which FDEP adoption of a reservation or a MFL may be appropriate.

In addition, the amendment would require the WMD to provide the FDEP with technical information and staff support for the development of a reservation, MFL or recovery or prevention strategy to be adopted by rule. This rule would then be applied by the WMD without adoption of such reservation, MFL, or recovery or prevention strategy by rule.

2) Section 373.046, F.S. - This section of the law already authorizes the FDEP and the water management districts to enter interagency agreements dealing with the exercise of powers related to or affecting water resources of the state. The proposed amendment would have allowed the affected WMD to designate a single affected district to conduct all or part of the applicable resource management responsibilities if the geographic area of a resource activity crossed WMD boundaries, recognizing exceptions with some regulatory responsibilities. In addition, if funding assistance was provided to a resource management activity, the WMD providing the funding would have to ensure that some or all of the benefits accrued to the funding WMMD.

3) Section 373.709, F.S. - This section requires WMDs to conduct water supply needs assessments, and if it is determined that existing resources would not be sufficient to meet reasonable- beneficial uses for the planning period, a regional water supply plan would need to be prepared. However, current law only identifies the Southwest Florida Water Management District (SFWMD) and a regional water supply authority within the boundaries of the SWFWMD to jointly develop the water supply development component. The proposed amendment would have directed all WMDs to jointly develop the water supply development component of the plan with the regional water supply authority.

IMPACT TO FSAWWA MEMBERS:

1. Proposed law is unnecessary as WMD currently have the authority to adopt rules or standards adopted by neighboring WMDs. For example, in 2008 the South Florida Water Management District (SFWMD), SWFWMD and the St. Johns River Water Management District (SJRWMD) simultaneously adopted the same withdrawal standards and recovery strategy for the Central Florida Coordination Area. The same could be done with regards to MFLs.

2. The proposed law will require utilities to closely monitor the preparation and adoption of annual MFL priority lists. Under current law, the preparation and adoption of an annual priority list is not a significant event since utilities have the opportunity to provide input concerning any MFL proposed for adoption during the rulemaking process. Under the proposed law, MFL priority list will identify those MFLs with the potential to be impacted by withdrawals in more than one WMD, which will need to be adopted by DEP. If utilities disagree with that assessment they will have to now state
their case to DEP prior to adoption. Also, there is no clear right for utilities to challenge the conclusion by DEP that a proposed MFL will impact more than one WMD.

3. Under the proposed law, utilities will not have as much influence over the adoption of MFLs and prevention-recovery strategies. Under current law, all MFLs and prevention and recovery strategies are adopted by the WMD Governing Board, which is more responsive to local utility concerns than FDEP. Under the proposed law, MFLs with the potential to be impacted by withdrawals in more than one WMD will be adopted by FDEP and the affected WMDs will be required to implement the adopted MFL without any further rulemaking.

4. The provision in the proposed law allowing WMDs to enter interagency agreements for the management and operation of cross-district water resource projects should not adversely impact utilities. There are several examples of successful interagency agreements, whereby one WMD delegates regulatory authority to another WMD such as the SFWMD-SJRWMD agreement covering the Orlando Utilities Commission’s service area and the SRWMD-SJRWMD agreement covering the Gainesville Regional Utilities’ service area.

5. The provision in the proposed law requiring WMDs to jointly prepare the water development component of a regional water supply plan with regional water supply authorities will not have much of an impact on utilities. Under current law only SWFWMD and Tampa Bay Water were required to jointly prepare the water supply development component of SWFWMD’s regional water supply plan. Under the proposed law, this obligation would only extend to the Peace River/Manasota Regional Water Supply Authority and the Withlacoochee Regional Water Supply Authority, both of which are located within SWFWMD. These two entities are the only other regional water supply authorities currently in existence, which could take advantage of this new provision.

**RECOMMENDATION TO LEGISLATIVE COMMITTEE:** Continue to **MONITOR** the situation and work with those interested in the resolving issues should similar legislation be introduced. Overall - **OPPOSE**.

**POTENTIAL ALLIES (If any):** TBD

**POTENTIAL OPPONENTS (If any):** Environmental Organizations (NGOs)
FSAWWA Legislative Committee Issue Paper

TITLE: Utility Worker Safety

PREPARED BY: Suzanne Goss

PROponent: Electric utilities and other utility sectors have taken the lead on this issue. This is not a product of any statutory direction or agency rulemaking.

ISSUE SUMMARY: Currently Section 784.07, Florida Statutes provides for the reclassification of a misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties.

