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GEORGIA AVENUE  
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BOCC/SWFMD February 23, 2021

Averting a Water Crisis is Not the Objective of Government! Aggregating the Water Supply based on Federalist paper #10, 39, 41 and 64. Uniformly Bankrupting the water supply "*unfortunately*" is the Objective of the U.S. Constitution.

Aggregating/Bankrupting to appease the net-profit scheming, benefitting our politicians "Artfully" claimed as Process Due "Naturalized" in the 14<sup>th</sup> Amendment.

February 1<sup>st</sup>: I was in Tallahassee for the reading of Senate Bill 64.

Senate Bill 64 is an Act relating to Reclaimed Water, implementing *Direct Potable Reuse*, up to 30% reuse capacity *added* Directly to our vital household water supply, Directly adding Reclaimed Water into our *Essential* water supply; ~~for Drinking, Showering and cooking~~ as based on statute 403.086 (8)(a), written on line 187 of the bill.

~~in seen statute 381.0065(4)(h-2), on line 251~~

The Bill, as based on the Reclaimed Water "Variance" (a variance recognized in Federalist papers #31, 38 and 40) entitles a 3<sup>rd</sup> Party Private Entity, Transfer of Development Rights to install Residential Grey Water Systems, (using 100%), reclaimed water for toilet usage, based on statute 403.064 (7)&(16), the cost of such 3<sup>rd</sup> Party Development Right, shall be the responsibility of the Homeowner and is to be levied out-of the Homeowners Equity for payment. Again, seen as a "Variance" in statute ~~381.0065(4)(h-2) stemming from 1972, on line 251, and again in HB639~~, Based on Maloney's Water Code section 1;13, published in '72, this *indoor* toilet installation shall also be accompanied by an *Annual Surveillance Charge*, written in as a "Bonus" on line 260 of the Bill, ~~seen as an incentive on line 247 of the bill.~~

Lastly (as aggregate) the Act allows for the Collection and Retail Sale of Rain Water, the Bill describes this as the "*Elimination of Non-Beneficial Surface Water Discharge*", allowing a 3<sup>rd</sup> Party Facility or Entity to pump the Rain Water from out our Utility System, for 3<sup>rd</sup> Party Capitalistic Pursuits. Capturing Rain Water Outflow for the *Benefit* of Private Entities, Authorizing "Interagency" Gray Water Technologies, benefitting their "so-Called" respective Jurisdiction on line 255.

This Bill exhibits the manifesting of capitalistic pursuits in the in the development of an "unwarranted" water jurisdiction, as Declared. (*That's called Carpetbagging!*)

The Act also allows (based on the Reclaimed Water Variance) Development rights to be granted via statute 153.03 to install Grey Water into all residential Homes within the "*Ready to Serve Zone*" equipping all civilian owned properties to reclaimed water hook-ups indoor for toilet use, in Dana Youngs HB639. And is to be soldiered under the 3<sup>rd</sup> Amendment.

Mr. Bruce Matulich from E.G.I.A, Sacramento California in addressing Tampa Bay Water Authority in October 2019, developed a toilet tracking/inspection service in "RealTime".....

Florida Senate - 2021

FEBRUARY 1

NERO'S FIRE OF LA

SB 64

- (L) AT ELOWIDGE
- (B) LA FAYETTE
- (L) SUWANEE SC
- CASCADES PARK

2:30 pm

SB 64

By Senator Albritton

Room 37 SB

MALLORY HORNE COMMITTEE ROOM, 37 SENATE BLDG

PUBLIC COMMENT

DONALD TUCKER CIVIC CENTRE  
 505 W. PENSACOLA ST.  
 (850) 644-7469  
 26-00362A-21

METERED  
 TOILET FLOSHING  
 403.064 (TX) (W)

202164

1 A bill to be entitled  
 2 An act relating to reclaimed water; amending s.  
 3 403.064, F.S.; requiring certain domestic wastewater  
 4 utilities to submit to the Department of Environmental  
 5 Protection by a specified date a plan for (eliminating  
 6 nonbeneficial surface water discharge) within a  
 7 specified timeframe; providing requirements for the  
 8 plan; requiring the department to approve plans that  
 9 meet certain requirements; requiring the department to  
 10 make a determination regarding a plan within a  
 11 specified timeframe; requiring the (utilities) to  
 12 implement approved plans by specified dates; providing  
 13 for administrative and civil penalties; requiring  
 14 certain utilities to submit updated annual plans until  
 15 certain conditions are met; requiring domestic  
 16 wastewater utilities applying for permits for new or  
 17 expanded surface water discharges to prepare a  
 18 specified plan for (eliminating nonbeneficial  
 19 discharges) as part of its permit application;  
 20 requiring the department to submit an annual report to  
 21 the Legislature by a specified date; providing  
 22 applicability; providing construction; authorizing the  
 23 department to convene and lead one or more technical  
 24 advisory groups; providing that potable (reuse) is an  
 25 alternative water supply and that projects relating to  
 26 such (reuse) are eligible for (alternative water supply)  
 27 funding; requiring the department and the water  
 28 management districts to develop and execute, by a  
 29 specified date, a memorandum of agreement for the  
 30 coordinated review of specified permits; providing  
 31 that (potable reuse projects) are eligible for certain  
 32 expedited permitting and (priority funding); (providing  
 33 construction) creating s. (403.892), F.S.; (defining  
 34 terms) requiring counties, municipalities, and special  
 35 districts to (authorize graywater) technologies under  
 36 certain circumstances and to provide incentives for  
 37 the implementation of such technologies; providing  
 38 requirements for the use of (graywater technologies)  
 39 (supply and rate) providing that the (installation of residential  
 40 graywater systems) meets certain public utility water  
 41 conservation measure (requirements); providing for the

CAPTURE "RAIN WATER"

UTILITY (U) FACILITY

DESPOIC WATER JURISDICTION

30% REUSE CAPACITY STATUTE 403.086 (B-A)

FUNDING TERMS?

GREY WATER FOR INDOOR USE

WATER DESPOTS

DESPOITISM

EMINENT DOMAIN

153.03(5)

TOILET

applicability of specified reclaimed water aquifer storage and recovery well requirements, providing a declaration of important state interest, providing an effective date.

CONTAINER INVOKED? SELF-INTEREST? PAID FOR? CRITICAL 403.064 (1)? VITAL? ESSENTIAL?

Be It Enacted by the Legislature of the State of Florida:

TOILET FLUSHING (SECTION 16) 7

Section 1. Present subsection (17) of section 403.064, Florida Statutes, is redesignated as subsection (18) and amended, and a new subsection (17) is added to that section, to read:

403.064 Reuse of reclaimed water.— (17) By November 1, 2021, domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge shall submit to the department for review and approval a plan for eliminating nonbeneficial surface water discharge within 5 years, subject to the requirements of this section. The plan must include the average gallons per day of effluent, reclaimed water, or reuse water which will no longer be discharged into surface waters and the date of such elimination; the average gallons per day of surface water discharge which will continue in accordance with the alternatives provided for in subparagraphs (a)2. and (3), or, if applicable to the utility, under paragraph (b); and the level of treatment which the effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative.

CAPTURE WATER ARTICLE 8-10 U.S. CONSTITUTION MUST MAKE MONEY! AIDING AND ABETTING! COLLECT RAIN WATER

LAWN IRRIGATION ELIMINATED?

(a) The department shall approve a plan that includes all of the information required under this subsection as meeting the requirements of this section if one or more of the following conditions are met:

1. The plan will result in eliminating the surface water discharge.

2. The plan will result in meeting the requirements of s. 403.086 (10).

3. The plan does not provide for a complete elimination of the surface water discharge but does provide an affirmative demonstration that any of the following conditions apply to the remaining discharge:

a. The discharge is associated with an indirect potable reuse project;

b. The discharge is a wet weather discharge that occurs in accordance with an applicable department permit;

c. The discharge is into a stormwater management system and is subsequently withdrawn by a user for irrigation purposes;

d. The utility operates domestic wastewater treatment facilities with reuse systems that reuse a minimum of 90 percent of a facility's annual average flow, as determined by the department using monitoring data for the prior 5 consecutive years, for reuse purposes authorized by the department; or

e. The discharge provides direct ecological or public water supply benefits, such as rehydrating wetlands or implementing the requirements of minimum flows and minimum water levels or

UTILITY VS FACILITY OBJECTION CAPTURE LAND AND WATER U.S. CONSTITUTION ARTICLE SECTION 9-10 THUS, IS TO CAPTURE CHRISTIANITY!

ELIMINATE LAWN IRRIGATION?

THE PLAN - IS TO CAUSE A PROBLEM THEN GIVE EFFECT TO A SOLUTION IS THE DEFINITION OF CARPET BAGGING.

UTILITY VS FACILITY

COMMON WEALTH

DEFECT PRIVILEGE PINELLAS COUNTY RESOLUTION 95-286

AFTER FIRST DESECRATING THE CYPRESS WETLANDS USED FOR CYPRESS MULCH.

95 recovery or prevention strategies for a waterbody. Silly Boy! SENATOR YOU!  
96 (b) The department shall also approve a plan if a utility  
97 demonstrates that it is technically, economically, or  
98 environmentally infeasible for the utility to meet any of the  
99 conditions provided in paragraph (a) for the discharge within 5  
100 years after submitting the plan to the department; that  
101 implementing such alternatives would create a severe undue  
102 economic hardship on the community served by the utility as  
103 demonstrated by the impact to utility ratepayers, a lack of a  
104 reasonable return on investment, and the unaffordability of  
105 implementing any combination of the alternatives; and that the  
106 plan provides a means to eliminate the discharge to the extent  
107 feasible.  
108 (c) The department shall approve or deny a plan within 9  
109 months after receiving the plan and, if a plan is approved, must  
110 incorporate it in the utility's operating permit issued under s.  
111 403.087. Any applicable environmental and public health  
112 protection requirements provided by law or department rule  
113 governing the implementation of the plan must also be  
114 incorporated into the permit. A utility may modify the plan by  
115 amendment to the permit; however, the plan may not be modified  
116 such that the requirements of this subsection are not met, and  
117 the department may not extend the time within which a plan will  
118 be implemented.  
119 (d) Upon approval of a plan by the department, a utility  
120 shall fully implement the approved plan by January 1, 2028;  
121 however, if the utility proposes to implement a potable reuse  
122 project, provided that the utility has implemented all other  
123 components of the plan, the utility has until January 1, 2030,  
124 to implement the potable reuse project component of the plan.  
125 (e) If a plan is not timely submitted by a utility or  
126 approved by the department, the utility's domestic wastewater  
127 treatment facilities may not dispose of effluent, reclaimed  
128 water, or reuse water by surface water discharge after January  
129 1, 2028. A violation of this paragraph is subject to  
130 administrative and civil penalties pursuant to ss. 403.121,  
131 403.131 and 403.141.  
132 (f) A utility that has had a plan approved by the  
133 department pursuant to paragraph (b) shall update the plan  
134 annually until the utility is able to meet one or more of the  
135 conditions provided in paragraph (a). The updated annual plan  
136 must affirmatively demonstrate that the utility continues to be  
137 unable to meet any of the conditions provided in paragraph (a)  
138 because it is infeasible to do so and a severe economic  
139 hardship still exists as provided in paragraph (b). The  
140 department shall review the updated plans to verify that the  
141 utility is unable to meet any of the conditions provided in  
142 paragraph (a) and that the utility continues to meet the  
143 conditions of paragraph (b). If the department determines that  
144 the utility is able to meet any of the conditions and the  
145 utility is no longer eligible for approval under paragraph (b),  
146 the utility must submit a plan in accordance with paragraph (a)  
147 within 9 months after receiving notice of such a determination

PARTNER IN CRIME

EMINENT DOMAIN 153.03(5) STATUTES

MONITOR POLLUTION

POLLUTION SUSPECT INJECTION PERMIT

FACILITY SCHEME

AD HOC

AIDING & ABETTING via a puppet GOVERNMENT

FACILITY SERVED BY THE UTILITY

COMMON WEALTH

PROTECTION OF INVESTMENT SCHEMES

"ASS TO MOUTH" WATER "CONSUMPTION"

DICTATE 1103.3167 (1-D) IMPROSE 197.363

UTILITY (VS) FACILITY

WOLF-IN-SHEEPS CLOTHING

ALL EFFLUENT IS TO BE RECAPTURED

- MUST BE USED AS
- Ⓐ DIRECT POTABLE REUSE
- Ⓑ INDIRECT GREY WATER (TOILET/LAUNDRY)

REALLY? LIABILITY?

INVESTMENT SCHEME

OF THE FACILITY

THE PLAN?

DELIBERATE MALPRACTICE DUE TO OBSTRUCTION

NOW, THATS REALLY FUNNY!

THEREBY THE FACILITY WILL MEET ITS NEEDS.

THE PLAN!

148 from the department, and the utility must fully implement such  
 149 plan within 5 years after receiving an approval by the  
 150 department.  
 151 (g) A domestic wastewater utility applying for a permit for  
 152 a <sup>Facility</sup> (new or expanded) surface water discharge shall prepare a plan  
 153 in accordance with this subsection as part of <sup>Facility via Utility</sup> that permit  
 154 application. The department may not approve a permit for a new  
 155 or expanded surface water discharge unless the plan meets one or  
 156 more of the conditions provided in paragraph (a).

COVERT INSIDIOUS FACILITY UNDERTAKING AS OF THE PLAN!

AIDING AND ABETING A 3RD PARTY INTERNAL PROFIT MECHANISM.

PLACING RECLAIMED WATER INTO DRINKING WATER

157 (h) By December 31, 2021, and annually thereafter, the  
 158 department shall submit a report to the President of the Senate  
 159 and the Speaker of the House of Representatives which provides  
 160 the average gallons per day of effluent, reclaimed water, or  
 161 reuse water which will no longer be discharged into surface  
 162 waters by the utility and the dates of such elimination; the  
 163 average gallons per day of surface water discharges which will  
 164 continue in accordance with the alternatives provided in  
 165 subparagraphs (a)2. and 3., and the level of treatment which the  
 166 effluent, reclaimed water or reuse water will receive before  
 167 being discharged into a surface water by each <sup>FACILITY, L.L.C.</sup> alternative and  
 168 utility; the average gallons per day of effluent, reclaimed  
 169 water, or reuse water which is proposed to continue to be  
 170 discharged under paragraph (b) and the level of treatment which  
 171 the effluent, reclaimed water, or reuse water will receive  
 172 before being discharged into a surface water by the utility; and  
 173 any <sup>LIMITED LIABILITY?</sup> modified or new plans submitted by a utility since the last  
 174 reports.

