

1 A bill to be entitled
 2 An act relating to wastewater disposal; amending s.
 3 373.0361, F.S., relating to regional water supply
 4 planning; requiring the South Florida Water Management
 5 District to include water supply development projects that
 6 promote the elimination of ocean outfalls in its regional
 7 water supply plan; amending s. 373.0831, F.S., relating to
 8 water resource and supply development; providing for
 9 projects that implement reuse as a means of eliminating
 10 ocean outfalls to receive priority funding consideration;
 11 amending s. 373.1961, F.S., relating to funding for water
 12 supply projects; providing priority funding for projects
 13 that implement reuse that assists with the elimination of
 14 ocean outfalls; amending s. 373.250, F.S., relating to the
 15 reuse of reclaimed water; directing the South Florida
 16 Water Management District to require the use of reclaimed
 17 water made available through the elimination of ocean
 18 outfalls under certain conditions; amending s. 403.085,
 19 F.S., relating to waste water treatment; prohibiting the
 20 construction of new ocean outfalls; prohibiting the use of
 21 ocean outfalls as a method of sanitary sewage disposal;
 22 amending s. 403.086, F.S., relating the treatment of
 23 wastewater; providing legislative intent; prohibiting the
 24 new construction of an expanded discharge to ocean
 25 outfalls; requiring that domestic wastewater discharges to
 26 ocean outfalls meet advanced wastewater treatment and
 27 management requirements by a date certain; providing an
 28 exemption from meeting advanced wastewater treatment and

29 management requirements under specific conditions;
 30 providing wastewater reuse requirements for facilities
 31 that discharge through ocean outfalls by a date certain;
 32 providing prohibitions for the discharge of domestic
 33 wastewater through ocean outfalls under specific
 34 conditions by a date certain; providing reporting
 35 requirements for permitted ocean outfall facilities;
 36 providing reporting requirements for the Department of
 37 Environmental Protection; providing a compliance schedule
 38 for facilities discharging through ocean outfalls;
 39 amending s. 403.1835, F.S., relating to water pollution
 40 control financial assistance; providing for the inclusion
 41 of domestic wastewater ocean outfalls in laws requiring
 42 the elimination of discharges to specific water bodies;
 43 providing an effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. Present subsections (4) through (8) of section
 48 373.0361, Florida Statutes, are renumbered as subsections (5)
 49 through (9), respectively, and a new subsection (4) is added to
 50 that section, to read:

51 373.0361 Regional water supply planning.--

52 (4) The South Florida Water Management District shall
 53 include in its regional water supply plan water resource and
 54 water supply development projects that promote the elimination
 55 of wastewater ocean outfalls as provided in s. 403.086(9).

56 Section 2. Subsection (4) of section 373.0831, Florida

57 Statutes, is amended to read:

58 373.0831 Water resource development; water supply
59 development.--

60 (4) (a) Water supply development projects which are
61 consistent with the relevant regional water supply plans and
62 which meet one or more of the following criteria shall receive
63 priority consideration for state or water management district
64 funding assistance:

65 1. The project supports establishment of a dependable,
66 sustainable supply of water which is not otherwise financially
67 feasible;

68 2. The project provides substantial environmental benefits
69 by preventing or limiting adverse water resource impacts, but
70 requires funding assistance to be economically competitive with
71 other options; or

72 3. The project significantly implements reuse, storage,
73 recharge, or conservation of water in a manner that contributes
74 to the sustainability of regional water sources.

75 (b) Water supply development projects that ~~which~~ meet the
76 criteria in paragraph (a) and that meet one or more of the
77 following additional criteria ~~also bring about replacement of~~
78 ~~existing sources in order to help implement a minimum flow or~~
79 ~~level~~ shall be given first consideration for state or water
80 management district funding assistance:--

81 1. The project brings about replacement of existing
82 sources in order to help implement a minimum flow or level; or

83 2. The project implements reuse that assists in the
84 elimination of domestic wastewater ocean outfalls as provided in

85 s. 403.086(9).

86 Section 3. Paragraph (f) of subsection (3) of section
87 373.1961, Florida Statutes, is amended to read:

88 373.1961 Water production; general powers and duties;
89 identification of needs; funding criteria; economic incentives;
90 reuse funding.--

91 (3) FUNDING.--

92 (f) The governing boards shall determine those projects
93 that will be selected for financial assistance. The governing
94 boards may establish factors to determine project funding;
95 however, significant weight shall be given to the following
96 factors:

97 1. Whether the project provides substantial environmental
98 benefits by preventing or limiting adverse water resource
99 impacts.

