



The Clean Waterways Act and What It May Mean for Your County

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June 30, 2020

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- **CS/CS/SB 712: Environmental Resource Management**
- GENERAL BILL by Appropriations ; Community Affairs ; [Mayfield](#) ; (CO-INTRODUCERS) [Harrell](#) ; [Albritton](#) ; [Bradley](#)
- Environmental Resource Management; Citing this act as the “Clean Waterways Act”; requiring the Department of Health to provide a specified report to the Governor and the Legislature by a specified date; requiring the Department of Health and the Department of Environmental Protection to submit to the Governor and the Legislature, by a specified date, certain recommendations relating to the transfer of the Onsite Sewage Program; directing water management districts to submit consolidated annual reports to the Office of Economic and Demographic Research; removing provisions requiring certain onsite sewage treatment and disposal system research projects to be approved by a Department of Health technical review and advisory panel, etc.
- Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020
- Passed unanimously in both chambers
(<https://www.flsenate.gov/Session/Bill/2020/712/BillText/er/PDF>)
- Legislative intent....Protection of our waterways with a focus on Resilient Utilities

The Clean Waterways Act

■ History

- 2016 Florida Springs & Aquifer Protection Act
- 2018 Potable Reuse Commission
- 2019 CS/CS/HB 105 Blue Star Legislation
- 2019 Biosolids TAC
- 2019 Blue Green Algae Task Force
- 2019 SB 1758 (Clean Waterways Act)

■ Current Status

- Sent to Governor on June 16, 2020
- Signed on June xx, 2020
- Goes into effect July 1, 2020



- **Overarching Themes**
 - **Septic Tanks**
 - **Domestic Wastewater**
 - **Potable Reuse**
 - **Biosolids**
 - **BMAPS**
 - Stormwater
 - Agriculture
 - Bottled Water
 - Rights of Nature



■ **Septic Tanks Sections of the Act**

- Transfer of Onsite Sewage Program from FDOH to FDEP
 - FDOH report on septic tank permitting trends and program costs
 - FDOH&FDEP submit OSTDS transfer plan report
 - FDOH&FDEP interagency agreement (6/30/21)
 - Program transfer (7/1/21)
- FDEP to adopt OSTDS setback rules (7/1/22)
- FDOH must approve more nutrient reducing OSTDSs (7/1/20)
- Eliminate FDOH's OSTDS RRAC and Technical Review and Advisory Panel (7/1/21)
- Create an OSTDS TAC within FDEP (8/1/21 Appointments, 1/1/22 Report Due)
- Requires BMAPs to include OSTDS Remediation Plans (7/1/25)
- FDEP to provide OEDR cost estimate of projects required by BMAPS (1/1/22 and annually thereafter)

■ **Impacts to Counties**

- May be required to take lead in OSTDS Remediation Plan development
- Setback rules could require changes in local development codes
- May need to provide project cost data on S2S projects to FDEP

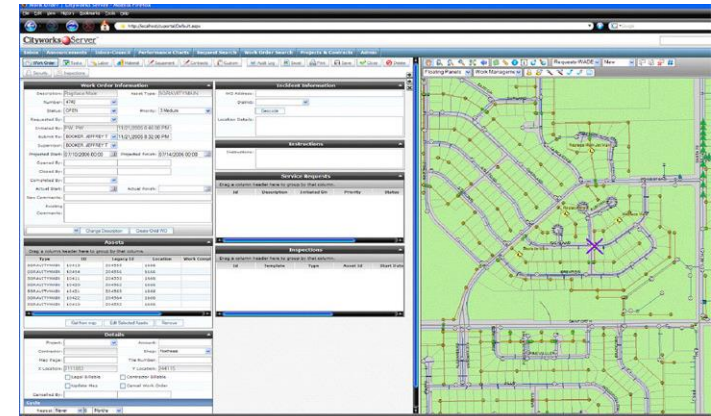


■ Domestic Wastewater Sections of the Act

- BMAPS must include Wastewater Treatment Facilities Remediation Plans (7/1/25)
- FDEP to adopt utility asset management plans and document expenditures
- Wastewater discharges into the Indian River Lagoon must meet AWT requirements (12/21/20 progress report, 7/1/25 compliance deadline)
- FDEP to report on annual summary of SSOs (3/1/21)

■ Impact to Counties

- May be required to take lead in WWTF Remediation Plan development
- Potential need to upgrade WWTFs to advanced treatment levels
- Utilities will need to put asset management plans in place
- Sanitary sewer overflow reporting may change
- With passage of HB1091 penalties will be higher



The Clean Waterways Act-Potable Reuse JonesEdmunds

- **Potable Reuse Section of the Act**

- FDEP to initiate rulemaking to enable potable reuse projects (12/31/20) based on the recommendations of the Potable Reuse Commission's 2020 report

