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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
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The Committee on Environment and Natural Resources (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (7) of section
403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum
daily loads.—

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



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

12 1. In developing and implementing the total maximum daily
13 load for a water body, the department, or the department in
14 conjunction with a water management district, may develop a
15 basin management action plan that addresses some or all of the
16 watersheds and basins tributary to the water body. Such plan
17 must integrate the appropriate management strategies available
18 to the state through existing water quality protection programs
19 to achieve the total maximum daily loads and may provide for
20 phased implementation of these management strategies to promote
21 timely, cost-effective actions as provided for in s. 403.151.
22 The plan must establish a schedule implementing the management
23 strategies, establish a basis for evaluating the plan's
24 effectiveness, and identify feasible funding strategies for
25 implementing the plan's management strategies. The management
26 strategies may include regional treatment systems or other
27 public works, when appropriate, and voluntary trading of water
28 quality credits to achieve the needed pollutant load reductions.

29 2. A basin management action plan must equitably allocate,
30 pursuant to paragraph (6) (b), pollutant reductions to individual
31 basins, as a whole to all basins, or to each identified point
32 source or category of nonpoint sources, as appropriate. For
33 nonpoint sources for which best management practices have been
34 adopted, the initial requirement specified by the plan must be
35 those practices developed pursuant to paragraph (c). When
36 appropriate, the plan may take into account the benefits of
37 pollutant load reduction achieved by point or nonpoint sources
38 that have implemented management strategies to reduce pollutant
39 loads, including best management practices, before the



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40 development of the basin management action plan. The plan must
41 also identify the mechanisms that will address potential future
42 increases in pollutant loading.

43 3. The basin management action planning process is intended
44 to involve the broadest possible range of interested parties,
45 with the objective of encouraging the greatest amount of
46 cooperation and consensus possible. In developing a basin
47 management action plan, the department shall assure that key
48 stakeholders, including, but not limited to, applicable local
49 governments, water management districts, the Department of
50 Agriculture and Consumer Services, other appropriate state
51 agencies, local soil and water conservation districts,
52 environmental groups, regulated interests, and affected
53 pollution sources, are invited to participate in the process.
54 The department shall hold at least one public meeting in the
55 vicinity of the watershed or basin to discuss and receive
56 comments during the planning process and shall otherwise
57 encourage public participation to the greatest practicable
58 extent. Notice of the public meeting must be published in a
59 newspaper of general circulation in each county in which the
60 watershed or basin lies at least 5 days, but not more than 15
61 days, before the public meeting. A basin management action plan
62 does not supplant or otherwise alter any assessment made under
63 subsection (3) or subsection (4) or any calculation or initial
64 allocation.

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

67 (I)a. The appropriate management strategies available
68 through existing water quality protection programs to achieve



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69 total maximum daily loads, which may provide for phased
70 implementation to promote timely, cost-effective actions as
71 provided for in s. 403.151;

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

74 (III)~~e.~~ A list of projects in priority ranking with a
75 planning-level cost estimate and estimated date of completion
76 for each listed project;

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

80 (V)~~e.~~ A planning-level estimate of each listed project's
81 expected load reduction, if applicable.

82 b. For each project listed pursuant to this subparagraph
83 which has a total cost that exceeds \$1 million, the department
84 must assess through integrated and comprehensive monitoring
85 whether the project is working to reduce nutrient pollution or
86 water use, or both, as intended. These assessments must be
87 completed expeditiously and included in each basin management
88 action plan update.

89 5. The department shall adopt all or any part of a basin
90 management action plan and any amendment to such plan by
91 secretarial order pursuant to chapter 120 to implement this
92 section.

93 6. The basin management action plan must include milestones
94 for implementation and water quality improvement, and an
95 associated water quality monitoring component sufficient to
96 evaluate whether reasonable progress in pollutant load
97 reductions is being achieved over time. An assessment of



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98 progress toward these milestones shall be conducted every 5
99 years, and revisions to the plan shall be made as appropriate.
100 Revisions to the basin management action plan shall be made by
101 the department in cooperation with basin stakeholders. Revisions
102 to the management strategies required for nonpoint sources must
103 follow the procedures in subparagraph (c)4. Revised basin
104 management action plans must be adopted pursuant to subparagraph
105 5.

