

(2) Exceptions to the closed seasons established by this rule shall only be granted, except by special permit issued by the Commission pursuant to Section 370.10(2), Florida Statutes, for experimental, scientific, or exhibitional purposes. PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02.

68B-21.006 Bag and Possession Limits.

(1) In all state waters of the Atlantic Ocean north and east of the Dade-Monroe County Line, nNo person, firm or corporation shall kill or harvest more than two snook per day during the open season, nor possess more than two snook at any time during the open season.

(2) In all state waters of the Atlantic Ocean south and west of the Dade-Monroe County Line and in all state waters of the Gulf of Mexico, no person, firm, or corporation shall kill or harvest more than one snook per day during the open season, nor possess more than one snook at any time during the open season.

(3)(2) On any vessel licensed to carry customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, the applicable bag and possession limit specified in this rule shall not extend to the operator of such vessel or any person employed as a crewman of such vessel.

(4) No person harvesting snook pursuant to subsection (1) shall possess or land such snook in the area specified in subsection (2).

PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Amended 3-1-94, 12-31-98, Formerly 46-21.006, Amended 1-1-02.

Master Registration Fees 5E-3.015
Tolerances for Nutrients, Minerals, Medicaments, Aflatoxin, Pesticide Residues and Weight 5E-3.016
Penalties 5E-3.018

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring it into conformance with Chapter 580 Florida Statutes, as amended by the 2001 legislation.

SUMMARY: Revision of definitions, label requirements, laboratory certification requirements and updating reference materials. Also the addition of Pet Food to regulation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulator alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2) FS.

LAW IMPLEMENTED: 580.031, 580.051, 580.065, 580.091, 580.112 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 15, 2001

PLACE: Agricultural Environmental Services, Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees.

(1) Definitions.

(a) The term "lot" means an identifiable quantity of commercial feed of the same brand and analysis which is offered for sale, sold or distributed within the state. Bulk feed and bagged feed, even though the same brand and analysis, in the same shipment, shall be considered separate lots.

(b) The term "core" means the quantity of feed contained in the designated sampling tool when the stream is cut a sufficient number of times to yield approximately one quart or when a single insertion and withdrawal of a probe is made from bagged or bulk feed.

(c) The term "type" means poultry feed, dairy cow feed, beef cattle feed, horse feed, swine feed, or other agriculture feed.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: RULE CHAPTER NO.: Feed Rule 5E-3

RULE TITLES: RULE NOS.:

Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees 5E-3.003
Ingredient Statement 5E-3.004
Medicated Feed 5E-3.008
Minimum Standards for Feed Materials 5E-3.013
Customer-Formula Feed 5E-3.014

(2) Inspection.

(a) All commercial feed and feedstuff distributed for use in Florida is subject to inspection by the Department of Agriculture and Consumer Services or its authorized agent at any public or business premises, manufacturing or mixing establishment, and in any vehicle of transport during regular business hours in order to have access to such feeds and records relating to their manufacture, transportation and sale.

(b) Samples shall be collected by the methods and procedures set forth by statute or established and published in the Feed Inspector's Manual published by the Association of American Feed Control Officials Incorporated (1st Edition August 1994). The Feed Inspector's Manual published by the Association of American Feed Control Officials Incorporated, (1st Edition, August 1994) is incorporated by reference. Copies may be obtained from AAFCO Assistant Secretary- Treasurer, P. O. Box 478, Oxford, IN 47971. Georgia Department of Agriculture, Plant Food, Feed and Grain Division, Capitol Square, Atlanta, Georgia 30334.

(3) Sample and Analytical Documentation.

(a) All samples obtained and analyzed by the department or by approved certified commercial laboratories, approved Hazard Analysis Critical Control Point Programs and approved quality assurance/quality control programs shall be properly identified by the sampler's initials and assigned a sample number (13 digit number consisting of the: date, registrant number, sequential number of samples collected on that date for the identified registrant:)

____	____	____	_____	_____
month	day	year	registrant #	sequential #

and be accompanied by the completed Feed Collection/Analysis Reports (Forms Numbered DACS-13403, 13404, 13405, 13406 or 13407, ~~130403, 130404, 130405, 130406 or 130407, Rev. 6/01 Dated 10/94~~) and any other available pertinent documentation.

(b) Feed Collection/Analysis Reports (Forms DACS-130403, 130404, 130405, 130406 and 130407, Rev. 6/01 Dated 10/94) are hereby incorporated by reference. Copies may be obtained from Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, FL 32399-1650.

(c) The Feed Collection/Analysis Report Forms shall be properly completed.

(d) Positive microbiological organism, pesticide residues, ~~drugs residues~~ and mycotoxin results must be reported within 48 hours of completion of analyses to the department.

(4) Sampling Frequency and Analysis Requirements. The sampling frequency and analysis requirements to be used by approved certified laboratories and approved quality assurance/quality control programs are listed below. If the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department

shall require additional feed sample analyses more frequent ~~additional analysis of feed samples in accordance with the requirements of this section.~~

(a) Ingredients:

1. Nutrients – No analyses required.

2. Mycotoxins,

a. Aflatoxins,

(I) Maize – (Corn Products) – One sample per 5,000 tons distributed shall have a quantitative analysis performed;

(II) Cottonseed Products – One sample per 2500 tons shall have a quantitative analysis performed;

(III) Peanut Products – One sample per 500 tons shall have a quantitative analysis performed;

(IV) Other grains and grain products – One sample per 5000 tons shall have a quantitative analysis performed;

(V) There will be a minimum of one quantitative analysis performed per year per distributor on the above ingredient types;

(VI) No aflatoxin analysis is required on ingredients not listed above.

b. Fumonisin

(I) Corn screenings – One sample per year per distributor shall have an quantitative analysis performed;

(II) No fumonisin analysis is required on ingredients not listed above.

c. Vomitoxin

(I) Grain and grain products – One sample per 25,000 tons shall have an quantitative analysis performed;

(II) There will be a minimum of one quantitative analysis performed per year per distributor for grain and grain products;

(III) No vomitoxin analysis is required on ingredients not listed above.

3. Microorganisms – Animal products shall have one qualitative salmonella analysis performed per year. If the analysis is positive, the group and type shall be specified.

4. Pesticide Residues – All ingredient types (except minerals) shall have one pesticide screen (carbamates, chlorinated hydrocarbons and organophosphates) performed per year per distributor. All positive screens must be confirmed quantitatively.

5. Drug ~~Residues~~ – No analysis required.

(b) Mixed Feeds:

1. Nutrients.

a. Protein, fat and fiber analysis shall be performed at a frequency of one per every 750 cumulative tons for all types of feed distributed. If the distributors deficiency rate is 5% or less the sampling frequency shall be reduced to one per every 2000 tons; If the distributors deficiency rate is greater than 5% but less than 10%, the sampling frequency may be reduced to one per every 1000 tons;

b. If the distributors deficiency rate is 20% or greater the sampling frequency shall be increased to one for every 500 tons;

c. Mineral analyses shall be performed at a frequency of one per every 15,000 cumulative tons distributed per year with a minimum of one analysis per year.

2. Mycotoxins.

a. Aflatoxin analysis shall be performed on all types of mixed feed at a frequency of one for every 25,000 cumulative tons (excluding minerals and liquid feed) with a minimum of one per year per distributor. Aflatoxin analysis must be quantitative;

b. Fumonisin analysis shall be performed at a frequency of one per year per distributor for horse feed only;

c. Vomitoxin analysis shall be performed for all types of mixed feed (excluding minerals and liquid feed) at a frequency of one per every 50,000 cumulative tons with a minimum of one per year per distributor.

3. Microorganisms (salmonella) analysis shall be performed at a frequency of one per every 100,000 tons per type of feed per distributor with a minimum of one analysis per year per type per distributor. If the analysis is positive, the group and type shall be specified.

4. Pesticide Residues – No analysis required.

5. Drug Residues.

a. The FDA requirements as provided in 21 C.F.R. pts. 225, 226 (~~7/1/2000 1994~~) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (~~7/01/2000 1994~~) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N.W., Mail Stop SDE, Washington, D.C. 20401 20402.

(5) Reporting of Rejected Feed and Feedstuff.

(a) Shipments of feed that are rejected for use by registrants must be reported to the Feed Inspection Section within 48 hours of analysis via telephone (850)488-7626 or fax (850)488-8498 followed by written confirmation within 5 business days.

(b) Reports of rejected feed must include a description of the feed, name of the feed distributor, amount of feed rejected, destination of the rejected feed, if known, and reason for the rejection.

(6) Requirements for Reduced Sampling and Analysis for Persons with Approved Hazard Analysis Critical Control Point Programs.

(a) Those registrants successfully complying with all criteria established in Section 580.091(3)(a), F.S., shall have their sampling and analysis requirements reduced to 50% of the requirements specified in Section 5E-3.003(4)(a) and (b), Florida Administrative Code.

(b) Every registrant that conforms with the Hazard Analysis and Critical Control Point System published by the National Advisory Committee on Microbiological Criteria for Foods shall be deemed in compliance with Section 580.091(3)(a), F.S.

(c) The Hazard Analysis and Critical Control Point System, National Advisory Committee on Microbiological Criteria for Foods, (March 20, 1992), is hereby incorporated by reference. Copies may be obtained from Executive Secretariat, FSIS, Room 3175 South Building, Independence Avenue, S. W., Washington, DC 20250.

(d) Registrants that request a reduced frequency of sampling and analysis requirements shall submit a written hazard-analysis-critical-control-point plan to the department. If this plan identifies critical control points and verifies implementation of good management practices, the department shall conduct an onsite evaluation to ensure the performance of the plan. If the onsite evaluation verifies adequate control of the processes identified in the plan and infrequent adulteration or other violations (50% or less), the registrant shall be subject to a 50% reduction in sampling frequency and analysis requirements. The department shall require quarterly reports documenting the continued and appropriate use of good management practices and hazard analysis of critical control points.

(7) Commercial Laboratory Certification; Fees.

(a) Analyses of feed and feedstuff as provided in Chapter 580, F.S., shall be performed by the department, approved certified commercial laboratories and by approved exempt laboratory pursuant to its quality assurance/quality control plans.

(b) Certified commercial laboratories performing analytical work shall ensure performance of those analyses in the categories for which they have been certified. Certified commercial laboratories that subcontract analytical work to another laboratory must establish that the contracted laboratory has been certified under this section for the appropriate categories. Laboratory records shall indicate who performed the analysis, and the name of the contract laboratory shall appear in the records. The contract laboratory name shall be included in all data reports issued by the primary laboratory for results reported by the contract laboratory.

(c) Definitions.

1. Acceptable variation – Three standard deviations from arithmetic mean.

2. Acknowledged Acceptable Test Methods – Those methods specifically referenced in these rules or other methods which have been acknowledged in writing as acceptable by the department. Such acknowledgement shall be given when a test method has been submitted to the department for acknowledgement and the department has verified that the test method and its results are verifiable and reproducible.

3. Analyst – A chemist, microbiologist or technician qualified by academic training and experience who usually performs tests or participates in testing with other qualified personnel.

4. Analyte – The particular compound, element, radical, isotope, characteristic or contaminant for which one is testing.

5. Category of certification – A group of analytes and approved testing methods from which a laboratory may select to become certified. Laboratories may be certified in the following categories:

a. Nutrients,

b. Mycotoxins – Aflatoxin, Fumonisin and Vomitoxin only,

c. Microorganisms – Salmonella only,

d. Pesticide residues – Chlorinated hydrocarbons, organophosphates and carbamates – Screen only. Confirm all positive screens quantitatively.

e. Drug Residues.

6. Certification – Regulatory recognition given to a laboratory that meets the minimum criteria of this section as determined through ~~department evaluation on-site inspection~~ and satisfactory participation in a check sample program.

7. Commercial/Exempt Laboratory – A laboratory other than those operated by the State of Florida or its subdivisions, that performs nutrient, microbiological, mycotoxin, pesticide residue or drug analysis on a fee or contract basis on commercial feed ~~and feedstuff products~~ distributed by any entity.

8. Decertification – Revocation of certification by the department for one or more of the reasons provided in Section 5E-3.003(7)(e), F.A.C.

9. Director, Supervisor or Consultant – A chemist, microbiologist or professional scientist qualified by academic training and experience to administer the technical and scientific operations of the laboratory, including supervision of testing procedures and reporting of results.

10. The Quality Assurance/Quality Control Manual – The Quality Assurance/Quality Control Manual shall follow the general outline of the Quality Assurance/Quality Control Manual adopted by the department (Laboratory Quality Assurance/Quality Control Guideline Document, August 23, 1994). The Laboratory Quality Assurance/Quality Control Guideline Document (August 23, 1994) is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, FL 32399-1650, (850)488-9095.

11. Recertification – Reinstatement of certification by the department following correction of the deficiencies for which the laboratory was decertified. Such recertification shall require submission of a new application as required for initial certification.

(d) Commercial Laboratory Certification – Application, ~~Inspection~~ Evaluation and Renewal.

1. The Application/Renewal for Certification as a Certified Feed Laboratory (Form DACS- 13401 ~~130401~~, Rev. 6/01 ~~10/94~~) which is hereby incorporated by reference, must be properly completed and submitted with the appropriate fees. Copies may be obtained from and submitted to the Florida Department of Agriculture, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, Florida 32399-1650, (850)488-9095. Separate applications must be submitted for each laboratory location without regard to ownership. Applications must be accompanied by the laboratory's Quality Assurance/Quality Control manual, assay methods, results from check sample programs and participation number, detailed organizational chart showing name and position title for all key personnel, description of the laboratory and laboratory equipment as it applies to the department certification activities, and a description of the scope of the laboratory operations;

2. Each commercial laboratory seeking certification may ~~shall~~ be assessed and evaluated ~~at least annually~~ by department personnel. These inspections of the premises and operations of certified, commercial laboratories or those laboratories seeking certification may be unannounced and may include the on-site analysis of proficiency test samples as well as the photographing, filming or videotaping of any portion of the laboratory, equipment, activity, samples taken, records, test results or other information related to certification under this chapter;

3. Each commercial laboratory must be able to demonstrate that it is able to perform the tests representative of those for which certification is sought;

4. In order to maintain its certification, a certified laboratory must:

a. Be capable of performing tests for which it is certified based on AOAC or acknowledged acceptable test methods;

b. Limit the representation of the scope of its certification to only those tests for which certification is granted;

c. Report all deficiencies, excesses and adulterations to the department within 48 hours of completion of analysis;

d. Maintain all final laboratory reports and documentation of all samples for three years;

e. Maintain an independent decisional relationship between itself and its clients, affiliates, or other organizations so that the laboratory's capacity to render test reports objectively and without bias is not adversely affected;

f. Report to the department within (30) days any major changes involving the location, ownership, management structure, authorized representative, approved signatories, methodologies or facilities of the laboratory;

5. Each certified commercial laboratory must return to the department the Certificate of Certification for revision or other action should it be requested to do so by the department or

become unable to conform to any of these conditions and the applicable criteria of Chapter 580, Florida Statutes, and Chapter 5E-3, F.A.C.;

6. The department will renew certifications annually. Renewal must be submitted on Application/Renewal for Certification as a Certified Feed Laboratory (Form number DACS-13401 ~~130401~~, 6/01 ~~10/94~~) provided by the department.

(e) Denial or Decertification. A commercial laboratory's certification shall be suspended for any of the following violations:

1. Making false statements on an application or on any document associated with certification or exemption.
2. Demonstrating incompetence or making consistent errors in analyses or erroneous reporting.
3. Permitting unqualified personnel to perform analyses.
4. Falsifying the results of analyses.
5. Violation or aiding and abetting in the violation of any provision of these rules or Chapter 580, F.S.
6. Failure to properly maintain facilities and equipment.
7. Failing to comply with the required quality control program.
8. Advertising false services or credentials.
9. Failing to correct deficiencies within the time required by the department.
10. Failure to submit laboratory check samples during the period of probation for the category of certification which resulted in probation.

(f) Methodology and Quality Assurance Requirements – An alternate laboratory method may be acceptable only if it is equivalent to the prescribed test in both accuracy and reproducibility as it relates to the determination of compliance with any minimum/maximum levels. Use of authorized alternate test methods shall require written permission of the department.

(g) Check Sample Testing Requirements for Certified Laboratories.

1. Laboratories shall participate in the department check sample program, if required. Quarterly, the department may ~~shall~~ provide a feed sample to each certified laboratory. The laboratory must conduct an analysis of this sample for each certified category and report results to the department within 45 days of sample shipping. This testing may ~~shall~~ include analysis of split feed and feedstuff samples as part of the requirement for certification. Participation shall mean the analysis and reporting of all proficiency/check sample tests to the department within specified time frames.

2. Each laboratory shall bear its own cost for compliance with this check sample program.

(8) Quality Assurance/Quality Control Requirements for Registrants Requesting Exemption from Laboratory Certification for In-house Laboratories; Exempt Laboratory's Quality Assurance/Quality Control Plan Fees.

(a) Quality Assurance/Quality Control Plan – The in-house laboratory plan submitted for approval by the department that exempts the laboratory from the certification requirements set forth in Section 5E-3.003(7), F.A.C..

(b) Application for exemption from the requirement for laboratory certification through submission of an approved quality assurance/quality control plan shall be made in writing to the department on the Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402 ~~130402~~, Rev. 6/01 ~~10/94~~). The Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402 ~~130402~~, Rev. 6/01 ~~10/94~~) is hereby incorporated by reference. Copies may be obtained from Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, Building #7, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-9095.

(c) The laboratory shall prepare and follow a written quality assurance/quality control plan including a quality assurance/quality control manual as defined in Rule 5E-3.003(7)(c)10., F.A.C. A copy of this plan including a quality assurance/quality control manual must be included with the original application for exemption. A registrant's quality assurance/quality control plan shall be approved upon determination that the plan meets the requirements of this rule and is being implemented at the registrant's facility.

(d) Reporting Procedures For Exempt Laboratories.

1. Each exempt laboratory must forward regulatory test results to the department quarterly on form numbers DACS-13403; 13404; 13405; 13406; 13407 ~~130403; 130404; 130405; 130406; 130407~~ as referenced in Rule 5E-3.003(3)(b), F.A.C.;

2. Each exempt laboratory must report all deficiencies/excesses and adulterations to the department within 48 hours of completion of analysis;

3. Each exempt laboratory must report to the department within (30) days any major changes involving the location, ownership, management structure, authorized representative, approved signatories, methodologies or facilities of the laboratory.

(e) Check Sample Testing Requirements for Exempt Laboratories. Exempt laboratories shall participate in the departments check sample program, if required. Quarterly, the department may ~~shall~~ provide a feed sample to each exempt laboratory. The laboratory must conduct an analysis of this sample for each category of analysis and report results to the department within 45 days of sample shipping. This testing ~~shall~~ may include analysis of split feed and feedstuff samples

as part of the requirement for exemption. Participation shall mean the analysis ~~and~~ are reporting of all proficiency/check sample tests to the department within specified time frames.

(f) Quality Assurance/Quality Control Program Fees. Registrants requesting an exemption from the requirement for laboratory certification in Section 580.091(5), F.S., through application for department approval of a quality assurance/quality control program shall pay a fee in the amount to cover the direct ~~and indirect~~ costs associated with ~~on-site~~ evaluation of the program and program approval. ~~Indirect costs associated with on-site evaluation of the program and program approval shall be 15.29% of the direct costs of the program and the program approval.~~ The direct costs shall include the salary and benefits costs of employees involved in the initial review process based on a per hour rate, ~~actual costs of the on-site evaluation including transportation (\$0.25 per mile/personal automobile or actual costs of airline travel and vehicle rental), lodging and meals (\$50 per day or actual expenses whichever is greater) and all other actual expenses incurred during the on-site evaluation process as specified in Chapter 112.061, Florida Statutes.~~ This fee shall be paid in full as a condition of program approval, ~~and shall be paid to cover~~ Subsequent evaluations to shall be conducted every three years in accordance with Section 580.091(5)(b), F.S.

Specific Authority 570.07(23), 580.036(2), 580.065 FS. Law Implemented 580.036(2), 580.051, 580.065, 580.071, 580.091, 580.121, 580.131 FS. History—Amended 12-30-70, 5-14-85, Formerly 5E-3.03, Amended 3-4-87, 6-1-95,_____.

5E-3.004 Ingredient Statement.

(1) Each ingredient shall be specifically named (the names and definitions identified in “Official Publication ~~2001~~ 1994” published by the Association of American Feed Control Officials shall be used as the common or usual names unless the Department of Agriculture and Consumer Services designates otherwise by rule), except that collective terms for a group of ingredients which perform a similar function may be used on labels for all commercial feed except horse feed. Collective terms recognize a general classification of ingredient origin but do not imply equivalent nutritional values. The following collective terms may be used in lieu of each ingredient term provided that only those ingredients defined by Association of American Feed Control Officials within each collective term are included:

- Animal Protein Products
- Grain Products
- Plant Protein Products
- Processed Grain By-Products
- Forage Products
- Roughage Products
- Molasses Products

(a) For any given lot the manufacturer shall provide the department or consumer, upon request, the specific names of the ingredients used within each collective term.

(b) When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed, except that labels for customer formula feeds shall show the names of specific ingredients within a collective term, when the customer requests that certain ingredients be added to a regular brand.

(2) When added in the preparation of canned foods for animals, water shall be listed as an ingredient.

(3) The term “dehydrated” may precede the name of any product that has been artificially dried.

(4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(5) Copyrighted brand, trade, or proprietary names shall not be used in the ingredient statement.

(6) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement provided it is identified in the brand or product name.

(7) “Official Publication ~~2001~~ 1994” published by The Association of American Feed Control Officials is hereby incorporated by reference. Copies may be obtained from AAFCO Assistant Secretary-Treasurer, P. O. Box 478, Oxford, ~~IN 47971~~ Georgia Department of Agriculture, Plant Food, Feed and Grain Division, Capitol Square, Atlanta, Georgia 30334, (404)656-3637.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(f) FS. History—Amended 12-30-70, 4-1-76, Formerly 5E-3.04, Amended 6-1-95,_____.

5E-3.008 Medicated Feed.