DOMESTIC GREY WATER  
 "OLDSMAR COMPUTER HACKER"  
 OF WATER DEPARTMENT  
 FEBRUARY 2021  
 CITY OF OLDSMAR  
 SULFURIC ACID DISCHARGE  
 CITY OF OLDSMAR

ADHOC TO THE ADHOC?

FEE (SIMPLE) TITLE

175 (i) This subsection does not apply to any of the following:  
 176 1. A domestic wastewater treatment facility that is located  
 177 in a <sup>FEE (SIMPLE) TITLE</sup> fiscally constrained county as described in s. 218.67(1).  
 178 2. A domestic wastewater treatment facility that is located  
 179 in a municipality that is <sup>CONSTRAINED UTILITY</sup> entirely within a rural area of  
 180 opportunity as designated pursuant to s. 288.0656.  
 181 3. A domestic wastewater treatment facility that is located  
 182 in a municipality that has less than \$10 million in total  
 183 revenue, as determined by the municipality's most recent annual  
 184 financial report submitted to the department of Financial  
 185 Services in accordance with s. 218.32.

403.086(10)(C)(3)(D) 5% OVER 5 YEARS 25%

30% RESIDENTIAL REUSE

403.086(9) BACK-FLOW DEVICE

DEGRADATION CONTAINMENT 403.086(B)(6)(C)

186 (j) This subsection does not prohibit the inclusion of a  
 187 <sup>403.086(B)(A)</sup> plan for backup discharges pursuant to s. 403.086(A)(a).  
 188 (k) This subsection may not be deemed to exempt a utility  
 189 from requirements that prohibit the causing of or contributing  
 190 to violations of water quality standards in surface waters,  
 191 including groundwater discharges that affect water quality in  
 192 surface waters.

★ LIABILITY MAY BE?

193 (18)(a)(17) By December 31, 2020, the department shall  
 194 initiate rule revisions based on the recommendations of the  
 195 Potable Reuse Commission's, 2020 report "Advancing Potable Reuse  
 196 in Florida: <sup>WHO IS GETTING BOXED-IN HERE?</sup> Framework for the Implementation of Potable Reuse in  
 197 Florida." Rules for potable reuse projects must address  
 198 <sup>MERCURY</sup> contaminants of emerging concern and meet or exceed federal and  
 199 state drinking water quality standards and other applicable  
 200 water quality standards. Reclaimed water is deemed a water

SW.F.M.D. EXEMPTS TESTING OF "MERCURY"

CITY OF OLDSMAR SULFURIC ACID FEBRUARY 2021

PRIVILEGE

III-K

IV

FACILITY

Privilege/ Opportunity (Res. 95-286)

201 source for public water supply systems. (C-2)  
202 (b) The Legislature recognizes that sufficient water supply  
203 is imperative to the future of this state and that potable reuse  
204 is a source of water which may assist in meeting future demand  
205 for water supply. "ASS TO MOUTH" WATER SUPPLY IS IMPERATIVE? Hmmm...

Supply/RATE (Special Act 1953)  
NOT EFFICIENT  
NOT AMPLE

206 (c) The department may convene and lead one or more  
207 technical advisory groups to coordinate the rulemaking and  
208 review of rules for potable reuse as required under this  
209 section. The technical advisory group, which shall assist in the  
210 development of such rules, must be composed of knowledgeable  
211 representatives of a broad group of interested stakeholders,  
212 including, but not limited to, representatives from the water  
213 management districts, the wastewater utility industry, the water  
214 utility industry, the environmental community, the business  
215 community, the public health community, the agricultural  
216 community, and the consumers.

IS SEDITION CLAIMED AS KNOWLEDGE?

BRITISH COMMONWEALTH  
JEWISH MERCHANTS USURPATION!  
ENLIGHTENED REPRESENTATIVES

217 (d) Potable reuse is an alternative water supply as defined  
218 in s. 373.019 and potable reuse projects are eligible for  
219 alternative water supply funding. The use of potable reuse water  
220 may not be excluded from regional water supply planning under s.

AGGREGATE - FEDERALIST PAPER #64  
373.019 (15)  
ARTIFICIAL  
EMINENT DOMAIN OF CONSUMER

221 373.709 2 (B)(1)  
222 (e) The department and the water management districts shall  
223 develop and execute, by December 31, 2023, a memorandum of  
224 agreement providing for the procedural requirements of a  
225 coordinated review of all permits associated with the  
226 construction and operation of an indirect potable reuse project.

378.212 VARIANCES RECLAIMED WATER  
378.404 VARIANCES

RECLAIMED WATER VARIANCE  
BINGO!

227 The memorandum of agreement must provide that the coordinated  
228 review will occur only if requested by a permittee. The purpose  
229 of the coordinated review is to share information, avoid the  
230 redundancy of information requested from the permittee, and  
231 ensure consistency in the permit for the protection of the  
232 public health and the environment.

AIDING AND ABETTING

233 (f) To encourage investment in the development of potable  
234 reuse projects by private entities, a potable reuse project  
235 developed as a qualifying project pursuant to s. 255.065 is:

BONDS ACQUISITIONS?

236 1. Beginning January 1, 2026, eligible for expedited  
237 permitting under s. 403.973.  
238 2. Consistent with s. 373.707 eligible for priority  
239 funding in the same manner as other alternative water supply  
240 projects from the Drinking Water State Revolving Fund, under the  
241 Water Protection and Sustainability Program, and for water  
242 management district cooperative funding.

PARTNERS IN CRIME

243 (g) This subsection is not intended and may not be  
244 construed to supersede s. 373.250(3).  
245 Section 2. Section 403.892, Florida Statutes, is created to  
246 read:

DIRECT PAYMENTS 303,707(B)(6)(5)

247 403.892 Incentives for the use of graywater technologies -  
248 (1) As used in this section, the term:

249 (a) "Developer" has the same meaning as in s. 380.031(2).  
250 (b) "Graywater" has the same meaning as in s. 381.0065(2)(b).

GOVERNMENTAL AGENCY

DESPOTISM

251 381.0065(2)(b) To promote the beneficial reuse of water in this state,  
252 a county, municipality, or special district shall:  
253 (2) To promote the beneficial reuse of water in this state,

DEVELOPER (DOES NOT INCLUDE DISCHARGE OF HOUSEHOLD TOILET)  
BLACKWATER (INCLUDES HOUSEHOLD TOILET DISCHARGE)

MANAGE ON SITE SEWAGE

DESPOTIC WATER JURISDICTION

GREYWATER (US) VS BLACKWATER

381.0065 (2)(b)

DICTATE

UNWARRANTED WATER JURISDICTIONS

14th AMENDMENT

ANNUAL TOILET SURVEILLANCE CHANGE

254 (a) Authorize the use of residential graywater technologies  
255 in their respective jurisdictions which meet the requirements of  
256 this section, the Florida Building Code and applicable  
257 requirements of the Florida Department of Health and have  
258 received all applicable regulatory permits or authorizations;

MALONEY'S CODE 1:13

259 and (b) Provide density or intensity bonuses to the developer  
260 or homebuilder to fully offset the capital costs of the  
261 technology and installation costs.

INCENTIVE 403.892

FLORIDA FOREVER WATER JURISDICTION

SURVEILLANCE CHANGE

BUILDING OF A WATER JURISDICTION

263 (3) To qualify for the incentives, the developer or  
264 homebuilder must certify to the applicable government entity as  
265 part of its application for development approval or amendment of  
266 a development order that all of the following conditions are  
267 met:

SECTION 1:13 OF MALONEY'S WATER CODE ANNUAL SURVEILLANCE CHANGE

268 (a) The proposed or existing development has at least 25  
269 single-family residential homes that are either detached or  
270 multifamily dwellings. This paragraph does not apply to  
271 multifamily projects over five stories in height.

DEED RESTRICTED

272 (b) Each single-family residential home or residence will  
273 have its own residential graywater system that is dedicated for  
274 its use.

DEVELOPER BONUSES

PIRACY

UNWARRANTED AS WRITTEN IN DECLARATION OF INDEPENDENCE

275 (c) It has submitted a manufacturer's warranty or data  
276 providing reasonable assurance that the residential graywater  
277 system will function as designed and includes an estimate of  
278 anticipated potable water savings for each system. A submission  
279 of the manufacturer's warranty or data from a building code  
280 official, government entity, or research institute that has  
281 monitored or measured the residential graywater system that is  
282 proposed to be installed for such development shall be accepted  
283 as reasonable assurance and no further information or assurance  
284 is needed.

3RD PARTY

SENSIBLE

INITIALLY DID NOT FOLLOW CODE?!! OMISSION INACTION ETC... MALONEY'S WATER CODE IS AN ACT OF PIRACY

285 (d) The required maintenance of the graywater system will  
286 be the responsibility of the residential homeowner or  
287 manufacturer.

DESPOTIC DESPOTISM

ANNUAL SURVEILLANCE FEE

288 (e) An operation and maintenance manual for the graywater  
289 system will be supplied to the initial homeowner of each home.  
290 The manual shall provide a method of contacting the installer or  
291 manufacturer and shall include directions to the residential  
292 homeowner that the manual shall remain with the residence  
293 throughout the life cycle of the system.

MALONEY'S WATER CODE 1:13

294 (4) If the requirements of subsection (3) have been met,  
295 the county or municipality must include the incentives provided  
296 for in subsection (2) when it approves the development or  
297 amendment of a development order. The approval must also provide  
298 for the process that the developer or homebuilder will follow to  
299 verify that such systems have been purchased. Proof of purchase  
300 must be provided within 180 days from the issuance of a  
301 certificate of occupancy for single-family residential homes  
302 that are either detached or multifamily projects under five  
303 stories.

AGGREGATE DE FACTO

ANNUAL SURVEILLANCE CHARGE

Hummm....?

304 (5) The installation of residential graywater systems in a  
305 county or municipality in accordance with this section shall  
306 qualify as a water conservation measure in a public water

FEE (SIMPLE) TITLE? EMINENT DOMAIN 153.03(5)

EX ORDER # 13406

ACQUIRE ABANDONED PROPERTY

CORPORATE "COMMON WEALTH"

FACILITY ARTICLE 7 BASED ON LACK OF SENSIBILITY EMINENT DOMAIN 153.03(5)

INSTALLATION OF GREY WATER FOR RETAIL

307 utility's water conservation plan pursuant to s. 373.227. The  
308 efficiency of such measures shall be commensurate with the  
309 amount of potable water savings estimated for each system  
310 provided by the developer or homebuilder pursuant to paragraph  
311 (3)(c).

PROPER EFFICIENT IMPRACTICAL NO REDUCTION IN USE CLEANING HOUSE 373.227(2)(F) INCENTIVE 373.227(5) DISENSE 373.227(4)

312 Section 3. To further promote the reuse of reclaimed water  
313 for irrigation purposes, the rules that apply when reclaimed  
314 water is injected into a receiving groundwater that has 1,000 to  
315 3,000 mg/L total dissolved solids are applicable to reclaimed  
316 water aquifer storage and recovery wells injecting into a  
317 receiving groundwater of less than 1,000 mg/L total dissolved  
318 solids if the applicant demonstrates that it is injecting into a  
319 confined aquifer, that there are no potable water supply wells  
320 within 3,500 feet of the aquifer storage and recovery wells, and  
321 that it has implemented institutional controls to prevent the  
322 future construction of potable water supply wells within 3,500  
323 feet of the aquifer storage and recovery wells. This section may  
324 not be construed to exempt the reclaimed water aquifer storage  
325 and recovery wells from requirements that prohibit the causing  
326 of or contribution to violations of water quality standards in  
327 surface waters, including groundwater discharges that flow by  
328 interflow and affect water quality in surface waters.

SULFURIC ACID?

UNSAFE TO INJECT

FUNNY!

329 Section 4. The Legislature determines and declares that  
330 this act fulfills an important state interest.

331 Section 5. This act shall take effect upon becoming a law.

VITAL ESSENTIAL

REGARDING REASONING OF BACK-FLOW DEVICE ("ANTI-DEGRADATION" POLICY)



LINE 187 OF SB 604 ALBANY

403.086(B-A)

Select Year: 2020 Go

30% REUSE

# The 2020 Florida Statutes

Title XXIX  
PUBLIC HEALTH

Chapter 403  
ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

## 403.086 Sewage disposal facilities; advanced and secondary waste treatment. —

(1)(a) The Department of Health or any other state agency, county, <sup>WATER</sup> special district, or municipality may not approve construction of any sewage disposal facilities which do not provide for secondary waste treatment and advanced waste treatment as deemed necessary and ordered by the department.

(b) Sewage disposal facilities constructed after June 14, 1978, may not dispose of any wastes <sup>AQUIFER</sup> by deep well injection without providing for secondary waste treatment and advanced waste treatment deemed necessary by the department to protect adequately the beneficial use of the receiving waters. FUNNY!

(c) Notwithstanding this chapter or chapter 373, sewage disposal facilities may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay, or, beginning July 1, 2025, Indian River Lagoon, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in subsection (4), approved by the department. This paragraph does not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.

(d) By December 31, 2020, the department, in consultation with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a progress report on the status of upgrades made by each facility to meet the advanced waste treatment requirements under paragraph (c). The report must include a list of sewage disposal facilities required to upgrade to advanced waste treatment, the preliminary cost estimates for the upgrades, and a projected timeline of the dates by which the upgrades will begin and be completed and the date by which operations of the upgraded facility will begin.

(2) All sewage disposal facilities shall provide for secondary waste treatment, a power outage contingency plan that mitigates the impacts of power outages on the utility's collection system and pump stations, and advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform is punishable by a civil penalty of \$750 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(3) This section shall not be construed to prohibit or regulate septic tanks or other means of individual waste disposal which are otherwise subject to state regulation.

(4) For purposes of this section, the term "advanced waste treatment" means that treatment which will provide a reclaimed water product that:

(a) Contains not more, on a permitted annual average basis, than the following concentrations:

1. Biochemical Oxygen Demand (CBOD5). . . . . 5mg/l
2. Suspended Solids. . . . . 5mg/l
3. Total Nitrogen, expressed as N. . . . . 3mg/l
4. Total Phosphorus, expressed as P. . . . . 1mg/l

(b) Has received high level disinfection, as defined by rule of the department.

TEMPORARY TREATMENT (NOT SANITIZED / NOT STERILIZED)

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, the department may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

(5)(a) Notwithstanding any other provisions of this chapter or chapter 373, when a reclaimed water product has been established to be in compliance with the standards set forth in subsection (4), that water shall be presumed to be allowable, and its discharge shall be permitted in the waters described in paragraph (1)(c) at a reasonably accessible point where such discharge results in minimal negative impact. This presumption may be overcome only by a demonstration that one or more of the following would occur:

1. That the discharge of reclaimed water that <sup>NON-CAPTURED</sup> meets the standards set forth in subsection (4) will be, by itself, a cause of considerable degradation to an Outstanding Florida Water or to other waters and is not clearly in the public interest.

