

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Kreegel offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (7) and (8) of section 403.067,  
6 Florida Statutes, are amended, present subsections (9) through  
7 (12) are renumbered as sections (11) through (14), respectively,  
8 and new subsections (8) and (10) are added to that section, to  
9 read:

10 403.067 Establishment and implementation of total maximum  
11 daily loads.--

12 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
13 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

14 (a) Basin management action plans.--

15 1. In developing and implementing the total maximum daily  
16 load for a water body, the department, or the department in

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17 conjunction with a water management district, may develop a  
18 basin management action plan that addresses some or all of the  
19 watersheds and basins tributary to the water body. Such a plan  
20 must ~~shall~~ integrate the appropriate management strategies  
21 available to the state through existing water quality protection  
22 programs to achieve the total maximum daily loads and may  
23 provide for phased implementation of these management strategies  
24 to promote timely, cost-effective actions as provided for in s.  
25 403.151. The plan must ~~shall~~ establish a schedule for  
26 implementing the management strategies, establish a basis for  
27 evaluating the plan's effectiveness, and identify feasible  
28 funding strategies for implementing the plan's management  
29 strategies. The management strategies may include regional  
30 treatment systems or other public works, where appropriate, and,  
31 in the basin listed in subsection (10) for which a basin  
32 management action plan has been adopted, voluntary trading of  
33 water quality credits to achieve the needed pollutant load  
34 reductions.

35 2. A basin management action plan must ~~shall~~ equitably  
36 allocate, pursuant to paragraph (6)(b), pollutant reductions to  
37 individual basins, as a whole to all basins, or to each  
38 identified point source or category of nonpoint sources, as  
39 appropriate. For nonpoint sources for which best management  
40 practices have been adopted, the initial requirement specified  
41 by the plan must ~~shall~~ be those practices developed pursuant to  
42 paragraph (c). Where appropriate, the plan may take into account  
43 the benefits of ~~provide~~ pollutant load reduction achieved by  
44 point or nonpoint sources ~~credits to dischargers~~ that have

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45 implemented management strategies to reduce pollutant loads,  
46 including best management practices, prior to the development of  
47 the basin management action plan. The plan must ~~shall~~ also  
48 identify the mechanisms that will address ~~by which~~ potential  
49 future increases in pollutant loading ~~will be addressed~~.

50 3. The basin management action planning process is  
51 intended to involve the broadest possible range of interested  
52 parties, with the objective of encouraging the greatest amount  
53 of cooperation and consensus possible. In developing a basin  
54 management action plan, the department shall assure that key  
55 stakeholders, including, but not limited to, applicable local  
56 governments, water management districts, the Department of  
57 Agriculture and Consumer Services, other appropriate state  
58 agencies, local soil and water conservation districts,  
59 environmental groups, regulated interests, and affected  
60 pollution sources, are invited to participate in the process.  
61 The department shall hold at least one public meeting in the  
62 vicinity of the watershed or basin to discuss and receive  
63 comments during the planning process and shall otherwise  
64 encourage public participation to the greatest practicable  
65 extent. Notice of the public meeting must ~~shall~~ be published in  
66 a newspaper of general circulation in each county in which the  
67 watershed or basin lies not less than 5 days nor more than 15  
68 days before the public meeting. A basin management action plan  
69 shall not supplant or otherwise alter any assessment made under  
70 subsection (3) or subsection (4) or any calculation or initial  
71 allocation.

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72           4. The department shall adopt all or any part of a basin  
73 management action plan and any amendment to such plan by  
74 secretarial order pursuant to chapter 120 to implement the  
75 provisions of this section.

76           5. The basin management action plan must ~~shall~~ include  
77 milestones for implementation and water quality improvement, and  
78 an associated water quality monitoring component sufficient to  
79 evaluate whether reasonable progress in pollutant load  
80 reductions is being achieved over time. An assessment of  
81 progress toward these milestones shall be conducted every 5  
82 years, and revisions to the plan shall be made as appropriate.  
83 Revisions to the basin management action plan shall be made by  
84 the department in cooperation with basin stakeholders. Revisions  
85 to the management strategies required for nonpoint sources must  
86 ~~shall~~ follow the procedures set forth in subparagraph (c)4.  
87 Revised basin management action plans must ~~shall~~ be adopted  
88 pursuant to subparagraph 4.

