

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Environment, Agriculture &
2 Flooding Subcommittee

3 Representative Maggard offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 64-194 and insert:

7 alternatives provided for in subparagraphs (a)2. and 3.; and the
8 level of treatment which the effluent, reclaimed water, or reuse
9 water will receive before being discharged into a surface water
10 by each alternative.

11 (a) The department shall approve a plan that includes all
12 of the information required under this subsection as meeting the
13 requirements of this section if one or more of the following
14 conditions are met:

15 1. The plan will result in eliminating the surface water
16 discharge.

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17 2. The plan will result in meeting the requirements of s.
18 403.086(10).

19 3. The plan does not provide for a complete elimination of
20 the surface water discharge but does provide an affirmative
21 demonstration that any of the following conditions apply to the
22 remaining discharge:

23 a. The discharge is associated with an indirect potable
24 reuse project;

25 b. The discharge is a wet weather discharge that occurs in
26 accordance with an applicable department permit;

27 c. The discharge is into a stormwater management system
28 and is subsequently withdrawn by a user for irrigation purposes;

29 d. The utility operates domestic wastewater treatment
30 facilities with reuse systems that reuse a minimum of 90 percent
31 of a facility's annual average flow, as determined by the
32 department using monitoring data for the prior 5 consecutive
33 years, for reuse purposes authorized by the department; or

34 e. The discharge provides direct ecological or public
35 water supply benefits, such as rehydrating wetlands or
36 implementing the requirements of minimum flows and minimum water
37 levels or recovery or prevention strategies for a waterbody.

38 (b) The department shall approve or deny a plan within 9
39 months after receiving the plan and, if a plan is approved, must
40 incorporate it in the utility's operating permit issued under s.
41 403.087. Any applicable environmental and public health

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42 protection requirements provided by law or department rule
43 governing the implementation of the plan must also be
44 incorporated into the permit. A utility may modify the plan by
45 amendment to the permit; however, the plan may not be modified
46 such that the requirements of this subsection are not met, and
47 the department may not extend the time within which a plan will
48 be implemented.

49 (c) Upon approval of a plan by the department, a utility
50 shall fully implement the approved plan by January 1, 2028;
51 however, if the utility proposes to implement a potable reuse
52 project, provided that the utility has implemented all other
53 components of the plan, the utility has until January 1, 2030,
54 to implement the potable reuse project component of the plan.

55 (d) If a plan is not timely submitted by a utility or
56 approved by the department, the utility's domestic wastewater
57 treatment facilities may not dispose of effluent, reclaimed
58 water, or reuse water by surface water discharge after January
59 1, 2028. A violation of this paragraph is subject to
60 administrative and civil penalties pursuant to ss. 403.121,
61 403.131, and 403.141.

62 (e) A domestic wastewater utility applying for a permit
63 for a new or expanded surface water discharge shall prepare a
64 plan in accordance with this subsection as part of that permit
65 application. The department may not approve a permit for a new
66 or expanded surface water discharge unless the plan meets one or

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67 more of the conditions provided in paragraph (a).

68 (f) By December 31, 2021, and annually thereafter, the
69 department shall submit a report to the President of the Senate
70 and the Speaker of the House of Representatives which provides
71 the average gallons per day of effluent, reclaimed water, or
72 reuse water which will no longer be discharged into surface
73 waters by the utility and the dates of such elimination; the
74 average gallons per day of surface water discharges which will
75 continue in accordance with the alternatives provided in
76 subparagraphs (a)2. and 3., and the level of treatment which the
77 effluent, reclaimed water, or reuse water will receive before
78 being discharged into a surface water by each alternative and
79 utility; and any modified or new plans submitted by a utility
80 since the last report.

81 (g) This subsection does not apply to any of the
82 following:

83 1. A domestic wastewater treatment facility that is
84 located in a fiscally constrained county as described in s.
85 218.67(1).

86 2. A domestic wastewater treatment facility that is
87 located in a municipality that is entirely within a rural area
88 of opportunity as designated pursuant to s. 288.0656.

89 3. A domestic wastewater treatment facility that is
90 located in a municipality that has less than \$10 million in
91 total revenue, as determined by the municipality's most recent

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92 annual financial report submitted to the Department of Financial
93 Services in accordance with s. 218.32.

94 (h) This subsection does not prohibit the inclusion of a
95 plan for backup discharges pursuant to s. 403.086(8) (a).

96 (i) This subsection may not be deemed to exempt a utility
97 from requirements that prohibit the causing of or contributing
98 to violations of water quality standards in surface waters,
99 including groundwater discharges that affect water quality in
100 surface waters.

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T I T L E A M E N D M E N T

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Remove lines 13-15 and insert:

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for administrative and civil penalties; requiring

106

domestic