The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL:	SB 1692
INTRODUCER:	Senator Brodeur
SUBJECT:	Preventing Contaminants of Emerging Concern from Discharging Into Wastewater Facilities and Waters of the State
DATE:	January 22, 2024
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Pre-meeting**
2.			AEG	
3.			FP	

I. Summary:

SB 1692 creates the Per- and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane Pretreatment Initiative within the Department of Environmental Protection (DEP) for the purpose of coordinating wastewater facility industrial pretreatment programs. The bill requires wastewater facilities with industrial pretreatment programs to do the following:

- Complete and provide to DEP between June 1, 2025, and July 1, 2025, an inventory of industrial users to identify probable sources of 1,4-dioxane and certain types of PFAS;
- On or before March 1, 2025, provide notice to the previously identified industrial users that they may become subject to applicable pretreatment standards and that 1,4-dioxane and certain types of PFAS may be controlled through permit, order, or similar means beginning July 1, 2026;
- Issue a permit, order, or similar measure to enforce applicable pretreatment standards and requirements for 1,4-dioxane and certain types of PFAS, including specific discharge limits; and
- Between July 1, 2026, and January 1, 2027, complete a grab sampling at each identified industrial user's facility and other at-risk sites that are probably sources of 1,4-dioxane and certain types of PFAS and implement appropriate corrective action before July 1, 2027, to reduce or eliminate these contaminants.

The bill also provides discharge limits and surface water quality standards for 1,4-dioxane and certain types of PFAS for industrial users until new specific discharge limits are adopted by DEP and ratified by the Legislature.

II. Present Situation:

Wastewater Treatment

The proper treatment and disposal or reuse of wastewater is a crucial part of protecting Florida's water resources. The majority of the state's wastewater is controlled and treated by centralized treatment facilities regulated by the Department of Environmental Protection (DEP). There are over 4,100 active wastewater facilities regulated by DEP.[1] Approximately 2,100 of these facilities are classified as industrial and 2,000 as domestic wastewater.[2]

Under the federal Clean Water Act, any discharge of a pollutant from a point source[3] to surface waters (i.e., the navigable waters of the United States or beyond) must obtain a National Pollution Discharge Elimination System (NPDES) permit.[4] NPDES permit requirements for most wastewater facilities or activities (domestic or industrial) that discharge to surface waters are incorporated into a state-issued permit, thus giving the permittee one set of permitting requirements rather than one state and one federal permit.[5] DEP issues operation permits for a period of five years for facilities regulated under the NPDES program and up to 10 years for other domestic wastewater treatment facilities meeting certain statutory requirements.[6]

DEP oversees the development and implementation of local pretreatment programs in the state.[7] These local pretreatment programs are developed and implemented in accordance with the Clean Water Act, the state NPDES program within s. 403.0885, F.S., and Chapter 62-625 of the Florida Administrative Code. Pretreatment is the removal, reduction or alteration of pollutants in industrial wastewater prior to discharge or introduction into a domestic wastewater treatment facility. Metal finishing and related operations are a common source of industrial wastewater in Florida that typically requires treatment prior to discharge to a wastewater treatment facility.[8]

In general, a pretreatment program may be required if a publicly owned wastewater treatment facility receives discharge from significant industrial users and the wastewater treatment facility discharges to either surface waters of the state or various reuse systems. There are currently 67 active pretreatment programs.[9]

---

[1] Dep't of Environmental Protection (DEP), *General Facts and Statistics about Wastewater in Florida*, https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida (last visited Jan. 18, 2023).
[2] *Id.*
[3] "Point source" is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Fla. Admin. Code R. 62-620.200(37).
[4] 33 U.S.C. s. 1342.
[5] Sections 403.061 and 403.087, F.S.
[6] Section 403.087(3), F.S.
[7] DEP, *Domestic Wastewater Industrial Pretreatment Program*, https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-industrial-pretreatment-program (last visited Jan. 18, 2024).
[8] *Id.*
[9] *Id.*

Penalties

Section 376.302, F.S., outlines the penalties for specific violations of Chapter 376, F.S., including:

- Discharge of pollutants or hazardous substances into the state's surface or ground waters or onto its lands in violation of any departmental standard;[10]
- Failure to obtain or comply with a permit required by Chapter 376, F.S., or to noncompliance with DEP rules, orders, permits, registrations, or certifications.