(1) Before distribution in Florida, a feed containing an active drug ingredient shall be labeled to show the information required by Chapter 580, Florida Statutes, and ~~all the~~ medicated labeling required by the Federal Food and Drug Administration ~~for interstate shipment.~~

(2) Customer-formula medicated feeds shall have the labeling required under subsection (1) on each label for the lot except that the statement of purpose of the medication and the feeding directions may be attached to the delivery ticket supplied to the purchaser with the delivery.

(3) Mixed feed described under Section 580.031(2)(~~c~~)(d), Florida Statutes, shall bear the labeling required for customer-formula medicated feed if an active drug ingredient is present.

(4) The regulations prescribing good manufacturing practices for medicated feeds as published in the Code of Federal Regulations, Title 21, Part 225, and for medicated premixes as published in Title 21, Part 226, are adopted as good manufacturing practices under Chapter 580, F.S.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(c), 580.071(1),(3), 580.081, 580.112 FS. History—Amended 12-30-70, 4-3-85, Formerly 5E-3.08, Amended 6-1-95,_____.

5E-3.013 Minimum Standards for Feed Materials.

The minimum standards for feed and feedstuff are those set forth in the "Official Publication 2001 ~~1994~~" published by the Association of American Feed Control Officials.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(c) FS. History—Amended 12-30-70, Formerly 5E-3.13, Amended 6-1-95,_____.

5E-3.014 Customer-Formula Feed.

(1) The label for a customer-formula feed shall show, in addition to the information required by Section 580.051(2)(~~4~~), Florida Statutes, the words "mixed for" followed by the name and address of the customer, except that the brand name may be omitted. When the customer requests that certain ingredients be added to a regular brand, the base feed label may be used along with the names of other ingredients added, provided that the protein, fat and fiber guarantees are not affected. Where appropriate, the words "added drug ingredient(s)" shall be shown, followed by the name(s) and amount(s) of the drug(s). If it is necessary to use the reverse side of a tag to show added labeling, the words "Customer-formula feed – see reverse side" shall be stamped on the front of the label, in such a manner as not to obscure the base feed labeling.

(2) A customer-formula feed may contain any ingredients requested by the customer subject to the limitation in Rules Section 5E-3.008(1), F.A.C.

(3) The mixer of a customer-formula feed shall keep the signed formula in his records for a period of twelve months following the last delivery of such feed.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(2), 580.071(1),(3), 580.081, 580.112 FS. History—Amended 12-30-70, Formerly 5E-3.14, Amended 6-1-95,_____.

5E-3.015 Master Registration Fees.

(1) The Application For Master Registration Form DACS (13244, Rev. 6/01 ~~IN 30-10/94~~) shall be submitted annually by each commercial feed distributor and shall be accompanied by a fee established in Section 580.041, F.S.

(2) The Application For Master Registration(~~Form DACS (13244, Rev. 6/01 IN 30-10/94)~~) is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building ~~8 ME-2~~, Tallahassee, Florida 32399-1650.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.041(1) FS. History—Amended 12-30-70, Formerly 5E-3.15, Amended 10-3-91, Amended 6-1-95,_____.

5E-3.016 Tolerances for Nutrients, Minerals, Medicaments, Aflatoxin, Pesticide Residues and Weight.

The following tolerances or analytical variations will be permitted in determining whether or not a commercial feed or feed stuff is deficient or excessive in any nutrient, medicament, aflatoxin, pesticide residue or weight:

Tolerances

- (1) Nutritive guarantees:
 - (a) Moisture 4%
 - (b) Protein 0-20% 1%
 - (c) Protein over 20% 2%
 - (d) Fat 0.5%
 - (e) Fiber 0-20% 1%
 - (f) Fiber over 20% 2%
 - (g) Ash 3%
 - (h) Equiv. Protein from NPN (Excess) 5% or > than max guarantee
 - (i) Total Sugar as Invert 2%
 - (j) Brix 2%
- (2) Minerals:
 - (a) Calcium (Ca) *
 - (b) Phosphorus (P) *
 - (c) Salt (NaCl) **
 - (d) Iron (Fe) ***
 - (e) Magnesium (Mg) ***
 - (f) Zinc (Zn) 50% of Guarantee
 - (g) Copper (Cu) 50% of Guarantee
 - (h) Cobalt (Co) 50% of Guarantee
 - (i) Manganese (Mn) 50% of Guarantee
 - (j) Potassium (K) ***
 - * 10% of Guarantee but not less than 0.4%
 - ** 10% of Guarantee but not less than 0.5%
 - *** 20% of Guarantee but not less than 0.05%
- (3) Antibiotics and Drugs: A deficiency shall exist when an average of 50% or less of the guarantee is found. A finding of more than 150% of the guarantee shall be charged as an excess.
- (4) Weights:
 - (a) Small packages containing less than 12 pounds shall be considered short weight when the net weight falls below the following allowable variations:

Declared Weight	Allowable Variation
1. 0 thru 15 oz.	0.2 oz.
2. 1 lb. thru 2 lbs. 15 oz.	0.4 oz.
3. 3 lbs. thru 4 lbs. 15 oz.	0.6 oz.
4. 5 lbs. thru 6 lbs. 15 oz.	0.8 oz.
5. 7 lbs. thru 8 lbs. 15 oz.	1.0 oz.
6. 9 lbs. thru 10 lbs. 15 oz.	1.3 oz.
7. 11 lbs. thru 11 lbs. 15 oz.	1.6 oz.
 - (b) Packages of commercial feed guaranteed to contain 12 pounds or more shall be considered short weight if they are found to be more than 1% below the guaranteed net weight.

(5) Aflatoxin:

(a) The maximum permissible level of aflatoxin in commercial feed or feedstuffs shall be 20 ppb for immature or lactating animals. Those tolerances listed under U.S. FDA Compliance Policy Guide No. 7126.33 (9/17/98 ~~5/18/89~~) shall be applied.

(b) U.S. FDA Compliance Policy Guide No. 7126.33 (9/17/98 ~~5/18/89~~) is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-7626.

(6) Pesticide Residues:

(a) Those tolerances listed in 21 C.F.R. pt. 573 (4/01/01 ~~1994~~) – Food Additives Permitted in Feed and Drinking Water of Animals and 40 C.F.R. pt. 180 (1993) – Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities shall be applied.

(b) The following materials are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20402.

1. 21 C.F.R. pt. 573 (4/1/01 ~~1994~~), Food Additives Permitted in Feed and Drinking Water of Animals.

2. 40 C.F.R. pt. 180 (7/1/2001 ~~1993~~), Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.036, 580.071, 580.081, 580.131 FS. History--New 4-3-85, Formerly 5E-3.16, Amended 10-15-87, 3-5-89, 3-31-93, 6-1-95, _____.

5E-3.018 Penalties.

(1) Section 580.051(4), F.S., authorizes the department to assess a penalty in the amount of \$100 per violation against the violator for the distribution of commercial feed without labeling as required under Section 580.051(1), F.S. The assessment of a penalty shall be imposed where no labeling is furnished or where labeling is improper according to the following guidelines:

(a) Net weight not shown;

(b) Registrant's name and address not shown;

(c) Feed containing a drug or antibiotic not showing the word "Medicated" in the brand name;

(d) Mixed feeds containing more than 10% minerals, but less than 50% which do not show the required guarantees for calcium, phosphorus and salt as specified in Rule 5E-3.006(3), F.A.C.;

(e) Mixed feeds containing more than 50% minerals which do not show the required mineral guarantees as specified in Rule 5E-3.006(4), F.A.C.;

(f) Illegible labels;

(g) Feed containing bentonite or other non-nutritive ingredients not declaring the required percentages;

(h) Crude protein, crude fat or crude fiber not guaranteed to the closest one tenth percent or as minimum or maximum percentages as required.

(2) All penalties assessed under Section 580.131, Florida Statutes, must be paid to the consumer within 60 days from the date of notice by the department to the registrant.

(a) When payment has been made in full to the consumer, the registrant must notify the department in writing of the form of the payment using the Notice of Deficiency Payment (Form FDACS 13255, Rev. 8/01 ~~IN-181 January 17, 1994~~) and provide the department with a copy of a release of the registrant from liability for the payment. The release must be procured by the registrant from the consumer. This release shall be on the Receipt of Deficiency Payment (Form FDACS 13256, Rev. 8/01 ~~IN-180 January 17, 1994~~).

(b) The following forms are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-7626.

1. Notice of Deficiency Payment (Form FDACS 13255, Rev. 8/01 ~~IN-181 January 17, 1994~~).

2. Receipt of Deficiency Payment (Form FDACS 13256, Rev. 8/01 ~~IN-180 January 17, 1994~~).

Specific Authority 570.07(23), 580.0236(2) FS. Law Implemented 580.051, 580.121, 580.131 FS. History--New 3-4-87, Amended 3-31-93, 6-1-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650; telephone (850)488-8731

NAME OF SUPERVISOR OF PERSON WHO APPROVED THE PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2001

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE TITLE: Firm Capacity and Energy Contracts

RULE NO.: 25-17.0832

PURPOSE AND EFFECT: The purpose of the amendment is to reduce the minimum term for standard offer contracts from 10 to five years. The rule amendment also requires investor-owned electric utilities to specify the term of the

standard offer when filing the contract for approval with the Commission. The effect is to reduce the risk that ratepayers will be tied to long-term contracts that are above avoided cost.

SUMMARY: Rule 25-17.0832 requires investor-owned utilities to file a tariff and a standard offer contract for the purchase of firm capacity and energy from specified types of small qualifying facilities. The rule sets forth the minimum specifications and acceptable pricing methodologies for standard offer contracts. The amendment to subparagraphs (4)(e)3. and 7. would reduce the ten year minimum contract term for standard offer contracts to five years. In addition, the amendment to subparagraph (4)(e)7. would require investor-owned utilities to specify the contract term when filing the standard offer for approval by the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Several municipal solid waste (MSWs) facilities oppose the rule amendments. However, the impact on these local government entities depends on future firm capacity and energy prices. If these prices increase, a shorter contract term would benefit MSW facility owners because they could enter a new standard offer contract sooner with higher payments. On the other hand, if firm capacity and energy prices decrease, MSW owners would be faced with lower payments. One MSW argued that because MSW facilities are publicly owned, any shortfall or reduction in electrical revenues will require increasing solid waste disposal costs. In addition, at least one MSW argued that adoption of the rule amendments will result in MSWs having to negotiate more contracts, which will increase transaction costs for the MSWs. The MSWs overlook that longer contracts are still possible under the rule. The MSWs also do not acknowledge that the Commission is required to keep IOU rates reasonable and shortening the standard offer contract term is best for IOU ratepayers in an environment in which wholesale generation costs are falling. Keeping the ten year minimum term would continue the possibility that IOUs and their ratepayers would be faced with higher cost capacity and energy costs for an additional five years for new standard offer contracts, even if market costs declined. However, wholesale generation costs may increase and IOUs would lose the benefits of a fixed price contract for an additional five years. Allowing a qualifying facility to choose the contract term would abrogate the Commission's regulatory responsibility over capacity and energy contracts.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127, 366.05(1) FS.

LAW IMPLEMENTED: 366.051, 366.81 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND

ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-17.0832 Firm Capacity and Energy Contracts.

(1) Firm capacity and energy are capacity and energy produced and sold by a qualifying facility and purchased by a utility pursuant to a negotiated contract or a standard offer contract subject to certain contractual provisions as to the quantity, time, and reliability of delivery.

(a) Within one working day of the execution of a negotiated contract or the receipt of a signed standard offer contract, the utility shall notify the Director of the Division of ~~Safety Electric~~ and ~~Electric Reliability Gas~~ and provide the amount of committed capacity and the type of generating unit, if any, which the contracted capacity is intended to avoid or defer.

(b) Within 10 working days of the execution of a negotiated contract or receipt of a signed standard offer contract for the purchase of firm capacity and energy, the purchasing utility shall file with the Commission a copy of the signed contract and a summary of its terms and conditions. At a minimum, the summary shall include report:

1. The name of the utility and the owner and operator of the qualifying facility, who are signatories of the contract;
2. The amount of committed capacity specified in the contract, the size of the facility, the type of facility, its location, and its interconnection and transmission requirements;
3. The amount of annual and on-peak and off-peak energy expected to be delivered to the utility;
4. The type of unit being avoided, its size, and its in-service year;
5. The in-service date of the qualifying facility; and
6. The date by which the delivery of firm capacity and energy is expected to commence.

(2) through (3) No change.

(4) Standard Offer Contracts.

(a) Upon petition by a utility or pursuant to a Commission action, each public utility shall submit for Commission approval a tariff or tariffs and a standard offer contract or contracts for the purchase of firm capacity and energy from small qualifying facilities. In lieu of a ~~separately separately~~ negotiated contract, standard offer contracts are available to the following types of qualifying facilities:

1. A small power producer or other qualifying facility using renewable or non-fossil fuel where the primary energy source in British Thermal Units (BTUs) is at least 75 percent biomass, waste, solar or other renewable resource;

2. A qualifying facility, as defined by Rule 25-17.080(3), with a design capacity of 100 kW or less; or

3. A municipal solid waste facility as defined by Rule 25-17.091.

(b) through (d) No change.

(e) Minimum Specifications. Each standard offer contract shall, at minimum, specify:

1. through 2. No change.

3. The payment options available to the qualifying facility including all financial and economic assumptions necessary to calculate the firm capacity payments available under each payment option and an illustrative calculation of firm capacity payments for a minimum five ~~ten~~ year term contract commencing with the in-service date of the avoided unit for each payment option;

4. through 6. No change.

7. The specific period of time over which firm capacity and energy shall be delivered from the qualifying facility to the utility. Firm capacity and energy shall be delivered, at a minimum, for a period of five ~~ten~~ years, commencing with the anticipated in-service date of the avoided unit specified in the contract. At a maximum, firm capacity and energy shall be delivered for a period of time equal to the anticipated plant life of the avoided unit, commencing with the anticipated in-service date of the avoided unit;

8. through 10. No change.

(f) through (g) No change.

(5) through (8) No change.

Specific Authority 350.127, ~~366.04(1), 366.051, 366.05(1), (8)~~ FS. Law Implemented 366.051, 366.81 ~~402.503~~ FS. History--New 10-25-90, Amended 1-7-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Judy Harlow, Division of Safety and Electric Reliability

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 44, November 3, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLE: Definitions
RULE NO.: 59H-1.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to amend the existing rules to incorporate the changes passed by the 2001 Legislature in SB 2092. The effect will be to update the definition of Maximum County Financial Responsibility as defined in Section 154.306(3), Florida Statutes.

SUMMARY: The passing of SB 2092, 2001 Legislative Session, brought about significant changes to the program by including the option for counties with a population of 100,000 or less to reduce the estimated population used for the calculation of financial obligation. In order for a county to qualify for the reduction, the county must accept as valid and true, documentation provided to the county by the participating or regional referral hospital regarding financial and residency eligibility. The county cannot require re-verification and the submitted documentation must comply with standards established by the workgroup as outlined in the rule and handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 154.3105 FS.

LAW IMPLEMENTED: 154.306 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Greenberg, CPM, Bureau of Managed Care, Data Analysis Unit, 2727 Mahan Drive, Building 1, Mail Stop 26, Tallahassee, Florida 32308, (850)414-8983

THE FULL TEXT OF THE PROPOSED RULE IS:

59H-1.0035 Definitions.

The following words and phrases shall have the following meanings for the purpose of this rule.

(1) through (22) No change.

(23) Maximum County Financial Responsibility: That amount obtained by multiplying total county population, as defined in Section 154.306(3), Florida Statutes, by \$4 per capita using the most recent official state population estimate

for the total county population published by the Executive Office of the Governor and the Bureau of Economic and Business Research.

(24) through (38) No change.

Specific Authority 154.3105 FS. Law Implemented 154.304, 154.306, 154.308, 154.309 FS. History—New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.0035, Amended 6-7-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hazel Greenberg, CPM

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jill Harvey, Unit Manager, Bureau of Managed Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NO.: 61G15-19.004

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to the minimum and maximum discipline penalty ranges to be imposed by the Board.

SUMMARY: The rule text is to be amended to add appropriate citations to violations of relevant portions of Section 455.227, F.S., and a general offense penalty range for violations of any rules or statutory provisions contained in Chapters 455 and 471, F.S. The update of the rule amends it to eliminate old sanctions, such as letters of guidance, and replaces them with more appropriate penalties, as well as rectifying some current ranges of penalty where the minimum and maximum penalties were identical.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Failure to date plans (471.025(1), F.S.)	<u>Reprimand</u> <u>Guidance</u> Letter	Reprimand and one (1) year probation
(b) Signing or sealing work not competent to perform (455.227(1)(o), F.S.) (471.025(3), F.S.)	Reprimand and \$1,000 fine and (1) year probation	Reprimand, \$5,000 \$1,000 fine, one (1) year suspension and two (2) years probation
(c) "Plan stamping" (471.033(1)(j), F.S.) (Rule 61G15-19.001(6)(c),(d))	Reprimand, & one (1) year probation <u>and</u> & \$1,000 fine	Reprimand, \$5,000 \$1,000 fine, one (1) year suspension and two (2) years probation
(d) Violating a Final Order of the Board (455.227(1)(q), F.S.) (471.033(1)(k), F.S.) (Rule 61G15-19.001(6)(o))	<u>Suspension</u> Revocation and \$1,000 fine	<u>Revocation and \$5,000 fine</u>
(e) Attempting to procure or procuring a license by bribery or fraudulent misrepresentation (455.227(1)(h), F.S.) (471.033(1)(b), F.S.)	Revocation and \$1,000 fine if licensed (denial of license and refer to State Attorney if not licensed)	
(f) License disciplined by another jurisdiction (455.227(1)(f), F.S.) (471.033(1)(c), F.S.)	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes	
(g) Criminal Conviction relating to engineering (455.227(1)(c), F.S.) (471.033(1)(d), F.S.) (Rule 61G15-19.001(6)(i)(h))	Misdemeanor: Reprimand <u>and</u> & one (1) year probation	Reprimand \$5,000 \$1,000 fine, one (1) year suspension and two (2) years probation
(h) Practice on inactive license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Felony: Revocation and \$1,000 fine Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum (penalty will require licensee to renew license or cease practice)	

(i) Practice on suspended license <u>(455.227(1)(q), F.S.)</u> (471.033(1)(i), F.S.)	Revocation and \$1,000 fine		(q) Undisclosed conflict of interest <u>(455.227(1)(q), F.S.)</u> (Rule 61G15-19.001(6)(f),(p))	Reprimand, \$1,000 fine, and two (2) years probation <u>Reprimand Guidance Letter to become certified or cease practice. If firm applies for certificate, Board will impose a fine of \$100/month for uncertified practice, or \$1,000 maximum.</u>	Revocation and <u>\$5,000</u> \$1,000 fine
(j) Practice on revoked license <u>(455.227(1)(q), F.S.)</u> (471.033(1)(i), F.S.)	Refer to State Attorney for criminal prosecution		(r) Firm practicing without certificate of authorization <u>(455.227(1)(q), F.S.)</u> (471.023, F.S.)	<u>Reprimand Guidance Letter to become certified or cease practice. If firm applies for certificate, Board will impose a fine of \$100/month for uncertified practice, or \$1,000 maximum.</u>	
(k) Knowingly making or filing false report <u>(455.227(1)(l), F.S.)</u> (471.033(1)(e), F.S.) (Rule 61G15-19.001(6)(b))	One (1) year suspension, two (2) years probation and \$1,000 fine	Revocation and <u>\$5,000</u> \$1,000 fine			
(l) Fraudulent, false, deceptive, or misleading advertising <u>455.227(1)(a), F.S.)</u> (471.033(1)(f), F.S.) (Rule 61G15-19.001(2)(g))	<u>Reprimand Letter of guidance</u>	Reprimand, one (1) year probation and \$5,000 <u>\$1,000</u> fine	(s) <u>Violation of any provision of Chapter 61G15, F.A.C., or Chapter 471, F.S.</u> <u>(455.227, F.S.)</u> <u>(471.033(1)(a), F.S.)</u> (3) No change.	<u>Reprimand, \$1,000 fine</u> <u>two (2) year probation and \$5,000 fine</u>	<u>One (1) year suspension.</u>
(m) Negligence <u>(455.227(1)(q), F.S.)</u> (471.033(1)(g), F.S.)	Reprimand, two (2) years probation and \$1,000 fine	Reprimand <u>\$5,000</u> \$1,000 fine, five (5) years suspension and ten (10) years probation <u>\$5,000</u> \$1,000 fine and revocation			
(n) Fraud or deceit <u>(455.227(a)(m), F.S.)</u> (471.033(1)(g), F.S.)	Reprimand, one (1) year suspension, two (2) years probation and \$1,000 fine				
(o) Misconduct 1. Soliciting or accepting gratuities without client knowledge: <u>(455.227(1)(q), F.S.)</u> (471.033(1)(g), F.S.) (Rule 61G15-19.001(6)(g), (h))	Reprimand, one (1) year probation and \$1,000 fine	Reprimand, one (1) year suspension, two (2) years probation and <u>\$5,000</u> \$1,000 fine			
2. Failure to preserve client's confidence: <u>(455.227(1)(q), F.S.)</u> (Rule 61G15-19.001(6)(r))	Reprimand, one (1) year probation and \$1,000 fine	Reprimand, one (1) year suspension and two (2) years probation (if pecuniary benefit accrues to engineer)			
3. Professional judgment is overruled by unqualified person: <u>(455.227(1)(q), FS.)</u> (Rule 61G15-19.001(6)(i)(h))	Reprimand, one (1) year and \$1,000 probation fine	Reprimand, one (1) year two (2) years suspension, probation and \$1,000 fine			
4. Use of name/firm in fraudulent venture: <u>(455.227(1)(q), F.S.)</u> Rule 61G15-19.001(6)(k)	Reprimand one (1) year probation and \$1,000 fine	Reprimand <u>\$5,000</u> \$1,000 fine one (1) year suspension and two (2) years probation			
(p) Incompetence (mental or physical impairment) <u>(455.227(1)(q), F.S.)</u> (Rule 61G15-19.001(5))	Suspension until ability to practice proved followed by probation				

Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Schedule of Fees Adopted by Board
Change of Status Fee

RULE NOS.: 61G15-24.001
61G15-24.003

PURPOSE AND EFFECT: The Board proposes to amend 61G15-24.001 to update the rule text with regard to fees charged by the Board. The Board proposes to repeal 61G15-24.003 to eliminate an unnecessary separate rule imposing a fee for inactive status applications when such a fee is contained in 61G15-24.001.