2. That the reclaimed water discharge will have a substantial negative impact on an approved shellfish harvesting area or a water used as a public domestic water supply.

3. That the increased volume of fresh water contributed by the reclaimed water product will seriously alter the natural fresh-salt water balance of the receiving water after reasonable opportunity for mixing <sup>BIO DEGRADING OXIDIZING</sup>

(b) If one or more of the conditions described in subparagraphs (a)1.-3. have been demonstrated, remedies may include, but are not limited to, the following:

1. Require more stringent effluent limitations;
2. Order the point or method of discharge changed;
3. Limit the duration or volume of the discharge; or
4. Prohibit the discharge only if no other alternative is in the public interest.

(6) Any facility covered in paragraph (1)(c) shall be permitted to discharge if it meets the standards set forth in subsections (4) and (5). All of the facilities covered in paragraph (1)(c) shall be required to meet the standards set forth in subsections (4) and (5).

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and replacement action plans with a 5-year planning horizon that comply with department rule to limit, reduce, and eliminate leaks, seepages, or inputs into wastewater treatment systems' underground pipes. The pipe assessment, repair, and replacement action plans must be reported to the department. The facility action plans must include information regarding the annual expenditures dedicated to the inflow and infiltration studies and the required replacement action plans; expenditures that are dedicated to pipe assessment, repair, and replacement; and expenditures designed to limit the presence of fats, roots, oils, and grease in the facility's collection system. The department shall adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys; however, such rules may not fix or revise utility rates or budgets. A utility or an operating entity subject to this subsection and s. 403.061(14) may submit one report to comply with both requirements. Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141.

(8)(a) The department shall allow backup discharges pursuant to permit only. The backup discharge shall be limited to 30 percent of the permitted reuse capacity on an annual basis. For purposes of this subsection, a "backup discharge" is a surface water discharge that occurs as part of a functioning reuse system which has been permitted under department rules and which provides reclaimed water for irrigation of public access areas, residential properties, or edible food crops, or for industrial cooling or other acceptable reuse purposes. Backup discharges may occur during periods of reduced demand for reclaimed water in the reuse system.

(b) Notwithstanding any other provisions of this chapter or chapter 373, backup discharges of reclaimed

water meeting the standards as set forth in subsection (4) shall be presumed to be allowable and shall be permitted in all waters in the state at a reasonably accessible point where such discharge results in minimal negative impact. Wet weather discharges as provided in s. 2(3)(c), chapter 90-262, Laws of Florida, shall include backup discharges as provided in this section. The presumption of the allowability of a backup discharge may be overcome only by a demonstration that one or more of the following conditions is present:

1. The discharge will be to an <sup>NOT CAPTURED</sup> Outstanding Florida Water, except as provided in chapter 90-262, Laws of Florida;
2. The discharge will be to Class I or Class II waters;
3. The increased volume of fresh water contributed by a backup discharge will seriously alter the natural freshwater to saltwater balance of receiving waters after reasonable opportunity for mixing;
4. The discharge will be to a water body having a pollutant load reduction goal established by a water management district or the department, and the discharge will cause or contribute to a violation of the established goal;
5. The discharge fails to meet the requirements of the antidegradation policy contained in department rules; or
6. The discharge will be to waters that the department determines require more stringent nutrient limits than those set forth in subsection (4).

(c) Any backup discharge shall be subject to the provisions of the antidegradation policy contained in department rules.

(d) If one or more of the conditions described in paragraph (b) have been demonstrated, a backup discharge may still be allowed in conjunction with one or more of the remedies provided in paragraph (5)(b) or other suitable measures.

(e) The department shall allow lower levels of treatment of reclaimed water if the applicant affirmatively demonstrates that water quality standards will be met during periods of backup discharge and if all other requirements of this subsection are met.

(9) The department may require backflow prevention devices on potable water lines within reclaimed water service areas to protect public health and safety. The department shall establish rules that determine when backflow prevention devices on potable water lines are necessary and when such devices are not necessary.

(10) The Legislature finds that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. <sup>CAPITALISM</sup> <sup>14th AMENDMENT</sup>  
 The Legislature also finds that discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. <sup>COMMON WEALTH</sup>  
 The Legislature declares that more stringent treatment and management requirements for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest. <sup>COMMON WEALTH</sup>

(a) The construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls for this purpose, along with associated pumping and piping systems, are prohibited. Each domestic wastewater ocean outfall shall be limited to the discharge capacity specified in the department permit authorizing the outfall in effect on July 1, 2008, which discharge capacity shall not be increased. Maintenance of existing, department-authorized domestic wastewater ocean outfalls and associated pumping and piping systems is allowed, subject to the requirements of this section. The department is directed to work with the United States Environmental Protection Agency to ensure that the requirements of this subsection are implemented consistently for all domestic wastewater facilities in the state which discharge through ocean outfalls.

(b) The discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 31, 2018. For purposes of this subsection, the term "advanced wastewater treatment and management requirements" means the advanced waste treatment requirements set forth in subsection (4), a reduction in outfall baseline loadings of total nitrogen and total

phosphorus which is equivalent to that which would be achieved by the advanced waste treatment requirements in subsection (4), or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008, and December 31, 2025, which is equivalent to that which would be achieved if the advanced waste treatment requirements in subsection (4) were fully implemented beginning December 31, 2018, and continued through December 31, 2025. The department shall establish the average baseline loadings of total nitrogen and total phosphorus for each outfall using monitoring data available for calendar years 2003 through 2007 and establish required loading reductions based on this baseline. The baseline loadings and required loading reductions of total nitrogen and total phosphorus shall be expressed as an average annual daily loading value. The advanced wastewater treatment and management requirements of this paragraph are deemed met for any domestic wastewater facility discharging through an ocean outfall on July 1, 2008, which has installed by December 31, 2018, a fully operational reuse system comprising 100 percent of the facility's baseline flow on an annual basis for reuse activities authorized by the department.

(c)1. Each utility that had a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008, must install, or cause to be installed, a functioning reuse system within the utility's service area or, by contract with another utility, within Miami-Dade County, Broward County, or Palm Beach County by December 31, 2025. For purposes of this subsection, a "functioning reuse system" means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of a facility's baseline flow on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the department. For purposes of this subsection, the term "baseline flow" means the annual average flow of domestic wastewater discharging through the facility's ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.

2. Flows diverted from facilities to other facilities that provide 100 percent reuse of the diverted flows before December 31, 2025, are considered to contribute to meeting the reuse requirement. For utilities operating more than one outfall, the reuse requirement may be apportioned between the facilities served by the outfalls, including flows diverted to other facilities for 100 percent reuse before December 31, 2025. Utilities that shared a common ocean outfall for the discharge of domestic wastewater on July 1, 2008, regardless of which utility operates the ocean outfall, are individually responsible for meeting the reuse requirement and may enter into binding agreements to share or transfer such responsibility among the utilities. If treatment in addition to the advanced wastewater treatment and management requirements described in paragraph (b) is needed to support a functioning reuse system, the treatment must be fully operational by December 31, 2025.

3. If a facility that discharges through an ocean outfall contracts with another utility to install a functioning reuse system, the department must approve any apportionment of the reuse generated from the new or expanded reuse system that is intended to satisfy all or a portion of the reuse requirements pursuant to subparagraph 1. If a contract is between two utilities that have reuse requirements pursuant to subparagraph 1., the reuse apportioned to each utility's requirement may not exceed the total reuse generated by the new or expanded reuse system. A utility shall provide the department a copy of any contract with another utility that reflects an agreement between the utilities which is subject to the requirements of this subparagraph.

(d) The discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system or other wastewater management system authorized by the department. Except as otherwise provided in this subsection, a backup discharge may occur only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, or as the result of peak flows from other wastewater management systems, and must comply with the advanced wastewater treatment and management requirements of paragraph (b). Peak flow backup discharges from other wastewater management systems may not cumulatively exceed 5 percent of a facility's baseline flow, measured as a 5-year rolling average, and are subject to applicable secondary waste treatment and water-quality-based effluent limitations specified in department rules. If peak flow backup discharges are in

compliance with the effluent limitations, the discharges are deemed to meet the advanced wastewater treatment and management requirements of this subsection.

(e) The holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, shall submit the following to the secretary of the department:

1. A detailed plan to meet the requirements of this subsection, including the identification of the technical, environmental, and economic feasibility of various reuse options; the identification of each land acquisition and facility necessary to provide for reuse of the domestic wastewater; an analysis of the costs to meet the requirements, including the level of treatment necessary to satisfy state water quality requirements and local water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources; and a financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms. The plan must evaluate reuse demand in the context of future regional water supply demands, the availability of traditional water supplies, the need for development of alternative water supplies, the degree to which various reuse options offset potable water supplies, and other factors considered in the Lower East Coast Regional Water Supply Plan of the South Florida Water Management District. The plan must include a detailed schedule for the completion of all necessary actions and be accompanied by supporting data and other documentation. The plan must be submitted by July 1, 2013.

2. By July 1, 2016, an update of the plan required in subparagraph 1. documenting any refinements or changes in the costs, actions, or financing necessary to eliminate the ocean outfall discharge in accordance with this subsection or a written statement that the plan is current and accurate.

(f) By December 31, 2009, and by December 31 every 5 years thereafter, the holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall shall submit to the secretary of the department a report summarizing the actions accomplished to date and the actions remaining and proposed to meet the requirements of this subsection, including progress toward meeting the specific deadlines set forth in paragraphs (b) through (e). The report shall include the detailed schedule for and status of the evaluation of reuse and disposal options, preparation of preliminary design reports, preparation and submittal of permit applications, construction initiation, construction progress milestones, construction completion, initiation of operation, and continuing operation and maintenance.

(g) By July 1, 2010, and by July 1 every 5 years thereafter, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this subsection. In the report, the department shall summarize progress to date, including the increased amount of reclaimed water provided and potable water offsets achieved, and identify any obstacles to continued progress, including all instances of substantial noncompliance.

(h) The renewal of each permit that authorizes the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, must be accompanied by an order in accordance with s. 403.088(2)(e) and (f) which establishes an enforceable compliance schedule consistent with the requirements of this subsection.

(i) An entity that diverts wastewater flow from a receiving facility that discharges domestic wastewater through an ocean outfall must meet the reuse requirement of paragraph (c). Reuse by the diverting entity of the diverted flows shall be credited to the diverting entity. The diverted flow shall also be correspondingly deducted from the receiving facility's baseline flow from which the required reuse is calculated pursuant to paragraph (c), and the receiving facility's reuse requirement shall be recalculated accordingly.

The department, the South Florida Water Management District, and the affected utilities must consider the information in the detailed plan in paragraph (e) for the purpose of adjusting, as necessary, the reuse requirements of this subsection. The department shall submit a report to the Legislature by February 15, 2015, containing recommendations for any changes necessary to the requirements of this subsection.

(11) The Legislature finds that the discharge of inadequately treated and managed domestic wastewater

14th Amendment

from dozens of small wastewater facilities and thousands of septic tanks and other onsite systems in the Florida Keys compromises the quality of the coastal environment, including nearshore and offshore waters, and threatens the quality of life and local economies that depend on those resources. The Legislature also finds that the only practical and cost-effective way to fundamentally improve wastewater management in the Florida Keys is for the local governments in Monroe County, including those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage, to timely complete the wastewater or sewage treatment and disposal facilities initiated under the work program of Administration Commission rule 28-20, Florida Administrative Code, and the Monroe County Sanitary Master Wastewater Plan, dated June 2000. The Legislature therefore declares that the construction and operation of comprehensive central wastewater systems in accordance with this subsection is in the public interest. To give effect to those findings, the requirements of this subsection apply to all domestic wastewater facilities in Monroe County, including privately owned facilities, unless otherwise provided under this subsection.

LINE 255 OF SB 604

(a) The discharge of domestic wastewater into surface waters is prohibited.

(b) Monroe County, each municipality, and those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage in Monroe County shall complete the wastewater collection, treatment, and disposal facilities within its jurisdiction designated as hot spots in the Monroe County Sanitary Master Wastewater Plan, dated June 2000, specifically listed in Exhibits 6-1 through 6-3 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F of the plan. The required facilities and connections, and any additional facilities or other adjustments required by rules adopted by the Administration Commission under s. 380.0552, must be completed by December 31, 2015, pursuant to specific schedules established by the commission. Domestic wastewater facilities located outside local government and special district service areas must meet the treatment and disposal requirements of this subsection by December 31, 2015.

14th AMENDMENT

(c) After December 31, 2015, all new or expanded domestic wastewater discharges must comply with the treatment and disposal requirements of this subsection and department rules.

(d) Wastewater treatment facilities having design capacities:

NOT SANITIZED  
NOT STERILIZED

1. Greater than or equal to 100,000 gallons per day must provide basic disinfection as defined by department rule and the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.
- b. Suspended Solids of 5 mg/l.
- c. Total Nitrogen, expressed as N, of 3 mg/l.
- d. Total Phosphorus, expressed as P, of 1 mg/l.

2. Less than 100,000 gallons per day must provide basic disinfection as defined by department rule and the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- b. Suspended Solids of 10 mg/l.
- c. Total Nitrogen, expressed as N, of 10 mg/l.
- d. Total Phosphorus, expressed as P, of 1 mg/l.

(e) Class V injection wells, as defined by department or Department of Health rule, must meet the following requirements and otherwise comply with department or Department of Health rules, as applicable:

1. If the design capacity of the facility is less than 1 million gallons per day, the injection well must be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by department rule.

2. Except as provided in subparagraph 3. for backup wells, if the design capacity of the facility is equal to or greater than 1 million gallons per day, each primary injection well must be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by department rule.

3. If an injection well is used as a backup to a primary injection well, the following conditions apply:

- a. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;
- b. The backup well may not be used for more than a total of 500 hours during any 5-year period unless specifically authorized in writing by the department;
- c. The backup well must be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by department rule; and
- d. Fluid injected into the backup well must meet the requirements of paragraph (d).
- (f) The requirements of paragraphs (d) and (e) do not apply to:
  - 1. Class I injection wells as defined by department rule, including any authorized mechanical integrity tests;
  - 2. Authorized mechanical integrity tests associated with Class V wells as defined by department rule; or
  - 3. The following types of reuse systems authorized by department rule:
    - a. Slow-rate land application systems;
    - b. Industrial uses of reclaimed water; and
    - c. Use of reclaimed water for toilet flushing, fire protection, vehicle washing, construction dust control, and decorative water features.

However, disposal systems serving as backups to reuse systems must comply with the other provisions of this subsection.

