



# LEGISLATION AND RULES

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# LEGISLATION

- Ocean Outfall.
- Senate Bill (SB) 712.
- SB 64.
- House Bill (HB) 1379.
- HB 1557.



Source: <https://tallahasseearts.org/venue/florida-state-capitol/>



# OCEAN OUTFALL OVERVIEW

- Chapter 2008-232, Laws of Florida (L.O.F.).
  - Created section 403.086(10), Florida Statutes (F.S.).
  - Found that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes.
  - Declared that more stringent treatment and management requirements and the timely elimination of ocean outfalls as the primary means of domestic wastewater discharge are in the public interest.
- Chapter 2013-031, L.O.F.
  - Revised to clarify and include more detailed requirements.
  - Required additional information related to the progress and flow for facilities.
- The 2020 Ocean Outfall Report contains detailed and specific information.
  - <https://floridadep.gov/water/domestic-wastewater/documents/july-2020-ocean-outfall-report>.



# FACILITIES IMPACTED

## SIX OUTFALLS, SEVEN PERMITTEES AND EIGHT FACILITIES

- South Central Regional — FL0035980.
  - Shown as the Boynton-Delray ocean outfall.
- City of Boca Raton — FL0026344.
- Broward County North Regional — FL0031771.
- Hollywood Southern Regional — FL0026255.
- Cooper City — FL0040398.
- Town of Davie — FL0040541.
  - Hollywood Southern, Cooper City and Town of Davie utilize the Hollywood ocean outfall.
- Miami-Dade Water and Sewer District.
  - North District — FL0032182.
  - Central District — FLA024805.





# SECTION 403.086(10), F.S., PROVISIONS

- **Prohibits the construction of new and the expansion of existing ocean outfalls.**
- Required discharges to meet advanced wastewater treatment and management requirements (AWTM) requirements by Dec. 31, 2018.
- Requires utilities to **implement a reuse system** for 60% of a facility's "baseline flow" for beneficial purposes **by Dec. 31, 2025.**
- **Prohibits discharges** of domestic wastewater through ocean outfalls **after Dec. 31, 2025**, except as a backup discharge during periods of reduced reclaimed water demands, such as periods of wet weather, or as a result of peak flows from other wastewater management systems.
- Permittees had to submit detailed plans in 2013 and updated plans in 2016.



# CURRENT STATUS

- Reports due every five years.
  - Permittees had to submit progress reports summarizing actions accomplished and actions remaining to the Department of Environmental Protection (DEP).
    - Latest permittee progress reports were due Dec. 31, 2024.
  - DEP then submits a progress report to the Governor and Legislature.
    - **Report is due July 1, 2025.**
- Compliance with requirements.
  - Elimination of discharges — most permittees have installed injection wells; Boca Raton chose to provide 100% reuse.
  - AWTM — most permittees chose to divert flows and nutrient loading to injection wells (option under the statute).
  - 60% reuse — some permittees may claim not feasible to reach 60%.



# CHAPTER 2020-150, L.O.F.

## OVERVIEW

- Effective July 1, 2020 (unless otherwise specified).
- Cited as the “Clean Waterways Act.”
  - Referred to as SB 712.
- Required DEP to adopt rules related to **biosolids management and collection systems**.
  - Rulemaking was completed in 2021.
- Revised section 403.086, F.S.
  - By **July 1, 2025**, sewage disposal facilities required to meet **advanced waste treatment** if discharging wastes into the **Indian River Lagoon**.
- Established the Wastewater Grant Program within DEP.
- Initiate Potable Reuse rule revisions by Dec. 31, 2020.
  - Potable reuse rules were approved unanimously by the Environmental Regulation Commission (ERC) on Dec. 13, 2024.



# CHAPTER 2021-168, L.O.F.

## OVERVIEW

- Effective June 29, 2021.
  - Referred to as SB 64.
- Goal: **eliminate nonbeneficial surface water discharges** by Jan. 1, 2032.
- Created section 403.064(16), F.S.
  - By Nov. 1, 2021, domestic wastewater facilities were required to submit a plan to DEP for eliminating nonbeneficial surface water discharge by Jan. 1, 2032.
    - DEP was required to approve or deny the plans within nine months of receipt.
  - Provided for some continued discharges.
  - Provided for some exemptions from the elimination requirement.
  - Included penalties for failure to submit a plan or have it approved.
  - Required DEP to submit an annual report to the Legislature.





