



PUBLIC WORKSHOP FOR POTABLE REUSE RULEMAKING

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WORKSHOP AGENDA

- Welcome and introductions.
- Workshop overview.
 - Background on previous potable reuse rulemaking.
 - Potable reuse rule language changes.
 - Existing Chapter 62-550, Florida Administrative Code (F.A.C.).
 - Existing Chapter 62-555, F.A.C.
 - New Chapter 62-565, F.A.C.
 - Existing Chapter 62-610, F.A.C.
- Public comment.
 - Verbal and written comments accepted during July 15, 2024, workshop.
 - Additional written comments accepted through July 29, 2024.
 - Submit written comments to Sydney.Cummings@FloridaDEP.gov.



BACKGROUND ON POTABLE REUSE RULEMAKING

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BACKGROUND

- In late 2020, the Florida Department of Environmental Protection (DEP) began rulemaking to incorporate the recommendations of the Potable Reuse Commission into Chapter 62-610, F.A.C.
 - This rulemaking was aimed at establishing a regulatory framework for the introduction of advanced treated water, defined as water produced from an advanced water treatment process for potable reuse applications, as a source water for Public Water Systems (PWSs) in Florida.
- A public workshop was held on Jan. 14, 2021, and an additional public workshop was held on June 2, 2021.
- After receiving comments from the workshops, it was decided that the newly established regulatory framework for direct potable reuse would be better suited to be incorporated into the existing drinking water rules (Chapters 62-550 and 62-555, F.A.C.).



BACKGROUND (2)

- In early 2022, rulemaking was initiated for Chapters 62-550 and 62-555, F.A.C., to create new rules within the existing chapters to incorporate the regulatory framework that was previously located in Chapter 62-610, F.A.C.
- However, it was determined that the proposed requirements for potable reuse systems did not seamlessly fit into the existing drinking water rules.
- In November 2022, DEP decided to move forward with the creation of a new chapter (Chapter 62-565, F.A.C.) to establish the regulatory framework for potable reuse.
- In addition to the creation of a new chapter, it was determined that language regarding potable reuse (including the enhanced pretreatment program requirements and other indirect potable reuse regulations that were previously in the Notice of Proposed Rule for 62-610, F.A.C.) should be moved to the proposed new chapter to allow for one centralized location for all regulations related to potable reuse.



CHAPTER 62-550, F.A.C.

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REVISIONS TO CHAPTER 62-550, F.A.C.

- Rule 62-550.200, F.A.C., “Definitions for Public Water Systems.”
 - Includes definitions related to the use of advanced treated water in a potable reuse system.
 - Incorporates minor edits for spelling.
- Rule 62-550.305, F.A.C., “Public Water Systems Receiving Advanced Treated Water.” **(NEW)**
 - Establishes requirements for PWSs using advanced treated water as a water source, including use of current water sources in conjunction with advanced treated water.
 - Requires PWSs to meet the more stringent of the pathogen requirements of Chapters 62-550 or 62-565, F.A.C.



REVISIONS TO CHAPTER 62-550, F.A.C. (2)

- Rule 62-550.305, F.A.C., “Public Water Systems Receiving Advanced Treated Water” (continued).
 - Includes language identifying a new Supplemental Monthly Operation Report for PWSs receiving advanced treated water.
 - New form will be used in conjunction with the original Form 62-555.900(2), “Monthly Operation Report for Subpart H Systems.”
 - Requires documentation of advanced treated water usage in Consumer Confidence Reports.
- Rule 62-550.500, F.A.C., “General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals.”
 - Incorporates edits to clarify rule reference.



REVISIONS TO CHAPTER 62-550, F.A.C. (3)

- Rule 62-550.517, F.A.C., “Physical Characteristics Monitoring Requirements.”
 - Specifies that turbidity monitoring requirements for Subpart H systems shall also be applied to those systems utilizing advanced treated water.
 - Incorporates edits to correct rule reference.
- Rule 62-550.518, F.A.C., “Microbiological Monitoring Requirements.”
 - Updates language to reflect the Revised Total Coliform Rule as referenced in Rule 62-550.830, F.A.C..
- Rule 62-550.520, F.A.C., “Secondary Contaminants Monitoring Requirements.”
 - Revises language from “surface” water systems to “Subpart H” systems.



