



Protecting Florida's Clean Water Environment

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Florida Rural Water Association

December 11, 2020

Submitted electronically to Maurice.Barker@dep.state.fl.us.

Maurice Barker
Senior Program Analyst
Division of Water Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399

Re: Asset Management and Sanitary Sewer Overflow Prevention Rulemakings

Dear Mr. Barker:

The Florida Water Environment Association (FWEA) Utility Council and Florida Rural Water Association (FRWA) are pleased to submit these joint comments regarding the Department's draft amendments to Chapters 62-600, 604, & 620, F.A.C. The FWEA Utility Council and FRWA support the rulemakings, just as we supported the signing and approval of the Florida Clean Waterways Act,¹ which these rulemakings and other ongoing Department actions are implementing. The following comments and enclosed recommended edits are offered to help effectively and efficiently achieve our shared goal of reducing sanitary sewer overflows caused by inflow, infiltration, and other factors that proactive utility asset management can address. We appreciate the open dialogue with you and your colleagues during this rule development process and look forward to continue working with you.

¹ The FWEA Utility Council letter in support of signing SB 712 is enclosed.

Background Information on FWEA Utility Council and FRWA

By way of background, the FWEA Utility Council is the statewide umbrella organization for Florida's domestic wastewater treatment utilities, and the voice of Florida's domestic wastewater treatment community. Protecting the environment and public health is our core business. Our members operate domestic wastewater collection, treatment, disposal, and reuse facilities providing essential infrastructure services to over 9 million Floridians. In providing these services, member utilities across the State have invested millions of dollars upgrading wastewater treatment systems to remove pollutants, including nitrogen and phosphorous, before safely returning that water to the environment or providing it for reuse.

FRWA provides technical assistance to small and medium wastewater systems in Florida. These services include assisting the smaller systems in producing a high quality wastewater effluent that complies with current wastewater treatment regulations. This job is not easy since these smaller wastewater systems lack the customer support base and the economies of scale available to larger utilities that allow them to spread costs and keep utility rates affordable. Accordingly, these rulemakings present unique challenges to the state's smaller utilities.

Our Enclosed Suggested Rule Amendments

Whether operating large systems or small ones, our members' core business is protecting the environment and public health. We take our environmental stewardship responsibilities very seriously. While some sanitary sewer overflows are beyond the control of our members, such as when a third party drills into one of our lines, a hurricane causes significant community infrastructure failures, or a resident ignores public information campaigns concerning proper grease or wet wipe disposal, all utilities have a responsibility to proactively manage all features of their collection system to limit sanitary sewer overflows.

The Department's rulemakings will help ensure that all utilities are following best asset management practices to limit sanitary sewer overflows. What constitutes a best practice or effective metric for measuring performance, however, varies from town to town across Florida. Some Florida communities have distinct seasonal populations, some have rapidly growing residential areas, and others are dominated by older, industrial areas. The asset management programs in each of these areas will be different. Likewise, some communities' primary challenges include tidal water inundation or inadequate stormwater management systems, which may cause sanitary sewer overflows but are not under the control of the utility. The enclosed suggested edits are intended to ensure that utilities have the flexibility to tailor their asset management programs to the unique attributes and challenges of the community they serve. Lastly, some small and rural communities are serviced by utility providers that lack the economy of scale to implement the kind of asset management program that are larger utility may implement. In these situations, we suggest that the Department consider a delayed effective date and applying an affordability index regarding the extent of asset management requirements.

The specific rule amendments provided herein should be self-explanatory and are consistent with the above comments and our organizations' conversations with you and your colleagues at the Department. As noted above, we believe that the incorporation of these suggested amendments will help our members and the Department achieve our shared goal of reducing

sanitary sewer overflows.² We look forward to working with you in the future in addressing other causes not covered by this rulemaking.

The FWEA Utility Council and FRWA appreciate the opportunity to provide these comments in support of the Department's rulemaking. If you would like to discuss this comment letter or enclosed suggested edits, please do not hesitate to contact FWEA Utility Council President, Rick Hutton at buttonrh@gru.com, FRWA Executive Director, Gary Williams at gary.williams@frwa.net, or David Childs at davidc@hgslaw.com.

Sincerely,



David W. Childs
Hopping Green and Sams, P.A.

Encl: Suggested Amendments to Draft Rules 62-600, 604, & 620, F.A.C.; SB 712 Support Letter

² We also note that an FWEA Utility Council member, Pinellas County, will submit comments that include a proposed restructuring of the rule into an asset management program framework. The County's recommendations are based on prior conversations with the Department, and we believe the regulatory framework provided therein should be considered as a potentially viable alternative to the structure provided in the Department's draft rule.