

1                                   A bill to be entitled  
 2           An act relating to domestic wastewater discharged through  
 3           ocean outfalls; amending s. 403.086, F.S.; postponing the  
 4           dates by which domestic wastewater facilities must meet  
 5           more stringent treatment and management requirements;  
 6           providing exceptions; revising the definition of the term  
 7           "functioning reuse system"; changing the term "facility's  
 8           actual flow on an annual basis" to "baseline flow";  
 9           revising plan requirements for the elimination of ocean  
 10          outfalls; authorizing certain utilities to enter into  
 11          binding agreements to share or transfer responsibility for  
 12          meeting reuse requirements; requiring the Department of  
 13          Environmental Protection, the South Florida Water  
 14          Management District, and affected utilities to consider  
 15          certain information for the purpose of adjusting reuse  
 16          requirements; requiring the department to submit a report  
 17          to the Legislature; providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Subsection (9) of section 403.086, Florida  
 22           Statutes, is amended to read:

23           403.086 Sewage disposal facilities; advanced and secondary  
 24           waste treatment.—

25           (9) The Legislature finds that the discharge of domestic  
 26           wastewater through ocean outfalls wastes valuable water supplies  
 27           that should be reclaimed for beneficial purposes to meet public  
 28           and natural systems demands. The Legislature also finds that

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29 discharge of domestic wastewater through ocean outfalls  
30 compromises the coastal environment, quality of life, and local  
31 economies that depend on those resources. The Legislature  
32 declares that more stringent treatment and management  
33 requirements for such domestic wastewater and the subsequent,  
34 timely elimination of ocean outfalls as a primary means of  
35 domestic wastewater discharge are in the public interest.

36 (a) The construction of new ocean outfalls for domestic  
37 wastewater discharge and the expansion of existing ocean  
38 outfalls for this purpose, along with associated pumping and  
39 piping systems, are prohibited. Each domestic wastewater ocean  
40 outfall shall be limited to the discharge capacity specified in  
41 the department permit authorizing the outfall in effect on July  
42 1, 2008, which discharge capacity shall not be increased.  
43 Maintenance of existing, department-authorized domestic  
44 wastewater ocean outfalls and associated pumping and piping  
45 systems is allowed, subject to the requirements of this section.  
46 The department is directed to work with the United States  
47 Environmental Protection Agency to ensure that the requirements  
48 of this subsection are implemented consistently for all domestic  
49 wastewater facilities in Florida which discharge through ocean  
50 outfalls.

51 (b) The discharge of domestic wastewater through ocean  
52 outfalls must ~~shall~~ meet advanced wastewater treatment and  
53 management requirements by December 31, 2023 ~~no later than~~  
54 ~~December 31, 2018~~. For purposes of this subsection, the term  
55 "advanced wastewater treatment and management requirements"  
56 means the advanced waste treatment requirements set forth in

57 subsection (4), a reduction in outfall baseline loadings of  
 58 total nitrogen and total phosphorus which is equivalent to that  
 59 which would be achieved by the advanced waste treatment  
 60 requirements in subsection (4), or a reduction in cumulative  
 61 outfall loadings of total nitrogen and total phosphorus  
 62 occurring between December 31, 2008, and December 31, 2025,  
 63 which is equivalent to that which would be achieved if the  
 64 advanced waste treatment requirements in subsection (4) were  
 65 fully implemented beginning December 31, 2020 ~~2018~~, and  
 66 continued through December 31, 2025. The department shall  
 67 establish the average baseline loadings of total nitrogen and  
 68 total phosphorus for each outfall using monitoring data  
 69 available for calendar years 2003 through 2007 and ~~shall~~  
 70 establish required loading reductions based on this baseline.  
 71 The baseline loadings and required loading reductions of total  
 72 nitrogen and total phosphorus shall be expressed as an average  
 73 annual daily loading value. The advanced wastewater treatment  
 74 and management requirements of this paragraph shall be deemed to  
 75 be met for any domestic wastewater facility discharging through  
 76 an ocean outfall on July 1, 2008, which has installed by ~~no~~  
 77 ~~later than~~ December 31, 2018, a fully operational reuse system  
 78 comprising 100 percent of the facility's annual average daily  
 79 flow for reuse activities authorized by the department.

