Representative Raschein offered the following:

**Amendment (with title amendment)**

Between lines 2028 and 2029, insert:

Section 27. Effective July 1, 2019, section 403.1839, Florida Statutes, is created to read:

403.1839  Blue Star Collection System Assessment and Maintenance Program.—

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

(a) "Domestic wastewater" has the same meaning as in s. 367.021.

(b) "Domestic wastewater collection system" has the same meaning as in s. 403.866.
(c) "Program" means the Blue Star Collection System Assessment and Maintenance Program.

(d) "Sanitary sewer overflow" means the unauthorized overflow, spill, release, discharge, or diversion of untreated or partially treated domestic wastewater.

(2) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) The implementation of domestic wastewater collection system assessment and maintenance practices has been shown to effectively limit sanitary sewer overflows and the unauthorized discharge of pathogens.

(b) The voluntary implementation of domestic wastewater collection system assessment and maintenance practices beyond those required by law has the potential to further limit sanitary sewer overflows.

(c) The unique geography, community, growth, size, and age of domestic wastewater collection systems across the state require diverse responses, using the best professional judgment of local utility operators, to ensure that programs designed to limit sanitary sewer overflows are effective.

(3) ESTABLISHMENT AND PURPOSE.—There is established in the department a Blue Star Collection System Assessment and Maintenance Program. The purpose of this voluntary incentive program is to assist public and private utilities in limiting sanitary sewer overflows and the unauthorized discharge of pathogens.
(4) APPROVAL, STANDARDS, AND VIOLATIONS.—

(a) The department shall adopt rules to administer the program, including, at a minimum, the certification standards for the program as provided in paragraph (b) and the violation provisions as provided in paragraph (d), and shall review and approve public and private domestic wastewater utilities that apply for certification or renewal under the program and that demonstrate maintenance of program certification pursuant to paragraph (c) based upon the certification standards.

(b) A utility must provide, at a minimum, reasonable documentation of the following certification standards in order to be certified under the program:

1. The implementation of periodic collection system and pump station structural condition assessments and the performance of as-needed maintenance and replacements.

2. The rate of reinvestment determined necessary by the utility to fully implement its collection system and pump station structural condition assessment and maintenance and replacement program.

3. The implementation of a program designed to limit the presence of fats, roots, oils, and grease in the collection system.

4. If the applicant is a public utility, a local law or building code requiring the private pump stations and lateral lines connecting to the public system to be free of:
a. Cracks, holes, missing parts, or similar defects; and
b. Direct stormwater connections that allow the direct inflow of stormwater into the private system and the public domestic wastewater collection system.

5. A power outage contingency plan that addresses mitigation of the impacts of power outages on the utility's collection system and pump stations.

6. An infiltration and inflow reduction plan to minimize infiltration and inflow throughout the utility's collection system.

(c)1. Program certifications shall expire after 5 years. A utility shall document its implementation of the program on an annual basis with the department and must demonstrate that the utility meets all program standards or the department shall revoke the utility's program certification.

2. The approval of an application for renewal certification must be based on the utility demonstrating maintenance of program standards. A utility applying for renewal certification must demonstrate maintenance of program standards and progress in implementing the program or the department may not approve the application.

3. The department may determine that a utility is not meeting or maintaining program standards and may revoke the utility's program certification if the utility experiences sanitary sewer overflows due to factors under the control of the
utility or if the utility violates any permit condition or any applicable department rule or law.

(d) A utility that submits information or documentation to the department pursuant to this section is subject to s. 403.161(1)(c). The department shall revoke the program certification of a utility that knowingly submits false or inaccurate information or documentation in an application for certification under the program.

(5) PUBLICATION.—The department shall annually publish on its website a list of certified blue star utilities beginning on January 1, 2021.

(6) FEDERAL PROGRAM PARTICIPATION.—The department shall allow public and nonprofit utilities to participate in the Clean Water State Revolving Fund Program for any purpose of the program that is consistent with federal requirements for participating in the Clean Water State Revolving Fund Program.

(7) REDUCED PENALTIES.—In the calculation of penalties pursuant to s. 403.161 for a sanitary sewer overflow, the department may reduce the penalty based on a utility's status as a certified blue star utility in accordance with this section. The department may also reduce a penalty based on a certified blue star utility's investment in assessment and maintenance activities to identify and address conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.
Section 28. Effective July 1, 2019, paragraph (c) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(c) Best management practices.—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this
subsection or for programs implemented pursuant to paragraph (12)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including site inspection and recordkeeping requirements.

3. When interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, must notify the appropriate
water management district or the Department of Agriculture and
Consumer Services of its initial verification before the
adoption of a rule proposed pursuant to this paragraph.
Implementation, in accordance with rules adopted under this
paragraph, of practices that have been initially verified to be
effective, or verified to be effective by monitoring at
representative sites, by the department, shall provide a
presumption of compliance with state water quality standards and
release from the provisions of s. 376.307(5) for those
pollutants addressed by the practices, and the department is not
authorized to institute proceedings against the owner of the
source of pollution to recover costs or damages associated with
the contamination of surface water or groundwater caused by
those pollutants. Research projects funded by the department, a
water management district, or the Department of Agriculture and
Consumer Services to develop or demonstrate interim measures or
best management practices shall be granted a presumption of
compliance with state water quality standards and a release from
the provisions of s. 376.307(5). The presumption of compliance
and release is limited to the research site and only for those
pollutants addressed by the interim measures or best management
practices. Eligibility for the presumption of compliance and
release is limited to research projects on sites where the owner
or operator of the research site and the department, a water
management district, or the Department of Agriculture and
Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. When water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt
pursuant to this subparagraph shall be released to the
department or any water management district provided that the
confidentiality specified by this subparagraph for such records
is maintained.

