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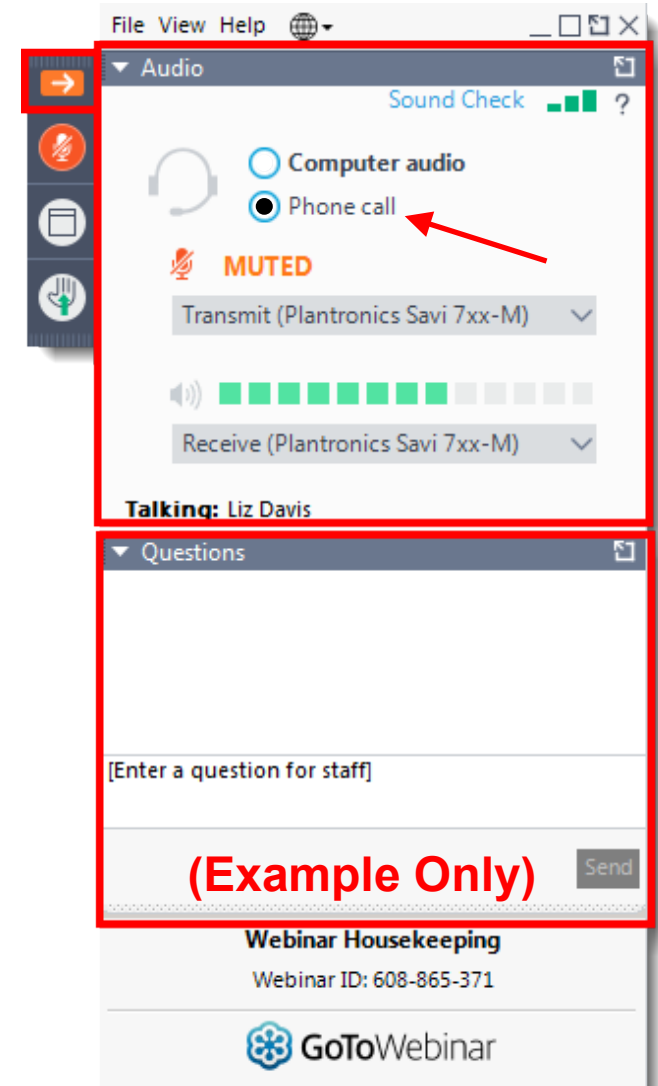
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Clean Waterways Act Requirements for Wastewater Plans & Onsite Sewage Treatment and Disposal System (OSTDS) Remediation Plans in Basin Management Action Plans (BMAPs)

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Quality Restoration Program

Florida Department of Environmental Protection

Go To Webinar| June 26, 2023



Florida Department of Environmental Protection

Agenda

- Other Statutes
- Clean Waterways Act
- Final Order
- Stakeholder Questions
- Next Steps





Before We Get Started...

- Many components of these plans may have already been included in plans previously developed/submitted.
- These are not meant to be “fancy” plans, but rather a compilation of the information required by statute and listed in the Final Order.
- This information will tie back to projects.
 - Local governments should use this information to identify projects that can be included in BMAPs to meet required reductions, and therefore may be prioritized for funding.



Other Requirements With Similar Information Requests

- **Senate Bill 64 (2021):** Requires domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge to submit a five-year plan to eliminate nonbeneficial surface water discharges.
 - A plan to eliminate nonbeneficial surface water discharges had to be submitted to DEP by November 1, 2021.



Other Requirements With Similar Information Requests

- Sections 403.9301 and 403.9302, F. S. (Chapter 2021-194, L.O.F.): Directs municipalities, counties, and independent special districts that provide a stormwater management system or program, or wastewater management services, to develop a 20-year needs analysis every five years.
 - For the first cycle, local governments had to submit reports to the Office of Economic and Demographic Research (EDR) and the DEP Secretary by July 31, 2022.



Other Requirements With Similar Information Requests

- **HB 1379 (2023)**: Amends section 163.3177, F.S. to require any county or municipality with a BMAP within its jurisdiction to include within the capital improvement element of its comprehensive plan a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP. The plans must address the treatment or upgrading of wastewater treatment facilities and prioritize advanced waste treatment.
 - Each comprehensive plan must be updated to include this element by July 1, 2024, and as needed thereafter to account for future applicable developments.