(g) For wastewater treatment facilities in operation as of July 1, 2010, which are located within areas to be served by Monroe County, municipalities in Monroe County, or those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage but which are owned by other entities, the requirements of paragraphs (d) and (e) do not apply until January 1, 2016. Wastewater operating permits issued pursuant to this chapter and in effect for these facilities as of June 30, 2010, are extended until December 31, 2015, or until the facility is connected to a local government central wastewater system, whichever occurs first. Wastewater treatment facilities in operation after December 31, 2015, must comply with the treatment and disposal requirements of this subsection and department rules.

(h) If it is demonstrated that a discharge, even if the discharge is otherwise in compliance with this subsection, will cause or contribute to a violation of state water quality standards, the department shall:

- 1. Require more stringent effluent limitations;
- 2. Order the point or method of discharge changed;
- 3. Limit the duration or volume of the discharge; or
- 4. Prohibit the discharge.

(i) All sewage treatment facilities must monitor effluent for total nitrogen and total phosphorus concentration as required by department rule.

(j) The department shall require the levels of operator certification and staffing necessary to ensure proper operation and maintenance of sewage facilities.

(k) The department may adopt rules necessary to carry out this subsection.

(l) The authority of a local government, including a special district, to mandate connection of a wastewater facility, as defined by department rule, is governed by s. 4, chapter 99-395, Laws of Florida.

**History.**—ss. 1, 2, 3, ch. 71-259; s. 2, ch. 71-137; s. 1, ch. 72-58; s. 271, ch. 77-147; s. 1, ch. 78-206; s. 75, ch. 79-65; s. 1, ch. 80-371; s. 1, ch. 81-246; s. 262, ch. 81-259; s. 2, ch. 86-173; s. 1, ch. 87-303; s. 71, ch. 93-213; s. 2, ch. 94-153; s. 361, ch. 94-356; s. 158, ch. 99-8; s. 25, ch. 2000-153; s. 12, ch. 2000-211; s. 6, ch. 2008-232; s. 38, ch. 2010-205; s. 73, ch. 2013-15; s. 1, ch. 2013-31; s. 17, ch. 2020-150; s. 16, ch. 2020-158.

# The Florida Senate 2017 Florida Statutes

403.064

<u>Title XXIX</u> PUBLIC HEALTH	<u>Chapter 403</u> ENVIRONMENTAL CONTROL  <u>Entire Chapter</u>	<u>SECTION 064</u> Reuse of reclaimed water.
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### 403.064 Reuse of reclaimed water.—

(1) The encouragement and promotion of water conservation, and reuse of reclaimed water, as defined by the department, are state objectives and are considered to be in the <sup>CORPORATE</sup> public interest. The Legislature finds that the reuse of reclaimed water is a critical component of meeting the state's existing and future water supply needs while sustaining <sup>BANKRUPTING WATER SUPPLY</sup> natural systems. The Legislature further finds that for those wastewater treatment plants permitted and operated under an approved reuse program by the department, <sup>CORPORATE PROFIT SCHEME</sup> the reclaimed water shall be considered <sup>ASSUMED</sup> environmentally acceptable and not a threat to public health and safety. The Legislature encourages the development of incentive-based programs for reuse implementation.

RECLAIMED WATER IS A PRIVILEGE

NOT 100% IN SEWER 70.00%

(2) All applicants for permits to construct or operate a domestic wastewater treatment facility located within, serving a population located within, or discharging within a water resource <sup>CLEARINGHOUSE</sup> caution area shall prepare a reuse feasibility study as part of their application for the permit. Reuse feasibility studies shall be prepared in accordance with department guidelines <sup>CODES (PIRACY)</sup> adopted by rule and shall include, but are not limited to:

- (a) Evaluation of monetary costs and benefits <sup>\$</sup> for several levels and types of reuse.
- (b) Evaluation of water savings if reuse is implemented.
- (c) Evaluation of rates and fees necessary to implement reuse.
- (d) Evaluation of <sup>CONDONATE</sup> environmental and water resource <sup>MONEY</sup> benefits associated with reuse.
- (e) Evaluation of economic, environmental, and technical constraints.
- (f) A <sup>SCHEME</sup> schedule for implementation of reuse. The <sup>SCHEME</sup> schedule shall consider phased implementation.

(3) The permit applicant shall prepare a plan of study for the reuse feasibility study consistent with the reuse feasibility study guidelines adopted by department rule. The plan of study shall include detailed descriptions of applicable treatment <sup>NOT SANITARY / NOT TYPICAL</sup> and water supply alternatives to be evaluated and the methods of analysis to be used. The plan of study shall be submitted to the department for review and approval.

(4) The study required under subsection (2) shall be performed by the applicant, and, if the study shows that the reuse is feasible, the applicant must give significant consideration to its implementation if the study complies with the requirements of subsections (2) and (3).

(5) A reuse feasibility study is not required if:

- (a) The domestic wastewater treatment facility has an existing or proposed permitted or design capacity less than 0.1 million gallons per day; or
- (b) The permitted reuse capacity equals or exceeds the total permitted capacity of the domestic wastewater treatment facility.

(6) A reuse feasibility study prepared under subsection (2) satisfies a water management district requirement to conduct a reuse feasibility study imposed <sup>COUNTY</sup> on a local government or utility that has <sup>LIABILITY</sup> responsibility for <sup>FACILITY</sup> wastewater management. The data included in the study and the conclusions of the study must be given significant consideration by the applicant and the appropriate water management district in an analysis of the economic, environmental, and technical feasibility of providing reclaimed water for reuse under part II of chapter 373 and must be <sup>ASSUME LIABILITY</sup> presumed relevant to the determination of feasibility. A water management district may not require a separate study when a reuse feasibility study has been completed under subsection (2).

(7) Local governments may allow the use of reclaimed water for inside activities <sup>TOILET</sup> including, but not limited to, toilet flushing, fire protection, and decorative water features, as well as for outdoor uses, provided the reclaimed water is from domestic wastewater treatment facilities which are permitted, constructed, and operated in accordance with



THIS IS 403.064

department rules.

(8) Permits issued by the department for domestic wastewater treatment <sup>NOT FACILITY</sup> ~~facilities~~ shall be consistent with requirements for reuse included in applicable consumptive use permits issued by the water management district, if such requirements are consistent with department rules governing reuse of reclaimed water. This subsection applies only to domestic wastewater treatment ~~facilities~~ which are located within, or serve a population located within, or discharge within water resource caution areas and are owned, operated, or controlled by a local government or utility which has responsibility <sup>LIABILITY</sup> for water supply and wastewater management.

(9) Local governments may and are encouraged to implement programs for the reuse of reclaimed water. ~~Nothing in this chapter shall be construed to prohibit or preempt such local reuse programs.~~ <sup>WHAT ABOUT A BETTER IDEA (DRY TOILET PROGRAM)</sup>

(10) <sup>SENSIBLE</sup> A local government that implements a reuse program under this section shall be allowed to allocate the costs in a reasonable manner.

(11) Pursuant to chapter 367, the <sup>CORPORATE</sup> Florida Public Service Commission shall allow entities under <sup>WATER</sup> its jurisdiction which conduct studies or implement reuse projects, including, but not limited to, any study required by subsection (2) or facilities used for reliability purposes for a reclaimed <sup>FEE/TAKING WATER</sup> water reuse system, to recover the full, prudently incurred cost of such studies and facilities through their rate structure.

(12) In issuing consumptive use permits, the permitting agency shall consider the local reuse program.

(13) A local government shall require a <sup>LOCAL GOVERNMENT</sup> developer as a condition for obtaining a development order, to comply with the local reuse program. <sup>IN/OF THE SAME</sup>

(14) After conducting a feasibility study under subsection (2), domestic wastewater treatment facilities that dispose of effluent by Class I deep well injection, as defined in 40 C.F.R. s. 144.6(a), must implement reuse to the degree that reuse is feasible, based upon the applicant's reuse feasibility study. Applicable permits issued by the department shall be consistent with the requirements of this subsection.

(a) This subsection does not limit the use of a Class I deep well injection facility as backup for a reclaimed water reuse system. <sup>"READY TO SERVE ZONE"</sup>

(b) This subsection applies only to domestic wastewater treatment facilities located within, serving a population located within, or discharging within a water resource caution area.

(15) After conducting a feasibility study under subsection (2), domestic wastewater treatment <sup>UTILITY</sup> ~~facilities~~ that dispose of effluent by surface water discharges or by land application methods must implement reuse to the degree that reuse is feasible, based upon the applicant's reuse feasibility study. This subsection does not apply to surface water discharges or land application systems which are currently categorized as reuse under department rules. Applicable permits issued by the department shall be consistent with the requirements of this subsection.

(a) This subsection does not limit the use of a surface water discharge or land application facility as backup for a reclaimed water reuse system. <sup>NOT UNLIMITED AS ORIGINALLY FORETOLD</sup>

(b) This subsection applies only to domestic wastewater treatment facilities located within, serving a population located within, or discharging within a water resource caution area.

(16) Utilities <sup>implementing</sup> reuse projects are encouraged, except in the case of use by electric utilities as defined in s. 366.02(2), to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. Beginning with the submittal due on January 1, 2005, each domestic wastewater utility that provides reclaimed water for the reuse activities listed in this section shall include a summary of its metering and rate structure as part of its annual reuse report to the department.

History.—s. 7, ch. 89-324; s. 3, ch. 94-243; s. 8, ch. 95-323; s. 37, ch. 2002-296; s. 13, ch. 2004-381.

EMINENT DOMAIN 153.03(5)

INCINERATING

Select Year: 2020 Go

# The 2020 Florida Statutes

Title XXIX  
PUBLIC HEALTH

Chapter 381  
PUBLIC HEALTH: GENERAL PROVISIONS

[View Entire Chapter](#)

## 1381.0065 Onsite sewage treatment and disposal systems; regulation. —

### (1) LEGISLATIVE INTENT. —

(a) It is the intent of the Legislature that proper management of onsite sewage treatment and disposal systems is paramount to the health, safety, and welfare of the public.

(b) It is the intent of the Legislature that where a publicly owned or investor-owned sewerage system is not available, the department shall issue permits for the construction, installation, modification, abandonment, or repair of onsite sewage treatment and disposal systems under conditions as described in this section and rules adopted under this section. It is further the intent of the Legislature that the installation and use of onsite sewage treatment and disposal systems not adversely affect the public health or significantly degrade the groundwater or surface water.

### (2) DEFINITIONS. — As used in ss. 381.0065-381.0067, the term:

(a) "Available," as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system

is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.

(b) "Bedroom" means a room that can be used for sleeping and that:

- a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;
- b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
- c. Is located along an exterior wall;
- d. Has a closet and a door or an entrance where a door could be reasonably installed; and
- e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida

381.0065 2.(B)(3)(C,D,E)

Building Code.

2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.

3. "Bedroom" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

(c) "Blackwater" means that part of domestic sewage carried off by toilets, urinals, and kitchen drains.

(d) "Domestic sewage" means human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from appurtenances at a residence or establishment.

(e) "Graywater" means that part of domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.

(f) "Florida Keys" means those islands of the state located within the boundaries of Monroe County.

(g) "Injection well" means an open vertical hole at least 90 feet in depth, cased and grouted to at least 60 feet in depth which is used to dispose of effluent from an onsite sewage treatment and disposal system.

(h) "Innovative system" means an onsite sewage treatment and disposal system that, in whole or in part, employs materials, devices, or techniques that are novel or unique and that have not been successfully field tested under sound scientific and engineering principles under climatic and soil conditions found in this state.

SHARP T.A.P.

(i) "Lot" means a parcel or tract of land described by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed boundaries or an assigned number, letter, or any other legal description by which it can be identified.

INJECTION OF CHLORINE AND FECES INTO AQUIFER!

(j) "Mean annual flood line" means the elevation determined by calculating the arithmetic mean of the elevations of the highest yearly flood stage or discharge for the period of record, to include at least the most recent 10-year period. If at least 10 years of data is not available, the mean annual flood line shall be as determined based upon the data available and field verification conducted by a certified professional surveyor and mapper with experience in the determination of flood water elevation lines or, at the option of the applicant, by department personnel. Field verification of the mean annual flood line shall be performed using a combination of those indicators listed in subparagraphs 1.-7. that are present on the site, and that reflect flooding that recurs on an annual basis. In those situations where any one or more of these indicators reflect a rare or aberrant event, such indicator or indicators shall not be utilized in determining the mean annual flood line. The indicators that may be considered are:

1. Water stains on the ground surface, trees, and other fixed objects;
2. Hydric adventitious roots;
3. Drift lines;
4. Rafted debris;
5. Aquatic mosses and liverworts;
6. Moss collars; and
7. Lichen lines.

LET'S GO BACK TO SB 64 AND THE SOLDIERING OF RW INFRASTRUCTURE INTO CIVILIAN OWNED PROPERTY AND THE LEVYING OF THE EQUITY IN OUR HOMES TO PAY FOR IT!

(k) "Onsite sewage treatment and disposal system" means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.

(l) "Permanent nontidal surface water body" means a perennial stream, a perennial river, an intermittent stream, a perennial lake, a submerged marsh or swamp, a submerged wooded marsh or swamp, a spring, or a seep, as identified on the most recent quadrangle map, 7.5 minute series (topographic), produced by the

373.019(15)

United States Geological Survey, or products derived from that series. "Permanent nontidal surface water body" shall also mean an artificial surface water body that does not have an impermeable bottom and side and that is designed to hold, or does hold, visible standing water for at least 180 days of the year. However, a nontidal surface water body that is drained, either naturally or artificially, where the intent or the result is that such drainage be temporary, shall be considered a permanent nontidal surface water body. A nontidal surface water body that is drained of all visible surface water, where the lawful intent or the result of such drainage is that such drainage will be permanent, shall not be considered a permanent nontidal surface water body. The boundary of a permanent nontidal surface water body shall be the mean annual flood line.

(m) "\_\_\_\_\_e" means any water line that is connected to a potable water supply source, but the term \_\_\_\_\_

1. For irrigation systems into which chemicals are not injected, any atmospheric or pressure vacuum breaker or double check valve or any detector check assembly.

2. For irrigation systems into which chemicals such as fertilizers, pesticides, or herbicides are injected, any reduced pressure backflow preventer.

(n) "Septage" means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system.

(o) "Subdivision" means, for residential use, any tract or plot of land divided into two or more lots or parcels of which at least one is 1 acre or less in size for sale, lease, or rent. A subdivision for commercial or industrial use is any tract or plot of land divided into two or more lots or parcels of which at least one is 5 acres or less in size and which is for sale, lease, or rent. A subdivision shall be deemed to be proposed until such time as an application is submitted to the local government for subdivision approval or, in those areas where no local government subdivision approval is required, until such time as a plat of the subdivision is recorded.

