

26 subsection. To protect and restore surface water resources, the
27 program shall address the reduction of pollutant loadings,
28 restoration of natural hydrology, and compliance with applicable
29 state water quality standards. The program shall be achieved
30 through a phased program of implementation. In addition,
31 pollutant load reductions based upon adopted total maximum daily
32 loads established in accordance with s. 403.067 shall serve as a
33 program objective. In the development and administration of the
34 program, the coordinating agencies shall maximize opportunities
35 provided by federal and local government cost-sharing programs
36 and opportunities for partnerships with the private sector and
37 local government. The program shall include a goal for salinity
38 envelopes and freshwater inflow targets for the estuaries based
39 upon existing research and documentation. The goal may be
40 revised as new information is available. This goal shall seek to
41 reduce the frequency and duration of undesirable salinity ranges
42 while meeting the other water-related needs of the region,
43 including water supply and flood protection, while recognizing
44 the extent to which water inflows are within the control and
45 jurisdiction of the district.

46 (b) Caloosahatchee River Watershed Basin Management Action
47 Plans.—The basin management action plans adopted pursuant to s.
48 403.067 for the Caloosahatchee River watershed shall be the
49 Caloosahatchee River Watershed Pollutant Control Program. The
50 plans shall be designed to be a multifaceted approach to

51 | reducing pollutant loads by improving the management of
52 | pollutant sources within the Caloosahatchee River watershed
53 | through implementation of regulations and best management
54 | practices, development and implementation of improved best
55 | management practices, improvement and restoration of the
56 | hydrologic function of natural and managed systems, and
57 | utilization of alternative technologies for pollutant reduction,
58 | such as cost-effective biologically based, hybrid
59 | wetland/chemical and other innovative nutrient control
60 | technologies. As provided in s. 403.067(7)(a)6., the
61 | Caloosahatchee River watershed basin management action plans
62 | must include milestones for implementation and water quality
63 | improvement, and an associated water quality monitoring
64 | component sufficient to evaluate whether reasonable progress in
65 | pollutant load reductions is being achieved over time. An
66 | assessment of progress toward these milestones shall be
67 | conducted every 5 years and shall be provided to the Governor,
68 | the President of the Senate, and the Speaker of the House of
69 | Representatives. Revisions to the plans shall be made, as
70 | appropriate, as a result of each 5-year review. Revisions to the
71 | basin management action plans shall be made by the department in
72 | cooperation with the basin stakeholders. Revisions to best
73 | management practices or other measures must follow the
74 | procedures set forth in s. 403.067(7)(c)4. Revised basin
75 | management action plans must be adopted pursuant to s.

76 403.067(7)(a)5. The department shall develop an implementation
77 schedule establishing 5-year, 10-year, and 15-year measurable
78 milestones and targets to achieve the total maximum daily load
79 no more than 20 years after adoption of the plan. The initial
80 implementation schedule shall be used to provide guidance for
81 planning and funding purposes and is exempt from chapter 120.
82 Upon the first 5-year review, the implementation schedule shall
83 be adopted as part of the plans. If achieving the total maximum
84 daily load within 20 years is not practicable, the
85 implementation schedule must contain an explanation of the
86 constraints that prevent achievement of the total maximum daily
87 load within 20 years, an estimate of the time needed to achieve
88 the total maximum daily load, and additional 5-year measurable
89 milestones, as necessary. The coordinating agencies shall
90 facilitate the use of federal programs that offer opportunities
91 for water quality treatment, including preservation,
92 restoration, or creation of wetlands on agricultural lands.

93 1. Nonpoint source best management practices consistent
94 with s. 403.067, designed to achieve the objectives of the
95 Caloosahatchee River Watershed Protection Program, shall be
96 implemented on an expedited basis. The coordinating agencies may
97 develop an intergovernmental agreement with local governments to
98 implement the nonagricultural, nonpoint source best management
99 practices within their respective geographic boundaries.

100 2. This subsection does not preclude the department or the

101 district from requiring compliance with water quality standards,
102 adopted total maximum daily loads, or current best management
103 practices requirements set forth in any applicable regulatory
104 program authorized by law for the purpose of protecting water
105 quality. This subsection applies only to the extent that it does
106 not conflict with any rules adopted by the department or
107 district which are necessary to maintain a federally delegated
108 or approved program.

