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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2011	.	
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The Committee on Community Affairs (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (9) of section 403.086, Florida
Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary
waste treatment.-

(9) 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. The Legislature also finds that



13 discharge of domestic wastewater through ocean outfalls
14 compromises the coastal environment, quality of life, and local
15 economies that depend on those resources. The Legislature
16 declares that more stringent treatment and management
17 requirements for such domestic wastewater and the subsequent,
18 timely elimination of ocean outfalls as a primary means of
19 domestic wastewater discharge are in the public interest.

20 (a) The construction of new ocean outfalls for domestic
21 wastewater discharge and the expansion of existing ocean
22 outfalls for this purpose, along with associated pumping and
23 piping systems, are prohibited. Each domestic wastewater ocean
24 outfall shall be limited to the discharge capacity specified in
25 the department permit authorizing the outfall in effect on July
26 1, 2008, which discharge capacity shall not be increased.
27 Maintenance of existing, department-authorized domestic
28 wastewater ocean outfalls and associated pumping and piping
29 systems is allowed, subject to the requirements of this section.
30 The department is directed to work with the United States
31 Environmental Protection Agency to ensure that the requirements
32 of this subsection are implemented consistently for all domestic
33 wastewater facilities in Florida which discharge through ocean
34 outfalls.

35 (b) The discharge of domestic wastewater through ocean
36 outfalls must ~~shall~~ meet advanced wastewater treatment and
37 management requirements by December 31, 2023 ~~no later than~~
38 ~~December 31, 2018~~. For purposes of this subsection, the term
39 "advanced wastewater treatment and management requirements"
40 means the advanced waste treatment requirements set forth in
41 subsection (4), a reduction in outfall baseline loadings of



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42 total nitrogen and total phosphorus which is equivalent to that
43 which would be achieved by the advanced waste treatment
44 requirements in subsection (4), or a reduction in cumulative
45 outfall loadings of total nitrogen and total phosphorus
46 occurring between December 31, 2008, and December 31, 2025,
47 which is equivalent to that which would be achieved if the
48 advanced waste treatment requirements in subsection (4) were
49 fully implemented beginning December 31, 2020 ~~2018~~, and
50 continued through December 31, 2025. The department shall
51 establish the average baseline loadings of total nitrogen and
52 total phosphorus for each outfall using monitoring data
53 available for calendar years 2003 through 2007 and ~~shall~~
54 establish required loading reductions based on this baseline.
55 The baseline loadings and required loading reductions of total
56 nitrogen and total phosphorus shall be expressed as an average
57 annual daily loading value. The advanced wastewater treatment
58 and management requirements of this paragraph shall be deemed to
59 be met for any domestic wastewater facility discharging through
60 an ocean outfall on July 1, 2008, which has installed by ~~no~~
61 ~~later than~~ December 31, 2018, a fully operational reuse system
62 comprising 100 percent of the facility's annual average daily
63 flow for reuse activities authorized by the department.

64 (c)1. Each utility that had a permit for a domestic
65 wastewater facility that discharged ~~discharges~~ through an ocean
66 outfall on July 1, 2008, must ~~shall~~ install a functioning reuse
67 system by ~~no later than~~ December 31, 2025. For purposes of this
68 subsection, a "functioning reuse system" means an
69 environmentally, economically, and technically feasible system
70 that provides a minimum of 60 percent of a ~~the~~ facility's



71 baseline actual flow or, for utilities operating more than one
72 facility, 60 percent of the utility's entire wastewater system
73 flow on an annual basis on December 31, 2025. Reuse may be ~~on an~~
74 annual basis for irrigation of public access areas, residential
75 properties, or agricultural crops; aquifer recharge of the
76 Biscayne or Upper Floridan Aquifers; groundwater recharge;
77 industrial cooling; or other acceptable reuse purposes
78 authorized by the department. For purposes of this subsection,
79 the term "baseline flow" "~~facility's actual flow on an annual~~
80 ~~basis~~" means the annual average flow of domestic wastewater
81 discharging through the facility's ocean outfall, as determined
82 by the department, using monitoring data available for calendar
83 years 2003 through 2007.

