The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	CS/SB 608
INTRODUCER:	Environment and Natural Resources Committee and Senator Brodeur
SUBJECT:	Sanitary Sewer Lateral Inspection Programs
DATE:	January 31, 2022 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Rogers	EN	**Fav/CS**
2.	Hunter	Ryon	CA	**Favorable**
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 608 authorizes counties and municipalities to access any sanitary sewer lateral within their jurisdictions to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For counties and municipalities that identify a defective sanitary sewer lateral and initiate a program to eliminate extraneous flow, the bill:

- Requires notice by certified mail by the county or municipality to the property owner, specifying that the county or municipality intends to access the owner's property within 14 days to address the sanitary sewer lateral.
- Provides that the county or municipality is responsible for any repair work done on the private property and is required to ensure that the property is restored to at least its pre-work conditions after the repair is complete.
- Specifies methods for the repair and inspection of sanitary sewer laterals by a county or municipality.
- Authorizes the county or municipality to consider economical methods to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

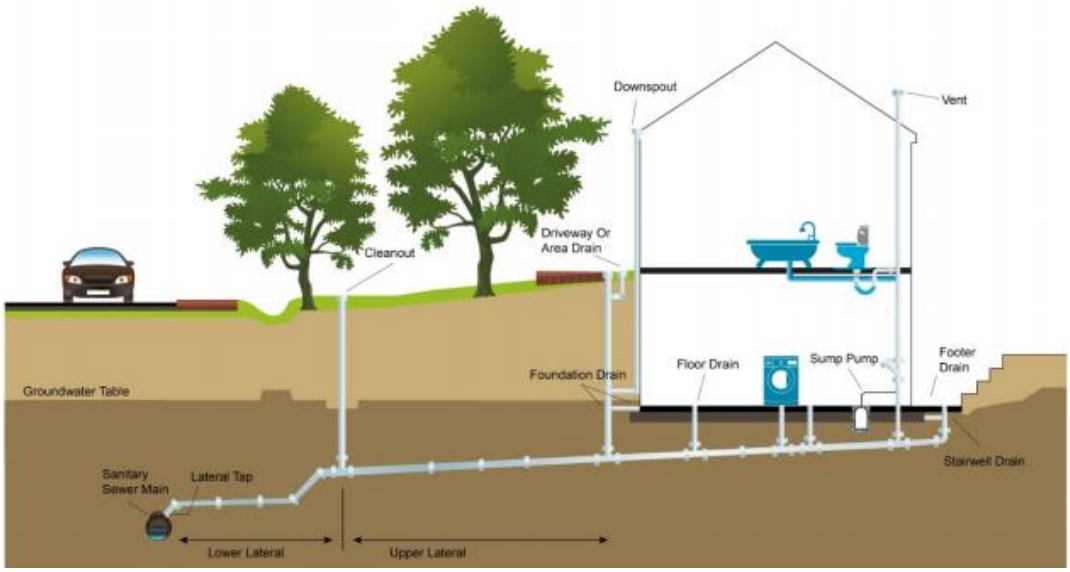
The county or municipality may use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

Counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

II. Present Situation:

Sanitary Sewer Laterals

A private sanitary sewer lateral is an underground pipe that connects private plumbing systems to a public sewer network, to convey wastewater from homes and businesses to wastewater treatment plants.[1] The diagram below shows an example of a sanitary sewer lateral configuration.[2]



Sanitary sewer laterals are often in poor condition and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices.[3] Problems in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plant and can account for half of the infiltration and inflow to sanitary sewers.[4] Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter into the

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[1] *See* Water Environment Federation, *Sanitary Sewers* (May 2011), *available at* https://www.wef.org/globalassets/assets-wef/3---resources/topics/a-n/collection-systems/technical-resources/ss-fact-sheet-with-wider-margins-1.pdf (last visited Nov. 4, 2021); *see also* Fla. Dep't of Environmental Protection, *Design and Specifications Guidelines for Low Pressure Sewer Systems* at xi, *available at* https://floridadep.gov/sites/default/files/guide_lowpres.pdf (last visited Nov. 4, 2021) (defining various relevant terms).

[2] Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet*, *available at* https://www.wef.org/globalassets/assets-wef/direct-download-library/public/03---resources/wsec-2017-fs-009---csc---sewer-rehabilitation---final---9.27.17.pdf (last visited Nov. 4, 2021).

