

Public Rulemaking Workshop Chapters 62-550, 62-555 and 62-560, F.A.C.-20260708_140030UTC-Meeting Transcript

Chase Evans: Good morning. My name is Chase Evans, and I will be the moderator for today's workshop. With me today from the Division of Water Resource Management, I have Matthew Knoll, Deputy Director, Ronald McCulley, Program Administrator of the Drinking Water and Aquifer Protection Program, Sydney Cummings, Environmental Administrator over the Source and Drinking Water Program, Abel Agosto, Environmental Supervisor with the Source Interest Water Program as well. In addition, we have other staff who will be assisting us with our workshop today. This workshop is being hosted in person and virtually, and I want to take a few moments to cover the layout of today's meeting and go over a few housekeeping things.

If you are attending in person, please sign in if you did not already do so. Restrooms are located in the main hall on either side of the elevator area. Groups will need to be escorted to the security desk at the conclusion of the meeting, but not the restroom. To access the Wi-Fi, please select the network preservation. The approver's email address is on the whiteboard and on the printout on your table. If you are here in person and also logged into the webinar, please join without audio to avoid interference.

Copies of the F.A.R. notice and draft agenda can be found on the table by the door. And for those attending virtually, copies of all today's materials can be found on our website. This presentation is being recorded. ¹The recording will be available as soon as this afternoon on our website.

Please keep sound in the room to a minimum as there are microphones on the ceiling and around the room. Between chapters, we will take public comments and questions from, actually be amended that. We'll be taking comments from the public at the very end of our presentation now. So we will take the in-person comments first, then we will move to online attendees. For those here in person, if you would like to speak, please go ahead and fill out these speaker cards. Those cards can also be located on the sign-in table as well. For those online wishing to speak, please raise your hand and we will call on you in the order that we receive your hand raises, and you'll be prompted to unmute yourself at that point. Additionally, you may type your comments or questions

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in the chat so they can be announced on your behalf.

For right now, online attendees are listen only mode to reduce background noise. When we move to accept public comments, attendees will allow microphone access. When microphones are enabled, our online attendees will be able to unmute themselves. So you will be responsible for unmuting yourselves should you have the opportunity to speak. If you wish to provide verbal comments, please raise your hand, and when you are called on, I will unmute your microphone and then ask to unmute your microphone before stating your name, organization, and comments. I will now turn it over to Sydney for today's presentation.

Sydney Cummings: Thank you, Chase. Good morning. My name is Sydney Cummings and I'm the Environmental Administrator over the Source and Drinking Water Program. My team and I have initiated rulemaking to adopt the federal requirements of the Lead and Copper Rule Improvement or LCRI, and today I'm going to walk everyone through where these federal requirements will be incorporated into our existing Chapters; 62-550, 62-555, and 62-560 of the Florida Administrative Code. EPA started this lead and copper journey in 2021 with what was then known as the Lead and Copper Rule revision. Shortly after EPA finalized those rules, they announced that they would be going back into rulemaking to develop what we now call the LCRI. EPA's intent with the LCRI was to provide additional clarity and extend several of the compliance dates that were found within the original LCRR. Some key components of the LCRI are the lowering of the action level for lead. Under the original lead and copper rule, our action level has been set at 15 parts per million. Now that will be dropping Ten parts per million. They've also updated some of the public outreach requirements, as well as service line inventory requirements and replacement plans for lead pipes.

Under DEP's primacy agreement with EPA, we have two years to adopt and incorporate all federal requirements into our state regulations. At this time, DEP is operating under a memorandum of agreement with EPA to complete all rulemaking and submit our final primacy package to EPA by the October 30th, 2026, deadline. As I mentioned earlier, the purpose of this rulemaking is to adopt the federal requirements of the LCRI into the existing drinking water Chapters, 62-550, 62-555, and 62-560.

We'll start off by going through the amendments to Chapter 62- 550. We've made revisions to 62-550.200 to revise the definition of the lead action levels from the 15 per billion to the 10. Revisions to 62-550.730 removed the listing of reporting requirements and required the use of a new sampling form, which will be located in 62- 555.900 to

standardize sample reporting. 62-550.825, there are updates to the table to reflect the new MCL.

