

1 A bill to be entitled
 2 An act relating to water quality; directing the Department
 3 of Environmental Protection to publish a notice of
 4 proposed rulemaking by a specified date to revise certain
 5 criteria for the state's waterbodies; creating s. 403.066,
 6 F.S.; providing for the classification of designated uses
 7 of the state's surface waters by human use and aquatic
 8 life use; redesignating specified surface water
 9 classifications; authorizing the department to adopt
 10 rules; providing for effect contingent upon approval of
 11 the United States Environmental Protection Agency;
 12 providing for the department to adopt a classification
 13 system by rule, subject to ratification by the
 14 Legislature; providing for repeal of the section upon
 15 ratification of the department rule; amending ss. 373.199,
 16 373.453, 373.4592, 373.461, 380.061, 403.061, 403.086,
 17 403.0882, 403.121, 403.707, and 403.813, F.S.; conforming
 18 provisions to changes made by the act; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. The Department of Environmental Protection is
 24 directed to publish a notice of proposed rulemaking no later
 25 than May 31, 2012, to revise the dissolved oxygen criteria
 26 applicable to Florida waterbodies to take into account the
 27 variability occurring in nature.

28 Section 2. Section 403.066, Florida Statutes, is created
 29 to read:

30 403.066 Classification of surface waters.-

31 (1) The designated uses for all surface waters of the
 32 state shall be classified to include a Human Use and an Aquatic
 33 Life Use as follows:

34 (a) Human Uses.-

35 1. Human Use 1 - Protection of potable water supply
 36 suitable for human consumption, fish consumption, and full body
 37 contact.-This use requires maintaining a level of water quality
 38 suitable for potable water or intended to be suitable for human
 39 consumption after conventional drinking water treatment methods.

40 2. Human Use 2 - Protection of shellfish harvesting for
 41 human consumption, fish consumption, and full body contact.-This
 42 use requires maintaining a level of water quality that prevents
 43 unpalatable flavor or accumulation of substances harmful to
 44 human health in shellfish tissue.

45 3. Human Use 3 - Protection of fish consumption and full
 46 body contact.-This use requires maintaining a level of water
 47 quality that prevents unpalatable flavor or accumulation of
 48 substances harmful to human health in fish tissue. Recreational
 49 uses may support prolonged and direct contact with the water
 50 with minimal risk of water ingestion in quantities sufficient to
 51 pose a health hazard.

52 4. Human Use 4 - Protection of fish consumption and
 53 incidental human contact.-This use requires maintaining a level
 54 of water quality that prevents unpalatable flavor or
 55 accumulation of substances harmful to human health in fish

56 tissue. Recreational uses may result in contact with the water
57 that is incidental or accidental with minimal risk of water
58 ingestion.

59 5. Human Use 5 – Protection of fish consumption.–This use
60 requires maintaining a level of water quality that prevents
61 unpalatable flavor or accumulation of substances harmful to
62 human health in fish tissue. Human contact with the water is
63 limited or restricted due to unsafe physical conditions.

64 6. Human Use 6 – Protection of waters for crop irrigation
65 or consumption by livestock.–This use requires maintaining a
66 level of water quality suitable for consumption of water by
67 livestock or surface water withdrawal for the irrigation of
68 cropland.

69 7. Human Use 7 – Utility and industrial uses.–This use
70 requires maintaining a level of water quality suitable for
71 utility and industrial purposes.

72 (b) Aquatic Life Uses.–

73 1. Aquatic Life Use 1 – Propagation and maintenance of
74 exceptional aquatic communities that approximate the biological
75 structure and function of the natural background.–Under this
76 use, natural structural, functional, and taxonomic integrity is
77 preserved or approximated; structure and function are similar to
78 the natural community; and ecosystem level functions are fully
79 maintained.

80 2. Aquatic Life Use 2 – Propagation and maintenance of
81 healthy, well-balanced aquatic communities with minimal
82 deviation of the biological structure and function relative to
83 the natural background.–Under this use, overall balanced

84 distribution of all expected groups of taxa and all ecosystem
85 functions are fully maintained. May have changes in the
86 biological structure as evidenced by the replacement of
87 sensitive taxa by more tolerant taxa.

