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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/19/2008	.	
	.	
	.	

1 The Committee on Environmental Preservation and Conservation
 2 (Saunders) recommended the following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Present subsection (4) of section 373.0361,
 8 Florida Statutes, is renumbered as subsection (5), a new
 9 subsection (4) is added and subsequent subsections are renumbered
 10 to read:

11 373.0361 Regional water supply planning.--

12 (4) The South Florida Water Management District shall
 13 include in its regional water supply plan water resource and
 14 water supply development projects that promote the elimination of
 15 wastewater ocean outfalls as provided in s. 403.086(9).

16 (5)-(4) Governing board approval of a regional water supply
 17 plan shall not be subject to the rulemaking requirements of



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18 chapter 120. However, any portion of an approved regional water
19 supply plan which affects the substantial interests of a party
20 shall be subject to s. 120.569.

21 ~~(6)~~⁽⁵⁾ Annually and in conjunction with the reporting
22 requirements of s. 373.536(6)(a)4., the department shall submit
23 to the Governor and the Legislature a report on the status of
24 regional water supply planning in each district. The report shall
25 include:

26 (a) A compilation of the estimated costs of and potential
27 sources of funding for water resource development and water
28 supply development projects as identified in the water management
29 district regional water supply plans.

30 (b) The percentage and amount, by district, of district ad
31 valorem tax revenues or other district funds made available to
32 develop alternative water supplies.

33 (c) A description of each district's progress toward
34 achieving its water resource development objectives, including
35 the district's implementation of its 5-year water resource
36 development work program.

37 (d) An assessment of the specific progress being made to
38 implement each alternative water supply project option chosen by
39 the entities and identified for implementation in the plan.

40 (e) An overall assessment of the progress being made to
41 develop water supply in each district, including, but not limited
42 to, an explanation of how each project, either alternative or
43 traditional, will produce, contribute to, or account for
44 additional water being made available for consumptive uses, an
45 estimate of the quantity of water to be produced by each project,
46 and an assessment of the contribution of the district's regional
47 water supply plan in providing sufficient water to meet the needs



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48 | of existing and future reasonable-beneficial uses for a 1-in-10
49 | year drought event, as well as the needs of the natural systems.

50 | ~~(7)(6)~~ Nothing contained in the water supply development
51 | component of a regional water supply plan shall be construed to
52 | require local governments, government-owned or privately owned
53 | water utilities, special districts, self-suppliers, regional
54 | water supply authorities, multijurisdictional water supply
55 | entities, or other water suppliers to select a water supply
56 | development project identified in the component merely because it
57 | is identified in the plan. Except as provided in s. 373.223(3)
58 | and (5), the plan may not be used in the review of permits under
59 | part II unless the plan or an applicable portion thereof has been
60 | adopted by rule. However, this subsection does not prohibit a
61 | water management district from employing the data or other
62 | information used to establish the plan in reviewing permits under
63 | part II, nor does it limit the authority of the department or
64 | governing board under part II.

65 | ~~(8)(7)~~ Where the water supply component of a water supply
66 | planning region shows the need for one or more alternative water
67 | supply projects, the district shall notify the affected local
68 | governments and make every reasonable effort to educate and
69 | involve local public officials in working toward solutions in
70 | conjunction with the districts and, where appropriate, other
71 | local and regional water supply entities.

72 | (a) Within 6 months following approval or amendment of its
73 | regional water supply plan, each water management district shall
74 | notify by certified mail each entity identified in sub-
75 | subparagraph (2)(a)3.d. of that portion of the plan relevant to
76 | the entity. Upon request of such an entity, the water management



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77 district shall appear before and present its findings and
78 recommendations to the entity.

79 (b) Within 1 year after the notification by a water
80 management district pursuant to paragraph (a), each entity
81 identified in sub-subparagraph (2)(a)3.d. shall provide to the
82 water management district written notification of the following:
83 the alternative water supply projects or options identified in
84 paragraph (2)(a) which it has developed or intends to develop, if
85 any; an estimate of the quantity of water to be produced by each
86 project; and the status of project implementation, including
87 development of the financial plan, facilities master planning,
88 permitting, and efforts in coordinating multijurisdictional
89 projects, if applicable. The information provided in the
90 notification shall be updated annually, and a progress report
91 shall be provided by November 15 of each year to the water
92 management district. If an entity does not intend to develop one
93 or more of the alternative water supply project options
94 identified in the regional water supply plan, the entity shall
95 propose, within 1 year after notification by a water management
96 district pursuant to paragraph (a), another alternative water
97 supply project option sufficient to address the needs identified
98 in paragraph (2)(a) within the entity's jurisdiction and shall
99 provide an estimate of the quantity of water to be produced by
100 the project and the status of project implementation as described
101 in this paragraph. The entity may request that the water
102 management district consider the other project for inclusion in
103 the regional water supply plan.