SUMMARY: The Board is amending 61G15-24.001 to raise some fees imposed by the Board, eliminate some fees for services that are no longer offered, and add new fees in the area of Engineer Intern Applications. Special Inspector of Threshold Buildings certification is the subject of another new fee. The Board is repealing 61G15-24.001 as redundant and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 455.271, 471.011, 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-24.001 Schedule of Fees Adopted by Board.

(1) through (2)(a) No change.

(b) Initial examination fee – \$100 (both parts), except the fee for Structural II examination is \$450;

(c) through (e) No change.;

(f) Late renewal penalty – ~~\$100.00~~ \$20.00;

(g) No change.

(h) Temporary Certificate of Authorization (firm) – ~~\$50.00~~ \$25.00;

(i) through (k) No change.

~~(l) Examination Review – \$35.00;~~

~~(m) Exam Rescoring Fee – Actual cost of re-scoring by NCEES at \$50.00 per item;~~

~~(n) Inactive Status Fee – \$75.00;~~

~~(o) Reactivation fee – \$150.00~~ \$50.00;

~~(p) Duplicate Certificate – \$25.00;~~

~~(q) Verification of Licensure – \$25.00;~~

~~(r) Special Inspector Certification – \$100;~~

(3) Engineer Intern Fees:

~~(a) Application Fee – \$30.00;~~

~~(b) Examination – \$50.00~~ \$60.00;

~~(c) Re-examination – \$100~~ \$60.00 per re-examined part or additional examination;

~~(e) Examination Review – \$35.00;~~

~~(d) Exam Rescoring Fee – Actual cost of re-scoring by NCEES at \$50.00 per item.~~

Specific Authority 455.213, 455.217(3), 455.219, ~~455.271~~, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), 471.011, 471.019 FS. History–New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, _____.

61G15-24.003 Change of Status Fee.

Specific Authority 455.271 FS. Law Implemented 455.271 FS. History–New 2-5-97, Amended 5-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-15R

RULE CHAPTER TITLE: Drinking Water Standards,

RULE CHAPTER NO.:

Monitoring and Reporting 62-550

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PURPOSE AND EFFECT: The Department is incorporating the U.S. Environmental Protection Agency's (USEPA's) Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-550. In addition, the Department is correcting and clarifying miscellaneous rules.

SUMMARY: Rule 62-550.102 is being amended to correct and clarify the description of Chapter 62-550. Rule 62-550.200 is being revised to add definitions for the terms "consecutive system," "enhanced coagulation," "enhanced softening," "GAC10," "haloacetic acids (five)," "maximum residual disinfectant level," "specific ultraviolet absorption," "subpart H system," "total organic carbon," and "wholesale system" and to correct or clarify the definitions of the terms "community water system," "exemption," "total trihalomethanes," "variance," and "waiver." Rule 62-550.300 is being revised to indicate that water quality standards include maximum residual disinfectant levels and treatment technique requirements. Rule 62-550.310 is being revised to add maximum residual disinfectant levels (MRDLs), maximum contaminant levels (MCLs) for disinfection byproducts, and compliance dates for these MRDLs and MCLs. Rule 62-550.315 is being added to identify all the treatment technique requirements that are considered primary drinking water standards. Rule 62-550.325 is being revised to address only treatment technique requirements that are considered secondary drinking water standards and to make the treatment technique requirements for control of iron and manganese consistent with the requirements in *Recommended Standards for Water Works*. Rules 62-550.500 and 62-550.590 are being revised to add disinfectant residuals and disinfection byproducts to the monitoring frequency table and the monitoring schedule table. Rule 62-550.514 is being revised to reference monitoring requirements for disinfectant residuals and disinfection byproducts. Rule 62-550.516 is being revised to change the name of the contaminant group "Pesticides and Polychlorinated Biphenyls" to "Synthetic Organic Contaminants." Rule 62-550.518 is being revised to require microbiological monitoring of raw water for only those water systems using ground water not under the direct influence of surface water; to reference the additional monitoring requirements if a raw water sample is total-coliform-positive; and to require water systems to notify the Department within 24 hours after learning of an acute violation of the total coliform MCL. Rule 62-550.540 is being revised to clarify

monitoring requirements for consecutive water systems; to allow consecutive systems that receive all of their finished water from a single wholesale system to consolidate their monitoring requirements with those of the wholesale system or those of another interconnected consecutive system that receives all of its finished water from the same wholesale system. Rule 62-550.550 is being revised to specify that licensed operators or persons under their direct supervision may perform measurements of certain water quality parameters to determine compliance with the standards in Chapter 62-550; to specify that any authorized representative of the supplier of water or the Department may perform measurements of disinfectant residuals; to demonstrate that TTHM and HAA5 samples were taken under normal operating conditions or to determine compliance with the operational requirements in Rule 62-555.350(1); and to specify that DPD colorimetric test kits may be used to measure chlorine, chloramines, or chlorine dioxide. Rule 62-550.720 is being revised to require that monthly operation reports be kept for a minimum of ten years (instead of five years). Rule 62-550.730 is being revised to require that monthly operation reports be submitted within ten days (instead of 15 days) after the end of each month, and to reference the reporting format for disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors and enhanced coagulation or softening. Rule 62-550.821 is being added to incorporate 40 CFR 141, subpart L (Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors), by reference and to clarify and supplement this subpart.

STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.853(3), 403.861(6),(9), (16),(17) FS.

LAW IMPLEMENTED: 403.0877, 403.851, 403.852(12),(13), 403.853, 403.853(1),(2), (3),(4),(7), 403.859(1), 403.861(1),(16),(17), 403.8615, 403.862 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD:

TIME AND DATE: 10:00 a.m., October 17, 2001

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steven Michael Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

THE FULL TEXT OF THE PROPOSED RULES IS:

62-550.102 Intent and Scope.

(1) through (4) No change.

(5) Chapter 62-560, F.A.C., gives the description of the violations of ~~C~~hapters 62-550, 62-555, and 62-560, F.A.C., and the resulting penalties. In addition, this chapter describes ~~the~~ public notification requirements for a public water systems that do not meet applicable meeting a maximum contaminant levels, maximum residual disinfectant levels, and treatment technique requirements; do not meet applicable monitoring requirements; or have a variance or exemption or not being lead-free. This chapter also describes the availability and processes for receiving variances, exemptions, and waivers. Additionally, Best Available Technology is ~~technologies and treatment techniques~~ are listed for various contaminants and disinfectant residuals.

Specific Authority 403.861(9) FS. Law Implemented 403.851, 403.853 FS. History—New 11-9-77, Amended 1-13-81, Formerly 17-22.102, Amended 1-18-89, Formerly 17-550.102, Amended 12-9-96,_____.

62-550.200 Definitions for Public Water Systems.

For the purpose of this chapter and ~~C~~hapters 62-555 and 62-560, F.A.C., the following words, phrases, or terms shall have the following meaning:

(1) through (11) No change.

(12) “COMMUNITY WATER SYSTEM” (CWS) means a public water system ~~that which~~ serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(13) through (16) No change.

(17) “CONSECUTIVE SYSTEM” means a public water system that buys or otherwise receives some or all of its finished water from one or more other public water systems at least 60 days per year. A consecutive system is either a “community water system” or a “non-community water system.”

(17) through (30) renumbered (18) through (31) No change.

(32) “ENHANCED COAGULATION” means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

(33) “ENHANCED SOFTENING” means the improved removal of disinfection byproduct precursors by precipitative softening.

~~(34)~~(34) “EXEMPTION” means approval from the Department affording a public water system, ~~existing as of the effective date of these rules,~~ an extended time for compliance with an applicable maximum contaminant level, maximum residual disinfectant level, or treatment technique requirement due to compelling factors (which may include time, legal, or economic factors) contained in a drinking water standard. An exemption pertains to non-compliance with a maximum contaminant level for reasons other than that instance when application of a generally available treatment method fails to adequately treat the raw water source.

(32) through (34) renumbered (35) through (37) No change.

(38) “GAC10” means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

(35) through (37) renumbered (39) through (41) No change.

(42) “HALOACETIC ACIDS (FIVE)” (HAA5) mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid) rounded to two significant figures after addition.

(38) through (48) renumbered (43) through (53) No change.

(54) “MAXIMUM RESIDUAL DISINFECTANT LEVEL” (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a public water system (PWS) is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under the Florida Safe Drinking Water Act. However, there is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Therefore, notwithstanding the MRDLs listed in Rule 62-550.310(2), F.A.C., operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level, and for a time, necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross connections.

(49) through (73) renumbered (55) through (79) No change.

(80) “SPECIFIC ULTRAVIOLET ABSORPTION” (SUVA) means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (in m⁻¹) by its concentration of dissolved organic carbon (in mg/L).

(81)(74) No change.

(82) “SUBPART H SYSTEM” means a public water system that is using surface water or ground water under the direct influence of surface water as a source and that is subject to the requirements of 40 CFR 141, subpart H, and Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C.

(75) through (78) renumbered (83) through (86) No change.

(87) “TOTAL ORGANIC CARBON” (TOC) means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

(88)(79) “TOTAL TRIHALOMETHANES” (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds: trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, tribromomethane (bromoform), rounded to two significant figures after addition.

(80) through (82) renumbered (89) through (91) No change.

(92)(83) “VARIANCE” means approval from the Department affording a public water system an extended time for compliance with an applicable maximum contaminant level or maximum residual disinfectant level, or allowing a public water system to not comply with an applicable treatment technique requirement contained in a drinking water standard. A variance pertains to non-compliance with a maximum contaminant level even when a treatment method has been applied to the raw water source. The non-compliance is due to the quality of the raw water.

(93)(84) No change.

(94)(85) “WAIVER” means approval from the Department for elimination of enhanced coagulation requirements or enhanced softening requirements, elimination of disinfection requirements or certified water plant operator requirements for transient non-community water systems using only ground water not under the direct influence of surface water, or reduction of the monitoring requirements for organic contaminants listed in Rules 62-550.310(4)(2)(a) and (b), F.A.C.

(86) through (87) renumbered (95) through (96) No change.

(97) “WHOLESALE SYSTEM” means a public water system that sells or otherwise delivers finished water to another public water system at least 60 days per year. A wholesale system that delivers water to a community water system is considered a community water system.

Specific Authority 403.861(9) FS. Law Implemented 403.853, 403.8615, 403.862 FS. History–New 11-9-77, Amended 1-13-81, 11-19-87, Formerly 17-22.103, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, Formerly 17-550.200, Amended 9-7-94, 12-9-96, 9-22-99, 8-1-00, _____.

62-550.300 Application of Quality Standards to Public Water Systems.

The ultimate concern of the a public drinking water system supervision program is the quality of piped water for human consumption when the water reaches the consumers. The following rules establish the maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs) for the water within public water systems. Additionally, these rules establish treatment technique requirements in lieu of, or in addition to, MCLs for certain contaminants. Public water systems shall comply with not exceed the MCLs, MRDLs, and treatment technique requirements maximum contaminant levels established herein unless granted a variance or exemption pursuant to Rules 62-560.510 or 62-560.520, F.A.C., or unless identified as excluded from the MCLs, MRDLs, or treatment technique requirements standards by this Chapter. Public water systems shall take necessary corrective action approved by the Department to meet all applicable MCLs, MRDLs, and treatment technique requirements standards. Treatment techniques in lieu of maximum contaminant levels for surface water systems or ground water systems under the direct influence of surface water are referenced in Rule 62-555.600, F.A.C., Scope of Additional Requirements For Surface Water Systems.

Specific Authority 403.861(9) FS. Law Implemented 403.852(12),(13), 403.853(1) FS. History–New 11-9-77, Amended 3-30-82, 11-19-87, Formerly 17-22.200, Amended 1-18-89, 1-3-91, Formerly 17-550.300, Amended _____.

62-550.310 Primary Drinking Water Standards; Maximum Contaminant Levels and Maximum Residual Disinfectant Levels.

(These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.)

(1) No change.

(2) DISINFECTANT RESIDUALS – Except for the chlorine dioxide maximum residual disinfectant level, which applies to all public water systems using chlorine dioxide as a disinfectant or oxidant, this subsection applies only to community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process. Maximum residual disinfectant levels (MRDLs) are listed in Table 2, which is incorporated herein and appears at the end of this chapter.

(a) Community or non-transient non-community water systems that are adding a chemical disinfectant to the water and that are subpart H systems serving 10,000 or more persons shall comply with the MRDLs in Table 2 beginning January 1, 2002. All other community or non-transient non-community water systems adding a chemical disinfectant to the water shall comply with the MRDLs in Table 2 beginning January 1, 2004. For purposes of this paragraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(b) Transient non-community water systems (TWSs) that are using chlorine dioxide as a disinfectant or oxidant and that are subpart H systems serving 10,000 or more persons shall comply with the chlorine dioxide MRDL in Table 2 beginning January 1, 2002. All other TWSs using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL in Table 2 beginning January 1, 2004. For purposes of this paragraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(3) DISINFECTION BYPRODUCTS – Paragraph (a) below applies only to community water systems (CWSs) serving 10,000 or more persons and adding a chemical disinfectant to the water in any part of the drinking water treatment process. Paragraph (b) applies to all community or non-transient non-community water systems adding a chemical disinfectant to the water.

(a) The interim maximum contaminant level (MCL) for total trihalomethanes is 0.10 milligram per liter. CWSs that are serving 10,000 or more persons, that are adding a chemical disinfectant to the water, and that are subpart H systems shall comply with the interim MCL for total trihalomethanes through December 31, 2001. All other CWSs serving 10,000 or more persons and adding a chemical disinfectant to the water shall comply with the interim MCL for total trihalomethanes through December 31, 2003. On and after January 1, 2004, the interim MCL for total trihalomethanes is no longer applicable. For purposes of this paragraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(b) The Stage 1 maximum contaminant levels (MCLs) for disinfection byproducts are listed in Table 3, which is incorporated herein and appears at the end of this chapter.

1. Community or non-transient non-community water systems that are adding a chemical disinfectant to the water and that are subpart H systems serving 10,000 or more persons shall comply with the MCLs in Table 3 beginning January 1, 2002. All other community or non-transient non-community water systems adding a chemical disinfectant to the water shall comply with the MCLs in Table 3 beginning January 1, 2004. For purposes of this subparagraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

2. Community or non-transient non-community water systems that are adding a chemical disinfectant to the water, that are subpart H systems serving 10,000 or more persons, and that are installing granular activated carbon or membrane technology to comply with the MCLs in Table 3 may apply to the Department for an extension of up to 24 months past the January 1, 2002, compliance date specified in subparagraph 1. above. For purposes of this subparagraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

a. Applicants for an extension shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department the following information: monitoring data demonstrating a need for an extension; documentation showing that the scope or complexity of the capital improvements warrants the length of extension requested; an engineering evaluation of interim disinfection byproduct control measures; and a compliance schedule. The engineering evaluation shall be prepared under the supervision of a professional engineer registered in Florida and, following the decision tree shown in Figure 4-1 of the U.S. Environmental Protection Agency's (USEPA's) *Microbial and Disinfection Byproduct Rules Simultaneous Compliance Guidance Manual*, shall evaluate each of the following interim disinfection byproduct control measures to identify those which are workable: moving points of disinfectant application; changing treatment to better remove disinfection byproduct precursors; changing primary or secondary disinfectants; adjusting disinfectant doses based upon water temperature or pH; changing water pH to reduce disinfection byproduct formation; and implementing a water main flushing program in areas with long detention times or biofilm problems. The USEPA's *Microbial and Disinfection Byproduct Rules Simultaneous Compliance Guidance Manual* is incorporated herein by reference and is available from the USEPA, Office of Ground Water and Drinking Water (4601), Ariel Rios Building, 1200 Pennsylvania Avenue, Northwest, Washington, DC 20460-0003. The compliance schedule shall specify dates by which steps toward implementing interim disinfection byproduct control measures will be taken and dates by which steps toward installing granular activated carbon or membrane technology will be taken.

b. The Department shall grant extensions and approve compliance schedules if the information required by sub-subparagraph a above indicates that an extension is needed; the length of extension requested is warranted; the applicant will begin implementing all workable interim disinfection byproduct control measures as soon as practicable or by January 1, 2002, whichever occurs later; and the applicant will complete installation of granular activated carbon or membrane technology by January 1, 2004.

c. Community water systems granted an extension shall include notice of the extension in their annual consumer confidence report for the duration of the extension and shall continue to comply with the interim total trihalomethane MCL in paragraph (a) above for the duration of the extension.

d. Failure by a community water system to comply with the interim total trihalomethane MCL in paragraph (a) above during an extension shall constitute a violation of primary drinking water standards. Also, failure by a community or non-transient non-community water system to meet the approved compliance schedule during an extension or failure by a community or non-transient non-community water system to continue to implement any workable interim disinfection byproduct control measure during an extension shall constitute a violation of primary drinking water standards.

~~(4)(2) ORGANICS – Paragraph (a) below applies only to community water systems serving more than 10,000 people. This subsection applies only Paragraphs (b) and (c) apply to community water systems and non-transient non-community water systems. Paragraph (d) applies to all public water systems that use acrylamide or epichlorohydrin in their water systems.~~

~~(a) Total trihalomethanes (the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform)). The maximum contaminant level is 0.10 milligrams per liter (mg/L).~~

~~(a)(b) The maximum contaminant levels for the volatile organic contaminants compounds are listed in Table 4, 2 which is incorporated herein and appears at the end of this Chapter.~~

~~(b)(c) The maximum contaminant levels for the synthetic organic contaminants pesticides and polychlorinated biphenyls (PCBs) are listed in Table 5, 3 which is incorporated herein and appears at the end of this Chapter.~~

~~(d) There are no maximum contaminant levels for the water treatment chemicals acrylamide and epichlorohydrin. However, treatment techniques pursuant to Rule 62-550.325, F.A.C., shall apply.~~

~~(5)(3) MICROBIOLOGICAL – This subsection applies to all public water systems. Monitoring requirements to demonstrate compliance with this subsection are defined in Rule 62-550.518, F.A.C.~~

~~(a) through (b) No change.~~

~~(c) A public water system shall determine compliance with the maximum contaminant level for total coliforms in paragraphs (a) and (b) of this subsection for each month (or quarter for transient non-community water systems that use only ground water not under the direct influence of surface water and that which serve 1,000 or fewer persons) in which it is required to monitor for total coliforms.~~

~~(6)(4) No change.~~

Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1) FS. History–New 11-19-87, Formerly 17-22.210, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.310, Amended 9-7-94, 8-1-00,_____.

62-550.315 Primary Drinking Water Standards: Treatment Technique Requirements.

(1) CONTROL OF ACRYLAMIDE AND EPICHLOROHYDRIN – This subsection applies to all public water systems using acrylamide or epichlorohydrin.

(a) Each system using acrylamide or epichlorohydrin shall certify annually in writing to the Department that the combination of dose and monomer level does not exceed the following levels:

1. Acrylamide = 0.05 percent dosed at one part per million (or equivalent).

2. Epichlorohydrin = 0.01 percent dosed at 20 parts per million (or equivalent).

(b) Certifications required by paragraph (b) above may rely on appropriate manufacturer or third party certifications.

(2) FILTRATION AND DISINFECTION (SURFACE WATER TREATMENT) – This subsection applies only to subpart H systems. Filtration and disinfection treatment technique requirements are specified in Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C.

(3) CONTROL OF LEAD AND COPPER – This subsection applies only to community water systems and non-transient non-community water systems. The treatment technique requirements for control of lead and copper are specified in 40 CFR 141, subpart I, as adopted under Rule 62-550.800, F.A.C.

(4) CONTROL OF DISINFECTION BYPRODUCT PRECURSORS (ENHANCED COAGULATION OR ENHANCED SOFTENING) – This subsection applies only to community or non-transient non-community water systems that are subpart H systems using conventional filtration treatment. The treatment technique requirements for control of disinfection byproduct precursors are specified in 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C.

Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1), 403.861(17) FS. History–New _____.

62-550.320 Secondary Drinking Water Standards: Maximum Contaminant Levels.

This section applies only to community water systems. (These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.).

(1) The secondary maximum contaminant levels are listed in Table 6, 4 which is incorporated herein and appears at the end of this Chapter.

(2) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.852(13), 403.853(1) FS. History–New 11-19-87, Formerly 17-22.220, Amended 1-18-89, 1-1-93, 7-4-93, Formerly 17-550.320, Amended 9-7-94,_____.

62-550.325 Secondary Drinking Water Standards: Treatment Techniques Requirements for Control of Iron and Manganese.

This section applies only to community water systems (CWSs) establishes treatment techniques that may be used by suppliers of water in lieu of complying with maximum contaminant levels for specified contaminants.

~~(1) The following treatment technique for acrylamide and epichlorohydrin shall be used in lieu of maximum contaminant levels:~~

~~(a) Each public water system shall certify annually in writing to the Department (using third party or manufacturer's certification) that when acrylamide and epichlorohydrin are used, the combination of dose and monomer level does not exceed the levels specified as follows:~~

- ~~1. Acrylamide 0.05% dosed at 1 ppm (or equivalent).~~
- ~~2. Epichlorohydrin 0.01% dosed at 20 ppm (or equivalent).~~

~~(b) Certifications may rely on manufacturers or third parties, as approved by the Department.~~

~~(2) Iron and Manganese.~~

~~(1)(a) CWSs may, Suppliers of water may use sequestering agents in lieu of meeting the maximum contaminant level for iron or and manganese, sequester iron or manganese using polyphosphates when the maximum concentration of iron plus and manganese concentration does not exceed 1.0 milligrams per liter in water. Each CWS using polyphosphate to sequester iron or manganese shall certify annually in writing to the Department that the amount of phosphate added does not exceed 10 milligrams per liter as PO₄.~~

~~(b) Such agents or additives and their proposed dosage rate shall be approved for potable water use pursuant to Rule 62-555.320(3), F.A.C.~~

~~(c) Suppliers of water shall report the dosage rate and water concentration level of the sequestering agent in treated water to the Department annually in writing.~~

~~(2) CWSs using ground water may, in lieu of meeting the maximum contaminant level for iron or manganese, sequester iron or manganese using sodium silicates when the maximum concentration of iron plus manganese does not exceed 2 milligrams per liter. Each CWS using sodium silicate to sequester iron or manganese shall certify annually in writing to the Department that the amount of silicate added does not exceed 20 milligrams per liter as SiO₂ and that the total amount of added plus naturally occurring silicate does not exceed 60 milligrams per liter as SiO₂.~~

Specific Authority 403.861(6),(9) FS. Law Implemented 403.853(1),(3), 403.854(1), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.325, Amended _____.

