

By the Committee on Environmental Preservation and Conservation;
and Senator Saunders

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1 A bill to be entitled
2 An act relating to wastewater disposal; amending s.
3 373.0361, F.S., relating to regional water supply
4 planning; requiring the South Florida Water Management
5 District to include water supply development projects that
6 promote the elimination of ocean outfalls in its regional
7 water supply plan; amending s. 373.0831, F.S., relating to
8 water resource and supply development; providing for
9 projects that implement reuse as a means of eliminating
10 ocean outfalls to receive priority funding consideration;
11 amending s. 373.1961, F.S., relating to funding for water
12 supply projects; providing priority funding for projects
13 that implement reuse that assists with the elimination of
14 ocean outfalls; amending s. 373.250, F.S., relating to the
15 reuse of reclaimed water; directing the South Florida
16 Water Management District to require the use of reclaimed
17 water made available through the elimination of ocean
18 outfalls under certain conditions; amending s. 403.085,
19 F.S., relating to waste water treatment; prohibiting the
20 construction of new ocean outfalls; prohibiting the use of
21 ocean outfalls as a method of sanitary sewage disposal;
22 amending s. 403.086, F.S., relating the treatment of
23 wastewater; providing legislative intent; prohibiting the
24 new construction of an expanded discharge to ocean
25 outfalls; requiring that domestic wastewater discharges to
26 ocean outfalls meet advanced wastewater treatment and
27 management requirements by a date certain; providing an
28 exemption from meeting advanced wastewater treatment and
29 management requirements under specific conditions;

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30 providing wastewater reuse requirements for facilities
31 that discharge through ocean outfalls by a date certain;
32 providing prohibitions for the discharge of domestic
33 wastewater through ocean outfalls under specific
34 conditions by a date certain; providing reporting
35 requirements for permitted ocean outfall facilities;
36 providing reporting requirements for the Department of
37 Environmental Protection; providing a compliance schedule
38 for facilities discharging through ocean outfalls;
39 amending s. 403.1835, F.S., relating to water pollution
40 control financial assistance; providing for the inclusion
41 of domestic wastewater ocean outfalls in laws requiring
42 the elimination of discharges to specific water bodies;
43 providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Present subsections (4) through (8) of section
48 373.0361, Florida Statutes, are renumbered as subsections (5)
49 through (9), respectively, and a new subsection (4) is added to
50 that section, to read:

51 373.0361 Regional water supply planning.--

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

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

58 373.0831 Water resource development; water supply

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59 development.--

60 (4) (a) Water supply development projects which are
61 consistent with the relevant regional water supply plans and
62 which meet one or more of the following criteria shall receive
63 priority consideration for state or water management district
64 funding assistance:

65 1. The project supports establishment of a dependable,
66 sustainable supply of water which is not otherwise financially
67 feasible;

68 2. The project provides substantial environmental benefits
69 by preventing or limiting adverse water resource impacts, but
70 requires funding assistance to be economically competitive with
71 other options; or

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

75 (b) Water supply development projects that ~~which~~ meet the
76 criteria in paragraph (a) and that meet one or more of the
77 following additional criteria also bring about replacement of
78 existing sources in order to help implement a minimum flow or
79 level shall be given first consideration for state or water
80 management district funding assistance:--

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

83 2. The project implements reuse that assists in the
84 elimination of domestic wastewater ocean outfalls as provided in
85 s. 403.086(9).

86 Section 3. Paragraph (f) of subsection (3) of section
87 373.1961, Florida Statutes, is amended to read:

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88 373.1961 Water production; general powers and duties;
89 identification of needs; funding criteria; economic incentives;
90 reuse funding.--

91 (3) FUNDING.--

92 (f) The governing boards shall determine those projects
93 that will be selected for financial assistance. The governing
94 boards may establish factors to determine project funding;
95 however, significant weight shall be given to the following
96 factors:

97 1. Whether the project provides substantial environmental
98 benefits by preventing or limiting adverse water resource
99 impacts.