6. The provisions of Subparagraphs 1. and 2. do not
preclude the department or water management district from
requiring compliance with water quality standards or with
current best management practice requirements set forth in any
applicable regulatory program authorized by law for the purpose
of protecting water quality. Additionally, subparagraphs 1. and
2. are applicable only to the extent that they do not conflict
with any rules adopted by the department that are necessary to
maintain a federally delegated or approved program.

7. For the sole purpose of establishing a total maximum
daily load for pathogens in a surface water, the department must
provide a domestic wastewater utility with a defensible
expectation of compliance with state water quality standards for
fecal indicator bacteria when the utility implements and
maintains a program as a certified blue star utility in
accordance with s. 403.1839 and demonstrates a history of
compliance with wastewater disinfection requirements
incorporated in the utility's operating permit for any discharge
into the impaired surface water.

Section 29. Effective July 1, 2019, subsection (11) is
added to section 403.087, Florida Statutes, to read:
403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(11) Subject to the permit duration limits for a utility permitted pursuant to s. 403.0885, a blue star utility certified pursuant to s. 403.1839 shall be issued a 10-year permit for the same fee and under the same conditions as a 5-year permit upon approval of its application for permit renewal by the department if the certified blue star utility demonstrates that it:

(a) Is in compliance with any consent order or an accompanying administrative order to its permit;

(b) Does not have any pending enforcement action against it by the United States Environmental Protection Agency, the department, or a local program; and

(c) If applicable, has submitted annual program implementation reports demonstrating progress in the implementation of the program.

Section 30. Effective July 1, 2019, present subsection (6) of section 403.161, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

403.161 Prohibitions, violation, penalty, intent.—

(6) Notwithstanding any other law, the department may reduce the amount of a penalty based on the person's investment in the assessment, maintenance, rehabilitation, or expansion of the permitted facility.
Section 31. Effective July 1, 2019, subsection (2) and paragraphs (a) and (b) of subsection (3) of section 403.1838, Florida Statutes, are amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(2) The department shall use funds specifically appropriated to award grants under this section to assist financially disadvantaged small communities with their needs for adequate sewer facilities. The department may use funds specifically appropriated to award grants under this section to assist nonprofit utilities providing wastewater services to financially disadvantaged small communities. For purposes of this section, the term "financially disadvantaged small community" means a county, municipality, or special district that has a population of 10,000 or fewer, according to the latest decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce. For purposes of this subsection, the term "special district" has the same meaning as provided in s. 189.012 and includes only those special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services. The department may waive the population requirement for an independent special district that serves fewer than 10,000 wastewater customers, is located within a watershed with an
adopted total maximum daily load or basin management action plan
for pollutants associated with domestic wastewater pursuant to
s. 403.067, and is wholly located within a rural area of
opportunity as defined in s. 288.0656.

(3)(a) In accordance with rules adopted by the department
Environmental Regulation Commission under this section, the
department may provide grants, from funds specifically
appropriated for this purpose, to financially disadvantaged
small communities and to nonprofit utilities serving financially
disadvantaged small communities for up to 100 percent of the
costs of planning, assessing, designing, constructing,
upgrading, or replacing wastewater collection, transmission,
treatment, disposal, and reuse facilities, including necessary
legal and administrative expenses. Grants issued pursuant to
this section may also be used for planning and implementing
domestic wastewater collection system assessment and maintenance
programs to identify conditions that may cause sanitary sewer
overflows or interruption of service to customers due to a
physical condition or defect in the system.

(b) The rules of the department Environmental Regulation
Commission must:

1. Require that projects to plan, assess, design,
construct, upgrade, or replace wastewater collection,
transmission, treatment, disposal, and reuse facilities be cost-
effective, environmentally sound, permittable, and
implementable.

2. Require appropriate user charges, connection fees, and other charges sufficient to ensure the long-term operation, maintenance, and replacement of the facilities constructed under each grant.

3. Require grant applications to be submitted on appropriate forms with appropriate supporting documentation, and require records to be maintained.

4. Establish a system to determine eligibility of grant applications.

5. Establish a system to determine the relative priority of grant applications. The system must consider public health protection and water pollution abatement.

6. Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

7. Provide for termination of grants when program requirements are not met.

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 titled Amendment

Remove line 114 and insert:
by the act; providing legislative findings; creating s. 403.1839, F.S.; providing definitions; providing legislative findings; establishing the Blue Star Collection System Assessment and Maintenance Program.
and providing its purpose; requiring the Department of Environmental Protection to adopt rules and review and approve program applications for certification; specifying the documentation utilities must submit to qualify for certification; providing for certification expiration and renewal; requiring the department to revoke a utility's program certification under certain circumstances; providing for penalties for violations; requiring the department to publish an annual list of certified blue star utilities; requiring the department to allow public and nonprofit utilities to participate in the Clean Water State Revolving Fund Program under certain conditions; authorizing the department to reduce penalties for sanitary sewer overflows at certified utilities and for investments in certain assessment and maintenance activities; amending s. 403.067, F.S.; creating a defensible expectation of compliance with certain water quality standards for certified utilities; amending s. 403.087, F.S.; requiring the department to issue extended operating permits to certified utilities under certain conditions; amending s. 403.161, F.S.; authorizing the department to reduce penalties based on certain system investments for permitted facilities; amending s. 403.1838, F.S.; authorizing
additional recipients and uses of Small Community Sewer Construction Assistance Act grants; revising provisions to authorize the department, rather than the Environmental Regulation Commission, to implement rules for such grants; providing