

1                                   A bill to be entitled  
 2           An act relating to implementation of the  
 3           recommendations of the Blue-Green Algae Task Force;  
 4           amending s. 381.0065, F.S.; requiring owners of  
 5           certain onsite sewage treatment and disposal systems  
 6           to have the systems periodically inspected, beginning  
 7           on a specified date; requiring the Department of  
 8           Environmental Protection to administer the inspection  
 9           program; requiring the department to implement program  
 10          standards, procedures, and requirements; providing for  
 11          rulemaking; amending s. 403.067, F.S.; requiring new  
 12          or revised basin management action plans to include a  
 13          list that identifies and prioritizes certain spatially  
 14          focused projects; requiring the department to assess  
 15          certain projects; providing an effective date.

16  
 17           WHEREAS, Governor Ron DeSantis created the Blue-Green Algae  
 18          Task Force in 2019 to "improve water quality for the benefit of  
 19          all Floridians," and the task force's consensus report was  
 20          issued in October 2019, with multiple recommendations for basin  
 21          management action plans (BMAP), agriculture, human waste,  
 22          stormwater, technology, public health, and science, and

23           WHEREAS, the Legislature recognizes that in June 2020,  
 24          Governor DeSantis signed Senate Bill 712, the Clean Waterways  
 25          Act, which implemented many of the recommendations of the task

26 | force, and

27 |       WHEREAS, full implementation of the task force's  
28 | recommendations will require enactment of additional substantive  
29 | legislation, NOW, THEREFORE,

30 |

31 | Be It Enacted by the Legislature of the State of Florida:

32 |

33 |       Section 1. Present subsections (5), (6), and (7) of  
34 | section 381.0065, Florida Statutes, are redesignated as  
35 | subsections (6), (7), and (8), respectively, and a new  
36 | subsection (5) is added to that section, to read:

37 |       381.0065 Onsite sewage treatment and disposal systems;  
38 | regulation.—

39 |       (5) PERIODIC INSPECTIONS.—Effective July 1, 2025, the  
40 | owner of an onsite sewage treatment and disposal system,  
41 | excluding a system required to have an operating permit, must  
42 | have the system inspected at least once every 5 years to assess  
43 | the fundamental operational condition of the system, prolong the  
44 | life of the system, and identify any failure within the system.  
45 | The department shall administer an onsite sewage treatment and  
46 | disposal system inspection program for such periodic  
47 | inspections. The department shall implement the program  
48 | standards, procedures, and requirements and adopt rules that  
49 | must include, at a minimum, all of the following:

50 |       (a) A schedule for a 5-year inspection cycle.

51 (b) A county-by-county implementation plan phased in over  
 52 a 10-year period, with first priority given to those areas  
 53 within a priority focus area for springs identified by the  
 54 department.

55 (c) Minimum standards for a functioning system.

56 (d) Requirements for the pumpout or repair of a failing  
 57 system.

58 (e) Enforcement procedures for failure of a system owner  
 59 to obtain an inspection of the system and failure of a  
 60 contractor to timely report inspection results to the department  
 61 and the system owner.

62 Section 2. Paragraph (a) of subsection (7) of section  
 63 403.067, Florida Statutes, is amended to read:

64 403.067 Establishment and implementation of total maximum  
 65 daily loads.—

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

68 (a) *Basin management action plans.*—

69 1. In developing and implementing the total maximum daily  
 70 load for a water body, the department, or the department in  
 71 conjunction with a water management district, may develop a  
 72 basin management action plan that addresses some or all of the  
 73 watersheds and basins tributary to the water body. Such plan  
 74 must integrate the appropriate management strategies available  
 75 to the state through existing water quality protection programs

76 to achieve the total maximum daily loads and may provide for  
77 phased implementation of these management strategies to promote  
78 timely, cost-effective actions as provided for in s. 403.151.  
79 The plan must establish a schedule implementing the management  
80 strategies, establish a basis for evaluating the plan's  
81 effectiveness, and identify feasible funding strategies for  
82 implementing the plan's management strategies. The management  
83 strategies may include regional treatment systems or other  
84 public works, when appropriate, and voluntary trading of water  
85 quality credits to achieve the needed pollutant load reductions.

