

By Senator Diaz de la Portilla

36-00007A-12

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

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. 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 compromises the coastal environment, quality of life, and local economies that depend on those resources. The Legislature declares that more stringent treatment and management requirements for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.

(a) The construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls for this purpose, along with associated pumping and piping systems, are prohibited. Each domestic wastewater ocean outfall shall be limited to the discharge capacity specified in the department permit authorizing the outfall in effect on July 1, 2008, which discharge capacity shall not be increased. Maintenance of existing, department-authorized domestic wastewater ocean outfalls and associated pumping and piping systems is allowed, subject to the requirements of this section. The department is directed to work with the United States Environmental Protection Agency to ensure that the requirements of this subsection are implemented consistently for all domestic

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59 wastewater facilities in Florida which discharge through ocean
60 outfalls.

61 (b) The discharge of domestic wastewater through ocean
62 outfalls must ~~shall~~ meet advanced wastewater treatment and
63 management requirements by December 31, 2020 ~~no later than~~
64 ~~December 31, 2018~~. For purposes of this subsection, the term
65 "advanced wastewater treatment and management requirements"
66 means the advanced waste treatment requirements set forth in
67 subsection (4), a reduction in outfall baseline loadings of
68 total nitrogen and total phosphorus which is equivalent to that
69 which would be achieved by the advanced waste treatment
70 requirements in subsection (4), or a reduction in cumulative
71 outfall loadings of total nitrogen and total phosphorus
72 occurring between December 31, 2008, and December 31, 2025,
73 which is equivalent to that which would be achieved if the
74 advanced waste treatment requirements in subsection (4) were
75 fully implemented beginning December 31, 2020 ~~2018~~, and
76 continued through December 31, 2025. The department shall
77 establish the average baseline loadings of total nitrogen and
78 total phosphorus for each outfall using monitoring data
79 available for calendar years 2003 through 2007 and ~~shall~~
80 establish required loading reductions based on this baseline.
81 The baseline loadings and required loading reductions of total
82 nitrogen and total phosphorus shall be expressed as an average
83 annual daily loading value. The advanced wastewater treatment
84 and management requirements of this paragraph are ~~shall be~~
85 deemed ~~to be~~ met for any domestic wastewater facility
86 discharging through an ocean outfall on July 1, 2008, which has
87 installed by ~~no later than~~ December 31, 2018, a fully

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88 operational reuse system comprising 100 percent of the
89 facility's annual average daily flow for reuse activities
90 authorized by the department.

91 (c) 1. Each utility that had a permit for a domestic
92 wastewater facility that discharged ~~discharges~~ through an ocean
93 outfall on July 1, 2008, must ~~shall~~ install a functioning reuse
94 system by no later than December 31, 2025. For purposes of this
95 subsection, a "functioning reuse system" means an
96 environmentally, economically, and technically feasible system
97 that provides a minimum of 60 percent of a the facility's
98 baseline actual flow or, for utilities operating more than one
99 facility, 60 percent of the utility's entire wastewater system
100 flow on an annual basis on December 31, 2025. Reuse may be ~~on an~~
101 ~~annual basis~~ for irrigation of public access areas, residential
102 properties, or agricultural crops; aquifer recharge; groundwater
103 recharge; industrial cooling; or other acceptable reuse purposes
104 authorized by the department. For purposes of this subsection,
105 the term "baseline flow" ~~"facility's actual flow on an annual~~
106 ~~basis"~~ means the annual average flow of domestic wastewater
107 discharging through the facility's ocean outfall, as determined
108 by the department, using monitoring data available for calendar
109 years 2003 through 2007.

110 2. Flows diverted from facilities to other facilities that
111 provide 100 percent reuse of the diverted flows before ~~prior to~~
112 December 31, 2025, are ~~shall be~~ considered to contribute to
113 meeting the ~~60 percent~~ reuse requirement. For utilities
114 operating more than one outfall, the reuse requirement may ~~can~~
115 be apportioned between the ~~met if the combined actual reuse~~
116 ~~flows from~~ facilities served by the outfalls ~~is at least 60~~

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117 ~~percent of the sum of the total actual flows from the~~
118 ~~facilities,~~ including flows diverted to other facilities for 100
119 percent reuse before ~~prior to~~ December 31, 2025. Utilities that
120 shared a common ocean outfall for the discharge of domestic
121 wastewater on July 1, 2008, regardless of which utility operates
122 the ocean outfall, are individually responsible for meeting the
123 reuse requirement and may enter into binding agreements to share
124 or transfer such responsibility among the utilities. If ~~in the~~
125 ~~event~~ treatment in addition to the advanced wastewater treatment
126 and management requirements described in paragraph (b) is needed
127 ~~in order~~ to support a functioning reuse system, the such
128 treatment must shall be fully operational by no later than
129 December 31, 2025.

