

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           revising the measurement standard for the wastewater  
5           flow; revising the requirements for installation of a  
6           functioning reuse system by a utility that had a  
7           permit for a domestic wastewater facility on a  
8           specified date to discharge through ocean outfall;  
9           revising the definition of the term "functioning reuse  
10          system"; changing the term "facility's actual flow on  
11          an annual basis" to "baseline flow"; revising plan  
12          requirements for the elimination of ocean outfalls;  
13          providing that certain utilities that shared a common  
14          ocean outfall on a specified date are individually  
15          responsible for meeting the reuse requirement;  
16          requiring that the Department of Environmental  
17          Protection approve certain apportionment of reuse if a  
18          facility contracts with another facility to install a  
19          functioning reuse system; requiring a copy of such  
20          contract be provided to the department; revising  
21          provisions authorizing the backup discharge of  
22          domestic wastewater through ocean outfalls; requiring  
23          a holder of a department permit authorizing the  
24          discharge of domestic wastewater through an ocean  
25          outfall to submit certain information; requiring the  
26          Department of Environmental Protection, the South  
27          Florida Water Management District, and affected  
28          utilities to consider certain information for the

29 |       purpose of adjusting reuse requirements; deleting an  
30 |       obsolete provision; requiring the department to submit  
31 |       a report to the Legislature; providing an effective  
32 |       date.

33 |

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

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

38 |       403.086 Sewage disposal facilities; advanced and secondary  
39 | waste treatment.—

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

51 |       (a) The construction of new ocean outfalls for domestic  
52 | wastewater discharge and the expansion of existing ocean  
53 | outfalls for this purpose, along with associated pumping and  
54 | piping systems, are prohibited. Each domestic wastewater ocean  
55 | outfall shall be limited to the discharge capacity specified in  
56 | the department permit authorizing the outfall in effect on July

57 | 1, 2008, which discharge capacity shall not be increased.  
58 | Maintenance of existing, department-authorized domestic  
59 | wastewater ocean outfalls and associated pumping and piping  
60 | systems is allowed, subject to the requirements of this section.  
61 | The department is directed to work with the United States  
62 | Environmental Protection Agency to ensure that the requirements  
63 | of this subsection are implemented consistently for all domestic  
64 | wastewater facilities in the state Florida which discharge  
65 | through ocean outfalls.

66 | (b) The discharge of domestic wastewater through ocean  
67 | outfalls must ~~shall~~ meet advanced wastewater treatment and  
68 | management requirements by ~~no later than~~ December 31, 2018. For  
69 | purposes of this subsection, the term "advanced wastewater  
70 | treatment and management requirements" means the advanced waste  
71 | treatment requirements set forth in subsection (4), a reduction  
72 | in outfall baseline loadings of total nitrogen and total  
73 | phosphorus which is equivalent to that which would be achieved  
74 | by the advanced waste treatment requirements in subsection (4),  
75 | or a reduction in cumulative outfall loadings of total nitrogen  
76 | and total phosphorus occurring between December 31, 2008, and  
77 | December 31, 2025, which is equivalent to that which would be  
78 | achieved if the advanced waste treatment requirements in  
79 | subsection (4) were fully implemented beginning December 31,  
80 | 2018, and continued through December 31, 2025. The department  
81 | shall establish the average baseline loadings of total nitrogen  
82 | and total phosphorus for each outfall using monitoring data  
83 | available for calendar years 2003 through 2007 and ~~shall~~  
84 | establish required loading reductions based on this baseline.

85 | The baseline loadings and required loading reductions of total  
 86 | nitrogen and total phosphorus shall be expressed as an average  
 87 | annual daily loading value. The advanced wastewater treatment  
 88 | and management requirements of this paragraph are ~~shall be~~  
 89 | deemed ~~to be~~ met for any domestic wastewater facility  
 90 | discharging through an ocean outfall on July 1, 2008, which has  
 91 | installed by ~~no later than~~ December 31, 2018, a fully  
 92 | operational reuse system comprising 100 percent of the  
 93 | facility's baseline flow on an annual basis ~~average daily flow~~  
 94 | for reuse activities authorized by the department.