100 2. Whether the project reduces competition for water
101 supplies.

102 3. Whether the project brings about replacement of
103 traditional sources in order to help implement a minimum flow or
104 level or a reservation.

105 4. Whether the project will be implemented by a
106 consumptive use permittee that has achieved the targets
107 contained in a goal-based water conservation program approved
108 pursuant to s. 373.227.

109 5. The quantity of water supplied by the project as
110 compared to its cost.

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

113 7. Whether the project will be implemented by a
 114 multijurisdictional water supply entity or regional water supply
 115 authority.

116 8. Whether the project implements reuse that assists in
 117 the elimination of domestic wastewater ocean outfalls as
 118 provided in s. 403.086(9).

119 Section 4. Subsection (2) of section 373.250, Florida
 120 Statutes, is amended to read:

121 373.250 Reuse of reclaimed water.--

122 (2) (a) For purposes of this section, "uncommitted" means
 123 the average amount of reclaimed water produced during the three
 124 lowest-flow months minus the amount of reclaimed water that a
 125 reclaimed water provider is contractually obligated to provide
 126 to a customer or user.

127 (b) Reclaimed water may be presumed available to a
 128 consumptive use permit applicant when a utility exists which
 129 provides reclaimed water, which has uncommitted reclaimed water
 130 capacity, and which has distribution facilities, which are
 131 initially provided by the utility at its cost, to the site of
 132 the affected applicant's proposed use.

133 (c) A water management district may require the use of
 134 reclaimed water in lieu of surface water or groundwater when the
 135 use of uncommitted reclaimed water is environmentally,
 136 economically, and technically feasible and of such quality and
 137 reliability as is necessary to the user. However, this paragraph
 138 does not authorize a water management district to require a
 139 provider of reclaimed water to redirect reclaimed water from one
 140 user to another or to provide uncommitted water to a specific

141 user if such water is anticipated to be used by the provider, or
 142 a different user selected by the provider, within a reasonable
 143 amount of time.

144 (d) The South Florida Water Management District shall
 145 require the use of reclaimed water made available by the
 146 elimination of wastewater ocean outfall discharges as provided
 147 for in s. 403.086(9) in lieu of surface water or ground water
 148 when the use of uncommitted reclaimed water is environmentally,
 149 economically, and technically feasible and of such quality and
 150 reliability as is necessary to the user. Such reclaimed water
 151 may also be required in lieu of other alternative sources. In
 152 determining whether or not to require such reclaimed water in
 153 lieu of other alternative sources, the water management district
 154 shall consider existing infrastructure investments in place or
 155 obligated to be constructed by an executed contract or similar
 156 binding agreement as of July 1, 2011, for the development of
 157 other alternative sources.

158 Section 5. Section 403.085, Florida Statutes, is amended to
 159 read:

160 403.085 Sanitary sewage disposal units; advanced and
 161 secondary waste treatment; industrial waste, ~~ocean outfall,~~
 162 ~~inland outfall, or disposal well waste treatment.--~~

163 (1) Neither the Department of Health nor any other state
 164 agency, county, special district, or municipality shall approve
 165 construction of any ~~ocean outfall or~~ disposal well for sanitary
 166 sewage disposal which does not provide for secondary waste
 167 treatment and, in addition thereto, advanced waste treatment as
 168 deemed necessary and ordered by the department.

169 (2) Sanitary sewage disposal treatment plants which
 170 discharge effluent through ~~ocean outfalls or~~ disposal wells
 171 shall provide for secondary waste treatment and, in addition
 172 thereto, advanced waste treatment as deemed necessary and
 173 ordered by the ~~former~~ Department of Environmental Protection
 174 Regulation. Failure to conform shall be punishable by a fine of
 175 \$500 for each 24-hour day or fraction thereof that such failure
 176 is allowed to continue thereafter.

177 (3) Neither the Department of Health nor any other state
 178 agency, county, special district, or municipality shall approve
 179 construction of any ocean outfall, inland outfall, or disposal
 180 well for the discharge of industrial waste of any kind which
 181 does not provide for secondary waste treatment or such other
 182 treatment as is deemed necessary and ordered by the department.

183 (4) Industrial plants or facilities which discharge
 184 industrial waste of any kind through ocean outfalls, inland
 185 outfalls, or disposal wells shall provide for secondary waste
 186 treatment or such other waste treatment as deemed necessary and
 187 ordered by the former Department of Environmental Regulation.
 188 Failure to conform shall be punishable as provided in s.
 189 403.161(2).