Violators are liable to the state for any damage caused and subject to civil penalties of up to $15,000 per offense, with each day during any portion of which such violation occurs constituting a separate offence.[11] There is an exception for discharges that are promptly reported and, where applicable, removed in accordance with DEP rules and orders when the site has been determined eligible for participation in a program described in s. 376.3078, F.S., (dry-cleaning facility restoration) or s. 376.3079, F.S. (third-party liability insurance for dry-cleaning facilities or wholesale supply facilities).[12]

However, any person who *willfully* commits these violations is guilty of a first-degree misdemeanor, punishable by a fine between $2,500 and $25,000, or one year in jail, or both, for each offense.[13] Each day during any portion of which such violation occurs constitutes a separate offense.[14]

In addition, it is a violation of Chapter 376, F.S., to:

- Knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under Chapter 376, F.S.; or
- Falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under Chapter 376, F.S., or by any permit, registration, rule, or order issued under this chapter.[15]

Any person who commits such violations is guilty of a first-degree misdemeanor, punishable by a fine of not more than $10,000 or by 6 months in jail, or by both, for each offense.[16]

[10] "Standard" means any DEP rule relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term does not include rules which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters. Section 403.803(13), F.S.
[11] Sections 376.302(2) and 403.141(1), F.S.
[12] Sections 376.302(2) and 376.311, F.S.
[13] Section 376.302(3), F.S.
[14] *Id.*
[15] Section 376.302(4), F.S.
[16] *Id.*

Contaminants of Emerging Concern

Contaminants of Emerging Concern (CECs) are chemicals that are being discovered in water that previously had not been detected or are being detected at levels that may be different than expected.[17] While there are no regulatory limits, there may be a long-term potential risk to human health or the environment associated with CECs. Additional studies may also bring new or changing health exposure information. The United States Environmental Protection Agency (EPA) prioritizes CECs for research and data collection. As part of this data collection, all large and selected smaller public water systems across the U.S. are required to monitor for the targeted CECs.[18]

Per- and Polyfluoroalkyl Substances (PFAS)

PFAS are a large and complex class of synthetic chemicals that are resistant to heat, water, and oil.[19] Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) are two of the most widely used and studied chemicals in the PFAS group.[20] PFOA and PFOS have been replaced in the U.S. with other PFAS in recent years.[21] In chemical and product manufacturing, GenX chemicals are considered a replacement for PFOA, and perfluorobutane sulfonate (PFBS) is considered a replacement for PFOS.[22]

PFAS have been used in a wide variety of consumer products and industrial processes since the 1940s.[23] Most people in the U.S. have been exposed to PFAS, primarily through touching, drinking, eating, or breathing in materials containing these chemicals.[24] PFAS may be present in:

- Drinking water;
- Waste sites, including soil and water at or near landfills, disposal sites, and hazardous waste sites;
- Fire extinguishing foam used in training and emergency response events at airports and firefighting training facilities;
- Manufacturing facilities, including chrome plating, electronics, and certain textile and paper manufacturers that produce or use PFAS;
- Consumer products, including stain- or water-repellent, or non-stick products, paints, sealants, and some personal care products;
- Food packaging, including grease-resistant paper, microwave popcorn bags, pizza boxes, and candy wrappers;

[17] DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern (last visited Jan. 18, 2024).
[18] *Id.*
[19] DEP, *PFAS Dynamic Plan*, 3 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[20] EPA, *Drinking Water Health Advisories for PFAS: Fact Sheet for Communities*, 2 (2022) *available at* https://www.epa.gov/system/files/documents/2022-06/drinking-water-ha-pfas-factsheet-communities.pdf.
[21] *Id.*
[22] *Id.*
[23] EPA, *PFAS Explained*, 2 (2023), *available at* https://www.epa.gov/system/files/documents/2023-10/final-virtual-pfas-explainer-508.pdf.
[24] *Id.*

- Biosolids, including fertilizer from wastewater treatment plants used on agricultural lands; and
- Food, including fish caught from PFAS-contaminated water and dairy products from livestock exposed to PFAS.[25]