86 2. A basin management action plan must equitably allocate,  
87 pursuant to paragraph (6) (b), pollutant reductions to individual  
88 basins, as a whole to all basins, or to each identified point  
89 source or category of nonpoint sources, as appropriate. For  
90 nonpoint sources for which best management practices have been  
91 adopted, the initial requirement specified by the plan must be  
92 those practices developed pursuant to paragraph (c). When  
93 appropriate, the plan may take into account the benefits of  
94 pollutant load reduction achieved by point or nonpoint sources  
95 that have implemented management strategies to reduce pollutant  
96 loads, including best management practices, before the  
97 development of the basin management action plan. The plan must  
98 also identify the mechanisms that will address potential future  
99 increases in pollutant loading.

100 3. The basin management action planning process is

101 intended to involve the broadest possible range of interested  
102 parties, with the objective of encouraging the greatest amount  
103 of cooperation and consensus possible. In developing a basin  
104 management action plan, the department shall assure that key  
105 stakeholders, including, but not limited to, applicable local  
106 governments, water management districts, the Department of  
107 Agriculture and Consumer Services, other appropriate state  
108 agencies, local soil and water conservation districts,  
109 environmental groups, regulated interests, and affected  
110 pollution sources, are invited to participate in the process.  
111 The department shall hold at least one public meeting in the  
112 vicinity of the watershed or basin to discuss and receive  
113 comments during the planning process and shall otherwise  
114 encourage public participation to the greatest practicable  
115 extent. Notice of the public meeting must be published in a  
116 newspaper of general circulation in each county in which the  
117 watershed or basin lies at least 5 days, but not more than 15  
118 days, before the public meeting. A basin management action plan  
119 does not supplant or otherwise alter any assessment made under  
120 subsection (3) or subsection (4) or any calculation or initial  
121 allocation.

122       4.a. Each new or revised basin management action plan must  
123 ~~shall~~ include:

124        (I)a. The appropriate management strategies available  
125 through existing water quality protection programs to achieve

126 total maximum daily loads, which may provide for phased  
 127 implementation to promote timely, cost-effective actions as  
 128 provided for in s. 403.151;

129 (II)~~b.~~ A description of best management practices adopted  
 130 by rule;

131 (III)~~c.~~ A list of projects in priority ranking with a  
 132 planning-level cost estimate and estimated date of completion  
 133 for each listed project;

134 (IV) A list that identifies and prioritizes spatially  
 135 focused suites of projects in areas likely to yield maximum  
 136 pollutant reductions;

137 (V)~~d.~~ The source and amount of financial assistance to be  
 138 made available by the department, a water management district,  
 139 or other entity for each listed project, if applicable; and

140 (VI)~~e.~~ A planning-level estimate of each listed project's  
 141 expected load reduction, if applicable.

142 b. For each project listed pursuant to this subparagraph  
 143 which has a total cost that exceeds \$1 million, the department  
 144 must assess through integrated and comprehensive monitoring  
 145 whether the project is working to reduce nutrient pollution or  
 146 water use, or both, as intended. These assessments must be  
 147 completed expeditiously and included in each basin management  
 148 action plan update.

149 5. The department shall adopt all or any part of a basin  
 150 management action plan and any amendment to such plan by

151 secretarial order pursuant to chapter 120 to implement this  
152 section.

153         6. The basin management action plan must include  
154 milestones for implementation and water quality improvement, and  
155 an associated water quality monitoring component sufficient to  
156 evaluate whether reasonable progress in pollutant load  
157 reductions is being achieved over time. An assessment of  
158 progress toward these milestones shall be conducted every 5  
159 years, and revisions to the plan shall be made as appropriate.  
160 Revisions to the basin management action plan shall be made by  
161 the department in cooperation with basin stakeholders. Revisions  
162 to the management strategies required for nonpoint sources must  
163 follow the procedures in subparagraph (c)4. Revised basin  
164 management action plans must be adopted pursuant to subparagraph  
165 5.

166         7. In accordance with procedures adopted by rule under  
167 paragraph (9)(c), basin management action plans, and other  
168 pollution control programs under local, state, or federal  
169 authority as provided in subsection (4), may allow point or  
170 nonpoint sources that will achieve greater pollutant reductions  
171 than required by an adopted total maximum daily load or  
172 wasteload allocation to generate, register, and trade water  
173 quality credits for the excess reductions to enable other  
174 sources to achieve their allocation; however, the generation of  
175 water quality credits does not remove the obligation of a source

176 or activity to meet applicable technology requirements or  
177 adopted best management practices. Such plans must allow trading  
178 between NPDES permittees, and trading that may or may not  
179 involve NPDES permittees, where the generation or use of the  
180 credits involve an entity or activity not subject to department  
181 water discharge permits whose owner voluntarily elects to obtain  
182 department authorization for the generation and sale of credits.

