

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1225 Sewage Disposal Facilities
SPONSOR(S): Agriculture & Natural Resources Policy Committee and Gibbons
TIED BILLS: **IDEN./SIM. BILLS:** SB 2354

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Agriculture & Natural Resources Policy Committee	10 Y, 0 N, As CS	Deslatte	Reese
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

SUMMARY ANALYSIS

Currently, any sewage disposal facility that has been discharging through an ocean outfall on July 1, 2008, shall install a functioning reuse system no later than December 31, 2025. A “functioning reuse system” means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of the facility’s actual flow on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the Department of Environmental Protection (DEP). Flows directed from the outfall facilities to other facilities that will provide 100 percent reuse of the redirected flows prior to December 31, 2025, count towards meeting the 60 percent requirement. For utilities operating more than one outfall, the reuse requirement can be met if the combined actual reuse flows from facilities served by the outfalls is at least 60 percent of the sum of the total actual flows from these facilities, including flows diverted to other facilities for 100 percent reuse prior to December 31, 2025. In the event treatment in addition to the advanced wastewater treatment and management requirements is needed in order to support a functioning reuse system, such treatment must be fully operational no later than December 31, 2025.

The bill requires that any facility that diverts wastewater flow from a facility that discharges domestic wastewater through an ocean outfall to which it has previously contributed wastewater flow, is required to meet the 60 percent reuse requirement and that reuse shall be credited to the facility discharging domestic wastewater through an ocean outfall. Reuse by the diverting entity of any such diverted flows must be credited to the diverting entity, the diverted flow must also be correspondingly deducted from the receiving facility’s actual flow on an annual basis from which the required reuse is calculated and the receiving facility’s reuse requirement must be recalculated accordingly.

There is no fiscal impact to state government. If a facility, either a local government or private entity, diverts flow, then that party will be responsible for the cost of meeting the 60 percent reuse requirement for the diverted flow and the facility discharging through an ocean outfall will get credit toward its reuse requirement.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 403.086, F.S., provides that by December 31, 2018, sewage disposal facilities with ocean outfall discharges must implement advanced wastewater treatment and management requirements. "Advanced wastewater treatment and management requirements" means the advanced waste treatment requirements set forth in subsection (4) of s. 403.086, F.S., or a reduction in outfall baseline loadings of total nitrogen and total phosphorus which is equivalent to that which would be achieved by the advanced waste treatment requirements in subsection (4) of s. 403.086, F.S., or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008, and December 31, 2025, which is equivalent to that which would be achieved if the advanced waste treatment requirements in subsection (4) of s. 403.086, F.S., were fully implemented beginning December 31, 2018, and continued through December 31, 2025. The DEP will establish the baseline loadings of pollutants (nitrogen and phosphorus) based on existing 5 year average loadings and will use the baseline loadings for the determination of required nutrient reductions. The baseline loadings and required loading reductions of total nitrogen and total phosphorus shall be expressed as an average annual daily loading value. The advanced wastewater and management requirements must be deemed to be met for a facility that has installed a fully functioning reuse system comprising 100 percent of the facility's average annual daily flow no later than 2018.

Any facility that has been discharging through an ocean outfall on July 1, 2008, must install a functioning reuse system no later than December 31, 2025. A "functioning reuse system" means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of the facility's actual flow on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the DEP. The term "facility's actual flow on an annual basis" means the annual average flow of domestic wastewater discharging through a facility's ocean outfall, as determined by the DEP, using monitoring data available. Flows directed from the outfall facilities to other facilities that will provide 100 percent reuse of the redirected flows prior to December 31, 2025, count towards meeting the 60 percent requirement. For utilities operating more than one outfall, the reuse requirement can be met if the combined actual reuse flows from facilities served by the outfalls is at least 60 percent of the sum of the total actual flows from these facilities, including flows diverted to other facilities for 100 percent reuse prior to December 31, 2025. In the event treatment in addition to the advanced wastewater treatment and management requirements is needed in order to support a functioning reuse system, such treatment shall be fully operational no later than December 31, 2025.

The discharge of wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system authorized by the DEP. A backup discharge may occur only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, and shall comply with the advanced wastewater treatment and management requirements.

Effect of Proposed Changes

The bill requires that any facility that diverts wastewater flow from a facility that discharges domestic wastewater through an ocean outfall to which it has previously contributed wastewater flow, is required to meet the 60 percent reuse requirement and that reuse shall be credited to the facility discharging domestic wastewater through an ocean outfall. Reuse by the diverting entity of any such diverted flows must be credited to the diverting entity, the diverted flow must also be correspondingly deducted from the receiving facility's actual flow on an annual basis from which the required reuse is calculated and the receiving facility's reuse requirement must be recalculated accordingly.

B. SECTION DIRECTORY:

Section 1. Amends s. 403.086, F.S., requiring facilities contributing domestic wastewater to facilities discharging through ocean outfalls to meet specified reuse requirements if they divert such flows from the facilities discharging through ocean outfalls; providing that such reuse is credited to the facilities discharging through ocean outfalls and the diverting facility.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments below

2. Expenditures:

See Fiscal Comments below

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

According to DEP, if no party currently contributing flow chooses to divert that flow, there is no fiscal impact. If a party does divert flow, that party will be responsible for the cost of meeting the 60 percent reuse requirement for the diverted flow and the facility discharging through an ocean outfall will get credit toward its reuse requirement. DEP also states that if the bill does not pass, if a party does divert flow there might be a cost savings to that party, but there would be an increased cost and possible

inability to comply with the reuse requirement of s. 403.086(9), F.S., for the facility discharging through an ocean outfall.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to DEP, as drafted the bill language is somewhat confusing, since it uses the term 'facility' to refer to two different parties: the domestic wastewater facilities that discharge through an ocean outfall on July 1, 2008, and other parties or entities, such as a city, that contribute wastewater flow to the domestic wastewater facilities that discharge through an ocean outfall on July 1, 2008.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the Agriculture & Natural Resources Policy Committee amended and passed HB 1225 as a Committee Substitute (CS). The amendment clarifies that reuse by the diverting entity of any such diverted flows must be credited to the diverting entity, the diverted flow must also be correspondingly deducted from the receiving facility's actual flow on an annual basis from which the required reuse is calculated and the receiving facility's reuse requirement must be recalculated accordingly.