89           6. In accordance with procedures adopted by rule under  
90 paragraph (9)(c), basin management action plans may allow point  
91 or nonpoint sources that will achieve greater pollutant  
92 reductions than required by an adopted total maximum load or  
93 wasteload allocation to generate, register, and trade water  
94 quality credits for the excess reductions to enable other  
95 sources to achieve their allocation; however, the generation of  
96 water quality credits does not remove the obligation of a source  
97 or activity to meet applicable technology requirements or  
98 adopted best management practices. Such plans must allow trading  
99 between NPDES permittees, and trading that may or may not

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100 involve NPDES permittees, where the generation or use of the  
101 credits involve an entity or activity not subject to department  
102 water discharge permits whose owner voluntarily elects to obtain  
103 department authorization for the generation and sale of credits.

104 7. The provisions of the department's rule relating to the  
105 equitable abatement of pollutants into surface waters shall not  
106 be applied to water bodies or water body segments for which a  
107 basin management plan that takes into account future new or  
108 expanded activities or discharges has been adopted under this  
109 section.

110 (b) Total maximum daily load implementation.--

111 1. The department shall be the lead agency in coordinating  
112 the implementation of the total maximum daily loads through  
113 existing water quality protection programs. Application of a  
114 total maximum daily load by a water management district must  
115 ~~shall~~ be consistent with this section and shall not require the  
116 issuance of an order or a separate action pursuant to s.  
117 120.536(1) or s. 120.54 for the adoption of the calculation and  
118 allocation previously established by the department. Such  
119 programs may include, but are not limited to:

120 a. Permitting and other existing regulatory programs,  
121 including water-quality-based effluent limitations;

122 b. Nonregulatory and incentive-based programs, including  
123 best management practices, cost sharing, waste minimization,  
124 pollution prevention, agreements established pursuant to s.  
125 403.061(21), and public education;

126 c. Other water quality management and restoration  
127 activities, for example surface water improvement and management  
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128 plans approved by water management districts or basin management  
129 action plans developed pursuant to this subsection;

130 d. Trading of water quality credits ~~Pollutant trading~~ or  
131 other equitable economically based agreements;

132 e. Public works including capital facilities; or

133 f. Land acquisition.

134 2. For a basin management action plan adopted pursuant to  
135 paragraph (a) subparagraph (a)4., any management strategies and  
136 pollutant reduction requirements associated with a pollutant of  
137 concern for which a total maximum daily load has been developed,  
138 including effluent limits set forth for a discharger subject to  
139 NPDES permitting, if any, must ~~shall~~ be included in a timely  
140 manner in subsequent NPDES permits or permit modifications for  
141 that discharger. The department shall not impose limits or  
142 conditions implementing an adopted total maximum daily load in  
143 an NPDES permit until the permit expires, the discharge is  
144 modified, or the permit is reopened pursuant to an adopted basin  
145 management action plan, unless required by federal law or  
146 regulation.

147 a. Absent a detailed allocation, total maximum daily loads  
148 shall be implemented through NPDES permit conditions that  
149 provide for ~~afford~~ a compliance schedule. In such instances, a  
150 facility's NPDES permit must ~~shall~~ allow time for the issuance  
151 of an order adopting the basin management action plan. The time  
152 allowed for the issuance of an order adopting the plan shall not  
153 exceed 5 years. Upon issuance of an order adopting the plan, the  
154 permit must ~~shall~~ be reopened or renewed, as necessary, and  
155 permit conditions consistent with the plan must ~~shall~~ be

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156 established. Notwithstanding the other provisions of this  
157 subparagraph, upon request by a NPDES permittee, the department  
158 as part of a permit issuance, renewal, or modification may  
159 establish individual allocations prior to the adoption of a  
160 basin management action plan.

161 b. For holders of NPDES municipal separate storm sewer  
162 system permits and other stormwater sources, implementation of a  
163 total maximum daily load or basin management action must ~~plan~~  
164 shall be achieved, to the maximum extent practicable, through  
165 the use of best management practices or other management  
166 measures.

167 c. The basin management action plan does not relieve the  
168 discharger from any requirement to obtain, renew, or modify an  
169 NPDES permit or to abide by other requirements of the permit.