HB 1379 (2023)

- Provision on lots of one acre or less, there is a prohibition of new conventional OSTDS—enhancement or sewer is required.
- For any waterbody not attaining nutrient or nutrient-related standards, or subject to a nutrient-related BMAP or Reasonable Assurance Plan (RAP), after June 30, 2023 sewage disposal facilities are prohibited from disposing any wastes into such waters without providing Advanced Wastewater Treatment (AWT) as approved by DEP within 10 years after such determination or adoption.



Clean Waterways Act

Overview



- Clean Waterways Act (Chapter 2020-150, Laws of Florida).
- Purpose: Promote resilient wastewater infrastructure and utilities.
- Includes: Water quality protection provisions to be undertaken by local governments intended to reduce the impact of nutrient pollution sources on Florida waters by strengthening certain BMAP requirements.



Clean Waterways Act

Subparagraph 403.067(7)(a)9., F.S.

Specifies that local governments within a nutrient BMAP must develop a wastewater treatment plan and/or an OSTDS remediation plan containing certain information, if the department “identifies domestic wastewater treatment facilities or OSTDS as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the Department determines remediation is necessary to achieve the total maximum daily load (TMDL).”





Clean Waterways Act

Overview

Who is required to develop and submit wastewater and OSTDS remediation plans?

- Local governments (cities and counties) that have **domestic wastewater treatment facilities and/or OSTDS** within their jurisdiction and are located within nutrient BMAPs.

Which BMAPs will include these plans?

- The nutrient BMAPs included in the Final Order (see next slide).

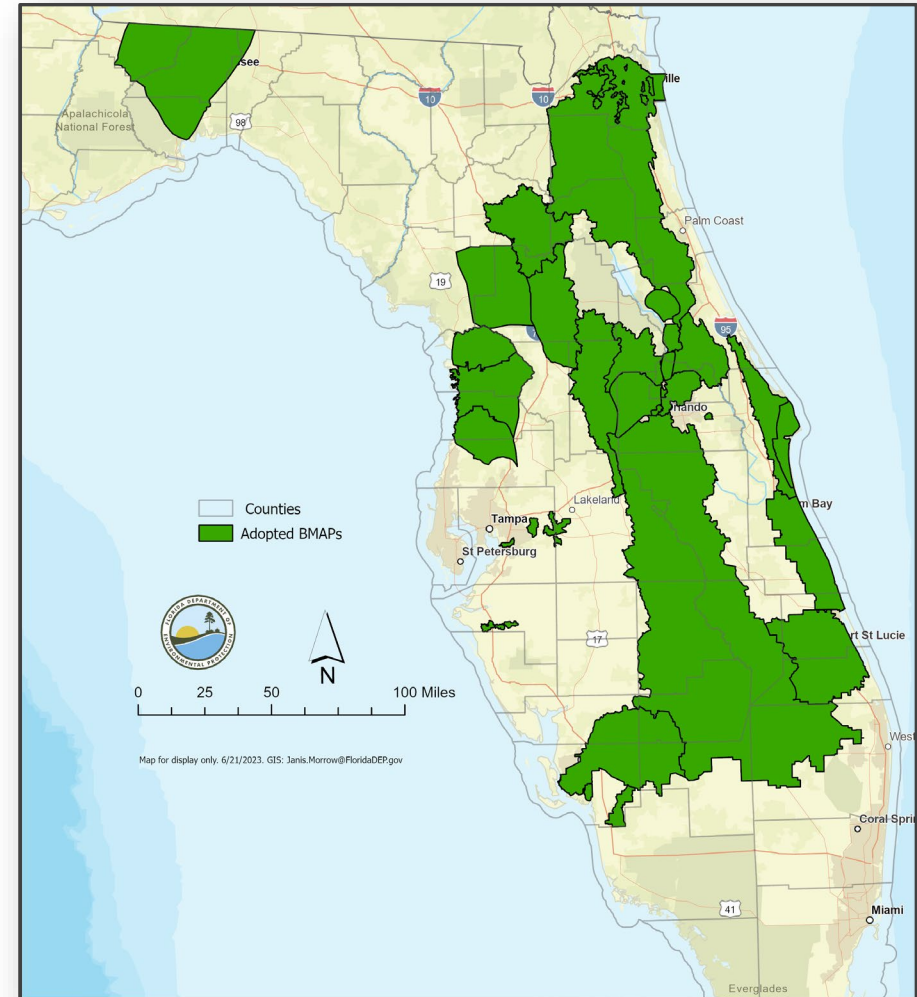
“Wastewater facility” or “facility” means any facility which discharges wastes into waters of the State, or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the biosolids management facility. Chapter 62-600, Florida Administrative Code.



