

2024

**Florida Water
Environment
Association
Utility Council**

Annual Report



A Message from the FWEA Utility Council President

Dear Members,

Seeing everyone at this year's FWRC provides us with a time to reflect on the work we've engaged in, the relationships we've developed, and the ongoing opportunity to continue shaping sound environmental policy. Throughout my decade of involvement with the Utility Council, our utilities have continuously worked to meet the challenges of ensuring protection of public health and the environment while at the same time providing affordable essential services to our customers, the citizens of Florida. This past year was no exception as we've completed another rewarding and challenging year. The Utility Council accomplished our primary goals and objectives. The legislative and regulatory items addressed were representative of our diverse membership and as always, David Childs and staff at the Vogel Group were on top of the legislative and regulatory developments. They ensured that our voice was heard, and our concerns on the issues were known. Of particular note were the changes obtained to the Department of Environmental Protection's Advanced Wastewater Treatment Bill. Through David and staff's efforts, the blanket requirement initially proposed for secondary plants to convert to Advanced Wastewater Treatment, regardless of size and reuse type, was removed and modified to require the Department to determine if Advanced Wastewater Treatment is warranted. What a Huge Accomplishment!



We continue to actively engage the Florida Department of Environment Protection on storm response and potable reuse, seeking partnerships and common ground to protect our precious environment and ecosystems in a manner that addresses utility concerns and customer safety. Significant headway was made on state potable reuse rules with the Utility Council playing a major role in advancing this effort. The Utility Council continues to educate other stakeholders and the Legislature on the issues by promoting legislation and regulations that are based on sound scientific principles and deliver quantifiable and verifiable results. To that end, the Utility Council has developed a new website with far greater functionality and updated content!

Our true strength outside of David's herculean efforts is our diversity and commitment to developing sound environmental policy. Our membership has all sizes and types of plants, has every disposal/reuse allowed, and is well represented regionally throughout the state. With that said, all members are encouraged to attend our board meetings, provide input on utility needs, and join our various committees. The Utility Council's efforts rely on the active participation of its membership. This combined with our dedication gives us true strength through unity. Through collaboration and coordination, our united voice is greater than the sum of our individual voices. Given our annual dues, there is no greater value than membership in the Utility Council, and I encourage members to recommend to their neighbors to join us.

It has been a true honor to have served as president for the past two years. What we do here is what I like to call "joyful work". We are here to benefit the citizens of



Florida by addressing our utilities' challenges, by crafting well intended ideas into implementable ideas with meaningful outcomes, and by providing a sound unified voice.

On behalf of the Board, I thank you for your continued service and membership. I am proud to hand the gavel to Kevin Carter of Broward County Water and Wastewater Services. He has been an incredible Vice President, as you all know.

Sincerely,

Jeff Greenwell, P.E.
FWEA Utility Council President

Florida Legislative Summary

By David Childs and Chad Revis

The 2024 Florida Legislative session concluded last month.

Unlike last session, the legislative agenda this year was not entirely consumed by the Governor's priorities, which left more room for the House and Senate to push bills that accomplished some of their goals. For the Speaker of the House of Representatives, that was a sweeping piece of legislation that regulates, and in some cases bans, social media activity for minors in an effort to address the





harmful risks associated with kids on these apps. The Senate President's chief objective was a suite of healthcare reform and workforce development bills that aim to incentivize innovation in the healthcare industry and make access easier throughout the state.

For the FWEA Utility Council, this Session was a great success. Notably, the FWEA Utility Council successfully amended the FDEP's legislative package, HB 1557, to remove an across-the-board mandate for reclaimed water to achieve advanced wastewater treatment requirements (3 mg/L-TN, 1 mg/L-TP), which would have applied to all reuse practices including irrigation uses where turf grass used the nutrients and reduced reliance on fertilizers. Many thanks are owed to the legislation's sponsors – Senator Alexis Calatayud and Representative Linda Chaney – for securing this important, science-based amendment to remove the mandate and instead authorize the Department to mandate reduced nutrient loads in reclaimed water applications when shown to be necessary to protect surface waters.

