

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senators Diaz de la Portilla and Sobel

578-04255-11

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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;
7 revising the definition of the term "functioning reuse
8 system"; changing the term "facility's actual flow on
9 an annual basis" to "baseline flow"; revising plan
10 requirements for the elimination of ocean outfalls;
11 providing that certain utilities that shared a common
12 ocean outfall on a specified date are individually
13 responsible for meeting the reuse requirement;
14 authorizing those utilities to enter into binding
15 agreements to share or transfer responsibility for
16 meeting reuse requirements; revising provisions on the
17 discharge of domestic wastewater through ocean
18 outfalls; requiring a holder of a department permit
19 authorizing the discharge of domestic wastewater
20 through an ocean outfall to submit certain
21 information; requiring the Department of Environmental
22 Protection, the South Florida Water Management
23 District, and affected utilities to consider certain
24 information for the purpose of adjusting reuse
25 requirements; requiring the department to submit a
26 report to the Legislature; providing an effective
27 date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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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 discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. 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.

(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

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59 wastewater facilities in Florida which discharge through ocean
60 outfalls.

61 (b) The discharge of domestic wastewater through ocean
62 outfalls must ~~shall~~ meet advanced wastewater treatment and
63 management requirements by December 31, 2023 ~~no later than~~
64 ~~December 31, 2018~~. For purposes of this subsection, the term
65 "advanced wastewater treatment and management requirements"
66 means the advanced waste treatment requirements set forth in
67 subsection (4), a reduction in outfall baseline loadings of
68 total nitrogen and total phosphorus which is equivalent to that
69 which would be achieved by the advanced waste treatment
70 requirements in subsection (4), or a reduction in cumulative
71 outfall loadings of total nitrogen and total phosphorus
72 occurring between December 31, 2008, and December 31, 2025,
73 which is equivalent to that which would be achieved if the
74 advanced waste treatment requirements in subsection (4) were
75 fully implemented beginning December 31, 2020 ~~2018~~, and
76 continued through December 31, 2025. The department shall
77 establish the average baseline loadings of total nitrogen and
78 total phosphorus for each outfall using monitoring data
79 available for calendar years 2003 through 2007 and ~~shall~~
80 establish required loading reductions based on this baseline.
81 The baseline loadings and required loading reductions of total
82 nitrogen and total phosphorus shall be expressed as an average
83 annual daily loading value. The advanced wastewater treatment
84 and management requirements of this paragraph shall be deemed to
85 be met for any domestic wastewater facility discharging through
86 an ocean outfall on July 1, 2008, which has installed by ~~no~~
87 ~~later than~~ December 31, 2018, a fully operational reuse system

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88 comprising 100 percent of the facility's annual average daily
89 flow for reuse activities authorized by the department.

90 (c)1. Each utility that had a permit for a domestic
91 wastewater facility that ~~discharged~~ discharges through an ocean
92 outfall on July 1, 2008, ~~must~~ shall install a functioning reuse
93 system ~~by no later than~~ December 31, 2025. For purposes of this
94 subsection, a "functioning reuse system" means an
95 environmentally, economically, and technically feasible system
96 that provides a minimum of 60 percent of ~~a the~~ facility's
97 ~~baseline actual~~ flow or, for utilities operating more than one
98 facility, 60 percent of the utility's entire wastewater system
99 flow on an annual basis on December 31, 2025. Reuse may be ~~on an~~
100 ~~annual basis~~ for irrigation of public access areas, residential
101 properties, or agricultural crops; ~~aquifer~~ recharge of the
102 Biscayne or Upper Floridan Aquifers; groundwater recharge;
103 industrial cooling; or other acceptable reuse purposes
104 authorized by the department. For purposes of this subsection,
105 the term "baseline flow" ~~"facility's actual flow on an annual~~
106 ~~basis"~~ means the annual average flow of domestic wastewater
107 discharging through the facility's ocean outfall, as determined
108 by the department, using monitoring data available for calendar
109 years 2003 through 2007.

