

By Representatives Carlton and Argenziano

1                                   A bill to be entitled  
2           An act relating to pollution control; amending  
3           s. 403.021, F.S.; providing public policy  
4           relating to the promotion of demineralized  
5           water supplies; creating s. 403.0882, F.S.;  
6           providing definitions; specifying conditions  
7           and limitations for the discharge of  
8           demineralization concentrate; providing for  
9           regulation by the Department of Environmental  
10          Protection; specifying conditions for discharge  
11          of concentrate from small water utility  
12          businesses; limiting departmental regulation of  
13          such businesses; providing a permitting  
14          schedule for demineralization facilities;  
15          providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Subsection (12) is added to section  
20           403.021, Florida Statutes, 1996 Supplement, to read:  
21           403.021 Legislative declaration; public policy.--  
22           (12) The encouragement and promotion of demineralized  
23           water supplies to prevent and ameliorate overuse of potable  
24           water aquifers is a state objective and considered to be in  
25           the public interest. The Legislature finds that the use of  
26           demineralization for potable water production to convert  
27           otherwise unpotable or aesthetically unacceptable water  
28           supplies to a potable and aesthetically acceptable water  
29           supply meets the state's objective.

30           Section 2. Section 403.0882, Florida Statutes, is  
31           created to read:

1           403.0882 Discharge of demineralization concentrate.--  
2           (1) For the purposes of this section, the term:  
3           (a) "Concentrate" means the concentrated byproduct  
4 formed by the demineralization process.  
5           (b) "Demineralization" means the use of any process or  
6 technique, by itself or in conjunction with other processes or  
7 techniques, for the removal and, when feasible, adaptation to  
8 beneficial use of organic or inorganic elements and compounds  
9 from water for the production of potable water for human  
10 consumption. Demineralization includes ion exchange,  
11 softening, reverse osmosis, ultra filtration, and similar  
12 processes.  
13           (c) "Small water utility business" means any facility  
14 which distributes potable water to two or more customers with  
15 a concentrate discharge of less than 50,000 gallons per day.  
16           (2)(a) The discharge of demineralization concentrate  
17 meeting the standards set forth in s. 403.086(4), except as  
18 otherwise provided in this section, shall be presumed to be  
19 allowable and permittable in all waters in the state at a  
20 reasonably accessible point where such discharge results in  
21 minimal negative impact. The presumption may be overcome only  
22 by a demonstration that one or more of the following  
23 conditions is present:  
24           1. The discharge will be directly into an Outstanding  
25 Florida Water, except as provided in chapter 90-262, Laws of  
26 Florida;  
27           2. The discharge will be directly to Class I or Class  
28 II waters;  
29           3. The discharge will be to a water body having a  
30 total maximum daily load established by the department, and  
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1 the discharge will cause or contribute to a violation of the  
2 established load;  
3 4. The discharge fails to meet the requirements of the  
4 antidegradation policy contained in the department rules;  
5 5. The discharge will be to a sole-source aquifer as  
6 defined in department rules; or  
7 6. The discharge fails to meet the requirements of  
8 Rules 62-302 and 62-520, Florida Administrative Code.  
9 (b) If one or more of the conditions in subparagraphs  
10 (a)1.-6. has been demonstrated, the department may:  
11 1. Require more stringent effluent limitations;  
12 2. Require relocation of the discharge point or a  
13 change in the method of discharge;  
14 3. Limit the duration or volume of the discharge; or  
15 4. Prohibit the discharge if there is no alternative  
16 which meets the conditions of subparagraphs 1.-3.  
17 (c) Discharge of demineralization concentrate from  
18 facilities used for the production of potable water to  
19 domestic wastewater treatment plant effluent disposal or reuse  
20 systems, including drain fields, percolation ponds, absorption  
21 fields, and spray irrigation sites, shall be allowable if the  
22 discharge of concentrate to the wastewater treatment or reuse  
23 facility is at no time greater than 20 percent of the annual  
24 average daily flow of that facility. For reuse systems, the  
25 engineering report shall ensure that the blend will protect  
26 water quality standards, public health, site vegetation, and  
27 the ability of the reuse system, including land application,  
28 to function as intended.  
29 (d) The department may adopt rules for the regulation  
30 of demineralization for potable water production.  
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1       (e) The department shall classify and permit discharge  
2 of demineralization concentrate as a potable water byproduct,  
3 rather than as an industrial wastewater.

4       (3) For facilities owned by small water utility  
5 businesses, the following conditions shall apply:

6       (a) A mixing zone with a radius which is not in excess  
7 of two times the natural water depth at the point of discharge  
8 for acute toxicity, or a 200-foot radius for chronic toxicity,  
9 and which provides for a minimum of 4-to-1 dilution within the  
10 mixing zone for acute toxicity under all conditions, shall be  
11 presumed allowable in the permitting of discharge of  
12 concentrate from facilities used for demineralization for  
13 potable water production.

14       (b) The department shall not:

15       1. Require such businesses to perform toxicity testing  
16 at other than the time of permit application, permit renewal,  
17 or any requested permit modification, unless the initial  
18 toxicity test does not meet toxicity requirements.

19       2. Require such businesses to obtain a  
20 water-quality-based effluent limitation determination.

21       (4) Demineralization facilities may apply for permits  
22 under this section according to the following schedule:

23       (a) For facilities providing potable water service to  
24 more than 2,000 equivalent residential customers, no later  
25 than 18 months after the effective date of this section.

26       (b) For facilities providing potable water service to  
27 1,000 or more but not more than 2,000 residential equivalent  
28 customers, no later than 24 months after the effective date of  
29 this section.

30       (c) For facilities providing potable water service to  
31 less than 1,000 equivalent residential customers, or small

1 water utility businesses, no later than 36 months after the  
2 effective date of this section.

3 Section 3. This act shall take effect on October 1,  
4 1997.

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7 HOUSE SUMMARY

8 Declares that promotion of demineralized water supplies  
9 to prevent overuse of potable water aquifers is a state  
10 objective and in the public interest. Provides for  
11 regulation by the Department of Environmental Protection  
12 of the discharge of demineralization concentrate into  
13 domestic wastewater treatment systems or state waters.  
14 Provides definitions, requirements, procedures, and  
15 limitations with regard to such regulation, and  
16 authorizes department rules. Specifies requirements  
17 applicable to small water utility businesses. Provides a  
18 schedule for permit applications for demineralization  
19 facilities providing potable water service.  
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