

1                   A bill to be entitled  
2           An act relating to wastewater disposal; amending s.  
3           373.0361, F.S.; requiring the South Florida Water  
4           Management District to include projects relating to ocean  
5           outfalls in regional water supply plans; amending ss.  
6           373.0831 and 373.1961, F.S.; providing priority funding  
7           consideration for specified projects relating to ocean  
8           outfalls; amending s. 373.250, F.S.; directing the South  
9           Florida Water Management District to require the use of  
10          specified reclaimed water under certain conditions;  
11          amending ss. 403.085 and 403.086, F.S.; revising  
12          provisions relating to sanitary sewage disposal units;  
13          prohibiting the construction of new ocean outfalls;  
14          providing legislative intent; prohibiting the expansion of  
15          existing ocean outfalls for specified purposes; providing  
16          advanced wastewater treatment and management requirements  
17          for certain domestic wastewater facilities by a specified  
18          date; providing wastewater reuse requirements for certain  
19          facilities by a specified date; prohibiting certain  
20          domestic wastewater discharges by a specified date;  
21          providing reporting requirements for certain domestic  
22          wastewater facilities; providing reporting requirements  
23          for the Department of Environmental Protection; providing  
24          an exemption from advanced wastewater treatment and  
25          management requirements under specified conditions;  
26          providing a compliance schedule for certain domestic  
27          wastewater facilities; creating s. 403.08601, F.S.;  
28          establishing the Leah Schad Memorial Ocean Outfall

29 Program; providing for financial assistance to local  
 30 governments and agencies to implement specified wastewater  
 31 disposal requirements; amending s. 403.1651, F.S.;  
 32 creating a dedicated account within the Ecosystem  
 33 Management and Restoration Trust Fund for the purposes of  
 34 funding the Leah Schad Memorial Ocean Outfall Program;  
 35 amending s. 403.1835, F.S.; providing priority funding  
 36 consideration for specified projects relating to ocean  
 37 outfalls; amending s. 163.3177, F.S.; conforming a cross-  
 38 reference; providing an effective date.

39

40 Be It Enacted by the Legislature of the State of Florida:

41

42 Section 1. Subsections (4) through (8) of section  
 43 373.0361, Florida Statutes, are renumbered as subsections (5)  
 44 through (9), respectively, and a new subsection (4) is added to  
 45 that section to read:

46 373.0361 Regional water supply planning.--

47 (4) The South Florida Water Management District shall  
 48 include in its regional water supply plan water resource and  
 49 water supply development projects that promote the elimination  
 50 of domestic wastewater ocean outfalls as provided in s.  
 51 403.086(9).

52 Section 2. Paragraph (b) of subsection (4) of section  
 53 373.0831, Florida Statutes, is amended to read:

54 373.0831 Water resource development; water supply  
 55 development.--

56 (4)

57 (b) Water supply development projects that ~~which~~ meet the  
 58 criteria in paragraph (a) and that meet one or more of the  
 59 following additional criteria ~~also bring about replacement of~~  
 60 ~~existing sources in order to help implement a minimum flow or~~  
 61 ~~level~~ shall be given first consideration for state or water  
 62 management district funding assistance:

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

65 2. The project implements reuse that assists in the  
 66 elimination of domestic wastewater ocean outfalls as provided in  
 67 s. 403.086(9).

68 Section 3. Paragraph (f) of subsection (3) of section  
 69 373.1961, Florida Statutes, is amended to read:

70 373.1961 Water production; general powers and duties;  
 71 identification of needs; funding criteria; economic incentives;  
 72 reuse funding.--

73 (3) FUNDING.--

74 (f) The governing boards shall determine those projects  
 75 that will be selected for financial assistance. The governing  
 76 boards may establish factors to determine project funding;  
 77 however, significant weight shall be given to the following  
 78 factors:

79 1. Whether the project provides substantial environmental  
 80 benefits by preventing or limiting adverse water resource  
 81 impacts.

82 2. Whether the project reduces competition for water  
 83 supplies.

84 3. Whether the project brings about replacement of  
 85 traditional sources in order to help implement a minimum flow or  
 86 level or a reservation.

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

91 5. The quantity of water supplied by the project as  
 92 compared to its cost.

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

95 7. Whether the project will be implemented by a  
 96 multijurisdictional water supply entity or regional water supply  
 97 authority.

98 8. Whether the project implements reuse that assists in  
 99 the elimination of domestic wastewater ocean outfalls as  
 100 provided in s. 403.086(9).

