

SB 1758 (2019 as filed)	SB 712 PCS by Appropriations + amendment 323376	Comments
No whereas clauses	Good whereas clauses	
S. 2 Type two transfer of OSTDS program in DOH to DEP	<p>S. 2 DOH-DEP type two transfer</p> <p>(1) by 7/1/20 DOH report on current OSTDS related:</p> <ul style="list-style-type: none"> • permits/year • employees • costs and expenditures <p>(2) by 12/31/20 DOH recommendations to Gov, Pres, and Speaker on all aspects of transfer</p> <p>(3) by 6/30/21 DOH and DEP enter into interagency agreement covering responsibilities and administrative and fiscal matters</p> <p>(4) effective 7/1/21 Type II transfer from DOH to DEP</p> <p>(5) DOH employees transferred to DEP are held harmless</p>	<p>712 - This section may have the most potential for actual improvement since the state has been so lax on regulating septic tanks. It will depend on implementation and whether the necessary rulemaking is ratified by the legislature.</p> <p><i>1758 – The potential for improvement is the same, but it is not the greatest potential for water quality in the bill (see the requirements for achieving the TMDL, agricultural remediation plans, and required deadlines and penalties for failing to meet requirements).</i></p>
	<p>S. 3</p> <p>Creates new 327.62 No-Discharge Zone</p> <p>(1) finds that prohibiting vessels from discharging into the waters of the state would assist in protecting and enhancing said waters.</p> <p>(2) DEP with the commission is to apply to EPA to establish no-discharge zones wherever adequate pump-out facilities are available with the ultimate goal of making all Florida's waterbodies no-discharge zones.</p> <p>(3) By 1/2/21 and every 2 years thereafter report to Governor, Speaker and President on effectiveness of the no-discharge zone (<i>which may/probably will not have been established by EPA.</i>)</p>	<p>712 - No-discharge zone language accomplishes nothing but a request to EPA.</p>
	<p>S. 4 373.036 Florida water plan; district water management plans.—</p> <p>Adds EDR to entities (DEP, Gov, President, and Speaker) WMDs are to submit consolidated annual</p>	<p>712 - This and other required reports in the two bills prevent leadership from being able to disclaim responsibility for septic tank cleanup.</p>

	<p>report to. The amendment adds reporting on OSTDS projects to the current list of things to be included.</p>	<p>But at the same time, it is not a lack of reports that has allowed the pollution of Florida’s waters.</p>
	<p>S. 5 amends 373.4131 Statewide environmental resource permitting rules.— (3) requires WMDs to do stormwater rulemaking, increasing removal of nutrients and ensuring no additional pollutant loadings into impaired water bodies occur. By 1/1/21 the ERP Applicant’s Handbook is to be amended to include revised BMPs and design criteria to achieve consistent application of net improvement performance standard and no new pollutant loadings. (5) links the evaluation of inspection data to self-certifier’s compliance under 403.814 and makes recommendations to the legislature for improving the self-certification program. (403.814 is the wetlands 10-2 rule, improved in 323376 by inserting “or contribute to” in (12)(f) 3. which current law only addresses when causing a violation of water quality standards.)</p>	<p>712 - Amendment 32376 adds specificity on best available methods to address nutrient loading from stormwater discharges. Current law does not set backstops or guarantee the adoption of improved stormwater design and performance standards, meaning that progress is unlikely in these areas. Amended language requires the Districts to adopt improved rules and sets specific conditions on stormwater best management practices.</p> <p>This section improves 712.</p>
<p>S. 3 373.807 Protection of water quality in Outstanding Florida Springs.— (1)(a) broadens scope of OSTDS remediation plan by making the threshold for the plan 20% of “nutrient” pollution instead of the current “nitrogen” pollution. (b) adds</p> <ul style="list-style-type: none"> • prioritization based on estimated nutrient load reduction along with other items, • local government plan for wastewater treatment plant (WWTP) projects and OSTDS remediation plan (<i>which is elsewhere in the bill.</i>) Plans must include deadlines and be subject to penalties 		<p>1758 – this section requires an OSTDS remediation plan that achieves the TMDL and an agriculture remediation plan. Local governments are also subject to fines and not being allowed to issue building permits if they fail to adopt a required urban fertilizer ordinance under 403.9337. Includes two of the most important provisions to achieving water quality goals: the creation of an agricultural remediation plan and penalties for non-compliance. Neither of these provisions is included in SB 712.</p>