106 7. In accordance with procedures adopted by rule under
107 paragraph (9)(c), basin management action plans, and other
108 pollution control programs under local, state, or federal
109 authority as provided in subsection (4), may allow point or
110 nonpoint sources that will achieve greater pollutant reductions
111 than required by an adopted total maximum daily load or
112 wasteload allocation to generate, register, and trade water
113 quality credits for the excess reductions to enable other
114 sources to achieve their allocation; however, the generation of
115 water quality credits does not remove the obligation of a source
116 or activity to meet applicable technology requirements or
117 adopted best management practices. Such plans must allow trading
118 between NPDES permittees, and trading that may or may not
119 involve NPDES permittees, where the generation or use of the
120 credits involve an entity or activity not subject to department
121 water discharge permits whose owner voluntarily elects to obtain
122 department authorization for the generation and sale of credits.

123 8. The department's rule relating to the equitable
124 abatement of pollutants into surface waters do not apply to
125 water bodies or water body segments for which a basin management
126 plan that takes into account future new or expanded activities



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127 or discharges has been adopted under this section.

128 9. In order to promote resilient wastewater utilities, if
129 the department identifies domestic wastewater treatment
130 facilities or onsite sewage treatment and disposal systems as
131 contributors of at least 20 percent of point source or nonpoint
132 source nutrient pollution or if the department determines
133 remediation is necessary to achieve the total maximum daily
134 load, a basin management action plan for a nutrient total
135 maximum daily load must include the following:

136 a. A wastewater treatment plan developed by each local
137 government, in cooperation with the department, the water
138 management district, and the public and private domestic
139 wastewater treatment facilities within the jurisdiction of the
140 local government, that addresses domestic wastewater. The
141 wastewater treatment plan must:

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

145 (II) Include the permitted capacity in average annual
146 gallons per day for the domestic wastewater treatment facility;
147 the average nutrient concentration and the estimated average
148 nutrient load of the domestic wastewater; a projected timeline
149 of the dates by which the construction of any facility
150 improvements will begin and be completed and the date by which
151 operations of the improved facility will begin; the estimated
152 cost of the improvements; and the identity of responsible
153 parties.

154
155 The wastewater treatment plan must be adopted as part of the



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156 basin management action plan no later than July 1, 2025. A local
157 government that does not have a domestic wastewater treatment
158 facility in its jurisdiction is not required to develop a
159 wastewater treatment plan unless there is a demonstrated need to
160 establish a domestic wastewater treatment facility within its
161 jurisdiction to improve water quality necessary to achieve a
162 total maximum daily load. A local government is not responsible
163 for a private domestic wastewater facility's compliance with a
164 basin management action plan unless such facility is operated
165 through a public-private partnership to which the local
166 government is a party.

167 b. An onsite sewage treatment and disposal system
168 remediation plan developed by each local government in
169 cooperation with the department, the Department of Health, water
170 management districts, and public and private domestic wastewater
171 treatment facilities.

172 (I) The onsite sewage treatment and disposal system
173 remediation plan must identify cost-effective and financially
174 feasible projects necessary to achieve the nutrient load
175 reductions required for onsite sewage treatment and disposal
176 systems. To identify cost-effective and financially feasible
177 projects for remediation of onsite sewage treatment and disposal
178 systems, the local government shall:

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

181 (B) Identify onsite sewage treatment and disposal systems
182 that would be eliminated through connection to existing or
183 future central domestic wastewater infrastructure in the
184 jurisdiction or domestic wastewater service area of the local



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185 government, that would be replaced with or upgraded to enhanced
186 nutrient-reducing onsite sewage treatment and disposal systems,
187 or that would remain on conventional onsite sewage treatment and
188 disposal systems;

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

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

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

197 10. When identifying wastewater projects in a basin
198 management action plan, the department may not require the
199 higher cost option if it achieves the same nutrient load
200 reduction as a lower cost option. A regulated entity may choose
201 a different cost option if it complies with the pollutant
202 reduction requirements of an adopted total maximum daily load
203 and meets or exceeds the pollution reduction requirement of the
204 original project.

205 Section 2. This act shall take effect July 1, 2023.

206

207 ===== T I T L E A M E N D M E N T =====

208 And the title is amended as follows:

209 Delete everything before the enacting clause
210 and insert:

211 A bill to be entitled
212 An act relating to implementation of the
213 recommendations of the Blue-Green Algae Task Force;



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214 amending s. 403.067, F.S.; requiring the department to
215 assess certain projects; providing requirements for
216 the assessments; providing an effective date.