101 Section 4. Paragraph (d) is added to subsection (2) of  
 102 section 373.250, Florida Statutes, to read:

103 373.250 Reuse of reclaimed water.--

104 (2)

105 (d) The South Florida Water Management District shall  
 106 require the use of reclaimed water made available by the  
 107 elimination of domestic wastewater ocean outfall discharges as  
 108 provided in s. 403.086(9) in lieu of surface water or ground  
 109 water when the use of uncommitted reclaimed water is  
 110 environmentally, economically, and technically feasible and of  
 111 such quality and reliability as is necessary to the user. Such

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112 reclaimed water may also be required in lieu of other  
 113 alternative sources. In determining whether or not to require  
 114 such reclaimed water in lieu of other alternative sources, the  
 115 water management district shall consider existing infrastructure  
 116 investments in place or obligated to be constructed by an  
 117 executed contract or similar binding agreement as of July 1,  
 118 2011, for the development of other alternative sources.

119 Section 5. Subsections (1) and (2) of section 403.085,  
 120 Florida Statutes, are amended to read:

121 403.085 Sanitary sewage disposal units; advanced and  
 122 secondary waste treatment; industrial waste, ~~ocean outfall,~~  
 123 ~~inland outfall,~~ or disposal well waste treatment.--

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

130 (2) Sanitary sewage disposal treatment plants which  
 131 discharge effluent through ~~ocean outfalls or~~ disposal wells  
 132 shall provide for secondary waste treatment and, in addition  
 133 thereto, advanced waste treatment as deemed necessary and  
 134 ordered by the ~~former~~ Department of Environmental Protection  
 135 Regulation. Failure to conform shall be punishable by a fine of  
 136 \$500 for each 24-hour day or fraction thereof that such failure  
 137 is allowed to continue thereafter.

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

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140 403.086 Sewage disposal facilities; advanced and secondary  
141 waste treatment.--

142 (9) The Legislature finds that the discharge of domestic  
143 wastewater through ocean outfalls wastes valuable water supplies  
144 that should be reclaimed for beneficial purposes to meet public  
145 and natural systems demands. The Legislature also finds that  
146 discharge of domestic wastewater through ocean outfalls  
147 compromises the state's coastal environment, quality of life,  
148 and local economies that depend on those resources. The  
149 Legislature declares that more stringent treatment and  
150 management requirements for such domestic wastewater and the  
151 subsequent, timely elimination of ocean outfalls as a primary  
152 means of domestic wastewater discharge are in the public  
153 interest.

154 (a) The construction of new ocean outfalls for domestic  
155 wastewater discharge and the expansion of existing ocean  
156 outfalls for this purpose, along with associated pumping and  
157 piping systems, are prohibited. Each domestic wastewater ocean  
158 outfall shall be limited to the discharge capacity specified in  
159 the department permit authorizing the outfall in effect on July  
160 1, 2008, which discharge capacity shall not be increased.  
161 Maintenance of existing, department-authorized domestic  
162 wastewater ocean outfalls and associated pumping and piping  
163 systems is allowed, subject to the requirements of this section.  
164 The department is directed to work with the United States  
165 Environmental Protection Agency to ensure that the requirements  
166 of this subsection are implemented consistently for all domestic  
167 wastewater facilities in the state which discharge through ocean

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168 outfalls.

169 (b) The discharge of domestic wastewater through ocean  
170 outfalls shall meet advanced wastewater treatment and management  
171 requirements no later than December 31, 2018. For purposes of  
172 this subsection, the term "advanced wastewater treatment and  
173 management requirements" means the advanced waste treatment  
174 requirements set forth in subsection (4), a reduction in outfall  
175 baseline loadings of total nitrogen and total phosphorus which  
176 is equivalent to that which would be achieved by the advanced  
177 waste treatment requirements in subsection (4), or a reduction  
178 in cumulative outfall loadings of total nitrogen and total  
179 phosphorus occurring between December 31, 2008, and December 31,  
180 2025, which is equivalent to that which would be achieved if the  
181 advanced waste treatment requirements in subsection (4) were  
182 fully implemented beginning December 31, 2018, and continued  
183 through December 31, 2025. The department shall establish the  
184 average baseline loadings of total nitrogen and total phosphorus  
185 for each outfall using monitoring data available for calendar  
186 years 2003 through 2007 and shall establish required loading  
187 reductions based on this baseline. The baseline loadings and  
188 required loading reductions of total nitrogen and total  
189 phosphorus shall be expressed as an average annual daily loading  
190 value. The advanced wastewater treatment and management  
191 requirements of this paragraph shall be deemed to be met for any  
192 domestic wastewater facility discharging through an ocean  
193 outfall on July 1, 2008, which has installed no later than  
194 December 31, 2018, a fully operational reuse system comprising  
195 100 percent of the facility's annual average daily flow for

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196 reuse activities authorized by the department.

