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Miami Waterkeeper

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Miami-Dade Ignored a Sewage Leak in the Open Ocean Outfalls for almost a Year—After Having Done No Outfall Inspections for Nearly a Decade

Miami Waterkeeper has discovered an ignored outfall sewage leak, affecting our oceans, wildlife, and the health and safety of the public. This reported sewage leak, occurring approximately 3/4 mile offshore -- just a stone's throw away from Fisher Island and Key Biscayne, is coming from the Virginia Key treatment plant. In response, today the non-profit organization has filed its second notice of intent to sue Miami-Dade County for violations of the Clean Water Act related to the County's aging and neglected sewage infrastructure. Miami Waterkeeper claims the County is in violation of the Act and several state statutes, regulations, and permits as Miami-Dade County officials were aware of sewage leaking near Key Biscayne for over a year, but took no action to address it. Despite a mandate to maintain these outfalls, further investigation reveals the County has not inspected them for nearly a decade.

In August 2016, the County received a boater report of a potential leak coming from the Virginia Key open ocean outfall. Confirmed by an internal County email correspondence obtained by Miami Waterkeeper's investigation, department staff and supervisors were aware of this leak, but seemingly ignored it. Email exchanges reveal unanimous departmental agreement of the need to conduct outfall pipe inspections, but the County never conducted such inspections. These emails reveal Miami-Dade County Water and Sewage leadership knew of permit obligations and knowingly failed to comply with those responsibilities.

Alerted by a concerned member of the public, Miami Waterkeeper obtained independent video confirmation of the significant, ongoing, and illicit discharge of partially treated sewage spewing from a buried pipe. This pipe is illegally polluting the waters of the United States and may be contributing to existing water conditions affecting public and ecosystem health.

Just three years ago, the County signed a \$1.6 billion Consent Decree and settlement with the United States and the State of Florida promising to improve the operation and maintenance of its wastewater treatment plants and aging sewage infrastructure.

Some of the County's sewage pipes are over 60 years old and have deteriorated from decades of saltwater corrosion. This spells disaster for the pipes lining Biscayne Bay and results in inevitable sewage overflows - an increasingly



apparent issue gaining significant public concern and media attention. Toxic chemicals from sewage leaks such as this one can kill fish, harm other marine life, and threaten human health. Sewage contains heavy metals and dangerous bacteria that can make people sick if they swim in the water, drink the water, or in some cases touch the water – causing rashes, gastrointestinal illness, and other, more serious health problems. This nutrient pollution can also contribute to dangerous algae blooms – a problem already plaguing [Biscayne Bay](#).

In their 60-day notice letter filed today, Miami Waterkeeper claims the County failed to take corrective action when placed on notice of an unauthorized release of partially treated sewage discharging into navigable waters of the United States. Miami Waterkeeper intends to seek all appropriate injunctive relief as well as civil penalties for these violations.

"The County is under a legal requirement to comply with the Clean Water Act and appears to be knowingly disregarding an ongoing violation," says Miami Waterkeeper Staff Attorney Kelly Cox. "The County has an institutional problem of chronically underfunding maintenance needs of existing infrastructure. We hope that this action corrects this pervasive issue."

Miami Waterkeeper's Executive Director and Waterkeeper, Dr. Rachel Silverstein, comments, "Going nearly a decade without conducting outfall pipe inspections is completely unacceptable. Our clean water economy in South Florida depends on a sewage-free Biscayne Bay and ocean. This and other chronic sewage leaks are a threat to both the environment and to human health. Miami Waterkeeper works hard to hold polluters accountable and to safeguard our water and public health – we are working to make sure this is fixed once and for all for our communities."

Miami Waterkeeper is being represented by Kelly Cox and James M. Porter, P.A.

If you would like to obtain copies of mentioned emails and video please contact Miami Waterkeeper directly.

Miami Waterkeeper

Miami Waterkeeper is a South Florida-based non-profit. Our mission is to defend, protect, and preserve our regional watershed through citizen engagement and community action rooted in sound science and research. We work to ensure swimmable, drinkable, fishable, water for all, ultimately striving for clean and vibrant waters and associated coastal culture for generations to come. For more information visit miamewaterkeeper.org, email hello@miamewaterkeeper.org, or call (844) 847-2295.

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