REVISIONS TO CHAPTER 62-550, F.A.C. (4)

- Rule 62-550.817, F.A.C., “Additional Requirements for Subpart H Water Systems.”
 - Specifies that requirements for Subpart H systems shall also be applied to systems utilizing advanced treated water.
 - Incorporates edits to correct rule references as well as language consistency with terminology in other rule chapters.
- Rule 62-550.821, F.A.C., “Disinfectant Residuals, Disinfection Byproducts (Stage 1), and Disinfection Byproduct Precursors.”
 - Incorporates edits to correct rule references.



CHAPTER 62-555, F.A.C.

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REVISIONS TO CHAPTER 62-555, F.A.C.

- Rule 62-555.310, F.A.C., “Source and Siting Requirements for Public Water Systems.”
 - Establishes advanced treated water as a source water for a PWS.
- Rule 62-555.314, F.A.C., “Location of Public Water System Mains.”
 - Applies the existing separation requirements between potable water mains and pipes conveying reclaimed water to potable water mains and pipes conveying advanced treated water.



REVISIONS TO CHAPTER 62-555, F.A.C. (2)

- Rule 62-555.320, F.A.C., “Design and Construction of Public Water Systems.”
 - Specifies that PWS design and construction requirements shall be applied to components that come into contact with advanced treated water.
 - Clarifies specifications for pipe colors associated with advanced treated water.
 - Specifies that requirements for disinfection facilities that are part of a Subpart H system shall also be applied to disinfection facilities that utilize advanced treated water.
- Rule 62-555.350, F.A.C., “Operation and Maintenance of Public Water Systems.”
 - Adopts “Supplemental Monthly Operation Report for PWS Receiving Advanced Treated Water” (new form).



CHAPTER 62-565, F.A.C.

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REVISIONS TO CHAPTER 62-565, F.A.C.

- Rule 62-565.100, F.A.C., “General.”
 - Defines direct and indirect potable reuse.
 - Establishes applicability of Chapter 62-565, F.A.C., and other Title 62 chapters to Advanced Treatment Water Facilities (ATWF).
 - Adds general prohibitions and provisions.
 - Addresses confidentiality of information.
- Rule 62-565.200, F.A.C., “Definitions.”
 - Defines terms related to the use of advanced treated water in a potable reuse system.



REVISIONS CHAPTER 62-565, F.A.C. (2)

- Rule 62-565.300, F.A.C., “Forms and References.”
 - Adopts and incorporates manuals and technical publications.
 - Adopts and incorporates new forms related to the use of advanced treated water in a potable reuse system.
- Rule 62-565.400, F.A.C., “Signatories to Permit Applications and Reports.”
 - Establishes requirements for individuals signing permit applications, reports or other information requested by DEP.



REVISIONS TO CHAPTER 62-565, F.A.C. (3)

- Rule 62-565.500, F.A.C., “Requirements for Potable Reuse Systems.”
 - Requires development of a Joint Operations Plan.
 - Incorporates pathogen reduction and maximum contaminant level (MCL) requirements for individual participants in a potable reuse system.
 - Establishes communications and cybersecurity protocols.
 - Specifies design criteria.
 - Hazard identification.
 - Risk assessment.
 - Multiple treatment barriers for regulated parameters and constituents of emerging concern.
 - Critical control points.
 - Includes reliability and redundancy, standby power and setback distances as in Chapter 62-555, F.A.C. as well as setback exceptions.