100 2. Whether the project reduces competition for water
101 supplies.

102 3. Whether the project brings about replacement of
103 traditional sources in order to help implement a minimum flow or
104 level or a reservation.

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

108 5. The quantity of water supplied by the project as
109 compared to its cost.

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

112 7. Whether the project will be implemented by a
113 multijurisdictional water supply entity or regional water supply
114 authority.

115 8. Whether the project implements reuse that assists in the
116 elimination of domestic wastewater ocean outfalls as provided in

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117 s. 403.086(9).

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

120 373.250 Reuse of reclaimed water.--

121 (2) (a) For purposes of this section, "uncommitted" means
122 the average amount of reclaimed water produced during the three
123 lowest-flow months minus the amount of reclaimed water that a
124 reclaimed water provider is contractually obligated to provide to
125 a customer or user.

126 (b) Reclaimed water may be presumed available to a
127 consumptive use permit applicant when a utility exists which
128 provides reclaimed water, which has uncommitted reclaimed water
129 capacity, and which has distribution facilities, which are
130 initially provided by the utility at its cost, to the site of the
131 affected applicant's proposed use.

132 (c) A water management district may require the use of
133 reclaimed water in lieu of surface water or groundwater when the
134 use of uncommitted reclaimed water is environmentally,
135 economically, and technically feasible and of such quality and
136 reliability as is necessary to the user. However, this paragraph
137 does not authorize a water management district to require a
138 provider of reclaimed water to redirect reclaimed water from one
139 user to another or to provide uncommitted water to a specific
140 user if such water is anticipated to be used by the provider, or
141 a different user selected by the provider, within a reasonable
142 amount of time.

143 (d) The South Florida Water Management District shall
144 require the use of reclaimed water made available by the
145 elimination of wastewater ocean outfall discharges as provided

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146 for in s. 403.086(9) in lieu of surface water or ground water
147 when the use of uncommitted reclaimed water is environmentally,
148 economically, and technically feasible and of such quality and
149 reliability as is necessary to the user. Such reclaimed water may
150 also be required in lieu of other alternative sources. In
151 determining whether or not to require such reclaimed water in
152 lieu of other alternative sources, the water management district
153 shall consider existing infrastructure investments in place or
154 obligated to be constructed by an executed contract or similar
155 binding agreement as of July 1, 2011, for the development of
156 other alternative sources.

157 Section 5. Section 403.085, Florida Statutes, is amended to
158 read:

159 403.085 Sanitary sewage disposal units; advanced and
160 secondary waste treatment; industrial waste, ~~ocean outfall,~~
161 ~~inland outfall, or disposal well waste treatment.--~~

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

168 (2) Sanitary sewage disposal treatment plants which
169 discharge effluent through ~~ocean outfalls or~~ disposal wells shall
170 provide for secondary waste treatment and, in addition thereto,
171 advanced waste treatment as deemed necessary and ordered by the
172 ~~former~~ Department of Environmental Protection Regulation. Failure
173 to conform shall be punishable by a fine of \$500 for each 24-hour
174 day or fraction thereof that such failure is allowed to continue

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175 thereafter.

176 (3) Neither the Department of Health nor any other state
177 agency, county, special district, or municipality shall approve
178 construction of any ocean outfall, inland outfall, or disposal
179 well for the discharge of industrial waste of any kind which does
180 not provide for secondary waste treatment or such other treatment
181 as is deemed necessary and ordered by the department.

182 (4) Industrial plants or facilities which discharge
183 industrial waste of any kind through ocean outfalls, inland
184 outfalls, or disposal wells shall provide for secondary waste
185 treatment or such other waste treatment as deemed necessary and
186 ordered by the former Department of Environmental Regulation.
187 Failure to conform shall be punishable as provided in s.
188 403.161(2).

