

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Gay offered the following:

**Amendment (with title amendment)**

On page 24, between lines 15 and 16, of the bill

insert:

Section 3. Notwithstanding any provision of chapter 380, part I, to the contrary, a local government within the Florida Keys area of critical state concern may enact an ordinance that:

(1) Requires connection to a central sewerage system within 30 days of notice of availability of services; and

(2) Provides a definition of on-site sewage treatment and disposal systems that does not exclude package sewage treatment facilities if such facilities are in full compliance with all regulatory requirements and treat sewage to advanced wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal.

Section 4. Definition of terms used in this act.--As used in this act, the term "existing" means permitted by the Department of Environmental Protection or the Department of

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1 Health as of the effective date of this act.

2 Section 5. Sewage requirements in Monroe County.--

3 (1) The provisions of this act apply to all sewage  
4 treatment, reuse, and disposal facilities and all onsite  
5 sewage treatment and disposal systems in Monroe County, except  
6 as provided in subsection (8):

7 (2) No new or expanded discharges shall be allowed  
8 into surface waters.

9 (3) Existing surface water discharges shall be  
10 eliminated before July 1, 2006.

11 (4) Existing sewage facilities that discharge to other  
12 than surface waters and existing onsite sewage treatment and  
13 disposal systems shall cease discharge or shall comply with  
14 the applicable treatment requirements of subsection (6) by  
15 July 1, 2010, and with the rules of the Department of  
16 Environmental Protection or the Department of Health, as  
17 applicable.

18 (5) All new or expanded discharges into other than  
19 surface waters and all onsite sewage treatment and disposal  
20 systems permitted after the effective date of this act shall  
21 comply with the requirements of subsection (6) and with the  
22 rules of the Department of Environmental Protection or the  
23 Department of Health, as applicable.

24 (6)(a) Sewage facilities with design capacities  
25 greater than or equal to 100,000 gallons per day that do not  
26 discharge to surface waters shall provide basic disinfection  
27 as defined by Department of Environmental Protection rule and  
28 the level of treatment that will produce an effluent that  
29 contains not more, on a permitted annual average basis, than  
30 the following concentrations:

31 1. Biochemical Oxygen Demand (CBOD5) of 5 mg/l;

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- 1           2. Suspended Solids of 5 mg/l;  
2           3. Total Nitrogen, expressed as N, of 3 mg/l;  
3           4. Total Phosphorus, expressed as P, of 1 mg/l.  
4           (b) Sewage facilities with design capacities less than  
5 100,000 gallons per day that do not discharge to surface  
6 waters shall provide basic disinfection as defined by  
7 Department of Environmental Protection rule and the level of  
8 treatment that will produce an effluent that contains not  
9 more, on a permitted annual average basis, than the following  
10 concentrations;  
11           1. Biochemical Oxygen Demand (CBOD5) of 10 mg/l;  
12           2. Suspended Solids of 10 mg/l;  
13           3. Total Nitrogen, expressed as N, of 10 mg/l;  
14           4. Total Phosphorus, expressed as P, of 1 mg/l.  
15           (c) Onsite sewage treatment and disposal systems shall  
16 provide the level of treatment that will produce an effluent  
17 that contains not more, on a permitted annual average basis,  
18 than the following concentrations:  
19           1. Biochemical Oxygen Demand (CBOD5) of 10 mg/l;  
20           2. Suspended Solids of 10 mg/l;  
21           3. Total Nitrogen, expressed as N, of 10 mg/l;;  
22           4. Total Phosphorus, expressed as P, of 1 mg/l.  
23 In addition, onsite sewage treatment and disposal systems  
24 discharging to injection wells shall provide basic  
25 disinfection as defined by Department of Health rule.  
26           (7) Class V injection wells, as defined by Department  
27 of Environmental Protection or Department of Health rule,  
28 shall meet the following requirements and shall otherwise  
29 comply with Department of Environmental Protection or  
30 Department of Health rules, as applicable:  
31           (a) If the design capacity of the facility is less

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1 than 1,000,000 gallons per day, the injection well shall be at  
2 least 90 feet deep and cased to a minimum depth of 60 feet or  
3 to such greater cased depth and total well depth as may be  
4 required by Department of Environmental Protection rule;

5     If the design capacity of the facility is equal to or  
6 greater than 1,000,000 gallons per day, the injection well  
7 shall be cased to a minimum depth of 2,000 feet or to such  
8 greater depth as may be required by Department of  
9 Environmental Protection rule.

