

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-769.800 Abandoned Tank Restoration Program
PURPOSE AND EFFECT: The Abandoned Tank Restoration Program (ATRP) rule incorporates an application and certification form for applicants plus a zero-charge coverage deductible for participating sites. The Division is not modifying the form or deductible and is only proposing to remove subsection 62-769.800(3), F.A.C., requiring the Department to review the rule every four years. The Department evaluated the rule and determined that section 376.305(6)(e), F.S., requires that sites participating in ATRP “are subject to a deductible as determined by rule”.

SUBJECT AREA TO BE ADDRESSED: The Department’s evaluation of Rule 62-769.800, F.A.C., and determining that the rule is still necessary and required per section 376.305(6)(e), F.S., and therefore proposing to delete subsection 62-769.800(3), F.A.C.

RULEMAKING AUTHORITY: 376.303, F.S.

LAW IMPLEMENTED: 376.305, 376.3071, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Contact Brittany Wright at Brittany.Wright@FloridaDEP.gov or (850)245-8920 within 21 days of the publication date of this notice to request a Rule Development Workshop or by mail to the Department of Environmental Protection, 2600 Blair Stone Road, MS #4575, Tallahassee, FL 32399. The preliminary draft rule revision for Chapter 62-769, F.A.C., is located on the Division of Waste Management website at <https://floridadep.gov/Waste>, or you can contact Brittany Wright.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require translation services (free of charge) are asked to contact DEP’s Limited English Proficiency Coordinator within ten (10) days of publication of this notice at (850)245-2118 or LEP@FloridaDEP.gov. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-550.200	Definitions for Public Water Systems
62-550.305	Public Water Systems Receiving Advanced Treated Water
62-550.500	General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals
62-550.517	Physical Characteristics Monitoring Requirements
62-550.518	Microbiological Monitoring Requirements
62-550.520	Secondary Contaminants Monitoring Requirements
62-550.817	Additional Requirements for Subpart H Water Systems
62-550.821	Disinfectant Residuals, Disinfection Byproducts (Stage 1), and Disinfection Byproduct Precursors

PURPOSE AND EFFECT: The Department is proposing amendments to Chapter 62-550, F.A.C., “Drinking Water Standards, Monitoring and Reporting,” based on subsection 403.064(17), F.S., which authorized the Department to initiate rulemaking to implement the recommendations of the Potable Reuse Commission’s 2020 report “Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida.” These amendments, in conjunction with proposed amendments to Chapters 62-555 and 62-610, F.A.C., and proposed Chapter 62-565, F.A.C., will establish regulatory requirements for facilities involved in the production of advanced treated water or distribution of potable water derived from advanced treated water.

SUMMARY: Chapter 62-550, F.A.C., regulates the primary and secondary drinking water standards, establishes monitoring and reporting requirements, and contains requirements for public water systems (PWSs) using either surface water or ground water as source waters. The proposed revisions will apply the more stringent requirements for Subpart H Systems (systems using surface water or ground water under the influence of surface water) to those PWSs wishing to use advanced treated water as a source water. Definitions appropriate to the use of advanced treated water as a source water for PWSs have been included. The new Supplemental Monthly Operation Report will be used in conjunction with the existing Monthly Operation Report to demonstrate pathogen reductions achieved by a PWS using advanced treated water.

Other Rules Incorporating by reference this Rule:

40A-3.504, 40D-21.051, 62-524.200, 62-524.700, 62-550.200, 62-550.310, 62-550.315, 62-550.410, 62-550.500, 62-550.511, 62-550.514, 62-550.515, 62-550.516, 62-550.517, 62-550.518, 62-550.521, 62-550.540, 62-550.550, 62-550.730, 62-550.817, 62-550.821, 62-550.824, 62-550.828, 62-550.590, 62-552.300, 62-555.315, 62-555.320, 62-555.350, 62-555.360, 62-555.401, 62-560.410, 62-560.530, 62-560.546, 62-560.610, 62-560.620, 62-604.130, 62-604.200, 62-610.200, 62-640.200, 62-660.806, 62-699.200, 62-701.300, 62-709.320, 64E-1.005, 64E-8.007

Summary of Effects on Other Rules Incorporating by this Rule by Reference:

The outside chapters that reference this subject chapter do not require any corrections or amendments by the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the Department's economic review, neither a SERC nor legislative ratification is required because the adoption of the proposed rule does not increase regulatory costs directly or indirectly to the public.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.8055, 403.853(3), 403.861(9), F.S.

LAW IMPLEMENTED: 403.064(17), 403.0877, 403.852(12), 403.853, 403.853(1), (3), (7), 403.854, 403.859(1), 403.861(9), (16), (17), 403.8615, 403.862, F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 13, 2024, at 1:00 p.m. (EST)

PLACE: The Environmental Regulation Commission hearing located at 3900 Commonwealth Blvd, Room 137, Tallahassee, FL 32399-3000.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at

(850)245-2118 or LEP@FloridaDEP.gov at least ten (10) days before the hearing. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney Cummings, Environmental Administrator, Division of Water Resource Management, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida, 32399, at (850)245-8633 or by email at Sydney.Cummings@FloridaDEP.gov, or by visiting the Division of Water Resource Management's Rules in Development webpage at <https://floridadep.gov/water/water/content/water-resource-management-rules-development>.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-550.200 Definitions for Public Water Systems.

For the purpose of this chapter and Chapters 62-555 and 62-560, F.A.C., the following words, phrases, or terms shall have the following meaning:

(1) through (2) No change.

(3) "Advanced treated water" shall be as defined in Rule 62-565.200, F.A.C.

(4) "Advanced Treatment Water Facility" (ATWF) shall be as defined in Rule 62-565.200, F.A.C.

(3) through (4) renumbered (5) through (6) No change.

(7) "Baffling Factors (or Coefficients)" means parameters used to describe flow system characteristics; the proportion of dead space, plug flow (water moves as a plug such as in a pipeline) and mixed flow in a contact chamber.

(5) through (17) renumbered (8) through (20) No change.

(21)(18) "Compliance Cycle" means the nine-year cycle during which public water systems must monitor. Each compliance cycle consists of three-year compliance periods. The first compliance cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011 and ends December 31, 2019.

(19) through (27) renumbered (22) through (30) No change.

(31) "Cryptosporidium" shall be as defined in Rule 62-565.200, F.A.C.

(28) through (44) renumbered (32) through (48) No change.

(49)(45) "Finished Water" or "Finished Drinking Water" is water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except treatment as necessary to maintain water quality in the distribution system

(e.g., booster disinfection or addition of corrosion control chemicals). (40 C.F.R. §141.2 (July 1, 2011))

(46) through (50) renumbered (50) through (54) No change.

(55) “Giardia lamblia” shall be as defined in Rule 62-565.200, F.A.C.

(51) through (84) renumbered (56) through (89) No change.

(90) “Potable Reuse” shall be as defined in Rule 62-565.200, F.A.C.

(91) “Potable reuse system” shall be as defined in Rule 62-565.200, F.A.C.

(92) “Potable Water” shall be as defined in Rule 62-565.200, F.A.C.

(93)(85) No change.

(94) “Primary Contaminants” means those contaminants regulated by the Primary Drinking Water Standards.

(95) “Primary Drinking Water Standards” means legally enforceable standards that apply to public water systems to protect public health by limiting the levels of contaminants in drinking water.

(96)(86) No change.

(97) “Raw water” means, for the purposes of Chapters 62-550 and 62-555, F.A.C., any source water for a public water system prior to any treatment by the public water system.

(87) through (94) renumbered (98) through (105) No change.

(106) “Secondary Contaminants” means those contaminants with guidelines provided by the Secondary Drinking Water Standards.

(107) “Secondary Drinking Water Standards” means a set of non-mandatory water quality standards for contaminants (not federally enforceable) that are established as guidelines to assist public water systems in managing their drinking water for aesthetic considerations, such as taste, color and odor.

(95) through (100) renumbered (108) through (113) No change.

(114) “Source Water” shall be as defined in Rule 62-565.200, F.A.C.

(101) through (124) renumbered (115) through (138) No change.

Rulemaking Authority 403.8055, 403.861(9) FS. Law Implemented 403.853, 403.854, 403.8615, 403.862 FS. History—New 11-9-77, Amended 1-13-81, 11-19-87, Formerly 17-22.103, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, Formerly 17-550.200, Amended 9-7-94, 12-9-96, 9-22-99, 8-1-00, 11-27-01, 4-3-03, 11-25-03, 10-14-04, 11-28-04, 1-17-05, 12-30-11, 7-7-15,_____.

62-550.305 Public Water Systems Receiving Advanced Treated Water

(1) In addition to the requirements applicable to all public water systems found elsewhere in Chapters 62-550, 62-555, and

62-560, F.A.C., public water systems (PWS) receiving advanced treated water from a permitted ATWF shall be subject to the requirements within Rule 62-550.817, F.A.C., and the applicable portions of Chapter 62-565, F.A.C.

(2) In the event that the pathogen reduction requirements established per subsection 62-565.500(1), F.A.C., in accordance with Rule 62-565.530, F.A.C., are less than those required by in subsections 62-550.817(2) through (4), F.A.C., the PWS shall meet the requirements of subsections 62-550.817(2) through (4).

(3) In addition to the requirements contained in paragraph 62-555(12)(b), F.A.C., PWSs receiving advanced treated water shall also submit Form 62-555.350(12)(b), F.A.C., Supplemental Monthly Operation Report for PWSs Receiving Advanced Treated Water, hereby adopted and incorporated by reference, effective X,XX,XXXX, and available as indicated in Rule 62-555.350, F.A.C. All monthly operation reports shall be submitted to the appropriate Department District Office or appropriate Approved County Health Department within ten days after the end of each month.

(4) A PWS receiving advanced treated water from an ATWF is not permitted to introduce a new source of water without approval from the Department unless that source is treated independently from the advanced treated water, with blending of the finished waters occurring just prior to distribution, and all required pathogen reduction requirements for the treatment of each individual source being met prior to blending.

(5) A PWS may only blend advanced treated water with another type of source water prior to treatment at the PWS if that source water and the blending ratio are the same as those used in the pilot study for the ATWF, and in accordance with paragraph 62-565.570(2)(p), F.A.C., or the blending has been approved by the Department.

(6) Consecutive systems that receive any finished water originating from an ATWF shall be subject to the requirements for consecutive systems that receive any finished water originating from a subpart H system.

(7) If any part of the source water for a PWS is advanced treated water, the system shall identify it as a source in the Consumer Confidence Report (CCR) and shall include in the CCR the information for that source in accordance with Rule 62-555.824, F.A.C.

(8) A PWS receiving advanced treated water is subject to the monitoring requirements of Rules 62-550.500 through 62-550.521, F.A.C.

Rulemaking Authority 403.853(3), 403.861(9) FS. Law Implemented 403.064(17), 403.853(1), 403.861(9), 403.861(17), FS. History—New _____.

62-550.500 General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals.

These general requirements shall apply unless other monitoring or compliance measurement requirements are specified in Rules 62-550.511 through 62-550.540, F.A.C., Rule 62-550.821, F.A.C., Rule 62-550.822, F.A.C. or Rule 62-555.830, F.A.C. This introductory text shall be effective on July 7, 2015.

(1) through (4) No change.

(5) Monitoring Locations.

(a) No change.

(b) For purposes of Rules 62-550.500 through 62-550.590, F.A.C. Part V of this chapter, subpart H systems also include systems using a combination of surface water (or ground water under the direct influence of surface water) and ground water not under the direct influence of surface water.

(c) No change.

(6) through (11) No change.

Rulemaking Authority 403.8055, 403.861(9) FS. Law Implemented 403.853(1), (3), 403.859(1), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22.300, Amended 1-18-89, 5-7-90, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.500, Amended 9-7-94, 8-1-00, 11-27-01, 4-14-03, 11-28-04, 12-30-11, 7-7-15, _____.

62-550.517 Physical Characteristics Monitoring Requirements.

(1) All community, non-transient non-community, and transient non-community public water systems that use any surface water sources, ~~or~~ ground water sources under the direct influence of surface water, or advanced treated water, shall monitor for turbidity pursuant to Rule 62-550.817 62-550.560, F.A.C.

(2) No change.

Rulemaking Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1), (3), (7), 403.861(16), (17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.517, Amended 9-7-94, 8-1-00, 11-27-01, 4-3-03, _____.

62-550.518 Microbiological Monitoring Requirements.

The provisions of subsections 62-550.518(1) through (6), F.A.C., pertaining to distribution system sampling or samples and the provisions of subsection 62-550.518(12), F.A.C., are applicable until March 31, 2016. The provisions of subsections 62-550.518(7) through (11), F.A.C., pertaining to distribution system sampling or samples are applicable until all required repeat monitoring under subsections 62-550.518(7) and (8), F.A.C., and fecal coliform or E. coli testing under subsection 62-550.518(10), F.A.C., that was initiated by a total coliform-positive sample taken before April 1, 2016, is completed, as well as analytical method, reporting, recordkeeping public notification, and consumer confidence report requirements associated with that monitoring and testing. Beginning April 1,

2016, the provisions of 40 C.F.R. Part 141, Subpart Y (Revised Total Coliform Rule), which is incorporated by reference in Rule 62-550.830, F.A.C., are applicable, with systems required to begin regular monitoring at the same frequency as the system-specific frequency required on March 31, 2016. (40 C.F.R. §141.21(h) revised as of July 1, 2014.) This introductory text shall be effective on July 7, 2015.

(1) No change.

(2) Total coliform samples shall be taken by public water systems at regular intervals as required by the Revised Total Coliform Rule (RTCR) adopted in Rule 62-550.830, F.A.C. and in numbers proportionate to the population served by the system. ~~Community water systems, non transient non-community water systems, transient non community water systems that are subpart H systems and transient non-community water systems that serve more than 1,000 persons per day during any one month shall take monthly distribution system samples.~~ In addition, systems that are using ground water not under the direct influence of surface water shall take a minimum of one monthly raw water sample that is representative of each ground water source (i.e., well) not under the direct influence of surface water. For purposes of this subsection, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems. ~~In no event shall the number of distribution system samples be less than as set forth below:~~

Minimum number of routine samples			
Population Served		per month	
25	To	2,500	2
2,501	To	3,300	3
3,301	To	4,100	4
4,101	To	4,900	5
4,901	To	5,800	6
5,801	To	6,700	7
6,701	to	7,600	8
7,601	to	8,500	9
8,501	to	12,900	10
12,901	to	17,200	15
17,201	to	21,500	20
21,501	to	25,000	25
25,001	to	33,000	30
33,001	to	41,000	40
41,001	to	50,000	50
50,001	to	59,000	60
59,001	to	70,000	70
70,001	to	83,000	80
83,001	to	96,000	90
96,001	to	130,000	100
130,001	to	220,000	120
220,001	to	320,000	150

320,001	to	450,000	180
450,001	to	600,000	210
600,001	to	780,000	240
780,001	to	970,000	270
970,001	to	1,230,000	300
1,230,001	to	1,520,000	330
1,520,001	to	1,850,000	360
1,850,001	to	2,270,000	390
2,270,001	to	3,020,000	420
3,020,001	to	3,960,000	450
3,960,001	to	More	480

(3) through (12) No change.

Rulemaking Authority 403.8055, 403.853(3), 403.861(9) FS. Law Implemented 403.853(1), (3), (7), 403.861(16), (17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.518, Amended 9-7-94, 2-7-95, 8-1-00, 11-27-01, 4-3-03, 11-28-04, 7-7-15, _____.

62-550.520 Secondary Contaminants Monitoring Requirements.

(1) Analysis to determine compliance with Rule 62-550.320, F.A.C., shall be conducted by all community water systems and shall be repeated once each compliance period. Lime softening facilities may operate above 8.5 but less than or equal to 9.0 pH units without Department approval, and may operate above 9.0, but less than or equal to 10.0 pH units upon approval by the Department of a written demonstration by the water system that operating at the higher pH will not cause the treatment plant to suffer operational failures, that minimum disinfectant levels can be maintained throughout the distribution system, and that the system can remain in compliance with the lead and copper and microbiological provisions of Chapters 62-550 and 62-555, F.A.C. ~~Subpart H Surface water~~ systems or ground water systems that are required to demonstrate the effectiveness of their primary disinfection treatment process to meet Giardia lamblia or virus inactivation requirements, shall operate within a pH range as specified for their disinfectant in the tables in Appendix E of the Guidance Manual adopted in subsection 62-555.335(1), F.A.C.

(2) through (3) No change.

Rulemaking Authority 403.861(9) FS. Law Implemented 403.853(1), (3), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22.320, Amended 1-18-89, 5-7-90, 1-1-93, 7-4-93, Formerly 17-550.520, Amended 11-28-04, _____.

62-550.817 Additional Requirements for Subpart H Surface Water Systems.

The requirements for subpart H systems in this section apply to all subpart H systems, except where noted in this section, and are in addition to the requirements applicable to all public water systems found elsewhere in Chapters 62-550, 62-555, and 62-560, F.A.C. Subparagraph 62-550.817(1)(b)2. and paragraphs

62-550.817(11)(e) and 62-550.817(13)(b), F.A.C., apply only to consecutive systems that receive any finished water originating from a subpart H system. In addition to the requirements of this section, the standards and criteria contained in the regulations adopted in subsections 62-550.817(1), (2), (3), and (4), F.A.C., are adopted by reference and enforceable under these rules. A subpart H system is considered to be in compliance with the requirements of this section if it meets all the requirements set forth in this section. A subpart H system is considered to be out of compliance with the requirements of this section if it does not meet all the requirements set forth in this section.

(1) Scope of Requirements.

(a) These rules are intended to implement the National Primary Drinking Water Regulations related to the disinfection and filtration of surface water and ground water under the direct influence of surface water, and the recycle of fluids referenced in 40 C.F.R. §141.76(a) (July 1, 2011), which is incorporated by reference in subparagraph 62-550.817(1)(a)2., F.A.C., by subpart H systems that employ conventional filtration or direct filtration treatment.

1. ~~They adopt~~ Filtration and disinfection ~~are as~~ best available treatment techniques for the removal or inactivation of pathogens in lieu of establishing a maximum contaminant level for the following contaminants: Cryptosporidium, Giardia lamblia, viruses, heterotrophic plate count (HPC) bacteria, Legionella, and turbidity. Subpart H systems shall provide treatment ~~for the of these part(s) of their source water that is~~ ~~are~~ surface water, advanced treated water, or ground water under the direct influence of surface water. Such treatment shall comply with the treatment technique requirements found in paragraph 62-550.817(2)(b), F.A.C., in lieu of maximum contaminant levels for Cryptosporidium, Giardia lamblia, viruses, HPC bacteria, Legionella, and turbidity.

2. No change.

(b) For purposes of the requirements of this section:

1. No change.

2. Consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems for the purpose of demonstrating compliance with the distribution system disinfection residual maintenance requirements of 40 CFR 141.72(b)(3)(i), adopted in subsection 62-550.817(2), F.A.C., the monitoring requirements of subsection 62-550.817(11) ~~paragraph 62-550.817(10)(e),~~ F.A.C., and the reporting requirements of subsection 62-550.817(13) ~~paragraph 62-550.817(12)(b),~~ F.A.C.

3. through 4. No change.

(2) Filtration and Disinfection. In addition to the requirements of this chapter, the standards and criteria contained in the July 1, 2014, edition of 40 C.F.R. §§141.13, 141.22, 141.70(a), 141.70(b)(2), 141.70(c), 141.70(d),

141.70(e), 141.71(b)(6), 141.72, 141.72(a), 141.72(b)(1), 141.72(b)(2), 141.72(b)(3)(i), 141.73, 141.74, and 141.75 (<http://www.flrules.org/Gateway/Reference.asp?No=Ref-05603>) are adopted by reference and enforceable under this rule. However, 40 C.F.R. §141.72(b)(3)(ii) is not adopted. This subsection shall be effective on July 7, 2015.

(a) No change.

(b) Treatment Techniques

1. through 3. No change

4. Minimum disinfection log-inactivation effectiveness requirements pursuant to 40 CFR 141.72(b)(1). The determination of log-removal/inactivation effectiveness achieved, specific to the system operating conditions, shall be made using the methods in subsections (6) and (7) below.

a. through e. No change.

f. A violation of the requirement set forth in sub-sub-paragraph 62-550.817(2)(b)4.e.(III), F.A.C., ~~III~~ above is a treatment technique violation.

g. If, in any daily measurement, log-inactivation levels are insufficient to meet the requirements of sub-sub-paragraphs 62-550.817(2)(b)4.a. 4.a. through d., F.A.C. above, the operator shall take immediate steps to increase disinfection levels.

(3) through (4) No change.

(5) Sanitary Surveys and Other Inspections.

(a) No change.

(b) Systems shall respond in writing no later than within 45 days after the receipt of a written report of:

1. A sanitary survey outlining significant deficiencies required under paragraph 62-550.817(5)(a), F.A.C., ~~(a)~~ above. Systems shall indicate how and on what schedule the system will address significant deficiencies noted in the survey, and

2. A sanitary survey, CPE evaluation, or an inspection referenced in paragraph 62-550.817(5)(c), F.A.C., ~~(c)~~ below indicating how and on what schedule the system will undertake the filter backwash recycle modifications noted.

(c) A subpart H public water system shall take the necessary steps to correct any failure to follow the filter backwash recycling treatment technique requirements of 40 CFR 141.76(c) ~~identified in subparagraph (b)2., above.~~

(6) through (8) No change.

(9) Demonstrating and evaluating disinfection effectiveness through completion of Form 62-555.900(2).

(a) Subpart H systems shall demonstrate the effectiveness of their disinfection treatment by:

1. No change.

2. Estimating log-inactivation effectiveness. Systems shall use the procedures in Form 62-555.900(2) and in Appendix C of the guidance manual adopted as subsection 62-555.335(1), F.A.C., to calculate the log-inactivation effectiveness of their treatment processes to demonstrate the effectiveness of their

disinfection treatment to meet the requirements of subparagraph 62-550.817(2)(b)4. ~~62-550.817(2)(b)3., F.A.C.~~

(b) Systems that propose to treat surface water or advanced treated water shall submit CT calculations with the design report required by paragraph 62-555.520(4)(a), F.A.C., when applying for a construction permit.

(c) Systems that use tracer studies to determine the time of travel or baffling factors ~~efficiencies~~ shall summarize the results of their evaluations by submitting a written Disinfectant Contact Time Compliance Report to the Department.

1. No change.

2. Until a Disinfectant Contact Time Compliance Report prepared under subsection (1) above is approved by the Department, the system shall use baffling factors ~~efficiencies~~ approved by the Department under sub-subparagraph 62-550.817(9)(a)1.b., ~~62-550.817(8)(a)1.b.~~ F.A.C., when completing Form 62-555.900(2).

(d) through (f) No change.

(10) Approving Alternative Filtration Technologies Pursuant to 40 C.F.R. §§142.16(g)(2)(iv) and 142.16(j)(2)(iv) (July 1, 2011).

(a) Subpart H systems proposing to use other filtration technologies shall perform pilot plant studies to demonstrate the effectiveness of the proposed treatment process to treat water similar to the water source being used.

1. through 3. No change.

4. The system shall comply with the monitoring and reporting requirements of subsections 62-550.817(10) (40) and 62-550.817(11) (44), F.A.C. ~~below.~~

(b) through (c) No change.

(11) through (15) No change.

Rulemaking Authority 403.8055, 403.861(9) FS. Law Implemented 403.852(12), 403.853(1), (3) FS. History—New 4-3-03, Amended 5-28-03, 11-25-03, 10-14-04, 1-17-05, 12-30-11, 7-7-15, 8-5-16, _____.

62-550.821 Disinfectant Residuals, Disinfection Byproducts (Stage 1), and Disinfection Byproduct Precursors.

The requirements contained in the July 1, 2014, edition of 40 C.F.R. Part 141, Subpart L (Sections 141.130 through 141.135) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05604>), are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications and additions to the requirements in 40 C.F.R. Part 141, Subpart L. This introductory text shall be effective on July 7, 2015.

(1) In 40 CFR 141, subpart L, the term “State” shall mean “Department.” Also, references to section 141.2 shall be interpreted to mean Rule 62-550.200, F.A.C.; references to section 141.21 shall be interpreted to mean Rule 62-550.518, F.A.C.; references to section 141.23(k)(1) or 141.89(a) shall be interpreted to mean subsection 62-550.550(1), F.A.C.;

references to section 141.31 shall be interpreted to mean subsection 62-550.730(1), F.A.C.; references to section 141.32 or 141.202 shall be interpreted to mean Rule 62-560.410, F.A.C.; references to section 141.32(e)(78) shall be interpreted to mean subsection 62-560.410(6), F.A.C.; references to section 141.64 or 141.64(a) shall be interpreted to mean paragraph 62-550.310(3)(b), F.A.C.; references to section 141.65 shall be interpreted to mean subsection 62-550.310(2), F.A.C.; references to section 141.74(b)(6)(i) shall be interpreted to mean subsection ~~62-550.514(1)~~ ~~62-550.560(2)~~, F.A.C.; references to section 141.74(c)(3)(i) shall be interpreted to mean ~~subsection 62-550.514(1)~~ ~~paragraph 62-550.560(3)(d)~~, F.A.C.; references to subpart Q shall be interpreted to mean Part IV of Chapter 62-560, F.A.C.; and references to section 142.16(h)(5) shall be interpreted to mean subsection 62-550.821(9), F.A.C.

(2) through (17) No change.

Rulemaking Authority 403.8055, 403.861(9) FS. Law Implemented 403.0877, 403.852(12), 403.853(1), (3), (7), 403.861(16), (17) FS. History—New 11-27-01, Amended 11-28-04, 1-17-05, 12-30-11, 7-7-15.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sydney Cummings, Environmental Administrator, Division of Water Resource Management.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton, DEP Secretary.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 21, 2020; June 9, 2023

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-555.310	Source and Siting Requirements for Public Water Systems
62-555.314	Location of Public Water System Mains
62-555.320	Design and Construction of Public Water Systems
62-555.350	Operation and Maintenance of Public Water Systems

PURPOSE AND EFFECT: The Department is proposing amendments to Chapter 62-555, F.A.C., "Permitting, Construction, Operation, and Maintenance of Public Water Systems," based on subsection 403.064(17), F.S., which authorized the Department to initiate rulemaking to implement the recommendations of the Potable Reuse Commission's 2020 report "Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida." These amendments, in conjunction with proposed amendments to Chapters 62-550 and 62-610, F.A.C., and proposed Chapter 62-565, F.A.C., will establish regulatory requirements for facilities

involved in the production of advanced treated water or distribution of potable water derived from advanced treated water.

SUMMARY: Chapter 62-555, F.A.C., contains the requirements for the construction and on-going operation of Public Water Systems (PWSs). The proposed revisions are to ensure that facilities utilizing advanced treated water as a source are subject to these requirements.

Other Rules Incorporating by reference this Rule:

40C-3.036, 40C-3.041, 40C-3.517, 40E-3.036, 62-521.400, 62-550.540, 62-550.550, 62-552.300, 62-552.650, 62-555.315, 62-555.320, 62-555.340, 62-555.350, 62-555.360, 62-555.401, 62-555.520, 62-555.528, 62-555.533, 62-555.536, 62-560.530, 62-602.650, 62-604.400, 62-699.311, 64E-8.002

Summary of Effects on Other Rules Incorporating by this Rule by Reference:

The outside chapters that reference this subject chapter do not require any corrections or amendments by the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the Department's economic review, neither a SERC nor legislative ratification is required because the adoption of the proposed rule does not increase regulatory costs directly or indirectly to the public.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.861(9), F.S.

LAW IMPLEMENTED: 403.852(12), 403.853(1), (3), (6), 403.861(7), (12), (17), F.S

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 13, 2024, at 1:00 p.m. (EST)

PLACE: The Environmental Regulation Commission hearing located at 3900 Commonwealth Blvd, Room 137, Tallahassee, FL 32399-3000.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons

who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least ten (10) days before the hearing. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney Cummings, Environmental Administrator, Division of Water Resource Management, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida, 32399-3000, at (850)245-8633 or by email at Sydney.Cummings@FloridaDEP.gov, or by visiting the Division of Water Resource Management's Rules in Development webpage at <https://floridadep.gov/water/water/content/water-resource-management-rules-development>.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-555.310 Source and Siting Requirements for Public Water Systems.

(1) No Change.

(2) Advanced treated water from a permitted ATWF may be used as a water source by a PWS for the production of drinking water only in accordance with the requirements of Rule 62-550.305, F.A.C.

(3)~~(2)~~ No change.

Rulemaking Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1) FS. History—New 11-19-87, Formerly 17-22.610, Amended 1-18-89, Formerly 17-555.310, Amended 8-28-03, _____.

62-555.314 Location of Public Water System Mains.

For the purpose of this section, the phrase "water mains" shall mean mains, including treatment plant process piping, conveying either raw, partially treated, advanced treated water, or finished drinking water; fire hydrant leads; and service lines that are under the control of a public water system and that have an inside diameter of three inches or greater.

(1) Horizontal Separation Between Underground Water Mains and Sanitary or Storm Sewers, Wastewater or Stormwater Force Mains, Reclaimed Water Pipelines, and Onsite Sewage Treatment and Disposal Systems.

(a) New or relocated, underground water mains shall be laid to provide a horizontal distance of at least three feet between the outside of the water main and the outside of any existing or proposed storm sewer, stormwater force main, or pipeline conveying reclaimed water regulated under Chapter 62-565, F.A.C., or Part III of Chapter 62-610, F.A.C.

(b) No change.

(c) New or relocated, underground water mains shall be laid to provide a horizontal distance of at least six feet, and

preferably ten feet, between the outside of the water main and the outside of any existing or proposed gravity- or pressure-type sanitary sewer, wastewater force main, or pipeline conveying reclaimed water not regulated under Chapter 62-565, F.A.C., or Part III of Chapter 62-610, F.A.C. The minimum horizontal separation distance between water mains and gravity-type sanitary sewers shall be reduced to three feet where the bottom of the water main is laid at least six inches above the top of the sewer.

(d) No change.

(2) Vertical Separation Between Underground Water Mains and Sanitary or Storm Sewers, Wastewater or Stormwater Force Mains, and Reclaimed Water Pipelines.

(a) through (b) No change.

