

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1424

SPONSOR: Natural Resources Committee and Senator Latvala

SUBJECT: Sewage Treatment Facility Discharges

DATE: March 17, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gee	Voigt	NR	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill requires existing sewage treatment discharges into the coastal waters of Pasco County to be eliminated before July 1, 2004 and prohibits new discharges, or increased pollutant loadings from existing sewage treatment plants, into such waters. However, the DEP may permit exceptions under specified circumstances.

II. Present Situation:

By a series of actions beginning with ch. 72-58, L.O.F., the Legislature began to take action to improve water quality in the Tampa Bay and Charlotte Harbor areas. Culminating in the legislation known as the Grizzle-Figg Act, the statute prohibits sanitary sewage disposal in specified water bodies in these areas unless the discharge has received advanced waste treatment. Section 403.086(4), F.S., provides a definition of “advanced waste treatment” as treatment that will provide reclaimed water that:

- Contains not more, on a permitted annual average basis, than the following concentrations:
 - a. Biochemical Oxygen Demand (CBOD5) - 5mg/l
 - b. Suspended Solids - 5 mg/l
 - c. Total Nitrogen - 3 mg/l
 - d. Total Phosphorus - 1 mg/l
- Has received high level disinfection, as defined by rule of the department.

In 1990, the Legislature enacted ch. 90-262, L.O.F. This legislation is intended to protect and improve water quality in the Indian River Lagoon System. Recognizing that the lagoon system is

unsuitable for disposal of sewage effluent, the Legislature prohibited any sewage treatment facility discharges into the system after July 1, 1995, although the DEP is authorized to grant exceptions in the following circumstances:

- If an applicant conclusively demonstrates that no other practical alternative exists and the discharge will receive advanced waste treatment; or
- If the applicant conclusively demonstrates that the discharge will not result in violation of state water quality standards, by itself or in combination with other discharges, and will not hinder restoration efforts; or
- If the applicant's discharge is an intermittent surface water discharge occurring during wet weather conditions.

Currently, Pasco County has three wastewater treatment facilities that are permitted to discharge effluent into canals and waterways that enter the Gulf of Mexico. Residents of the area are concerned that these wastewater treatment facilities contribute to the water quality problems along the coast of Pasco County. As a result, the Protect Our Waters task force was formed, which collected signatures requesting that the Florida Legislature amend s. 403.086(1)(c), F.S., to include all of Pasco County's waterways discharging directly or indirectly into the Gulf of Mexico.

The three facilities include:

- The New Port Richey wastewater plant, which discharges advanced secondary treated effluent with basic level disinfection into an unnamed tributary to Cross Bayou to the Gulf of Mexico. Its permitted surface water discharge capacity is 7.5 million gallons per day.
- The Lindrick Service Corporation facility, which is under a state order to take its facility off-line by May, 1999 and send its wastewater to the New Port Richey plant.
- The Deer Park Subregional Reuse Facility, which has a permit to discharge to the Deer Park Natural Wetlands which discharges to the Pithlachascotee River and ultimately to the Gulf of Mexico. However, the wetland discharge has not been used in the past five years.

The DEP, in its review of this bill, reports that domestic wastewater discharges would not appear to be the predominant cause of water quality problems in the coastal waters of Pasco County (the same is true in most of Florida). As there is only one existing facility immediately subject to the provisions of the legislation, and relative to which the provisions are not necessarily more rigorous than current law and rule, the impact of the legislation on water quality may be less than intended. The same holds true with respect to any future domestic wastewater facility that would propose a surface water discharge -- that is, new discharges would not, in fact, be prohibited or necessarily required to treat to advanced waste treatment levels.

III. Effect of Proposed Changes:

Section 1. This bill prohibits new discharges, or increased pollutant loadings from existing sewage treatment facilities, into the coastal waters of the state within Pasco County, which include, but are not limited to, Anclote Anchorage, Sandy Bay, Cross Bayou, Millers Bayou, Boggy Bay, Hope Bayou, Lighter Bayou, or Fillman Bayou, or into waters tributary thereto.

All existing sewage treatment facility discharges into the coastal waters of the state within Pasco County must be eliminated before July 1, 2004. However, the DEP may grant an exception under the following circumstances:

- If the applicant conclusively demonstrates that no other practical alternative exists, the discharge will receive advanced waste treatment as defined in s. 403.086(4), F.S., or a higher level of treatment, and the applicant conclusively demonstrates that the proposed discharge will not result in degradation of the receiving water body, or
- If the applicant's discharge is a limited wet weather surface water discharge serving as a backup to a reuse system, subject to the requirements of department rules.

Section 2. The act takes effect January 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There will be no impact on the private sector, as the only privately-owned facility in Pasco County, the Lindrick plant, will go off-line before the effective date of the bill.

C. Government Sector Impact:

Although the bill does not require expenditures by the city of New Port Richey at this time, should it become necessary to increase the discharges or pollutant loads from its wastewater treatment plant, or increase the amount of its flow going to reuse before January 1, 2004, the bill would require unspecified, perhaps substantial, expenditures for advanced waste treatment or increased reuse at that time. There should be no impact after January 1, 2004, as the city expects to have ceased all coastal discharges prior to that date.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
