

By the Committee on Community Affairs; and Senator Diaz de la Portilla

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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 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 facility that
20 contracts with another facility to provide a copy of
21 the contract to the department; revising provisions
22 authorizing the backup discharge of domestic
23 wastewater through ocean outfalls; requiring a holder
24 of a department permit authorizing the discharge of
25 domestic wastewater through an ocean outfall to submit
26 certain information; deleting an obsolete provision;
27 requiring the Department of Environmental Protection,
28 the South Florida Water Management District, and
29 affected utilities to consider certain information for

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30 the purpose of adjusting reuse requirements; requiring
31 the department to submit a report to the Legislature;
32 providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

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

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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

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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

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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. A utility shall provide the department a copy of any
144 contract with another utility that reflects an agreement between
145 the utilities which is subject to the requirements of this

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146 subparagraph.

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

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

170 1. A detailed plan to meet the requirements of this
171 subsection, including the identification of the technical,
172 environmental, and economic feasibility of various reuse
173 options; the ~~an~~ identification of each ~~all~~ land acquisition and
174 facility ~~facilities~~ necessary to provide for reuse of the

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

195 2. By ~~No later than~~ July 1, 2016, an update of the plan
196 required in subparagraph 1. documenting any refinements or
197 changes in the costs, actions, or financing necessary to
198 eliminate the ocean outfall discharge in accordance with this
199 subsection or a written statement that the plan is current and
200 accurate.

201 (f) By December 31, 2009, and by December 31 every 5 years
202 thereafter, the holder of a department permit authorizing the
203 discharge of domestic wastewater through an ocean outfall shall

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204 submit to the secretary of the department a report summarizing
205 the actions accomplished to date and the actions remaining and
206 proposed to meet the requirements of this subsection, including
207 progress toward meeting the specific deadlines set forth in
208 paragraphs (b) through (e). The report shall include the
209 detailed schedule for and status of the evaluation of reuse and
210 disposal options, preparation of preliminary design reports,
211 preparation and submittal of permit applications, construction
212 initiation, construction progress milestones, construction
213 completion, initiation of operation, and continuing operation
214 and maintenance.

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

224 ~~(h) By February 1, 2012, the department shall submit a~~
225 ~~report to the Governor and Legislature detailing the results and~~
226 ~~recommendations from phases 1 through 3 of its ongoing study on~~
227 ~~reclaimed water use.~~

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

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233 of this subsection.

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

244

245 The department, the South Florida Water Management District, and
246 the affected utilities must consider the information in the
247 detailed plan in paragraph (e) for the purpose of adjusting, as
248 necessary, the reuse requirements of this subsection. The
249 department shall submit a report to the Legislature by February
250 15, 2015, containing recommendations for any changes necessary
251 to the requirements of this subsection.

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