80 (c)1. Each utility that had a permit for a domestic  
 81 wastewater facility that discharged ~~discharges~~ through an ocean  
 82 outfall on July 1, 2008, must ~~shall~~ install a functioning reuse  
 83 system by ~~no later than~~ December 31, 2025. For purposes of this  
 84 subsection, a "functioning reuse system" means an

85 environmentally, economically, and technically feasible system  
86 that provides a minimum of 60 percent of a the facility's  
87 baseline actual flow or, for utilities operating more than one  
88 facility, 60 percent of the utility's entire wastewater system  
89 flow on an annual basis on December 31, 2025. Reuse may be ~~on an~~  
90 annual basis for irrigation of public access areas, residential  
91 properties, or agricultural crops; ~~aquifer~~ recharge of the  
92 Biscayne or Upper Floridan Aquifers; groundwater recharge;  
93 industrial cooling; or other acceptable reuse purposes  
94 authorized by the department. For purposes of this subsection,  
95 the term "baseline flow" ~~"facility's actual flow on an annual~~  
96 ~~basis"~~ means the annual average flow of domestic wastewater  
97 discharging through the facility's ocean outfall, as determined  
98 by the department, using monitoring data available for calendar  
99 years 2003 through 2007.

100 2. Flows diverted from facilities to other facilities that  
101 provide 100 percent reuse of the diverted flows before ~~prior to~~  
102 December 31, 2025, shall be considered to contribute to meeting  
103 the ~~60 percent~~ reuse requirement. For utilities operating more  
104 than one outfall, the reuse requirement may ~~can~~ be apportioned  
105 between the ~~met if the combined actual reuse flows from~~  
106 facilities served by the outfalls is at least 60 percent of the  
107 sum of the total actual flows from the facilities, including  
108 flows diverted to other facilities for 100 percent reuse before  
109 ~~prior to~~ December 31, 2025. Utilities that shared a common ocean  
110 outfall for the discharge of domestic wastewater on July 1,  
111 2008, regardless of which utility operates the ocean outfall,  
112 are individually responsible for meeting the reuse requirement

113 and may enter into binding agreements to share or transfer such  
114 responsibility among the utilities. In the event treatment in  
115 addition to the advanced wastewater treatment and management  
116 requirements described in paragraph (b) is needed in order to  
117 support a functioning reuse system, such treatment must ~~shall~~ be  
118 fully operational by no later than December 31, 2025.

119 (d) The discharge of domestic wastewater through ocean  
120 outfalls is prohibited after December 31, 2025, except as a  
121 backup discharge that is part of a functioning reuse system or  
122 other wastewater management system authorized by the department  
123 ~~as provided for in paragraph (e).~~ Except as otherwise provided  
124 in this subsection, a backup discharge may occur only during  
125 periods of reduced demand for reclaimed water in the reuse  
126 system, such as periods of wet weather, or as the result of peak  
127 flows from other wastewater management systems and must ~~shall~~  
128 comply with the advanced wastewater treatment and management  
129 requirements of paragraph (b). Peak flow backup discharges from  
130 other wastewater management systems may not cumulatively exceed  
131 5 percent of a facility's baseline flow, measured as a 5-year  
132 rolling average; are subject to applicable secondary waste  
133 treatment and water-quality-based effluent limitations specified  
134 in department rules; and, when in compliance with the effluent  
135 limitations, are deemed to meet the advanced wastewater  
136 treatment requirements of this subsection.

