Just the Facts: Laws of Florida 2016-1 (the “Water Bill”)

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Senate Bill 552

Introduced by Sen. Charles Dean, Chair of Environmental Preservation and Conservation Committee

Bill passed FL Senate and House in January 2016

Became effective July 1, 2016

“blatantly favoring special interests”

Said others... S

“an outstanding job in regard to water quality”

Said some... S
1. Take a Hike: Increasing accessibility of state conservation lands

Amends Chapter 253 F. S. “to ensure that the public has knowledge of and access to conservation lands.”

DEP to maintain a database of conservation lands that have public access for conservation and recreation activities

DEP to create a mobile device app so citizens can easily find such lands

DEP to report annually on actions to increase public access to such lands
2. **Technical and financial assistance to self-suppliers**

Amends Chapter 373 F. S. to provide “technical assistance to self-suppliers” when assistance would result in conserving waters of the state:

- Promote conservation, replenishment, recapture, enhancement, development, and proper utilization of surface and groundwater
- Minimize water quality degradation associated with stormwater runoff
2. Technical and financial assistance to self-suppliers

The emphasis of this assistance is on “water resource development”

Seen by many as a nod to the state’s increasing interest in alternative water supplies
3. Pilot projects on alternative water supplies (AWS)

Alternative water supplies are alternatives to traditional groundwater and surface water supplies

- saltwater and brackish water
- water reuse
- surface water captured predominately during heavy rainfalls
- sources made available through the addition of new storage capacity
- storm water
- any other source designated as nontraditional in a regional water supply plan

sfwmd.org
3. Pilot projects on alternative water supplies (AWS)

The legislature finds that
• Local gov’ts
• Regional water supply authorities
• Water utilities
face significant challenges in
developing AWS
• many customers
• mulitjurisdictional needs
• just a hard problem sometimes

Shown here: Lake Region Water Treatment Plant in Belle Grade, treats brackish water of Upper Floridan to alleviate stress on Lake O; partnership between SFWMD & Palm Beach County – but water was more brackish than expected
3. Pilot projects on alternative water supplies (AWS)

Recognizing the challenges of AWS in practice, the legislature encourages SFWMD, SJRWMD, and SWFWMD to take the lead and develop AWS pilot projects.

Each WMD to designate one pilot project by July 1, 2017

- in restricted allocation areas
- doesn’t have to be in their own boundaries
- need consent of owner if on private land
- report back to legislature on successes, challenges, recommendations for how WMDs can expand AWS programs
What does Florida have more of than any other state?

4. Florida Springs and Aquifer Protection Act

Builds on Chapter 373 F. S. to protect springs fed by the Florida Aquifer

The legislature finds that
“water quality of springs is an indicator of local conditions of the Floridan aquifer” and that

“these springs are threatened by polluted runoff, discharges from wastewater and stormwater, and reduced water levels of the Floridan aquifer”
4. Florida Springs and Aquifer Protection Act

Amends Chapter 373 F. S. to define “outstanding Florida springs” as the 33 historic first magnitude springs

- flows of at least 100 cf per second
- which is . . .64 million gallons per day

as well as select second order springs

This creates a new class of protected waters in the state.
WARNING: ALGAE ALERT
STAY OUT OF WATER
NO DRINKING
BY HUMANS OR ANIMALS
NO EATING FISH
FOR MORE INFORMATION:
CALL (239) 274-2204
LEE COUNTY HEALTH DEPARTMENT

DOUGLAS MANSON, MANSON BOLVES DONALDSON VARN, P.A
4. Florida Springs and Aquifer Protection Act

Provisions for water quantity and water quality

“adoption of minimum water flows and minimum water levels or recovery or prevention strategies for OFS requires immediate action”

DEP authorized to make emergency rule making if WMDs fail to adopt minimum flows and levels (MFL) by July 2017 (2026 for Northwest Florida)

The MFL is the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. Recovery and prevention strategies will also be adopted for any OFS not meeting the adopted MFL.
4. Florida Springs and Aquifer Protection Act

For each OFS, DEP must delineate a **Priority Focus Area (PFA)**

- Area or areas of a basin where the Floridan Aquifer is generally most vulnerable to pollutant inputs where there is a known connectivity between ground water pathways and an OFS.