62-550.800 requires the formation of a baseline inventory, which is now to include connectors. If required a revised sampling site steering system requires the formation of lead service line replacement plans. Again, you're going to see this throughout. It mentions the reduction of the action level from 15 down to 10. Updates the lead-free value for pipes and fittings to 0.25%. Requires monitoring of lead in schools and childcare facilities. Adds 1st and 5th liter sampling requirements for Tier 1 and Tier 2 sites. It updates the annual notification language for known or potential lead service lines. Requires provision of lead filters and cartridges by the water system to customers for six months following the replacement of any lead service line. Requires that public water systems must provide no cost tap sampling to residential customers served by lead service line, lead that is unknown service line or a galvanized service line.

Moving now to Chapter 62- 555, Rule 322 defines lead-free pipes and pipe fittings as being no more than the 0.25%. 555.335 incorporates the most recent versions of EPA guidance documents and reference material. 555.401 reflects changes to the reference materials that are now adopted and incorporated in 555.335.

555.900. There's been some updates to the form. Form 900(12) is the PWS sampling plan for lead and copper tap samples and water quality parameters. References the current version of the CFR for the updated version. It also updates the definition For tiers to those in the LCRI, including the additional 5th year. Form 555-900 for 16 is a PWS certification of notifications of lead and copper cap sample results. Again, that form has been updated to reference the most current version of the CFR. And that same change was made to the Lead Public Education Program report for a public water system to update the CFR references contained within that form.

There are some new forms that are being adopted and incorporated as part of this rulemaking process. The PWS lead and copper tap sampling form is a new form. Previously, in Chapter 62- 550, the department listed out all of the data elements that were to be submitted for the sampling event. We have developed a form to encompass just those items that are required by the CFR. This will help standardize the lab reporting format for all lead and copper top sampling, and it includes a table for collecting the first- and fifth-liter sampling at tier one and tier 2 sites as defined in the LCRI. The PWS water quality parameter sampling form, again, we are taking all the water quality parameter sampling requirements, all of the required data elements that

the LCRI has established, and we are just putting that into a standardized form, and the PWS certification of notification of known, or potential lead service line. That is another new form that's going to confirm consumer notification was provided when necessary. And it will be used in conjunction with the LCRI baseline inventory and with each annual update thereafter.

And finally, the revisions being made to Chapter 62-560 are to remove the exemption from lead service line replacement as under the LCRI, there is no more exemption for lead service line replacement.

Now, I'm going to kick it back over to Chase. That is the conclusion of our presentation.

Chase Evans: Good morning again. So at this point in our workshop, we're going to open the floor for public comments. I'm going to start off things with anyone in person if they have any questions or comments. And we just ask that if anyone does speak either virtually or in person, that they limit their speaking time to just 3 minutes. So looking at our in-person group here, I don't see any comments, so I'm going to kick it over to Kate to start moderating any comments that you have online virtually.

Katherine Stratton: Hi, Chase, can you hear me?

Chase Evans: Yeah.

Katherine Stratton: Okay, we have one question online. Somebody asking, *does the definition of lead-free match the building codes of the state?*

Chase Evans: Our definition of lead free as incorporated from the LCRI actually didn't come from the state level. It became; it actually came from the federal code. So I believe in the LCRI, it specifically references the precise area of the federal code that we got the definition from. If that person would like to reach out to me directly or to our administrators that need, we can get that reference to them.

Katherine Stratton: We have one additional question here, Chase, so far. *Does the free sampling apply to customers with galvanized lines or galvanized requiring replacement lines?*

Chase Evans: Yeah, I didn't quite catch that last part, Kate.

Katherine Stratton: *Does the free sampling apply to customers with galvanized lines or GRR lines?*

Chase Evans: Yes, that would be under the galvanized requirement replacement requirement, as well as any less there was one.

Katherine Stratton: Don't see, hang on. *Is the LSRLR replacement plan required based on connector status?*

Chase Evans: Yes, so as opposed to the standard inventory that was initiated under the LCRI, the LCRI actually does incorporate connectors as being a part that needs to be identified for, you know, for the purposes of the baseline inventory.