104 ~~(9)(8)~~ For any regional water supply plan that is scheduled
105 to be updated before December 31, 2005, the deadline for such
106 update shall be extended by 1 year.

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107 Section 2. Subsection (4) of section 373.0831, Florida
108 Statutes, is amended to read:

109 373.0831 Water resource development; water supply
110 development.--

111 (4)(a) Water supply development projects which are
112 consistent with the relevant regional water supply plans and
113 which meet one or more of the following criteria shall receive
114 priority consideration for state or water management district
115 funding assistance:

116 1. The project supports establishment of a dependable,
117 sustainable supply of water which is not otherwise financially
118 feasible;

119 2. The project provides substantial environmental benefits
120 by preventing or limiting adverse water resource impacts, but
121 requires funding assistance to be economically competitive with
122 other options; or

123 3. The project significantly implements reuse, storage,
124 recharge, or conservation of water in a manner that contributes
125 to the sustainability of regional water sources.

126 (b) Water supply development projects which meet the
127 criteria in paragraph (a) and which meet one or more of the
128 following additional criteria ~~also bring about replacement of~~
129 ~~existing sources in order to help implement a minimum flow or~~
130 ~~level~~ shall be given first consideration for state or water
131 management district funding assistance.

132 1. The project brings about replacement of existing sources
133 in order to help implement a minimum flow or level; or

134 2. The project implements reuse that assists in the
135 elimination of domestic wastewater ocean outfalls as provided in
136 s. 403.086(9).

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137 Section 3. Paragraph (f) of subsection (3) of section
138 373.1961, Florida Statutes, is amended to read:

139 373.1961 Water production; general powers and duties;
140 identification of needs; funding criteria; economic incentives;
141 reuse funding.--

142 (3) FUNDING.--

143 (f) The governing boards shall determine those projects
144 that will be selected for financial assistance. The governing
145 boards may establish factors to determine project funding;
146 however, significant weight shall be given to the following
147 factors:

148 1. Whether the project provides substantial environmental
149 benefits by preventing or limiting adverse water resource
150 impacts.

151 2. Whether the project reduces competition for water
152 supplies.

153 3. Whether the project brings about replacement of
154 traditional sources in order to help implement a minimum flow or
155 level or a reservation.

156 4. Whether the project will be implemented by a consumptive
157 use permittee that has achieved the targets contained in a goal-
158 based water conservation program approved pursuant to s. 373.227.

159 5. The quantity of water supplied by the project as
160 compared to its cost.

161 6. Projects in which the construction and delivery to end
162 users of reuse water is a major component.

163 7. Whether the project will be implemented by a
164 multijurisdictional water supply entity or regional water supply
165 authority.



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166 8. Whether the project implements reuse that assists in the
167 elimination of domestic wastewater ocean outfalls as provided in
168 s. 403.086(9).

169 Section 4. Subsection (2) of section 373.250, Florida
170 Statutes, is amended to read:

171 373.250 Reuse of reclaimed water.--

172 (2) (a) For purposes of this section, "uncommitted" means
173 the average amount of reclaimed water produced during the three
174 lowest-flow months minus the amount of reclaimed water that a
175 reclaimed water provider is contractually obligated to provide to
176 a customer or user.

177 (b) Reclaimed water may be presumed available to a
178 consumptive use permit applicant when a utility exists which
179 provides reclaimed water, which has uncommitted reclaimed water
180 capacity, and which has distribution facilities, which are
181 initially provided by the utility at its cost, to the site of the
182 affected applicant's proposed use.

