



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

October 1, 2021

[edward.fontanin@brevardfl.gov](mailto:edward.fontanin@brevardfl.gov)

Edward Fontanin  
Utilities Director Permittee  
2725 Judge Fran Jamieson Way  
Brevard County Utility Services Department  
Brevard County

Dear Edward,

This letter provides a second notification that as the permittee of a domestic wastewater treatment facility with a permitted discharge to surface waters in Florida, you are subject to new provisions in section 403.064(17), Florida Statutes (F.S.). The new provisions require you to submit a plan to eliminate nonbeneficial surface water discharges by January 1, 2032, to the Department of Environmental Protection (DEP) for review and approval no later than November 1, 2021.

If the plan is not timely submitted by the utility by November 1, 2021, **the utility's domestic wastewater treatment facilities may not dispose of effluent, reclaimed water, or reuse water by surface water discharge after January 1, 2028.** DEP will review and approve or deny your plan within nine months of receipt. You may modify the plan by submitting the modification to DEP, but the requirements detailed below must be met and the time to implement shall not be extended. As required by statute, the plan shall be fully implemented by January 1, 2032.

If you have already submitted a plan, or a response indicating that a plan is not required under section 403.064(17), F.S., then you may disregard this letter.

*Further details regarding the plan that must be submitted by November 1, 2021:*

This plan must include the average number of gallons per day of effluent, reclaimed water or reuse water that will no longer be discharged into surface waters and the date of such elimination, the average number of gallons per day of surface water discharge which will continue if allowed by provisions 2. or 3. in the paragraph below, and the level of treatment the effluent, reclaimed water or reuse water will receive before being discharged into a surface water alternative.

Your plan will be approved by DEP if:

1. The plan will result in eliminating the surface water discharge.
2. The plan will result in meeting the requirements of section 403.086(10), F.S. (the statute related to the elimination of ocean outfall discharges).
3. The plan does not provide for a complete elimination of the surface water discharge, but does provide an affirmative demonstration that any of the following conditions apply to the remaining discharge:
  - a. The discharge is associated with an indirect potable reuse project;
  - b. The discharge is a wet weather discharge that occurs in accordance with an applicable department permit;
  - c. The discharge is into a stormwater management system and is subsequently withdrawn by a user for irrigation purposes;
  - d. The utility operates the domestic wastewater treatment facilities with reuse systems that reuse a minimum of 90 percent of a facility's annual average flow, as determined by DEP using monitoring data for the prior five consecutive years, for reuse purposes authorized by DEP; or
  - e. The discharge provides direct ecological or public water supply benefits, such as rehydrating wetlands or implementing the requirements of minimum flows and minimum water levels or recovery or prevention strategies for a waterbody.

The plan may include conceptual projects for 3.a. and 3.e. above, but this does not extend the time for plan implementation. Please note that discharges allowed under section 403.086(8)(a), F.S., may be included in the plan.

Permit applicants for a new or expanded surface water discharge shall develop a plan in accordance with the above requirements from section 403.064(17), F.S., to be submitted with the permit application.

Certain domestic wastewater treatment facilities can be exempt from the plan outlined above if they successfully demonstrate at least one of the following circumstances apply. However, documentation must still be supplied by the November 1, 2021, deadline to claim this exemption.

1. The domestic wastewater treatment facility is located in a fiscally constrained county as described in section 218.67(1), F.S.
2. The domestic wastewater treatment facility is located in a municipality that is entirely within a rural area of opportunity as designated pursuant to section 288.0656, F.S.
3. The domestic wastewater treatment facility is located in a municipality that has less than \$10 million in total revenue, as determined by the municipality's most recent annual financial report submitted to the Florida Department of Financial Services in accordance with section 218.32, F.S.
4. The domestic wastewater treatment facility that is operated by an operator of a mobile home park as defined in section 723.003, F.S., and has a permitted capacity of less than 300,000 gallons per day.

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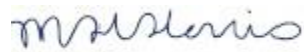
October 1, 2021

Please submit either (1) your plan or (2) your documentation demonstrating that no plan is required via email to DEP's Wastewater Management Program at: [NPDESDischargePlan2021@FloridaDEP.gov](mailto:NPDESDischargePlan2021@FloridaDEP.gov) no

later than November 1, 2021. For your convenience, a cover sheet template is attached that should be completed and included with your submission.

If you have questions about the requirements above or plan submission, please direct those inquiries to [NPDESDischargePlan2021@FloridaDEP.gov](mailto:NPDESDischargePlan2021@FloridaDEP.gov).

Yours truly,



Marc H. Harris, P.E.

Program Administrator

Wastewater Management Program

Division of Water Resource Management

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