

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 847 Pasco County
SPONSOR(S): Burgess, Jr.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	9 Y, 0 N	Darden	Miller
2) Agriculture & Natural Resources Subcommittee	12 Y, 0 N	Moore	Harrington
3) Local & Federal Affairs Committee	15 Y, 0 N	Darden	Kiner

SUMMARY ANALYSIS

Chapter 99-166, Laws of Florida, deals with the elimination of sewage treatment facility discharges into coastal waters within Pasco County, and provides as follows:

- Prohibits new discharges, or increased pollutant loadings from existing sewage treatment facilities, into the coastal waters of the state within Pasco County, which includes, but is not limited to, Anclote Anchorage, Sandy Bay, Cross Bayou, Millers Bayou, Boggy Bay, Hope Bayou, Lighter Bayou, or Fillman Bayou, or into waters tributary thereto;
- Requires existing sewage treatment facility discharges into the coastal waters of the state within Pasco County or into waters tributary thereto to be eliminated before July 1, 2004; and
- Provides that DEP may grant an exception to these requirements if:
 - The applicant conclusively demonstrates that no other practical alternative exists, the discharge will receive advanced waste treatment or a higher level of treatment, and the applicant conclusively demonstrates that the proposed discharge will not result in a violation of water quality standards; or
 - The applicant's discharge is a limited wet weather surface water discharge serving as a backup to a reuse system, will not cause a violation of state water quality standards and is subject to the requirements of DEP's rules

The bill repeals ch. 99-166, Laws of Florida, and would place Pasco County under the generally applicable laws and regulations applying to the elimination of domestic wastewater discharges through ocean outfalls.

The bill does not appear to have a fiscal impact on state or local governments or the private sector.

This bill will take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Domestic Wastewater Ocean Outfalls

The Legislature has determined that the discharge of domestic wastewater¹ through ocean outfalls²:

- Wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands; and
- Compromises the coastal environment, quality of life, and local economies that depend on those resources.³

The Legislature has declared that more stringent treatment and management requirements for domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.⁴

Accordingly, the construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls, along with associated pumping and piping systems, are prohibited.⁵ Each domestic wastewater ocean outfall must be limited to the discharge capacity specified in the Department of Environmental Protection (DEP) permit authorizing the outfall in effect on July 1, 2008, and must not be increased.⁶ DEP is directed to work with the United States Environmental Protection Agency to ensure that these requirements are implemented consistently for all domestic wastewater facilities in the state which discharge through ocean outfalls.⁷

The discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 31, 2018.⁸ Advanced wastewater treatment and management requirements means:

- The advanced waste treatment requirements set forth in s. 403.086(4), F.S.;⁹
- 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 s. 403.086(4), 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

¹ “Domestic wastewater” is defined in Rule 62-600.200(25), F.A.C., as the wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

² Rule 62-600.200(55), F.A.C., defines the term “ocean outfall” as the outlet or structure through which effluent is finally discharged to the marine environment which includes the territorial sea, contiguous zone and the ocean.

³ Section 403.086(9), F.S.

⁴ *Id.*

⁵ Section 403.086(9)(a), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 403.086(9)(b), F.S.

⁹ Section 403.086(4), F.S., provides that “advanced waste treatment” means treatment which will provide a reclaimed water product that:

(a) Contains not more, on a permitted annual average basis, than the following concentrations:

1. Biochemical Oxygen Demand.....5mg/l
2. Suspended Solids.....5mg/l
3. Total Nitrogen, expressed as N.....3mg/l
4. Total Phosphorus, expressed as P.....1mg/l

(b) Has received high level disinfection, as defined by DEP rule. (*See* r. 62-600.520, F.A.C.)

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, DEP may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

be achieved if the advanced waste treatment requirements in s. 403.086(4), F.S., were fully implemented beginning December 31, 2018, and continued through December 31, 2025.¹⁰

The discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system or other wastewater management system authorized by DEP.¹¹ Except as otherwise provided, a backup discharge may occur:

- Only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, or as the result of peak flows from other wastewater management systems; and
- Must comply with advanced wastewater treatment and management requirements.¹²

The holder of a DEP permit authorizing the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, must submit the following to DEP:¹³

- By July 1, 2013, a detailed plan to meet the requirements of s. 403.086(9), F.S., including:
 - The identification of the technical, environmental, and economic feasibility of various reuse options;
 - The identification of each land acquisition and facility necessary to provide for reuse of the domestic wastewater;
 - An analysis of the costs to meet the requirements, including the level of treatment necessary to satisfy state water quality requirements and local water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources;
 - A financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms; and
 - A detailed schedule for the completion of all necessary actions and be accompanied by supporting data and other documentation.¹⁴
- By July 1, 2016, an update of the plan documenting any refinements or changes in the costs, actions, or financing necessary to eliminate the ocean outfall discharge or a written statement that the plan is current and accurate.¹⁵