In addition to HB 1557, the FWEA Utility Council also supported SB 1638, which provides that 96 percent of the revenues from the 2021 gaming compact between the Seminole Tribe of Florida and the State of Florida for the acquisition and management of conservation lands and the identification and prioritization of critical clean water infrastructure investments be deposited in the Indian Gaming Revenue Trust Fund within the Department of Financial Services. For the first time, the state will have a dedicated funding source (a minimum of \$79 million based on prior compact revenues) for the Water Quality Improvement Grant Program, funding projects to:

- Retrofit onsite sewage treatment and disposal systems (OSTDS) to upgrade such systems to enhanced nutrient-reducing onsite sewage treatment and disposal systems;
- Upgrade, expand or construct facilities to provide advanced wastewater treatment, as defined in s. 403.086(4), F.S.;
- Connect OSTDS to central sewer facilities;
- Address stormwater and agricultural sources of nutrients in waterbodies that are not attaining nutrient or nutrient-related standards; and
- Repair, upgrade, expand or construct domestic wastewater treatment facilities that result in improvements to surface water or groundwater quality, including domestic wastewater reuse and collection system.

The legislation also annually allocates \$100 million to FDEP for the Resilient Florida Program grants.

Many thanks are owed to all Utility Council members for their engagement throughout the legislative session.

Potable Reuse Rulemaking

By David Childs

The FWEA Utility Council and its members have participated in numerous efforts to develop state and regional policies regarding the use, treatment and regulation of reclaimed water. Most recently, this effort has involved the development of a potable reuse regulatory program in close collaboration with the Florida Department of Environmental Protection.

Last year, FDEP withdrew its previously proposed amendments to Rule 62-610, F.A.C., regarding potable reuse. FDEP 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 62-565, F.A.C.

Over the past several months, representatives of the FWEA Utility Council have met with FDEP several times and discussed all aspects of potable reuse regulation from operator staffing requirements to treatment technologies to pathogen monitoring. The focus has been on achieving a shared goal of a robust and efficient permitting program that protects the public health and the environment. FDEP plans to conduct rulemaking workshops this summer, with an eye towards adopting the potable reuse rules the close of 2024 and ratified by the Florida Legislature in 2025.

PFAS in Washington D.C.

*By UC Vice President and Joint PFAS Chair
Kevin Carter (Broward County Water &
Wastewater Services)*

Spring 2024 has sprung in Washington D.C. and reportedly the famous cherry blossom trees (please see photo) are set to bloom early this year. One thing for sure is both the federal legislative and regulatory fronts were blooming with PFAS activity since our 2023 Florida Water Environment Association Utility Council (UC) annual report. I am privileged to be the Joint UC and the Florida Section of the American Water Works Association Water Utility Council (WUC) PFAS Committee Chair and thanks to all of our members who contributed this year. Let's





look backwards over the last year of PFAS activity in our nation's Capital. Warning Label: You may get dizzy during this ride.

CERCLA (Superfund Act)

In August 2022, the United States Environmental Protection Agency EPA [issued a proposal](#) to designate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers as hazardous substances under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund Act. In addition, in April 2023, it proposed to [regulate 7 seven additional PFAS](#), precursors of PFAS, and categories of PFAS as CERCLA Hazardous Substances.

EPA's proposed PFOA and PFOS CERCLA rule has been in the Office of Management Budget (OMB) for final review since December 2023. EPA planned to release the final rule [by end of March 2024](#) but that is looking unlikely at this time. As a reminder, the UC and the Florida Section of the American Water Works Association Water Utility Council as well as many water sector organizations including American Water Works Association (AWWA), Association of Metropolitan Water Agencies (AMWA), National Association of Clean Water Agencies (NACWA and Water Environment Federation (WEF) submitted [quality and comprehensive comments](#) on this proposed rule.

During the PFOS and PFOA CERCLA rulemaking, EPA stated they do not have authority to provide exemptions to water and wastewater utilities but would use “enforcement discretion” during final rule implementation. Unfortunately, “CERCLA can be misused by responsible parties to entangle utilities in

unnecessary and costly litigation” as noted in this [Waterweek article](#) about The Water Coalition Against PFAS (The Coalition). Potentially the water sector may find itself in a “Public Pays” instead of a “Polluter Pays” scenario (please [click here](#) for a Coalition resource).

The Coalition is comprised of AMWA, AWWA, NACWA, National Rural Water Association (NRWA) and WEF and seeks to educate federal policymakers on the PFAS impacts to the water sector and advocate for valid, science-based PFAS regulations and legislation. The Coalition recently called for a letter campaign to support [S.1430 - Water Systems PFAS Liability Protection Act](#) which would give the water sector an exemption from EPA’s upcoming final PFAS CERCLA rule. The UC thanks all the Florida utilities that submitted letters of support.