(c) At the utility crossings described in paragraphs (a) and (b), above, one full length of water main pipe shall be centered above or below the other pipeline so the water main joints will be as far as possible from the other pipeline. Alternatively, at such crossings, the pipes shall be arranged so that all water main joints are at least three feet from all joints in vacuum-type sanitary sewers, storm sewers, stormwater force mains, or pipelines conveying reclaimed water regulated under Chapter 62-565, F.A.C., or Part III of Chapter 62-610, F.A.C., and at least six feet from all joints in gravity- or pressure-type sanitary sewers, wastewater force mains, or pipelines conveying reclaimed water not regulated under Chapter 62-565, F.A.C., or Part III of Chapter 62-610, F.A.C.

(3) No change.

(4) Separation Between Fire Hydrant Drains and Sanitary or Storm Sewers, Wastewater or Stormwater Force Mains, Reclaimed Water Pipelines, and Onsite Sewage Treatment and Disposal Systems. New or relocated fire hydrants with underground drains shall be located so that the drains are at least three feet from any existing or proposed storm sewer, stormwater force main, or pipeline conveying reclaimed water regulated under Chapter 62-565, F.A.C., or Part III of Chapter 62-610, F.A.C.; at least three feet, and preferably ten feet, from any existing or proposed vacuum-type sanitary sewer; at least six feet, and preferably ten feet, from any existing or proposed gravity- or pressure-type sanitary sewer, wastewater force main, or pipeline conveying reclaimed water not regulated under Chapter 62-565, F.A.C., or Part III of Chapter 62-610, F.A.C.; and at least ten feet from any existing or proposed "onsite sewage treatment and disposal system" as defined in Section 381.0065(2), F.S., and Rule 64E-6.002, F.A.C.

(5) No change.

Rulemaking Authority 403.861(9) FS. Law Implemented 403.853(3), 403.861(12) FS. History—New 1-1-93, Formerly 17-555.314, Amended 8-28-03, _____.

62-555.320 Design and Construction of Public Water Systems.

Public water systems shall be designed and constructed to provide sufficient drinking water of a quality that will meet all applicable standards in Chapter 62-550, F.A.C., and requirements in this chapter. This section addresses the design and construction of all public water system components other than wells (but including well pumping equipment and appurtenances). Public water system wells are addressed in Chapters 62-524 and 62-532, and Rule 62-555.315, F.A.C.

(1) through (2) No change.

(3) Direct or Indirect Drinking Water Additives.

(a) No change.

(b) Newly installed or constructed public water system (PWS) components that come into contact with advanced treated water, drinking water or drinking water treatment chemicals shall conform to the applicable standards, regulations, or requirements referenced in subparagraphs 1. through 3., below. Fire hydrants are not covered by this paragraph; and mechanical devices that were previously installed in a PWS and then are removed, repaired or refurbished, and reinstalled in the same PWS are not covered by this paragraph. In addition, this paragraph does not apply to PWS components that either come into contact with drinking water prior to its treatment by reverse osmosis or come into contact with drinking water treatment chemicals and that are installed or constructed under a construction permit for which the Department received a complete application before August 28, 2003.

1. Except for ion-exchange resins, precast or cast-in-place concrete structures, and cement mortar, which are addressed in subparagraphs 2. and 3., below, newly installed or constructed PWS components that come into contact with advanced treated water, drinking water or drinking water treatment chemicals shall conform to one of the following:

a. through d. No change.

2. Newly installed ion-exchange resins that come into contact with advanced treated water or drinking water shall be part of an ion-exchange water softener that conforms to NSF International Standard 44 as adopted in Rule 62-555.335, F.A.C., or shall conform to one of the following:

a. through b. No change.

3. Any newly installed or constructed precast or cast-in-place concrete structure or newly installed cement mortar that is not coated by a barrier material meeting the requirements of subparagraph 1., above, and that comes into contact with advanced treated water, drinking water or drinking water treatment chemicals shall meet the following requirements:

a. through c. No change.

(c) No change.

(d) The Department shall allow exceptions to the requirements in paragraph (b), above, if suppliers of water or construction permit applicants provide the following:

1. No change.

2. Assurance that the components being provided will not impart into advanced treated water, drinking water or drinking water treatment chemicals any contaminant in an amount that could cause adverse human health effects.

(4) Flood Protection. Community water systems (CWSs) shall be designed and constructed so that structures, and electrical or mechanical equipment, used to treat, pump, or store advanced treated water or drinking water, apply drinking water treatment chemicals, or handle drinking water treatment residuals are protected from physical damage by the 100-year flood and, in coastal areas subject to flooding by wave action, from physical damage by the 100-year wave action. Additionally, CWSs shall be designed and constructed so that the aforementioned structures and equipment remain fully operational and accessible during the 25-year flood and, in coastal areas subject to flooding by wave action, the 25-year wave action; a lesser flood or wave action may be used if suppliers of water, or construction permit applicants provide justification for using a lesser flood or wave action, but in no case shall less than the ten-year flood or wave action be used.

(5) Security. Drinking water treatment or pumping facilities shall be enclosed by fences with lockable access gates, housed in lockable buildings or enclosures, or otherwise protected to prevent tampering, vandalism, and sabotage. Advanced treated water and finished-drinking-water storage facilities shall be enclosed by fences with lockable access gates, shall have lockable access openings and lockable cages or enclosures obstructing access to ladders, or shall be otherwise protected to prevent tampering, vandalism, and sabotage.

(6) through (9) No change.

(10) Color Coding of Piping. ~~at~~

(a) Drinking Water Treatment Plants. All new or altered, aboveground piping at drinking water treatment plants shall be color coded and labeled as recommended in Section 2.14 of Recommended Standards for Water Works as incorporated into Rule 62-555.330, F.A.C. In addition, all underground water main pipe that is installed at drinking water treatment plants on or after August 28, 2003, and that is conveying finished drinking water shall be color coded as required under subparagraph 62-555.320(21)(b)3., F.A.C. This subsection does not apply to drinking water treatment plant piping installed or altered under a construction permit for which the Department received a complete application before August 28, 2003.

(b) Advanced Treated Water Received by a PWS. All valves and outlets shall be appropriately tagged or labeled (bearing the words in English and Spanish: "Do not drink" together with the equivalent standard international symbol) to

warn the public and employees that the water is not intended for drinking. All piping, pipelines, valves, and outlets shall be color coded, or otherwise marked, to differentiate advanced treated water from potable water, domestic wastewater, or other water. Underground piping, which is not manufactured of metal or concrete, shall be color coded for advanced treated water using blue as a dominant color, with purple banding around the pipe. The pipe and band colors shall be easily differentiated to ensure proper identification of the pipe. For pipes greater than 6 inches in diameter, bands shall be four inches wide, and spaced no more than 24 inches apart, measured center-to-center. For pipes 6 inches in diameter or smaller, bands shall be two inches wide, and spaced no more than 18 inches apart, measured center-to-center. Underground metal and concrete pipe shall be color coded or marked using blue and purple banding predominantly. If tape is used to mark the pipe, the tape shall be permanently affixed to the pipe. Visible, above-ground portions of the advanced treated water system shall be clearly color coded or marked. New systems and expansions of existing systems shall comply with this color-coding standard. It is recommended, but shall not be required, that distribution and application facilities located on private properties, including residential properties, be color coded using blue and purple banding.

(11) No change.

(12) Disinfection of Drinking Water. All suppliers of water shall provide continuous disinfection of the drinking water they distribute. The necessary equipment and tanks shall be designed to comply with the applicable requirements in paragraphs (a) through (d), below, and subsections 62-555.350(5) and (6), F.A.C. Applicants for a permit to construct or alter disinfection facilities at a drinking water treatment plant where the requirements in paragraph (a) or (b), below, apply shall establish in the preliminary design report or drawings, specifications, and design data accompanying their permit application the following: the design level of Cryptosporidium, Giardia lamblia, or virus inactivation to be achieved by disinfection; if chemical disinfection is being used to achieve Giardia lamblia or virus inactivation, the design minimum residual disinfectant concentration (C) before, or at the first customer and the corresponding design minimum disinfectant contact time (T); and if ultraviolet disinfection is being used to achieve Cryptosporidium, Giardia lamblia, or virus inactivation, the design minimum ultraviolet dose.

(a) Suppliers of water using surface water, ~~or~~ ground water under the direct influence of surface water, or advanced treated water shall comply with applicable requirements under Rules 62-550.817 and 62-550.305, F.A.C.

(b) through (d) No change.

(13) through (17) No change.

(18) Pump Suction Piping. All pump suction piping that is conveying raw, partially treated, advanced treated water or

finished drinking water shall be protected against infiltration. Pump suction piping that is conveying raw, partially treated, advanced treated water, or finished drinking water and that is constructed or altered under a construction permit for which the Department receives a complete application on or after August 28, 2003, must be located aboveground or, if located underground, must be constantly under positive gauge pressure.

(19) through (20) No change.

(21) Drinking Water Piping and Appurtenances.

(a) All new or altered mains, including treatment plant process piping, and appurtenances conveying raw, ~~or~~ partially treated drinking water, or advanced treated water, shall be designed and constructed in accordance with Sections 8.0, 8.4, 8.5, and 8.7 in Recommended Standards for Water Works as incorporated into Rule 62-555.330, F.A.C., except that:

1. through 3. No change.

(b) through (c) No change.

Rulemaking Authority 403.861(9) FS. Law Implemented 403.861(7) FS. History—New 11-19-87, Formerly 17-22.620, Amended 1-18-89, 5-7-90, 1-1-93, 3-8-94, Formerly 17-555.320, Amended 8-28-03,

62-555.350 Operation and Maintenance of Public Water Systems.

(1) through (11) No change

(12) Suppliers of water shall keep and submit operation and maintenance logs, reports, and records as described below.

(a) No change.

(b) For all public water systems except transient non-community water systems using only ground water and serving only businesses other than public food service establishments, suppliers of water shall submit monthly operation reports to the appropriate Department of Environmental Protection District Office or Approved County Health Department within ten days after each month of operation per paragraph 62-550.730(1)(d), F.A.C., and shall do so using the following forms as applicable: Form 62-555.900(2), Monthly Operation Report for Subpart H Systems as incorporated into paragraph 62-550.817(11)(a), F.A.C.; Form 62-555.900(3), Monthly Operation Report for PWSs Treating Raw Ground Water or Purchased Finished Water, hereby adopted and incorporated by reference, effective August 28, 2003; Form 62-555.900(4), Monthly Operation Report for Consecutive Systems that Do Not Treat Water, hereby adopted and incorporated by reference, effective August 28, 2003; Form 62-555.900(6), Monthly Operation Report for Consecutive Systems that Receive Purchased Finished Water from a Subpart H System as incorporated into paragraph 62-550.817(11)(b), F.A.C.; Form 62-555.900(11), Monthly Operation Report for Summation of Finished-Water Production by CWSs that Have Multiple Treatment Plants, hereby adopted and incorporated by reference, effective August 28, 2003; Form 62-555.350(12)(b), Supplemental Monthly Operation Report

for PWS Receiving Advanced Treated Water, hereby adopted and incorporated by reference, effective [date] (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>).

Copies of these forms are available from the Department of Environmental Protection Drinking Water Section, M.S. 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Suppliers of water shall keep copies of monthly operation reports, together with any additional operation records required by the monthly operation reports, for at least ten years in accordance with subsection 62-550.720(5), F.A.C.

(c) No change.

(13) through (15) No change.

Rulemaking Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(6), 403.861(17) FS. History—New 11-19-87, Formerly 17-22.650, Amended 1-18-89, 1-1-93, Formerly 17-555.350, Amended 8-28-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sydney Cummings, Environmental Administrator, Division of Water Resource Management.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton, DEP Secretary.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 28, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-565.100	General
62-565.200	Definitions
62-565.300	Forms and References
62-565.400	Signatories to Permit Applications and Reports
62-565.500	Requirements for Potable Reuse Systems
62-565.505	Industrial Pretreatment Requirements for Potable Reuse Systems
62-565.510	Aquifer Storage and Recovery (ASR) Systems Associated with Potable Reuse Systems
62-565.520	Off-spec Storage Requirements for Advanced Treatment Water Facilities
62-565.530	Pathogen Requirements for Potable Reuse Systems
62-565.540	Monitoring Requirements for Advanced Treatment Water Facilities and Potable Reuse Systems
62-565.550	Reporting Requirements for Advanced Treatment Water Facilities
62-565.560	Pilot Testing Program
62-565.570	Engineering Report
62-565.580	Design and Construction

62-565.590	Operation and Maintenance
62-565.600	Procedure to Obtain Permits
62-565.605	Standards for Issuing or Denying Permits
62-565.610	Revisions to Permit Conditions
62-565.615	Renewals
62-565.620	Transfer of Permit
62-565.625	Suspension and Revocation
62-565.630	Application Processing
62-565.635	Application Processing
62-565.640	Public Notice
62-565.645	Public Comments and Requests for Public Meetings
62-565.650	General Conditions for All Permits
62-565.655	Guidelines for Establishing Specific Permit Conditions
62-565.700	Compliance for Advanced Treatment Water Facilities and Potable Reuse Systems

PURPOSE AND EFFECT: The Department of Environmental Protection is proposing the adoption of Chapter 62-565, F.A.C., “Potable Reuse,” to implement recommendations of the Potable Reuse Commission’s 2020 report “Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida” as required by Florida’s Clean Waterways Act of 2020 and the new groundwater exemption in Section 403.0643, F.S. The adoption of this chapter, in conjunction with proposed amendments to Chapters 62-550, 62-555 and 62-610, F.A.C., will establish regulatory requirements for facilities involved in the production of advanced treated water or distribution of potable water derived from advanced treated water.

SUMMARY: Chapter 62-565 will establish the framework for potable reuse, enhanced pretreatment requirements, and permitting of advanced treatment water facilities (ATWF) in Florida. This chapter does not make potable reuse mandatory for utilities. Additionally, only domestic wastewater treatment facilities with a design average daily flow of 0.1 million gallons per day or greater, who have conducted a pilot testing program in accordance with Chapter 62-565, F.A.C., and who can prove they possess technical and managerial capability for long-term compliance with the regulations set forth by department rules and regulations will be allowed to be permitted operate a potable reuse system.

Other Rules Incorporating by reference this Rule: 62-550.305, 62-555.314, 62-610.100, 62-610.330, 62-610.466, 62-610.550, 62-610.563, 62-610.564, 62-610.567, 62-610.568, 62-610.573, 62-610.574, 62-610.810.

Summary of Effects on Other Rules Incorporating by this Rule by Reference: Adoption of Chapter 62-565, F.A.C., in this Notice of Proposed Rule is not expected to have any significant impact on the following rules: 62-550.305, 62-555.314, 62-610.100, 62-610.330, 62-610.466, 62-610.550, 62-610.563, 62-610.564, 62-610.567, 62-610.568, 62-610.573, 62-610.574, 62-610.810.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the Department's economic review, neither a SERC nor legislative ratification is required because the adoption of the proposed rule does not increase regulatory costs directly or indirectly to the public.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.861(9), 403.064(17), F.S.
LAW IMPLEMENTED: 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 13, 2024, at 1:00 p.m. (EST)

PLACE: The Environmental Regulation Commission hearing located at 3900 Commonwealth Blvd, Room 137, Tallahassee, FL 32399-3000.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least ten (10) days before the hearing. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney Cummings, Environmental Administrator, Division of Water Resource Management, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida, 32399-3000, at (850)245-8633 or by email at Sydney.Cummings@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-565.100 General.

(1) Scope. This chapter sets forth the requirements for potable reuse systems, including direct and indirect potable

reuse, as well as the permitting and compliance of Advanced Treatment Water Facilities (ATWFs).

(a) Direct potable reuse is the delivery of advanced treated water from an ATWF to a drinking water treatment facility or directly into a potable water supply distribution system. This type of potable reuse does not include an environmental buffer. Direct potable reuse projects are subject to the technical and permitting requirements established in this chapter.

(b) Indirect potable reuse is the planned delivery or discharge of reclaimed water, prior to treatment at an ATWF, or advanced treated water leaving the ATWF, to ground or surface waters for the development of, or to supplement or replace, potable water sources in accordance with projects identified in subsections 62-565.100(1)(c) and (d), F.A.C. Indirect potable reuse projects are subject to the technical and permitting requirements established in this chapter.

(c) Discharges of reclaimed water or advanced treated water to surface waters may be permitted as an indirect potable reuse project if an ATWF permit applicant provides an affirmative demonstration of the following:

1. There is a need to supplement or replace other potable water sources;

2. The discharge will meet part or all of the identified need to supplement or replace the water supply; and

3. A hydrologic connection between the point of discharge and the potable water supply intake.

(d) Discharges of reclaimed water or advanced treated water to ground waters may be considered as indirect potable reuse if the following conditions are met:

1. The discharge is to F-I, G-I, G-II, or G-III ground waters as described in Rule 62-610.560, F.A.C., or by rapid-rate land application systems where the requirements of Rule 62-610.525, F.A.C., apply; and

2. The planned supply wells are located within the applicable setback distances in Chapter 62-610, F.A.C., or where the applicant provides documentation of a hydrogeologic connection between the discharge to ground waters and the corresponding water supply well.

(2) Applicability.

(a) Where there may be a conflict with another rule of the Department, the rules in this chapter shall apply.

(b) In addition to the requirements set forth in this chapter, ATWFs serving as a public water system, discharging directly to a distribution system shall also comply with the requirements set forth in Chapters 62-550, and 62-555, F.A.C.

(3) General Prohibitions.

(a) No person shall operate an ATWF without an ATWF permit from the Department.

(b) An ATWF permit shall be obtained from the Department before commencement of construction or modification of the ATWF.

(c) The ATWF permit does not authorize discharge of waste, as defined in s. 403.031(22), F.S., to the waters of the State. Any person intending to discharge to the waters of the State shall apply to the Department for the appropriate permit required by Chapter 403, F.S., and Department rules.

(4) General Provisions.

(a) An ATWF permit may be revised, renewed, revoked and reissued, or terminated in accordance with this chapter.

(b) To the extent that this chapter imposes duties for the construction, operation, maintenance, or monitoring of an ATWF, for reporting potable reuse system operations, or for securing permits from the Department, responsibility lies with the permittee and the owner of the facility.

(c) Consultation. An applicant is encouraged to consult with the Department before submitting an application, or at any other time concerning the operation, construction, or modification of an ATWF.

(5) Confidentiality of Information. In accordance with Chapter 119, F.S., information and documents submitted to the Department with an application may be considered to be public records.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.200 Definitions.

The following words and phrases when used in this chapter have the following meanings except when defined and instructed differently to a specific rule:

(1) “Advanced Treated Water” means water produced from an advanced treatment water facility for potable reuse applications. Advanced treated water can be from more than one advanced treatment water facilities.

(2) “Advanced Treatment Water Facility (ATWF)” means the facility where advanced treated water is produced. The specific combination of treatment technologies employed will depend on the quality of the reclaimed water and the type of potable reuse.

(3) “Annual Average Permit Limitation” means the maximum annual average pollutant value allowed by the permit and calculated as the arithmetic mean of the 12 monthly average reclaimed water or advanced treated water samples collected during any consecutive 12-month period.

(4) “Approved County Health Department” shall be as defined in Rule 62-550.200, F.A.C.

(5) “Arithmetic Mean” means the value computed by dividing the sum of a set of terms by the number of terms.

(6) “Aquifer Storage and Recovery (ASR)” shall be as defined in subsection 62-610.466(1), F.A.C.

(7) “Average Daily Flow” means the total volume of wastewater flowing into a wastewater facility during some

defined period of time, divided by the number of days in that period of time, expressed in units of million gallons a day.

(8) “Bypass” means the intentional delivery of reclaimed water or advanced treated water, not meeting the standards for advanced treated water, from any portion of an Advanced Treatment Water Facility to a public water system or public water distribution system.

(9) “Capacity Development” means the process of acquiring and maintaining adequate technical, managerial, and financial capabilities to enable a facility consistently provide safe treated water.

(10) “CFR” means the Code of Federal Regulations.

(11) “Challenge Test” means a study comparing a pathogen, surrogate parameter, or indicator compound concentration between the influent and effluent of a treatment process to determine the removal capacity of the treatment process. The influent concentration must be high enough to ensure that a measurable concentration is detected in the effluent.

(12) “Commencement of Construction” means the beginning of the construction of an ATWF.

(13) “Composite Sample” means a single sample that is a combination of individual sub-samples of reclaimed water or advanced treated water taken at selected intervals, usually based on time or flow volumes, to minimize the effect of the variability of the individual sub-samples.

(14) “Co-permittee” means a permittee to an advanced treatment water facility permit that is only responsible for permit conditions relating to the potable reuse system for which it is the operator.

(15) “Constituent” means any physical, chemical, biological, or radiological substance or matter found in water, wastewater, or reclaimed water.

(16) “Contaminant” shall be as defined in Rule 62-550.200, F.A.C.

(17) “Continuous Monitoring” means the automated sampling and analysis of a parameter in a continuous or timed sequence, using techniques which will adequately reflect actual parameter levels or concentrations in a water sample on a continuous basis.

(18) “Control Authority” means as defined in Rule 62-625.200, F.A.C.

(19) “Critical Control Point” means a point in water treatment where control can be applied to an individual unit process to reduce, prevent, or eliminate process failure and where monitoring is conducted to confirm that the control point is functioning correctly. The goal is to reduce the risk of pathogen and chemical constituents in the finished water, as defined in Rule 62 550.200, F.A.C.

(20) “Cross-Connection” shall be as defined in Rule 62-550.200, F.A.C.

(21) “Cryptosporidium” means waterborne microscopic parasite that causes the diarrheal disease cryptosporidiosis.

(22) “CT” or “CTcalc” means the product of “residual disinfectant concentration” (C) in mg/L determined before or at the first customer, and the corresponding “disinfectant contact time” (T) in minutes, i.e., “C” x “T”. If a potable reuse system applies disinfectants at more than one point prior to distribution, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or “total inactivation ratio.” In determining the total inactivation ratio, the potable reuse system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s).

(23) “Department” means the Department of Environmental Protection (DEP).

(24) “Designated Representative” means a person for whom authorization has been given to sign reports and permit applications on behalf of the responsible official, as defined in subsection (82) of this rule. A person can only be a designated representative if:

(a) The authorization is made in writing by a person described in subsection (68) of this rule;

(b) The authorization specifies either an individual or a position having overall responsibility for the operation of the regulated facility or activity, including the position of plant manager, superintendent, certified chief operator, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and,

(c) The written authorization is submitted to the Department.

(25) “Design Capacity” means the average daily flow projected for the design year which serves as the basis for the sizing and design of the domestic wastewater facilities, advanced treated water facilities, or public water system. The design capacity is established by the permit applicant. The time frame associated with the design capacity (e.g., annual average daily flow, monthly average daily flow, three-month average daily flow) shall be specified by the permit applicant.

(26) “Direct Potable Reuse (DPR)” means the delivery of advanced treated water from an advanced treatment water facility to a drinking water treatment facility or directly into a potable water supply distribution system without an environmental buffer.

(27) “Disinfectant” shall be as defined in Rule 62-550.200, F.A.C.

(28) “Disinfectant Contact Time” (“T” in CT calculations) shall be as defined in Rule 62-550.200, F.A.C.

(29) “Disinfection” shall be as defined in Rule 62-550.200, F.A.C.

(30) “Domestic wastewater” shall be as defined in Rule 62-600.200, F.A.C.

(31) “Draft permit” means a document prepared under Rule 62-565.635, F.A.C., indicating the tentative decision of the Department to issue or deny, revise, revoke and reissue, terminate, or reissue a permit. Notices of intent to terminate a permit and to deny a permit are types of “draft permits.” A denial of a request for revision, revocation and reissuance, or termination is not a “draft permit.” A “proposed permit” is not a “draft permit.”

(32) “Drinking water” means water that is supplied for potable uses (including drinking, cooking, bathing, and other household uses) that meets standards prescribed by Rules 62-550.310 and .320, F.A.C.

(33) “Drinking water treatment facility (DWTF)” for purposes of Chapters 62-550, 62-555, 62-565 and 62-610, F.A.C., means a treatment component of a public water system. This could be a treatment component of an advanced treatment water facility providing water for potable reuse.

(34) “Emerging constituents” means natural and synthetic chemicals or compounds not regulated in water, wastewater or reclaimed water that may cause adverse ecological or human health impacts.

(35) “Environmental buffer” means a natural treatment barrier.

(36) “EPA” means the U.S. Environmental Protection Agency.

(37) “Filtration” means a process for removing particulate matter from water by passage through porous media.

(38) “Finished Drinking Water” shall be as defined in Rule 62-550.200, F.A.C.

(39) “Flow” means the flow values obtained from recording flow meters and totalizers, calibrated at least once every 12 months or in accordance with manufacturer’s instructions, whichever is lesser.

(40) “Giardia lamblia (Giardia)” means the waterborne protozoan parasites which occur in a trophozoite and an oval-shaped cyst form.

(41) “Grab sample” means a single sample of reclaimed water or advanced treated water.

(42) “Human Consumption” shall be as defined in Rule 62-550.200, F.A.C.

(43) “Indicator Compound” means an individual chemical in reclaimed water that represents the physical, chemical, and biodegradable characteristics of a specific family of trace constituents; is present in concentrations that provide information relative to the environmental fate and transport of those chemicals; may be used to monitor the efficiency of trace organic compound removal by treatment processes; and provides an indication of treatment process performance.

(44) “Indirect Potable Reuse (IPR)” means the planned delivery or discharge of reclaimed water or advanced treated water to ground or surface waters for the development of, or to supplement, potable water supply in accordance with projects identified in paragraph 62-565.100(1)(c) and (d), F.A.C.

(45) “Industrial User” shall be as defined in Rule 62-625.200, F.A.C.

(46) “Internal Outfall” means the internal sampling location between two separate treatment processes within an ATWF.

(47) “Interference” means for purposes of this chapter a discharge from a non-domestic wastewater source which alone or in conjunction with a discharge or discharges from other sources that inhibits or disrupts the treatment processes or operations that has a significant potential to have serious adverse effects on public health or to cause an exceedance either of a treatment requirement or of a Maximum Contaminant Level for finished drinking water.

(48) “Log Reduction” means a reduction in the concentration of a constituent or microorganism by a factor of 10.

(49) “Log Reduction Value Credit” means the number of credits assigned to a specific treatment process (e.g., microfiltration, chlorine disinfection, or ultraviolet disinfection), expressed in log units, for the inactivation or removal of a specific microorganism or group of microorganisms.

(50) “Maximum Contaminant Level (MCL)” shall be as defined in Rule 62-550.200, F.A.C.

(51) “Maximum Residual Disinfectant Level (MRDL)” shall be as defined in Rule 62-550.200, F.A.C.

(52) “Membrane Filtration” shall be as defined in Rule 62-550.200, F.A.C.

(53) “Method Detection Limit (MDL)” shall be as defined in Rule 62-160.200, F.A.C.

(54) “Minor Modification” means a modification to the facility or activity which is not expected to lead to a substantially different environmental impact or which will not involve a substantially different type of reclaimed water or advanced treated water. A minor modification does not substantially change the characteristics of the reclaimed water or advanced treated water, nor does it change the permitted capacity of the facility. This includes construction to replace a unit operation or process structure, and construction to a unit operation or mechanical equipment which is not associated with routine facility maintenance.

(55) “Minor Revision” means a change to the permit conditions, which may include changes in staffing requirements or monitoring frequencies, correction of minor errors or typographical mistakes, transfer of a permit to a new owner,

extension of compliance dates or construction schedules, or authorization of a minor modification to a facility or activity.

(56) “Modification” means the alteration, expansion, upgrade, extension, replacement of, or addition to an existing advanced treatment water facility. “Modification” does not include, and no permit revision is required for:

(a) Structural changes to an existing advanced treatment water facility or activity, site or plant, that do not change the quality, nature, or quantity of the reclaimed water or advanced treated water or that do not cause water pollution, or

(b) Construction, replacement, or repair of components of an advanced treatment water facility which does not change the permitted treatment works or the terms and conditions of the potable reuse system permit.

(57) “Monthly Average Permit Limitation” means the maximum monthly average pollutant value allowed by the permit and calculated as the arithmetic mean of each reclaimed water or advanced treated water sample collected on a separate day during a period of 30 consecutive days.

(58) “New System” means, for the purposes of capacity development, ATWF, community water systems or non-transient non-community water systems being newly constructed; systems which do not currently meet the definition of a public water system under Rule 62-550.200, F.A.C., but which expand their infrastructure and thereby grow to become community water systems or non-transient non-community water systems; and transient non-community systems that expand their infrastructure and thereby grow to become community water systems or non-transient non-community water systems.

(59) “Off-spec” means produced water that does not meet the discharge standards as established by an applicable Department permit.

(60) “Operator” means any person who is in onsite charge of the actual operation, supervision, and maintenance of an advanced treatment water facility and includes the person in onsite charge of a shift or period of operation during any part of the day. Operator also means any person operating an electronic control system. Such persons shall be licensed in accordance with Chapter 62-602, F.A.C.

(61) “O₃:TOC” means the ratio of the applied ozone to the actual total organic carbon (TOC) in the feedwater, which is the nitrite-corrected mass ratio of ozone to TOC calculated as the transferred ozone dose in milligram per liter (mg/L) divided by the sum of TOC concentration in the feedwater in mg/L plus 3.4 times the nitrite (NO₂) concentration (as N) in the feedwater in mg/L.

(62) “Pass Through” means for purposes of this chapter a condition where a constituent enters the potable reuse system in quantities or concentrations that have a significant potential to have serious adverse effects on public health or to cause an

exceedance either of a treatment requirement or of an MCL in finished drinking water.

(63) “Pathogens” means disease-producing organisms, including enteric viruses, Giardia cysts, and Cryptosporidium oocysts.

(64) “Permit Condition” means a statement or stipulation which is issued with a permit and which must be complied with.

(65) “Permit” is the legal authorization to engage in or conduct any construction, operation, modification, or expansion of any installation, structure, equipment, facility, or appurtenances thereto, operation, or activity which will reasonably be expected to be a source of advanced treated water or pollution.

(66) “Permittee” means the owner, operator or other entity to which a permit for an advanced treatment water facility or activity is issued by the Department. The term “permittee” shall be functionally synonymous with the terms “owner,” “contractor,” and “licensee,” but shall not include licensed individuals, such as State licensed operators, unless they are the persons to whom a facility permit is issued by the Department. The term shall extend to a permit “applicant” for purposes of this chapter.

(67) “Permitted Capacity” means the treatment, reclaimed water or advanced treated water capacity for which a facility is approved by Department permit expressed in units of million gallons a day. The permit shall specify the time frame associated with the permitted capacity (e.g., annual average daily flow, monthly average daily flow, three-month average daily flow).

