

FWEA Utility Council: Legislative and Regulatory Update



FWEA WR3 Spring Seminar 2025
Thursday, March 20, 2025
Orange County Utilities; Orlando, FL

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Florida Water Sector Successes

Every day in Florida...

**1.6
BILLION**

Gallons of
safe drinking
water are
provided

**1.5
BILLION**

Gallons of
wastewater are
collected,
treated, and
safely returned
to the
environment

**900
MILLION**

Gallons of
reclaimed
water for reuse
are provided



Employment opportunities

**16
JOBS**

created
per

**\$1 MILLION
INVESTED**

in infrastructure



We are dedicated to protecting public health and Florida's most important resource – water.

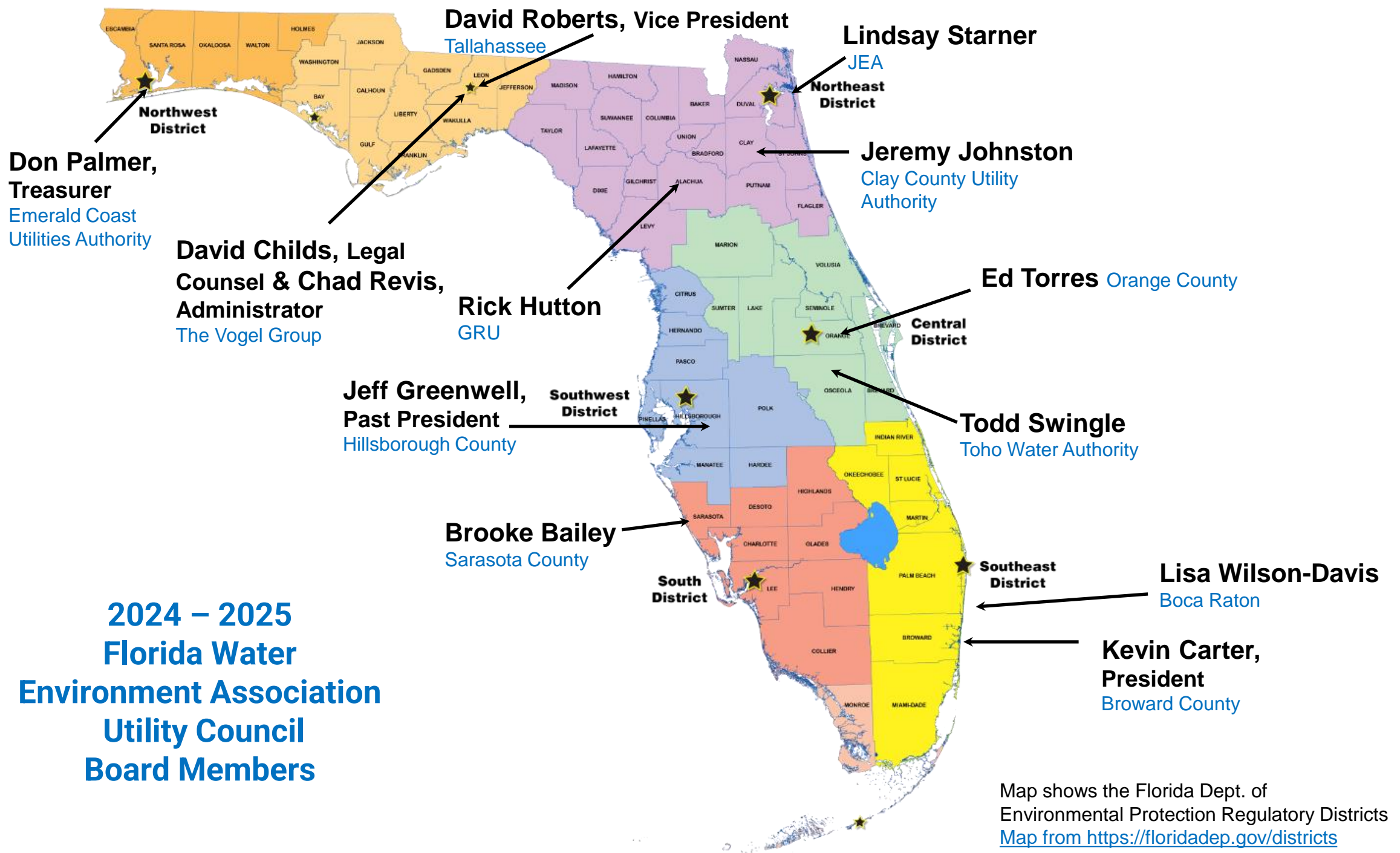
Who is the FWEA Utility Council?



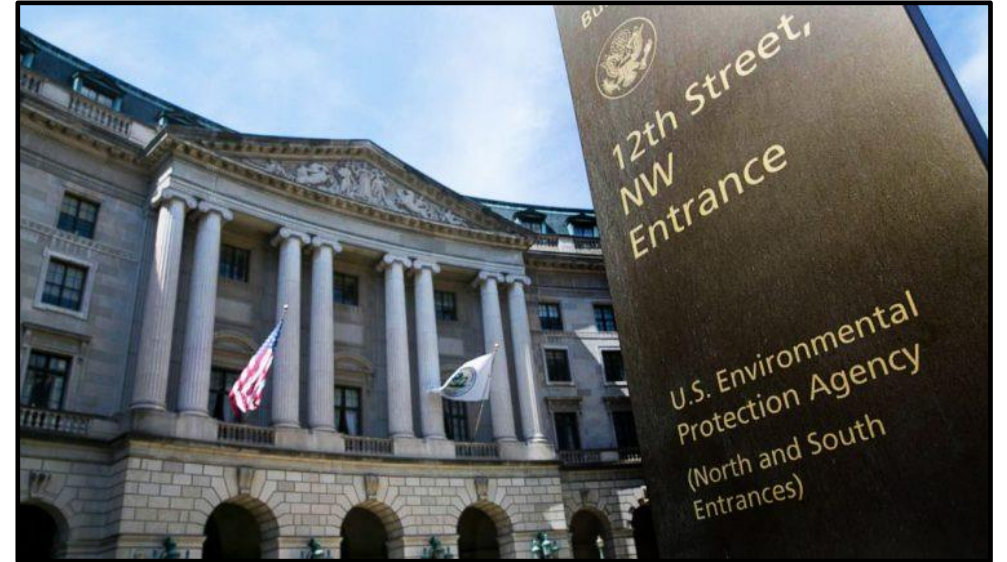
- We are FWEA's legislative and regulatory arm.
- Primarily interact, advocate and educate the Florida Legislature, with some Congressional interaction.
- Primarily interact, advocate and educate the Florida Department of Environmental Protection, with some U.S. Environmental Protection Agency interaction.
- Began in 1997 with 15 utilities, now over 75 member organizations from public and private sector.