The letters were part of an education effort for the U.S. Senate Committee on the Environment and Public Works (EPW) recent hearing titled '[Examining PFAS as Hazardous Substances](#)' held on March 20, 2024. U.S. Senator Shelley Moore Capito (R-W.Va.), Ranking Member of the EPW reported [over 250 letters received](#) before the hearing, and I know there were more coming to her office from Florida. While S. 1430 was not specifically heard, experts from different sectors including from the Coalition presented testimony and answered questions during the hearing.



The hearing is archived at the link above and is a very worthwhile watch. The Coalition was represented very well by Mr. Michael Witt General Counsel, Passaic Valley Sewerage Commission ([click here for testimony](#)). Mr. Witt did an excellent job detailing how the water sector are only passive receivers of PFAS. He also detailed how his utility has been mired in baseless CERCLA litigation over Agent Orange for 28 years. EPW committee members still have time to submit written questions to the panelists and then the panelists have until April 17th to reply. So it is very likely S. 1430 will not be heard before the upcoming Water Week 2024 that several UC and WUC members are attending including me. Hopefully we will bring back home good news, but this is a challenging topic that may not be finalized for a while. So please stay tuned as we will likely need more of those great support letters!

Effluent Limitations Guidelines Plan 15

In January 2023, EPA released a [Effluent Limitation Guidelines Plan 15](#) that focuses on numerous industry discharges across the country. The purpose is to develop effluent guidelines and pretreatment standards for industries with significant sources of PFAS. Initially EPA focused on PFAS concentrations in wastewater facility influent. However, a draft PFAS monitoring plan released in Summer of 2023 recommends influent, effluent, biosolids monitoring, and sampling up to ten industrial users for PFAS.

The draft plan also recommended sampling at the largest 400 wastewater treatment facilities in the country. Of the 400, 19 are Florida facilities: Broward County, Fort Lauderdale, Hollywood, Sunrise (Sawgrass), Miami-Dade County (North, Central, and South Facilities), Boca Raton, Boynton Beach, South Central Regional



Wastewater Treatment Plant (Delray Beach & Boynton Beach), East Central Regional in Palm Beach County (West Palm Beach, Lake Worth Beach, Riviera Beach, Town of Palm Beach, portions of Palm Beach County), JEA, Orlando, Orange County, Pinellas County, Tampa, Tallahassee, Water Conserve II (Orlando and Orange County), Emerald Coast Utilities (Pensacola).

On March 26, 2024 [EPA posted](#) “Proposed Information Collection Request; Comment Request; POTW Influent PFAS Study Data Collection” to the Federal Register. Among many provisions, the EPA “estimates that approximately 400 POTWs with the highest daily flow rates of all POTWs in the U.S. will complete a mandatory electronic questionnaire.” Comments on the document are [due to the docket](#) May 28, 2024. The UC Board will review the proposed study and determine if comments are warranted. We look forward to hearing your thoughts on the proposed study.

Biosolids

Per EPA’s [PFAS Strategic Roadmap](#), they plan to finalize a PFOA and PFOS biosolids risk assessment by “Winter 2024.” A major milestone to reach that goal is EPA’s [Scientific Advisory Board](#) Final Report ‘Approach to Biosolids Chemical Risk Assessment and Biosolids Tool [released in October 2023](#). Both [WEF](#) and [NACWA](#) provided comments to the SAB with several concerns including practical implications of implementation. However, EPA will now determine which recommendations to move forward.

EPA is in process of hosting three Biosolids Working Group Meetings with the second recently held on March 19 and 20, 2024. The meetings include EPA and



representatives from NACWA, WEF, state regulatory agencies from the Environmental Council of the States (ECOS), and solid waste members from the Solid Waste Association of North America (SWANA). The purpose is to discuss growing PFAS biosolids management concerns. EPA's Office of Water, ECOS, and the National Association of State Departments of Agriculture (NASDA) previously developed [Principles for Preventing and Managing PFAS in Biosolids](#) in July of 2023.

The third and supposedly final Biosolids Working Group Meeting is being planned for late May 2024. The findings of the important working group may play an important role in the eventual PFOA and PFOS Risk Assessment but time will tell us how many water sector recommendations are adopted. While EPA works through the science and management of PFAS in biosolids, recent [lawsuits were recently filed](#) in Texas over PFAS in biosolids application. Just one more PFAS legal issue to add to the growing list.

