

February 3, 2020

VIA HAND DELIVERY

Dear Senators Mayfield, Farmer, Rodriguez, and Simmons:

Thank you for making the health of our waterways a top priority this legislative session. Waterkeepers Florida, Sierra Club Florida, and the Florida Springs Council write today out of great concern that the Proposed Committee Substitute to Senate Bill 712, as currently drafted, will not adequately protect and restore Florida's water resources, further endangering our environment, economy, and public health. Following a decade of rapid water quality deterioration, we no longer have the luxury of making incremental changes. We need strong, enforceable water quality regulations now. As drafted, we are unable to support PCS/SB 712. To this end, we respectfully request that you offer the following amendments, either during Wednesday's Appropriation Committee Meeting or when the legislation is considered on the Senate Floor.

These amendments are common sense, practical approaches to improve SB 712 and ensure that it meets our joint goal of protecting and restoring Florida's springs, river, lakes, coasts, wetlands, and estuaries. In fact, most of these provisions appeared in Senate Bill 1758, filled by Senator Mayfield in 2019, or in other legislation filed by members of the majority party over the past two years. These provisions were originally included in proposed water quality legislation because they would require polluters to stop pollution at the source and are the most effective and equitable means to address Florida's water quality crisis.

In November, Florida Springs Council member groups, including the Sierra Club, challenged the Basin Management Action Plans (BMAPs) for fifteen Outstanding Florida Springs at the Division of Administrative Hearings in Tallahassee. We filed legal challenges to these BMAPs, which are more protective than the BMAPs being proposed in SB 712 for the rest of the state, because it was clear that they would be unable to meet water quality goals within 20 years. During the Hearing DEP repeatedly asserted that these failed plans were the best they could do under the Florida Springs and Aquifer Protection Act and that they needed better tools to create better plans. In contrast, Senate Bill 712 enacts weaker protections. There is no reason to believe that weaker plans for the rest of our state's waters will succeed, when stronger plans have already shown to fail.

All of the following amendments are important to the health of Florida's waters, but there are five in particular that are worth special attention and consideration.

- Amendment 3 (373.907(1)(b)) – Clarifies existing statute by requiring Basin Management Action Plans to include sufficient projects and practices to achieve the TMDL water quality goal and provide an estimated allocation of pollution load reductions. These commonsense provisions, which are clearly in line with the original intent of the Florida Springs and Aquifer Protection Act, would ensure that BMAPs provide a pathway to clean water and allow for an honest evaluation of the success of nitrogen reduction projects and practices.
- Amendment 4 (373.807(3)) – Requires the creation of a remediation plan for agricultural pollution, in certain cases, for Outstanding Florida Springs. This language is nearly identical to the remediation plans required under SB 712 for septic tanks and wastewater treatment facilities. Agricultural nutrient pollution is responsible for twice as much nitrogen loading to Florida's springs as septic tanks, wastewater treatment plants, and urban fertilizer combined. Approximately half of the impaired Outstanding Florida Springs cannot recover without advanced agricultural best management practices. Not requiring an agricultural remediation plan ensures that BMAPs will fail for many of Florida's waters.

- Amendments 12 & 13 (403.0673) – Amends the Wastewater Grant Program to allow funding of agricultural remediation projects and removes language that would prioritize projects which incentivize sprawl, leading to increased water pollution.
- Amendment 15 (403.0855) - Ensures that the land disposal of biosolids will not offset reduction in nutrient pollution from connecting OSTDS and upgrading wastewater treatment facilities by providing reasonable rules on biosolid application in sensitive watersheds.
- Amendment 17 (403.814) – Strengthens the stormwater rule to include discharges which contribute to water quality violations.

We look forward to the opportunity to work together to strengthen SB 712 and protect and restore Florida's waters.

Sincerely,



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cc: Rep. Bobby Payne
Ms. Ellen Rogers