

By Senator Stewart

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1 A bill to be entitled
2 An act relating to implementation of the
3 recommendations of the Blue-Green Algae Task Force;
4 amending s. 381.0065, F.S.; requiring owners of
5 certain onsite sewage treatment and disposal systems
6 to have the systems periodically inspected, beginning
7 on a specified date; requiring the Department of
8 Environmental Protection to administer the inspection
9 program; requiring the department to implement program
10 standards, procedures, and requirements; providing for
11 rulemaking; amending s. 403.067, F.S.; requiring new
12 or revised basin management action plans to include a
13 list that identifies and prioritizes certain spatially
14 focused projects; requiring the department to assess
15 certain projects; providing an effective date.

16
17 WHEREAS, Governor Ron DeSantis created the Blue-Green Algae
18 Task Force in 2019 to "improve water quality for the benefit of
19 all Floridians," and the task force's consensus report was
20 issued in October 2019, with multiple recommendations for basin
21 management action plans (BMAP), agriculture, human waste,
22 stormwater, technology, public health, and science, and

23 WHEREAS, the Legislature recognizes that in June 2020,
24 Governor DeSantis signed Senate Bill 712, the Clean Waterways
25 Act, which implemented many of the recommendations of the task
26 force, and

27 WHEREAS, full implementation of the task force's
28 recommendations will require enactment of additional substantive
29 legislation, NOW, THEREFORE,

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

Section 1. Present subsections (5), (6), and (7) of section 381.0065, Florida Statutes, are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(5) PERIODIC INSPECTIONS.—Effective July 1, 2025, the owner of an onsite sewage treatment and disposal system, excluding a system required to have an operating permit, must have the system inspected at least once every 5 years to assess the fundamental operational condition of the system, prolong the life of the system, and identify any failure within the system. The department shall administer an onsite sewage treatment and disposal system inspection program for such periodic inspections. The department shall implement the program standards, procedures, and requirements and adopt rules that must include, at a minimum, all of the following:

(a) A schedule for a 5-year inspection cycle.

(b) A county-by-county implementation plan phased in over a 10-year period, with first priority given to those areas within a priority focus area for springs identified by the department.

(c) Minimum standards for a functioning system.

(d) Requirements for the pumpout or repair of a failing system.

(e) Enforcement procedures for failure of a system owner to obtain an inspection of the system and failure of a contractor

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59 to timely report inspection results to the department and the
60 system owner.

61 Section 2. Paragraph (a) of subsection (7) of section
62 403.067, Florida Statutes, is amended to read:

63 403.067 Establishment and implementation of total maximum
64 daily loads.—

65 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
66 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

67 (a) *Basin management action plans.*—

68 1. In developing and implementing the total maximum daily
69 load for a water body, the department, or the department in
70 conjunction with a water management district, may develop a
71 basin management action plan that addresses some or all of the
72 watersheds and basins tributary to the water body. Such plan
73 must integrate the appropriate management strategies available
74 to the state through existing water quality protection programs
75 to achieve the total maximum daily loads and may provide for
76 phased implementation of these management strategies to promote
77 timely, cost-effective actions as provided for in s. 403.151.
78 The plan must establish a schedule implementing the management
79 strategies, establish a basis for evaluating the plan's
80 effectiveness, and identify feasible funding strategies for
81 implementing the plan's management strategies. The management
82 strategies may include regional treatment systems or other
83 public works, when appropriate, and voluntary trading of water
84 quality credits to achieve the needed pollutant load reductions.

85 2. A basin management action plan must equitably allocate,
86 pursuant to paragraph (6) (b), pollutant reductions to individual
87 basins, as a whole to all basins, or to each identified point

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88 source or category of nonpoint sources, as appropriate. For
89 nonpoint sources for which best management practices have been
90 adopted, the initial requirement specified by the plan must be
91 those practices developed pursuant to paragraph (c). When
92 appropriate, the plan may take into account the benefits of
93 pollutant load reduction achieved by point or nonpoint sources
94 that have implemented management strategies to reduce pollutant
95 loads, including best management practices, before the
96 development of the basin management action plan. The plan must
97 also identify the mechanisms that will address potential future
98 increases in pollutant loading.

