

HB 641

2018

1 A bill to be entitled
2 An act relating to the St. Lucie River Watershed
3 Pollutant Control Program; amending s. 373.4595, F.S.;
4 specifying that county ordinances regulating the
5 transportation, composting, or land application of
6 sewage within the St. Lucie River watershed are not
7 duplicate regulations; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (d) of subsection (4) of section
12 373.4595, Florida Statutes, is amended to read:

13 373.4595 Northern Everglades and Estuaries Protection
14 Program.—

15 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
16 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
17 program shall be developed and implemented as specified in this
18 subsection. To protect and restore surface water resources, the
19 program shall address the reduction of pollutant loadings,
20 restoration of natural hydrology, and compliance with applicable
21 state water quality standards. The program shall be achieved
22 through a phased program of implementation. In addition,
23 pollutant load reductions based upon adopted total maximum daily
24 loads established in accordance with s. 403.067 shall serve as a
25 program objective. In the development and administration of the

26 | program, the coordinating agencies shall maximize opportunities
27 | provided by federal and local government cost-sharing programs
28 | and opportunities for partnerships with the private sector and
29 | local government. The program shall include a goal for salinity
30 | envelopes and freshwater inflow targets for the estuaries based
31 | upon existing research and documentation. The goal may be
32 | revised as new information is available. This goal shall seek to
33 | reduce the frequency and duration of undesirable salinity ranges
34 | while meeting the other water-related needs of the region,
35 | including water supply and flood protection, while recognizing
36 | the extent to which water inflows are within the control and
37 | jurisdiction of the district.

38 | (d) St. Lucie River Watershed Basin Management Action
39 | Plan.—The basin management action plan for the St. Lucie River
40 | watershed adopted pursuant to s. 403.067 shall be the St. Lucie
41 | River Watershed Pollutant Control Program and shall be designed
42 | to be a multifaceted approach to reducing pollutant loads by
43 | improving the management of pollutant sources within the St.
44 | Lucie River watershed through implementation of regulations and
45 | best management practices, development and implementation of
46 | improved best management practices, improvement and restoration
47 | of the hydrologic function of natural and managed systems, and
48 | use of alternative technologies for pollutant reduction, such as
49 | cost-effective biologically based, hybrid wetland/chemical and
50 | other innovative nutrient control technologies. As provided in

51 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin
52 Management Action Plan must include milestones for
53 implementation and water quality improvement, and an associated
54 water quality monitoring component sufficient to evaluate
55 whether reasonable progress in pollutant load reductions is
56 being achieved over time. An assessment of progress toward these
57 milestones shall be conducted every 5 years and shall be
58 provided to the Governor, the President of the Senate, and the
59 Speaker of the House of Representatives. Revisions to the plan
60 shall be made, as appropriate, as a result of each 5-year
61 review. Revisions to the basin management action plan shall be
62 made by the department in cooperation with the basin
63 stakeholders. Revisions to best management practices or other
64 measures must follow the procedures set forth in s.
65 403.067(7)(c)4. Revised basin management action plans must be
66 adopted pursuant to s. 403.067(7)(a)5. The department shall
67 develop an implementation schedule establishing 5-year, 10-year,
68 and 15-year measurable milestones and targets to achieve the
69 total maximum daily load no more than 20 years after adoption of
70 the plan. The initial implementation schedule shall be used to
71 provide guidance for planning and funding purposes and is exempt
72 from chapter 120. Upon the first 5-year review, the
73 implementation schedule shall be adopted as part of the plan. If
74 achieving the total maximum daily load within 20 years is not
75 practicable, the implementation schedule must contain an

76 | explanation of the constraints that prevent achievement of the
77 | total maximum daily load within 20 years, an estimate of the
78 | time needed to achieve the total maximum daily load, and
79 | additional 5-year measurable milestones, as necessary. The
80 | coordinating agencies shall facilitate the use of federal
81 | programs that offer opportunities for water quality treatment,
82 | including preservation, restoration, or creation of wetlands on
83 | agricultural lands.

84 | 1. Nonpoint source best management practices consistent
85 | with s. 403.067, designed to achieve the objectives of the St.
86 | Lucie River Watershed Protection Program, shall be implemented
87 | on an expedited basis. The coordinating agencies may develop an
88 | intergovernmental agreement with local governments to implement
89 | the nonagricultural nonpoint source best management practices
90 | within their respective geographic boundaries.

91 | 2. This subsection does not preclude the department or the
92 | district from requiring compliance with water quality standards,
93 | adopted total maximum daily loads, or current best management
94 | practices requirements set forth in any applicable regulatory
95 | program authorized by law for the purpose of protecting water
96 | quality. This subsection applies only to the extent that it does
97 | not conflict with any rules adopted by the department or
98 | district which are necessary to maintain a federally delegated
99 | or approved program.

100 | 3. Projects that make use of private lands, or lands held

101 in trust for Indian tribes, to reduce pollutant loadings or
102 concentrations within a basin, or that reduce the volume of
103 harmful discharges by one or more of the following methods:
104 restoring the natural hydrology of the basin, restoring wildlife
105 habitat or impacted wetlands, reducing peak flows after storm
106 events, or increasing aquifer recharge, are eligible for grants
107 available under this section from the coordinating agencies.

108 4. The St. Lucie River Watershed Basin Management Action
109 Plan shall require assessment of current water management
110 practices within the watershed and shall require development of
111 recommendations for structural, nonstructural, and operational
112 improvements. Such recommendations shall consider and balance
113 water supply, flood control, estuarine salinity, aquatic
114 habitat, and water quality considerations.

115 5. The department may not authorize the disposal of
116 domestic wastewater biosolids within the St. Lucie River
117 watershed unless the applicant can affirmatively demonstrate
118 that the nutrients in the biosolids will not add to nutrient
119 loadings in the watershed. This demonstration shall be based on
120 achieving a net balance between nutrient imports relative to
121 exports on the permitted application site. Exports shall include
122 only nutrients removed from the St. Lucie River watershed
123 through products generated on the permitted application site.
124 This prohibition does not apply to Class AA biosolids that are
125 marketed and distributed as fertilizer products in accordance

126 with department rule.

127 6. The Department of Health shall require all entities
128 disposing of septage within the St. Lucie River watershed to
129 develop and submit to that agency an agricultural use plan that
130 limits applications based upon nutrient loading consistent with
131 any basin management action plan adopted pursuant to s. 403.067.

132 7. The Department of Agriculture and Consumer Services
133 shall initiate rulemaking requiring entities within the St.
134 Lucie River watershed which land-apply animal manure to develop
135 a resource management system level conservation plan, according
136 to United States Department of Agriculture criteria, which limit
137 such application. Such rules shall include criteria and
138 thresholds for the requirement to develop a conservation or
139 nutrient management plan, requirements for plan approval, site
140 inspection requirements, and recordkeeping requirements.

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

146 9. Notwithstanding ss. 163.3162(3) and 823.14(6), a county
147 ordinance that regulates the transportation, composting, or land
148 application of biosolids or other forms of sewage within the St.
149 Lucie River watershed is not a duplication of regulation.

150 Section 2. This act shall take effect July 1, 2018.