

In the Matter of: FLORIDA POWER & LIGHT COMPANY
(Turkey Point Nuclear Generating, Units 3 and 4)ASLB #: 15-935-02-LA-BD01
Docket #: 05000250 & 05000251
Exhibit #: BRD-001-00-BD01
Admitted: 01/11/2016
Rejected: Other:
Identified: 01/11/2016
Withdrawn:
Stricken:**CHAPTER 62-520 GROUND WATER CLASSES, STANDARDS, AND EXEMPTIONS**

62-520.100	Intent of Ground Water Classes, Standards, and Exemptions. (Repealed)
62-520.200	Definitions for Ground Water.
62-520.300	Purpose, Intent and General Provisions for Ground Water Classes, Standards, and Exemptions.
62-520.400	Minimum Criteria for Ground Water.
62-520.410	Classification of Ground Water, Usage, Reclassification.
62-520.420	Standards for Class G-I and Class G-II Ground Water.
62-520.430	Standards for Class G-III Ground Water.
62-520.440	Standards for Class G-IV Ground Water.
62-520.460	Class F-I Ground Water.
62-520.461	Dimensions of Zones of Discharge for Class F-I Ground Water.
62-520.500	Exemptions for Installations Discharging Into Class G-I or G-II Ground Water.
62-520.510	Exemptions for Installations Discharging Into Class G-III and G-IV Ground Water.
62-520.520	Exemptions from Secondary Drinking Water Standards Outside a Zone of Discharge in Class G-II Ground Water.

62-520.200 Definitions for Ground Water.

(1) "Acute Toxicity" shall have the same meaning as provided in Rule 62-302.200(1), F.A.C.

(2) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells, springs or surface water.

(3) "Background" means the condition of waters in the absence of the activity or discharge under consideration, based on the best scientific information available to the Department.

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

(5) "Confined Aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself.

(6) "Department" means the Department of Environmental Protection.

(7) "Designated Use" means the present and future most beneficial use of a body of water as designated by the Environmental Regulation Commission by means of the classification system contained in this chapter.

(8) "Effluent" means either domestic effluent or industrial effluent and has the same definition as effluent in Rule 62-600.200 or 62-660.200, F.A.C.

(9) "Effluent Limitation" means any restriction established by the Department on quantities, rates or concentrations of chemical, physical, biological or other constituents which are discharged from sources into waters of the State.

(10) "Ground Water" means water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.

(11) "Installation" means any structure, equipment, facility, or appurtenances thereto, operation or activity which may be a source of pollution.

(12) "Natural Background" means the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background may be based on historical pre-alteration data.

(13) "Pollution" means the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of air or water in quantities or levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

(14) "Reclaimed water" means the same as defined in Rule 62-600.200, F.A.C.

(15) "Secretary" means the Secretary of the Department.

(16) "Single Source Aquifer" means an aquifer or a portion of an aquifer which, pursuant to Rule 62-520.410(5) and (6), F.A.C., is determined by the Commission to be the only reasonably available source of potable water to a significant segment of the population.

(17) "Site" means the area within an installation's property boundary where wastes or reclaimed water are released or applied to the ground water.

(18) "Surface Water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(19) "Unconfined Aquifer" means an aquifer which has a water table.

(20) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the State.

(21) "Waters" include, but are not limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural.

(22) "Water Table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

(23) "Zone of Discharge" means a volume underlying or surrounding the site and extending to the base of a specifically designated aquifer or aquifers, within which an opportunity for the treatment, mixture or dispersion of wastes into receiving ground water is afforded.

(24) "Zone of Saturation" means a subsurface zone in which all of the interstices are filled with water.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-520.200.

62-520.300 Purpose, Intent and General Provisions for Ground Water Classes, Standards, and Exemptions.

(1) Purpose.

(a) Article II, Section 7 of the Florida Constitution requires abatement of water pollution and conservation and protection of Florida's natural resources.

(b) The present and future most beneficial uses of all ground waters of the state have been designated by the Department by means of the classification system set forth in this chapter in accordance with Section 403.061(10), F.S. Water quality standards are established by the Department to protect these designated uses.

(c) Because activities outside the state sometimes cause pollution of Florida's waters, the Department will make every reasonable effort to have such pollution abated.

(d) Water quality standards apply equally to and shall be uniformly enforced in both the public and private sector.