Because PFAS do not break down in the environment—earning them the nickname "Forever Chemicals"—concentrations of PFAS can accumulate in people, wildlife, and the environment over time, infiltrate soils, and contaminate drinking water sources.[26] Even at very low levels, exposure to PFAS can cause serious health problems, including:

- Reproductive effects such as increased high blood pressure in pregnant people;
- Developmental effects or delays in children, including low birth weight, bone variations, or behavioral changes;
- Increased risk of some cancers, including kidney and testicular cancers;
- Reduced ability of the body's immune system to fight infections, including reduced vaccine effectiveness;
- Interference with the body's natural hormones, including thyroid hormones;
- Increased cholesterol levels; and
- Liver damage.[27]

Our understanding of these chemicals and their impact on human health is incomplete, and PFAS regulatory and technical developments are quickly evolving.[28] Currently, technologies capable of reducing PFAS in drinking water include granular activated carbon, anion exchange resins, reverse osmosis, and nanofiltration.[29]

In Florida, widespread use of PFAS has led to contamination of state groundwater resources, including private and public potable supply wells.[30] DEP has begun investigating potential sources of PFAS and has found PFAS at fire training facilities, state funded cleanup sites, and dry-cleaning sites. PFAS contamination has also been identified at federal facilities in Florida.[31]

---

[25] *Id.*
[26] *See* EPA, *Fact Sheet: EPA's Proposal to Limit PFAS in Drinking Water*, 5 (2023), *available at* https://www.epa.gov/system/files/documents/2023-04/Fact%20Sheet_PFAS_NPWDR_Final_4.4.23.pdf; U.S. Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS)*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Jan. 17, 2024).
[27] EPA, *Fact Sheet: EPA's Proposal to Limit PFAS in Drinking Water*, 5 (2023), *available at* https://www.epa.gov/system/files/documents/2023-04/Fact%20Sheet_PFAS_NPWDR_Final_4.4.23.pdf.
[28] DEP, *PFAS Dynamic Plan*, 3 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[29] EPA, *Fact Sheet: EPA's Proposal to Limit PFAS in Drinking Water*, 2 (2023), *available at* https://www.epa.gov/system/files/documents/2023-04/Fact%20Sheet_PFAS_NPWDR_Final_4.4.23.pdf.
[30] DEP, *PFAS Dynamic Plan*, 3 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[31] *Id.*; DEP, *DEP's Efforts to Address PFAS in the Environment*, https://floridadep.gov/waste/waste-cleanup/content/dep%E2%80%99s-efforts-address-pfas-environment (last visited Jan. 16, 2024).

Regulations and Guidance

The Safe Drinking Water Act gives EPA the authority to publish health advisories and set enforceable National Primary Drinking Water Regulations for drinking water contaminants.[32] EPA may also require monitoring of public water systems.[33]

EPA has proposed enforceable maximum contaminant levels (MCLs) and published interim drinking water health advisories levels (HALs) for several types of PFAS. MCLs are legally enforceable standards that establish the maximum level of a contaminant allowed in drinking water which can be delivered to users of a public water system.[34] HALs are developed when a chemical is found in drinking water but no MCL has been established.[35] HALs are non-enforceable and non-regulatory and provide technical information to state agencies and other public health officials on health effects, analytical methods, and treatment technologies associated with drinking water contamination.[36] Lifetime HALs represent the concentration of a contaminant in drinking water at below which adverse health effects are not anticipated to occur over a lifetime.[37]

In 2016, EPA published drinking water HALs for PFOA and PFOS of 70 parts per trillion (ppt).[38] In 2022, EPA released updated HALs based on data indicating that the levels at which negative health effects could occur are much lower than previously understood.[39] The updated HALs included four types of PFAS and are as follows:

- PFOA 0.004 ppt or nanograms/Liter (ng/L).
- PFOS 0.02 ppt or ng/L.
- GenX 10 ppt or ng/L.
- PFBS 2,000 ppt or ng/L.[40]

The 2022 interim drinking water HALs for PFOA and PFOS will continue to remain available as EPA finalizes a national primary drinking water regulation for those contaminants.[41] In March