Utility workers perform their work on private and public property to ensure service connectivity for its customers. During certain events, such as traffic accidents, fires, hurricanes, etc., utility employees will work side by side with a variety of public service providers, such as law enforcement, fire fighters, emergency personnel, etc. Because of the nature of work performed by utility workers, companies prepare and train their employees for all types of hazards associated with their jobs, including dealing with hostile customers during service disconnects or storm events.

Since 2008, municipal owned and investor owned utilities throughout Florida have seen a notable increase in the assault or battery upon their utility workers, such as robberies, physical harm, death threats, etc. in the course of performing their duties. Over the past few years, efforts have been made to add “utility workers” to the list of specified persons that is already defined in current law. By doing so, a felony or misdemeanor degree of certain assault and battery offenses against a utility worker engaged in the lawful performance of his or her duties would be treated in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties. In the 2012 bill, efforts were made to further define a utility worker to mean “any person employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service.”

IMPACT TO AWWA MEMBERS: If such legislation was successful in passing, penalties against an individual that commits an assault or battery against a utility worker would be treated the same as the penalties for an individual that commits such an offense against a law enforcement officer, firefighter, and other specified person engaged in the lawful performance of their duties. The penalties would be as follows:
• In the case of assault, from a misdemeanor of the second degree (maximum of 60 days in a county jail) to a misdemeanor of the first degree (maximum of 1 year in a county jail);
• In the case of battery, from a misdemeanor of the first degree (maximum of 1 year in a county jail) to a felony of the third degree (maximum of 5-years state imprisonment);
• In the case of aggravated assault, from a felony of the third degree (maximum of 5-years state imprisonment) to a felony of the second degree (maximum of 15-years state imprisonment); and
• In the case of aggravated battery, from a felony of the second degree (maximum of 15-years state imprisonment) to a felony of the first degree (maximum is generally 30-years state imprisonment);
• Fines may also be imposed in accordance to the degree of the offense.

RECOMMENDATION TO LEGISLATIVE COMMITTEE: SUPPORT if legislation is re-introduced.

POTENTIAL ALLIES (If any): Florida Electrical Workers Association; Florida Municipal Electric Association; Florida League of Cities; Florida Water Environment Association; Investor Owned Utilities (FPL for example); others (TBD)

POTENTIAL OPPONENTS (If any): National Rifle Association-Florida;
TITLE: Affordability

PREPARED BY: Suzanne Goss and Lee Killinger

PROPOLENT: TBD

ISSUE SUMMARY: The objective of this effort would be to ensure that in permitting and regulatory decisions, state regulatory agencies consider, to the extent allowable under state and federal law, the most cost-effective solution to deal with regulatory or environmental compliance priorities.

This discussion has come up in the context of “affordability;” but instead of pushing the phrase “affordability”, it may be more appropriate to emphasize that regulators should focus on allowing a utility to systemically implement the most cost-effective solutions to deal with regulatory (or environmental compliance) priorities. It is not about avoiding compliance, but about finding ways to get the biggest bang for the buck by prioritizing projects and maximizing the expected outcomes.

One issue that has been identified is when new regulations are developed and implemented before regulations adopted at an earlier date have been fully implemented.

Components of the approach could include:
• Identifying inefficiencies with competing requirements and finding ways to take a larger view and allow projects to be prioritized as budgets allow to achieve maximum environmental benefits.
• Encouraging the use of new and innovative technologies to achieve compliance.
• Entrusting local governments/utilities to use their limited resources to maximize community benefits (includes immediate and long-term improvements).
• Encouraging regional partnerships to find long-term sustainable solutions.

One question to be answered by discussion is whether AWWA members feel that there currently are enough statutory or rule directives in place for agencies to make such an evaluation; if the consensus is that there is insufficient direction for the agencies, a second question is whether this is something that should be pursued by statutory revision at this time, or whether we should engage DEP, for example, in an examination with examples from AWWA membership about how their rules or statutes should be revised, to first attempt to work through the issue with the agency.

