

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to preventing contaminants of emerging
3 concern from discharging into wastewater facilities
4 and waters of the state; creating s. 376.92, F.S.;
5 defining terms; establishing the PFAS and 1,4-dioxane
6 pretreatment initiative within the Department of
7 Environmental Protection for a specified purpose;
8 providing requirements for certain wastewater
9 facilities with industrial pretreatment programs which
10 begin implementing an industrial pretreatment program
11 after a specified date; authorizing the department to
12 expand the initiative; providing discharge limits and
13 surface water quality standards for industrial users
14 beginning on a specified date; providing that such
15 limits and standards are effective until the
16 department adopts specified rules and such rules are
17 ratified by the Legislature; requiring the department
18 to incorporate such limits and standards into certain
19 permitting requirements; requiring the department to
20 create a schedule for ongoing sampling, reporting, and
21 compliance; providing requirements for enforcement
22 actions for violations after a specified date;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 376.92, Florida Statutes, is created to
28 read:
29 376.92 Contaminants of emerging concern; inventory of

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30 probable sources of contamination; pretreatment.-

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

32 (a) "Department" means the Department of Environmental
33 Protection.

34 (b) "Industrial user" means a source of discharge.

35 (c) "PFAS" means per- and polyfluoroalkyl substances,
36 including perfluorooctanoic acid (PFOA) and perfluorooctane
37 sulfonate (PFOS).

38 (d) "Pretreatment" means the reduction of the amount of
39 pollutants, the elimination of pollutants, or the alteration of
40 the nature of pollutant properties in wastewater before or in
41 lieu of discharging or otherwise introducing such pollutants
42 into a wastewater facility. The reduction or alteration may be
43 obtained by physical, chemical, or biological processes, by
44 process changes, or by other means, except as prohibited by rule
45 62-625.410(5), Florida Administrative Code.

46 (e) "Wastewater facility" means a facility that discharges
47 waste into waters of the state or which can reasonably be
48 expected to be a source of water pollution and includes any of
49 the following:

50 1. The collection and transmission system.

51 2. The wastewater treatment works.

52 3. The reuse or disposal system.

53 4. The biosolids management facility.

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

55 (a) The PFAS and 1,4-dioxane pretreatment initiative is
56 established within the department. The purpose of the initiative
57 is to coordinate wastewater facility industrial pretreatment
58 programs. A wastewater facility with an industrial pretreatment

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59 program shall do all of the following:

60 1. Complete and provide to the department between June 1,
61 2025, and July 1, 2025, an inventory of industrial users to
62 identify probable sources of PFOS, PFOA, or 1,4-dioxane.

63 a. The department shall provide written guidance to all
64 wastewater facilities with industrial pretreatment programs on
65 or before September 1, 2024, which includes, but is not limited
66 to, the industry types and other known at-risk sites that should
67 be included as part of each wastewater facility's inventory of
68 probable sources of PFOS, PFOA, or 1,4-dioxane discharge.

69 b. On or before January 1, 2025, a member of the public may
70 recommend to the waste water facilities and the department
71 industrial users that should be included in the probable sources
72 inventory of each wastewater facility with an industrial
73 pretreatment program.

74 2. On or before March 1, 2025, provide notice to the
75 department and to any industrial user that has been initially
76 identified by the inventory as being a probable source of PFOS,
77 PFOA, or 1,4-dioxane discharges.

78 a. The notice must include a statement that the identified
79 industrial users may become subject to applicable pretreatment
80 standards and requirements, including specific discharge limits
81 for PFOS, PFOA, or 1,4-dioxane pursuant to the pretreatment
82 program, and that these contaminants may be controlled through
83 permit, order, or similar means beginning on July 1, 2026.

84 b. An industrial user may respond to the notice by May 1,
85 2025, to provide any compelling information as to why the
86 industrial user is not a probable source of PFOS, PFOA, or 1,4-
87 dioxane discharge.

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88 3. Submit to the department the final inventory of the
89 industrial users that are subject to applicable pretreatment
90 standards and requirements, including specific discharge limits
91 for PFOS, PFOA, or 1,4-dioxane, and provide notice to the
92 industrial users on the list that such users will be issued
93 permits, orders, or similar measures to enforce applicable
94 pretreatment standards and requirements for PFOS, PFOA, or 1,4-
95 dioxane beginning on July 1, 2026. The wastewater facility and
96 the department shall encourage an industrial user identified by
97 the final inventory to take action to reduce the likelihood that
98 its PFOS, PFOA, or 1,4-dioxane discharges exceed specific
99 discharge limits before the issuance of a permit, order, or
100 similar measures to enforce applicable pretreatment standards
101 and requirements.

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

111 5. Complete, between July 1, 2026, and January 1, 2027, a
112 grab sampling at each identified industrial user's facilities
113 and other at-risk sites that are probable sources of PFOS, PFOA,
114 or 1,4-dioxane discharges. If the self-reported data or a
115 department grab sample is at or above specified discharge limits
116 for PFOS, PFOA, or 1,4-dioxane, the wastewater facility must

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117 implement on or before July 1, 2027, appropriate corrective
118 action, including, but not limited to, the use of best
119 management practices, changes in processes, product
120 replacements, equipment or tank change-outs or clean-outs, or
121 pretreatment technologies to reduce or eliminate PFOS, PFOA, or
122 1,4-dioxane at such industrial facilities and other at-other
123 risk sites.

124 (b) A wastewater facility that begins implementing an
125 industrial pretreatment program after July 1, 2024, shall
126 complete an inventory of industrial users to identify probable
127 sources of PFOS, PFOA, or 1,4-dioxane discharges and must issue
128 a permit, order, or similar measure to enforce applicable
129 pretreatment standards and requirements consistent with this
130 section.

131 (c) The department may expand the initiative to other
132 wastewater treatment plants to include wastewater facilities
133 permitted under the National Pollutant Discharge Elimination
134 System.

135 (3) DISCHARGE LIMITS AND WATER QUALITY STANDARDS.—

136 (a) Beginning July 1, 2026, the following specific
137 discharge limits and surface water quality standards for PFOS,
138 PFOA, and 1,4-dioxane are established for industrial users until
139 new specific discharge limits are adopted by the department
140 using criteria set forth in s. 376.30701 and ratified by the
141 Legislature:

142 1. For PFOS, 10 nanograms per liter.

143 2. For PFOA, 170 nanograms per liter.

144 3. For 1,4-dioxane, 200,000 nanograms per liter.

145 (b) The department shall incorporate the interim surface

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146 water quality standards for PFOS, PFOA, or 1,4-dioxane into the
147 permitting requirements for wastewater facilities with
148 industrial pretreatment programs with an industrial user that
149 has a self-reported violation of discharge limits or if the
150 wastewater facility has taken a grab sample at or above
151 discharge limits for PFOS, PFOA, or 1,4-dioxane. The department
152 shall create a schedule for ongoing sampling, reporting, and
153 compliance for wastewater facilities with these new permitting
154 requirements for PFOS, PFOA, and 1,4-dioxane.

155 (4) VIOLATIONS AND ADMINISTRATIVE ACTION.—On or before July
156 1, 2027, an entity may not be subject to civil or criminal
157 penalties for violations of this section. After July 1, 2027,
158 the department shall take into consideration the financial
159 situation and the costs of implementing best management
160 practices and other corrective actions for each wastewater
161 facility out of compliance with its permit, order, or similar
162 means when considering enforcement actions for violations of
163 applicable pretreatment standards and requirements or violations
164 of water quality standards.

165 Section 2. This act shall take effect July 1, 2024.