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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2024	.	
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The Committee on Environment and Natural Resources (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 376.92, Florida Statutes, is created to
read:

376.92 Contaminants of emerging concern; inventory of
probable sources of contamination; pretreatment.-

(1) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Environmental



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11 Protection.

12 (b) "Industrial user" means a nondomestic source of a
13 discharge.

14 (c) "Major facility" means a facility or an activity
15 permitted under the National Pollutant Discharge Elimination
16 System which is classified as such by the United States
17 Environmental Protection Agency with the concurrence of the
18 department.

19 (d) "PFAS" means per- and polyfluoroalkyl substances,
20 including perfluorooctanoic acid (PFOA) and perfluorooctane
21 sulfonate (PFOS).

22 (e) "Pretreatment" means the reduction of the amount of
23 pollutants, the elimination of pollutants, or the alteration of
24 the nature of pollutant properties in wastewater before or in
25 lieu of discharging or otherwise introducing such pollutants
26 into a wastewater facility. The reduction or alteration may be
27 obtained by physical, chemical, or biological processes, by
28 process changes, or by other means, except as prohibited by rule
29 62-625.410(5), Florida Administrative Code.

30 (f) "Wastewater facility" means a facility that discharges
31 waste into waters of the state or which can reasonably be
32 expected to be a source of water pollution and includes any of
33 the following:

- 34 1. The collection and transmission system.
- 35 2. The wastewater treatment works.
- 36 3. The reuse or disposal system.
- 37 4. The biosolids management facility.

38 (2) PFAS AND 1,4-DIOXANE PRETREATMENT INITIATIVE.—

39 (a) The PFAS and 1,4-dioxane pretreatment initiative is



40 established within the department. The purpose of the initiative
41 is to prevent contaminants of emerging concern, including PFOS,
42 PFOA, and 1,4-dioxane, from entering the waters of the state
43 through wastewater facilities. The department shall coordinate
44 with wastewater facilities to implement the pretreatment of
45 contaminants of emerging concern pursuant to this section.

46 (b) By November 1, 2024, the department shall provide
47 specific guidance to wastewater facilities with an industrial
48 pretreatment program on the types of industrial users to be
49 included in a required inventory of industrial users that are
50 probable sources of PFOS, PFOA, or 1,4-dioxane. Upon issuance of
51 the guidance, each such wastewater facility shall conduct such
52 an inventory and submit it to the department by July 1, 2025.

53 (c) Within 30 days after submitting the inventory required
54 by paragraph (b), the wastewater facility shall send all
55 industrial users identified in the wastewater facility's
56 inventory a written notice that the industrial user has been
57 identified as a probable source of PFOS, PFOA, or 1,4-dioxane.
58 The notice must:

59 1. Inform the industrial user that it will be issued
60 permits, orders, or similar measures to enforce applicable
61 pretreatment standards for PFOS, PFOA, or 1,4-dioxane, including
62 specific discharge limits, as early as 1 year after the date the
63 written notice has been sent to the user by wastewater facility.

64 2. Encourage the industrial user to take action to reduce
65 the probability that PFOS, PFOA, or 1,4-dioxane discharges
66 exceed specific discharge limits before permits, orders, or
67 similar measures are issued to enforce applicable pretreatment
68 standards and requirements.



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69 (d) All industrial users identified as probable sources of
70 PFOS, PFOA, or 1,4-dioxane discharges must be issued permits,
71 orders, or similar measures to enforce applicable pretreatment
72 standards and requirements for PFOS, PFOA, or 1,4-dioxane by
73 July 1, 2027. Each permit, order, or similar measure must
74 include monitoring, sampling, reporting, and recordkeeping
75 requirements.

76 (e) A wastewater facility that begins implementing an
77 industrial pretreatment program after July 1, 2024, shall
78 complete an inventory of industrial users to identify probable
79 sources of PFOS, PFOA, or 1,4-dioxane discharges and shall issue
80 a permit, an order, or a similar measure to enforce applicable
81 pretreatment standards and requirements consistent with this
82 section.

83 (f) The department may expand the initiative to other
84 wastewater treatment plants to include wastewater facilities
85 permitted under the National Pollutant Discharge Elimination
86 System.

