

Committee on Environmental Preservation and Conservation

CS/CS/HB 1149 — Environmental Regulation

by Government Accountability Committee; Natural Resources and Public Lands Subcommittee; and Rep. Payne and others (CS/CS/CS/SB 1308 by Appropriations Committee; Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senator Perry)

CS/CS/HB 1149 provides that when a water management district (WMD) evaluates a consumptive use permit (CUP), impact offsets may be created if the applicant proposes to use reclaimed water for one or more of several water supply development purposes. The bill requires the Department of Environmental Protection (DEP) to develop criteria for the application of an impact offset or a substitution credit to a CUP or to a recovery or prevention strategy and requires the DEP and the WMDs to enter into a memorandum of agreement providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a CUP.

The bill requires a governing board or DEP to reissue the construction phase of an expired individual permit under Part IV of ch. 373 when certain conditions are met.

The bill provides criteria by which counties and municipalities must address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material, including that residential recycling collectors and materials recovery facilities may not be required to collect, transport, or process contaminated recyclable material. The criteria apply to contracts between a municipality or county and a residential recycling collector or materials recovery facility executed or renewed after July 1, 2018.

The bill revises the exemption from the requirement to obtain an environmental resource permit (ERP) for the replacement or repair of an existing dock or pier and prevents a local government from requiring that an individual claiming an exemption from an ERP provide further verification from the DEP for all of the activities and projects exempted from the ERP requirements.

The bill provides that the prohibition against a governmental entity creating or providing mitigation for a project does not apply to mitigation areas created by a local government which were awarded certain mitigation credits under a permit issued before December 31, 2011, when credits are not available at a permitted mitigation bank.

The bill makes minor changes to operational requirements of the C-51 reservoir project and authorizes the South Florida Water Management District to:

- Enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility; and
- Request DEP to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund.

The bill creates within DEP the blue star collection system assessment and maintenance program for domestic sewer systems. Certification under the program requires a utility to demonstrate:

- A rate of reinvestment in its collection system and pump station maintenance program;
- Periodic structural condition assessments, and as-needed maintenance and replacements;
- A program designed to limit fats, roots, oils, and grease in its collection system;
- For public utilities, a local requirement that the private pump stations and lateral lines connecting to the public system be free of defects and direct stormwater connections; and
- A power outage contingency plan.

Public and private utilities certified under the program could receive the following incentives:

- Publication on the DEP's website;
- Participation in the Clean Water State Revolving Loan Fund Program;
- Reduced penalties for a sanitary sewer overflow;
- Ten-year operating permits; and
- A presumption of compliance with state water quality standards for pathogens.

The bill expands the Small Community Sewer Construction Assistance Grant Program to include private utilities and expands the uses of the grants.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 27-10; House 86-21