

The City of Daytona Beach  
**AGENDA SUMMARY**  
March 4, 2026 - City Commission



**TITLE:** City Clerk's Office - Ordinance Proposing a Charter Amendment to Prohibit Use of Reclaimed Blackwater for Aquifer Injection or Introduction into the City's Potable Water System

**DEPARTMENT:** City Attorney

**STAFF CONTACT:** Benjamin Gross, City Attorney

**ACTION:** Ordinance - Introduction on first reading

**Second Meeting Date:** March 18, 2026

**REQUEST:**

**Introduction of Ordinance on first reading** proposing an amendment to the City Charter, pursuant to Section 166.031(1), Florida Statutes, to prohibit the City's water utility from approving the use of reclaimed blackwater as a direct source water for either (1) injection into the aquifer or (2) introduction into the City's potable public water system, and submitting the proposed amendment to the electors at the November 3, 2026 General Election.

Action: Commission comments and questions only.

Note: Public Hearing and final action on March 18, 2026.

**CONSIDERATION/BACKGROUND:**

On February 4, 2026, the City Commission directed the City Attorney's Office to return with a proposed Charter Amendment addressing the issue of blackwater. Specifically, the Commission directed that the proposed Charter Amendment ban the use of reclaimed blackwater as a direct source for the City's potable water system and for underground well injection into the aquifer.

The attached ordinance proposes an amendment to the City Charter to add a new section titled "Limitation on Reclaimed Blackwater Use." which imposes the requested ban.

If approved, the proposed amendment must be submitted to the City's electors in accordance with Section 166.031(1), Florida Statutes, at the next general election on November 3, 2026.

The ordinance includes the required ballot title and ballot summary, compliant with F.S. 101.161, and directs the City Clerk to publish the required referendum notices.

Should the Charter Amendment be approved by the voters, the City Commission will be required to adopt a subsequent ordinance amending the City Code to implement the new Charter provision. A draft implementing ordinance has been included as a second attachment for reference and future Commission direction.

**RECOMMENDATION:**

Commission Action

**FUNDING:**

N/A

**ATTACHMENTS:**

[Reclaimed Charter Amendment Memo Final](#)

[Blackwater Ordinance to amend Charter DRAFT \(diaz 2.24.26\)](#)

[Referendum-Business-Impact-Estimate](#)

Melissa Diaz, Assistant City Attorney

Approved - Feb 24 2026

Anthony Jackson, Deputy City Attorney

Approved - Feb 24 2026

Jennifer Marquart, Deputy City Clerk

Approved - Feb 24 2026

Deric C. Feacher, City Manager

Approved - Feb 25 2026



## Utilities Department

City of Daytona Beach

125 Basin Street #204

Daytona Beach, FL 32114

(386) 671-8824

**To:** Deric C. Feacher, City Manager  
Ben Gross, City Attorney

**From:** Eric Smith, Deputy Utilities Director

**Date:** February 26, 2026

**Subject:** Reclaimed Water Use Options

---

Mr. Feacher and Mr. Gross,

This memorandum provides additional information and context with regards to the City Commission's request at the February 11, 2026 meeting, to bring forward a charter amendment referendum prohibiting the introduction of "blackwater" into either drinking water pipes or from being injected underground. Please note that City staff recognize the City Commission's authority to request such referendums and staff is in no way seeking to undermine that authority. However, staff feel it's important for the Commissioners to have access to the information that is contained within this memorandum when considering how to proceed as it may have direct implications on future rates and the ability for the City to meet State regulations regarding reuse water disposal.

### **Background**

The City of Daytona Beach collects and treats wastewater from over 100,000 customers throughout the City of Daytona Beach, the City of South Daytona, and portions of unincorporated Volusia County. A portion of the influent wastewater is made up of "blackwater" as defined by Florida Statute 381.0065, which means the "part of domestic sewage carried off by toilets, urinals, and kitchen drains", while the remainder of the wastewater is considered "greywater". The City treats this combined wastewater at one of two City-owned and operated water reclamation facilities (WRFs), both of which meet Advanced Wastewater Treatment (AWT) standards and have done so since the late 1990's/early 2000's. This means that the water produced at these WRFs has undergone treatment for high level nutrient removal – specifically nitrogen and phosphorous – along with remaining solids and pathogens. This is an important distinction to make as the water produced by the treatment process no longer contains "blackwater" but instead meets the definitions of reclaimed water.

