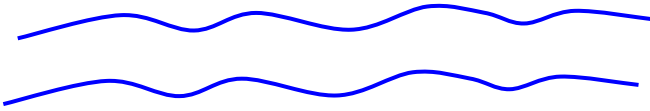


Southeast Florida Utility Council



**BROWARD COUNTY
WATER & WASTEWATER SERVICES
2555 WEST COPANS ROAD
POMPANO BEACH, FLORIDA 33069
TEL: 954.831.0704
FAX: 954.831.0708**

August 25, 2008

VIA ELECTRONIC MAIL AND U.S. MAIL

Dan Peterson
Florida Department of Environmental Protection
Drinking Water Program (MS3520)
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: FDEP Reuse Permitting and Cross-Connection Program

Dear Mr. Peterson:

Please accept this letter on behalf of the Southeast Florida Utility Council (“SEFLUC”) with respect to the Florida Department of Environmental Protection’s (“FDEP”) recent actions toward revising existing regulation of cross-connection control in permits authorizing new or expanded public access reuse. SEFLUC is an unincorporated association composed of forty (40) water utilities located in the Lower East Coast within Miami-Dade, Broward, Palm Beach, Monroe and Martin Counties. One of the functions of SEFLUC is to represent member utilities with regard to governmental regulations that affect member interests such as the FDEP’s reuse permitting and cross-connection control program. Many members of SEFLUC either currently provide or plan to provide reuse in the future and are significantly affected by any rules, policies, or guidance memoranda governing this activity.

Since 1993, Florida Administrative Code Rule 62-555.360 has addressed Cross-Connection Control for Public Water Systems. This rule requires community water systems and all public water systems that have service areas also served by reclaimed water systems to establish and implement a routine cross-connection control program that will detect and control cross-connections and prevent backflow of contaminants in the potable water system. As part of this program, utilities must develop a written plan using the recommended practices of the American Water Works Association set forth in *Recommended Practice for Backflow Prevention and Cross-Connection Control*, AWWA Manual M14, as incorporated into Rule 62-555.330, F.A.C.

Chair
Hector Castro
Sunrise Utilities

Vice Chair
Julie Leonard
Ft. Lauderdale Utilities

Treasurer
Brian Shields
Palm Beach County Water

Secretary
Charlotte St. John
Broward County WWS

Section 62-555.360(4) lists the devices FDEP considers appropriate backflow prevention devices. These devices include:

- Air gap separation;
- Reduced pressure backflow preventer;
- Atmospheric vacuum breaker;
- Pressure vacuum breaker;
- Double check valve assembly; and
- Residential dual check.

While the rule provides little guidance as to when each device is acceptable for reducing backflow risks, Section 62-555-360(5) specifically states dual check valves are acceptable for reducing risks from back-flow at residential properties served by reclaimed water unless local codes, ordinances, regulations or other hazards require greater levels of back-flow prevention.

Historically, the FDEP has required residential dual check backflow devices on single-family residences that utilize reclaimed water for irrigation and rarely applied a requirement for backflow prevention devices on single-family residences that utilize other auxiliary water systems. The FDEP has recently stated that it will begin enforcing the requirement for backflow devices on single-family residences that have auxiliary water systems. The FDEP notified SEFLUC that a work group of water professionals will be created to evaluate alternative approaches that will provide the same level of health and safety protection for residential premises with an auxiliary water system. The FDEP invited SEFLUC to select one person to participate in this work group on SEFLUC's behalf. SEFLUC selected Hassan Hadjimiry, Director of the Palm Beach County Water Utilities Department's Regulatory Compliance Division, as its representative. SEFLUC greatly appreciates FDEP's willingness to include experienced utility officials in the work group that will be addressing the concerns of FDEP with respect to cross connection control between auxiliary water systems (including reuse) and potable water as a whole.

During the work group's initial meeting held on August 7, 2008 in West Palm Beach, the FDEP stated that one of its purposes is to develop an alternative to the RPZ requirement for single-family residences that use storm water management lakes regulated under the MSSW program for irrigation. At present, Rule 62-555.360 is silent as to the specific back flow control requirements for auxiliary water systems. We understand that the FDEP believes that the statute should address back flow prevention for storm water auxiliary water systems. SEFLUC thoroughly supports the FDEP's efforts to protect public health and safety through adequate safeguards to the public drinking water systems. However, we believe that exploration of alternative approaches to cross connection control, in lieu of requiring RPZ devices exclusively, is prudent based on projected costs to the public and the long term impacts of system monitoring that RPZ's require. Should the FDEP insist on a deviation from the existing rule with a new requirement for RPZ devices for auxiliary water systems, SEFLUC suggests that FDEP has a responsibility to the public to provide information that clearly demonstrates the additional hazards that now exist sufficient to justify revising the statute.

One of SEFLUC's concerns is that the cost associated with the requirement of an RPZ device on single-family residences which utilize reclaimed water that is part of a storm water management lake will adversely impact the ability of utilities in Southeast Florida to promote use of reclaimed water. Costs associated with an RPZ device include the device, installation, and required annual testing. FDEP's own estimates for the purchase and installation of an RPZ backflow prevention device are approximately \$485 - \$575 per residence. Subsequent annual testing would cost homeowners between \$50 and \$75 per year. There are approximately 800,000 SEFLUC customers that may be affected by the annual testing requirement. The potential total cost for Southeast Florida utilities to purchase and install that quantity of RPZ devices is staggering, at around four hundred million dollars (\$400,000,000), which would have to be passed on to rate payers. Add to that the potential annual cost of testing for individual homeowners at more than forty million dollars (\$40,000,000), it is clear that the proposed revision to existing legislation will have a substantial negative impact to local economies at a time when the costs to develop alternative water supplies, mandated by the legislature, combined with the depressed economic conditions state wide, are devastating municipal and household budgets alike. Projecting these costs state-wide, the financial burden to the public will be in the billions of dollars.

In summary, SEFLUC appreciates FDEP's efforts to work together to review and develop appropriate standards for protection of public health and safety regarding cross-connection control and backflow devices. While SEFLUC members believe strongly that utilities must retain the ability and flexibility to determine the appropriate cross-connection control program and/or backflow prevention device necessary to protect their systems, we look forward to working with the FDEP toward a resolution of this matter that benefits the public, which we all serve.

Thank you for your time and consideration of this matter. Please feel free to contact me with any questions you may have.

Sincerely,



Hector D. Castro, P.E., Chairman
On behalf of the Southeast Florida Utility Council Member Utilities

Copy Sent by Email:

Michael Sole, Secretary, FDEP
Van Hoofnagle, P.E., FDEP
John Sowerby, P.E., FDEP
Jack Long, FDEP Southeast District Director
Tom Lefevre, Palm Beach County Health Department
Tom Mueller, Broward County Health Department
Samir Elmir, Miami-Dade County Health Department
Michael Sittig, Executive Director, Florida League of Cities
Christopher Holley, Executive Director, Florida Association of Counties
John Wayne Smith, Legislative Director, Florida Association of Counties
SEFLUC Member Utilities