# PLAN REQUIREMENTS

- **Facilities with a surface water discharge** (effluent, reclaimed water or reuse water) **were required to submit a plan.**
  - Plans must include the following:
    - The average gallons per day (GPD) of effluent, reclaimed water or reuse water that would no longer be discharged into surface waters and the date of such elimination.
    - The average GPD of the surface water discharge that would continue if allowed by provisions of the statute.
    - The level of treatment that the continuing surface water discharge would receive before being discharged by each alternative.
- After June 29, 2021, any permit application that includes a **new or expanded surface water discharge shall submit a plan.**
- Plan modifications are allowable under the law; time extensions are not.



# PLAN SUBMITTAL AND APPROVAL

- Permittees were notified of these requirements which included the email address for plan submittal: [NPDESDischargePlan2021@FloridaDEP.gov](mailto:NPDESDischargePlan2021@FloridaDEP.gov).
- All plans required to be submitted were reviewed and approved by DEP.
- DEP was required to approve a plan if all the required information was included and the plan results in one or more of the following:
  - Eliminates the surface water discharge.
  - Meets the requirements of section 403.086(10), F.S., (elimination of ocean outfall discharges statute).
  - Meets at least one of the allowable statutory surface water discharge alternatives if the discharge is not fully eliminated.



# PLAN APPROVAL

## ALLOWABLE CONTINUED SURFACE WATER DISCHARGE

- **Continued discharges are allowed by statute if they meet one of the following alternatives:**
  - Discharge is associated with an **indirect potable reuse** project.
  - Discharge is a permitted **wet weather discharge**.
  - Discharge is to a **stormwater management system** and is subsequently **withdrawn for irrigation** purposes.
  - The facility **reuses a minimum of 90%** of its annual average flow, which is determined by using monitoring data for the prior five consecutive years.
  - Discharge provides **direct ecological or public water supply benefits**.





# ADDITIONAL PLAN CONSIDERATIONS

- Plans can include conceptual projects for indirect potable reuse and for direct ecological or public water supply benefits.
  - No time extensions are allowed for implementation.
- Does not prohibit the inclusion of a plan for backup discharges under section 403.086(8)(a), F.S.
  - Referred to as the APRICOT Act.
  - Allows **backup discharges of up to 30% of permitted reuse capacity** on an annual basis from a functioning reuse system.
  - Backup discharges may occur during periods of reduced demand.
- Permittees cannot cause or contribute to violations of surface water quality standards, including ground water discharges that affect surface waters.



# PLAN EXEMPTIONS

- **Plans are not required from domestic wastewater treatment facilities that meet one of the following criteria.**
  - Located in a fiscally constrained county as described in section 218.67(1), F.S.
  - Located in a municipality that is entirely within a rural area of opportunity as designated pursuant to section 288.0656, F.S.
  - Located in a municipality that has less than \$10 million in total revenue, as determined by the municipality's most recent annual financial report submitted to the Florida Department of Financial Services in accordance with section 218.32, F.S.
  - Operated by an operator of a mobile home park as defined in section 723.003, F.S., and has a permitted capacity of less than 300,000 GPD.



# ANNUAL PROGRESS REPORT

SECTION 62-600.680(3), FLORIDA ADMINISTRATIVE CODE, (F.A.C.)

- Facilities shall **submit an annual progress report by Nov. 1 of each year.**
  - Email address for submittal: [NPDESDischargePlan2021@FloridaDEP.gov](mailto:NPDESDischargePlan2021@FloridaDEP.gov).
  - The report shall provide the following:
    - The average GPD of effluent, reclaimed water or reuse water that will no longer be discharged into surface waters and the date of such elimination.
    - The average GPD of surface water discharges that will continue under an allowable alternative.
    - The level of treatment that continuing surface water discharges will receive before being discharged by each alternative.
    - Any modified or new plans submitted since the last report.
  - When the plan has been fully implemented and such implementation has been acknowledged by DEP, the facility's subsequent annual progress report shall indicate the report is the facility's final report and no further annual progress reports are required.



# DEP'S ANNUAL LEGISLATIVE REPORT



- DEP is required to submit an annual report to the Legislature by Dec. 31 of each year.
- Report includes the following information for each facility:
  - The average GPD of effluent, reclaimed water or reuse water that will no longer be discharged into surface waters and the dates of such elimination.
  - The average GPD of surface water discharges that will continue under an allowable alternative.
  - The level of treatment that continuing surface water discharges will receive before being discharged by each alternative.
  - Any modified or new plans submitted since the last report.



