

Side-by-Side Comparison: 2019 Blue Green Algae Task Force Recommendations vs. SB 712

<u>Task Force Recommendation</u>	<u>SB 712 Provision</u>	<u>Does SB 712 Pass or Fail?</u>
Basin Management Action Plans (BMAPs)		
<p>“To accelerate progress toward achieving restoration targets in BMAP areas, the Blue-Green Algae Task Force recommends a more strategic approach to project selection, implementation and monitoring.”</p>	<ul style="list-style-type: none"> • If Septic or Waste Water Treatment Facility (WWTF) > 20% of nutrient pollution, then BMAP must include an appropriate remediation plan (1492) - but only the WWTF remediation plan has actual requirements for action. Septic systems contributing >20% of nutrients require the development of a plan, but do not require expenditures to reduce nutrients or provide funding to do so. • DEP to report assessment of water quality (WQ) monitoring conducted for each BMAP implementing nutrient Total Maximum Daily Load (TMDL). (1933) 	<p>Focuses on specific pollution sources and creates a plan for remediation in <i>some</i> areas <u>but</u> (1) no penalties for noncompliance, (2) no deadline for completion of plan implementation, and (3) no funding.</p>
<p>“With regard specifically to the Lake Okeechobee, Caloosahatchee Estuary and St. Lucie River and Estuary BMAP areas, the task force acknowledges regional storage and treatment infrastructure is urgently needed to manage flows to reduce damaging freshwater discharges to the northern estuaries, and also to achieve Total Maximum Daily Loads (TMDLs) as well as established Numeric Nutrient Criteria (NNC). Accordingly, the task force recommends that siting, design and funding of this infrastructure be a priority.”</p>	<p>Only explicit mention of this watershed is re: BMP inspections every 2 years. (1808)</p>	<p>FAIL</p>

<p>“The task force recognizes that rapidly changing demographics, alterations in land use and altered hydrology obfuscate the BMAP process. Nevertheless, projections of such changes should be incorporated, where possible, into the BMAP process to identify projects/actions that could compromise or enhance ongoing restoration efforts. Such projections could be used also to inform future land use planning and permitting.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“BMAPs should acknowledge the nutrient reductions needed to be protective of downstream water bodies.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“Legacy nutrients, as indicated previously, are a concern in the South Florida landscape, and the task force recommends that their contribution to loading figure prominently in the Lake Okeechobee, Caloosahatchee and St. Lucie River and Estuary BMAPs.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“The task further recommends that projects with the demonstrated potential to expedite legacy nutrient removal merit special attention and be designated as priority projects.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“In that same vein, the task force recommends spatially focused suites of projects in areas likely to yield maximum pollutant reduction be identified and prioritized in all BMAP areas.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“Integrated monitoring and modeling of implemented BMAP projects should be conducted to ensure that projects are working as expected.”</p>	<p>No provision.</p>	<p>FAIL</p>

Agriculture and Best Management Practices		
“The task force recommends funding and action to increase BMP enrollment in all BMAP areas to ensure that the maximum environmental benefit is achieved.”	No provision.	FAIL
“However, enrollment in of itself does not ensure compliance. It is critical that all agricultural producers enrolled in BMP programs maintain accurate records, as articulated in the various BMP manuals, to demonstrate that they are implementing BMPs and that those records be verified and made available to the appropriate authorities for analysis and review.”	DACS to inspect BMPs every 2 years with select water bodies. (1808)	Inspections should be done annually.
“The task force recommends that the effectiveness of BMPs be supported by adequate data to justify the presumption of compliance with water quality standards granted upon enrollment and implementation.”	DEP, DACS, and Ag Operations shall develop a cooperative ag regional water quality improvement element as part of BMAP if BMPs have been implemented and water body (WB) is still impaired, nonpoint (NP) ag sources contribute at least 20% of nutrient discharges, and DEP determines that additional measures are necessary (subject to availability of funding). (1823)	FAIL
“Accordingly, the task force recommends that each Notice of Intent (NOI) to adopt BMPs be accompanied by an estimate of input reduction and load reduction associated with adopting these practices.”	No provision.	FAIL
Reporting of input reductions for all operations receiving a presumption of compliance and the implementation of sampling programs to assess the effectiveness of sector specific BMPs intended to reduce nutrient loading to adjacent water bodies should be initiated.”	No provision.	FAIL

