

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Ingoglia offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 132 and 133, insert:

5 Section 3. Subsection (2) of section 373.811, Florida
6 Statutes, is amended to read:

7 373.811 Prohibited activities within a priority focus
8 area.—The following activities are prohibited within a priority
9 focus area in effect for an Outstanding Florida Spring:

10 (2) New onsite sewage treatment and disposal systems on
11 lots of less than 1 acre, if the addition of the specific
12 systems conflicts with an onsite treatment and disposal system
13 remediation plan incorporated into a basin management action

246447

Approved For Filing: 2/28/2018 3:48:58 PM

Amendment No.

14 | plan in accordance with s. 373.807(3). Effective July 1, 2018,
15 | this subsection does not apply to such systems until the
16 | rulemaking and the requirements set forth in s. 373.812 are
17 | completed.

18 | Section 4. Section 373.812, Florida Statutes, is created
19 | to read:

20 | 373.812 Pilot program for onsite sewage treatment and
21 | disposal systems within priority focus areas.— The department,
22 | in coordination with the Department of Health, must establish a
23 | pilot program to develop cost-effective aerobic and passive
24 | anaerobic nitrogen reduction technologies and other nitrogen
25 | reduction strategies for onsite sewage treatment and disposal
26 | systems, also referred to as onsite sewage systems, within
27 | priority focus areas.

28 | (1) For purposes of this section, the term:

29 | (a) "Aerobic nitrogen reducing onsite sewage system" means
30 | an onsite sewage system with a mechanical and energy intensive
31 | unit that adds air to the sewage so that oxygen demanding
32 | compounds in the sewage can be digested before the sewage enters
33 | the drainfield.

34 | (b) "Passive anaerobic nitrogen reducing onsite sewage
35 | system" means an onsite sewage system that uses a gravity-fed
36 | system to reduce effluent nitrogen using biofiltration through
37 | reactive media for denitrification. For purposes of this

246447

Approved For Filing: 2/28/2018 3:48:58 PM

Amendment No.

38 paragraph, the term "reactive media" includes wood chips,
39 sawdust, and sulfur.

40 (2) By July 1, 2019, the department, in coordination with
41 the Department of Health, must begin the planning phase of the
42 pilot program described in subsections (3), (4), and (5), which
43 must include developing the approach to the pilot program, the
44 monitoring plan, the costs of the pilot program, and potential
45 funding options. The pilot program must be based on the review
46 of documents and studies in subsection (3). During the planning
47 phase, the departments must work with appropriate partners,
48 including the Legislature, to secure funding for the pilot
49 program. Funding secured for the pilot program may be used to
50 contract with third parties to implement the pilot program.

51 (3) As part of the pilot program, the department, in
52 coordination with the Department of Health, must:

53 (a) Review and build upon the findings in the 2015 final
54 report written as part of the study originally authorized in
55 Specific Appropriation 1682 of chapter 2008-152, Laws of
56 Florida.

57 (b) Review existing and ongoing studies on nitrogen
58 reducing technologies for onsite sewage systems.

59 (c) Install and operate eight aerobic and two anaerobic
60 onsite sewage systems at occupied home sites in at least seven
61 different priority focus areas. Each priority focus area must be
62 located within a different basin management action plan boundary

246447

Approved For Filing: 2/28/2018 3:48:58 PM

Amendment No.

63 to provide adequate representation of the various soil and
64 geologic conditions and water table elevations found in the
65 different priority focus areas.

66 (d) Conduct a quarterly groundwater monitoring program to
67 monitor and evaluate the effectiveness of the different onsite
68 sewage systems at removing nitrogen from sewage. Groundwater
69 monitoring samples must be collected at each onsite sewage
70 system site for a period of at least 2 years.

71 (e) After 2 years, evaluate the groundwater monitoring
72 data to determine the effectiveness of the different onsite
73 sewage treatment and disposal systems at removing nitrates in
74 various soil and geologic conditions and water table elevations.

75 (4) After July 1, 2020, the department, in coordination
76 with the Department of Health, shall install the onsite sewage
77 systems identified in paragraph (3) (c) and begin the quarterly
78 groundwater monitoring program described in paragraph (3) (d).