95 |       (c)1. Each utility that had a permit for a domestic  
 96 | wastewater facility that discharged ~~discharges~~ through an ocean  
 97 | outfall on July 1, 2008, must ~~shall~~ install, or cause to be  
 98 | installed, a functioning reuse system within the utility's  
 99 | service area or, by contract with another utility, within Miami-  
 100 | Dade, Broward, or Palm Beach Counties by ~~no later than~~ December  
 101 | 31, 2025. For purposes of this subsection, a "functioning reuse  
 102 | system" means an environmentally, economically, and technically  
 103 | feasible system that provides a minimum of 60 percent of a ~~the~~  
 104 | facility's baseline ~~actual~~ flow on an annual basis for  
 105 | irrigation of public access areas, residential properties, or  
 106 | agricultural crops; aquifer recharge; groundwater recharge;  
 107 | industrial cooling; or other acceptable reuse purposes  
 108 | authorized by the department. For purposes of this subsection,  
 109 | the term "baseline flow" ~~"facility's actual flow on an annual~~  
 110 | ~~basis"~~ means the annual average flow of domestic wastewater  
 111 | discharging through the facility's ocean outfall, as determined  
 112 | by the department, using monitoring data available for calendar

113 years 2003 through 2007.

114 2. Flows diverted from facilities to other facilities that  
115 provide 100 percent reuse of the diverted flows before ~~prior to~~  
116 December 31, 2025, are ~~shall be~~ considered to contribute to  
117 meeting the ~~60 percent~~ reuse requirement. For utilities  
118 operating more than one outfall, the reuse requirement may ~~can~~  
119 be apportioned between the ~~met if the combined actual reuse~~  
120 ~~flows from~~ facilities served by the outfalls ~~is at least 60~~  
121 ~~percent of the sum of the total actual flows from the~~  
122 ~~facilities,~~ including flows diverted to other facilities for 100  
123 percent reuse before ~~prior to~~ December 31, 2025. Utilities that  
124 shared a common ocean outfall for the discharge of domestic  
125 wastewater on July 1, 2008, regardless of which utility operates  
126 the ocean outfall, are individually responsible for meeting the  
127 reuse requirement and may enter into binding agreements to share  
128 or transfer such responsibility among the utilities. If ~~In the~~  
129 ~~event~~ treatment in addition to the advanced wastewater treatment  
130 and management requirements described in paragraph (b) is needed  
131 ~~in order~~ to support a functioning reuse system, the ~~such~~  
132 treatment must ~~shall~~ be fully operational by ~~no later than~~  
133 December 31, 2025.

134 3. If a facility that discharges through an ocean outfall  
135 contracts with another utility to install a functioning reuse  
136 system, the department must approve any apportionment of the  
137 reuse generated from the new or expanded reuse system that is  
138 intended to satisfy all or a portion of the reuse requirements  
139 pursuant to subparagraph 1. If a contract is between two  
140 utilities that have reuse requirements pursuant to subparagraph

141 1., the reuse apportioned to each utility's requirement may not  
142 exceed the total reuse generated by the new or expanded reuse  
143 system. The department shall be provided with a copy of the  
144 contract reflecting such transactions between the utilities.

145 (d) The discharge of domestic wastewater through ocean  
146 outfalls is prohibited after December 31, 2025, except as a  
147 backup discharge that is part of a functioning reuse system or  
148 other wastewater management system authorized by the department  
149 as provided for in paragraph (e). Except as otherwise provided  
150 in this subsection, a backup discharge may occur only during  
151 periods of reduced demand for reclaimed water in the reuse  
152 system, such as periods of wet weather, or as the result of peak  
153 flows from other wastewater management systems, and must shall  
154 comply with the advanced wastewater treatment and management  
155 requirements of paragraph (b). Peak flow backup discharges from  
156 other wastewater management systems may not cumulatively exceed  
157 5 percent of a facility's baseline flow, measured as a 5-year  
158 rolling average, and are subject to applicable secondary waste  
159 treatment and water-quality-based effluent limitations specified  
160 in department rules. If peak flow backup discharges are in  
161 compliance with the effluent limitations, the discharges are  
162 deemed to meet the advanced wastewater treatment and management  
163 requirements of this subsection.