"The task force recommends that existing BMP manuals be subject to regular review and revision to achieve a greater environmental benefit; improved water quality, in particular."	DACS and Universities to submit funding requests for work to enhance BMPs to reduce nutrient runoff, develop new BMPs for potential adoption, and develop ag nutrient runoff reduction project. (1864)	Advanced BMPs are not required to be adopted or utilized by any agricultural operation and are subject to the availability of funding.
"Advanced technologies that reduce leaching and runoff of nutrients and the subsequent delivery of those nutrients to groundwater or adjacent surface waters should be incorporated into revised and updated BMP manuals as appropriate."	See Above.	Subject to the availability of funding and rule adoption.
"The current effort by the Florida Department of Agriculture and Consumer Services (FDACS) to update BMP manuals should be accelerated."	No deadline set.	FAIL
Human Waste - Onsite Sewage Treatment and Disposal Systems		
"The task force recommends broader regulatory oversight of onsite sewage treatment and disposal systems to ensure that those systems function properly, protect the environment against nutrient pollution and are protective of human health."	No provision related to ongoing inspections.	FAIL
"The Department of Environmental Protection should develop a comprehensive regulatory program to ensure that onsite sewage treatment and disposal systems, where appropriate, are sized, designed, constructed, installed, operated and maintained to prevent nutrient pollution, reduce environmental impact and preserve human health."	July 1, 2022 - DEP shall adopt rules re: location on septic systems. (676)	PASS

<p>“The task force recommends the development and implementation of a septic system inspection and monitoring program with the goal of identifying improperly functioning and/or failing systems so that corrective action can be taken to reduce nutrient pollution, negative environmental impacts and preserve human health.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“Current regulations prohibit permitting of new septic systems on lots of 1 acre or less in a priority focus area within an Outstanding Florida Spring watershed unless the system includes enhanced treatment. The task force recommends broader adoption of this rule to protect other vulnerable areas across the state.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“The task force further recommends legislation and funding to accelerate cost-effective septic to sewer programs with the aim of reducing nutrient pollution that leads to harmful algal blooms.”</p>	<ul style="list-style-type: none"> • WMD > EDR annual report of projects to implement BMAPS including projects to connect septic to sewer and convert septic to advanced septic. (329) • DEP to provide grants for specific BMAP projects including upgrading septic systems, upgrade WWTF, septic to sewer conversions, (subject to available funding). (1955) 	<p>Subject to appropriation.</p>
Human Waste - Sanitary Sewer Overflows		
<p>“The task force recommends that every effort should be made to minimize the occurrence of SSOs and their potential negative environmental and health impacts.”</p>	<ul style="list-style-type: none"> • Utilities holding wastewater (WW) discharge permits to submit reports re: expenditures on pollution mitigation and prevention (DEP to adopt rule to implement this). (1336) • Permits shall require inspection of a “significant percentage” of the system over the duration of the permit to determine integrity and reporting of expenditure related to I&I mitigation. (2161) 	<p>No deadline.</p>

