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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/09/2012 04:43 PM

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Senator Garcia moved the following:

Senate Amendment (with title amendment)

Between lines 313 and 314

insert:

Section 6. Subsection (9) of section 403.086, Florida Statutes, is 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 and natural systems demands. The Legislature also finds that discharge of domestic wastewater through ocean outfalls



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

20 (a) The construction of new ocean outfalls for domestic
21 wastewater discharge and the expansion of existing ocean
22 outfalls for this purpose, along with associated pumping and
23 piping systems, are prohibited. Each domestic wastewater ocean
24 outfall shall be limited to the discharge capacity specified in
25 the department permit authorizing the outfall in effect on July
26 1, 2008, which discharge capacity shall not be increased.
27 Maintenance of existing, department-authorized domestic
28 wastewater ocean outfalls and associated pumping and piping
29 systems is allowed, subject to the requirements of this section.
30 The department is directed to work with the United States
31 Environmental Protection Agency to ensure that the requirements
32 of this subsection are implemented consistently for all domestic
33 wastewater facilities in Florida which discharge through ocean
34 outfalls.

35 (b) The discharge of domestic wastewater through ocean
36 outfalls must ~~shall~~ meet advanced wastewater treatment and
37 management requirements by December 31, 2020 ~~no later than~~
38 ~~December 31, 2018~~. For purposes of this subsection, the term
39 "advanced wastewater treatment and management requirements"
40 means the advanced waste treatment requirements set forth in
41 subsection (4), a reduction in outfall baseline loadings of
42 total nitrogen and total phosphorus which is equivalent to that



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43 which would be achieved by the advanced waste treatment
44 requirements in subsection (4), or a reduction in cumulative
45 outfall loadings of total nitrogen and total phosphorus
46 occurring between December 31, 2008, and December 31, 2025,
47 which is equivalent to that which would be achieved if the
48 advanced waste treatment requirements in subsection (4) were
49 fully implemented beginning December 31, 2020 ~~2018~~, and
50 continued through December 31, 2025. The department shall
51 establish the average baseline loadings of total nitrogen and
52 total phosphorus for each outfall using monitoring data
53 available for calendar years 2003 through 2007 and ~~shall~~
54 establish required loading reductions based on this baseline.
55 The baseline loadings and required loading reductions of total
56 nitrogen and total phosphorus shall be expressed as an average
57 annual daily loading value. The advanced wastewater treatment
58 and management requirements of this paragraph are ~~shall be~~
59 deemed ~~to be~~ met for any domestic wastewater facility
60 discharging through an ocean outfall on July 1, 2008, which has
61 installed by ~~no later than~~ December 31, 2018, a fully
62 operational reuse system comprising 100 percent of the
63 facility's annual average daily flow for reuse activities
64 authorized by the department.

65 (c) 1. Each utility that had a permit for a domestic
66 wastewater facility that discharged ~~discharges~~ through an ocean
67 outfall on July 1, 2008, must ~~shall~~ install a functioning reuse
68 system by ~~no later than~~ December 31, 2025. For purposes of this
69 subsection, a "functioning reuse system" means an
70 environmentally, economically, and technically feasible system
71 that provides a minimum of 60 percent of a ~~the~~ facility's



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72 baseline actual flow or, for utilities operating more than one
73 facility, 60 percent of the utility's entire wastewater system
74 flow on an annual basis on December 31, 2025. Reuse may be on an
75 ~~annual basis~~ for irrigation of public access areas, residential
76 properties, or agricultural crops; aquifer recharge; groundwater
77 recharge; industrial cooling; or other acceptable reuse purposes
78 authorized by the department. For purposes of this subsection,
79 the term "baseline flow" ~~"facility's actual flow on an annual~~
80 ~~basis"~~ means the annual average flow of domestic wastewater
81 discharging through the facility's ocean outfall, as determined
82 by the department, using monitoring data available for calendar
83 years 2003 through 2007.