Katherine Stratton: *Is there a link that can be shared where we can access the results for all schools that participated in the volunteer sampling?*

Chase Evans: Yeah, that link will be on our website, and if you need access to it, we can get that link sent to you.

Katherine Stratton: *Is the proposed language available or is the federal rule being referenced?*

Chase Evans: Our most of our rule is just going to be incorporated by a reference from the federal rule. The text is not currently available, however.

Katherine Stratton:

Is, sorry, I understand the connectors need to be identified. A replacement plan requires...

Chase Evans: I'm sorry, I didn't quite catch that part.

Katherine Stratton:

Sorry, Chase, I apologize. *I understand the connectors need to be identified, but is a replacement plan required if the only unknowns remaining are the connectors?*

Chase Evans: So under the rules, because we're including connectors in the baseline

inventory, we still would have to undergo the standard processes for everything, simply because it still counts as an unknown part of the distribution system.

Katherine Stratton: *How would a system go about finding LED connectors in a system if they show they do not have LED service lines?*

Chase Evans: So, in terms of in terms of identifying connectors, it would have to be in the if laid out in the CFR in the same way as the identifying live service lines themselves, either by records or you know, building info, those sorts of things. For connectors, however, the main source of identification would still have to be like with web service line, with typically physical identification if there isn't substantial records of, you know, the building, the permits and all of that stuff.

Katherine Stratton: *How can we comment by today if the draft rule is not available? The federal and a follow up, the federal rule did not include the LSL replacement plan submission based on the connector status only.*

Chase Evans: Yeah, so that one's going to be a bit more of a regulatory question, so I'm going to pass it off to the team.

Sydney Cummings: Hey, I just wanted to take a second to address the question about rule text. In our state regulations, we are adopting the CFR by reference. However, we are including the text of the CFR within our state regulations as a courtesy to prevent people from having to you know, pull up the FAC and then jump to the CFR and do that type of a cross reference. This is also a rule development workshop, so we are not at the point of a notice of proposed rule, we have not yet published a notice of proposed rule, but we should have that text available shortly. But again, there are no regulatory changes from what is currently in the CFR for the LCRI and what is going into our state regulations.

Katherine Stratton: *Is there a best practice approach to encouraging childcare facilities to sample?*

Sydney Cummings: So there's a couple of ways that we can go about that. I'll do a shameless plug here for one of the department programs we have, which is the voluntary lead testing in schools' program. Schools can get tested and sampled completely at no cost to them. There is also monies that will be available within this year for remediation. So if they do test the fixture and there are high levels above the

action level in those fixtures, there are monies for replacement of those fixtures.

As far as doing outreach to the schools as part of the requirements under the LCRI, we do have outreach materials available that we can provide to folks to just educate the schools on the importance of testing, and then we can also provide information about our no cost program. We contract that out with Florida World Water Association, and they take care of, you know, securing the samplers for the school, collecting the sample, getting the analysis run as well as again the remediation of any fixtures that may exceed the action level.

Katherine Stratton: *Are the lab results available for voluntary schools for us to submit for waiver? Are these results necessary for the PWS to obtain?*

Sydney Cummings: So that is an internal discussion that we have been having. So under the LCRI, there are waivers that are available for school districts or individual schools that sample under any program that meets all of the requirements of the sampling in schools. We are exploring a couple of options as to whether or not that will be a statewide waiver for anybody who has samples under the voluntary lead testing in schools' program. I'm very hopeful that we will have the support to issue that statewide waiver and then for other schools who may have samples either independently or as part of some other programs, they will be able to, water systems will be able to apply for a waiver using that data. Now, for the previous question we received on can, you know, the public access that data, the only data that we have publicly available is for the folks who have sampled under our voluntary lead testing in school program. I will not have the data for anybody who has done any type of independent analysis at any schools or childcare facilities.