---

[32] EPA, *Fact Sheet: EPA's Proposal to Limit PFAS in Drinking Water*, 2 (2023), *available at* https://www.epa.gov/system/files/documents/2023-04/Fact%20Sheet_PFAS_NPWDR_Final_4.4.23.pdf.
[33] EPA, *Proposed PFAS National Primary Drinking Water Regulation*, https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas (last visited Jan. 16, 2024).
[34] EPA, *Fact Sheet: EPA's Proposal to Limit PFAS in Drinking Water*, 4 (2023), *available at* https://www.epa.gov/system/files/documents/2023-04/Fact%20Sheet_PFAS_NPWDR_Final_4.4.23.pdf.
[35] Florida Dep't of Health (DOH), *Chemical Contaminants–HALs and Chemical Fact Sheets*, https://www.floridahealth.gov/environmental-health/drinking-water/chemicals-hals.html (last visited Jan. 16, 2024).
[36] EPA, *Drinking Water Health Advisories for PFAS: Fact Sheet for Communities*, 2 (2022) *available at* https://www.epa.gov/system/files/documents/2022-06/drinking-water-ha-pfas-factsheet-communities.pdf.
[37] *Id.*
[38] *See* 87 Fed. Reb. 36848, 36849 (June 21, 2022). EPA also published interim recommendations for contaminated groundwater using the HAL of 70 ppt; however, that guidance has been rescinded. *See* EPA, *EPA Releases PFAS Groundwater Guidance for Federal Cleanup Programs, Fulfilling PFAS Action Plan Commitment*, https://www.epa.gov/newsreleases/epa-releases-pfas-groundwater-guidance-federal-cleanup-programs-fulfilling-pfas-action (last visited Jan. 17, 2024); EPA, *Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS*, https://www.epa.gov/pfas/interim-recommendations-addressing-groundwater-contaminated-pfoa-and-pfos (last visited Jan. 17, 2024).
[39] 87 Fed. Reb. 36848, 36849 (June 21, 2022).
[40] *Id.*
[41] EPA, *Drinking Water Health Advisories for PFAS: Fact Sheet for Communities*, 1 (2022) *available at* https://www.epa.gov/system/files/documents/2022-06/drinking-water-ha-pfas-factsheet-communities.pdf.

2023, EPA proposed MCLs for six types of PFAS known to occur in drinking water.[42] EPA is proposing to regulate PFOA and PFOS at a level they can be reliably measured—4.0 ppt or ng/L.[43] EPA is also proposing an enforceable MCL on a combination of PFBS, GenX chemicals, and other types of PFAS. For these PFAS, water systems would use an approach called a hazard index[44] to determine if the combined levels of these PFAS pose a potential risk. This approach protects communities from the additive effects of multiple PFAS when they occur together.[45]

EPA's proposed rule would also require public water systems to:

- Monitor for these types of PFAS;
- Notify the public of PFAS levels; and
- Reduce PFAS levels in drinking water if they exceed the proposed standards.[46]

In Florida, the Department of Health (DOH) has established a lifetime drinking water HAL for PFOA and PFOS of 70 ppt or ng/L, applied to PFOA and PFOS individually or combined.[47] This is consistent with EPA's initial HAL for these contaminants.

Under s. 376.91, F.S., if EPA has not finalized its standards for PFAS by January 1, 2025, DEP must adopt rules providing statewide cleanup target levels (CTLs) for PFAS in drinking water, groundwater, and soil with priority given to PFOA and PFOS. The rules for statewide CTLs for PFOA and PFOS may not take effect until ratified by the Legislature.[48] A CTL is the concentration for each contaminant identified by an applicable analytical test method, in the medium of concern, at which a site rehabilitation program is deemed complete.[49] DEP establishes by rule CTLs for specific contaminants.[50] These CTLs apply to requirements for site rehabilitation across numerous programs.

