

By the Committee on Environmental Preservation and Conservation;
and Senators Diaz de la Portilla and Sobel

592-02634-11

2011796c1

1 A bill to be entitled

2 An act relating to domestic wastewater ocean outfalls;
3 amending s. 403.086, F.S.; postponing the dates by
4 which domestic wastewater facilities must meet more
5 stringent treatment and management requirements for
6 the discharge of domestic wastewater; defining the
7 term "baseline flow" for purposes of determining the
8 annual average flow of a utility's domestic wastewater
9 discharge; authorizing utilities to apportion the
10 amount of wastewater outfall for purposes of meeting
11 the reuse requirements; authorizing utilities to enter
12 into binding agreements; providing additional
13 requirements for backup discharges; providing
14 exceptions and alternatives with respect to such
15 backup discharges; providing additional requirements
16 for the plans submitted to the Department of
17 Environmental Protection by the holder of a permit
18 authorizing the discharge of domestic wastewater
19 through an ocean outfall; requiring the department,
20 the South Florida Water Management District, and
21 affected utilities to adjust the reuse requirements
22 provided under the act; requiring that the department
23 submit a report to the Legislature by a specified
24 date; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraphs (b), (c), (d), (e), and (j) of
29 subsection (9) of section 403.086, Florida Statutes, are amended

592-02634-11

2011796c1

30 to read:

31 403.086 Sewage disposal facilities; advanced and secondary
32 waste treatment.—

33 (9) The Legislature finds that the discharge of domestic
34 wastewater through ocean outfalls wastes valuable water supplies
35 that should be reclaimed for beneficial purposes to meet public
36 and natural systems demands. The Legislature also finds that
37 discharge of domestic wastewater through ocean outfalls
38 compromises the coastal environment, quality of life, and local
39 economies that depend on those resources. The Legislature
40 declares that more stringent treatment and management
41 requirements for such domestic wastewater and the subsequent,
42 timely elimination of ocean outfalls as a primary means of
43 domestic wastewater discharge are in the public interest.

44 (b) The discharge of domestic wastewater through ocean
45 outfalls shall meet advanced wastewater treatment and management
46 requirements no later than December 31, 2018. For purposes of
47 this subsection, the term "advanced wastewater treatment and
48 management requirements" means the advanced waste treatment
49 requirements set forth in subsection (4), a reduction in outfall
50 baseline loadings of total nitrogen and total phosphorus which
51 is equivalent to that which would be achieved by the advanced
52 waste treatment requirements in subsection (4), or a reduction
53 in cumulative outfall loadings of total nitrogen and total
54 phosphorus occurring between December 31, 2008, and December 31,
55 2030 ~~2025~~, which is equivalent to that which would be achieved
56 if the advanced waste treatment requirements in subsection (4)
57 were fully implemented beginning December 31, 2023 ~~2018~~, and
58 continued through December 31, 2030 ~~2025~~. The department shall

592-02634-11

2011796c1

59 establish the average baseline loadings of total nitrogen and
60 total phosphorus for each outfall using monitoring data
61 available for calendar years 2003 through 2007 and shall
62 establish required loading reductions based on this baseline.
63 The baseline loadings and required loading reductions of total
64 nitrogen and total phosphorus shall be expressed as an average
65 annual daily loading value. The advanced wastewater treatment
66 and management requirements of this paragraph shall be deemed to
67 be met for any domestic wastewater facility discharging through
68 an ocean outfall on July 1, 2008, which has installed no later
69 than December 31, 2018, a fully operational reuse system
70 comprising 100 percent of the facility's annual average daily
71 flow for reuse activities authorized by the department.

72 (c)1. Each utility that had a permit for a domestic
73 wastewater facility that discharged ~~discharges~~ through an ocean
74 outfall on July 1, 2008, shall install a functioning reuse
75 system no later than December 31, 2030 ~~2025~~. For purposes of
76 this subsection, a "functioning reuse system" means an
77 environmentally, economically, and technically feasible system
78 that provides a minimum of 60 percent of a the facility's
79 baseline actual flow or, for utilities operating more than one
80 facility, 60 percent of the utility's entire wastewater system
81 flow on an annual basis on December 31, 2030. Reuse may be ~~on an~~
82 ~~annual basis~~ for irrigation of public access areas, residential
83 properties, or agricultural crops; aquifer recharge of the
84 Biscayne or Upper Floridan Aquifers; groundwater recharge;
85 industrial cooling; or other acceptable reuse purposes
86 authorized by the department. For purposes of this subsection,
87 the term "baseline facility's actual flow on an annual basis"

592-02634-11

2011796c1

88 means the annual average flow of domestic wastewater discharging
89 through the facility's ocean outfall, as determined by the
90 department, using monitoring data available for calendar years
91 2003 through 2007.