183 (c) A water management district may require the use of
184 reclaimed water in lieu of surface water or groundwater when the
185 use of uncommitted reclaimed water is environmentally,
186 economically, and technically feasible and of such quality and
187 reliability as is necessary to the user. However, this paragraph
188 does not authorize a water management district to require a
189 provider of reclaimed water to redirect reclaimed water from one
190 user to another or to provide uncommitted water to a specific
191 user if such water is anticipated to be used by the provider, or
192 a different user selected by the provider, within a reasonable
193 amount of time.

194 (d) The South Florida Water Management District shall
195 require the use of reclaimed water made available by the



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196 elimination of wastewater ocean outfall discharges as provided
197 for in Subsection 403.086(9) in lieu of surface water or
198 groundwater when the use of uncommitted reclaimed water is
199 environmentally, economically, and technically feasible and of
200 such quality and reliability as is necessary to the user. Such
201 reclaimed water may also be required in lieu of other alternative
202 sources. In determining whether or not to require such reclaimed
203 water in lieu of other alternative sources, the water management
204 district shall consider existing infrastructure investments in
205 place or obligated to be constructed by an executed contract or
206 similar binding agreement as of July 1, 2011 for the development
207 of other alternative sources.

208 Section 5. Subsection (1), subsection (2) of section
209 403.085, Florida Statutes, are amended to read:

210 403.085 Sanitary sewage disposal units; advanced and
211 secondary waste treatment; industrial waste, ~~ocean outfall,~~
212 ~~inland outfall, or disposal well waste treatment.--~~

213 (1) Neither the Department of Health nor any other state
214 agency, county, special district, or municipality shall approve
215 construction of any ~~ocean outfall or~~ disposal well for sanitary
216 sewage disposal which does not provide for secondary waste
217 treatment and, in addition thereto, advanced waste treatment as
218 deemed necessary and ordered by the department.

219 (2) Sanitary sewage disposal treatment plants which
220 discharge effluent through ~~ocean outfalls or~~ disposal wells shall
221 provide for secondary waste treatment and, in addition thereto,
222 advanced waste treatment as deemed necessary and ordered by the
223 ~~former~~ Department of Environmental Protection Regulation. Failure
224 to conform shall be punishable by a fine of \$500 for each 24-hour

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225 day or fraction thereof that such failure is allowed to continue
226 thereafter.

227 Section 6. Subsection (9) is added to section 403.086,
228 Florida Statutes, to read:

229 403.086 Sewage disposal facilities; advanced and secondary
230 waste treatment.--

231 (9) The legislature finds that the discharge of domestic
232 wastewater through ocean outfalls wastes valuable water supplies
233 that should be reclaimed for beneficial purposes to meet public
234 and natural systems demands; the legislature also finds that
235 discharge of domestic wastewater through ocean outfalls
236 compromises the coastal environment and quality of life and local
237 economies that depend on those resources. The legislature
238 declares that more stringent treatment and management
239 requirements for such domestic wastewater and the subsequent,
240 timely elimination of ocean outfalls as a primary means of
241 domestic wastewater discharge are in the public interest.

242 (a) The construction of new ocean outfalls for domestic
243 wastewater discharge and the expansion of existing ocean outfalls
244 for this purpose, along with associated pumping and piping
245 systems, are prohibited. Each domestic wastewater ocean outfall
246 shall be limited to the discharge capacity specified in the
247 department permit authorizing the outfall in effect on July 1,
248 2008, which discharge capacity shall not be increased.
249 Maintenance of existing, department-authorized domestic
250 wastewater ocean outfalls and associated pumping and piping
251 systems is allowed, subject to the requirements of this section.
252 The department is directed to work with the U.S. Environmental
253 Protection Agency to assure that the requirements of this
254 subsection are implemented consistently for all domestic



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255 wastewater facilities in Florida that discharge through ocean
256 outfalls.

257 (b) The discharge of domestic wastewater through ocean
258 outfalls shall meet advanced wastewater treatment and management
259 requirements no later than December 31, 2018. For the purposes
260 of this subsection advanced wastewater treatment and management
261 requirements shall mean either (i) the advanced waste treatment
262 requirements set forth in subsection (4), or (ii) a reduction in
263 outfall baseline loadings of total nitrogen and total phosphorus
264 that is equivalent to that which would be achieved by the
265 advanced waste treatment requirements in subsection (4). The
266 Department shall establish the average baseline loadings of total
267 nitrogen and total phosphorus for each outfall using monitoring
268 data available for calendar years 2003 through 2007 and shall
269 establish required loading reductions based on this baseline.
270 The baseline loadings and required loading reductions of total
271 nitrogen and total phosphorus shall be expressed as an average
272 annual daily loading value. The advanced wastewater treatment
273 and management requirements of this paragraph shall be deemed to
274 be met for any domestic wastewater facility discharging through
275 an ocean outfall on July 1, 2008 that has installed no later than
276 December 31, 2018, a fully operational reuse system comprising
277 100 percent of the facility's annual average daily for reuse
278 activities authorized by the department.