(e) "Public interest" shall not be construed to mean only those activities conducted solely to provide facilities or benefits to the general public. Private activities conducted for private purposes may also be in the public interest.

(f) The Commission requests the Secretary to seek and use the best environmental information available when making decisions on the effects of chronically and acutely toxic substances and carcinogenic, mutagenic, and teratogenic substances. Additionally, the Secretary is requested to seek and encourage innovative research and development in waste treatment alternatives that might better preserve environmental quality and at the same time reduce the energy and dollar costs of operation.

(g) The present and future most beneficial uses of ground waters of the state shall be protected to ensure the availability and utility of this invaluable resource. To achieve such protection, the ground waters of the state are classified and appropriate water quality criteria for those classes are set forth in this chapter.

(h) The criteria set forth in this chapter are minimum levels which are necessary to protect the designated use of ground waters. It is the intent of the Commission that permit applicants should not be penalized because of a low detection limit associated with any specific criterion.

(2) History of Intent.

(a) The Department rules that were adopted on March 1, 1979, regarding water quality standards are designed to protect public health or welfare and to enhance the quality of waters of the state. They have been established taking into consideration the use and value of waters of the state for public water supply, agricultural, industrial, and other purposes.

(b) The Department rules that were adopted on March 1, 1979, regarding water quality standards are based upon the best scientific knowledge related to the protection of the various designated uses of waters of the state.

(c) The zone of discharge and exemption provisions are designed to provide an opportunity for the future consideration of factors relating to localized situations which could not adequately be addressed in the rulemaking hearing of March 1, 1979, including economic and social consequences, attainability, irretrievable conditions, natural background, and detectability.

(d) Paragraphs (a) through (c) encompass an even-handed and balanced approach to attainment of water quality objectives. The Commission specifically recognized that the social, economic, and environmental costs may, under certain circumstances, outweigh the social, economic, and environmental benefits if the numerical criteria are enforced statewide. It is for that reason that the Commission provided for zones of discharge, exemptions, and other provisions in chapters of Title 62, F.A.C. Furthermore, the continued availability of moderating provisions is a vital factor providing a basis for the Commission's determination that water quality standards applicable to ground water classes in this chapter are attainable, taking into consideration environmental, technological, social, economic, and institutional factors. The companion provisions of Chapter 17-4 (now in Chapter 62-522) and 17-6 (now in Chapters 62-600, 62-601, 62-610, 62-611, 62-660, and 62-670), F.A.C., originally approved simultaneously with the water quality standards contained in this chapter are a substantive part of the state's comprehensive program for the control, abatement, and prevention of water pollution.

(e) Without the moderating provisions described in (c) above, the Commission would not have adopted the revisions described in (b) above nor determined that they were attainable as generally applicable water quality standards.

(3) The Commission, recognizing the complexity of water quality management and the necessity to temper regulatory actions with the technological progress and the social and economic well-being of people, urges, however, that there be no compromise where discharges of pollutants constitute a valid hazard to human health.

(4) This chapter contains criteria which are applicable to ground water.

(5) To determine if the ground water criteria in this chapter are being met, ground water quality shall be monitored in accordance with this rule and Chapter 62-522, F.A.C.

(6) A violation of any ground water criterion contained in this chapter constitutes pollution.

(7) In addition to any technology-based effluent limitations required by Department rule, the Department shall also specify water quality-based effluent limitations when necessary to assure that the water quality criteria will be met.

(8) Notwithstanding the classification and criteria for ground water set forth in this chapter, discharge to ground water shall not impair the designated use of contiguous surface waters.

(9) Compliance with ground water standards shall be determined by analyses of unfiltered ground water samples, unless a filtered sample is as or more representative of the particular ground water quality, as described in the Department's technical document, "Determining Representative Ground Water Samples, Filtered or Unfiltered," January 1994, hereby incorporated and adopted as a reference. This document is available from the Department's Bureau of Drinking Water and Ground Water Resources, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(10) For owners of installations having filed a complete application for a Chapter 403, F.S., permit covering water discharges as of January 1, 1983, or discharging pollutants to ground water as of July 1, 1982, compliance with the minimum criteria set forth in Rule 62-520.400, F.A.C., shall be determined by analysis of the constituents of the waste stream of the installation causing the discharge; provided, however, that the installation owner may, at his option, place a monitoring well immediately outside the site boundary to measure compliance with the minimum criteria, as long as the discharge poses no danger to the public health, safety or welfare.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.502, 403.702 FS. History—Formerly 17-3.071, Amended and Renumbered 1-1-83, Formerly 17-3.401, Amended 9-8-92, 4-14-94, Formerly 17-520.300, Amended 12-9-96.