197 (c) Each domestic wastewater facility that discharges  
198 through an ocean outfall on July 1, 2008, shall install a  
199 functioning reuse system no later than December 31, 2025. For  
200 purposes of this subsection, the term "functioning reuse system"  
201 means an environmentally, economically, and technically feasible  
202 system that provides a minimum of 60 percent of a facility's  
203 actual flow on an annual basis for irrigation of public access  
204 areas, residential properties, or agricultural crops; aquifer  
205 recharge; groundwater recharge; industrial cooling; or other  
206 acceptable reuse purposes authorized by the department. For  
207 purposes of this paragraph, the term "facility's actual flow on  
208 an annual basis" means the annual average flow of domestic  
209 wastewater discharging through a facility's ocean outfall, as  
210 determined by the department, using monitoring data available  
211 for calendar years 2003 through 2007. Diversion of flows from  
212 domestic wastewater facilities to other facilities that provide  
213 100 percent reuse of the diverted flows prior to December 31,  
214 2025, shall be considered to contribute to meeting the 60-  
215 percent reuse requirement. For utilities operating more than one  
216 outfall, the reuse requirement can be met if the combined actual  
217 reuse flows from facilities served by the outfalls is at least  
218 60 percent of the sum of the total actual flows from domestic  
219 wastewater facilities, including flows diverted to other  
220 facilities for 100 percent reuse prior to December 31, 2025. In  
221 the event treatment in addition to the advanced wastewater  
222 treatment and management requirements described in paragraph (b)  
223 is needed in order to support a functioning reuse system, such



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224 treatment shall be fully operational no later than December 31,  
225 2025.

226 (d) The discharge of domestic wastewater through ocean  
227 outfalls is prohibited after December 31, 2025, except as a  
228 backup discharge that is part of a functioning reuse system  
229 authorized by the department under paragraph (c). A backup  
230 discharge may occur only during periods of reduced demand for  
231 reclaimed water in a reuse system, such as periods of wet  
232 weather, and shall comply with the advanced wastewater treatment  
233 and management requirements of paragraph (b).

234 (e) The holder of a department permit authorizing the  
235 discharge of domestic wastewater through an ocean outfall as of  
236 July 1, 2008, shall submit to the secretary of the department  
237 the following:

238 1. A detailed plan to meet the requirements of this  
239 subsection, including an identification of all land acquisition  
240 and facilities necessary to provide for reuse of the domestic  
241 wastewater; an analysis of the costs to meet the requirements;  
242 and a financing plan for meeting the requirements, including  
243 identifying any actions necessary to implement the financing  
244 plan, such as bond issuance or other borrowing, assessments,  
245 rate increases, fees, other charges, or other financing  
246 mechanisms. The plan shall include a detailed schedule for the  
247 completion of all necessary actions and shall be accompanied by  
248 supporting data and other documentation. The plan shall be  
249 submitted no later than July 1, 2013.

250 2. No later than July 1, 2016, an update of the plan  
251 required in subparagraph 1. documenting any refinements or

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252 changes in the costs, actions, or financing necessary to  
253 eliminate the ocean outfall discharge in accordance with this  
254 subsection or a written statement that the plan is current and  
255 accurate.

256 (f) By December 31, 2009, and by December 31 every 5 years  
257 thereafter, the holder of a department permit authorizing the  
258 discharge of domestic wastewater through an ocean outfall shall  
259 submit to the secretary of the department a report summarizing  
260 the actions accomplished to date and the actions remaining and  
261 proposed to meet the requirements of this subsection, including  
262 progress toward meeting the specific deadlines set forth in  
263 paragraphs (b)-(e). The report shall include the detailed  
264 schedule for and status of the evaluation of reuse and disposal  
265 options, preparation of preliminary design reports, preparation  
266 and submittal of permit applications, construction initiation,  
267 construction progress milestones, construction completion,  
268 initiation of operation, and continuing operation and  
269 maintenance.

270 (g) No later than July 1, 2010, and by July 1 every 5  
271 years thereafter, the department shall submit a report to the  
272 Governor, the President of the Senate, and the Speaker of the  
273 House of Representatives on the implementation of this  
274 subsection. The report shall summarize progress to date,  
275 including the increased amount of reclaimed water provided and  
276 potable water offsets achieved, and identify any obstacles to  
277 continued progress, including all instances of substantial  
278 noncompliance.

279       (h) The renewal of a permit that authorizes the discharge  
 280 of domestic wastewater through an ocean outfall as of July 1,  
 281 2008, shall be accompanied by an order establishing an  
 282 enforceable compliance schedule consistent with the provisions  
 283 of s. 403.088(2)(e) and (f).