88 3. Aquatic Life Use 3 – Protection of aquatic communities
89 with moderate deviation of the biological structure and function
90 relative to the natural background.–Under this use, changes in
91 the biological structure and function have resulted in an
92 altered aquatic community, a transition between a community
93 characterized by sensitive or expected taxa to one characterized
94 by tolerant taxa has occurred, and biology may be limited due to
95 habitat limitations, hydrologic modifications, physical
96 alterations, or other factors identified by department rule.

97 4. Aquatic Life Use 4 – Protection of aquatic communities
98 with substantial deviation of the biological structure and
99 function relative to the natural background.–Under this use,
100 substantial changes in the biological structure and function
101 have resulted in a limited aquatic community, the community
102 consists primarily of tolerant taxa able to survive and
103 propagate under adverse or variable environmental conditions,
104 and biology may be limited due to extreme habitat limitations,
105 hydrologic modifications, physical alterations, or other factors
106 identified by department rule.

107 (2) Unless otherwise specified by department rule, the
108 following surface water classifications are redesignated:

109 (a) Class I is redesignated as Human Use 1/Aquatic Life
110 Use 2.

111 (b) Class II is redesignated as Human Use 2/Aquatic Life
 112 Use 2.

113 (c) Class III is redesignated as Human Use 3/Aquatic Life
 114 Use 2.

115 (d) Class IV is redesignated as Human Use 6 and includes
 116 the Class IV classification criteria.

117 (e) Class V is redesignated as Human Use 7 and includes
 118 the Class V classification criteria.

119 (3) The department may adopt rules to implement this
 120 section.

121 (4) This section is effective upon approval of the United
 122 States Environmental Protection Agency.

123 (5) If the department determines that changes are
 124 necessary to improve the classification system under this
 125 section, it shall adopt an updated classification system by
 126 rule, which shall be subject to ratification by the Legislature.
 127 Upon ratification of the department rule, this section is
 128 repealed.

129 Section 3. Paragraph (d) of subsection (4) of section
 130 373.199, Florida Statutes, is amended to read:

131 373.199 Florida Forever Water Management District Work
 132 Plan.—

133 (4) The list submitted by the districts shall include,
 134 where applicable, the following information for each project:

135 (d) A description of strategies and potential strategies,
 136 including improved stormwater management, for restoring or
 137 protecting the water body to Human Use 3/Aquatic Life Use 2
 138 ~~Class III~~ or better surface water quality status. Such

139 strategies may utilize alternative technologies for pollutant
 140 reduction, such as cost-effective biologically-based, hybrid
 141 wetlands/chemical and other innovative nutrient control
 142 technologies.

143 Section 4. Paragraph (e) of subsection (2) of section
 144 373.453, Florida Statutes, is amended to read:

145 373.453 Surface water improvement and management plans and
 146 programs.—

147 (2) Unless otherwise provided by law, the water management
 148 districts, in cooperation with state agencies, local
 149 governments, and others, may develop surface water improvement
 150 and management plans and programs for the water bodies
 151 identified on the priority lists. Plans developed pursuant to
 152 this subsection shall include, but not be limited to:

153 (e) A description of strategies and a schedule for related
 154 management actions for restoring or protecting the water body to
 155 Human Use 3/Aquatic Life Use 2 Class III or better, including
 156 those needed to help achieve state-adopted total maximum daily
 157 loads for the water body;

158 Section 5. Paragraph (m) of subsection (2) and paragraph
 159 (e) of subsection (4) of section 373.4592, Florida Statutes, are
 160 amended to read:

161 373.4592 Everglades improvement and management.—

162 (2) DEFINITIONS.—As used in this section:

163 (m) "Phosphorus criterion" means a numeric interpretation
 164 for phosphorus of the Human Use 3/Aquatic Life Use 2 Class III
 165 narrative nutrient criterion.

