

By Senator Diaz de la Portilla

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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 revising the measurement standard for the wastewater
5 flow; revising the requirements for installation of a
6 functioning reuse system by a utility that had a
7 permit for a domestic wastewater facility on a
8 specified date to discharge through ocean outfall;
9 revising the definition of the term "functioning reuse
10 system"; changing the term "facility's actual flow on
11 an annual basis" to "baseline flow"; revising plan
12 requirements for the elimination of ocean outfalls;
13 providing that certain utilities that shared a common
14 ocean outfall on a specified date are individually
15 responsible for meeting the reuse requirement;
16 requiring that the Department of Environmental
17 Protection approve certain apportionment of reuse if a
18 facility contracts with another facility to install a
19 functioning reuse system; revising provisions
20 authorizing the backup discharge of domestic
21 wastewater through ocean outfalls; requiring a holder
22 of a department permit authorizing the discharge of
23 domestic wastewater through an ocean outfall to submit
24 certain information; requiring the Department of
25 Environmental Protection, the South Florida Water
26 Management District, and affected utilities to
27 consider certain information for the purpose of
28 adjusting reuse requirements; requiring the department
29 to submit a report to the Legislature; providing an

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30 effective date.

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32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Subsection (9) of section 403.086, Florida
35 Statutes, is amended to read:

36 403.086 Sewage disposal facilities; advanced and secondary
37 waste treatment.—

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

49 (a) The construction of new ocean outfalls for domestic
50 wastewater discharge and the expansion of existing ocean
51 outfalls for this purpose, along with associated pumping and
52 piping systems, are prohibited. Each domestic wastewater ocean
53 outfall shall be limited to the discharge capacity specified in
54 the department permit authorizing the outfall in effect on July
55 1, 2008, which discharge capacity shall not be increased.
56 Maintenance of existing, department-authorized domestic
57 wastewater ocean outfalls and associated pumping and piping
58 systems is allowed, subject to the requirements of this section.

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59 The department is directed to work with the United States
60 Environmental Protection Agency to ensure that the requirements
61 of this subsection are implemented consistently for all domestic
62 wastewater facilities in the state ~~Florida~~ which discharge
63 through ocean outfalls.

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

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88 discharging through an ocean outfall on July 1, 2008, which has
89 installed by no later than December 31, 2018, a fully
90 operational reuse system comprising 100 percent of the
91 facility's baseline flow on an annual basis ~~average daily flow~~
92 for reuse activities authorized by the department.

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

112 2. Flows diverted from facilities to other facilities that
113 provide 100 percent reuse of the diverted flows before ~~prior to~~
114 December 31, 2025, are shall be considered to contribute to
115 meeting the ~~60 percent~~ reuse requirement. For utilities
116 operating more than one outfall, the reuse requirement may can

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117 be apportioned between the ~~met if the combined actual reuse~~
118 ~~flows from~~ facilities served by the outfalls ~~is at least 60~~
119 ~~percent of the sum of the total actual flows from the~~
120 ~~facilities,~~ including flows diverted to other facilities for 100
121 percent reuse before ~~prior to~~ December 31, 2025. Utilities that
122 shared a common ocean outfall for the discharge of domestic
123 wastewater on July 1, 2008, regardless of which utility operates
124 the ocean outfall, are individually responsible for meeting the
125 reuse requirement and may enter into binding agreements to share
126 or transfer such responsibility among the utilities. If ~~In the~~
127 ~~event~~ treatment in addition to the advanced wastewater treatment
128 and management requirements described in paragraph (b) is needed
129 ~~in order~~ to support a functioning reuse system, the such
130 treatment must shall be fully operational by ~~no later than~~
131 December 31, 2025.

132 3. If a facility that discharges through an ocean outfall
133 contracts with another utility to install a functioning reuse
134 system, the department must approve any apportionment of the
135 reuse generated from the new or expanded reuse system that is
136 intended to satisfy all or a portion of the reuse requirements
137 pursuant to subparagraph 1. If a contract is between two
138 utilities that have reuse requirements pursuant to subparagraph
139 1., the reuse apportioned to each utility's requirement may not
140 exceed the total reuse generated by the new or expanded reuse
141 system.