### **Reclaimed Water**

The reclaimed water produced at the City's WRFs is collected and utilized as irrigation water within the City's Public Access Reuse (PAR) system. The City's PAR system consists of seven (7) reclaimed pump stations interconnected by nearly 110 miles of piping. In addition to providing reclaimed water for irrigation to households and commercial business within the reclaimed service area, reclaimed water is also provided to:

- Golf course irrigation, including:
  - LPGA Golf Course
  - Municipal Golf Course
  - Pelican Bay North Golf Course

- Portions of Embry Riddle Aeronautical University and Daytona State College
- Bennett Swamp for wetland rehydration

Any water not meeting PAR standards, or any excess PAR water, is discharged to the Halifax River. In Fiscal Year 2025 (October 1, 2024 through September 30, 2025), the City produced an average of 14.11 million gallons per day (MGD) of reclaimed water. Of the reclaimed water produced in Fiscal Year 2025, approximately 40% (average of 5.7 MGD) of reclaimed water was beneficially reused for irrigation purposes, with the remaining 60% (average of 8.41 MGD) being discharged to the Halifax River.

### **Senate Bill 64**

During the 2021 Florida Legislative Session, the Florida Legislature passed Senate Bill 64 (SB 64), which dealt with surface water discharges. In June of 2021, SB 64 was codified as Florida Statute 403.064 and mandates that domestic wastewater municipalities eliminate “nonbeneficial” surface water discharges by January 1, 2032. Based on the definitions of the statute, discharges to the Halifax River are considered nonbeneficial and therefore will no longer be allowed come 2032. The law does allow for the following discharges to continue:

- The discharge is associated with an indirect potable reuse project;
- The discharge is a wet weather discharge that occurs in accordance with an applicable department permit;
- The discharge is into a stormwater management system and is subsequently withdrawn by a user for irrigation purposes;
- The utility operates domestic wastewater treatment facilities with reuse systems that reuse a minimum of 90 percent of a facility’s annual average flow for the prior 5 consecutive years;
- The discharge provides direct ecological or public water supply benefits, such as rehydrating wetlands.

The Utilities Department is currently working with an engineering consultant to study the City’s options to meet the requirements of SB 64. As part of this study, approved by Resolution 2025-367, the following reclaimed water management options are being evaluated:

- Permanent disposal, including:
  - Implementation of sprayfields;
  - Implementation of rapid infiltration basins (RIBs);
  - **Class I deep well injection**
  - **Salinity barrier well**
- Storage options with the PAR system, including:
  - **Aquifer storage and recovery wells;**
  - Surface reservoir storage;
  - Above ground tank storage;
- Environmental benefits, including:
  - Full utilization of Bennett Swamp;
  - Additional wetland rehydration;
- Expansion of the PAR system;
- Limited wet weather discharge;

While the study is still ongoing, the three (3) options in **bold text** above that are being considered include the underground injection of reclaimed water. The study will include an evaluation of each option along with cost estimates.

### **Underground Injection**

Consistent with the requirements of the federal Safe Drinking Water Act, underground injection of fluids such as reclaimed water is highly regulated under Chapter 62-528, F.A.C. and is managed by the Florida Department of Environmental Protection (FDEP). FDEP maintains an Aquifer Protection Program (APP) that exists to implement the federal Underground Injection Control (UIC) program in Florida. According to FDEP, “the APP/UIC program permits the lawful option of disposal of appropriately treated fluids via underground injection wells, while protecting Florida's underground sources of drinking water (USDWs)”.

The APP/UIC program is designed to ensure the protection of USDWs. This is accomplished through strict treatment, siting, well construction, and extensive monitoring requirements, such as:

- Requiring that the aquifer system contains robust geological confinement between the injection zone and potential drinking water sources.
- Requiring setbacks from drinking water wells and other sources of interference.
- Requiring additional treatment if fluids are injected into depths or zones in the vicinity of potential future water supplies.
- Requiring ongoing operational monitoring of the injection zone and surrounding areas.
- Requiring FDEP inspections to confirm injection well systems are working as designed and do not contaminate drinking water.

### **Summary**

Staff feels the following points are important to take into consideration when determining next steps with regards to a possible charter amendment:

- The discharge of “blackwater” into the aquifer is prohibited, however regulations allow for the discharge of reclaimed water in accordance with the UIC program.
- The City has approximately 6 years to come into compliance with SB 64, at which point a beneficial use for an additional 8 MGD of reclaimed water will need to be in place.
- While the SB 64 study is still ongoing, three (3) of the options being considered include underground injection of reclaimed water that could be prohibited by the charter amendment.
- The UIC program administered by FDEP is designed to protect public health and safety by ensuring USDWs are not impacted by underground injections.
- The SB 64 study will include a cost analysis for each option found to be viable.