(68) “Person” shall be as defined in Rule 62-550.200, F.A.C.

(69) “pH” means the negative common logarithm of the hydrogen-ion activity in moles per liter, obtained from using sensors for continuous pH monitoring that can perform a three-point calibration and calibrated at least once a month as described in FT1100 of “The Department of Environmental Protection Standard Operating Procedures for Field Activities,” DEP-SOP-001/01 (adopted and incorporated by reference in paragraph 62-160.800(1)(a), F.A.C.)

(70) “Point of Disinfectant Application” means the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

(71) “Potable Reuse” means augmentation of a drinking water supply with reclaimed water, which includes indirect potable reuse.

(72) “Potable Reuse System” means the permitted facilities interconnected for the purposes of producing finished drinking water from domestic wastewater.

(73) “Potable Water” means water that meets the primary and secondary drinking water quality standards prescribed by the National Primary Drinking Water Regulations (40 CFR Part

141) of the U.S Environmental Protection Agency and Chapter 62-550, F.A.C.

(74) “Practical Quantiation Limit (PQL)” shall be as defined in Rule 62-160.200, F.A.C.

(75) “Proposed Permit” means a permit prepared after the close of the public comment period and, when applicable, after any public meeting, but before final issuance by the Department. A “proposed permit” is not a “draft permit.”

(76) “Public Water System” or “PWS” shall be as defined in Rule 62-550.200, F.A.C.

(77) “Raw Wastewater” means, for the purposes of this chapter, untreated wastewater and its contents entering a domestic wastewater treatment facility.

(78) “Raw Water” means intake water prior to any treatment or use.

(79) “Reclaimed Water” means water that has received at least secondary treatment and is reused after flowing out of a domestic wastewater treatment facility.

(80) “Redundancy” means the use of at least two treatment barriers, in addition to the comprehensive pretreatment and pollutant souce control program in Rule 62-565.505, F.A.C., to attenuate the same type of constituent so that if one barrier fails, performs inadequately, or is taken offline for maintenance, the overall system still will perform effectively, and risk is reduced.

(81) “Residual Disinfectant Concentration” (“C” in CT calculations) shall be as defined in Rule 62-550.200, F.A.C.

(82) “Responsible Official” means one of the following:

(a) For a corporation, the president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;

(b) For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

(c) For public agencies, a principal executive officer or ranking elected official. A principal executive officer includes the chief executive officer of the agency or a senior executive officer having the responsibility for the overall operations of a principal geographic unit of the agency, for example, a director of public works, or city or county manager.

(83) “Sanitary Hazard” means a physical condition which involves or affects any part of a public water system or the source water, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system.

(84) “Secondary Contaminants” shall be as defined in Rule 62-550.200, F.A.C.

(85) “Secondary Drinking Water Standards” shall be as defined in Rule 62-550.200, F.A.C.

(86) “Secondary Treatment” means wastewater treatment to a level that will achieve the limitations specified in Rule 62-600.420, F.A.C.

(87) “Severe Property Damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(88) “Significant Industrial User” shall be as defined in Rule 62-625.200, F.A.C.

(89) “Substantial Modification” means a modification to the facility which is reasonably expected to lead to a substantially different environmental impact, or which involves a substantially different type of advanced treated water, treatment, or disposal system. A substantial modification includes changes in the characteristics of the advanced treated water, changes to the final disposition of the advanced treated water, or changes in the permitted capacity of the treatment system.

(90) “Source Control” means the elimination or control of the discharge of constituents into a wastewater collection system that at certain quantities can impact a reuse project.

(91) “Source Water” means allowable sources of water entering a potable reuse system.

(92) “Steady State” means a state in which all components of a system have achieved balance, where the volume of flow entering a system is equivalent to the volume of flow leaving a system.

(93) “Surface Water” shall be as defined in Rule 62-550.200, F.A.C.

(94) “Surrogate Parameter” means a measurable physical or chemical property that has been demonstrated to provide a direct correlation with the concentration of an indicator compound, can be used to monitor the efficiency of trace constituent removal by a treatment process and/or provides an indication of a treatment process failure.

(95) “Technology-Based Treatment Requirements (TBTR)” means those treatment requirements, and associated surrogate parameters, determined specifically for emerging constituents based on the pilot study results pursuant to Rule 62-565.560, F.A.C.

(96) “Tertiary Treatment” means advanced treatment of wastewater that goes beyond secondary treatment, as defined in Rule 62-565.200, F.A.C.

(97) “Total Organic Carbon (TOC)” shall be as defined in Rule 62-550.200, F.A.C.

(98) “Total Trihalomethanes (TTHM)” shall be as defined in Rule 62-550.200, F.A.C.

(99) “Treatment Reliability” means the ability of a treatment process or treatment train to consistently achieve the desired degree of treatment, based on its inherent redundancy, robustness, and resilience.

(100) “Treatment Technique” means the technology, when installed in an ATWF, which leads to the reduction of constituent levels.

(101) “Treatment Train” means a series of treatment technologies or processes to achieve a specific treatment or water quality goal or objective.

(102) “Trihalomethane (THM)” shall be as defined in Rule 62-550.200, F.A.C.

(103) “Virus” shall be as defined in Rule 62-550.200, F.A.C.

(104) “Well” shall be as defined in Rule 62-550.200, F.A.C.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.300 Forms and References.

(1) Unless otherwise specified, the technical standards and criteria contained in the following manuals and technical publications listed below are provided to assist applicants and permittees comply with the requirements of this chapter.

(a) 40 CFR Part 122, Appendix D (adopted and incorporated by reference in paragraph 62-620.100(3)(b), F.A.C., effective October 8, 2021).

(b) 40 CFR Part 136, (adopted and incorporated by reference in paragraph 62-620.100(3)(j), F.A.C., effective October 8, 2021).

(c) 40 CFR Part 141 Subpart Z, effective June 25, 2024, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>) is hereby adopted and incorporated by reference.

(d) U.S. Environmental Protection Agency’s 2005 Membrane Filtration Guidance Manual, effective November 2005 (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(e) Method A of ASTM International’s method D4194-23, effective 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(f) America’s Water Infrastructure Act (AWIA) of 2018, section 1433, effective 2018, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(g) 21 CFR Part 173.25, effective July 26, 2016, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(h) U.S. Environmental Protection Agency’s (EPA) 2020 Innovative Approaches for Validation of Ultraviolet Disinfection Reactors for Drinking Water Systems, effective April 2020.

(<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(i) U.S. Environmental Protection Agency's (EPA) 2010 Long Term 2 Enhanced Surface Water Treatment Rule: Toolbox Guidance Manual, effective April 2010. (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(j) U.S. Environmental Protection Agency's (EPA) 2006 Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule, effective November 2006. (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(2) The forms and instructions used by the Department are listed in this rule. The rule numbers are the same as the form numbers. Copies of these forms and instructions may be obtained by writing to the Division of Water Resource Management, MS 3500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The Department adopts and incorporates by reference the following forms:

(a) Application for an Advanced Treatment Water Facility Permit, Form 62-565.300(2)(a), effective [date] (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(b) Notification of Completion of Construction of an Advanced Treatment Water Facility, Form 62-565.300(2)(b), effective [date] (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(c) Notification of Permit Transfer of an Advanced Treatment Water Facility, Form 62-565.300(2)(c), effective [date] (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(d) Advanced Treatment Water Facility Monitoring Report, Form 62-565.300(2)(d), effective [date] (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(e) Application for a Minor Revision to an Advanced Water Facility, Form 62-565.300(2)(e), effective [date] (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(f) Advanced Treatment Water Facility Annual Report, Form 62-565.300(2)(f), effective [date] (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(g) Notification of Availability of Record Drawings and Final Operation and Maintenance Manuals of an Advanced Treatment Water Facility, Form 62-565.300(2)(g) effective [date]

(<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.400 Signatories to Permit Applications and Reports.

(1) All permit applications, reports, and other information requested by the Department under this Chapter shall be signed by a responsible official or by a designated representative of that person, as defined in Rule 62-565.200, F.A.C.

(2) If an authorization for the designated representative under subsection (1) of this rule, is no longer valid, a new authorization satisfying the requirements of subsection (1) of this rule, must be submitted to the Department prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

(3) A responsible official or designated representative signing a document under subsection (1) of this rule, shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.500 Requirements for Potable Reuse Systems.

(1) The ATWF permit application must include a joint operations plan, which shall address the elements in paragraphs (a) through (h) below:

(a) Pathogen inactivation monitoring and reporting as established in this chapter.

(b) Each facility's responsibility in meeting all MCL requirements set forth in Chapter 62-550, F.A.C., and the log reduction requirements of Rule 62-565.530, F.A.C., prior to the distribution of finished drinking water.

(c) For indirect potable reuse systems, the joint operations plan shall identify all ASR systems associated with the potable reuse system.

(d) The procedures a wastewater treatment facility (WWTF) and an ATWF shall follow to notify the other

facilities participating in the joint operations plan and the Department of:

1. Operational changes that may adversely affect the quality of the reclaimed water to be delivered to an ATWF or PWS, and

2. The events and corresponding corrective actions taken when the delivery of reclaimed water adversely affects the potable reuse system.

(e) Cybersecurity protocols in accordance with the America's Water Infrastructure Act (AWIA) of 2018, section 2013, (adopted and incorporated by reference in paragraph 62-565.300(1)(e), F.A.C., effective 2018).

(f) Cross-connection control and separation distances between underground pipes, which shall be in accordance with Rules 62-555.360 and 62-610.469, F.A.C.;

(g) Corrective actions to be taken in the event that a delivery of advanced treated water from the ATWF to a PWS or a PWS distribution system fails to meet the applicable water quality requirements of Chapters 62-550, 62-555, and 62-610, F.A.C.; and

(h) The procedures to implement the comprehensive pretreatment and pollutant source control programs requirements pursuant to Rule 62-565.505, F.A.C., including provisions to conduct source control investigations.

(2) A revised joint operations plan shall be submitted for review and approval to the Department not less than ninety (90) days prior to a change in the information provided pursuant to subsection 62-565.500(1), F.A.C.

(3) The pathogen requirements in Rule 62-565.530, F.A.C., shall be met by at least two separate treatment processes for enteric viruses, Giardia cysts, and Cryptosporidium oocysts. A separate treatment process may be credited with no more than 6.0-log reduction. To be acceptable, a treatment process may achieve no less than 1.0-log reduction. A single treatment process may receive log reduction credits for one or more pathogens.

(4) The treatment train shall include multiple, independent treatment barriers (i.e., redundancy, as defined in Rule 62-565.200, F.A.C.), for the control of organic compounds and pathogens.

(5) Design criteria shall address hazard identification, risk assessment, the identification of at least two treatment barriers, in addition to the comprehensive pretreatment and pollutant source control program in Rule 62-565.505, F.A.C., for regulated parameters and constituents of emerging concerns, critical control points and corrective actions.

(6) Prior to placing a full-scale potable reuse system into operation, the applicant shall provide reasonable assurance that all treatment processes are installed and are achieving, as designed, the intended functions and can be operated by certified treatment process operators who meet the

requirements in subsection 62-565.590(6), F.A.C. An operating protocol describing the actions to be taken to meet this subsection shall be included in the engineering report and shall be available at the facility during inspections.

(7) ATWF permittees shall meet the reliability and redundancy requirements in subsection 62-555.320(13), F.A.C.

(8) ATWF permittees shall meet the standby power requirements in paragraphs 62-555.320(14)(b) through (f), F.A.C.

(9) ATWFs shall be subject to the same setback distance requirements established in subsection 62-555.312(3), F.A.C.

(10) The setback distance described in subsection (9) above, shall be reduced, but in no case to less than 50 feet from sanitary hazards that pose a potentially high risk to water quality and public health and no less than 25 feet from sanitary hazards that pose a moderate risk to water quality and public health, if the applicant provides an affirmative demonstration in the engineering report that reclaimed water will not migrate to the potable water supply well as a result of conditions including the following: the presence, thickness, and extent of natural barriers including impermeable geological strata; the design and construction of the ATWF; the water treatment provided; or the use of alternative means to reduce public health risks, including the use of encasement or restrained joints to eliminate or minimize leakage from a pipeline that is a sanitary hazard, or the use of additional monitoring.

(11) Potable Reuse Systems shall provide safe access points for obtaining representative samples which are required by this chapter.

(12) During full-scale operation of the treatment process designed pursuant to Rule 62-565.560, F.A.C., the applicant shall be subject to the same requirements included in Rule 62-555.350, F.A.C., and continuously monitor the applicable surrogate and operational parameters established pursuant to Rule 62-565.560, F.A.C. The applicant shall implement, in full-scale operation, the treatment process as designed pursuant to Rule 62-565.560, F.A.C.

(13) Each quarter, the ATWF permittee shall calculate the percent of results of the quarter's monitoring that did not meet the surrogate and operational parameter permit limits established to assure proper on-going performance of the treatment process. If greater than ten percent of the monitoring results did not meet surrogate and operational parameter permit limits, within 45 days after the end of the quarter the ATWF permittee shall submit a report to the Department describing the corrective actions planned or taken to reduce the percent to ten percent or less. The permittee shall consult with the Department and, if required, comply with an alternative monitoring plan approved by the Department.

(14) Sampling collection and analysis shall be performed using appropriate methods and standard operating procedures

(SOPs) in 40 CFR Part 136, (adopted and incorporated by reference in paragraph 62-620.100(3)(j), F.A.C., effective October 8, 2021), 40 CFR Part 141 Subpart C, (adopted and incorporated by reference in subsection 62-550.550(1), F.A.C., effective July 7, 2015), 40 CFR Part 141 Subpart Z (adopted and incorporated by reference in paragraph 62-565.300(1)(c), F.A.C., effective June 25, 2024), and Chapter 62-160, F.A.C. Where necessary, the permittee may request approval of alternate procedures and laboratory methods or for alternative MDLs or PQLs.

(15) Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this chapter, for which methods have already been established and approved in 40 CFR Part 136, (adopted and incorporated by reference in paragraph 62-620.100(3)(j), F.A.C., effective October 8, 2021), 40 CFR Part 141 Subpart C, (adopted and incorporated by reference in subsection 62-550.550(1), F.A.C., effective July 7, 2015), 40 CFR Part 141 Subpart Z (adopted and incorporated by reference in paragraph 62-565.300(1)(c), F.A.C., effective June 25, 2024), and Chapter 62-160, F.A.C., shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP) for the matrix, test method, and analyte(s) being measured to comply with the permit. For ATWFs, testing for parameters listed in subsection 62-160.300(4), F.A.C., shall be conducted under the direction of a licensed operator.

(16) After construction is complete and prior to placing an ATWF into full-scale operation, the permittee must provide the Department with the results of a full-scale demonstration for each unit process of the ATWF.

(a) The full-scale demonstration shall be conducted for a minimum of thirty consecutive days while the ATWF is achieving steady state.

(b) During the full-scale demonstration, sampling for all permit limitations contained in the ATWFs Department-issued permit must be conducted a minimum of one time. The sampling results from the full-scale demonstration shall be submitted to the Department on the Advanced Treatment Water Facility Monitoring Report, DEP Form 62-565.300(2)(d), (adopted and incorporated by reference in paragraph 62-565.300(2)(d), F.A.C., effective [date]).

(c) If the results of the sampling for the full-scale demonstration provide reasonable assurance that all permit limitations can be met, the Department shall issue a letter of clearance to place the ATWF into full-scale operation.

(17) Following full-scale implementation of a potable reuse system, the permittee shall submit an annual report on Advanced Treatment Water Facility Annual Report, DEP Form 62-565.300(2)(f), (adopted and incorporated by reference in paragraph 62-565.300(2)(f), F.A.C., effective [date]) no later than July 1 of each year.

(18) Liquid chemical storage tanks or containers shall be located and secondary containment provided so that chemicals from equipment failure, spillage or accidental drainage shall not enter the water in conduits, treatment or storage basins. Secondary containment shall be capable of containing 110 percent of the capacity for the largest, single tank or container capacity present and the materials used for secondary containment shall be:

(a) Impervious to the stored liquid chemicals and able to withstand deterioration from external environmental conditions;

(b) Non-corrosive or of corrosion-protected materials;

(c) Capable of containing liquid chemicals for at least 30 days; and

(d) Of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge during its operating life.

(19) Piping shall be designed to minimize or contain liquid chemical spills in the event of pipe ruptures.

(20) Double-walled pipes, tanks or containers do not require additional secondary containment.

(21) Secondary containment systems shall be designed and installed to direct any release to a monitoring point or points.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.505 Industrial Pretreatment Requirements for Potable Reuse Systems.

(1) A comprehensive pretreatment and pollutant source control program shall be developed and implemented for all potable reuse projects regulated under this chapter.

(2) The comprehensive pretreatment and pollutant source control program shall include a Department approved pretreatment program for each wastewater treatment facility associated with the potable reuse system, in accordance with Chapter 62-625, F.A.C. Each Control Authority shall develop and adopt local discharge limitations in accordance with Chapter 62-625, F.A.C.

(3) The Control Authority shall adopt the legal authority to implement the comprehensive pretreatment and pollutant source control program, including authority for oversight, inspection and enforcement, and review of new connections to the collection system in accordance with Chapter 62-625, F.A.C.

(4) The Control Authority shall conduct a source investigation, which includes an environmental fate and transport assessment for each chemical or constituent that may pass through or cause interference with the potable reuse system based on readily available data, be it analytical data, process knowledge or other reasonable estimation techniques and:

(a) Chemicals or constituents identified in subsection 62-625.600(8), F.A.C.:

(b) Has a primary or secondary drinking water quality standard established in Rules 62-550.310 and 62-550.320, F.A.C.; and

(c) Has an applicable standard established in Chapters 62-302, 62-304, and 62-550, F.A.C.

(5) The Control Authority shall develop a pretreatment outreach program to industrial users within the portions of the wastewater collection system service area that serves as the source for potable reuse systems for the purpose of managing and minimizing the discharge of chemicals and constituents in the wastewater that may adversely effect the potable reuse system.

(6) The Control Authority shall develop and maintain a current inventory of chemicals and constituents identified and evaluated pursuant to subsection 62-625.600(8), F.A.C., including new chemicals and constituents resulting from new sources or changes to existing sources, that may be discharged into the wastewater collection system.

(7) Significant industrial users shall implement a slug control plan that includes, at a minimum, all elements in sub-subparagraphs 62-625.500(2)(b)6.a. through d., F.A.C. The plan shall be re-evaluated annually and updated as necessary.

(8) The Control Authority shall develop a surveillance program to receive early warning of a potential occurrence, including a power outage, that could adversely affect the potable reuse system treatment process and may include the following:

(a) On-line monitoring instrumentation that measures parameter(s) that may indicate a chemical peak resulting from an illicit discharge; and

(b) Notification by the local pretreatment program to the wastewater facility, advanced treatment water facility and public water system of any discharge that results in the release of constituents above industrial user discharge limitations.

(9) The Control Authority shall develop and implement a continuous improvement _____ plan for performance and reliability of the early warning system. The plan shall be re-evaluated at least once every two years and revised accordingly. This requirement may be deferred by using other mitigation measures, including additional treatment barriers, blending, effluent monitoring, and diversion.

(10) The Control Authority shall perform an annual review to address all aspects of the comprehensive pretreatment and pollutant source control program.

(11) In addition to the annual control authority report requirements in subsection 62-625.600(8), F.A.C., the report shall also include:

(a) A summary of all analytical results of influent and effluent and removal efficiencies for the indicator compounds. The indicator compounds and compounds identified in paragraph 62-625.600(8)(f), F.A.C., shall be monitored at a minimum of once every six months.

(b) Whether or not the facility complied with all applicable potable reuse system requirements, and if not, whether any noncompliance was a result of non-domestic discharges;

(c) A summary of all triggers of early warning systems and consequent responses; and

(d) A summary of all enhancements to real-time monitoring and early warning systems.

(12) The development and evaluations of local limits in accordance with Chapter 62-625, F.A.C., shall be certified by a professional engineer registered in the State of Florida. Where required by Chapter 471, F.S., applicable portions of the report shall be signed and sealed by a professional engineer.

(13) Control Authorities who do not receive discharges from significant industrial users shall notify the Department within 30 days of learning of a significant industrial user's intent to discharge to a wastewater facility associated with the potable reuse system.

(14) The ATWF permit application shall include proof of final Department approval(s) for a comprehensive pretreatment and pollutant source control program that meets the requirements of this rule and a statement that all significant industrial user permits have been updated and reissued to include the requirements of this rule.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.510 Aquifer Storage and Recovery (ASR) Systems Associated with Potable Reuse Systems.

(1) ATWFs with an associated ASR system for indirect potable reuse shall be designed and operated to meet the primary and secondary drinking water standards established in Rules 62-550.310 and 62-550.320, F.A.C.

(2) The parameters listed as primary drinking water standards shall be applied as maximum single sample permit limits. The primary drinking water standard for asbestos shall not apply. The primary drinking water standard for sodium shall be applied as a maximum annual average permit limitation. The multipliers established in subsection (3) below shall be used to establish maximum monthly and single sample maximum permit limits for sodium.

(3) Except for pH, the parameters listed as secondary drinking water standards shall be applied as maximum annual average permit limits. The multipliers established below shall be used to establish maximum monthly and single sample maximum permit limits.

<u>Statistical Basis</u>	<u>Multiplier</u>
<u>Annual Average</u>	<u>1.0</u>
<u>Monthly Average</u>	<u>1.25</u>
<u>Single Sample</u>	<u>2.0</u>

(4) All pH observations for ASR systems shall fall within the pH range established in the secondary drinking water standards.

(5) In addition to the requirements outlined in this chapter, ASR systems associated with potable reuse systems shall also be subject to the requirements of Rule 62-610.466, F.A.C.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.520 Off-spec Storage Requirements for Advanced Treatment Water Facilities.

(1) For an ATWF for which there are alternative reuse or disposal systems permitted, those alternative reuse or disposal systems may be used for the management of off-spec water. For an ATWF for which there are no alternative reuse or disposal systems permitted, a separate, off-line system for storage of off-spec water shall be provided.

(2) For an ATWF connected to a public water system with the capability of treating to primary and secondary drinking water standards, the storage requirements are as follows:

(a) Off-spec storage ponds shall have sufficient storage capacity to assure the retention of the off-spec reclaimed water under adverse water conditions and maintenance of equipment. Off-spec storage ponds shall meet the following requirements:

1. A minimum of 30 years of recent climatic data determined by the National Centers for Environmental Information shall be used in storage volume determinations.

2. Off-spec storage ponds shall be designed in a manner which allows for the impoundment of rainfall equal to that of the 25-year, 3-day 24-hour storm event, as defined by the respective Water Management District, in which the facility is located.

(b) Analytical means of determining off-spec storage requirements shall be used and shall account for all water inputs into the system, including water balance calculations or computer hydrological programs. Analysis shall be based on site specific data.

(c) The methods and assumptions used for determining the off-spec storage requirements shall be included described and justified in the engineering report required in Rule 62-565.570, F.A.C.

(d) For off-spec storage ponds using non-synthetic liners, the permeability, durability, strength, thickness, and integrity of the liner shall be satisfactorily demonstrated for anticipated

pressure gradient, climatic conditions, installation and daily operation conditions. A quality assurance/quality control plan which substantiates the adequacy of the liner, and its installation shall be incorporated into the engineering report required in Rule 62-565.570, F.A.C.

(e) For off-spec storage ponds using synthetic liners, the liners shall be installed in accordance with the manufacturer’s specifications and recommendations. Documentation of quality assurance and quality control activities on liner installation along with permeability or seepage test results shall be submitted to the Department prior to the ATWF being placed in operation.

(f) For unlined off-spec storage ponds, a ground water monitoring plan prepared in accordance with Rule 62-520.600, F.A.C., shall be incorporated into the ATWF permit.

(g) Off-spec storage ponds shall provide a minimum freeboard of three feet.

(h) Provisions for the control of algae shall be included in the design, operation, and maintenance and shall be described in the engineering report. Pond design shall also address the control of mosquito breeding habitat. Minimum pond depths (excluding freeboard but including the design operating range) of six feet, with inside bank side slopes steeper than 3:1 (horizontal to vertical), but no steeper than 1:1, are required to discourage growth of rooted aquatic weeds. Maintenance of a minimum pond water depth of 18 inches is required. Routine aquatic weed control and regular maintenance of pond embankments and access areas are required. The use of other depth criteria for mosquito control shall be justified in the engineering report.

(i) Off-spec storage ponds shall be designed and maintained consistent with sound engineering practices to prevent the deliberate introduction of stormwater.

(j) The siting of the off-spec storage ponds shall be addressed in the engineering report in prepared under Rule 62-565.570, F.A.C. Off-spec ponds shall be sited to avoid areas of uneven subsidence, sinkholes, pockets of organic matter or other unstable soils. Ponds used to impound reclaimed water above natural grade shall be designed to prevent failure of the embankment due to hydrostatic forces, seepage or soil piping, wind and wave action, erosion, and other anticipated conditions. Results from field and laboratory tests from an adequate number of test borings and soil samples shall be the basis for computations pertaining to seepage and stability analyses.

(3) For an ATWF that uses storage tanks for storage of off-spec water, the storage requirements are as follows:

(a) Off-spec storage tanks shall have sufficient storage capacity to assure the retention of the off-spec reclaimed water with a minimum of 1.2 times the design flow capacity of the ATWF.

(b) Off-spec storage tanks shall be designed and installed in accordance with the applicable American Water Works Association (AWWA) standard (adopted and incorporated by reference in Rule 62-555.330, F.A.C., effective May 5, 2014).

(c) Off-spec storage tanks shall be checked at least annually to ensure that hatches are closed, and screens are in place; shall be cleaned at least once every five years to remove bio-growths, calcium or iron/manganese deposits, and sludge from inside the tanks; and shall be inspected at least once every five years for structural and coating integrity by personnel under the responsible charge of a professional engineer licensed in Florida.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.530 Pathogen Requirements for Potable Reuse Systems.

(1) The applicant must provide reasonable assurance that the treatment techniques being used reduce the combined health risk of acute gastroenteritis for consumers drinking the water to less than 1 in 10,000 annually. The treatment technique requirements consist of installing and properly operating filtration and disinfection water treatment processes that reliably achieve:

(a) For Giardia lamblia cysts: a 12-log reduction between the raw wastewater and the finished drinking water with at least 50 percent reduction achieved between a point where the source water is not subject to recontamination and a point downstream;

(b) For Cryptosporidium oocytes: a 12-log reduction between the raw wastewater and the finished drinking water with at least 50 percent reduction achieved between a point where the source water is not subject to recontamination and a point downstream; and

(c) For enteric viruses (including rotaviruses and noroviruses): a 14-log reduction between the raw wastewater and the finished drinking water with at least 50 percent reduction achieved between a point where the source water is not subject to recontamination, exposed during treatment to the open atmosphere and a point downstream.

(2) For the purpose of meeting the requirements of subsection (1) above, log reduction credits for every point of treatment barrier from the domestic wastewater treatment facility, environmental buffer, ATWF and PWS may be included in calculation of the total log reduction credits achieved for each of Giardia lamblia cysts, Cryptosporidium oocytes, and enteric viruses. Aerators and other facilities that are protected against contamination from birds, insects, wind borne debris, rainfall, and drainage are not considered to be exposing water to the open atmosphere and possible viral contamination.

(3) An applicant shall propose values for log reduction value credits in its engineering report based on engineering analysis, pilot studies, available research, and guidance.

(4) Membrane filtration systems, including microfiltration, ultrafiltration, nanofiltration, reverse osmosis, or alternative membrane treatment technologies may be awarded additional pathogen log reduction value credits by conducting a Department-approved direct integrity test in accordance with the U.S. Environmental Protection Agency's 2005 Membrane Filtration Guidance Manual, (adopted and incorporated by reference in paragraph 62-565.300(1)(c), F.A.C., effective [date]). The Department may approve credits if the results of direct integrity tests and other associated technical data support the proposed direct integrity tests suitability and sensitivity for the proposed pathogen and membrane filtration technology. For example, this may take the form of a daily pressure decay test for Cryptosporidium and Giardia removal by ultrafiltration (an example of a direct integrity test), and online monitoring of sulfate removal by reverse osmosis as a surrogate parameter for enteric virus removal.

(5) Ultraviolet (UV) systems shall comply with the treatment and operational requirements set forth in Rules 62-565.560, 62-565.570, and 62-565.580, F.A.C.

(6) During full-scale operation of the oxidation process designed pursuant to subsection 62-565.560(7), F.A.C., the applicant shall continuously monitor the surrogate and operational parameters established pursuant to paragraphs 62-565.560(7)(c) or 62-565.560(7)(d), F.A.C. The applicant shall implement, in full-scale operation, the oxidation process, as designed pursuant to subsection 62-565.560(7), F.A.C.

(7) Potable Reuse Systems with significant deficiencies related to the treatment process shall not receive the log reduction value credits in subparagraph 62-550.817(2)(b)2., F.A.C., without Department approval. The Department will notify the permittee of such systems in writing of any Department-assigned log reduction value credits that are lower than the credits shown in subparagraph 62-550.817(2)(b)2., F.A.C. The Department will assign reductions in log reduction value credits according to the criteria in the Department's "Compliance Manual for Subpart H systems," (adopted and incorporated by reference in subparagraph 62-550.817(2)(b)3., F.A.C.).

(8) Potable Reuse Systems shall meet the requirements of subsections 62-565.530(1)(a) through (c), F.A.C., by:

(a) Determining CTcalc, as defined in Rule 62-565.200, F.A.C.;

(b) Estimating log-inactivation for the CTcalc for Giardia lamblia cysts and enteric viruses; and

(c) Showing that 95 percent of the daily measurements taken each month meet or exceed the minimum log-inactivation disinfection requirements set forth in Rule 62-565.530, F.A.C.

(9) A violation of the requirement set forth in Rule 62-565.530, F.A.C., is a treatment technique violation.

(10) If, in any daily measurement, log-inactivation levels are insufficient to meet the requirements established in this rule, the operator shall take immediate steps to increase disinfection levels.

(11) The permittee must use a minimum of three separate critical control points for pathogen reduction including one disinfection control point and one filtration control point.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.540 Monitoring Requirements for Advanced Treatment Water Facilities and Potable Reuse Systems.

(1) For the purposes of this Chapter, all analytes and parameters shall be measured using approved EPA drinking water test methods. When an approved EPA drinking water test method is unavailable, other accepted published methods approved by the department shall be used for measuring.

