



265808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2011	.	
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The Committee on Environmental Preservation and Conservation
(Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (b), (c), (d), (e), and (j) of
subsection (9) of section 403.086, Florida Statutes, are amended
to read:

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

(9) The Legislature finds that the discharge of domestic
wastewater through ocean outfalls wastes valuable water supplies
that should be reclaimed for beneficial purposes to meet public



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13 and natural systems demands. The Legislature also finds that
14 discharge of domestic wastewater through ocean outfalls
15 compromises the coastal environment, quality of life, and local
16 economies that depend on those resources. The Legislature
17 declares that more stringent treatment and management
18 requirements for such domestic wastewater and the subsequent,
19 timely elimination of ocean outfalls as a primary means of
20 domestic wastewater discharge are in the public interest.

21 (b) The discharge of domestic wastewater through ocean
22 outfalls shall meet advanced wastewater treatment and management
23 requirements no later than December 31, 2018. For purposes of
24 this subsection, the term "advanced wastewater treatment and
25 management requirements" means the advanced waste treatment
26 requirements set forth in subsection (4), a reduction in outfall
27 baseline loadings of total nitrogen and total phosphorus which
28 is equivalent to that which would be achieved by the advanced
29 waste treatment requirements in subsection (4), or a reduction
30 in cumulative outfall loadings of total nitrogen and total
31 phosphorus occurring between December 31, 2008, and December 31,
32 2030 ~~2025~~, which is equivalent to that which would be achieved
33 if the advanced waste treatment requirements in subsection (4)
34 were fully implemented beginning December 31, 2023 ~~2018~~, and
35 continued through December 31, 2030 ~~2025~~. The department shall
36 establish the average baseline loadings of total nitrogen and
37 total phosphorus for each outfall using monitoring data
38 available for calendar years 2003 through 2007 and shall
39 establish required loading reductions based on this baseline.
40 The baseline loadings and required loading reductions of total
41 nitrogen and total phosphorus shall be expressed as an average



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42 annual daily loading value. The advanced wastewater treatment
43 and management requirements of this paragraph shall be deemed to
44 be met for any domestic wastewater facility discharging through
45 an ocean outfall on July 1, 2008, which has installed no later
46 than December 31, 2018, a fully operational reuse system
47 comprising 100 percent of the facility's annual average daily
48 flow for reuse activities authorized by the department.

49 (c) 1. Each utility that had a permit for a domestic
50 wastewater facility that discharged ~~discharges~~ through an ocean
51 outfall on July 1, 2008, shall install a functioning reuse
52 system no later than December 31, 2030 ~~2025~~. For purposes of
53 this subsection, a "functioning reuse system" means an
54 environmentally, economically, and technically feasible system
55 that provides a minimum of 60 percent of a the facility's
56 baseline actual flow or, for utilities operating more than one
57 facility, 60 percent of the utility's entire wastewater system
58 flow on an annual basis on December 31, 2030. Reuse may be ~~on an~~
59 ~~annual basis~~ for irrigation of public access areas, residential
60 properties, or agricultural crops; ~~aquifer~~ recharge of the
61 Biscayne or Upper Floridan Aquifers; groundwater recharge;
62 industrial cooling; or other acceptable reuse purposes
63 authorized by the department. For purposes of this subsection,
64 the term "baseline facility's actual flow on an annual basis"
65 means the annual average flow of domestic wastewater discharging
66 through the facility's ocean outfall, as determined by the
67 department, using monitoring data available for calendar years
68 2003 through 2007.

69 2. Flows diverted from facilities to other facilities that
70 provide 100 percent reuse of the diverted flows prior to



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71 December 31, 2030 ~~2025~~, shall be considered to contribute to
72 meeting the ~~60 percent~~ reuse requirement. For utilities
73 operating more than one outfall, the reuse requirement may ~~can~~
74 be apportioned between the ~~met if the combined actual reuse~~
75 flows from facilities served by the outfalls ~~is at least 60~~
76 percent of the sum of the total actual flows from the
77 facilities, including flows diverted to other facilities for 100
78 percent reuse prior to December 31, 2030 2025. Utilities that
79 shared a common ocean outfall for the discharge of domestic
80 wastewater on July 1, 2008, regardless of which utility operates
81 the ocean outfall, are individually responsible for meeting the
82 reuse requirement and may enter into binding agreements to share
83 or transfer such responsibility among the utilities. In the
84 event treatment in addition to the advanced wastewater treatment
85 and management requirements described in paragraph (b) is needed
86 in order to support a functioning reuse system, such treatment
87 shall be fully operational no later than December 31, 2030 ~~2025~~.