[42] 88 Fed. Reg. 18638, 18641 (Mar. 29, 2023); EPA, *Proposed PFAS National Primary Drinking Water Regulation*, https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas (last visited Jan. 16, 2024).
[43] *Id.*; 88 Fed. Reg. 18638, 18666.
[44] The Hazard Index is a tool used to evaluate health risks of simultaneous exposure to mixtures of related chemicals. EPA, *Fact Sheet: EPA's Proposal to Limit PFAS in Drinking Water*, 4 (2023), *available at* https://www.epa.gov/system/files/documents/2023-04/Fact%20Sheet_PFAS_NPWDR_Final_4.4.23.pdf.
[45] EPA, *Fact Sheet: EPA's Proposal to Limit PFAS in Drinking Water*, 1-2 (2023), *available at* https://www.epa.gov/system/files/documents/2023-04/Fact%20Sheet_PFAS_NPWDR_Final_4.4.23.pdf.
[46] EPA, *Proposed PFAS National Primary Drinking Water Regulation*, https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas (last visited Jan. 16, 2024).
[47] DEP, *PFAS Dynamic Plan*, 5 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[48] Section 376.91(2)(a), F.S.
[49] Section 376.301(8), F.S.
[50] *See generally* Fla. Admin. Code Ch. 62-777.

DEP's provisional groundwater and soil CTLs for PFOA and PFOS are as follows:[51]

Provisional CTLs		
Groundwater	Soil	
	Residential	Commercial/ Industrial
70 ng/L	1.3 mg/kg	25 mg/kg

ng/L = nanograms per liter (parts per trillion)
mg/kg = milligram per kilogram (parts per million)

DEP has also developed screening levels for irrigation and surface water, which are not considered CTLS and are not enforceable.[52] The screening levels for surface water consider the protection of human health for the consumption of freshwater and estuarine finfish and shellfish.[53]

Provisional Surface Water Screening Levels			
	Human Health*	Ecological	
	Freshwater and Estuarine Finfish and Shellfish	Freshwater	Marine
PFOA	0.5 µg/L	1,300 µg/L	*Not enough data*
PFOS	0.01 µg/L	37 µg/L	13 µg/L

µg/L = microgram per liter (parts per billion)
* Human Health values are based on a Probabilistic Risk Assessment

Provisional Irrigation Water Screening Levels			
	Residential	Commercial/ Industrial	Produce
PFOA	6.7 µg/L	750 µg/L	NA
PFOS	72 µg/L	370 µg/L	0.6 µg/L

µg/L = microgram per liter (parts per billion)

1,4-Dioxane

1,4-dioxane is a man-made chemical widely used in laboratory and manufacturing processes and has been a byproduct of chemicals used in personal care products, laundry detergents, and

[51] DEP, *PFAS Dynamic Plan*, 10 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[52] *Id.* at 10-11.
[53] *Id.* at 10.

food.[54] It has also been used as a stabilizer for chlorinated solvents and in the production of medicines and glues. 1,4-dioxane is found in paints, lacquers, dyes, waxes, greases, cosmetics, detergents, and other consumer products. It is also found in food from packaging material, in some food supplements, and on crops treated with pesticides containing 1,4-dioxane.[55] 1,4-dioxane is released into the environment in places where it is produced and used, contaminating the air, groundwater, and soil.[56] While 1,4-dioxine does not accumulate in plants or animals over time, it normally does not break down in groundwater.[57]

1,4-dioxane has been identified as a contaminant of emerging concern and as a likely human carcinogen.[58] Exposure to 1,4-dioxane can cause nausea, drowsiness, headache, irritation of the eyes, nose, and throat, liver and kidney damage, and death. People can be exposed to this chemical by:

- Drinking contaminated tap water;
- Breathing it in after it has been released into the air during bathing or laundering clothes with contaminated water;
- Getting it on their skin from contaminated soil;
- Eating contaminated foods.[59]

Regulations and Guidance

DEP enforces state regulated levels for 1,4-dioxane in groundwater, surface water, and soil pursuant to Chapters 62-780 and 62-777 of the Florida Administrative Code as follows:[60]

Groundwater	Surface Water	Soil	
		Residential	Commercial
3.2 µg/L	120 µg/L	23 mg/kg	38 mg/kg

µg/L = microgram per liter (parts per billion)

mg/kg = milligram per kilogram (parts per million)

[54] DOH, *1,4-Dioxane*, 1 (2021), *available at* https://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/_documents/final-faq-14dx.pdf#:~:text=The%20current%20EPA%20Health%20Advisory%20Level%20%28HAL%29%20for,added%20to%20approximately%20150%20million%20gallons%20of%20water.
[55] *Id.*
[56] *Id.*
[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] DOH, *1,4-Dioxane*, 2 (2021), *available at* https://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/_documents/final-faq-14dx.pdf#:~:text=The%20current%20EPA%20Health%20Advisory%20Level%20%28HAL%29%20for,added%20to%20approximately%20150%20million%20gallons%20of%20water.