# 2024 ANNUAL LEGISLATIVE REPORT

- 162 required facilities.
  - 33 approved exemptions.
  - 129 approved plans.
    - 23 proposed total eliminations.
    - 106 Proposed continued discharges.
- Approximately 569 million GPD of surface water discharges will be eliminated by Jan. 1, 2032.
  - Approximately 176 million GPD have already been eliminated.
- Approximately 375 million GPD of surface water discharges will continue under the allowable alternatives.







# CHAPTER 2023-169, L.O.F.

## OVERVIEW



- Effective July 1, 2023.
  - Referred to as HB 1379.
- Addresses pollutant load reduction for Florida waterways through improvements in the following areas.
  - Advanced Waste Treatment (AWT).
  - Basin Management Action Plans (BMAPs).
  - Indian River Lagoon.
  - Water Quality Improvement Grant Program (formerly the Wastewater Grant Program).



# DEFINITIONS

- **Total Maximum Daily Load (TMDL)** — a scientific determination of the maximum amount of a given pollutant that a surface water can absorb and still meet the water quality standards that protect human health and aquatic life.
  - Waterbodies that do not meet water quality standards are identified as "impaired" for specific pollutants of concern, and TMDLs must be developed, adopted and implemented to reduce those pollutants and clean up the waterbody.
- **Reasonable Assurance Plan (RAP)** — a plan developed under the U.S. Environmental Protection Agency's (EPA) Category 4b by local stakeholders as an alternative to regulatory activities, such as BMAPs and TMDLs.
  - For Category 4b plans, there should be reasonable assurance that pollution control mechanisms will result in the attainment of water quality standards in the future.



# DEFINITIONS

- **BMAP** — a framework for water quality restoration that contains local and state commitments to reduce pollutant loading through current and future projects and strategies.
  - Contain a comprehensive set of solutions, such as permit limits on wastewater facilities, urban and agricultural best management practices, and conservation programs designed to achieve pollutant reductions established by a TMDL.
- **Priority Focus Area (PFA)** — an area of a basin where the aquifer is generally most vulnerable to pollutant inputs and where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring (OFS).
  - Provides a guide for focusing restoration strategies where science suggests these efforts will most benefit the springs.



# DEFINITIONS (3)

- **AWT** — defined in section 403.086(4), F.S.; treatment which will provide a reclaimed water product that:
  - Contains not more, on a permitted annual average basis, than the following concentrations:
    - 5 mg/l of biochemical oxygen demand (CBOD5).
    - 5 mg/l of suspended solids.
    - 3 mg/l of total nitrogen (TN), expressed as N.
    - 1 mg/l of total phosphorus (TP), expressed as P.
  - Has **received high level disinfection**, as defined by Rule 62-600.440, F.A.C.



# SECTION 403.086, F.S., REVISIONS

- Sewage disposal facilities are **required to meet AWT when discharging into the following waters:**
  - Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay, Biscayne Bay or any river, stream, channel, canal, bay, bayou, sound or other tributary thereto.
  - Indian River Lagoon or any river, stream, channel, canal, bay, bayou, sound or other tributary thereto beginning **July 1, 2025**.
- Revised to require facilities to meet AWT or a **more stringent treatment standards**, if the more stringent standard is necessary to achieve the TMDL or applicable water quality criteria (WQC).