190 Section 6. Subsection (9) is added to section 403.086,
 191 Florida Statutes, to read:

192 403.086 Sewage disposal facilities; advanced and secondary
 193 waste treatment.--

194 (9) The Legislature finds that the discharge of domestic
 195 wastewater through ocean outfalls wastes valuable water supplies
 196 that should be reclaimed for beneficial purposes to meet public

197 and natural systems demands. The Legislature also finds that
198 discharge of domestic wastewater through ocean outfalls
199 compromises the coastal environment, quality of life, and local
200 economies that depend on those resources. The Legislature
201 declares that more stringent treatment and management
202 requirements for such domestic wastewater and the subsequent,
203 timely elimination of ocean outfalls as a primary means of
204 domestic wastewater discharge are in the public interest.

205 (a) The construction of new ocean outfalls for domestic
206 wastewater discharge and the expansion of existing ocean
207 outfalls for this purpose, along with associated pumping and
208 piping systems, are prohibited. Each domestic wastewater ocean
209 outfall shall be limited to the discharge capacity specified in
210 the department permit authorizing the outfall in effect on July
211 1, 2008, which discharge capacity shall not be increased.
212 Maintenance of existing, department-authorized domestic
213 wastewater ocean outfalls and associated pumping and piping
214 systems is allowed, subject to the requirements of this section.
215 The department is directed to work with the United States
216 Environmental Protection Agency to ensure that the requirements
217 of this subsection are implemented consistently for all domestic
218 wastewater facilities in Florida which discharge through ocean
219 outfalls.

220 (b) The discharge of domestic wastewater through ocean
221 outfalls shall meet advanced wastewater treatment and management
222 requirements no later than December 31, 2018. For purposes of
223 this subsection, the term "advanced wastewater treatment and
224 management requirements" means the advanced waste treatment

225 requirements set forth in subsection (4), a reduction in outfall
 226 baseline loadings of total nitrogen and total phosphorus which
 227 is equivalent to that which would be achieved by the advanced
 228 waste treatment requirements in subsection (4), or a reduction
 229 in cumulative outfall loadings of total nitrogen and total
 230 phosphorus occurring between December 31, 2008 and December 31,
 231 2025, which is equivalent to that which would be achieved if the
 232 advanced waste treatment requirements in subsection (4) were
 233 fully implemented beginning December 31, 2018 and continued
 234 through December 31, 2025. The department shall establish the
 235 average baseline loadings of total nitrogen and total phosphorus
 236 for each outfall using monitoring data available for calendar
 237 years 2003 through 2007 and shall establish required loading
 238 reductions based on this baseline. The baseline loadings and
 239 required loading reductions of total nitrogen and total
 240 phosphorus shall be expressed as an average annual daily loading
 241 value. The advanced wastewater treatment and management
 242 requirements of this paragraph shall be deemed to be met for any
 243 domestic wastewater facility discharging through an ocean
 244 outfall on July 1, 2008, which has installed no later than
 245 December 31, 2018, a fully operational reuse system comprising
 246 100 percent of the facility's annual average daily flow for
 247 reuse activities authorized by the department.

248 (c) Each domestic wastewater facility that discharges
 249 through an ocean outfall on July 1, 2008, shall install a
 250 functioning reuse system no later than December 31, 2025. For
 251 purposes of this subsection, a "functioning reuse system" means
 252 an environmentally, economically, and technically feasible

253 system that provides a minimum of 60 percent of the facility's
254 actual flow on an annual basis for irrigation of public access
255 areas, residential properties, or agricultural crops;
256 groundwater recharge; industrial cooling; or other acceptable
257 reuse purposes authorized by the department. Diversion of flows
258 from these facilities to other facilities that provide 100
259 percent reuse of the diverted flows prior to December 31, 2025,
260 shall be considered to contribute to meeting the 60-percent
261 reuse requirement. For utilities operating more than one
262 outfall, the reuse requirement can be met if the combined actual
263 reuse flows from facilities served by the outfalls is at least
264 60 percent of the sum of the total actual flows from these
265 facilities, including flows diverted to other facilities for 100
266 percent reuse prior to December 31, 2025. In the event treatment
267 in addition to the advanced wastewater treatment and management
268 requirements described in paragraph (b) is needed in order to
269 support a functioning reuse system, such treatment shall be
270 fully operational no later than December 31, 2025.

