

WASTEWATER REGULATION IN FLORIDA



Wastewater and You

Wastewater can come from a variety of sources, including sewage systems, industrial plants, and businesses such as carwashes and lawn maintenance operations. Wastewater must be properly collected, treated, and disposed of or reused to protect public health, water quality, water recreation, fish and wildlife, and the aesthetic appeal of our water resources. Wastewater is so prevalent in Florida that one county's treatment plant is authorized to process 64 million gallons of wastewater per day!

In addition to the domestic wastewater produced by every Floridian, industrial wastewater is also produced and must be properly treated and disposed. While Florida is not heavily industrialized, wastewater from industries has contributed to water quality problems throughout the state.

Florida's water resources are priceless. Clean surface waters help sustain the economy because they serve as magnets for tourists and for residential and recreational development. Groundwater supplies are important sources for drinking water, irrigation and other uses. About 90% of all water used for domestic purposes comes from Florida's ground water, so protection of these resources is of vital importance.

To protect Florida's valuable surface waters, more and more communities are turning to reuse of reclaimed water as a way to manage their wastewater. Reuse involves taking wastewater, giving it a high degree of treatment, and using the resulting high-quality reclaimed water for a new, beneficial use. Extensive treatment and disinfection ensure that public health and environmental quality are protected.

Wastewater Regulation

Domestic wastewater, commonly referred to as sanitary wastewater or sewage, is wastewater derived principally from dwellings, business buildings, and institutions. Industrial wastewater is defined as process and non-process wastewater from manufacturing, commercial, mining, and silvicultural facilities or activities, and all other wastewater not otherwise defined as domestic wastewater. In an effort to protect both surface and ground waters, the Florida Department of Environmental Protection ("DEP") requires that discharges of both domestic and industrial wastewater be permitted and monitored. Any wastewater facility proposing to discharge wastewater to surface or ground waters must demonstrate to the DEP that all required minimum levels of treatment will be provided and that all water quality standards will be met. If this demonstration is made, the DEP will issue a permit to the wastewater facility, which will include conditions for monitoring the discharge, as well as conditions for reporting the

monitoring results (Discharge Monitoring Reports). The Reports can be filed electronically. For more information regarding the electronic filing system, please call 850 245-8567 (EDMRADMIN@dep.state.fl.us).

Besides monitoring, all permits issued by the DEP contain requirements to ensure that a facility will be operated and maintained in a manner to meet the rules and regulations of the DEP. For example, one such requirement is that domestic wastewater facilities not produce objectionable odors in violation of the DEP rules.

Water Quality Standards and Moderating Provisions

In addition to meeting minimum levels of treatment outlined in the DEP rules, wastewater facilities must meet water quality standards. Both ground and surface waters have numeric and narrative water quality standards depending on the water's classification. The classification of a water is based on its designated use (e.g., drinking water use or recreational use), and the established water quality standards are designed to protect this designated use. The DEP rules provide not only narrative and numeric water quality standards but also moderating provisions that are considered part of the water quality standards. Examples of moderating provisions include mixing zones, zones of discharge, and site-specific alternative criteria. Depending on the moderating provision, there are certain minimum criteria that must be met before the DEP will grant relief under such a moderating provision.

Addressing Water Pollution

The DEP also protects ground and surface waters through enforcement of laws, regulations, and permits. The DEP has authority to bring civil actions against persons who cause water pollution or who violate water quality rules. The DEP also has authority to seek civil penalties and criminal fines.

The Permitting Process

Every permit application submitted to the DEP, as well as the associated DEP permit file and Discharge Monitoring Reports, are public records and as such, every citizen has the right to review the file. This can be done by contacting the appropriate DEP district office (see <http://www.dep.state.fl.us/secretary/dist/> for contact information). A helpful guide to the information that must be included in a permit application is available at <http://www.dep.state.fl.us/water/wastewater/dom/docs/wwguide.pdf>.

Once the DEP has completed its review of a permit application, the permit will either be issued or denied. If a permit is proposed to be issued to a facility that discharges to surface waters, a formal draft permit will be prepared and a 30-day public comment period will take place. This is consistent with federal requirements for National Pollutant Discharge Elimination System ("NPDES") permits. Formal draft permits are not prepared for facilities that discharge solely to ground waters. If a proposed permit authorizes any construction or if the facility is deemed to be of significant interest, notice of the permit issuance will be published in a local newspaper.

Proposed permits may be challenged by substantially affected persons under the provisions of Chapter 120 of the Florida Statutes. For more information on the rights and procedures provided by Chapter 120, see the companion brochure on Administrative Review of Decisions of the Florida Department of Environmental Protection.

Every citizen may request a copy of any permit, whether final or proposed, from the appropriate DEP district office. Likewise, any citizen may request a meeting with the DEP staff to provide additional information or to answer questions regarding any permit.

Contact Information and Resources

To find out how your community scores with regard to environmental health, check out Environmental Defense Fund's Environmental Scorecard webpage. You input your zip code and it will tell you how your county ranked in terms of a variety of environmental factors including air and water pollution, toxic exposure and an environmental justice report. The link is: <http://scorecard.goodguide.com/>.

The Florida Department of Environmental Protection Wastewater Program

- Website: <http://www.dep.state.fl.us/water/wastewater/>
- Wastewater Management.....850-245-8336
- Groundwater Regulatory Program.....850-245-8644
- Compliance Evaluation.....850-245-8567
- Domestic Wastewater.....850-245-8605
- Industrial Wastewater.....850-245-8589

Prepared by the Environmental and Land Use Law Section, Committee on Access to Justice

The Environmental and Land Use Law Section (“ELULS”) is an organization within the Florida Bar. One of the ELULS’s major purposes is to promote increased knowledge and understanding of environmental and land use law. In response to the need for increased legal services to people who are unable to afford legal counsel, the ELULS has created a Committee on Access to Justice to encourage pro bono activities in the areas of environmental and land use law. Right now, the ELULS is sponsoring a variety of activities, including *Legal Assistance through Legal Services, Inc. and the Florida Pro Bono Coordinators Association, Public Workshops on Environmental and Land Use Law, and Educational Materials for Citizens.*

For more information, visit the Florida Bar at <http://www.flabar.org/>; or contact the Environmental and Land Use Law Section, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, 904/561-5623, <http://www.eluls.org>.

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