“Our members advocate sound governing policies and are Florida’s trusted source to collect and clean wastewater and to serve as protectors of public health and the environment.”

**2024 – 2025
Florida Water
Environment Association
Utility Council
Board Members**



Washington D.C. Updates



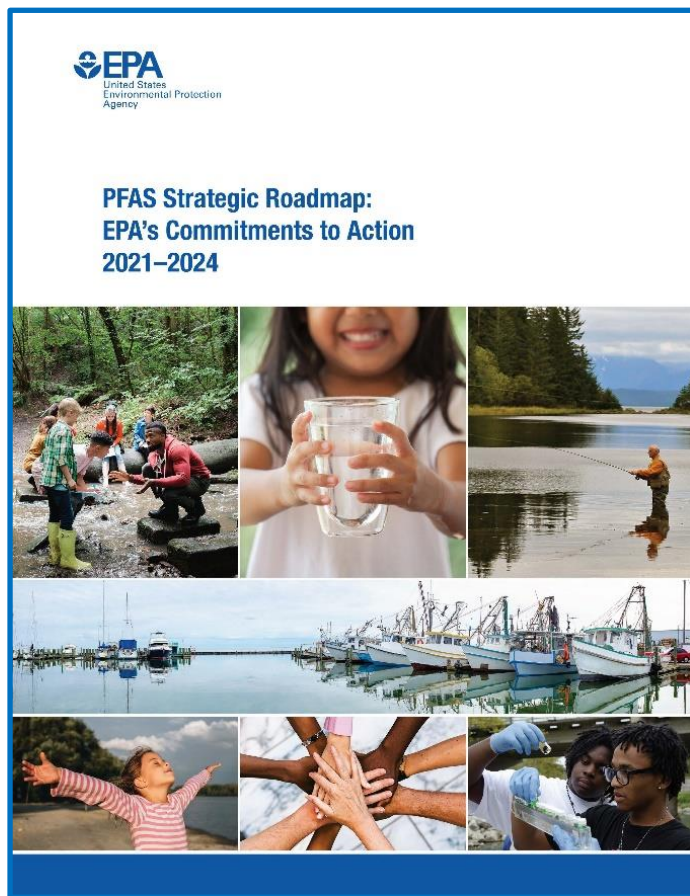
PFAS, It's Everywhere!



- USEPA estimates other sources beyond drinking water constitute 80% of potential exposure to people.

<https://www.epa.gov/system/files/documents/2022-06/technical-factsheet-four-PFAS.pdf>

EPA's PFAS Strategic Road Map Released October 2021



<https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

<https://www.epa.gov/pfas/epa-actions-address-pfas>

- Developed by the EPA Council on PFAS who are leaders from across all Programs and Regions.
- Goals focused on 3 Rs – Research, Restrict, and Remediate:
 - Set timelines for action steps to meet those goals.
- An example of goals initially met:
 - December 2022: Provided guidance to states on how to use the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permitting program to reduce harmful PFAS pollution.
- The Road Map's Implementation benefits from the Bipartisan Infrastructure Law's \$2 Billion for PFAS and Emerging Contaminants in Drinking Water announced February 2023.

<https://www.epa.gov/dwcapacity/emerging-contaminants-ec-small-or-disadvantaged-communities-grant-sdc#Imp>

EPA's PFAS Strategic Road Map: National Primary Drinking Water Regulation (NPDWR)

Compound	Final MCLG	Final MCL (enforceable levels)
PFOA	Zero	4.0 parts per trillion (ppt) (also expressed as ng/L)
PFOS	Zero	4.0 ppt
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1 (unitless) Hazard Index	1 (unitless) Hazard Index

- On April 10, 2024, EPA released final NPDWR for 6 PFAS.
- PFOA and PFOS levels remain the same as proposed at 4 ppt.
- Added 3 individual PFAS compounds from proposed Hazard Index.
- Modified Hazard Index MCLG at 1 (one significant figure) for mixtures containing 2 or more of 4 PFAS (PFHxS, PFNA, HFPO-DA, PFBS).

EPA's PFAS Strategic Road Map: National Primary Drinking Water Regulation (NPDWR, cont.)



- AWWA and Association of Metropolitan Water Agencies filed a petition to review EPA's PFAS NPDWR on June 7, 2024 and filed opening brief October 7, 2024.
- “Concerned EPA did not rely on the best available science and the most recent occurrence data and used novel approaches as the basis for portions of the rule.”
- “Believe the rule underestimates nationwide costs and adds to affordability challenges without achieving the public health outcomes we all see.”
- American Chemistry Council and National Association of Manufacturers filed separate petition on June 10th – state EPA rule “arbitrary, capricious and an abuse of discretion.”

<https://www.awwa.org/Resources-Tools/Resource-Topics/PFAS>

<https://www.nytimes.com/2024/06/10/climate/pfas-forever-chemicals-lawsuit.html>

EPA's PFAS Strategic Road Map: CERCLA (Superfund Act)



- Water sector organizations advocated for water and wastewater CERCLA exemptions for last few years:
 - Without exemption, water sector could be “potentially responsible parties” who are financially liable for cleanups.
- August 2022: EPA proposed rule to designate PFOA and PFOS as CERCLA hazardous substances:
 - No exemptions and concluded costs were precluded from consideration in proposed rule.
 - AWWA and Hazen & Sawyer report estimates > \$3.7 Billion per year for drinking water residuals.
- November 2022: FWEA Utility Council and FSAWWA Water Utility Council submitted comment letters with numerous utilities signing on:
 - Seek water sector exemption, the polluter pays!
 - “Enforcement discretion is no substitute for effective regulation.”

EPA's PFAS Strategic Road Map: CERCLA (Superfund Act, cont.)



- April 2024: H.R. 7944 - Water Systems PFAS Liability Protection Act is filed in the House, matches S. 1430, but neither move.
- April 2024: EPA release rule that designates PFOA and PFOS as hazardous substances under CERCLA (effective July 8th):
 - Includes a PFAS Enforcement Discretion Settlement Policy Under CERCLA document stating EPA does not intend to enforce the rule on certain entities such as water sector.
 - However, third party litigation is still a liability. Water Sector continues to push for CERCLA exemption from Congress.
- Feb. 2025: Rep. Perez introduces H.R. 1267 – Water Systems PFAS Liability Protection Act into new 119th Congress.