REVISIONS TO CHAPTER 62-565, F.A.C. (4)

- Rule 62-565.500, F.A.C., “Requirements for Potable Reuse Systems” (continued).
 - Incorporates quarterly monitoring to meet surrogate and permit limits.
 - Report to DEP if greater than 10% of monitoring results are outside limits.
 - Describes steps to bring within limits.
 - Discusses transition to full-scale operation.
 - Minimum of 30 consecutive days of operation.
 - All permit limitations must be sampled for at least one time and submitted to DEP.
 - Requires submission of “Advanced Treatment Water Facility Annual Report” (new form).



REVISIONS TO CHAPTER 62-565, F.A.C. (5)

- Rule 62-565.505, F.A.C., “Industrial Pretreatment Requirements for Potable Reuse Systems.”
 - Establishes pretreatment requirements in accordance with Chapter 62-625, F.A.C.
 - Source investigation.
 - Outreach program.
 - Surveillance program.
 - Online monitoring.
 - Communication with participants in potable reuse system.
 - Additions to annual control authority report.
- Rule 62-565.510, F.A.C., “Aquifer Storage and Recovery (ASR) Systems associated with Potable Reuse Systems.”
 - Clarifies that ASR systems participating in potable reuse system are also subject to the requirements of Rule 62-610.466, F.A.C.



REVISIONS TO CHAPTER 62-565, F.A.C. (6)

- Rule 62-565.520, F.A.C., “Off-spec Storage Requirements for Advanced Treatment Water Facilities.”
 - Establishes requirements for off-spec storage ponds and storage tanks.
 - Capacity calculation requirements and construction, design and maintenance requirements for storage ponds.
 - Capacity requirements and design and maintenance requirements for storage tanks.
- Rule 62-565.530, F.A.C., “Pathogen Requirements for Potable Reuse Systems.”
 - Establishes pathogen reduction requirements to ensure protection of public health.
 - 12-12-14 log reductions required for *Giardia lamblia*, *Cryptosporidium* and enteric viruses between raw wastewater and finished drinking water.
 - Outlines requirements for established treatment methods.
 - Requires development, implementation and maintenance of a written enhanced source water control program.



REVISIONS TO CHAPTER 62-565, F.A.C. (7)

- Rule 62-565.540, F.A.C., “Monitoring Requirements for Advanced Treatment Water Facilities.”
 - Establishes monitoring locations and frequencies.
 - Includes primary and secondary drinking water standards, microbiologicals, pathogens, per- and polyfluoroalkyl substances and toxic pollutants identified under Chapter 40, Code of Federal Regulations, Part 141.
 - Outlines conditions necessary for monitoring reductions.
- Rule 62-565.550, F.A.C., “Reporting Requirements for Advanced Treatment Water Facilities.”
 - Adopts and incorporates “Advanced Treatment Water Facility Monitoring Report” (new form).
 - Requires the ATWF to include data from all potable reuse system participants to show compliance with pathogen reduction requirements.



REVISIONS TO CHAPTER 62-565, F.A.C. (8)

- Rule 62-565.560, F.A.C., “Pilot Testing Program.”
 - Requires pilot testing for all ATWF projects.
 - Clarifies that a plan of study must be approved prior to pilot testing.
 - Results of source water evaluation.
 - Identification and evaluation of emerging constituents and pathogens and their removal by proposed treatment processes.
 - Establishes pilot testing requirements.
 - Meet MCLs and minimum residual disinfectant levels in Rule 62-550.310, F.A.C.
 - Verify log reduction values will be met using the ATWF treatment processes.
 - Accumulate 12 months of data required with provisions for shorter duration of study.
 - Requirements for filtration/reverse osmosis/oxidation treatment train.
 - Requirements for ozonation/biologically activated carbon treatment process.
 - Requirements for ultraviolet processes.
 - Outlines alternative treatment process requirements.



