

By the Committees on General Government Appropriations;  
Environmental Preservation and Conservation; and Senator  
Saunders

601-06484-08

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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), a reduction in outfall  
225 baseline loadings of total nitrogen and total phosphorus which is  
226 equivalent to that which would be achieved by the advanced waste  
227 treatment requirements in subsection (4), or a reduction in  
228 cumulative outfall loadings of total nitrogen and total  
229 phosphorus occurring between December 31, 2008, and December 31,  
230 2025, which is equivalent to that which would be achieved if the  
231 advanced waste treatment requirements in subsection (4) were  
232 fully implemented beginning December 31, 2018, and continued



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233 through December 31, 2025. The department shall establish the  
234 average baseline loadings of total nitrogen and total phosphorus  
235 for each outfall using monitoring data available for calendar  
236 years 2003 through 2007 and shall establish required loading  
237 reductions based on this baseline. The baseline loadings and  
238 required loading reductions of total nitrogen and total  
239 phosphorus shall be expressed as an average annual daily loading  
240 value. The advanced wastewater treatment and management  
241 requirements of this paragraph shall be deemed to be met for any  
242 domestic wastewater facility discharging through an ocean outfall  
243 on July 1, 2008, which has installed no later than December 31,  
244 2018, a fully operational reuse system comprising 100 percent of  
245 the facility's annual average daily flow for reuse activities  
246 authorized by the department.

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

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262 from facilities served by the outfalls is at least 60 percent of  
263 the sum of the total actual flows from these facilities,  
264 including flows diverted to other facilities for 100 percent  
265 reuse prior to December 31, 2025. In the event treatment in  
266 addition to the advanced wastewater treatment and management  
267 requirements described in paragraph (b) is needed in order to  
268 support a functioning reuse system, such treatment shall be fully  
269 operational no later than December 31, 2025.

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

278 (e) The holder of a department permit authorizing the  
279 discharge of domestic wastewater through an ocean outfall as of  
280 July 1, 2008, shall submit to the secretary of the department the  
281 following:

282 1. A detailed plan to meet the requirements of this  
283 subsection, including an identification of all land acquisition  
284 and facilities necessary to provide for reuse of the domestic  
285 wastewater; an analysis of the costs to meet the requirements;  
286 and a financing plan for meeting the requirements, including  
287 identifying any actions necessary to implement the financing  
288 plan, such as bond issuance or other borrowing, assessments, rate  
289 increases, fees, other charges, or other financing mechanisms.  
290 The plan shall include a detailed schedule for the completion of

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291 all necessary actions and shall be accompanied by supporting data  
292 and other documentation. The plan shall be submitted no later  
293 than July 1, 2013.

294 2. No later than July 1, 2016, an update of the plan  
295 required in subparagraph 1. documenting any refinements or  
296 changes in the costs, actions, or financing necessary to  
297 eliminate the ocean outfall discharge in accordance with this  
298 subsection or a written statement that the plan is current and  
299 accurate.

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

314 (g) No later than July 1, 2010, and by July 1 every 5 years  
315 thereafter, the department shall submit a report to the Governor,  
316 the President of the Senate, and the Speaker of the House of  
317 Representatives on the implementation of this subsection. The  
318 report shall summarize progress to date, including the increased  
319 amount of reclaimed water provided and potable water offsets

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320 achieved, and identify any obstacles to continued progress,  
321 including all instances of substantial noncompliance.

322 (h) The renewal of each permit that authorizes the  
323 discharge of domestic wastewater through an ocean outfall as of  
324 July 1, 2008, shall be accompanied by an order in accordance with  
325 s. 403.088(2) (e) and (f) which establishes an enforceable  
326 compliance schedule consistent with the requirements of this  
327 subsection.

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

330 403.1835 Water pollution control financial assistance.--

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

339 (a) Eliminate public health hazards;

340 (b) Enable compliance with laws requiring the elimination  
341 of discharges to specific water bodies, including the  
342 requirements of s. 403.086(9) regarding domestic wastewater ocean  
343 outfalls;

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

346 (d) Enable compliance with other pollution control  
347 requirements, including, but not limited to, toxics control,  
348 wastewater residuals management, and reduction of nutrients and

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349 bacteria;

350 (e) Assist in the implementation of surface water  
351 improvement and management plans and pollutant load reduction  
352 goals developed under state water policy;

353 (f) Promote reclaimed water reuse;

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

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

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