<https://www.epa.gov/superfund/designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla>

EPA's PFAS Strategic Road Map: CERCLA (Superfund Act, cont.)



- Both FSAWWA Water Utility Council and FWEA Utility Council expect to seek water and wastewater utilities to send letters (many already have) via E-mail to local congressional offices to support H.R. 1267 – Water Systems PFAS Liability Protection Act and in future U.S. Senate bill.
- Contact me at kcarter@broward.org if interested.

EPA's PFAS Strategic Road Map: Biosolids

- January 2025, EPA finalized risk assessment for PFOA and PFOS:
 - May serve as the basis for determining whether regulation of PFOA/PFOS in biosolids is appropriate.
- EPA's Scientific Advisory Board for EPA's Standardized Framework for Biosolids Chemical Risk Assessment finalized report October 2023 and may influence PFAS studies.
- EPA Biosolids PFAS Working Group met 3 times since report, last meeting May 2024.
- Beyond the risk assessment, CERCLA rule outcome will likely affect biosolids uses.
- Other issues:
 - Maine already banned biosolid application because of PFAS.
 - NACWA/NEBRA/WEF 2020 study found average management cost in surveyed utilities increased by approximately 37% in response to PFAS regulations.
 - Litigation in Texas.

https://sab.epa.gov/ords/sab/f?p=100:18:7435319323204::RP,18:P18_ID:2610



EPA's Draft and Proposed Rules and Studies on Hold

- Proposed Resources Conservation and Recovery Act (RCRA)
- Draft POTW Influent Study
- Proposed PFAS Human Health Water Quality Criteria
 - EPA accepting comments on proposed rule through 04/25/25.
 - Some standards lower than drinking water standards (see below).



Table 1. Draft Human Health Criteria (HHC) for Three PFAS.

PFAS	Water + Organism HHC (ng/L; ppt) ¹	Organism Only HHC (ng/L; ppt) ¹
PFOA	0.0009	0.0036
PFOS	0.06	0.07
PFBS	400	500

¹ Values are provided in ng/L units to aid in comparison to method detection limit (MDL).

State of Florida Legislative Update



State of Florida Legislative Update (cont.)

- 2024 Florida Legislative Session budget grant and loan dollars will be announced in coming months. (<https://protectingfloridatogether.gov/state-action/grants-submissions>)
- Seminole gaming compact revenues targeted for some of these funds with 2024's HB 1417: Funding for Environmental Resource Management.

Wastewater Grant
Program
\$135 million

Water Projects
\$410.4 million

Wastewater &
Drinking Water
Revolving Loan
Programs
\$178.2 million

Total Maximum Daily
Loads
\$25 million

Springs Restoration
\$55 million

Alternative Water
Supply
\$55 million

Water Infrastructure
Improvements
\$178.3 million

Flood and Sea-Level
Rise Program
\$125 million

Biscayne Bay Water
Quality
Improvements
\$20 million

Indian River Lagoon
Water Quality
\$75 million

Resilient Florida
Grant Program
\$100 million

Water Quality Grant
Program
\$79 million

State of Florida Legislative Update (cont.)

- 2025 Florida Legislative Session began Tuesday, March 4th, however interim committees and two special sessions held since Dec. 2024.
- The FWEA UC and the Florida Section of AWWA Water Utility Council held our joint Tallahassee 'Fly-In' from Feb. 11th through 13th (original dates snowed out!) and met with over 60 legislators on:
 - Continued Funding
 - Potable Reuse
 - Project Flexibility with state/federal funds
 - 3rd Party Pipeline Damages



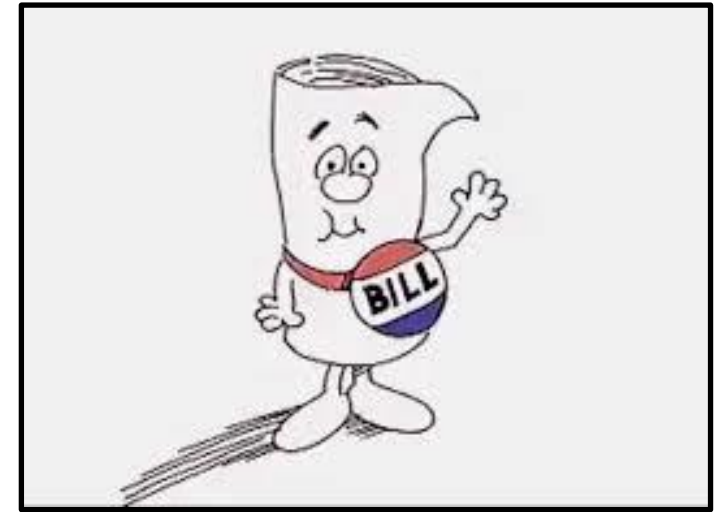
State of Florida Legislative Update (cont.)

- FWEA UC and the Florida Section of AWWA Water Utility Council represented by Jeff Greenwell (Hillsborough County) and Robb Zammataro (JEA) on a 2021 Senate Bill 64 update panel before the Senate Environment & Natural Resources Committee Feb. 18th*
- FWEA UC and FSAWWA WUC members hold weekly virtual meetings to discuss proposed legislation.
- If you have questions or concerns on bills, please contact me (see first and last slides).



* Video at https://www.flsenate.gov/media/videoplayer?EventID=1_ky7xx6qg-202502181100&Redirect=true

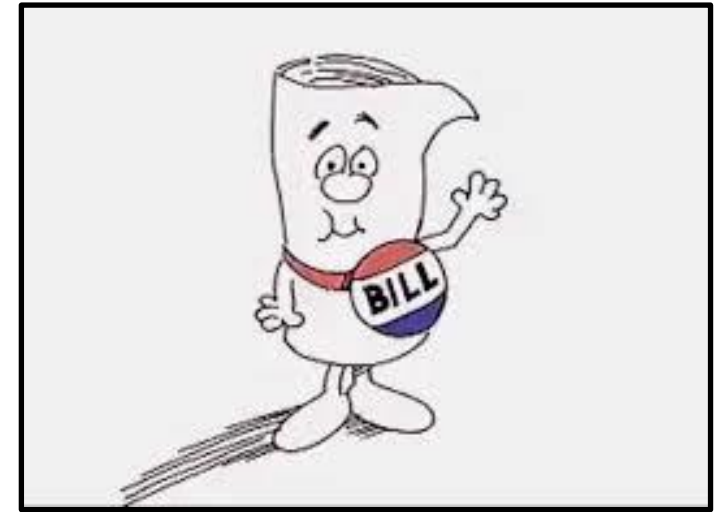
- Some initial bills have been filed we are tracking:
 - Service Lateral Assessment and Rehabilitation: SB 1208 (Sen. Truenow), HB 1187 (Rep. Nix)
 - Municipal Water and Sewer Utility Rates: SB 202 (Sen. Jones), HB 11 (Rep. F. Robinson)
 - Utility Services: SB 1704 (Sen. Calatayud), CS/HB 1523 (Rep. Busatta)