109 3. Projects that make use of private lands, or lands held
110 in trust for Indian tribes, to reduce pollutant loadings or
111 concentrations within a basin, or that reduce the volume of
112 harmful discharges by one or more of the following methods:
113 restoring the natural hydrology of the basin, restoring wildlife
114 habitat or impacted wetlands, reducing peak flows after storm
115 events, or increasing aquifer recharge, are eligible for grants
116 available under this section from the coordinating agencies.

117 4. The Caloosahatchee River watershed basin management
118 action plans shall require assessment of current water
119 management practices within the watershed and shall require
120 development of recommendations for structural, nonstructural,
121 and operational improvements. Such recommendations shall
122 consider and balance water supply, flood control, estuarine
123 salinity, aquatic habitat, and water quality considerations.

124 5. The department may not authorize the disposal of
125 domestic wastewater biosolids within the Caloosahatchee River

126 watershed unless the applicant can affirmatively demonstrate
127 that the nutrients in the biosolids will not add to nutrient
128 loadings in the watershed. This demonstration shall be based on
129 achieving a net balance between nutrient imports relative to
130 exports on the permitted application site. Exports shall include
131 only nutrients removed from the watershed through products
132 generated on the permitted application site. This prohibition
133 does not apply to Class AA biosolids that are marketed and
134 distributed as fertilizer products in accordance with department
135 rule.

136 6. The land application of septage from onsite sewage
137 treatment and disposal systems within the Caloosahatchee River
138 watershed is prohibited pursuant to s. 381.0065 (6) ~~The~~
139 ~~Department of Health shall require all entities disposing of~~
140 ~~septage within the Caloosahatchee River watershed to develop and~~
141 ~~submit to that agency an agricultural use plan that limits~~
142 ~~applications based upon nutrient loading consistent with any~~
143 ~~basin management action plan adopted pursuant to s. 403.067.~~

144 7. The Department of Agriculture and Consumer Services
145 shall require entities within the Caloosahatchee River watershed
146 which land-apply animal manure to develop a resource management
147 system level conservation plan, according to United States
148 Department of Agriculture criteria, which limit such
149 application. Such rules shall include criteria and thresholds
150 for the requirement to develop a conservation or nutrient

151 management plan, requirements for plan approval, site inspection
152 requirements, and recordkeeping requirements.

153 8. The district shall initiate rulemaking to provide for a
154 monitoring program for nonpoint source dischargers required to
155 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
156 The results of such monitoring must be reported to the
157 coordinating agencies.

158 9. By December 31, 2022, the department shall adopt an
159 updated Caloosahatchee estuary basin management action plan
160 that, at a minimum, includes the following elements:

161 a. A wastewater treatment plan that meets the requirements
162 of s. 403.067(7)(a)9.a. and requires an implementation schedule
163 to achieve the nutrient load reductions necessary to meet the
164 Caloosahatchee River watershed total maximum daily load
165 requirements for domestic wastewater treatment facilities by
166 December 31, 2027.

167 b. An onsite sewage treatment and disposal system
168 remediation plan that meets the requirements of s.
169 403.067(7)(a)9.b. and requires an implementation schedule to
170 achieve the nutrient load reductions necessary to meet the
171 Caloosahatchee River watershed total maximum daily load
172 reductions for onsite sewage treatment and disposal system
173 sources by December 31, 2027.

174 c. A municipal storm sewer system remediation plan that
175 requires an implementation schedule to achieve the nutrient load

176 reductions adopted by the department for discharges subject to
177 the department's national pollutant discharge elimination system
178 permitting program by December 31, 2027.

179 10. The following activities are prohibited within the
180 Caloosahatchee River watershed:

181 a. New domestic wastewater disposal facilities, including
182 rapid infiltration basins, with permitted capacities of 100,000
183 gallons per day or more, except for those facilities that meet
184 an advanced wastewater treatment standard of no more than 3 mg/l
185 total nitrogen, expressed as N, on an annual permitted basis, or
186 a more stringent treatment standard if the department determines
187 the more stringent standard is necessary to achieve the
188 Caloosahatchee River total maximum daily load.

189 b. New onsite sewage treatment and disposal systems on
190 lots of less than 1 acre, if the addition of the specific
191 systems conflicts with the onsite treatment and disposal system
192 remediation plan for the Caloosahatchee River watershed.

193 Section 2. This act shall take effect July 1, 2022.