

By Senator Mayfield

17-01062B-20

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1                   A bill to be entitled  
2       An act relating to biosolids management; creating s.  
3       403.08715, F.S.; providing legislative findings;  
4       defining the term "biosolids"; prohibiting the  
5       department from issuing or renewing certain permits  
6       after a specified date; prohibiting the land  
7       application of biosolids on certain sites after a  
8       specified date; authorizing municipalities and  
9       counties to enforce or extend certain ordinances,  
10      regulations, resolutions, rules, moratoriums, or  
11      policies regarding the land application of biosolids;  
12      directing the department to initiate rulemaking by a  
13      specified date, adopt specified rules for biosolids  
14      management, and implement a specified water quality  
15      monitoring program; providing applicability; providing  
16      an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20       Section 1. Section 403.08715, Florida Statutes, is created  
21 to read:

22       403.08715 Biosolids management.-

23       (1) LEGISLATIVE FINDINGS.-The Legislature finds that it is  
24 in the best interest of the state to:

25       (a) Regulate biosolids management to minimize the migration  
26 of nutrients, nitrogen, and phosphorus that impair or contribute  
27 to the impairment of water bodies.

28       (b) Expedite implementation of the recommendations of the  
29 Biosolids Technical Advisory Committee, which include permitting

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30 based on site-specific application conditions, increased  
31 inspection frequencies, groundwater and surface water monitoring  
32 protocols, and nutrient management research to improve the  
33 management of biosolids and protect this state's water resources  
34 and water quality.

35 (c) Expedite the implementation of biosolids processing  
36 innovative technologies as a means to improve biosolids  
37 management and protect water resources and water quality.

38 (2) DEFINITION.—As used in this section, the term  
39 "biosolids" has the same meaning as in s. 373.4595(2).

40 (3) PROHIBITED LAND APPLICATION.—

41 (a) Beginning July 1, 2020, the department may not issue a  
42 new permit or renew an existing permit for the land application  
43 of biosolids for any site where the biosolids application zone  
44 interacts with the seasonal high water table.

45 (b) Beginning July 1, 2021, the land application of  
46 biosolids is prohibited on any site where the biosolids  
47 application zone interacts with the seasonal high water table.

48 (c) A municipality or county may enforce or extend an  
49 ordinance, regulation, resolution, rule, moratorium, or policy  
50 adopted before November 1, 2019, relating to the land  
51 application of Class B biosolids until the ordinance,  
52 regulation, resolution, rule, moratorium, or policy is repealed  
53 by the municipality or county.

54 (4) RULEMAKING.—

55 (a) For sites that are not subject to the prohibitions  
56 imposed under subsection (3), the department shall adopt rules  
57 for biosolids management to:

58 1. Permit the use of biosolids in a manner that minimizes

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59 the migration of nutrients and that does not impair or add to  
60 the impairment of surface water and groundwater quality,  
61 including:

62 a. Site-specific land application rates of biosolids based  
63 on soil characteristics, soil adsorption capacity, water table  
64 characteristics, hydrogeology, site use, and distance to surface  
65 water;

66 b. An evaluation of the percentage of water-extractable  
67 phosphorus in all biosolids to inform the appropriate  
68 application rate; and

69 c. Criteria for low-, medium-, and high-risk sites which  
70 guide application practices and required water quality  
71 monitoring.

72 2. Establish site-specific groundwater and surface water  
73 monitoring requirements.

74 (b) The department shall initiate rulemaking by August 1,  
75 2020.

76 (5) WATER QUALITY MONITORING.—The department shall  
77 implement an offsite water quality monitoring program sufficient  
78 to determine impacts from the land application of biosolids on  
79 downstream and nearby surface water and groundwater quality.

80 (6) APPLICABILITY.—

81 (a) This section does not conflict with or supersede s.  
82 373.4595 or s. 373.811.

83 (b) This section does not apply to Class AA biosolids that  
84 are marketed and distributed as fertilizer products in  
85 accordance with department rule.

86 Section 2. This act shall take effect upon becoming a law.