79 (5) After December 1, 2022, the department, in
80 coordination with the Department of Health, must submit a final
81 report with findings and recommendations to the President of the
82 Senate, the Speaker of the House of Representatives, and the
83 Executive Office of the Governor. The report must include:

84 (a) An evaluation of the performance of the different
85 aerobic and anaerobic onsite sewage systems in reducing nitrogen
86 in sewage in priority focus areas, including costs for

246447

Approved For Filing: 2/28/2018 3:48:58 PM

Amendment No.

87 designing, permitting, constructing, installing, operating, and
88 maintaining onsite sewage systems with 50-year lifespans.

89 (b) Recommendations for cost-effective, financially
90 feasible, and reliable aerobic and anaerobic onsite sewage
91 system options that demonstrate effective nitrogen removal,
92 including costs for designing, permitting, constructing,
93 installing, operating, and maintaining onsite sewage systems
94 with 50-year lifespans.

95 (c) Projected costs and economic impacts based on
96 recommendations from the pilot program and requirements to
97 reduce nitrogen from onsite sewage systems as identified in
98 basin management action plans or onsite sewage system
99 remediation plans for priority focus areas. The projections must
100 consider costs for designing, permitting, constructing,
101 installing, operating, and maintaining onsite sewage systems
102 with 50-year lifespans, including:

103 1. Costs to connect existing onsite sewage systems to
104 centralized wastewater treatment systems to achieve nitrogen
105 reductions as identified in the plans.

106 2. Costs to replace or retrofit standard existing onsite
107 sewage systems with nitrogen reducing technologies and
108 strategies to achieve the desired nitrogen reductions as
109 identified in the plans.

110 3. Costs for the future installation of nitrogen reducing
111 onsite sewage systems on undeveloped residential lots of less

246447

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Amendment No.

112 than 1 acre outside service boundaries of centralized wastewater
113 treatment facilities.

114
115 The projections must be based on county comprehensive plan
116 future land use maps at the time the report is written.

117 (d) Potential funding options.

118 (6) After December 1, 2022, the Department of Health, in
119 coordination with the department, shall initiate rulemaking
120 based on the recommendations from the pilot program to adopt at
121 least two cost-effective, financially feasible, and reliable
122 options for onsite sewage systems that use passive anaerobic
123 nitrogen reducing systems to reduce nitrogen and at least eight
124 cost-effective and reliable options for onsite sewage systems
125 that use aerobic nitrogen reducing systems. The Department of
126 Health must automatically accept for use under this subsection
127 any aerobic nitrogen reducing system that has been tested and
128 certified under ANSI/NSF Standard 245 titled "Wastewater
129 Treatment Systems-Nitrogen Reduction."

130 (a) Any permit for an onsite sewage system issued before
131 the rule is adopted will remain valid after adoption. The
132 Department of Health may not require a person with a permit
133 issued before the rule is adopted to modify the onsite sewage
134 system approved in the permit to meet the new requirements of
135 the rule.

246447

Approved For Filing: 2/28/2018 3:48:58 PM

Amendment No.

136 (b) When developing the rule, the Department of Health
137 must consider the costs projected under subparagraphs (5)(c)2.
138 and 3.

139 (7) The department and the Department of Health may not
140 develop or enforce any onsite sewage treatment and disposal
141 system remediation plan or regulate nitrates generated by an
142 onsite sewage system in any other matter until the pilot program
143 is complete and the Department of Health adopts a rule pursuant
144 to subsection (6).

147 -----
148 **T I T L E A M E N D M E N T**

149 Remove line 14 and insert:

150 to adopt rules; amending s. 373.811, F.S.; providing
151 applicability; creating s. 373.812, F.S.; directing
152 the Department of Environmental Protection, in
153 coordination with the Department of Health, to
154 establish a pilot program to develop cost-effective
155 aerobic and anaerobic nitrogen reduction technologies
156 and other nitrogen reduction strategies for onsite
157 sewage systems within priority focus areas; requiring
158 the departments to begin the planning phase by a
159 specified date; specifying duties of the departments;
160 requiring the departments to install specified

246447

Approved For Filing: 2/28/2018 3:48:58 PM

Amendment No.

161 systems, begin a specified program, and submit a final
162 report to certain entities by a specified date;
163 specifying items to be included in the report;
164 requiring the Department of Health to initiate
165 rulemaking by a specified date; providing
166 applicability; providing rule requirements;
167 prohibiting the departments from developing or
168 enforcing certain onsite sewage system remediation
169 plans or regulating certain nitrates until specific
170 conditions are met; amending s. 403.064, F.S.;
171 encouraging

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