[3] *Id.*

[4] *Id.*

sewer system which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.[5]

The Florida Building Code requires every building in which plumbing fixtures are installed to be connected to a publicly or investor-owned sewage system, or if none is available, then to an approved onsite sewage treatment and disposal system.[6]

There are no statewide requirements for inspections of sanitary sewer laterals. Generally, local governments are responsible for maintaining sewer mains and the portions of sewer laterals in public rights-of-way,[7] but the property owner is responsible for the maintenance and repair of a sanitary sewer lateral on the person's private property.[8]

Inspection Technologies

Before camera and robotic equipment became widely available, sewer inspections relied upon visual and lamping approaches.[9] Workers would enter a maintenance access point (manhole) and visually examine the pipes. Sometimes workers would also attempt to illuminate the interior of a pipe to determine whether the light could reach the adjacent manhole (an approach known as lamping). If light was observed, the pipe was assumed to be relatively free from obstructions, but if light was not observed, the pipe was assumed to have a blockage that could obstruct flow.[10]

Today, workers are more likely to rely upon remote, non-entry, camera-based inspections such as cameras, closed-circuit television (CCTV), laser profiling, and sonar assessment.[11] Workers can use cameras by mounting them on a pole and lowering them into a manhole; an equipment operator can then remotely view at street level what the camera observes in the pipe. Another option is to use robotic systems mounted with CCTV camera equipment, which can be remotely operated, controlled, and monitored from ground level.[12] Laser profiling goes beyond visual inspection and allows for geometric measurements to be obtained. Sonar profiling equipment requires that the sensing apparatus be completely submerged and only provides an assessment of the pipe condition under the water level; therefore, sonar equipment is often coupled with CCTV equipment so that the pipe above and below the water level can be inspected.[13]

Sanitary Sewer Lateral Inspection Programs for Counties and Municipalities

A sanitary sewer lateral is defined in Florida law as "a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner."[14]

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[5] U.S. Environmental Protection Agency (EPA), *Private Sewer Laterals* (Jun. 2014), *available at* https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf (last visited Nov. 4, 2021).
[6] Ch. 7, § 701.2 Florida Building Code – Plumbing 7th Edition (July 2020).
[7] *See, e.g.*, *Sewer Systems*, http://www.beachapedia.org/Sewer_Systems (last visited Nov. 4, 2021).
[8] *See* ss. 125.569 and 166.0481, F.S.
[9] U.S. EPA, *Demonstration of Innovative Sewer System Inspection Technology: SL-RAT*, § 1.2, *available at* https://nepis.epa.gov/Adobe/PDF/P100IY1P.pdf (last visited Nov. 24, 2021).
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] *Id.*
[14] Section 125.569(1), F.S.

Sections 125.569 and 166.0481, F.S., encourage counties and municipalities, respectively, to establish an evaluation and rehabilitation program, by July 1, 2022, for sanitary sewer laterals on residential and commercial properties within the county's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals.[15] Counties and municipalities that opt to establish such a program are authorized to do the following:

- Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within their respective jurisdictions;
- Consider economical methods for a property owner to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral; and,

Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the county or municipality notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.[16]

III. Effect of Proposed Changes:

The bill amends ss. 125.569 and 166.0481, F.S., relating to counties and municipalities, respectively. The bill makes the following changes to both sections of law.

The bill defines the term "continuous monolithic pipe system" to mean a pipe system with no joints or seams, including all points where the pipe connects to the structure, mainline, and the cleanout.

The bill authorizes counties and municipalities to access any sanitary sewer lateral within their jurisdictions to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill deletes the deadline by which counties are encouraged to establish a sanitary sewer lateral evaluation and rehabilitation program.

The bill adds to and revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For a county or municipality that identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the bill:

- Requires the county or municipality to notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that the county or municipality intends to access the owner's property within 14 days after the property owner receives the notice to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

[15] *See generally* ss. 125.569 and 166.0481, F.S.
[16] *See id*.

- Provides that the county or municipality is responsible for any repair work done on the private property. The bill requires the county or municipality to ensure that the property is restored to at least its pre-work conditions after the repair is complete if it is necessary to disrupt the property to access the sanitary sewer lateral.
- Requires that the repair work done to a sanitary sewer lateral by a county or municipality meets the following requirements:
  - Provide one continuous monolithic pipe system with connections for the structure, mainline, and cleanout installed and integrated into the continuous monolithic pipe system by a Florida licensed plumber; and
  - Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county or municipality with a PACP- and LACP-certified report describing the conditions of the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.
- Authorizes the county or municipality to consider economical methods for the county or municipality, rather than the homeowner, to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

The bill authorizes the county or municipality to use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

The bill provides that counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill adds discretionary requirements to the evaluation and rehabilitation program that counties and municipalities may establish for sanitary sewer laterals. The bill is not a mandate because it does not require the expenditure of funds for the program.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 125.569 and 166.0481 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources on November 30, 2021:
Provides that counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

B. Amendments:

None.