EPA has not established a drinking water MCL for 1,4-dioxane. However, EPA and DOH have set a drinking water HAL of 0.35 micrograms per liter (µg/L).[61] There is no required routine sampling of public or private drinking water wells for this chemical.[62]

III. Effect of Proposed Changes:

Section 1 creates s. 376.92, F.S., regarding contaminants of emerging concern. The bill creates the Per- and Polyfluoroalkyl Substances (PFAS) and 1,4-Dioxane Pretreatment Initiative within the Department of Environmental Protection (DEP). The bill defines "PFAS" as per- and polyfluoroalkyl substances, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

The bill provides that the purpose of the initiative is to coordinate wastewater facility industrial pretreatment programs. The bill defines "pretreatment" as the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before or in lieu of discharging or otherwise introducing such pollutants into a wastewater facility. The reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means, except as prohibited by rule 62-625.410(5) of the Florida Administrative Code.[63]

The bill defines "wastewater facility" as a facility that discharges waste into waters of the state or which can reasonably be expected to be a source of water pollution and includes any of the following:

- The collection and transmission system.
- The wastewater treatment works.
- The reuse or disposal system.
- The biosolids management facility.

Wastewater facilities must complete and provide to DEP between June 1, 2025, and July 1, 2025, an inventory of industrial users to identify probable sources of PFOS, PFOA, or 1,4-dioxane. The bill defines "industrial users" as a source of a discharge.

The bill also requires DEP to provide written guidance to all wastewater facilities with industrial pretreatment programs on or before September 1, 2024, which includes, but is not limited to, the industry types and other known at-risk sites that should be included as part of each wastewater facility's inventory of probable sources of PFOS, PFOA, or 1,4-dioxane discharge. The bill provides that, on or before January 1, 2025, a member of the public may recommend to the wastewater facilities and DEP industrial users that should be included in the probable sources inventory of each wastewater facility with an industrial pretreatment program.

Wastewater facilities must, on or before March 1, 2025, provide notice to DEP and any industrial user that has been initially identified by the inventory as being a probable source of PFOS, PFOA, or 1,4-dioxane discharges. The notice must include a statement that the identified

[61] DOH, *1,4-Dioxane Fact Sheet* 1 (2016), *available at* https://www.floridahealth.gov/environmental-health/drinking-water/_documents/dioxanefs2016updated.pdf.
[62] *Id.*
[63] Rule 62-625.410(5) of the Florida Administrative Code prohibits dilution as a substitute for treatment.

industrial users may become subject to applicable pretreatment standards and requirements, including specific discharge limits for PFOS, PFOA, or 1,4-dioxane pursuant to the pretreatment program, and that these contaminants may be controlled through permit, order, or similar means beginning on July 1, 2026. The bill provides that an industrial user may respond to the notice by May 1, 2025, to provide any compelling information as to why the industrial user is not a probable source of PFOS, PFOA, or 1,4-dioxane discharge.

Wastewater facilities must:

- Submit to DEP the final inventory of the industrial users that are subject to applicable pretreatment standards and requirements, including specific discharge limits for PFOS, PFOA, or 1,4-dioxane; and
- Provide notice to the industrial users on the list that such users will be issued permits, orders, or similar measures to enforce applicable pretreatment standards and requirements for PFOS, PFOA, or 1,4-dioxane beginning on July 1, 2026.

The wastewater facility and DEP must encourage an industrial user identified by the final inventory to take action to reduce the likelihood that its PFOS, PFOA, or 1,4-dioxane discharges exceed specific discharge limits before the issuance of a permit, order, or similar measures to enforce applicable pretreatment standards and requirements.

Wastewater facilities must issue a permit, order, or similar measure to enforce applicable pretreatment standards and requirements for PFOS, PFOA, or 1,4-dioxane, including specific discharge limits, which will become effective on July 1, 2026. A wastewater facility must require that each industrial user perform self-monitoring and sampling and meet reporting, notification, and record-keeping requirements, including identification of how the industrial user shall monitor PFOS, PFOA, or 1,4-dioxane, sampling locations, sampling frequency, and sample types.