Clean Water Act Methods Program New Methods

In January 2024, EPA released a new methodology for air monitoring as well as [2 Clean Water Act Methods Program](#):

- “Final EPA Method 1633, a method to test for 40 PFAS in wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate, and fish tissue.”
- “Final EPA Method 1621, which can broadly screen for the presence of chemical substances that contain carbon-fluorine bonds, including PFAS, in wastewater.”



This important scientific update will likely be seen in future. Effluent Limitations Guidelines Plan 15, biosolids risk assessment, and other potential future PFAS monitoring.

National Primary Drinking Water Regulation (NPDWR)

On March 14, 2023, [EPA proposed NPDWR for six PFAS](#) including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). EPA's initial goal to finalize the rule was December of 2023 and then moved [January 2024](#). The rule was submitted to OMB in December 2023. As of this writing, AWWA reported the final rule will be finalized in early April 2024. While the rule focuses on drinking water standards, this rule has potential to affect water reuse, effluent limits, and cleanup targets among other rules down the road. I have a feeling you won't forget where you were the day the final rule is released.

Resource Conservation and Recovery Act (RCRA)

On February 1, 2024, EPA released two proposed regulations under the Resource Conservation and Recovery Act (RCRA):

- Listing [Nine Per- and Polyfluoroalkyl Compounds as RCRA Hazardous Constituents](#).
- Modifying the [definition of hazardous waste](#) as it applies to cleanups at permitted hazardous waste facilities to give clarification for emerging contaminants such as PFAS.



EPA's Office of Resource Conservation and Recovery ([ORCR](#)) implements RCRA. EPA is currently taking public comment on these two regulations and we will give an update from our national water sector organizations. The UC is not planning to comment on this rule.

Other PFAS Rules and Updates:

- In June 2023, EPA released a framework to prevent unsafe new uses of PFAS under the Toxic Substances Control Act ([TSCA](#)).
- In August 2023, EPA finalized its National Enforcement and Compliance Initiatives for 2024-2027, including "[Addressing Exposure to PFAS](#)."
- In October 2023, EPA published a final rule under the Toxic Substances Control Act ([TSCA](#)) that will provide the largest-ever dataset of PFAS manufactured and used in the United States.
- In October 2023, EPA released a final rule that will improve reporting on PFAS to the Toxics Release Inventory ([TRI](#)) by eliminating an exemption that allowed facilities to avoid reporting information on PFAS when those chemicals were used in small concentrations.
- In December 2023, EPA released its second PFAS Strategic Roadmap: [Second Annual Progress Report](#).
- In January 2024, EPA released third round of Unregulated Contaminant Monitoring Rule ([UCMR](#)) 5 PFAS and Lithium data.

- In January 2024, EPA released [Final Significant New Use Rule](#) for Inactive PFAS that prohibits starting or resuming the manufacture or processing of 329 PFAS without EPA review.
- In January 2024, EPA automatically added seven PFAS to the list of chemicals covered by the Toxics Release Inventory ([TRI](#)) per the 2020 National Defense Authorization Act.



So that's some current PFAS highlights from Washington D.C. I think the coming year will be another year of blooming activity. If you are interested in learning more, please contact us and visit our website for updated PFAS information. In addition, if your entity is not a UC member, please consider joining so you can be more involved and stay informed.

Storm Response Collaboration with FDEP

By Rick Hutton and Dave Roberts

Storm response and recovery is becoming an ever-increasing part of our world. Florida is experiencing more frequent, more unpredictable, and stronger storms. When I was growing up in Florida, my dad described some of the hurricanes from



the 1950s and 1960s and how it sometimes took several months to restore power. Since then, Florida's population has grown from 5 million to 23 million people, with much of the growth in coastal areas. Public expectations have also changed with the times.

Fortunately, utilities have a long history of collaborating and helping each other out in times of need. Florida's Water/Wastewater Agency Response Network (FlaWARN) has furthered that collaboration by providing a critical link between water and wastewater utilities, FDEP, FDEM, and other agencies to coordinate mutual aid. FlaWARN is funded by FDEP and is coordinated through a partnership between FDEP and utilities.

