

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to the discharge of domestic
3 wastewater; amending s. 403.086, F.S.; revising
4 legislative findings regarding the discharge of
5 domestic wastewater; prohibiting the construction of
6 new deep injection wells for domestic wastewater
7 discharge or the expansion of existing wells; limiting
8 the discharge capacity of domestic wastewater deep
9 well injection; requiring current ocean outfall and
10 deep well injection permitholders to install a
11 functioning reuse system within the utility's service
12 area by specified dates; providing exceptions;
13 prohibiting the discharge of domestic wastewater
14 through ocean outfalls and deep injection wells after
15 specified dates; requiring current deep well injection
16 permitholders to submit a plan to meet certain
17 requirements to the Department of Environmental
18 Protection by a specified date; requiring the plan to
19 be updated at specified intervals; requiring annual
20 progress reports to the department and to the Governor
21 and Legislature on compliance with the act; providing
22 requirements for the renewal of permits; requiring the
23 department to submit a report to the Legislature by a
24 specified date; amending ss. 373.250, 373.705,
25 373.707, and 373.709, F.S.; conforming provisions to
26 changes made by the act; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (9) of section 403.086, Florida
31 Statutes, is amended to read:

32 403.086 Sewage disposal facilities; advanced and secondary
33 waste treatment.-

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

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

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59 in effect on July 1, 2020. Maintenance of existing, department-
60 authorized domestic wastewater ocean outfalls and deep injection
61 wells and associated pumping and piping systems is allowed,
62 subject to the requirements of this section. The department is
63 directed to work with the United States Environmental Protection
64 Agency to ensure that the requirements of this subsection are
65 implemented consistently for all domestic wastewater facilities
66 in the state which discharge through ocean outfalls and deep
67 well injections.

68 (b) The discharge of domestic wastewater through ocean
69 outfalls must meet advanced wastewater treatment and management
70 requirements by December 31, 2018. For purposes of this
71 subsection, the term "advanced wastewater treatment and
72 management requirements" means the advanced waste treatment
73 requirements set forth in subsection (4), a reduction in outfall
74 baseline loadings of total nitrogen and total phosphorus which
75 is equivalent to that which would be achieved by the advanced
76 waste treatment requirements in subsection (4), or a reduction
77 in cumulative outfall loadings of total nitrogen and total
78 phosphorus occurring between December 31, 2008, and December 31,
79 2025, which is equivalent to that which would be achieved if the
80 advanced waste treatment requirements in subsection (4) were
81 fully implemented beginning December 31, 2018, and continued
82 through December 31, 2025. The department shall establish the
83 average baseline loadings of total nitrogen and total phosphorus
84 for each outfall using monitoring data available for calendar
85 years 2003 through 2007 and establish required loading
86 reductions based on this baseline. The baseline loadings and
87 required loading reductions of total nitrogen and total

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88 phosphorus shall be expressed as an average annual daily loading
89 value. The advanced wastewater treatment and management
90 requirements of this paragraph are deemed met for any domestic
91 wastewater facility discharging through an ocean outfall on July
92 1, 2008, which has installed by December 31, 2018, a fully
93 operational reuse system comprising 100 percent of the
94 facility's baseline flow on an annual basis for reuse activities
95 authorized by the department.

96 (c)1. Each utility that, as of July 1, 2008, had a permit
97 for a domestic wastewater facility that discharged through an
98 ocean outfall or, as of July 1, 2020, had a permit for a
99 domestic wastewater facility that discharged through a deep well
100 injection, shall ~~on July 1, 2008, must~~ install, or cause to be
101 installed, a functioning reuse system within the utility's
102 service area or, by contract with another utility, within Miami-
103 Dade County, Broward County, or Palm Beach County by December
104 31, 2020, for ocean outfalls, and by December 31, 2023, for deep
105 well injections ~~2025~~. For purposes of this subsection, a
106 "functioning reuse system" means an environmentally,
107 economically, and technically feasible system that provides a
108 minimum of 60 percent of a facility's baseline flow on an annual
109 basis for irrigation of public access areas, residential
110 properties, or agricultural crops; aquifer recharge; groundwater
111 recharge; industrial cooling; or other acceptable reuse purposes
112 authorized by the department. For purposes of this subsection,
113 the term "baseline flow" means the annual average flow of
114 domestic wastewater discharging through the facility's ocean
115 outfall, as determined by the department, using monitoring data
116 available for calendar years 2003 through 2007.