(p) "Tidally influenced surface water body" means a body of water that is subject to the ebb and flow of the tides and has as its boundary a mean high-water line as defined by s. 177.27(15).

(q) "Toxic or hazardous chemical" means a substance that poses a serious danger to human health or the environment.

<sup>2</sup>(3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067, including definitions that are consistent with the definitions in this section, decreases to setback requirements where no health hazard exists, increases for the lot-flow allowance for performance-based systems, requirements for separation from water table elevation during the wettest season, requirements for the design and construction of any component part of an onsite sewage treatment and disposal system, application and permit requirements for persons who maintain an onsite sewage treatment and disposal system, requirements for maintenance and service agreements, aerobic \_\_\_\_\_ units and performance-based treatment systems, and recommended standards, including disclosure requirements, for voluntary system inspections to be performed by individuals who are authorized by law to perform such inspections and who shall inform a person having ownership, control, or use of an onsite sewage treatment and disposal system of the inspection standards and of that person's authority to request an inspection based on all or part of the standards.

MALONEY'S WATER CODE PUBLISHED IN 1972 SECTION 113 "ANNUAL INSPECTION CHARGE"

LEGISLATION! SET US UP.

(b) Perform application review; and site evaluations, issue permits, and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day, or an estimated commercial sewage flow of 5,000 gallons or less per day, which is not currently regulated under chapter 403.

FUNNY!

(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a

conflict regarding rule interpretation, the State Surgeon General, or his or her designee, shall timely assign a staff person to resolve the dispute.

(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section. 3<sup>RD</sup> AMENDMENT U.S. CONSTITUTION

(e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section. CARPET BAGGING (WE GOT SET-UP)

(f) Issue annual operating permits under this section.

(g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.

(h) Conduct enforcement activities, including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.

(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.

(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(k) must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be initially approved by the technical review and advisory panel and shall be applicable to and reflect the soil conditions specific to Florida. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in Florida and that are principally located in Florida. Research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical review and advisory panel or the research review and advisory committee. MONEY

(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.

(l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and disposal of byproducts from any system regulated under this chapter and not regulated by the Department of Environmental Protection.

(m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to Artificial manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include: training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract. SHAIR. T.A.P. FUNNY!

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the Ex Order #13400

issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(b) Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the Department of Health, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under

RECLAIMED WATER

aerobic treatment unit

commercial waste

aerobic treatment unit

generate commercial waste

?

ownership of the property

an amended application providing all corrected information and proof of

Emergency Demand

AS SUPPLEMENT

153.03(5) Emergency Demand

Ex. Order 13406

abandon

received a construction permit

VARIANCE

AVERT A CRISIS?

AMPLE WATER?

HARRIS ACT

FUNNY

MISDIRECTED

AND, WHAT BE THAT?

this paragraph is not available to a developer or <sup>?</sup> (other) appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a (publicly owned or investor owned sewerage system) is available. It is the intent of this paragraph not to allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) Onsite sewage treatment and disposal systems must not be placed closer than:

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(f) Except as provided under paragraphs (e) and (t), no limitations shall be imposed by rule, relating to the distance between an onsite disposal system and any area that either permanently or temporarily has visible surface water.

(g) All provisions of this section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

① Any residential lot that was platted and recorded on or after (January 1, 1972) or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after (January 1, 1972) and that was eligible for an (onsite sewage treatment and disposal system construction permit) on the date of such platting and recording or approval shall be eligible for an (onsite sewage treatment and disposal system construction permit), regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h)1. The department (may grant variances) in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction

153.03(5) EMINENT DOMAIN

permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. There is no fee associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

- a. The hardship was not caused intentionally by the action of the applicant;
- b. No reasonable alternative, taking into consideration factors such as cost, exists for the treatment of the sewage; and
- c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

BUT HANDSHIP WAS THE OBJECTIVE

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

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2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

EBOLA CHOLERA

EMINENT DOMAIN

RECLAIMED WATER VARIANCE

STATUTE 153.03 (5)

- a. The State Surgeon General or his or her designee.
- b. A representative from the county health departments.
- c. A representative from the home building industry recommended by the Florida Home Builders Association.
- d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.
- e. A representative from the Department of Environmental Protection.
- f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.
- g. A representative from the engineering profession recommended by the Florida Engineering Society.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewerage system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewerage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department shall not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to



generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, need not obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. A person electing to utilize an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may utilize an outside consultant to review the engineer-designed system, with the actual [redacted] Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department either shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of [redacted] or seek review under the provisions of chapter 120.

Funny

120, 57, CAPRICIOUS, IN FACT

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

MALONEYS WATER CODE 1:13

5. The property owner shall obtain a biennial system operating permit from the department for each system. The department shall [redacted]

CARPET BAGGERS

MALONEYS WATER CODE 1:13

permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. <sup>TOILET PERMIT</sup> The fee <sup>TOILET INSPECTION</sup> for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(k) An innovative system may be approved in conjunction with an engineer-designed site-specific system which is certified by the engineer to meet the performance-based criteria adopted by the department.

(l) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those <sup>DESAPIC</sup> special districts <sup>WATER JURISDICTIONS</sup> established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- b. Suspended Solids of 10 mg/l.
- c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.
- d. Total Phosphorus, expressed as P, of 1 mg/l.

In addition, <sup>NOT SANITIZED</sup> <sup>NOT STERILIZED</sup> onsite sewage treatment and disposal systems discharging to an injection well <sup>AEROBIC?</sup> must provide basic <sup>TEMPORARILY CHLORINATED</sup> disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewer, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by central sewer by December 31, 2015, if the property owner has paid a connection fee or assessment for connection <sup>VARIABLE</sup> to the central sewer system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

- a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and
  - b. A sand-lined drainfield or injection well in accordance with department rule must be installed.
5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.
6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.
7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

8. Notwithstanding any other provision of law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewer system until December 31, 2020.

(m) No product sold in the state for use in onsite sewage treatment and disposal systems may contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate <sup>MUTABLE</sup> applicable water quality standards. The department shall publish criteria for <sup>WATER</sup> products known or expected to meet the conditions of this paragraph. In the event a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a <sup>MUTATION</sup> new onsite sewage treatment and disposal system shall be performed by department personnel <sup>FEE?</sup> professional engineers registered <sup>FUNNY</sup> in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(j). The department shall accept evaluations submitted by professional engineers and such other <sup>FUNNY</sup> persons as meet the <sup>CONTRIVED?</sup> expertise established by this section or by <sup>CAPRICIOUS 120.57</sup> rule unless the department has a <sup>BENEFICIAL DEFECT</sup> reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(o) The department shall appoint a research review and advisory committee, which shall meet at least semiannually. The committee shall advise the department on directions for <sup>SHAPE SHIFTING OF A FORTHRIGHT SITUATION</sup> new research, review and rank proposals for research contracts, and review draft research reports and make comments. The committee is comprised of:

1. A representative of the State Surgeon General, or his or her designee.
2. A representative from the septic tank industry.
3. A representative from the home building industry.
4. A representative from an environmental interest group.
5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.
6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.
7. A representative from local government who is knowledgeable about domestic wastewater treatment.
8. A representative from the real estate profession.
9. A representative from the restaurant industry.
10. A consumer. <sup>? SUBJECT?</sup>

Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(p) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. No specific documentation of property ownership shall be required as a prerequisite to the review of an application or the issuance of a <sup>TOILET</sup> permit. The issuance of a permit does not constitute determination by the department of property ownership.

(q) The department may not require any form of subdivision analysis of property by an owner, developer or subdivider prior to submission of an application for an onsite sewage treatment and disposal system.

(r) Nothing in this section limits the power of a municipality or county to enforce other laws for the protection of the <sup>DEVELOPER</sup> public health and safety. <sup>A TOILET</sup> INCINERATOR

(s) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering shall not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the

downspouts shall be directed away from the drainfield.

(t) Notwithstanding the provisions of subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield shall not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations prior to January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

- a. The lot is at least one-half acre in size;
- b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and
- c. The applicant installs either a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system approved by the State Health Office that is capable of reducing effluent nitrate by at least 50 percent; or a system approved by the county health department pursuant to department rule other than a system using alternative drainfield materials. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water shall not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(u)1. The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(v) The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining

when such a submission is required.

LEVY THE EQUITY FROM THE RESIDENTS

153.03(5) EMINENT DOMAIN

(w) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution (1885).

(x) A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012. Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

(y)1. An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and if the system was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if:

- a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster;
- b. The system is not a sanitary nuisance; and
- c. The system has not been altered without prior authorization.

2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.

(z) If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(aa) An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

(5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS

WE GOT SET-UP!

FUNNY!

RECLAIMED WATER VARIANCE Application

EMINENT DOMAIN 153.03(5)

?

WAS THE RESOURCE ACT OF 72 A SANITARY NOISANCE? I THINK SO!

DE FACTO MANIFESTED

EX ORDER #13406

INCINERATOR TOILET

VARIANCE

VARIANCE

VARIANCE

AND ASSESSMENT

(a) Department personnel who have reason to believe noncompliance exists, may at any reasonable time, enter the premises permitted under ss. 381.0065-381.0066, or the business premises of any septic tank contractor or master septic tank contractor registered under part III of chapter 489, or any premises that the department has reason to believe is being operated or maintained not in compliance, to determine compliance with the provisions of this section, part I of chapter 386, or part III of chapter 489 or rules or standards adopted under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489. As used in this paragraph, the term "premises" does not include a residence or private building. To gain entry to a residence or private building, the department must obtain permission from the owner or occupant or secure an inspection warrant from a court of competent jurisdiction. UNWARRANTED AS DECLARED.

WE GOT SET-UP.

BASED ON THE RESOURCE ACT OF 1972 I'D SAY YOU ARE WRONG.

SET-UP

(b)1. The department may issue citations that may contain an order of correction or an order to pay a fine, or both, for violations of ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 or the rules adopted by the department, when a violation of these sections or rules is enforceable by an administrative or civil remedy or when a violation of these sections or rules is a misdemeanor of the second degree. A citation issued under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 constitutes a notice of proposed agency action.

UNWARRANTED OUT OF ORDER!

2. A citation must be in writing and must describe the particular nature of the violation, including specific reference to the provisions of law or rule allegedly violated.

RELIGIOUS?

3. The fines imposed by a citation issued by the department may not exceed \$500 for each violation. Each day the violation exists constitutes a separate violation for which a citation may be issued. You JUST STARTED A WAR!

4. The department shall inform the recipient, by written notice pursuant to ss. 120.569 and 120.57, of the right to an administrative hearing to contest the citation within 21 days after the date the citation is received. The citation must contain a conspicuous statement that if the recipient fails to pay the fine within the time allowed, or fails to appear to contest the citation after having requested a hearing, the recipient has waived the recipient's right to contest the citation and must pay an amount up to the maximum fine.

CONTINUED

5. The department may reduce or waive the fine imposed by the citation. In determining whether to reduce or waive the fine, the department must consider the gravity of the violation, the person's attempts at correcting the violation, and the person's history of previous violations including violations for which enforcement actions were taken under ss. 381.0065-381.0067, part I of chapter 386, part III of chapter 489, or other provisions of law or rule.

DESPOITIC

DESPOITISM

6. Any person who willfully refuses to sign and accept a citation issued by the department commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

7. The department, pursuant to ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, shall deposit any fines it collects in the county health department trust fund for use in providing services specified in those sections.

PRIVILEGE OF WATER ACCESS OF PINELLAS COUNTY RESOLUTION 95-286 III-K

8. This section provides an alternative means of enforcing ss. 381.0065-381.0067, part I of chapter 386, and part III of chapter 489. This section does not prohibit the department from enforcing ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, or its rules, by any other means. However, the department must elect to use only a single method of enforcement for each violation.

(6) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective January 1, 2016, the land application of septage from onsite sewage treatment and disposal systems is prohibited.

(7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a total maximum daily load, the department shall implement a fast-track approval process of no longer than 6 months for the determination of the use of American National Standards Institute 245 systems approved by NSF International before July 1, 2020.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 75-145; s. 72, ch. 77-147; s. 1, ch. 77-174; ss. 1, 2, ch. 77-308; s. 1, ch. 78-430; s. 1, ch. 79-45; s. 1, ch. 82-10; s. 37, ch. 83-218; ss. 43, 46, ch. 83-310; s. 1, ch. 84-119; s. 4, ch. 85-314; s. 5, ch. 86-220; s. 14, ch. 89-324; s. 26, ch. 91-297; ss. 1, 10, 11, ch. 93-151; s. 40, ch. 94-218; s. 352, ch. 94-356; s. 1033, ch. 95-148; ss. 1, 3, ch. 96-303; s. 116, ch. 96-410; s. 181, ch. 97-101; s. 21, ch. 97-237; s. 7, ch. 98-151; s. 2, ch. 98-420; s. 192, ch. 99-13; ss. 1, 7, ch. 99-395; s. 10, ch. 2000-242; s. 19,

ch. 2001-62; s. 1, ch. 2001-234; s. 7, ch. 2004-350; s. 48, ch. 2005-2; s. 4, ch. 2006-68; s. 1, ch. 2008-215; s. 19, ch. 2008-240; s. 35, ch. 2010-205; s. 1, ch. 2010-283; s. 28, ch. 2011-4; s. 3, ch. 2012-13; s. 32, ch. 2012-184; s. 67, ch. 2013-15; s. 1, ch. 2013-79; s. 7, ch. 2013-193; s. 10, ch. 2013-213; ss. 50, 51, ch. 2015-222; ss. 6, 7, 52, ch. 2020-150.

<sup>1</sup>Note.—Section 2, ch. 2020-150, provides that:

“(1) By July 1, 2020, the Department of Health must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the following information regarding the Onsite Sewage Program:

“(a) The average number of permits issued each year;

“(b) The number of department employees conducting work on or related to the program each year; and

“(c) The program’s costs and expenditures, including, but not limited to, salaries and benefits, equipment costs, and contracting costs.

“(2) By December 31, 2020, the Department of Health and the Department of Environmental Protection shall submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the transfer of the Onsite Sewage Program from the Department of Health to the Department of Environmental Protection. The recommendations must address all aspects of the transfer, including the continued role of the county health departments in the permitting, inspection, data management, and tracking of onsite sewage treatment and disposal systems under the direction of the Department of Environmental Protection.

“(3) By June 30, 2021, the Department of Health and the Department of Environmental Protection shall enter into an interagency agreement based on the Department of Health report required under subsection (2) and on recommendations from a plan that must address all agency cooperation for a period not less than 5 years after the transfer, including:

“(a) The continued role of the county health departments in the permitting, inspection, data management, and tracking of onsite sewage treatment and disposal systems under the direction of the Department of Environmental Protection.