While 2023 was largely a reprieve for central and south Florida who had been hit with Ian in 2022, the Big Bend region of North Florida took a direct hit from Hurricane Idalia. The areas Idalia impacted were small rural communities with limited resources such as Cedar Key, Suwannee, Horseshoe Beach, and Perry. FlaWARN played an invaluable role in connecting and coordinating aid from utilities including Clay County, GRU, Tallahassee, JEA, and Regional Utilities (from Walton County). Florida Rural Water Association (FRWA) once again demonstrated the incredible value they provide to smaller utilities by bringing in personnel who helped direct the activities of assisting utilities and contractors. In addition and as no surprise, FRWA Executive Director Gary Williams drove a tractor trailer to deliver much-needed equipment. Gary will be retiring in October 2024 and with our sincere gratitude for all Gary has done for our industry, we all wish Gary a happy, well-deserved retirement. FDEP aided in getting drinking water

systems back on-line by providing water quality testing services and ensured the protection of public health and safety.



Many thanks to all the FlaWARN support staff, volunteers, and to our own Kevin Carter for chairing FlaWARN and facilitating the daily response coordination calls.

Public Outreach

By Lisa Wilson-Davis

The FWEA UC Public Outreach Committee is dedicated to fostering engagement with elected officials, regulatory agencies, the public, and our members to raise awareness, understanding, and support for issues affecting the wastewater industry.

Our formal outreach efforts began in early 2021 with the enlistment of our Public Relations, Branding & Communication partners from HDR Engineering, Inc. Initially, our focus was on crafting the FWEA UC "Brand" by defining Our Promise, Our Position, and Our Story, and developing our overall Outreach Strategic Plan. This effort also included standardizing fonts, colors, and creating templates for various communication materials such as envelopes, letterheads, memos, reports, and PowerPoint presentations.

Next, the FWEA UC and HDR conducted internal focus groups sessions on potable reuse and asset management. Each of these sessions held throughout June and July



2022, involved around 10 participants from diverse regions across the state. The outcome of these sessions was the development of an Asset Management and Potable Reuse Tool Kit, along with the creation of concise, one-page informational documents tailored to potable reuse and asset management. These resources are available and customizable for members to incorporate into their messaging.

A pivotal aspect of our current strategy has been the development of a user-centric website. This platform, being officially launched during our April 5, 2024 Annual Business Meeting, serves as a central hub for disseminating information, providing access to resources, and fostering community engagement, includes a members only section, and can be found at [FWEAUC \(fweutilitycouncil.org\)](http://FWEAUC (fweutilitycouncil.org)). Furthermore, we are exploring the potential of leveraging social media platforms to amplify our message and engage with stakeholders in real-time.

Through our concerted efforts, we continue to expand our outreach and strengthen our connections with existing stakeholders, thereby furthering our mission and objectives within the wastewater industry.

Human Health Based Criteria

By Don Palmer

Human Health Criteria (HHC) – The EPA notified FDEP on December 1, 2022 that the State of Florida needed to revise its water quality standards to satisfy the Clean Water Act. The EPA determined that Florida's current HHCs do not protect the State's designated uses and that additional HHCs are needed for certain priority pollutants. EPA further stated that since Florida's last update in 1992, more specific toxic pollutants are likely to be present in Florida's waters and that fish consumption has increased since that time. This is similar to how the battle for



Numeric Nutrient Criteria started in the state of Florida in that the EPA made a determination that the nutrient criteria for Florida was not sufficient to protect Florida's waters.

The FWEA UC previously worked on the HHC issue in 2016, to bring science to the fish consumption from Florida-specific water. But the revisions were not approved by the Environmental Regulatory Committee. Previously the State told EPA that it is working on getting data to accurately determine the amount and types of fish commonly eaten by Floridians in advance of criteria development and adoption. However, that effort was stopped.

In November 2023, EPA proposed new rules that will affect effluent treatment for point source discharges (primarily wastewater treatment facilities) throughout the State of Florida. The constituents range from disinfection byproducts to plasticizers to pesticides. Seventy-four different compounds were proposed to either have new or updated water quality standards. Of these compounds, current method detection limits are not low enough to measure the compliance standards for 27 of them. More information can be found here (<https://www.epa.gov/wqs-tech/water-quality-standards-protect-human-health-florida>).

The UC collected data from utilities to determine the impact. This is an important upcoming issue that many utilities will need to monitor and to review and advocate for science backed rules in the coming year. It is a complicated issue as it requires an understanding of both Florida-specific fish consumption rates and how the constituents bioaccumulates in fish and the food and then a statistical risk analysis must be performed. Public comments to the EPA on this issue ended February 6,



2024. Florida anticipates they will propose their own set of criteria. The UC will continue to engage with FDEP and will keep members informed.

Board of Directors

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