170 d. Management strategies set forth in a basin management  
171 action plan to be implemented by a discharger subject to  
172 permitting by the department must ~~shall~~ be completed pursuant to  
173 the schedule set forth in the basin management action plan. This  
174 implementation schedule may extend beyond the 5-year term of an  
175 NPDES permit.

176 e. Management strategies and pollution reduction  
177 requirements set forth in a basin management action plan for a  
178 specific pollutant of concern shall not be subject to challenge  
179 under chapter 120 at the time they are incorporated, in an  
180 identical form, into a subsequent NPDES permit or permit  
181 modification.

182 f. For nonagricultural pollutant sources not subject to  
183 NPDES permitting but permitted pursuant to other state,

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184 regional, or local water quality programs, the pollutant  
185 reduction actions adopted in a basin management action plan  
186 shall be implemented to the maximum extent practicable as part  
187 of those permitting programs.

188 g. A nonpoint source discharger included in a basin  
189 management action plan must ~~shall~~ demonstrate compliance with  
190 the pollutant reductions established under ~~pursuant to~~  
191 subsection (6) by either implementing the appropriate best  
192 management practices established pursuant to paragraph (c) or  
193 conducting water quality monitoring prescribed by the department  
194 or a water management district. A nonpoint source discharger  
195 may, in accordance with department rules, supplement the  
196 implementation of best-management practices with water quality  
197 credit trades in order to demonstrate compliance with the  
198 pollutant reductions established under subsection (6).

199 h. A nonpoint source discharger included in a basin  
200 management action plan may be subject to enforcement action by  
201 the department or a water management district based upon a  
202 failure to implement the responsibilities set forth in sub-  
203 subparagraph g.

204 i. A landowner, discharger, or other responsible person  
205 who is implementing applicable management strategies specified  
206 in an adopted basin management action plan shall not be required  
207 by permit, enforcement action, or otherwise to implement  
208 additional management strategies to reduce pollutant loads to  
209 attain the pollutant reductions established pursuant to  
210 subsection (6) and shall be deemed to be in compliance with this  
211 section. This subparagraph does not limit the authority of the

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212 department to amend a basin management action plan as specified  
213 in subparagraph (a)5.

214 (c) Best management practices.--

215 1. The department, in cooperation with the water  
216 management districts and other interested parties, as  
217 appropriate, may develop suitable interim measures, best  
218 management practices, or other measures necessary to achieve the  
219 level of pollution reduction established by the department for  
220 nonagricultural nonpoint pollutant sources in allocations  
221 developed pursuant to subsection (6) and this subsection. These  
222 practices and measures may be adopted by rule by the department  
223 and the water management districts ~~pursuant to ss. 120.536(1)~~  
224 ~~and 120.54~~, and, where adopted by rule, shall be implemented by  
225 those parties responsible for nonagricultural nonpoint source  
226 pollution.

227 2. The Department of Agriculture and Consumer Services may  
228 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
229 suitable interim measures, best management practices, or other  
230 measures necessary to achieve the level of pollution reduction  
231 established by the department for agricultural pollutant sources  
232 in allocations developed pursuant to subsection (6) and this  
233 subsection or for programs implemented pursuant to paragraph  
234 (13)(b) ~~(11)(b)~~. These practices and measures may be implemented  
235 by those parties responsible for agricultural pollutant sources  
236 and the department, the water management districts, and the  
237 Department of Agriculture and Consumer Services shall assist  
238 with implementation. In the process of developing and adopting  
239 rules for interim measures, best management practices, or other

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240 measures, the Department of Agriculture and Consumer Services  
241 shall consult with the department, the Department of Health, the  
242 water management districts, representatives from affected  
243 farming groups, and environmental group representatives. Such  
244 rules must ~~shall~~ also incorporate provisions for a notice of  
245 intent to implement the practices and a system to assure the  
246 implementation of the practices, including recordkeeping  
247 requirements.

