

By Senator Broxson

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1 A bill to be entitled
2 An act relating to domestic wastewater; amending s.
3 403.086, F.S.; requiring that all functioning reuse
4 systems meet specified minimum baseline flow standards
5 by specified dates; revising the plan that holders of
6 permits authorizing discharge of domestic wastewater
7 through an ocean outfall must submit to the Secretary
8 of Environmental Protection; requiring an amendment
9 and update to such plan by a specified date; deleting
10 obsolete provisions; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (9) of section 403.086, Florida
15 Statutes, is amended to read:

16 403.086 Sewage disposal facilities; advanced and secondary
17 waste treatment.—

18 (9) The Legislature finds that the discharge of domestic
19 wastewater through ocean outfalls wastes valuable water supplies
20 that should be reclaimed for beneficial purposes to meet public
21 and natural systems demands. The Legislature also finds that the
22 discharge of domestic wastewater through ocean outfalls
23 compromises the coastal environment, quality of life, and local
24 economies that depend on those resources. The Legislature
25 declares that more stringent treatment and management
26 requirements for such domestic wastewater, and the subsequent,
27 timely elimination of ocean outfalls as a primary means of
28 domestic wastewater discharge, are in the public interest.

29 (a) The construction of new ocean outfalls for domestic

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30 wastewater discharge and the expansion of existing ocean
31 outfalls for this purpose, along with associated pumping and
32 piping systems, are prohibited. Each domestic wastewater ocean
33 outfall shall be limited to the discharge capacity specified in
34 the department permit authorizing the outfall in effect on July
35 1, 2008, which discharge capacity may ~~shall~~ not be increased.
36 Maintenance of existing, department-authorized domestic
37 wastewater ocean outfalls and associated pumping and piping
38 systems is allowed, subject to the requirements of this section.
39 The department is directed to work with the United States
40 Environmental Protection Agency to ensure that the requirements
41 of this subsection are implemented consistently for all domestic
42 wastewater facilities in the state which discharge through ocean
43 outfalls.

44 (b) The discharge of domestic wastewater through ocean
45 outfalls must meet advanced wastewater treatment and management
46 requirements by December 31, 2018. For purposes of this
47 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 2025, which is equivalent to that which would be achieved if the
56 advanced waste treatment requirements in subsection (4) were
57 fully implemented beginning December 31, 2018, and continued
58 through December 31, 2025. The department shall establish the

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59 average baseline loadings of total nitrogen and total phosphorus
60 for each outfall using monitoring data available for calendar
61 years 2003 through 2007 and establish required loading
62 reductions based on this baseline. The baseline loadings and
63 required loading reductions of total nitrogen and total
64 phosphorus shall be expressed as an average annual daily loading
65 value. The advanced wastewater treatment and management
66 requirements of this paragraph are deemed met for any domestic
67 wastewater facility discharging through an ocean outfall on July
68 1, 2008, which has installed by December 31, 2018, a fully
69 operational reuse system comprising 100 percent of the
70 facility's baseline flow on an annual basis for reuse activities
71 authorized by the department.

72 (c)1. Each utility that had a permit for a domestic
73 wastewater facility that discharged through an ocean outfall on
74 July 1, 2008, must install, or cause to be installed, a
75 functioning reuse system within the utility's service area or,
76 by contract with another utility, within Miami-Dade County,
77 Broward County, or Palm Beach County by December 31, 2025. For
78 purposes of this subsection, a "functioning reuse system" means
79 an environmentally, economically, and technically feasible
80 system that provides a minimum of 60 percent of a facility's
81 baseline flow on an annual basis for irrigation of public access
82 areas, residential properties, or agricultural crops; aquifer
83 recharge; groundwater recharge; industrial cooling; or other
84 acceptable reuse purposes authorized by the department. For
85 purposes of this subsection, the term "baseline flow" means the
86 annual average flow of domestic wastewater discharging through
87 the facility's ocean outfall, as determined by the department,

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88 using monitoring data available for calendar years 2003 through
89 2007.

90 2. Flows diverted from facilities to other facilities that
91 provide 100 percent reuse of the diverted flows before December
92 31, 2025, are considered to contribute to meeting the reuse
93 requirement. For utilities operating more than one outfall, the
94 reuse requirement may be apportioned between the facilities
95 served by the outfalls, including flows diverted to other
96 facilities for 100 percent reuse before December 31, 2025.
97 Utilities that shared a common ocean outfall for the discharge
98 of domestic wastewater on July 1, 2008, regardless of which
99 utility operates the ocean outfall, are individually responsible
100 for meeting the reuse requirement and may enter into binding
101 agreements to share or transfer such responsibility among the
102 utilities. If treatment in addition to the advanced wastewater
103 treatment and management requirements described in paragraph (b)
104 is needed to support a functioning reuse system, the treatment
105 must be fully operational by December 31, 2025.