99 3. The basin management action planning process is intended
100 to involve the broadest possible range of interested parties,
101 with the objective of encouraging the greatest amount of
102 cooperation and consensus possible. In developing a basin
103 management action plan, the department shall assure that key
104 stakeholders, including, but not limited to, applicable local
105 governments, water management districts, the Department of
106 Agriculture and Consumer Services, other appropriate state
107 agencies, local soil and water conservation districts,
108 environmental groups, regulated interests, and affected
109 pollution sources, are invited to participate in the process.
110 The department shall hold at least one public meeting in the
111 vicinity of the watershed or basin to discuss and receive
112 comments during the planning process and shall otherwise
113 encourage public participation to the greatest practicable
114 extent. Notice of the public meeting must be published in a
115 newspaper of general circulation in each county in which the
116 watershed or basin lies at least 5 days, but not more than 15

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117 days, before the public meeting. A basin management action plan
118 does not supplant or otherwise alter any assessment made under
119 subsection (3) or subsection (4) or any calculation or initial
120 allocation.

121 4.a. Each new or revised basin management action plan must
122 ~~shall~~ include:

123 (I)~~a.~~ The appropriate management strategies available
124 through existing water quality protection programs to achieve
125 total maximum daily loads, which may provide for phased
126 implementation to promote timely, cost-effective actions as
127 provided for in s. 403.151;

128 (II)~~b.~~ A description of best management practices adopted
129 by rule;

130 (III)~~c.~~ A list of projects in priority ranking with a
131 planning-level cost estimate and estimated date of completion
132 for each listed project;

133 (IV) A list that identifies and prioritizes spatially
134 focused suites of projects in areas likely to yield maximum
135 pollutant reductions;

136 (V)~~d.~~ The source and amount of financial assistance to be
137 made available by the department, a water management district,
138 or other entity for each listed project, if applicable; and

139 (VI)~~e.~~ A planning-level estimate of each listed project's
140 expected load reduction, if applicable.

141 b. For each project listed pursuant to this subparagraph
142 which has a total cost that exceeds \$1 million, the department
143 must assess through integrated and comprehensive monitoring
144 whether the project is working to reduce nutrient pollution or
145 water use, or both, as intended. These assessments must be

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146 completed expeditiously and included in each basin management
147 action plan update.

148 5. The department shall adopt all or any part of a basin
149 management action plan and any amendment to such plan by
150 secretarial order pursuant to chapter 120 to implement this
151 section.

152 6. The basin management action plan must include milestones
153 for implementation and water quality improvement, and an
154 associated water quality monitoring component sufficient to
155 evaluate whether reasonable progress in pollutant load
156 reductions is being achieved over time. An assessment of
157 progress toward these milestones shall be conducted every 5
158 years, and revisions to the plan shall be made as appropriate.
159 Revisions to the basin management action plan shall be made by
160 the department in cooperation with basin stakeholders. Revisions
161 to the management strategies required for nonpoint sources must
162 follow the procedures in subparagraph (c)4. Revised basin
163 management action plans must be adopted pursuant to subparagraph
164 5.

165 7. In accordance with procedures adopted by rule under
166 paragraph (9)(c), basin management action plans, and other
167 pollution control programs under local, state, or federal
168 authority as provided in subsection (4), may allow point or
169 nonpoint sources that will achieve greater pollutant reductions
170 than required by an adopted total maximum daily load or
171 wasteload allocation to generate, register, and trade water
172 quality credits for the excess reductions to enable other
173 sources to achieve their allocation; however, the generation of
174 water quality credits does not remove the obligation of a source

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175 or activity to meet applicable technology requirements or
176 adopted best management practices. Such plans must allow trading
177 between NPDES permittees, and trading that may or may not
178 involve NPDES permittees, where the generation or use of the
179 credits involve an entity or activity not subject to department
180 water discharge permits whose owner voluntarily elects to obtain
181 department authorization for the generation and sale of credits.