“(b) The appropriate proportionate number of administrative, auditing, inspector general, attorney, and operational support positions, and their related funding levels and sources and assigned property, to be transferred from the Office of General Counsel, the Office of Inspector General, and the Division of Administrative Services or other relevant offices or divisions within the Department of Health to the Department of Environmental Protection.

“(c) The development of a recommended plan to address the transfer or shared use of buildings, regional offices, and other facilities used or owned by the Department of Health.

“(d) Any operating budget adjustments that are necessary to implement the requirements of this act. Adjustments made to the operating budgets of the agencies in the implementation of this act must be made in consultation with the appropriate substantive and fiscal committees of the Senate and the House of Representatives. The revisions to the approved operating budgets for the 2021-2022 fiscal year which are necessary to reflect the organizational changes made by this act must be implemented pursuant to s. 216.292(4)(d), Florida Statutes, and are subject to s. 216.177, Florida Statutes. Subsequent adjustments between the Department of Health and the Department of Environmental Protection which are determined necessary by the respective agencies and approved by the Executive Office of the Governor are authorized and subject to s. 216.177, Florida Statutes. The appropriate substantive committees of the Senate and the House of Representatives must also be notified of the proposed revisions to ensure their consistency with legislative policy and intent.

“(4) Effective July 1, 2021, all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the regulation of onsite sewage treatment and disposal systems relating to the Onsite Sewage Program in the Department of Health are transferred by a type two transfer as defined in s. 20.06(2), Florida Statutes, to the Department of Environmental Protection.

“(5) Notwithstanding chapter 60L-34, Florida Administrative Code, or any law to the contrary, employees who are transferred from the Department of Health to the Department of Environmental Protection to fill positions transferred by this act retain and transfer any accrued annual leave, sick leave, and regular and special compensatory leave balances.”

<sup>2</sup>Note.—Section 7, ch. 2020-150, added a new paragraph (2)(d) and amended subsections (3) and (4), effective July 1, 2021, to read:

(d) “Department” means the Department of Environmental Protection.

\* \* \* \* \*

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067, including definitions that are consistent with the definitions in this section, increases for the lot-flow allowance for performance-based systems, requirements for separation from water table elevation during the wettest season, requirements for the design and construction of any component part of an onsite sewage treatment and disposal system, application and permit requirements for persons who maintain an onsite sewage treatment and disposal system, requirements for maintenance and service agreements for aerobic treatment units and performance-based treatment systems, and recommended standards, including disclosure requirements, for voluntary system inspections to be performed by individuals who are authorized by law to perform such inspections and who shall inform a person having ownership, control, or use of an onsite sewage treatment and disposal system of the inspection standards and of that person’s authority to request an inspection based on all or part of the

T.D.R.

WOLF IN SHEEP'S CLOTHING

USURPATION USURPATION

standards.

(b) Perform application reviews and site evaluations, issue permits and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day, or an estimated commercial sewage flow of 5,000 gallons or less per day, which is not currently regulated under chapter 403.

(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, sited, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination, including impacts from nutrient pollution and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation the Secretary of Environmental Protection, or his or her designee, shall timely assign a staff person to resolve the dispute.

(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section.

(e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section.

(f) Issue annual operating permits under this section.

(g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.

(h) Conduct enforcement activities, including imposing penalties issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.

(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.

(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(k) must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be applicable to and reflect the soil conditions specific to this state. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in this state and that are principally located in this state.

(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.

(l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and disposal of byproducts from any system regulated under this chapter.

(m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations, and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage

TOILET PERMIT

TAP, SHARP

FUNNY! ANAEROBIC!

ANAEROBIC

DISASTER

CORPORATE TAXING POWER

YAT THINK!

RECLAIMED WATER 3RD ABANDONMENT

CONTINUED/INVOKED/CAPRICIOUS/ILL-WILLED/UNWARRANTED

FUNNY

SENATE IS OUT OF ORDER!

POLICE WATER

298.30

298.30

SALES FOR VIOLATORS

INTERAGENCY TRANSFERS

RECLAIMED WATER FOR TOILET



treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(b) Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rulemaking process for such rules must be completed by July 1, 2022, and the department shall notify the Division of Law Revision of the date such rules take effect. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b. nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to s. 381.00652. The rules must also allow a person to apply for and receive a variance from a rule requirement upon demonstration that the requirement would cause an undue hardship and granting the variance would not cause or contribute to the exceedance of a total maximum daily load.

(f) Onsite sewage treatment and disposal systems that are permitted <sup>3</sup> before the rules in paragraph (e) take effect may not be placed closer than:

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(g) This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

RESOURCE ACT OF 1972 IS NON-COMPLIANT WITH CODE!

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

- a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.
- b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

153.03(5) Eminent Domain

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

153.90 FLORIDA STATUTE DEVELOPER/USURPATION

- a. The hardship was not caused intentionally by the action of the applicant;
- b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and
- c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

AHHH! BUT, IT WAS INTENTIONAL!

TOO LATE FOR THAT LEGISLATION!

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

Variance

POPULATION REDUCTION?

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

Article 3 SECTION 2

TAKING POWERS

- a. The Secretary of Environmental Protection or his or her designee.
- b. A representative from the county health departments.
- c. A representative from the home building industry recommended by the Florida Home Builders Association.
- d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.
- e. A representative from the Department of Health.
- f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.
- g. A representative from the engineering profession recommended by the Florida Engineering Society.
- h. A CONSUMER?

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage treatment systems to accept anything other than domestic wastewater.

INCINERATOR

CORPORATE CORPORATE

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the system is to dispose of toxic,

READY TO SERVE ZONE

UTILITY (US) FACILITY

READY TO SERVE ZONE

EMINENT DOMAIN 153.03(5)

hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

14th Amendment

READY TO SERVE ZONE

TOILET LICENSE

INCINERATION TOILET

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

CORPORATE TAXING POWERS

TAP SHARP

WATER HAS ALL BUT BEEN DESTROYED

Hummer???

TO INCLUDE UP TO 30% REMAINING WATER FOR DIRECT POTABLE REUSE

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

WAR TIME FUNNY WORD!

TRICK

CAPRICIOUS IN FACT 120.57

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

MALONEY'S WATER CODE SECTION 11.13 ANNUAL INSPECTION CHARGES

5. The property owner shall obtain a biennial system operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

2x TOILET INSPECTION FEE

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(k) An innovative system may be approved in conjunction with an engineer-designed site-specific system that is certified by the engineer to meet the performance-based criteria adopted by the department.

(l) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

IT'S A LITTLE TOO LATE, THE KEYS ARE ALL DESTROYED!

VARIANCE

VARIANCE

MY GOVERNMENT IS COMPOSED OF A BUNCH OF SICK INDIVIDUALS!

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment,

or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

DELINQUENT!

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- b. Suspended Solids of 10 mg/l.
- c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.
- d. Total Phosphorus, expressed as P, of 1 mg/l.

TEMPORARILY TREATED!

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

READY TO SEWER ZONE - EMINENT DOMAIN 153.03(S)

NOT STERIL NOT SANITARY

3. In areas not scheduled to be served by a central sewerage system, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

THE PROCESS OF THE 14th AMENDMENT

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

ANAEROBIC DECOMPOSITION OF CHLORINATED FECELS

b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

UN SOUND ENGINEERING

6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

IMPROPER

7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

WATER INJECTION

DESPTS

WE SHALL KNOW YOU BY YOUR FRUITS!

8. Notwithstanding any other law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewerage system until December 31, 2020.

(m) A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

WATER

DESPTIC CONTAINED

FUNNY

DESPTIC

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(k). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

CRIMINAL MINDSET

SENSIBLE

LEGITIMATE SOVEREIGN?

(o) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership is not required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(p) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

CORPORATE

(q) This section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(r) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(s) Notwithstanding subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

- 1. The absorption surface of the drainfield may not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year

based upon a <sup>FUNNY!</sup> ~~validly~~ issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval. <sup>ARTIFICIAL 373.019(15)</sup>

(z) An <sup>DISASTER?</sup> ~~existing-system~~ inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the ~~existing system~~ or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed <sup>EMINENT DOMAIN</sup> ~~remodeling~~ addition or ~~modification to the home~~ submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

<sup>3</sup> Note.—Section 52, ch. 2020-150, provides that “[t]he Division of Law Revision is directed to replace the phrase ‘before the rules [. . .] in paragraph (e) take effect’ as it is used in the amendment made by this act to s. 381.0065(4)(f), Florida Statutes, with the date such rules are adopted, as provided by the Department of Environmental Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as amended by this act.”

Note.—Former s. 381.272.

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THE CIVILIAN POPULATION IS BEING SODOMIZED BY OUR LEGISLATION!

Select Year: 2020 Go

LIABILITY 403.067(7)(A) 9-B

# The 2020 Florida Statutes

Title XXIX  
PUBLIC HEALTH

Chapter 403  
ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

## 403.067 Establishment and implementation of total maximum daily loads.—

(1) LEGISLATIVE FINDINGS AND INTENT.—In furtherance of public policy established in s. 403.021, the Legislature declares that the waters of the state are among its most basic resources and that the development of a total maximum daily load program for state waters as required by s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. will promote improvements in water quality throughout the state through the coordinated control of point and nonpoint sources of pollution. The Legislature finds that, while point and nonpoint sources of pollution have been managed through numerous programs, better coordination among these efforts and additional management measures may be needed in order to achieve the restoration of impaired water bodies. The scientifically based total maximum daily load program is necessary to fairly and equitably allocate pollution loads to both nonpoint and point sources. Implementation of the allocation shall include consideration of a cost-effective approach coordinated between contributing point and nonpoint sources of pollution for impaired water bodies or water body segments and may include the opportunity to implement the allocation through nonregulatory and incentive-based programs. The Legislature further declares that the Department of Environmental Protection shall be the lead agency in administering this program and shall coordinate with local governments, water management districts, the Department of Agriculture and Consumer Services, local soil and water conservation districts, environmental groups, regulated interests, other appropriate state agencies, and affected pollution sources in developing and executing the total maximum daily load program.

1977 CLEAN WATER ACT  
US  
RESOURCE ACT OF 1972?  
BROKE CODE!  
LEGISLATION BROKE CODE!  
DELIBERATELY  
PROFIT SCHEME  
LEGISLATION SENATE  
OBJECTIVE AS AGGREGATE?  
14th AMENDMENT  
WATER JURISDICTIONS

(2) LIST OF SURFACE WATERS OR SEGMENTS.—In accordance with s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., the department must submit periodically to the United States Environmental Protection Agency a list of surface waters or segments for which total maximum daily load assessments will be conducted. The assessments shall evaluate the water quality conditions of the listed waters and, if such waters are determined not to meet water quality standards, total maximum daily loads shall be established, subject to the provisions of subsection (4). The department shall establish a priority ranking and schedule for analyzing such waters.

1977

DELIBERATELY/LEGISLATIVELY IN DISREPAIR

(a) The list, priority ranking, and schedule cannot be used in the administration or implementation of any regulatory program. However, this paragraph does not prohibit any agency from employing the data or other information used to establish the list, priority ranking, or schedule in administering any program.

WHICH IS DISREGARDED AND IGNORED

(b) The list, priority ranking, and schedule prepared under this subsection shall be made available for public comment, but shall not be subject to challenge under chapter 120.

120,57 CAPRICIOUS IN FACT  
ARTICLE 3 SECTION 2

(c) The provisions of this subsection are applicable to all lists prepared by the department and submitted to the United States Environmental Protection Agency pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., including those submitted prior to the effective date of this act, except as provided in subsection (4).

1977?

THE SIN OF OMISSION

RESOURCE ACT OF 1972  
BROKE CODE.

Fed Paper #41 #42

(d) If the department proposes to implement total maximum daily load calculations or allocations established prior to the effective date of this act, the department shall adopt those calculations and allocations by rule by the secretary pursuant to ss. 120.536(1) and 120.54 and paragraph (6)(c).

(3) ASSESSMENT.—

(a) Based on the priority ranking and schedule for a particular listed water body or water body segment, the department shall conduct a total maximum daily load assessment of the basin in which the water body or water body segment is located using the methodology developed pursuant to paragraph (b). In conducting this assessment, the department shall coordinate with the local water management district, the Department of Agriculture and Consumer Services, other appropriate state agencies, soil and water conservation districts, environmental groups, regulated interests, and other interested parties.

(b) The department shall adopt by rule a methodology for determining those waters which are impaired. The rule shall provide for consideration as to whether water quality standards codified in chapter 62-302, Florida Administrative Code, are being exceeded, based on objective and credible data, studies and reports, including surface water improvement and management plans approved by water management districts and pollutant load reduction goals developed according to department rule. Such rule also shall set forth:

1. Water quality sample collection and analysis requirements, accounting for ambient background conditions, seasonal and other natural variations;
2. Approved methodologies;
3. Quality assurance and quality control protocols;
4. Data modeling; and
5. Other appropriate water quality assessment measures.

(c) If the department has adopted a rule establishing a numerical criterion for a particular pollutant, a narrative or biological criterion may not be the basis for determining an impairment in connection with that pollutant unless the department identifies specific factors as to why the numerical criterion is not adequate to protect water quality. If water quality nonattainment is based on narrative or biological criteria, the specific factors concerning particular pollutants shall be identified prior to a total maximum daily load being developed for those criteria for that surface water or surface water segment.

(4) APPROVED LIST.—If the department determines, based on the total maximum daily load assessment methodology described in subsection (3), that water quality standards are not being achieved and that technology-based effluent limitations and other pollution control programs under local, state, or federal authority, including Everglades restoration activities pursuant to s. 373.4592 and the National Estuary Program, which are designed to restore such waters for the pollutant of concern are not sufficient to result in attainment of applicable surface water quality standards, it shall confirm that determination by issuing a subsequent, updated list of those water bodies or segments for which total maximum daily loads will be calculated. In association with this updated list, the department shall establish priority rankings and schedules by which water bodies or segments will be subjected to total maximum daily load calculations.

If a surface water or water segment is to be listed under this subsection, the department must specify the particular pollutants causing the impairment and the concentration of those pollutants causing the impairment relative to the water quality standard. This updated list shall be approved and amended by order of the department subsequent to completion of an assessment of each water body or water body segment, and submitted to the United States Environmental Protection Agency. Each order shall be subject to challenge under ss. 120.569 and 120.57.

(5) REMOVAL FROM LIST.—At any time throughout the total maximum daily load process, surface waters or segments evaluated or listed under this section shall be removed from the lists described in subsection (2) or subsection (4) upon demonstration that water quality criteria are being attained, based on data

RELIGION OF CHRISTIANITY

RELIGION IN PARTICULAR!