"To alleviate the risk of an SSO due to power failure, the task force recommends that emergency back-up capabilities be identified for all lift stations constructed prior to 2003."	All WWTFs required to have a power outage contingency plan for the utility's collection system and pump stations. (2100)	PASS
"The task force recommends that the 8/5/2020 Department of Environmental Protection pursue a more proactive approach to address I&I issues to reduce the risk of SSOs and associated water quality degradation."	DEP to adopt rules to reasonably limit, reduce, and eliminate domestic WW systems leakages and I&I. (1317)	Vague, subject to development and adoption of rules.
Stormwater Treatment Systems		
"Available data suggest that a substantial number of stormwater treatment systems throughout the state fail to achieve their presumed performance standards."	No provision.	FAIL
"The task force recommends the development and implementation of a stormwater system inspection and monitoring program with the goal of identifying improperly functioning and/or failing systems so that corrective action can be taken to reduce nutrient pollution and other negative environmental impacts."	DEP to review permits and data from entities that self-certify for compliance with state WQS and recommend improvements to the self-certification process. (432)	Vague, no deadlines or review timeframes; would need additional funding to implement.
"The task force recommends also that stormwater design criteria be revised and updated to incorporate recent advances in stormwater treatment technologies and other practices that have demonstrated environmental benefits, specifically nutrient reduction."	DEP and WMD to initiate rulemaking to update stormwater design and operation regulations. (420)	Subject to adoption of rules; does not address thousands of existing systems.

Innovative Technologies and Applications		
“The task force recommends an investment in a diverse portfolio of technologies, focusing on those that are demonstrably cost-efficient, environmentally safe and scalable.”	No provision.	FAIL
“Technologies that are focused on cleanup and mitigation of blue-green algae blooms, though important, are event driven and should not consistently dominate expenditures.”	No provision.	FAIL
“Technologies with a prevention focus are desirable and will require more strategic and longer-term investments.”	No provision.	FAIL
“The task force recommends also investments in technologies with the potential to detect, monitor and forecast harmful algal blooms to enable more proactive response.”	No provision.	FAIL
“Finally, the task force encourages an investment in a program to aid in the development and/or implementation of technologies to reduce nutrients and/or harmful algae.”	No provision.	FAIL
Blue-Green Algae Blooms and Public Health		
“The task force recommends that regular and proactive sampling for algal toxins be incorporated strategically into existing and future water quality sampling/monitoring programs.”	<ul style="list-style-type: none"> • DEP to establish real-time WQ monitoring. (1353) • DEP to report assessment of WQ monitoring conducted for each BMAP implementing nutrient TMDL, identify gaps, and recommend needs. (1933) 	Vague. Subject to available funding.

<p>“Defensible health advisories should be established by the Florida Department of Health and defensible water quality criteria should be established by the Florida Department of Environmental Protection. These actions should be supported by the best available science and monitoring, and updated as new information becomes available.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“The task force further recommends that the Department of Health work collaboratively with the Department of Environmental Protection to implement a transparent, consistent and comprehensive communication plan that recognizes the diverse population in Florida in order to inform the public about the potential health impacts associated with exposure to algae and/or algal toxins.”</p>	<p>No provision.</p>	<p>FAIL</p>
Science-based Decision Making, Data Needs, and Monitoring Programs		
<p>“The task force recommends that monitoring programs be designed to address status and trends for key water quality parameters.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“Monitoring efforts should also be employed to answer specific questions, address unknowns, allow for improved design and adaptive management of agricultural and urban BMPs, edge of field and regional projects and BMAPs.”</p>	<p>No provision.</p>	<p>FAIL</p>
<p>“Greater investments in research will be required to inform monitoring efforts.”</p>	<p>DACS and Universities to submit funding requests for work to enhance BMPs to reduce nutrient runoff, develop new BMPs for potential adoption, and develop ag nutrient runoff reduction project. (1864)</p>	<p>Subject to availability of funding.</p>

<p>"Given the current focus on blue-green algal blooms in Lake Okeechobee and northern estuaries, i.e. Caloosahatchee and St. Lucie, the task force recommends an expanded water quality monitoring program in each of the relevant BMAP areas to identify priority areas for project implementation and for subsequent evaluation of project effectiveness in achieving nutrient load reductions. Comparable monitoring and assessment programs should be established in other BMAP areas across the state."</p>	<p>No provision.</p>	<p>FAIL</p>
<p>"The task force recommends that additional environmental parameters, e.g., multiple nitrogen species and algal toxins, be incorporated where appropriate into monitoring programs to aid our collective understanding of the factors that lead to the development, maintenance and senescence of harmful algal blooms and toxin production."</p>	<p>No provision.</p>	<p>FAIL</p>