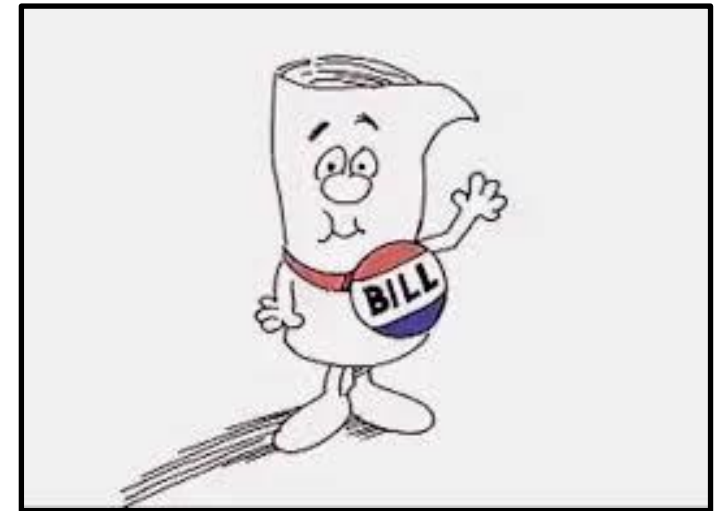
State of Florida Legislative Update (cont.)

➤ Some initial bills have been filed we are tracking:

- Assault or Battery on a Utility Worker: SB 1386 (Sen. Truenow), HB 857 (Rep. Kincart Jonsson)
- Department of Agriculture and Consumer Services: CS/SB 700 (Sen. Truenow), HB 651 (Rep. Tuck)
- Infrastructure and Resiliency: HB 1345 (Rep. LaMarca)
- One Water Approach to Water Resource Management: SR 1846 (Sen. Truenow), HR 661 (Rep. Albert)
- Sewer Collection: SB 1784 (Sen. Pizzo), HB 1123 (Rep. Cassel)
- Water Management Districts: SB 7002 (Sen. Environmental and Natural Resources Com), HB 1169 (Rep. Conerly)

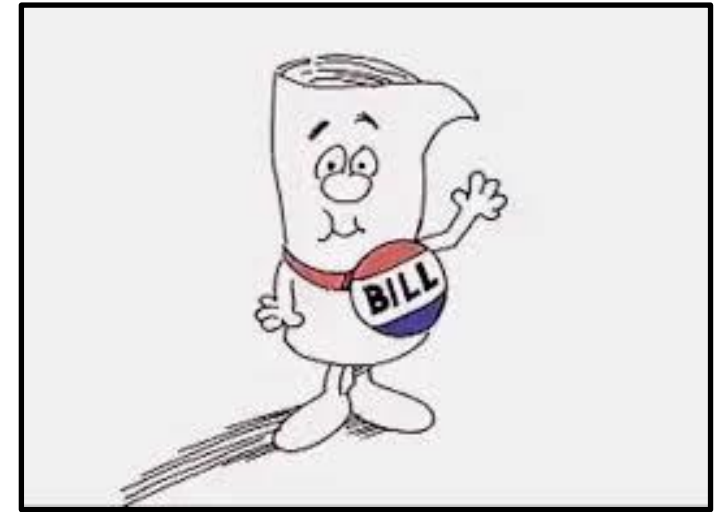


- Some initial bills have been filed we are tracking:
 - Department of Transportation: SB 462 (Sen. DiCeglie) and Transportation HB 567 (Rep. McFarland)
 - Utility Relocation: SB 818 (Sen. McClain), HB 703 (Rep. W. Robinson)
 - Sanitary and Storm Water System Standards: SB 1436 (Sen. McClain), HB 739 (Rep. Grow)



➤ Some initial bills have been filed we are tracking:

- Advanced Wastewater Treatment: CS/SB 978 (Sen. Berman), HB 861, Rep. Cross
- Residential Utility Disconnections: SB 330 (Sen. Berman), HB 419 (Rep. Tendrich)
- Water Quality Improvements: SB 1646 (Sen. Berman), HB 1575 (Rep. Driskell)
- Safe Waterways Act: SB 156 (Senator Rodriguez), HB 73 (Rep. Gossett-Seidman)



State of Florida Regulatory Update



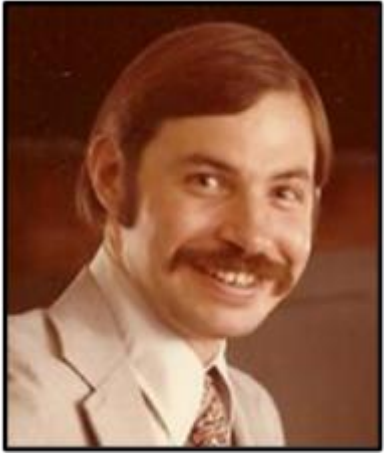
Recent DEP Rulemaking

➤ 2020 SB 712: Clean Waterways Act:

- Wastewater Biosolids Management: House Bill 1309 was signed into law on June 21, 2021, ratifying the proposed DEP biosolids rule (see [Chapter 2021-153, Laws of Florida](#)).
- Domestic Wastewater Collection and Transmission System: Initial DEP rules ratified by the legislature and became effective on June 28, 2023 (please see [House Bill 7027](#)).
- Stormwater Environmental Resource Permitting: DEP rule ratified by 2024 State Legislature.
- Potable Reuse: Approved by DEP's Environmental Regulation Commission, December 2024, much more to come in this presentation.

➤ 2021 SB 64: Reclaimed Water:

- Eliminates nonbeneficial wastewater discharges to surface water bodies by 2032.