62-550.500 General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals.

These general requirements shall apply unless other monitoring or compliance measurement requirements are specified is required for a specific contaminant as specified in Rules 62-550.511 through 62-550.540, F.A.C., or Rule 62-550.821, F.A.C.

(1) No change.

(2) Monitoring Frequencies. ~~Table 5 summarizes the~~ Monitoring frequencies for each group of contaminants or disinfectant residuals are specified in Rules 62-550.511 through 62-550.520, F.A.C., plus Rule 62-550.821, F.A.C., and are summarized in Table 7.

(3) Monitoring Schedule. Each public water system shall monitor at the time designated by this subsection part during each compliance cycle and compliance period. ~~Table 8 6~~ summarizes when each public water systems shall perform routine its monitoring.

(a) through (e) No change.

(f) Upon request, small community systems and non-transient non-community systems shall be approved to monitor ~~during~~ during compliance periods or cycles than required by paragraphs (c) through (e) above Table 6.

(4) No change.

(5) Monitoring Locations.

(a) Ground water systems and subpart H surface water systems shall take a minimum of one sample at every entry point to the distribution system that is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(b) For purposes of Part V of this chapter, subpart H surface water systems also include systems using with a combination of surface water (or ground water under the direct influence of surface water) and ground sources, and ground water systems which use ground water not under the direct influence of surface water.

(c) No change.

(6) Confirmation Samples. The system shall take confirmation samples whenever a sample exceeds the maximum contaminant level for nitrate or nitrite and whenever nitrite, or whatever an unregulated contaminant is detected. However, a system may take confirmation samples for other inorganic contaminants, organic contaminants, radionuclides, or secondary contaminants. For regulated contaminants, If confirmation samples are taken, the results of confirmation samples shall be averaged with the first sampling results and the average used for the compliance determination as specified by subsection (7) below. Confirmation samples shall be collected at the same sampling point as soon as possible, but

~~not later than two weeks~~, after the initial sample was taken, ~~but not to exceed two weeks~~. The Department shall delete results of obvious sampling errors from this calculation.

(7) No change.

(8) Exceeding a ~~M~~maximum ~~C~~contaminant ~~L~~level (MCL) or Maximum Residual Disinfectant Level (MRDL). A system that exceeds ~~an MCL or MRDL~~ ~~a maximum contaminant level as determined in Rule 62-550.310, F.A.C.,~~ shall notify the Department within 48 hours of receiving the results (except for ~~violations of the microbiological, and nitrate, or nitrite MCL and acute violations of the MRDL for chlorine dioxide~~), begin monitoring quarterly in the next quarter after the violation occurred, and notify the public ~~in accordance with~~ ~~pursuant to~~ Rule 62-560.410, F.A.C. The supplier of water shall take corrective action approved by the Department to meet the applicable standard.

(9) through (10) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.859(1), 403.861(16),(17) FS. History—New 11-19-87, Formerly 17-22.300, Amended 1-18-89, 5-7-90, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.500, Amended 9-7-94, 8-1-00,_____.

62-550.512 Nitrate and Nitrite Monitoring Requirements.

All public water systems shall monitor to determine compliance with the maximum contaminant levels for nitrate and nitrite specified in Rule 62-550.310(1)(a), F.A.C.

(1) Community ~~or and~~ non-transient non-community water systems ~~that are served by~~ ground water systems shall monitor annually. Community or non-transient non-community water ~~Those systems that are subpart H systems served by surface water~~ shall monitor quarterly.

(a) No change.

(b) A subpart H surface water system may reduce the sampling frequency to annually if each analytical result from the four most recent consecutive quarters is less than 50 percent of the maximum contaminant level. A subpart H surface water system shall return to quarterly monitoring if any one sample is greater than or equal to 50 percent of the maximum contaminant level.

(c) No change.

(2) Each transient non-community water system shall monitor annually. The monitoring frequency for any transient non-community water system shall be quarterly for at least one year following any one sample in which the concentration of nitrite is greater than or equal to 50 percent of the maximum contaminant level ~~as specified in Table 1, and which requirement is set out in Table 5. Both tables are incorporated herein and appears at the end of this chapter.~~ The system may return to annual monitoring when the running annual average is less than the maximum contaminant level.

(3) through (4) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.512, Amended 9-7-94, 2-7-95, 8-1-00,_____.

62-550.513 Inorganic Contaminants Monitoring Requirements.

Community and non-transient non-community water systems shall monitor to determine compliance with the maximum contaminant levels of all the contaminants listed in Rule 62-550.310(1)(a), F.A.C., (except asbestos, nitrate, and nitrite) as follows:

(1) Ground water systems shall take one sample at each sampling point during each compliance period. Subpart H Surface water systems shall take one sample annually.

(2) through (4) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Formerly 17-550.513, Amended 2-7-95,_____.

62-550.514 ~~Total~~ Trihalomethane Monitoring Requirements for Disinfectant Residuals and Disinfection Byproducts.

(1) DISINFECTANT RESIDUALS. ~~When monitoring for total trihalomethanes, distribution samples that are representative of the finished water from each plant shall be taken. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple plants with wells drawing raw water from a single aquifer shall be considered one treatment plant. All samples shall be collected within a 24 hour period. Free or combined chlorine residual shall be taken and recorded concurrently with all trihalomethane samples.~~

(a) Community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the maximum residual disinfectant levels specified in Rule 62-550.310(2), F.A.C.

(b) Transient non-community water systems (TWSs) using chlorine dioxide as a disinfectant or oxidant shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the chlorine dioxide maximum residual disinfectant level specified in Rule 62-550.310(2), F.A.C.

(2) DISINFECTION BYPRODUCTS. ~~All community water systems that serve at least 10,000 individuals shall monitor for total trihalomethanes quarterly. At least four water distribution system samples shall be taken for each treatment plant used by the system. One fourth of the required samples shall be taken at a point within the distribution system which reflects the maximum residence time of the water in the system. The remainder of the samples shall be taken at locations in the distribution system representative of the areas of maximum water usage, the different sources of water, and the different treatment methods employed.~~

(a) Community water systems (CWSs) serving 10,000 or more persons and adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with the July 1, 2000, edition of 40 CFR 141.30(a), (b), (c), (d), (e), and (g), adopted and incorporated herein by reference, to determine compliance with the interim total trihalomethane maximum contaminant level specified in Rule 62-550.310(3)(a), F.A.C.

1. The monitoring requirements in paragraph (a) above apply through December 31, 2001, to CWSs that are serving 10,000 or more persons, that are adding a chemical disinfectant to the water, and that are subpart H systems and apply through December 31, 2003, to all other CWSs serving 10,000 or more persons and adding a chemical disinfectant to the water. On and after January 1, 2004, the requirements in paragraph (a) above are no longer applicable. For purposes of this subparagraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

2. In 40 CFR 141.30(a), (b), (c), (d), (e), and (g), the term "State" shall mean "Department." Also, references to section 141.12 shall be interpreted to mean Rule 62-550.310(3)(a), F.A.C.; references to section 141.24(e) shall be interpreted to mean Rule 62-550.550(1), F.A.C.; references to section 141.31 shall be interpreted to mean Rule 62-550.730(1), F.A.C.; and references to section 141.32 shall be interpreted to mean Rule 62-560.410, F.A.C.

(b) Community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the Stage 1 disinfection byproduct maximum contaminant levels specified in Rule 62-550.310(3)(b), F.A.C.

(3) Methods to reduce the monitoring frequency for trihalomethanes:

(a) Total trihalomethane concentration may be used by a community water system to reduce monitoring frequency required by subsection (2) upon written request to the Department and the Department's approval. Approved reduced monitoring frequency shall never be less than one sample quarterly. The Department shall review the data from at least four quarters of monitoring in accordance with this paragraph and the local conditions affecting the system to determine that trihalomethane concentrations will be consistently below the maximum contaminant level in order to approve this reduction in monitoring.

(b) Total trihalomethane potential may be used by a community water system that uses only ground water sources to reduce the monitoring frequency required by this paragraph upon written request to the Department and the Department's

approval. Approved reduced monitoring frequency for total trihalomethane potential shall never be less than one sample per year. For the monitoring frequency to be reduced, the system shall submit to the Department the results of at least one sample analyzed for maximum total trihalomethanes potential for each treatment plant used by the system. Monitoring frequency shall be reduced if the Department finds that the results have a maximum total trihalomethanes potential of less than 0.10 milligrams per liter and that, based upon an assessment of the system and local conditions affecting it, the system is not likely to exceed 50 percent of the maximum contaminant level for total trihalomethanes.

(c) If at any time during which the reduced monitoring described in paragraph (a) or (b) of this subsection applies, the results from any analysis taken by the system for total trihalomethanes or maximum total trihalomethanes potential are equal to or greater than 0.10 milligrams per liter, such results shall be confirmed by at least one check sample taken promptly after the results are received. If the check sample confirms that the total trihalomethane or maximum trihalomethanes potential is greater than or equal to 0.10 milligrams per liter, the system shall immediately begin monitoring in accordance with the requirements of subsection (2) of this section, and such monitoring shall continue for at least four consecutive quarters before the frequency may be reduced again.

(d) In the event of any significant change to the system's raw water or treatment program, the system shall immediately analyze an additional sample for total trihalomethanes or total trihalomethanes potential. If the data submitted by the water system indicate that the levels of total trihalomethanes within the distribution system are subject to significant variations, the Department shall require more frequent monitoring.

(e) All samples required by paragraphs (a), (b), (c), and (d) of this subsection shall be taken at a point within the distribution system that reflects the maximum residence time of the water in the system.

(4) Compliance with Rule 62-550.310(2)(a), F.A.C., shall be determined by the Department based on a running annual average of samples collected by the system as described in subsection (2) or paragraph (3)(a) of this section. If the average of sample results covering any four consecutive quarterly periods exceeds the maximum contaminant level, the supplier of water shall comply with Rule 62-550.500(8), F.A.C. The temporary monitoring frequency established by the Department pursuant to Rule 62-550.500(4), F.A.C., shall continue until the maximum contaminant level has not been exceeded in the average of successive samples for 12 months.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 1-1-93, Amended 7-4-93, Formerly 17-550.514, Amended 2-7-95,_____.

62-550.515 Volatile Organic Contaminants Monitoring Requirements.

Monitoring for the volatile organic contaminants listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., shall be conducted to determine compliance with the maximum contaminant levels.

(1) Monitoring Frequency.

(a) Initial base point monitoring. Each community ~~or~~ ~~and~~ non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., during the first compliance period.

(b) If the public water system does not detect any of the contaminants listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., it shall sample annually beginning with the next compliance period.

(c) If the initial monitoring for contaminants listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., as required in subsection (1) of this section, ~~was has been~~ completed between January 1, 1988, and December 31, 1992, and the system did not detect any contaminant listed in 62-550.310(4)(a)(2)(b), F.A.C., then each ground water system and subpart H surface water system may take one sample annually beginning January 1, 1993.

(d) After a minimum of three years of annual sampling, ground water systems with no previous detection of any contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., may take one sample during each compliance period.

(e) Subpart H systems ~~Surface water~~ and ground water systems may apply to the Department for a monitoring waiver as specified in Rule 62-560.545, F.A.C.

(2) No change.

(3) Monitoring Frequency ~~A~~ after a Contaminant Is Detected. If a contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., is detected at a level exceeding 0.0005 milligrams per liter in any sample:

(a) through (c) No change.

(4) A system that exceeds ~~a~~ the maximum contaminant level as specified in Rule 62-550.310(4)(a)(2)(b), F.A.C., shall notify the public pursuant to Rule 62-560.410, F.A.C., begin quarterly monitoring, and take corrective action as approved by the Department.

(5) The use of monitoring data collected between January 1, 1988, and January 1, 1993, shall be allowed for purposes of monitoring compliance. A single sample, rather than four quarterly samples, shall satisfy the initial base point monitoring requirement. Systems ~~that took~~ ~~which have taken~~ such samples and did not detect any contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., shall begin monitoring annually.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 1-26-93, 7-4-93, Formerly 17-550.515, Amended 9-7-94, 2-7-95,_____.

62-550.516 Synthetic Organic Contaminants Pesticides and Polychlorinated Biphenyls Monitoring Requirements.

Monitoring for the synthetic organic ~~pesticide~~ ~~and~~ ~~polychlorinated biphenyl~~ contaminants listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., shall be conducted as follows:

(1) Monitoring Frequency.

(a) Each community ~~or~~ ~~and~~ non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., during each compliance period.

(b) through (2) No change.

(3) Monitoring Requirements After a Contaminant Is Detected. If an organic contaminant listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., is detected in any sample:

(a) No change.

(b) The Department shall decrease the quarterly monitoring requirement of this rule to annually if the running annual average is below the maximum contaminant level. After three years of annual sampling with no detection of any contaminant listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., systems may sample according to the schedule detailed in paragraphs (1)(c) and (1)(d) above.

(c) through (d) No change.

(4) A system that exceeds ~~a~~ the maximum contaminant level as specified in Rule 62-550.310(4)(b)(2)(e), F.A.C., shall notify the public pursuant to Rule 62-560.410, F.A.C., begin quarterly monitoring, and take corrective action as approved by the Department.

(5) through (6) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 1-26-93, Formerly 17-550.516, Amended 9-7-94, 2-7-95,_____.

62-550.517 Physical Characteristics Monitoring Requirements.

(1) No change.

(2) All public water systems using ground water not under the direct influence of surface water as a source are required by Rules 62-550.518(2),(3), and ~~(10)~~ ~~(11)~~, F.A.C., to periodically sample the raw ground water source for microbiological contamination. In the event a raw water sample is positive for total coliform bacteria, the system shall begin monitoring the raw water source for turbidity, pH, temperature, nitrates, and conductivity; when notified in writing by the Department to do so and shall perform a microscopic particulate analysis and particle counter analysis when notified in writing by the Department to do so in writing. These data will be used by the Department to determine whether the system's ~~systems~~ water source is under the direct influence of surface water. If the Department renders a written decision that the source is not under the direct influence of surface water, or if no subsequent raw water samples are positive for bacteria during the following one-year period, monitoring of the raw water for

turbidity, pH, temperature, and conductivity will no longer be required. If the Department determines that a system is under the direct influence of surface water, the system shall will comply with Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C. In the event the system notifies the Department in writing that it disagrees with the Department's determination, the system shall have six months in which to commission and complete an independent analysis of the system. Upon receipt of such an independent analysis, the Department will reconsider its determination and notify the system of its decision and include the notice of rights to an administrative hearing as provided in Rule 62-110.106, 62-103.155, F.A.C.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 1-1-93, Amended 7-4-93, Formerly 17-550.517, Amended 9-7-94, 8-1-00,_____.

62-550.518 Microbiological Monitoring Requirements.

(1) All public water systems shall analyze for coliform bacteria to determine compliance with Rule 62-550.310(5)(3), F.A.C. Public water systems shall collect total coliform samples at sites that are representative of water throughout the distribution system and in accordance with a written sampling plan that addresses location, timing, frequency, and rotation period. These plans shall be available for review and possible revision on the occasion of a sanitary survey conducted by the Department. Descriptions of sampling locations shall be specific, i.e., numbered street addresses or lot numbers. Pressure tank or and plant tap samples are not acceptable for determining compliance.

(2) Total coliform samples shall be taken at regular intervals and in numbers proportionate to the population served by the system. Community water systems, non-transient non-community water systems, transient non-community water systems that are subpart H systems use surface water, and transient non-community water systems that serve more than 1,000 persons per day during any one month shall take monthly distribution system samples. In addition, systems that are using ground water not under the direct influence of surface water shall take a minimum of one monthly representative raw water sample that is representative of each ground water source (i.e., well) not under the direct influence of surface water per month shall be taken. For purposes of this subsection, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems. In no event shall the number of distribution system samples be less than as set forth below:

TABLE No change.

(3) ~~A~~ Transient non-community water systems using only ground water not under the direct influence of surface water and serving that serves 1,000 or fewer persons shall monitor at the rate of two distribution system samples in each calendar quarter during which the system provides water to the public.

In addition, such systems shall take a minimum of one quarterly raw water sample that is representative of each ground water source (i.e., well) shall be collected per quarter.

~~(4) The supplier of water shall maintain a minimum free chlorine residual of 0.2 milligrams per liter or its equivalent throughout the distribution system at all times. If the supplier of water fails to maintain this level of free chlorine residual, or its equivalent, the supplier of water shall take necessary corrective action as approved by the Department. When using chlorine in combination with ammonia, a minimum combined chlorine residual of 0.6 milligrams per liter shall be maintained.~~

~~(4)(5) The P~~public water systems shall collect distribution system samples at regular intervals throughout the month, except that a system that uses only ground water not (except ground water under the direct influence of surface water); and that serves 4,900 persons or fewer; may collect all required samples on a single day if the samples are taken from different sites.

~~(5)(6) A Subpart H public water systems that do uses surface water or ground water under the direct influence of surface water and that does not practice filtration in compliance with Part VI of Chapter 62-555, Rule 62-555.610, F.A.C., shall collect at least one sample near the first service connection each day the turbidity level of the source water exceeds one NTU, measured as specified in Rule 62-550.560(2)(3), F.A.C. This sample shall be analyzed for the presence of total coliforms. When any turbidity measurement in any day exceeds one NTU, the system shall collect this coliform sample within 24 hours; unless the Department determines that the system, for logistical reasons outside the system's control, cannot have the sample analyzed within 30 hours of collection. In this case, the Department shall specify how much time the system has to collect the sample. Sample results from this coliform monitoring shall be included in determining compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C.~~

~~(6)(7) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C. Repeat distribution system samples taken pursuant to subsection (7)(8) of this section are not considered special purpose samples; and shall be used to determine compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C.~~

~~(7)(8) Additional or Repeat M~~onitoring.

(a) If a raw water sample is total-coliform-positive, the public water system shall disinfect and bacteriologically survey the relevant well(s) in accordance with Rule 62-555.315(3), F.A.C., when notified in writing by the

Department to do so and shall conduct physical characteristics monitoring in accordance with Rule 62-550.517(2), F.A.C., when notified in writing by the Department to do so.

(b)(a) If a routine distribution system sample is total-coliform-positive, the public water system shall collect a set of repeat distribution system samples within 24 hours of being notified of the positive result. The system shall collect all repeat samples on the same day. A system that collects monthly routine distribution samples shall collect no fewer than three repeat samples for each total-coliform-positive sample found. A transient non-community water system that collects quarterly routine samples serves 1,000 or fewer persons shall collect no fewer than four repeat samples for each total-coliform-positive sample found. The Department shall extend the 24-hour limit on a case-by-case basis if the system has a logistical problem that is beyond its control in collecting the repeat samples within 24 hours. If an extension is granted, the Department shall specify how much time the system has to collect the repeat samples. If a routine distribution system sample is total-coliform-positive and the public water system is collecting fewer than five routine distribution system samples per month, the system also shall comply with the sampling requirements in Rule 62-550.518(8), F.A.C.

(c)(b) The system shall collect at least one repeat distribution system sample from the sampling tap where the original total-coliform-positive sample was taken, at least one repeat distribution system sample at a tap within five service connections upstream of the original sampling site, and at least one repeat distribution system sample at a tap within five service connections downstream of the original sampling site. If a total-coliform-positive sample is at the beginning or end of the distribution system, or one service connection away from the beginning or end of the distribution system, the system need not collect a the one repeat sample upstream or downstream of the original sampling site, whichever is applicable, but still must collect the total number of repeat samples specified in paragraph (b) above.

(d)(e) If any repeat distribution system sample in the set is total-coliform-positive the public water system shall collect an additional set of repeat distribution system samples in the manner specified in paragraphs (7)(b) and (7)(c) (8)(a) through (8)(e) of this section. The public water system shall collect the additional samples within 24 hours of being notified of the positive result; unless the Department extends the limit as provided in paragraph (7)(b) (8)(a) of this section. The system shall repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C., has been exceeded and notifies the Department in accordance with subsections (10)(11) and (11)(12) below.

(e)(d) Results of all routine and repeat distribution system samples not invalidated by the Department shall be included in determining compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C.

(8)(9) If a system collecting fewer than five routine distribution system samples per month has one or more total-coliform-positive samples and the Department does not invalidate the sample(s) under Rule 62-550.518(9)(10)(a), F.A.C., it shall collect at least five routine distribution system samples during the next month the system provides water to the public.

(9)(10) Invalidation of Ttotal Ceoliform Ssamples. A total-coliform-positive sample invalidated under this subsection does not count toward meeting the minimum monitoring requirements of this section. Department invalidation of a total-coliform-positive sample invalidates subsequent fecal-coliform-positive or E.-coli-positive results on the same sample.

(a) The Department shall invalidate a total-coliform-positive sample if any of the following conditions are met:

1. No change.
2. The Department, on the basis of the results of the repeat distribution system samples collected as required by subsection (7)(8) of this section, determines that the total-coliform-positive sample resulted from a non-distribution system plumbing problem. The Department shall not invalidate a sample on the basis of repeat samples unless all repeat samples collected at the same tap as the original total-coliform-positive sample are also total-coliform-positive; and all repeat samples collected within five service connections of the original tap are total-coliform-negative. The Department shall not invalidate a total-coliform-positive sample on the basis of repeat samples if all the repeat samples are total-coliform-negative; or if the public water system has only one service connection.