(2) In addition to the surrogate and operational parameters monitoring requirements in paragraphs 62-565.560(7)(c) and (d), and subsections 62-565.560(8) and (9), F.A.C., the minimum requirements for sampling and monitoring are specified in Table 1 below:

Table 1: Monitoring Frequencies for ATWFs

<u>Constituent or Disinfectant Residual Group</u>	<u>Frequency of Routine Monitoring</u>	<u>Sample Type</u>	<u>Monitoring Location</u>
Flow	Continuous	In-line meter	ATWF Influent, Internal Outfall, and ATWF Effluent
pH	Continuous	In-line meter	ATWF Influent, Internal Outfall, and ATWF Effluent
Temperature	Continuous	In-line meter	ATWF Influent, Internal Outfall, and ATWF Effluent
CBOD5	Daily	Grab	ATWF Influent

TSS	Daily	Grab	ATWF Influent, Internal Outfall, and ATWF Effluent
total organic carbon (TOC)	Daily	Grab	ATWF Influent, Internal Outfall, and ATWF Effluent
total organic halogen (TOX)	Weekly	Grab	ATWF Influent, Internal Outfall, and ATWF Effluent
Giardia lamblia, Cryptosporidium, and enteric viruses	Monthly	Grab	ATWF Influent and ATWF Effluent
Total coliform	Daily	Grab	ATWF Effluent
E. coli	Daily	Grab	ATWF Effluent
Nitrate and Nitrite	Monthly	Composite	ATWF Effluent
Inorganics ¹	Monthly	Composite	ATWF Effluent
Chlorine and/or Chloramines ²	Continuous	In-line meter	ATWF Effluent
Sodium	Monthly	Grab	ATWF Influent, Internal Outfall, and ATWF Effluent
Chlorine Dioxide ³	Continuous	In-line meter	ATWF Effluent
Chlorite ³	Daily	Grab	ATWF Effluent
Bromate ⁴	Daily	Grab	ATWF Effluent
Volatile Organics ¹	Monthly	Grab	ATWF Effluent
Synthetic Organics ¹	Monthly	Composite	ATWF Effluent
Secondary Contaminants ¹	Monthly	Composite	ATWF Effluent

Gross alpha, Radium-226 and Uranium ¹	Monthly	Grab	ATWF Effluent
Beta Particle and Photon Radioactivity ¹	Monthly	Grab	ATWF Effluent
Ultraviolet Dose ⁵	Continuou s	In-line meter	Internal Outfall
Ultraviolet Transmission at 254 nanometers ⁵	Continuou s	In-line meter	Internal Outfall
Ultraviolet Light Intensity ⁵	Continuou s	In-line meter	Internal Outfall
Ozone ⁴	Continuou s	In-line meter	ATWF Effluent
Perfluorooctanoic Acid (PFOA) ⁶	Quarterly	Grab	ATWF Influent and ATWF Effluent
Perfluorooctane Sulfonic Acid (PFOS) ⁶	Quarterly	Grab	ATWF Influent and ATWF Effluent
Perfluorohexane Sulfonate (PFHxS) ⁶	Quarterly	Grab	ATWF Influent and ATWF Effluent
Perfluorononanoic Acid (PFNA) ⁶	Quarterly	Grab	ATWF Influent and ATWF Effluent
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA) ⁶	Quarterly	Grab	ATWF Influent and ATWF Effluent
Perfluorobutane Sulfonate (PFBS) ⁶	Quarterly	Grab	ATWF Influent and ATWF Effluent
Hazard Index ^{6,7}	Quarterly	Calculate d	ATWF Influent and ATWF Effluent

¹Inorganics, Volatile Organics, Synthetic Organics, Secondary Contaminants, Gross alpha, Radium-226 and Uranium, and Beta Particle and Photon Radioactivity shall be as defined in Chapter 62-550, F.A.C.

²For those systems using chlorine or chloramines for disinfection.

³For those systems using chlorine dioxide for disinfection.

⁴For those systems using ozone for disinfection.

⁵For those systems using ultraviolet for disinfection.

⁶Per- and Polyfluoroalkyl Substances (PFAS) field testing, sample collection and preservation, laboratory testing, including quality control procedures, and all record keeping shall comply with Chapters 62-160 and 62-550, F.A.C. The analytical test methods shall be sufficiently sensitive to ensure department-established MDLs and PQLs are met.

⁷The Hazard Index (HI) is made up of a sum of fractions. Each fraction compares the level of each PFAS measured in the water to the highest level determined not to have risk of health effects.

Step 1. Divide the measured concentration of PFHxS by the health-based value of 9 ng/L.

Step 2. Divide the measured concentration of PFNA by the health-based value of 10 ng/L.

Step 3. Divide the measured concentration of HFPO-DA by the health-based value of 10 ng/L.

Step 4. Divide the measured concentration of PFBS by the health-based value of 2000 ng/L.

Step 5. Add the ratios from steps 1-4 together using the following equation:

$$\text{Hazard Index} = (\text{PFHxS} / [10 \text{ ng/L}]) + (\text{PFNA} / [10 \text{ ng/L}]) + (\text{HFPO-DA} / [10 \text{ ng/L}]) + (\text{PFBS} / [2000 \text{ ng/L}])$$

Step 6. To determine HI compliance, repeat steps 1-5 for each sample collected in the past year and calculate the average HI for all the samples taken in the past year.

(3) ATWFs discharging to surface waters of the state shall also be subject to the applicable monitoring requirements established in Chapters 62-302, and 62-304, F.A.C.

(4) For Giardia lamblia, Cryptosporidium, and enteric viruses, if there are no detects in the advanced treated water for two years, the permittee may notify the Department of the applicant's intent to transition to bi-annual monitoring.

(5) With the exception of radionuclides, for the parameters listed in Table 1 which have an established MCL, if there are no exceedances of one half of the established MCL in finished advanced treated water samples for one year, the permittee may notify the Department of the applicant's intent to transition to quarterly sampling.

(6) With the exception of radionuclides, for the parameters listed in Table 1 which have an established MCL, if there are no exceedances of one half of the established MCL in finished advanced treated water samples for two years following the transition to quarterly sampling, the permittee may notify the Department of the applicant's intent to transition to bi-annual sampling.

(7) For the radionuclides identified in Table 1, if there are no exceedances of one half of the established MCL in finished advanced treated water samples for one year, the permittee may notify the Department of the applicant's intent to transition to quarterly sampling.

(8) For the radionuclides identified in Table 1, if there are no exceedances of one half of the established MCL in finished advanced treated water samples for one year following the transition to quarterly sampling, the permittee may notify the Department of the applicant's intent to transition to annual sampling.

(9) For the PFAS and HI identified in Table 1, if there are no exceedances of one half of the established MCL for all PFAS and HI constituents in finished advanced treated water samples for one year, the permittee may notify the Department of the applicant's intent to transition to triennial sampling.

(10) For the PFAS and HI identified in Table 1, if there are no exceedances of the MCL for all PFAS and HI constituents in finished advanced treated water samples for one year, the permittee may notify the Department of the applicant's intent to transition to annual sampling.

(11) If a permittee is on reduced monitoring for any of the parameters identified in subsections 62-565.540(4)-(10), F.A.C., and does not meet the reduced monitoring criteria for any sampling event, the permittee shall resume monitoring in accordance with the frequencies outlined in Table 1 for that parameter.

(12) Continuous Monitoring of pH.

(a) The permittee shall maintain the pH of reclaimed water and advanced treated water within the range set forth in the ATWF permit, except excursions from the range are permitted subject to the following limitations:

1. The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and

2. No individual excursion from the range of pH values shall exceed 60 minutes.

(b) The Department may adjust the requirements set forth in paragraph (a) of this subsection with respect to the length of individual excursions from the range of pH values, if a different period of time is appropriate based upon the treatment system, plant configuration or other technical factors.

(c) An excursion is an unintentional and temporary incident in which the pH value of reclaimed water or advanced treated water exceeds the range set forth in the advanced treatment water facility permit.

(13) The Department shall allow use of continuous monitoring equipment, for those parameters identified in Table 1 requiring a grab sample, if all of the following conditions are met:

(a) The applicant provides an affirmative demonstration that the proposed monitoring equipment will provide a means for controlling the process that is at least as reliable and accurate as a grab sample.

(b) The proposed monitoring equipment will generate a continuous reading.

(c) The proposed monitoring equipment will be equipped with an automated data logging or recording device.

(d) The proposed monitoring equipment shall be calibrated according to the requirements of Chapter 62-160, F.A.C.

(e) The proposed monitoring equipment shall be maintained according to the manufacturer's operation and maintenance instructions.

(f) The use of the proposed monitoring equipment and setpoints associated with use of the proposed monitoring equipment shall be fully incorporated into the operating protocol.

(14) In addition to the monitoring requirements established in subsection 62-565.540(2), F.A.C., ATWFs shall conduct semi-annual sampling of the water entering and exiting the ATWF for the toxic pollutants that have been identified under 40 CFR Part 122, Appendix D, (adopted and incorporated by reference in paragraph 62-620.100(3)(b), F.A.C., effective October 8, 2021).

(15) Monitoring Locations.

(a) All samples shall be collected in accordance with the monitoring locations identified in table 1 above.

(b) For influent sampling, a minimum of one sample shall be taken at every entry point to the treatment system that is representative of each source before treatment. If an ATWF draws water from more than one source and the sources are combined before treatment, samples shall be taken at an entry point to the treatment system during periods of typical operating conditions (e.g., when water is representative of the sources being used).

(c) For effluent sampling, a minimum of one sample shall be taken at every discharge point from the treatment system that is representative of the advanced treated water leaving the ATWF prior to blending with other sources of water. For ATWFs involving high-level disinfection, compliance with the TSS limitations shall be achieved, and sampled for, after filtration and before application of the disinfectant.

(d) For internal outfall sampling, a minimum of one sample shall be taken at the internal outfall or outfalls identified in the Department approved Operating Protocol.

(e) The location of monitoring sites shall meet the requirements set forth in subsection 62-565.500(11), F.A.C.

(f) Sampling shall demonstrate compliance with the TBTRs for emerging constituents, pathogen reduction, and site-specific indicator compound and surrogate parameter requirements set forth in this chapter.

(g) Samples shall be taken at the monitoring sites specified in the permit, unless the permittee receives prior approval from the Department to use an alternate site where a representative sample can be collected.

(16) Grab samples shall be collected during periods of minimal treatment plant pollutant removal efficiencies. The

actual time and flow conditions during which such samples are taken shall be recorded.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.550 Reporting Requirements for Advanced Treatment Water Facilities.

(1) As required by the permit, the permittee shall submit monitoring results on Form 62-565.300(2)(d), (adopted and incorporated by reference in paragraph 62-565.300(2)(d), F.A.C., effective [date]), as follows:

(a) Monitoring results shall be submitted to the Department on the Advanced Treatment Water Facility Monitoring Report, DEP Form 62-565.300(2)(d), (adopted and incorporated by reference in paragraph 62-565.300(2)(d), F.A.C., effective [date]). As of December 1, 2026 or a Department-approved alternative date, monitoring results shall be electronically submitted using the Department’s Business Portal at <http://www.fldepportal.com/go/>. Reports shall be submitted by the 28th day of the month following the month of operation; and,

(b) Monitoring Reports shall be submitted for each required monitoring period including periods of no discharge.

(2) The ATWF permittee shall be responsible for reporting the log-reduction values for the pathogen inactivation requirements established in Rule 62-565.530, F.A.C., for the potable reuse system. If the pathogen inactivation requirements are being met across the entirety of the potable reuse system, the ATWF permittee shall submit analytical results from the other members entered into the joint operations plan to demonstrate compliance with the aforementioned requirements.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.560 Pilot Testing Program.

(1) Pilot testing is required for all ATWF projects.

(2) Approval of the pilot testing plan of study shall be obtained before the pilot testing program commences. The request for the pilot testing plan of study approval shall, at a minimum, describe and establish the monitoring and reporting requirements for the pilot testing program. Applicable portions of the detailed plan of study shall be signed and sealed by a professional engineer or professional geologist registered in the State of Florida. The ensuing plan of study shall be approved in writing by the Department and shall be binding upon the Department and the applicant. During the course of the study, the plan of study may be amended by written agreement between the Department and the applicant. The applicant shall coordinate with the Department during the study and shall

present the study results to the Department. Failure to comply with the plan of study may result in the Department’s rejection of some or all of the data.

(a) Within 30 days of receipt of a pilot testing plan of study, the Department shall request additional information if the plan of study is not complete. The Department’s request for additional information shall specify a time period for the applicant’s submittal of the requested information, which shall not be less than 45 days from the applicant’s receipt of the Department’s request. Within 90 days of receipt of a complete pilot testing plan of study, the Department shall either approve, deny, or approve the pilot testing plan of study with conditions. The Department’s determination shall be based solely on its evaluation of the requirements in subsections (3) through (11) below.

(b) Within 21 days of receipt of notice of agency action on the pilot testing plan of study, an applicant may file a petition in accordance with subsections 62-110.106(2) and (3), F.A.C., concerning the Department’s approval, denial, or approval of the pilot testing plan of study with conditions. The Department’s decision shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(3) The plan of study shall:

(a) Address the requirements of this rule, as well as the following:

(b) Include a schedule, with interim milestones, for the completion of the pilot study;

(c) Include the results of the Source Water Evaluation;

(d) Identify and establish treatment and disinfection processes;

(e) Identify proposed treatment processes to meet reclaimed water limitations;

(f) Identify and evaluate emerging constituents and surrogate parameters in the reclaimed water and removal by the proposed treatment process based on the results of the Source Water Evaluation, and proposed TBTRs;

(g) Identify and evaluate reducing target pathogens and surrogate parameters from the treatment processes;

(h) Identify mechanism of pathogen removal by treatment processes;

(i) Evaluate how the treatment processes will achieve primary and secondary drinking water standards;

(j) Identify and evaluate challenges related to treatment processes;

(k) Identify operational monitoring parameters used to measure the performance throughout the treatment processes;

(l) Identify critical control points for improved process control and system reliability;

(m) Evaluate and estimate cost of the operation and maintenance and conceptual site plan; and

(n) The plan of study shall describe the monitoring and reporting requirements for the pilot testing program.

(4) Pilot testing shall be performed using reclaimed water. The pilot testing program shall:

(a) Meet the requirements of Rules 62-565.500, .510, .520, and .530, F.A.C.;

(b) Ensure that all sampling results are at or below the maximum contaminant levels (MCLs), and within the allowable residual disinfectant levels in accordance with Rule 62-550.310, F.A.C.;

(c) Meet the treatment technique requirements established in Rules 62-565.500 and .530, F.A.C.;

(d) Evaluate the suitability of the reclaimed water for potable reuse and identify critical control points for improved process control and treatment reliability, based on the requirements of this chapter; and

(e) Provide an affirmative demonstration that the finished drinking water will be of sufficient quality to protect public health and environmental quality and that the proposed treatment and disinfection processes in the potable reuse system are capable of meeting the treatment and disinfection requirements in Chapters 62-550, 62-555, 62-565, 62-600, and 62-610, F.A.C. For direct and indirect potable reuse systems, an evaluation of enteric viruses, Cryptosporidium, and Giardia lamblia is required in order to provide reasonable assurance the potable reuse system is capable of producing a reclaimed water that meets the requirements of Rule 62-565.530, F.A.C.

(f) Include an evaluation of constituents in the influent that may be difficult to remove or are precursors to disinfection byproduct formation. Constituents evaluated must include those believed present that are listed in 40 CFR Part 122, Appendix D, (adopted and incorporated by reference in paragraph 62-620.100(3)(b), F.A.C., effective October 8, 2021).

(g) Include a determination of the mutagenicity of the reclaimed water, as determined by the results of a biological risk assessment approved by the Department.

(h) Include a comparison of the quality of water produced in the pilot study to other sources of drinking water currently used in the area.

(5) The pilot testing program shall accumulate a minimum of twelve months of data for the final treatment design.

(6) Upon request by the applicant, and subsequent approval by the Department, the requirements of a pilot testing program shall be altered as follows:

(a) A reduction in the duration or scope of the pilot testing program if the following conditions are met:

1. The applicant provides a detailed plan of study for the Department's review and obtains approval before initiating the pilot testing program.

2. Applicable portions of the detailed plan of study are signed and sealed by a professional engineer or professional geologist registered in the State of Florida, where required by Chapter 471 or 492, F.S.

3. The detailed plan of study provides reasonable assurance that a shorter duration study or reduced scope of study will be sufficient to demonstrate the ability of the proposed treatment processes to meet the requirements of this chapter, and to demonstrate the public health and environmental safety of the advanced treated water to be produced. Results of previous pilot testing programs, use of commercially proven technologies, available research and guidance, and operating experience at similar water reclamation and reuse projects may be used as part of the demonstration.

(b) Upon request by the applicant, and subsequent approval by the Department, an elimination of the requirement to conduct a pilot testing program shall be authorized if the following conditions are met:

1. The applicant provides a detailed source water characterization demonstrating that there are no constituents in the source water that will interfere with or pass through the selected treatment technology used in a comparable potable reuse system that has been piloted or put into commercial operation.

2. Applicable portions of the detailed plan of study are signed and sealed by a professional engineer or professional geologist registered in the State of Florida, where required by Chapter 471 or 492, F.S.

3. The applicant provides reasonable assurance to demonstrate the ability of the proposed treatment processes to meet the requirements in this chapter, and to demonstrate the public health and environmental safety of the advanced treated water to be produced. Results of previous pilot testing programs, use of commercially proven technologies, available research and guidance and operating experience at similar projects may be used as part of the demonstration.

(7) For advanced treatment of water using microfiltration/ultrafiltration, reverse osmosis, and an oxidation treatment process, the applicant shall:

(a) Select for use a reverse osmosis membrane such that:

1. Each membrane element used in the project has achieved a minimum rejection of sodium chloride of no less than 99.0 percent and an average rejection of sodium chloride of no less than 99.2 percent, as demonstrated through Method A of ASTM International's method D4194-03 (2014), (adopted and incorporated by reference in paragraph 62-565.300(1)(d), F.A.C., effective [date]); and

2. The membrane produces a permeate with no more than five percent of the sample results having TOC concentrations greater than 0.5 mg/L, as verified through monitoring no less frequent than weekly.

(b) For the reverse osmosis treatment process, provide reasonable assurance that on-going performance monitoring (e.g., conductivity or TOC) will detect whether the integrity of the treatment process has been compromised. The pilot testing proposal shall include at least one form of continuous monitoring, as well as the associated surrogate and/or operational parameter limits and alarm settings that detect when the integrity of the treatment process has been compromised.

(c) Provide reasonable assurance that a sufficient oxidation process has been designed for implementation. To demonstrate this, the applicant shall:

1. Select a total of at least nine indicator compounds based on the Source Water Evaluation, with at least one from each of the functional groups in subparagraphs a. through k. below.

- a. Hydroxy Aromatic
- b. Amino/Acylamino Aromatic
- c. Nonaromatic with carbon double bonds
- d. Deprotonated Amine
- e. Alkoxy Polyaromatic
- f. Alkoxy Aromatic
- g. Alkyl Aromatic
- h. Perfluoroalkyl with Sulfonate
- i. Perfluoroalkyl with Carboxylate
- j. Saturated Aliphatic
- k. Nitro Aromatic

2. Utilize an oxidation process that achieves optimal removal of the indicator compounds selected in subparagraph 1. such that removal is no less than:

a. 0.5-log (69 percent) for each indicator compound representing the functional groups in sub-subparagraphs 1.a. through 1.i., and

b. 0.3-log (50 percent) for each indicator compound representing the functional groups in sub-subparagraphs 1.j. and 1.k.

3. Establish at least one surrogate or operational parameter that reflects the removal of at least six of the nine indicator compounds selected pursuant to subparagraph 1. such that:

a. at least one of the six indicator compounds represents at least one functional group in sub-subparagraphs 1.a. through 1.g.,

b. at least one of the six indicator compounds represents at least one functional group in sub-subparagraphs 1.h. or 1.i.,

c. at least one of the six indicator compounds represents at least one functional group in sub-subparagraphs 1.j. or 1.k.,

d. at least one surrogate or operational parameter is capable of being monitored continuously, recorded, and have associated alarms, and

e. a surrogate or operational parameter, including the parameter in paragraph (7)(c) of this rule, is identified that indicates when the process may no longer meet the criteria established in subparagraph (7)(c)2. of this rule.

4. Conduct testing that includes confirmation of the findings of the occurrence study in subparagraph (7)(c)1. and provides evidence that the requirements of subparagraphs (7)(c)2. and 3. of this rule can be met with a full-scale, oxidation process. The testing shall include challenge or spiking tests conducted to determine the removal differential under normal operating conditions utilizing, at minimum, the nine indicator compounds identified in subparagraph (7)(c)1. of this rule. The applicant shall submit a testing protocol, as part of the plan of study in accordance with subsection (3) as well as the subsequent results, to the Department for review and approval.

(d) In lieu of demonstrating that a sufficient oxidation process has been designed for implementation pursuant to subsection (c), an applicant may conduct testing demonstrating that the oxidation process will provide no less than 0.5-log (69 percent) reduction of 1,4-dioxane and a 1.2-log (94 percent) reduction of N-Nitrosodimethylamine (NDMA) and that the oxidation process will meet the Florida Department of Health (DOH) Health Advisory Level (HAL) (effective August 4, 2016, <https://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf#search=%22dioxane%22> is hereby adopted and incorporated by reference) for 1, 4-dioxane of 0.35 ug/L.

1. An applicant shall submit a testing protocol in accordance with subsection 62-565.560(3), F.A.C., as well as the subsequent results, to the Department for review and approval. The testing shall include challenge or spiking tests, using 1,4-dioxane and NDMA, to demonstrate the proposed oxidation process will achieve the minimum 0.5-log and 1.2-log reductions and the HAL for 1, 4-dioxane under the proposed oxidation process's normal full-scale operating conditions.

2. An applicant shall establish surrogate and/or operational parameters that reflect whether the minimum 0.5-log 1,4-dioxane and 1.2-log NDMA reduction design criteria and HAL for 1, 4-dioxane are being met. At least one surrogate or operational parameter shall be capable of being monitored continuously, recorded, and have associated alarms that indicate when the process is not operating as designed.

(e) During the full-scale operation of the oxidation process designed pursuant to subsection (c) or (d), an applicant shall continuously monitor the surrogate and/or operational parameters established pursuant to subsection (c)3.d or (d)2, as applicable. An applicant shall implement, in full-scale operation, the oxidation process as designed pursuant to subsection (c) or (d).

(8) For advanced treatment of water using ozonation immediately followed by biologically activated carbon (ozone/BAC), the applicant shall:

(a) Affirmatively demonstrate that the ozone/BAC treatment process meets the requirements in Chapters 62-550, 62-555, and 62-565, F.A.C.;

(b) Select an ozonation treatment process:

1. With a design O3:TOC greater than or equal to 1.5;

2. That can achieve a minimum operational O3:TOC greater than or equal to 0.8;

3. That can maintain an ozone residual of no less than 0.05 mg/L at the beginning of the ozone contactor; and

4. That can maintain a bromate level that meets the requirements in Chapters 62-550 and 62-555, F.A.C.

(c) Provide reasonable assurance that the treatment process has been designed for removing a broad range of known and unknown constituents. To demonstrate this, the applicant shall:

1. Develop a candidate list of indicator compound screening from the Source Water Evaluation that accounts for expected chemical emissions from local industry and research efforts characterizing source water. Indicator compounds shall be selected based on the following:

a. The indicator compound shall have—a median concentration at least five times greater than its MDL to demonstrate a high percentage of removal;

b. The indicator shall have a detection frequency greater than 80 percent in the source water to ensure that its absence reflects treatment efficacy rather than a random or seasonal occurrence in the source water;

c. Sufficiently precise and sensitive analytical methods for the indicator compound shall be selected based on EPA approved test methods. If EPA test methods are not available, the permittee may propose for Department approval analytical methods based on previous pilot testing programs, use of commercially proven technologies, available research and guidance and operating experience at similar projects;

d. The indicator compound shall be removable by the process(es) it is intended to monitor;

e. The indicator compound shall be moderately removable by the targeted process, such that 75 percent removal is feasible only when the process is functioning as designed;

f. There shall be at least one indicator compound that specifically monitors each chemical treatment barrier. There shall also be at least one indicator compound that is partially removed by each treatment barrier, but only removed to a target of at least 75 percent if all treatment barriers are functioning as intended; and

g. Testing shall include a recommendation of indicator compounds for each facility on a case-by-case basis for the Department's approval.

2. Establish surrogate or operational parameters for the treatment process that reflects whether the minimum removal efficiencies are maintained to meet the requirements in Chapters 62-550, 62-555, 62-565, and 62-610, F.A.C.; and

3. Establish at least one surrogate or operational parameter for each unit process capable of being monitored continuously, recorded, and have associated alarms that indicate when the process is not operating as designed.

(9) The Department shall approve an alternative treatment process other than that specified in subsections 62-565.560(7) and (8), F.A.C., if all of the following conditions are met:

(a) The applicant affirmatively demonstrates that the alternative treatment process meets the requirements in Chapters 62-550, 62-555, 62-565, and 62-610, F.A.C.;

(b) The applicant affirmatively demonstrates that sufficient advanced treatment processes have been designed for removing a broad range of known and unknown constituents. To demonstrate this, the applicant shall:

1. Develop a candidate list of indicator compound screening from the Source Water Evaluation that accounts for expected chemical emissions from local industry and research efforts characterizing source water. Indicator compounds shall be based on:

a. The indicator compound shall have a median concentration at least five times greater than its MDL to demonstrate a high percentage of removal.

b. The indicator compound shall have a detection frequency greater than 80 percent in the source water to ensure that its absence reflects treatment efficacy rather than a random or seasonal occurrence in the source water

c. Sufficiently precise and sensitive analytical methods for the compound shall be selected based on EPA approved methods, previous pilot testing programs, use of commercially proven technologies, available research and guidance and operating experience at similar projects.

d. The indicator compound shall be removable by the process(es) it is intended to monitor.

e. The indicator compound shall be moderately removable by the targeted process, such that 75 percent removal is feasible only when the process is functioning as designed.

f. There shall be at least one indicator compound that specifically monitors each chemical treatment barrier. There shall also be at least one system indicator compound that is partially removed by each treatment barrier, but only removed to a target of at least 75 percent if all treatment barriers are functioning as intended.

g. Testing shall include a recommendation of indicator compounds for each facility on a case-by-case basis for the Department's approval.

(c) The applicant shall establish surrogate and/or operational parameters for the alternative treatment process that reflect whether the minimum removal efficiencies are maintained to meet the requirements in Chapters 62-550, 62-555, and 62-565, F.A.C.; and

(d) At least one surrogate or operational parameter for each unit process is capable of being monitored continuously, recorded, and have associated alarms that indicate when the process is not operating as designed during full-scale operation.

(10) Results of previous pilot testing programs, use of commercially proven technologies, available research and guidance and operating experience at similar projects may be used as part of the demonstration for this rule.

(11) The applicant shall evaluate alternate methods for treating, controlling, or managing potential chemical peaks (rapid, short-lived increases in concentration) for chemical constituents that have the potential to pass through an advanced treatment water facility.

(12) The pilot testing reports shall be submitted electronically to the Department at the Division of Water Resource Management, Source and Drinking Water Program at DWRM.POTABLEREUSE@FloridaDEP.gov. The Department reserves the right to request hard copies of the report or portions of the report.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.570 Engineering Report.

(1) An engineering report, including the source water evaluation and results of the pilot testing program, shall be submitted in support of a permit application for an ATWF. The engineering report will serve as the preliminary design report. An Engineering report shall include the following items described in subsections (2) through (5) of this rule.

(2) Engineering Report. Engineering reports prepared under the responsible charge of one or more Florida-licensed professional engineers in accordance with Chapter 471, F.S., shall be signed, sealed, and dated by the professional engineer(s) in responsible charge. Preliminary design reports shall contain the following information where pertinent:

(a) A brief description of the project and its purpose and an estimate of the cost to construct the project;

(b) A description of the existing PWS and the wastewater treatment facility and discussion of the impact that the project will have on the existing facilities;

(c) The name/location of all water sources entering the ATWF, and design and actual flow, if applicable, on an annual average daily flow basis for each water source;

(d) The name/location of all facilities entered into the Joint Operations Plan, the existing design capacity of each facility, the existing type of treatment provided at each facility, and the number and capacity of existing finished-water pumps;

(e) The name/location, type, and useful capacity of existing off-spec and finished-water storage ponds and tanks;

(f) Documentation that existing potable water wells meet applicable construction requirements in Chapter 62-532, F.A.C.;

(g) Discussion of sanitary hazards located within 500 feet of both potable water and ASR wells or located less than 500 feet upstream of surface water intakes;

(h) A description of surface water intake structures, impoundments, and reservoirs;

(i) An assessment of the effects from indirect potable reuse on ground water and surface water levels, ground water and surface water quality, and uses of property in the area;

(j) Documentation of written notice to public water supply utilities and the appropriate approved county health department for indirect potable reuse;

(k) Documentation of public education and public participation activities to be implemented that are associated with the potable reuse system;

(l) The following ATWF treatment process information:

1. The total capacity of all water sources and treatment facilities connected to an ATWF;

2. The findings of a Source Water Evaluation in accordance with the requirements of subsection (3) of this rule, including a description of the source water for potable reuse at the point(s) of withdrawal;

3. Discussion of applicable treatment and disinfection technique requirements, in Rules 62-565.500, .510, .520, .530, and .540 F.A.C.;

4. Discussion of Hazard Analysis;

5. Discussion of critical control points, surrogate and operational parameters, and monitoring points; and

6. Discussion of operation and control strategies.

(m) An evaluation of the adequacy of an ATWF to meet applicable standards and requirements given the quality of raw water from all water sources for the plant;

(n) The design daily operating period for the ATWF;

(o) A flow diagram and water balance showing all ATWF operations and processes (including residuals handling operations), chemical application points, water pumping facilities, bypass arrangements, and recycle flows;

(p) Blending ratio of volume of advanced treated water received by the public water system to the volume of other source waters received at the public water system;

(q) For ATWFs that include disinfection, discussion of the design level of Cryptosporidium, Giardia lamblia, or virus inactivation to be achieved, if applicable, and the design minimum CT or ultraviolet dose if chemical or ultraviolet disinfection will be used to achieve Cryptosporidium, Giardia lamblia, or virus inactivation. Refer to Rule 62-565.530, F.A.C.;

(r) The design dose of water treatment chemicals;

(s) Additional treatment, controls, or management of potential chemical peaks (rapid, short-lived increases in concentration) for chemical constituents that have the potential to pass through the ATWF;

(t) An evaluation of the types, quantities, characteristics, and disposal method of residuals generated by the ATWF;

(u) Sizes, capacities, retention times, loading rates, schematic diagrams, and other design parameters and details sufficient to demonstrate that an ATWF (including chemical application and residuals handling) and water pumping will comply with applicable requirements of this chapter, including applicable requirements in the engineering references listed in Rules 62-555.330 and 62-565.330, F.A.C. The schematic diagrams of an ATWF, including chemical application, shall show proper air gaps between drains or overflows from such processes and sanitary or storm sewers;

(v) Assurance of compliance with the odor control requirements referenced under subsection 62-555.320(9), F.A.C.;

(w) For storage tank systems subject to regulation under Chapter 62-761, F.A.C., assurance that the storage tank systems will meet applicable performance standards in Chapter 62-761, F.A.C.;

(x) Discussion of housing and safety or protective equipment for new or altered chemical application facilities;

(y) The following advanced treated water storage information: the name/location and type of storage tanks or ponds, the useful capacity of storage tanks or ponds including supporting calculations, schematic diagrams, and other design parameters and details sufficient to demonstrate compliance with applicable requirements of this chapter, including applicable requirements in the engineering references listed in Rules 62-555.330 and 62-565.330, F.A.C.;

(z) Discussion of ATWF process piping conveying either raw, partially treated, or advanced treated water, and the information in subparagraphs 1. and 2., below.

