

By Senator Diaz de la Portilla

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1 A bill to be entitled
2 An act relating to domestic wastewater discharged
3 through ocean outfalls; amending s. 403.086, F.S.;
4 postponing the dates by which domestic wastewater
5 facilities must meet more stringent treatment and
6 management requirements; providing exceptions and
7 alternatives; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Paragraphs (b) through (e) of subsection (9) of
12 section 403.086, Florida Statutes, are amended to read:

13 403.086 Sewage disposal facilities; advanced and secondary
14 waste treatment.—

15 (9) The Legislature finds that the discharge of domestic
16 wastewater through ocean outfalls wastes valuable water supplies
17 that should be reclaimed for beneficial purposes to meet public
18 and natural systems demands. The Legislature also finds that
19 discharge of domestic wastewater through ocean outfalls
20 compromises the coastal environment, quality of life, and local
21 economies that depend on those resources. The Legislature
22 declares that more stringent treatment and management
23 requirements for such domestic wastewater and the subsequent,
24 timely elimination of ocean outfalls as a primary means of
25 domestic wastewater discharge are in the public interest.

26 (b) With the exception of cumulative peak flows that do not
27 exceed 10 percent of total annual flows, the discharge of
28 domestic wastewater through ocean outfalls must ~~shall~~ meet
29 advanced wastewater treatment and management requirements by

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30 December 31, 2023 ~~no later than December 31, 2018~~. For purposes
31 of this subsection, the term "advanced wastewater treatment and
32 management requirements" means the advanced waste treatment
33 requirements set forth in subsection (4), a reduction in outfall
34 baseline loadings of total nitrogen and total phosphorus which
35 is equivalent to that which would be achieved by the advanced
36 waste treatment requirements in subsection (4), or a reduction
37 in cumulative outfall loadings of total nitrogen and total
38 phosphorus occurring between December 31, 2008, and December 31,
39 2030 ~~2025~~, which is equivalent to that which would be achieved
40 if the advanced waste treatment requirements in subsection (4)
41 were fully implemented beginning December 31, 2023 ~~2018~~, and
42 continued through December 31, 2030 ~~2025~~. The department shall
43 establish the average baseline loadings of total nitrogen and
44 total phosphorus for each outfall using monitoring data
45 available for calendar years 2003 through 2007 and ~~shall~~
46 establish required loading reductions based on this baseline.
47 The baseline loadings and required loading reductions of total
48 nitrogen and total phosphorus shall be expressed as an average
49 annual daily loading value. The advanced wastewater treatment
50 and management requirements of this paragraph shall be deemed to
51 be met for any domestic wastewater facility discharging through
52 an ocean outfall on July 1, 2008, which, by December 31, 2023,
53 has installed ~~no later than December 31, 2018,~~ a fully
54 operational reuse system comprising 100 percent of the
55 facility's annual average daily flow for reuse activities
56 authorized by the department.

57 (c) Each domestic wastewater facility that discharges
58 through an ocean outfall on July 1, 2008, must ~~shall~~ install a

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59 functioning reuse system by December 31, 2030 ~~no later than~~
60 ~~December 31, 2025~~. For purposes of this subsection, a
61 "functioning reuse system" means an environmentally,
62 economically, and technically feasible system that provides a
63 minimum treatment capacity of 60 percent of the facility's
64 actual flow on an annual basis for irrigation of public access
65 areas, residential properties, or agricultural crops; aquifer
66 recharge; groundwater recharge; industrial cooling; or other
67 acceptable reuse purposes authorized by the department. For
68 purposes of this subsection, the term "facility's actual flow on
69 an annual basis" means the annual average flow of domestic
70 wastewater discharging through the facility's ocean outfall, as
71 determined by the department, using monitoring data available
72 for calendar years 2003 through 2007. Flows diverted from
73 facilities to other facilities that provide 100 percent reuse of
74 the diverted flows before ~~prior to~~ December 31, 2030 ~~2025~~, shall
75 be considered to contribute to meeting the 60 percent reuse
76 requirement. For utilities operating more than one outfall, the
77 reuse requirement can be met if the combined actual reuse flows
78 from facilities served by the outfalls is at least 60 percent of
79 the sum of the total actual flows from the facilities, including
80 flows diverted to other facilities for 100 percent reuse before
81 ~~prior to~~ December 31, 2030 ~~2025~~. If, in the event treatment in
82 addition to the advanced wastewater treatment and management
83 requirements described in paragraph (b), treatment is needed ~~in~~
84 ~~order~~ to support a functioning reuse system, such treatment must
85 ~~shall~~ be fully operational by December 31, 2030 ~~no later than~~
86 ~~December 31, 2025~~. Utilities may also satisfy the reuse
87 requirement by demonstrating that they have a functioning reuse

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88 system equivalent to 60 percent of the total average daily
89 wastewater flows of their entire wastewater system by December
90 31, 2030.

91 (d) With the exception of cumulative peak flows that do not
92 exceed 10 percent of total annual flows, the discharge of
93 domestic wastewater through ocean outfalls is prohibited after
94 December 31, 2030 ~~2025~~, except as a backup discharge that is
95 part of a functioning reuse system authorized by the department
96 as provided ~~for~~ in paragraph (c). A backup discharge may occur
97 only during periods of reduced demand for reclaimed water in the
98 reuse system, such as periods of wet weather, and must ~~shall~~
99 comply with the advanced wastewater treatment and management
100 requirements of paragraph (b).

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

105 1. A detailed plan to meet the requirements of this
106 subsection, including the ~~an~~ identification of all land
107 acquisition and facilities necessary to provide for reuse of the
108 domestic wastewater; an analysis of the costs to meet the
109 requirements; and a financing plan for meeting the requirements,
110 including identifying any actions necessary to implement the
111 financing plan, such as bond issuance or other borrowing,
112 assessments, rate increases, fees, other charges, or other
113 financing mechanisms. The plan must ~~shall~~ include a detailed
114 schedule for the completion of all necessary actions and ~~shall~~
115 be accompanied by supporting data and other documentation. The
116 plan must ~~shall~~ be submitted by July 1, 2018 ~~no later than July~~

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117 ~~1, 2013.~~

118 2. By July 1, 2021 ~~No later than July 1, 2016~~, an update of
119 the plan required in subparagraph 1. documenting any refinements
120 or changes in the costs, actions, or financing necessary to
121 eliminate the ocean outfall discharge in accordance with this
122 subsection or a written statement that the plan is current and
123 accurate.

124 Section 2. This act shall take effect July 1, 2011.