166 (4) EVERGLADES PROGRAM.—

167 (e) Evaluation of water quality standards.—
 168 1. The department and the district shall employ all means
 169 practicable to complete by December 31, 1998, any additional
 170 research necessary to:
 171 a. Numerically interpret for phosphorus the Human Use
 172 3/Aquatic Life Use 2 Class III narrative nutrient criterion
 173 necessary to meet water quality standards in the Everglades
 174 Protection Area; and
 175 b. Evaluate existing water quality standards applicable to
 176 the Everglades Protection Area and EAA canals.
 177 2. In no case shall such phosphorus criterion allow waters
 178 in the Everglades Protection Area to be altered so as to cause
 179 an imbalance in the natural populations of aquatic flora or
 180 fauna. The phosphorus criterion shall be 10 parts per billion
 181 (ppb) in the Everglades Protection Area in the event the
 182 department does not adopt by rule such criterion by December 31,
 183 2003. However, in the event the department fails to adopt a
 184 phosphorus criterion on or before December 31, 2002, any person
 185 whose substantial interests would be affected by the rulemaking
 186 shall have the right, on or before February 28, 2003, to
 187 petition for a writ of mandamus to compel the department to
 188 adopt by rule such criterion. Venue for the mandamus action must
 189 be Leon County. The court may stay implementation of the 10
 190 parts per billion (ppb) criterion during the pendency of the
 191 mandamus proceeding upon a demonstration by the petitioner of
 192 irreparable harm in the absence of such relief. The department's
 193 phosphorus criterion, whenever adopted, shall supersede the 10
 194 parts per billion (ppb) criterion otherwise established by this

195 section, but shall not be lower than the natural conditions of
196 the Everglades Protection Area and shall take into account
197 spatial and temporal variability. The department's rule adopting
198 a phosphorus criterion may include moderating provisions during
199 the implementation of the initial phase of the Long-Term Plan
200 authorizing discharges based upon BAPRT providing net
201 improvement to impacted areas. Discharges to unimpacted areas
202 may also be authorized by moderating provisions, which shall
203 require BAPRT, and which must be based upon a determination by
204 the department that the environmental benefits of the discharge
205 clearly outweigh potential adverse impacts and otherwise comply
206 with antidegradation requirements. Moderating provisions
207 authorized by this section shall not extend beyond December 2016
208 unless further authorized by the Legislature pursuant to
209 paragraph (3) (d).

210 3. The department shall use the best available information
211 to define relationships between waters discharged to, and the
212 resulting water quality in, the Everglades Protection Area. The
213 department or the district shall use these relationships to
214 establish discharge limits in permits for discharges into the
215 EAA canals and the Everglades Protection Area necessary to
216 prevent an imbalance in the natural populations of aquatic flora
217 or fauna in the Everglades Protection Area, and to provide a net
218 improvement in the areas already impacted. During the
219 implementation of the initial phase of the Long-Term Plan,
220 permits issued by the department shall be based on BAPRT and
221 shall include technology-based effluent limitations consistent
222 with the Long-Term Plan. Compliance with the phosphorus

223 criterion shall be based upon a long-term geometric mean of
224 concentration levels to be measured at sampling stations
225 recognized from the research to be reasonably representative of
226 receiving waters in the Everglades Protection Area, and so
227 located so as to assure that the Everglades Protection Area is
228 not altered so as to cause an imbalance in natural populations
229 of aquatic flora and fauna and to assure a net improvement in
230 the areas already impacted. For the Everglades National Park and
231 the Arthur R. Marshall Loxahatchee National Wildlife Refuge, the
232 method for measuring compliance with the phosphorus criterion
233 shall be in a manner consistent with Appendices A and B,
234 respectively, of the settlement agreement dated July 26, 1991,
235 entered in case No. 88-1886-Civ-Hoeveler, United States District
236 Court for the Southern District of Florida, that recognizes and
237 provides for incorporation of relevant research.

238 4. The department's evaluation of any other water quality
239 standards must include the department's antidegradation
240 standards and EAA canal classifications. In recognition of the
241 special nature of the conveyance canals of the EAA, as a
242 component of the classification process, the department is
243 directed to formally recognize by rulemaking existing actual
244 beneficial uses of the conveyance canals in the EAA. This shall
245 include recognition of the Human Use 3/Aquatic Life Use 2 Class
246 ~~III~~ designated uses of recreation, propagation and maintenance
247 of a healthy, well-balanced population of fish and wildlife, the
248 integrated water management purposes for which the Central and
249 Southern Florida Flood Control Project was constructed, flood
250 control, conveyance of water to and from Lake Okeechobee for

251 urban and agricultural water supply, Everglades hydroperiod
 252 restoration, conveyance of water to the STAs, and navigation.