Finally, wastewater facilities must complete, between July 1, 2026, and January 1, 2027, a grab sampling at each identified industrial user's facilities and other at-risk sites that are probable sources of PFOS, PFOA, or 1,4-dioxane discharges. If the self-reported data or a DEP grab sample is at or above specified discharge limits for PFOS, PFOA, or 1,4-dioxane, the wastewater facility must implement appropriate corrective action, including:

- The use of best management practices,
- Changes in processes,
- Product replacements,
- Equipment or tank change-outs or clean-outs, or
- Pretreatment technologies to reduce or eliminate PFOS, PFOA, or 1,4-dioxane..

The corrective actions must be implemented at industrial facilities or other at risk sites on or before July 1, 2027.

The bill provides that a wastewater facility that begins implementing an industrial pretreatment program after July 1, 2024, must complete an inventory of industrial users to identify probable sources of PFOS, PFOA, or 1,4-dioxane discharges and must issue a permit, order, or similar

measure to enforce applicable pretreatment standards and requirements consistent with this section.

The bill provides that DEP may expand the initiative to other wastewater treatment plants to include wastewater facilities permitted under the National Pollutant Discharge Elimination System.

The bill also provides that, beginning July 1, 2026, the following specific discharge limits and surface water quality standards for PFOS, PFOA, and 1,4-dioxane are established for industrial users until new specific discharge limits are adopted by DEP using criteria set forth in s. 376.30701, F.S.,[64] and ratified by the Legislature:

- For PFOS, 10 nanograms per liter.
- For PFOA, 170 nanograms per liter.
- For 1,4-dioxane, 200,000 nanograms per liter.

The bill requires DEP to incorporate the interim surface water quality standards for PFOS, PFOA, or 1,4-dioxane into the permitting requirements for wastewater facilities with industrial pretreatment programs with an industrial user that has a self-reported violation of discharge limits or if the wastewater facility has taken a grab sample at or above discharge limits for PFOS, PFOA, or 1,4-dioxane. The bill also requires DEP to create a schedule for ongoing sampling, reporting, and compliance for wastewater facilities with these new permitting requirements for PFOS, PFOA, and 1,4-dioxane.

The bill also provides that, on or before July 1, 2027, an entity may not be subject to civil or criminal penalties for violations of this section. After July 1, 2027, DEP must take into consideration the financial situation and the costs of implementing best management practices and other corrective actions for each wastewater facility out of compliance with its permit, order, or similar means when considering enforcement actions for violations of applicable pretreatment standards and requirements or violations of water quality standards.

Section 2 provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. However, an exception to the county/municipality provisions of Article VII, section 18 of the Florida Constitution may apply. The bill is expected to impact wastewater facilities with industrial pretreatment programs, which are programs administered by a public utility.[65] Under current regulations,

[64] Section 376.30701, F.S., relates to the application of risk-based corrective action principles to contaminated sites.
[65] *See* Fla. Admin. Code R. 62-625.200(18).

a public utility is defined as any state, county, or municipality owning, managing, controlling or operating a domestic wastewater treatment facility.[66] Because the bill would have the same impact on state and local wastewater facilities, it likely complies with the constitutional exception for all persons similarly situated, including the state and local governments. Accordingly, the bill may be excepted from the mandate provisions if the Legislature determines that the bill fulfills an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the bill without the correction in technical deficiencies, any source that discharges would be an industrial user. Private industrial users may incur costs related to complying with applicable pretreatment standards and requirements.

C. Government Sector Impact:

Public wastewater facilities may incur costs related to fulfilling the requirements under this bill, including identifying and providing notice to industrial users, conducting grab sampling, and monitoring and enforcing compliance with the bill's discharge limits. The Department of Environmental Protection may also incur costs related to the requirements of this bill, including providing written guidance to wastewater facilities and incorporating the interim surface water quality standards into the permitting requirements for certain wastewater facilities.

VI. Technical Deficiencies:

The bill defines "industrial user" broadly as a source of discharge. For more specificity, staff recommends defining this term as a nondomestic source of discharge. Staff also recommends changing "waste water" to "wastewater" on line 70.

[66] Fla. Admin. Code R. 62-625.200(21).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 376.92 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.