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Florida**

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August 4, 2009

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

Dear Mr. Peterson:

**SUBJECT: DEP RULE CHANGE PROPOSALS REGARDING CROSS-CONNECTION CONTROL  
FOR PUBLIC WATER SYSTEMS**

Hillsborough County Water Resource Services Department respectfully submits this second letter of comment regarding the recent rule development workshops held in three locations across the state.

Richard Cummings, Manager of our Field Maintenance Group, which includes our Cross Connection Control Program (CCC) was in attendance at two of the workshops, and he offered verbal comments during the public comment portion at each.

Thank you for proposing changes to the existing regulations, especially the revision of the requirement to install reduced pressure zone backflow preventers (RPZs) on all auxiliary systems. HC encouraged additional public meetings and workshops located regionally throughout the state, and are grateful that one of the workshops was held locally in Temple Terrace. We are also appreciative that the Department has done a complete overhaul of the rule, and incorporated some of our suggestions into the policy. You have provided several new alternatives in your proposal and although we agree in principle, we have several issues as follows:

**COMMENTS ON THE PORPOSED RULE CHANGE:**

- HC does believe that dual checks (DuC) are a reasonable alternative to RPZs as identified in Table 1, and we believe that each residential home covered in those categories should have one, using a multi-year phased approach.
- We continue to assert that the requirement to change out or refurbish dual checks every 5 years is costly, and we still find no basis of fact in this requirement other than from the manufacturers

themselves. Palm Beach County provided data that that showed the viability of these devices long after five years. We would prefer to leave these units in place until the meter is changed out.

- Although Automatic Meter Reading (AMR) does have an important place in a CCC program, and we were one of the first to propose using them in conjunction with a CCC program, we now have negative financial issues which are crippling our ability to pay for such a program. We suggest the FDEP allow a phased program for the installation of AMR ready meters, which can be made fully operational later, when the economy rebounds.
- Although HC applauds the addition of customer agreements to your proposed plan, and has heard such suggestions from concerned citizens before, we do not think there are any teeth in it, as customers can write anything they like due to nonexistent QA/QC protocols for the document. Several utilities made similar comments during the public comments portion of the workshops. However, HC now finds itself in a financial situation whereby customer agreements, along with DuC may be the only option we can financially consider in the foreseeable future. We would insist on inserting plain language in the agreements which would require a plumber or irrigation contractor to certify that no cross-connection exists. HC would prefer to institute a two-stage penalty process be used for customer agreements. This process could include a warning for the first found infraction and stiffer penalties for those cross-connections which are determined to be deliberately recreated.
- You did not address the situation in which case this proposed rule is adopted and moves forward, and the homeowners who had RPZs recently installed, would retaliate against the County. We firmly believe that an organization like HC should be afforded protection from homeowners who have had RPZs installed, only to have them potentially removed under this new policy. HC should not be required to purchase or reimburse for any homeowner-owned equipment. If this is not addressed the legal challenges will begin the first time HC attempts to ensure that the installed RPZs meet the annual testing requirement. At a minimum, please include typical legal language that might be used in a modified County ordinance or policy.
- The rule change has still not adequately addressed residential homes using potable water to irrigate, which require a pressure vacuum breaker (PVB) or RPZ per the State Building Code. If a home which required an RPZ because of an auxiliary connection were retrofitted to a County owned DuC, there would be no customer annual requirement to test. The homeowner with a PVB/RPZ would still be required to have his unit tested annually. That homeowner would feel discriminated against because they would see only one entity when they receive a notice of violation: the County. But the County would be enforcing the Building code, not the CCC requirement. It is clear that in HC the activist battle would continue. This is a practical reality that HC and all other Counties face. Unfortunately, FDEP's regulations are not the only regulations homeowner's face and we believe it is important for the FDEP to promulgate regulations that take into consideration this broader context.
- Program activities reports are now shown in much more detail and are potentially overwhelming in scope. While HC does find common ground on several of the proposed seven elements of a CCC program, the requirement (4) to assess all new service connections before providing water service to those connections no later than 12/31/15 is labor intensive and costly. The additional

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requirement to assess all existing service connections including dedicated fire or irrigation service connections at least once no later than 12/31/24 is also labor intensive and cost prohibitive. The department states that the assessment may be made using a questionnaire or inspection as appropriate is also problematic. We, along with officials from other Counties, have already been told that we cannot legally perform inspections, and as stated before, questionnaires are only useful if the consequences for noncompliance are incorporated into the documents. Your rule change does not address these issues.

- The HC still recommends a comprehensive accounting of the statewide program and uniform implementation.
- The annual CCC program activities report for community water systems (CWS) is much more complex, and labor intensive than necessary. HC has had very few possible CC in the past. If additional reporting is required, we suggest limiting this to commercial establishments, which we believe pose the greatest risk.

In conclusion, we believe strong customer agreements along with dual check valve assemblies which are replaced during meter replacement is the most that even a financially solid utility like HC can afford to do. In addition, new installations can be AMR ready; but HC cannot commit to a full AMR program under the current fiscal conditions.

Your positive consideration in this matter would be greatly appreciated. Please feel free to contact me with any questions you may have.

Sincerely,

Paul J. Vanderploog, Director  
Hillsborough County Water Resource Services