253 Section 6. Paragraph (b) of subsection (1) and paragraph
 254 (b) of subsection (2) of section 373.461, Florida Statutes, are
 255 amended to read:

256 373.461 Lake Apopka improvement and management.—

257 (1) FINDINGS AND INTENT.—

258 (b) Technical studies have determined that substantial
 259 reductions in or elimination of phosphorus in farm discharges to
 260 Lake Apopka will be necessary in order to improve water quality
 261 and restore the lake to Human Use 3/Aquatic Life Use 2 Class III
 262 standards.

263 (2) DEFINITIONS.—As used in this section:

264 (b) "Phosphorus criterion" means a numeric interpretation
 265 for phosphorus of the Human Use 3/Aquatic Life Use 2 Class III
 266 narrative nutrient criterion.

267 Section 7. Paragraph (a) of subsection (3) of section
 268 380.061, Florida Statutes, is amended to read:

269 380.061 The Florida Quality Developments program.—

270 (3) (a) To be eligible for designation under this program,
 271 the developer shall comply with each of the following
 272 requirements if applicable to the site of a qualified
 273 development:

274 1. Donate or enter into a binding commitment to donate the
 275 fee or a lesser interest sufficient to protect, in perpetuity,
 276 the natural attributes of the types of land listed below. In
 277 lieu of this requirement, the developer may enter into a binding
 278 commitment that runs with the land to set aside such areas on

279 | the property, in perpetuity, as open space to be retained in a
280 | natural condition or as otherwise permitted under this
281 | subparagraph. Under the requirements of this subparagraph, the
282 | developer may reserve the right to use such areas for passive
283 | recreation that is consistent with the purposes for which the
284 | land was preserved.

285 | a. Those wetlands and water bodies throughout the state
286 | which would be delineated if the provisions of s. 373.4145(1)(b)
287 | were applied. The developer may use such areas for the purpose
288 | of site access, provided other routes of access are unavailable
289 | or impracticable; may use such areas for the purpose of
290 | stormwater or domestic sewage management and other necessary
291 | utilities if such uses are permitted pursuant to chapter 403; or
292 | may redesign or alter wetlands and water bodies within the
293 | jurisdiction of the Department of Environmental Protection which
294 | have been artificially created if the redesign or alteration is
295 | done so as to produce a more naturally functioning system.

296 | b. Active beach or primary and, where appropriate,
297 | secondary dunes, to maintain the integrity of the dune system
298 | and adequate public accessways to the beach. However, the
299 | developer may retain the right to construct and maintain
300 | elevated walkways over the dunes to provide access to the beach.

301 | c. Known archaeological sites determined to be of
302 | significance by the Division of Historical Resources of the
303 | Department of State.

304 | d. Areas known to be important to animal species
305 | designated as endangered or threatened by the United States Fish
306 | and Wildlife Service or by the Fish and Wildlife Conservation

307 Commission, for reproduction, feeding, or nesting; for traveling
 308 between such areas used for reproduction, feeding, or nesting;
 309 or for escape from predation.

310 e. Areas known to contain plant species designated as
 311 endangered by the Department of Agriculture and Consumer
 312 Services.

313 2. Produce, or dispose of, no substances designated as
 314 hazardous or toxic substances by the United States Environmental
 315 Protection Agency, the Department of Environmental Protection,
 316 or the Department of Agriculture and Consumer Services. This
 317 subparagraph does not apply to the production of these
 318 substances in nonsignificant amounts as would occur through
 319 household use or incidental use by businesses.

320 3. Participate in a downtown reuse or redevelopment
 321 program to improve and rehabilitate a declining downtown area.

322 4. Incorporate no dredge and fill activities in, and no
 323 stormwater discharge into, waters designated as Human Use
 324 2/Aquatic Life Use 2 Class II, aquatic preserves, or Outstanding
 325 Florida Waters, except as permitted pursuant to s. 403.813(1),
 326 and the developer demonstrates that those activities meet the
 327 standards under Human Use 2/Aquatic Life Use 2 Class II waters,
 328 Outstanding Florida Waters, or aquatic preserves, as applicable.

329 5. Include open space, recreation areas, Florida-friendly
 330 landscaping as defined in s. 373.185, and energy conservation
 331 and minimize impermeable surfaces as appropriate to the location
 332 and type of project.

