

By the Committee on Environmental Preservation and Conservation;  
and Senators Diaz de la Portilla and Sobel

592-02634-11

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1 A bill to be entitled

2 An act relating to domestic wastewater ocean outfalls;  
3 amending s. 403.086, F.S.; postponing the dates by  
4 which domestic wastewater facilities must meet more  
5 stringent treatment and management requirements for  
6 the discharge of domestic wastewater; defining the  
7 term "baseline flow" for purposes of determining the  
8 annual average flow of a utility's domestic wastewater  
9 discharge; authorizing utilities to apportion the  
10 amount of wastewater outfall for purposes of meeting  
11 the reuse requirements; authorizing utilities to enter  
12 into binding agreements; providing additional  
13 requirements for backup discharges; providing  
14 exceptions and alternatives with respect to such  
15 backup discharges; providing additional requirements  
16 for the plans submitted to the Department of  
17 Environmental Protection by the holder of a permit  
18 authorizing the discharge of domestic wastewater  
19 through an ocean outfall; requiring the department,  
20 the South Florida Water Management District, and  
21 affected utilities to adjust the reuse requirements  
22 provided under the act; requiring that the department  
23 submit a report to the Legislature by a specified  
24 date; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Paragraphs (b), (c), (d), (e), and (j) of  
29 subsection (9) of section 403.086, Florida Statutes, are amended

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30 to read:

31 403.086 Sewage disposal facilities; advanced and secondary  
32 waste treatment.—

33 (9) The Legislature finds that the discharge of domestic  
34 wastewater through ocean outfalls wastes valuable water supplies  
35 that should be reclaimed for beneficial purposes to meet public  
36 and natural systems demands. The Legislature also finds that  
37 discharge of domestic wastewater through ocean outfalls  
38 compromises the coastal environment, quality of life, and local  
39 economies that depend on those resources. The Legislature  
40 declares that more stringent treatment and management  
41 requirements for such domestic wastewater and the subsequent,  
42 timely elimination of ocean outfalls as a primary means of  
43 domestic wastewater discharge are in the public interest.

44 (b) The discharge of domestic wastewater through ocean  
45 outfalls shall meet advanced wastewater treatment and management  
46 requirements no later than December 31, 2018. For purposes of  
47 this subsection, the term "advanced wastewater treatment and  
48 management requirements" means the advanced waste treatment  
49 requirements set forth in subsection (4), a reduction in outfall  
50 baseline loadings of total nitrogen and total phosphorus which  
51 is equivalent to that which would be achieved by the advanced  
52 waste treatment requirements in subsection (4), or a reduction  
53 in cumulative outfall loadings of total nitrogen and total  
54 phosphorus occurring between December 31, 2008, and December 31,  
55 2030 ~~2025~~, which is equivalent to that which would be achieved  
56 if the advanced waste treatment requirements in subsection (4)  
57 were fully implemented beginning December 31, 2023 ~~2018~~, and  
58 continued through December 31, 2030 ~~2025~~. The department shall

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59 establish the average baseline loadings of total nitrogen and  
60 total phosphorus for each outfall using monitoring data  
61 available for calendar years 2003 through 2007 and shall  
62 establish required loading reductions based on this baseline.  
63 The baseline loadings and required loading reductions of total  
64 nitrogen and total phosphorus shall be expressed as an average  
65 annual daily loading value. The advanced wastewater treatment  
66 and management requirements of this paragraph shall be deemed to  
67 be met for any domestic wastewater facility discharging through  
68 an ocean outfall on July 1, 2008, which has installed no later  
69 than December 31, 2018, a fully operational reuse system  
70 comprising 100 percent of the facility's annual average daily  
71 flow for reuse activities authorized by the department.

72 (c)1. Each utility that had a permit for a domestic  
73 wastewater facility that discharged ~~discharges~~ through an ocean  
74 outfall on July 1, 2008, shall install a functioning reuse  
75 system no later than December 31, 2030 ~~2025~~. For purposes of  
76 this subsection, a "functioning reuse system" means an  
77 environmentally, economically, and technically feasible system  
78 that provides a minimum of 60 percent of a the facility's  
79 baseline actual flow or, for utilities operating more than one  
80 facility, 60 percent of the utility's entire wastewater system  
81 flow on an annual basis on December 31, 2030. Reuse may be ~~on an~~  
82 ~~annual basis~~ for irrigation of public access areas, residential  
83 properties, or agricultural crops; aquifer recharge of the  
84 Biscayne or Upper Floridan Aquifers; groundwater recharge;  
85 industrial cooling; or other acceptable reuse purposes  
86 authorized by the department. For purposes of this subsection,  
87 the term "baseline facility's actual flow on an annual basis"

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88 means the annual average flow of domestic wastewater discharging  
89 through the facility's ocean outfall, as determined by the  
90 department, using monitoring data available for calendar years  
91 2003 through 2007.