<p>under 403.067.</p> <ul style="list-style-type: none"> Flush left material requiring all plans under this paragraph to exceed the nutrient reductions to achieve the TMDL. <p>(2) adds penalties for localities required to adopt at least the model ordinance (403.9337) in the plan area - fines under 403.121, 141, and 161 – also no new building permits in plan area.</p> <p>(3) DEP to work with DACS in BMAP including an OFS to develop an agricultural remediation plan if ag is responsible for 20% or more of nonpoint source nutrient pollution. DEP leads on BMAP; DACS leads on BMPs. Plan to be adopted in 2 years.</p> <p>Strikes weaker current language.</p>		
<p>S. 4 381.00661 is created Wastewater grant program – established in DEP – placed next to S 13 of 712 PCS which has a provision in 403.0673</p>		
	<p>S. 6 381.0065 OSTDS regs (2) definitions (DOH – DEP) (3) Provides changes for septic systems transition from department of health to DEP. Grants the department new authority over siting and nutrient pollution in the development of a “comprehensive program”. The current (3)(a) gives rulemaking authority for various OSTDS categories including “requirements for separation from water table elevation during the wettest season” which, in conjunction with the nutrient pollution language in the amendment to (3)(c) should authorize DEP to do rulemaking for nutrient loading. (4) strikes rule providing for reducing setbacks where not necessary; adds siting of OSTDS and nutrient</p>	<p>712 - The changes to 712 have water quality implications. However, being given authority over siting and nutrient pollution does not equate to results.</p> <p>We have seen that DEP does not carry out rulemaking it is directed to do in statute, so it’s impossible to be confident they will do it just because they have the authority. (It has been almost four years since 2016 when the Florida Legislature passed SB 552 requiring DEP to adopt by rule a uniform definition of “harmful to the water resources” [F.S. 373.219(3)]. This definition was to be used as the “minimum standard” when considering</p>

	<p>pollution as a concern to be addressed.</p> <p>New paragraph (4)(e) - rulemaking authority for DEP to locate OSTDS, to protect groundwater and surface water - to be done by 7/1/22 Siting, setbacks, included. The rules are to include conventional and nutrient reducing systems and must consider:</p> <ul style="list-style-type: none"> • Impaired/degraded water bodies • Domestic WW and drinking water infrastructure • Potable water sources • Non potable wells • Stormwater infrastructure • OSTDS remediation plans per BMAP • Nutrient pollution, and • Recommendations of OSTDS tech advisory committee in the next section of the bill (The committee expires on 8/15/22)- <p>(f) – grandfathers OSTDS permitted before rules are effective</p> <p>Deletes current (f) and thereby strikes prohibition on regulating distance of OSTDS from permanent or temporary surface water (except for paragraphs (e)and (t).</p> <ul style="list-style-type: none"> • [(e) remains in the law and comprises setback distances from different types of wells, non-potable wells, stormwater sewers, and different surface waters, and • (t) addresses OSTDS in the floodways of the Suwannee and Aucilla Rivers.) – Hence, this is an improvement.] 	<p>consumptive use permits for Outstanding Florida Springs. DEP has not yet begun development of this rule.)</p> <p>This (4)(e) authority is primarily about siting OSTDS – important, but there’s nothing specific about minimum distance from drainfield to mean high water table. (though the language in (3)(a) and (c) grants the authority)</p> <p>The list of things to be considered in siting septic systems is similar to what is in current law (distances from different kinds of wells and stormwater features, see paragraph (f) immediately below which lists current distance requirements. This list adds nutrient pollution, BMAP requirements, and tech advisory committee recommendations).</p> <p>However, the tech advisory committee is directed to look at increasing marketability of nutrient reducing systems and fast-tracking and expediting permitting for new nutrient reducing systems meeting NSF 245. The fast-tracking and expedited permitting suggestions are characterized as “regulatory options” but they’re basically easing the regulatory structure, not strengthening it.</p>
	<p>S. 7 381.00652 OSTDS tech advisory committee</p>	<p>This section creates a short term 2 1/6th years</p>