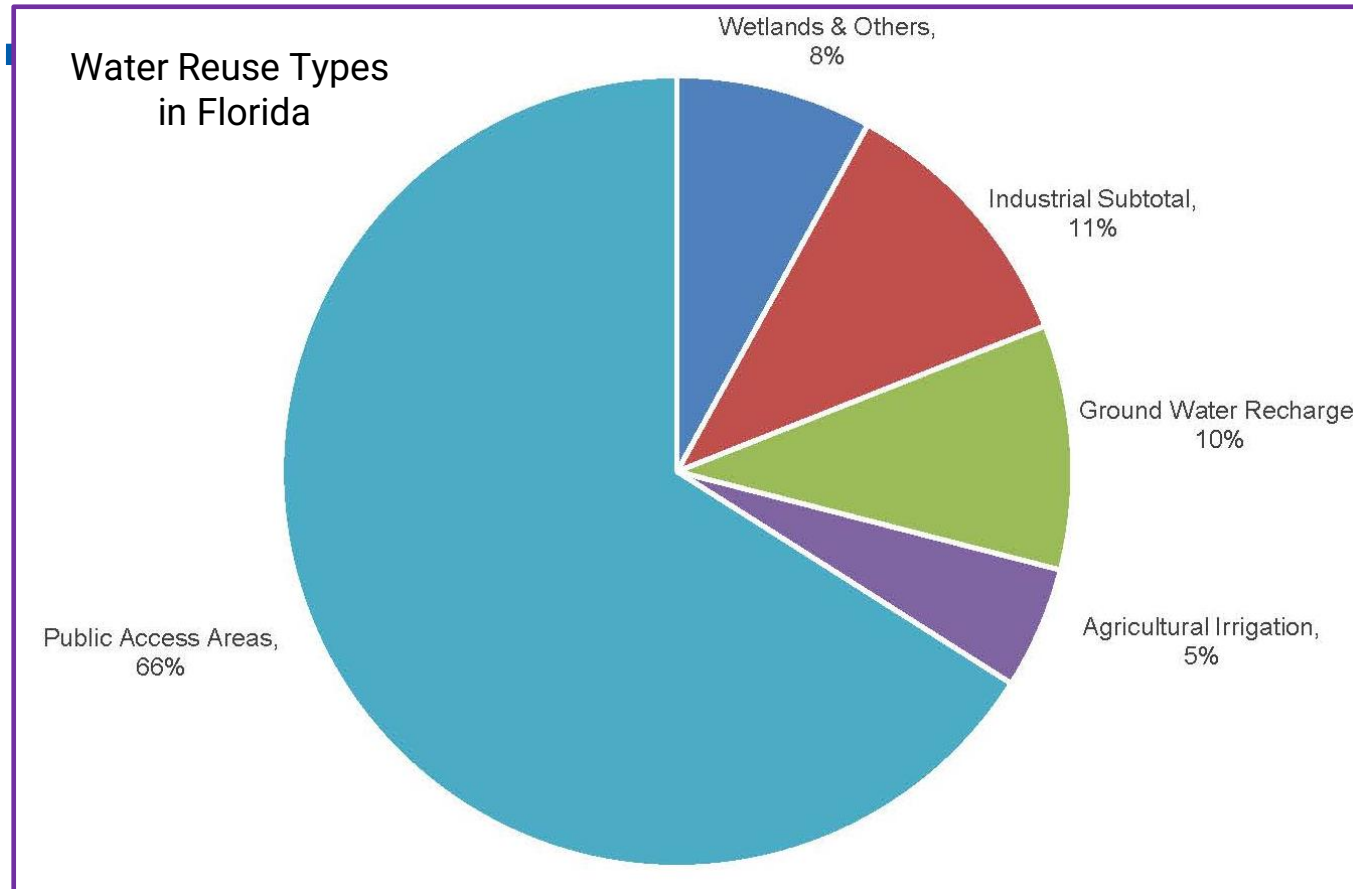
Florida's Exceptional Water Reuse History

A shared journey between Florida's water sector, State Legislature, and Florida's regulatory agencies



(Originally Published: November 14, 1987)

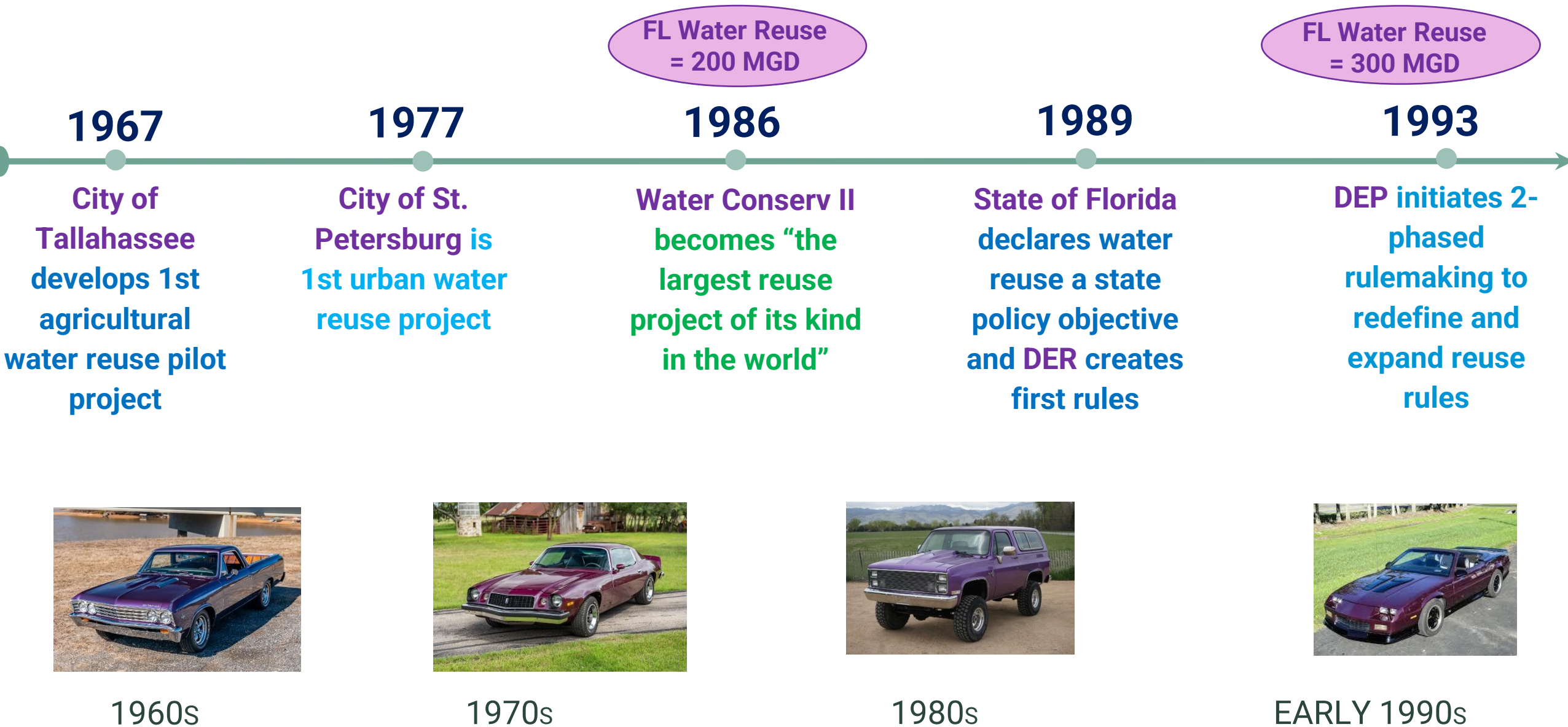
Florida is a Water Reuse Leader!