248 3. Where interim measures, best management practices, or  
249 other measures are adopted by rule, the effectiveness of such  
250 practices in achieving the levels of pollution reduction  
251 established in allocations developed by the department pursuant  
252 to subsection (6) and this subsection or in programs implemented  
253 pursuant to paragraph (13)(b) ~~(11)(b)~~ ~~shall~~ be verified at  
254 representative sites by the department. The department shall use  
255 best professional judgment in making the initial verification  
256 that the best management practices are reasonably expected to be  
257 effective and, where applicable, must ~~shall~~ notify the  
258 appropriate water management district or the Department of  
259 Agriculture and Consumer Services of its initial verification  
260 before ~~prior to~~ the adoption of a rule proposed pursuant to this  
261 paragraph. Implementation, in accordance with rules adopted  
262 under this paragraph, of practices that have been initially  
263 verified to be effective, or verified to be effective by  
264 monitoring at representative sites, by the department, shall  
265 provide a presumption of compliance with state water quality  
266 standards and release from the provisions of s. 376.307(5) for  
267 those pollutants addressed by the practices, and the department

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268 is not authorized to institute proceedings against the owner of  
269 the source of pollution to recover costs or damages associated  
270 with the contamination of surface water or groundwater caused by  
271 those pollutants. Research projects funded by the department, a  
272 water management district, or the Department of Agriculture and  
273 Consumer Services to develop or demonstrate interim measures or  
274 best management practices shall be granted a presumption of  
275 compliance with state water quality standards and a release from  
276 the provisions of s. 376.307(5). The presumption of compliance  
277 and release is ~~shall be~~ limited to the research site and only  
278 for those pollutants addressed by the interim measures or best  
279 management practices. Eligibility for the presumption of  
280 compliance and release is ~~shall be~~ limited to research projects  
281 on sites where the owner or operator of the research site and  
282 the department, a water management district, or the Department  
283 of Agriculture and Consumer Services have entered into a  
284 contract or other agreement that, at a minimum, specifies the  
285 research objectives, the cost-share responsibilities of the  
286 parties, and a schedule that details the beginning and ending  
287 dates of the project.

288 4. Where water quality problems are demonstrated, despite  
289 the appropriate implementation, operation, and maintenance of  
290 best management practices and other measures required by  
291 ~~according to~~ rules adopted under this paragraph, the department,  
292 a water management district, or the Department of Agriculture  
293 and Consumer Services, in consultation with the department,  
294 shall institute a reevaluation of the best management practice  
295 or other measure. Should the reevaluation determine that the

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296 best management practice or other measure requires modification,  
297 the department, a water management district, or the Department  
298 of Agriculture and Consumer Services, as appropriate, shall  
299 revise the rule to require implementation of the modified  
300 practice within a reasonable time period as specified in the  
301 rule.

302 5. Agricultural records relating to processes or methods  
303 of production, costs of production, profits, or other financial  
304 information held by the Department of Agriculture and Consumer  
305 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
306 rule adopted pursuant to subparagraph 2. are confidential and  
307 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
308 Constitution. Upon request, records made confidential and exempt  
309 pursuant to this subparagraph shall be released to the  
310 department or any water management district provided that the  
311 confidentiality specified by this subparagraph for such records  
312 is maintained.

313 6. The provisions of subparagraphs 1. and 2. do shall not  
314 preclude the department or water management district from  
315 requiring compliance with water quality standards or with  
316 current best management practice requirements set forth in any  
317 applicable regulatory program authorized by law for the purpose  
318 of protecting water quality. Additionally, subparagraphs 1. and  
319 2. are applicable only to the extent that they do not conflict  
320 with any rules adopted by the department that are necessary to  
321 maintain a federally delegated or approved program.

322 (8) WATER QUALITY CREDIT TRADING.--

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323 (a) Water quality credit trading must be consistent with  
324 federal law and regulation.

325 (b) Water quality credit trading must be implemented  
326 through permits, including water quality credit trading permits,  
327 other authorizations, or other legally binding agreements as  
328 established by department rule.

329 (c) The department shall establish the pollutant load-  
330 reduction value of water quality credits and shall be  
331 responsible for authorizing their use.

332 (d) A person that acquires water quality credits ("buyer")  
333 shall timely submit to the department an affidavit, signed by  
334 the buyer and the credit generator ("seller"), disclosing the  
335 term of acquisition, number of credits, unit credit price paid,  
336 and any state funding received for the facilities or activities  
337 that generate the credits. The department shall not participate  
338 in the establishment of credit prices.