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117 2. Flows diverted from facilities to other facilities that
118 provide 100 percent reuse of the diverted flows before December
119 31, 2020 ~~2025~~, are considered to contribute to meeting the reuse
120 requirement for ocean outfalls. Flows diverted from facilities
121 to other facilities that provide 100 percent reuse of the
122 diverted flows before December 31, 2023, are considered to
123 contribute to meeting the reuse requirement for deep injection
124 wells. For utilities operating more than one outfall or well,
125 the reuse requirement may be apportioned between the facilities
126 served by the outfalls or wells, including flows diverted to
127 other facilities for 100 percent reuse before December 31, 2020,
128 for ocean outfalls, and before December 31, 2023, for deep
129 injection wells ~~2025~~. Utilities that shared a common ocean
130 outfall for the discharge of domestic wastewater on July 1,
131 2008, or that shared a common deep injection well on July 1,
132 2020, regardless of which utility operates the ocean outfall or
133 well, are individually responsible for meeting the reuse
134 requirement and may enter into binding agreements to share or
135 transfer such responsibility among the utilities. If treatment
136 in addition to the advanced wastewater treatment and management
137 requirements described in paragraph (b) is needed to support a
138 functioning reuse system, the treatment must be fully
139 operational by December 31, 2020, for ocean outfalls, and by
140 December 31, 2023, for deep well injections ~~2025~~.

141 3. If a facility that discharges through an ocean outfall
142 or a deep injection well contracts with another utility to
143 install a functioning reuse system, the department must approve
144 any apportionment of the reuse generated from the new or
145 expanded reuse system that is intended to satisfy all or a

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146 portion of the reuse requirements pursuant to subparagraph 1. If
147 a contract is between two utilities that have reuse requirements
148 pursuant to subparagraph 1., the reuse apportioned to each
149 utility's requirement may not exceed the total reuse generated
150 by the new or expanded reuse system. A utility shall provide the
151 department a copy of any contract with another utility that
152 reflects an agreement between the utilities which is subject to
153 the requirements of this subparagraph.

154 (d) The discharge of domestic wastewater through ocean
155 outfalls is prohibited after December 31, 2020 ~~2025~~, and such
156 discharge through deep injection wells is prohibited after
157 December 31, 2023, except as a backup discharge that is part of
158 a functioning reuse system or other wastewater management system
159 authorized by the department. Except as otherwise provided in
160 this subsection, a backup discharge may occur only during
161 periods of reduced demand for reclaimed water in the reuse
162 system, such as periods of wet weather, or as the result of peak
163 flows from other wastewater management systems, and must comply
164 with the advanced wastewater treatment and management
165 requirements of paragraph (b). Peak flow backup discharges from
166 other wastewater management systems may not cumulatively exceed
167 5 percent of a facility's baseline flow, measured as a 5-year
168 rolling average, and are subject to applicable secondary waste
169 treatment and water-quality-based effluent limitations specified
170 in department rules. If peak flow backup discharges are in
171 compliance with the effluent limitations, the discharges are
172 deemed to meet the advanced wastewater treatment and management
173 requirements of this subsection.