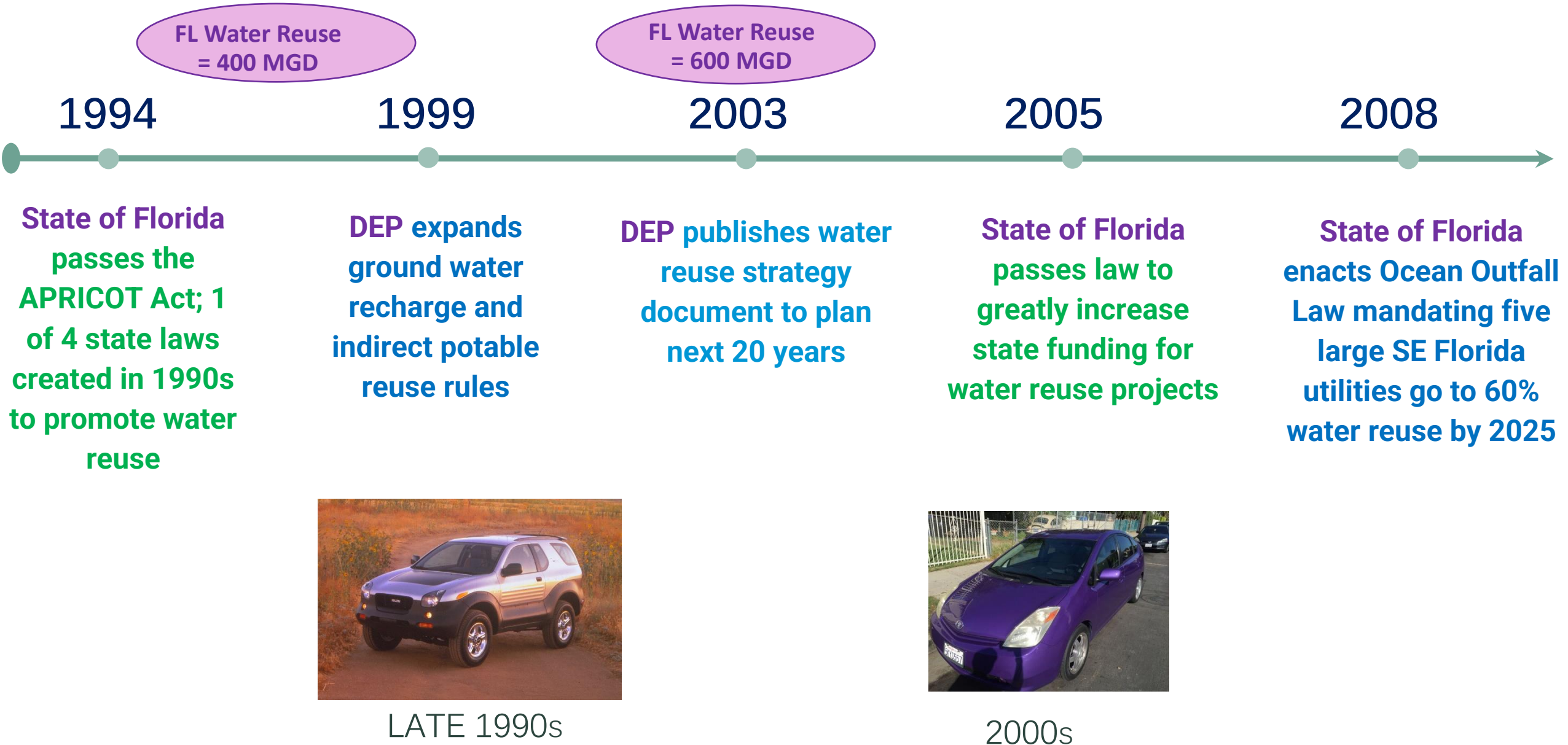
Graphic from Florida Department of Environmental Protection 2022 Reuse Inventory
<https://floridadep.gov/water/domestic-wastewater/documents/2022-reuse-inventory>

- In 2022, 413 Florida utilities produced 769 million gallons (mgd) per day of water reuse.
- **Public Access Area** (e.g., homes) irrigation remains top use.
- But how did we get here and where are we going?