Final Order Nutrient BMAPs

- Alafia River Basin
- Banana River
- Caloosahatchee River and Estuary Basin
- Central Indian River Lagoon
- Everglades West Coast Basin
- Lake Harney, Lake Monroe, Middle St. Johns, and Smith Canal
- Lake Jesup
- Lake Okeechobee
- Lower St. Johns Main Stem
- Manatee River Basin
- North Indian River Lagoon
- Orange Creek
- St. Lucie River and Estuary
- Upper Ocklawaha River Basin

- Crystal River/Kings Bay
- DeLeon Spring
- Gemini Springs
- Homosassa and Chassahowitzka Springs Groups
- Silver Springs and River and Rainbow Spring Group and River
- Upper Wakulla River and Wakulla Spring
- Volusia Blue Spring
- Weeki Wachee
- Wekiwa and Rock Springs
- Wekiva River, Rock Springs Run, and Little Wekiva Canal





Clean Waterways Act

Plan Submittal

- DEP encourages:
 - Cities and counties to coordinate and work together to avoid duplicating efforts and ensure plans are comprehensive.
 - Local governments can submit joint plans.
 - Local governments, special districts, or private domestic wastewater facilities that may provide service within their jurisdiction to work together on the plan submittal.
 - Plans should include special districts or private facilities.
 - If this is not possible, the local government should provide DEP with information on who manages the wastewater facilities within their jurisdiction.



Wastewater Treatment Plans

Required Elements



For **each** domestic wastewater facility in the local government's jurisdiction:

1. The facility's permitted capacity in average annual gallons per day;
2. The facility's permitted total nitrogen (TN) and total phosphorus (TP) effluent limits for the facility;
3. The annual TN and TP loads (showing both flow and concentrations) discharged from the facility over the past five years, estimated if necessary;
4. A capacity analysis for the facility, considering future growth over the next 20 years;
5. A list and ranking of facility construction, expansion, or upgrades necessary to meet applicable nutrient water quality requirements, and the estimated costs of these facility improvements; and,
6. A projected timeline of the dates by which the construction of any facility improvements, including new/extended sewer lines, will begin and be completed and the date by which operations of the improved facility will begin.



OSTDS Remediation Plans

Required Elements

1. An inventory of the OSTDS within the local government's jurisdiction or service area based on the best information available;
2. An estimate of future growth in new OSTDS over the next 20 years in the local government's jurisdiction or service area;
3. An inventory of OSTDS that are expected to be eliminated over the next 20 years through connection to central sewer lines of a domestic wastewater facility or other distributed wastewater system with additional nutrient reduction;
4. Identification of deadlines and interim milestones for the planning, design, and construction of new/extended central sewer lines and replacement of OSTDS by connection to the new/extended lines;
5. The estimated costs associated with the projects in 4. above;
6. For OSTDS that are not expected to be eliminated over the next 20 years through connection to central sewer lines, an estimate of the number of these OSTDS that will require upgrading to enhanced nutrient-reducing OSTDS or participating in a distributed wastewater treatment system with additional nutrient reduction within the local government's jurisdiction, in order to meet the water quality objectives of the BMAP;
7. The estimated costs associated with upgrading to enhanced nutrient-reducing OSTDS that are identified in 6.; and
8. Any other cost-effective and financially feasible projects necessary to achieve the nutrient load reductions for OSTDS in order to meet the water quality objectives of the BMAP with estimated costs, timelines, and locational information.



Clean Waterways Act

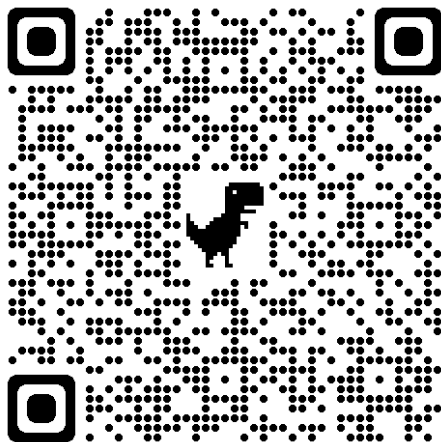
Plan Submittal

- Please submit plans and files via
 - Email to BMAPProgram@FloridaDEP.gov, or
 - File Transfer Protocol (FTP) site:
[ftp://ftp.dep.state.fl.us/pub/incoming/BMAP/712 WWT-OSTDS Remediation Plans](ftp://ftp.dep.state.fl.us/pub/incoming/BMAP/712_WWT-OSTDS_Remediation_Plans)