182 8. The department's rule relating to the equitable
183 abatement of pollutants into surface waters do not apply to
184 water bodies or water body segments for which a basin management
185 plan that takes into account future new or expanded activities
186 or discharges has been adopted under this section.

187 9. In order to promote resilient wastewater utilities, if
188 the department identifies domestic wastewater treatment
189 facilities or onsite sewage treatment and disposal systems as
190 contributors of at least 20 percent of point source or nonpoint
191 source nutrient pollution or if the department determines
192 remediation is necessary to achieve the total maximum daily
193 load, a basin management action plan for a nutrient total
194 maximum daily load must include the following:

195 a. A wastewater treatment plan developed by each local
196 government, in cooperation with the department, the water
197 management district, and the public and private domestic
198 wastewater treatment facilities within the jurisdiction of the
199 local government, that addresses domestic wastewater. The
200 wastewater treatment plan must:

201 (I) Provide for construction, expansion, or upgrades
202 necessary to achieve the total maximum daily load requirements
203 applicable to the domestic wastewater treatment facility.

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204 (II) Include the permitted capacity in average annual
205 gallons per day for the domestic wastewater treatment facility;
206 the average nutrient concentration and the estimated average
207 nutrient load of the domestic wastewater; a projected timeline
208 of the dates by which the construction of any facility
209 improvements will begin and be completed and the date by which
210 operations of the improved facility will begin; the estimated
211 cost of the improvements; and the identity of responsible
212 parties.

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214 The wastewater treatment plan must be adopted as part of the
215 basin management action plan no later than July 1, 2025. A local
216 government that does not have a domestic wastewater treatment
217 facility in its jurisdiction is not required to develop a
218 wastewater treatment plan unless there is a demonstrated need to
219 establish a domestic wastewater treatment facility within its
220 jurisdiction to improve water quality necessary to achieve a
221 total maximum daily load. A local government is not responsible
222 for a private domestic wastewater facility's compliance with a
223 basin management action plan unless such facility is operated
224 through a public-private partnership to which the local
225 government is a party.

226 b. An onsite sewage treatment and disposal system
227 remediation plan developed by each local government in
228 cooperation with the department, the Department of Health, water
229 management districts, and public and private domestic wastewater
230 treatment facilities.

231 (I) The onsite sewage treatment and disposal system
232 remediation plan must identify cost-effective and financially

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233 feasible projects necessary to achieve the nutrient load
234 reductions required for onsite sewage treatment and disposal
235 systems. To identify cost-effective and financially feasible
236 projects for remediation of onsite sewage treatment and disposal
237 systems, the local government shall:

238 (A) Include an inventory of onsite sewage treatment and
239 disposal systems based on the best information available;

240 (B) Identify onsite sewage treatment and disposal systems
241 that would be eliminated through connection to existing or
242 future central domestic wastewater infrastructure in the
243 jurisdiction or domestic wastewater service area of the local
244 government, that would be replaced with or upgraded to enhanced
245 nutrient-reducing onsite sewage treatment and disposal systems,
246 or that would remain on conventional onsite sewage treatment and
247 disposal systems;

248 (C) Estimate the costs of potential onsite sewage treatment
249 and disposal system connections, upgrades, or replacements; and

250 (D) Identify deadlines and interim milestones for the
251 planning, design, and construction of projects.

252 (II) The department shall adopt the onsite sewage treatment
253 and disposal system remediation plan as part of the basin
254 management action plan no later than July 1, 2025, or as
255 required for Outstanding Florida Springs under s. 373.807.

256 10. When identifying wastewater projects in a basin
257 management action plan, the department may not require the
258 higher cost option if it achieves the same nutrient load
259 reduction as a lower cost option. A regulated entity may choose
260 a different cost option if it complies with the pollutant
261 reduction requirements of an adopted total maximum daily load

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262 and meets or exceeds the pollution reduction requirement of the
263 original project.

264 Section 3. This act shall take effect July 1, 2022.