88 (d) The discharge of domestic wastewater through ocean
89 outfalls is prohibited after December 31, 2030 ~~2025~~, except as a
90 backup discharge that is part of a functioning reuse system or
91 other wastewater management system authorized by the department
92 ~~as provided for in paragraph (c)~~. A backup discharge may occur
93 only during periods of reduced demand for reclaimed water in the
94 reuse system, such as periods of wet weather, or as the result
95 of peak flows from other wastewater management systems ~~and shall~~
96 ~~comply with the advanced wastewater treatment and management~~
97 ~~requirements of paragraph (b)~~. Backup discharges may not
98 cumulatively exceed 5 percent of a facility's baseline flow,
99 measured as a 5-year rolling average, are subject to applicable



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100 technology and water-quality-based effluent limitations
101 specified in department rules, and, when in compliance with the
102 effluent limitations, are deemed to meet the advanced wastewater
103 treatment requirements of this subsection. A backup discharge is
104 authorized and deemed to meet the advanced wastewater treatment
105 requirements of this subsection for any domestic wastewater
106 facility discharging through an ocean outfall on July 1, 2008,
107 which has installed by December 31, 2018, a fully operational
108 reuse system comprising 100 percent of the facility's annual
109 average daily flow for reuse activities authorized by the
110 department.

111 (e) The holder of a department permit authorizing the
112 discharge of domestic wastewater through an ocean outfall as of
113 July 1, 2008, shall submit to the secretary of the department
114 the following:

115 1. A detailed plan to meet the requirements of this
116 subsection, including an identification of the technical,
117 environmental, and economic feasibility of various reuse
118 options; an identification of all land acquisition and
119 facilities necessary to provide for reuse of the domestic
120 wastewater; an analysis of the costs to meet the requirements,
121 including the level of treatment necessary to satisfy state
122 water quality requirements and local water quality
123 considerations, and a comparative cost of reuse using flows from
124 ocean outfalls and flows from other domestic wastewater sources;
125 and a financing plan for meeting the requirements, including
126 identifying any actions necessary to implement the financing
127 plan, such as bond issuance or other borrowing, assessments,
128 rate increases, fees, other charges, or other financing



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129 mechanisms. The plan shall evaluate reuse demand in the context
130 of future regional water supply demands, the availability of
131 traditional water supplies, the need for development of
132 alternative water supplies, the degree to which various reuse
133 options offset potable water supplies, and other factors
134 considered in the South Florida Water Management District's
135 Lower East Coast Regional Water Supply Plan. The plan shall
136 include a detailed schedule for the completion of all necessary
137 actions and shall be accompanied by supporting data and other
138 documentation. The plan shall be submitted no later than July 1,
139 2018 ~~2013~~.

140 2. No later than July 1, 2021 ~~2016~~, an update of the plan
141 required in subparagraph 1. documenting any refinements or
142 changes in the costs, actions, or financing necessary to
143 eliminate the ocean outfall discharge in accordance with this
144 subsection or a written statement that the plan is current and
145 accurate.

146
147 The department, the South Florida Water Management District, and
148 the affected utilities shall consider the information in the
149 detailed plan for the purpose of adjusting, as necessary, the
150 reuse requirements of this subsection. The department shall
151 submit a report to the Legislature by February 15, 2019,
152 containing recommendations for any changes necessary to the
153 requirements of this subsection.

154 (j) An entity that diverts wastewater flow from a receiving
155 facility that discharges domestic wastewater through an ocean
156 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
157 (c). Reuse by the diverting entity of the diverted flows shall



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158 be credited to the diverting entity. The diverted flow shall
159 also be correspondingly deducted from the receiving facility's
160 baseline ~~actual~~ flow ~~on an annual basis~~ from which the required
161 reuse is calculated pursuant to paragraph (c), and the receiving
162 facility's reuse requirement shall be recalculated accordingly.

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

164
165 ===== T I T L E A M E N D M E N T =====

166 And the title is amended as follows:

167 Delete everything before the enacting clause
168 and insert:

169 A bill to be entitled
170 An act relating to domestic wastewater ocean outfalls;
171 amending s. 403.086, F.S.; postponing the dates by
172 which domestic wastewater facilities must meet more
173 stringent treatment and management requirements for
174 the discharge of domestic wastewater; defining the
175 term "baseline flow" for purposes of determining the
176 annual average flow of a utility's domestic wastewater
177 discharge; authorizing utilities to apportion the
178 amount of wastewater outfall for purposes of meeting
179 the reuse requirements; authorizing utilities to enter
180 into binding agreements; providing additional
181 requirements for backup discharges; providing
182 exceptions and alternatives with respect to such
183 backup discharges; providing additional requirements
184 for the plans submitted to the Department of
185 Environmental Protection by the holder of a permit
186 authorizing the discharge of domestic wastewater



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187 through an ocean outfall; requiring the department,
188 the South Florida Water Management District, and
189 affected utilities to adjust the reuse requirements
190 provided under the act; requiring that the department
191 submit a report to the Legislature by a specified
192 date; providing an effective date.