Resources

<https://floridadep.gov/dear/water-quality-restoration/content/clean-waterways-act-requirements-wastewater-onsite-sewage>



Clean Waterways Act - Senate Bill 712 (2020)

Wastewater Treatment Plans and Onsite Sewage Treatment and Disposal System Remediation Plans

Subparagraph 403.067(7)(a)9., Florida Statutes, specifies that local governments (counties and municipalities) within a basin management action plan (BMAP) must develop a wastewater treatment plan and/or an onsite sewage treatment and disposal system (OSTDS) remediation plan containing certain information (please see below), if the Florida Department of Environmental Protection (department) identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems (OSTDS) as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the department determines remediation is necessary to achieve the total maximum daily load (TMDL). [A Final Order](#) has been issued that identifies the BMAPs where this requirement applies.

Within 30 days of the effective date of the [Final Order, which was June 12, 2023](#), any local government that meets the above criteria that DOES NOT contain a domestic wastewater facility and/or OSTDS and DOES NOT believe it has a demonstrated need to establish a domestic wastewater treatment facility and/or OSTDS remediation plan within its jurisdiction to improve water quality in order to achieve the water quality objectives of the BMAP, shall submit to the department a written explanation along with any information supporting its contention. The department encourages counties and municipalities to file joint wastewater treatment plans and/or OSTDS remediation plans where possible.

Submittals to the [

Please send your wastewater

If you do not believe your local government can improve water quality in order to achieve the water quality objectives of the BMAP, please submit a written explanation along with any information supporting its contention.

Resources:

[Clean Waterways Act - Senate Bill 712, section 403.067\(7\)\(a\)9., Florida Statutes](#)

[March 2022 Clean Waterways Act Requirements department webinar and meeting minutes](#)

Florida's Geographic Information Systems (GIS) coverages for available OSTDS and wastewater information:

- [Florida Water Management Inventory](#)
- [Wastewater Facility Regulation \(WAFR\) - Wastewater Facilities](#)
- [Wastewater Facility Regulation \(WAFR\)- Wastewater Sites](#)

Submittals to the Department:

All submittals required herein shall be transmitted electronically to Moira Homann at BMAPProgram@floridadep.gov.



Stakeholder Questions



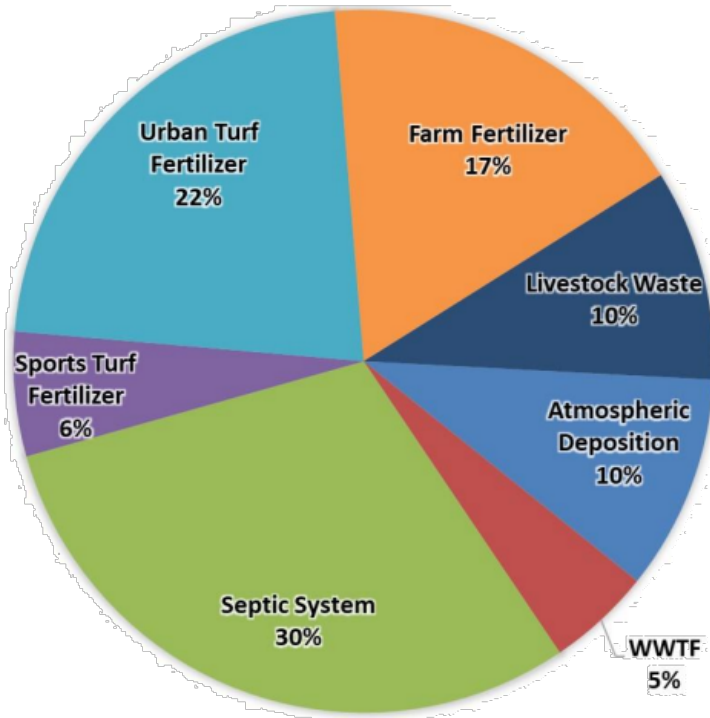
Determination of Need Within the BMAP

- The “Determination of Need” was applied to the BMAP area as whole, not to individual local governments or individual utilities/facilities.
- If a local government has several facilities, the local government will need to provide information (per the list of requirements requested in the Final Order) on how wastewater will be addressed for each facility regardless of how much each facility is contributing to the loading.





