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via email: Maurice.Barker@FloridaDEP.gov

**Re: STOPR Comments on Draft Wastewater Collection System Rules:
Modifications to Chapter 62-604, Florida Administrative Code (F.A.C.)**

Dear Mr. Barker:

On August 31, 2022, the Florida Department of Environmental Protection ("FDEP") held a workshop on rule development related to changing portions of Chapter 62-604, Florida Administrative Code ("F.A.C.") related to wastewater systems. The City of St. Cloud, Toho Water Authority, Orange County Utilities, Polk County Utilities, and Reedy Creek Improvement District (collectively referred to as the "STOPR Group") respectfully submit the comments below related to the latest draft changes to the above-listed rules.

- 1) **Section 62-604.500(5) and (6):** The Department has developed Rule 62-600.705, F.A.C., which provides for utilities to develop pipe assessment, repair, and replacement action plans, also known as collection system action plans. If this rule is ratified by the Florida Legislature, utilities will develop plans with a 5-year planning horizon for the management of the collection/transmission systems under the utility's control to mitigate sanitary sewer overflows, infiltration and inflow, and underground pipe leaks. We believe that the FDEP should modify its proposed language in section 62-604.500(5) and (6), F.A.C., to link it to the requirements to manage sanitary sewer overflows, infiltration and inflow, and underground pipe leaks contained in proposed Rule 62-600.705, F.A.C., as follows (proposed changes highlighted in yellow):

(5) Collection/transmission systems shall be maintained to manage ~~minimize~~ excessive infiltration and inflow into the collection/transmission system, as well as ~~excessive~~ leakage from the collection/transmission system in accordance with sound engineering and maintenance practices and a department-approved collection system action plan prepared in accordance with Rule 62-600.710(2)(a), F.A.C. ~~The owner/operator of a collection/transmission system shall take corrective actions when~~

infiltration, inflow, or leakage is excessive.

~~(a) Infiltration and inflow are considered excessive if one or both cause or contribute to sanitary sewer overflows. Inflow shall not be considered excessive if the collection/transmission system owner/operator demonstrates that the inflow is not representative of collection/transmission system performance. Examples include extreme weather, such as a hurricane, beyond the control of the owner/operator of the collection/transmission system.~~

~~(b) Leakage, or exfiltration, is considered excessive if it causes or contributes to a violation of surface water quality standards or ground water quality standards.~~

(6) All collection/transmission systems shall be operated and maintained to ~~prevent~~ minimize sanitary sewer overflows in accordance with sound engineering and maintenance practices and a department-approved collection system action plan prepared in accordance with Rule 62-600.710(2)(a), F.A.C. ~~to the extent that is technically and economically feasible.~~ Owners/operators of collection/transmission systems that experience a sanitary sewer overflow shall evaluate the cause of the overflow and potential corrective measures to avoid future sanitary sewer overflows. ~~Corrective actions shall be taken by the owner/operator of the collection/transmission system if excessive inflow and infiltration causes a sanitary sewer overflow.~~ The owner/operator of a satellite collection system shall take corrective actions for a sanitary sewer overflow in the receiving collection system resulting from excessive inflow and infiltration in the satellite collection system.

- 2) **Section 62-604.550(3):** The FDEP is proposing new requirements for contacting the FDEP and conducting sampling for unauthorized discharges from a collection/transmission system to surface waters that endanger public health or the environment. The proposed language would be difficult to implement because the FDEP's District Offices are not available to be contacted on nights, weekends and holidays; however, utilities could provide notification to the Department during non-business hours through other means, such as email. In addition, a requirement for utilities to conduct testing within 24 hours may not be feasible due to safety considerations (e.g., discharges occurring during extreme weather events, or other unsafe conditions), or laboratories not being open to provide testing materials or to accept and test samples within the required timeframe, or test results not being available within 24 hours. The STOPR Group would propose the following alternative language:

3) For unauthorized discharges from a collection/transmission system to surface waters that endanger public health or the environment and were not recovered, the owner/operator of the collection/transmission system shall conduct bacteriological

surface water quality monitoring for the applicable parameters in subsection 62-302.530(6), F.A.C., as soon as possible but no later than 24 hours after notification from the appropriate District Office that surface water quality monitoring is required based on the nature and circumstances of the particular unauthorized discharge. Sampling locations should be determined using best professional judgement based on receiving water flow, accessibility to sampling locations, and the volume and distribution of the unauthorized discharge. Nothing in this section shall require the owner/operator to contact the appropriate District Office prior to initiating surface water quality monitoring based on its own determination that such monitoring is warranted.

