

DRAFT- July 2023

**Clean Waterways Act Requirements for Wastewater Plans and
Onsite Sewage Treatment and Disposal System (OSTDS) Remediation Plans
Questions and Answers Document**

Florida Department of Environmental Protection (DEP)

1. Q: Who has the responsibility to respond? Did all stakeholders in the basin management action plans (BMAPs) receive this letter?
A: A local government that has a domestic wastewater treatment facility (WWTF) and/or OSTDS within their jurisdiction and is in a nutrient BMAP listed in the Final Order received this letter and is required to submit a plan.
2. Q: Can you confirm whether this order is applicable to federal facilities?
A: Federal facilities are not local governments to whom the order applies, but coordination is encouraged between local governments and federal facilities that provide service within their jurisdiction to submit the required information.
3. Q: If a city owns the wastewater treatment plant and a county does not, is the county held responsible too?
A: 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 exists or needs to be developed, then coordination between the county and city is needed to either jointly develop a plan or ensure that both plans are coordinated. For example, the city may have the wastewater treatment plan, but the county may have the OSTDS remediation plan.
4. Q: Should counties and municipalities expect feedback from DEP on the submitted wastewater facility and OSTDS remediation plans? Is there a deadline for comment from DEP?
A: The deadline for draft plans is February 1, 2024. DEP will then review the plans as they are submitted and will get back to the counties and municipalities as soon as possible. If possible, we encourage local governments to submit their draft plans prior to this deadline to allow adequate time for review and feedback.
5. Q: Are private facilities required to be included in the plan?
A: DEP recommends including private facility information to provide a complete understanding of domestic wastewater management and septic-to-sewer options, if applicable. If that is not possible, then including available information in your plan about the wastewater providers in your jurisdiction is appropriate.
6. Q: The order speaks to jurisdiction OR service area. Please clarify what the actual requirement is.
A: For WWTF plans the statute states “wastewater treatment facilities within the jurisdiction of the local government.” For OSTDS, the statute states “existing or future central domestic

wastewater infrastructure in the jurisdiction *or* domestic wastewater service area of the local government.” If you have a specific question, please reach out to the department.

7. Q: How do we submit the plans to DEP?

A: Please submit your plans to Moira Homann at BMAPProgram@FlordaDEP.gov. If the files are too large to email, please post to the FTP site and then notify DEP by email at BMAPProgram@FlordaDEP.gov that you have posted your files on their 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).

8. Q: How was the determination made that domestic wastewater and OSTDS contributed “...at least 20 percent of point source or nonpoint source nutrient pollution” within the BMAP?

A: The Determination of Need was applied to the entire BMAP area, and 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.

9. Q: Do you have to submit a plan if your WWTF already meets advanced wastewater treatment (AWT) standards?

A: Yes, you need to submit a response that includes describing the treatment level of the facility at AWT.

10. Q: If a WWTP is located within a BMAP but discharges all its reuse *outside of the BMAP*, is a plan required?

A: If all the facility’s effluent is disposed outside of any BMAP boundary, please describe this situation to DEP for further evaluation. If there are plans to connect OSTDS within the BMAP boundary to sewer in the future and this flow will go to the WWTF in the future, then a plan would still be required. If the effluent is disposed of in a different BMAP area than the facility is located, then a plan will still be necessary.

11. Q: Please define “Discharged for [entity name].” We are a 100% reuse facility used for irrigation within our service area and do not “discharge” to receiving waters. Further, if a facility has no surface water discharges (e.g., underground injection wells, reuse, public access reuse), is it exempt from submitting a WWTF Plan?

A: For the purpose of this analysis, discharge was any direct or indirect method of egress from the plant of treated wastewater effluent to surface waters or the watershed. WWTF Plans must be completed for all forms of treated effluent disposal. Please also note that reuse is included in the Chapter 62-600, Florida Administrative Code, definition of “Wastewater facility” or “facility”: 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.

12. Q: Our city does not own/operate a wastewater facility. We do own/operate the collection system which goes to the county for processing. With that in mind, what would you like to see for our submittal?

A: The city is still required to submit information because collection is a component of the facility. See definition below:

“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.

We encourage the city and county to develop a joint plan.

13. Q: Who is in charge of the OSTDS remediation plan if we have water service outside the city boundary? This is an area in unincorporated county.

