



ENVIRONMENTAL PROTECTION DIVISION

Renée H. Parker, LEP, Manager

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January 31, 2024

Moirá Homann, Program Administrator
Florida Department of Environmental Protection
Division of Environmental Assessment & Restoration
Water Quality Restoration Program
Email: BMAPProgram@floridadep.gov

Subject: Response to DEP Request for Information Pursuant to
Final Order, OGC Case No. 23-0112 to 0135

Dear Ms. Homann,

The Final Order (Order) pursuant to Sec. 120.52, Florida Statutes (F.S.), which specified that local governments must prepare a remediation plan (Plan), was executed on June 12, 2023 (see Attachment 1). The elements of OSTDS Remediation Plans are included on Page 3 of the Order. The following responses to Elements 12, 13, and 14 of the Order are presented below. Responses to Elements 1 through 11, will be submitted by Orange County Utilities. Please note that for purposes of the draft Plan submittal, the responses below pertain to OSTDSs located in the Orange County wastewater service area, within areas of unincorporated Orange County, and within the Wekiva-Rock Springs Priority Focus Area (PFA).

The jurisdictional boundary of Orange County intersects the following nutrient Basin Management Action Plan (BMAP) areas:

- Lake Jesup;
- Lake Okeechobee;
- Upper Ocklawaha River Basin;
- Wekiwa and Rock Springs; and
- Wekiva River, Rock Springs Run, and Little Wekiva Canal.

Surface waters in these BMAPs are impaired primarily by excess nutrients chemically composed of nitrogen and/or phosphorus.

The Clean Waterways Act (Chapter 2020-150, Laws of Florida) includes water quality protection provision mandates to local governments that are intended to reduce the adverse impacts of nutrient pollution to surface waters. One of the new provisions in the Clean Waterways Act, subparagraph 403.067(7)(a)9., F.S., requires Orange County to develop a wastewater treatment plan and/or an onsite sewage treatment and disposal system (OSTDS) remediation plan, if the Florida Department of Environmental Protection (DEP), "... identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems 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 applicable TMDL." Please note that DEP has determined that wastewater treatment facilities and OSTDS within the BMAP areas stated above meet the 20% contribution threshold. Therefore, a remediation plan for these sources is necessary to achieve the nutrient threshold criteria within the BMAP areas above.

The following responses to Elements 12, 13, and 14 of the Order are presented below:

OSTDS Treatment Plan Information

Order Item 12. *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 (including locational information, such as GIS shape files, if available, or an excel spreadsheet with addresses and/or latitude and longitude) within the local government’s jurisdiction, in order to meet the water quality objectives of the BMAP.*

Over the next 20 years, it is estimated that 7,929 OSTDS within the OCWWSA in the PFA will require upgrading to enhanced nutrient reducing OCTDS. Figure 2 illustrates the locations of potential upgrades to OSTDS within the OCWWSA. Table 2 contains the names of the shapefiles used in this analysis and accompany this letter report.

Figure 2. Locations of Conventional OSTDS within the OCWWSA Requiring Upgrades.

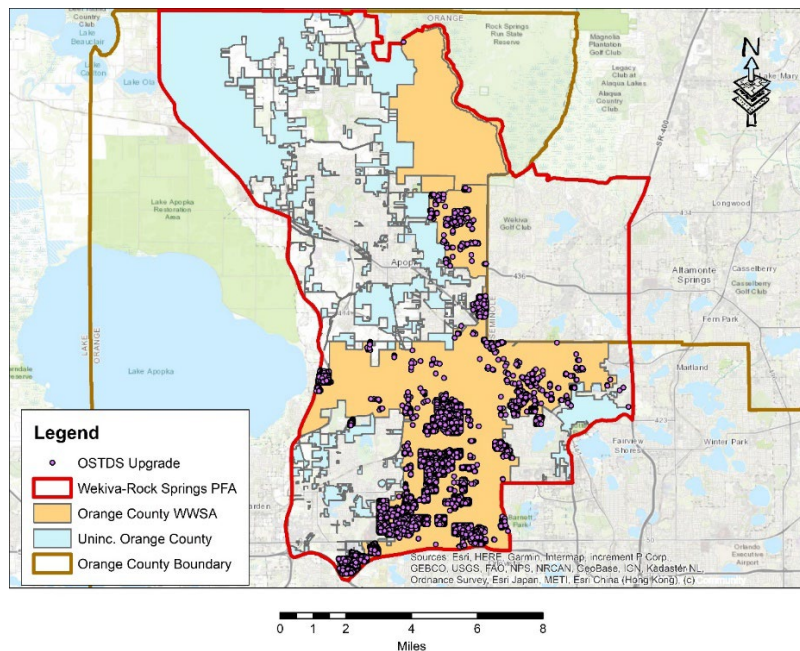


Table 2. Order Item 12 Shapefiles.

Shapefile name	Description
ostds_upgrades_in_pfa_7929	Potential OSTDS upgrade locations inside the OCWWSA and within the PFA.
oc_wwsa_in_pfa	OCWWSA within the Wekiva PFA.
uninc_oc_in_the_pfa	Unincorporated Orange County within the Wekiva PFA.
wekiva_rs_pfa	Wekiva-Rock Springs Priority Focus Area.