REVISIONS TO CHAPTER 62-565, F.A.C. (9)

- Rule 62-565.570, F.A.C., “Engineering Report.”
 - Establishes engineering report requirements.
 - Source water evaluation.
 - Pilot testing results.
 - Description of nearby hazards, wells and water sources.
 - Information on facilities entered into Joint Operations Plan.
 - Blending ratio of advanced treated water with other source waters.
 - Residual disposal.
 - Project site information including ground water elevations.
 - Treatment process information and operating protocol.
 - Documentation of public education and participation activities.
 - Demonstration of managerial capacity.
 - Procedures when advanced treated water does not meet requirements.



REVISIONS TO CHAPTER 62-565, F.A.C. (10)

- Rule 62-565.580, F.A.C., “Design and Construction.”
 - Requires design information for alternative treatment processes be included with permit application.
 - Manufacturer’s technical information.
 - Results for pilot tests conducted under conditions comparable to those anticipated.
 - Establishes standards governing advanced treated water additives and ATWF components.
 - Outlines various ATWF design and construction requirements.
 - Flood protection.
 - Security.
 - Well pump housing, piping and appurtenances.
 - Color coding.
 - Alarms for failure of equipment required for nitrate/nitrite compliance.



REVISIONS TO CHAPTER 62-565, F.A.C. (11)

- Rule 62-565.590, F.A.C., “Operation and Maintenance.”
 - Establishes requirements for availability and content of operation and maintenance manual.
 - Outlines staffing requirements.
- Rule 62-565.600, F.A.C., “Procedure to Obtain Permits.”
 - Adopts and incorporates “Advanced Treatment Water Facility Permit Application” (new form).
 - Provides requirements and guidance for electronic submissions.
 - Establishes application processing fees equivalent to Drinking Water Construction Permit Fees.
 - Establishes annual operating license fees equivalent to that of Public Water Systems.



REVISIONS TO CHAPTER 62-565, F.A.C. (12)

- Rule 62-565.605, F.A.C., “Standards for Issuing or Denying Permits.”
 - Establishes standards for issuance or denial of ATWF permits in accordance with Rule 62-4.070, F.A.C.
- Rule 62-565.610, F.A.C., “Revisions to Permit Conditions.”
 - Establishes processes and procedures for substantial revisions and minor revisions of ATWF permits.
 - Adopts and incorporates “Request for a Minor Revision” (new form).
- Rule 62-565.615, F.A.C., “Renewals.”
 - Establishes process and procedure for renewal of ATWF permits.



REVISIONS TO CHAPTER 62-565, F.A.C. (13)

- Rule 62-565.620, F.A.C., “Transfer of Permit.”
 - Establishes process and procedure for transferring an ATWF permit.
 - Adopts and incorporates “Notification of Permit Transfer” (new form).
- Rule 62-565.625, F.A.C., “Suspension and Revocation.”
 - Establishes standards for suspension and revocation of ATWF permit in accordance with Rule 62-4.100, F.A.C.
- Rule 62-565.630, F.A.C., “Recordkeeping.”
 - Requires documents, reports and data to be kept on site.
 - Outlines minimum required time periods for record retention.



REVISIONS TO CHAPTER 62-565, F.A.C. (14)

- Rule 62-565.635, F.A.C., “Application Processing.”
 - Establishes timelines for processing ATWF applications.
 - Contemplates timing for preparation of draft, proposed and final permits.
- Rule 62-565.640, F.A.C., “Public Notice.”
 - Provides requirements for public notices, including timelines, publication, public meetings and receipt of public comment.
- Rule 62-565.645, F.A.C., “Public Comments and Requests for Public Meetings.”
 - Outlines procedures for submitting comments and requesting a public meeting.
 - Requires DEP to hold a public meeting in certain circumstances and contemplates DEP’s responsibilities in considering and responding to comments received.



REVISIONS TO CHAPTER 62-565, F.A.C. (15)

- Rule 62-565.650, F.A.C., “General Conditions for All Permits.”
 - Establishes general ATWF permit conditions.
 - Proper operation and maintenance of systems and equipment.
 - Residuals disposal.
 - Onsite maintenance of records and documents.
 - Allowable permit revision, modification, revocation, reissuance, termination or transfer.
 - DEP personnel access for inspection of facilities and records.
 - Bypass provisions.
 - Upset provisions.
 - Notification procedures for and description of anticipated noncompliance.



