

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 827 Wastewater Grants
SPONSOR(S): Basabe, Lopez, V. and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 458

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Water Quality, Supply & Treatment Subcommittee	17 Y, 0 N	Curtin	Curtin
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

The Clean Waterways Act (Act), enacted in 2020, is comprehensive legislation that requires certain state agencies, local governments, and private sector entities to improve water quality through stricter regulations and close monitoring of Florida's water resources. The Act includes a wide range of water quality protection provisions, one of which is a wastewater grant program. The wastewater grant program allows the Department of Environmental Protection (DEP), in consultation with the Water Management Districts, to award grants to governmental entities for the following:

- Projects to retrofit onsite sewage treatment and disposal systems (OSTDSs) to upgrade them to enhanced nutrient-reducing OSTDSs;
- Projects to provide advanced waste treatment; and
- Projects to connect OSTDSs to central sewer facilities.

The projects must be located within a basin management action plan, a reasonable assurance plan, or a rural area of opportunity.

The bill expands the areas within which DEP may provide wastewater grants to include all water bodies or water body segments listed as impaired. An impaired waterbody is one that does not meet applicable water quality standards.

This bill does not have any fiscal impact on the state. See comments in II.A., Fiscal Impact on State Government, below.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Clean Waterways Act (Act), enacted in 2020, is comprehensive legislation that requires certain state agencies, local governments, and private sector entities to improve water quality through stricter regulations and close monitoring of Florida's water resources.¹ The Act includes a wide range of water quality protection provisions, one of which is a wastewater grant program.²

The wastewater grant program allows the Department of Environmental Protection (DEP), in consultation with the Water Management Districts, to award grants to governmental entities for the following:³

- Projects to retrofit onsite sewage treatment and disposal systems (OSTDSs) to upgrade them to enhanced nutrient-reducing OSTDSs;
- Projects to construct, upgrade, or expand facilities to provide advanced waste treatment; and
- Projects to connect OSTDSs to central sewer facilities.

The projects must individually or collectively reduce excess nutrient pollution and they must be located within of one three areas:⁴

- A basin management action plan (BMAP). A BMAP is a restoration plan developed for the watersheds and basins connected to impaired waterbodies that are included on DEP's verified list of impaired waterbodies (Verified List).⁵ An impaired waterbody is one that does not meet applicable water quality standards,⁶ and a BMAP addresses the pollutant causing the impairment.⁷ Thirty-three BMAPs have been developed statewide.⁸
- A reasonable assurance plan (RAP). Impaired waterbodies with plans that provide reasonable assurance that they will attain water quality standards may avoid placement on DEP's Verified List.⁹ RAPs are adopted by order of the Secretary of DEP,¹⁰ and they "may obviate the need to use limited state resources to . . . implement BMAPs."¹¹ Five reasonable assurance plans have been adopted.¹²
- A rural area of opportunity (RAO). A RAO is a community or region of communities which are uniquely distressed and are priority assignments for the Rural Economic Development Initiative.¹³ The Governor may designate no more than three RAOs.¹⁴

¹ Ch. 2020-150, Laws of Fla.

² S. 403.0673, F.S.

³ S. 403.0673(1) and (4), F.S.

⁴ S. 403.0673(1), F.S.

⁵ S. 403.067(7)(a)1., F.S.; R. 62-303.100(1), F.A.C.

⁶ R. 62-300.200(7), F.A.C. ("Impaired water" shall mean a waterbody or waterbody segment that does not meet its applicable water quality standards as set forth in Chapters 62-302 and 62-4, F.A.C. . . . due in whole or in part to discharges of pollutants from point or nonpoint sources).

⁷ Florida Department of Environmental Protection (DEP), Division of Environmental Assessment and Restoration, *Guidance on Developing Restoration Plans as Alternatives to TMDLs – Assessment Category 4b and 4e Plans*, p. 2 (June 2015) <https://floridadep.gov/sites/default/files/4b4ePlansGuidance.pdf> (last visited March 1, 2023).

⁸ Office of Economic & Demographic Research (EDR), *Annual Assessment of Florida's Water Resources: Quality*, p. 5 (2023), http://edr.state.fl.us/Content/natural-resources/2023_AnnualAssessmentWaterResources_Chapter4.pdf (last visited March 1, 2023).

⁹ R. 62-303.600(2), F.A.C.

¹⁰ EDR, *supra* note 8, at 29.

¹¹ *Id.* at 27.

¹² *Id.* at 29.

¹³ S. 288.0656(2)(d) and (7)(a), F.S.

¹⁴ S. 288.0656(7)(a), F.S.

Each grant for a wastewater project requires a minimum 50 percent local match, but DEP may waive such match for projects within an area designated as a RAO.¹⁵

Effect of the Bill

The bill expands the areas within which DEP may provide wastewater grants to include all water bodies or water body segments listed as impaired pursuant to s. 403.067, F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 403.0673, F.S., related to a wastewater grant program.

Section 2. Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Subject to appropriation, the bill requires DEP to expand the areas eligible to participate in the wastewater grant program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.