174 (e) The holder of a department permit authorizing the

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175 discharge of domestic wastewater through an ocean outfall as of
176 July 1, 2008, or a deep injection well as of July 1, 2020, shall
177 submit the following to the secretary of the department:

178 1. A detailed plan to meet the requirements of this
179 subsection, including the identification of the technical,
180 environmental, and economic feasibility of various reuse
181 options; the identification of each land acquisition and
182 facility necessary to provide for reuse of the domestic
183 wastewater; an analysis of the costs to meet the requirements,
184 including the level of treatment necessary to satisfy state
185 water quality requirements and local water quality
186 considerations and a cost comparison of reuse using flows from
187 ocean outfalls and deep injection wells and flows from other
188 domestic wastewater sources; and a financing plan for meeting
189 the requirements, including identifying any actions necessary to
190 implement the financing plan, such as bond issuance or other
191 borrowing, assessments, rate increases, fees, other charges, or
192 other financing mechanisms. The plan must evaluate reuse demand
193 in the context of future regional water supply demands, the
194 availability of traditional water supplies, the need for
195 development of alternative water supplies, the degree to which
196 various reuse options offset potable water supplies, and other
197 factors considered in the Lower East Coast Regional Water Supply
198 Plan of the South Florida Water Management District. The plan
199 must include a detailed schedule for the completion of all
200 necessary actions and be accompanied by supporting data and
201 other documentation. The plan for deep injection wells must be
202 submitted by January 1, 2021 ~~July 1, 2013~~.

203 2. For deep injection wells, by July 1, 2021 ~~2016~~, an

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204 update of the plan required in subparagraph 1. documenting any
205 refinements or changes in the costs, actions, or financing
206 necessary to eliminate the ocean outfall discharge in accordance
207 with this subsection or a written statement that the plan is
208 current and accurate.

209 (f) By December 31, 2009, and by December 31 every 5 years
210 thereafter, the holder of a department permit authorizing the
211 discharge of domestic wastewater through an ocean outfall shall
212 submit to the secretary of the department a report summarizing
213 the actions accomplished to date and the actions remaining and
214 proposed to meet the requirements of this subsection, including
215 progress toward meeting the specific deadlines set forth in
216 paragraphs (b) through (e). By December 31, 2021, and annually
217 thereafter, the holder of a department permit authorizing the
218 discharge of domestic wastewater through a deep injection well
219 shall submit to the secretary of the department a report
220 summarizing the actions accomplished to date and the actions
221 remaining and proposed to meet the requirements of this
222 subsection, including progress toward meeting the specific
223 deadlines set forth in paragraphs (b) through (e). The reports
224 must ~~report shall~~ include the detailed schedule for and status
225 of the evaluation of reuse and disposal options, preparation of
226 preliminary design reports, preparation and submittal of permit
227 applications, construction initiation, construction progress
228 milestones, construction completion, initiation of operation,
229 and continuing operation and maintenance.

230 (g) By July 1, 2010, and by July 1 every 5 years
231 thereafter, the department shall submit a report to the
232 Governor, the President of the Senate, and the Speaker of the

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233 House of Representatives on the implementation of this
234 subsection for the discharge of domestic wastewater through an
235 ocean outfall. By July 1, 2022, and annually thereafter, the
236 department shall submit a report to the Governor, the President
237 of the Senate, and the Speaker of the House of Representatives
238 on the implementation of this subsection for the discharge of
239 domestic wastewater through a deep injection well. In the
240 reports ~~report~~, the department shall summarize progress to date,
241 including the increased amount of reclaimed water provided and
242 potable water offsets achieved, and identify any obstacles to
243 continued progress, including all instances of substantial
244 noncompliance.

245 (h) The renewal of each permit that authorizes the
246 discharge of domestic wastewater through an ocean outfall as of
247 July 1, 2008, or a deep injection well as of July 1, 2020, must
248 be accompanied by an order in accordance with s. 403.088(2)(e)
249 and (f) which establishes an enforceable compliance schedule
250 consistent with the requirements of this subsection.

251 (i) 1. An entity that diverts wastewater flow from a
252 receiving facility that discharges domestic wastewater through
253 an ocean outfall or a deep injection well must meet the reuse
254 requirement of paragraph (c). Reuse by the diverting entity of
255 the diverted flows shall be credited to the diverting entity.
256 The diverted flow shall also be correspondingly deducted from
257 the receiving facility's baseline flow from which the required
258 reuse is calculated pursuant to paragraph (c), and the receiving
259 facility's reuse requirement shall be recalculated accordingly.