130 (d) The discharge of domestic wastewater through ocean
131 outfalls is prohibited after December 31, 2025, except as a
132 backup discharge that is part of a functioning reuse system or
133 other wastewater management system authorized by the department
134 ~~as provided for in paragraph (c).~~ Except as otherwise provided
135 in this subsection, a backup discharge may occur only during
136 periods of reduced demand for reclaimed water in the reuse
137 system, such as periods of wet weather, or as the result of peak
138 flows from other wastewater management systems, and must shall
139 comply with the advanced wastewater treatment and management
140 requirements of paragraph (b). Peak flow backup discharges from
141 other wastewater management systems may not cumulatively exceed
142 5 percent of a facility's baseline flow, measured as a 5-year
143 rolling average, and are subject to applicable secondary waste
144 treatment and water-quality-based effluent limitations specified
145 in department rules. When in compliance with the effluent

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146 limitations, the peak flow backup discharges shall be deemed to
147 meet the advanced wastewater treatment and management
148 requirements of this subsection.

149 (e) The holder of a department permit authorizing the
150 discharge of domestic wastewater through an ocean outfall as of
151 July 1, 2008, shall submit the following to the secretary of the
152 department ~~the following~~:

153 1. A detailed plan to meet the requirements of this
154 subsection, including the identification of the technical,
155 environmental, and economic feasibility of various reuse
156 options; the an identification of all land acquisition and
157 facilities necessary to provide for reuse of the domestic
158 wastewater; an analysis of the costs to meet the requirements,
159 including the level of treatment necessary to satisfy state
160 water quality requirements and local water quality
161 considerations and a cost comparison of reuse using flows from
162 ocean outfalls and flows from other domestic wastewater sources;
163 and a financing plan for meeting the requirements, including
164 identifying any actions necessary to implement the financing
165 plan, such as bond issuance or other borrowing, assessments,
166 rate increases, fees, other charges, or other financing
167 mechanisms. The plan must evaluate reuse demand in the context
168 of future regional water supply demands, the availability of
169 traditional water supplies, the need for development of
170 alternative water supplies, the degree to which various reuse
171 options offset potable water supplies, and other factors
172 considered in the South Florida Water Management District's
173 Lower East Coast Regional Water Supply Plan. The plan ~~must~~ shall
174 include a detailed schedule for the completion of all necessary

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175 actions and ~~shall~~ be accompanied by supporting data and other
176 documentation. The plan must ~~shall~~ be submitted by October 1,
177 2014 ~~no later than July 1, 2013~~.

178 2. By July 1, 2018 ~~No later than July 1, 2016~~, an update of
179 the plan required in subparagraph 1. documenting any refinements
180 or changes in the costs, actions, or financing necessary to
181 eliminate the ocean outfall discharge in accordance with this
182 subsection or a written statement that the plan is current and
183 accurate.

184 (f) By December 31, 2009, and by December 31 every 5 years
185 thereafter, the holder of a department permit authorizing the
186 discharge of domestic wastewater through an ocean outfall shall
187 submit to the secretary of the department a report summarizing
188 the actions accomplished to date and the actions remaining and
189 proposed to meet the requirements of this subsection, including
190 progress toward meeting the specific deadlines set forth in
191 paragraphs (b) through (e). The report shall include the
192 detailed schedule for and status of the evaluation of reuse and
193 disposal options, preparation of preliminary design reports,
194 preparation and submittal of permit applications, construction
195 initiation, construction progress milestones, construction
196 completion, initiation of operation, and continuing operation
197 and maintenance.

198 (g) No later than July 1, 2010, and by July 1 every 5 years
199 thereafter, the department shall submit a report to the
200 Governor, the President of the Senate, and the Speaker of the
201 House of Representatives on the implementation of this
202 subsection. The report shall summarize progress to date,
203 including the increased amount of reclaimed water provided and

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204 potable water offsets achieved, and identify any obstacles to
205 continued progress, including all instances of substantial
206 noncompliance.

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

211 (i) The renewal of each permit that authorizes the
212 discharge of domestic wastewater through an ocean outfall as of
213 July 1, 2008, shall be accompanied by an order in accordance
214 with s. 403.088(2)(e) and (f) which establishes an enforceable
215 compliance schedule consistent with the requirements of this
216 subsection.

217 (j) An entity that diverts wastewater flow from a receiving
218 facility that discharges domestic wastewater through an ocean
219 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
220 (c). Reuse by the diverting entity of the diverted flows shall
221 be credited to the diverting entity. The diverted flow shall
222 also be correspondingly deducted from the receiving facility's
223 baseline actual flow on an annual basis from which the required
224 reuse is calculated pursuant to paragraph (c), and the receiving
225 facility's reuse requirement shall be recalculated accordingly.

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227 The department, the South Florida Water Management District, and
228 the affected utilities must consider the information in the
229 detailed plan under paragraph (e) for the purpose of adjusting,
230 as necessary, the reuse requirements of this subsection. The
231 department shall submit a report to the Legislature by February
232 15, 2015, containing recommendations for any changes necessary

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233 to the requirements of this subsection.

234 Section 2. This act shall take effect July 1, 2012.