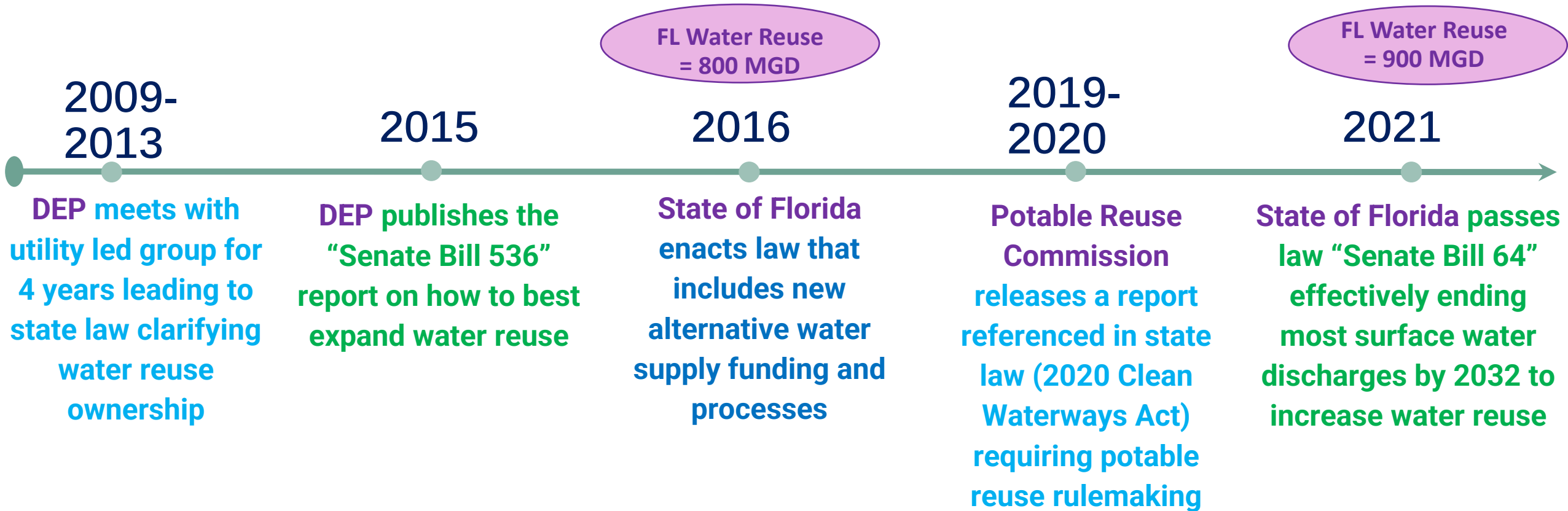
The Florida Water Reuse History Lesson



The Florida Water Reuse History Lesson



The Florida Water Reuse History Lesson



2010s



2020s

Florida is Set to be a Future Potable Reuse Leader!



**We have traveled a
long successful journey
since 1967!**

- The water sector will build upon previous successes and use the new technology to meet the growing water supply demands.
- The Florida Legislature directed this path forward and DEP has implemented its rules.
- However, more work remains: Community education and messaging to gain public support is a growth area.



Evolution of Potable Reuse Rulemaking

The journey continues.....

DEP Potable Reuse Rulemaking

January 13th and June 2nd 2021

Potable Reuse Rulemaking Workshops
Updated Potable Reuse draft rules published in May 2021
62-550 FAC*, 62-555 FAC, 62-610 FAC

September 2022

Potable Reuse Rulemaking Workshop
62-550 FAC, 62-555 FAC, 62-610 FAC

June 2023

Notice of Rule Development
62-565 FAC, 62-610 FAC

DEP Potable Reuse Rulemaking (cont.)

July 15, 2024

Potable Reuse Rulemaking Workshop
62-550 FAC, 62-555 FAC, 62-610 FAC , 62-565 FAC

December 9, 2024

Environmental Regulation Commission Approves Potable Reuse Rules.

Next Steps in 2025 and beyond

Water Sector and Florida Communities' Implementation

DEP Potable Reuse Rulemaking (cont.)

- Many thanks to David Childs (The Vogel Group), Jeff Greenwell (Hillsborough County), Ryan Popko (JEA), Todd Swingle (Toho Water Authority), and Ed Torres (Orange County) who participated in 2 years of bi-weekly meetings with FDEP and other stakeholders to reach our major milestone of potable reuse rules in Florida!

Potable Reuse Rule: Some New Terms

➤ Advanced treated water:

- Water produced from an advanced treatment water facility for potable reuse applications. Advanced treated water can be from more than one advanced treatment water facilities.

➤ Advanced Treatment Water Facility (ATWF):

- The facility where advanced treated water is produced. The specific combination of treatment technologies employed will depend on the quality of the reclaimed water and the type of potable reuse.

➤ Direct Potable Reuse (DPR):

- The delivery of advanced treated water from an advanced treatment water facility to a drinking water treatment facility or directly into a potable water supply distribution system without an environmental buffer.