84 2. Flows diverted from facilities to other facilities that
85 provide 100 percent reuse of the diverted flows before ~~prior to~~
86 December 31, 2025, are ~~shall be~~ considered to contribute to
87 meeting the ~~60 percent~~ reuse requirement. For utilities
88 operating more than one outfall, the reuse requirement may ~~can~~
89 be apportioned between the ~~met if the combined actual reuse~~
90 ~~flows from~~ facilities served by the outfalls ~~is at least 60~~
91 ~~percent of the sum of the total actual flows from the~~
92 ~~facilities, including flows diverted to other facilities for 100~~
93 ~~percent reuse~~ before ~~prior to~~ December 31, 2025. Utilities that
94 shared a common ocean outfall for the discharge of domestic
95 wastewater on July 1, 2008, regardless of which utility operates
96 the ocean outfall, are individually responsible for meeting the
97 reuse requirement and may enter into binding agreements to share
98 or transfer such responsibility among the utilities. If ~~In the~~
99 ~~event~~ treatment in addition to the advanced wastewater treatment
100 and management requirements described in paragraph (b) is needed



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101 ~~in order~~ to support a functioning reuse system, the such
102 treatment must shall be fully operational by no later than
103 December 31, 2025.

104 (d) The discharge of domestic wastewater through ocean
105 outfalls is prohibited after December 31, 2025, except as a
106 backup discharge that is part of a functioning reuse system or
107 other wastewater management system authorized by the department
108 ~~as provided for in paragraph (c)~~. Except as otherwise provided
109 in this subsection, a backup discharge may occur only during
110 periods of reduced demand for reclaimed water in the reuse
111 system, such as periods of wet weather, or as the result of peak
112 flows from other wastewater management systems, and must shall
113 comply with the advanced wastewater treatment and management
114 requirements of paragraph (b). Peak flow backup discharges from
115 other wastewater management systems may not cumulatively exceed
116 5 percent of a facility's baseline flow, measured as a 5-year
117 rolling average, and are subject to applicable secondary waste
118 treatment and water-quality-based effluent limitations specified
119 in department rules. When in compliance with the effluent
120 limitations, the peak flow backup discharges shall be deemed to
121 meet the advanced wastewater treatment and management
122 requirements of this subsection.

123 (e) The holder of a department permit authorizing the
124 discharge of domestic wastewater through an ocean outfall as of
125 July 1, 2008, shall submit the following to the secretary of the
126 department ~~the following~~:

127 1. A detailed plan to meet the requirements of this
128 subsection, including the identification of the technical,
129 environmental, and economic feasibility of various reuse



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130 options; the an identification of all land acquisition and
131 facilities necessary to provide for reuse of the domestic
132 wastewater; an analysis of the costs to meet the requirements,
133 including the level of treatment necessary to satisfy state
134 water quality requirements and local water quality
135 considerations and a cost comparison of reuse using flows from
136 ocean outfalls and flows from other domestic wastewater sources;
137 and a financing plan for meeting the requirements, including
138 identifying any actions necessary to implement the financing
139 plan, such as bond issuance or other borrowing, assessments,
140 rate increases, fees, other charges, or other financing
141 mechanisms. The plan must evaluate reuse demand in the context
142 of future regional water supply demands, the availability of
143 traditional water supplies, the need for development of
144 alternative water supplies, the degree to which various reuse
145 options offset potable water supplies, and other factors
146 considered in the South Florida Water Management District's
147 Lower East Coast Regional Water Supply Plan. The plan must ~~shall~~
148 include a detailed schedule for the completion of all necessary
149 actions and ~~shall~~ be accompanied by supporting data and other
150 documentation. The plan must ~~shall~~ be submitted by October 1,
151 2014 ~~no later than July 1, 2013.~~

152 2. By July 1, 2018 ~~No later than July 1, 2016,~~ an update of
153 the plan required in subparagraph 1. documenting any refinements
154 or changes in the costs, actions, or financing necessary to
155 eliminate the ocean outfall discharge in accordance with this
156 subsection or a written statement that the plan is current and
157 accurate.

