

*Presented below are water quality standards that are in effect for Clean Water Act purposes.*

*EPA is posting these standards as a convenience to users and has made a reasonable effort to assure their accuracy. Additionally, EPA has made a reasonable effort to identify parts of the standards that are not approved, disapproved, or are otherwise not in effect for Clean Water Act purposes.*

### **62-600.120 Exemptions.**

The following sources are exempted from the requirements of this chapter. Those sources in Subsections (3)-(5) are only exempted from those requirements specifically stated therein upon order of the Secretary:

(1) Septic tank drainfield systems and other on-site sewage treatment and disposal systems with subsurface disposal if:

(a) The system serves the complete wastewater needs of an establishment with a design capacity of 10,000 gallons per day or less of domestic wastewater, or

(b) The system serves the complete wastewater needs of a commercial establishment with a design capacity of 5,000 gallons per day or less of commercial wastewater.

(2) Any single individual service connection from a single building to a pretreatment system, or any single individual gravity service connection, with no pretreatment, to a collection system sized and intended to serve a single building.

(3) Exemptions to Provide for the Experimental Use of Wetlands for Low-Energy Water and Wastewater Recycling.

(a) To encourage experiments which are designed to lead to the development of new information regarding low-energy approaches to the advanced treatment of domestic wastes and to encourage the conservation of wetlands and fresh waters, the Secretary shall, upon petition of an affected person, and after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, Florida Statutes, issue an Order, for a period not to exceed five (5) years, specifically exempting certain sources of pollution which discharge into restricted areas of wetlands, as approved by the Secretary, from the water quality criteria contained in Chapter 62-302, F.A.C., provided that:

1. the discharger affirmatively demonstrates that the wetlands ecosystem may reasonably be expected to assimilate the waste discharge without significant adverse impact on the biological community within the receiving waters; and

2. granting the exemption is in the public interest and will not adversely affect public health or the cost of public health or other related programs; and

3. the public is restricted from access to the waters under consideration; and

4. the waters are not used for recreation; and

5. the applicant affirmatively demonstrates that presently specified criteria are unnecessary for the protection of potable water supplies or human health; and

6. the exemption will not interfere with the designated use of contiguous waters; and

7. scientifically valid experimental controls are provided by the applicant and approved by the Department to monitor the long-term ecological effects and waste recycling efficiency.

(b) The Petitioner shall affirmatively demonstrate those standards which the Petitioner believes more appropriate apply to the waters for which the exemption is sought.

(c) The Secretary shall specify, by Order, only those criteria which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.

(d) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

(4) Exemption Providing Alternative Criteria for Existing Permitted Discharges Comprising the Principal Flow.

(a) The Secretary shall, upon the petition of one or more existing wastewater discharge sources for which a Department permit has been issued before August 30, 1988, after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, Florida Statutes, issue an Order for the duration of the petitioner's permit exempting waters of the state which are not used for potable water supplies, or recreation, and contain no significant population of fish and wildlife, from one or more Class III or Class IV criteria specified in the petition and substituting appropriate alternative criteria where the discharge of the Petitioner(s) comprised a majority of the flow, excluding runoff from storm drains and other wastewater discharges, during a substantial portion of the year preceding August 30, 1988. Provided, however, that such Order shall be issued only after an affirmative demonstration by the Petitioner(s) of the following:

1. The waters for which exemption is sought are:

a. wholly artificial and not a modified or channelized natural stream; or

b. intermittent watercourses which, in the absence of runoff from storm drains and wastewater discharges, acts as tributaries only following the occurrence of rainfall and which normally do not contain contiguous areas of standing water; or

c. are channelized or modified natural watercourses which were historically intermittent as described in b. above;

2. The waters are not used for potable waters supplies, or recreation, and do not contain a significant population of fish or wildlife. "Significant population of fish or wildlife" shall mean the presence of commercially or recreationally important species or significant quantities of organisms which provide food for such species;

3. Reasonable assurance has been provided that the alternative criteria will adequately protect the designated uses of adjacent downstream waters;

4. The alternative criteria are not less stringent than the minimum standards prescribed for all waters at all times in Rule 62-302.500, F.A.C.;

5. The alternative criteria are in the public interest and there is no reasonable relationship between the economic, social, and environmental costs of compliance with existing criteria and the economic, social and environmental benefits of compliance;

6. Compliance with the alternative criteria will adequately protect present and future potable water supplies and human health;

7. Compliance with the alternative criteria will adequately protect the population of animals, plants, or aquatic life then utilizing the waters;

8. The waters are not lakes or ponds; and

9. Achievement of Class III standards would provide no reasonable expectation of future recreational use of the waters.

(b) The Secretary shall specify by Order the alternative criteria, if any, which the Secretary determines to have been demonstrated by the preponderance of the competent substantial evidence to be more appropriate than the Class III or Class IV criteria specified in the petition.