Katherine Stratton: *The slide discussing free sampling indicated galvanized and did not specify GRR. It is unclear if customers with galvanized lines are included in the free sampling requirement.*

Sydney Cummings: OK, our apologies for the oversight on that slide. That family requirement only applies to those who are serviced by a lead line galvanized, galvanized requiring replacement unless that is unknown.

Katherine Stratton: *If we are supposed to physically identify the connectors, aren't we supposed to remove them at the same time? Wouldn't doing this negate the need for the service line replacement plan?*

Sydney Cummings: Yeah, so part of the replacement plan will be laying out that you will be replacing these connectors as you find them. When you read through the LCRI there and we talk about the connectors, there is a provision that says that connectors can be identified through the normal course of operation. So that is a little different than the actual service line itself. Does that answer that question?

Katherine Stratton: Tara, if that doesn't answer your question, go ahead and submit a follow-up. Sydney, the next question is, *utilities would need to dig up every service line on every street to see if there are any lead connectors. I would think if a system does not have any LSL or any record showing the utility, never purchased lead connectors would be acceptable.*

Sydney Cummings: That is a great question. That is honestly something I would ask for a little bit of time on. I would love to have the opportunity to speak with my counterparts up at EPA Region 4 to get their take on before I make any type of formal statement.

Katherine Stratton: *Will a new template for the baseline inventory be provided or should we use the current connector choices in the initial inventory?*

Sydney Cummings: Yeah, I don't believe that there's going to be a new template provided for the baseline inventory. So the selection options will remain the same as they were on the initial service.

Katherine Stratton: *Will FDEP be submitting language related to corrosion control where there is state flexibility?*

Sydney Cummings: Our intent at this time is to adopt and incorporate all of the federal requirements as is, so we do not anticipate any deviations from the federal requirements.

Katherine Stratton: *Are waivers going to be made available to remain on reduced tap and water quality parameter monitoring, or will all systems be required to return to standard monitoring?*

Chase Evans: There's definitely going to be with that part is because with the both systems would have to go back to biannual monitoring, just as a reset for everything. But I believe there is in full tension of.

Katherine Stratton:

Case, that was a little muddy. Could you repeat that, please?

Chase Evans:

Yeah, sure thing. So on that piece of things, you know, under the LCRI currently, as written, it states that all systems would go back to biannual monitoring. Obviously, for certain systems, that would it be the most prudent approach to them because, you know, there's situations where they're already confirmed as being lead free status and those sorts of scenarios. So there is in rule a few exceptions for, you know, certain systems when it comes to that piece of thing. So we'll work on kind of clarifying that and exempting those systems, as you know, the department um starts to implement the LCRI.

Chase Evans: Yeah, so just to reiterate, there will be waivers.

Katherine Stratton: *We have a follow up to the earlier question. How are we supposed to provide an inventory of lead connectors without physically exposing them before the LCRI inventory is due?*

Chase Evans: So if there isn't a, you know, it's not physically verified and there isn't a good paper to up trail in terms of, you know, building records and invoices and those sorts of things. In those scenarios, you could just tag them as unknown for the time being. In rule, it is stated that, you know, for the baseline inventory for the final iteration of it, there is a rolling period now as opposed to the initial inventory where it just needed to be done at the compliance date. For this, it will be annually updated. So there is, you know, for the time being, those connectors can just be classified as unknown and then through, you know, confirmation through physical inspection at some point in the future, they can be identified at that point.

Katherine Stratton: I just like to remind those that are that are participating that you can also raise your hand and provide your comment orally if you'd like. *The federal rule does not require lead service line replacement plan due to the connectors. If the system has 100% non-lead service lines, no lead service line replacement plan is required.*

Chase Evans: So the system has already been confirmed to be lead free. You know, obviously in the LCRI, there are a few exemptions in the rule for lead free systems or

systems that have already been classified as that. However, before making like a formal statement about that, I would want to just look at the rule just to confirm and then follow back up with you on that one.