142 (d) The discharge of domestic wastewater through ocean
143 outfalls is prohibited after December 31, 2025, except as a
144 backup discharge that is part of a functioning reuse system or
145 other wastewater management system authorized by the department

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146 ~~as provided for in paragraph (c).~~ Except as otherwise provided
147 in this subsection, a backup discharge may occur only during
148 periods of reduced demand for reclaimed water in the reuse
149 system, such as periods of wet weather, or as the result of peak
150 flows from other wastewater management systems, and ~~must~~ shall
151 comply with the advanced wastewater treatment and management
152 requirements of paragraph (b). Peak flow backup discharges from
153 other wastewater management systems may not cumulatively exceed
154 5 percent of a facility's baseline flow, measured as a 5-year
155 rolling average, and are subject to applicable secondary waste
156 treatment and water-quality-based effluent limitations specified
157 in department rules. If peak flow backup discharges are in
158 compliance with the effluent limitations, the discharges are
159 deemed to meet the advanced wastewater treatment and management
160 requirements of this subsection.

161 (e) The holder of a department permit authorizing the
162 discharge of domestic wastewater through an ocean outfall as of
163 July 1, 2008, shall submit the following to the secretary of the
164 department ~~the following~~:

165 1. A detailed plan to meet the requirements of this
166 subsection, including the identification of the technical,
167 environmental, and economic feasibility of various reuse
168 options; the an identification of each all land acquisition and
169 facility facilities necessary to provide for reuse of the
170 domestic wastewater; an analysis of the costs to meet the
171 requirements, including the level of treatment necessary to
172 satisfy state water quality requirements and local water quality
173 considerations and a cost comparison of reuse using flows from
174 ocean outfalls and flows from other domestic wastewater sources;

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175 and a financing plan for meeting the requirements, including
176 identifying any actions necessary to implement the financing
177 plan, such as bond issuance or other borrowing, assessments,
178 rate increases, fees, other charges, or other financing
179 mechanisms. The plan must evaluate reuse demand in the context
180 of future regional water supply demands, the availability of
181 traditional water supplies, the need for development of
182 alternative water supplies, the degree to which various reuse
183 options offset potable water supplies, and other factors
184 considered in the Lower East Coast Regional Water Supply Plan of
185 the South Florida Water Management District. The plan must ~~shall~~
186 include a detailed schedule for the completion of all necessary
187 actions and ~~shall~~ be accompanied by supporting data and other
188 documentation. The plan must ~~shall~~ be submitted by ~~no later than~~
189 July 1, 2013.

190 2. ~~By No later than~~ July 1, 2016, an update of the plan
191 required in subparagraph 1. documenting any refinements or
192 changes in the costs, actions, or financing necessary to
193 eliminate the ocean outfall discharge in accordance with this
194 subsection or a written statement that the plan is current and
195 accurate.

196 (f) By December 31, 2009, and by December 31 every 5 years
197 thereafter, the holder of a department permit authorizing the
198 discharge of domestic wastewater through an ocean outfall shall
199 submit to the secretary of the department a report summarizing
200 the actions accomplished to date and the actions remaining and
201 proposed to meet the requirements of this subsection, including
202 progress toward meeting the specific deadlines set forth in
203 paragraphs (b) through (e). The report shall include the

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204 detailed schedule for and status of the evaluation of reuse and
205 disposal options, preparation of preliminary design reports,
206 preparation and submittal of permit applications, construction
207 initiation, construction progress milestones, construction
208 completion, initiation of operation, and continuing operation
209 and maintenance.

210 (g) By ~~No later than~~ July 1, 2010, and by July 1 every 5
211 years thereafter, the department shall submit a report to the
212 Governor, the President of the Senate, and the Speaker of the
213 House of Representatives on the implementation of this
214 subsection. In the report, the department shall summarize
215 progress to date, including the increased amount of reclaimed
216 water provided and potable water offsets achieved, and identify
217 any obstacles to continued progress, including all instances of
218 substantial noncompliance.

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

223 (i) The renewal of each permit that authorizes the
224 discharge of domestic wastewater through an ocean outfall as of
225 July 1, 2008, must ~~shall~~ be accompanied by an order in
226 accordance with s. 403.088(2)(e) and (f) which establishes an
227 enforceable compliance schedule consistent with the requirements
228 of this subsection.

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

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

238

239 The department, the South Florida Water Management District, and
240 the affected utilities must consider the information in the
241 detailed plan in paragraph (e) for the purpose of adjusting, as
242 necessary, the reuse requirements of this subsection. The
243 department shall submit a report to the Legislature by February
244 15, 2015, containing recommendations for any changes necessary
245 to the requirements of this subsection.

246

Section 2. This act shall take effect July 1, 2013.