Determination of Need Within the BMAP Springs BMAPs



Example: loading to groundwater by source in the Weeki Wachee BMAP area

- Nitrogen Source Inventory Loading Tool (NSILT) –
 - Estimates the nitrogen load to the land surface and ultimately to groundwater (after applying recharge and attenuation factors) for various nitrogen source categories, including domestic wastewater and OSTDS.
 - WWTFs - Wastewater treatment facilities are required to report various nutrient and flow data as part of their operating permits. These data are used estimate the loading from these facilities to the land surface using the total nitrogen in the effluent as well as the actual flow rate from each facility.
 - OSTDS - The number of septic systems within the boundary area is estimated based on a Department of Health model. The average number of people per household within each county is estimated using U.S. Census information. These data allow us to calculate the number of people using septic systems and apply an annual nitrogen loading factor per person to estimate the input to land surface.



Determination of Need Within the BMAP

Other Nutrient BMAPs

Wastewater Treatment Assessment

- Geographic information system (GIS) process to identify sites:
 - Only considered domestic WWTFs and discharge sites within 200 meters of a surface water.
 - Industrial wastewater facilities excluded.
 - Loading contribution considered by BMAP, not by individual entity jurisdiction.
- Assumptions:
 - All types of discharge received equal distribution of permitted flow capacity.
 - Flow capacity at 95% of permitted volume.
 - Nutrient concentrations based on effluent limit tables in the Springs and South Florida BMAPs.

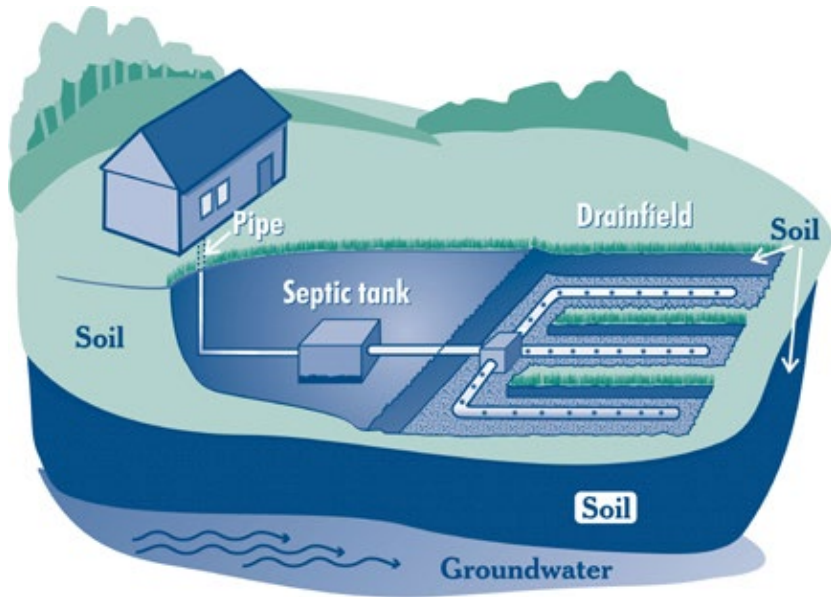


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Determination of Need Within the BMAP

Other Nutrient BMAPs



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OSTDS Remediation Assessment

- GIS process to identify sites.
 - Only considered OSTDS within 200 meters of a surface water.
 - Contribution considered by BMAP, not by any individual entity jurisdiction.
 - 2020 U.S. Census data by census tract.
- Assumptions:
 - No attenuation.
 - All conventional OSTDS.



Stakeholder Questions

Have recent water quality assessments figured into the determination of need?

As outlined in the process for the determination of need in the previous slides, we used flow and concentration data from wastewater treatment facilities, and calculated OSTDS load contributions using information from the DOH's Florida Water Management Inventory and the EPA method (1992).

Did all stakeholders in the BMAP receive this letter?

Local governments with project responsibilities in the listed BMAPs received the letter with the requirements.

Who has the responsibility to respond?

Any local government that has a domestic WWTF and/or OSTDS within their jurisdiction and is in a listed BMAP is required to respond.

These requirements seem unnecessary in cases where detailed allocations were included.

The statute does not have any exception for BMAPs with detailed allocations.

Will the department be providing a form/template for submitting these plans, if not are there any examples of acceptable plans that we can utilize for creating our plan?

As previously mentioned, we are not looking for formal plans, but rather for documentation and files containing the information required in statute and listed in the Final Order.



Stakeholder Questions

If a city owns the wastewater treatment plant and a county does not, is the county held responsible too?

The city would be required to develop a plan for the facility it owns; however, if an agreement for septic-to-sewer connections with the county is needed, then coordination between the county and city plans would be needed.

What time period do these plans need to cover? What if my plan was completed three years ago—do I need to update the plan to extend another three years out?