	<p>NEW 381.00652 is created: OSTDS tech advisory committee - created in DEP to:</p> <p>(1)</p> <ul style="list-style-type: none"> • Make recommendations to increase availability of nutrient removing systems • Recommend regulatory options to boost nutrient removing systems meeting NSF 245 or similar standard such as expedited permitting, fast-track approval, etc. • Recommend setbacks <p>(2) DEP to support the committee (3)] DEP to appoint 9 to committee (4) report to Gov, Speaker, Senate Pres by 1/1/22, (5) this section expires 8/15/22. (6) Dept means DEP</p>	<p>advisory committee mostly aimed at getting nutrient reducing systems marketed. The membership of the committee includes 2 from the environmental community. They also recommend siting setbacks from surface water, groundwater, and wells.</p>
	<p>S. 8 repeals 381.0068 (Technical review and advisory panel.)</p>	<p>The purpose of the repealed panel is in 381.0068 (2) (excerpted): (2) "The primary purpose of the panel is to assist the department in rulemaking and decision making by drawing on the expertise of representatives from several groups that are affected by onsite sewage treatment and disposal systems."</p> <p>The panel contains industry representatives, local government, health, and environmental members. The panel's comments on rules must include dissenting comments. The panel is an ongoing entity within DOH.</p>
	<p>S. 9 403.061 - DEP powers and duties; authorizes rulemaking for this act and for limiting/eliminating leaks, seepages, or inputs into underground pipes</p> <p>New subsection (14) requires utilities to report their expenditures which may be used as evidence of their efforts to address sanitary sewer overflows,</p>	<p>More of the focus on inflow and infiltration that is contributing/causing sanitary sewer overflows and spills. Also leaking pipes that are letting out sewage into the ground.</p> <p>Report on expenditures to address the problem.</p>

	leakages, and inflow and infiltration (I&I) – authorizes rulemaking to implement the subsection.	
	<p>S. 10 creates 403.0616 Real-time water quality monitoring program – subject to appropriation</p> <p>Public Private partnerships with scientific entities with proven records on water quality monitoring are encouraged</p>	<p>Information is important, but if there is no money, nothing will happen.</p> <p>Note, the section says nothing about where the monitoring equipment is to be deployed, for how long, what the consequences of its findings will be, etc.</p>
<p>S. 5 403.067 (7)(a) - Subparagraph 1 amended to add requirement for: BMAP plan to include detailed information for projects including descriptions and timelines for completion</p> <p>Subparagraph 4. New or revised BMAP to include:</p> <ul style="list-style-type: none"> c. list of priority projects that (<i>new language</i>) accord priority to be given to estimated nutrient reduction, project readiness, cost effectiveness, overall environmental benefit , etc. New f. requires allocation of pollutant load to each point source or category of nonpoint sources Flush left requiring nutrient load reductions exceed what is needed to achieve the TMDL <p>(d) Wastewater Treatment Plan (in a new paragraph) Local government to develop plan to provide AWT at minimum – must provide for construction, upgrades, expansion needed to achieve TMDL consistent with OSTDS remediation plans under paragraph (e) (next in</p>	<p>s. 11 403.067(7)(a) BMAPs</p> <p>9. (Inserts a new subparagraph 9) that provides when wastewater treatment facilities or septic systems contribute 20% of nutrient pollution, or when DEP decides remediation is necessary to achieve the TMDL, a BMAP for a nutrient TMDL must include:</p> <ul style="list-style-type: none"> a. Wastewater treatment plan developed by each local government in cooperation with 	<p>712 and 1758 address the BMAP section, but often in different parts and sometimes for different purposes</p> <p>Allocating how much nutrient load reduction is very important</p> <p>The requirement that the nutrient load reductions exceed what is needed to achieve the TMDL is essential The 20% threshold plus DEP discretion to require a WWT facility plan if <20% is good</p> <p>Requirement to plan to upgrade WWTPs to</p>