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

191 403.086 Sewage disposal facilities; advanced and secondary
192 waste treatment.--

193 (9) The Legislature finds that the discharge of domestic
194 wastewater through ocean outfalls wastes valuable water supplies
195 that should be reclaimed for beneficial purposes to meet public
196 and natural systems demands. The Legislature also finds that
197 discharge of domestic wastewater through ocean outfalls
198 compromises the coastal environment, quality of life, and local
199 economies that depend on those resources. The Legislature
200 declares that more stringent treatment and management
201 requirements for such domestic wastewater and the subsequent,
202 timely elimination of ocean outfalls as a primary means of
203 domestic wastewater discharge are in the public interest.

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204 (a) The construction of new ocean outfalls for domestic
205 wastewater discharge and the expansion of existing ocean outfalls
206 for this purpose, along with associated pumping and piping
207 systems, are prohibited. Each domestic wastewater ocean outfall
208 shall be limited to the discharge capacity specified in the
209 department permit authorizing the outfall in effect on July 1,
210 2008, which discharge capacity shall not be increased.

211 Maintenance of existing, department-authorized domestic
212 wastewater ocean outfalls and associated pumping and piping
213 systems is allowed, subject to the requirements of this section.
214 The department is directed to work with the United States
215 Environmental Protection Agency to ensure that the requirements
216 of this subsection are implemented consistently for all domestic
217 wastewater facilities in Florida which discharge through ocean
218 outfalls.

219 (b) The discharge of domestic wastewater through ocean
220 outfalls shall meet advanced wastewater treatment and management
221 requirements no later than December 31, 2018. For purposes of
222 this subsection, the term "advanced wastewater treatment and
223 management requirements" means the advanced waste treatment
224 requirements set forth in subsection (4) or a reduction in
225 outfall baseline loadings of total nitrogen and total phosphorus
226 which is equivalent to that which would be achieved by the
227 advanced waste treatment requirements in subsection (4). The
228 department shall establish the average baseline loadings of total
229 nitrogen and total phosphorus for each outfall using monitoring
230 data available for calendar years 2003 through 2007 and shall
231 establish required loading reductions based on this baseline. The
232 baseline loadings and required loading reductions of total

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233 nitrogen and total phosphorus shall be expressed as an average
234 annual daily loading value. The advanced wastewater treatment and
235 management requirements of this paragraph shall be deemed to be
236 met for any domestic wastewater facility discharging through an
237 ocean outfall on July 1, 2008, which has installed no later than
238 December 31, 2018, a fully operational reuse system comprising
239 100 percent of the facility's annual average daily flow for reuse
240 activities authorized by the department.

241 (c) Each domestic wastewater facility that discharges
242 through an ocean outfall on July 1, 2008, shall install a
243 functioning reuse system no later than December 31, 2025. For
244 purposes of this subsection, a "functioning reuse system" means
245 an environmentally, economically, and technically feasible system
246 that provides a minimum of 60 percent of the facility's actual
247 flow on an annual basis for irrigation of public access areas,
248 residential properties, or agricultural crops; groundwater
249 recharge; industrial cooling; or other acceptable reuse purposes
250 authorized by the department. Diversion of flows from these
251 facilities to other facilities that provide 100 percent reuse of
252 the diverted flows prior to December 31, 2025, shall be
253 considered to contribute to meeting the 60-percent reuse
254 requirement. For utilities operating more than one outfall, the
255 reuse requirement can be met if the combined actual reuse flows
256 from facilities served by the outfalls is at least 60 percent of
257 the sum of the total actual flows from these facilities,
258 including flows diverted to other facilities for 100 percent
259 reuse prior to December 31, 2025. In the event treatment in
260 addition to the advanced wastewater treatment and management
261 requirements described in paragraph (b) is needed in order to

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262 support a functioning reuse system, such treatment shall be fully
263 operational no later than December 31, 2025.

264 (d) The discharge of domestic wastewater through ocean
265 outfalls is prohibited after December 31, 2025, except as a
266 backup discharge that is part of a functioning reuse system
267 authorized by the department as provided for in paragraph (c). A
268 backup discharge may occur only during periods of reduced demand
269 for reclaimed water in the reuse system, such as periods of wet
270 weather, and shall comply with the advanced wastewater treatment
271 and management requirements of paragraph (b).