271 (d) The discharge of domestic wastewater through ocean
272 outfalls is prohibited after December 31, 2025, except as a
273 backup discharge that is part of a functioning reuse system
274 authorized by the department as provided for in paragraph (c). A
275 backup discharge may occur only during periods of reduced demand
276 for reclaimed water in the reuse system, such as periods of wet
277 weather, and shall comply with the advanced wastewater treatment
278 and management requirements of paragraph (b).

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

281 July 1, 2008, shall submit to the secretary of the department
282 the following:

283 1. A detailed plan to meet the requirements of this
284 subsection, including an identification of all land acquisition
285 and facilities necessary to provide for reuse of the domestic
286 wastewater; an analysis of the costs to meet the requirements;
287 and a financing plan for meeting the requirements, including
288 identifying any actions necessary to implement the financing
289 plan, such as bond issuance or other borrowing, assessments,
290 rate increases, fees, other charges, or other financing
291 mechanisms. The plan shall include a detailed schedule for the
292 completion of all necessary actions and shall be accompanied by
293 supporting data and other documentation. The plan shall be
294 submitted no later than July 1, 2013.

295 2. No later than July 1, 2016, an update of the plan
296 required in subparagraph 1. documenting any refinements or
297 changes in the costs, actions, or financing necessary to
298 eliminate the ocean outfall discharge in accordance with this
299 subsection or a written statement that the plan is current and
300 accurate.

301 (f) By December 31, 2009, and by December 31 every 5 years
302 thereafter, the holder of a department permit authorizing the
303 discharge of domestic wastewater through an ocean outfall shall
304 submit to the secretary of the department a report summarizing
305 the actions accomplished to date and the actions remaining and
306 proposed to meet the requirements of this subsection, including
307 progress toward meeting the specific deadlines set forth in
308 paragraphs (b) through (e). The report shall include the

309 detailed schedule for and status of the evaluation of reuse and
 310 disposal options, preparation of preliminary design reports,
 311 preparation and submittal of permit applications, construction
 312 initiation, construction progress milestones, construction
 313 completion, initiation of operation, and continuing operation
 314 and maintenance.

315 (g) No later than July 1, 2010, and by July 1 every 5
 316 years thereafter, the department shall submit a report to the
 317 Governor, the President of the Senate, and the Speaker of the
 318 House of Representatives on the implementation of this
 319 subsection. The report shall summarize progress to date,
 320 including the increased amount of reclaimed water provided and
 321 potable water offsets achieved, and identify any obstacles to
 322 continued progress, including all instances of substantial
 323 noncompliance.

324 (h) The renewal of each permit that authorizes the
 325 discharge of domestic wastewater through an ocean outfall as of
 326 July 1, 2008, shall be accompanied by an order in accordance
 327 with s. 403.088(2)(e) and (f) which establishes an enforceable
 328 compliance schedule consistent with the requirements of this
 329 subsection.

330 Section 7. Subsection (7) of section 403.1835, Florida
 331 Statutes, is amended to read:

332 403.1835 Water pollution control financial assistance.--

333 (7) Eligible projects must be given priority according to
 334 the extent each project is intended to remove, mitigate, or
 335 prevent adverse effects on surface or ground water quality and
 336 public health. The relative costs of achieving environmental and

337 public health benefits must be taken into consideration during
 338 the department's assignment of project priorities. The
 339 department shall adopt a priority system by rule. In developing
 340 the priority system, the department shall give priority to
 341 projects that:

342 (a) Eliminate public health hazards;
 343 (b) Enable compliance with laws requiring the elimination
 344 of discharges to specific water bodies, including the
 345 requirements of s. 403.086(9) regarding domestic wastewater
 346 ocean outfalls;

347 (c) Assist in the implementation of total maximum daily
 348 loads adopted under s. 403.067;

349 (d) Enable compliance with other pollution control
 350 requirements, including, but not limited to, toxics control,
 351 wastewater residuals management, and reduction of nutrients and
 352 bacteria;

353 (e) Assist in the implementation of surface water
 354 improvement and management plans and pollutant load reduction
 355 goals developed under state water policy;

356 (f) Promote reclaimed water reuse;

357 (g) Eliminate failing onsite sewage treatment and disposal
 358 systems or those that are causing environmental damage; or

359 (h) Reduce pollutants to and otherwise promote the
 360 restoration of Florida's surface and ground waters.

361 Section 8. This act shall take effect July 1, 2008.