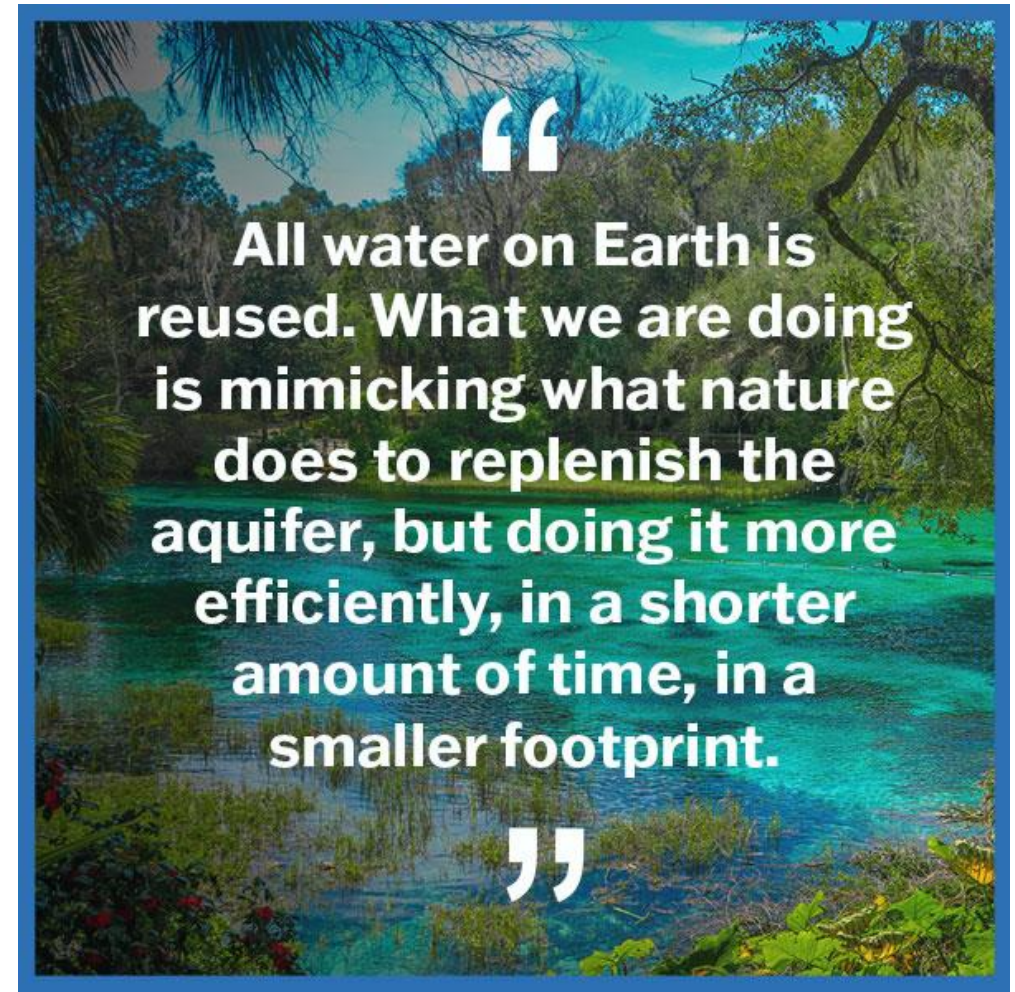
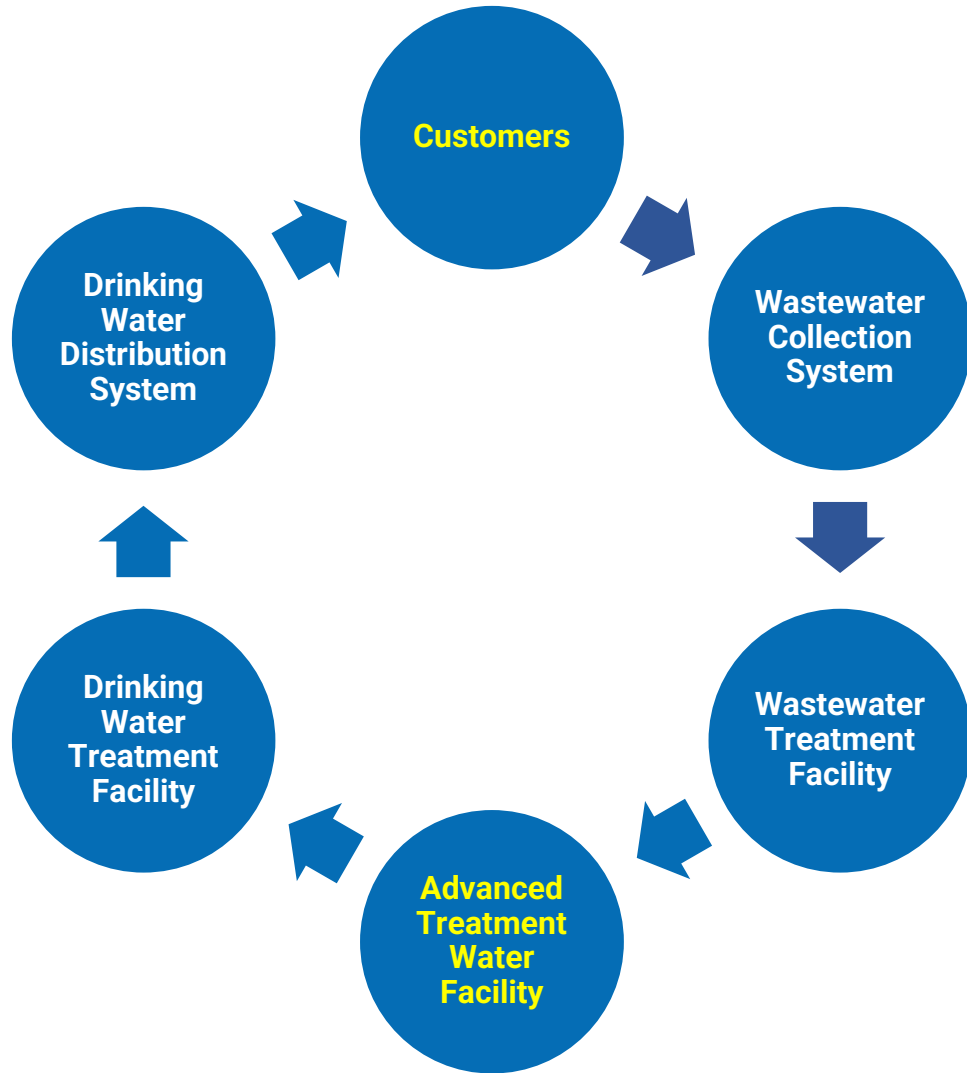
➤ Potable reuse:

- Augmentation of a drinking water supply with reclaimed water, which includes indirect potable reuse.

➤ Potable reuse system:

- The permitted facilities interconnected for the purposes of producing finished drinking water from domestic wastewater.

Potable Reuse System



From JEA's website: <https://www.jea.com/purifiedwater>

Conversations Lead to Solutions – Let's Talk! Time For Discussion

- We want to hear from you!
- What do you think about the laws, bills, rules, proposed rules and other reg/leg actions?
- Are you looking now at costs and timelines?
- How about public outreach?
- Membership has its benefits and privileges.
- The floor is yours!

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Photo from new FWEA Utility Council website,
please visit and consider joining if not a member

<https://www.fweautilitycouncil.org/>



- Backup Slides

Resources Conservation and Recovery Act (RCRA) TBD



- February 8, 2024: EPA proposed listing of nine PFAS as hazardous constituents under RCRA (PFOA, PFOS, HFPO-DA, PFNA, PFHxS, PFBS, PFBA, PFDA, PFHxA):
 - Enables cleanup of constituents under RCRA Corrective Action Program.
- Proposed 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.
- Public comment period closed on April 2024 and EPA going through review period of all draft rules.

<https://www.epa.gov/hw/proposal-list-nine-and-polyfluoroalkyl-compounds-resource-conservation-and-recovery-act>

Resources Conservation and Recovery Act (RCRA) cont.



- National Association of Clean Water Agencies generally supportive but noted:
 - “Solid or dissolved materials in domestic sewage are not solid wastes as defined under RCRA, and can’t be considered RCRA hazardous wastes.”
 - If poorly planned rule may negatively impact biosolids land application.
- AWWA generally supportive but noted:
 - Drinking water systems potentially indirectly impacted by rule.
 - If water treatment wastes become listed hazardous wastes, the impact could be “several hundred thousand to millions of tons of treatment residuals being diverted to hazardous waste facilities.”
 - Recommend “EPA leverage its RCRA authority to list PFAS-laden industrial and commercial waste streams by description.”

<https://www.epa.gov/rcra>

<https://www.regulations.gov/docket/EPA-HQ-OLEM-2023-0278/comments>

EPA's Draft POTW Influent Study (TBD)

- January 2023 released initial Effluent Limitations Guidelines (ELG) Plan 15
 - Initially only focused on influent monitoring.
- Evolved to include influent, effluent, selected industrial users, and biosolids; Utility to pay monitoring costs.
- April 3, 2024: released Draft Publicly Owned Treatment Works (POTW) Influent Study for public comment.
- Survey top 400 wastewater utilities (by volume) to understand potential PFAS sources and then monitor at top 200 to 300 utilities (FL has 19 utilities within the top 400).
- Unrelated to EPA's study, Water Research Foundation just released wastewater utilities PFAS study.

<https://www.epa.gov/eg/effluent-guidelines-plan>

<https://www.waterrf.org/research/projects/occurrence-pfas-compounds-us-wastewater-treatment-plants>

