

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Committee on Natural Resources & Environmental Protection offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (3) of section 373.4595, Florida Statutes, is amended to read:

373.4595 Lake Okeechobee Protection Program.--

(3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection program for Lake Okeechobee that achieves phosphorus load reductions for Lake Okeechobee shall be immediately implemented as specified in this subsection. The program shall address the reduction of phosphorus loading to the lake from both internal and external sources. Phosphorus load reductions shall be achieved through a phased program of implementation. Initial implementation actions shall be technology-based, based upon a consideration of both the availability of appropriate technology and the cost of such technology, and shall include phosphorus reduction measures at both the source

Amendment No. 1 (for drafter's use only)

1 and the regional level. The initial phase of phosphorus load
2 reductions shall be based upon the district's Technical
3 Publication 81-2 and the district's WOD program, with
4 subsequent phases of phosphorus load reductions based upon the
5 total maximum daily loads established in accordance with s.
6 403.067. In the development and administration of the Lake
7 Okeechobee Protection Program, the coordinating agencies shall
8 maximize opportunities provided by federal cost-sharing
9 programs and opportunities for partnerships with the private
10 sector.

11 (c) Lake Okeechobee Watershed Phosphorus Control
12 Program.--The Lake Okeechobee Watershed Phosphorus Control
13 Program is designed to be a multifaceted approach to reducing
14 phosphorus loads by improving the management of phosphorus
15 sources within the Lake Okeechobee watershed through continued
16 implementation of existing regulations and best management
17 practices, development and implementation of improved best
18 management practices, improvement and restoration of the
19 hydrologic function of natural and managed systems, and
20 utilization of alternative technologies for nutrient
21 reduction. The coordinating agencies shall facilitate the
22 application of federal programs that offer opportunities for
23 water quality treatment, including preservation, restoration,
24 or creation of wetlands on agricultural lands.

25 1. Agricultural nonpoint source best management
26 practices, developed in accordance with s. 403.067 and
27 designed to achieve the objectives of the Lake Okeechobee
28 Protection Program, shall be implemented on an expedited
29 basis. By March 1, 2001, the coordinating agencies shall
30 develop an interagency agreement pursuant to ss. 373.046 and
31 373.406(5) that assures the development of best management

Amendment No. 1 (for drafter's use only)

1 practices that complement existing regulatory programs and
2 specifies how those best management practices are implemented
3 and verified. The interagency agreement shall address measures
4 to be taken by the coordinating agencies during any best
5 management practice reevaluation performed pursuant to
6 sub-subparagraph d. The department shall use best professional
7 judgment in making the initial determination of best
8 management practice effectiveness.

9 a. As provided in s. 403.067(7)(d), by October 1,
10 2000, the Department of Agriculture and Consumer Services, in
11 consultation with the department, the district, and affected
12 parties, shall initiate rule development for interim measures,
13 best management practices, conservation plans, nutrient
14 management plans, or other measures necessary for Lake
15 Okeechobee phosphorus load reduction. The rule shall include
16 thresholds for requiring conservation and nutrient management
17 plans and criteria for the contents of such plans. Development
18 of agricultural nonpoint source best management practices
19 shall initially focus on those priority basins listed in
20 subparagraph (b)1. The Department of Agriculture and Consumer
21 Services, in consultation with the department, the district,
22 and affected parties, shall conduct an ongoing program for
23 improvement of existing and development of new interim
24 measures or best management practices for the purpose of
25 adoption of such practices by rule.

26 b. Where agricultural nonpoint source best management
27 practices or interim measures have been adopted by rule of the
28 Department of Agriculture and Consumer Services, the owner or
29 operator of an agricultural nonpoint source addressed by such
30 rule shall either implement interim measures or best
31 management practices or demonstrate compliance with the

Amendment No. 1 (for drafter's use only)

1 district's WOD program by conducting monitoring prescribed by
2 the department or the district. Owners or operators of
3 agricultural nonpoint sources who implement interim measures
4 or best management practices adopted by rule of the Department
5 of Agriculture and Consumer Services shall be subject to the
6 provisions of s. 403.067(7). The Department of Agriculture and
7 Consumer Services, in cooperation with the department and the
8 district, shall provide technical and financial assistance for
9 implementation of agricultural best management practices,
10 subject to the availability of funds.

11 c. The district or department shall conduct monitoring
12 at representative sites to verify the effectiveness of
13 agricultural nonpoint source best management practices.

14 d. Where water quality problems are detected for
15 agricultural nonpoint sources despite the appropriate
16 implementation of adopted best management practices, the
17 Department of Agriculture and Consumer Services, in
18 consultation with the other coordinating agencies and affected
19 parties, shall institute a reevaluation of the best management
20 practices and make appropriate changes to the rule adopting
21 best management practices.

22 2. Nonagricultural nonpoint source best management
23 practices, developed in accordance with s. 403.067 and
24 designed to achieve the objectives of the Lake Okeechobee
25 Protection Program, shall be implemented on an expedited
26 basis. By March 1, 2001, the department and the district shall
27 develop an interagency agreement pursuant to ss. 373.046 and
28 373.406(5) that assures the development of best management
29 practices that complement existing regulatory programs and
30 specifies how those best management practices are implemented
31 and verified. The interagency agreement shall address measures

Amendment No. 1 (for drafter's use only)

1 to be taken by the department and the district during any best
2 management practice reevaluation performed pursuant to
3 sub-subparagraph d.