<p>bill)</p> <p>Owner / operator to provide information for each WWTP with plan for upgrade to AWT including: permitted capacity of the plant in gpd, average nutrient concentration, estimated average nutrient load</p> <p>Local government to submit detailed plan to DEP to include: timeline, detailed planning and design report. Certification of agreement between local government and WWTP owner / operator and both approve of method of implementing upgrades and financing.</p> <p>DEP may amend plan and shall approve the final plan, and provide tech support. Existing WWTPs must incorporate plan into next 5 year renewable date of NPDES permit. Extension may be granted.</p> <p>If the deadlines in this subparagraph are not met, no building permits by local government and DEP to issue no OSTDS permits.</p> <p>(e) new paragraph – re OSTDS Requires OSTDS remediation plan if they contribute 20% of nonpoint source nutrient pollution; to promote cost-effective remediation DEP may identify priority focus areas.(to be based on soils, groundwater or surface water travel time, etc.), the remediation plan must be completed and adopted as part of the BMAP no later than the first 5 year milestone assessment. Defines priority focus area for non-OFS areas using same/similar language.</p>	<p>DEP, WMD, and domestic wastewater facilities in the jurisdiction. The plan must include:</p> <ul style="list-style-type: none"> ○ Construction, expansion, or upgrades to achieve the TMDL for wastewater treatment plants. ○ Include <u>permitted average annual capacity</u> in gpd capacity; average nutrient concentration and estimated average nutrient load of the domestic wastewater. ○ Timeline of start and completion of any facility improvements and date improvements will be operating. ○ Estimated cost of improvements, and; ○ Responsible parties <p>(flush left) Wastewater treatment plan must be adopted as part of BMAP by 7/1/25 (5 years from effective date) – also – localities without domestic wastewater treatment facilities in their jurisdictions do not have to create such plans unless there is a demonstrated need to <i>establish</i> such a facility in their jurisdiction to achieve a TMDL.</p> <p>Local governments are not responsible for private WW facility compliance with BMAP.</p> <ul style="list-style-type: none"> • b. Requires OSTDS remediation plan developed by local government in cooperation with DEP, DOH, and domestic wastewater facilities <ul style="list-style-type: none"> ○ The OSTDS remediation plan must ID “cost-effective and financially feasible projects to achieve the nutrient load reductions required for OSTDS. To ID the projects the local government shall: 	<p>AWT and for capital expenditures to achieve the TMDL</p> <p>The requirement of planning to meet the TMDL is good</p> <p>Capacity in gpd (1758) is much better than average annual gpd (712). Measurements of central tendency moderates spikes to where they are acceptable under the adopted standards.</p> <p>WW treatment plan is adopted 5 years from effective date of the bill. There is no requirement that the required timeline have a deadline for the completion date. It could be 25 years in the future. The completion date should be tied to the date by which the BMAP is supposed to achieve the TMDL.</p> <p>This is fair and should be included in 1343.</p> <p>Enforceable deadlines</p>
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<p>Each local government in the plan area is to prepare a plan by the first 5 year milestone or as required for OFS areas (2 years) that connects OSTDS to central sewer or replacing the current system with a new one where the discharge meets current water quality standards and which has a discharge monitoring system. The required detailed plan is to include timeline for commencement and completion, detailed planning and design report, and certification of agreement between local government and owner or operator as to method of remediation and the financing of construction and operation DEP may amend and shall approve a final plan. DEP to provide tech support and may grant an extension for good cause. Penalties may be assessed for missing deadlines including no issuance of local building permits and DEP may not issue OSTDS permits until the actions in the remediation plan have been completed. Penalties may be reduced based on expenditures designed to achieve compliance.</p> <p>In developing the plan, DEP shall gather scientific evidence, work with stakeholders, and include options and a priority ranking to get the most cost effective, efficient use of provided funding, including environmental benefit and local match (which may be waived in areas of rural opportunity).</p> <p>OSTDS on lots of 1 acre or less and within a BMAP must conform to the requirements of the remediation plan.</p> <p>(g) Alternative Restoration plan -</p>	<ul style="list-style-type: none"> ▪ Include inventory of OSTDS based on best info available ▪ ID how many would be hooked up to sewer, how many upgraded to advanced OSTSDS, how many left as conventional ▪ Estimate costs ▪ ID deadlines and milestones <ul style="list-style-type: none"> ○ DEP is to adopt the OSTDS remediation plan by 7/1/25 (5 years from effective date) or as required under 373.807 (which is not amended by the bill and requires plan by first 5 year milestone) for OFS. <p>Inserts new subparagraph 10 - DEP may not require higher cost option if lower cost will achieve the same nutrient reduction</p>	<p>They get 5 years to develop and adopt the plan as part of the BMAP, but there is no requirement to meet the TMDL.</p>
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To demonstrate that DEP can forgo placing a water body on the verified impaired waterbodies list and establishing a TMDL, the restoration plan for a water body must establish implementation of BMPs, implementation of septic remediation plan, and adoption of alternative waste treatment levels for WWTPs. The restoration plan must include any other pollution control mechanisms in use and on adoption of the plan, the requirement for BMPs or monitoring is enforceable under 403.121, 141, and 161.