Article I section B

GEORGE WASHINGTON

UNDERMINING METHOD

METHODS

AGGREGATE

UNDERMINING/BANKRUPT

CHRISTIAN

MALONEY'S WATER CODE

RESOURCE ACT OF '72

CLEAN WATER ACT OF 1977

STEP#1 POLLUTE WATER

STEP#2 REPAIR IMPAIRED SURF WATER BODIES

STEP#3 VANQUISH CHRISTIANITY ~ FED PAPER #2

NATURALIZED AS DUE PROCESS IN THE 14th Amendment

FUNNY

FUNNY

\$ IMPUNE

CONSTITUTIONAL? MEDIUMS

BRITISH LEGISLATION, AS DECLARED ISRAEL'S DECEPTION

YA THINK!

FECES IN WATER

NITRATES

PRUDENCE AS DECLARED

TO UNIFORMLY BANKRUPT WATER SUPPLY ARTICLE I SECTION B

JURISDICTION DISTRICT REGION

RELIGIOUS

RELIGIOUS

METHODS

ISRAEL AND BRITAIN

CAPRICIOUS IN FACT

RIISING AS FACT

ARTICLE 3 SECTION 2 US CONSTITUTION

AS PROSTRATE FED PAPER B4?

equivalent to that required by rule under subsection (3).

(6) CALCULATION AND ALLOCATION.—

(a) Calculation of total maximum daily load.

To Uniformly Bankrupt AS A MEANS TO NATIONALIZE WATER JURISDICTIONS IN THE 14th AMENDMENT. WATER BIRTHING

1. Prior to developing a total maximum daily load calculation for each water body or water body segment on the list specified in subsection (4), the department shall coordinate with applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources to determine the information required, accepted methods of data collection and analysis, and quality control/quality assurance requirements. The analysis may include mathematical water quality modeling using approved procedures and methods.

PRUDENT MILITIA? JURISDICTION?

2. The department shall develop total maximum daily load calculations for each water body or water body segment on the list described in subsection (4) according to the priority ranking and schedule unless the impairment of such waters is due solely to activities other than point and nonpoint sources of pollution. For waters determined to be impaired due solely to factors other than point and nonpoint sources of pollution, no total maximum daily load will be required. A total maximum daily load may be required for those waters that are impaired predominantly due to activities other than point and nonpoint sources. The total maximum daily load calculation shall establish the amount of a pollutant that a water body or water body segment may receive from all sources without exceeding water quality standards, and shall account for seasonal variations and include a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. The total maximum

Hmmm... METHOD? SCHEDULE?

TRUTH VS REALITY VS ACTUALITY

daily load may be based on a pollutant load reduction goal developed by a water management district, provided that such pollutant load reduction goal is promulgated by the department in accordance with the equitable and substantive requirements of this subsection.

CONTAMINATE FIRST THEN REMEDIATE THE PROBLEM IS NOT THE DEFINITION OF GOVERNMENT

(b) Allocation of total maximum daily loads. The total maximum daily loads shall include establishment of reasonable and equitable allocations of the total maximum daily load between or among point and nonpoint sources that will alone, or in conjunction with other management and restoration activities, provide for the attainment of the pollutant reductions established pursuant to paragraph (a) to achieve water quality standards for the pollutant causing impairment. The allocations may establish the maximum amount of the water pollutant that may be discharged or released into the water body or water body segment in combination with other discharges or releases. Allocations may also be made to individual basins and sources or as a whole to all basins and sources or categories of sources of inflow to the water body or water body segments. An initial allocation of allowable pollutant loads among point and nonpoint sources may be developed as part of the total maximum daily load. However, in such cases, the detailed allocation to specific point sources and specific categories of nonpoint sources shall be established in the basin management action plan pursuant to subsection (7). The initial and detailed allocations shall be designed to attain the pollutant reductions established pursuant to paragraph (a) and shall be based on consideration of the following:

THE PROTESTANTS AND THE JEWS PROMULGATED/CONSTITUTED THIS TO BE.

DESPODIC WATER JURISDICTION

- Existing treatment levels and management practices;
- Best management practices established and implemented pursuant to paragraph (7)(c);
- Enforceable treatment levels established pursuant to state or local law or permit;
- Differing impacts pollutant sources and forms of pollutant may have on water quality;
- The availability of treatment technologies, management practices, or other pollutant reduction measures;
- Environmental, economic, and technological feasibility of achieving the allocation;
- The cost benefit associated with achieving the allocation;
- Reasonable timeframes for implementation;

FUNNY AS PROMULGATED.

TRANSGRESSION THE MEN WHO SPUR IT ON, STAND IN JUDGEMENT OF ALL WORDS THE WHO

PROMULGATED

CREATED A PROBLEM AS MANIFESTED. ODDLY, HAS A SOLUTION/TREATMENT TO THE PROBLEM THEY OBJECTIFIED

CAPRICIOUS IN FACT

120.57



WE GOT SET-UP!  
OVER 240 YEARS AGO!

FED PAPERS 10, 39, 41 AND 64

RECLAIMED WATER VARIANCE

EMINENT DOMAIN  
153.03(5)

9. Potential applicability of any moderating provisions such as variances, exemptions, and mixing zones; and

10. The extent to which nonattainment of water quality standards is caused by pollution sources outside of Florida, discharges that have ceased, or alterations to water bodies prior to the date of this act.

BRITISH/ISRAELI WAR MONGERS

WAR?

(c) Adoption of rules. The total maximum daily load calculations and allocations established under this subsection for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.536(1), 120.54, and 403.805. Where additional data collection and analysis are needed to increase the scientific precision and accuracy of the total maximum daily load, the department is authorized to adopt phased total maximum daily loads that are subject to change as additional data becomes available. Where phased total maximum daily loads are proposed, the department shall, in the detailed statement of facts and circumstances justifying the rule, explain why the data are inadequate so as to justify a phased total maximum daily load. The rules adopted pursuant to this paragraph are not subject to approval by the Environmental Regulation Commission and are not subject to the provisions of s. 120.541(3). As part of the rule development process, the department shall hold at least one public workshop in the vicinity of the water body or water body segment for which the total maximum daily load is being developed. Notice of the public workshop shall be published not less than 5 days nor more than 15 days before the public workshop in a newspaper of general circulation in the county or counties containing the water bodies or water body segments for which the total maximum daily load calculation and allocation are being developed.

PROMULGATED

CAPRICIOUS 120.57

DUE PROCESS OF 14th Amendment IS A PERVERSION OF POWER

FEDERALIST PAPER #41 "PERVERSION OF POWER"

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

AGGREGATE WATER/PROMULGATE A PROBLEM

(a) Basin management action plans.—

VS  
AVERT A WATER CRISIS

1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, when appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

PERVERTED JUSTICE

PRUDENT  
DISSENTIAL

PERVERSION OF JUSTICE

CONSTITUTIONALLY CONTRIVED/INVOKED - SPEER CASE

CAPRICIOUS

BRITISH AND ISRAELI AREN'T SUCH A PERFECT UNION AFTER ALL.

2. A basin management action plan must equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be those practices developed pursuant to paragraph (c). When appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.

PROMULGATED SUBSTANTIALLY

DESPOtic WATER JURISDICTIONS

CONSTITUTIONAL COUNTERFEITING/misappropriation

USURPATION AND PERVERTED FORMULATION OF DIRECT TAXATION

AFTER THE FACT?

SUBJECTING OF CIVILIANS

REGIONAL DISTRICT JURISDICTION

USURPATION OF POWER

REGIONAL DISTRICT JURISDICTION

DUE PROCESS - 14th Amendment

AND THE PAST WAS LEGISLATED TO BE

VANQUISH CHRISTIANS FED PAPER #2

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the

COMMON WEALTH

WATER JURISDICTIONS  
14th Amendment

1:30,000  
AS

ENUMERATED

Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies at least 5 days, but not more than 15 days, before the public meeting. A basin management action plan does not supplant or otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial allocation.

4. Each new or revised basin management action plan shall include:

- a. The appropriate management strategies available through existing water quality protection programs to achieve total maximum daily loads, which may provide for phased implementation to promote timely, cost-effective actions as provided for in s. 403.151;
- b. A description of best management practices adopted by rule;
- c. A list of projects in priority ranking with a planning-level cost estimate and estimated date of completion for each listed project;
- d. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project, if applicable; and

REASONABILITY (S) LACK OF PAST SENSIBILITY e. A planning-level estimate of each listed project's expected load reduction, if applicable.

5. The department shall adopt all or any part of a basin management action plan and any amendment to such plan by secretarial order pursuant to chapter 120 to implement this section.

6. The basin management action plan must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made as appropriate. Revisions to the basin management action plan shall be made by the department in cooperation with basin stakeholders. Revisions to the management strategies required for nonpoint sources must follow the procedures in subparagraph (c)4. Revised basin management action plans must be adopted pursuant to subparagraph 5.

7. In accordance with procedures adopted by rule under paragraph (9)(c), basin management action plans, and other pollution control programs under local, state, or federal authority as provided in subsection (4), may allow point or nonpoint sources that will achieve greater pollutant reductions than required by an adopted total maximum daily load or wasteload allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation; however, the generation of water quality credits does not remove the obligation of a source or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.

8. The department's rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or water body segments for which a basin management plan that takes into account future new or expanded activities or discharges has been adopted under this section.

9. In order to promote resilient wastewater utilities, if the 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

JEWISH SOVEREIGN? LEgitIMATE? FUNNY! FUNNY! THAT'S QUESTIONABLE! REALLY?

REASONABILITY (S) LACK OF PAST SENSIBILITY

AS BASED ON LEGISLATIVE LACK OF SENSIBILITY

120.57 - CAPTIOUS IN FACT STATUTE 70.001 NOXIOUS IN FACT.

Hum... NO VICTIMS. ONLY VOLUNTEERS ELIMINATION OF NON-BENEFICIAL SURFACE WATER ~ SBU4 COLLECTION OF RAIN WATER

WHY DID ROOSEVELT DRAIN THE EVERGLADES ETC....

necessary to achieve the total maximum daily load, a basin management action plan for a nutrient total maximum daily load must include the following:

a. A wastewater treatment plan developed by each local government, in cooperation with the department, the water management district, and the public and private domestic wastewater treatment facilities within the jurisdiction of the local government, that addresses domestic wastewater. The wastewater treatment plan must:

(I) Provide for construction, expansion, or upgrades necessary to achieve the total maximum daily load requirements applicable to the domestic wastewater treatment facility.

(II) Include the permitted capacity in average annual gallons per day for the domestic wastewater treatment facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a projected timeline of the dates by which the construction of any facility improvements will begin and be completed and the date by which operations of the improved facility will begin; the estimated cost of the improvements; and the identity of responsible parties.

The wastewater treatment plan must be adopted as part of the basin management action plan no later than July 1, 2025. A local government that does not have a domestic wastewater treatment facility in its jurisdiction is not required to develop a wastewater treatment plan unless there is a demonstrated need to establish a domestic wastewater treatment facility within its jurisdiction to improve water quality necessary to achieve a total maximum daily load. A local government is not responsible for a private domestic wastewater facility's compliance with a basin management action plan unless such facility is operated through a public-private partnership to which the local government is a party.

b. An onsite sewage treatment and disposal system remediation plan developed by each local government in cooperation with the department, the Department of Health, water management districts, and public and private domestic wastewater treatment facilities.

(I) The onsite sewage treatment and disposal system remediation plan must identify cost-effective and financially feasible projects necessary to achieve the nutrient load reductions required for onsite sewage treatment and disposal systems. To identify cost-effective and financially feasible projects for remediation of onsite sewage treatment and disposal systems, the local government shall:

(A) Include an inventory of onsite sewage treatment and disposal systems based on the best information available;

(B) Identify onsite sewage treatment and disposal systems that would be eliminated through connection to existing or future central domestic wastewater infrastructure in the jurisdiction or domestic wastewater service area of the local government, that would be replaced with or upgraded to enhanced nutrient-reducing onsite sewage treatment and disposal systems, or that would remain on conventional onsite sewage treatment and disposal systems;

(C) Estimate the costs of potential onsite sewage treatment and disposal system connections, upgrades, or replacements; and

(D) Identify deadlines and interim milestones for the planning, design, and construction of projects.

(II) The department shall adopt the onsite sewage treatment and disposal system remediation plan as part of the basin management action plan no later than July 1, 2025, or as required for Outstanding Florida Springs under s. 373.807.

10. When identifying wastewater projects in a basin management action plan, the department may not require the higher cost option if it achieves the same nutrient load reduction as a lower cost option. A regulated entity may choose a different cost option if it complies with the pollutant reduction requirements of an adopted total maximum daily load and meets or exceeds the pollution reduction requirement of the original project.

WATER JURISDICTION INSURRECTION

INSURRECTION

3RD PARTY WATER JURISDICTION AN INSURRECTION

DESPOtic WATER Jurisdiction

LIABILITY

GUILTY

AS PROMULGATED

4th AMENDMENT

LIABILITY

BINGO!

BINGO!

WHAT ABOUT THE CAUSES, THE MANIFEST CAUSES OF THIS ISSUE.

IT'S

1st AMENDMENT

WATERLESS

INCINERATOR TOILET

381.0065

ELECTION OF CHOICE ARTICLE 2 SECTION 1

CAPTURE

YET TO BE CAPTURED CAPTURES OF WATER ARTICLE 1 SECTION 8

(b) *Total maximum daily load implementation.*—

1. The department shall be the lead agency in coordinating the implementation of the total maximum daily loads through existing water quality protection programs. Application of a total maximum daily load by a water management district must be consistent with this section and does not require the issuance of an order or a separate action pursuant to s. 120.536(1) or s. 120.54 for the adoption of the calculation and allocation previously established by the department. Such programs may include, but are not limited to:

- a. Permitting and other existing regulatory programs, including water-quality-based effluent limitations;
- b. Nonregulatory and incentive-based programs, including best management practices, cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(22), and public education;
- c. Other water quality management and restoration activities, for example, surface water improvement and management plans approved by water management districts or basin management action plans developed pursuant to this subsection;
- d. Trading of water quality credits or other equitable economically based agreements;
- e. Public works including capital facilities; or
- f. Land acquisition: *EX. ORDER 13406 ACQUIRE ABANDONED PROPERTY*

2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a total maximum daily load has been developed, including effluent limits for a discharger subject to NPDES permitting, if any, must be included in a timely manner in subsequent NPDES permits or permit modifications for that discharger. The department may not impose limits or conditions implementing an adopted total maximum daily load in an NPDES permit until the permit expires the discharge is modified, or the permit is *QUESTION HERE* reopened pursuant to an adopted basin management action plan.