92 2. Flows diverted from facilities to other facilities that  
93 provide 100 percent reuse of the diverted flows prior to  
94 December 31, 2030 ~~2025~~, shall be considered to contribute to  
95 meeting the ~~60 percent~~ reuse requirement. For utilities  
96 operating more than one outfall, the reuse requirement may ~~can~~  
97 be apportioned between the ~~met if the combined actual reuse~~  
98 flows from facilities served by the outfalls is at least 60  
99 percent of the sum of the total actual flows from the  
100 facilities, including flows diverted to other facilities for 100  
101 percent reuse prior to December 31, 2030 ~~2025~~. Utilities that  
102 shared a common ocean outfall for the discharge of domestic  
103 wastewater on July 1, 2008, regardless of which utility operates  
104 the ocean outfall, are individually responsible for meeting the  
105 reuse requirement and may enter into binding agreements to share  
106 or transfer such responsibility among the utilities. In the  
107 event treatment in addition to the advanced wastewater treatment  
108 and management requirements described in paragraph (b) is needed  
109 in order to support a functioning reuse system, such treatment  
110 shall be fully operational no later than December 31, 2030 ~~2025~~.

111 (d) The discharge of domestic wastewater through ocean  
112 outfalls is prohibited after December 31, 2030 ~~2025~~, except as a  
113 backup discharge that is part of a functioning reuse system or  
114 other wastewater management system authorized by the department  
115 ~~as provided for in paragraph (e)~~. A backup discharge may occur  
116 only during periods of reduced demand for reclaimed water in the

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117 reuse system, such as periods of wet weather, or as the result  
118 of peak flows from other wastewater management systems ~~and shall~~  
119 ~~comply with the advanced wastewater treatment and management~~  
120 ~~requirements of paragraph (b).~~ Except as otherwise provided in  
121 this subsection, peak flow backup discharges may not  
122 cumulatively exceed 5 percent of a facility's baseline flow,  
123 measured as a 5-year rolling average, are subject to applicable  
124 technology and water-quality-based effluent limitations  
125 specified in department rules, and, when in compliance with the  
126 effluent limitations, are deemed to meet the advanced wastewater  
127 treatment requirements of this subsection. A backup discharge is  
128 authorized and deemed to meet the advanced wastewater treatment  
129 requirements of this subsection for any domestic wastewater  
130 facility discharging through an ocean outfall on July 1, 2008,  
131 which has installed by December 31, 2018, a fully operational  
132 reuse system comprising 100 percent of the facility's annual  
133 average daily flow for reuse activities authorized by the  
134 department.

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

139 1. A detailed plan to meet the requirements of this  
140 subsection, including an identification of the technical,  
141 environmental, and economic feasibility of various reuse  
142 options; an identification of all land acquisition and  
143 facilities necessary to provide for reuse of the domestic  
144 wastewater; an analysis of the costs to meet the requirements,  
145 including the level of treatment necessary to satisfy state

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146 water quality requirements and local water quality  
147 considerations, and a comparative cost of reuse using flows from  
148 ocean outfalls and flows from other domestic wastewater sources;  
149 and a financing plan for meeting the requirements, including  
150 identifying any actions necessary to implement the financing  
151 plan, such as bond issuance or other borrowing, assessments,  
152 rate increases, fees, other charges, or other financing  
153 mechanisms. The plan shall evaluate reuse demand in the context  
154 of future regional water supply demands, the availability of  
155 traditional water supplies, the need for development of  
156 alternative water supplies, the degree to which various reuse  
157 options offset potable water supplies, and other factors  
158 considered in the South Florida Water Management District's  
159 Lower East Coast Regional Water Supply Plan. The plan shall  
160 include a detailed schedule for the completion of all necessary  
161 actions and shall be accompanied by supporting data and other  
162 documentation. The plan shall be submitted no later than July 1,  
163 2018 ~~2013~~.

164 2. No later than July 1, 2021 ~~2016~~, an update of the plan  
165 required in subparagraph 1. documenting any refinements or  
166 changes in the costs, actions, or financing necessary to  
167 eliminate the ocean outfall discharge in accordance with this  
168 subsection or a written statement that the plan is current and  
169 accurate.

170  
171 The department, the South Florida Water Management District, and  
172 the affected utilities shall consider the information in the  
173 detailed plan for the purpose of adjusting, as necessary, the  
174 reuse requirements of this subsection. The department shall

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175 submit a report to the Legislature by February 15, 2019,  
176 containing recommendations for any changes necessary to the  
177 requirements of this subsection.

178 (j) An entity that diverts wastewater flow from a receiving  
179 facility that discharges domestic wastewater through an ocean  
180 outfall must meet the ~~60 percent~~ reuse requirement of paragraph  
181 (c). Reuse by the diverting entity of the diverted flows shall  
182 be credited to the diverting entity. The diverted flow shall  
183 also be correspondingly deducted from the receiving facility's  
184 baseline actual flow ~~on an annual basis~~ from which the required  
185 reuse is calculated pursuant to paragraph (c), and the receiving  
186 facility's reuse requirement shall be recalculated accordingly.

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