62-520.400 Minimum Criteria for Ground Water.

(1) All ground water shall at all places and at all times be free from domestic, industrial, agricultural, or other man-induced non-thermal components of discharges in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal):

(a) Are harmful to plants, animals, or organisms that are native to the soil and responsible for treatment or stabilization of the discharge relied upon by Department permits; or

(b) Are carcinogenic, mutagenic, teratogenic, or toxic to human beings, unless specific criteria are established for such components in Rule 62-520.420, F.A.C.; or

(c) Are acutely toxic within surface waters affected by the ground water; or

(d) Pose a serious danger to the public health, safety, or welfare; or

(e) Create or constitute a nuisance; or

(f) Impair the reasonable and beneficial use of adjacent waters.

(2) The minimum criteria shall not apply to Class G-IV ground water, unless the Department determines there is a danger to the environment, public health, safety or welfare.

(3) The following procedures shall apply in the implementation of (1)(b) above:

(a) The Secretary is authorized to make determinations, in individual permitting or enforcement proceedings, that a particular level for a substance is a prohibited concentration in violation of a minimum criterion pursuant to (1)(b) above. This determination may not be delegated to Department districts.

(b) Any notice of proposed agency action published pursuant to Rule 62-110.106, F.A.C., which contains such a determination shall include notification of the particular substance and prohibited concentration level being proposed. The notice shall be submitted to the Florida Administrative Weekly at the time it is sent to the permit applicant for publication.

(c) The Department shall notify the Commission semiannually of every application of a determination to a discharger made by the Secretary during the preceding six months pursuant to (a) above for any constituent and concentration level not adopted by the Commission as a rule. The notification shall identify the discharger(s) to whom the application of a determination has been made, the type of industry, the constituent and concentration level set and a summary of the basis for the determination. At the written request of the Commission or any substantially affected member of the public, the Department shall, within 120 days of the written request, submit to the Florida Administrative Weekly a notice of rulemaking pursuant to Section 120.54, F.S., on the determination for the particular constituent and concentration level that is the subject of a notification in the preceding sentence.

(d) The application of the determination under paragraph (a) to the permittee or to other affected dischargers shall be subject to:

1. Modification where necessary to conform to any final rulemaking action of the Commission under (c) above; or

2. Withdrawal if the Commission elects not to adopt a corresponding rule after initiation of rulemaking for the constituent under (c) above.

(e) The notice procedures contained in subsection (3) shall not act as a stay of Department enforcement proceedings.

(f) Once a particular standard for a criterion is established by the Commission, it shall be listed in this section.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History—Formerly 17-3.051, Amended and Renumbered 1-1-83, Formerly 17-3.402, Amended 9-8-92, 4-14-94, Formerly 17-520.400.

62-520.410 Classification of Ground Water, Usage, Reclassification.

(1) All ground water of the State is classified according to designated uses as follows:

CLASS F-I	Potable water use, ground water in a single source aquifer described in Rule 62-520.460, F.A.C. which has a total dissolved solids content of less than 3,000 mg/l and was specifically reclassified as Class F-I by the Commission.
CLASS G-I	Potable water use, ground water in single source aquifers which has a total dissolved solids content of less than 3,000 mg/l.
CLASS G-II	Potable water use, ground water in aquifers which has a total dissolved solids content of less than 10,000 mg/l, unless otherwise classified by the Commission.
CLASS G-III	Non-potable water use, ground water in unconfined aquifers which has a total dissolved solids content of 10,000 mg/l or greater; or which has total dissolved solids of 3,000-10,000 mg/l and either has been reclassified by the Commission as having no reasonable potential as a future source of drinking water, or has been designated by the Department as an exempted aquifer pursuant to Rule 62-528.300(3), F.A.C.
CLASS G-IV	Non-potable water use, ground water in confined aquifers which has a total dissolved solids content of 10,000 mg/l or greater.

(2) It shall be the Department policy to afford the highest protection to single source aquifers. Upon petition by an affected party as provided in subsection (6), the Commission may reclassify aquifers or portions of aquifers as Class G-I ground water.