333 6. Provide for construction and maintenance of all onsite
 334 infrastructure necessary to support the project and enter into a

335 binding commitment with local government to provide an
 336 appropriate fair-share contribution toward the offsite impacts
 337 that the development will impose on publicly funded facilities
 338 and services, except offsite transportation, and condition or
 339 phase the commencement of development to ensure that public
 340 facilities and services, except offsite transportation, are
 341 available concurrent with the impacts of the development. For
 342 the purposes of offsite transportation impacts, the developer
 343 shall comply, at a minimum, with the standards of the state land
 344 planning agency's development-of-regional-impact transportation
 345 rule, the approved strategic regional policy plan, any
 346 applicable regional planning council transportation rule, and
 347 the approved local government comprehensive plan and land
 348 development regulations adopted pursuant to part II of chapter
 349 163.

350 7. Design and construct the development in a manner that
 351 is consistent with the adopted state plan, the applicable
 352 strategic regional policy plan, and the applicable adopted local
 353 government comprehensive plan.

354 Section 8. Subsection (29) of section 403.061, Florida
 355 Statutes, is amended to read:

356 403.061 Department; powers and duties.—The department
 357 shall have the power and the duty to control and prohibit
 358 pollution of air and water in accordance with the law and rules
 359 adopted and promulgated by it and, for this purpose, to:

360 (29) Adopt by rule special criteria to protect Human Use
 361 2/Aquatic Life Use 2 Class II and Human Use 3/Aquatic Life Use 2
 362 Class III shellfish harvesting waters. Such rules may include

363 special criteria for approving docking facilities that have 10
 364 or fewer slips if the construction and operation of such
 365 facilities will not result in the closure of shellfish waters.

366
 367 The department shall implement such programs in conjunction with
 368 its other powers and duties and shall place special emphasis on
 369 reducing and eliminating contamination that presents a threat to
 370 humans, animals or plants, or to the environment.

371 Section 9. Paragraph (b) of subsection (7) of section
 372 403.086, Florida Statutes, is amended to read:

373 403.086 Sewage disposal facilities; advanced and secondary
 374 waste treatment.—

375 (7)

376 (b) Notwithstanding any other provisions of this chapter
 377 or chapter 373, backup discharges of reclaimed water meeting the
 378 standards as set forth in subsection (4) shall be presumed to be
 379 allowable and shall be permitted in all waters in the state at a
 380 reasonably accessible point where such discharge results in
 381 minimal negative impact. Wet weather discharges as provided in
 382 s. 2(3)(c), chapter 90-262, Laws of Florida, shall include
 383 backup discharges as provided in this section. The presumption
 384 of the allowability of a backup discharge may be overcome only
 385 by a demonstration that one or more of the following conditions
 386 is present:

387 1. The discharge will be to an Outstanding Florida Water,
 388 except as provided in chapter 90-262, Laws of Florida;

389 2. The discharge will be to Human Use 1/Aquatic Life Use 2
 390 ~~Class I~~ or Human Use 2/Aquatic Life Use 2 ~~Class II~~ waters;

391 3. The increased volume of fresh water contributed by a
 392 backup discharge will seriously alter the natural freshwater to
 393 saltwater balance of receiving waters after reasonable
 394 opportunity for mixing;

395 4. The discharge will be to a water body having a
 396 pollutant load reduction goal established by a water management
 397 district or the department, and the discharge will cause or
 398 contribute to a violation of the established goal;

399 5. The discharge fails to meet the requirements of the
 400 antidegradation policy contained in department rules; or

401 6. The discharge will be to waters that the department
 402 determines require more stringent nutrient limits than those set
 403 forth in subsection (4).

404 Section 10. Paragraph (b) of subsection (6) of section
 405 403.0882, Florida Statutes, is amended to read:

406 403.0882 Discharge of demineralization concentrate.-

407 (6) This subsection applies only to small water utility
 408 businesses.

409 (b) The presumption in paragraph (a) may be overcome only
 410 by a demonstration that one or more of the following conditions
 411 is present:

412 1. The discharge will be made directly into an Outstanding
 413 Florida Water, except as provided in chapter 90-262, Laws of
 414 Florida;

415 2. The discharge will be made directly to Human Use
 416 1/Aquatic Life Use 2 ~~Class I~~ or Human Use 2/Aquatic Life Use 2
 417 ~~Class II~~ waters;

418 3. The discharge will be made to a water body having a

419 total maximum daily load established by the department and the
 420 discharge will cause or contribute to a violation of the
 421 established load;

422 4. The discharge fails to meet the requirements of the
 423 antidegradation policy contained in the department rules;

424 5. The discharge will be made to a sole-source aquifer;

425 6. The discharge fails to meet applicable surface water
 426 and groundwater quality standards; or

427 7. The results of any toxicity test performed by the
 428 applicant under paragraph (d) or by the department indicate that
 429 the discharge does not meet toxicity requirements at the
 430 boundary of the mixing zone under subparagraph (a)2.