- 3) **Section 62-604.600(2)(a) and 62-604.400(2)(a):** The FDEP is proposing rule language to promote the permitting and upgrading of pump stations that do not meet the emergency pumping requirements of paragraphs 62-604.400(2)(a), F.A.C. as discussed at the Department's August 31, 2022 workshop. While the goal of upgrading the pump stations is laudable, it is better addressed through direct requirements to upgrade pump stations, rather than requiring upgrades at the time of pump replacements. Therefore, the rule related to emergency pumping requirements should be amended to incorporate emergency pumping capability upgrades into the collection system action plan process (changes highlighted in yellow):

62-604.400(2)(a) Emergency pumping capability shall be provided for all pump stations. Pumping capability shall be provided as follows:

1. Pump stations that receive flow from one or more pump stations through a force main or pump stations discharging through pipes 12 inches or larger shall provide for uninterrupted pumping capabilities, including an in-place emergency generator or in-place engine-driven pumping equipment.

2. For pump stations not addressed in subparagraph (2)(a)1., above, emergency pumping capability may be accomplished by connection of the station to at least two independent utility substations, by providing a connection for portable or in-place engine-driven generating equipment, or by providing portable pumping equipment.

3. Such emergency standby systems shall have sufficient capacity to start up and maintain the total rated running capacity of the station. Regardless of the type of emergency standby system provided, a riser from the force main with rapid connection capabilities and appropriate valving shall be provided for all pump stations to hook up portable pumps. All pump station reliability

design features shall be compatible with the available temporary service power generating and pumping equipment of the authority responsible for operation and maintenance of the collection/transmission system.

4. As part of the department-approved collection system action plan prepared in accordance with Rule 62-600.710(2)(a), F.A.C. each utility shall include plans to implement modifications necessary to meet the emergency pumping requirements of this subsection by December 31, 2033 or request a variance based on the specific facility conditions.

62-604.600(2)(a) Replacement of any facilities with new facilities of the same capacity at the same location as the facilities being replaced, except for pump stations, or pumps at pump stations, when the pump station does that do not meet the requirements of paragraphs 62-604.400(2)(a)-(e), F.A.C.

- 4) **Section 62-604.500(4):** The FDEP is proposing rule language that would require utilities to submit updated operation and maintenance manuals to the FDEP following every change to the collection/transmission system requiring the submission of the form Notification of Completion of Construction for a Domestic Wastewater Collection/Transmission System. The STOPR Group believes that this will be administratively burdensome for larger utilities and FDEP as larger utilities may have dozens of changes to their systems each year.

In addition, some larger utilities have developed online system maps that are continually updated to account for any changes to the system. The continual resubmission of operation and maintenance manuals would be unnecessary for these utilities as the operation and maintenance manual does not contain a system map, but rather points to the location of the utility's online system.

Therefore, the STOPR Group would request that the language be revised to require annual submission in the event of a new or revised operation and maintenance manuals as follows (changes highlighted in yellow):

(4) Copies of record drawings and the operation and maintenance manual shall be available at a site within the boundaries of the district office or delegated local program permitting the collection/transmission system, for use by operation and maintenance personnel and for inspection by Department personnel. A copy of a new or revised updated operation and maintenance manual shall be submitted electronically to the applicable DEP district office or delegated local program no later than January 31 of each year with the Notification of Completion of Construction for a Domestic Wastewater Collection/Transmission System (adopted and incorporated by reference in paragraph 62-604.300(3)(b), F.A.C., effective

(effective date of rule), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), required by Rule 62-604.700, F.A.C., unless paragraph (d) applies. If subsection (d) is applicable, then the submittal of a copy of the existing operation and maintenance manual is only required if it has not been previously submitted or updated in accordance with paragraph (c).

The STOPR Group appreciates the opportunity to review and comment on the draft rules and looks forward to continuing to work collaboratively with the FDEP and other stakeholders in the State to further develop the updated wastewater rules.

If you have any questions, please feel free to contact us.

By:



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Environmental Utilities Department

By:



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By:



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