

By the Committee on Environment and Natural Resources; and
Senator Stewart

592-03512-23

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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. 403.067, F.S.; requiring the Department of
5 Environmental Protection to assess certain projects;
6 providing requirements for the assessments; providing
7 an effective date.

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

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11 Section 1. Paragraph (a) of subsection (7) of section
12 403.067, Florida Statutes, is amended to read:

13 403.067 Establishment and implementation of total maximum
14 daily loads.—

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

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

18 1. In developing and implementing the total maximum daily
19 load for a water body, the department, or the department in
20 conjunction with a water management district, may develop a
21 basin management action plan that addresses some or all of the
22 watersheds and basins tributary to the water body. Such plan
23 must integrate the appropriate management strategies available
24 to the state through existing water quality protection programs
25 to achieve the total maximum daily loads and may provide for
26 phased implementation of these management strategies to promote
27 timely, cost-effective actions as provided for in s. 403.151.
28 The plan must establish a schedule implementing the management
29 strategies, establish a basis for evaluating the plan's

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30 effectiveness, and identify feasible funding strategies for
31 implementing the plan's management strategies. The management
32 strategies may include regional treatment systems or other
33 public works, when appropriate, and voluntary trading of water
34 quality credits to achieve the needed pollutant load reductions.

35 2. A basin management action plan must equitably allocate,
36 pursuant to paragraph (6) (b), pollutant reductions to individual
37 basins, as a whole to all basins, or to each identified point
38 source or category of nonpoint sources, as appropriate. For
39 nonpoint sources for which best management practices have been
40 adopted, the initial requirement specified by the plan must be
41 those practices developed pursuant to paragraph (c). When
42 appropriate, the plan may take into account the benefits of
43 pollutant load reduction achieved by point or nonpoint sources
44 that have implemented management strategies to reduce pollutant
45 loads, including best management practices, before the
46 development of the basin management action plan. The plan must
47 also identify the mechanisms that will address potential future
48 increases in pollutant loading.

49 3. The basin management action planning process is intended
50 to involve the broadest possible range of interested parties,
51 with the objective of encouraging the greatest amount of
52 cooperation and consensus possible. In developing a basin
53 management action plan, the department shall assure that key
54 stakeholders, including, but not limited to, applicable local
55 governments, water management districts, the Department of
56 Agriculture and Consumer Services, other appropriate state
57 agencies, local soil and water conservation districts,
58 environmental groups, regulated interests, and affected

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59 pollution sources, are invited to participate in the process.
60 The department shall hold at least one public meeting in the
61 vicinity of the watershed or basin to discuss and receive
62 comments during the planning process and shall otherwise
63 encourage public participation to the greatest practicable
64 extent. Notice of the public meeting must be published in a
65 newspaper of general circulation in each county in which the
66 watershed or basin lies at least 5 days, but not more than 15
67 days, before the public meeting. A basin management action plan
68 does not supplant or otherwise alter any assessment made under
69 subsection (3) or subsection (4) or any calculation or initial
70 allocation.

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

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

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

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

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

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

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

95 5. The department shall adopt all or any part of a basin
96 management action plan and any amendment to such plan by
97 secretarial order pursuant to chapter 120 to implement this
98 section.

99 6. The basin management action plan must include milestones
100 for implementation and water quality improvement, and an
101 associated water quality monitoring component sufficient to
102 evaluate whether reasonable progress in pollutant load
103 reductions is being achieved over time. An assessment of
104 progress toward these milestones shall be conducted every 5
105 years, and revisions to the plan shall be made as appropriate.
106 Revisions to the basin management action plan shall be made by
107 the department in cooperation with basin stakeholders. Revisions
108 to the management strategies required for nonpoint sources must
109 follow the procedures in subparagraph (c)4. Revised basin
110 management action plans must be adopted pursuant to subparagraph
111 5.

112 7. In accordance with procedures adopted by rule under
113 paragraph (9)(c), basin management action plans, and other
114 pollution control programs under local, state, or federal
115 authority as provided in subsection (4), may allow point or
116 nonpoint sources that will achieve greater pollutant reductions

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117 than required by an adopted total maximum daily load or
118 wasteload allocation to generate, register, and trade water
119 quality credits for the excess reductions to enable other
120 sources to achieve their allocation; however, the generation of
121 water quality credits does not remove the obligation of a source
122 or activity to meet applicable technology requirements or
123 adopted best management practices. Such plans must allow trading
124 between NPDES permittees, and trading that may or may not
125 involve NPDES permittees, where the generation or use of the
126 credits involve an entity or activity not subject to department
127 water discharge permits whose owner voluntarily elects to obtain
128 department authorization for the generation and sale of credits.

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

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

142 a. A wastewater treatment plan developed by each local
143 government, in cooperation with the department, the water
144 management district, and the public and private domestic
145 wastewater treatment facilities within the jurisdiction of the

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146 local government, that addresses domestic wastewater. The
147 wastewater treatment plan must:

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

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

160

161 The wastewater treatment plan must be adopted as part of the
162 basin management action plan no later than July 1, 2025. A local
163 government that does not have a domestic wastewater treatment
164 facility in its jurisdiction is not required to develop a
165 wastewater treatment plan unless there is a demonstrated need to
166 establish a domestic wastewater treatment facility within its
167 jurisdiction to improve water quality necessary to achieve a
168 total maximum daily load. A local government is not responsible
169 for a private domestic wastewater facility's compliance with a
170 basin management action plan unless such facility is operated
171 through a public-private partnership to which the local
172 government is a party.

173 b. An onsite sewage treatment and disposal system
174 remediation plan developed by each local government in

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175 cooperation with the department, the Department of Health, water
176 management districts, and public and private domestic wastewater
177 treatment facilities.

178 (I) The onsite sewage treatment and disposal system
179 remediation plan must identify cost-effective and financially
180 feasible projects necessary to achieve the nutrient load
181 reductions required for onsite sewage treatment and disposal
182 systems. To identify cost-effective and financially feasible
183 projects for remediation of onsite sewage treatment and disposal
184 systems, the local government shall:

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

187 (B) Identify onsite sewage treatment and disposal systems
188 that would be eliminated through connection to existing or
189 future central domestic wastewater infrastructure in the
190 jurisdiction or domestic wastewater service area of the local
191 government, that would be replaced with or upgraded to enhanced
192 nutrient-reducing onsite sewage treatment and disposal systems,
193 or that would remain on conventional onsite sewage treatment and
194 disposal systems;

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

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

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

203 10. When identifying wastewater projects in a basin

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204 management action plan, the department may not require the
205 higher cost option if it achieves the same nutrient load
206 reduction as a lower cost option. A regulated entity may choose
207 a different cost option if it complies with the pollutant
208 reduction requirements of an adopted total maximum daily load
209 and meets or exceeds the pollution reduction requirement of the
210 original project.

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