Should an underground injection well be found to be highly cost-effective, the inability to pursue such an option could lead to the need for a significant rate increase in order to pursue a less cost-effective option.

Please let me know if you have any questions or need additional information.

**Eric A. Smith, P.E.**  
Deputy Utilities Director

## Resolution 2025-367

8x

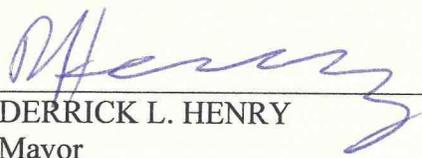
RESOLUTION NO. 2025-367

A RESOLUTION RELATING TO CONTINUING PROFESSIONAL SERVICES CONTRACT (NO. 23174-CAR) WITH CAROLLO ENGINEERS, INC.; APPROVING WORK AUTHORIZATION NO. 17 UNDER SAID CONTRACT TO DEVELOP AND EVALUATE RECLAIMED WATER MANAGEMENT ALTERNATIVES FOR THE CITY, AT A COST NOT TO EXCEED \$209,113.98; AND PROVIDING AN EFFECTIVE DATE.

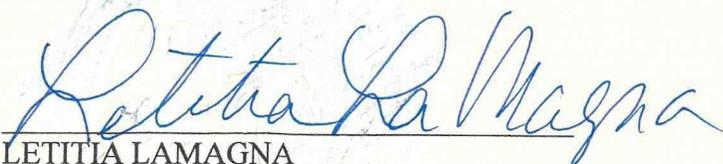
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. Carollo Engineers Inc's written proposal dated July 5, 2025, to develop and evaluate reclaimed water management alternatives for the City in efforts to prepare for Senate Bill 64 requirements to limit surface water discharge by 2032, at a cost not to exceed \$209,113.98, is hereby approved as Work Authorization No. 17 under Continuing Professional Services Contract No. 21374-CAR (see Res. No. 2021-293).

SECTION 2. This Resolution shall take effect immediately upon its adoption.

  
DERRICK L. HENRY  
Mayor

ATTEST:

  
LETITIA LAMAGNA  
City Clerk

Adopted: September 17, 2025

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA, PROPOSING AN AMENDMENT TO THE CITY CHARTER TO PROHIBIT THE CITY FROM APPROVING THE USE BY THE CITY'S WATER UTILITY OF RECLAIMED BLACKWATER AS A DIRECT SOURCE WATER FOR EITHER AN UNDERGROUND INJECTION WELL INTO THE AQUIFER OR INTRODUCTION INTO THE CITY'S POTABLE PUBLIC WATER SYSTEM; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to submit to City electors a proposed amendment to Subpart A the City Charter to prohibit the use of reclaimed blackwater as a direct source water for underground injection into the aquifer or into the City's potable public water system; and

WHEREAS, Section 166.031, Florida Statutes, provides for the adoption of an ordinance submitting proposed amendments to a municipal charter to the municipality's electors for approval; and

WHEREAS, this Ordinance is adopted after a public hearing as provided by applicable law.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH AS FOLLOWS:

**SECTION 1. Ratification of Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a specific part of this Ordinance upon its adoption.

**SECTION 2. Charter Amendment.** Article XII of Subpart A, entitled "General Provisions", is hereby amended to add Section 50 thereof entitled "Limitation on Reclaimed

Blackwater Use” upon approval of the qualified votes of the City of Daytona Beach to read as follows (additions are underlined, deletions are ~~struck through~~, and portions of the Charter not included or otherwise omitted are not being amended or removed):

**Sec. 50. – Limitation on Reclaimed Blackwater Use.**

Notwithstanding any other provision of this Charter, the City shall not approve the use by the City’s water utility of reclaimed blackwater as a direct source water either for an underground injection well into the aquifer or into the City’s potable public water system. The terms “aquifer,” “blackwater,” “public water system,” “source water,” and “underground injection” shall have the meanings provided in state law or rule. The City Commission shall implement this section by ordinance.

**SECTION 3. Ballot Title and Summary.** The ballot title and summary of the amendment referenced in Section 2 of this Ordinance, followed by the words “Yes” and “No,” shall be set forth as follows on the ballot at the general election on November 3, 2026, for consideration by the qualified voters of the City of Daytona Beach, Florida:

**TITLE:**

LIMITATION ON RECLAIMED BLACKWATER USE BY THE CITY OF DAYTONA BEACH’S WATER UTILITY SYSTEM

**SUMMARY:**

Shall the Charter of the City of Daytona Beach be amended to prohibit the City from approving the use by its water utility of reclaimed blackwater as a direct source water for either an underground injection well into the aquifer or into the City’s potable public water system?