REVISIONS TO CHAPTER 62-565, F.A.C. (16)

- Rule 62-565.655, F.A.C., “Guidelines for Establishing Specific Permit Conditions.”
 - Requires certain aspects of the permit be addressed by specific permit conditions.
 - Applicable requirements from other Title 62 chapters.
 - Technology-based effluent limitations for emerging constituents.
 - Pathogen reduction requirements.
 - Additional requirements necessary to ensure that drinking water standards are being met.
 - Construction scheduling, testing period and compliance monitoring dates.
 - Sampling and monitoring.
 - Staffing requirements.



REVISIONS TO CHAPTER 62-565, F.A.C. (17)

- Rule 62-565.700, F.A.C., “Compliance for Advanced Treatment Water Facilities and Potable Reuse Systems.”
 - Establishes new form, “Advanced Treatment Water Facility Monitoring Report,” as basis for determination of compliance and enforcement actions.
 - Specifies that inspections by a DEP representative may be used to determine and ensure compliance.



CHAPTER 62-610, F.A.C.

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REVISIONS TO CHAPTER 62-610, F.A.C.

- Rule 62-610.100, F.A.C., “Scope, Intent, Purpose, and Applicability.”
 - Incorporates edits to remove references to potable reuse.
- Rule 62-610.200, F.A.C., “Definitions.”
 - Incorporates edits to remove definitions related to potable reuse (now found in Chapter 62-565, F.A.C.).
- Rule 62-610.310, F.A.C., “Engineering Report.”
 - Clarifies limits and monitoring locations for ground water recharge projects not associated with potable reuse projects.
 - Removes applicability of Engineering Report requirements of Rule 62-610.310, F.A.C. to potable reuse projects, and specifies Chapter 62-565, F.A.C. for such requirements.
 - Incorporates edits to correct rule references and clarify language.



REVISIONS TO CHAPTER 62-610, F.A.C. (2)

- Rule 62-610.330, F.A.C., “Pretreatment Program.”
 - Identifies Rule 62-565.505, F.A.C. as the location for pretreatment requirements for potable reuse projects.
- Rule 62-610.464, F.A.C., “Storage Requirements.”
 - Replaces the term “reject” with “off-spec reclaimed water” to make consistent with terminology in Chapter 62-565, F.A.C.



REVISIONS TO CHAPTER 62-610, F.A.C. (3)

- Rule 62-610.466, F.A.C., “Aquifer Storage and Recovery (ASR).”
 - Establishes applicability of Chapter 62-565, F.A.C., to ASR projects.
 - Water injected into an underground source of drinking water is considered potable reuse, unless exempt per section 403.0643, Florida Statutes.
 - Recovered water that is part of a potable reuse project is subject to requirements of Chapter 62-565, F.A.C.
 - Clarifies that engineering reports for ASR systems associated with potable reuse projects are subject to the requirements of Rule 62-565.570, F.A.C.
 - Specifies that additional treatment or disinfection is required after recovery for potable reuse projects and nonpotable reuse projects that do not otherwise meet the limits for five-day carbonaceous biochemical oxygen demand (commonly referred to as CBOD5), total suspended solids, *E. Coli* or *Enterococci*.
 - Provides requirements for extending the zone of discharge for certain discharges.
 - Removes references to applicability for potable reuse projects and specifies applicability to nonpotable reuse projects.
 - Incorporates edits to correct rule references and clarify language.



REVISIONS TO CHAPTER 62-610, F.A.C. (4)

- Rule 62-610.471, F.A.C., “Setback Distances.”
 - Applies setback requirements to surface waters containing a potable water supply intake.
- Rule 62-610.472, F.A.C., “Supplemental Water Supplies.”
 - Specifies applicability only to nonpotable reuse projects.
- Rule 62-610.521, F.A.C., “Setback Distances.”
 - Applies setback requirements to surface waters containing a potable water supply intake.
- Rule 62-610.525, F.A.C., “Projects Involving Additional Levels of Preapplication Treatment.”
 - Incorporates edits to correct rule references.