(c) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

(5) Exemption for Existing Effluent Ditches.

(a) The Secretary or a Deputy Assistant Secretary shall, upon the petition of a wastewater discharger for whom a Department permit has been issued before August 30, 1988, and after public notice and opportunity for public hearing, issue an order for the duration of the petitioner's permit exempting waters of the state in an effluent ditch from all water quality criteria except those specified in Rule 62-302.500, F.A.C. In order to qualify for this exemption, the petitioner shall affirmatively demonstrate that:

1. the ditch is a wholly artificial man-made conveyance that was constructed as a part of the wastewater treatment process;

2. the ditch contains flowing water only when there is a discharge or immediately after rainfall;

3. the petitioner has legal control of the ditch and abutting land sufficient to restrict public access;

4. migration of indigenous aquatic organisms into the ditch will be prevented; and

5. the ditch is not used for recreation and contains no significant population of fish or wildlife. "Significant population of fish or wildlife" shall mean the presence of commercially or recreationally important species or significant quantities of organisms which provide food for such species.

(b) The Department shall modify the Petitioner's permit, consistent with the Secretary's or Deputy Assistant Secretary's Order.

(6) Additional relief from the criteria established by this chapter may be provided through an exemption, pursuant to Rule 62-4.243, F.A.C., or a variance, pursuant to Rule 62-103.100, F.A.C.

### **62-600.200 Definitions.**

Terms used in this chapter shall have the meaning specified below.

(1) "Affected discharger" is an existing permitted wastewater discharger, or a proposed wastewater discharger which has either a pending permit application, is included in a 201 Facilities Plan, has a conceptually approved Development of Regional Impact, or otherwise can demonstrate a substantial likelihood of discharging the pollutant within five years.

(2) "Allowable loading" or "available assimilative capacity" is that portion of the loading capacity of a water body that is available for allocating to a point source discharger(s) through regulation by the Department. It is the difference between the loading capacity and the total loading of pollutants from other sources, such as background, stormwater, and exempt sources.

(3) "Annual average daily flow (AADF)" means the total volume of wastewater flowing into a wastewater facility during any consecutive 365 days, divided by 365 and expressed in units of mgd.

(4) "Aquifer" means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of ground water to wells, springs or surface water.

(5) "Aquitard" means a geological formation or stratum, or artificial barrier, of relatively low permeability which will not transmit water fast enough to furnish an appreciable supply; confining zone.

(6) "Approved methods" means sampling and laboratory testing methods approved by the Department, as specified by Chapter 62-601, F.A.C.

(7) "Arithmetic mean" means the value computed by dividing the sum of a set of terms by the number of terms.

(8) "Assimilative capacity" means the capacity of a body of water or soil-plant system to receive wastewater effluents, reclaimed water, or residuals without violating the provisions of Chapters 62-3, 62-4, 62-7, 62-302, 62-610, 62-611, and 62-640, F.A.C., and this chapter.

(9) "Average daily flow (ADF)" 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 mgd.

(10) "Biochemical oxygen demand (BOD5)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter present in water or wastewater, reported as a five-day value established as determined using approved methods.

(11) "Carbonaceous biochemical oxygen demand (CBOD5)" means the quantity of oxygen utilized in the carbonaceous biochemical oxidation of organic matter present in water or wastewater, reported as a five-day value determined using approved methods.

(12) "Chloride" means the negatively charged chloride ion (Cl-) in water or wastewater, as determined using approved methods.

(13) "Coastal waters" means all estuarine, gulf, or ocean waters which are not classified as open ocean waters.

(14) "Collection/transmission systems" means sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connection laterals to facilities intended for the purpose of providing treatment prior to release to the environment.

(15) "Commission" means the Environmental Regulation Commission.

(16) "Composite sample" means a combination of individual samples of wastewater, effluent, or reclaimed water taken at selected intervals, generally hourly or less for some specified time period, to minimize the effect of the variability of the individual sample.

(17) "Conductivity" means the standardized numerical expression of the ability of water or wastewater to carry an electric current, as determined using approved methods.

(18) "Department" means the State of Florida Department of Environmental Protection.

(19) "Design capacity" means the average daily flow projected for the design year which serves as the basis for the sizing and design of the wastewater facilities. The design capacity is established by the permit applicant. The time frame associated with the design capacity (e.g., annual average daily flow, maximum monthly average daily flow, three-month average daily flow) shall be specified by the permit applicant.