Katherine Stratton: *If we educate childcare about the voluntary lead testing program by FRWA and then they do not choose to act, what then is the water system's follow-up responsibility?*

Chase Evans: So in situations in the LCRI, you know, where you're having to reach out specifically to private businesses and those sorts of things, typically are, you know, we have to make good faith efforts. So that would be, you know, going out, trying to communicate with the person or sending them some sort of communication. After three attempts, good faith effort attempts to get into contact with those facilities. That's when the system would then be exempt from, you know, continuously trying to reach out to them.

Katherine Stratton: Yeah.

Chase Evans: And if you have oops.

Katherine Stratton: The. No, go ahead, Chase. Go ahead, Chase.

Chase Evans: Oh, I was just going to preface to the people online, if you did have any follow-up, you know, specific questions like this, because I know, you know, obviously these things kind of pop up offhand as you're going through the rules. Feel free to reach out to me or Sydney. We, you know, our email address is and um information are available online for you. Um, just as a resource. Should any other questions come up after the presentation or the workshop today.

Katherine Stratton: We have one additional comment here, Chase. *The unknown option applies to the composition of the connector and not whether or not the connector exists.*

Chase Evans: It would just be, if you know that there is a known connector at a specific point, it would just be speaking about the material of that connector.

Katherine Stratton: *After 3 attempts to get a private daycare to comply, does this take them off the list permanently or do they drop into the next year's list?*

Chase Evans: So typically that would just mean that they would be just removed from the list in its entirety. It's just three good faith efforts overall. So typically, you know, it may just not be back-to-back to back that you're trying to reach out to them. And just in case of scenarios like that, you should keep documentation of those attempts on file, just in case someone does follow up about that facility later on.

Katherine Stratton: I think you may have partially just addressed this next question. *After I contacted childcare three times, how will I know if they acted on the encouragement? And how do I prove 3 attempts?*

Chase Evans: Yes, so that would just be, you know, just keeping record of your attempts to reach out to them. So, you know, it could be as simple as just logging, hey, I tried to, you know, communicate with these people, explain what was happening, they refused, you know, just keeping a catalog of those things as they happen. And that way, you know, a regulatory district or us up here to follow back up about a specific school or childcare facility, you could have that record for us and we can, you know, review and approve that that's an exemption.

Katherine Stratton: Uh.

Chase Evans: Yeah, and that would include, you know, in beyond just a physical, you know, visit that would include emails and letters, any form of communication with this facility.

Katherine Stratton: We have a next comment; *is the federal rule does not require any mitigation by utilities?*

Chase Evans: Yes, there won't be a requirement for mitigation. Should the system come across, you know, a line or something like that. It would just be the standard procedures

Sydney Cummings: Yeah.

Chase Evans: Yeah, at the at the childcare disability.

Katherine Stratton: And this next one is referring, I believe, back to the contacting the childcare facilities. If they do act, how will we know?

Chase Evans: So if they, if they do act, they would reach out to those systems and then, you know, obviously you would be cataloging that information internally. Our regulatory agencies are aware of this requirement, so they would be following up on systems and their associated school and childcare facility at that time.

Katherine Stratton: *Once the utility provides the sampling results to the school, DOH, and DEP, they are finished.*

Chase Evans: Yeah, as long as we have records of the exactly results for that particular school or facility, that would check them off of the list. Well, hearing no further questions, I'm going to hand it off to you to wrap us up here. And if you, again, if you have any further questions, our email, my email is on the screen right now. And yes, Diana.

Katherine Stratton: Chase, we have one hand, we have one hand raised. From Diana, Diana, I'm going to allow your mic, and you can unmute yourself now. Diana, you can go ahead and unmute yourself.

Diana Pelc: Can you guys hear me?

Katherine Stratton: Yes, we can hear you, Diana. Go ahead with your question.

Diana Pelc: Hi. Awesome. So my question was back to the sampling requirement for child for daycares and schools. I believe the rule stated if they don't respond after three attempts, you do have to reach out annually and then the cycle starts every five years. So if, let's say, they respond and say, no, we don't want to participate or be sampled five years from now when this, I know it's far from now, but when it restarts, you reach out to all the schools all over again. Like what's the difference between that one year and five-year requirement for reaching out?