339 (e) Sellers of water quality credits are responsible for  
340 achieving the load reductions on which the credits are based and  
341 complying with the terms of the department authorization and any  
342 trading agreements into which they may have entered.

343 (f) Buyers of water quality credits are responsible for  
344 complying with the terms of the department water discharge  
345 permit.

346 (g) The department shall take appropriate action to  
347 address the failure of a credit seller to fulfill its  
348 obligations, including, as necessary, deeming the seller's  
349 credits invalid if the seller cannot achieve the load reductions  
350 on which the credits were based in a reasonable time. If the

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351 department determines duly acquired water quality credits to be  
352 invalid, in whole or in part, thereby causing the credit buyer  
353 to be unable to timely meet its pollutant-reduction obligations  
354 under this section, the department shall issue an order  
355 establishing the actions required of the buyer to meet its  
356 obligations by alternative means and a reasonable schedule for  
357 completing the actions. The invalidation of credits shall not  
358 itself constitute a violation of the buyer's water discharge  
359 permit.

360 (9)(8) RULES.--The department is authorized to adopt rules  
361 pursuant to ss. 120.536(1) and 120.54 for:

362 (a) Delisting water bodies or water body segments from the  
363 list developed under subsection (4) pursuant to the guidance  
364 under subsection (5).~~†~~

365 (b) Administering Administration of funds to implement the  
366 total maximum daily load and basin management action planning  
367 programs.~~†~~

368 (c) Water quality credit Procedures for pollutant trading  
369 among the pollutant sources to a water body or water body  
370 segment. By September 1, 2008, rulemaking must be initiated  
371 which provides for the following:~~†~~, including a mechanism for the  
372 issuance and tracking of pollutant credits. Such procedures may  
373 be implemented through permits or other authorizations and must  
374 be legally binding. Prior to adopting rules for pollutant  
375 trading under this paragraph, and no later than November 30,  
376 2006, the Department of Environmental Protection shall submit a  
377 report to the Governor, the President of the Senate, and the  
378 Speaker of the House of Representatives containing

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379 ~~recommendations on such rules, including the proposed basis for~~  
380 ~~equitable economically based agreements and the tracking and~~  
381 ~~accounting of pollution credits or other similar mechanisms.~~  
382 ~~Such recommendations shall be developed in cooperation with a~~  
383 ~~technical advisory committee that includes experts in pollutant~~  
384 ~~trading and representatives of potentially affected parties;~~

385 1. The process to be used to determine how credits are  
386 generated, quantified, and validated.

387 2. A publicly accessible water quality credit trading  
388 registry that tracks water quality credits, trading activities,  
389 and prices paid for credits.

390 3. Limitations on the availability and use of water  
391 quality credits, including a list of eligible pollutants or  
392 parameters and minimum water quality requirements and, where  
393 appropriate, adjustments to reflect best-management practice  
394 performance uncertainties and water-segment-specific location  
395 factors.

396 4. The timing and duration of credits and allowance for  
397 credit transferability.

398 5. Mechanisms for determining and ensuring compliance with  
399 trading procedures, including recordkeeping, monitoring,  
400 reporting, and inspections.

401  
402 At the time of publication of the draft rules on water quality  
403 credit trading, the department shall submit a copy to the United  
404 States Environmental Protection Agency for review.

405 (d) The total maximum daily load calculation in accordance  
406 with paragraph (6) (a) immediately upon the effective date of

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407 this act, for those eight water segments within Lake Okeechobee  
408 proper as submitted to the United States Environmental  
409 Protection Agency pursuant to subsection (2) ~~and~~

410 (e) Implementation of other specific provisions.

411 (10) Water quality credit trading shall be limited to the  
412 Lower St. Johns River Basin, as defined by the department, as a  
413 pilot project. The department may authorize water quality credit  
414 trading and establish specific requirements for trading in the  
415 adopted basin management action plan for the Lower St. Johns  
416 River Basin prior to the adoption of rules under paragraph  
417 (9) (c) in order to effectively implement the pilot project.

