

FWEA UTILITY COUNCIL
2004 LEGISLATIVE AGENDA

August 15, 2003

ADOPTED

1. Water Conservation Plan

- a) State water law should recognize that a local public utility's governing body has the responsibility and right of establishing rates for its services.
- b) Adopting a water conservation rate structure should be one of many water conservation measures a utility may elect to pursue. If a utility elects to adopt a water conservation rate structure, the nature and charges included in that structure should be determined by the utility and the utility will demonstrate that its rate structure discourages inefficient use.
- c) To meet water conservation requirements of consumptive use permitting, utilities should be allowed the flexibility to choose from various water conservation measures to reduce demand on the public supply system, and develop a water conservation plan. The water conservation measures a utility could select from would include additional water conservation education, informative billing, leak abatement, providing additional reuse, providing rebates or other incentives for using water conserving fixtures and appliances, working with the affected local government to adopt ordinances requiring water conserving landscaping and plumbing fixtures, metering, alternative sources, water conservation rates, and other initiatives that manage public supply demand. This water conservation plan should be a goal-based program. The utility would decide which measures to include in the plan.
- d) To implement these concepts, DEP, in conjunction with the water utility industry and water management districts, should develop a water conservation guidance manual. Once developed, DEP must adopt the water conservation guidance manual by rule, and the manual will apply statewide in all the water management districts. The manual must explicitly state that it is the responsibility of the appropriate utility to determine the specific rates it will charge its customers and that the role of the Department or a water management district, in the context of reviewing a consumptive use/water use permit application, is confined to the review of those rate structures to determine whether they discourage inefficient water use. Public water supply utilities could then develop a water conservation plan based upon options contained in the water conservation guidance manual to satisfy the conservation requirements imposed to obtain a consumptive use/water use permit.

2. Reuse of Reclaimed Wastewater

- a) State water law should encourage incentive-based programs for reuse implementation when feasible and cost effective without intrusive regulations.
- b) Reclaimed wastewater should only be implemented where economically, technically and environmentally feasible. Technical and environmental feasibility should address public health risks, safety and risks to environment.
- c) Consumptive use permit conditions should not require a utility to provide reclaimed wastewater for reuse. Section 373.250 F.S., allows the water management districts to require potential users of reclaimed wastewater to use that wastewater, but it should not be construed to empower the water management districts to mandate that a utility provide reclaimed wastewater for reuse.
- d) Determination of the feasibility of providing reclaimed wastewater for reuse should be governed solely by the study prepared pursuant to Section 403.064 F.S., and evaluated by DEP during the permitting process for wastewater treatment plants. Section 403.064 F.S., should be amended to clarify that the water management districts must accept the reuse feasibility analysis prepared by the wastewater provider for DEP pursuant to that section.

- e) Water management districts should not be able require a provider of reclaimed water to redirect reclaimed water from one user to another or to provide uncommitted water to a specific user if such water is anticipated to be used by the provider, or a different user selected by the provider, within a reasonable amount of time. However, a utility may choose to reallocate a customer's supply of reuse to achieve greater conservation of potable water or greater recharge fraction as determined by the utility provider. If a utility reallocates a customer's supply of reuse, the water management districts must consider such reallocation when issuing water use/consumptive use permits.

3. Biosolids

- a) Biosolids are critical to support cost effective agribusiness in Florida.
- b) When properly applied, they beneficially improve soils and lead to increased yields.
- c) There is no evidence that properly applied biosolids have any adverse health effects in humans. There is no scientific evidence indicating increased risk to human health from the proper land application of biosolids.
- d) Current state and federal regulations are adequate to safeguard the environment and public health.
- e) Permits and regulations need to be enforced to assure compliance.
- f) Cost of the enforcement should be born through general revenue and fines/penalties.