260 2. The department, the South Florida Water Management
261 District, and the affected utilities must consider the

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262 information in the detailed plan in paragraph (e) for the
263 purpose of adjusting, as necessary, the reuse requirements of
264 this subsection. The department shall submit a report to the
265 Legislature by February 15, 2015, containing recommendations for
266 any changes necessary to the ocean outfall requirements of this
267 subsection. The department shall submit a report to the
268 Legislature by February 12, 2021, containing recommendations for
269 any changes necessary to the deep injection well requirements of
270 this subsection.

271 Section 2. Paragraph (d) of subsection (3) of section
272 373.250, Florida Statutes, is amended to read:

273 373.250 Reuse of reclaimed water.—

274 (3)

275 (d) The South Florida Water Management District shall
276 require the use of reclaimed water made available by the
277 elimination of wastewater ocean outfall discharges and deep well
278 injections as provided for in s. 403.086(9) in lieu of surface
279 water or groundwater when the use of reclaimed water is
280 available; is environmentally, economically, and technically
281 feasible; and is of such quality and reliability as is necessary
282 to the user. Such reclaimed water may also be required in lieu
283 of other alternative sources. In determining whether to require
284 such reclaimed water in lieu of other alternative sources, the
285 water management district shall consider existing infrastructure
286 investments in place or obligated to be constructed by an
287 executed contract or similar binding agreement as of July 1,
288 2011, for the development of other alternative sources.

289 Section 3. Paragraph (b) of subsection (4) of section
290 373.705, Florida Statutes, is amended to read:

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291 373.705 Water resource development; water supply
292 development.—

293 (4)

294 (b) Water supply development projects that meet the
295 criteria in paragraph (a) and that meet one or more of the
296 following additional criteria shall be given first consideration
297 for state or water management district funding assistance:

298 1. The project brings about replacement of existing sources
299 in order to help implement a minimum flow or minimum water
300 level;

301 2. The project implements reuse that assists in the
302 elimination of domestic wastewater ocean outfalls and deep well
303 injections as provided in s. 403.086(9); or

304 3. The project reduces or eliminates the adverse effects of
305 competition between legal users and the natural system.

306 Section 4. Paragraph (f) of subsection (8) of section
307 373.707, Florida Statutes, is amended to read:

308 373.707 Alternative water supply development.—

309 (8)

310 (f) The governing boards shall determine those projects
311 that will be selected for financial assistance. The governing
312 boards may establish factors to determine project funding;
313 however, significant weight shall be given to the following
314 factors:

315 1. Whether the project provides substantial environmental
316 benefits by preventing or limiting adverse water resource
317 impacts.

318 2. Whether the project reduces competition for water
319 supplies.

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320 3. Whether the project brings about replacement of
321 traditional sources in order to help implement a minimum flow or
322 level or a reservation.

323 4. Whether the project will be implemented by a consumptive
324 use permittee that has achieved the targets contained in a goal-
325 based water conservation program approved pursuant to s.
326 373.227.

327 5. The quantity of water supplied by the project as
328 compared to its cost.

329 6. Projects in which the construction and delivery to end
330 users of reuse water is a major component.

331 7. Whether the project will be implemented by a
332 multijurisdictional water supply entity or regional water supply
333 authority.

334 8. Whether the project implements reuse that assists in the
335 elimination of domestic wastewater ocean outfalls and deep well
336 injections as provided in s. 403.086(9).

337 9. Whether the county or municipality, or the multiple
338 counties or municipalities, in which the project is located has
339 implemented a high-water recharge protection tax assessment
340 program as provided in s. 193.625.

341 Section 5. Subsection (4) of section 373.709, Florida
342 Statutes, is amended to read:

343 373.709 Regional water supply planning.—

344 (4) The South Florida Water Management District shall
345 include in its regional water supply plan water resource and
346 water supply development projects that promote the elimination
347 of wastewater ocean outfalls and deep well injections as
348 provided in s. 403.086(9).

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Section 6. This act shall take effect July 1, 2020.