(b) only a cross reference update

(c) BMPs

Subparagraph 1 (current law) – DEP in cooperation with WMDs and others “may” develop measures, including BMPs, to achieve the pollution reduction for nonagricultural nonpoint sources established in allocations in (6) which “may” be adopted by rule.

Subparagraph 2 (current law) – DACS “may” develop measures, including BMPs, to achieve the pollution reduction for agricultural pollutant sources established in allocations in (6) which “may” be adopted by rule. The practices and measures “may” be implemented by those responsible for agricultural pollutant sources (*not nonpoint sources*) and DEP, WMDs, with DACS “assisting with implementation.” In the process of developing and adopting rules (*not a direct authorization for rulemaking*) for measures and BMPs, DACS is to consult with DEP, DOH, and farming and environmental groups. The rules must incorporate provisions for a notice of intent to

implement the practices and site inspection and recordkeeping requirements.

Subparagraph 3 (current law) – requires DEP to verify the effectiveness of measures and BMPs at representative sites. DEP is to use best professional judgement in making the initial verification that the BMPs are “reasonably expected” to be effective (*but no threshold for how effective they might or might not be...*) This initial verification, or verification by monitoring, confers a presumption of compliance with state water quality standards and release from 376.307(5) (having to pay back funds received from the Water Quality Assurance Trust Fund in the event of a polluting discharge (pursuant to 376.308) Exemptions for research projects.

Subparagraph 4 (current law) – provides that when water quality problems persist despite appropriate implementation of BMPs, DEP, WMDs, or DACS in consultation with DEP, are to reevaluate the BMP and if it needs modification, the rule is to be revised to require implementation of the modified practice within a reasonable time as specified in the rule. (*The modified practice is required to be adopted quickly, but is not required to achieve the TMDL.*)

subparagraph 5 (new language) says that subject to subparagraph 6 (which provides for the confidentiality and exemption from public records requests of agricultural business and practices information) requires DACS to provide DEP with the information it gets per (d) 3 (see below)

Subparagraph 6: In addition to the confidentiality and public records exemption language, the subparagraph also provides that DEP gets the records upon request by DEP (current law)

Subparagraph 7 (current law, renumbered) – provides that the presumption of compliance with water quality standards in subparagraphs 1 and 2 does not preclude DEP or WMDs from actually requiring compliance with water quality standards, or BMPs in a lawful regulatory program for the purpose of protecting water quality.

(d) Enforcement and verification of basin management action plans and management strategies.—

Requires DEP to do rulemaking to **verify**

- implementation of water quality monitoring in lieu of BMPs
- procedures for implementation of nonagricultural BMPs, and
- procedures for implementation of agricultural BMPs

3. (New subparagraph) Requires DACS to perform onsite inspections of BMP enrollees (in BMAP) at least every two years to ensure the BMP is being implemented correctly. This verification is limited to whether the BMP is being implemented as intended, not its efficacy. The inspection is to include collection and review of BMP documentation for the previous 2 years which must include N and P fertilization records that are required to be collected and retained per subparagraphs 3., 4., and 6. (These subparagraphs do not address collection or retention. However, rulemaking is authorized in 3. and 4. which may be where retention and collection is addressed NB – **it is subparagraph (7)(c) 2. that includes site inspection and recordkeeping** to be placed in rule.)