418 Entities that participate in water quality credit trades shall  
419 timely report to the department the prices for credits, how the  
420 prices were determined, and any state funding received for the  
421 facilities or activities that generated the credits. The  
422 department shall not participate in the establishment of credit  
423 prices. No later than 24 months after adoption of the basin  
424 management action plan for the Lower St. Johns River, the  
425 department shall submit a report to the Governor, the President  
426 of the Senate, and the Speaker of the House of Representatives  
427 on the effectiveness of the pilot project, including the  
428 following information:

429 (a) A summary of how water quality credit trading was  
430 implemented, including the number of pounds of pollutants  
431 traded.

432 (b) A description of the individual trades and estimated  
433 pollutant load reductions that are expected to result from each  
434 trade.

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435 (c) A description of any conditions placed on trades.

436 (d) Prices associated with the trades, as reported by the  
437 traders.

438 (e) A recommendation as to whether other areas of the  
439 state would benefit from water quality credit trading and, if  
440 so, an identification of the statutory changes necessary to  
441 expand the scope of trading.

442 Section 2. Paragraphs (e) and (f) of subsection (2) of  
443 section 403.088, Florida Statutes, are amended to read:

444 403.088 Water pollution operation permits; conditions.--

445 (2)

446 (e) However, if the discharge will not meet permit  
447 conditions or applicable statutes and rules, the department may  
448 issue, renew, revise, or reissue the operation permit if:

449 1. The applicant is constructing, installing, or placing  
450 into operation, or has submitted plans and a reasonable schedule  
451 for constructing, installing, or placing into operation, an  
452 approved pollution abatement facility or alternative waste  
453 disposal system;

454 2. The applicant needs permission to pollute the waters  
455 within the state for a period of time necessary to complete  
456 research, planning, construction, installation, or operation of  
457 an approved and acceptable pollution abatement facility or  
458 alternative waste disposal system;

459 3. There is no present, reasonable, alternative means of  
460 disposing of the waste other than by discharging it into the  
461 waters of the state;

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462 4. The granting of an operation permit will be in the  
463 public interest; ~~or~~

464 5. The discharge will not be unreasonably destructive to  
465 the quality of the receiving waters; or-

466 6. A water quality credit trade that meets the  
467 requirements of s. 403.067.

468 (f) A permit issued, renewed, or reissued pursuant to  
469 paragraph (e) shall be accompanied by an order establishing a  
470 schedule for achieving compliance with all permit conditions.  
471 Such permit may require compliance with the accompanying order.

472 Section 3. This act shall take effect July 1, 2008.

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475 -----

476 **T I T L E A M E N D M E N T**

477 Remove the entire title and insert:

478 A bill to be entitled

479 An act relating to water pollution control; amending s. 403.067,  
480 F.S.; providing requirements for basin management action plans;  
481 allowing such plans to take into account the benefits of  
482 pollutant load reduction achieved by point or nonpoint sources,  
483 where appropriate; requiring that the Department of  
484 Environmental Protection adopt all or part of any such plan, or  
485 any amendment thereto, by secretarial order as provided by state  
486 law; providing that the provisions of the department's rule  
487 relating to the equitable abatement of pollutants into surface  
488 waters may not be applied to water bodies or water body segments  
489 for which a basin management plan that takes into account future

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490 or new expanded activities or discharges has been adopted;  
491 authorizing water quality protection programs to include the  
492 trading of water quality credits; authorizing the department to  
493 adopt rules related to the trading of water quality credits;  
494 requiring that such rulemaking include certain provisions;  
495 specifying that a water quality credit trading pilot project be  
496 limited to the Lower St. Johns River Basin as a pilot project;  
497 requiring that the department provide the Legislature with an  
498 annual report regarding the effectiveness of the pilot project;  
499 providing report requirements; providing that the department may  
500 authorize and establish specific requirements for water quality  
501 credit trading as part of the Lower St. Johns River Basin  
502 adopted basin management action plan; correcting cross-  
503 references to conform to changes made by the act; amending s.  
504 403.088, F.S.; authorizing the department to revise a water  
505 pollution operation permit under certain circumstances;  
506 authorizing the department to issue, renew, or reissue such a  
507 permit if a water quality credit trade meets the requirements of  
508 403.067, F.S.; requiring that revised permits be accompanied by  
509 an order establishing a schedule for achieving compliance with  
510 all permit conditions; providing an effective date.

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