- **Impact to Counties**

- May require higher levels of treatment for wastewater
- May require higher levels of treatment for drinking water
- Public perception



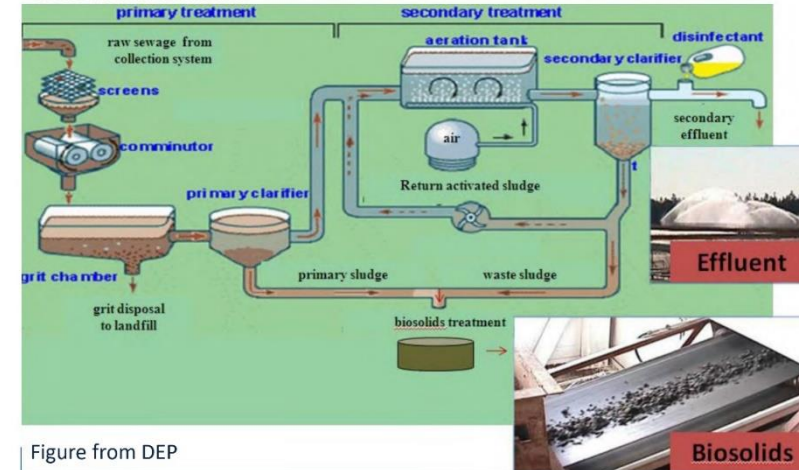
■ Biosolids Section of the Act

- Land application of biosolids must comply with water table separation requirements or demonstrate

■ Impact to Counties

- May have to modify your practices/facilities
- Limited disposal alternatives for biosolids will result in increased costs to address treatment level and disposal.

The treatment of domestic wastewater produces two principal end products: effluent and biosolids

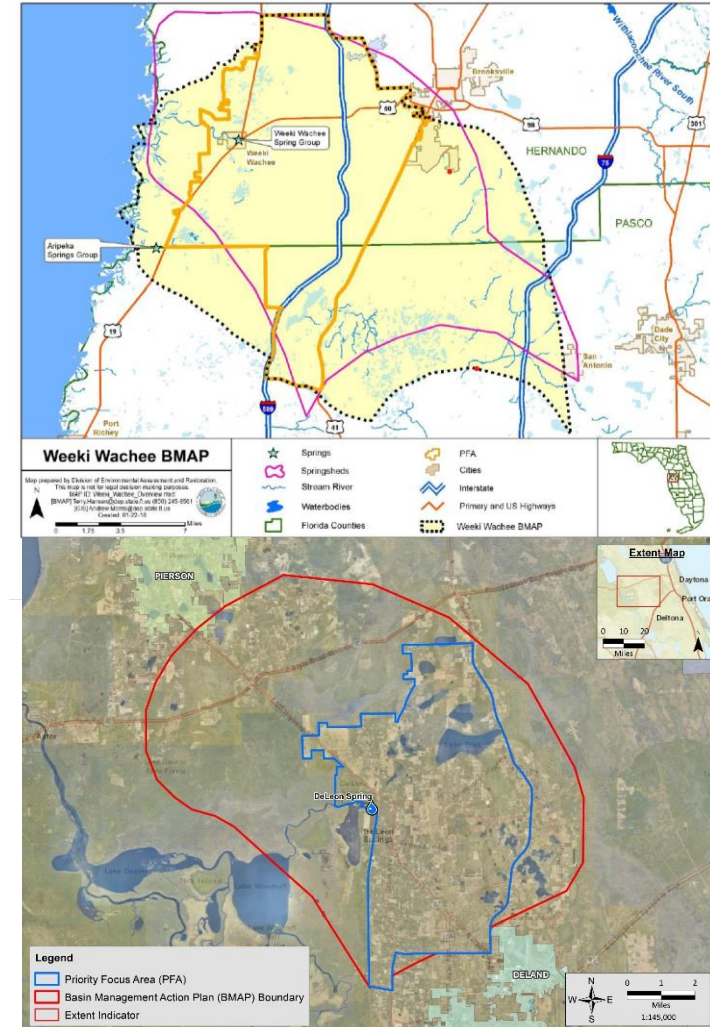


■ BMAPs Section of the Act

- Requires FDEP to submit report on water quality monitoring as well as costs of wastewater projects
- Requires FDEP to submit annual report on projects funded based on new wastewater grant program

■ Impact to Counties

- The wastewater treatment plan must be adopted as part of the basin management action plan no later than July 1, 2025
- FDEP must adopt the OSTDS remediation plan as part of the basin management action plan no later than July 1, 2025



- **Stormwater Section of the Act**

- Rule revision focused on reducing nutrient load; greater scrutiny on smaller projects now allowed to self certify