3. The Department has received in writing substantial grounds to conclude that a total-coliform-positive result is due to a circumstance or condition that does not reflect raw water quality or water quality in the distribution system. In this case, the system shall still collect all repeat distribution system samples required under subsection (7)(8) of this section; and use them to determine compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C. The written documentation shall describe the specific cause of the total-coliform-positive sample; and what action the system has taken, or will take, to correct this problem. The Department shall not invalidate a total-coliform-positive sample solely on the grounds that all repeat samples are total-coliform-negative.

~~(10)(11)~~ Fecal Ceoliforms/Escherichia coli (E. coli) Ttesting. If any raw water; sample is total-coliform-positive, the system shall analyze that total-coliform-positive culture to determine if E. coli is present. If any routine or repeat distribution system sample is total_coliform-positive, the system shall analyze that total_coliform-positive culture to determine if fecal coliforms are present; or shall analyze that total-coliform-positive culture to determine if E. coli is present except that the system may test for E. coli in lieu of fecal coliforms. If fecal coliform or E. coli is present in any repeat distribution system sample, the system shall notify the Department in accordance with paragraph (11)(a) below. If fecal coliforms or E. coli is are present in any the routine distribution system or repeat sample; or if E. coli is present in any raw water sample that is representative of a well previously considered to be meeting the bacteriological requirements in Rule 62-555.315(3)(c), F.A.C., the system shall notify the appropriate Department of Environmental Protection (DEP) District Office or appropriate Approved County Health Department (ACHD) by the end of the day that when the system learns is notified of the test result; unless the system learns is notified of the result after the appropriate DEP District Office or appropriate ACHD Department office is closed, in which case the system shall notify the appropriate DEP District Office or appropriate ACHD Department before the end of the next business day.

~~(11)(12)~~ Response to Vviolation.

(a) A public water system that has an acute violation of the total coliform maximum contaminant level (MCL) as specified in Rule 62-550.310(5)(b), F.A.C., shall report the violation to the Department as soon as practicable but no later than 24 hours after the system learns of the violation and shall notify the public in accordance with Rule 62-560.410, F.A.C. A public water system that has a non-acute violation of exceeded the maximum contaminant level for total coliforms MCL as specified in Rule 62-550.310(5)(a)(3), F.A.C., shall report the violation to the Department no later than the end of the next business day after it learns of the violation, and shall notify the public in accordance with Rule 62-560.410, F.A.C.

(b) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.518, Amended 9-7-94, 2-7-95, 8-1-00, _____.

62-550.519 Radionuclides Monitoring Requirements.

(1) Monitoring Rrequirements for Nnaturally Ooccurring Rradionuclides for Ceommunity or and Nnon-Ttransient Nnon-Ceommunity Wwater Ssystems.

(a) No change.

(b) When an annual record taken in conformance with paragraph (a) above has established that the average annual concentration is less than half the maximum contaminant

levels set forth in Rule 62-550.310(6)(a)(4), F.A.C., analysis of a single sample shall be substituted for the quarterly sampling procedure required by paragraph (a).

(c) through (i) No change.

(j) If the average annual maximum contaminant level for gross alpha particle activity or combined radium-226 and radium-228 as set forth in Rule 62-550.310(6)(5)(a), F.A.C., is exceeded, the supplier of water shall comply with Rule 62-550.500, F.A.C. The temporary monitoring frequency established by the Department pursuant to Rule 62-550.500, F.A.C., shall continue for at least quarterly intervals until the annual average no longer exceeds the maximum contaminant level.

(2) Monitoring Rrequirements for Mman-Mmade Rradioactivity in Ceommunity Wwater Ssystems That Are Subpart H Systems using surface water and Sserving Mmore Than 100,000 Ppersons; and in Ppublic Wwater Ssystems Vvulnerable to Mman-Mmade Rradioactive Ceontamination as Ddetermined by the Department.

(a) No change.

(b) The supplier of water will be in compliance with this section if the gross beta particle activity is less than 50 pCi/L and the average annual concentrations of tritium and strontium-90 are less than the levels listed in Rule 62-550.310(6)(4)(b), F.A.C. If both radionuclides are present, the sum of their annual dose equivalents to bone marrow shall not exceed 4 millirem/year.

(c) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample shall be performed to identify the major radioactive constituents present, and the appropriate organ and total body doses shall be calculated to determine compliance with Rule 62-550.310(6)(4)(b)2., F.A.C.

(d) The supplier of any public water system designated by the Department as using waters contaminated by nuclear facilities shall conduct quarterly monitoring for gross beta particle and iodine-131 radioactivity and shall conduct annual monitoring for strontium-90 and tritium.

1. Compliance with quarterly monitoring for gross beta particle activity standards shall be based on the average of the analyses of monthly samples taken for three consecutive months or the analysis of a composite of three monthly samples. The former monitoring procedure is recommended. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present, and the appropriate organ and total body doses shall be calculated to determine compliance with Rule 62-550.310(6)(4)(b), F.A.C.

2. through 4. No change.

(e) If the average annual maximum contaminant level for man-made radioactivity set forth in Rule 62-550.310(6)(4)(b), F.A.C., is exceeded, the supplier of water shall take corrective

action approved by the Department to meet the applicable standards. The supplier of water also shall give notice to the public served by the water system as required by Rule 62-560.410, F.A.C. The Department shall establish more stringent monitoring frequencies, if necessary, based on the maximum contaminant level exceeded, the potential health effects of that level, the estimated time needed to take corrective action, and any other relevant information known to the Department.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 1-1-93, Amended 7-4-93, Formerly 17-550.519, Amended 2-7-95,_____.

62-550.540 Monitoring of Consecutive Public Water Systems.

~~When one public water system receives all of its water from another public water system, the recipient public water system is the consecutive public water system. If a public water system receives only part of its water from another public water system, the recipient water system is not a consecutive public water system. The consecutive public water system shall provide microbiological and chlorine residual monitoring in a manner complying with Rule 62-550.518, F.A.C. Additional monitoring of the contaminants listed in Part III shall be required for consecutive systems which have a potential threat of contamination within their distribution system that is not corrected by the treatment provided. Consecutive water systems shall comply with the provisions of Rule 62-550.800, F.A.C., Control of Lead and Copper and Rule 62-550.511, F.A.C., Asbestos Monitoring Requirements.~~

(1) Consecutive systems shall conduct asbestos monitoring in their distribution systems in accordance with Rule 62-550.511, F.A.C.; shall conduct microbiological monitoring in their distribution systems in accordance with Rule 62-550.518, F.A.C.; shall comply with the lead and copper control requirements in Rule 62-550.800, F.A.C.; and shall conduct residual disinfectant monitoring at a remote point in their distribution systems in accordance with Rule 62-555.900(2), (3), or (4), F.A.C. to verify that the minimum residual disinfectant concentration required by Rule 62-555.350(1), F.A.C., is being maintained throughout their distribution systems. Consecutive systems that receive any finished water originating from a subpart H system shall comply with the distribution system residual disinfectant requirements in Rules 62-550.560(3)(d) and 62-555.630(3)(d), F.A.C. Consecutive systems that add a chemical disinfectant to the water shall conduct residual disinfectant monitoring in accordance with Rules 62-550.514(1) and 62-550.821, F.A.C., and shall conduct disinfection byproduct monitoring in accordance with Rules 62-550.514(2) and 62-550.821, F.A.C.

(2) Consecutive systems that treat or retreat a wholesale system's finished water in a manner that could cause violation of any applicable primary or secondary standard in Part III of this chapter shall conduct additional monitoring or comply

with additional requirements (i.e., monitoring or requirements in addition to the monitoring and requirements specified in subsection (1) above) when notified in writing by the Department to do so. Such additional monitoring or requirements shall be for the standard(s) in question and shall be consistent with the monitoring or requirements specified in this chapter for the standard(s) in question.

(3) Consecutive systems that have their own source(s) of raw water or that receive raw water from one or more other water systems shall monitor such water in accordance with Rules 62-550.500, 62-550.512, 62-550.513, 62-550.515, 62-550.516, 62-550.517, 62-550.519, 62-550.520, and 62-550.521, F.A.C.; the source water asbestos monitoring requirements under Rule 62-550.511, F.A.C.; and the raw water microbiological monitoring requirements under Rule 62-550.518, F.A.C.; and shall comply with any primary or secondary treatment technique requirements applicable to such water.

(4) Upon written approval by the Department, consecutive systems that receive all of their finished water from a single wholesale system may consolidate their monitoring requirements with those of the wholesale system or those of another interconnected consecutive system that receives all of its finished water from the same wholesale system. To obtain the Department's approval, consolidating systems shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department the following:

(a) Documentation that interconnection of the systems justifies treating them as a single system for monitoring purposes;

(b) Written asbestos, residual disinfectant and disinfection byproducts, microbiological, or lead and copper sampling/monitoring plans, as applicable, for the consolidated system; and

(c) A written agreement between the systems establishing the following:

1. The one system that shall be solely accountable to the Department for compliance with applicable monitoring requirements and associated maximum contaminant levels, maximum or minimum residual disinfectant levels, treatment technique requirements, reporting requirements, public notification requirements, and recordkeeping requirements for the consolidated system; and

2. Each system's responsibilities to the other for providing treatment, taking corrective action, monitoring, reporting, notifying the public, and keeping records.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 11-19-87, Formerly 17-22.340, Amended 1-18-89, 1-1-93, Formerly 17-550.540, Amended _____.

62-550.550 Certified Approved Laboratories and Analytical Methods for Public Water Systems.

(1) For the purpose of determining To determine compliance with standards and monitoring requirements other than those mentioned in subsection (2) below, Rules 62-550.310, 62-550.320, and 62-550.800, F.A.C., samples shall be considered for compliance monitoring are acceptable only if they have been analyzed by a laboratory certified approved by the Department of Health except that measurements for alkalinity, bromide, calcium, chlorite at entrances to distribution systems, conductivity, disinfectant residual, orthophosphate, pH, silica, specific ultraviolet absorbance, temperature, total organic carbon, or turbidity may be performed by operators licensed under Chapter 62-602, F.A.C., or by persons under the direct supervision of a licensed operator. The Approved analytical methods shall be used and are contained in the July 1, 2000, edition of 40 CFR 141.21, 141.23, 141.24, 141.25, 141.27, 141.74, 141.89, 141.131, and 143.4, Code of Federal Regulations (C.F.R.) title 40, part 141, sections 21, 23, 24, 25, 27, 74, 89, and 131 (1999); in 40 C.F.R. part 143, section 4 (1999); and on pages 67450 through 67467 of the December 1, 1999 Federal Register, all of which and are adopted and incorporated herein by reference. Use of an alternative analytical technique requires written permission from the Department and the U.S. Environmental Protection Agency. The use of DPD colorimetric test kits to measure residual chlorine, chloramine, or chlorine dioxide concentration is approved.

(2) Measurements for disinfectant residual to demonstrate that TTHM and HAA5 samples were taken under normal operating conditions and measurements for disinfectant residual to determine compliance with the operational requirements in Rule 62-555.350(1), F.A.C., may be performed by any authorized representative of the supplier of water or the Department. Approved analytical methods or DPD colorimetric test kits shall be used as specified in subsection (1) above.

(3)(2) Measurements for residual disinfectant concentration, conductivity, temperature, alkalinity, calcium, orthophosphate, turbidity, silica, bromide, total organic carbon, specific ultraviolet absorbance, and pH may be performed by any supplier of water in accordance with the appropriate methodology referenced above. Such measurements shall be conducted by an authorized representative of the supplier of water. The Department State may take and analyze samples and use the results to determine compliance with the applicable requirements of this Chapter or Chapter 62-555, F.A.C.

(4)(3) Compositing of Samples.

(a) A public water system may reduce the total number of samples that must be analyzed pursuant to Rules 62-550.511, 62-550.512, 62-550.513, 62-550.515, 62-550.516, and 62-550.519, and 62-550.521, F.A.C., by the use of compositing. No more than two samples shall be combined

into one composite sample when analyzing for antimony or thallium, which are listed in Table 1, or for any of the contaminants in the volatile organic contaminants compounds listed in Table 4, 2, or for ethylene dibromide (EDB), which is listed in Table 5 3. No more than three samples shall be combined into one composite sample when analyzing for toxaphene, which is listed in Table 5 3. No more than four samples shall be combined into one composite sample when analyzing for cyanide, which is listed in Table 1. No more than five samples shall be combined into one composite sample when analyzing for the other contaminants in the other groups.

(b) Compositing shall be done only by certified laboratories using the approved methods referenced in subsection (1) above approved pursuant to Chapter 10D-41, F.A.C. All samples, except those taken for radionuclides, shall be analyzed within 14 days of collection.

(c) No change.

(d) Resampling After a Detection of a Contaminant in a Composite Sample.

1. No change.

2. If duplicates of the original sample for volatile or synthetic organics contaminants and pesticides are available, the system may use these duplicates instead of resampling. If a duplicate is used, it shall be analyzed for the detected contaminant within 14 days of collection.

(e) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History—New 11-19-87, Formerly 17-22.350, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, Formerly 17-550.550, Amended 9-7-94, 2-7-95, 8-1-00,_____.

62-550.590 Public Water System Monitoring Information and Monitoring Schedule.

(1) Table 7 5 summarizes the base monitoring frequencies and locations that which apply to public water systems in determining compliance with the rules set forth in this pPart.

(2) Table 8 6 contains the monitoring schedule for that all public water systems on routine monitoring shall follow. Public water systems on increased or reduced monitoring as summarized in Table 7 shall refer to Rule 62-550.500(3), F.A.C., to determine their monitoring schedule.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History—1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-550.590, Amended 9-7-94, 8-1-00,_____.

62-550.720 Recordkeeping.

All Suppliers of water shall retain on their premises, of the public water system treatment plant or at a convenient location near their premises, the following records:

(1) Records of bacteriological analyses made under pursuant to this Chapter shall be kept for not less than 5 years. Records of physical, chemical, or radiological analyses made under any portion of pursuant to this Chapter other than Rule 62-550.800 shall be kept for not less than 10 years. Actual

laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the information required in Rule 62-550.730(4), F.A.C., is included.

(2) through (4) No change.

(5) ~~Monthly Water plant~~ operation reports shall be kept for a period of not less than 10 ~~5~~ years.

(6) No change.

Specific Authority 403.861(9) FS. Law Implemented ~~403.861(16), 403.853(3)~~ FS. History—New 11-19-87, Formerly 17-22.820, Amended 1-18-89, 1-1-93, 7-4-93, Formerly 17-550.720, Amended _____.

62-550.730 Reporting Requirements for Public Water Systems.

Suppliers of water and DOH certified laboratories shall report as follows:

(1) Suppliers of ~~W~~water.

(a) No change.

(b) The supplier of water shall use the ~~approved DEP computer~~ format described in subparagraphs 1. through 8. below for reporting all water analysis results; for inorganics, volatile or synthetic organics, microbiological contaminants, radionuclides, or secondary contaminants and for reporting results of water analyses to determine compliance with the interim maximum contaminant level for total trihalomethanes available from the Department's Drinking Water Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The supplier of water shall completely fill out the analysis forms in non-erasable ink, on a typewriter, or using a computer generated form ~~format~~ and shall include, at a minimum, the following information:

(c) No change.

(d) The supplier of water shall submit ~~The~~ monthly operation reports as specified in Rules 62-555.900(2) through (4), F.A.C., for a public water system shall be submitted by the supplier of water or certified lead operator to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department within 10 ~~45~~ days after the month of operation.

(e) The supplier of water shall report to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department ~~of the Department~~ within 48 hours (unless otherwise specified by the chapter) the failure to comply with any drinking water rule contained in Parts III, ~~IV~~, ~~or V~~, or VIII of this ~~Chapter~~; or Part IV of Chapter 62-560, F.A.C. When compliance is achieved, the measures taken shall be reported to that office.

(f) through (i) No change.

(2) Certified Laboratories.

(a) A certified laboratory shall report analysis results for inorganics, volatile or synthetic organics, microbiological contaminants, radionuclides, or secondary contaminants and results of analyses to determine compliance with the interim maximum contaminant level for total trihalomethanes ~~the~~

~~following information, at a minimum, to the appropriate~~ Department of Environmental Protection District Office or appropriate Approved County Health Department in a the ~~appropriate~~ Department approved format that includes all of the information described in subparagraphs 1. through 7. below. ~~Format specifications may be obtained by writing to the Department's Drinking Water Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~ If lab analysis results forms are not submitted using the specified ~~approved~~ format, the results forms will be rejected. The information submitted by the certified laboratory shall include, for water analysis ~~includes;~~ at a minimum, the following information:

1. through 4. No change.

5. Detection limits and analytical methods – The analytical method for each bacteriological analysis and the actual detection limits and analytical methods for each chemical or radiological analysis parameter shall be included.

6. Analysis results ~~True value of the detected contaminant~~ – For bacteriological analyses, only the presence or absence of the contaminant need be reported. For chemical or radiological analyses, any value detected above the certification method detection limit shall be reported as a real number; ~~Only reporting that a value is below the maximum contaminant level is insufficient.~~

7. No change.

(b) All certified laboratories shall report the chemical analysis results by using the name of the contaminant as given in Parts III ~~or IV~~ of this the ~~Chapter~~. Different isomers of a contaminant shall be reported separately. If a laboratory reports a result for a contaminant not listed in Parts III ~~or IV~~ of this ~~Chapter~~, the name of the contaminant and its isomers shall be given using I.U.P.A.C. (International Union of Pure and Applied Chemistry) nomenclature.

(c) through (d) No change.

(3) Reporting Format for Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors and Enhanced Coagulation or Enhanced Softening. Results of analyses required under Rule 62-550.514(1), 62-550.514(2)(b), or 62-550.821, F.A.C., shall be reported in the format described in Rule 62-550.821(12), F.A.C. Results of analyses required under Rule 62-550.514(2)(a), F.A.C., shall be reported in the format described in Rule 62-550.730(1)(b) and (2)(a), F.A.C.

(3) through (4) renumbered (4) through (5) No change.

(6)~~(5)~~ Reporting Formats for the Control of Lead and Copper. Analytical results for samples taken pursuant to this chapter shall be reported in a format that which includes all of the required information described below. If laboratory analysis reports are submitted without all of the required information; as set forth below, the submittal will be rejected.

(a) Lead and ~~Ceopper~~ Tap Samples. The information submitted by the certified laboratory for the analysis of lead and copper tap samples shall include, at a minimum:

1. through 10. No change.

11. Specify whether the sample is part of the minimum number of samples selected under the July 1, 2000, edition of 40 CFR C.F.R. part 141.86(c) (1995); or is an ADDITIONAL sample taken under the July 1, 2000, edition of 40 CFR C.F.R. part 141.86(e) (1995).

12. Specify the rank of the sample result for lead or copper and list results in ascending order in accordance with the July 1, 2000, edition of pursuant to 40 CFR C.F.R. part 141.80(c)(3)(i) (1995).

13. through 17. No change.

18. The laboratory's authorized representative shall certify that the samples were submitted by the listed public water system; each sample container contained one liter of solution (± 100 mL); each sample was taken and analyzed by the methods in Rule 62-550.550(1), chapter 10D-41, F.A.C.; the sample date for each sample was reported; and all data submitted are correct.

(b) No change.

(c) Reporting Formats for Water Quality Parameters. The results submitted by systems for the analysis of water quality parameters required under the July 1, 2000, edition of 40 CFR C.F.R. part 141.87 (1995), shall be reported in the following format:

1. Format Hheader.

a. through h. No change.

i. The number of sampling sites required under the July 1, 2000, edition of 40 CFR C.F.R. part 141.87(a)(2)(e) (1995).

j. No change.

2. Format Ttable.

a. through b. No change.

c. The measured value of the water quality parameters and dosage rates required to be analyzed under the July 1, 2000, edition of 40 CFR C.F.R. part 141.87 (1995).

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.852(12),(13), 403.853(3), 403.861(16),(17) FS. History--New 11-19-87, Formerly 17-22.830, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-550.730, Amended 9-7-94, 2-7-95, 12-9-96, 8-1-00,_____.

62-550.800 Control of Lead and Copper.

~~In addition to the requirements of this chapter, The requirements standards and criteria contained in the July 1, 2000, edition of 40 CFR 141, subpart I (sections 80 through 91), Code of Federal Regulations (C.F.R.), title 40, part 141, sections 80 through 91, (1999), and changes to those sections as published on pages 1950 through 2015 of the January 12, 2000 Federal Register, are adopted and incorporated herein by reference and are enforceable under this rule.~~

Specific Authority 403.861(9) FS. Law Implemented 403.853 FS. History--New 12-9-96, Amended 8-1-00,_____.

62-550.821 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors.

The requirements contained in the July 1, 2000, edition of 40 CFR 141, subpart L (sections 141.130 through 141.135), and the revisions to 40 CFR 141, subpart L, published on pages 3770 through 3780 of the January 16, 2001, *Federal Register* are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications and additions to the requirements in 40 CFR 141, subpart L.

(1) In 40 CFR 141, subpart L, the term "State" shall mean "Department." Also, references to section 141.2 shall be interpreted to mean Rule 62-550.200, F.A.C.; references to section 141.21 shall be interpreted to mean Rule 62-550.518, F.A.C.; references to section 141.23(k)(1) or 141.89(a) shall be interpreted to mean Rule 62-550.550(1), F.A.C.; references to section 141.31 shall be interpreted to mean Rule 62-550.730(1), F.A.C.; references to section 141.32 or 141.202 shall be interpreted to mean Rule 62-560.410, F.A.C.; references to section 141.32(e)(78) shall be interpreted to mean Rule 62-560.410(5), F.A.C.; references to section 141.64 or 141.64(a) shall be interpreted to mean Rule 62-550.310(3)(b), F.A.C.; references to section 141.65 shall be interpreted to mean Rule 62-550.310(2), F.A.C.; references to section 141.74(b)(6)(i) shall be interpreted to mean Rule 62-550.560(2), F.A.C.; references to section 141.74(c)(3)(i) shall be interpreted to mean Rule 62-550.560(3)(d), F.A.C.; references to subpart Q shall be interpreted to mean Part IV of Chapter 62-560, F.A.C.; and references to section 142.16(h)(5) shall be interpreted to mean Rule 62-550.821(9), F.A.C.

