



CHAPTER 2023-169, LAWS OF FLORIDA EFFECTIVE JULY 1, 2023

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Focus on Change | 2024



CHAPTER 2023-169, LAWS OF FLORIDA

FORMERLY HOUSE BILL 1379

- Addresses pollutant load reduction for Florida waterways through improvements in the following areas.
 - Advanced Waste Treatment (AWT).
 - Basin Management Action Plans (BMAPs).
 - Indian River Lagoon (IRL).
 - Water Quality Improvement Grant Program.



DEFINITIONS

- A **Total Maximum Daily Load (TMDL)** is a scientific determination of the maximum amount of a given pollutant that a surface water can absorb and still meet the water quality standards that protect human health and aquatic life.
 - Waterbodies that do not meet water quality standards are identified as "impaired" for specific pollutants of concern, and TMDLs must be developed, adopted and implemented to reduce those pollutants and clean up the waterbody.
- A **Reasonable Assurance Plan (RAP)** is a plan developed under the U.S. Environmental Protection Agency's Category 4b by local stakeholders as an alternative to regulatory activities, such as BMAPs and TMDLs.
 - For Category 4b plans, there should be reasonable assurance that pollution control mechanisms will result in the attainment of water quality standards in the future.



DEFINITIONS (2)

- A **BMAP** is a framework for water quality restoration that contains local and state commitments to reduce pollutant loading through current and future projects and strategies.
 - BMAPs contain a comprehensive set of solutions, such as permit limits on wastewater facilities, urban and agricultural best management practices, and conservation programs designed to achieve pollutant reductions established by a TMDL.
- A **Priority Focus Area (PFA)** is an area of a basin where the aquifer is generally most vulnerable to pollutant inputs and where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring (OFS).
 - A PFA provides a guide for focusing restoration strategies where science suggests these efforts will most benefit the springs.



SEWAGE DISPOSAL FACILITIES AND AWT

SECTION 403.086, FLORIDA STATUTES (F.S.), OVERVIEW

- Sewage disposal facilities are **required to meet AWT when discharging into specific waterbodies of the state.**
- AWT is defined in section 403.086(4), F.S., as treatment which will **provide a reclaimed water product** that contains not more, on a permitted annual average basis, than **the following concentrations.**
 - 5 mg/l of Biochemical Oxygen Demand (CBOD5).
 - 5 mg/l of Suspended Solids.
 - 3 mg/l of Total Nitrogen, expressed as N.
 - 1 mg/l of Total Phosphorus, expressed as P.
- AWT also requires that the reclaimed water product is to **receive high level disinfection**, as defined by section 403.086(4), F.S., and Rule 62-600.440, Florida Administrative Code (F.A.C.).



SEWAGE DISPOSAL FACILITIES AND AWT

SECTION 403.086, F.S., REVISIONS

- Florida Statutes require sewage disposal facilities to meet AWT if discharging wastes into the specific listed waterbodies of the state.
- This requirement applies to the following waterbodies.
 - Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay, Biscayne Bay, or any river, stream, channel, canal, bay, bayou, sound or other tributary thereto.
 - Indian River Lagoon or any river, stream, channel, canal, bay, bayou, sound or other tributary thereto beginning **July 1, 2025**.
- The revisions to section 403.086, F.S., require sewage disposal facilities to meet more stringent treatment standards, if this more stringent standard is necessary to achieve the TMDL or applicable water quality criteria (WQC).



SEWAGE DISPOSAL FACILITIES AND AWT

SECTION 403.086, F.S., ADDITIONS

- In addition to the previously listed waterbodies, facilities will need to **meet AWT or the more stringent treatment standard** (TMDL/WQC) if they are discharging into the following waterbodies.
 - Those not currently attaining nutrient or nutrient-related standards (WNAS).
 - Those subject to a nutrient or nutrient-related BMAP.
 - Those subject to an adopted RAP.
- The facilities must meet this requirement by **Jan. 1, 2033**.



SEWAGE DISPOSAL FACILITIES AND AWT

SECTION 403.086, F.S., ADDITIONS (2)

- After **July 1, 2023**, facilities discharging to any nutrient or nutrient-related WNAS, waterbody subject to a nutrient or nutrient-related BMAP or waterbody subject to a RAP must meet AWT **within 10 years** after such determination or adoption.
- Facilities that fail to meet AWT within 10 years of such determination or adoption are **prohibited from disposing of any wastes into those waterbodies**.



SEWAGE DISPOSAL FACILITIES AND AWT

SECTION 403.086, F.S., REVISIONS (2)

- The 2023 amendments removed the portion of subsection (1) paragraph (c) that gave an exemption to facilities permitted by Feb. 1, 1987, and which discharged secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the previously indicated waterbodies or to non-tidally influenced portions of the Peace River.



PROHIBITED ACTIVITIES

SECTION 373.811, F.S., REVISIONS

- Prohibits the following activities within a BMAP in effect for an OFS. Previously these activities were prohibited in only the PFA.
 - New domestic wastewater disposal facilities with permitted capacities of 100,000 gallons per day or more unless those facilities meet AWT or a more stringent treatment standard if DEP determines the more stringent standard is necessary.
 - Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP approved nutrient management plan.
- For more information on BMAPs, please visit <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps>.



INDIAN RIVER LAGOON PROTECTION PROGRAM

SECTION 373.469, F.S., CREATION

- Section 373.469, F.S., establishes the IRL Protection Program consisting of the following areas.
 - Banana River Lagoon BMAP.
 - Central Indian River Lagoon BMAP.
 - North Indian River Lagoon BMAP.
 - Mosquito Lagoon RAP.
- Requires BMAP evaluation every five years to comply with the relevant TMDLs and directs DEP to work with others to complete program requirements.



WATER QUALITY IMPROVEMENT GRANT PROGRAM

SECTION 403.0673, F.S., REVISIONS

- Grants may be available for projects that reduce the amount of nutrients entering the waters meeting the criteria listed below.
 - Are not attaining nutrient or nutrient-related standards.
 - Have an established TMDL.
 - Are located within a BMAP area, a RAP area adopted by final order, an accepted alternative restoration plan area or a rural area of opportunity (RAO).
- For more information, please visit <https://floridadep.gov/wra/wra/content/water-quality-improvement-grant-program>.



THANK YOU

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