183 8. The department's rule relating to the equitable  
184 abatement of pollutants into surface waters do not apply to  
185 water bodies or water body segments for which a basin management  
186 plan that takes into account future new or expanded activities  
187 or discharges has been adopted under this section.

188 9. In order to promote resilient wastewater utilities, if  
189 the department identifies domestic wastewater treatment  
190 facilities or onsite sewage treatment and disposal systems as  
191 contributors of at least 20 percent of point source or nonpoint  
192 source nutrient pollution or if the department determines  
193 remediation is necessary to achieve the total maximum daily  
194 load, a basin management action plan for a nutrient total  
195 maximum daily load must include the following:

196 a. A wastewater treatment plan developed by each local  
197 government, in cooperation with the department, the water  
198 management district, and the public and private domestic  
199 wastewater treatment facilities within the jurisdiction of the  
200 local government, that addresses domestic wastewater. The

201 wastewater treatment plan must:

202 (I) Provide for construction, expansion, or upgrades  
203 necessary to achieve the total maximum daily load requirements  
204 applicable to the domestic wastewater treatment facility.

205 (II) Include the permitted capacity in average annual  
206 gallons per day for the domestic wastewater treatment facility;  
207 the average nutrient concentration and the estimated average  
208 nutrient load of the domestic wastewater; a projected timeline  
209 of the dates by which the construction of any facility  
210 improvements will begin and be completed and the date by which  
211 operations of the improved facility will begin; the estimated  
212 cost of the improvements; and the identity of responsible  
213 parties.

214

215 The wastewater treatment plan must be adopted as part of the  
216 basin management action plan no later than July 1, 2025. A local  
217 government that does not have a domestic wastewater treatment  
218 facility in its jurisdiction is not required to develop a  
219 wastewater treatment plan unless there is a demonstrated need to  
220 establish a domestic wastewater treatment facility within its  
221 jurisdiction to improve water quality necessary to achieve a  
222 total maximum daily load. A local government is not responsible  
223 for a private domestic wastewater facility's compliance with a  
224 basin management action plan unless such facility is operated  
225 through a public-private partnership to which the local

226 government is a party.

227       b. An onsite sewage treatment and disposal system  
228 remediation plan developed by each local government in  
229 cooperation with the department, the Department of Health, water  
230 management districts, and public and private domestic wastewater  
231 treatment facilities.

232       (I) The onsite sewage treatment and disposal system  
233 remediation plan must identify cost-effective and financially  
234 feasible projects necessary to achieve the nutrient load  
235 reductions required for onsite sewage treatment and disposal  
236 systems. To identify cost-effective and financially feasible  
237 projects for remediation of onsite sewage treatment and disposal  
238 systems, the local government shall:

239       (A) Include an inventory of onsite sewage treatment and  
240 disposal systems based on the best information available;

241       (B) Identify onsite sewage treatment and disposal systems  
242 that would be eliminated through connection to existing or  
243 future central domestic wastewater infrastructure in the  
244 jurisdiction or domestic wastewater service area of the local  
245 government, that would be replaced with or upgraded to enhanced  
246 nutrient-reducing onsite sewage treatment and disposal systems,  
247 or that would remain on conventional onsite sewage treatment and  
248 disposal systems;

249       (C) Estimate the costs of potential onsite sewage  
250 treatment and disposal system connections, upgrades, or

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251 replacements; and

252 (D) Identify deadlines and interim milestones for the  
253 planning, design, and construction of projects.

254 (II) The department shall adopt the onsite sewage  
255 treatment and disposal system remediation plan as part of the  
256 basin management action plan no later than July 1, 2025, or as  
257 required for Outstanding Florida Springs under s. 373.807.

258 10. When identifying wastewater projects in a basin  
259 management action plan, the department may not require the  
260 higher cost option if it achieves the same nutrient load  
261 reduction as a lower cost option. A regulated entity may choose  
262 a different cost option if it complies with the pollutant  
263 reduction requirements of an adopted total maximum daily load  
264 and meets or exceeds the pollution reduction requirement of the  
265 original project.

266 Section 3. This act shall take effect July 1, 2022.