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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
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The Committee on Environment and Natural Resources (Gruters)  
recommended the following:

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**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

7 Section 1. Section 403.0771, Florida Statutes, is created  
8 to read:

9 403.0771 Sewage spill notification.—

10 (1) In addition to the public notification requirements of  
11 s. 403.077, a wastewater treatment facility that unlawfully



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12 discharges more than 1,000 gallons of raw or partially treated  
13 sewage into any waterway or aquifer in violation of the  
14 conditions set forth in a permit issued pursuant to s. 403.088  
15 or s. 403.0885 must, within 24 hours after discovering the  
16 discharge, send written notification by first class mail to the  
17 following customers:

18 (a) For spills of 1,000 to 100,000 gallons, customers  
19 within a half-mile radius.

20 (b) For spills between 100,000 and 1 million gallons,  
21 customers within a 1-mile radius.

22 (c) For spills of more than 1 million gallons, all  
23 customers of the wastewater facility.

24 (2) The written notification required under subsection (1)  
25 must include, at a minimum, all of the following:

26 (a) The date and time of the discharge.

27 (b) The status of the discharge.

28 (c) The estimated volume of the discharge.

29 (d) The location or address of the discharge.

30 (e) A description of the area affected by the discharge,  
31 including the name of the waterbody affected, if any.

32 (f) The name and phone number of all local elected  
33 officials who have authority over the facility responsible for  
34 the discharge.

35 Section 2. Paragraph (a) of subsection (4) of section  
36 403.086, Florida Statutes, is amended to read:

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

39 (4) For purposes of this section, the term "advanced waste  
40 treatment" means that treatment which will provide a reclaimed



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41 water product that:

42 (a) Contains not more, on a permitted annual average basis,  
43 than the following concentrations:

- 44 1. Biochemical Oxygen Demand  
45 (CBOD5).....5mg/l  
46 2. Suspended Solids.....5mg/l  
47 3. Total Nitrogen, expressed as N.....1mg/l ~~3mg/l~~  
48 4. Total Phosphorus, expressed as P.....0.075mg/l ~~1mg/l~~

49  
50 In those waters where the concentrations of phosphorus have been  
51 shown not to be a limiting nutrient or a contaminant, the  
52 department may waive or alter the compliance levels for  
53 phosphorus until there is a demonstration that phosphorus is a  
54 limiting nutrient or a contaminant.

55 Section 3. Present subsection (4) of section 403.141,  
56 Florida Statutes, is redesignated as subsection (5), and a new  
57 subsection (4) is added to that section, to read:

58 403.141 Civil liability; joint and several liability.—

59 (4) In addition to the civil penalty limitation set forth  
60 in subsection (1), a wastewater treatment facility that  
61 unlawfully discharges 1,000 gallons or more of raw or partially  
62 treated sewage into any waterway or aquifer, in violation of the  
63 conditions set forth in a permit issued pursuant to s. 403.0885,  
64 must:

65 (a) Remit to the department a penalty of \$1 for each gallon  
66 of sewage discharged; or

67 (b) Calculate or provide an estimate of the number of  
68 gallons of sewage discharged and, with the department's  
69 approval, spend \$2 per gallon to upgrade and repair the



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70 wastewater system to prevent future unlawful discharges. Such  
71 funds may be used to smoke test sewer lines, repair and replace  
72 sewer mains and laterals, repair manholes, purchase and maintain  
73 generators for lift stations, increase wastewater treatment  
74 facility capacity, and provide incremental nutrient reduction  
75 technology.

76 1. If a wastewater treatment facility is unable to  
77 calculate or estimate the volume discharged, the facility must  
78 remit to the department a minimum penalty of \$10,000.

79 2. If the cost of all potential repairs and upgrades is  
80 less than the calculated penalty amount, the total funds used to  
81 perform repairs and upgrades may not exceed the cost identified.

82 Section 4. For the purpose of incorporating the amendment  
83 made by this act to section 403.086, Florida Statutes, in a  
84 reference thereto, paragraph (a) of subsection (6) of section  
85 403.0882, Florida Statutes, is reenacted to read:

86 403.0882 Discharge of demineralization concentrate.—

87 (6) This subsection applies only to small water utility  
88 businesses.

89 (a) The discharge of demineralization concentrate from  
90 small water utility businesses is presumed to be allowable and  
91 permittable in all waters in the state if:

92 1. The discharge meets the effluent limitations in s.  
93 403.086(4), except that high level disinfection is not required  
94 unless the presence of fecal coliforms in the source water will  
95 result in the discharge not meeting applicable water quality  
96 standards;

97 2. The discharge of demineralization concentrate achieves a  
98 minimum of 4-to-1 dilution within a distance not in excess of



99 two times the natural water depth at the point of discharge  
100 under all flow conditions; and

101 3. The point of discharge is located at a reasonably  
102 accessible point that minimizes water quality impacts to the  
103 greatest extent possible.

104 Section 5. This act shall take effect July 1, 2019.

105

106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete everything before the enacting clause  
109 and insert:

110 A bill to be entitled  
111 An act relating to water quality improvements;  
112 creating s. 403.0771, F.S.; requiring each wastewater  
113 facility that unlawfully discharges specified volumes  
114 of sewage into a waterway or aquifer to notify certain  
115 customers by first class mail within a specified  
116 timeframe; providing requirements for the written  
117 notifications; amending s. 403.086, F.S.; redefining  
118 the term "advanced waste treatment" to decrease the  
119 acceptable concentrations of total nitrogen and total  
120 phosphorus; amending s. 403.141, F.S.; providing  
121 penalties for wastewater treatment facilities that  
122 unlawfully discharge a specified volume of sewage into  
123 designated areas; reenacting s. 403.0882(6)(a), F.S.,  
124 relating to the discharge of demineralization  
125 concentrate, to incorporate the amendment made to s.  
126 403.086, F.S., in a reference thereto; providing an  
127 effective date.