Order Item 13. *The estimated costs associated with upgrading to enhanced nutrient-reducing OSTDS that are identified in 12).*

Capital costs for enhanced OSTDS systems are estimated to range from \$19,000 to \$25,000 per system. Systems requiring mounded drain fields can cost more. Assuming a cost of \$25,000 per system upgrade, the estimated cost to upgrade these 7,929 systems is \$198 M.

Order Item 14. *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.*

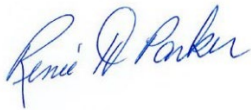
Orange County has undertaken the following projects intended to inform residents of the required OSTDS system upgrade:

- A public-facing website is under development by Orange County and may include:
 - Information concerning nutrient releases from conventional OSTDS and the adverse impact to surface water bodies.
 - Information concerning state regulations on OSTDS and upgrade deadlines.
 - Information concerning septic upgrade assistance grants offered by the state and administered by Orange County.
 - Address lookup functionality to OSTDS location with respect to nutrient BMAP locations.
 - Other information as it is identified during development.
 - Publication of website anticipated for June 2024.
 - Cost to be determined.
- Administration of Florida Department of Environmental Protection Agreement LPF4801:
 - Agreement value of \$154,000.
 - Provides up to \$7,000 reimbursement per system (22 systems) when upgrading conventional OSTDS to enhanced nutrient reducing OSTDS.
 - The agreement expires September 30, 2024.
- Orange County Wekiva PFA Phase 1 Septic Upgrade Assistance Grant:
 - Grant application requesting \$500,000 to incentivize OSTDS upgrades.
 - System upgrade incentive limited to locations within the Wekiva PFA who voluntarily elect to upgrade to an enhanced system.
 - Provides \$10,000 for 50 OSTDS upgrades to enhanced nutrient reducing systems.
 - Grant application submitted August 2023.
 - Grant application pending approval by Executive branch of state government.
 - [Note – EPD recently learned that this grant application was not accepted for funding.]*
- Orange County Wekiva PFA Phase 2 Septic Upgrade Assistance Grant:
 - Grant application requesting \$500,000 to incentivize OSTDS upgrades.
 - System upgrade incentive limited to locations within the Wekiva PFA who voluntarily elect to upgrade to an enhanced system.
 - Provides \$10,000 for 50 OSTDS upgrades to enhanced nutrient reducing systems.
 - Grant application submitted August 2023.
 - Grant application pending approval by Executive branch of state government.
 - [Note – EPD recently learned that this grant application was not accepted for funding.]*

- Orange County BMAP Septic Upgrade Incentive Assistance Grant:
 - Grant application requesting \$400,000 to incentivize OSTDS upgrades.
 - Upgrade assistance limited to locations in unincorporated Orange County outside of the Wekiva PFA.
 - Provides \$20,000 for 20 OSTDS upgrades to enhanced nutrient reducing systems.
 - Grant application submitted August 2023.
 - Grant application pending approval by Executive branch of state government.
[Note – EPD recently learned that this grant application was not accepted for funding.]
- Contractors for Orange County have completed the *Orange County Groundwater Vulnerability Assessment* (Assessment). The Assessment is a countywide evaluation of physical and spatial data intended to identify Priority Vulnerability Areas (PVAs) where groundwater and surface waters may be vulnerable to nutrient loading from conventional OSTDS. The Assessment will help Orange County identify and prioritize locations where nutrient discharges from OSTDS need to be mitigated. The assessment was completed at a cost of \$274,444. A copy of the Assessment can be found here: <https://www.ocfl.net/environment/groundwaterstudies.aspx>.

For more information, please contact Mitchell Katz at 407-340-6605 or by email at Mitchell.Katz@ocfl.net.

Sincerely,



Renée H. Parker, LEP, Manager

Attachment: Final Order executed June 12, 2023,

cc: Tanya Wilson, AICP, Director, PEDS
Alan Marshall, Assistant to the Director, PEDS
Lindy Wolfe, P.E., LEED AP, Division Manager, Engineering Division, OC Utilities
Liz Johnson, CEP, Assistant Manager, Environmental Protection Division
Beth Jackson, MBA, Environmental Program Administrator, EPD
Emily Lawson, P.E., Engineer III, EPD
Mitchell Katz, Ph.D., Regulatory Compliance Program Coordinator, EPD

State of Florida
Department of Environmental Protection

IN RE:

Determination Regarding Necessity of Wastewater Treatment
Plans and Onsite Sewage Treatment and Disposal System
Remediation Plans For Certain Nutrient Basin Management
Action Plans, Pursuant to Subparagraph 403.067(7)(a)9, F.S.

OGC Case No. 23-0112 to 0135

Final Order

Subparagraph 403.067(7)(a)9., Florida Statutes, specifies that local governments¹ 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, if the Florida Department of Environmental Protection (“Department”) “identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems 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”).