1. Hydraulic analyses or other justification for the size of new or altered pipes that convey reclaimed water.

2. Discussion of color coding or marking of new or relocated pipes that convey reclaimed water. Refer to paragraph 62-555.320(10)(b) and subsection 62-555.320(21), F.A.C.;

(aa) The project site information in subparagraphs 1. through 2., below.

1. A site plan showing the approximate location of the ATWF; structures used to treat, store, or handle advanced treated water, water treatment chemicals, or storage of residuals prior to disposal; structures housing water pumping or treatment processes, including chemical application systems; and pipes that convey reclaimed water, including ATWF process piping, conveying either raw, partially treated, or advanced treated water. The site plan shall indicate sizes of

pipes that convey reclaimed water and approximate locations of meters, valves, critical control points, monitoring points, and blow-offs; approximate locations of interconnections between potable reuse system components; and approximate dimensions and elevations of structures.

2. Discussion of approximate ground water elevations in relation to subsurface structures.

(bb) A description of materials that will be used for potable reuse system components and documentation that the materials and components will comply with the following standards, regulations, or requirements:

1. The American Water Works Association standards (adopted and incorporated by reference in Rule 62-555.330, F.A.C., effective May 5, 2014), if applicable. The Department shall allow the use of pipe and appurtenances that do not conform to applicable American Water Works Association (AWWA) standards (adopted and incorporated by reference in Rule 62-555.330, F.A.C., effective May 5, 2014), only if ATWF permit applicants provide documentation showing that the alternate pipe and appurtenances provide strength, durability, reliability, and public health protection at least equal to that provided by pipe and appurtenances that conform to applicable AWWA standards.

2. Newly installed or constructed potable reuse system components that come into contact with advanced treated water or water treatment chemicals shall conform to the applicable standards, regulations, or requirements referenced in paragraph 62-555.320(3)(b), F.A.C., and National Science Foundation (NSF) International Standard 61, effective 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), hereby adopted and incorporated by reference. The Department shall allow exceptions to conformance with these standards, regulations, or requirements only if documentation and assurance are provided in accordance with paragraph 62-555.320(3)(d), F.A.C.

3. The lead use prohibition in Rule 62-555.322, F.A.C., if applicable;

(cc) Discussion of color coding of aboveground piping associated with potable reuse system components;

(dd) A description of electrical systems and provisions for standby power at new or altered ATWF;

(ee) A description of operation and control strategies and instrumentation and control systems, including monitoring or alarm systems, at new or altered ATWF, pumping, or storage facilities. Refer to paragraph, sub-subparagraph, subparagraph, paragraph and subparagraph 62-565.560(7)(b), 62-565.560(7)(c)3.d., 62-565.560(7)(d), 62-565.560(8), 62-565.560(9)(d), F.A.C.;

(ff) Discussion of procedures for keeping potable reuse system components in operation, or for minimizing interruptions in the operation of the existing components,

including an implementation plan for the surveillance program as required in subsection 62-565.505(8), F.A.C.; and

(gg) Demonstration of sufficient managerial capacity by addressing topics below:

1. Ownership, management, and organization;
2. Master planning;
3. Emergency response planning; and,
4. Customer service.

(3) A 12-month source water evaluation of chemicals or constituents that are known or believed present based on available data, be it analytical data, process knowledge or other reasonable estimation techniques that are listed in Rule 62-565.505, F.A.C., constituents in the reclaimed water that have a primary or secondary drinking water standard, may be difficult to remove, or are precursors to disinfection byproduct formation.

(a) The data used for the source water evaluation shall be representative of the water that will be received by the ATWF.

(b) A source water evaluation shall be completed for permit renewal, upon the addition of a new significant industrial user, upon the modification of an existing industrial user's permit where effluent limitations have been revised, or upon the revision of the local limits for the wastewater facility that is entered into the Joint Operations Plan.

(4) The findings of a pilot testing program in accordance with the requirements of Rule 62-565.560, F.A.C.

(5) An operating protocol shall be designed to ensure that the advanced treated water being produced at the ATWF is of sufficient quality to meet the requirements established in this chapter. The operating protocol shall address the following:

(a) The criteria used to make continuous determinations of the acceptability of the advanced treated water being produced;

(b) The steps and procedures to be followed by the operator when advanced treated water is produced that does not meet the requirements established in this chapter; and

(c) The steps and procedures to be followed by the operator when the ATWF treatment facility resumes normal operation, and advanced treated water being produced does meet the requirements established in this chapter.

(d) ATWFs utilizing a UV treatment process shall develop and document a UV system performance monitoring program, to be included in the facility's operating protocol. The UV system performance monitoring program and associated documentation shall include and be updated in the event of changes in any of the following:

1. The operating parameters determined through validation for disinfection or challenge testing;
2. Monitoring locations and frequencies;
3. Sensor calibration procedures and frequencies;
4. Conditions that necessitate diversion of flow to an alternate discharge system; and

5. Corrective actions to be taken in the event the system is found to be operating outside of the parameters specified in the system performance monitoring program or a high-priority alarm event occurs.

(e) ATWFs utilizing a biologically activated carbon filter immediately following an oxidation treatment process shall develop and document a program for managing the microbial community in the filter to prevent a release of filter biomass into other ATWF or PWS processes. The program shall address conditions that necessitate diversion of flow to an alternate discharge system and corrective actions to be taken in the event of filter biomass release. The program shall be included in the facility's operating protocol.

(6) The ATWF permittee shall review and revise the operating protocol upon each permit renewal and submit to the Department for review in support of a permit application.

(7) The quality of water used for the pilot testing program shall be representative of the water quality that will be the source water for the ATWF.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.580 Design and Construction.

(1) ATWFs shall be designed in accordance with sound engineering practice.

(2) A permit for innovative or alternative treatment processes or equipment shall not be issued unless the applicant provides a preliminary design report or design data as part of the permit application. Supporting information must demonstrate that the process or equipment is capable of consistently and reliably producing advanced treated water meeting applicable standards and requirements. Supporting information shall include the following:

(a) The manufacturer's technical information;

(b) Data and reports from full-scale or pilot test installations that are operated under conditions comparable to those for which the process or equipment is being proposed and that are operated for a sufficient time to verify satisfactory performance of the process or equipment; and,

(c) Operation and maintenance requirements and availability of technical support.

(3) Direct or Indirect Advanced Treatment Water Additives.

(a) Additives and treatment chemicals, including chemicals used to regenerate ion-exchange resins or generate disinfectants on site at treatment plants, shall conform to one of the following:

1. NSF International Standard 60, effective 2024, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

2. The standards in Water Chemicals Codex effective 1982, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

3. The standards in Food Chemicals Codex, effective 2006, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

(b) Newly installed or constructed ATWF components that come into contact with advanced treated water, or water treatment chemicals shall conform to the applicable standards, regulations, or requirements referenced in subparagraphs 1. through 3., below.

1. Except for ion-exchange resins, precast or cast-in-place concrete structures, and cement mortar, which are addressed in subparagraphs 2. and 3., below, newly installed or constructed ATWF components that come into contact with advanced treated water or water treatment chemicals shall conform to one of the following:

a. NSF International Standard 61, effective 2023, (adopted and incorporated by reference in Rule 62-565.570 F.A.C.);

b. NSF International Standard 42, effective 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference;

c. NSF International Standard 44, effective 2024, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference;

d. NSF International Standard 53, effective 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference;

e. NSF International Standard 55, effective 2024, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference;

f. NSF International Standard 58, effective 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference;

g. NSF International Standard 62, effective 2022, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference;

h. Section 6 of NSF International Standard 14 effective 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference; or

i. The Food and Drug Administration's regulations for indirect food additives as contained in the April 1, 2002, revision of 21 CFR Parts 174 through 189, effective January 31, 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

2. Newly installed ion-exchange resins that come into contact with advanced treated water or water treatment chemicals shall be part of an ion-exchange water softener that conforms to NSF International Standard 44 (adopted and

incorporated by reference in Rule 62-555.335, F.A.C., effective August 28, 2003) or shall conform to one of the following:

a. NSF International Standard 61, effective 2023, (adopted and incorporated by reference in Rule 62-565.570 F.A.C.);

b. The Food and Drug Administration's regulations for secondary direct food additives from ion-exchange resins as contained in the April 1, 2002, revision of 21 CFR Part 173.25, effective January 31, 2023, (<http://www.flrules.org/Gateway/reference.asp?No=XXXX>), is hereby adopted and incorporated by reference.

3. Newly installed or constructed precast or cast-in-place concrete structure or newly installed cement mortar that is not coated by a barrier material meeting the requirements of subparagraph 1., above, and that comes into contact with advanced treated water or water treatment chemicals shall meet the following requirements:

a. All cement, admixtures, form release agents, curing compounds, and sealers used in or on the concrete or mortar shall conform to NSF International Standard 61, effective 2023 (adopted and incorporated by reference in Rule 62-565.570 F.A.C.)

b. Aggregate used in the concrete or mortar shall be clean (i.e., free of excess clay, silt, mica, organic matter, chemical salts, and coated grains) and shall be essentially free of those metals and radionuclides regulated under applicable primary drinking water standards.

c. Water used in the concrete or mortar shall meet applicable primary drinking water standards for inorganics, organics, and radionuclides.

(c) To determine or document whether water additives or treatment chemicals or ATWF components conform to the standards, regulations, or requirements listed in paragraph (a) or (b), above, ATWF permit applicants may conduct their own evaluations or may rely upon third-party or manufacturer certifications.

(d) The Department shall allow exceptions to the requirements in paragraph (b) above if ATWF permit applicants provide the following:

1. Documentation that components conforming to the applicable standards, regulations, or requirements in paragraph (b) above are not readily available; and,

2. Assurance that the components being provided will not impart into advanced treated water or water treatment chemicals any contaminant in an amount that could cause adverse human health effects.

(4) Flood Protection. ATWFs shall be designed and constructed so that structures, and electrical or mechanical equipment, used to treat, pump, or store advanced treated water, apply water treatment chemicals, or handle water treatment residuals are protected from physical damage by the 100-year flood and, in coastal areas subject to flooding by wave action,

from physical damage by the 100-year wave action. Additionally, ATWFs shall be designed and constructed so that the aforementioned structures and equipment remain fully operational and accessible during the 25-year flood and, in coastal areas subject to flooding by wave action, the 25-year wave action; a lesser flood or wave action may be used if ATWF permit applicants provide justification for using a lesser flood or wave action, but in no case shall less than the ten-year flood or wave action be used.

(5) Security. ATWFs shall be enclosed by fences with lockable access gates, housed in lockable buildings or enclosures, or otherwise protected to prevent tampering, vandalism, and sabotage. Advanced treated water storage facilities shall be enclosed by fences with lockable access gates, shall have lockable access openings and lockable cages or enclosures obstructing access to ladders, or shall be otherwise protected to prevent tampering, vandalism, and sabotage.

(6) Well Pump Housing, Well Pump Discharge Piping, and Well Pump Appurtenances.

(a) Housing of Well Pumps.

1. Well pumps shall be housed in a weatherproof building, room, or pit unless the pumps are submersible or completely weatherproof, in which case the pumps need only be protected against tampering, vandalism, and sabotage in accordance with subsection (5) above.

2. Well pumphouses (i.e., buildings or rooms) shall have a concrete floor that is elevated above the adjacent finished ground surface and that is sloped to drain away from wells and well pumps. In addition, such well pumphouses shall have an access opening or removable roof or walls as necessary to provide full access for servicing wells and well pumps.

3. Well pump pits are allowed only where the finished ground surface is above the 100-year flood elevation and, in coastal areas subject to flooding by wave action, the 100-year wave-action elevation. All pump pit access openings shall have watertight covers or shall be flanged upward and provided with overlapping covers, and all pump pits shall be drained by gravity or by dual sump pumps with an alarm system that is activated in the event either sump pump fails. Sump pump alarm systems shall include an audio-visual alarm near the pump pit, and if the pump pit is not at a site staffed 24 hours per day and seven days per week, the alarm also shall be telemetered to a place staffed 24 hours per day and seven days per week, or shall trigger an automatic telephone dialing or paging device, to enable notification of an authorized representative of the supplier of water. Pump pits shall have an opening as necessary to provide full access for servicing wells and well pumps and shall have a concrete floor sloped to drain away from wells and well pumps.

(b) Well Pump Discharge Piping.

1. New or altered discharge piping shall be designed and constructed in accordance with Section 3.2.7.3 in Recommended Standards for Water Works (adopted and incorporated by reference in Rule 62-555.330, F.A.C., effective May 5, 2014), except that a check valve is not required in the discharge piping from a jet pump and except that the required smooth-nosed sampling tap shall be located as specified in subparagraph 2., below.

2. The discharge piping from each well pump shall include a smooth-nosed tap for sampling raw well water. All such sampling taps shall be located upstream of the check valve in the discharge piping if possible and upstream of all treatment facilities and chemical application points; shall be located at least 12 inches above the finished floor, pad, or ground surface below the tap; and shall be conveniently accessible and downward-opening. Raw well water sampling taps installed on or after August 28, 2003, except those installed under a construction permit for which the Department received a complete application before August 28, 2003, shall have no interior or exterior threads.

(c) Well Vents. Well pumps installed on or after August 28, 2003, except those installed under a construction permit for which the Department received a complete application before August 28, 2003, shall pump from a well that is vented to the atmosphere unless the well pump is a packer-type jet pump, the well casing also serves as well pump suction piping, the well is a flowing artesian well, there is no appreciable drawdown in the well, or the supplier of water provides justification for not venting the well to the atmosphere. All well vents shall terminate at least 12 inches above the 100-year flood elevation and, in coastal areas subject to flooding by wave action, at least 12 inches above the 100-year wave-action elevation. New or altered well vents shall be designed and constructed in accordance with Section 3.2.7.5 in Recommended Standards for Water Works (adopted and incorporated by reference in Rule 62-555.330, F.A.C., effective May 5, 2014).

(7) ATWFs shall comply with the objectionable odor prohibition under subsection 62-296.320(2), F.A.C. ("Objectionable odor" is defined in Rule 62-210.200, F.A.C.). Applicants for ATWF permits, shall provide in the preliminary design report or drawings, specifications, and design data accompanying their permit application assurance of compliance with subsection 62-296.320(2), F.A.C. Assurance of compliance may be based upon water quality data; use of appropriate water treatment processes and chemicals; proper treatment of vented gases; use of mitigative measures including buffer zones owned or under the control of the supplier of water; etc.

(8) All reclaimed water piping, valves, and outlets shall be color coded as required under paragraph 62-610.469(7)(f), F.A.C. All advanced treated water valves and outlets shall be

appropriately tagged or labeled (bearing the words in English and Spanish: “Do not drink” together with the equivalent standard international symbol) to warn the public and employees that the water is not intended for drinking. Underground piping, which is not manufactured of metal or concrete, shall be color coded for advanced treated water using blue as a dominant color, with purple banding around the pipe. The pipe and band colors shall be easily differentiated to ensure proper identification of the pipe. For pipes greater than 6 inches in diameter, bands shall be four inches wide, and spaced no more than 24 inches apart, measured center-to-center. For pipes 6 inches in diameter or smaller, bands shall be two inches wide, and spaced no more than 18 inches apart, measured center-to-center. Underground metal and concrete pipe shall be color coded or marked using blue and purple banding predominantly. If tape is used to mark the pipe, the tape shall be permanently affixed to the pipe. Visible, above-ground portions of the advanced treated water system shall be clearly color coded or marked. New systems and expansions of existing systems shall comply with this color-coding standard. It is recommended, but shall not be required, that distribution and application facilities located on private properties, including residential properties, be color coded using blue and purple banding.

(9) Alarms for Nitrate/Nitrite Removal Equipment. An alarm system shall be provided for any ATWF equipment that is necessary to achieve compliance with the primary drinking water standard for nitrate or nitrite as a single sample maximum. The alarm system shall be activated in the event of equipment failure and shall include an audio-visual alarm at the plant.

(10) ATWFs utilizing a UV treatment process shall provide to the Department the results of a test to establish the operating conditions under which the UV system will deliver the design dose in accordance with paragraph 62-565.570(2)(q), F.A.C., or subsection 62-565.560(7), F.A.C., as applicable. The test shall:

(a) Be conducted on a full-scale reactor that is essentially identical to the UV reactor to be used by the system and using a source water that is essentially identical in quality to the water to be treated by the UV system;

(b) Include the following factors:

1. UV absorbance of the water;
2. Lamp fouling and aging;
3. Measurement uncertainty of on-line sensors;
4. UV dose distributions arising from the velocity profiles through the reactor;

5. Failure of UV lamps and other critical system components;

6. Inlet and outlet piping or channel configuration of the UV reactor; and

7. Lamp and sensor locations.

(c) In order to receive log reduction value credits, UV reactors shall be validated in accordance with US EPA guidance on ultraviolet disinfection.

(11) ATWFs utilizing an ozone/BAC treatment process pursuant to subsection 62-565.560(8), F.A.C., shall provide to the Department the results of a validation test to demonstrate that the process will reliably achieve the 75 percent minimum removal of the selected indicator compound(s) under full-scale operating conditions pursuant to paragraph 62-565.560(8)(c), F.A.C. The ozone/BAC treatment process shall be revalidated as part of an application for permit renewal, or in the event that a design modification is made, or components are replaced that will impact operation or monitoring.

(12) ATWFs utilizing an alternative treatment process pursuant to subsection 62-565.560(9), F.A.C., shall provide to the Department the results of a validation test to demonstrate that the process will reliably achieve the 75 percent minimum removal of the selected indicator compound(s) under full-scale operating conditions pursuant to paragraph 62-565.560(9)(b), F.A.C. An alternative treatment process pursuant to subsection 62-565.560(9), F.A.C., shall be revalidated as part of an application for permit renewal, or in the event that a design modification is made, or components are replaced that will impact operation or monitoring.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.590 Operation and Maintenance.

(1) A permittee of newly constructed or modified ATWF shall provide notification to the Department that a draft operation and maintenance manual is available. This notice shall be provided prior to placing the newly constructed or modified portion of the facility into operation. Within six months after placing the new or modified facility into operation, the permittee shall provide notification that an up-to-date operation and maintenance manual is available. The manual shall provide for the reliable and efficient operation and maintenance of the facilities as follows:

(a) The detail of the manual shall be consistent with the complexity of the system. The manual shall be developed in accordance with the unique requirements of the individual ATWF and shall provide the operator with adequate information and description regarding the design, operation, and maintenance features of the facility involved.

(b) The manual shall include basic hydraulic and engineering design criteria for the facility, as well as information and procedures required for normal control and distribution of reclaimed water, advanced treated water, and residuals within the facility. In addition, information concerning process control and performance evaluation for the

facility, as well as equipment and procedural descriptions (including any notification/reporting requirements of appropriate agencies) for emergency operating conditions, and a list of spare parts that must be readily available shall be included. Regular maintenance and repair instructions for all equipment; laboratory testing equipment and monitoring procedures; safety and personnel requirements; and a “troubleshooting” problem guide shall be included in the manual.

(2) A copy of the approved manual shall be provided to the operator/s by the permittee of the facility. The manual shall be available for reference at the facility or other approved site. The permittee shall maintain at least one copy of the approved manual.

(3) The manual shall be revised to reflect any facility alterations performed or to reflect experience resulting from facility operation.

(4) ATWF operators shall maintain a separate operation and maintenance (O&M) log for each ATWF. The ATWF O&M log shall be maintained on site at the plant in a location accessible to 24-hour inspection and protected from weather damage. The plant O&M log shall be maintained in a hard-bound book with consecutive page numbering, or alternatively, part or all of the plant O&M log may be maintained electronically upon written request by the permittee or supplier of water and written approval by the Department. The Department shall approve partial or complete electronic plant O&M logs if the permittee demonstrates that required data will remain accessible to 24-hour inspection and protected from weather damage; that adequate data storage capacity and data backup will be provided; that entries made by recording equipment will be date/time stamped; and that entries made by an operator will be date/time stamped and accompanied by an electronic signature unique to, and under the sole control of, the operator. The ATWF O&M log shall be maintained current to the last operation and maintenance performed and shall contain a minimum of the previous three months of data at all times. The ATWF O&M log shall contain the following information, which shall be entered in the O&M log during each plant visit before leaving the plant:

(a) Identification of the ATWF;

(b) The signature and license number of the operator making any entries;

(c) Date and time in and out of the ATWF;

(d) Description of specific operation and maintenance activities, including any preventive maintenance or repairs made or requested; and

(e) Results of tests performed and samples taken, unless documented on a laboratory sheet.

(5) All licensed operators shall submit to the permittee all required reports in the manner required by Rule 62-565.550, F.A.C.

(6) An ATWF permittee shall provide for the proper operation and maintenance of the facility in accordance with Chapter 62-565, F.A.C. An ATWF permittee shall employ only operators appropriately licensed in accordance with Chapter 62-602, F.A.C., to be on-site and responsible for the operation, supervision and maintenance of an ATWF at all times as provided below.

(a) For an ATWF receiving reclaimed water, either directly or indirectly, from a wastewater treatment facility providing at a minimum tertiary treatment, the Lead/Chief Operator position(s) shall be covered by an individual that is licensed at the Class A level in drinking water.

(b) For an ATWF receiving reclaimed water from a wastewater treatment facility providing no more than secondary treatment, as defined in Rule 62-565.200, F.A.C., the Lead/Chief Operator position(s) shall be covered by the following:

1. A single operator that is licensed at the Class A level in both drinking water and wastewater treatment; or

2. A combination of operators individually licensed at the Class A drinking water treatment and Class A wastewater treatment level.

(c) A Class A Lead/Chief Operator of the wastewater treatment facility or public water system of the potable reuse system may simultaneously serve as the Lead/Chief Operator for the ATWF as long as the requirements in (6) above are met at the ATWF.

(d) The Lead/Chief Operator(s) shall be employed full time which means at least 5 days per week, a minimum of 35 hours per week, including leave time. A Lead/Chief Operator shall be available during all periods of ATWF operation. “Available” means able to be contacted as needed to initiate the appropriate action within 15 minutes.

(e) An ATWF shall be staffed 24 hours per day, 7 days per week.

(f) For an ATWF receiving reclaimed water, either directly or indirectly, from a wastewater treatment facility providing at a minimum tertiary treatment, the ATWF shall be staffed by an individual that is licensed at the Class B level in drinking water.

(g) For an ATWF receiving reclaimed water from a wastewater treatment facility providing no more than secondary treatment, as defined in Rule 62-565.200, F.A.C., the ATWF shall be staffed by the following:

1. A single operator that is licensed at the Class B level in both drinking water and wastewater treatment; or

2. A combination of operators individually licensed at the Class B drinking water treatment and Class B wastewater treatment level.

(h) For an ATWF with established non-compliance, the Department shall require a higher license classification or additional staffing when necessary to provide reasonable assurance that the facility will be operated in compliance with the ATWF permit.

(i) An individual employed in the daily onsite operational control of an ATWF may use this experience to meet the experience requirements of a Class A, B, or C wastewater treatment or drinking water treatment plant operator license. For ATWFs that are staffed with both drinking water and wastewater treatment plant operators, no more than 50 percent of time and experience shall count towards either a drinking water or wastewater treatment plant operator license unless an alternative has been approved in accordance with (6)(j) below.

(j) An applicant may request alternative staffing levels from (6) above, based on the treatment technologies being utilized at the ATWF. This request can be submitted with the engineering report, or as a minor permit revision and shall include a request for an alternative from the 50 percent time and experience constraint in (6)(i) above as necessary.

(k) When alternative staffing requirements are approved, the percentage of time and experience counting towards either a drinking water or wastewater treatment plant operator license will be based on the approved alternative staffing requirements. *Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.*

62-565.600 Procedure to Obtain Permits.

(1) Any person intending to construct, operate, or modify an ATWF shall submit Advanced Treatment Water Facility Permit Application, DEP Form 62-565.300(2)(a), (adopted and incorporated by reference in paragraph 62-565.300(2)(a), F.A.C., effective [date]) and shall submit additional information requested in accordance with Rule 62-4.055, F.A.C., to comply with the requirements of this section.

(2) An applicant for a permit for a new or substantially modified ATWF shall submit an application to the Department at least 180 days before commencing operation of new or modified ATWF. An applicant shall apply at least 90 days before commencement of construction on a new or modified ATWF.

(3) Initiation or commencement of construction means to begin performing on-site modification, fabrication, erection or installation of a treatment facility or a conveyance system for the discharge of wastes. For the purposes of the permit, land clearing and site preparation activities related to this construction are not included herein; however, before undertaking these activities, other permits may be required.

(4) The permit application form shall be certified by a professional engineer registered in the State of Florida. Where

required by Chapter 471 or 492, F.S., supporting documents shall be signed and sealed by a professional engineer or professional geologist, in accordance with Chapters 61G15-23 and 61G16-2, F.A.C., respectively.

(5) All applications, supporting documents, and processing fees shall be submitted electronically to the Division of Water Resource Management, Source and Drinking Water Program at DWRM_POTABLEREUSE@FloridaDEP.gov. If a professional engineer or professional geologist is unable to electronically or digitally sign and seal documents, a signed and sealed original paper copy of the applicable portions of the permit application and supporting documents, along with an electronically scanned copy of the signed and sealed original paper copy, shall be mailed to the Department's Division of Water Resource Management, Source and Drinking Water Program, MS 3540, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400. After [insert date of five years after effective rule date], electronic or digital signing and sealing shall be required. Application processing fees shall be equivalent to the Drinking Water Construction Permit Fees based on design capacity in Million Gallons per Day (MGD) for Categories I through III, as established in the fee schedule in paragraph 62-4.050(4)(n), F.A.C. Each application must be accompanied by the proper processing fee in accordance with subsection 62-4.050(5), F.A.C. The fee shall be paid electronically or by check, payable to the Department of Environmental Protection at the address above.

(6) Annual operating license fees shall be equivalent to the Annual Operating License Fees for Public Water Systems, as established in Rule 62-4.053, F.A.C. The fee shall be paid electronically or by check, payable to the Department of Environmental Protection and sent to the Division of Water Resource Management, Source and Drinking Water Program, MS 3540, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400.

(7) Any substantial change to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in paragraph 62-4.050(4)(n), F.A.C.

(8) An applicant for a permit for a new ATWF, or for substantial modifications to an existing ATWF, shall submit DEP Form 62-565.300(2)(b), Notification of Completion of Construction, upon completion of construction.

(9) Record drawings shall be prepared for new facilities or for substantial modifications to existing facilities permitted pursuant to this chapter. Record drawings shall be prepared and distributed as follows:

(a) Record drawings shall be prepared for new ATWFs or for substantial modification to existing ATWFs under Chapter 62-565, F.A.C. These drawings do not need to be prepared until the permit is issued and the facility constructed.

(b) Record drawings shall include a set of plans and specifications which identify substantial deviations, referenced in the notification of completion of construction, that have occurred since the initial permit was issued.

(c) Record drawings shall be furnished to the permittee by the contractor and shall be based on information gathered and prepared under their direction. Record drawings shall be reviewed to determine their adequacy and certified by a professional engineer registered in the State of Florida. The engineer shall be the project design engineer or an engineer who has been retained by the permittee to provide professional engineering services during the construction phase of project completion.

(d) Notification of availability of record drawings is not required before placing an ATWF into operation but shall be filed with the Department within six months of completion of construction. Notification shall be submitted on DEP Form 62-565.300(2)(g) (adopted and incorporated by reference in paragraph 62-565.300(2)(g), F.A.C., effective [date]).
Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.605 Standards for Issuing or Denying Permits.

(1) No Department permit shall be issued under this chapter for a term of more than five years.

(2) An ATWF permit shall be issued only if the applicant affirmatively provides the Department with reasonable assurance, based on a preliminary design report, plans, test results, installation of pollution control equipment, or other information, that the construction, modification, or operation of the ATWF will not be in contravention of Chapter 403, F.S., and applicable Department rules.

(3) The Department shall take into consideration an ATWF permit applicant's violation of any Department rules at any facility or activity associated with the potable reuse system when determining whether the applicant has provided reasonable assurance that Department standards will be met.

(4) Standards for issuing or denying ATWF permits shall be in accordance with Rule 62-4.070, F.A.C.
Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.610 Revisions to Permit Conditions.

(1) Substantial revisions.

(a) For good cause and after notice and, if requested, an administrative hearing pursuant to Section 120.57, F.S., the Department shall require the permittee to conform to new or additional permit conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions. In determining what is a reasonable time to conform

to new or additional permit conditions, the Department shall consider:

1. The extent of construction or other work necessary to come into conformance.

2. Any site-specific conditions affecting the time to come into conformance; and,

3. Any other matters affecting time to come into conformance based on professionally accepted engineering or scientific practices.

(b) For the purpose of this section, good cause shall include any of the following:

1. A showing of any change in the environment or surrounding conditions that requires a revision to conform to applicable water quality standards.

2. Adoption or revision of statutes, rules, or standards, including toxicity standards or prohibitions, which require the revision of a permit condition for compliance.

3. A showing that there are material and substantial alterations or additions to the permitted facility or activity, including a change in the permittee's residuals disposal practice, which occurred after permit issuance which justifies the application of permit conditions that are different in or absent from the existing permit.