(20) "Developed areas" means areas in or adjacent to residential, commercial, or residentially or commercially-zoned areas.

(21) "Disinfection" means the selective destruction of pathogens in wastewater effluents, reclaimed water, and domestic wastewater residuals.

(22) "Disposal system" means injection wells, effluent outfalls, subsurface drain systems, and other facilities utilized for the release of effluents into the environment.

(23) "District" means a water management district created pursuant to Chapter 373, Florida Statutes.

(24) "District office" means the regional district offices of the Department.

(25) "Domestic wastewater" means wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage. Where wastewater from sources other than typical domestic sources (e.g., industrial sources) is combined and treated with wastes from domestic sources, the determination of whether or not the wastewater treatment plant is designated as "domestic" shall be made by the Department considering any or all of the following: wastewater residuals

(n) "Wastewater facilities" means any or all of the following: the collection/transmission system, the treatment plant, and the disposal system.

(o) "Waters" shall be as defined in Section 403.031(3), F.S.

(p) "Water quality-based effluent limitation (WQBEL)" means an effluent limitation, which may be more stringent than a technology-based effluent limitation, that has been determined necessary by the Department to ensure that water quality standards in a receiving body of water will not be violated.

(q) "Water quality standards" means standards comprised of designated most beneficial uses (classification of waters), the numerical and narrative criteria applied to the specific water use or classification, the Florida anti-degradation policy, and the moderating provisions contained in Chapters 62-3 and 62-4 of the F.A.C.

*Specific 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 11-27-89, Amended 4-2-90, 4-22-93, Formerly 17-660.200, Amended 12-11-96.*

### **62-660.300 Exemptions.**

(1) Exemptions to Provide for the Experimental Use of Wetlands for Low-Energy Water and Wastewater Recycling.

(a) To encourage experiments which are designed to lead to the development of new information regarding low-energy approaches to the advanced treatment of domestic, agricultural, and industrial wastes and to encourage the conservation of wetlands and fresh waters, the Secretary shall, upon petition of an affected person, and after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, F.S., issue an Order, for a period not to exceed five (5) years, specifically exempting certain sources of pollution which discharge into restricted areas of wetlands, as approved by the Secretary, from the water quality criteria contained in Rule 62-302.560, F.A.C., provided that:

1. The discharger affirmatively demonstrates that the wetlands ecosystem may reasonably be expected to assimilate the waste discharge without significant adverse impact on the biological community within the receiving waters;

2. Granting the exemption is in the public interest and will not adversely affect public health or the cost of public health or other related programs;

3. The public is restricted from access to the waters under consideration;

4. The waters are not used for recreation;

5. The applicant affirmatively demonstrates that presently specified criteria are unnecessary for the protection of potable water supplies or human health;

6. The exemption will not interfere with the designated use of contiguous waters; and

7. Scientifically valid experimental controls are provided by the applicant and approved by the Department to monitor the long-term ecological effects and waste recycling efficiency.

(b) The Petitioner shall affirmatively demonstrate those standards which the Petitioner believes more appropriately apply to the waters for which the exemption is sought.

(c) The Secretary shall specify, by Order, only those criteria which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.

(d) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

(2) Exemption Providing Alternative Criteria for Existing Permitted Discharges Comprising the Principal Flow.

(a) The Secretary shall, upon the petition of one or more existing wastewater discharge sources for which a Department permit has been issued prior to the effective date of this rule, after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected, and after opportunity for public hearing pursuant to Chapter 120, F.S., issue an Order for the duration of the petitioner's permit exempting waters of the state which are not used for potable water supplies, or recreation, and contain no significant population of fish and wildlife, from one or more Class III or Class IV criteria specified in the petition and substituting appropriate alternative criteria where the discharge of the Petitioner(s) comprised a majority of the flow, excluding runoff from storm drains and other wastewater discharges, during a substantial portion of the year preceding the effective date of this rule. Provided, however, that such Order shall be issued only after an affirmative demonstration by the Petitioner(s) of the following:

1. The waters for which exemption is sought are:

a. Wholly artificial and not a modified or channelized natural stream; or

b. Intermittent watercourses which, in the absence of runoff from storm drains and wastewater discharges, acts as tributaries only following the occurrence of rainfall and which normally do not contain contiguous areas of standing water; or

c. Are channelized or modified natural watercourses which were historically intermittent as described in b. above;

2. The waters are not used for potable water supplies, or recreation, and do not contain a significant population of fish or wildlife;