We don't anticipate local governments meeting all the Final Order requirements with a plan from three years ago. If you have older plans, please reach out to us individually, so that we can discuss, on a case-by-case basis, whether your plans will meet all the requirements.

Can we submit the wastewater plan submitted previously for SB 64, or do we need to create a separate wastewater plan?

Local governments can submit plans developed/submitted for other purposes, such as Senate Bill 64 or springs feasibility studies, if the plans include all the required components for the Clean Waterways Act as described in the Final Order. If required components need to be added, local governments can add them to the existing plans and submit that information to the department.



Stakeholder Questions

What format should the justification take that a local government is exempt from submitting a plan? (e.g., letterhead memo, report form, etc.) What backup is expected?

A letterhead memo is an acceptable format. The memo should confirm that the local government does not contain a domestic wastewater facility and/or OSTDS and does not believe it has a demonstrated need to establish a domestic wastewater treatment facility and/or OSTDS remediation plan within its jurisdiction to improve water quality in order to achieve the water quality objectives of the BMAP.

Section 403.067(7)(a)9., F.S., states that both the wastewater treatment plan and OSTDS remediation plan must be adopted by the BMAP no later than July 1, 2025. The final order specifies dates of February 1, 2024 (Draft Plans) and August 1, 2024 (Final Plans) -- why does the final order specify conflicting dates when compared to the statute?

All nutrient BMAPs must be updated and adopted by July 1, 2025. The BMAPs will be updated to include the wastewater facility plan and OSTDS remediation plan information. The final plans are needed by August 1, 2024, to allow sufficient time to incorporate these plans into the BMAPs, allow appropriate public process, and finalize adoption to meet the statutory deadline of July 1, 2025.



Stakeholder Questions

How does DEP expect local governments to continue to develop strategies to achieve nutrient load reductions for OSTDS without identified goals or allocations?

Where allocations have not already been identified, allocations will be calculated as part of the BMAP updates that will be completed no later than July 1, 2025. HB 1379 requires a list of projects and strategies that will achieve the 5-year implementation milestones to meet TMDL reductions. Entities will have specific pollutant load reduction requirements and will need to identify the projects or strategies that they will undertake to meet the pollution reduction milestones, beginning with the first 5-year milestone for new BMAPs, and submit such projects to DEP for inclusion in the appropriate BMAP.

How are these OSTDS remediation plans different than the OSTDS Remediation Plans (Appendix D) in the springs BMAPs?

The springs OSTDS Remediation Plans were developed as a requirement of the Florida Springs and Aquifer Protection Act. These policies were developed to specifically identify which OSTDS within the BMAP (policy envelope) required remediation to achieve the TMDL. The expectation is that local governments will use the required information submitted in the SB 712 OSTDS remediation plans to identify projects for the remediation of the OSTDS included in the policy envelope.



Stakeholder Questions

Is there funding available for the development of these plans?

At this time, there is no funding available for the development of these plans; however, there are several funding options for the implementation of projects identified based on the information in these plans:

- **Springs Grants** - Eligible projects are land acquisition and capital projects (including wastewater) that protect the quality and/or quantity of water from springs.
- **Water Quality Improvement Grants** - Eligible for projects that improve the quality of waters that are not attaining nutrient or nutrient-related standards, have an established total maximum daily load, or are located within a BMAP, Alternative Restoration Plan, or within a rural area of opportunity. Eligible projects include septic to sewer projects; wastewater treatment facility improvements that result in improvements to surface water or groundwater quality; and where central sewerage is not available, retrofitting OSTDS to upgrade such systems to nutrient-reducing OSTDS.
- **Nonpoint Source Management: EPA 319(h) Nonpoint Source Grant** – Federal grants for construction, education and monitoring. Eligible projects include water quality improvement/restoration, groundwater protection, septic to sewer connections.
- **State Revolving Fund (SRF)** - Low-interest loans to local governments to plan, design, and build or upgrade water, wastewater, and stormwater facilities.
- [Water Restoration Assistance | Florida Department of Environmental Protection](#)



Next Steps

July 12, 2023

Deadline for written explanation of potential exemption to be submitted to the department.

February 1, 2024

Deadline for submitting draft OSTDS remediation and/or wastewater treatment plans for the department's review.

August 1, 2024

Deadline for submitting complete OSTDS remediation and/or wastewater treatment plans to the department.

All nutrient BMAPs must be updated and adopted by July 1, 2025.



Contact Information

BMAP Coordinator Contact Information

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