

By the Committee on Environment and Natural Resources; and
Senators Gruters and Harrell

592-02965-19

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1 A bill to be entitled
2 An act relating to water quality improvements;
3 creating s. 403.0771, F.S.; requiring each wastewater
4 facility that unlawfully discharges specified volumes
5 of sewage into a waterway or aquifer to notify certain
6 customers by first class mail within a specified
7 timeframe; providing requirements for the written
8 notifications; amending s. 403.141, F.S.; providing
9 penalties for wastewater treatment facilities that
10 unlawfully discharge a specified volume of sewage into
11 designated areas; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Section 403.0771, Florida Statutes, is created
16 to read:

17 403.0771 Sewage spill notification.-

18 (1) In addition to the public notification requirements of
19 s. 403.077, a wastewater treatment facility that unlawfully
20 discharges more than 1,000 gallons of raw or partially treated
21 sewage into any waterway or aquifer in violation of the
22 conditions set forth in a permit issued pursuant to s. 403.088
23 or s. 403.0885 must, within 24 hours after discovering the
24 discharge, send written notification by first class mail to the
25 following customers:

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

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

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

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

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

35 (b) The status of the discharge.

36 (c) The estimated volume of the discharge.

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

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

40 (f) The name and phone number of all local elected
41 officials who have authority over the facility responsible for
42 the discharge.

43 Section 2. Present subsection (4) of section 403.141,
44 Florida Statutes, is redesignated as subsection (5), and a new
45 subsection (4) is added to that section, to read:

46 403.141 Civil liability; joint and several liability.—

47 (4) In addition to the civil penalty limitation set forth
48 in subsection (1), a wastewater treatment facility that
49 unlawfully discharges 1,000 gallons or more of raw or partially
50 treated sewage into any waterway or aquifer, in violation of the
51 conditions set forth in a permit issued pursuant to s. 403.0885,
52 must:

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

55 (b) Calculate or provide an estimate of the number of
56 gallons of sewage discharged and, with the department's
57 approval, spend \$2 per gallon to upgrade and repair the
58 wastewater system to prevent future unlawful discharges. Such

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59 funds may be used to smoke test sewer lines, repair and replace
60 sewer mains and laterals, repair manholes, purchase and maintain
61 generators for lift stations, increase wastewater treatment
62 facility capacity, and provide incremental nutrient reduction
63 technology.

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

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

70 Section 3. This act shall take effect July 1, 2019.