The Department has determined that the domestic wastewater treatment facilities and/or OSTDS sources within the following BMAPs meet the 20 percent contribution threshold and/or remediation of these sources is necessary to achieve the BMAP for a nutrient TMDL, pursuant to subparagraph 403.067(7)(a)9., Florida Statutes:

Alafia River Basin (23-0112)
Banana River (23-0113)
Caloosahatchee River and Estuary Basin (23-0114)
Central Indian River Lagoon (23-0115)
Everglades West Coast Basin (23-0116)
Lake Harney, Lake Monroe, Middle St. Johns, and Smith Canal (23-0117)
Lake Jesup (23-0118)
Lake Okeechobee (23-0119)
Lower St. Johns Main Stem (23-0120)
Manatee River Basin (23-0121)
North Indian River Lagoon (23-0122)
Orange Creek (23-0123)
St. Lucie River and Estuary (23-0124)
Upper Ocklawaha River Basin (23-0125)
Wekiva River, Rock Springs Run, and Little Wekiva Canal (23-0126)
Crystal River/Kings Bay (23-0127)
DeLeon Spring (23-0128)
Gemini Springs (23-0129)
Homosassa and Chassahowitzka Springs Groups (23-0130)
Silver Springs and River and Rainbow Spring Group and River (23-0131)

¹ As used herein, “local governments” refers to county governments and municipalities.

Upper Wakulla River and Wakulla Spring (23-0132)

Volusia Blue Spring (23-0133)

Weeki Wachee (23-0134)

Wekiwa and Rock Springs (23-0135)

Wastewater Treatment Plans

In cooperation with the Department, water management districts, and public and private domestic wastewater facilities, each local government within the above referenced BMAPs that either contains a domestic wastewater facility within its jurisdictional boundaries, or has a demonstrated need to establish a domestic wastewater treatment facility within its jurisdiction to improve water quality in order to achieve the water quality objectives of the BMAP, must develop a wastewater treatment plan containing the following information 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 TN and 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 (for example, to meet nutrient effluent limits in BMAPs and TMDLs, section 403.064(17), Florida Statutes, requirements, or other statutory or regulatory 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.

Within 30 days of the effective date of this Order, any local government within any of the above referenced BMAPs that does not contain a domestic wastewater facility and does not believe it has a demonstrated need to establish a domestic wastewater treatment facility 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 where possible. By February 1, 2024, each local government must submit to the Department a draft wastewater treatment plan for the Department's review. By August 1, 2024, the local government must submit to the Department a complete wastewater treatment plan that addresses all Department comments on the draft plan.

OSTDS Remediation Plans

In cooperation with the Department, the Department of Health, water management districts, and public and private domestic wastewater facilities, each local government within the above referenced BMAPs must also develop an OSTDS remediation plan containing the following information:

- 7) An inventory of the OSTDS (including locational information, such as GIS shape files, if available, or an excel spreadsheet with addresses and/or latitude and longitude) within the local government's jurisdiction or service area based on the best information available;
- 8) An estimate of future growth in new OSTDS over the next 20 years in the local government's jurisdiction or service area (including locational information, such as GIS shape files, if available, or an excel spreadsheet with addresses and/or latitude and longitude);
- 9) 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 (including locational information, such as GIS shape files, if available, or an excel spreadsheet with address and/or latitude and longitude);
- 10) 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 (including locational information, such as GIS shape files, if available, or an excel spreadsheet with address and/or latitude and longitude)
- 11) The estimated costs associated with the projects in 10) above;
- 12) 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 (including locational information, such as GIS shape files, if available, or an excel spreadsheet with addresses and/or latitude and longitude) within the local government's jurisdiction, in order to meet the water quality objectives of the BMAP;
- 13) The estimated costs associated with upgrading to enhanced nutrient-reducing OSTDS that are identified in 12); and,
- 14) 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.

Within 30 days of the effective date of this Order, any local government within any of the above referenced BMAPs that does not believe it has a demonstrated need to create an OSTDS remediation plan 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 OSTDS remediation plans where possible. By February 1, 2024, each local government must submit to the Department a draft OSTDS remediation plan for the Department's review. By August 1, 2024, the local government must submit to the Department a complete OSTDS remediation plan that addresses all Department comments on the draft plan.

Submittals to the Department

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

Notice of Rights

The action shall become final unless a timely petition for an administrative proceeding is filed pursuant to the provisions of Sections 120.569 and 120.57 of the Florida Statutes, before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the department's proposed agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions must be filed within 21 days of publication of the public notice or within 21 days of receipt of this order, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who asked the department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;

- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;

- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the department's final action may be different from the position taken by it in this

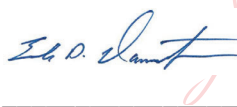
order. Persons whose substantial interests will be affected by any such final decision of the department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

A party who is adversely affected by this order has the right to seek judicial review under Section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the department in the Office of the General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the department.

DONE AND ORDERED this 12th day of June, 2023, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Digitally signed by
Shawn Hamilton
Date: 2023.06.12
14:21:29 -04'00'

Shawn Hamilton
Secretary

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.

Lea
Crandall
Digitally signed
by Lea Crandall
Date: 2023.06.12
15:55:13 -04'00'

CLERK

June 12, 2023

DATE