Other states have proposed statutory mechanisms to require agencies to evaluate costs, and cost-effectiveness of regulatory decisions.
Legislation has been introduced in other states (much of it in the context of storm or wastewater treatment, but the concept is the same) to require analysis of costs, budgets, capacity, and cost-effectiveness. Concepts for discussion could include requiring a regulatory body to consider, to the extent allowable under relevant law:

- Limitations on a utility’s financial capabilities and ability to pay for or secure necessary funding to pay for a required project
- An evaluation of the effectiveness and cost of specific proposed requirements
- An evaluation of the impact of a specific requirement on the long-term planning of the utility as a whole and other projects and needs of the utility
- Reducing the economic impacts on a utility, or spreading the of economic impacts on a utility over time
- Allowing for reasonable flexibility in the implementation of a long-term plan when a proposed requirement would impose a disproportionate financial hardship compared to its benefits
- Allowing adequate time and flexibility for implementation of a schedule specified in a utility’s long-term plan
- Allowing for reasonable accommodations for utilities when inflexible standards and requirements would impose a disproportionate financial hardship in light of the benefits to be gained

RECOMMENDATION TO LEGISLATIVE COMMITTEE: After discussion with AWWA members, evaluate existing statutes and rules to determine whether additional direction is needed to ensure that cost-effectiveness and budgetary constraints are appropriately considered in regulatory decisions.

POTENTIAL ALLIES (If any): TBD

POTENTIAL OPPONENTS (If any): Environmental Organizations (NGOs)
TITLE: Investor-Owned Water and Wastewater Utility Study Committee

PREPARED BY: Lee Killinger

PROPOSENENT: TBD

ISSUE SUMMARY: The last day of session HB 1389, a bill regarding water management districts, was amended to include provisions of HB 1379 and SB 1244 relating to the rates charged by private utilities for water and wastewater services.

The amendment created a new study committee, the Study Committee on Investor-Owned Water & Wastewater Utility Systems. The committee will have the following voting members -

- One Senator appointed by the President of the Senate.
- One Representative appointed by the Speaker of the House of Representatives.
- Two representatives of Class A investor-owned water or wastewater utilities appointed by the Governor.
- One representative of a Class B investor-owned water or wastewater utility, appointed by the Governor.
- One representative of a Class C investor-owned water or wastewater utility appointed by the Governor.
- One customer of a Class A investor-owned water or wastewater utility appointed by the Governor.
- One customer of a Class B or C investor-owned water or wastewater utility appointed by the Governor.
- One representative of a water management district appointed by the Governor.
- One representative of the Florida Section of the American Water Works Association appointed by the Governor.
- One representative of the Florida Rural Water Association appointed by the Governor.
- One representative of a water or wastewater system owned or operated by a municipal or county government appointed by the Governor.
- One representative of a governmental authority that was created pursuant to chapter 163, Florida Statutes appointed by the Governor.
• The chair of a county commission that regulates investor-owned water or wastewater utility systems appointed by the Governor.

• One representative of a county health department appointed by the Governor.

The three remaining, nonvoting members are:

• The chair of the Public Service Commission, or a commissioner designated by the chair of the PSC, who shall serve as chair of the committee.

• The Secretary of Environmental Protection or his or her designee.

• The Public Counsel or his or her designee.

The focus of their study will address the following issues:

• The ability of a small investor-owned water and wastewater to achieve economies of scale when purchasing equipment, commodities, or services.

• The availability of low interest loans to small, privately-owned water or wastewater utilities.

• Any tax incentives or exemptions, temporary or permanent, which are available to small water or wastewater utilities.

• The impact on customer rates if a utility purchases an existing water or wastewater system.

• The impact on customer rates of a utility providing service through use of a reseller.

• Other issues that the committee identifies during its investigation.

The committee will be required to meet at least four times at a time and place of the chairman’s choosing. At least two of the meetings will have to take place in an area centrally located to utility whose customers have seen a significant rise in the utility rates so that the public may be able to redress their concerns. The PSC will provide logistical support to this committee, with monies for its maintenance to be provided by the Public Service Regulatory Trust Fund. Members will not be paid for their participation, but may be reimbursed for all travel expenses and reasonable expenditures tied to the committee.

On August 10, the Governor appointed the following individuals to the Committee:

• Gus Alexakos, 77, of Zephyrhills, is retired from the Northern Illinois Gas Company. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Keith A. Burge, 40, of Lake Wales, is the director of utility operations for Gold Coast Utility Corp. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Patrick C. Flynn, 57, of Longwood, is a regional director with Utilities Inc. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.
• John Frame, 71, of Lady Lake, is a retired director of information technology for the Goodyear Tire and Rubber Company. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Gary D. Fries, 66, of Auburndale, is the utilities director for Polk County. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Commissioner Scarlet P. Frisina, 33, of Lake City, is chair of the Columbia County Board of County Commissioners. She is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Donna R. Gregory, 59, of The Villages, is the administrator for the Lake County Health Department. She is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Henry “Bobby” Lue, 54, of Tampa, is the utility services program chief for the Southwest Florida Water Management District. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Commissioner Jack V. Mariano, 52, of Bayonet Point, is a member of the Pasco County Board of County Commissioners. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Michael A. Smallridge, 43, of Inverness, is the owner of Pinecrest Utilities LLC. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Raphael “Ralph” Terrero, 70, of Miami, is the assistant director of water operations for Miami-Dade County. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Tim E. Thompson, 74, of Salt Springs, is the president of Marion Utilities Inc. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

• Gary P. Williams, 53, of Tallahassee, is the executive director of the Florida Rural Water Association. He is appointed for a term beginning August 10, 2012, and ending June 31, 2013.

