



162462

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/08/2012 02:36 PM

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Senator Bogdanoff moved the following:

**Senate Amendment (with title amendment)**

Between lines 546 and 547

insert:

Section 13. 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) No later than July 1, 2010, and by July 1 every 5 years  
173 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 67

212 and insert:

213 enforcement or cleanup; amending s. 403.086, F.S.;

214 postponing the dates by which domestic wastewater

215 facilities must meet more stringent treatment and

216 management requirements; providing exceptions;





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217       revising the definition of the term "functioning reuse  
218       system"; changing the term "facility's actual flow on  
219       an annual basis" to "baseline flow"; revising plan  
220       requirements for the elimination of ocean outfalls;  
221       providing that certain utilities that shared a common  
222       ocean outfall on a specified date are individually  
223       responsible for meeting the reuse requirement;  
224       authorizing those utilities to enter into binding  
225       agreements to share or transfer responsibility for  
226       meeting reuse requirements; revising provisions  
227       authorizing the backup discharge of domestic  
228       wastewater through ocean outfalls; requiring a holder  
229       of a department permit authorizing the discharge of  
230       domestic wastewater through an ocean outfall to submit  
231       certain information; requiring the Department of  
232       Environmental Protection, the South Florida Water  
233       Management District, and affected utilities to  
234       consider certain information for the purpose of  
235       adjusting reuse requirements; requiring the department  
236       to submit a report to the Legislature; amending s.  
237       403.087, F.S.;