4. A showing that new information, other than revised rules or test methods, received by the Department was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance. This cause shall include any significant information derived from testing required after issuance of the permit.

5. A showing that revision of a compliance schedule is necessary because of delays caused by an Act of God, strike, or materials shortage or other event over which the permittee has little or no control and for which there is no reasonably available remedy. However, in no case may a compliance schedule be revised to extend beyond a Federal or State statutory deadline, if applicable. In determining whether there is a reasonable available remedy, the Department shall consider:

a. The extent of time and work involved in available remedies.

b. Site-specific conditions affecting available remedies; and,

c. Any other limitations affecting available remedies based on professionally accepted engineering or scientific practices.

6. A showing that there is a technical mistake in a permit condition which needs to be corrected.

7. A showing that revision of a permit is required under subparagraph 62-565.610(1)(b)5., F.A.C.

(c) A permittee may request a revision of a permit for any reason, including for good cause set forth in paragraph (b) of this subsection.

(d) When a permit is revised, only the conditions subject to revision are reopened. All other requirements and conditions of the existing permit shall remain in effect until the permit expires.

(2) Minor Revisions.

(a) Minor revisions may be made to permits by the Department or at the request of the permittee. The corrections or changes listed in this section shall be contained in a letter to the permittee which shall be attached to an existing permit. A permittee shall not be required to file an application for revisions required by the Department for corrections of typographical or calculation errors.

(b) Requests by the permittee for changes in ownership or operational control of a facility shall be made on Notification of Permit Transfer, DEP Form 62-565.300(2)(c), (adopted and incorporated by reference in paragraph 62-565.300(2)(c), F.A.C., effective [date]) provided that no other change in the permit is necessary. The request shall be accompanied by the processing fee set forth in paragraph 62-4.050(4)(n), F.A.C. If other changes are necessary, requests shall be made in accordance with subsections of this section.

(c) Requests by the permittee for minor revisions to permit conditions, other than changes in ownership, shall be made on Request for a Minor Revision, DEP Form 62-565.300(2)(e), (adopted and incorporated by reference in paragraph 62-565.300(2)(e), F.A.C., effective [date]). The processing fee for a minor revision to permit conditions shall be equivalent to the fee established in sub-subparagraph 62-4.050(4)(n)7.b., F.A.C. The application requirements for minor modifications to an ATWF include a description of the proposed modification and, if applicable, any reports, plans, and specifications which were developed to implement the modification.

1. The following minor revisions do not require the permittee to pay a processing fee:

a. Corrections of typographical errors,

b. Approved changes in an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement,

c. Changes in the construction schedule for a new ATWF, provided that no such change shall affect the permittee's obligation to have all pollution control equipment installed and in operation prior to water leaving the ATWF,

2. The following revisions require the permittee to pay a processing fee as set forth in paragraph 62-4.050(4)(n), F.A.C.:

a. Changes to increase or decrease the permit requirements for monitoring or reporting,

b. Minor modifications to the facility.

(d) The Department shall prepare a draft permit and public notice under subsection 62-565.640(2), F.A.C., for any change to decrease permit requirements for monitoring or reporting.

(e) No permit revision is required for routine facility maintenance, or any modification associated with ancillary or electrical equipment and structures.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.615 Renewals.

(1) A permittee shall submit an application to renew an existing permit at least 180 days before the expiration date of the existing permit.

(2) The permittee shall apply on Advanced Treatment Water Facility Permit Application, DEP Form 62-565.300(2)(a), (adopted and incorporated by reference in paragraph 62-565.300(2)(a), F.A.C., effective [date]) and include submittal of the appropriate processing fee set forth in paragraph 62-4.050(4)(n), F.A.C.

(3) An application filed in accordance with subsection (1) and (2) of this Rule, shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.

(4) The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.620 Transfer of Permit.

(1) A permit may be transferred by the existing permittee to a proposed permittee only if the permit has been revised in accordance with subsection 62-565.610(2), F.A.C., to identify the proposed permittee and to incorporate other applicable statutory or rule requirements in effect at the time of revision or if the permit has been reissued.

(2) Each request for transfer of an ATWF permit shall be made and processed in accordance with Rule 62-4.120, F.A.C., except that the current permittee and the proposed permittee shall jointly submit Notification of Permit Transfer, DEP Form 62-565.300(2)(c) (adopted and incorporated by reference in paragraph 62-565.300(2)(c), F.A.C., effective [date]). Each application for transfer of an ATWF permit shall be accompanied by the proper processing fee, made payable to the Department of Environmental Protection mailed to the Division of Water Resource Management, Source and Drinking Water

Program, MS 3540, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400 or electronically submitted to the Department using the DEP Business Portal at <http://www-fddeportal.com/go/>.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.625 Suspension and Revocation.

Standards for suspension and revocation of an ATWF permit shall be in accordance with Rule 62-4.100, F.A.C.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.630 Recordkeeping.

Unless the permit specifically indicates an alternative location, the permittee shall maintain the following records on the site of the permitted facility or activity:

(1) Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least five years from the date the sample or measurement was taken;

(2) Copies of all reports, required by the permit for at least five years from the date the report was prepared;

(3) Records of all data, including reports and documents, used to complete the application for the permit for at least five years from the date the application was filed;

(4) All records used for calculations for reporting pursuant to this chapter for a period of five years from the date on which such information is submitted to the Department for any regulatory purpose.

(5) Copies of the logs and schedules showing plant operations and equipment maintenance for five years from the date on the logs or schedules;

(6) A copy of the current permit;

(7) A copy of the current operation and maintenance manual as required by Rule 62-565.590, F.A.C.;

(8) A copy of any required record drawings;

(9) Copies of the licenses of the current licensed operators; and

(10) A copy of the Joint Operations Plan as required in Rule 62-565.500, F.A.C.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.635 Application Processing.

(1) Within 30 days after receipt of an application for permit and its processing fee, the Department shall notify the applicant if the application is not complete and shall request submittal of the additional information needed to review the application that the Department is authorized by law to request. If an applicant for a permit issued under this chapter is required to submit with the application a preliminary design report, engineering report, or other design materials for review, the Department shall advise the applicant if the report or materials are deficient and shall request additional information as appropriate. All Department requests for additional information shall be made in accordance with Sections 120.60, 403.0875 and 403.0876, F.S.

(2) If the application is for permit renewal, the Department shall specify a date for the submittal of the requested information.

(3) Within 30 days after receipt of such additional information, the Department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information.

(4) If the Department decides that a site visit is necessary in conjunction with processing the application, the applicant shall be notified and a visit scheduled.

(5) If the applicant fails to provide information requested or to correct deficiencies noted in the application, which were either requested or notified in accordance with subsection (1), and the information or correction is necessary to meet the requirements of this chapter, the permit shall be denied. If the incomplete application is for renewal of an expiring permit and the renewal is denied, appropriate enforcement action shall be imposed on the applicant for continuing to operate after the denial is final.

(6) The Department shall notify the applicant that the application is complete after receipt of all required information. The date on which the Department notifies the applicant that the application is complete is the effective date of the application.

(7) When an application is complete, the Department shall determine whether to prepare a draft permit for issuance or denial of a permit. The initial preparation of a draft permit for issuance does not preclude the Department from denying a permit after an opportunity for public comment or public meeting, if requested.

(8) The Department shall render a decision as to whether the draft permit will be for issuance or denial within 90 days after the Department has received all of the information necessary to make the application complete. If this time schedule is not met, the permit applicant may apply for an order from the circuit court requiring the Department to render a decision within a specified time.

(9) If the Department intends to deny the permit application, it shall issue a notice of intent to deny. Public notice under subsection 62-565.640(2), F.A.C., shall not be required. However, the Department shall prepare a statement of basis or fact sheet with the reasons for the proposed action. If the decision to deny is changed, except through an administrative hearing under Section 120.57, F.S., the Department shall withdraw the notice of intent to deny and shall proceed to prepare a draft permit. If the applicant requests an administrative hearing under Section 120.57, F.S., on the Department intent to deny, the applicant shall publish notice of proposed agency action under subsections 62-565.640(1) and 62-110.106(7), F.A.C. Upon completion of the administrative hearing, the Department shall issue or deny the permit in accordance with the conclusions of the proceedings, provided the applicant has published notice as required in subsections 62-565.640(1) and 62-110.106(7), F.A.C. If the applicant has not published notice as required in these rules, the Department shall proceed to prepare a draft permit.

(10) If the Department intends to prepare a draft permit for issuance, it shall prepare and mail to the applicant, not later than the effective date of the application, a project decision schedule. The schedule shall specify, at a minimum, target dates for the following:

- (a) Preparation of a draft permit;
- (b) Public notice, if required, under subsections 62-565.640(2) through (4), F.A.C.;
- (c) Completion of the public comment period, including any public meeting, if held;
- (d) Public notice, if required, under subsection 62-110.106(7), F.A.C.; and,
- (e) Completion of any focal proceedings which may be associated with the application.

(11) A draft permit for issuance shall contain the following information:

- (a) All conditions the applicant must meet;
- (b) All applicable compliance schedules;
- (c) All monitoring requirements; and,
- (d) All reclaimed water or advanced treated water limitations, flow limitations, criteria, prohibitions, all general conditions, and all variances, if applicable.

(12) All draft permits shall be accompanied by a statement of basis or a fact sheet on which the Department relied in making its decision. The statement of basis or fact sheet shall be prepared in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C.

(13) Comments from the public under subsections 62-565.640(2) through (4), F.A.C., shall be considered in evaluation of the draft permit.. If a permit is issued, the

Department shall prepare a response to the significant comments in accordance with Rule 62-565.645, F.A.C.

(14) The administrative record of the draft permit shall be available for public inspection at the Department office issuing the permit and shall consist of:

- (a) The application and any supporting data provided by the applicant;
- (b) The draft permit;
- (c) The statement of basis or fact sheet;
- (d) All documents cited in the statement of basis or fact sheet; and,
- (e) Other documents contained in the supporting file.

(15) Material readily available at the Department office issuing the permit or published material that is generally available that is included in the administrative record need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.

(16) The Department shall:

(a) Prepare a proposed permit for potable reuse projects under this chapter, after the close of the public comment period under subsections 62-565.640(2) through (4), F.A.C., or, if requested, after any public meeting under Rule 62-565.645, F.A.C.; and

(b) Prepare a final permit for potable reuse projects under this chapter after public notice under subsection 62-565.640(1), F.A.C., or, if requested, after an administrative hearing.

(17) Permits for potable reuse projects shall be issued or denied as follows:

(a) The Department shall grant a permit or deny the permit application within 30 days after public notice of the decision on the draft permit as required under subsection 62-565.640(1), F.A.C.

(b) The time for issuing a permit or denying a permit application shall be tolled by the timely filing of a request for an administrative hearing under Section 120.569, F.S. The time shall be tolled until 45 days after the submission of a recommended order or until the administrative petition is dismissed or withdrawn.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.640 Public Notice.

(1) Public notice under Chapter 120, F.S., and subsection 62-110.106(7), F.A.C., advising the applicant and all affected persons of their right to an administrative hearing shall be given as follows:

(a) Public notice shall be required for all permits for new or substantially modified facilities and those facilities described in subparagraph 62-110.106(7)(a)1., F.A.C.;

(b) Notice shall be given in accordance with subsection 62-110.106(7), F.A.C.; and.

(c) If the applicant is also required to give notice under subsections (2) through (4) of this rule, the notice required in this subsection shall be given following the preparation of a proposed permit under subsection 62-565.635(16), F.A.C.

(2) Public notice for potable reuse projects under this chapter, shall announce the preparation of a draft permit and solicit public comments on its efficacy or announce the date, time and location of a public meeting to take oral comments on a draft permit.

(a) Public notice under this subsection is required when the Department prepares a draft permit for all new advanced treatment water facilities, for all substantially revised permits, for all renewals of permits which have been issued under this chapter, and for minor revisions to a permit when the revision proposes to decrease a permit requirement for monitoring or reporting. No public notice is required when a request for a permit, permit revision, revocation and reissuance, or termination is denied. Written notice of that denial shall be given to anyone requesting it and to the permittee.

(b) Public notices may describe more than one permit or permit action.

(c) Public notice of the preparation of a draft permit shall allow at least 30 days for public comment.

(d) Public notice of a public meeting shall be given at least 30 days before the meeting. The notice may be given at the same time as public notice of the draft permit and the two notices may be combined.

(3) Public notice of activities described in subsection (2) of this rule, shall be given as set forth in paragraphs (a) and (b), below.

(a) Notice shall be given by mailing a copy of a notice to:

1. The applicant;

2. Any other agency which the Department knows has an interest in the draft permit or public meeting;

3. State agencies with jurisdiction over historical and archaeological sites; the Florida Department of State, Division of Archives and History;

4. Any unit of local government having jurisdiction over the area where the facility is proposed to be located;

5. Persons on Department mailing lists which shall be compiled by notifying the public of the opportunity to be placed on the mailing lists and from those persons who request in writing to be on the lists; and

6. Any industrial user identified in the permit application of a privately owned treatment works.

(b) For all major facilities and all other facilities of local interest, notice as described in subsection (4) of this rule, shall be given by publication one time only by the permittee at his expense in the daily or weekly newspaper of general circulation

within the area affected by the facility or activity and meeting the requirements of Chapter 50, F.S. The Department shall provide the permittee with a copy of the notice to be published. Proof of publication of the notice shall be submitted by the permittee to the Department within two weeks of the date the notice appeared in the newspaper.

(4) Public notices required by paragraph (3)(b) of this rule, shall contain the following minimum information:

(a) Name and address of the Department office processing the permit action for which notice is being given;

(b) Name and address of the permittee or the permit applicant and, if different, of the facility or activity regulated by the permit;

(c) A brief description of the business conducted at the site or plant described in the permit application or the draft permit;

(d) Name, address and telephone number of a person in the Department from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application;

(e) A brief description of the public comment procedures and the time, date and place of any public meeting that will be held, including a statement of procedures to request a public meeting if one has not already been scheduled, and other procedures by which the public may participate in the final permit decision;

(f) A description of the location of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record;

(g) Reference to the date of previous public notices relating to the permit; and

(h) A brief description of the nature and purpose of a public meeting, if held.

(5) In addition to the public notice described in subsection (4) of this rule, all persons identified in subparagraphs (3)(a)1. through 4. of this rule, shall be mailed a copy of the fact sheet or statement of basis, the permit application form, and the draft permit. Upon request, persons identified in subparagraphs (3)(a)5. through 6. of this rule, will be provided the above documents at cost.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.645 Public Comments and Requests for Public Meetings.

(1) During the public comment period provided in Rule 62-565.640, F.A.C., any interested person may submit written comments on the draft permit or may request a public meeting, if no public meeting has been scheduled.

(2) A request for a public meeting shall be in writing and shall state the nature of the issues proposed to be raised in the meeting.

(3) All significant comments, both written to the Department and presented at a public meeting, shall be considered in making the final decision and shall be answered when a final permit is issued. The response shall be available to the public and shall:

(a) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and,

(b) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period or during any public meeting.

(4) The Department shall hold a public meeting after public notice under subsection 62-565.640(3), F.A.C., whenever a significant degree of public interest in a draft permit is expressed through public comments and requests for a public meeting. The Department may also hold a public meeting whenever it might clarify one or more issues involved in the permit decision.

(5) If a public meeting is held, any person may submit oral or written statements and data concerning the draft permit.

(6) The public comment period under subsection 62-565.640(2), F.A.C., shall automatically be extended to the close of any public meeting under this section. The presiding officer at the public meeting may also extend the comment period by so stating at the meeting.

(7) An audio recording of verbal comments from the public meeting shall be made available to the public during regular business hours at the Department office processing the permit application.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.650 General Conditions for All Permits.

(1) The permittee shall, at all times, properly operate and maintain the Advanced Treatment Water Facility (ATWF) and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit.

(2) The permittee shall provide an operation and maintenance manual in accordance with Rule 62-565.590, F.A.C.

(3) Any residuals generated by the ATWF, or associated processes shall be disposed of in a landfill in accordance with Chapter 62-701, F.A.C., incinerated in accordance with Chapter

62-200 Series, F.A.C., or transported to another treatment facility for disposal in accordance with other applicable Department rules.

(4) The permittee shall maintain the following records on-site at the ATWF, unless the permit specifically indicates an alternative location, and make them available for inspection:

(a) Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least five years from the date the sample or measurement was taken;

(b) Copies of all reports required by the permit for at least five years from the date the report was prepared;

(c) Records of all data, including reports and documents, used to complete the application for the permit for at least five years from the date the application was filed;

(d) A copy of the current Joint Operations Plan;

(e) A copy of the current permit;

(f) A copy of the current operation and maintenance manual;

(g) A copy of required record drawings;

(h) Copies of the licenses of the current licensed operators; and,

(i) Copies of the logs and schedules showing plant operations and equipment maintenance for five years from the date on the logs or schedules.

(5) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or subsection 62-565.100(5), F.A.C.

(6) The terms, conditions, requirements, limitations, and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision.

(7) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit constitutes grounds for revocation and enforcement action by the Department.

(8) As provided in Section 403.087(8), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to

public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit.

(9) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

(10) This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(11) If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit.

(12) The permittee shall apply for a revision to the ATWF permit in accordance with Rules 62-565.600 and 62-565.610, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-565.610, F.A.C., for minor modifications to the permitted facility.

(13) This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(14) This permit is transferable only upon Department approval in accordance with Rule 62-565.620, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

(15) The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of an ATWF or connected facilities and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

(16) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:

(a) Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;

(b) Have access to and copy any records that shall be kept under the conditions of this permit;

(c) Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and,

(d) Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

(17) The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C.

(18) Bypass Provisions.

(a) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,

2. There were no feasible alternatives to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

3. The permittee submitted notices as required under paragraph (18)(b) of this permit.

(b) If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible, at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in subsection (18), of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(c) The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in subparagraphs (18)(a)1. through 3., of this rule.

(d) A permittee may allow any bypass to occur which does not cause reclaimed water or advanced treated water limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (18)(a)1. through 3., of this rule.

(19) Upset Provisions.

(a) A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred, and that the permittee can identify the cause(s) of the upset.

2. The permitted facility was at the time being properly operated, and

3. The permittee complied with any remedial measures required under subsection (10), of this permit.

(b) In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.

(c) Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

(d) Reclaimed water resulting from an upset shall be considered off-spec water. It shall be diverted to the off-spec water storage area in accordance with Rule 62-565.520, F.A.C.

(20) When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted, or corrections promptly reported to the Department.

(21) Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

(22) The permittee shall give advance notice to the Department of any planned changes in the permitted ATWF which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:

(a) A description of the anticipated noncompliance;

(b) The period of the anticipated noncompliance, including dates and times; and,

(c) Steps being taken to prevent future occurrence of the noncompliance.

(23) The permit shall only be valid for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit constitutes grounds for revocation and enforcement action by the Department.

(24) Reopener clause. The permit may be revised or revoked and reissued if a standard is promulgated by the Department that is more stringent than the requirements of the permit.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.655 Guidelines for Establishing Specific Permit Conditions.

In addition to the general conditions listed in Rule 62-565.650, F.A.C., an ATWF permit shall contain specific conditions necessary to preserve and protect the quality of the water leaving the ATWF and to ensure proper operation of the potable reuse system. The specific conditions shall address:

(1) Specific conditions necessary to provide reasonable assurance that Department rules will be met.

(2) Applicable requirements in Chapters 62-550, 62-555, 62-565 and 62-610, F.A.C.

(3) The manner, nature, volume, and frequency of the water leaving the ATWF.

(4) TBTRs as defined in Rule 62-565.200, F.A.C.;

(5) Pathogen reduction requirements;

(6) Any requirement in addition to or more stringent than applicable promulgated limitations necessary to provide reasonable assurance that the water leaving the ATWF will not cause or contribute to violations of drinking water standards and pathogens reduction requirements in Rules 62-565.500, .510, .520, .530, and .540, F.A.C.

(7) The schedule for construction of the facility or any modification thereto, and any required start-up or testing period needed, including dates for compliance monitoring;

(8) Sampling and monitoring in accordance with Rule 62-565.540, F.A.C.

(a) Monitoring results reported at the intervals specified in the ATWF permit shall be reported on the Advanced Treatment Water Facility Monitoring Report, DEP Form 62-565.300(2)(d), (adopted and incorporated by reference in paragraph 62-565.300(2)(d), F.A.C., effective [date]), or as specified in the ATWF permit.

(b) If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the Advanced Treatment Water Facility Monitoring Report.

(c) Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.

(d) Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by an ATWF permit shall be performed by a laboratory that has been certified. Such certification shall be for the matrix, test method and analyte(s).

(e) Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities," DEP-SOP-001/01 adopted and incorporated by reference in paragraph 62-160.800(1)(a), F.A.C.

(f) Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220 and 62-160.330, F.A.C.

(g) Where field procedures in paragraph (e) and (f) above are unavailable, accepted published methods approved by the department may be used for monitoring.

(9) Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date.

(10) The permittee's responsibility to report all instances of noncompliance not reported under subsections 62-565.650(21), F.A.C., and 62-565.655(9), F.A.C., of this rule at the time monitoring reports are submitted. This report shall contain the same information required by subsection 62-565.650(21), F.A.C., of this permit.

(11) ATWF staffing requirements in accordance with subsection 62-565.590(6), F.A.C.

(12) When an ATWF permit is renewed or reissued standards, log reduction values or conditions shall be at least as stringent as the standards, log reduction values or conditions in the previous permit unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit revision or revocation and reissuance.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-xx.

62-565.700 Compliance for Advanced Treatment Water Facilities and Potable Reuse Systems.

(1) General.

(a) The Department uses the information submitted on Advanced Treatment Water Facility Monitoring Report, DEP Form 62-565.300(2)(d), (adopted and incorporated by reference in paragraph 62-565.300(2)(d), F.A.C., effective [date]), required by Rule 62-565.550, F.A.C., to establish ATWF compliance, or noncompliance, with the treatment standards of this rule.

(b) The Department may also take enforcement action based on its own sample collection activities using any of the annual, monthly, weekly, or maximum-permissible concentrations specified in this chapter. Use of such data shall not preclude enforcement action pursuant to the provisions of this or any other chapter of the Florida Administrative Code. The use of grab or composite samples for evaluating annual, monthly, or weekly compliance shall be consistent with grab or composite sampling technique.

(c) Nothing in this or any other rules of the Florida Administrative Code shall preclude the use, by the Department, of additional or more representative sampling data in establishing compliance status.

(2) Inspections.

(a) Any designated representative of the Department may inspect an ATWF, or any component of the potable reuse system, at any reasonable time, for the purpose of ascertaining the state of compliance with the law or with rules or orders of the Department.

(b) Inspections shall be conducted to ensure compliance with the operational requirements established in this chapter.

(c) The Department shall provide written notice of any non-compliance with applicable rules or orders of the Department to the permittee no more than sixty days following an inspection.

Rulemaking Authority 403.861(9), 403.064(17), F.S., Law Implemented 403.852(12), 403.861(7), 403.853(6), 403.861(17), 403.064(17), F.S., History – New xx-xx-x

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sydney Cummings, Environmental Administrator, Division of Water Resource Management.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton, DEP Secretary.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 9, 2023

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-610.100	Purpose, and Applicability
62-610.200	Definitions
62-610.310	Engineering Report
62-610.330	Pretreatment Programs
62-610.464	Storage Requirements
62-610.466	Aquifer Storage and Recovery (ASR)
62-610.471	Setback Distances
62-610.472	Supplemental Water Supplies
62-610.521	Setback Distances
62-610.525	Projects Involving Additional Levels of Preapplication Treatment
62-610.550	Description of System
62-610.553	Minimum System Size
62-610.554	Discharge to Class I Surface Waters
62-610.555	Discharge to Other Surface Waters
62-610.563	Waste Treatment and Disinfection
62-610.564	Pilot Testing Program
62-610.567	Reliability and Operator Staffing
62-610.568	Monitoring and Operating Protocol
62-610.573	Storage Requirements
62-610.574	Access Control, Advisory Signs, and Public Notification
62-610.621	Setback Distances
62-610.810	Classification of Projects as "Reuse" or "Disposal"
62-610.850	Protection of Surface Water and Ground Water Quality

PURPOSE AND EFFECT: The Department of Environmental Protection is proposing amendments to Chapter 62-610, F.A.C., "Reuse of Reclaimed Water and Land Application," necessary to adopt recommendations of the Potable Reuse Commission's 2020 report "Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida" as required by Section 403.064(17), Florida Statutes. The proposed revisions add clarity to both substantive and administrative aspects of the chapter for aquifer storage and recovery systems. In addition, these amendments, in conjunction with proposed amendments to Chapters 62-550 and 62-555, F.A.C., and proposed Chapter 62-565, F.A.C., will establish regulatory requirements for facilities involved in the production of advanced treated water or distribution of potable water derived from advanced treated water.

SUMMARY: Proposed revisions to Chapter 62-610, F.A.C., amend the regulatory framework for potable reuse of reclaimed water. The amendments are based upon the Florida Potable Reuse Commission's recommendations outlined in its January 2020 report "Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida."

Other Rules Incorporating by reference this Rule: 62-302.300, 62-555.314, 62-555.360, 62-528.120, 62-40.210, 62-600.200, 62-600.300, 62-600.410, 62-600.420, 62-600.430, 62-600.440,

62-600.445, 62-600.500, 62-600.530 62-600.540, 62-600.550, 62-600.660, 62-600.670, 62-600.720, 62-600.740, 62-601.200, 62-601.500, 62-600.700, 62-604.100, 62-604.400, 40A-2.021, 40A-2.061, 40A-3.504, 40B-400.051, 40E-2.061, 40E-4.0515, 40D-2.021, 40D-4.051, 62-611.200, 62-520.300, 62-625.110, 62-625.500, 62-620.310, 62-620.620, 62-620.625, 62-620.630, 62-610.200 62-621.500, 62-610.860, 62-640.200, 62-699.310. Summary of Effects on Other Rules Incorporating by this Rule by Reference: Amendments to Chapter 62-610, F.A.C., in this Notice of Proposed Rule are not expected to have any significant impact on the following rules: 62-302.300, 62-555.314, 62-555.360, 62-528.120, 62-40.210, 62-600.200, 62-600.300, 62-600.410, 62-600.420, 62-600.430, 62-600.440, 62-600.445, 62-600.500, 62-600.530 62-600.540, 62-600.550, 62-600.660, 62-600.670, 62-600.720, 62-600.740, 62-601.200, 62-601.500, 62-600.700, 62-604.100, 62-604.400, 40A-2.021, 40A-2.061, 40A-3.504, 40B-400.051, 40E-2.061, 40E-4.0515, 40D-2.021, 40D-4.051, 62-611.200, 62-520.300, 62-625.110, 62-625.500, 62-620.310, 62-620.620, 62-620.625, 62-620.630, 62-610.200 62-621.500, 62-610.860, 62-640.200, 62-699.310. **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the Department's economic review, neither a SERC nor legislative ratification is required because the adoption of the proposed rule does not increase regulatory costs directly or indirectly to the public.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.051, 403.061, 403.064, 403.087, FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088, FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 13, 2024, at 1:00 p.m. (EST)

PLACE: The Environmental Regulation Commission hearing located at 3900 Commonwealth Blvd, Room 137, Tallahassee, FL 32399-3000.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP’s Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least ten (10) days before the hearing. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney Cummings, Environmental Administrator, Division of Water Resource Management, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida, 32399-3000, at (850)245-8633 or by email at Sydney.Cummings@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

PART I GENERAL

62-610.100 Scope, Intent, Purpose, and Applicability.

(1) The purpose of Chapter 62-610, F.A.C., is to provide design and operation and maintenance criteria for land application systems that may discharge reclaimed waters or domestic wastewater effluent to Class G-II ground waters and to a limited extent to Class G-I and F-I ground waters (as defined by Chapter 62-520, F.A.C.). This chapter also provides design and operation and maintenance criteria for surface water discharge projects involving reuse for ground water recharge, ~~potable reuse~~, or other beneficial purposes described in this chapter. The requirements in this rule shall apply to systems involving potential discharges to Class G-I and F-I ground waters (as defined by Chapter 62-520, F.A.C.) to the extent that these rule provisions do not conflict with requirements for G-I and F-I ground waters. Supported by moderating provisions, it is intended that Chapter 62-610, F.A.C., establish a framework whereby design flexibility and sound engineering practice can be used in developing systems with which to manage domestic wastewater in an environmentally sound manner. This chapter contains operation and maintenance requirements so as much information as possible on reuse and land application can be presented in a single chapter.

(2) through (5) No change

~~(6) Potable reuse projects are considered projects of heightened public interest for the purpose of subsection 62-110.106(6), F.A.C., and subparagraph 62-110.106(7)(a)1., F.A.C.~~

~~(6)(7)~~ No change.

Rulemaking Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90,

Formerly 17-610.100, Amended 1-9-96, 8-8-99, 11-19-07, 8-8-21,

62-610.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below ~~shall~~ may be taken from definitions in other rules of the Department.

(1) through (25) No change.

~~(26) “Indirect potable reuse” means, for the purposes of this chapter, the planned discharge of reclaimed water to surface waters to augment the supply of water available for drinking water and other uses. Indirect potable reuse is contrasted with “direct potable reuse” which involves the discharge of reclaimed waer directly into a drinking water treatment facility or into a drinking water distribution system.~~

(27) through (58) renumbered (26) through (57) No change.

~~(58)(59)~~ “Technology-based effluent ~~effluent~~ limitation (TBEL)” means the same as defined in Rule 62-600.200, F.A.C.

(60) through (80) renumbered (59) through (79) No change.

Rulemaking Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.200, Amended 1-9-96, 8-8-99, 11-19-07, 8-8-21,

62-610.310 Engineering Report.

(1) through (2) No change.

(3) The engineering report shall include the following:

(a) through (b) No change.

(c) Hydrogeologic Survey.

1. through 8. No change.

9. For aquifer storage and recovery projects, not associated with a potable reuse system, regulated under Rule 62-610.466, F.A.C., and ground water recharge projects involving injection to G-II ground water, the engineering report shall characterize the total dissolved solids (TDS) concentration in the receiving ground water contained in aquifer at the point of injection. See subsection 62-610.800(11), F.A.C. For aquifer storage and recovery projects, this shall include characterization of TDS concentrations within the proposed extended zone of discharge, as described in subsection ~~62-610.466(16)~~ ~~62-610.466~~ (14), F.A.C. For injection projects having a zone of discharge, as described in subsection 62-610.560(3) and Rule 62-610.562, F.A.C., the engineering report shall include characterization of TDS concentrations at the point of injection and within the zone of discharge. The methods used to make the TDS characterization shall be described. For direct ground water recharge projects under Rule 62-610.560, F.A.C., injection fluids shall not exceed the TDS concentration reported in the engineering report for the receiving ground waters. For ASR

projects with a ZOD, the injection fluids shall not exceed the TDS concentration reported in the engineering report for the receiving ground waters at the edge of the ZOD.