279 (c) Each domestic wastewater facility that discharges
280 through an ocean outfall on July 1, 2008 shall install a
281 functioning reuse system no later than December 31, 2025. For
282 the purposes of this subsection a functioning reuse system means
283 an environmentally, economically, and technically feasible system
284 that provides a minimum of 60 percent of the facility's actual



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285 flow on an annual basis for irrigation of public access areas,
286 residential properties, or agricultural crops; ground water
287 recharge; industrial cooling; or other acceptable reuse purposes
288 authorized by the department. Diversion of flows from these
289 facilities to other facilities that provide 100 percent reuse of
290 the diverted flows prior to December 31, 2025 shall be considered
291 to contribute to meeting the 60 percent reuse requirement. For
292 utilities operating more than one outfall, the reuse requirement
293 can be met if the combined actual reuse flows from facilities
294 served by the outfalls is at least 60 percent of the sum of the
295 total actual flows from these facilities, including flows
296 diverted to other facilities for 100 percent reuse prior to
297 December 31, 2025. In the event treatment in addition to the
298 advanced wastewater treatment and management requirements
299 described in paragraph (b) is needed in order to support a
300 functioning reuse system, such treatment shall be fully
301 operational no later than December 31, 2025.

302 (d) The discharge of domestic wastewater through ocean
303 outfalls is prohibited after December 31, 2025, except as a
304 backup discharge that is part of a functioning reuse system
305 authorized by the department as provided for in paragraph (c).
306 A backup discharge may only occur during periods of reduced
307 demand for reclaimed water in the reuse system, such as periods
308 of wet weather, and shall comply with the advanced wastewater
309 treatment and management requirements of paragraph (b).

310 (e) The holder of a department permit authorizing the
311 discharge of domestic wastewater through an ocean outfall as of
312 July 1, 2008 shall submit to the Secretary of the department, the
313 following:



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314 1. A detailed plan to meet the requirements of this
315 subsection, including an identification of all land acquisition
316 and facilities necessary to provide for reuse of the domestic
317 wastewater; an analysis of the costs to meet the requirements;
318 and a financing plan for meeting the requirements, including
319 identifying any actions necessary to implement the financing
320 plan, such as bond issuance or other borrowing, assessments, rate
321 increases, fees, other charges, or other financing mechanisms.
322 The plan shall include a detailed schedule for the completion of
323 all necessary actions and shall be accompanied by supporting data
324 and other documentation. The plan shall be submitted no later
325 than July 1, 2013.

326 2. No later than July 1, 2016, an update of the plan
327 required in paragraph 1. documenting any refinements or changes
328 in the costs, actions or financing necessary to eliminate the
329 ocean outfall discharge in accordance with this subsection or a
330 written statement that the plan is current and accurate.

331 (f) By December 31, 2009, and by December 31 every five
332 years thereafter, the holder of a department permit authorizing
333 the discharge of domestic wastewater through an ocean outfall
334 shall submit to the Secretary of the department a report
335 summarizing the actions accomplished to date and the actions
336 remaining and proposed to meet the requirements of this
337 subsection, including progress toward meeting the specific
338 deadlines set forth in paragraphs (b) through (e). The report
339 shall include the detailed schedule for and status of the
340 evaluation of reuse and disposal options, preparation of
341 preliminary design reports, preparation and submittal of permit
342 applications, construction initiation, construction progress



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343 milestones, construction completion, initiation of operation, and
344 continuing operation and maintenance.

345 (g) No later than July 1, 2010, and by July 1 every five
346 years thereafter, the department shall submit a report to the
347 Governor, the President of the Senate and the Speaker of the
348 House of Representatives on the implementation of this
349 subsection. The report shall summarize progress to date,
350 including the increased amount of reclaimed water provided and
351 potable water offsets achieved, and identify any obstacles to
352 continued progress, including all instances of substantial
353 noncompliance.

