



442836

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2009	.	
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The Committee on Environmental Preservation and Conservation
(Constantine) recommended the following:

Senate Amendment to Amendment (768904)

Delete lines 103 - 346

and insert:

369.405 Requirements for spring protection zones.-

(1) Domestic wastewater discharge and wastewater residual
application must comply with the requirements of this
subsection.

(a) All wastewater discharges from facilities having
permitted capacities greater than or equal to 100,000 gallons
per day must achieve nitrogen concentrations less than or equal



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12 to 3mg/L.

13 (b) All wastewater discharges from facilities having
14 permitted capacities less than 100,000 gallons per day but
15 greater than 10,000 gallons per day must achieve nitrogen
16 concentrations less than or equal to 10mg/L.

17 (2) Onsite sewage treatment and disposal systems in areas
18 permitted to or that contain septic systems in densities greater
19 than or equal to 300 systems per square mile, must connect to a
20 central wastewater treatment facility or other centralized
21 collection and treatment system.

22 (3) Agricultural operations must:

23 (a) Implement applicable best-management practices,
24 including nutrient management, adopted by the Department of
25 Agriculture and Consumer Services to reduce nitrogen impacts to
26 groundwater. By December 31, 2009, the Department of Agriculture
27 and Consumer Services, in cooperation with the other cooperating
28 entities and stakeholders, must develop and propose for adoption
29 by rule equine, cow and calf, and forage grass best-management
30 practices pursuant to this paragraph.

31 (b) Animal Feeding Operations must implement the
32 requirements of rules adopted by the department to reduce
33 nitrogen impacts to groundwater. By December 31, 2009, the
34 department, in cooperation with the other cooperating entities
35 and stakeholders, must develop and propose for adoption, revised
36 rules for animal feeding operations that address requirements
37 for lined wastewater lagoons and the development and
38 implementation of nutrient management plans, including the land
39 spreading of animal waste not treated and packaged as
40 fertilizer.



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41 (4) Stormwater systems must comply with the requirements of
42 this section.

43 (a) All drainage wells must be evaluated and a remediation
44 plan to reduce nitrogen loading to groundwater must be developed
45 and implemented.

46 (b) All management systems constructed prior to 1982 must
47 be evaluated and a remediation plan to reduce nitrogen loading
48 to groundwater must be developed and implemented.

49 (5) This subsection does not limit the department's
50 authority to require additional treatment or other actions
51 pursuant to chapter 403, as necessary, to meet surface and
52 groundwater quality standards.

53 369.406 Additional requirements for all spring protection
54 zones.

55 (1) All newly constructed or expanded wastewater facilities
56 operational after July 1, 2012, must meet the advanced
57 wastewater treatment requirements of s. 403.086(4).

58 (2) For all development not permitted as of July 1, 2009,
59 with septic system densities greater than or equal to 300
60 systems per square mile, connection to a central wastewater
61 treatment facility or other centralized collection and treatment
62 system is required.

63 (3) New septic systems, which are installed after July 1,
64 2009, must be designed to meet a target annual average
65 groundwater concentration of no more than 3 milligrams per liter
66 total nitrogen at the owner's property line. Compliance with
67 these requirements does not require groundwater monitoring. The
68 Department of Health shall develop and adopt by rule design
69 standards for achieving these target annual average groundwater



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70 concentrations. At a minimum, these standards must take into
71 consideration the relationship between the treatment level
72 achieved by the septic system and the area of usable property
73 available for rainwater dilution.

74 (4) Prior to adoption of the design standards by the
75 Department of Health, compliance with the requirements in
76 subsection (3) is presumed if one the following conditions are
77 met:

78 (a) The lot associated with the establishment or single-
79 family home is served by a septic system meeting the baseline
80 system standards set forth in rules of the Department of Health,
81 and the ratio of estimated sewage flow in gallons per day to
82 usable property is 100 to 1 or less.

83 (b) The lot associated with the establishment or single-
84 family home is served by a septic system meeting at least the
85 advanced secondary treatment standards set forth in rules of the
86 Department of Health, combined with a drip irrigation system.

87 (5) Subsection (4) does not supersede the jurisdictional
88 flow limits established in s. 381.0065(3)(b).

89 (6) Land application of septage is prohibited and subject
90 to a \$250 fine for a first offense and \$500 fine for a second or
91 subsequent offense pursuant to the authority granted to the
92 Department of Health in s. 381.0065(3)(h).

93 (7) Any septic system, when requiring repair, modification,
94 or reapproval, must meet a 24-inch separation from the wet
95 season water table and the surface water setback requirements in
96 s. 381.0065(4). All treatment receptacles must be within one
97 size of the requirements in rules of the Department of Health
98 and must be tested for watertightness by a state-licensed septic



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99 tank contractor or plumber.

100 (8) Each owner of a publicly owned or investor-owned
101 sewerage system must notify all owners of septic systems,
102 excluding approved graywater systems, of the availability of
103 central sewerage facilities for purposes of connection pursuant
104 to s. 381.00655(1) within 60 days after receipt of notification
105 from the department that collection facilities for the central
106 sewerage system have been cleared for use.

107 (a) Notwithstanding s. 381.00655(2) (b), a publicly owned or
108 investor-owned sewerage system may not waive the requirement for
109 mandatory onsite sewage disposal connection to an available
110 publicly owned or investor-owned sewerage system, except as
111 provided in paragraph (b).

112 (b) With the approval of the department, a publicly owned
113 or investor-owned sewerage system may waive the requirement for
114 mandatory onsite sewage disposal connection for a sewage
115 treatment system that meets or exceeds standards established for
116 septic systems if it determines that such connection is not
117 required in the public interest due to water quality or public
118 health considerations.

119 (9) In hardship cases the Department of Health may grant
120 variances to the provisions of this section and any rules
121 adopted under this section in accordance with s. 381.0065(4) (h).

122 (10) After July 1, 2010, land application of Class A, Class
123 B, or Class AA wastewater residuals, as defined by department
124 rule, is prohibited. This prohibition does not apply to Class AA
125 residuals that are marketed and distributed as fertilizer
126 products in accordance with department rule.

127 (11) Local governments must, at a minimum, adopt the



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128 department's model ordinance for Florida Friendly Landscape
129 Guidance Models for Ordinances, Covenants, and Restrictions by
130 December 31, 2010.

131 (12) This subsection does not limit the department's
132 authority to require additional treatment or other actions
133 pursuant to chapter 403, as necessary, to meet surface and
134 groundwater quality standards.

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