

By Senator Albritton

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1 A bill to be entitled
2 An act relating to the Caloosahatchee River watershed;
3 amending s. 373.4595, F.S.; prohibiting the land
4 application of septage from onsite sewage treatment
5 and disposal systems within the watershed; removing a
6 requirement for entities disposing of septage within
7 the watershed to develop and submit a specified
8 agricultural use plan to the Department of Health;
9 directing the Department of Environmental Protection
10 to adopt an updated Caloosahatchee River and Estuary
11 Basin Management Action Plan by a specified date;
12 requiring the department to prioritize certain
13 remediation needs; requiring the department to
14 estimate certain costs; requiring the department to
15 award funds for specified purposes, subject to an
16 appropriation in the General Appropriations Act;
17 providing plan requirements; authorizing the
18 department to waive matching funding requirements for
19 rural areas of opportunity; providing an effective
20 date.

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

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24 Section 1. Paragraph (b) of subsection (4) of section
25 373.4595, Florida Statutes, is amended to read:

26 373.4595 Northern Everglades and Estuaries Protection
27 Program.—

28 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
29 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection

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30 program shall be developed and implemented as specified in this
31 subsection. To protect and restore surface water resources, the
32 program shall address the reduction of pollutant loadings,
33 restoration of natural hydrology, and compliance with applicable
34 state water quality standards. The program shall be achieved
35 through a phased program of implementation. In addition,
36 pollutant load reductions based upon adopted total maximum daily
37 loads established in accordance with s. 403.067 shall serve as a
38 program objective. In the development and administration of the
39 program, the coordinating agencies shall maximize opportunities
40 provided by federal and local government cost-sharing programs
41 and opportunities for partnerships with the private sector and
42 local government. The program shall include a goal for salinity
43 envelopes and freshwater inflow targets for the estuaries based
44 upon existing research and documentation. The goal may be
45 revised as new information is available. This goal shall seek to
46 reduce the frequency and duration of undesirable salinity ranges
47 while meeting the other water-related needs of the region,
48 including water supply and flood protection, while recognizing
49 the extent to which water inflows are within the control and
50 jurisdiction of the district.

51 (b) *Caloosahatchee River Watershed Basin Management Action*
52 *Plans.*—The basin management action plans adopted pursuant to s.
53 403.067 for the Caloosahatchee River watershed shall be the
54 Caloosahatchee River Watershed Pollutant Control Program. The
55 plans must ~~shall~~ be designed to be a multifaceted approach to
56 reducing pollutant loads by improving the management of
57 pollutant sources within the Caloosahatchee River watershed
58 through implementation of regulations and best management

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59 practices, development and implementation of improved best
60 management practices, improvement and restoration of the
61 hydrologic function of natural and managed systems, and
62 utilization of alternative technologies for pollutant reduction,
63 such as cost-effective biologically based, hybrid
64 wetland/chemical and other innovative nutrient control
65 technologies. As provided in s. 403.067(7)(a)6., the
66 Caloosahatchee River watershed basin management action plans
67 must include milestones for implementation and water quality
68 improvement, and an associated water quality monitoring
69 component sufficient to evaluate whether reasonable progress in
70 pollutant load reductions is being achieved over time. An
71 assessment of progress toward these milestones must ~~shall~~ be
72 conducted every 5 years and ~~shall be~~ provided to the Governor,
73 the President of the Senate, and the Speaker of the House of
74 Representatives. Revisions to the plans shall be made, as
75 appropriate, as a result of each 5-year review. Revisions to the
76 basin management action plans must ~~shall~~ be made by the
77 department in cooperation with the basin stakeholders. Revisions
78 to best management practices or other measures must follow the
79 procedures set forth in s. 403.067(7)(c)4. Revised basin
80 management action plans must be adopted pursuant to s.
81 403.067(7)(a)5. The department shall develop an implementation
82 schedule establishing 5-year, 10-year, and 15-year measurable
83 milestones and targets to achieve the total maximum daily load
84 no more than 20 years after adoption of the plan. The initial
85 implementation schedule must ~~shall~~ be used to provide guidance
86 for planning and funding purposes and is exempt from chapter
87 120. Upon the first 5-year review, the implementation schedule

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88 must ~~shall~~ be adopted as part of the plans. If achieving the
89 total maximum daily load within 20 years is not practicable, the
90 implementation schedule must contain an explanation of the
91 constraints that prevent achievement of the total maximum daily
92 load within 20 years, an estimate of the time needed to achieve
93 the total maximum daily load, and additional 5-year measurable
94 milestones, as necessary. The coordinating agencies shall
95 facilitate the use of federal programs that offer opportunities
96 for water quality treatment, including preservation,
97 restoration, or creation of wetlands on agricultural lands.

98 1. Nonpoint source best management practices consistent
99 with s. 403.067, designed to achieve the objectives of the
100 Caloosahatchee River Watershed Protection Program, must ~~shall~~ be
101 implemented on an expedited basis. The coordinating agencies may
102 develop an intergovernmental agreement with local governments to
103 implement the nonagricultural, nonpoint source best management
104 practices within their respective geographic boundaries.