Yes

No

**SECTION 4. Referendum.** The City Commission hereby authorizes a referendum election to be held on November 3, 2026, in conjunction with the general election to be held pursuant to Section 100.031, Florida Statutes, and other applicable laws, at which the foregoing

Charter amendment and accompanying ballot question above shall be submitted to the electorate of the City of Daytona Beach, with the polls of said referendum closing on said date.

**SECTION 5. Notice of Referendum; Directions to City Clerk.** The City Clerk is authorized and directed to publish notice of the referendum authorized in this Ordinance in accordance with the provisions of Section 100.342, Florida Statutes.

**SECTION 6. Codification; Filing with Department of State.** In the event the Charter amendment is approved by affirmative vote of the majority of votes cast by qualified electors of Daytona Beach, Florida, at the November 3, 2026 election, then: 1) the approved amendment shall be incorporated into the Charter; and 2) the City Clerk is directed to file the revised Charter with the Florida Department of State.

**SECTION 7. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 8. Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 9. Effective Date of Charter Amendment.** The Charter amendment proposed in this Ordinance shall become effective immediately upon certification of an affirmative majority vote of qualified electors of the City of Daytona Beach in favor of the same at the November 3, 2026 referendum election.

**SECTION 10. Effective Date of Ordinance.** This Ordinance shall take effect immediately upon its adoption.

## Business Impact Estimate

***Directions to using/sponsoring department staff:*** Pursuant to F.S. s. 166.041(4), the City is required to prepare a Business Impact Statement for ordinances that are NOT exempt from this requirement. A list of ordinance exemptions is provided below. Please check all exemption boxes that apply to the proposed ordinance. If none of the boxes are checked, please complete and sign the Business Impact Statement on the following page.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
  - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Prepared by: Letitia LaMagna  
Printed Name/Title/Department

Date: 02/26/2026

*Regardless of whether any of the boxes are checked, Include this completed page in the agenda packet.*

*If none of the boxes above are checked, complete the attached Business Impact Statement and include the completed Statement as part of the agenda package. **The completed Statement must be posted on the City of Daytona Beach web site not later than the time notice of the proposed ordinance is published.***

# BUSINESS IMPACT STATEMENT

## ORDINANCE TITLE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA, PROPOSING AN AMENDMENT TO THE CITY CHARTER TO PROHIBIT THE CITY FROM APPROVING THE USE BY THE CITY'S WATER UTILITY OF RECLAIMED BLACKWATER AS A DIRECT ...

## ORDINANCE SUMMARY *(must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):*

Notwithstanding any other provision of this Charter, the City shall not approve the use by the City's water utility of reclaimed blackwater as a direct source water either for an underground injection well into the aquifer or into the City's potable public water system. The terms "aquifer," "blackwater," "public water system," "source water," and "underground injection" shall have the meanings provided in ...

## ESTIMATE OF THE DIRECT ECONOMIC IMPACT OF THE PROPOSED ORDINANCE ON PRIVATE, FOR-PROFIT BUSINESSES IN THE CITY OF DAYTONA BEACH, IF ANY:

N/A

## ESTIMATE OF DIRECT COMPLIANCE COSTS THAT BUSINESSES MAY REASONABLY INCUR:

N/A

## DESCRIPTION OF NEW CHARGES/FEEES IMPOSED BY THE PROPOSED ORDINANCE OR FOR WHICH BUSINESSES WILL BE FINANCIALLY RESPONSIBLE:

N/A

## ESTIMATE OF THE CITY'S REGULATORY COSTS, INCLUDING ESTIMATED REVENUES FROM ANY NEW CHARGES OR FEES TO COVER SUCH COSTS:

N/A

## GOOD FAITH ESTIMATE OF THE NUMBER OF BUSINESSES LIKELY TO BE IMPACTED BY THE PROPOSED ORDINANCE:

N/A

## ADDITIONAL INFORMATION THE GOVERNING BODY DEEMS USEFUL (IF ANY):

The City Commission hereby authorizes a referendum election to be held on November 3, 2026, in conjunction with the general election to be held pursuant to Section 100.031, Florida Statutes, and other applicable laws

Signature \_\_\_\_\_



Signed at:  
2026-02-26 12:31:00

Date: 02/26/2026  
\_\_\_\_\_