3. Reasonable assurance has been provided that the alternative criteria will adequately protect the designated uses of adjacent downstream waters;

4. The alternative criteria are not less stringent than the minimum standards prescribed for all waters at all times in Rule 62-3, F.A.C.;

5. The alternative criteria are in the public interest and there is no reasonable relationship between the economic, social, and environmental costs of compliance with existing criteria and the economic, social and environmental benefits of compliance;

6. Compliance with the alternative criteria will adequately protect present and future potable water supplies and human health;

7. Compliance with the alternative criteria will adequately protect the population of animals, plants, or aquatic life then utilizing the waters;

8. The waters are not lakes or ponds; and

9. Achievement of Class III standards would provide no reasonable expectation of future recreational use of the waters.

(b) The Secretary shall specify by Order the alternative criteria, if any, which the Secretary determines to have been demonstrated by the preponderance of the competent substantial evidence to be more appropriate than the Class III or Class IV criteria specified in the petition.

(c) The Department shall modify the Petitioner's permit consistent with the Secretary's Order.

(3) Exemption for Existing Effluent Ditches.

(a) The Secretary or a Deputy Assistant Secretary shall, upon the petition of a wastewater discharger for whom a Department permit has been issued prior to the effective date of this rule, and after public notice and opportunity for public hearing, issue an Order for the duration of the petitioner's permit exempting waters of the state in an effluent ditch from all water quality criteria except those specified in Rule 62-3.051, F.A.C. In order to qualify for this exemption, the petitioner shall affirmatively demonstrate that:

1. The ditch is a wholly artificial man-made conveyance that was constructed as a part of the wastewater treatment process;

2. The ditch contains flowing water only when there is a discharge or immediately after rainfall;

3. The petitioner has legal control of the ditch and abutting land sufficient to restrict public access;

4. Migration of indigenous aquatic organisms into the ditch will be prevented; and

5. The ditch is not used for recreation and contains no significant population of fish or wildlife. "Significant population of fish or wildlife" shall mean the presence of commercially or recreationally important species or significant quantities of organisms which provide food for such species.

(b) The Department shall modify the Petitioner's permit, consistent with the Secretary's or Deputy Assistant Secretary's Order.

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#### **62-660.400 Effluent Limitations.**

The following effluent limitations apply to plants and installations which discharge industrial wastes into waters of the state.

(1) Effluent Limitations Based on the Availability of Technology.

(a) Section 301 of Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), as amended, requires all existing point source discharges of pollutants to meet uniform technology-based effluent limitations as a minimum. Two levels of effluent limitations are established.

1. The first level is defined as "best practical control technology currently available" (BPT). FWPCA Section 301(b)(1)(A), 33 U.S.C.A. Section 1311(b)(1)(A). By no later than July 1, 1977, dischargers were required to apply BPT as defined by specific effluent limitations issued by the Administrator of the United States Environmental Protection Agency (EPA) pursuant to Section 304(b)(1).

2. The second level is defined as either "best available technology economically achievable" (BAT) or "best conventional pollutant control technology" (BCT). FWPCA Section 301(b)(2)(A) and 301(b)(2)(E) respectively. By March 31, 1989, dischargers of toxic pollutants as defined in Section 307 of FWPCA were required to apply BAT, as defined by effluent limitations issued by the Administrator pursuant to FWPCA Section 304(b)(2). Also by March 31, 1989, dischargers of conventional pollutants as defined in FWPCA Section 303(a)(4) were required to apply BCT as defined by effluent limitations issued by the Administrator pursuant to FWPCA Section 304(b)(4).

3. BCT is not an additional effluent limitation for industrial dischargers, but rather it replaces BAT for the control of conventional pollutants. BAT will remain in force for all non-conventional and toxic pollutants. Effluent limitations representing BCT may not be more stringent than BAT. In no case will BCT limitations be less stringent than BPT.

4. FWPCA Section 306 requires the Administrator to establish effluent limitations containing performance standards for new sources. For this purpose, "new sources" are defined as any source the construction of which commenced after the publication of proposed regulations prescribing standards for these sources. FWPCA Section 306(a)(2), 33 U.S.C.A. Section 1316(a)(2). After the effective date of new sources performance standards, it is a violation of the Federal Water Pollution Control Act to operate any new source in violation of such standards. FWPCA Section 306(e).

5. FWPCA Section 307(a) requires and authorizes the Administrator to establish and promulgate effluent limitations for toxic pollutants, which may include a prohibition of the discharge of such pollutants or combination of such pollutants. After the effective date of such effluent standards, it is a violation of the FWPCA to operate any source in violation of such standard or prohibition.