137 (e) The holder of a department permit authorizing the  
138 discharge of domestic wastewater through an ocean outfall as of  
139 July 1, 2008, shall submit the following to the secretary of the  
140 department ~~the following~~:

141           1. A detailed plan to meet the requirements of this  
142 subsection, including the identification of the technical,  
143 environmental, and economic feasibility of various reuse  
144 options; the an identification of all land acquisition and  
145 facilities necessary to provide for reuse of the domestic  
146 wastewater; an analysis of the costs to meet the requirements,  
147 including the level of treatment necessary to satisfy state  
148 water quality requirements and local water quality  
149 considerations, and a comparative cost of reuse using flows from  
150 ocean outfalls and flows from other domestic wastewater sources;  
151 and a financing plan for meeting the requirements, including  
152 identifying any actions necessary to implement the financing  
153 plan, such as bond issuance or other borrowing, assessments,  
154 rate increases, fees, other charges, or other financing  
155 mechanisms. The plan must evaluate reuse demand in the context  
156 of future regional water supply demands, the availability of  
157 traditional water supplies, the need for development of  
158 alternative water supplies, the degree to which various reuse  
159 options offset potable water supplies, and other factors  
160 considered in the South Florida Water Management District's  
161 Lower East Coast Regional Water Supply Plan. The plan must ~~shall~~  
162 include a detailed schedule for the completion of all necessary  
163 actions and ~~shall~~ be accompanied by supporting data and other  
164 documentation. The plan must ~~shall~~ be submitted by October 1,  
165 2014 ~~no later than July 1, 2013.~~

166           2. By July 1, 2018 ~~No later than July 1, 2016,~~ an update  
167 of the plan required in subparagraph 1. documenting any  
168 refinements or changes in the costs, actions, or financing

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169 necessary to eliminate the ocean outfall discharge in accordance  
170 with this subsection or a written statement that the plan is  
171 current and accurate.

172 (f) By December 31, 2009, and by December 31 every 5 years  
173 thereafter, the holder of a department permit authorizing the  
174 discharge of domestic wastewater through an ocean outfall shall  
175 submit to the secretary of the department a report summarizing  
176 the actions accomplished to date and the actions remaining and  
177 proposed to meet the requirements of this subsection, including  
178 progress toward meeting the specific deadlines set forth in  
179 paragraphs (b) through (e). The report shall include the  
180 detailed schedule for and status of the evaluation of reuse and  
181 disposal options, preparation of preliminary design reports,  
182 preparation and submittal of permit applications, construction  
183 initiation, construction progress milestones, construction  
184 completion, initiation of operation, and continuing operation  
185 and maintenance.

186 (g) No later than July 1, 2010, and by July 1 every 5  
187 years thereafter, the department shall submit a report to the  
188 Governor, the President of the Senate, and the Speaker of the  
189 House of Representatives on the implementation of this  
190 subsection. The report shall summarize progress to date,  
191 including the increased amount of reclaimed water provided and  
192 potable water offsets achieved, and identify any obstacles to  
193 continued progress, including all instances of substantial  
194 noncompliance.

195 (h) By February 1, 2012, the department shall submit a  
196 report to the Governor and Legislature detailing the results and

197 recommendations from phases 1 through 3 of its ongoing study on  
 198 reclaimed water use.

199 (i) The renewal of each permit that authorizes the  
 200 discharge of domestic wastewater through an ocean outfall as of  
 201 July 1, 2008, shall be accompanied by an order in accordance  
 202 with s. 403.088(2)(e) and (f) which establishes an enforceable  
 203 compliance schedule consistent with the requirements of this  
 204 subsection.

205 (j) An entity that diverts wastewater flow from a  
 206 receiving facility that discharges domestic wastewater through  
 207 an ocean outfall must meet the ~~60 percent~~ reuse requirement of  
 208 paragraph (c). Reuse by the diverting entity of the diverted  
 209 flows shall be credited to the diverting entity. The diverted  
 210 flow shall also be correspondingly deducted from the receiving  
 211 facility's baseline ~~actual~~ flow ~~on an annual basis~~ from which  
 212 the required reuse is calculated pursuant to paragraph (c), and  
 213 the receiving facility's reuse requirement shall be recalculated  
 214 accordingly.

215  
 216 The department, the South Florida Water Management District, and  
 217 the affected utilities must consider the information in the  
 218 detailed plan under paragraph (e) for the purpose of adjusting,  
 219 as necessary, the reuse requirements of this subsection. The  
 220 department shall submit a report to the Legislature by February  
 221 15, 2015, containing recommendations for any changes necessary  
 222 to the requirements of this subsection.

223 Section 2. This act shall take effect July 1, 2011.