87 (g) By July 1, 2025, the department shall complete an
88 inventory of all industrial users that are major facilities that
89 discharge directly to surface waters to identify probable
90 sources of PFOS, PFOA, or 1,4-dioxane discharges. The department
91 shall issue a notice to such a major facility specifying that
92 the facility has been identified as a probable source of PFOS,
93 PFOA, or 1,4-dioxane discharges, and shall issue to the major
94 facility a permit, an order, or a similar measure to enforce
95 applicable pretreatment standards and requirements consistent
96 with this section.

97 (3) DISCHARGE LIMITS.-



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98 (a) Beginning July 1, 2025, the following interim specific
99 discharge limits for PFOS, PFOA, and 1,4-dioxane for industrial
100 users are established until new specific discharge limits are
101 established:

- 102 1. For PFOS, 10 nanograms per liter.
103 2. For PFOA, 170 nanograms per liter.
104 3. For 1,4-dioxane, 200,000 nanograms per liter.

105 (b) A wastewater facility may develop and propose local
106 limits for PFOS, PFOA, or 1,4-dioxane to the department and may
107 include the local limits in permits, orders, or similar measures
108 once they are approved by the department.

109 (4) VIOLATIONS AND ADMINISTRATIVE ACTION.—An industrial
110 user is not subject to civil or criminal penalties for
111 violations of applicable pretreatment standards and requirements
112 for PFOS, PFOA, or 1,4-dioxane during the first 2 years after a
113 permit, an order, or a similar measure is issued to the
114 industrial user. A wastewater facility and the department shall
115 take into consideration the costs of implementing best
116 management practices and other corrective actions when taking
117 enforcement action for violations of discharge limits and other
118 applicable pretreatment standards and requirements for PFOS,
119 PFOA, or 1,4-dioxane.

120 Section 2. The Legislature finds that this act fulfills an
121 important state interest.

122 Section 3. This act shall take effect July 1, 2024.

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

125 And the title is amended as follows:

126 Delete everything before the enacting clause



127 and insert:

128 A bill to be entitled
129 An act relating to preventing contaminants of emerging
130 concern from discharging into wastewater facilities
131 and waters of the state; creating s. 376.92, F.S.;
132 defining terms; establishing the PFAS and 1,4-dioxane
133 pretreatment initiative within the Department of
134 Environmental Protection for a specified purpose;
135 requiring the department to coordinate with wastewater
136 facilities in implementing the pretreatment of
137 contaminants of emerging concern; requiring the
138 department, by a specified date, to provide certain
139 guidance to wastewater facilities with an industrial
140 pretreatment program; requiring such wastewater
141 facilities to conduct an inventory of industrial users
142 that are probable sources of specified contaminants
143 and to submit the inventory to the department by a
144 specified date; requiring wastewater facilities to
145 notify identified industrial users; providing
146 requirements for the notice; requiring that industrial
147 users identified as probable sources of the specified
148 contaminants be issued permits, orders, or similar
149 measures to enforce specified pretreatment standards
150 by a specified date; providing requirements for such
151 measures; providing requirements for certain
152 wastewater facilities that have industrial
153 pretreatment programs which begin implementing an
154 industrial treatment program after a specified date;
155 authorizing the department to expand the initiative;



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156 requiring the department to conduct an inventory of
157 major facilities that discharge directly to surface
158 waters to identify probable sources of the specified
159 contaminants; requiring the department to issue a
160 notice and permits, orders, or similar measures to
161 such a major facility to enforce specified
162 pretreatment standards; providing interim discharge
163 limits for industrial users beginning on a specified
164 date; providing that such limits are effective for a
165 specified timeframe; authorizing wastewater facilities
166 to develop and propose local limits for PFOS, PFOA, or
167 1,4-dioxane to the department for approval; providing
168 that industrial users are not subject to civil or
169 criminal penalties for violations of certain standards
170 and requirements during a specified period; requiring
171 wastewater facilities and the department to take into
172 consideration specified factors when taking
173 enforcement actions for such violations; providing a
174 declaration of important state interest; providing an
175 effective date.