105 2. This subsection does not preclude the department or the
106 district from requiring compliance with water quality standards,
107 adopted total maximum daily loads, or current best management
108 practices requirements set forth in any applicable regulatory
109 program authorized by law for the purpose of protecting water
110 quality. This subsection applies only to the extent that it does
111 not conflict with any rules adopted by the department or
112 district which are necessary to maintain a federally delegated
113 or approved program.

114 3. Projects that make use of private lands, or lands held
115 in trust for Indian tribes, to reduce pollutant loadings or
116 concentrations within a basin, or that reduce the volume of

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117 harmful discharges by one or more of the following methods:
118 restoring the natural hydrology of the basin, restoring wildlife
119 habitat or impacted wetlands, reducing peak flows after storm
120 events, or increasing aquifer recharge, are eligible for grants
121 available under this section from the coordinating agencies.

122 4. The Caloosahatchee River watershed basin management
123 action plans must ~~shall~~ require assessment of current water
124 management practices within the watershed and ~~shall require~~
125 development of recommendations for structural, nonstructural,
126 and operational improvements. Such recommendations must ~~shall~~
127 consider and balance water supply, flood control, estuarine
128 salinity, aquatic habitat, and water quality considerations.

129 5. The department may not authorize the disposal of
130 domestic wastewater biosolids within the Caloosahatchee River
131 watershed unless the applicant can affirmatively demonstrate
132 that the nutrients in the biosolids will not add to nutrient
133 loadings in the watershed. This demonstration must ~~shall~~ be
134 based on achieving a net balance between nutrient imports
135 relative to exports on the permitted application site. Exports
136 must ~~shall~~ include only nutrients removed from the watershed
137 through products generated on the permitted application site.
138 This prohibition does not apply to Class AA biosolids ~~that are~~
139 marketed and distributed as fertilizer products in accordance
140 with department rule.

141 6. The land application of septage from onsite sewage
142 treatment and disposal systems within the Caloosahatchee River
143 watershed is prohibited pursuant to s. 381.0065(6) ~~The~~
144 ~~Department of Health shall require all entities disposing of~~
145 ~~septage within the Caloosahatchee River watershed to develop and~~

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146 ~~submit to that agency an agricultural use plan that limits~~
147 ~~applications based upon nutrient loading consistent with any~~
148 ~~basin management action plan adopted pursuant to s. 403.067.~~

149 7. The Department of Agriculture and Consumer Services
150 shall require entities within the Caloosahatchee River watershed
151 which land-apply animal manure to develop a resource management
152 system level conservation plan, according to United States
153 Department of Agriculture criteria, which limit such
154 application. Such rules must ~~shall~~ include criteria and
155 thresholds for the requirement to develop a conservation or
156 nutrient management plan, requirements for plan approval, site
157 inspection requirements, and recordkeeping requirements.

158 8. The district shall initiate rulemaking to provide for a
159 monitoring program for nonpoint source dischargers required to
160 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
161 The results of such monitoring must be reported to the
162 coordinating agencies.

163 9. By July 1, 2024, the department shall adopt an updated
164 Caloosahatchee River and Estuary Basin Management Action Plan to
165 include, in addition to the requirements of s. 403.067, all of
166 the following elements:

167 a. The wastewater treatment plan required by s.
168 403.067(7)(a)9.a. and an implementation schedule to achieve the
169 nutrient load reductions necessary to meet the requirements
170 adopted in the management action plan for domestic wastewater
171 treatment facilities. The department shall include estimated
172 costs for the required nutrient load reductions from domestic
173 wastewater facilities and standards for new domestic wastewater
174 disposal facilities in the plan.

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175 b. The onsite sewage treatment and disposal system
176 remediation plan required by s. 403.067(7)(a)9.b. The plan must
177 address existing and the siting of new onsite treatment and
178 disposal systems on lots less than 1 acre in size and must
179 include an implementation schedule to achieve the nutrient load
180 reductions adopted in the basin management action plan for
181 onsite sewage treatment and disposal system sources. For these
182 systems, the department shall include a priority ranking for
183 each system or group of systems that require remediation. Upon
184 an appropriation in the General Appropriations Act, the
185 department shall award funds to implement the remediation
186 projects, which may include all or part of the costs necessary
187 for the repair, upgrade, replacement, drainfield modification,
188 addition of effective nitrogen reducing features, initial
189 connection to a central sewerage system, or other action. In
190 awarding funds, the department may consider expected nutrient
191 reduction benefit per unit cost, size and scope of project,
192 relative local financial contribution to the project, and the
193 financial impact on property owners and the community. The
194 department may waive matching funding requirements for proposed
195 projects within an area designated as a rural area of
196 opportunity as defined in s. 288.0656(2).

197 c. An identification of the best management practices or
198 other management measures, including an implementation schedule,
199 to be implemented by the holders of NPDES municipal separate
200 storm sewer system permits and other stormwater sources to meet
201 the nutrient load reductions adopted in the management action
202 plan.

203 Section 2. This act shall take effect July 1, 2022.