(2) For purposes of the compliance dates in 40 CFR 141.130(b) and the disinfection byproduct and residual disinfectant monitoring requirements in 40 CFR 141.132(b), (c), and (f):

(a) The number of persons served by a wholesale system includes the number of persons served by the consecutive systems that receive finished water from the wholesale system; and

(b) Consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(3) 40 CFR 141.130(c) shall be interpreted to mean that suppliers of water who own or operate a CWS or NTNCWS, including either a consecutive CWS or a consecutive NTNCWS, must employ operators licensed under Chapter 62-602, F.A.C., to operate the system and staff the system's water treatment plant(s), if any, in accordance with Chapter 62-699, F.A.C.

(4) Under 40 CFR 141.132(a), systems shall demonstrate that TTHM and HAA5 samples were taken under normal operating conditions by measuring, and reporting with the results of samples for TTHM and HAA5, the residual chlorine or chloramine level at the same points where, and same times when, TTHM and HAA5 samples are taken. These residual

chlorine or chloramine measurements shall not be used for determining compliance with the MRDL for chlorine or the MRDL for chloramines.

(5) For purposes of the TTHM and HAA5 monitoring requirements in 40 CFR 141.132(b)(1), each entry point from a wholesale system to a consecutive system is considered a plant for the consecutive system.

(a) Consecutive systems may request that the Department allow for multiple entry points from a single wholesale system to a single consecutive system to be considered as one plant.

(b) The Department shall approve requests made in accordance with paragraph (a) above if the consecutive system submits documentation showing that factors such as relative locations of entry points, detention times, sources, and the presence of treatment (such as corrosion control or booster disinfection) will not have a significant differential effect on TTHM and HAA5 formation associated with individual entry points.

(6) 40 CFR 141.132(b)(1)(v) shall be disregarded. The Department shall return a system to routine monitoring only if the system is required to return to routine monitoring under 40 CFR 141.132(b)(1)(iii) or is allowed to return to routine monitoring under 40 CFR 141.132(b)(1)(iv).

(7) Under 40 CFR 141.131(c)(2), the use of DPD colorimetric test kits to measure residual chlorine, chloramines, or chlorine dioxide is approved per Rule 62-550.550(1), F.A.C.

(8) Under 40 CFR 141.131(b)(3), (c)(3), and (d), operators licensed under Chapter 62-602, F.A.C., and persons under the direct supervision of a licensed operator, as well as laboratories certified by the Department of Health, are approved to measure alkalinity, bromide, chlorite (only at entrances to distribution systems), pH, residual disinfectant concentration, specific ultraviolet absorbance, and total organic carbon. Refer to Rule 62-550.550(1), F.A.C.

(9) Under 40 CFR 141.132(a)(2), the Department shall approve reduced TTHM and HAA5 monitoring by allowing systems to consider multiple plants treating water from multiple wells completed in the same aquifer as one treatment plant if:

(a) The plants are applying the same disinfectant(s); and

(b) The system submits a hydrogeological evaluation that is prepared under the supervision of a professional geologist or engineer registered in Florida and that indicates the wells are completed in, and drawing water from, the same aquifer and indicates the characteristics (including the total organic carbon level and, if ozone is being used to treat the water, bromide level) of the water from each well are enough alike to conclude disinfection byproduct formation will be similar.

(10) Under 40 CFR 141.132(f), all subpart H systems shall submit a copy of their monitoring plan to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department no later than

the date of the first report required under 40 CFR 141.134. All other systems shall make their monitoring plan available for review during sanitary surveys conducted by the Department and shall submit their monitoring plan if requested by the Department.

(11) The monitoring plans required under 40 CFR 141.132(f) shall be prepared in a format containing all the following information:

(a) A cover page identifying the system and providing relevant general information, including:

1. The system name and PWS identification number;
2. A contact person and phone number;
3. The system type (community, non-transient non-community, or transient non-community system);
4. The number and type of water sources and water treatment plants; and
5. The population served by the system when including the population served by any consecutive systems that receive water from the system.

(b) For subpart H systems using conventional filtration treatment, a summary of the system's enhanced coagulation or softening performance requirements. If applicable, a copy of the most recent Department approval of Step 2 TOC removal requirements shall be attached to the monitoring plan.

(c) A summary of the residual disinfectant, disinfection byproduct, and disinfection byproduct precursor monitoring that is required of the system. If applicable, a copy of the following Department approvals shall be attached to the monitoring plan:

1. Department approval allowing the system to consider multiple plants treating water from multiple wells completed in the same aquifer as one treatment plant;
2. If the system is a consecutive system, Department approval allowing the system to consider multiple entry points from a single wholesale system as one plant.

(d) For subpart H systems using conventional filtration treatment, a schematic drawing of each of the system's plants that use conventional treatment to treat surface water or ground water under the direct influence of surface water. Each schematic drawing shall show:

1. The water source(s);
2. Each unit process of each treatment train and each chemical application point; and
3. Sampling locations identified and numbered (e.g., T-1, T-2, etc.).

(e) A schematic drawing of the system's distribution system. The schematic drawing shall show:

1. Entry points to the distribution system (i.e., water treatment plants and, if the system is a consecutive system, entry points from wholesale systems);
2. Finished water storage facilities and booster chlorination facilities; and

3. Sampling locations identified and numbered (e.g., D-1, D-2, etc.).

(f) A summary of typical distribution system operating characteristics explaining, on a seasonal basis if necessary, how water sources are used and water treatment plants are operated to meet demands on the system and where average and maximum water residence times are expected to occur in the distribution system.

(g) Schedules for collecting all required samples. The schedules shall identify sampling times, sampling locations, sample handling and preservation requirements, and whether samples will be analyzed on site by either a licensed operator or a person under the direct supervision of a licensed operator or will be analyzed at a certified laboratory. Also, the schedules shall address both routine and reduced monitoring frequencies.

(h) The method for calculating compliance with applicable maximum residual disinfectant levels, maximum contaminant levels, and treatment technique requirements.

(12) Under 40 CFR 141.134(b), (c), and (d), systems shall disregard footnote 1 in the tables and shall report the results of required analyses by submitting the results to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department in the format described in paragraphs (a), (b), and (c) below.

(a) Results of analyses for disinfectant residuals shall be submitted in a format including all of the following information:

1. The system name and PWS identification number.
2. A contact person and phone number.
3. The information listed in 40 CFR 141.134(c) except that:

a. Systems monitoring for chlorine or chloramines also shall include the location, date, and result of each sample taken during the last quarter plus the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample.

b. In addition to including the date, result, and location of each sample taken during the last quarter, systems monitoring for chlorine dioxide shall include the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample and shall identify each sample as to whether it is an entry point sample or a distribution system sample.

(b) Results of analyses for disinfection byproducts shall be submitted in a format including all of the following information:

1. The system name and PWS identification number.
2. A contact person and phone number.
3. The information listed in 40 CFR 141.134(b) except that:

a. In addition to including the location, date, and result of each sample taken during the last monitoring period, systems monitoring for TTHM and HAA5, chlorite, or bromate shall include the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample, and the analytical method used for each sample.

b. Systems monitoring for TTHM and HAA5 also shall identify each sample as to whether it was taken at a location representing maximum residence time in the distribution system or at a location representing average residence time in the distribution system and shall report the residual chlorine or chloramine level measured at the same point where, and same time when, each sample was taken.

c. Systems monitoring for chlorite also shall identify each sample as to whether it is an entry point sample or a distribution system sample.

(c) Results of analyses for disinfection byproduct precursors and enhanced coagulation or softening shall be submitted in a format including all of the following information:

1. The system name and PWS identification number and the water treatment plant name.
2. A contact person and phone number.
3. The information listed in 40 CFR 141.134(d) except that:

a. In addition to including the location, date, and results of each paired TOC and source-water alkalinity sample taken during the last quarter, systems monitoring for TOC shall include the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample.

b. Calculations for determining compliance with Step 1 or 2 TOC removal requirements shall be presented in a table similar to Tables 4-3 through 4-6 in the U.S. Environmental Protection Agency's (USEPA's) *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the USEPA, Office of Ground Water and Drinking Water (4601), Ariel Rios Building, 1200 Pennsylvania Avenue, Northwest, Washington, DC 20460-0003.

c. Systems monitoring for SUVA, treated-water alkalinity, or magnesium hardness removal shall include the location, date, and result of each sample that was taken during the last quarter plus the name of the person who collected each sample, the date of analysis of each sample, the name and certification

number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample.

(13) Under 40 CFR 141.135(b), systems practicing enhanced softening are not required to apply to the Department for Step 2 TOC removal requirements. Enhanced softening systems that are unable to meet the alternative compliance criteria in 141.135(a)(2) and (3) and that are unable to meet the Step 1 TOC removal requirements may apply to the Department for a waiver of enhanced softening requirements.

(a) Applicants for a waiver shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department results of bench- or pilot-scale testing conducted in accordance with Section 3.3 of the U.S. Environmental Protection Agency's *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in Rule 62-550.821(12)(c)3.b., F.A.C.

(b) The Department shall grant waivers if the test results required by paragraph (a) above show that the applicant is unable to meet the alternative compliance criteria in 40 CFR 141.135(a)(2) and (3) and is unable to meet the Step 1 TOC removal requirements.

(14) This subsection supplements 40 CFR 141.135(b)(3). The Department shall approve Step 2 TOC removal requirements submitted by a system if the system's application includes the information discussed in 40 CFR 141.135(b)(4) and paragraph (13)(a) below and if all alternative TOC removal percentages are determined in accordance with 40 CFR 141.135(b)(4) and Section 3.2 of the U.S. Environmental Protection Agency's *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in Rule 62-550.821(12)(c)3.b., F.A.C.

(15) This subsection supplements 40 CFR 141.135(b)(4). Applications made to the Department for approval of Step 2 TOC removal requirements shall include a table of Step 2 removal requirements that is similar in format to the table of Step 1 TOC removal requirements in 40 CFR 141.135(b)(2). The Step 2 table shall address the same source-water TOC/alkalinity ranges as addressed in the Step 1 table. Also, in each source-water TOC/alkalinity range, the required Step 2 TOC removal percentage shall remain the same as the Step 1 TOC removal percentage unless the application includes test results as described in 40 CFR 141.135(b)(4) supporting an alternative TOC removal percentage for that specific TOC/alkalinity range.

(16) 40 CFR 141.135(b)(4)(v) is supplemented by the following:

(a) Systems applying for a waiver of enhanced coagulation requirements shall submit to the appropriate Department of Environmental Protection District Office or appropriate

Approved County Health Department results of bench- or pilot-scale testing conducted in accordance with 40 CFR 141.135(b)(4) and Section 3.2 of the U.S. Environmental Protection Agency's *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in Rule 62-550.821(12)(c)3.b., F.A.C.

(b) The Department shall grant waivers of enhanced coagulation requirements if the test results required by paragraph (a) above show that the TOC removal from the applicant system's water is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose (as aluminum) at all dosages of alum (or equivalent addition or iron coagulant).

(17) In the event of an acute violation of the maximum residual disinfectant level for chlorine dioxide, the supplier of water shall notify the Department as soon as practicable but no later than 24 hours after learning of the violation.

Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.852(12), 403.853(1),(3),(7), 403.861(16),(17) FS. History—New _____.

62-550.824 Consumer Confidence Reports.

These rules are intended to implement the National Primary Drinking Water Regulations that require community water systems to prepare and provide to their customers annual consumer confidence reports on the quality of the water delivered by the systems. In addition to the requirements of this rule, the requirements standards and criteria contained in the following regulations are adopted and incorporated herein by reference and are enforceable under this rule: the July 1, 2000, edition of 40 CFR 141, Code of Federal Regulations (CFR), Title 40, Part 141, sSubpart O, sSections 151 and 153 through 155, and Appendix A the Appendices to 40 CFR 141, sSubpart O, the amendments to Subpart O (1998 Federal Register, pages 44526-44536 and pages 69475 and 69516), and the corrections to the Code of Federal Regulations (CFR), Title 40, Part 141, Subpart O (1999 Federal Register, pages 34732-34733).

(1) Additional Report Content Requirements. In addition to the requirements of 40 CFR 141.153, the following requirements shall apply:

(a) No change.

(b) Additional Primary Contaminant Information.

1. through 2. No change.

3. Different Monitoring Location Requirements. Rule 62-550.500(5), F.A.C., requires monitoring at the entry point to the distribution system rather than at points within the distribution system; when monitoring for compliance with the MCLs for the radiological contaminants listed in Rule 62-550.310(6)(4), F.A.C. These results shall be applicable to the consumer confidence reports requirements of 40 CFR 141.153(d)(1)(i).

4. through (3) No change.

Specific Authority 403.861(9),(16),(17) FS. Law Implemented 403.853(3),(4) FS. History—New 9-22-99, Amended 8-1-00, _____.

TABLE 1
 MAXIMUM CONTAMINANT LEVELS FOR INORGANIC COMPOUNDS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL (mg/L)
1074	Antimony	0.006
1005	Arsenic	0.05
1094	Asbestos	7 MFL
1010	Barium	2
1075	Beryllium	0.004
1015	Cadmium	0.005
1020	Chromium	0.1
1024	Cyanide (as free Cyanide)	0.2
1025	Fluoride	4.0
1030	Lead	0.015
1035	Mercury	0.002
1036	Nickel	0.1
1040	Nitrate	10 (as N)
1041	Nitrite	1 (as N)
	Total Nitrate and Nitrite	10 (as N)
1045	Selenium	0.05
1052	Sodium	160
1085	Thallium	0.002

Abbreviations Used: MCL = maximum contaminant level;
 MFL = million fibers per liter (longer greater than 10 micrometers);
 mg/L = milligrams per liter.

TABLE 2
MAXIMUM RESIDUAL DISINFECTANT LEVELS

<u>FEDERAL CONTAMINANT ID NUMBER</u>	<u>DISINFECTANT RESIDUAL</u>	<u>MRDL (mg/L)</u>
<u>1012</u>	<u>Chlorine</u>	<u>4.0 (as Cl₂)</u>
<u>1006</u>	<u>Chloramines</u>	<u>4.0 (as Cl₂)</u>
<u>1008</u>	<u>Chlorine Dioxide</u>	<u>0.8 (as ClO₂)</u>

Abbreviations Used: mg/L = milligrams per liter;
MRDL = maximum residual disinfectant level.

TABLE 3
STAGE 1 MAXIMUM CONTAMINANT LEVELS FOR DISINFECTION BYPRODUCTS

<u>FEDERAL CONTAMINANT ID NUMBER</u>	<u>CONTAMINANT</u>	<u>MCL (mg/L)</u>
<u>2950</u>	<u>Total Trihalomethanes (TTHM)</u>	<u>0.080</u>
<u>2456</u>	<u>Haloacetic Acids (Five) (HAA5)</u>	<u>0.060</u>
<u>1011</u>	<u>Bromate</u>	<u>0.010</u>
<u>1009</u>	<u>Chlorite</u>	<u>1.0</u>

Abbreviations Used: MCL = maximum contaminant level;
mg/L = milligrams per liter.

TABLE 4 2
 MAXIMUM CONTAMINANT LEVELS LIMITS FOR VOLATILE ORGANIC CONTAMINANTS COMPOUNDS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT & (CAS NUMBER)	MCL (mg/L)
2977	1,1-Dichloroethylene (75-35-4)	0.007
2981	1,1,1-Trichloroethane (71-55-6)	0.2
2985	1,1,2-Trichloroethane (79-00-5)	0.005
2980	1,2-Dichloroethane (107-06-2)	0.003
2983	1,2-Dichloropropane (78-87-5)	0.005
2378	1,2,4-Trichlorobenzene (120-82-1)	0.07
2990	Benzene (71-43-2)	0.001
2982	Carbon tetrachloride (56-23-5)	0.003
2380	cis-1,2-Dichloroethylene (156-59-2)	0.07
2964	Dichloromethane (75-09-2)	0.005
2992	Ethylbenzene (100-41-4)	0.7
2989	Monochlorobenzene (108-90-7)	0.1
2968	o-Dichlorobenzene (95-50-1)	0.6
2969	para-Dichlorobenzene (106-46-7)	0.075
2996	Styrene (100-42-5)	0.1
2987	Tetrachloroethylene (127-18-4)	0.003
2991	Toluene (108-88-3)	1
2979	trans-1,2-Dichloroethylene (156-60-5)	0.1
2984	Trichloroethylene (79-01-6)	0.003
2976	Vinyl chloride (75-01-4)	0.001
2955	Xylenes (total) (1330-20-7)	10

Abbreviations used: CAS Number = Chemical Abstract System Number;
 MCL = maximum contaminant level;
 mg/L = milligrams per liter.

TABLE 53
 MAXIMUM CONTAMINANT LEVELS LIMITS FOR SYNTHETIC ORGANIC
 CONTAMINANTS PESTICIDES AND PCBs

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT & (CAS NUMBER)	MCL (mg/L)
2063	2,3,7,8-TCDD (Dioxin) (1746-01-6)	3 X 10 ⁻⁸
2105	2,4-D (94-75-7)	0.07
2110	2,4,5-TP (Silvex) (93-72-1)	0.05
2051	Alachlor (15972-60-8)	0.002
2050	Atrazine (1912-24-9)	0.003
2306	Benzo(a)pyrene (50-32-8)	0.0002
2046	Carbofuran (1563-66-2)	0.04
2959	Chlordane (57-74-9)	0.002
2031	Dalapon (75-99-0)	0.2
2035	Di(2-ethylhexyl)adipate (103-23-1)	0.4
2039	Di(2-ethylhexyl)phthalate (117-81-7)	0.006
2931	Dibromochloropropane (DBCP) (96-12-8)	0.0002
2041	Dinoseb (88-85-7)	0.007
2032	Diquat (85-00-7)	0.02
2033	Endothall (145-73-3)	0.1
2005	Endrin (72-20-8)	0.002
2946	Ethylene dibromide (EDB) (106-93-4)	0.00002
2034	Glyphosate (1071-83-6)	0.7
2065	Heptachlor (76-44-8)	0.0004
2067	Heptachlor epoxide (1024-57-3)	0.0002
2274	Hexachlorobenzene (118-74-1)	0.001
2042	Hexachlorocyclopentadiene (77-47-4)	0.05
2010	Lindane (58-89-9)	0.0002
2015	Methoxychlor (72-43-5)	0.04
2036	Oxamyl (vydate) (23135-22-0)	0.2
2326	Pentachlorophenol (87-86-5)	0.001
2040	Picloram (1918-02-1)	0.5
2383	Polychlorinated biphenyls (PCBs)	0.0005
2037	Simazine (122-34-9)	0.004
2020	Toxaphene (8001-35-2)	0.003

Abbreviations used: CAS Number = Chemical Abstract System Number;
 MCL = maximum contaminant level;
 mg/L = milligrams per liter.

TABLE 64
SECONDARY DRINKING WATER STANDARDS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL LEVELS (mg/L)*
1002	Aluminum	0.2
1017	Chloride	250
1022	Copper	1
1025	Fluoride	2.0
1028	Iron	0.3
1032	Manganese	0.05
1050	Silver	0.1
1055	Sulfate	250
1095	Zinc	5
1905	Color	15 color units
1920	Odor**	3 (threshold odor number)
1925	PH	6.5 - 8.5
1930	Total Dissolved Solids	500 (may be greater if no other maximum contaminant level is exceeded)
2905	Foaming Agents	0.5

Abbreviations Used: MCL = maximum contaminant level;
mg/L = milligrams per liter.

* Except color, odor, corrosivity, and pH.

** For purpose of compliance with ground water quality secondary standards, as referenced in Chapter 62-520, F.A.C., levels of ethylbenzene exceeding 30 micrograms per liter, toluene exceeding 40 micrograms per liter, or xylenes exceeding 20 micrograms per liter shall be considered equivalent to exceeding the drinking water secondary standard for odor.

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NAME OF PERSON ORIGINATING PROPOSED RULE:
 Richard D. Drew, Chief, Bureau of Water Facilities
 Regulation, Department of Environmental Protection
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Mimi Drew, Director, Division of
 Water Resource Management, Department of Environmental
 Protection
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 5, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-16R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Requirements for Public Water	
Systems that are Out of Compliance	62-560
RULE TITLES:	RULE NOS.:
Violations	62-560.310
Scope of Drinking Water Public	
Notification Rules	62-560.400
Public Notification – Primary Standards	62-560.410
Public Notice Requirements Pertaining to Lead	62-560.420
Public Notification – Secondary Standards	62-560.430
Drinking Water Variance Request	62-560.510
Drinking Water Exemption Request	62-560.520
Request for Waiver of Disinfection	
Requirements	62-560.530
Request for Waiver of Certified	
Operator Requirements	62-560.540
Request for Waiver of Monitoring	
Requirements	62-560.545
State-Wide Monitoring Waivers for	
Selected Contaminants	62-560.546
Manner of Decision on Variances,	
Exemptions, and Waivers	62-560.550
Variances and Exemptions from the	
Additional Requirements For	
Surface Water Systems	62-560.560
General	62-560.600
Best Available Technology for Achieving	
Compliance With a Maximum	
Contaminant Level or Maximum	
Residual Disinfectant Level	62-560.610
Bottled Water, Point-of-Use, and	
Point-of-Entry Devices	62-560.620

PURPOSE AND EFFECT: The Department is incorporating the U.S. Environmental Protection Agency's (USEPA's) Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-560. In addition, the Department is deleting obsolete noncompliance fee rules, amending variance and exemption

rules to make them consistent with the federal Safe Drinking Water Act, deleting obsolete public notice requirements for lead, and correcting and clarifying miscellaneous rules.

