



August 21, 2008

**VIA U.S. MAIL**

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

Re: DEP Reuse Permitting and Cross-Connection  
Program

Dear Mr. Peterson,

Please accept this letter on behalf of the Palm Beach County Water Utilities Department (PBCWUD) with respect to the Florida Department of Environmental Protection's ("DEP") recent actions concerning consideration of cross-connection control in permits authorizing new or expanded public access reuse. Please note that PBCWUD provides water, wastewater and reclaimed water services to approximately 507,000 people located within approximately 1,200 square miles of the rapidly urbanizing, primarily unincorporated area of Palm Beach County Florida.

Since 1993, Florida Administrative Code Rule 62-555.360 has provided 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 to detect and control cross-connections and prevent backflow of contaminants in the potable water system. As part of this program, the systems 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.



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Section 62-555.360(4) provides the only devices DEP considers to be 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.

Until recently, the DEP rarely applied a requirement for backflow prevention devices on individual residences and almost never in South Florida. However, DEP recently stated that it will begin requiring reduced pressure backflow preventers (RPZs) for all auxiliary water systems. In an effort to begin developing this requirement, DEP notified main stakeholders of its intention to form a work group of water professionals to evaluate the alternative approaches for backflow residential premises with an auxiliary water system. As part of this work group, DEP invited the Southeast Florida Utility Council (SEFLUC) to select one person to participate on SEFLUC's behalf. SEFLUC selected Hassan Hadjimiry, Director of the Palm Beach County Water Utilities Department's Regulatory Compliance Division, as its representative. PBCWUD greatly appreciates DEP's efforts to form a work group as well as include high-level utility officials with experience dealing with the larger picture of reclaim/reuse and potable water as a whole.

During the work group's initial meeting, DEP stated that one of its purposes is to develop an alternative to the RPZ requirement. At present, Rule 62-555.360 fails to contain any language specifically requiring use of an RPZ for auxiliary systems. However, DEP believes increased protection is necessary for auxiliary water systems due to concerns relating to public health and safety. PBCWUD thoroughly supports the DEP's efforts to protect public health and safety through adequate safeguards to the public drinking water system. However, it still has some concerns as to the RPZ requirement.

PBCWUD is concerned as to the impact of this activity on the ability of utilities in Southeast Florida to promote use of auxiliary water supplies and reuse of reclaimed water. Estimates for installation of an RPZ backflow prevention device are approximately \$600 per residence. Annual testing is also required and approximately 800,000 PBCWUD customers may be affected by this requirement.

The potential total cost for PBCWUD utilities is a staggering \$60,000,000, for all individual homeowners, not including annual testing costs of nearly \$7,500,000. When considering the statewide requirement of RPZ for homes with an auxiliary water source, the cost will be close to \$1,000,000,000 for installation and annual testing cost of over \$120,000,000 per year. In addition, utilities must also employ additional employees at the rate of one employee per 5,000 RPZs to monitor and manage the program. The cost of additional employees must also be charged to the residential customers required to have an RPZ. Furthermore, it is imperative to note that DEP has failed to provide any information demonstrating that additional hazards exist, which require this extraordinary deviation from the DEP's existing rule.

PBCWUD believes the current backflow prevention programs, which allow use of dual check valves at customers meters, is adequate and protective of human health. Recent surveys of dual check valves at Palm Beach County Water Utilities Department installed over 9 years ago illustrated a failing rate of less than 1% while the RPZ failed tests were nearly 10%. Utilities may assume the cost of dual check valve retrofits as part of their meter replacement program, which varies 7-10 years, at no cost to the customers. Utilities may also improve/increase the public awareness of cross connection and its consequences for non-compliance by providing frequent educational material. PBCWUD also believes that adequate compliance time must be provided to utilities which currently do not have any backflow prevention devices requirements to comply with the dual check valve requirements.

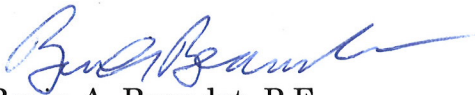
Additionally, Rule 62-555.335, F.A.C., does not include the Guidance Memorandum among the list of publications adopted as financial, managerial, and technical guidance to assist suppliers of water in achieving compliance with Chapters 62-550, 62-555, and 62-560, F.A.C. Moreover, even if the Guidance Memorandum was included in this rule, it would only "be referenced as enforceable requirements, but otherwise, these publications are to be used only as guidance, and the specific requirements contained in Chapters 62-550, 62-555, and 62-600, F.A.C., shall supersede the guidance in these publications." Thus, the specific authorization to use dual-check valves contained in Rule 62-555.360(5) supersedes any guidance documents.

Finally, if DEP intends to require RPZs for all auxiliary devices, it must go through the rulemaking process and modify Rule 62-555.360, F.A.C. as well as any other relevant rules. Rule 62-555.335 provides the guidance document may only "be referenced as enforceable requirements...But otherwise, these publications are to be used only as guidance, and the specific requirements contained in Chapters 62-550, 62-555, and 62-600, F.A.C., shall supersede the guidance in these publications." At a minimum, DEP should include a provision in the rule allowing customers or utilities to avoid the RPZ requirement by demonstrating that public health will be adequately protected.

Once again, PBCWUD appreciates DEP's efforts to work together and develop appropriate standards for protection of public health and safety. PBCWUD believes the current backflow prevention and cross-connection controls adequately protect the potable water system. PBCWUD recommends that DEP continue to follow the rules as set forth in Chapter 62-555, Florida Statutes, and allow the use of residential dual-check valves.

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

Sincerely,



Bevin A. Beaudet, P.E.  
Director

Palm Beach County Water Utilities Department

- c: Michael Sole, Secretary, FDEP  
Van Hoofnagle, P.E., DEP  
John Sowerby, P.E., DEP  
Robert Weisman, P.E., County Administrator  
Shannon La-Rocque-Baas, P.E., Asst. County Administrator  
Brian Shields, P.E., Deputy Director, PBCWUD  
Hassan Hadjimiry, P.E., Director, Regulatory Compliance, PBCWUD