- **Agriculture Section of the Act**

- Focused on BMPs to reduce nutrient loads

- **Bottled Water Section of the Act**

- FDEP report on the industry's environmental impacts, economic benefits and cost

- **Rights of Nature Section of the Act**

- Preempts local government from enacting ordinances giving individuals the right to file lawsuits based on alleged infringements of the rights of natural features



- Track rulemaking



- Consider how you can participate with the State



- Leverage already planned projects

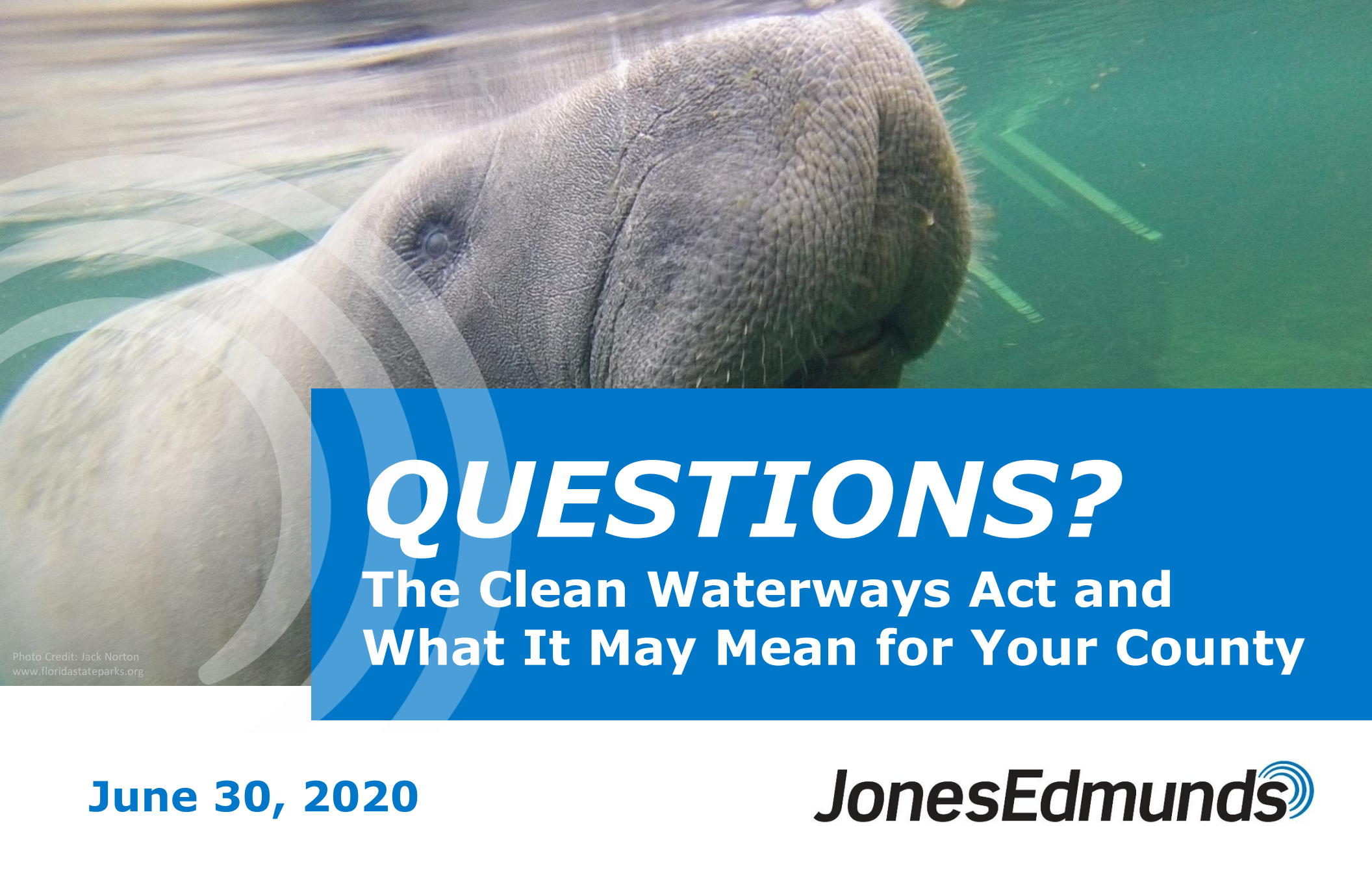


- Review your land development regulations



- Stay in touch with your FAC Team





QUESTIONS?

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SB712 and the Clean Waterways Act What It Means for Your County

If you would like to discuss your specific situation or needs, we are available to meet with you virtually or in person (as appropriate to meet social distancing and other Phase 2 requirements).



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