

STORAGE NAME: h1195.wrm
DATE: March 25, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER & RESOURCE MANAGEMENT
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1195

RELATING TO: Pollution Control

SPONSOR(S): Representatives Carlton and Argenziano

STATUTE(S) AFFECTED: Amends section 403.021, Florida Statutes (F.S.). Creates section 403.0882, F.S.

COMPANION BILL(S): CS/SB 680 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) WATER & RESOURCE MANAGEMENT
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

Currently, there are about 120 demineralization and desalination facilities in Florida. These facilities typically withdraw brackish groundwater and treat it to meet drinking water standards. Treatment often includes reverse osmosis or microfiltration to remove salts and impurities. The discharges from these demineralization and desalination facilities are currently classified by Department of Environmental Protection (DEP) rules as industrial wastewater.

HB 1195 would reclassify the discharges from these facilities from the industrial wastewater classification to a drinking water byproduct classification. It would establish a rebuttable presumption that discharges from plants which qualify for the new classification would be permissible as long as the standards in s. 403.086(4), F.S. (advanced wastewater treatment and high-level disinfection) are met, and the discharge would result in minimal negative impact to the receiving water body. The presumption would be rebutted if DEP could demonstrate that the discharge would not meet certain water quality standards. If the presumption is rebutted the DEP may place certain conditions on the permit, or deny the permit. Additionally, discharges under 50,000 gallons per day are presumed to have a mixing zone of a certain size and dilution.

The bill has no fiscal impact on state or local government agencies.

The bill takes effect October 1, 1997.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

There are about 120 demineralization and desalination facilities in Florida. These facilities typically withdraw brackish groundwater and treat it to meet drinking water standards. Treatment often includes reverse osmosis or microfiltration to remove salts and impurities. The discharges from these demineralization and desalination facilities are currently classified by DEP rules as industrial wastewater.

B. EFFECT OF PROPOSED CHANGES:

HB 1195 would reclassify the discharges from water demineralization facilities to provide a new wastewater discharge classification and permitting requirements for drinking water byproduct. Specifically the bill does the following:

- defines “concentrate,” “demineralization,” and “small water utility business;”
- creates a presumption that discharges from plants which qualify for the classification would be permissible as long as the standards in s. 403.086(4), F.S., (advanced wastewater treatment and high-level disinfection) are met, and the discharge would result in minimal negative impact to the receiving water body;
- allows the presumption to be rebutted if the discharge would be directly into an Outstanding Florida Water; would be directly into class I or class II waters; would be into a water body with a total maximum daily load established by DEP, and the discharge would cause or contribute to a violation of the established load; fails to meet the DEP anti-degradation policy; would be to a sole-source aquifer; or would violate rules 62-302, and 62-520, Florida Administrative Code;
- allows for certain conditions to be placed on the permit, or to be denied altogether, if the presumption is rebutted;
- allows blending of concentrate with domestic wastewater effluent or reclaimed water under certain conditions;
- provides authority for DEP to promulgate rules to regulate demineralization facilities;
- provides that discharges of 50,000 gallons per day, or less, will be presumed to have a mixing zone of a certain size and dilution specified in the bill;
- limits the instances in which DEP may require toxicity testing;
- precludes DEP from requiring a water-quality-based effluent limitation determination; and
- provides a schedule for demineralization facilities to apply for permits.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

2. Lower Taxes:

Not applicable.

3. Personal Responsibility:

Not applicable.

4. Individual Freedom:

Not applicable.

5. Family Empowerment:

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends section 403.021, F.S. to provide a legislative finding that use of demineralization technologies for production of potable water supplies meets the state objective.

Section 2: Creates s. 403.0882, F.S. to reclassify the discharges from these facilities from the industrial wastewater classification to a drinking water byproduct classification. It would establish a rebuttable presumption that discharges from plants which qualify for the classification would be permissible as long as the standards in s. 403.086(4), F.S. (advanced wastewater treatment and high-level disinfection) are met, and the discharge would result in minimal negative impact to the receiving water body. The presumption would be rebutted if DEP could demonstrate that the discharge would not meet certain water quality standards. If the presumption is rebutted the DEP may place certain conditions on the permit, or deny the permit. Additionally, discharges under 50,000 gallons per day are presumed to have a mixing zone of a certain size and dilution.

Section 3: Provides that this act shall take effect on October 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

To the extent that the permitting process provided in this bill is less onerous than the industrial wastewater permitting process, the bill will provide an economic benefit to the private sector.

3. Effects on Competition, Private Enterprise and Employment Markets:

This bill may make demineralization a more attractive alternative for smaller facilities, and more competitive compared to other types of potable water treatment.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Not applicable.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

None.

V. COMMENTS:

The stakeholders concerned with provisions in HB 1195 have negotiated amendments to this bill, and these amendments were adopted in the Senate. A "strike-everything" amendment conforming HB 1195 to the senate companion, SB 680, is expected to be offered in the Water and Resource Management Committee.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON Water & Resource Management:

Prepared by:

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