(3) The specific water quality criteria corresponding to each ground water classification are listed in Rules 62-520.420 to 62-520.460, F.A.C.

(4) Ground water quality classifications are arranged in order of the degree of protection required, with Class G-I ground water having generally the most stringent water quality criteria and Class G-IV the least.

(5) Reclassification of ground water as provided in subsection (1) above shall be accomplished in the following manner:

(a) Any substantially affected person or a water management district may seek reclassification of any ground water of the State by filing a petition with the Secretary in the form required by Rule 28-103.006, F.A.C. In addition, the Department, on its own initiative or at the direction of the Commission, may seek reclassification by initiating rulemaking pursuant to Rule 62-110.103, F.A.C.

(b) A petition for reclassification shall contain the information necessary to support the affirmative findings required in this rule.

(c) All reclassifications of ground water of the State shall be adopted after public notice, written notification to local governments whose jurisdiction includes any portion of the ground water proposed to be reclassified, and public hearing, only upon an affirmative finding by the Commission that:

1. The proposed reclassification will establish the present and future most beneficial use of the ground water; and
2. Such a reclassification is clearly in the public interest.

(d) Reclassification of ground water of the State which establishes more stringent or less stringent criteria than presently established by this chapter shall be adopted upon additional affirmative finding by the Commission that the proposed designated use is attainable, upon consideration of environmental, water quality, technological, social, economic, and institutional factors.

(6) In addition to the procedures in subsection (5) above, the following procedure shall be used to designate single source aquifers:

(a) Rulemaking procedures pursuant to Chapter 62-110.103, F.A.C., shall be followed;

(b) At least one fact-finding workshop shall be held in the affected area;

(c) All local, county, or municipal governments, water management districts, and state legislators whose districts or jurisdictions include all or part of a proposed single source aquifer shall be notified in writing by the Department at least 60 days prior to the workshop;

(d) A prominent public notice shall be placed in a newspaper, or newspapers if a large area is to be designated, of general circulation in the area of the proposed single source aquifer at least 60 days prior to the workshop;

(e) The Commission may reclassify an aquifer or portion of an aquifer as a single source aquifer within specified boundaries upon the affirmative finding that:

1. The aquifer or portion of the aquifer is the only reasonably available source of potable water to a significant segment of the population; and

2. The designated use is attainable, upon consideration of environmental, technological, water quality, institutional, social, and economic factors.

(f) When making the finding required by (6)(e) above, the Commission must specifically consider, upon presentation of any competent evidence at the hearing, the following:

1. Other sources of potable water which could be used and the costs of developing these sources; and

2. The long term adequacy of the ground water aquifer to supply expected future demands if other sources are not developed; and

3. Potential adverse effects from continued consumption of water from the aquifer if G-I classification does not occur; and

4. Potential adverse effects on existing and potential discharges to the affected ground water if G-I classification occurs.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History—Formerly 28-5.06, 17-3.06, 17-3.081, Amended and Renumbered 1-1-83, Formerly 17-3.403, Amended 9-8-92, Formerly 17-520.410.

62-520.420 Standards for Class G-I and Class G-II Ground Water.

(1) In addition to the minimum criteria provided in Rule 62-520.400, F.A.C., waters classified as Class G-I and Class G-II ground water shall meet the primary and secondary drinking water quality standards for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310 and 62-550.320, F.A.C., except as provided in Rule 62-520.520, F.A.C., and subsections (4) and (5) below, and except that the total coliform bacteria standard shall be 4 per 100 milliliters. In addition, the primary drinking water standard for public drinking water systems for asbestos shall not apply as a ground water standard.

(2) If the concentration for any constituent listed in subsection (1) above in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard for Class G-I and Class G-II ground water.

(3) Where natural background quality of the ground water cannot be determined in the upgradient well, and the concentration for any constituent listed in subsection (1) above in the background quality of the ground water is greater than the stated maximum, or for pH is also less than the minimum, the representative background quality shall be the prevailing standard for those installations.

(4) These standards shall not apply within a permitted zone of discharge as provided in Chapter 62-522, F.A.C. The minimum criteria specified in Rule 62-520.400, F.A.C., shall apply within the zone of discharge.