SUMMARY: Rule 62-560.310 is being revised to specify that the Department can assess administrative penalties for violations and to delete obsolete noncompliance fee rules. Rules 62-560.400 and 62-560.430 are being revised to change the title and date of the Department's publication containing mandatory health effects language, which is being updated to include language for disinfectants and disinfection byproducts. Rule 62-560.410 is being revised to specify that a violation of the maximum residual disinfectant level for chlorine dioxide in the distribution system is an acute violation. Rule 62-560.420 is being repealed because the requirements in this rule have been deleted from USEPA regulations as obsolete and have been superseded by the lead public education provisions in the treatment technique requirements for control of lead and copper. Rule 62-560.510 is being amended to make this rule consistent with the federal Safe Drinking Water Act and federal regulations and to specify that a variance cannot be obtained from the treatment technique requirements for control of disinfection byproduct precursors. Rules 62-560.520 and 62-560.600 are being amended to make these rules consistent with the federal Safe Drinking Water Act and federal regulations. Rule 62-560.530 is being revised to limit the waiver of disinfection requirements to only those transient non-community water systems using ground water because federal regulations require a disinfectant residual for all water systems using surface water. Rule 62-560.540 is being revised to limit the waiver of certified operator requirements to only transient non-community water systems using ground water because federal regulations and guidelines require that all community or non-transient non-community water systems and all water systems using surface water be operated by an appropriately certified operator. Rule 62-560.545 is being revised to delete all references to waivers from unregulated contaminant monitoring because the Department no longer requires unregulated contaminant monitoring. Rule 62-560.560 is being repealed because the requirements in this section are being incorporated into revised Rule 62-560.510(7) and new Rule 62-560.520(5). Rule 62-560.610 is being revised to add Best Available Technology for achieving compliance with maximum residual disinfectant levels and maximum contaminant levels for disinfection byproducts and to delete the requirements of Rules 62-560.610(3)(a) and (b), which are being incorporated into revised Rule 62-560.600. Rule 62-560.620 is being revised to specify that, when necessary to avoid an unreasonable risk to health, the Department shall require use of bottled water, point-of-use devices, or point-of-entry devices as a condition of granting a variance or exemption from maximum residual disinfectant levels or as a condition of granting an exemption from certain treatment technique requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.853(3), 403.861, 403.861(8),(9) FS.

LAW IMPLEMENTED: 120.57, 120.60, 403.0877, 403.121, 403.852(12),(13), 403.853, 403.853(1),(3), 403.854, 403.854(1),(2),(3),(4),(5),(6),(7), 403.857, 403.859, 403.860 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., October 17, 2001

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steven Michael Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

THE FULL TEXT OF THE PROPOSED RULES IS:

62-560.310 Violations.

(1) Prohibited Acts.

(a) through (e) No change.

(f) Failure by a supplier of water to comply with the requirements of a Department permit any approval or condition to the approval of plans and specifications issued for constructing, altering, or extending a public water system by the Department pursuant to the Florida Safe Drinking Water Act.

(g) through (h) No change.

(2) Penalties.

(a) through (b) No change.

(c) The Department shall assess administrative penalties for violations of subsection (1) above in accordance with Section 403.121, F.S.

(3) Noncompliance Fees.

(a) In addition to any judicial or administrative remedy, the Department or a county public health unit approved by the Department pursuant to Section 403.862(1)(e), F.S., is authorized to assess a noncompliance fee when any supplier of water of a public water system fails to comply with Department requirements for the reporting of test results in the

~~manner and time provided by Chapter 62-550, F.A.C. The Department's assessment of a noncompliance fee shall be in lieu of any civil action which may be instituted by the Department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, unless the Department initiates a civil action for nonpayment of a properly assessed noncompliance fee.~~

~~1. For the first and second violations of the microbiological reporting requirements in a 36 month period, and for the first violation of other reporting requirements, the fee shall not be assessed until the Department has given the supplier of water at least 30 days to comply with the reporting requirement. The time shall not begin until the Department has given the supplier of water written notice of the facts alleged to constitute the reporting violation, the specific provision of law, rule, or order alleged to have been violated by the supplier of water, the corrective action needed to bring the facility into compliance, and the potential penalties that may be imposed as a result of the failure to comply with the notice.~~

~~2. For subsequent reporting violations, the Department does not have to provide a 30-day written notice of the violations prior to assessing a noncompliance fee. If any additional reporting violations occur prior to the expiration date of the second 30-day notice issued by the Department in accordance with (3)(a)1., above, the Department must provide the supplier of water with a 30-day written notice to correct these violations as well. On January 1, 1992, and each 36 months thereafter, the Department shall reinstate the 30-day notice requirements prior to assessing a noncompliance fee.~~

~~(b) At the time of assessment of a noncompliance fee, the Department shall give the supplier of water written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under Chapter 120, F.S., to challenge the assessment. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to Section 120.69, F.S.~~

~~(c) Noncompliance fees are based on the type of violation, the degree of noncompliance, and the potential for harm. The types of reporting violations apply to the failure to submit the reports or data described in (a), above. The violation types and their corresponding fee assessment amounts are as follows:~~

~~1. Microbiological:~~

~~a. For first violation and failure to comply with the 30-day written notice: \$125.~~

~~b. For second violation and failure to comply with a 30-day written notice: \$150.~~

~~e. For each subsequent violation the fee shall be increased by \$25.~~

~~2. Other contaminants:~~

a. Failure to comply with the 30-day written notice: \$20 per day of violation.

b. Subsequent violations in a 36-month period: \$20 per day of violation.

e. After each subsequent 30 days of failure to comply the fee shall be increased by \$10 per day of violation.

(d) Adjustment factors shall, under the following circumstances, be applied by the Department subsequent to the issuance of a notice assessing an amount in (c), above, to increase or decrease the total amount assessed. The Department shall apply mitigating adjustment factors to decrease an assessed noncompliance fee if the supplier of water makes a request to the Department and provides justification for such a change. The Department, when applying an adjustment factor to increase an assessed noncompliance fee, shall provide the supplier of water with justification for such an increase. The Department shall determine if any combination of aggravating or mitigating adjustment factors apply to the assessment. Aggravating factors shall increase the assessment, and mitigating factors shall decrease the assessment. The adjustment factors are the following:

1. Aggravating:

a. Lack of good faith efforts of the suppliers to comply with reporting requirements: 25 percent

b. The degree of willfulness or negligence on the part of the supplier: 50 percent

e. The supplier's previous history of reporting violations: 75 percent

d. The economic benefits associated with suppliers failure to comply with the reporting requirement: 75 percent

2. Mitigating:

a. Good faith efforts of the supplier to comply with the reporting requirements: 25 percent

b. The lack of willfulness or negligence on the part of the supplier: 50 percent

e. The supplier's previous history of reporting violations: 75 percent

d. The supplier's ability to pay the noncompliance fee: 75 percent

(e) No microbiological noncompliance fee shall exceed \$250, and cumulative microbiological noncompliance fees assessed shall not exceed \$1,000 per assessment for all microbiological reporting violations attributable to a specific facility during any one month.

(f) For violations of reporting requirements for test results other than microbiological, the fee shall be no greater than \$50 per day for each violation, and the total amount assessed shall not exceed \$2000.

(g) No noncompliance fee may be assessed unless the Department has, within 90 days of the test result reporting violation, provided the supplier of water written notice of the violation.

(h) Noncompliance fees collected by the Department shall be deposited in the Water Quality Assurance Trust Fund. Noncompliance fees collected by approved county public health units shall be deposited in the appropriate county public health unit trust fund.

Specific Authority 403.861 FS. Law Implemented 403.121, 403.859, 403.860, 403.860(5),(6) FS. History—New 11-19-87, Formerly 17-22.930, Amended 1-18-89, 5-23-91, 7-4-93, Formerly 17-560.310, Amended _____.

62-560.400 Scope of Drinking Water Public Notification Rules.

The following sections set forth the requirements that which a supplier of water shall meet when public notification is required. In addition to the requirements described in this part, the Department publication, "Mandatory Health Effects Language for Certain Contaminants and Disinfectants Regulated in Chapters 62-550, 62-551, 62-555, and 62-560, F.A.C.," 2001, 1994, is adopted and incorporated herein by reference, and is available from the Department of Environmental Protection, Drinking Water Section (MS 3520), Regulation, Information Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History—New 1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-560.400, Amended 9-7-94, _____.

62-560.410 Public Notification – Primary Standards.

(1) Maximum Contaminant Level, Maximum Residual Disinfectant Level, Treatment Technique, Requirement, and Variance or Exemption Schedule Violations. The owner or operator of a public water system that which fails to comply with an applicable maximum contaminant level, maximum residual disinfectant level, or treatment technique requirement established by Chapter 62-550, or 62-555, F.A.C., or that which fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, shall notify persons served by the system as follows:

(a) Except as provided in paragraph (1)(c) or (1)(d) of this section, the owner or operator of a public water system shall give notice:

1. through 2. No change.

3. For violations of the maximum contaminant levels or maximum residual disinfectant level violations of contaminants that may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations that which broadcast in the area served by the public water system as soon as possible but in no case later than 72 hours after the violation. The following are acute violations:

a. No change.

b. Violation of the maximum contaminant level for fecal coliform or *E. coli* in the water distribution system, as specified in Rule 62-550.310(5)(b)(4), F.A.C.

c. Occurrence of a waterborne disease outbreak, as defined ~~specified~~ in Rule 62-550.200(69), F.A.C.

d. Violation of the maximum residual disinfectant level for chlorine dioxide in the water distribution system, as specified in Rule 62-550.310(2), F.A.C., and determined according to 40 CFR 141.133(c)(2)(i) as adopted and modified under Rule 62-550.821, F.A.C.

(b) through (c) No change.

(d) In lieu of the requirements of paragraphs (1)(a) and (b) of this section, the owner or operator of a transient non-community water system may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the system. Notice by hand delivery or posting shall begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations, or 14 days after the violation or failure for any other violation. Posting shall continue for as long as the violation or failure exists. Notice by hand delivery shall be repeated at least every three months for as long as the violation or failure exists.

(2) Other Violations, Variations, or Exemptions. The owner or operator of a public water system that which fails to perform monitoring required by Part V of Chapter 62-550, Part V, F.A.C., or is subject to a variance or an exemption granted under Part V of Chapter 62-560, Part V, F.A.C., shall notify persons served by the system as follows:

(a) through (b) No change.

(c) In lieu of the requirements of paragraph (2)(a) of this section, the owner or operator of a transient non-community water system may give notice, within three months of the violation or the granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation exists or a variance or exemption remains in effect. Notice by hand delivery shall be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

(3) Notice to New Billing Units. The owner or operator of a community water system shall give a copy of the most recent public notice for every any outstanding violation of a any maximum contaminant level, maximum residual disinfectant level, or any treatment technique requirement, or any variance or exemption schedule to all new billing units or new hookups prior to or at the time service begins.

(4) No change.

(5) The supplier of water shall include in the notice the language on potential adverse health effects for those contaminants and disinfectants found in the Department

publication, "Mandatory Health Effects Language for Certain Contaminants and Disinfectants Regulated in Chapters 62-550; ~~62-551, 62-555~~, and 62-560, F.A.C.," 2001 ~~1994~~.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History--New 11-19-87, Formerly 17-22.910, Amended 1-18-89, 1-3-91, 1-1-93, 7-4-93, Formerly 17-560.410, Amended 9-7-94, _____.

62-560.420 Public Notice Requirements Pertaining to Lead.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History--New 1-18-89, Amended 5-7-90, 5-23-91, Formerly 17-560.420, Amended 9-7-94, Repealed.

62-560.430 Public Notification – Secondary Standards.

(1) Community water systems that exceed the secondary maximum contaminant level for fluoride shall:

(a) No change.

(b) The notice shall contain the language found in the Department publication, "Mandatory Health Effects Language for Certain Contaminants and Disinfectants Regulated in Chapters 62-550; ~~62-551, 62-555~~, and 62-560, F.A.C.," 2001 ~~1994~~.

(2) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History--New 11-19-87, Formerly 17-22.915, Amended 1-18-89, 5-7-90, 5-23-91, 1-3-93, 7-4-93, Formerly 17-560.430, Amended 9-7-94, _____.

62-560.510 Drinking Water Variance Request.

(1) A supplier of water may request a variance from a maximum contaminant levels, maximum residual disinfectant level, or treatment technique requirement ~~for a public water system~~ by submitting a request in writing to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department on DEP Form 62-555-900(6). Any written request for a variance shall include the following information:

(a) The nature and duration of the variance requested;

(b) Relevant analytical results of water quality sampling of the public water system, including results of relevant tests conducted in accordance with ~~pursuant to~~ the requirements of Chapter 62-550, F.A.C. ~~the state drinking water regulations;~~ and

(c) For any request for a variance from a maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL):

1. Explanation in full and evidence that of the public water system ~~s~~ cannot meet the MCL or MRDL despite application use of the Bbest Aavailable treatment Ttechnology, and techniques;

2. An evaluation indicating that alternative sources of water are not reasonably available to the public water system. The evaluation may consider eEconomic and legal factors, relevant to ability to comply;

3. Analytical results of raw water quality relevant to the variance request;

4. A proposed compliance schedule, including the date each step toward compliance will be achieved. Such schedule shall include as a minimum the following dates:

a. Date by which arrangement for ~~alternative raw water source or~~ improvement of the existing raw water source will be completed;

b. Date of initiation of ~~the connection of the alternative raw water source or~~ improvement of the existing raw water source; and

c. No change.

5. A plan for the provision of safe drinking water in the case of an excessive rise in the contaminant or residual disinfectant level for which the variance is requested.;

6. A plan for interim control measures during the effective period of the variance.;

including a proposed schedule for implementing such measures. The schedule shall include dates by which steps toward implementing the interim control measures will be taken. and

7. ~~Such other information as needed to demonstrate entitlement to a variance.~~

(d) For any request for a variance from a treatment technique requirement:

1. Analytical results of raw water quality relevant to the variance request and a description of raw water pollution sources relevant to the variance request.

2. A plan for source protection measures relevant to the variance request.

3. A plan for monitoring relevant to the variance request.

(e) Other information believed by the applicant to be pertinent to the application.

(f) Such other information as needed to demonstrate entitlement to a variance.

(2) The Department shall grant a variance from a maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL) when reasonable assurance ~~of the following~~ is provided by the applicant to demonstrate each of the following:

(a) That granting of a variance will not result in an unreasonable risk to the health of persons served by the public water system.

(b) That, because of the characteristics of the raw water sources reasonably available to the public water system, the system cannot meet the MCL or MRDL despite application of Best Available Technology ~~application to the raw water source of the best technology and treatment techniques has not resulted in compliance with a maximum contaminant level.~~

(c) That alternative sources of water are not reasonably available to all reasonable technological, economic and other efforts have been made, including a demonstration that the public water system is unable to join another system, and unable to find or develop another source.

(3) When granting a variance from a maximum contaminant level or maximum residual disinfectant level to a public water system that has not installed Best Available Technology (BAT) before requesting the variance, the Department, except as provided in Rule 62-560.600(2), F.A.C., shall grant the variance on the condition that the system install BAT. In its consideration of whether the public water system is unable to comply with a maximum contaminant level required by the drinking water regulations because of the nature of the raw water source, the Department shall consider such factors as, but not limited to:

(a) The availability and effectiveness of treatment methods for the contaminant for which the variance is requested.

(b) Cost and other economic considerations such as implementing additional treatment, improving the quality of the source water, or using an alternate source.

(4) The Department shall grant a variance from a treatment technique requirement when reasonable assurance is provided by the applicant to demonstrate that the treatment technique requirement is not necessary to protect the health of persons because of the nature of the raw water source for the public water system. In its consideration of whether a public water system will be granted a variance to a required treatment technique, the Department shall consider such factors as, but not limited to:

(a) Quality of the water source including water quality data and pertinent sources of pollution.

(b) Source protection measures employed by the public water system.

(5) The proposed compliance schedule for a ~~A~~ variance from ~~cannot extend the time indefinitely for compliance with a treatment technique prescribed by Rule 62-560.610, F.A.C.; or a maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL), shall provide for compliance with the MCL or MRDL requirement prescribed by Rule 62-550.310, F.A.C. Compliance shall be achieved as expeditiously as possible. If the schedule provides for compliance later than five years after the date of application for the variance, the applicant shall document its rationale for the extended compliance schedule. The schedule may, if the public water system cannot effect or anticipate adequate improvement of the existing raw water source, specify an indefinite time period for compliance until a new and effective treatment technology is developed, at which time a new schedule addressing installation of the new technology shall be proposed by the applicant and a new variance shall be issued by the Department.~~

(6) No change.

(7) A variance cannot be obtained from the following: maximum contaminant levels for total coliform bacteria, fecal coliform or *E. coli*.

(a) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(a), F.A.C. (unless the public water system demonstrates that the violation is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system);

(b) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(b), F.A.C.;

(c) The filtration and disinfection treatment technique requirements applicable to subpart H systems;

(d) The treatment technique requirement for control of disinfection byproduct precursors.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.854(1) FS. History—New 11-19-87, Formerly 17-22.745, Amended 1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-560.510, Amended 9-26-95,_____.

62-560.520 Drinking Water Exemption Request.

(1) A supplier of water may request an exemption from a maximum contaminant levels, maximum residual disinfectant level, or treatment technique requirement for a public water system by submitting a request in writing to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department on DEP Form 62-555.900(6). Any written request for an exemption shall include the following information:

(a) No change.

(b) Relevant analytical results of water quality sampling of the public water system, including results of relevant tests conducted in accordance with pursuant to the requirements of Chapter 62-550, F.A.C. the state drinking water regulations.

(c) Explanation of the compelling factors, such as time, legal, or economic factors, that which prevent the public water such system from achieving compliance or implementing measures to develop an alternative source of water supply. The applicant shall consider the availability of an alternative source of water, including the feasibility of partnerships with neighboring public water systems as identified by the applicant or by the Department consistent with its capacity development strategy as described in the February 7, 2001, document entitled Department of Environmental Protection, Drinking Water Section New Systems Capacity Development Program Reference Documents, which is incorporated herein by reference and is available from the Department of Environmental Protection, Drinking Water Section, 2600 Blair Stone Road, Mail Station 3520, Tallahassee, Florida 32399-2400.

(d) through (e) No change.

(f) Explanation of why management or restructuring changes cannot reasonably be made to achieve compliance or improve the quality of the drinking water if compliance cannot be achieved. Before finding that management and restructuring

changes cannot be made, the applicant shall consider the following measures and the availability of federal or state financial assistance to implement these measures:

1. Rate increases, accounting changes, the appointment of an operator licensed under Chapter 62-602, F.A.C., and contractual agreements for joint operation with one or more other public water systems;

2. Activities consistent with the Department's capacity development strategy (as described in the document referenced in paragraph (c) above) to help the public water system acquire and maintain technical, financial, and managerial capacity to come into compliance; and

3. Ownership changes, physical consolidation with another public water system, or other feasible and appropriate means of consolidation that would result in compliance.

(g) A plan for interim control measures during the effective period of the exemption, including a proposed schedule for implementing such measures.

(h)(f) No change.

(2) The Department shall grant an exemption when reasonable assurance is provided by the applicant to demonstrate each of the following:

(a) That, due to compelling factors (which may include time, legal, or economic factors), the public water system is unable to comply or to implement measures to develop an alternative source of water supply.

(b) That the public water system was in operation on the effective date of the maximum contaminant level, maximum residual disinfectant level, or treatment technique; requirement or both from which exemption is sought or, for a system that was not in operation by that date, no reasonable alternative source of drinking water is available to the system.

(c) No change.

(d) That management or restructuring changes cannot reasonably be made to achieve compliance or improve the quality of the drinking water if compliance cannot be achieved the public water system was unable to join another system, and unable to find or develop another source.

(e) That the public water system is taking all practicable steps to comply and that:

1. The system cannot comply without capital improvements that cannot be completed before the applicable compliance date established in Chapter 62-550, F.A.C.;

2. In the case of a system needing financial assistance for necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

3. The system has entered into an enforceable agreement to become part of a regional public water system.

(3) In its consideration of whether the public water system is unable to comply due to compelling factors, the Department shall consider such factors as, but not limited to:

(a) Construction, installation, or modification of treatment equipment or systems; and

(b) The time needed to put into operation a new treatment facility to replace an existing system which is not in compliance; and

(c) Economic feasibility of compliance.

(3)(4) An exemption cannot extend the time indefinitely for compliance with a standard (i.e., a treatment technique requirement, prescribed by Rule 62-560.610, F.A.C. or a maximum contaminant level, or maximum residual disinfectant level) requirement prescribed by Rule 62-550.310, F.A.C. The proposed compliance schedule shall provide for compliance with the standard ~~be achieved~~ as expeditiously as practicable but, in the case of a primary standard, not later than three years after the otherwise applicable compliance date established in Chapter 62-550, F.A.C. In the case of a public water system that serves a population of not more than 3,300 persons and that needs financial assistance for improvements necessary to comply with a primary standard, an exemption granted under subparagraph (2)(e)1. or 2. above may be renewed for one or more additional two-year periods, but not more than a total of six additional years, if the public water system establishes that it is continuing to take all practicable steps to comply for a maximum contaminant level or treatment technique, which is denoted as an interim national primary drinking water regulation under the Federal Act, and not later than seven years after a maximum contaminant level or treatment technique, which is denoted as a revised national primary drinking water regulation or its equivalent under the Federal Safe Drinking Water Act, comes into effect; however, if a public water system has entered into an enforceable agreement to become a part of a regional public water system the times shall be for no more than nine years.

(4)(5) No change.

(5) An exemption cannot be obtained from the following:

(a) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(a), F.A.C. (unless the public water system demonstrates that the violation is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system);

(b) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(b), F.A.C.;

(c) The disinfection treatment technique requirements applicable to subpart H systems.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.854(1),(2),(3) FS. History—New 11-19-87, Formerly 17-22.750, Amended 1-18-89, 1-1-93, Formerly 17-560.520, Amended 9-26-95, _____.

62-560.530 Request for Waiver of Disinfection Chlorination Requirements.

(1) Any supplier of water who owns or operates a transient non-community water system using only ground water not under the direct influence of surface water may request a waiver of the any disinfection chlorination requirements specified in Rules 62-555.320(4)(a) and 62-555.350(1), F.A.C., for a non-community water system by submitting a request for a waiver in writing to the Department. Any written request shall include the following information:

(a) through (2) No change.

(3) In consideration of whether a supplier of non-community water system should be granted a waiver of disinfection chlorination requirements, the Department shall consider the results of a sanitary surveys.

(4) The Suppliers of water for any non-community water system granted a waiver of disinfection the chlorination requirements shall monitor for microbiological contamination on at least a monthly basis or as otherwise specified by the Department and shall report the results to the Department in accordance with Rules 62-550.518 and 62-550.730, 62-550.540, F.A.C.

