

26 force, and

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

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

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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

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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.