84 2. Flows diverted from facilities to other facilities that
85 provide 100 percent reuse of the diverted flows before ~~prior to~~
86 December 31, 2025, shall be considered to contribute to meeting
87 the ~~60 percent~~ reuse requirement. For utilities operating more
88 than one outfall, the reuse requirement may ~~can~~ be apportioned
89 between the ~~met if the combined actual reuse flows from~~
90 ~~facilities served by the outfalls is at least 60 percent of the~~
91 ~~sum of the total actual flows from the facilities, including~~
92 ~~flows diverted to other facilities for 100 percent reuse~~ before
93 ~~prior to~~ December 31, 2025. Utilities that shared a common ocean
94 outfall for the discharge of domestic wastewater on July 1,
95 2008, regardless of which utility operates the ocean outfall,
96 are individually responsible for meeting the reuse requirement
97 and may enter into binding agreements to share or transfer such
98 responsibility among the utilities. In the event treatment in
99 addition to the advanced wastewater treatment and management



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100 requirements described in paragraph (b) is needed in order to
101 support a functioning reuse system, such treatment must ~~shall~~ be
102 fully operational by no later than December 31, 2025.

103 (d) The discharge of domestic wastewater through ocean
104 outfalls is prohibited after December 31, 2025, except as a
105 backup discharge that is part of a functioning reuse system or
106 other wastewater management system authorized by the department
107 ~~as provided for in paragraph (c)~~. Except as otherwise provided
108 in this subsection, a backup discharge may occur only during
109 periods of reduced demand for reclaimed water in the reuse
110 system, such as periods of wet weather, or as the result of peak
111 flows from other wastewater management systems, and must ~~shall~~
112 comply with the advanced wastewater treatment and management
113 requirements of paragraph (b). Peak flow backup discharges from
114 other wastewater management systems may not cumulatively exceed
115 5 percent of a facility's baseline flow, measured as a 5-year
116 rolling average; are subject to applicable secondary waste
117 treatment and water-quality-based effluent limitations specified
118 in department rules; and, when in compliance with the effluent
119 limitations, are deemed to meet the advanced wastewater
120 treatment requirements of this subsection.

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

125 1. A detailed plan to meet the requirements of this
126 subsection, including the identification of the technical,
127 environmental, and economic feasibility of various reuse
128 options; the ~~an~~ identification of all land acquisition and



129 facilities necessary to provide for reuse of the domestic
130 wastewater; an analysis of the costs to meet the requirements,
131 including the level of treatment necessary to satisfy state
132 water quality requirements and local water quality
133 considerations, and a comparative cost of reuse using flows from
134 ocean outfalls and flows from other domestic wastewater sources;
135 and a financing plan for meeting the requirements, including
136 identifying any actions necessary to implement the financing
137 plan, such as bond issuance or other borrowing, assessments,
138 rate increases, fees, other charges, or other financing
139 mechanisms. The plan must evaluate reuse demand in the context
140 of future regional water supply demands, the availability of
141 traditional water supplies, the need for development of
142 alternative water supplies, the degree to which various reuse
143 options offset potable water supplies, and other factors
144 considered in the South Florida Water Management District's
145 Lower East Coast Regional Water Supply Plan. The plan must ~~shall~~
146 include a detailed schedule for the completion of all necessary
147 actions and ~~shall~~ be accompanied by supporting data and other
148 documentation. The plan must ~~shall~~ be submitted by October 1,
149 2014 ~~no later than July 1, 2013.~~

150 2. By July 1, 2018 ~~No later than July 1, 2016,~~ an update of
151 the plan required in subparagraph 1. documenting any refinements
152 or changes in the costs, actions, or financing necessary to
153 eliminate the ocean outfall discharge in accordance with this
154 subsection or a written statement that the plan is current and
155 accurate.

