

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

592-02427-24

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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 requiring the department to coordinate with wastewater
9 facilities in implementing the pretreatment of
10 contaminants of emerging concern; requiring the
11 department, by a specified date, to provide certain
12 guidance to wastewater facilities with an industrial
13 pretreatment program; requiring such wastewater
14 facilities to conduct an inventory of industrial users
15 that are probable sources of specified contaminants
16 and to submit the inventory to the department by a
17 specified date; requiring wastewater facilities to
18 notify identified industrial users; providing
19 requirements for the notice; requiring that industrial
20 users identified as probable sources of the specified
21 contaminants be issued permits, orders, or similar
22 measures to enforce specified pretreatment standards
23 by a specified date; providing requirements for such
24 measures; providing requirements for certain
25 wastewater facilities that have industrial
26 pretreatment programs which begin implementing an
27 industrial treatment program after a specified date;
28 authorizing the department to expand the initiative;
29 requiring the department to conduct an inventory of

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30 major facilities that discharge directly to surface
31 waters to identify probable sources of the specified
32 contaminants; requiring the department to issue a
33 notice and permits, orders, or similar measures to
34 such a major facility to enforce specified
35 pretreatment standards; providing interim discharge
36 limits for industrial users beginning on a specified
37 date; providing that such limits are effective for a
38 specified timeframe; authorizing wastewater facilities
39 to develop and propose local limits for PFOS, PFOA, or
40 1,4-dioxane to the department for approval; providing
41 that industrial users are not subject to civil or
42 criminal penalties for violations of certain standards
43 and requirements during a specified period; requiring
44 wastewater facilities and the department to take into
45 consideration specified factors when taking
46 enforcement actions for such violations; providing a
47 declaration of important state interest; providing an
48 effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

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

54 376.92 Contaminants of emerging concern; inventory of
55 probable sources of contamination; pretreatment.-

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

57 (a) "Department" means the Department of Environmental
58 Protection.

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59 (b) "Industrial user" means a nondomestic source of a
60 discharge.

61 (c) "Major facility" means a facility or an activity
62 permitted under the National Pollutant Discharge Elimination
63 System which is classified as such by the United States
64 Environmental Protection Agency with the concurrence of the
65 department.

66 (d) "PFAS" means per- and polyfluoroalkyl substances,
67 including perfluorooctanoic acid (PFOA) and perfluorooctane
68 sulfonate (PFOS).

69 (e) "Pretreatment" means the reduction of the amount of
70 pollutants, the elimination of pollutants, or the alteration of
71 the nature of pollutant properties in wastewater before or in
72 lieu of discharging or otherwise introducing such pollutants
73 into a wastewater facility. The reduction or alteration may be
74 obtained by physical, chemical, or biological processes, by
75 process changes, or by other means, except as prohibited by rule
76 62-625.410(5), Florida Administrative Code.

77 (f) "Wastewater facility" means a facility that discharges
78 waste into waters of the state or which can reasonably be
79 expected to be a source of water pollution and includes any of
80 the following:

- 81 1. The collection and transmission system.
- 82 2. The wastewater treatment works.
- 83 3. The reuse or disposal system.
- 84 4. The biosolids management facility.

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

86 (a) The PFAS and 1,4-dioxane pretreatment initiative is
87 established within the department. The purpose of the initiative

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88 is to prevent contaminants of emerging concern, including PFOS,
89 PFOA, and 1,4-dioxane, from entering the waters of the state
90 through wastewater facilities. The department shall coordinate
91 with wastewater facilities to implement the pretreatment of
92 contaminants of emerging concern pursuant to this section.

93 (b) By November 1, 2024, the department shall provide
94 specific guidance to wastewater facilities with an industrial
95 pretreatment program on the types of industrial users to be
96 included in a required inventory of industrial users that are
97 probable sources of PFOS, PFOA, or 1,4-dioxane. Upon issuance of
98 the guidance, each such wastewater facility shall conduct such
99 an inventory and submit it to the department by July 1, 2025.

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

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

111 2. Encourage the industrial user to take action to reduce
112 the probability that PFOS, PFOA, or 1,4-dioxane discharges
113 exceed specific discharge limits before permits, orders, or
114 similar measures are issued to enforce applicable pretreatment
115 standards and requirements.

116 (d) All industrial users identified as probable sources of

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117 PFOS, PFOA, or 1,4-dioxane discharges must be issued permits,
118 orders, or similar measures to enforce applicable pretreatment
119 standards and requirements for PFOS, PFOA, or 1,4-dioxane by
120 July 1, 2027. Each permit, order, or similar measure must
121 include monitoring, sampling, reporting, and recordkeeping
122 requirements.

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

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

134 (g) By July 1, 2025, the department shall complete an
135 inventory of all industrial users that are major facilities that
136 discharge directly to surface waters to identify probable
137 sources of PFOS, PFOA, or 1,4-dioxane discharges. The department
138 shall issue a notice to such a major facility specifying that
139 the facility has been identified as a probable source of PFOS,
140 PFOA, or 1,4-dioxane discharges, and shall issue to the major
141 facility a permit, an order, or a similar measure to enforce
142 applicable pretreatment standards and requirements consistent
143 with this section.

144 (3) DISCHARGE LIMITS.—

145 (a) Beginning July 1, 2025, the following interim specific

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146 discharge limits for PFOS, PFOA, and 1,4-dioxane for industrial
147 users are established until new specific discharge limits are
148 established:

- 149 1. For PFOS, 10 nanograms per liter.
- 150 2. For PFOA, 170 nanograms per liter.
- 151 3. For 1,4-dioxane, 200,000 nanograms per liter.

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

156 (4) VIOLATIONS AND ADMINISTRATIVE ACTION.—An industrial
157 user is not subject to civil or criminal penalties for
158 violations of applicable pretreatment standards and requirements
159 for PFOS, PFOA, or 1,4-dioxane during the first 2 years after a
160 permit, an order, or a similar measure is issued to the
161 industrial user. A wastewater facility and the department shall
162 take into consideration the costs of implementing best
163 management practices and other corrective actions when taking
164 enforcement action for violations of discharge limits and other
165 applicable pretreatment standards and requirements for PFOS,
166 PFOA, or 1,4-dioxane.

167 Section 2. The Legislature finds that this act fulfills an
168 important state interest.

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