110 2. Flows diverted from facilities to other facilities that
111 provide 100 percent reuse of the diverted flows before ~~prior to~~
112 December 31, 2025, shall be considered to contribute to meeting
113 the ~~60 percent~~ reuse requirement. For utilities operating more
114 than one outfall, the reuse requirement may ~~can~~ be apportioned
115 between the ~~met if the combined actual reuse flows from~~
116 facilities served by the outfalls ~~is at least 60 percent of the~~

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117 ~~sum of the total actual flows from the facilities, including~~
118 ~~flows diverted to other facilities for 100 percent reuse before~~
119 ~~prior to December 31, 2025. Utilities that shared a common ocean~~
120 ~~outfall for the discharge of domestic wastewater on July 1,~~
121 ~~2008, regardless of which utility operates the ocean outfall,~~
122 ~~are individually responsible for meeting the reuse requirement~~
123 ~~and may enter into binding agreements to share or transfer such~~
124 ~~responsibility among the utilities. In the event treatment in~~
125 ~~addition to the advanced wastewater treatment and management~~
126 ~~requirements described in paragraph (b) is needed in order to~~
127 ~~support a functioning reuse system, such treatment must ~~shall~~ be~~
128 ~~fully operational by ~~no later than~~ December 31, 2025.~~

129 (d) The discharge of domestic wastewater through ocean
130 outfalls is prohibited after December 31, 2025, except as a
131 backup discharge that is part of a functioning reuse system or
132 other wastewater management system authorized by the department
133 ~~as provided for in paragraph (c).~~ Except as otherwise provided
134 in this subsection, a backup discharge may occur only during
135 periods of reduced demand for reclaimed water in the reuse
136 system, such as periods of wet weather, or as the result of peak
137 flows from other wastewater management systems, and must ~~shall~~
138 comply with the advanced wastewater treatment and management
139 requirements of paragraph (b). Peak flow backup discharges from
140 other wastewater management systems may not cumulatively exceed
141 5 percent of a facility's baseline flow, measured as a 5-year
142 rolling average; are subject to applicable secondary waste
143 treatment and water-quality-based effluent limitations specified
144 in department rules; and, when in compliance with the effluent
145 limitations, are deemed to meet the advanced wastewater

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146 treatment requirements of this subsection.

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

151 1. A detailed plan to meet the requirements of this
152 subsection, including the identification of the technical,
153 environmental, and economic feasibility of various reuse
154 options; the ~~an~~ identification of all land acquisition and
155 facilities necessary to provide for reuse of the domestic
156 wastewater; an analysis of the costs to meet the requirements,
157 including the level of treatment necessary to satisfy state
158 water quality requirements and local water quality
159 considerations, and a comparative cost of reuse using flows from
160 ocean outfalls and flows from other domestic wastewater sources;
161 and a financing plan for meeting the requirements, including
162 identifying any actions necessary to implement the financing
163 plan, such as bond issuance or other borrowing, assessments,
164 rate increases, fees, other charges, or other financing
165 mechanisms. The plan must evaluate reuse demand in the context
166 of future regional water supply demands, the availability of
167 traditional water supplies, the need for development of
168 alternative water supplies, the degree to which various reuse
169 options offset potable water supplies, and other factors
170 considered in the South Florida Water Management District's
171 Lower East Coast Regional Water Supply Plan. The plan must ~~shall~~
172 include a detailed schedule for the completion of all necessary
173 actions and ~~shall~~ be accompanied by supporting data and other
174 documentation. The plan must ~~shall~~ be submitted by October 1,

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175 2014 ~~no later than July 1, 2013.~~

176 2. By July 1, 2018 ~~No later than July 1, 2016,~~ an update of
177 the plan required in subparagraph 1. documenting any refinements
178 or changes in the costs, actions, or financing necessary to
179 eliminate the ocean outfall discharge in accordance with this
180 subsection or a written statement that the plan is current and
181 accurate.

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

196 (g) No later than July 1, 2010, and by July 1 every 5 years
197 thereafter, the department shall submit a report to the
198 Governor, the President of the Senate, and the Speaker of the
199 House of Representatives on the implementation of this
200 subsection. The report shall summarize progress to date,
201 including the increased amount of reclaimed water provided and
202 potable water offsets achieved, and identify any obstacles to
203 continued progress, including all instances of substantial

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204 noncompliance.

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

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

215 (j) An entity that diverts wastewater flow from a receiving
216 facility that discharges domestic wastewater through an ocean
217 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
218 (c). Reuse by the diverting entity of the diverted flows shall
219 be credited to the diverting entity. The diverted flow shall
220 also be correspondingly deducted from the receiving facility's
221 baseline actual flow on an annual basis from which the required
222 reuse is calculated pursuant to paragraph (c), and the receiving
223 facility's reuse requirement shall be recalculated accordingly.

224
225 The department, the South Florida Water Management District, and
226 the affected utilities must consider the information in the
227 detailed plan under paragraph (e) for the purpose of adjusting,
228 as necessary, the reuse requirements of this subsection. The
229 department shall submit a report to the Legislature by February
230 15, 2015, containing recommendations for any changes necessary
231 to the requirements of this subsection.

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