Chase Evans: So I do know, as it's written in rule, the five-year requirement is more associated with the sampling of schools. So it's the sampling set, so 20% need to be sampled or reached out to per year. In terms of needing to reach back out to them, I'll double check in the LCRI, just to just to ensure that it's only one time but in particular for the five years sampling us five years that it's specifically in regards to the sampling requirements this is 20% per year.

Diana Pelc: Okay, yeah, that would be useful because we, our utility started the sampling way ahead of the schedule. So we are at our annual re-notifying schools that didn't participate. So it would be good to know if we need to do that or whether if they did not respond, we satisfied the requirement.

Chase Evans: Yeah, can you tell us what utility you're with just so we can follow up with you specifically?

Diana Pelc: Yeah, I'm sorry, Palm Beach County Water Utility.

Chase Evans: All right, perfect. Well, we'll review everything and then get back to you.

Diana Pelc: Thank you.

Katherine Stratton: Chase, we have a few more questions online. *Will a copy of this presentation be available afterwards?*

Chase Evans: Yeah, it'll be put up shortly after this.

Katherine Stratton: *Does FDEP accept the use of predictive modeling to identify connectors as well?*

Chase Evans: That is a piece of things that we're still waiting on an answer from the EPA about. Currently, I'm in talk with them to try and get just a firm guidance on that specific piece of things because we have been reached out to a couple of times about that particular concern. So as soon as we get word back from our partners up in Region 4, will be sure to let the systems and everyone know at that point in time what the decision is.

Katherine Stratton: *Are there annual public education requirements for schools and childcare facilities? If so, will DEP have guidance on what must be provided?*

Chase Evans: Yes, so there is a few public education requirements associated with the additional sampling. We can create guidance for those particular things if the need is there. Just feel free to shoot me an email specifically outlining what would be helpful. you guys in terms of that public education, and like what we would need to outline for you guys, or what would make it more easy to communicate systems, and we can start working on something that would help the systems up.

Katherine Stratton: And we have a request from the city of Plant City to also receive the follow-up to the question from Palm Beach County Utilities regarding the annual versus five-year outreach.

Chase Evans: Yeah, sure thing. We'll be sure to get back to both of those systems about it.

Katherine Stratton: *Will we have to reach out to schools and daycare two more times after they say no? Or do we just try and show we tried three times?*

Chase Evans: So it's just the attempt to try three times. I know obviously there are scenarios where, you know, they may just outright say no on the first attempt, but it's still by rule. We have to try three times. So just having some sort of record that you did try to reach back out to them following that denial would be sufficient.

Katherine Stratton: *If a facility doesn't provide an email address and doesn't answer phone calls after multiple attempts, what would count as sufficient proof of communication slash outreach? Is writing down the date and time of each call attempt enough or is additional documentation required?*

Chase Evans: Yes, so if there's any systems kind of like that, we would recommend, you know, having some sort of paper trail involved. So, you know, physical letters, emails, those sorts of things that we can actually verify were sent or were attempted to be sent to those facilities would be sufficient to exist. Having to travel with them.

Katherine Stratton: *Will the new corrosion control language be required in the July 2028 CCR or the December 2027 CCR?*

Sydney Cummings: Hey, so earlier this year, the department actually initiated federal fast-track rulemaking for the CCR update. So those requirements will actually go into effect on the July 1, 2027, CCR. We have a revised rule, again, that was done through federal fast track that goes into effect December 31st, 2026. So those requirements will be in place come July 2027.

Katherine Stratton: There are no additional online comments at this time.

Sydney Cummings: Okay, and again, just to reiterate what Chase mentioned, for any of you who have system specific questions about the implementation of the LCRI and the requirements therein, please feel free to reach out to Chase or myself. We'd be more than happy to sit down with everybody. Everybody's situation is a little bit different. So we would love to sit down with you and have a one-on-one more personalized conversation about how this may affect your specifics.

Kate, if there's no other online comments, thank you all for joining us today. Again, we will be accepting additional questions and comments through close of business today. But as always, if you have any questions or concerns, please don't hesitate to reach out to me at any time. Would love to sit down and have a conversation with any of you. Thank you.