- To be delineated by considering factors that may lead to degradation of an OFS, such as:
  - Ground water travel time to the spring.
  - Hydrogeology.
  - Nutrient load, etc.
- Must be completed by July 1, 2018.
Example from the Weeki Wachee Springshed
4. Florida Springs and Aquifer Protection Act

Prohibits in priority focus areas of OFS:

• new domestic large domestic wastewater facilities which do not meet a 3 mg/L nitrogen standard

• new septic tanks on lots of less than one acre

• new hazardous waste disposal facilities

• land application of wastewater biosolids not in accordance with a DEP approved plan

• new agricultural operations that do not implement BMPs
4. Florida Springs and Aquifer Protection Act

- local governments within a Priority Focus Area are required to adopt ordinances to reduce the use of pollution-causing fertilizers

- the Department of Health, local governments and utilities must develop an onsite sewage treatment and disposal remediation plan where at least twenty percent of the non-point source pollution within a basin is caused by septic tanks

Legislature appropriated $50 million to assist in developing these requirements
5. Central Florida Water Initiative (CFWI)

Creates 373.0465 F. S. to recognize, affirm, and codify the CFWI

- Calls for continuing collaboration of CFWI guiding principles
- Single multi-district regional water supply plan
- Uniform rules covering:
  - permit reviews
  - definition of “harmful to the water resources”
  - definition of per capita residential uses
  - conservation goals – for example consumptive use permittees will be required to set residential conservation goals
6. Some more nods to the conservation message

Amends chapter 373 F. S. to include requirement that any new consumptive use permit that authorizes groundwater withdrawals of 100,000 gallons per day or more from a well of at least 8” diameter, shall be monitored for water usage.

For agricultural CUPs, if actual water use is less than permitted, “a district may NOT alter permitted allocation amounts during the term of the permit.”

The same for any CUP, including ag, if actual water use is less than permitted due to conservation.
7. Florida’s new crop: Farming water

Chapter 373 F. S. has in the past encouraged water storage partnerships between state agencies and private agricultural land owners.

The law is amended to give priority to partnerships that:

• Enhance hydrologic improvement
• Improve water quality
• Assist in water supply
• Recharge groundwater
• Provide changes in land use to minimize nutrient pollution

Large water farm holds ~10,000 acre feet of water; 100s of thousands go out to east coast every year—so we’re going to need lots of water farms
8. BMAPs ARE enforceable; BMPs shall be implemented and verified

Adds wording to Chapter 403 F. S. to say that “basin management action plans are enforceable.”

Under penalty of warning citations all the way up to criminal fines

By January 1, 2017, FDACS shall initiate rulemaking for procedures to verify BMP implementation or monitoring

FDACS and WMDs shall initiate rulemaking related to non-agricultural BMPs
- evaluate current practices/infrastructure and modify as needed
9. Northern Everglades and Estuaries Protection Program

The legislature finds there is a need for “expeditious implementation” of the Lake O Watershed Protection Program, the Caloosahatchee River Watershed Protection Plan and the St. Lucie River Watershed Protection Plan.

The Lake O BMAP is identified as the program element that will be used to achieve needed Phosphorus reductions.

Review and update watershed protection plan in March 2020 and every 5 years thereafter to make sure it is consistent with the BMAP.
9. Northern Everglades and Estuaries Protection Plan

Adds wording to support Lake O Watershed Research and Water Quality Monitoring Program

1. Assess all available data
2. Establish a P baseline
3. Assess for TMDL compliance and make recommendations to the BMAP
4. Determine contribution of P from all sources
5. Assess P loading from Kissimmee and Chain and Lakes region and include recommendations in the BMAP
6. Make recommendations for structural controls to control nutrients
7. Assess timing and volume of water flow to the estuaries from Lake O

Also adds the St. Lucie River Watershed Research and Water Quality Monitoring Program to assess volume and timing of flows
Thank you!
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