431 Section 11. Paragraphs (c) of subsection (3) of section
 432 403.121, Florida Statutes, is amended to read:

433 403.121 Enforcement; procedure; remedies.—The department
 434 shall have the following judicial and administrative remedies
 435 available to it for violations of this chapter, as specified in
 436 s. 403.161(1).

437 (3) Except for violations involving hazardous wastes,
 438 asbestos, or underground injection, administrative penalties
 439 must be calculated according to the following schedule:

440 (c) For a dredge and fill or stormwater violation, the
 441 department shall assess a penalty of \$1,000 for unpermitted or
 442 unauthorized dredging or filling or unauthorized construction of
 443 a stormwater management system against the person or persons
 444 responsible for the illegal dredging or filling, or unauthorized
 445 construction of a stormwater management system plus \$2,000 if
 446 the dredging or filling occurs in an aquatic preserve,

447 Outstanding Florida Water, conservation easement, or Human Use
 448 1/Aquatic Life Use 2 ~~Class I~~ or Human Use 2/Aquatic Life Use 2
 449 ~~Class II~~ surface water, plus \$1,000 if the area dredged or
 450 filled is greater than one-quarter acre but less than or equal
 451 to one-half acre, and plus \$1,000 if the area dredged or filled
 452 is greater than one-half acre but less than or equal to one
 453 acre. The administrative penalty schedule shall not apply to a
 454 dredge and fill violation if the area dredged or filled exceeds
 455 one acre. The department retains the authority to seek the
 456 judicial imposition of civil penalties for all dredge and fill
 457 violations involving more than one acre. The department shall
 458 assess a penalty of \$3,000 for the failure to complete required
 459 mitigation, failure to record a required conservation easement,
 460 or for a water quality violation resulting from dredging or
 461 filling activities, stormwater construction activities or
 462 failure of a stormwater treatment facility. For stormwater
 463 management systems serving less than 5 acres, the department
 464 shall assess a penalty of \$2,000 for the failure to properly or
 465 timely construct a stormwater management system. In addition to
 466 the penalties authorized in this subsection, the department
 467 shall assess a penalty of \$5,000 per violation against the
 468 contractor or agent of the owner or tenant that conducts
 469 unpermitted or unauthorized dredging or filling. For purposes of
 470 this paragraph, the preparation or signing of a permit
 471 application by a person currently licensed under chapter 471 to
 472 practice as a professional engineer shall not make that person
 473 an agent of the owner or tenant.

474 Section 12. Subsection (5) of section 403.707, Florida

475 Statutes, is amended to read:

476 403.707 Permits.—

477 (5) The department may not issue a construction permit
 478 pursuant to this part for a new solid waste landfill within
 479 3,000 feet of Human Use 1/Aquatic Life Use 2 Class I surface
 480 waters.

481 Section 13. Paragraph (m) of subsection (1) of section
 482 403.813, Florida Statutes, is amended to read:

483 403.813 Permits issued at district centers; exceptions.—

484 (1) A permit is not required under this chapter, chapter
 485 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 486 chapter 25270, 1949, Laws of Florida, for activities associated
 487 with the following types of projects; however, except as
 488 otherwise provided in this subsection, nothing in this
 489 subsection relieves an applicant from any requirement to obtain
 490 permission to use or occupy lands owned by the Board of Trustees
 491 of the Internal Improvement Trust Fund or any water management
 492 district in its governmental or proprietary capacity or from
 493 complying with applicable local pollution control programs
 494 authorized under this chapter or other requirements of county
 495 and municipal governments:

496 (m) The installation of subaqueous transmission and
 497 distribution lines laid on, or embedded in, the bottoms of
 498 waters in the state, except in Human Use 1/Aquatic Life Use 2
 499 Class I and Human Use 2/Aquatic Life Use 2 Class II waters and
 500 aquatic preserves, provided no dredging or filling is necessary.

501 Section 14. This act shall take effect July 1, 2011.