By December 31, 2009, and by December 31 every 5 years thereafter, the holder of a DEP permit authorizing the discharge of domestic wastewater through an ocean outfall must submit to DEP a report summarizing the actions accomplished to date and the actions remaining and proposed to meet the requirements of s. 403.086(9), F.S., including progress toward meeting specific deadlines.¹⁶ The report must include a detailed schedule for and status of the evaluation of reuse and disposal options, preparation of preliminary design reports, preparation and submittal of permit applications, construction initiation, construction progress milestones, construction completion, initiation of operation, and continuing operation and maintenance.¹⁷

By July 1, 2010, and by July 1 every 5 years thereafter, DEP must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of s. 403.089(9), F.S.¹⁸ In the report, DEP must summarize the progress to date, including the increased amount of reclaimed water provided and potable water offsets achieved, and identify any obstacles to continued progress, including all instances of substantial noncompliance.¹⁹

¹⁰ Section 403.086(9)(b), F.S.

¹¹ Section 403.086(9)(d), F.S.

¹² *Id.*

¹³ Section 403.086(9)(e), F.S.

¹⁴ Section 403.086(9)(e)1., F.S.

¹⁵ Section 403.086(9)(e)2., F.S.

¹⁶ Section 403.086(9)(f), F.S.

¹⁷ *Id.*

¹⁸ Section 403.086(9)(g), F.S.

¹⁹ *Id.*

Chapter 99-166, Laws of Florida - Elimination of Sewage Treatment Facility Discharges into Coastal Waters within Pasco County

In 1999, CS/SB 1424, relating to the elimination of sewage treatment discharges into coastal waters²⁰ of Pasco County became law.²¹ At the time the bill passed, Pasco County had three wastewater treatment facilities that were permitted to discharge effluent into canals and waterways that entered the Gulf of Mexico.²² Chapter 99-166, Laws of Florida:

- Prohibits new discharges, or increased pollutant loadings from existing sewage treatment facilities, into the coastal waters of the state within Pasco County, which includes, but is not limited to, Anclote Anchorage, Sandy Bay, Cross Bayou, Millers Bayou, Boggy Bay, Hope Bayou, Lighter Bayou, or Fillman Bayou, or into waters tributary thereto;
- Requires existing sewage treatment facility discharges into the coastal waters of the state within Pasco County or into waters tributary thereto to be eliminated before July 1, 2004; and
- Provides that DEP may grant an exception to these requirements if:
 - The applicant conclusively demonstrates that no other practical alternative exists, the discharge will receive advanced waste treatment as defined in s. 403.086(4), F.S., or a higher level of treatment, and the applicant conclusively demonstrates that the proposed discharge will not result in a violation of water quality standards; or
 - The applicant's discharge is a limited wet weather surface water discharge serving as a backup to a reuse system, will not cause a violation of state water quality standards and is subject to the requirements of DEP's rules.²³

Effect of Proposed Changes

The bill repeals ch. 99-166, Laws of Florida, regarding the elimination of sewage treatment facility discharges into coastal waters within Pasco County. The bill will result in the coastal waters of Pasco County being subject to the general regulatory statutes applicable to domestic wastewater discharges to ocean outfalls contained in s. 403.086(9), F.S.

The Economic Impact Statement submitted for this bill simply stated the bill would have no impact on revenues or expenditures and did not provide any other information or discuss the specific data used in reaching the estimates.²⁴

B. SECTION DIRECTORY:

Section 1: Repeals ch. 99-166, Laws of Florida, concerning sewage treatment facility discharges into coastal waters within Pasco County.

Section 2: Provides that the bill shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? August 28, 2015

²⁰ Rule 62-600.200(13), F.A.C., defines the term "coastal waters" as all estuarine, gulf, or ocean waters which are not classified as open ocean waters.

²¹ Chapter 99-166, Laws of Florida.

²² Senate Staff Analysis of CS/SB 1424 (1999), available at <http://archive.flsenate.gov/data/session/1999/Senate/bills/analysis/pdf/SB1424.nr.pdf>.

²³ Chapter 62-600.520, F.A.C.

²⁴ Economic Impact Statement for HB 847 (2016).

WHERE?

Baylink Pasco, a publication of general circulation in Pasco County, Florida,
published by the *Tampa Bay Times*, a daily newspaper in Pasco County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not provide authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.