*DE FACTO AS AGGREGATED*

a. Absent a detailed allocation, total maximum daily loads must be implemented through NPDES permit conditions that provide for a compliance schedule. In such instances, a facility's NPDES permit must allow time for the issuance of an order adopting the basin management action plan. The time allowed for the issuance of an order adopting the plan may not exceed 5 years. Upon issuance of an order adopting the plan, the permit must be reopened or renewed, as necessary, and permit conditions consistent with the plan must be established. Notwithstanding the other provisions of this subparagraph, upon request by an NPDES permittee, the department as part of a permit issuance, renewal, or modification may establish individual allocations before the adoption of a basin management action plan.

b. For holders of NPDES municipal separate storm sewer system permits and other stormwater sources, implementation of a total maximum daily load or basin management action plan must be achieved, to the maximum extent practicable, through the use of best management practices or other management measures.

c. The basin management action plan does not relieve the discharger from any requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit.

d. Management strategies in a basin management action plan to be implemented by a discharger subject to permitting by the department must be completed pursuant to the schedule in the basin management action plan. This implementation schedule may extend beyond the 5-year term of an NPDES permit.

e. Management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a subsequent NPDES permit or permit modification.

*120.57 CAPRICIOUS IN FACT*

f. For nonagricultural pollutant sources not subject to NPDES permitting but permitted pursuant to

*CONTINUED / INVOKED - SPEER CASE*

other state, regional, or local water quality programs, the pollutant reduction actions adopted in a basin management action plan must be implemented to the maximum extent practicable as part of those permitting programs.

g. A nonpoint source discharger included in a basin management action plan must demonstrate compliance with the pollutant reductions established under subsection (6) by implementing the appropriate best management practices established pursuant to paragraph (c) or conducting water quality monitoring prescribed by the department or a water management district. A nonpoint source discharger may, in accordance with department rules, supplement the implementation of best management practices with water quality credit trades in order to demonstrate compliance with the pollutant reductions established under subsection (6).

h. A nonpoint source discharger included in a basin management action plan may be subject to enforcement action by the department or a water management district based upon a failure to implement the responsibilities in sub-subparagraph g.

i. A landowner, discharger, or other responsible person who is implementing applicable management strategies specified in an adopted basin management action plan may not be required by permit, enforcement action, or otherwise to implement additional management strategies, including water quality credit trading, to reduce pollutant loads to attain the pollutant reductions established pursuant to subsection (6) and shall be deemed to be in compliance with this section. This subparagraph does not limit the authority of the department to amend a basin management action plan as specified in subparagraph (a)6.

(c) Best management practices.

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (12)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources, and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including sites inspection and recordkeeping requirements.

3. When interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices

RIGHT?  
I QUESTION THIS!

SUFFICIENCY - ARTICLE 7  
VS  
EFFECTIVENESS

PARTIES RESPONSIBLE  
VS  
RESPONSIBLE PERSON

FEE-BASED  
TOILET INSPECTIONS

PROMULGATE  
VS  
ADOPT

GRAFTING IS A FORM OF  
EVASION

ILLEGITIMATE  
INSURRECTION

REALLY?

FUNNY FUNNY FUNNY

FUNNY

PROMULGATE

BASED ON PAST LACK OF SENSIBILITY

SUFFICIENT ONLY ~ ARTICLE 7

TO ASSUME STATIONS AMONG POWERS OF THE EARTH.

are reasonably expected to be effective and, when applicable, shall notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from s. 376.307(5) for those pollutants addressed by the practices and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

? I QUESTION THE GOOSE AND THE GARDEN

EX ORDER 12803

WIA 153.90 STATUTE

INSURRECTION FUNNY

4. When water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. If the reevaluation determines that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

EXPECTING THOSE WHO CREATED THE PROBLEM, TO SOLVE IT?

BENEFICIAL SUBSTANTIVE/EQUITABLE

5. Subject to subparagraph 6., the Department of Agriculture and Consumer Services shall provide to the department information obtained pursuant to subparagraph (d)3.

POLITICAL TRANSGRESSIONS / DISSENTION

6. Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3., 4., and 5. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt pursuant to this subparagraph shall be released to the department or any water management district provided that the confidentiality specified by this subparagraph for such records is maintained.

AGGREGATE WATER SUPPLY

ARTICLE 1 SECTION 5 SECRECY

MID-NIGHT RAMBLER ~ ROLLING STONES

7. Subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

TRANSGRESSION

FAKE

AGGREGATING

197.363 IMPOSED DICTATED 163.3167

MANIFESTATION OF DESPOTS

(d) Enforcement and verification of basin management action plans and management strategies. -

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

ARTIFICIAL 373.019(15)

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

impose 197.363  
DICTATE 163.3167

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph(c)2.

Despotic  
Common  
Wealth?

MILITIA?

AS BASED ON  
THE PIRACY OF  
CODE?

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

(e) Cooperative agricultural regional water quality improvement element.-

AGGREGATE

1. The department, the Department of Agriculture and Consumer Services, and owners of agricultural operations in the basin shall develop a cooperative agricultural regional water quality improvement element as part of a basin management action plan only if:

a. Agricultural measures have been adopted by the Department of Agriculture and Consumer Services pursuant to subparagraph (c)2. and have been implemented; and the waterbody remains impaired;

AS AGGREGATE  
MEASURE

b. Agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges; and

c. The department determines that additional measures, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, are necessary to achieve the total maximum daily load.

2. The element will be implemented through the use of cost-sharing projects. The element must include cost-effective and technically and financially practical cooperative regional agricultural nutrient reduction projects that can be implemented on private properties on a site-specific, cooperative basis. Such cooperative regional agricultural nutrient reduction projects may include land acquisition in fee or conservation easements on the lands of willing sellers and site-specific water quality improvement or dispersed water management projects on the lands of project participants.

DESPOtic/DIRECT TAXATION

VARIANCE

- 373.139
- 127.01
- 380.08
- 170.09
- 180.08
- 298.36

3. To qualify for participation in the cooperative agricultural regional water quality improvement element, the participant must have already implemented and be in compliance with best management practices or other measures adopted by the Department of Agriculture and Consumer Services pursuant to

Despot Tax

CARPET BAGGING CIVILIAN PROPERTY  
IN A FEE(SIMPLE) VARIANCE! 2/13/2021, 11:45 AM

subparagraph (c)2. The element may be included in the basin management action plan as a part of the next 5-year assessment under subparagraph (a)6. *UNWARRANTED" JURISDICTION AS DECLARED.*

4. The department may submit a legislative budget request to fund projects developed pursuant to this paragraph. In allocating funds for projects funded pursuant to this paragraph, the department shall provide at least 20 percent of its annual appropriation for projects in subbasins with the highest nutrient concentrations within a basin management action plan. *MONEY LAUNDERING*

(f) *Data collection and research.* -

1. The Department of Agriculture and Consumer Services, in cooperation with the University of Florida Institute of Food and Agricultural Sciences and other state universities and Florida College System institutions that have agricultural research programs, shall annually develop research plans and legislative budget requests to: *VARIOUS WAYS TO EXPLOIT?*

a. Evaluate and suggest enhancements to the existing adopted agricultural best management practices to reduce nutrient runoff; *Silly You! MAKING MORE PROBLEMS IN NEED OF REPAIR? MANIFESTED*

b. Develop new best management practices that, if proven effective, the Department of Agriculture and Consumer Services may adopt by rule pursuant to subparagraph (c)2.; and *ENHANCEMENTS*

c. Develop agricultural nutrient runoff reduction projects that willing participants could implement on a site-specific, cooperative basis, in addition to best management practices. The department may consider these projects for inclusion in a basin management action plan. These nutrient runoff reduction projects must reduce the nutrient impacts from agricultural operations on water quality when evaluated with the projects and management strategies currently included in the basin management action plan. *PROBLEM LEGISLATIVELY CONSTRUCTED No Victims. Only Volunteers!*

2. To be considered for funding, the University of Florida Institute of Food and Agricultural Sciences and other state universities and Florida College System institutions that have agricultural research programs must submit such plans to the department and the Department of Agriculture and Consumer Services by August 1, 2021, and each May 1 thereafter.

3. The department shall work with the University of Florida Institute of Food and Agricultural Sciences and regulated entities to consider the adoption by rule of best management practices for nutrient impacts from golf courses. Such adopted best management practices are subject to the requirements of paragraph (c). *FUNNY*

(8) WATER QUALITY CREDIT TRADING. - *UTILITY (S) FACILITY*

(a) Water quality credit trading must be consistent with federal law and regulation.

(b) Water quality credit trading must be implemented through permits, including water quality credit trading permits, other authorizations, or other legally binding agreements as established by department rule.

(c) The department shall establish the pollutant load reduction value of water quality credits and is responsible for authorizing their use. *NOT UTILITY? 3<sup>rd</sup> Party*

(d) A person who acquires water quality credits ("buyer") shall timely submit to the department an affidavit, signed by the buyer and the credit generator ("seller"), disclosing the term of acquisition, number of credits, unit credit price paid, and any state funding received for the facilities or activities that generate the credits. The department may not participate in the establishment of credit prices. *TERMS OF ENDEAVOUR ~ movie*

(e) Sellers of water quality credits are responsible for achieving the load reductions on which the credits are based and complying with the terms of the department authorization and any trading agreements into which they may have entered. *AIDING AND ABETTING AN INSURRECTION WHEREAS BOTH ARE LIABLE*

(f) Buyers of water quality credits are responsible for complying with the terms of the department water discharge permit.

(g) The department shall take appropriate action to address the failure of a credit seller to fulfill its obligations, including, as necessary, deeming the seller's credits invalid if the seller cannot achieve the



WHY DID LEGISLATION ALLOW THIS PROBLEM TO BE CREATED IN THE FIRST PLACE!

Artificial 373.019(15)

load reductions on which the credits were based in a reasonable time. (If the department determines duly acquired water quality credits to be invalid) in whole or in part, thereby causing the credit buyer to be unable to timely meet its pollutant reduction obligations under this section, the department shall issue an order establishing the actions required of the buyer to meet its obligations by alternative means and a reasonable schedule for completing the actions. The invalidation of credits does not, in and of itself, constitute a violation of the buyer's water discharge permit.

(h) The department may authorize water quality credit trading in adopted basin management action plans. Participation in water quality credit trading is entirely voluntary. Entities that participate in water quality credit trades shall timely report to the department the prices for credits, how the prices were determined, and any state funding received for the facilities or activities that generated the credits. The department may not participate in the establishment of credit prices.

(i) Land set-asides and land use modifications not otherwise required by state law or a permit, including constructed wetlands or other water quality improvement projects, that reduce nutrient loads into nutrient impaired surface waters may be used under this subsection.

CONSTRUCTED (Artificial) WETLANDS

(9) RULES.—The department may adopt rules for:

GOD GIVEN WETLANDS

(a) Delisting water bodies or water body segments from the list developed under subsection (4) pursuant to the guidance under subsection (5).

(b) Administering of funds to implement the total maximum daily load and basin management action planning programs.

WHY SHOULD YOU GET PAID TO REPAIR THE PROBLEM LEGISLATION MADE?

(c) Water quality credit trading among the pollutant sources to a water body or water body segment.

LEGISLATIVE OMISSION OF PROPER DUTY, AS FUNDSEEN!

The rules must provide for the following:

1. The process to be used to determine how credits are generated, quantified, and validated.

INVALID LAW MAKING!

2. A publicly accessible water quality credit trading registry that tracks water quality credits, trading activities, and prices paid for credits.

3. Limitations on the availability and use of water quality credits, including a list of eligible pollutants or parameters and minimum water quality requirements and, where appropriate, adjustments to reflect best management practice performance uncertainties and water-segment-specific location factors.

4. The timing and duration of credits and allowance for credit transferability.

T.D.R. - POLITICAL HAND-OFF?

5. Mechanisms for determining and ensuring compliance with trading procedures, including recordkeeping, monitoring, reporting, and inspections.

FEE (SIMPLE) TITLE

373.139  
127.01  
380.08  
170.09  
180.08

At the time of publication of the draft rules on water quality credit trading, the department shall submit a copy to the United States Environmental Protection Agency for review.

CORPORATE Environmental

(d) The total maximum daily load calculation in accordance with paragraph (6)(a) immediately upon the effective date of this act, for those eight water segments within Lake Okeechobee proper as submitted to the United States Environmental Protection Agency pursuant to subsection (2).

Ex Order # 12803

(e) Implementation of other specific provisions.

GRAFTING/ADHOC

1st CONSTITUTION?

(10) APPLICATION.—The provisions of this section are intended to supplement existing law and may not be construed as altering any applicable state water quality standards or as restricting the authority otherwise granted to the department or a water management district under this chapter or chapter 373. The exclusive means of state implementation of s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. shall be in accordance with the identification, assessment, calculation and allocation, and implementation provisions of this section.

373.019(15)

Artificial FEE (SIMPLE) TITLE

373.139

SUBVERSIVE USURPATIAL

(11) CONSTRUCTION.—This section does not limit the applicability or consideration of any mixing zone, variance, exemption, site specific alternative criteria, or other moderating provision.

(12) IMPLEMENTATION OF ADDITIONAL PROGRAMS.—

RECLAIMED WATER "VARIANCE" IS EMINENT DOMAIN

153.03(5)

LIBERALLY CONSTRUED GRANT 153.90

PRACTICED AT THE ARTS OF EVASION

(a) The department may not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

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(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to paragraph (7)(c) for any water body or segment for which a total maximum daily load or allocation has not been established. The implementation of such pollution control programs may be considered by the department in the determination made pursuant to subsection (4).

PRACTICE OF EVASION

SIMPLE PHYSICS AND GEOMETRY - THOMAS JEFFERSON

14th AMENDMENT

(13) RULE CHALLENGES.—In order to provide adequate due process while ensuring timely development of total maximum daily loads, proposed rules and orders authorized by this act are ineffective pending resolution of a s. 120.54(3), s. 120.56, s. 120.569, or s. 120.57 administrative proceeding. However, the department may go forward prior to resolution of such administrative proceedings with subsequent agency actions authorized by subsections (2)-(6) if the department can support and substantiate those actions using the underlying bases for the rules or orders without the benefit of any legal presumption favoring, or in deference to, the challenged rules or orders.

CAPRICIOUS FACT

BOOK OF COMMON REBELLION

History.—s. 3, ch. 99-223; s. 10, ch. 99-353; s. 3, ch. 2000-130; s. 1, ch. 2001-74; s. 1, ch. 2002-165; s. 17, ch. 2002-295; s. 10, ch. 2003-265; s. 6, ch. 2005-166; s. 13, ch. 2005-291; s. 1, ch. 2006-76; s. 10, ch. 2006-289; s. 1, ch. 2008-189; s. 1, ch. 2013-70; s. 2, ch. 2013-146; s. 44, ch. 2015-2; s. 33, ch. 2016-1; s. 4, ch. 2016-130; s. 13, ch. 2020-150.

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Book of Common REBELLION