4 a. The department and the district are directed to
5 work with the University of Florida's Institute of Food and
6 Agricultural Sciences to develop appropriate nutrient
7 application rates for all nonagricultural soil amendments in
8 the watershed. As provided in s. 403.067(7)(c), by January 1,
9 2001, the department, in consultation with the district and
10 affected parties, shall develop interim measures, best
11 management practices, or other measures necessary for Lake
12 Okeechobee phosphorus load reduction. Development of
13 nonagricultural nonpoint source best management practices
14 shall initially focus on those priority basins listed in
15 subparagraph (b)1. The department, the district, and affected
16 parties shall conduct an ongoing program for improvement of
17 existing and development of new interim measures or best
18 management practices. The district shall adopt
19 technology-based standards under the district's WOD program
20 for nonagricultural nonpoint sources of phosphorus.

21 b. Where nonagricultural nonpoint source best
22 management practices or interim measures have been developed
23 by the department and adopted by the district, the owner or
24 operator of a nonagricultural nonpoint source shall implement
25 interim measures or best management practices and be subject
26 to the provisions of s. 403.067(7). The department and
27 district shall provide technical and financial assistance for
28 implementation of nonagricultural nonpoint source best
29 management practices, subject to the availability of funds.

30 c. The district or the department shall conduct
31 monitoring at representative sites to verify the effectiveness

Amendment No. 1 (for drafter's use only)

1 of nonagricultural nonpoint source best management practices.

2 d. Where water quality problems are detected for
3 nonagricultural nonpoint sources despite the appropriate
4 implementation of adopted best management practices, the
5 department and the district shall institute a reevaluation of
6 the best management practices.

7 3. The provisions of subparagraphs 1. and 2. shall not
8 preclude the department or the district from requiring
9 compliance with water quality standards or with current best
10 management practices requirements set forth in any applicable
11 regulatory program authorized by law for the purpose of
12 protecting water quality. Additionally, subparagraphs 1. and
13 2. are applicable only to the extent that they do not conflict
14 with any rules promulgated by the department that are
15 necessary to maintain a federally delegated or approved
16 program.

17 4. Projects which reduce the phosphorus load
18 originating from domestic wastewater systems within the Lake
19 Okeechobee watershed shall be given funding priority in the
20 department's revolving loan program under s. 403.1835. The
21 department shall coordinate and provide assistance to those
22 local governments seeking financial assistance for such
23 priority projects.

24 5.(a) The department shall require all entities
25 disposing of domestic wastewater residuals within the Lake
26 Okeechobee watershed to develop and submit to the department
27 by July 1, 2001, an agricultural use plan that limits
28 applications based upon phosphorus loading. Phosphorus loading
29 originating from these application sites shall not exceed the
30 limits established in the district's WOD program.

31 (b) Private and government-owned utilities within

Amendment No. 1 (for drafter's use only)

1 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
2 River, Okeechobee, Highlands, Hendry and Glades counties that
3 dispose of wastewater residual sludge from utility operations
4 and septic removal by land spreading in the Lake Okeechobee
5 watershed may use a line item on local sewer rates to cover
6 wastewater residual treatment and disposal if such disposal
7 and treatment is done by approved alternative treatment
8 methodology at a facility located within the areas designated
9 by the Governor as rural areas of critical economic concern
10 pursuant to s. 288.0656. This additional line item is an
11 environmental protection disposal fee above the present sewer
12 rate and shall not be considered a part of the present sewer
13 rate to customers, notwithstanding provisions to the contrary
14 in chapter 367. The fee shall be established by the County
15 Commission or their designated assignee in the county in which
16 the alternative method treatment facility is located. Further,
17 for utilities and utility authorities that use the additional
18 line item environmental protection disposal fee, such fee
19 shall not be considered a rate increase under the rules of the
20 Public Service Commission and shall be exempt from such rules.
21 Utilities using the provisions of this section may immediately
22 include in their sewer invoicing the new environmental
23 protection disposal fee. Proceeds from this environmental
24 protection disposal fee shall be used for treatment and
25 disposal of wastewater residuals including any treatment
26 technology that helps reduce the volume of residuals that
27 require final disposal, but such proceeds shall not be used
28 for transportation or shipment costs for disposal or any costs
29 relating to the land application of residuals in the Lake
30 Okeechobee watershed.

31 6. By July 1, 2001, the Department of Agriculture and

Amendment No. 1 (for drafter's use only)

1 Consumer Services shall initiate rulemaking requiring entities
2 within the Lake Okeechobee watershed which land-apply animal
3 manure to develop conservation or nutrient management plans
4 that limit application, based upon phosphorus loading. Such
5 rules may include criteria and thresholds for the requirement
6 to develop a conservation or nutrient management plan,
7 requirements for plan approval, and recordkeeping
8 requirements.

9 7. Prior to authorizing a discharge into works of the
10 district, the district shall require responsible parties to
11 demonstrate that proposed changes in land use will not result
12 in increased phosphorus loading over that of existing land
13 uses.

14 8. The district, the department, or the Department of
15 Agriculture and Consumer Services, as appropriate, shall
16 implement those alternative nutrient reduction technologies
17 determined to be feasible pursuant to subparagraph (d)6.

18 Section 2. This act shall take effect July 1, 2001.
19
20

21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 1, lines 2 through 7
24 remove from the title of the bill:

25
26 and insert in lieu thereof:

27 An act relating to Lake Okeechobee Protection
28 Program; amending s. 373.4595, F.S.;
29 authorizing a line item on utility sewer rates
30 to cover wastewater residual treatment and
31 disposal in certain counties; providing

Amendment No. 1 (for drafter's use only)

1 exemption from requirements of the Public
2 Service Commission; providing an effective
3 date.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31