

Committee on Environment and Natural Resources

CS/CS/CS/HB 965 — Environmental Management

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Environment, Agriculture and Flooding Subcommittee; and Rep. Truenow and others (CS/CS/SB 1426 by Appropriations Committee; Environment and Natural Resources Committee; and Senator Burgess)

The bill creates the concept of water quality enhancement areas (WQEAs). A WQEA is a natural system that is constructed, operated, managed, and maintained pursuant to a permit to provide offsite, compensatory, regional treatment within an identified enhancement service area and enhancement credits.

The bill provides that construction, operation, management, and maintenance of a WQEA must be approved through the environmental resource permitting (ERP) process. The bill sets out requirements for a water quality credit program based on the development of WQEAs and authorizes the Department of Environmental Protection (DEP) to develop rules to implement the program. Water quality enhancement credits may be sold only to government entities.

The bill requires that a WQEA be used to address contributions of one or more pollutants or other constituents in the watershed, basin, sub-basin, targeted restoration area, waterbody, or section of waterbody in which the WQEA is located that do not meet applicable state water quality criteria.

The bill provides requirements for the WQEA permitting process and requires monitoring and verification to demonstrate that the WQEA is meeting defined performance or success criteria for reduction of pollutants or contaminants.

The bill makes clarifications regarding incentives for the use of graywater technologies.

The bill directs DEP to adopt and modify rules adopted pursuant to ss. 373.4136 (establishment and operation of mitigation banks) and 373.414 (additional criteria for activities in surface waters and wetlands), F.S., to ensure that required financial assurances are equivalent and sufficient to provide for the long-term management of mitigation permitted under those sections. DEP, in consultation with water management districts, shall include this rulemaking in existing active rulemaking, or shall complete rule development by June 30, 2023.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 107-0