	<p>(e) Data collection and research - New paragraph inserted authorizes DACS, UF/IFAS, and other state universities with ag programs to develop research plans and legislative budget requests to:</p> <ul style="list-style-type: none"> • Suggest enhancements to nutrient BMPs • Develop new BMPs for possible inclusion in future rulemaking (not limited to nutrients) • Develop ag nutrient reduction projects for willing participants could implement on a site-specific basis in addition to BMPs. These would have to fit with projects and management strategies currently in BMAP. <p>Funding must be requested from DACS by 8/1 of each year.</p>	<p>Enhancements and “new BMPs” should be tied to a requirement to meet the TMDL and their development should be mandated when existing BMPs are inadequate to the task.</p> <p>Ag nutrient reduction projects for willing participants are purely voluntary. FDOT is given eminent domain authority for roads and a strong argument can be made that water quality and quantity is as, or more important than roads. If condemnation is necessary to restore the water that is held in trust for all Floridians, the state should be willing to pay adequate compensation for its exercise of eminent domain for conservation purposes.</p>
	<p>s. 12 403.0671 creates BMAP wastewater reports to Gov, Speaker, and President on costs of wastewater projects identified in BMAPs and 373.807 (OFS provision) – report is to include a proposed 5 year funding plan for each project by 7/1/21</p> <p>By the same date a similar report is due assessing the water quality monitoring being done in each BMAP for a nutrient TMDL. Including whether it is sufficient, identifying gaps, etc. Recommend monitoring needs. Beginning 1/1/22 and every year thereafter DEP is to submit to EDR cost estimates for projects required in 403.067(7)(a)9 – wastewater treatment plans in BMAP - which are to be included in the offices annual assessment.</p>	<p>Reports ensure legislators and leadership can’t pretend they don’t know what is happening. But if they read the paper they already know.</p> <p>Amend to include economic costs incurred by ongoing pollution?</p>
<p>S. 4 of 1758 381.00661 is created Wastewater grant program – established in DEP – placed here to compare with S 13 of 712 PCS which has a provision on the same subject in 403.0673</p>	<p>s. 13 403.0673 WW grant program subject to appropriation...grants for upgrades, etc. for WWTPs to get to AWT, OSTDS upgrades to nutrient reducing systems, and septic to sewer conversions</p> <p>Priorities established –</p>	<p>Subject to appropriation means nothing happens dependably – and no one should take credit for solving anything absent funding.</p> <p>Making the first priority connection to existing facilities makes sense both in terms of lower</p>

<p>(1) subject to appropriation, DEP may provide grants for nutrient reduction projects in BMAPs or in Alternative Restoration Plans adopted by final order for: OSTDS, construction, upgrade, or expansion to provide AWT, Connect OSTDS to central sewer</p> <p>(2) Priority to be given to connecting OSTDS to central sewer or to subsidize inspections and assessments of OSDTS</p> <p>(3) requires 50% local match that may be waived in rural areas of opportunity</p> <p>(4) DEP to coordinate with WMDs</p> <p>(5) report required</p>	<p>First – connection to existing facilities</p> <p>Second – (MCORES) Expansion of a system by planning construction transmission facilities concurrently with projects within or along a transportation right of way</p> <p>Third - all other septic to sewer projects 50% local match required Report on funded projects annually</p>	<p>cost (as the WWTP won't have to be built from scratch – though an expansion may be needed), and also in terms of less encouragement of sprawl, since the existence of a WWTP means it's likely in an area that's already been developed. It's far from perfect protection, but better than nothing.</p> <p>The second priority (MCORES) is <i>awful</i> for sprawl. Protections from sprawl should be built into the priorities by requiring septic to sewer to be limited to growth areas already identified in comprehensive plans and prohibited in rural and conservation areas. 1758 subsidizes inspections and assessments of OSTDS which makes sense since there are ~2.3 million septic tanks in Florida (2008 DOH study), inspecting and assessing them to find out which are malfunctioning is common sense.</p>
<p>S. 6 403.0771 is created – Sewage spill notification; moratorium</p> <p>(1) In addition to 403.077, WWTP must notify customers in case of a spill within 24 hours.</p> <p>(2) If WWTP is owned by local government, no building permits or OSTDS permits from DEP until maintenance, repair, or improvement is done to reduce or eliminate sanitary sewer overflows. DEP is to issue daily fines which may be reduced on WWTP's investment on assessment and maintenance activities.</p>		
	<p>s.14 403.0855 Biosolids management (1) findings – Regulating biosolids best interests of state; expedited implementation of BTAC will assist</p>	