354 (h) The renewal of each permit that authorizes the
355 discharge of domestic wastewater through an ocean outfall as of
356 July 1, 2008 shall be accompanied by an order in accordance with
357 paragraphs 403.088(2)(e) and (f) that establishes an enforceable
358 compliance schedule consistent with the requirements of this
359 subsection.

360 Section 7. Subsection (7) of section 403.1835, Florida
361 Statutes, is amended to read:

362 403.1835 Water pollution control financial assistance.--

363 (7) Eligible projects must be given priority according to
364 the extent each project is intended to remove, mitigate, or
365 prevent adverse effects on surface or ground water quality and
366 public health. The relative costs of achieving environmental and
367 public health benefits must be taken into consideration during
368 the department's assignment of project priorities. The department
369 shall adopt a priority system by rule. In developing the priority
370 system, the department shall give priority to projects that:

371 (a) Eliminate public health hazards;



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372 (b) Enable compliance with laws requiring the elimination
373 of discharges to specific water bodies, including the
374 requirements of s. 403.086(9) regarding domestic wastewater ocean
375 outfalls;

376 (c) Assist in the implementation of total maximum daily
377 loads adopted under s. 403.067;

378 (d) Enable compliance with other pollution control
379 requirements, including, but not limited to, toxics control,
380 wastewater residuals management, and reduction of nutrients and
381 bacteria;

382 (e) Assist in the implementation of surface water
383 improvement and management plans and pollutant load reduction
384 goals developed under state water policy;

385 (f) Promote reclaimed water reuse;

386 (g) Eliminate failing onsite sewage treatment and disposal
387 systems or those that are causing environmental damage; or

388 (h) Reduce pollutants to and otherwise promote the
389 restoration of Florida's surface and ground waters.

390 Section 8. This act shall take effect July 1, 2008.

391 ===== T I T L E A M E N D M E N T =====

392 And the title is amended as follows:

393 Delete everything before the enacting clause
394 and insert:

395 A bill to be entitled
396 An act relating to wastewater disposal; amending s.
397 373.0361, F.S.; relating to regional water supply
398 planning; requiring the South Florida Water Management
399 District to include water supply development projects that
400 promote the elimination of ocean outfalls in its regional
401 water supply plan; amending s. 373.0831, F.S.; relating to

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402 water resource and supply development; providing that
403 projects which implement reuse as a means of eliminating
404 ocean outfalls receive priority funding consideration;
405 amending s. 373.1961, F.S.; relating to funding for water
406 supply projects; providing priority funding for projects
407 that implement reuse that assists with the elimination of
408 ocean outfalls; amending s. 373.250, F.S.; relating to the
409 reuse of reclaimed water; directing the South Florida
410 Water Management District to require the use of reclaimed
411 water made available through the elimination of ocean
412 outfalls under certain conditions; amending s. 403.085,
413 F.S.; relating to waste water treatment; prohibiting the
414 construction of new ocean outfalls; prohibiting the use of
415 ocean outfalls as a method of sanitary sewage disposal;
416 amending s. 403.086, F.S.; relating the treatment of
417 wastewater; providing legislative intent; prohibiting the
418 new construction of an expanded discharge to ocean
419 outfalls; providing that domestic wastewater discharges to
420 ocean outfalls meet advanced wastewater treatment and
421 management requirements by a date certain; providing an
422 exemption from meeting advanced wastewater treatment and
423 management requirements under specific conditions;
424 providing wastewater reuse requirements for facilities
425 that discharge through ocean outfalls by a date certain;
426 providing prohibitions for the discharge of domestic
427 wastewater through ocean outfalls under specific
428 conditions by a date certain; providing reporting
429 requirements for permitted ocean outfall facilities;
430 providing reporting requirements for the Department of
431 Environmental Protection; providing a compliance schedule



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432 | for facilities discharging through ocean outfalls;
433 | amending s. 403.1835, F.S.; relating to water pollution
434 | control financial assistance; providing for the inclusion
435 | of domestic wastewater ocean outfalls in laws requiring
436 | the elimination of discharges to specific water bodies;
437 | providing an effective date.