158 (f) By December 31, 2009, and by December 31 every 5 years



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159 thereafter, the holder of a department permit authorizing the
160 discharge of domestic wastewater through an ocean outfall shall
161 submit to the secretary of the department a report summarizing
162 the actions accomplished to date and the actions remaining and
163 proposed to meet the requirements of this subsection, including
164 progress toward meeting the specific deadlines set forth in
165 paragraphs (b) through (e). The report shall include the
166 detailed schedule for and status of the evaluation of reuse and
167 disposal options, preparation of preliminary design reports,
168 preparation and submittal of permit applications, construction
169 initiation, construction progress milestones, construction
170 completion, initiation of operation, and continuing operation
171 and maintenance.

172 (g) ~~By No later than~~ July 1, 2010, and by July 1 every 5
173 years thereafter, the department shall submit a report to the
174 Governor, the President of the Senate, and the Speaker of the
175 House of Representatives on the implementation of this
176 subsection. The report shall summarize progress to date,
177 including the increased amount of reclaimed water provided and
178 potable water offsets achieved, and identify any obstacles to
179 continued progress, including all instances of substantial
180 noncompliance.

181 (h) By February 1, 2012, the department shall submit a
182 report to the Governor and Legislature detailing the results and
183 recommendations from phases 1 through 3 of its ongoing study on
184 reclaimed water use.

185 (i) The renewal of each permit that authorizes the
186 discharge of domestic wastewater through an ocean outfall as of
187 July 1, 2008, shall be accompanied by an order in accordance



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188 with s. 403.088(2) (e) and (f) which establishes an enforceable
189 compliance schedule consistent with the requirements of this
190 subsection.

191 (j) An entity that diverts wastewater flow from a receiving
192 facility that discharges domestic wastewater through an ocean
193 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
194 (c). Reuse by the diverting entity of the diverted flows shall
195 be credited to the diverting entity. The diverted flow shall
196 also be correspondingly deducted from the receiving facility's
197 baseline actual flow on an annual basis from which the required
198 reuse is calculated pursuant to paragraph (c), and the receiving
199 facility's reuse requirement shall be recalculated accordingly.

200
201 The department, the South Florida Water Management District, and
202 the affected utilities must consider the information in the
203 detailed plan under paragraph (e) for the purpose of adjusting,
204 as necessary, the reuse requirements of this subsection. The
205 department shall submit a report to the Legislature by February
206 15, 2015, containing recommendations for any changes necessary
207 to the requirements of this subsection.

208
209 ===== T I T L E A M E N D M E N T =====

210 And the title is amended as follows:

211 Delete line 29

212 and insert:

213 for construction of the act; amending s. 403.086,
214 F.S.; postponing the dates by which domestic
215 wastewater facilities must meet more stringent
216 treatment and management requirements; providing



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217 exceptions; revising the definition of the term
218 "functioning reuse system"; changing the term
219 "facility's actual flow on an annual basis" to
220 "baseline flow"; revising plan requirements for the
221 elimination of ocean outfalls; providing that certain
222 utilities that shared a common ocean outfall on a
223 specified date are individually responsible for
224 meeting the reuse requirement; authorizing those
225 utilities to enter into binding agreements to share or
226 transfer responsibility for meeting reuse
227 requirements; revising provisions authorizing the
228 backup discharge of domestic wastewater through ocean
229 outfalls; requiring a holder of a department permit
230 authorizing the discharge of domestic wastewater
231 through an ocean outfall to submit certain
232 information; requiring the Department of Environmental
233 Protection, the South Florida Water Management
234 District, and affected utilities to consider certain
235 information for the purpose of adjusting reuse
236 requirements; requiring the department to submit a
237 report to the Legislature; amending ss. 373.036,