The committee is required to submit, by Feb. 15, 2013, a report of their findings to the Governor and the Legislature and recommendations, which would include proposed legislation and rulemaking. At this point, no meetings of the group have been scheduled.

**IMPACT TO AWWA MEMBERS:** TBD
RECOMMENDATION TO LEGISLATIVE COMMITTEE: Monitor this Committee and its development of recommendations to determine whether further action or positions are warranted.

POTENTIAL ALLIES (If any): TBD

POTENTIAL OPPONENTS (If any): TBD
TITLE: Irrigation of Edible Crops with Reclaimed Water

PREPARED BY: Lisa Wilson-Davis

PROPONEENT: Southeast Florida Utility Council – Rulemaking Initiative

ISSUE SUMMARY: Last year there was a proposal to amend HB 639 (Reclaimed Water Legislation) to include the provision to allow direct application of reclaimed water to edible crops that will not be peeled, skinned, cooked or thermally processed before consumption. This proposed amendment was withdrawn and it was determined that this issue may be best addressed through the rulemaking process.

Currently Florida Administrative Code 62-610 restricts reclaimed water irrigation methods on "salad" or edible crops that will not be peeled, skinned, cooked or thermally processed before consumption to drip irrigation or other non-direct spraying methods. This restriction is contradictory and burdensome in that residential/other reclaimed water users must install dual irrigation or more costly drip irrigation or non-direct spraying systems in order to irrigate gardens.

Comparable restrictions cannot be found for other irrigation sources, such as canals, wells and ponds, giving the appearance of an unsafe product compared to these other sources.

Other states such as California allow direct spray irrigation of salad crops without a demonstration project or variance. Countries throughout the world, including Australia have demonstrated for decades that there is no evidence or documentation of any disease associated with water reuse systems that have reasonable standards.

Stated in the HortScience, November 2010 article, “Reclaimed Water as an Alternative Water Source for Crop Irrigation”, co-authored by David York past Florida Department of Environmental Protection Reuse Coordinator; “The regulation prohibiting direct contact of reclaimed water with salad crops was created in the 1980s to encourage acceptance of reclaimed water in Florida. At the time there were not sufficient studies to determine whether such a precaution was necessary. Since then, studies conducted in California …have shown that salad crops can be directly sprayed with reclaimed water with no health, safety, or marketing problems.”

Members are seeking regulatory change to eliminate the drip irrigation or indirect spray restriction for residential reclaimed water use on “salad” crops for customers.

IMPACT TO AWWA MEMBERS:

If such a regulatory or legislative provision was made, Florida utilities will be able to increase and maximize the number of residential reuse water connections within developed and undeveloped areas. Such a provision will also allow Florida utilities to expand the number large reclaimed water users such home owners or masters associations and to customers utilizing stormwater systems (especially those under the purview of a multitude of jurisdictions) to store
and use reclaimed water for irrigation. By providing reclaimed water to these customers, their current withdrawals from traditional sources will be eliminated.

By providing for an increase in the Florida utility customer base, Florida utilities would: realize an increase return on investment of their reclaimed water systems; reduce their need for existing and future traditional source withdrawals; be able to maximize a tool to address saltwater intrusion; and ultimately maximize and increase in the amount of efficient and beneficial reuse provided to customers.

RECOMMENDATION TO LEGISLATIVE COMMITTEE: (IE File legislation, monitor, actively oppose.)

Monitor Issue to see if it progresses in the regulatory arena and also monitor legislation for potential opportunity for a “legislative fix”.

POTENTIAL ALLIES (If any):

- The Florida Department of Environmental Protection has indicated support of this regulatory change.

- The Florida Reuse Coordinating Committee has indicated support; at their June 27, 2012 meeting agreed to establish a TAC.

- The Lake Worth Drainage district verbally indicated support during the FDEP/WMD CUPCon workshop held at the South Florida Water Management District on August 23, 2012.

POTENTIAL OPPONENTS (If any):

- Commercial/Agricultural irrigators may oppose due to public perception/concerns.