REVISIONS TO CHAPTER 62-610, F.A.C. (5)

- Rule 62-610.550, F.A.C., “Description of System.”
 - Specifies requirements for applying for a permit for a ground water recharge or salinity barrier project.
 - Removes references to potable reuse and identifies Chapter 62-565, F.A.C., as the appropriate chapter for regulations regarding potable reuse.
- Rule 62-610.553, F.A.C., “Minimum System Size.”
 - Removes reference to potable reuse.
- Rule 62-610.554, F.A.C., “Discharge to Class I Surface Waters.”
 - Removes automatic classification of surface water discharge as potable reuse.
 - Exempts wet weather discharges permitted under Rule 62-610.860, F.A.C., from the requirements of this rule.
 - Incorporates edits to correct rule references.



REVISIONS TO CHAPTER 62-610, F.A.C. (6)

- Rule 62-610.555, F.A.C., “Discharge to Other Surface Waters.”
 - Removes automatic classification of discharges upstream of, contiguous to or tributary to Class I waters as indirect potable reuse.
 - Exempts wet weather discharges permitted under Rule 62-610.860, F.A.C., from the requirements of this rule.
- Rule 62-610.563, F.A.C., “Waste Treatment and Disinfection.”
 - Identifies Chapter 62-565, F.A.C., as the location of the pretreatment, treatment and disinfection requirements for potable reuse projects.
 - Removes language related to potable reuse projects.
 - Incorporates edits to correct rule references.



REVISIONS TO CHAPTER 62-610, F.A.C. (7)

- Rule 62-610.564, F.A.C., “Pilot Testing Program.”
 - Specifies applicability to only non-potable reuse projects.
 - Removes reference to applicability to potable reuse projects.
 - Identifies Chapter 62-565, F.A.C., as the location of the pilot test requirements for potable reuse projects.
- Rule 62-610.567, F.A.C., “Reliability and Operator Staffing.”
 - Removes reference to applicability to potable reuse systems.
 - Identifies Chapter 62-565, F.A.C., as the location for requirements for potable reuse projects.



REVISIONS TO CHAPTER 62-610, F.A.C. (8)

- Rule 62-610.568, F.A.C., “Monitoring and Operating Protocol.”
 - Establishes requirements of Chapter 62-610, F.A.C., as minimum standards for injection to ground water or discharge to surface water.
 - Incorporates edits to correct rule references.
- Rule 62-610.573, F.A.C., “Storage Requirements.”
 - Removes reference to applicability to potable reuse systems.
 - Identifies Chapter 62-565, F.A.C., as the location of the requirements for off-spec storage for potable reuse projects.
 - Replaces the term “reject” with “off-spec reclaimed water” to be consistent with terminology in Chapter 62-565, F.A.C.
- Rule 62-610.574, F.A.C., “Access Control, Advisory Signs, and Public Notification.”
 - Removes reference to applicability to potable reuse systems.



REVISIONS TO CHAPTER 62-610, F.A.C. (9)

- Rule 62-610.621, F.A.C., “Setback Distances.”
 - Applies setback requirements to surface waters containing a potable water supply intake.
- Rule 62-610.810, F.A.C., “Classification of Projects as “Reuse or “Disposal.”
 - Removes reference to indirect potable reuse.
 - Identifies all potable reuse as “reuse” and identifies Chapter 62-565, F.A.C., as the location of requirements related to potable reuse projects.
 - Incorporates edits to correct rule references.
- Rule 62-610.850, F.A.C., “Protection of Surface Water and Ground Water Quality.”
 - Removes reference to indirect potable reuse.



PUBLIC COMMENT

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THANK YOU

Sydney Cummings

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