272 (e) The holder of a department permit authorizing the
273 discharge of domestic wastewater through an ocean outfall as of
274 July 1, 2008, shall submit to the secretary of the department the
275 following:

276 1. A detailed plan to meet the requirements of this
277 subsection, including an identification of all land acquisition
278 and facilities necessary to provide for reuse of the domestic
279 wastewater; an analysis of the costs to meet the requirements;
280 and a financing plan for meeting the requirements, including
281 identifying any actions necessary to implement the financing
282 plan, such as bond issuance or other borrowing, assessments, rate
283 increases, fees, other charges, or other financing mechanisms.
284 The plan shall include a detailed schedule for the completion of
285 all necessary actions and shall be accompanied by supporting data
286 and other documentation. The plan shall be submitted no later
287 than July 1, 2013.

288 2. No later than July 1, 2016, an update of the plan
289 required in subparagraph 1. documenting any refinements or
290 changes in the costs, actions, or financing necessary to

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291 eliminate the ocean outfall discharge in accordance with this
292 subsection or a written statement that the plan is current and
293 accurate.

294 (f) By December 31, 2009, and by December 31 every 5 years
295 thereafter, the holder of a department permit authorizing the
296 discharge of domestic wastewater through an ocean outfall shall
297 submit to the secretary of the department a report summarizing
298 the actions accomplished to date and the actions remaining and
299 proposed to meet the requirements of this subsection, including
300 progress toward meeting the specific deadlines set forth in
301 paragraphs (b) through (e). The report shall include the detailed
302 schedule for and status of the evaluation of reuse and disposal
303 options, preparation of preliminary design reports, preparation
304 and submittal of permit applications, construction initiation,
305 construction progress milestones, construction completion,
306 initiation of operation, and continuing operation and
307 maintenance.

308 (g) No later than July 1, 2010, and by July 1 every 5 years
309 thereafter, the department shall submit a report to the Governor,
310 the President of the Senate, and the Speaker of the House of
311 Representatives on the implementation of this subsection. The
312 report shall summarize progress to date, including the increased
313 amount of reclaimed water provided and potable water offsets
314 achieved, and identify any obstacles to continued progress,
315 including all instances of substantial noncompliance.

316 (h) The renewal of each permit that authorizes the
317 discharge of domestic wastewater through an ocean outfall as of
318 July 1, 2008, shall be accompanied by an order in accordance with
319 s. 403.088(2) (e) and (f) which establishes an enforceable

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320 compliance schedule consistent with the requirements of this
321 subsection.

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

324 403.1835 Water pollution control financial assistance.--

325 (7) Eligible projects must be given priority according to
326 the extent each project is intended to remove, mitigate, or
327 prevent adverse effects on surface or ground water quality and
328 public health. The relative costs of achieving environmental and
329 public health benefits must be taken into consideration during
330 the department's assignment of project priorities. The department
331 shall adopt a priority system by rule. In developing the priority
332 system, the department shall give priority to projects that:

333 (a) Eliminate public health hazards;

334 (b) Enable compliance with laws requiring the elimination
335 of discharges to specific water bodies, including the
336 requirements of s. 403.086(9) regarding domestic wastewater ocean
337 outfalls;

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

340 (d) Enable compliance with other pollution control
341 requirements, including, but not limited to, toxics control,
342 wastewater residuals management, and reduction of nutrients and
343 bacteria;

344 (e) Assist in the implementation of surface water
345 improvement and management plans and pollutant load reduction
346 goals developed under state water policy;

347 (f) Promote reclaimed water reuse;

348 (g) Eliminate failing onsite sewage treatment and disposal

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349 | systems or those that are causing environmental damage; or

350 | (h) Reduce pollutants to and otherwise promote the

351 | restoration of Florida's surface and ground waters.

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