(5) through (6) No change.

Specific Authority 403.853(3), 403.861(8) FS. Law Implemented 403.852(12),(13), 403.853(1),(3), 403.854(4) FS. History—New 11-19-87, Formerly 17-22.755, Amended 1-18-89, 5-23-91, Formerly 17-560.530, Amended _____.

62-560.540 Request for Waiver of Certified Operator Requirements.

(1) Any supplier of water who owns or operates a transient non-community water system that uses only ground water not under the direct influence of surface water may request a the waiver of the certified operator requirements specified in Chapter 62-699, F.A.C., if applicable, for a non-transient non-community or non-community water system that exclusively uses ground water and has a design flow of less than 10,000 gallons per day by submitting a request for a waiver in writing to the Department. Any request shall include the following information:

(a) through (2) No change.

(3) A sanitary survey is not mandatory before a waiver of ~~the~~ certified operator requirements but may be performed and considered by the Department.

(4) through (5) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.854(5),(6),(7) FS. History—New 11-19-87, Formerly 17-22.760, Amended 1-18-89, 1-1-93, Formerly 17-560.540, Amended _____.

62-560.545 Request for Waiver of Monitoring Requirements.

(1) Volatile Organics. Each community or and non-transient non-community water system; that which does not detect a contaminant listed in Rule 62-550.310(4)(a), 62-550.310(2)(b); F.A.C., after completing initial monitoring

requirements; may apply to the Department for a waiver from the monitoring requirements for volatile organics in Rule 62-550.515, F.A.C., and the unregulated organic contaminants in Rule 62-550.521(2), F.A.C.

(a) A waiver from the volatile organic contaminant monitoring requirements of Rule 62-550.515, F.A.C., shall be effective for no more than six years (two compliance periods).

(b) A waiver from the group II unregulated organic contaminant monitoring requirements of Rule 62-550.521(2), F.A.C., shall be effective for no more than nine years (three compliance periods).

(2) Synthetic Organics Pesticides and PCBs. Each community or non-transient non-community water system may apply to the Department for a waiver from the synthetic organic pesticide and PCB contaminants monitoring requirements in of Rule 62-550.516, F.A.C., and from the group I unregulated organic contaminants monitoring requirements of Rule 62-550.521(1), F.A.C. A system shall reapply for a waiver for each three-year compliance period.

(3) The Department shall grant a waiver if the supplier of water; or the State; performs a study that shows the public water system is not vulnerable to contamination. Not vulnerable to contamination shall mean:

(a) No change.

(b) If previous use of the contaminant is not known or if the contaminant it has been used previously, then the supplier of water shall evaluate the following factors to show:

1. That the previous analytical results show no contaminants were detected, and for the unregulated contaminants, previous analytical results show contamination would not occur. Data used in this analysis shall have been collected after January 1, 1990;

a. through 3. No change.

4. The water source is protected against contamination. Subpart H Surface water systems shall have implemented a watershed protection plan accepted by the Department. Ground water systems shall consider factors such as depth of the well, the integrity of the well casing, the type of soil, and wellhead protection.

(c) through (4) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.853 FS. History—New 1-1-93, Formerly 17-560.545, Amended 9-7-94, 9-26-95, _____.

62-560.546 Statewide State-wide Monitoring Waivers for Selected Contaminants.

(1) No change.

(2) Dioxin. The Department has reviewed scientific literature and testing results and determined that dioxin exhibits very limited mobility in ground water sources. Public water systems that have whose wells are located at a distance of 1.6 kilometers (1 mile) or more from a potential source of dioxin contamination shall not be required to analyze raw

water or treated water at the entry point to the distribution system for dioxin. Potential sources of contamination include any waste disposal site or facility using chlorine in a manufacturing process (for example, industries involved in manufacturing bleached pulp and paper products, preserving wood, formulating pesticides, tanning, producing cleaning products, or producing drugs and cosmetics). If, as a result of a sanitary survey, the Department finds which involves a finding that a the public water system does not qualify for a waiver from dioxin monitoring, the Department shall notify the system in writing that it must begin monitoring for dioxin as described in Rule 62-550.500, F.A.C. Such written notification shall include a notice of rights to the administrative procedures as described in Rule 62-110.106, F.A.C. Subpart H Public water systems using surface water sources, or ground water sources under the direct influence of surface water, may submit a request for waiver of the monitoring requirements as described in Rule 62-560.545(2), F.A.C., above.

(3) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History—New 9-7-94, Amended _____.

62-560.550 Manner of Decision on Variances, Exemptions, and Waivers.

For the purposes of this section, the term “waivers” only applies to waivers of disinfection chlorination requirements under Rule 62-560.530, F.A.C., and waivers of certified operator requirements under Rule 62-560.540, F.A.C. Within 90 days of receipt of a complete request, the Department shall make a decision on the request. The applicant shall be notified of the Department’s intended decision by a written notice which states with particularity the grounds for the decision. The notice shall also contain an intended schedule for compliance with that from which a variance or exemption is sought. A hearing may be requested on the Department’s intended decision in accordance with Chapter 120, F.S. Whenever the Department issues a letter of intent to grant or deny a variance, exemption, or waiver, the Department shall give all affected persons constructive notice of the compliance schedule or terms of the waiver by publication in the Florida Administrative Weekly, and the supplier of water shall give notice in a newspaper of general circulation in the area affected by the variance, exemption, or waiver. In order to request a public hearing, the request must be received within thirty days of publication of the intended agency action. The Department shall only act upon hearing requests from persons whose substantial interests are affected. If a hearing is not requested within the allotted time, the right to an administrative hearing shall be deemed waived, and the Department’s intended decision shall be final.

Specific Authority 403.861(8) FS. Law Implemented 120.57, 120.60, 403.852(12),(13), 403.853(1),(3), 403.854(1),(2),(3),(4),(5) FS. History—New 11-19-87, Formerly 17-22.765, Amended 1-18-89, Formerly 17-560.550, Amended 11-7-95, _____.

62-560.560 Variances and Exemptions From the Additional Requirements for Surface Water Systems.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.852(12),(13), 403.853(1),(3), 403.854(1),(3) FS. History—New 1-3-91, Formerly 17-560.560, Repealed.

PART VI BEST AVAILABLE TECHNOLOGY AND TREATMENT TECHNIQUES

62-560.600 General.

~~If a water system is unable to meet particular water quality standards described in Chapter 62-550, F.A.C., the Department shall require the system to install and use the best generally available treatment method. No public water system shall be granted a variance from a particular standard (maximum contaminant level) (MCL) or maximum residual disinfectant level (MRDL) without first demonstrating that the system cannot meet the MCL or MRDL despite application of installing and using the Best Available Technology (BAT) treatment.~~

~~(1) If a public water system has not installed BAT before requesting a variance from a maximum contaminant level or maximum residual disinfectant level, the Department shall require, as a condition of granting the variance, that the system install BAT except as provided in subsection (2) below. Before the Department requires a system to install a particular treatment, the Department shall determine that the required treatment method is available and effective for the substance in question.~~

~~(2) If a public water system can demonstrate through comprehensive engineering assessments, which shall include pilot plant studies, that BAT would only achieve an insignificant reduction in a contaminant or disinfectant residual, the Department shall require, as a condition of granting a variance, that the system examine other treatment methods. A treatment method shall not be considered by the Department to be available and effective for an individual system if the treatment method would not be technically appropriate and technically feasible for that system.~~

~~(3) If the Department determines that a treatment method examined under subsection (2) above is technically feasible, the public water system shall propose a new compliance schedule addressing installation of the treatment method, and the Department shall issue a new variance requiring the system to install the treatment method. The Department's determination shall be based upon studies by the system and other relevant information. The determination by the Department of available and effective treatment methods shall be based upon studies by the water system and other relevant information which show the cost of such treatment and the amount of the substance in question which is removed from the water.~~

~~(4) Studies conducted by the water system shall determine:~~

~~(a) the probability that any specific methods will significantly reduce the level of the substance in question for that system; and~~

~~(b) if such probability exists, whether any specific methods are technically feasible and economically reasonable; and~~

~~(c) that the reductions obtained will be commensurate with the costs incurred with the installation and use of such treatment methods for that system.~~

Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853, 403.854 FS. History—New 11-19-87, Formerly 17-22.500, Amended 1-18-89, Formerly 17-560.600, Amended.

62-560.610 ~~The~~ Best Available Technology for Achieving Compliance With a Maximum Contaminant Level or Maximum Residual Disinfectant Level.

(1) The technologies listed in Table 1 are ~~the~~ Best Available Technology for achieving compliance with the maximum contaminant levels for inorganic contaminants listed in Rule 62-550.310(1), F.A.C.

(2) Best Available Technology for achieving compliance with the maximum residual disinfectant levels listed in Rule 62-550.310(2), F.A.C., is control of treatment processes to reduce disinfectant demand or control of disinfection treatment processes to reduce disinfectant levels.

(3) The technologies listed in Table 2 are Best Available Technology for achieving compliance with the maximum contaminant levels for disinfection byproducts listed in Rule 62-550.310(3), F.A.C.

~~(4)(2)~~ The technologies listed in Table ~~3~~ ~~2~~ are ~~the~~ Best Available ~~Technology Treatment~~ for achieving compliance with the maximum contaminant levels for organic contaminants listed in Rule 62-550.310~~(4)(2)~~, F.A.C.

~~(3) The Department shall require community and non-transient non-community water systems to install and use any treatment method identified in subsections (1) and (2) as a condition for granting a variance. If, after the system's installation of the treatment method, the system cannot meet the maximum contaminant level that system may apply for a variance under the provisions of Rule 62-560.510, F.A.C.~~

~~(a) A system shall prove through engineering assessments, which shall include a pilot study, that the treatment identified in Rule 62-560.610, F.A.C., will not result in compliance. The Department shall issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance.~~

~~(b) If the Department decides that a treatment method identified in this section is technically feasible, the Department shall require the system to install and use that treatment method in connection with a compliance schedule issued under the provisions of Rules 62-560.510 and 62-560.520, F.A.C. The Department determination shall be based upon studies by the system and other relevant information.~~

~~(5)(4) The Best Available Technology, treatment techniques, and other means generally available for achieving compliance with the maximum contaminant level for microbiological contaminants listed in Rule 62-550.310(5), 62-550.518, F.A.C., includes the following:~~

(a) through (c) No change.

(d) Filtration or disinfection of surface water, or ground water under the direct influence of surface water, as described in Part VI of Chapter 62-555, ~~Rule 62-555.610~~, F.A.C., or disinfection of ground water not under the direct influence of surface water using strong oxidants such as chlorine, chlorine dioxide, or ozone; and

(e) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.853 FS. History—New 11-19-87, Formerly 17-22.510, Amended 1-18-89, 1-3-91, 1-1-93, 1-26-93, Formerly 17-560.610, Amended _____.

62-560.620 Bottled Water, Point-of-Use, and Point-of-Entry Devices.

(1) The Department shall require a public water system to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting a variance or an exemption from the maximum contaminant levels and maximum residual disinfectant levels listed in Rules 62-550.310(1), ~~(2), (3), (4), (5)(a)~~, and ~~(6)~~, 62-550.310(2), F.A.C., to avoid an unreasonable risk to health. The Department shall require a public water system to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting an exemption from the treatment technique requirements listed in Rules 62-550.315(1) and (4), F.A.C., or an exemption from the surface water filtration requirements in Part VI of Chapter 62-555, F.A.C., to avoid an unreasonable risk to health. The Department shall require a public water system to use bottled water and point-of-use devices or other means, but not point-of-entry devices, as a condition for granting an exemption from corrosion control treatment requirements for lead and copper in Rule 62-550.800, F.A.C., to avoid an unreasonable risk to health. The Department shall require a public water system to use point-of-entry devices as a condition for granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper in Rule 62-550.800, F.A.C., to avoid an unreasonable risk to health.

(2) A public water system that uses bottled water as a condition for receiving a variance or an exemption under pursuant to the requirements of Rules 62-560.510 or and 62-560.520, F.A.C., shall receive certification from the bottled water company that the bottled water meets all requirements specified in Chapter 5E-15, F.A.C. (May 4, 1992); has been taken from an approved source as defined in the April 1, 2000, edition of 21 CFR C.F.R. pt. 129.3(a); (1994); has been monitored by the bottled water company in accordance with the April 1, 2000, edition of 21 CFR C.F.R. pt. 129.80(g)(1) through (3); (1994); and does not exceed any maximum contaminant levels or quality limits set out in the April 1, 2000, edition of 21 CFR 165.110(b), C.F.R. pts. 102.35, 110, and 129 (1994); All of the aforementioned federal regulations which are hereby incorporated herein by reference. The authorized representative of the public water system shall provide such certification to the Department once during the first three-month period that the public water system supplies bottled water and annually thereafter for as long as bottled water is being supplied. The public water system shall provide sufficient quantities of bottled water to every person supplied by the public water system via door-to-door bottled water delivery.

(3) Public water systems that use point-of-entry or point-of-use devices as a condition for obtaining a variance or an exemption under from the maximum contaminant levels listed in Rule 62-550.310, F.A.C., or the treatment technique requirements in Rule 62-560.510 or 62-560.520, 62-550.325(1) and Rule 62-550.800, F.A.C., shall meet the following requirements:

(a) No change.

(b) Before point-of-use or point-of-entry devices are installed, the authorized representative of the public water system shall certify that the system will sample from a representative tap served by one of the devices once during the first three-month period after the devices are installed and annually thereafter for each contaminant or disinfectant residual for which the variance or exemption was received; ~~from one representative tap served by one of the devices.~~

(c) through (f) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853 FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-560.620, Amended 9-7-94, _____.

TABLE 1
 BEST AVAILABLE TECHNOLOGY TREATMENT FOR INORGANIC CONTAMINANTS

CONTAMINANT	BEST AVAILABLE TECHNOLOGY (BAT) TREATMENT
Antimony	Coagulation/filtration ¹ Reverse osmosis
Arsenic	Reserved
Asbestos	Coagulation/filtration ¹ Direct and diatomite filtration Corrosion control
Barium	Ion exchange Lime softening ¹ Reverse osmosis Electrodialysis
Beryllium	Activated alumina Coagulation/filtration ¹ Lime softening ¹ Ion exchange Reverse osmosis
Cadmium	Coagulation/filtration Ion exchange Lime softening ^{1,2} Reverse osmosis
Chromium	Coagulation/filtration ¹ Ion exchange Lime softening ^{1,3} Reverse osmosis
Cyanide	Ion exchange Chlorine oxidation Reverse osmosis
Fluoride	Reverse osmosis Activated alumina absorption
Lead	Reserved
Mercury	Coagulation/filtration ^{1,2} Lime softening ^{1,2} Reverse osmosis ² Granular activated carbon
Nickel	Lime softening ¹ Ion exchange Reverse osmosis
Nitrate	Ion exchange Reverse osmosis Electrodialysis
Nitrite	Ion exchange Reverse osmosis

Selenium	Coagulation/filtration ^{1,4} Lime softening ¹ Reverse osmosis Activated alumina Electrodialysis
Sodium	Reserved
Thallium	Activated alumina Ion eXchange

¹Not BAT for systems with less than 500 service connections.

²BAT only if influent ~~m~~Mercury concentrations are less than or equal to 10 micrograms per liter.

³BAT for Chromium III only.

⁴BAT for Selenium IV only.

TABLE 2
BEST AVAILABLE TECHNOLOGY FOR DISINFECTION BYPRODUCTS

<u>CONTAMINANT</u>	<u>BEST AVAILABLE TECHNOLOGY</u>
<u>Total Trihalomethanes</u>	<u>Enhanced coagulation with chlorine as the primary and residual disinfectant.</u> <u>Enhanced softening with chlorine as the primary and residual disinfectant.</u> <u>GAC 10 with chlorine as the primary and residual disinfectant.</u>
<u>Haloacetic acids (five)</u>	<u>Enhanced coagulation with chlorine as the primary and residual disinfectant.</u> <u>Enhanced softening with chlorine as the primary and residual disinfectant.</u> <u>GAC 10 with chlorine as the primary and residual disinfectant.</u>
<u>Bromate</u>	<u>Control of ozone treatment process to reduce production of bromate.</u>
<u>Chlorite</u>	<u>Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.</u>

TABLE 3 2
 BEST AVAILABLE TECHNOLOGY TREATMENT FOR ORGANIC CONTAMINANTS

CONTAMINANT	BEST AVAILABLE TECHNOLOGY TREATMENT
1,1-Dichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
1,1,1-Trichloroethane	Granular a Activated c Carbon Packed t Tower a Aeration
1,1,2-Trichloroethane	Granular a Activated c Carbon Packed t Tower a Aeration
1,2-Dichloropropane	Granular a Activated c Carbon Packed t Tower a Aeration
1,2-Dichloroethane	Granular a Activated c Carbon Packed t Tower a Aeration
1,2,4-Trichlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
2,3,7,8-TCDD (Dioxin)	Granular a Activated c Carbon
2,4-D	Granular a Activated c Carbon
2,4,5-TP (Silvex)	Granular a Activated c Carbon
Alachlor	Granular a Activated c Carbon
Atrazine	Granular a Activated c Carbon
Benzene	Granular a Activated c Carbon Packed t Tower a Aeration
Benzo(a)pyrene	Granular a Activated c Carbon
Carbofuran	Granular a Activated c Carbon
Carbon tetrachloride	Granular a Activated c Carbon Packed t Tower a Aeration
Chlordane	Granular a Activated c Carbon
cis-1,2-Dichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Dalapon	Granular a Activated c Carbon
Di(2-ethylhexyl)adipate	Granular a Activated c Carbon Packed t Tower a Aeration
Di(2-ethylhexyl)phthalate	Granular a Activated c Carbon
Dibromochloropropane (DBCP)	Granular a Activated c Carbon Packed t Tower a Aeration
Dichloromethane	Packed t Tower a Aeration
Dinoseb	Granular a Activated c Carbon
Diquat	Granular a Activated c Carbon
Endothall	Granular a Activated c Carbon
Endrin	Granular a Activated c Carbon
Ethylbenzene	Granular a Activated c Carbon Packed t Tower a Aeration
Ethylene dibromide (EDB)	Granular a Activated c Carbon Packed t Tower a Aeration
Glyphosate	Oxidation (c Chlorine or o Ozone)
Heptachlor epoxide	Granular a Activated c Carbon

Heptachlor	Granular a Activated c Carbon
Hexachlorobenzene	Granular a Activated c Carbon
Hexachlorocyclopentadiene	Granular a Activated c Carbon Packed t Tower a Aeration
Lindane	Granular a Activated c Carbon
Methoxychlor	Granular a Activated c Carbon
Monochlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
o-Dichlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
Oxamyl (vydate)	Granular a Activated c Carbon
para-Dichlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
Pentachlorophenol	Granular a Activated c Carbon
Picloram	Granular a Activated c Carbon
Polychlorinated_biphenyls (PCBs)	Granular a Activated c Carbon
Simazine	Granular a Activated c Carbon
Styrene	Granular a Activated c Carbon Packed t Tower a Aeration
Tetrachloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Toluene	Granular a Activated c Carbon Packed t Tower a Aeration
Toxaphene	Granular a Activated c Carbon
trans-1,2-Dichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Trichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Vinyl chloride	Packed t Tower a Aeration
Xylenes (total)	Granular a Activated c Carbon Packed t Tower a Aeration

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard D. Drew, Chief, Bureau of Water Facilities
Regulation, Department of Environmental Protection
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Mimi Drew, Director, Division of
Water Resource Management, Department of Environmental
Protection
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 5, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to implement an initial license fee for a faculty certificate in the amount of \$100.

SUMMARY: The Board proposes the implementation of an initial license fee for a faculty certificate in the amount of \$100.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., October 18, 2001
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (12) No change.

(13) The initial license fee for a faculty certificate shall be \$100.00.

(13) through (19) renumbered (14) through (20) No change.

Specific Authority 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2001

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Citations
RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the Department’s responsibility for providing quarterly reports with regard to citations.

SUMMARY: The proposed rule amendment clarifies the Department’s responsibility for providing quarterly reports with regard to the issuance of citations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., October 18, 2001
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) through (6) No change.

(7) The ~~Department Board of Optometry~~ shall, at the end of each calendar quarter, promulgate a report of the citations issued which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who chose to follow the procedures of Section 456.077, Florida Statutes.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2001

FLORIDA HOUSING FINANCE CORPORATION.

RULE TITLE: Appeals
RULE NO.: 67-25.020

PURPOSE AND EFFECT: The purpose of this proposed rule is to repeal this rule related to appeals in the Single-Family Mortgage Revenue Bonds Program. Chapter 120, Florida Statutes provides for an adequate appeal mechanism and thus Rule 67-25.020, Florida Administrative Code is obsolete and unnecessary. Repeal of Rule 67-25.020, Florida Administrative Code, is proposed to eliminate the obsolete and unnecessary rule and should cause no adverse affect.

SUMMARY: The proposed rule would repeal Rule 67-25.020, Florida Administrative Code which is unnecessary and obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 420.507(12) FS.
LAW IMPLEMENTED: 420.503, 420.507, 420.508, Chapter 120 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., October 15, 2001
PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Andrew T. Price, Esq., Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329, phone (850)488-4197

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Corporation at least 5 calendar days before the program by contacting Andrew Price at the above address.

THE FULL TEXT OF THE PROPOSED RULE IS:

67-25.020 Appeals.

Specific Authority 420.507(12) FS. Law Implemented 420.503, 420.507, 420.508, Chapter 120 FS. History—New 4-15-87, Formerly 9I-25.020, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew T. Price, Esq
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2001

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule which was published in the Florida Administrative Weekly, Vol. 27, No. 22, on June 1, 2001. The rule incorporates by reference guidelines and forms relating to the following programs: Library Services and Technology Act Grants, Florida Library Literacy Grants and State Aid to Libraries Grants. Changes have been made to the guidelines and forms for Library Services and Technology Act Grants, Florida Library Literacy Grants and State Aid to Libraries Grants to reflect comments made by the Joint Administrative Procedures Committee (JAPC) and in response to comments received.

Copies of the full text of the changes may be obtained by contacting: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Mattresses
RULE NO.: 4A-54.006