

1                   A bill to be entitled  
2           An act relating to water quality improvements;  
3           creating s. 373.4594, F.S.; providing that certain  
4           projects identified in the Indian River Lagoon  
5           Comprehensive Conservation and Management Plan are  
6           eligible for funding consideration by the Legislature;  
7           directing the Department of Environmental Protection,  
8           with other specified entities, to provide cost-share  
9           grants for such projects; requiring the department to  
10          submit an annual report regarding such projects to the  
11          Governor, Legislature, and other specified entities;  
12          requiring county and municipal governments to submit  
13          annual reports regarding such projects to the  
14          department and to the appropriate water management  
15          districts; creating s. 403.0771, F.S.; requiring  
16          wastewater facilities permitted under the National  
17          Pollutant Discharge Elimination System program that  
18          unlawfully discharge a certain amount of raw or  
19          partially treated sewage into a waterway or aquifer to  
20          provide specified written notification to customers  
21          within a specified period; amending s. 403.141, F.S.;  
22          providing penalties for such wastewater treatment  
23          facilities; providing for such facilities to make  
24          certain voluntary wastewater system upgrades or  
25          repairs; providing an effective date.

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

Section 1. Section 373.4594, Florida Statutes, is created to read:

373.4594 Indian River Lagoon grant program.—

(1) Projects dedicated to the conservation and management of the Indian River Lagoon are eligible for funding consideration by the Legislature. The department shall use funds received for the program to provide cost-share grants for the following projects identified in the updated Indian River Lagoon Comprehensive Conservation and Management Plan:

(a) The upgrade of existing facilities that provide advanced waste treatment, as defined in s. 403.086(4).

(b) The expansion of existing wastewater treatment facilities to bring services to existing homes and businesses that are not connected to an existing wastewater treatment facility.

(c) The connection of onsite sewage treatment and disposal systems to a central sewer system.

(2) Each grant shall require a minimum 50-percent local match.

(3) The department shall coordinate with the South Florida Water Management District and the St. Johns River Water

50 Management District to identify eligible projects and grant  
 51 recipients for state funding consideration.

52 (4) Beginning January 1, 2020, and each January 1  
 53 thereafter, the department shall submit a report to the  
 54 Governor, the President of the Senate, the Speaker of the House  
 55 of Representatives, and each state senator and state  
 56 representative for the areas in the Indian River Lagoon  
 57 Comprehensive Conservation and Management Plan regarding the  
 58 projects proposed for funding consideration and the projects  
 59 funded under this section. The report must include:

60 (a) The projects identified for state funding  
 61 consideration, including, at a minimum:

62 1. A priority ranking based on the most cost-effective  
 63 pollutant reduction projects for each listed project that will  
 64 be ready to proceed in the upcoming fiscal year.

65 2. The estimated cost of each listed project.

66 3. The estimated completion date of each listed project.

67 4. The source and amount of financial assistance to be  
 68 provided by county or municipal governments, water management  
 69 districts, or other entities for each listed project.

70 (b) The implementation status of each project receiving  
 71 state funding under this section.

72 (5) The county or municipal government shall annually  
 73 submit a status report on each project receiving state funding  
 74 under this section to the department and to the appropriate

75 water management district for inclusion in the consolidated  
 76 water management district annual report required by s.  
 77 373.036(7).

78 Section 2. Section 403.0771, Florida Statutes, is created  
 79 to read:

80 403.0771 Sewage spill notification.-

81 (1) In addition to the public notification requirements of  
 82 s. 403.077, a wastewater treatment facility that unlawfully  
 83 discharges 1,000 gallons or more of raw or partially treated  
 84 sewage into any waterway or aquifer in violation of the  
 85 conditions set forth in a permit issued pursuant to s. 403.088  
 86 or s. 403.0885 must, within 24 hours after discovering the  
 87 discharge, send written notification by first class mail to the  
 88 following customers:

89 (a) For spills of 1,000 gallons or more but less than  
 90 100,000 gallons, customers within a half mile radius.

91 (b) For spills of 100,000 gallons or more but less than 1  
 92 million gallons, customers within a one mile radius.

93 (c) For spills of 1 million gallons or more, all customers  
 94 of the wastewater facility.

95 (2) The written notification must include, at a minimum:

96 (a) The date and time of the discharge;

97 (b) The status of the discharge, whether ongoing or  
 98 ceased;

99 (c) The estimated volume of the discharge;

- 100        (d) The location or address of the discharge;  
 101        (e) A description of the area affected by the discharge,  
 102 including the name of any affected waterbody; and  
 103        (f) The name and phone number of all elected local  
 104 government officials who have authority over the facility  
 105 responsible for the discharge.

106            Section 3. Subsection (4) of section 403.141, Florida  
 107 Statutes, is renumbered as subsection (5), and a new subsection  
 108 (4) is added to that section, to read:

109        (4) (a) In addition to the civil penalty limitation set  
 110 forth in subsection (1), a wastewater treatment facility that  
 111 unlawfully discharges 1,000 gallons or more of raw or partially  
 112 treated sewage into any waterway or aquifer in violation of the  
 113 conditions set forth in a permit issued pursuant to s. 403.0885  
 114 must:

- 115            1. Remit to the department an amount equal to \$1 for each  
 116 gallon of sewage discharged; or  
 117            2. Calculate or, if such calculation is not possible,  
 118 estimate the number of gallons of sewage discharged and, with  
 119 the department's approval, spend \$2 for each gallon to upgrade  
 120 or repair the wastewater system to prevent future unlawful  
 121 discharges.

122        (b) Appropriate uses of funds to upgrade or repair a  
 123 wastewater system include, but are not limited to, smoke testing  
 124 of sewer lines, repairs and replacement of lateral and main

125 sewer lines, manhole cover repairs, purchase and maintenance of  
126 generators for lift stations, wastewater treatment facility  
127 capacity increases, and incremental nutrient reduction  
128 technology.

129 (c) If the number of gallons of sewage discharged cannot  
130 be calculated or estimated, the facility must remit to the  
131 department a minimum penalty of \$10,000.

132 (d) If the cost of all potential upgrades or repairs to a  
133 wastewater system are less than the calculated or estimated  
134 penalty amount, the total funds used to perform such upgrades or  
135 repairs may not exceed the identified cost.

136 Section 4. This act shall take effect July 1, 2019.