	<p>in water protection</p> <p>(2) DEP to adopt rules</p> <p>(3) Biosolids application sites must meet DEP rules in effect at time of renewal application, and be enrolled in BMPs or be part of an enrolled enterprise</p> <p>(4) Permittee shall</p> <ul style="list-style-type: none"> • apply biosolids in accordance with BMAP per 403.067 and 373.807 (OFS) • establish groundwater monitoring for sites when application in nutrient mgmt. plan >164,200 lbs./acre/year of total plant available N or 40 lbs. of P₂O₅, or soil capacity index <0mg/kg • when soil fertility index testing indicates <0mg/kg, establish groundwater monitoring within one year from testing result. • Allow DEP to install groundwater monitoring wells and monitor them at any time during permit • Ensure minimum unsaturated soil depth of 24 inches at time Class A or B biosolids are applied, and application may not take place on soils with seasonal high water from soil surface or where biosolids will be placed 	<p>Previous comments on rule adoption by DEP – also problem of legislative ratification</p> <p>Accepts renewal of permits instead of transitioning away from land application. Additionally, there are no biosolids BMPs to be enrolled in.</p> <p>There are no rules for biosolids in 403.067 nor in 373.807. However, they are inadequately addressed in 373.811, Prohibited activities in a Priority Focus Area of an OFS. Their application should be prohibited in PFAs as those areas are by definition “... most vulnerable to pollutant inputs...” (373.802 (5) F.S.)</p> <p>The 0 mg/kg standard should be set higher to provide a safety factor so there is time to stop applying when approaching the limit of what soil/vegetation can hold. Obviously, 0mg/kg is closing the barn door when the horse has already bolted.</p> <p>0 mg/kg is closing the barn door when the horse has already bolted and they get a year to continue polluting when they know the nutrients are going straight to groundwater.</p> <p>24 inches is a good minimum depth, but the ‘at the time the biosolids are applied’ language is not. As with urban Nitrogen and Phosphorus fertilizer, there should be a rainy season application ban.</p>
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	<p>(5) Allows local government regulations adopted before 11/1/2019 to be enforced or extended until the locality repeals them.</p>	<p>Since “seasonal high water is defined in the bill as being the elevation in a normal year, the depth should be greater to account for spikes in levels of rainfall. (15 cm is roughly 6 inches.)</p> <p>Since this “non-preemption” language applies to extension and enforcement, it apparently precludes amendment (which could be needed if the local ordinance coupled with the provisions of this subsection is insufficient.).</p>
<p>S. 7 403.086 Sewage disposal facilities advanced and secondary treatment</p> <p>(1) Inserts IRL into current list of water bodies that cannot have sanitary sewer disposed into them. (no five year effective date in 1758.)</p>	<p>s.15 403.086 Sewage disposal facilities advanced and secondary treatment</p> <p>(1) Inserts IRL into current list of water bodies that cannot have sanitary sewer disposed into them. IRL part becomes effective 7/1/25 (presumably, 5 years to give them time to find alternate method of disposal) New (d) requires progress report to Gov, Pres, Speaker on upgrades to meet AWT, including costs and timeline for completion. (2)Adds requirement for power outage contingency plan</p> <p>(7) Requirements for leaks, inflow and infiltration studies, assessments, repair – rulemaking authority, but DEP cannot affect rates</p> <p>Substantial compliance can mitigate penalties</p>	<p>We don’t see anything wrong with these provisions, but absent money, success is unlikely.</p>
	<p>s. 16 403.087 Permits; general issuance; denial; revocation; prohibition; penalty</p> <p>Provides DEP shall issue operating permit for a domestic WWT facility that is not under an NPDES for up to 10 years if they meet the goals in (7) of the previous section: [(7) Requirements for leaks, inflow and</p>	<p>The current requirements in 403.087 – esp. current (5)- (9) appear to be adequate and would also apply to non NPDES facilities.</p>

