

By the Committee on Water & Resource Management and
Representatives Carlton and Argenziano

1 A bill to be entitled
2 An act relating to pollution control; creating
3 s. 403.0882, F.S.; providing definitions;
4 providing for classification and permitting of
5 the discharge of demineralization concentrate;
6 specifying conditions for the discharge of
7 demineralization concentrate from certain
8 potable water production facilities; specifying
9 conditions and limitations for such discharge
10 from small water utility businesses; limiting
11 regulation of such businesses by the Department
12 of Environmental Protection; providing a
13 permitting schedule for demineralization
14 facilities; providing for rules; providing an
15 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. Section 403.0882, Florida Statutes, is
20 created to read:

21 403.0882 Discharge of demineralization concentrate.--

22 (1) For the purposes of this section, the term:

23 (a) "Demineralization" means the use of reverse
24 osmosis, ion exchange, membrane softening, ultra filtration,
25 and other similar processes to remove materials from water for
26 the production of potable water for human consumption.

27 (b) "Demineralization concentrate" means the
28 concentrated byproduct formed by demineralization.

29 (c) "Small water utility business" means any facility
30 which distributes potable water to two or more customers with
31 a concentrate discharge of less than 50,000 gallons per day.

1 (2) The department shall classify the discharge of
2 demineralization concentrate as a potable water byproduct,
3 rather than as an industrial wastewater. Except as otherwise
4 provided in this section, the discharge of demineralization
5 concentrate shall be permitted according to the same
6 requirements as an industrial wastewater under chapter 403.

7 (3)(a) The discharge of demineralization concentrate
8 from small water utility businesses meeting the standards set
9 forth in this section and s. 403.086(4) shall be presumed to
10 be allowable and permittable in all waters in the state at a
11 reasonably accessible point where such discharge results in
12 minimal negative impact as demonstrated by the permit
13 applicant. The presumption may be overcome only by a
14 demonstration that one or more of the following conditions is
15 present:

16 1. The discharge will be directly into an Outstanding
17 Florida Water, except as provided in chapter 90-262, Laws of
18 Florida;

19 2. The discharge will be directly to Class I or Class
20 II waters;

21 3. The discharge will be to a water body having a
22 total maximum daily load established by the department, and
23 the discharge will cause or contribute to a violation of the
24 established load;

25 4. The discharge fails to meet the requirements of the
26 antidegradation policy contained in the department rules;

27 5. The discharge will be to a sole-source aquifer as
28 defined in department rules; or

29 6. The discharge fails to meet applicable surface
30 water and groundwater quality standards.

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1 (b) If one or more of the conditions in subparagraphs
2 (a)1.-6. has been demonstrated, the department may:
3 1. Require more stringent effluent limitations;
4 2. Require reallocation of the discharge point or a
5 change in the method of discharge;
6 3. Limit the duration or volume of the discharge; or
7 4. Prohibit the discharge if there is no alternative
8 which meets the conditions of subparagraphs 1.-3.
9 (4)(a) Discharge of demineralization concentrate from
10 facilities used for the production of potable water to
11 domestic wastewater treatment plant effluent disposal, not
12 including reuse systems, shall be presumed allowable if the
13 discharge of concentrate to the wastewater treatment facility
14 is at no time greater than 20 percent of the annual average
15 daily flow of that facility;
16 (b) Discharge of demineralization concentrate from
17 facilities used for the production of potable water to
18 domestic wastewater reuse systems, including drain fields,
19 percolation ponds, absorption fields, and spray irrigation
20 sites, shall be allowable if the applicant demonstrates
21 through the engineering report that the blend will meet water
22 quality standards and protect public health, site vegetation,
23 and the ability of the reuse system, including land
24 application, to function as intended.
25 (5) For facilities owned by small water utility
26 businesses, the following conditions shall apply:
27 (a) A mixing zone with a radius that is not in excess
28 of two times the natural water depth at the point of discharge
29 for acute toxicity, or a 200-foot radius for chronic toxicity,
30 and that provides for a minimum of 4-to-1 dilution within the
31 mixing zone for acute toxicity under all conditions, shall be

1 presumed allowable in the permitting of discharge of
2 concentrate from facilities used for demineralization for
3 potable water production.

4 (b) The department shall not:

5 1. Require such businesses to perform toxicity testing
6 at other than the time of permit application, permit renewal,
7 or any requested permit modification, unless the initial
8 toxicity test or any subsequent toxicity test performed by the
9 department does not meet toxicity requirements.

10 2. Require such businesses to obtain a
11 water-quality-based effluent limitation determination.

12 (6) Demineralization facilities may apply for permits
13 under this section according to the following schedule:

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

17 (b) For facilities providing potable water service to
18 1,000 or more but not more than 2,000 residential equivalent
19 customers, no later than 24 months after the effective date of
20 this section.

21 (c) For facilities providing potable water service to
22 less than 1,000 equivalent residential customers, or small
23 water utility businesses, no later than 36 months after the
24 effective date of this section.

25 (7) The department may adopt rules for the regulation
26 of demineralization and to implement the provisions of this
27 section.

28 Section 2. This act shall take effect October 1, 1997.
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