**The Florida Springs and Aquifer Protection Act (SB 552: Water Policy Bill)**

**Impacts on**

**Onsite sewage treatment and disposal system (OSTDS)**

This paper is meant to condense the pertinent sections of CS/CS SB 552 relating to water policy passed by the Florida Legislature on January 14, 2016. This is a wide ranging bill of 134 pages. If you are interested in the impacts on OSTDS, please see the most pertinent details below. Reading pages 99-111 of SB 552 is recommended

**Where does the new law apply: It is limited by law to the following springs of the state:**

**Outstanding Florida Spring** includes all historic first magnitude springs, including their associated spring runs, as determined by the department using the most recent Florida Geological Survey springs bulletin, and the following additional springs, including their associated spring runs:

(a) De Leon Springs;

(b) Peacock Springs;

(c) Poe Springs;

(d) Rock Springs;

(e) Wekiwa Springs; and

(f) Gemini Springs.

**Further limited to Priority Focus Area: Not applied to the much larger springshed area.**

**“Priority focus area”** means the area or areas of a basin where the Floridan Aquifer is generally most vulnerable to pollutant inputs where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring, as determined by the department in consultation with the appropriate water management districts, and delineated in a basin management action plan.

373.803 Delineation of priority focus areas for Outstanding Florida Springs.

Using the best data available from the water management districts and other credible sources, the department, in coordination with the water management districts, shall delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Springs and is identified as impaired in accordance with s. 373.807. In delineating priority focus areas, the department shall consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to degradation of an Outstanding Florida Spring. The delineation of priority focus areas must be completed by July 1, 2018, shall use understood and identifiable boundaries such as roads or political jurisdictions for ease of implementation, and is effective upon incorporation in a basin management action plan.

**The new law is again limited to those areas where OSTDS have been determined to contribute 20 percent of the pollution.**

During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total maximum daily load, the basin management action plan shall include an onsite sewage treatment and disposal system remediation plan pursuant to subsection (3) for those systems identified as requiring remediation.

Concurrent with the adoption of a nutrient total maximum daily load for an Outstanding Florida Spring, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan, as specified in s. 403.067. For an Outstanding Florida Spring with a nutrient total maximum daily load adopted before July 1, 2016, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan by July 1, 2016. During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total maximum daily load, the basin management action plan shall include an onsite sewage treatment and disposal system remediation plan pursuant to [subsection (3)](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF) for those systems identified as requiring remediation.

**At this point the new law requires any new regulations be developed through the Basin Management Action Plan process. See following statutes on BMAP.**

In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, and the financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

4) The department shall provide notice to a local government of all permit applicants under s.403.814 (12) in a priority focus area of an Outstanding Florida Spring over which the local government has full or partial jurisdiction.

**Now for the important part of the law. If you have a less than one acre parcel you MUST be consistent with the BMAP.**

[Section 28.](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF)

Section 373.811, Florida Statutes, is created to read:

373.811Prohibited activities within a priority focus area.

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The following activities are prohibited within a priority focus area in effect for an Outstanding Florida Spring

(2)New onsite sewage treatment and disposal systems on lots of less than 1 acre, if the addition of the specific systems conflicts with an onsite treatment and disposal system remediation plan incorporated into a basin management action plan in accordance with s. 373.807(3).

First-Magnitude Springs and Spring Groups in Florida

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Rank | Spring | Classification Type | County | Average Discharge (cfs) | Ownership Status\* |
|  1 | Spring Creek  | Spring Group | Wakulla | 2,003 | State & Private |
|  2 | Crystal River (King's Bay)  | Spring Group | Citrus | 916 | State/Private |
|  3 | Silver  | Spring Group | Marion | 811 | State & Private |
|  4 | Alapaha Rise | River Rise | Hamilton | 800 | Private |
|  5 | St. Marks Rise | River Rise | Leon | 519 | State & Private |
|  6 | Nutall Rise (Aucilla River) | River Rise | Jefferson | 500 | Private |
|  7 | Rainbow  | Spring Group | Marion | 447 | State |
|  8 | Santa Fe Rise | River Rise | Columbia | 442 | State |
|  9 | Santa Fe Spring (ALA112971) | Single Spring (+River Rise) | Alachua | 406 | Private |
|  10 | Steinhatchee Rise | River Rise | Taylor | 400 | State/WMD |
|  11 | Wakulla  | Single Spring | Wakulla | 390 | State |
|  12 | Wacissa  | Spring Group | Jefferson | 388 | State & Private |
|  13 | Siphon Creek Rise (Santa Fe River) | River Rise | Gilchrist | 370 | State |
|  14 | Ichetucknee  | Spring Group | Columbia | 361 | State |
|  15 | Hornsby  | Single Spring | Alachua | 352 | Private |
|  16 | Columbia  | Single Spring (+River Rise?) | Columbia | 306 | Private |
|  17 | Blue  | Spring Group | Jackson | 190 | State/County |
|  18 | Lime Sink Run | Single Spring | Suwannee | 173 | Private |
|  19 | Holton Creek Rise | River Rise | Hamilton | 167 | State/WMD |
|  20 | Blue  | Single Spring | Lafayette | 162 | County |
|  21 | Blue  | Single Spring | Volusia | 162 | State |
|  22 | Gainer  | Spring Group | Bay | 159 | Private |
|  23 | Chassahowitzka  | Spring Group | Citrus | 154 | State |
|  24 | COL 61981 | Single Spring | Columbia | 150 | Private |
|  25 | Manatee  | Single Spring | Levy | 142 | State |
|  26 | Troy  | Single Spring | Lafayette | 137 | State |
|  27 | Silver Glen  | Single Spring | Marion | 135 | Federal |
|  28 | Blue  | Single Spring | Madison | 120 | State/County |
|  29 | Devil’s (Little, Ear, Eye)  | Spring Group | Gilchrist | 117 | Private |
|  30 | Weeki Wachee | Single Spring | Hernando | 113 | City/Private |
|  31 | Fanning  | Single Spring | Levy | 109 | State |
|  32 | Homosassa  | Spring Group | Citrus | 106 | State |
|  33 | Alexander  | Single Spring | Lake | 102 | Federal |
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Section 403.067(7) (a)

**(a) Basin management action plans. —**

1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, where appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

2. A basin management action plan must equitably allocate, pursuant to [paragraph (6)(b)](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be those practices developed pursuant to [paragraph (c)](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF). Where appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies not less than 5 days nor more than 15 days before the public meeting. A basin management action plan does not supplant or otherwise alter any assessment made under [subsection (3) or subsection (4)](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF) or any calculation or initial allocation.

4. The department shall adopt all or any part of a basin management action plan and any amendment to such plan by secretarial order pursuant to chapter 120 to implement the provisions of this section.

5. The basin management action plan must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made as appropriate. Revisions to the basin management action plan shall be made by the department in cooperation with basin stakeholders. Revisions to the management strategies required for nonpoint sources must follow the procedures set forth in [subparagraph (c)4](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF). Revised basin management action plans must be adopted pursuant to [subparagraph 4](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF).

6. In accordance with procedures adopted by rule under [paragraph (9)(c)](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF), basin management action plans, and other pollution control programs under local, state, or federal authority as provided in [subsection (4)](https://www.flsenate.gov/Session/Bill/2016/0552/BillText/c2/PDF), may allow point or nonpoint sources that will achieve greater pollutant reductions than required by an adopted total maximum load or wasteload allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation; however, the generation of water quality credits does not remove the obligation of a source or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.

7. The provisions of the department's rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or water body segments for which a basin management plan that takes into account future new or expanded activities or discharges has been adopted under this section.