(5) Installations legally discharging or permitted to discharge to Class G-I, Class G-II, and Class F-I ground water on or before August 1, 1992, shall not be required to comply with the additional or more stringent drinking water standards approved for adoption by the Commission on July 27, 1992, and effective January 1, 1993, until January 1, 1995. However, all installations discharging to these ground waters are prohibited from causing a violation of such standards at any private or public water supply well outside the zone of discharge.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—Formerly 17-3.101, Amended and Renumbered 1-1-83, Formerly 17-3.404, Amended 9-8-92, 10-6-92, 4-14-94, Formerly 17-520.420.

62-520.430 Standards for Class G-III Ground Water.

(1) The minimum criteria established in Rule 62-520.400, F.A.C., shall apply to all Class G-III ground water except as provided in (2) below.

(2) The minimum criteria shall not apply to an underground injection facility that has received an aquifer exemption pursuant to Rule 62-528.300(3), F.A.C., unless there is danger to the environment, public health, safety, or welfare. The minimum criteria shall apply to all other facilities discharging to an exempted aquifer.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History—Formerly 17-3.151, Amended and Renumbered 1-1-83, Formerly 17-3.405, Amended 9-8-92, 4-14-94, Formerly 17-520.430.

62-520.440 Standards for Class G-IV Ground Water.

The Department shall specify applicable standards on a case-by-case basis for discharges to Class G-IV ground water. The minimum criteria in Rule 62-520.400, F.A.C., shall not apply unless the Department determines there is danger to the environment, public health, safety or welfare.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History—Formerly 17-3.151, Amended and Renumbered 1-1-83, Formerly 17-3.406, Amended 9-8-92, 4-14-94, Formerly 17-520.440.

62-520.460 Class F-I Ground Water.

(1) The following is classified as Class F-I ground water: The surficial aquifers in northeast Flagler County included in the area bounded on the east by the Atlantic Ocean; on the west by Intracoastal Waterway; on the north by the north line of Sections 8 and 39, Township 10 South; and on the south from a line running due east and west from a point along the east-west boundary of Sections 9 and 10, Township 11 South, where that point intersects the northern extension of the mean high water line of Fox's Cut.

(2) The water quality standards in Rules 62-520.400 and 62-520.420, F.A.C., that apply to Class G-I and Class G-II ground water shall also apply to Class F-I.

(3) The permitting and monitoring requirements of Rules 62-522.200, 62-522.300, 62-522.500, 62-522.600, and 62-522.700, F.A.C., are applicable to Class F-I ground water, and the zones of discharge prohibitions and dimensions in Rule 62-520.461, F.A.C., shall apply.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History—New 3-4-87, Formerly 17-3.501, Amended 9-8-92, Formerly 17-520.460.

62-520.461 Dimensions of Zones of Discharge for Class F-I Ground Water.

No zone of discharge shall be allowed into Class F-I ground water, except as follows:

(1) Domestic effluent or reclaimed water and stormwater discharge sites authorized by Department permit or rule shall have zones of discharge extending no more than 100 feet from the site boundary or to the installation's property boundary, whichever is less, unless a smaller zone of discharge is necessary to protect the designated use of adjacent waters outside the zone of discharge.

(2) Other discharge sites may be granted zones of discharge the same size as those in (1) above if the discharges meet the criteria for domestic effluent or reclaimed water in chemical, physical, and microbiological quality treated to the degree required in Rule 62-600.420(1)(c), F.A.C.

(3) Installations authorized to discharge to ground water at the time of reclassification to F-I by the Commission shall meet the same requirements as existing installations in Class G-II ground water as described in Rule 62-522.410(1), F.A.C. However, should existing installations wish to increase the discharge volume or change the composition of the waste stream above permitted levels as of the date of F-I reclassification, the waste stream shall be distinctly separate from the existing stream and shall meet all provisions applicable to new installations discharging to Class F-I ground water as described in (1) and (2) above.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History—New 3-4-87, Formerly 17-3.502, Amended 9-8-92, 4-14-94, Formerly 17-520.461.

62-520.500 Exemptions for Installations Discharging Into Class G-I or G-II Ground Water.

