

By Senator Simmons

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1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 403.067, F.S.; defining
4 the term "onsite sewage treatment and disposal
5 system"; requiring the Department of Environmental
6 Protection and other entities, as part of a basin
7 management action plan, to develop onsite sewage
8 treatment and disposal system remediation plans and
9 public wastewater treatment plant remediation plans
10 under certain conditions; specifying parameters for
11 selecting priority focus areas for remediation;
12 specifying the requirements for developing and
13 adopting a remediation plan; requiring such plans to
14 be completed within a certain timeframe; authorizing
15 the department to waive a certain consideration for
16 rural areas of opportunity; specifying required
17 funding for remediation of wastewater treatment
18 plants; directing water management districts to create
19 bondable segregated accounts; specifying that the
20 installation, repair, modification, or upgrade of
21 certain onsite sewage treatment and disposal systems
22 must conform to remediation plan requirements;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Present paragraph (d) of subsection (7) of
28 section 403.067, Florida Statutes, is redesignated as paragraph
29 (e), and a new paragraph (d) is added to that subsection, to

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30 read:

31 403.067 Establishment and implementation of total maximum
32 daily loads.-

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

35 (d) Onsite sewage treatment and disposal systems and public
36 wastewater treatment plants.-

37 1. For purposes of this section, "onsite sewage treatment
38 and disposal system" has the same meaning as in s. 381.0065.

39 2. As part of a basin management action plan, the
40 department, the Department of Health, relevant local
41 governments, and relevant local public and private wastewater
42 utilities must develop both an onsite sewage treatment and
43 disposal system remediation plan and a public wastewater
44 treatment plant remediation plan if the department determines
45 that remediation is necessary to achieve a total maximum daily
46 load. In order to promote cost-effective remediation, the
47 department may identify one or more priority focus areas. The
48 department shall identify these areas by considering soil
49 conditions; groundwater or surface water travel time; proximity
50 to surface waters, including predominantly marine waters as
51 defined by department rule; hydrogeology; onsite system density;
52 nutrient load; and other factors that may lead to water quality
53 degradation. The remediation plan must identify cost-effective
54 and financially feasible projects necessary to reduce the
55 nutrient impacts from onsite sewage treatment and disposal
56 systems and local government owned or operated wastewater
57 treatment plants. The plan shall be completed and adopted as
58 part of the basin management action plan no later than the first

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59 5-year milestone assessment identified in subparagraph (a)6. The
60 department is the lead agency in coordinating the preparation
61 and adoption of the plan. In developing and adopting the plan,
62 the department shall:

63 a. Collect and evaluate credible scientific information on
64 the effect of nutrients on surface and groundwater;

65 b. Work with local stakeholders to develop a public
66 education plan to provide area residents with reliable,
67 understandable information about onsite sewage treatment and
68 disposal systems, local government owned or operated or public
69 utility wastewater treatment facilities, and the impact of such
70 on surface and groundwater pollution;

71 c. Ensure that the plan includes options, if appropriate,
72 for system repair, upgrade, or replacement; drainfield
73 modification; the addition of effective nutrient-reducing
74 features; connection to a central sewerage system; or other
75 actions addressing onsite sewage treatment and disposal system
76 issues and local government owned or operated wastewater
77 treatment facilities. The department shall include in the plan a
78 priority ranking for each onsite system, or group of systems,
79 and for each local government owned or operated wastewater
80 treatment facility that requires remediation. The priority
81 ranking shall be used to ensure the most effective, efficient
82 use of the funding provided for onsite system and wastewater
83 treatment remediation. In awarding any such funds, the
84 department may consider the expected nutrient reduction benefit
85 per unit cost, the size and scope of the project, the local
86 financial contribution to the project relative to the overall
87 cost, and the financial impact on property owners and the

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88 community. For the purpose of awarding funds, the department
89 may, at its discretion, totally or partially waive this
90 consideration of the local contribution for proposed projects
91 within an area designated as a rural area of opportunity under
92 s. 288.0656;

93 d. Ensure that the plan includes an implementation schedule
94 for completion of the actions related to reducing onsite sewage
95 treatment and disposal system nutrient loads and wastewater
96 treatment facility nutrient loads, with milestones, periodic
97 progress evaluations, and a completion date necessary to achieve
98 the total maximum daily load within the timeframe established in
99 the basin management action plan; and

100 e. Ensure that any wastewater treatment facility
101 remediation plan developed pursuant to this section includes the
102 funding by either the department or the applicable water
103 management districts where the wastewater treatment plant is
104 located of no more than 50 percent of the remediation plan
105 costs, including installation of infrastructure, and at least 50
106 percent funding by the local government that owns or operates
107 the wastewater treatment facility. Each water management
108 district must create bondable segregated accounts in order to
109 implement this section.

110 3. The installation, repair, modification, or upgrade of
111 onsite sewage treatment and disposal systems on lots of 1 acre
112 or less and within the boundaries of a basin management action
113 plan having an onsite sewage treatment and disposal system
114 remediation plan must conform to the requirements of the
115 remediation plan.

116 Section 2. This act shall take effect July 1, 2018.