

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 Environment and Natural Resources

BILL: SB 1420

INTRODUCER: Senator Rodriguez

SUBJECT: Sanitary Sewer Lateral Inspection Programs

DATE: March 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1420 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; and
- Authorizes the county or municipality to consider economical methods to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

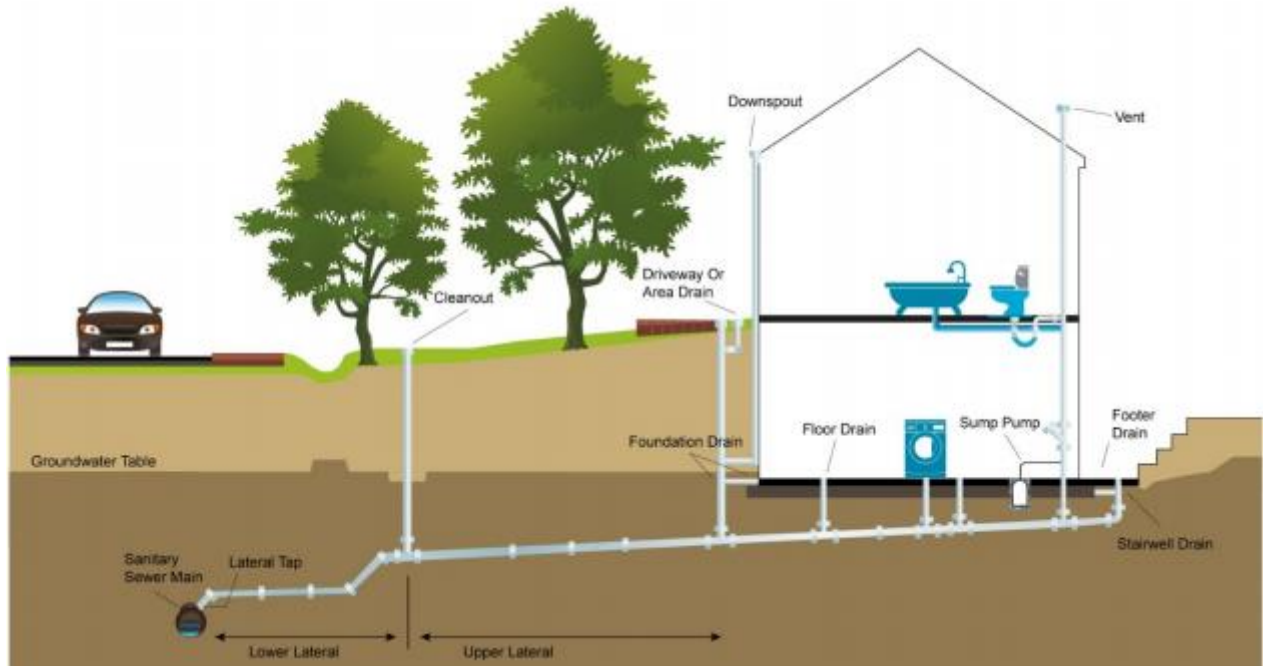
The bill authorizes counties or municipalities to use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

The bill also authorizes counties and municipalities 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

Sanitary sewers convey wastewater from homes, institutions and businesses to a centralized treatment plant.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 sewer system which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.⁵

¹ Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet*, 1 (2017), 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>; 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 Mar. 21, 2023) (defining various relevant terms).

² Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet* at 2.

³ *Id.* at 1-2.

⁴ *Id.* at 2.

⁵ U.S. Environmental Protection Agency (EPA), *Private Sewer Laterals* (2014), available at <https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf> (last visited Mar. 21, 2023).

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, but the property owner is responsible for the maintenance and repair of a sanitary sewer lateral on the person's private property.⁷ Some local governments offer rebates for the costs of private sewer lateral replacement or rehabilitation.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

⁶ Chapter 7, s. 701.2, *Florida Building Code, Plumbing: 7th Edition* (July 2020), available at <https://codes.iccsafe.org/content/FLPC2020P1/chapter-7-sanitary-drainage>.

⁷ See ss. 125.569 and 166.0481, F.S.

⁸ See Pinellas County, *Private Sewer Lateral Program*, <https://pinellas.gov/programs/private-sewer-lateral-program/> (last visited Mar. 21, 2023); Emerald Coast Utilities Authority, *Private Sewer Lateral Program*, <https://ecua.fl.gov/private-sewer-lateral-program> (providing that the City of Pensacola offers assistance to certain qualified owners under the City's rehabilitation program) (last visited Mar. 21, 2023).

⁹ EPA, *Demonstration of Innovative Sewer System Inspection Technology: SL-RAT*, s. 1.2, available at <https://nepis.epa.gov/Adobe/PDF/P100IY1P.pdf>.

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 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:

Sections 1 and 2 amend 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 (July 2022) 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 Sections 125.569(2) and 166.0481(2), F.S.

- Provides that the county or municipality is responsible for any repair work done on the private property. If any disruption of the property is necessary to access the sanitary sewer lateral, the county or municipality must ensure that the property is restored to at least its pre-work condition after the repair is complete.
- 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.

The bill authorizes the county or municipality to consider economical methods to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.¹⁷ The bill also 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.

Section 3 provides an effective date of July 1, 2023.

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. Therefore, the county/municipality mandates provision of Art. VII, s. 18(a) of the Florida Constitution does not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ Currently, property owners are authorized to consider such economical methods. Sections 125.569(3)(b) and 166.0481(3)(b), F.S.

D. State Tax or Fee Increases:

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 the following sections of the Florida Statutes: 125.569 and 166.0481.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.