

1 A bill to be entitled
2 An act relating to the Jacksonville Electric
3 Authority; amending chapter 92-341, Laws of
4 Florida, being the Charter of the City of
5 Jacksonville; authorizing the JEA to assess
6 civil penalties of at least \$2,000 per
7 violation for violations of the Industrial
8 Pretreatment Program under the Clean Water Act
9 that each day of an ongoing or continuing
10 violation shall be deemed to be a separate
11 violation; providing for a hearing; providing
12 an effective date.

13
14 WHEREAS, on June 1, 1997, the Consolidated City of
15 Jacksonville transferred its Water and Sewer Utility to the
16 Jacksonville Electric Authority (JEA), and

17 WHEREAS, under its National Pollutant Discharge
18 Elimination System (NPDES) permits, JEA operates an industrial
19 pretreatment program (formerly operated by the Consolidated
20 City of Jacksonville), as authorized under ss. 307(b) and
21 407(b) of the Clean Water Act, which program regulates the
22 discharges of industrial wastes to JEA's wastewater treatment
23 facilities, and

24 WHEREAS, administration of the federal NPDES program
25 has been delegated to the Florida Department of Environmental
26 Protection, and

27 WHEREAS, the NPDES regulations of the U.S.
28 Environmental Protection Agency (40 CFR 403.8(f)(1)(vi)(A))
29 and the rules of the Florida Department of Environmental
30 Regulation (Rule 62-625.500(2)(5)a, Fla. Admin. Code) require
31 that industrial pretreatment control authorities, like JEA,

1 have authority to seek or assess civil or criminal penalties
2 in at least the amount of \$1,000 a day for each violation by
3 industrial users of pretreatment standards and requirements,
4 and

5 WHEREAS, section 125.69(2), Florida Statutes,
6 authorizes county ordinances establishing fines up to \$2,000 a
7 day, if necessary for a county to carry out a federally
8 mandated program, and

9 WHEREAS, JEA, in operating the wastewater treatment
10 plants formerly owned and operated by the Consolidated City of
11 Jacksonville, is continuing to provide industrial pretreatment
12 discharge services formerly offered as county services by the
13 Consolidated City of Jacksonville, and

14 WHEREAS, JEA seeks clear and unambiguous authority to
15 assess the civil penalties necessary to comply with the
16 federally mandated NPDES program and protect its water supply
17 system, NOW, THEREFORE,

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

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21 Section 1. Subsection (d) of section 21.04 of article
22 21 of chapter 92-341, Laws of Florida, as enacted by said law,
23 is amended to read:

24

25 ARTICLE 21. JACKSONVILLE ELECTRIC AUTHORITY

26

27 Section 21.04. Powers.--The authority shall have the
28 following powers, in addition to powers otherwise conferred:

29 (d)(1) To the extent permitted by law, to fix,
30 regulate, and collect rates and charges for the services
31 furnished by the electric system, only after the authority

1 shall have given notice of and held a public hearing in Duval
2 County. The notice shall be published not less than 1 week in
3 advance in at least one newspaper of general circulation in
4 the county. Said notice shall be at least one-fourth page in
5 size, inviting the public to be present and heard. The
6 authority shall have the power to impose sanctions to enforce
7 compliance with any rule or regulation which the authority may
8 adopt in the management and operation of, or the sale or use
9 of electricity from the electric system. The city and other
10 public bodies shall be required to pay for electricity upon
11 the same basis as other users.

12 (2) To assess civil penalties in an amount up to but
13 not to exceed \$2,000 to be paid to the authority for violation
14 of industrial pretreatment protective regulations. Each day a
15 violation continues shall be a separate violation. In all
16 proceedings in which the authority seeks to impose a penalty
17 involving air or water pollution, at the election of the
18 person or entity whose substantial interest is at stake, such
19 person or entity may select either:

20 (i) The procedures described in section 120.569,
21 Florida Statutes, 1998 Supplement, and section 120157, Florida
22 Statutes, 1998 Supplement, as such sections may be amended
23 from time to time, which procedures include, when
24 appropriately requested, the hiring and utilization of
25 administrative law judges within the Division of
26 Administrative Hearings of the State of Florida to preside
27 over disputed cases; or

28 (ii) An alternate procedure established by the
29 authority.

30 Section 2. This act shall take effect upon becoming
31 law.