92 2. Flows diverted from facilities to other facilities that
93 provide 100 percent reuse of the diverted flows prior to
94 December 31, 2030 ~~2025~~, shall be considered to contribute to
95 meeting the ~~60 percent~~ reuse requirement. For utilities
96 operating more than one outfall, the reuse requirement may ~~can~~
97 be apportioned between the ~~met if the combined actual reuse~~
98 flows from facilities served by the outfalls is at least 60
99 percent of the sum of the total actual flows from the
100 facilities, including flows diverted to other facilities for 100
101 percent reuse prior to December 31, 2030 ~~2025~~. Utilities that
102 shared a common ocean outfall for the discharge of domestic
103 wastewater on July 1, 2008, regardless of which utility operates
104 the ocean outfall, are individually responsible for meeting the
105 reuse requirement and may enter into binding agreements to share
106 or transfer such responsibility among the utilities. In the
107 event treatment in addition to the advanced wastewater treatment
108 and management requirements described in paragraph (b) is needed
109 in order to support a functioning reuse system, such treatment
110 shall be fully operational no later than December 31, 2030 ~~2025~~.

111 (d) The discharge of domestic wastewater through ocean
112 outfalls is prohibited after December 31, 2030 ~~2025~~, except as a
113 backup discharge that is part of a functioning reuse system or
114 other wastewater management system authorized by the department
115 ~~as provided for in paragraph (e)~~. A backup discharge may occur
116 only during periods of reduced demand for reclaimed water in the

592-02634-11

2011796c1

117 reuse system, such as periods of wet weather, or as the result
118 of peak flows from other wastewater management systems ~~and shall~~
119 ~~comply with the advanced wastewater treatment and management~~
120 ~~requirements of paragraph (b).~~ Except as otherwise provided in
121 this subsection, peak flow backup discharges may not
122 cumulatively exceed 5 percent of a facility's baseline flow,
123 measured as a 5-year rolling average, are subject to applicable
124 technology and water-quality-based effluent limitations
125 specified in department rules, and, when in compliance with the
126 effluent limitations, are deemed to meet the advanced wastewater
127 treatment requirements of this subsection. A backup discharge is
128 authorized and deemed to meet the advanced wastewater treatment
129 requirements of this subsection for any domestic wastewater
130 facility discharging through an ocean outfall on July 1, 2008,
131 which has installed by December 31, 2018, a fully operational
132 reuse system comprising 100 percent of the facility's annual
133 average daily flow for reuse activities authorized by the
134 department.

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

139 1. A detailed plan to meet the requirements of this
140 subsection, including an identification of the technical,
141 environmental, and economic feasibility of various reuse
142 options; an identification of all land acquisition and
143 facilities necessary to provide for reuse of the domestic
144 wastewater; an analysis of the costs to meet the requirements,
145 including the level of treatment necessary to satisfy state

592-02634-11

2011796c1

146 water quality requirements and local water quality
147 considerations, and a comparative cost of reuse using flows from
148 ocean outfalls and flows from other domestic wastewater sources;
149 and a financing plan for meeting the requirements, including
150 identifying any actions necessary to implement the financing
151 plan, such as bond issuance or other borrowing, assessments,
152 rate increases, fees, other charges, or other financing
153 mechanisms. The plan shall evaluate reuse demand in the context
154 of future regional water supply demands, the availability of
155 traditional water supplies, the need for development of
156 alternative water supplies, the degree to which various reuse
157 options offset potable water supplies, and other factors
158 considered in the South Florida Water Management District's
159 Lower East Coast Regional Water Supply Plan. The plan shall
160 include a detailed schedule for the completion of all necessary
161 actions and shall be accompanied by supporting data and other
162 documentation. The plan shall be submitted no later than July 1,
163 2018 ~~2013~~.

164 2. No later than July 1, 2021 ~~2016~~, an update of the plan
165 required in subparagraph 1. documenting any refinements or
166 changes in the costs, actions, or financing necessary to
167 eliminate the ocean outfall discharge in accordance with this
168 subsection or a written statement that the plan is current and
169 accurate.

170
171 The department, the South Florida Water Management District, and
172 the affected utilities shall consider the information in the
173 detailed plan for the purpose of adjusting, as necessary, the
174 reuse requirements of this subsection. The department shall

592-02634-11

2011796c1

175 submit a report to the Legislature by February 15, 2019,
176 containing recommendations for any changes necessary to the
177 requirements of this subsection.

178 (j) An entity that diverts wastewater flow from a receiving
179 facility that discharges domestic wastewater through an ocean
180 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
181 (c). Reuse by the diverting entity of the diverted flows shall
182 be credited to the diverting entity. The diverted flow shall
183 also be correspondingly deducted from the receiving facility's
184 baseline actual flow ~~on an annual basis~~ from which the required
185 reuse is calculated pursuant to paragraph (c), and the receiving
186 facility's reuse requirement shall be recalculated accordingly.

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