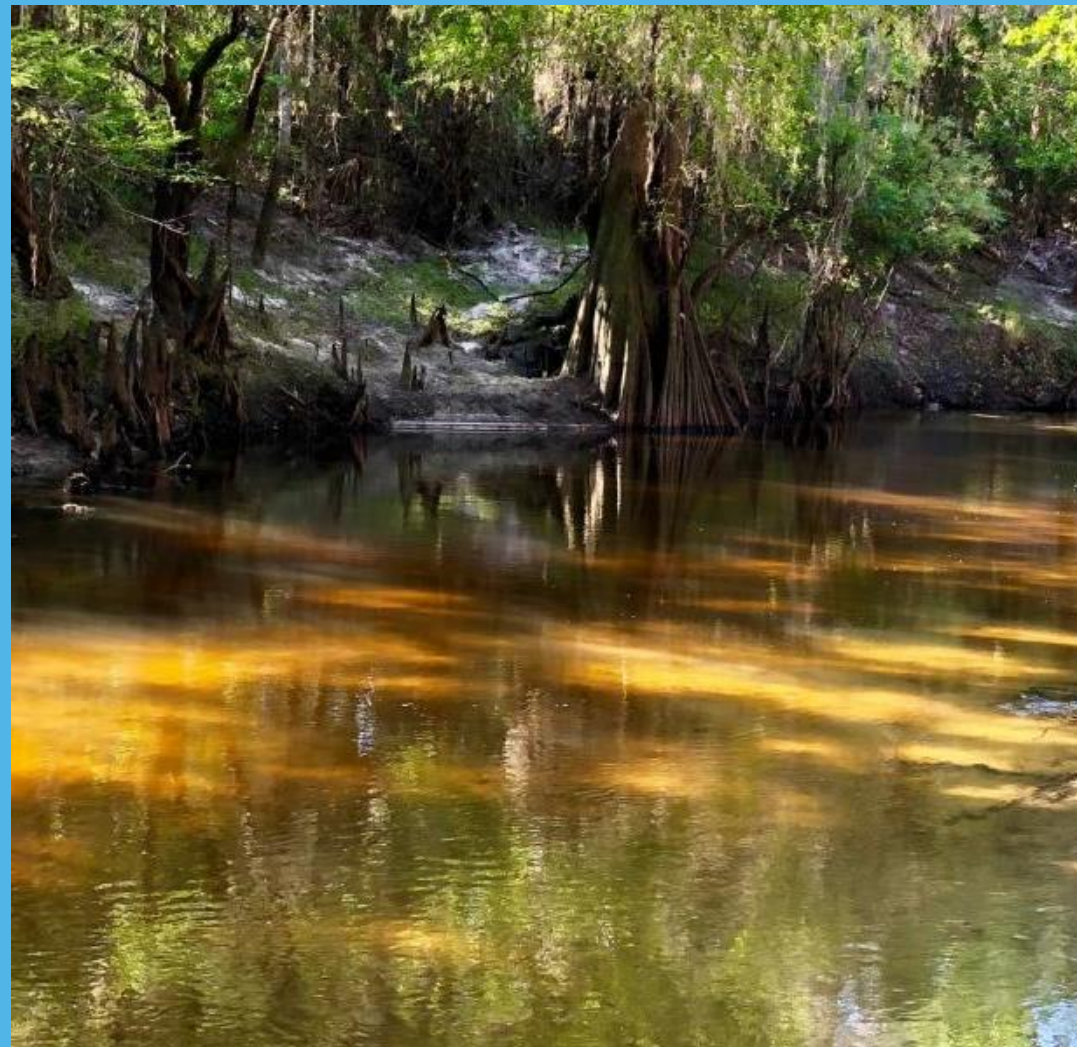
# SECTION 403.086, F.S., ADDITIONS

- In addition to the previously listed waterbodies, facilities will need to **meet AWT or a more stringent treatment standard** (TMDL/WQC) if they are discharging into the following waterbodies:
  - Those not currently attaining nutrient or nutrient-related standards (WNAS).
  - Those subject to a nutrient or nutrient-related BMAP.
  - Those subject to an adopted RAP.
- The facilities must meet this requirement by **Jan. 1, 2033**.
- **After July 1, 2023**, facilities discharging into waterbodies subject to the above criteria **must meet AWT within 10 years** of such determination or adoption.
  - Facilities that **fail to meet AWT within 10 years** of such determination or adoption are **prohibited from disposing** of any wastes into those waterbodies.



## SECTION 403.086, F.S., REVISIONS (2)

- The 2023 amendments removed the portion of subsection (1) paragraph (c) that gave an exemption to facilities permitted by Feb. 1, 1987, and which discharged secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the previously indicated waterbodies or to non-tidally influenced portions of the Peace River.





# PROHIBITED ACTIVITIES

## SECTION 373.811, F.S., REVISIONS

- Prohibits the following activities within a BMAP in effect for an OFS:
  - Previously these activities were prohibited in only the PFA.
  - New domestic wastewater disposal facilities with permitted capacities of 100,000 GPD or more unless those facilities meet the AWT standard for TN or a more stringent treatment standard if DEP determines the more stringent standard is necessary for a TMDL.
  - Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP approved nutrient management plan.
- More information is available at: <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps>.





# INDIAN RIVER LAGOON PROTECTION PROGRAM

## SECTION 373.469, F.S., CREATION

- Establishes the protection program consisting of the following areas:
  - Banana River Lagoon BMAP.
  - Central Indian River Lagoon BMAP.
  - North Indian River Lagoon BMAP.
  - Mosquito Lagoon RAP.
- Requires BMAP evaluation every five years to comply with the relevant TMDLs and directs DEP to work with others to complete program requirements.