	infiltration studies, assessments, repair – rulemaking authority, but DEP cannot affect rates]	
	<p>S. 17 403.088 Water pollution operation permits; conditions</p> <p>(2)(c) Three new additional requirements for getting a permit: a deliberate proactive approach to investigating/surveying WW collection system throughout the permit term. Requires annual report to DEP of deviation of funds for Inflow and Infiltration (I&I) study, model plan for pipe assessment, and repair/replacement. Substantial compliance can mitigate penalty.</p> <p>(3) Annual report each 3/1 to Gov, Pres, and Speaker to ID WWTFs that had sanitary sewer overflow with details of spill, including whether it was caused by a third party.</p>	<p>Calls for investigating/surveying “significant percentage of domestic WW collection system throughout the duration of the permit. If it is a ten year permit, does that mean 1/10th of system? 20 years – 1/20th? What is significant?</p>
	<p>s. 18 403.0891 State, regional, and local stormwater management plans and programs</p> <p>Inserts requirement that currently required DEP/DEO developed model stormwater management programs include model ordinances targeting nutrient reduction and use of green infrastructure.</p>	<p>Seemingly a small improvement</p>
	<p>s. 19 403.121 Enforcement; procedure; remedies</p> <p>(2)(b) boosts penalties for hazardous waste violations not to exceed \$10,000 to not to exceed \$50,000 and for violations of (3), (4), (5), (6), and (7) of \$1,000/day and bumps cap from \$10,000 to \$50,000 and doubles others.</p>	<p>More increased penalties.</p>
	s. 20 403.1835 Water pollution control financial	<p>Subsection (j) promotes sprawl in sensitive</p>

	<p>assistance <i>An existing statute for financial assistance</i></p> <p>(7) is amended to give priority in new (i) and (j)</p> <p>(i) Section 12 of this bill (sewage disposal facilities – (7) survey/investigation; leaks and I&I) and section 14 of this bill – basically on the same subject with the addition of a reporting requirement, and</p> <p>(j) MCORES; plan for installation of WW transmission facilities along rights of way</p>	watersheds.
	<p>S. 21 403.1838 Small Community Sewer Construction Assistance Act.—</p> <p>(3)(b) ERC rules must...</p> <p>5. add water pollution prevention to the currently required abatement, and prioritization of concurrent WW transmission facilities with rights of way construction (MCORES)</p>	<p>Small improvement, but will the rulemaking be done and will they be ratified by the legislature? The bill should eliminate all legislative ratification of water quality legislation until all current BMAPs are completed satisfactorily.</p> <p>Anti-sprawl language must be inserted regarding concurrent construction in rights of way</p>
	<p>S. 22 403.814 General permits; delegation.—</p> <p>Relates to 10-2 wetlands rule – adds to requirements to get a permit for construction, alteration, and maintenance of a stormwater management system the provision that the system will not cause <u>or contribute to</u> violation of state water quality standards.</p>	<p>This is a good provision since a single source of pollution is not necessarily the cause of water quality violations, but is a contributor to them. It makes the standard for getting a permit more stringent.</p>
<p>S. 8 403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—</p> <p>Local governments required to adopt, enact, and implement an urban fertilizer ordinance and fail</p>		<p>Removal of fines for non-compliance is one of the major weaknesses of SB 712 compared to SB 1758.</p>

<p>to so are subject to fines under 403.121, 141, and 161. Local government may not issue any building permits until ordinance is operative.</p>		
<p>S. 9 (1) Unnumbered section providing that DEP is to revise BMAP for IRL and BMAPs adopted for OFS (373.807) prepared before the effective date of the bill and conform them to the changes made in this act within one year of the effective date of this act. The department may grant an extension for WWTPs or OSTDS remediation plans on showing of good cause.</p> <p>(2) DEP is to revise all 403.067 BMAPs not under (1) and prepared prior to the effective date of this act to conform them to the changes made in this act within one year of the effective date of this act. or OSTDS remediation plans on showing of good cause.</p>		<p>Considering how much of Florida's sensitive areas are under BMAPs that are not working, this is a very important provision. HABs across the state. Go back and fix what needs fixing now instead of waiting 15 - 20 years to document that they have failed and only then think about doing something to protect the resource.</p>
	<p><i>[This is where amendment 323376 stops so all the remaining sections are numbered as they were in the original PCS for 712.]</i></p> <p>S. 19 Declaration that the act fulfills an important state interest</p>	
<p>SS. 10-19 Cross references and DOH to DEP changes</p>	<p>ss. 20-45 Cross references and DOH to DEP changes</p>	
	<p>S. 46 gives Div. of Law Revision direction as to dates</p>	
<p>S. 20 Effective date 7/1/2019</p>	<p>S. 47 effective date 7/1/20</p>	