- (d) No change.
- (e) Project Evaluation.

1. An evaluation of the overall long-term effect of the proposed project on environmental resources in the area shall be provided. The evaluation shall include aspects such as changes in water table elevations due to natural fluctuations and the reuse or land application project (including ground water mounding that may occur under the site), prediction of the rate and direction of movement of applied reclaimed water or effluent, changes in water quality in the area associated with the project, and similar information. A project evaluation shall demonstrate that discharges comply with subsection 62-610.850(2), F.A.C.

- 2. through 10. No change.
- (f) No change.

(g) Applicable portions of the engineering report or abbreviated engineering report shall be signed and sealed by a professional engineer or professional geologist registered in Florida as required by Chapter 471 or 492, F.S.

- (h) through (j) No change.

(k) Engineering report requirements for potable reuse projects are contained in Rule 62-565.570, F.A.C.

(4) The engineering report for projects involving ground water recharge and indirect potable reuse regulated under Part V of this chapter shall address the following:

- (a) through (b) No change.
- (5) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.0877, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.310, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.330 Pretreatment Programs.

- (1) No change.
- (2) For potable reuse systems regulated under Chapter 62-565, F.A.C., a pretreatment program shall be developed, approved, and implemented in accordance with Rule 62-565.505, F.A.C.

(2) through (3) renumbered (3) through (4) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.330, Amended 1-9-96, 8-8-99, 8-8-21, _____.

PART III SLOW-RATE LAND APPLICATION SYSTEMS; PUBLIC ACCESS AREAS, RESIDENTIAL IRRIGATION, AND EDIBLE CROPS

62-610.464 Storage Requirements.

- (1) though (3) No change.

(4) Requirements for system storage and ~~off-spec reject~~ reclaimed water holding ponds shall be as contained in Rule 62-610.414, F.A.C., except for the following:

- (a) No change.
- (b) Off-spec reclaimed water ~~Reject~~ storage ponds shall be lined or sealed to prevent measurable seepage.
- (c) No change.
- (5) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.464, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.466 Aquifer Storage and Recovery (ASR).

(1) Aquifer storage and recovery of reclaimed water or advanced treated water as defined in Rule 62-565.200, F.A.C., involves the following:

- (a) Injection of reclaimed water or advanced treated water, as defined in Rule 62-565.200, F.A.C., into a subsurface formation for storage; and,
- (b) Recovery of the stored reclaimed water or advanced treated water for beneficial purposes at a later date.

(2) ~~ASR can be used as an effective and environmentally sound approach to provision of storage for reclaimed water for reuse systems regulated under Part III this of chapter. ASR by itself does not constitute “reuse.” It is only when reclaimed water, which has been stored in an aquifer, is recovered and used for beneficial purposes that the reclaimed water is considered to be “reused.” ASR systems are considered components of the overall reuse system.~~

(a) For non-potable reuse projects, recovered water is also subject to the requirements of Part III of this chapter.

(b) For potable reuse projects, recovered water is also subject to the requirements of Chapter 62-565, F.A.C. Injection of reclaimed water or advanced treated water directly or indirectly that meets the requirements of paragraph 62-565.100(d), F.A.C., shall be considered potable reuse, except where the recovered water meets the exemption requirements in Section 403.0643, F.S.

- (3) through (4) No change.

(5) Engineering reports for ASR systems associated with a potable reuse project shall meet the requirements of Rule 62-565.570, F.A.C.

~~(6)(5) The water recovered from the ASR aquifer storage and recovery system for non-potable reuse purposes shall meet the performance standards for fecal coliforms as specified for high-level disinfection before use in a reuse system regulated under Part III of this chapter.~~

(7) The water recovered from the ASR system for potable reuse purposes shall meet the Technology-Based Treatment Requirements and pathogen requirements established in Chapter 62-565, F.A.C.

~~(8)(6)~~ Applications for permit renewals shall include an evaluation of the performance of the ASR aquifer storage and recovery system. This shall include evaluations of monitoring data (including trends observed), any problems encountered, and any anticipated problems based on review of the monitoring trends. Existing and anticipated problems shall be addressed as described in subsection 62-610.466(19) ~~62-610.466(17)~~, F.A.C.

(7) renumbered (9) No change.

~~(10)(8)~~ Use of Class G-I or F-I ground water.

(a) No change.

(b) Except as provided in subsection 62-610.466(19) ~~62-610.466(17)~~, F.A.C., additional treatment or disinfection shall not be required upon recovery of the reclaimed water for non-potable reuse purposes.

~~(11)(9)~~ Use of Class G-II ground water containing 3000 mg/L or less of total dissolved solids for non-potable reuse.

(a) No change.

(b) If the applicant provides an affirmative demonstration that the receiving ground water contains between 1,000 and 3,000 mg/L (inclusive) of total dissolved solids, is not currently used as a source of public water supply, and that the receiving ground water is not reasonably expected to be used for public water supply in the future, or if the applicant provides an affirmative demonstration that the reuse project meets the requirements in Section 403.0643, F.S., the preapplication treatment and disinfection requirements shall be as follows:

1. The principal treatment and disinfection requirements in Rule 62-610.563, F.A.C., shall apply, with the following modifications:

a. No change.

b. The secondary drinking water standards shall not be applied as reclaimed water limitations. As described in paragraph 62-610.466(16)(a) ~~62-610.466(14)(a)~~, F.A.C., the ground water standard for sodium shall be met at the edge of the zone of discharge. As described in paragraph 62-610.466(16)(f) ~~62-610.466(14)(f)~~, F.A.C., the ground water standards corresponding to the secondary drinking water standards shall be met at the edge of the extended zone of discharge.

c. No change.

d. The extended zone of discharge shall not extend into zones having TDS concentrations less than 1000 mg/L (based on the initial TDS characterization in the initial engineering report and information submitted after the submittal of the initial engineering report) except when the applicant provides an affirmative demonstration that the reuse project meets the exemption requirements in Section 403.0643, F.S.

(c) The provisions of paragraph 62-610.466(11)(b) ~~62-610.466(9)(b)~~, F.A.C., shall only apply to receiving ground waters that are not used for public water supply within the

following geographic limits (whichever provides for the largest horizontal distance):

1. through 2. No change.

(d) Except as provided in subparagraph 62-610.466(14)(b)1. ~~62-610.466(12)(b)1.~~, and subsection 62-610.466(19) ~~62-610.466(17)~~, F.A.C., additional treatment or disinfection shall not be required upon recovery of the reclaimed water for non-potable reuse.

~~(12)(10)~~ Use of Class G-II ground water containing greater than 3000 mg/L of total dissolved solids for non-potable reuse projects.

(a) Wells may be used to inject reclaimed water into Class G-II ground water containing greater than 3000 mg/L of total dissolved solids for ASR if all of the following conditions are met:

1. The principal treatment and disinfection requirements in Rule 62-610.563, F.A.C., shall apply, with the following modifications:

a. No change.

b. The secondary standards shall not be applied as reclaimed water limitations. As described in paragraph 62-610.466(16)(f) ~~62-610.466(14)(f)~~, F.A.C., the ground water standard for sodium and the ground water standards corresponding to the secondary drinking water standards shall be met at the edge of the extended zone of discharge.

c. through d. No change.

2. No change.

(b) Except as provided in subparagraph 62-610.466(14)(b)1. ~~62-610.466(12)(b)1.~~, and subsection 62-610.466(19) ~~62-610.466(17)~~, F.A.C., additional treatment or disinfection shall not be required upon recovery of the reclaimed water for non-potable reuse.

(11) renumbered (13) No change.

~~(14)(12)~~ Monitoring.

(a) No change.

(b) Water recovered from the ASR system.

1. Except as provided in subparagraphs 62-610.466(14)(b)2. ~~62-610.466(12)(b)2.~~ and 3., F.A.C., the reclaimed water recovered from the ASR system for non-potable reuse shall be monitored for TSS, and fecal coliforms at the same frequency specified in Chapter 62-600, F.A.C., for the treatment facility providing reclaimed water to the reuse system. CBOD5 shall be monitored monthly. If the reclaimed water withdrawn from an ASR system fails to meet the CBOD5, TSS, or fecal coliform limits established for a reuse project regulated under Part III of this chapter, the Department shall require that additional treatment or disinfection facilities be provided to ensure compliance with these limits. If the CBOD5 limits are not met, the Department shall increase the sampling frequency for CBOD5 to the level required in Chapter 62-600, F.A.C. Water recovered from the ASR system for potable reuse

projects shall be subject to the requirements of Chapter 62-565, F.A.C.

2. No change.

3. If additional treatment or disinfection is provided after recovery of the water from the ASR system not associated with a potable reuse system the monitoring requirements in Rule 62-610.463, F.A.C., shall apply and an operating protocol shall be implemented pursuant to Rule 62-610.463, F.A.C.

(c) ASR systems not associated with a potable reuse system.

1. through 2. No change.

(d) No change.

(13) renumbered (15) No change.

(16)(14) Extended zone of discharge.

(a) Projects described in paragraph 62-610.466(11)(b) 62-610.466(9)(b), and subsection (12) (10), F.A.C., may have an extended zone of discharge included in the permit. The extended zone of discharge shall apply to parameters listed as secondary drinking water standards in Chapter 62-550, F.A.C. Zones of discharge will not be provided for parameters listed as primary drinking water standards in ~~IN~~ Chapter 62-550, F.A.C. (except for sodium).

(b) through (d) No change.

(e) The extended zone of discharge shall extend vertically from the base to the top of a specifically designated aquifer, aquifers, or portion of an aquifer. The vertical and lateral limits of the extended zone of discharge shall be designated. Injection and recovery wells used in the ASR system shall be included within the extended zone of discharge. As noted in sub-subparagraphs 62-610.466(11)(b)1.d. 62-610.466(9)(b)1.d., and 62-610.466(12)(a)1.d. 62-610.466(10)(a)1.d., F.A.C., the extended zone of discharge shall not extend into zones having TDS concentrations less than the specified threshold (based on the initial TDS characterization in the initial engineering report and information submitted after the submittal of the initial engineering report).

(f) For aquifer storage and recovery systems involving the levels of preapplication treatment provided in paragraph 62-610.466(11)(b) 62-610.466(9)(b), or subsection (12) (10), F.A.C., all ground water quality criteria shall be met at the edge of the extended zone of discharge. If the natural background ground water quality does not meet the ground water quality criteria, the aquifer storage and recovery system shall meet the natural background quality at the edge of the extended zone of discharge.

(15) through (16) renumbered (17) through (18) No change.

(19)(17) The permittee shall assess the performance of the ASR system on a monthly basis.

(a) During operation of the non-potable reuse system, if it is shown that water recovered from the aquifer storage and

recovery system does not meet the fecal coliform performance criteria associated with high-level disinfection or if the water recovered adversely affects vegetation or crops grown in the reuse system or adversely affects the infiltration/percolation capability of soils within the reuse system, the permittee shall do the following:

1. through 3. No change.

4. Submit a written report to the Department within 120 days of identification of a potential problem. The report shall address the requirements of subparagraphs 62-610.466(19)(a)1. 62-610.466(17)(a)1. through 3., F.A.C.

(b) No change.

(c) Nothing in subsection 62-610.466(19) 62-610.466(17), F.A.C., shall preclude the Department from taking enforcement action to compel compliance with the requirements of Rule 62-610.466, F.A.C., the requirements of Part III of this chapter or the ground water standards contained in Chapter 62-520, F.A.C. *Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 8-8-99, Amended 8-8-21,*

62-610.471 Setback Distances.

(1) through (2) No change.

(3) A 75-foot setback distance shall be provided from a reclaimed water transmission facility to a public water supply well or a surface water intake for a potable water supply. No setback distance is required to other potable water supply wells or to non-potable water supply wells.

(4) through (8) No change.

(9) A setback distance of 200 feet shall be provided from unlined storage ponds to potable water supply wells or surface water intake for a potable water supply. This setback distance shall be reduced, but in no case to less than 75 feet, if the applicant provides an affirmative demonstration in the engineering report that reclaimed water will not migrate to the potable water supply well as a result of conditions such as the following:

(a) through (c) No change.

(10) No change.

(11) For ASR projects regulated under Rule 62-610.466, F.A.C., setback distance requirements for injection and recovery wells and for extended zones of discharge are contained in subsections 62-610.466(15) 62-610.466(13) and (16) (14), F.A.C.

Rulemaking Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.471, Amended 1-9-96, 8-8-99, 11-19-07, 4-1-21,

62-610.472 Supplemental Water Supplies for Non-Potable Reuse Projects.

(1) Rule 62-610.472, F.A.C., applies to non-potable reuse projects for which complete permit applications involving the use of supplemental water supplies were received by the Department on or after August 8, 1999. Rule 62-610.472, F.A.C., shall also apply to any existing reuse system which proposes to add a new supplemental water supply or to expand the facilities, structures, or pumps used for an existing supplemental water supply; however, these rule requirements shall only apply to the expanded or modified portion of the project. Incorporation of a supplemental water supply into the reuse system shall require a permit modification.

(2) Other water supplies may be used by the permittee to supplement the supply of reclaimed water for non-potable reuse projects. Surface waters, ground waters, treated stormwater, and drinking water may be used to supplement the reclaimed water supply for non-potable reuse projects.

(3) Supplemental sSurface water and stormwater supplies for non-potable reuse projects.

(a) through (d) No change.

(4) Supplemental gGround water supplies for non-potable reuse projects.

(a) through (c) No change.

(5) through (7) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 8-8-99, Amended 8-8-21, _____.

PART IV RAPID-RATE LAND APPLICATION SYSTEMS (RAPID INFILTRATION BASINS AND ABSORPTION FIELDS)

62-610.521 Setback Distances.

(1) through (6) No change.

(7) A 100-foot setback distance shall be provided from a reclaimed water transmission facility to a public water supply well and surface water intakes for a potable water supply. No setback distance is required to other potable water supply wells or to non-potable water supply wells.

(8) through (9) No change.

(10) A 500-foot setback distance shall be provided from new unlined storage ponds to potable water wells, as described in Rule 62-521.200, F.A.C., and surface water intakes for a potable water supply.

(11) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.521, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.525 Projects Involving Additional Levels of Preapplication Treatment.

(1) through (6) No change.

(7) Total nitrogen shall be limited to 10 mg/L as nitrogen as a maximum annual average. Monthly average and single sample maximum permit limitations shall be established using the multipliers in subparagraph 62-600.740(2)(b)2. ~~62-600.740 (1)(b)2~~, F.A.C.

(8) Drinking water standards.

(a) Wastewater treatment facilities shall be designed and operated to meet the primary and secondary drinking water standards established in Rules 62-550.310 and 62-550.320, F.A.C.

1. The parameters listed as primary drinking water standards shall be applied as maximum single sample permit limits. The primary drinking water standards for asbestos and bacteriological parameters shall not apply. The primary drinking water standard for sodium shall be applied as a maximum annual average permit limitation. The multipliers in subparagraph 62-600.740(2)(b)2. ~~62-600.740(1)(b)2~~, F.A.C., shall be used to establish maximum monthly and single sample maximum permit limits for sodium.

2. Except for pH, the parameters listed as secondary drinking water standards shall be applied as maximum annual average permit limits. The multipliers established in subparagraph 62-600.740(2)(b)2. ~~62-600.740(1)(b)2~~, F.A.C., shall be used to establish maximum monthly and single sample maximum permit limits.

3. through 5. No change.

(b) through (c) No change.

(9) through (13) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.525, Amended 1-9-96, 8-8-99, 8-8-21, _____.

PART V GROUND WATER RECHARGE AND SURFACE WATER DISCHARGES POTABLE REUSE

62-610.550 Description of System.

(1) Ground water recharge.

(a) No change.

(b) Before applying for a proposed ground water recharge or salinity barrier project, the applicant shall comply with the public notification requirements applicable pursuant to subsection 62-610.574(4)(d), F.A.C. Rule 62-520.410, F.A.C., identifies the designated uses of G I, F I, and G II ground waters as being “potable water use.” As a result, it is likely that there may be elements of potable reuse associated with existing and proposed ground water recharge projects.

(c) Applications proposing ground water recharge or salinity barrier projects shall be submitted to both the Department and the appropriate water management district.

(2) ~~Indirect Potable reuse.~~ This type of reuse system involves both direct and indirect potable reuse, as defined in Rule 62-565.200, F.A.C., and is regulated under Chapter 62-565, F.A.C. the planned use of reclaimed water to augment surface water resources which are used or will be used for public water supplies. Indirect potable reuse systems include:

~~(a) Discharges to Class I surface waters, as described in Rule 62-610.554, F.A.C.~~

~~(b) Discharges to other surface waters which are directly or indirectly connected to Class I surface waters, as described in Rule 62-610.555, F.A.C.~~

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Formerly 17-610.550, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.553 Minimum System Size.

Reclaimed water from treatment facilities with a design average daily flow of less than 0.1 mgd shall not be used for ground water recharge ~~or indirect potable reuse~~ under the provisions of Part V of this chapter.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 1-9-96, Amended 4-1-21, _____.

62-610.554 Discharge to Class I Surface Waters.

(1) through (2) No change.

~~(3) Discharges of reclaimed water to Class I waters shall be considered as being reuse for indirect potable purposes.~~

(4) through (6) renumbered (3) through (5) No change.

~~(6)(7)~~ The reclaimed water shall be sampled and analyzed for TOC in accord with subsection 62-610.568(5) ~~62-610.568(4)~~, F.A.C.

(7) Limited wet weather discharges permitted in accordance with Rule 62-610.860, F.A.C., shall not be subject to the requirements of this rule.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 1-9-96, Amended 8-8-99, 4-1-21, _____.

62-610.555 Discharge to Other Surface Waters.

(1) Discharge to waters contiguous to or tributary to Class I waters.

(a) through (c) No change.

~~(d) Discharge of reclaimed water to waters contiguous to or tributary to Class I waters shall be considered as indirect potable reuse.~~

(e) through (f) renumbered (d) through (e) No change.

(2) Discharge upstream of Class I waters.

(a) through (c) No change.

~~(d) Discharge upstream of Class I waters shall be considered as indirect potable reuse only if the applicant provides an affirmative demonstration in the engineering report of the following:~~

1. There is a need to supplement the supply of water in the Class I water for public water supply purposes; and,

2. Discharge of reclaimed water will meet part or all of the identified need to supplement the water supply.

~~(3) Surface water discharges located greater than 24 hours travel time to Class I waters shall not be considered as indirect potable reuse. Discharges located greater than 24 hours travel time to Class I waters are not subject to regulation under Chapter 62-610, F.A.C.~~

(4) No change.

(5) Limited wet weather discharges permitted in accordance with Rule 62-610.860, F.A.C., shall not be subject to the requirements of this rule.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 1-9-96, Amended 8-8-99, 4-1-21, _____.

62-610.563 Waste Treatment and Disinfection.

(1) Rule 62-610.563, F.A.C., defines two levels of treatment and disinfection: “principal treatment and disinfection,” and “full treatment and disinfection.” These two levels of treatment and disinfection, or specific components of these levels of treatment and disinfection, shall be applied to ground water recharge. Treatment and disinfection requirements for ~~and indirect~~ potable reuse projects are established in Chapter 62-565, F.A.C. as required by other rules within Part V of this chapter.

(2) Principal treatment and disinfection requirements.

(a) through (b) No change.

(c) Total nitrogen shall be limited to 10 mg/L as nitrogen as a maximum annual average limitation. Monthly average and single sample permit limitations shall be established using the multipliers in subparagraph 62-600.740(2)(b). ~~62-600.740(1)(b)2~~, F.A.C.

(3) Full treatment and disinfection requirements.

(a) For non-potable reuse projects, ~~The~~ principal treatment and disinfection requirements described in subsection 62-610.563(2), F.A.C., shall apply, unless they are less stringent than the requirements for full treatment and disinfection.

(b) Drinking water standards.

1. Wastewater treatment facilities shall be designed and operated to meet the primary and secondary drinking water standards established in Rules 62-550.310 and 62-550.320, F.A.C.

a. The parameters listed as primary drinking water standards shall be applied as maximum single sample permit limits. The primary drinking water standard for asbestos shall not apply. The primary drinking water standards for total coliform bacteriological parameters shall be applied as the disinfection standard as described in Rule 62-550.830, F.A.C., except that public notification requirements shall not apply. The primary drinking water standard for sodium shall be applied as a maximum annual average permit limitation. The multipliers established in subparagraph ~~62-600.740(2)(b)~~ ~~62-600.740(1)(b)2~~, F.A.C., shall be used to establish maximum monthly and single sample maximum permit limits for sodium.

b. Except for pH, the parameters listed as secondary drinking water standards shall be applied as maximum annual average permit limits. The multipliers established in subparagraph ~~62-600.740(2)(b)2~~ ~~62-600.740(1)(b)2~~, F.A.C., shall be used to establish maximum monthly and single sample maximum permit limits.

c. No change.

(c) through (e) No change.

~~(f) The treatment processes shall include processes which serve as multiple barriers for control of organic compounds and pathogens.~~

(4) No change.

(5) All ground water recharge ~~and indirect potable reuse~~ projects regulated by Part V of this chapter shall implement pretreatment programs in accordance with Rule 62-610.330, F.A.C.

(6) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Formerly 17-610.563, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.564 Pilot Testing Program For Non-Potable Reuse Projects.

(1) No change.

(2) The pilot testing program shall be designed to demonstrate the ability of the selected treatment processes to meet the requirements of Part V of this chapter ~~and to generate a supply of reclaimed water that can be used to evaluate the suitability of the reclaimed water for ground water recharge or indirect potable reuse.~~ Pilot testing shall be done using wastewater/reclaimed water.

(3) No change

(4) The pilot testing program shall include the following:

(a) through (c) No change.

~~(d) Reclaimed water quality shall be compared to other sources of drinking water currently used in the area. The reclaimed water shall be of a quality that is the same or better than other sources of drinking water currently used in the area.~~

(5) No change.

(6) Pilot testing requirements for potable reuse projects are established in Chapter 62-565, F.A.C.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.564, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.567 Reliability and Operator Staffing.

(1) A minimum of Class I reliability, as described in paragraph 62-610.300(1)(a), F.A.C., shall be provided at all domestic wastewater treatment facilities providing reclaimed water for ground water recharge and surface water discharges and indirect potable reuse systems, which are regulated by Part V of this chapter. In addition to the rules set forth in Chapters 62-600, 62-610 and 62-625, F.A.C., the requirements in Chapter 62-565, F.A.C., shall apply when reclaimed water is used as a water source for a potable reuse system.

(a) through (b) No change.

(2) through (5) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.567, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.568 Monitoring and Operating Protocol.

(1) No change.

(2) Reclaimed water limitations shall be met before injection to ground water or discharge to surface waters. For projects requiring high-level disinfection, the TSS total suspended solids limitation shall be achieved before disinfection, regardless of the actual reclaimed water compliance monitoring location.

(3) through (11) No change.

Rulemaking Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.568, Amended 1-9-96, 8-8-99, 11-19-07, 8-8-21, _____.

62-610.573 Storage Requirements.

(1) through (2) No change.

(3) A separate, off-line system shall be provided for storage of off-spec reclaimed reject water not associated with a potable reuse project. Off-spec reclaimed Reject water storage shall have sufficient capacity to ensure retention of reclaimed water of unacceptable quality. At a minimum, for treatment facilities required to provide full treatment and disinfection, this capacity shall be the volume equal to three days flow at the average daily permitted flow of the treatment plant, or the average daily permitted flow of the reuse system, whichever is less. If full treatment and disinfection is not required, the capacity requirement shall be reduced to one day's flow. Provisions for recirculating this off-spec reject reclaimed reject water to other

parts of the treatment plant for further treatment shall be incorporated into the design. ~~Off-spec reclaimed~~ ~~Reject~~ water storage shall not be required if another reuse system requiring lower levels of preapplication treatment or effluent disposal system is permitted. Off-spec reclaimed water ~~Reject storage~~ ponds shall be lined or sealed to prevent measurable seepage, as described in Rule 62-610.414, F.A.C.

(4) No change.

(5) Off-spec water storage requirements for potable reuse projects are in Chapter 62-565, F.A.C.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.573, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.574 Access Control, Advisory Signs, and Public Notification.

(1) through (2) No change.

(3) Permittees developing ground water recharge or surface water discharge ~~indirect potable reuse~~ projects that will be regulated under Part V of this chapter shall implement public education and public participation programs during the planning stages of the reuse program. The public education and public participation programs shall be described in detail in the engineering report.

(4) Applicants shall provide written notice to affected public water supply utilities within the area to be affected by the proposed project. For projects involving discharges to Class I waters, affected utilities shall include public water supply utilities drawing source water from the Class I water. For ASR projects and injection projects regulated by Rules 62-610.466, 62-610.560, or 62-610.562, F.A.C., that are not associated with a potable reuse project regulated under Chapter 62-565, F.A.C., affected utilities shall include public water supply utilities withdrawing ground water for public water supply within two miles of the proposed injection well, or within the area of review established in accordance with Rule 62-528.300(4), F.A.C., whichever is larger. For projects involving discharges to surface waters that are directly connected to ground water, which serve as ground water recharge, as described in subsection 62-610.555(1), F.A.C., affected utilities shall include public water supply utilities withdrawing ground water for public water supply within two miles of the point of discharge and within two miles of the point or points where the surface water enters the ground water. Written notice also shall be provided to the appropriate county health department. These written notifications shall be accomplished before the submittal of the initial permit application. Documentation of this notification procedure shall be included in the engineering report. These notices to affected utilities and to the county health department are required for the following types of projects:

(a) through (d) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Formerly 17-610.574, Amended 1-9-96, 8-8-99, 4-1-21, _____.

PART VI OVERLAND FLOW SYSTEMS

62-610.621 Setback Distances.

(1) through (3) No change.

(4) A 100-foot setback distance shall be provided from a reclaimed water transmission facility to a public water supply well and surface water intakes for a potable water supply. No setback distance is required to other potable water supply wells or to non-potable water supply wells.

(5) through (6) No change.

Rulemaking Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Amended 4-2-90, Formerly 17-610.621, Amended 1-9-96, 8-8-99, 4-1-21, _____.

PART VIII PERMITTING

62-610.810 Classification of Projects as “Reuse” or “Disposal.”

(1) No change.

(2) Reuse projects. The following shall be classified as “reuse:”

(a) through (e) No change.

~~(f) Indirect potable reuse projects permitted under Part V of this chapter.~~

(g) through (h) renumbered (f) through (g) No change.

(h) Potable reuse projects are permitted under Chapter 62-565, F.A.C.

(i) No change.

(3) Effluent disposal projects. The following shall be classified as “effluent disposal:”

(a) through (b) No change.

(c) On-site systems permitted by the Department under Chapter ~~62-6, 64E-6~~, F.A.C., including septic tanks.

(d) No change.

(e) Continuously loaded rapid-rate land application systems or absorption fields, unless they meet the criteria for ground water recharge ~~or indirect potable reuse systems~~ established in subsection 62-610.810(2), F.A.C., or meet the requirements of Rule 62-610.525, F.A.C., or the criteria for indirect potable reuse systems, as established in Chapter 62-565, F.A.C.

(f) No change.

(4) through (5) No change.

Rulemaking Authority 403.051, 403.061, 403.087, 403.0881 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.0881 FS. History—New 4-2-90, Formerly 17-610.810, Amended 1-9-96, 8-8-99, 4-1-21, _____.

62-610.850 Protection of Surface Water and Ground Water Quality.

(1) Protection of surface water quality, including springs.

(a) No change.

(b) Projects having point source discharges (e.g., surface water discharges ~~indirect potable reuse projects~~ permitted under Part V and overland flow projects permitted under Part VI of this chapter, and underdrained slow-rate and rapid-rate land application systems) shall be subject to all applicable discharge and permitting requirements contained in Department rules, Florida Statutes, and Laws of Florida, including the following:

1. through 10. No change.

(c) through (e) No change.

(2) No change.

Rulemaking Authority 403.051, 403.061, 403.087, 403.0881 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881 FS. History—New 4-2-90, Formerly 17-610.850, Amended 1-9-96, 4-1-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sydney Cummings, Environmental Administrator, Division of Water Resource Management.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton, DEP Secretary.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 9, 2023; July 1, 2024.

Section III

Notice of Changes, Corrections and Withdrawals

NONE

Section IV

Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.070 Durable Medical Equipment and Medical Supplies

NOTICE IS HEREBY GIVEN that on October 25, 2024, the Agency for Health Care Administration, received a petition for Variance from or Waiver of Rule 59G-4.070 on behalf of the Petitioner, Prism Medical Equipment, LLC. Rule 59G-4.070 of the Florida Administrative Code (“Rule”), which incorporates the Durable Medical Equipment and Medical Supply Services Coverage and Limitation Handbook, requires as a qualification for enrollment that providers operate primarily as walk-in durable medical equipment and medical supply business locations. Petitioner seeks a waiver from the walk-in requirement of the Rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, AgencyClerk@ahca.myflorida.com, (850)412-3689.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On October 30, 2024 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from Sweet French Macaron LLC. located in Kendall. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and 3-compartment sinks.

The Petition for this variance was published in Vol. 50/214 on October 31, 2024 The Order for this Petition was signed and approved on November 07, 2024. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash and 3-compartment sinks are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants , 2601 Blair Stone Road , Tallahassee, Florida 32399-1011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On October 31, 2024, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from Ananda Farm of Terra Ceia LLC. located in Terra Ceia. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink.

The Petition for this variance was published in Vol. 50/215 on November 1, 2024. The Order for this Petition was signed and approved on November 07, 2024, After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants , 2601 Blair Stone Road , Tallahassee, Florida 32399-1011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-3.002 Qualifications for Examination

NOTICE IS HEREBY GIVEN that on October 29, 2024, the Board of Nursing, received a petition for variance or waiver filed by Crysta'l Omodehinde. Although Petitioner does not reference a specific rule in the petition, it appears Petitioner is seeking a variance or waiver from subsection 64B9-3.002(3), F.A.C., which states in part, for an applicant writing the

examination for practical nurses on the basis of practical nursing education equivalency, a completed Practical Nurse Equivalence (PNEQ) Application Letter or an official certified transcript which sets forth graduation from an approved professional program is required. The Board of Nursing previously received a petition filed on July 24, 2024 from the petitioner. The Notice of Petition published on July 29, 2024 in the Florida Administrative Register. On October 19, 2024, Petitioner requested to withdraw the petition. On October 22, 2024, Petitioner requested that her original petition be considered by the Board. For efficiency reasons, the October 22, 2024, email is included as the initiation of the time period for consideration of the petition and the petition filed on July 24, 2024, is attached to the October 22, 2024, email.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Amanda Gray, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252; MQA.Nursing@flhealth.gov.