# WATER QUALITY IMPROVEMENT GRANT PROGRAM

## SECTION 403.0673, F.S., REVISIONS

- Grants may be available for projects that reduce the amount of nutrients entering the waters meeting the criteria listed below.
  - Are not attaining nutrient or nutrient-related standards.
  - Have an established TMDL.
  - Are located within a BMAP, a RAP, an accepted alternative restoration plan or a rural area of opportunity.
- Projects include but are not limited to:
  - Upgrading domestic wastewater treatment facilities to AWT or greater.
  - Repairing, upgrading, expanding or constructing domestic wastewater treatment facilities that result in improvements to surface water or groundwater quality, including domestic wastewater reuse and collection systems.
- More information is available at: <https://floridadep.gov/wra/wra/content/water-quality-improvement-grant-program>.



# CHAPTER 2024-180, L.O.F.

- Effective July 1, 2024.
  - Referred to as HB 1557.
- Addition to section 373.250, F.S.
  - By **Dec. 31, 2025**, each **water management district**, in coordination with DEP, shall **develop rules to promote the use of reclaimed water** and encourage quantifiable potable water offsets that produce significant water savings beyond those required in a consumptive use permit.
  - Rules must include that:
    - For certain water supply development or water resource development projects using reclaimed water that meets AWT standards for TN and TP, the **consumptive use applicant/permittee** may be eligible for longer permit durations and permit extensions.



# SECTION 403.064, F.S., REVISIONS

- After July 1, 2024, **all applicants** for permits to construct or operate a **domestic wastewater treatment facility shall prepare a reuse feasibility study** as part of their application for the permit.
  - The revision removed the language “located within, serving a population located within, or discharging within a water resource caution area”.
- Study must evaluate different types of reuse.
- **After conducting the feasibility study, the facility must implement reuse** to the degree that reuse is feasible, based upon the applicant’s study.
  - Give consideration to direct ecological or public water supply benefits afforded by any disposal.
  - Does not limit the use of the disposal methods for backup use only.



## SECTION 403.086, F.S., ADDITION

- By **July 1, 2034**, any wastewater treatment **facility providing reclaimed water** that will be used for commercial or residential irrigation or be otherwise land applied within a nutrient **BMAP or RAP must meet the AWT standards for TN and TP** ...if DEP has determined in the BMAP or RAP that the use of reclaimed water as described in this subparagraph is causing or contributing to the nutrient impairment being addressed in such plan.
- If DEP makes the determination **after July 1, 2024**, the facility **has 10 years** from such determination to **meet the AWT standards for TN and TP**.
  - May require an alternative treatment standard, including a more stringent treatment standard.
  - Does not apply to reclaimed water that is otherwise land applied as part of an approved water quality restoration project or water resource development project.



# RULES

- EPA method update.
- Form updates and EPA's Electronic Reporting Rule (eReporting).
- Potable reuse.
- Harmful algal bloom (HAB).
- Collection system, septage and biosolids are covered in a separate presentation.





# EPA METHOD UPDATE RULE

- Chapter 62-620, F.A.C., will be amended to incorporate the amended 40 Code of Federal Regulation (C.F.R.), Part 136, which establishes guidelines for monitoring and testing methods for wastewater permits.
  - Located at: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-136>.
- Updates to 40 C.F.R., Part 136 include:
  - Clarifications to existing methods.
  - Clarifications to sampling and preservation procedures methods.
- Fast-track rule adoption due to federal regulation.
- In progress.



# FORM UPDATES

- Updating forms adopted in Chapter 62-620, F.A.C.
  - To include all information fields from EPA's National Pollutant Discharge Elimination System (NPDES) forms, including eReporting.
  - To be consistent with revisions made in past years to DEP rules and F.S.
  - Standard rulemaking process.
- Updating forms adopted in Chapter 62-621, F.A.C.
  - To include all information fields from EPA's NPDES forms, including eReporting.
  - Fast-track rule adoption due to federal regulation.
- In progress.





# EPA EREPORTING



- On Nov. 2, 2020, EPA provided states additional time to implement eReporting for certain Clean Water Act discharge permitting requirements.
  - Deadline is **Dec. 21, 2025.**
- Goal of eReporting.
  - Paperless.
  - Less hand entered data.
- Who is impacted?
  - NPDES-regulated entities.
- What is impacted?
  - Permit applications.
  - Compliance submittals.