106 3. If a facility that discharges through an ocean outfall
107 contracts with another utility to install a functioning reuse
108 system, the department must approve any apportionment of the
109 reuse generated from the new or expanded reuse system that is
110 intended to satisfy all or a portion of the reuse requirements
111 pursuant to subparagraph 1. If a contract is between two
112 utilities that have reuse requirements pursuant to subparagraph
113 1., the reuse apportioned to each utility's requirement may not
114 exceed the total reuse generated by the new or expanded reuse
115 system. A utility shall provide the department a copy of any
116 contract with another utility that reflects an agreement between

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117 the utilities which is subject to the requirements of this
118 subparagraph.

119 4. By December 31, 2025, all functioning reuse systems must
120 use a minimum of 80 percent of a permitted facility's annual
121 baseline flow, measured as a 5-year rolling average, and by
122 December 31, 2028, a minimum of 95 percent of a permitted
123 facility's annual baseline flow, measured as a 5-year rolling
124 average.

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

144 (e) The holder of a department permit authorizing the
145 discharge of domestic wastewater through an ocean outfall as of

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146 July 1, 2008, shall submit the following to the secretary of the
147 department:

148 1. A detailed plan to meet the requirements of this
149 subsection, including the identification of the technical,
150 environmental, and economic feasibility of various reuse
151 options; the identification of each land acquisition and
152 facility necessary to provide for reuse of the domestic
153 wastewater; an analysis of the costs to meet the requirements,
154 including the level of treatment necessary to satisfy state
155 water quality requirements and local water quality
156 considerations and a cost comparison of reuse using flows from
157 ocean outfalls and flows from other domestic wastewater sources
158 or from domestic wastewater being injected into the subsurface
159 for disposal; and a financing plan for meeting the requirements,
160 including identifying any actions necessary to implement the
161 financing plan, such as bond issuance or other borrowing,
162 assessments, rate increases, fees, other charges, or other
163 financing mechanisms. The plan must evaluate reuse demand in the
164 context of future regional water supply demands, the
165 availability of traditional water supplies, the availability of
166 potential reuse water being injected into the subsurface for
167 disposal, the need for development of alternative water
168 supplies, the degree to which various reuse options offset
169 potable water supplies, ~~and~~ other factors considered in the
170 Lower East Coast Regional Water Supply Plan of the South Florida
171 Water Management District. The plan must include a detailed
172 schedule for the completion of all necessary actions and be
173 accompanied by supporting data and other documentation. The plan
174 must be submitted by July 1, 2013.

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175 2. By December 31, 2018, an amendment and update of the
176 plan required under subparagraph 1. specifically documenting
177 each of the requirements of subparagraph 1. By July 1, 2016, an
178 update of the plan required in subparagraph 1. documenting any
179 refinements or changes in the costs, actions, or financing
180 necessary to eliminate the ocean outfall discharge in accordance
181 with this subsection or a written statement that the plan is
182 current and accurate.

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

197 (g) By July 1, 2010, and by July 1 every 5 years
198 thereafter, the department shall submit a report to the
199 Governor, the President of the Senate, and the Speaker of the
200 House of Representatives on the implementation of this
201 subsection. In the report, the department shall summarize
202 progress to date, including the increased amount of reclaimed
203 water provided and potable water offsets achieved, and identify

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204 any obstacles to continued progress, including all instances of
205 substantial noncompliance.

206 (h) The renewal of each permit that authorizes the
207 discharge of domestic wastewater through an ocean outfall as of
208 July 1, 2008, must be accompanied by an order in accordance with
209 s. 403.088(2)(e) and (f) which establishes an enforceable
210 compliance schedule consistent with the requirements of this
211 subsection.

212 (i) An entity that diverts wastewater flow from a receiving
213 facility that discharges domestic wastewater through an ocean
214 outfall must meet the reuse requirement of paragraph (c). Reuse
215 by the diverting entity of the diverted flows shall be credited
216 to the diverting entity. The diverted flow shall also be
217 correspondingly deducted from the receiving facility's baseline
218 flow from which the required reuse is calculated pursuant to
219 paragraph (c), and the receiving facility's reuse requirement
220 shall be recalculated accordingly.

221
222 ~~The department, the South Florida Water Management District, and~~
223 ~~the affected utilities must consider the information in the~~
224 ~~detailed plan in paragraph (e) for the purpose of adjusting, as~~
225 ~~necessary, the reuse requirements of this subsection. The~~
226 ~~department shall submit a report to the Legislature by February~~
227 ~~15, 2015, containing recommendations for any changes necessary~~
228 ~~to the requirements of this subsection.~~

229 Section 2. This act shall take effect July 1, 2017.