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

168 1. A detailed plan to meet the requirements of this

169 subsection, including the identification of the technical,  
170 environmental, and economic feasibility of various reuse  
171 options; the ~~an~~ identification of each ~~all~~ land acquisition and  
172 facility ~~facilities~~ necessary to provide for reuse of the  
173 domestic wastewater; an analysis of the costs to meet the  
174 requirements, including the level of treatment necessary to  
175 satisfy state water quality requirements and local water quality  
176 considerations and a cost comparison of reuse using flows from  
177 ocean outfalls and flows from other domestic wastewater sources;  
178 and a financing plan for meeting the requirements, including  
179 identifying any actions necessary to implement the financing  
180 plan, such as bond issuance or other borrowing, assessments,  
181 rate increases, fees, other charges, or other financing  
182 mechanisms. The plan must evaluate reuse demand in the context  
183 of future regional water supply demands, the availability of  
184 traditional water supplies, the need for development of  
185 alternative water supplies, the degree to which various reuse  
186 options offset potable water supplies, and other factors  
187 considered in the Lower East Coast Regional Water Supply Plan of  
188 the South Florida Water Management District. The plan must ~~shall~~  
189 include a detailed schedule for the completion of all necessary  
190 actions and ~~shall~~ be accompanied by supporting data and other  
191 documentation. The plan must ~~shall~~ be submitted by ~~no later than~~  
192 July 1, 2013.

193 2. By ~~No later than~~ July 1, 2016, an update of the plan  
194 required in subparagraph 1. documenting any refinements or  
195 changes in the costs, actions, or financing necessary to  
196 eliminate the ocean outfall discharge in accordance with this

197 subsection or a written statement that the plan is current and  
198 accurate.

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

213 (g) By ~~No later than~~ July 1, 2010, and by July 1 every 5  
214 years thereafter, the department shall submit a report to the  
215 Governor, the President of the Senate, and the Speaker of the  
216 House of Representatives on the implementation of this  
217 subsection. In the report, the department shall summarize  
218 progress to date, including the increased amount of reclaimed  
219 water provided and potable water offsets achieved, and identify  
220 any obstacles to continued progress, including all instances of  
221 substantial noncompliance.

222 ~~(h) By February 1, 2012, the department shall submit a~~  
223 ~~report to the Governor and Legislature detailing the results and~~  
224 ~~recommendations from phases 1 through 3 of its ongoing study on~~



225 ~~reclaimed water use.~~

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

232 (i)~~(j)~~ An entity that diverts wastewater flow from a  
233 receiving facility that discharges domestic wastewater through  
234 an ocean outfall must meet the ~~60 percent~~ reuse requirement of  
235 paragraph (c). Reuse by the diverting entity of the diverted  
236 flows shall be credited to the diverting entity. The diverted  
237 flow shall also be correspondingly deducted from the receiving  
238 facility's baseline ~~actual~~ flow ~~on an annual basis~~ from which  
239 the required reuse is calculated pursuant to paragraph (c), and  
240 the receiving facility's reuse requirement shall be recalculated  
241 accordingly.

242

243 The department, the South Florida Water Management District, and  
244 the affected utilities must consider the information in the  
245 detailed plan in paragraph (e) for the purpose of adjusting, as  
246 necessary, the reuse requirements of this subsection. The  
247 department shall submit a report to the Legislature by February  
248 15, 2015, containing recommendations for any changes necessary  
249 to the requirements of this subsection.

250 Section 2. This act shall take effect July 1, 2013.