The Secretary shall, upon petition of an affected person or permit applicant and after public notice in the Florida Administrative Weekly, and in a newspaper of general circulation in the area of the exemption placed by the petitioner, and after opportunity for public hearing pursuant to Section 120.569 and 120.57, F.S., issue an order, which shall be included as a permit modification, for the duration of the permit specifically exempting an installation discharging or designed to discharge into Class G-I or G-II ground water from the standards contained in Rule 62-520.420, F.A.C., or the minimum criteria contained in Rule 62-520.400, F.A.C., upon affirmative demonstration by the petitioner of the following:

(1) granting the exemption is clearly in the public interest;

(2) compliance with such criteria is unnecessary for the protection of present and future potable water supplies;

(3) granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous water;

(4) the economic, environmental, and social costs of compliance with the criteria outweigh the economic, environmental and social benefits of compliance;

(5) an adequate monitoring program approved by the Department is established to ascertain the location and approximate dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect on underground geologic formations or waters; and

(6) The exemption will not present a danger to the public health, safety or welfare.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-520.500.

62-520.510 Exemptions for Installations Discharging Into Class G-III and G-IV Ground Water.

(1) Class G-III ground water.

(a) The Secretary shall, upon petition of an affected person or permit applicant 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 Section 120.569 and 120.57, F.S., issue an order specifically exempting an installation discharging or designed to discharge into Class G-III ground water from the criteria contained in Rule 62-520.400, F.A.C., upon affirmative demonstration by the petitioner of the following:

1. the exemption is for disposal of domestic effluent or reuse of reclaimed water or industrial effluent and such discharge is clearly in the public interest;
2. the economic, social and environmental costs of compliance with the existing criteria outweigh the economic, social and environmental benefits of compliance;
3. suitable technology is used for the disposal system; and,
4. the discharge will not cause a violation of the standards for adjacent Class G-I or G-II ground water or surface waters affected by the ground water.

(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) Exemptions for discharge to Class G-IV ground water shall be governed by the provisions of Chapter 62-528, F.A.C.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-520.510.

62-520.520 Exemptions from Secondary Drinking Water Standards Outside a Zone of Discharge in Class G-II Ground Water.

(1) An existing installation discharging to Class G-II ground water is exempt from compliance with secondary drinking water standards unless the Department determines that compliance with one or more secondary standards by such installation is necessary to protect ground water used or reasonably likely to be used as a potable water source. Such determination shall be based upon:

(a) A determination that the portion of the aquifer(s) reasonably likely to be affected by the discharge:

1. is used as a potable water source, or
2. is identified in a planning document as a future potable water source by a state agency, water management district, regional water supply authority, or local government, and is reasonably likely to be used as such.

(b) A site specific hydrogeologic characterization of the receiving aquifer which defines:

1. direction and rate of ground water flow, and
2. depth and degree of confinement.

(c) A waste stream characterization, site specific hydrogeologic characterization, and review of monitoring data which demonstrates that the discharge is likely to cause a violation of one or more secondary standards outside the zone of discharge in:

1. the portion of the receiving aquifer identified in (a)2. above, or
2. a known public or private potable water supply well.

(2) The permittee can avoid the application of one or more secondary standards upon an affirmative demonstration that the economic, social, and environmental costs outweigh the economic, social and environmental benefits of compliance; provided, however, that such demonstration shall not operate to relieve the permittee from compliance with (6) below.

(3) Upon permit renewal the Department shall review available data to determine the need for compliance with secondary standards.

(4) Upon determination by the Department that an existing installation must comply with one or more secondary standards, the Department shall revoke the exemption and require compliance or corrective action considering the factors in Rule 62-522.700(2), F.A.C. Such revocation shall be included in an appropriate Department permit as a specific condition after February 1, 1988.

(5) Secondary drinking water standards constituents may be included as waste characterization, monitoring, and indicator parameters as specified by permit.

(6) All installations discharging to Class G-II ground water are prohibited from causing a violation of the secondary drinking water standards at any private or public water supply well outside the zone of discharge.

(7) Failure of an existing installation to submit monitoring data to the Department as required pursuant to any permit addressing ground water shall be a basis for removal of that installation's secondary standards exemption. The installation may regain such exemption at such time as it can demonstrate compliance with monitoring requirements, unless removal of the exemption is otherwise authorized pursuant to this rule.

(8) Existing cooling ponds approved by the Department for treatment of thermal discharges to surface water as defined in Rule 62-302.520, F.A.C., are exempt from secondary standards so long as the cooling pond waters are monitored pursuant to Department permit to ensure that the pond does not impair the designated use of contiguous ground waters and surface waters. In addition, the Secretary may order such monitoring of ground waters as may be reasonably necessary to ensure that the designated use of affected ground waters and surface waters is not impaired.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Formerly 17-520.520.