156 (f) By December 31, 2009, and by December 31 every 5 years
157 thereafter, the holder of a department permit authorizing the



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158 discharge of domestic wastewater through an ocean outfall shall
159 submit to the secretary of the department a report summarizing
160 the actions accomplished to date and the actions remaining and
161 proposed to meet the requirements of this subsection, including
162 progress toward meeting the specific deadlines set forth in
163 paragraphs (b) through (e). The report shall include the
164 detailed schedule for and status of the evaluation of reuse and
165 disposal options, preparation of preliminary design reports,
166 preparation and submittal of permit applications, construction
167 initiation, construction progress milestones, construction
168 completion, initiation of operation, and continuing operation
169 and maintenance.

170 (g) No later than July 1, 2010, and by July 1 every 5 years
171 thereafter, the department shall submit a report to the
172 Governor, the President of the Senate, and the Speaker of the
173 House of Representatives on the implementation of this
174 subsection. The report shall summarize progress to date,
175 including the increased amount of reclaimed water provided and
176 potable water offsets achieved, and identify any obstacles to
177 continued progress, including all instances of substantial
178 noncompliance.

179 (h) By February 1, 2012, the department shall submit a
180 report to the Governor and Legislature detailing the results and
181 recommendations from phases 1 through 3 of its ongoing study on
182 reclaimed water use.

183 (i) The renewal of each permit that authorizes the
184 discharge of domestic wastewater through an ocean outfall as of
185 July 1, 2008, shall be accompanied by an order in accordance
186 with s. 403.088(2)(e) and (f) which establishes an enforceable



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187 compliance schedule consistent with the requirements of this
188 subsection.

189 (j) An entity that diverts wastewater flow from a receiving
190 facility that discharges domestic wastewater through an ocean
191 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
192 (c). Reuse by the diverting entity of the diverted flows shall
193 be credited to the diverting entity. The diverted flow shall
194 also be correspondingly deducted from the receiving facility's
195 baseline actual flow on an annual basis from which the required
196 reuse is calculated pursuant to paragraph (c), and the receiving
197 facility's reuse requirement shall be recalculated accordingly.

198
199 The department, the South Florida Water Management District, and
200 the affected utilities must consider the information in the
201 detailed plan under paragraph (e) for the purpose of adjusting,
202 as necessary, the reuse requirements of this subsection. The
203 department shall submit a report to the Legislature by February
204 15, 2015, containing recommendations for any changes necessary
205 to the requirements of this subsection.

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

207
208 ===== T I T L E A M E N D M E N T =====

209 And the title is amended as follows:

210 Delete everything before the enacting clause
211 and insert:

212 A bill to be entitled
213 An act relating to domestic wastewater discharged
214 through ocean outfalls; amending s. 403.086, F.S.;
215 postponing the dates by which domestic wastewater



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216 facilities must meet more stringent treatment and
217 management requirements; providing exceptions;
218 revising the definition of the term "functioning reuse
219 system"; changing the term "facility's actual flow on
220 an annual basis" to "baseline flow"; revising plan
221 requirements for the elimination of ocean outfalls;
222 providing that certain utilities that shared a common
223 ocean outfall on a specified date are individually
224 responsible for meeting the reuse requirement;
225 authorizing those utilities to enter into binding
226 agreements to share or transfer responsibility for
227 meeting reuse requirements; revising provisions on the
228 discharge of domestic wastewater through ocean
229 outfalls; requiring a holder of a department permit
230 authorizing the discharge of domestic wastewater
231 through an ocean outfall to submit certain
232 information; requiring the Department of Environmental
233 Protection, the South Florida Water Management
234 District, and affected utilities to consider certain
235 information for the purpose of adjusting reuse
236 requirements; requiring the department to submit a
237 report to the Legislature; providing an effective
238 date.