Comments on this petition should be filed with the Board of Nursing within 14 days of publication of this notice.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agricultural Museum Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: November 20, 2024, 10:00 a.m.

Committee Meetings 11:00 a.m. Board Meetings

PLACE: Flagler County Princess Place 2500 Princess Place Road Palm Coast, FL 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss general business.

A copy of the agenda may be obtained by contacting: Kara Hoblick; O:(386)446-7630, C: (386)527-1467

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kara Hoblick; O:(386)446-7630, C: (386)527-1467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kara Hoblick; O:(386)446-7630, C: (386)527-1467

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a public meeting to which all persons are invited.

DATE AND TIME: November 18, 2024, Open House: 4:30 p.m. - 6:30 p.m., Presentation & Public Comment Period: 6:30 p.m.

PLACE: Virtual - www.nflroads.com/vph

In-Person - Mason City Community Center, 11110 S. US Highway 441, Lake City, FL 32025

GENERAL SUBJECT MATTER TO BE CONSIDERED: Columbia County, in conjunction with the Florida Department of Transportation, (FDOT), District Two, invites you to the I-75 at US 441/US 41 Interchange Improvements (including access management improvements at SW Howell Street) Hybrid Public Meeting. The purpose of the meeting is to inform the public of the proposed improvements and serve as an official forum providing an opportunity for the public to express their opinions and concerns regarding the project.

The project is proposing operational improvements to the I-75 at US 441/US 41 interchange (commonly referred to as Ellisville Interchange) by signalizing the ramp intersections, adding turn lanes, extending existing storage lanes, and accommodating U-turn movements.

South of the Ellisville Interchange, the project will enhance safety and operations by converting the existing full median opening at SW Howell Street and US 441/US 41 intersection to a directional median opening and providing a new signalized intersection 1,500 feet south of SW Howell Street. The movements removed from the SW Howell Street and US 441 / US 41 intersection will be accommodated through a new roadway called Ellisville Access Road. These improvements will accommodate both existing developments as well as planned future developments along the corridor.

For your convenience, there are several options to participate in the Public Meeting, including a virtual/online option and an in-person option. All participants, regardless of the platform they choose, will receive the same information about the proposed project and all comments received in-person, virtually, or electronically will be given equal consideration. For more information about the project, please visit the project website at www.nflroads.com/EllisvilleInterchange.

While comments about the project are accepted at any time, please note that comments must be received by December 2, 2024, to be included in the formal meeting record.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact Justin Fairman at (386)961-7871 or justin.fairman@dot.state.fl.us at least seven (7) days prior to the meeting.

A copy of the agenda may be obtained by contacting: Chad Williams, P.E., Columbia County, 607 NW Quinten Street, Lake City, Florida 32055, Phone: (386)758-1019, Email: chad_williams@columbiacountyfla.com

For more information, you may contact: Chad Williams, P.E., Columbia County, 607 NW Quinten Street, Lake City, Florida 32055, Phone: (386)758-1019, Email: chad_williams@columbiacountyfla.com

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District One announces a hearing to which all persons are invited.

DATE AND TIMES: Thursday, November 21, 2024, VIRTUAL 5:45 p.m., IN PERSON 5:00 p.m.

PLACES: <https://bit.ly/river-road-hearing-registration> (VIRTUAL) or Englewood Sports Complex, 1300 S River Road, Englewood, FL 34223 (IN PERSON)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to a public hearing for the SR 777 (River Road) Project Development & Environment (PD&E) Study Reevaluation (FPID 445059-1) from Center Road to I-75 in Sarasota County. Participate in the NOVEMBER 21, 2024, hearing in-person or online. Both events will provide the opportunity to view the project video and provide formal comment.

In-Person Option: at Englewood Sports Complex, 1300 S River Road, Englewood, FL 34223

Anytime between 5:00 p.m. – 6:00 p.m. Open house

6:00 p.m. Formal presentation and comment

Displays will be available starting at 5:00 p.m. to review at your own pace and the formal presentation will begin at 6:00 p.m. The project team will be available for discussion.

Live Online Option: starting at 5:45 p.m. at <https://bit.ly/river-road-hearing-registration> (please register in advance) Materials will be posted by November 14, 2024 on the project webpage. This event will include a livestream of the in-person presentation and the formal comment portion. Please review the materials on project webpage before attending the virtual event <https://www.swflroads.com/river-road-reevaluation>.

This hearing is being conducted to present design changes to the preferred alternative, as well as to give interested persons an opportunity to express their views concerning the location, design changes and social, economic, and environmental effects of the proposed improvements.

Project documents will be available for public viewing from October 30, 2024, to December 2, 2024, at the Frances T. Bourne Jacaranda Library, 4143 Woodmere Park Blvd., Venice, FL 34293 and at FDOT District One Headquarters, 801 N. Broadway Ave., Bartow, FL 33830. They will also be available on the project webpage.

If you are unable to attend the hearing, comments can also be provided through the project webpage <https://www.swflroads.com/river-road-reevaluation> or by email Donnie.Holcomb@hdrinc.com FDOT District One, Attn: Donald R. Holcomb, PE, FDOT Project Representative, 801 N. Broadway Ave., Bartow, FL 33830. While comments about the project are accepted at any time, they must be received or postmarked by December 2, 2024, to be included in the formal hearing record. All comments are weighted equally. Questions can be answered by calling the FDOT Project Representative Donald R. Holcomb, PE at (941)342-2705.

FDOT is sending a notice to all property owners and tenants within at least 300 feet on either side of the project and to other public officials, regulatory agencies, organizations, and individuals interested in the project. The public hearing will present information regarding proposed design changes which include improvements to widen River Road from two lanes to six lanes. between Center Road and I-75. Additional improvements include shared use paths, drainage, lighting, signalization, and other features.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated May 26, 2022, and executed by Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: FDOT Project Representative Donald R. Holcomb, PE at (941)342-2705 or by email at Donnie.Holcomb@hdrinc.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cynthia Sykes, FDOT District One Title VI Coordinator by email at Cynthia.Sykes@dot.state.fl.us or by phone at (863)519-2287. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT Project Representative Donald R. Holcomb, PE at (941)342-2705 or by email at Donnie.Holcomb@hdrinc.com

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-97.003 Access Control Classification System and Access Management Standards

The Florida Department of Transportation announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 2, 2024, 1:30 p.m.

PLACE: 801 N. Broadway Ave, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Crossroads Village Center, US 27 at US 17/92, Haines City, FL A copy of the agenda may be obtained by contacting: Scott Ellis, Deputy District Maintenance Engineer (863)519-2464

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Scott Ellis, Deputy District Maintenance Engineer (863)519-2464. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Scott Ellils, Deputy District Maintenance Engineer at (863)519-2464

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: Monday, November 18, 2024, 9:00 a.m. Progress Update on the Northern Everglades and Estuaries Protection Program

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, FL 33406

This workshop is in-person only. Remote viewing and participation will not be available.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District, with the Florida Department of Environmental Protection and the Florida Department of Agriculture and Consumer Services (known as the “Coordinating Agencies”), announces a public workshop to highlight Northern Everglades and Estuaries Protection Program (NEEPP) accomplishments and present key information from the agencies’ annual progress reports. This workshop is intended to provide transparency and accountability on NEEPP implementation and offer the public an opportunity to comment and provide input on the planning process and future reporting for the program.

The public and stakeholders are invited to participate in person and will have an opportunity to provide comment during the meeting; comments may also be submitted via email at sollis@sfwmd.gov.

During this workshop, there will be an open house session for the public to have an opportunity to discuss NEEPP-related topics of interest with the Coordinating Agencies. The open house will be held during the first 30 minutes of the workshop (9:00 a.m. - 9:30 a.m.) and last 90 minutes of the workshop (11:30 a.m. - 1:00 p.m.) where attendees will have the opportunity to view examples of successful NEEPP projects, connect with agency staff, and exchange valuable information with professionals involved in NEEPP program efforts.

Presentations by the Coordinating Agencies will begin at 9:30 a.m., followed by a public comment period.

One, or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting. No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: Stacey Ollis at (561)682-2039 or sollis@sfwmd.gov. The agenda will be posted to the District's website at www.SFWMD.gov/meetings and <https://www.sfwmd.gov/wpps>, seven days prior to the workshop.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: Molly Brown, District Clerk, at mbrown@sfwmd.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Stacey Ollis at (561)682-2039 or sollis@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Agency for health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2024, 9:30 a.m.

PLACE: 1(888)585-9008, Conference Room #: 998-518-088

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be meeting to review applications received for consideration for the Gold Seal Award. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Nominations Committee announces a public meeting to which all persons are invited.

DATE AND TIME: November 25, 2024, 1:00 p.m. or soon thereafter

PLACE: via video and/or telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: nominate chair and vice chair for 2025 and any other business of the committee.

<https://us02web.zoom.us/j/84690658932>

Meeting ID: 846 9065 8932

• +1(929)436-2866 US (New York)

• +1(301)715-8592 US (Washington DC)

Meeting ID: 846 9065 8932

Passcode: 94995404

A copy of the agenda may be obtained by contacting: Rebecca Sammons, rsammons@fbpe.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons, rsammons@fbpe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org

DEPARTMENT OF HEALTH

Division of Family Health Services

The Florida Department of Health, Division of Community Health Promotion announces a public meeting to which all persons are invited.

DATE AND TIME: November 20, 2024, 11:00 a.m., EST

PLACE: Virtual via Microsoft Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTg0NDk1NzMtMmQ1ZC00MzAxLTg0YmYtYzFhMzMwMzA1ZmFi%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%220b10ad5e-4682-4be7-9c77-fcb5313f7f44%22%7d

Or call in (audio only): (850)792-1375, Phone conference ID: 362 013 598#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Health/Division of Community Health Promotion is conducting a quarterly meeting with the Information Clearinghouse on Developmental Disabilities Advisory Council to advise the Department of Health on establishing and maintaining a clearinghouse of information related to developmental disabilities on its website.

A copy of the agenda may be obtained by contacting: Maggie Dilger at maggie.dilger@flhealth.gov

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Maggie Dilger at maggie.dilger@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Maggie Dilger at maggie.dilger@flhealth.gov

DEPARTMENT OF CHILDREN AND FAMILIES

The Florida Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: December 17, 2024, 2:00 pm.

PLACE: Virtual Meeting via computer, tablet or smartphone: <https://meet.goto.com/SolicitationAdministration> or phone: (Toll Free) 1(866)899-4679, or 1(571)317-3116, Access Code: 687-621-357

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Bid Opening is to open vendor bids in response to DCF ITB 2425 034-2. The Department encourages all prospective Vendors to participate in the Bid Opening DCF ITB 2425 034-2 – NEFSH Life Safety Fire Sprinkler and Mechanical Exhaust Work. The solicitation advertisement can be accessed on the Vendor Information Portal (VIP): <https://vendor.myfloridamarketplace.com/>

A copy of the agenda may be obtained by contacting: Joseph.Ruis@myflfamilies.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Joseph.Ruis@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Joseph.Ruis@myflfamilies.com

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 9, 2024, 1:00 p.m. - 3:00 p.m., Eastern

PLACE: Microsoft Teams
Meeting ID: 267 326 939 911

Passcode: d5BEEM

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is for the Independent Living Services Advisory Council (ILSAC) to conduct general business.

A copy of the agenda may be obtained by contacting: A more detailed agenda with relevant presentation material will be posted on the department’s website, ILSAC Meeting Calendar | Florida DCF (myflfamilies.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Andrea Ziglar, Department of Children and Families, (850)661-4162 or andrea.ziglar@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: November 14, 2024, 2:00 p.m.

PLACE: By computer.

<https://meet.goto.com/603458005>

By phone.

Access Code:

603-458-005

United States:

+1(872)240-3212

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency will provide a high-level overview of the RFP for the Dental Program.

A copy of the agenda may be obtained by contacting: Alexis Capps, Phone number (850)300-6827, 4030 Esplanade Way, Suite 280Q Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Alexis Capps, Phone number (850)300-6827, 4030 Esplanade Way, Suite 280Q Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA FOUNDATION FOR CORRECTIONAL EXCELLENCE, INC.

The Florida Foundation for Correctional Excellence announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2024, 10:00 a.m. - 1:00 p.m., EST

PLACE: Teleconference/In-Person: FDC Central Office

Conference call in information: 1(312)667-7115

PIN: 523 854 813#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Quarterly FFCE Board meeting for updates and planning
A copy of the agenda may be obtained by contacting:
erica@flcorrectionalexcellence.com

FLORIDA INSURANCE GUARANTY ASSOC., INC.
The FIGA Board of Directors' announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2024, 3:30 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to ratify the Executive Director recommendation made by the AFGF Board of Directors.

A copy of the agenda may be obtained by contacting: Susan Ferguson, (850)386-9200

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Susan Ferguson, (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Ferguson, (850)386-9200

FLORIDA SPORTS FOUNDATION

The Florida Sports Foundation, Inc announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 5, 2024, 9:00 a.m.

PLACE: Via Microsoft TEAMS

Meeting ID: 257 170 870 798

Passcode: 8QLrUW

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarter board of directors meeting.

A copy of the agenda may be obtained by contacting: Jacqueline Hightower @ jhightower@playinfloirda.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jacqueline Hightower @ jhightower@playinfloirda.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the

proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jacqueline Hightower @ jhightower@playinfloirda.com

HNTB

The Florida Department of Transportation, District One announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, November 19, 2024, 5:30 p.m. – 7:30 p.m.

PLACE: Turner Agri-Civic Center, 2250 NE Roan Street, Arcadia, FL 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to a Public Visioning Workshop for a Project Development and Environment (PD&E) Study from SR 70 to SR 66. The study limits include west of US 27 and east of US 17 between SR 70 and SR 66 in Hardee, DeSoto, and Highlands Counties.

Building on the findings of the Highlands County Feasibility Study, the PD&E will assess a potential new alignment to better accommodate the evolving nature of US 27 and address key needs such as network resilience, freight movement, and safe mobility.

You can participate in-person or self-guided virtual meeting room option. The same materials will be displayed at both the online and in-person events.

IN-PERSON OPTION:

Tuesday, November 19, 2024

From 5:30 p.m. - 7:30 p.m.

Turner Agri-Civic Center

2250 NE Roan Street, Arcadia, FL 34266

This will include a looping video (no formal presentation), visioning activities, and the project team will be available for discussion.

VIRTUAL MEETING ROOM OPTION:

Link: <https://www.swflroads.com/project/455782-1>

Wednesday, November 20 – Wednesday, December 4, 2024

The PD&E SR 70 to SR 66 Public Visioning Meeting is being conducted to gather feedback on existing conditions and provides the opportunity for the public to express their views about the project. The same materials will be displayed at both the virtual room and in-person events.

If you are unable to attend the meeting, comments can also be provided through the project webpage: (<https://www.swflroads.com/project/455782-1>) or by email (david.long@dot.state.fl.us) or mail (FDOT District One, Attn: David Long, 801 N. Broadway Ave., MS 1-6, Bartow, FL 33830). While comments about the project are accepted at any

time, they must be received or postmarked by December 4, 2024, to be included in the formal record. Questions can be answered by calling the FDOT project manager David Long at (813)334-7056.

Para información en español

Si usted necesita más información o tiene preguntas acerca de este proyecto, por favor comuníquese con la Sra. Karina DellaSera con el Departamento de Transporte de la Florida (FDOT), por teléfono al (863)519-2750 o enviando un correo electrónico a Karina.DellaSera@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: David Long, at David.long@dot.state.fl.us, or call (813)334-7056.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cynthia Sykes, FDOT District One Title VI Coordinator by email at Cynthia.Sykes@dot.state.fl.us or by phone at (863)519-2287. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT Project Manager, David Long, at David.long@dot.state.fl.us, or call (813)334-7056.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

The Florida Department of Transportation District six announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 12, 2024, 6:00 p.m.

PLACE: In Person:

Miami Dade College - Padron Campus, Room 201, 627 SW 27 Ave, Miami, FL 33135

To RSVP, click here

Virtual Meeting:

To attend virtually: <https://attendee.gotowebinar.com/register/2963353604404423260>.

Participants can also call in by dialing +1(877)309-2071; Access code: 817-312-368

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) will host an in-person and online Public Meeting for two roadway projects along SR 90/US 41/SW 7 Street from east of SW 27 Avenue to Brickell Avenue, in Miami-Dade County. The project identification numbers are 447808-1-52-01 and 449056-1-52-01. The meeting will consist of a formal presentation followed by an open discussion. Staff will be available to answer questions and provide assistance. Questions will be responded to as time permits, in the order received. If your question is not responded to during the event, a response will be provided in writing following the meeting.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: Community Outreach Specialist, Jose Ignacio Grados at (305)470-5477, email: Josei@grados@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mark Plass, P.E., FDOT District Six Title VI Coordinator at (305)470-5219 or in writing at FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at: Mark.Plass@dot.state.fl.us?. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Community Outreach Specialist, Jose Ignacio Grados at (305)470-5477, email: JoseI.grados@dot.state.fl.us.

THE CORRADINO GROUP, INC.

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2024, 5:00 p.m. - 7:00 p.m.

PLACE: The Construction Open House will be held virtually and in person.

The virtual public meeting is scheduled for Thursday, November 21, 2024, from 5:00 p.m. to 6:00 p.m. Please use the following link to register: <https://bit.ly/3Vne2yP>. You may also call +1(914)614-3221 Access Code: 337-682-537. A brief presentation followed by questions and comments from the public will be held from 5:00 p.m. to 5:30 p.m. and again from 5:30 p.m. to 6:00 p.m.

The in-person open house is scheduled for Thursday, November 21, 2024, from 6:00 p.m. to 7:00 p.m. at Vero Beach City Hall, Council Chambers, 1053 20th Place, Vero Beach, FL 32960, and will have an informal open house format. FDOT staff and consultant staff members will be available to discuss the project and answer questions.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No.: 449323-1-52-01

Project Description: State Road (SR) 60/Indian River Boulevard Safety Improvements Project from north of Canal Bridge to north of SR 60/Merrill P. Barber Bridge and from the intersection at SR 60/Indian River Boulevard to west of the SR 60/Merrill P. Barber Bridge in the City of Vero Beach

Project improvements consist of signaling and extending the SR 60/Merrill P. Barber Bridge northbound right-turn lane to

increase capacity and enhance safety and long-term resiliency, adding a second left-turn lane onto SR 60/Merrill P. Barber Bridge to improve safety, functionality, and long-term resiliency, replacing traffic signals within the project limits to improve the vehicular, pedestrian and bicycle operation and safety at the intersection, upgrading pedestrian signals with newer technology at signalized intersections to improve push button accessibility and safety, and installing lighting at the pedestrian crosswalk at the intersection of SR 60/Indian River Boulevard and SR 60/Merrill P. Barber Bridge to improve safety and visibility.

Construction will begin in December 2024 and is estimated to be completed in Fall 2025. The cost is \$3,689,059.

A copy of the agenda may be obtained by contacting: No agenda.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Aaron Watt, P.E. — FDOT Project Manager at aaron.watt@dot.state.fl.us or (772)429-4938

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Samantha Kayser, Community Outreach Specialist, at (772)579-5479 or by email at skayser@corradino.com.

TALLAHASSEE COMMUNITY COLLEGE – FLORIDA PUBLIC SAFETY INSTITUTE

The FDLE CJSTC Region XV Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2025, 2:00 p.m.

PLACE: 75 College Drive, Havana, FL 32333

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting

A copy of the agenda may be obtained by contacting: <https://www.tsc.fl.edu/about/locations/florida-public-safety-institute/region-xv-training-council/>

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Nursing

NOTICE IS HEREBY GIVEN that the Board of Nursing has received the petition for declaratory statement from Kristen Gracz, MSN, RN, CNL, on behalf of Gulfside Healthcare

Services, on October 29, 2024. The petition seeks the agency's opinion as to the applicability of Section 464.003(19), F.S., as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board as to whether it is within the scope of practice for a Florida licensed registered nurse (RN), to perform conservative sharps debridement in a home health care setting. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Amanda Gray, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, MQA.Nursing@flhealth.gov, or by telephone at (850)245-4125.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from Coinbase Custody Trust Company. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

On October 8, 2024, the Office of Financial Regulation (Consumer Finance) received a Petition for Declaratory Statement from Coinbase Custody Trust Company LLC. The petition seeks a declaratory statement from the Office on whether Petitioner (a New York state-chartered trust company) has the authority to custody the assets of its customers—both digital assets and fiat currency under the Florida Money Transmitter Statute, Chapter 560, Florida Statutes. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

Parking Area Paving – Indian Lake State Forest and Ross Prairie State Forest - Project No. 08405-09REC24

The Florida Department of Agriculture and Consumer Services (FDACS or Department) seeks to obtain competitive bids for parking area paving improvements at multiple locations within Indian Lake State Forest located in Silver Springs, Florida and Ross Prairie State Forest, 8423 NE 58th Avenue Ocala, Florida 32617.

The solicitation document is available at the MYFLORIDAMARKETPLACE Vendor Information Portal: <https://vendor.myfloridamarketplace.com/search/bids>. Solicitation Number ITB FFS 24 25 81. Interested participants may also contact the purchasing department at Bids@FDACS.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

Lake Talquin State Forest Road Improvements - Project No. 04-253-ROAD-24

The Florida Department of Agriculture and Consumer Services (FDACS or Department) seeks to obtain competitive bids for

the repair and improvement of forest roads within Lake Talquin State Forest, 865 Geddie Road Tallahassee Florida 32304.

The solicitation document is available at the MYFLORIDAMARKETPLACE Vendor Information Portal: <https://vendor.myfloridamarketplace.com/search/bids>. Solicitation Number ITB FFS 24 25 95. Interested participants may also contact the purchasing department at Bids@FDACS.gov.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

THE TAYLOR CREEK RESERVOIR IMPROVEMENTS PROJECT REQUEST FOR QUALIFICATIONS 40560

THE GOVERNING BOARD OF THE

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT DESIGN, PERMITTING, AND CONSTRUCTION MANAGEMENT SERVICES

FOR THE TAYLOR CREEK RESERVOIR IMPROVEMENTS PROJECT

REQUEST FOR QUALIFICATIONS 40560

The Governing Board of the St. Johns River Water Management District (District) requests that interested parties respond to the solicitation below by 2:00 p.m., January 8, 2025. Further information is available through DemandStar at Demandstar.com, Central Bidding at centralauctionhouse.com, Vendor Registry at Vendorregistry.com, MyFloridaMarketPlace at myfloridamarketplace.com or the District’s website at sjrwm.com. Solicitation packages may be obtained from DemandStar, MyFloridaMarketPlace, Vendor Registry, Central Bidding, or the District by calling or emailing Kendall Matott, Contracts Manager, at (386)312-2324 or kmatott@sjrwm.com. Responses will be opened in Conf Rm 147, Admin Bldg, Palatka HQ, 4049 Reid St, Palatka, FL 32177-2571.

Description of Services

The objective of this solicitation is to engage the professional services of an engineering firm to provide the design, permitting, and construction management and/or related services for the Taylor Creek Reservoir (TCR) Improvements Project.

Initially, the District undertook the design of the TCR Improvements Project. However, after a peer review of the District’s design work and other considerations, the District elected to contract with an engineering to design and assume engineer of record responsibilities to complete the TCR Improvements Project design.

Mandatory Pre-Submittal Conference

A mandatory pre-submittal conference is scheduled for 1:00 p.m., December 5, 2024, in Conf Rm 162, District HQ, 4049 Reid St, Palatka, FL 32177. Respondents may attend in person or online (Microsoft® Teams Webinar). If attending online,

Respondents must pre-register to record their attendance. Click on the following link to register for the: <https://events.teams.microsoft.com/event/45460509-34ae-41b2-b04e-56bc41f89636@b0c8375f-daa7-40b9-a01b-690d8d3723b9>. If the link does not work, paste the text into your browser. The purpose of the pre-submittal conference is to review requirements of this solicitation and answer Respondent questions.

Request for Qualifications

The RFQ process includes the submission of a Qualifications Submittal that includes a letter of interest with information pertaining to Respondent's qualifications. The information in the Qualifications Submittal shall include, but is not limited to: (1) evidence of current professional status; availability; capabilities; adequacy of personnel; experience; recent, current, and projected workloads; willingness to meet time and budget requirements; and whether the firm is a certified minority business as defined by the Florida Small and Minority Business Assistance Act; (2) approach to the project; ability to furnish the required professional services; (3) past contractual record and related experience; (4) location; and (5) volume of work previously awarded to the firm by the District.

The contract issued pursuant to this solicitation will expire on Sep 30, 2030. The budget for this Agreement is estimated to be \$8.5 million. All work will be accomplished through the issuance of Work Orders. Respondent(s) should not have any expectation or promise as to the volume of work that may be accomplished pursuant to this solicitation.

A District Evaluation Committee (Committee) will review and evaluate Respondents' qualifications. After evaluations are complete, the Committee will determine a shortlist of the most highly qualified Respondents. The shortlisted Respondents will provide oral presentations to the Committee and answer questions regarding qualifications submittal, approach to the project, ability to furnish the required services, and provide additional information, if needed. Each respondent will be assigned a designated meeting time, established

by lot. Oral presentations will be scored using the Oral Presentation Evaluation Criteria. After oral presentations are completed, the Committee will select in order of preference no fewer than three firms deemed to be the most highly qualified and forward its recommendation to the District's Governing Board and request that its rankings be approved, and negotiations commence with the highest-ranked Respondent. If negotiations fail with the highest-ranked Respondent, negotiations will proceed with the other Respondents in ranked order. Respondents selected as most qualified will be notified by email. This Solicitation is issued subject to the legal

requirements established under CCNA, §287.055, Fla. Stat.

The District will conduct the RFQ process as follows:

Date

Description

December 5, 2024, 1:00 p.m.,

Mandatory Pre-Submittal Conference – District Headquarters, Palatka, Florida (in person or online attendance is required).

January 8, 2025, 2:00 p.m.

Qualifications Submittals due.

January 29, 2025, 2:00 p.m.

Committee meets to complete its review of the Submittals and to select no fewer than three firms of the most highly qualified respondents (District HQ, 4049 Reid St, Palatka, FL 32177, Conf Rm 147, Admin Bldg). One or more members of the Evaluation Committee may participate through communications media technology, via phone or web conferencing.

January 30, 2025 (approx)

District Issues Notice of Intended Decision notifying Respondents of initial rankings and establishes a short-list of Respondents to provide oral presentations.

February 12, 2025, 8:00 a.m. – 4:00 p.m.,

Shortlisted Respondents will provide oral presentations and to answer questions regarding qualifications submittals, approach to the project, ability to furnish the required services, and provide additional information, as needed (District HQ, 4049 Reid St, Palatka, FL 32177, Conf Rm 162, Exec Bldg). One or more members of the Committee may participate through communications media technology, via phone or web conferencing.

February 12, 2025, 4:00 p.m.,

Evaluation Committee meets to complete its review of the Oral Presentations and will select not less than three Respondents deemed most highly qualified (District HQ, 4049 Reid St, Palatka, FL 32177, Conf Rm 162, Exec Bldg). One or more members of the Committee may participate via communications media technology through phone or web conferencing.

Mar 11, 2025,

District Governing Board consideration to approve a ranking of designated firms and competitive negotiations be instituted.

Americans with Disability Act (ADA)

The District does not discriminate on the basis of a disability in its services, programs, or activities. Special accommodations for disabilities may be requested through Kendall Matott, or by calling (800)955-8771 (TTY), at least five business days before the date needed.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Division of Recreation and Parks
 INVITATION TO BID BDC28-24/25, Grayton Beach State Park – New Concession Building
 NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction, is soliciting formal, competitive, sealed bids from contractors for bid number BDC28-24/25, Grayton Beach State Park – New Concession Building. More info @ <https://tinyurl.com/36xm3vrk>.

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE
 Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, November 1, 2024, and 3:00 p.m., Thursday, November 7, 2024.

Rule No.	File Date	Effective Date
61-35.004	11/4/2024	11/24/2024
61G19-6.017	11/6/2024	11/26/2024
64B4-3.0031	11/7/2024	11/27/2024
64B4-3.0085	11/4/2024	11/24/2024
64B6-3.0012	11/4/2024	11/24/2024
64B7-26.006	11/4/2024	11/24/2024
65C-15.010	11/4/2024	11/24/2024
65C-30.002	11/5/2024	11/25/2024
65C-30.004	11/5/2024	11/25/2024
65C-30.005	11/5/2024	11/25/2024
65C-30.006	11/5/2024	11/25/2024
65C-30.007	11/5/2024	11/25/2024
65C-30.009	11/5/2024	11/25/2024
65C-30.011	11/5/2024	11/25/2024
65C-30.015	11/5/2024	11/25/2024
65C-30.016	11/5/2024	11/25/2024
65C-30.018	11/5/2024	11/25/2024
65C-30.020	11/5/2024	11/25/2024
65C-30.022	11/5/2024	11/25/2024
65G-4.016	11/1/2024	11/21/2024
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

AGENCY FOR HEALTH CARE ADMINISTRATION
 Certificate of Need
 GRACE PERIOD LETTERS OF INTENT
 The Agency for Health Care Administration received and accepted the following letters of intent for the November 20, 2024 application filing date for the Nursing Home & ICF/DD batching cycle:
 County: Polk District: 6-5
 Date Filed: 10/30/2024 LOI #: N2410019
 Applicant/Facility/Project: Polk SNF LLC – Establish a new 150-bed community nursing home
 County: Broward District: 10
 Date Filed: 10/30/2024 LOI #: N2410020
 Applicant/Facility/Project: Broward SNF LLC – Establish a new community nursing home of up to 365 beds
 County: Broward District: 10
 Date Filed: 11/6/2024 LOI #: N2410021
 Applicant/Facility/Project: TBO Holdings LLC – Establish a new community nursing home of up to 160 beds
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 18, 2024, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on November 27, 2024.

**Section XIII
 Index to Rules Filed During Preceding Week**

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.