

Memorandum

Florida Department of Environmental Protection

TO: Hazardous Waste Cleanup Section Staff
FROM: Brent Hartsfield, PE *BH*
DATE: June 6, 1997
SUBJECT: POTW Discharges

Many assessment and remediation activities at our hazardous waste sites generate water that requires treatment and/or disposal. These activities include development and testing of wells, treatment of ground water, and dewatering of soils. One option for disposal of water is discharge to a publicly owned treatment works (POTW), commonly known as a wastewater treatment plant.

DEP's payment of damages and costs incurred by the POTW as a result of the discharge from the department's cleanup operations is specified in Section 403.0862, Florida Statutes. A copy of this section is attached for your information.

Chapter 62-625, Florida Administrative Code, "Pretreatment Requirements for Existing and New Sources of Pollution", is a DEP rule applicable to discharges to POTWs. Section 62-625.400 specifies discharges that are prohibited.

Most POTWs have local discharge standards that regulate what can be discharged to collection systems. The POTW's approval must be obtained, prior to discharge, to ensure that the wastewater will comply with any local requirements.

BDH/bhh

Attachment

cc: Tom Douglas, Technical Review Section

department from establishing stricter effluent limitations based on the quality of receiving waters.

(2) Upon becoming effective, the rules required by this section shall be applicable to all permits or permit renewals allowing waste resulting from the processing of scallops to be discharged into waters of the state. Such rules shall be administered and enforced by the department in accordance with this chapter.

History.--s. 1, ch. 85-231; s. 9, ch. 86-186.

Edition 403.0862 Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.

403.0862 Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.--

*no changes in
1996 (current)
as of 1/27/97*

(1) Upon agreement between a local governmental agency and the department, treated waste resulting from the department's cleanup or restoration of contaminated groundwater may be discharged to a publicly owned treatment works under the jurisdiction of the local governmental agency.

(2) Upon a demonstration by the local government that it incurred damages and costs, including attorney's fees, as a result of the discharge from the department's cleanup operations, the department shall pay for all actual damages and costs, including, but not limited to, the cost of bringing the facility into compliance with any state or federal requirements.

(3) Should the discharge from the department's cleanup operations exceed agreed upon pretreatment limits, the department shall pay the local government an agreed upon sum for each occasion that the discharge exceeds pretreatment limits without proof of damages as required by subsection (2).

(4) The limitation on damages provided by s. 768.28(5) shall not apply to any obligation or payment which may become due under this section.

History.--s. 10, ch. 86-186.

Edition 403.087 Permits; general issuance; denial; revocation; prohibition; penalty.

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.--

(1) No stationary installation which will reasonably be expected to be a source of air or water pollution shall be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the department, unless exempted by department rule. In no event shall a permit for a water pollution source be issued for a term of more than 5 years, and in no event may an operation permit issued after July 1, 1992, for a major source of air pollution have a fixed term of more than 5 years. However, upon expiration, a new permit may be issued by the department in accordance with this act and the rules and regulations of the department.

(2) The department shall adopt, amend, or repeal rules, regulations, and standards for the issuance, denial, modification, and revocation of permits.

(3) The department shall issue permits on such conditions as are necessary to effect the intent and purposes of this section.

(4) The department shall issue permits to construct, operate, maintain, expand, or modify an installation which may reasonably be expected to be a source of pollution only when it determines that the installation is provided or equipped with pollution control facilities that will abate or prevent pollution to the degree that will comply with the standards or rules adopted by the department, except as provided in s. 403.088 or s. 403.0872. However, separate construction permits shall not be required for installations permitted under s. 403.0885, except that the department may require an owner or operator proposing to construct, expand, or modify such an installation to submit for department review, as part of application for permit or permit modification, engineering plans, preliminary design reports, or other information 90 days prior to commencing construction. The department may also require the engineer of record or another registered professional engineer, within 30 days after construction is complete, to certify that the construction was completed in accordance with the plans submitted to the department, noting minor deviations which were necessary because of site-specific conditions.

(5)

(a) The department shall require a processing fee in an amount sufficient, to the greatest extent possible, to cover the costs of reviewing and acting upon any application for a permit or request for