284       Section 7. Section 403.08601, Florida Statutes, is created  
 285 to read:

286       403.08601 Leah Schad Memorial Ocean Outfall Program.--As  
 287 funds become available, the state may assist local governments  
 288 and agencies responsible for implementing the requirements for  
 289 domestic wastewater disposal under s. 403.086(9). Funds received  
 290 from sources provided for in law and the General Appropriations  
 291 Act; gifts designated for such disposal requirements from  
 292 individuals, corporations, or other entities; or federal funds  
 293 appropriated by the United States Congress for implementation of  
 294 such disposal requirements may be deposited into a designated  
 295 account within the Ecosystem Management and Restoration Trust  
 296 Fund pursuant to s. 403.1651(1)(f).

297       Section 8. Paragraph (f) is added to subsection (1) of  
 298 section 403.1651, Florida Statutes, to read:

299       403.1651 Ecosystem Management and Restoration Trust  
 300 Fund.--

301       (1) There is created the Ecosystem Management and  
 302 Restoration Trust Fund to be administered by the Department of  
 303 Environmental Protection for the purposes of:

304       (f) Funding the Leah Schad Memorial Ocean Outfall Program  
 305 under s. 403.08601.

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306 Section 9. Paragraph (b) of subsection (7) of section  
 307 403.1835, Florida Statutes, is amended to read:

308 403.1835 Water pollution control financial assistance.--

309 (7) Eligible projects must be given priority according to  
 310 the extent each project is intended to remove, mitigate, or  
 311 prevent adverse effects on surface or ground water quality and  
 312 public health. The relative costs of achieving environmental and  
 313 public health benefits must be taken into consideration during  
 314 the department's assignment of project priorities. The  
 315 department shall adopt a priority system by rule. In developing  
 316 the priority system, the department shall give priority to  
 317 projects that:

318 (b) Enable compliance with laws requiring the elimination  
 319 of discharges to specific water bodies, including the  
 320 requirements of s. 403.086(9) relating to domestic wastewater  
 321 ocean outfalls;

322 Section 10. Paragraph (c) of subsection (6) of section  
 323 163.3177, Florida Statutes, is amended to read:

324 163.3177 Required and optional elements of comprehensive  
 325 plan; studies and surveys.--

326 (6) In addition to the requirements of subsections (1)-(5)  
 327 and (12), the comprehensive plan shall include the following  
 328 elements:

329 (c) A general sanitary sewer, solid waste, drainage,  
 330 potable water, and natural groundwater aquifer recharge element  
 331 correlated to principles and guidelines for future land use,  
 332 indicating ways to provide for future potable water, drainage,  
 333 sanitary sewer, solid waste, and aquifer recharge protection

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334 requirements for the area. The element may be a detailed  
335 engineering plan including a topographic map depicting areas of  
336 prime groundwater recharge. The element shall describe the  
337 problems and needs and the general facilities that will be  
338 required for solution of the problems and needs. The element  
339 shall also include a topographic map depicting any areas adopted  
340 by a regional water management district as prime groundwater  
341 recharge areas for the Floridan or Biscayne aquifers. These  
342 areas shall be given special consideration when the local  
343 government is engaged in zoning or considering future land use  
344 for said designated areas. For areas served by septic tanks,  
345 soil surveys shall be provided which indicate the suitability of  
346 soils for septic tanks. Within 18 months after the governing  
347 board approves an updated regional water supply plan, the  
348 element must incorporate the alternative water supply project or  
349 projects selected by the local government from those identified  
350 in the regional water supply plan pursuant to s. 373.0361(2)(a)  
351 or proposed by the local government under s. 373.0361(8)~~(7)~~(b).  
352 If a local government is located within two water management  
353 districts, the local government shall adopt its comprehensive  
354 plan amendment within 18 months after the later updated regional  
355 water supply plan. The element must identify such alternative  
356 water supply projects and traditional water supply projects and  
357 conservation and reuse necessary to meet the water needs  
358 identified in s. 373.0361(2)(a) within the local government's  
359 jurisdiction and include a work plan, covering at least a 10  
360 year planning period, for building public, private, and regional  
361 water supply facilities, including development of alternative

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362 water supplies, which are identified in the element as necessary  
363 to serve existing and new development. The work plan shall be  
364 updated, at a minimum, every 5 years within 18 months after the  
365 governing board of a water management district approves an  
366 updated regional water supply plan. Amendments to incorporate  
367 the work plan do not count toward the limitation on the  
368 frequency of adoption of amendments to the comprehensive plan.  
369 Local governments, public and private utilities, regional water  
370 supply authorities, special districts, and water management  
371 districts are encouraged to cooperatively plan for the  
372 development of multijurisdictional water supply facilities that  
373 are sufficient to meet projected demands for established  
374 planning periods, including the development of alternative water  
375 sources to supplement traditional sources of groundwater and  
376 surface water supplies.

377 Section 11. This act shall take effect July 1, 2008.