A: We recommend that you coordinate with the county on the plan for those areas. If you are providing or will provide wastewater services to that area, it is preferred that the county and the city plans are complementary, or a joint plan is developed. If a county provides sewer service in an area, then they should report on those areas. The reporting requirement is not created because the city provides water service.

14. Q: Can we submit the wastewater plan submitted previously for Senate Bill 64, or do we need to create a separate wastewater plan?

A: 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/or submit the information to the department. The department recommends that you reach out to discuss specific plan questions.

15. Q: Will DEP be providing a form for the remediation plans similar to the Senate Bill 64 plans? 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?

A: 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. There is not a pre-determined format for submittals, to make it easy for local governments to use information they may have already assembled. A memo-style submittal is fine or another format that makes the submittal as efficient as possible. DEP is not seeking formal planning documents, but rather documentation and files containing the information required in statute and listed in the Final Order. Please use the checklist on the web site to review the components needed.

16. Q: Can you submit both the OSTDS and WWTF plans in a single response/document?

A: Yes, you can submit one report as long as the submittal includes all the components from both checklists. You may also submit joint plans with other jurisdictions, if preferred.

17. Q: Do facilities that have already been upgraded need to be summarized in the plans? Do 100% of the OSTDS need to be identified in the plan? How specific do the load reductions need to be listed per year?

A: Yes, all facilities (even those that have been upgraded and are operating at AWT) and OSTDS will need to be identified in the plan, including projected future installations of enhanced nutrient reducing OSTDS or other wastewater technologies and plans for connecting conventional OSTDS to central sewer. The load reductions can be based on your best available data.

18. Q: How flexible is the OSTDS Remediation Plan project list once the report is submitted? Can the report/project list change?

A: Projects can be updated/adjusted over time. These plans and BMAPs are intended to be adaptively managed.

19. Q: Does the OSTDS plan have to breakdown the plan by basin/BMAP or can it just address our entire service area with a single plan (not all of our area is part of a BMAP and technically there is more than one BMAP in our area)?

A: You may submit one plan for your jurisdiction, but please indicate which OSTDS and/or WWTFs are in each BMAP area, or if there is loading being discharged in different BMAP areas. For OSTDS within the BMAP, the load is considered to be discharged at the parcel. If you have a WWTF, the location of the treatment facility is less important than where the effluent is dispersed for reuse, discharged to surface water, land applied, or all of the above. It is possible that a WWTF can be located in one BMAP but disperse its effluent in another BMAP area or outside the BMAP area. These are descriptions that will be helpful in the WWTF plans. If your OSTDS plan is to sewer some areas with OSTDS, please indicate whether the treated effluent will or will not remain in the BMAP area and why (e.g., will it be transferred to another BMAP area or be moved outside any BMAP area)?

20. Q: Why are the dates in the final order different from the statute (section 403.067(7)(a)9., F.S.)?

A: 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.

21. Q: How will the House Bill 1379 requirements affect the wastewater plans required under Clean Waterways Act?

A: House Bill 1379 builds upon the requirements in Senate Bill 712. In most cases, the plans submitted under Senate Bill 712 will satisfy the requirements in House Bill 1379, or at least, create a strong starting point.

22. Q: Do the Clean Waterways Act OSTDS Plans only need to address the next 5-year period and 20-year period, or more timeframes than that?

A: DEP needs an overall plan, but we would prefer the plan to be broken up into 5-year milestones. The Clean Waterways Act requires that we address both the growth of septic systems, as well as address loading from existing systems.

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

A: 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 (Appendix D) required remediation to achieve the total maximum daily load (TMDL). The expectation is that local governments will use the required information submitted in the Senate Bill 712 OSTDS remediation plans to identify projects for the remediation of the OSTDS included in the BMAP policy envelope.

24. Q: How does DEP expect local governments in springs BMAPs to continue to develop strategies to achieve nutrient load reductions for OSTDS without identified goals or allocations?

A: In springs BMAPs where specific 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. House Bill 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. House Bill 1379 also has specific prohibition of new conventional OSTDS in BMAP and reasonable assurance plan (RAP) areas.

25. Q: Is there funding available for the development of these plans?

A: 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 in these plans:

- a. Springs Grants - Eligible projects are land acquisition and capital projects (including wastewater) that protect the quality and/or quantity of water from springs.
- b. 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.
- c. Nonpoint Source Management: Environmental Protection Agency (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.
- d. State Revolving Fund (SRF) - Low-interest loans to local governments to plan, design, and build or upgrade water, wastewater, and stormwater facilities.

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