# EPA UPDATES\*

- Form 1 specifies the additional forms needed based on certain criteria.
- Providing email address and ownership types for various facilities.
- Changes to tables for clarity and the latitude and longitude format.
- Additional map requirements and parameters to submit.
- Information about inflow and infiltration, improvement schedules and volume for concentrated animal feeding operations (CAFOs).
- Questions about cooling water, variances and North American Industry Classification System (NAICS) codes.
- Additional information about flow, capacity, effluent characteristics, collection systems, effluent limitation guidelines and toxicity testing data.
- Specifies time frames for required flows and parameters.

\*Not all updates are listed.



# RULE AND STATUTE UPDATES FOR CHAPTER 62-620, F.A.C.\*

- Requirement to submit a Reuse Feasibility Study, a Collection System Power Outage Contingency Plan and Collection System Action Plan.
- Requirement to identify satellite systems, description of treatment and disinfection, and parameter limitation basis.
- Requires additional information related to SB 64.
- Requires additional information for septage, collection systems and biosolids.
- Requirement to submit reports to the local delegated programs.
- Requires information for number of days limited wet weather discharge was used.

\*Not all updates are listed.



# CHAPTER 62-620, F.A.C., FORMS

Form Number	Form Name
Form 1	Wastewater (WW) Facility or Activity Permit Application
Form 2A	Permit for Domestic WW Treatment and Reuse or Disposal Facility
Form 2B	Permit to Discharge WW From CAFOs and Aquatic Animal Production Facilities
Form 2CG	Permit to Discharge Process WW from New or Existing Industrial WW Facilities to Ground Water
Form 2CS	Permit to Discharge Process WW from New or Existing Industrial WW Facilities to Surface Water
Form 2EG	Permit to Discharge Non-Process WW to Ground Water
Form 2ES	Permit to Discharge Non-Process WW to Surface Water
Form 2F	Permit to Discharge Stormwater Associated with Industrial Activity
Form 2CR	Permit to Operate a Non-Discharging/Closed Loop Recycle System
Form 2DC	Permit to Discharge Demineralization Concentrate



# CHAPTER 62-621, F.A.C., FORMS

Form Number	Form Name
Form 62-621.300(1)(b)	Notice of Intent (NOI) to Use the NPDES Generic Permit (GP) for Discharges From Petroleum Contaminated Sites
Form 62-621.300(1)(e)	Notice of Termination (NOT) NPDES GP for Discharges From Petroleum Contaminated Sites
Form 62-621.300(2)(b)	NOI to Use the GP for Discharge of Ground Water from Dewatering Operations
Form 62-621.300(2)(f)	NOT GP for Discharge of Ground Water from Dewatering Operations
Form 62-621.300(3)(b)	NOI to Use GP for Discharges from Concrete Batch Plants
Form 62-621.300(8)(f)	NOI to Use the GP for Pollutant Discharges to Surface Waters of the State From the Application of Pesticides
Form 62-621.300(8)(g)	NOT of Coverage Under the GP for Pollutant Discharges to Surface Waters of the State From the Application of Pesticides



# POTABLE REUSE

- Chapter 62-610, F.A.C., was updated.
  - Removed requirements and references to potable reuse.
  - Moved provisions for potable reuse to the new Chapter 62-565, F.A.C.
- Chapter 62-565, F.A.C., “Potable Reuse” was created.
  - Permits for advanced treatment water facilities (ATWFs) will be issued by the Drinking Water Program in Tallahassee.
  - Requires ATWF applicants to have an approved comprehensive pretreatment program.
  - Requires a joint operating agreement between the ATWF and the wastewater treatment facility.
- Potable reuse rules were approved unanimously by the ERC on Dec. 13, 2024.
- Certification packages filed on Feb. 6, 2025; effective Feb. 26, 2025.
- Potable reuse is optional, not mandatory.



# HARMFUL ALGAL BLOOMS (HAB)

- Rule 62-621.300, F.A.C., was revised.
- Effective Dec. 9, 2024.
- Adopted two NPDES GPs authorizing certain activities to control HABs.
  - One for discharges related to pilot testing a HAB treatment process.
  - One for discharges for the full implementation of a HAB treatment process.
- Adopted five new forms for the HAB GPs.
- More information is available at: <https://floridadep.gov/water/industrial-wastewater>.



# THANK YOU

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