10     (8) The requirements of subsections (2)-(7) do not  
11 apply to the following:

12     (a) Class 1 injection wells as defined by Department  
13 of Environmental Protection rule, including any authorized  
14 mechanical integrity tests;

15     (b) Authorized mechanical integrity tests associated  
16 with Class V wells as defined by Department of Environmental  
17 Protection rule; and

18     (c) The following types of reuse systems authorized by  
19 Department of Environmental Protection domestic wastewater  
20 rules:

- 21     1. Slow-rate land application systems;
- 22     2. Industrial uses of reclaimed water; and
- 23     3. Use of reclaimed water for toilet flushing, fire  
24 protection, vehicle washing, construction dust control, and  
25 decorative water features.

26 However, disposal systems serving as backups to reuse systems  
27 shall comply with the other provisions of this act.

28     (9) If it is demonstrated that a discharge, even if it  
29 is otherwise in compliance with this act or c. 403, F. S.,  
30 will cause or contribute to a violation of state water quality  
31 standards, the Department of Environmental Protection shall:

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1           (a) Require more stringent effluent limitations;  
2           (b) Order the point or method of discharge changed;  
3           (c) Limit the duration or volume of the discharge; or  
4           (d) Prohibit the discharge.  
5           (10) All sewage treatment facilities shall monitor  
6 effluent for total nitrogen and total phosphorus concentration  
7 as required by Department of Environmental Protection rule  
8 beginning October 1, 1999. All onsite sewage treatment and  
9 disposal systems issued a construction permit after the  
10 effective date of this act shall be monitored for total  
11 nitrogen and total phosphorus concentrations as required by  
12 Department of Health rule.

13           (11) The Department of Environmental Protection shall  
14 require the levels of operator certification and staffing  
15 necessary to ensure proper operation and maintenance of sewage  
16 facilities. The Department of Health shall ensure proper  
17 operation and maintenance of onsite sewage treatment and  
18 disposal systems.

19           (12) The Department of Environmental Protection and  
20 the Department of Health shall adopt rules necessary to carry  
21 out the provisions of this act.

22           Section 6. Paragraph (k) of subsection (4) of section  
23 381.0065, Florida Statutes, is amended to read:

24           381.0065 Onsite sewage treatment and disposal systems;  
25 regulation.--

26           (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
27 may not construct, repair, modify, abandon, or operate an  
28 onsite sewage treatment and disposal system without first  
29 obtaining a permit approved by the department. The department  
30 may issue permits to carry out this section. A construction  
31 permit is valid for 18 months from the issuance date and may

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1 be extended by the department for one 90-day period under  
2 rules adopted by the department. A repair permit is valid for  
3 90 days from the date of issuance. An operating permit must be  
4 obtained prior to the use of any aerobic treatment unit or if  
5 the establishment generates commercial waste. Buildings or  
6 establishments that use an aerobic treatment unit or generate  
7 commercial waste shall be inspected by the department at least  
8 annually to assure compliance with the terms of the operating  
9 permit. The operating permit is valid for 1 year from the date  
10 of issuance and must be renewed annually. If all information  
11 pertaining to the siting, location, and installation  
12 conditions or repair of an onsite sewage treatment and  
13 disposal system remains the same, a construction or repair  
14 permit for the onsite sewage treatment and disposal system may  
15 be transferred to another person, if the transferee files,  
16 within 60 days after the transfer of ownership, an amended  
17 application providing all corrected information and proof of  
18 ownership of the property. There is no fee associated with  
19 the processing of this supplemental information. A person may  
20 not contract to construct, modify, alter, repair, service,  
21 abandon, or maintain any portion of an onsite sewage treatment  
22 and disposal system without being registered under part III of  
23 chapter 489. A property owner who personally performs  
24 construction, maintenance, or repairs to a system serving his  
25 or her own owner-occupied single-family residence is exempt  
26 from registration requirements for performing such  
27 construction, maintenance, or repairs on that residence, but  
28 is subject to all permitting requirements. A municipality or  
29 political subdivision of the state may not issue a building or  
30 plumbing permit for any building that requires the use of an  
31 onsite sewage treatment and disposal system unless the owner

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1 or builder has received a construction permit for such system  
2 from the department. A building or structure may not be  
3 occupied and a municipality, political subdivision, or any  
4 state or federal agency may not authorize occupancy until the  
5 department approves the final installation of the onsite  
6 sewage treatment and disposal system. A municipality or  
7 political subdivision of the state may not approve any change  
8 in occupancy or tenancy of a building that uses an onsite  
9 sewage treatment and disposal system until the department has  
10 reviewed the use of the system with the proposed change,  
11 approved the change, and amended the operating permit.

12 (k) For the Florida Keys, the department shall adopt a  
13 special rule for the construction, installation, modification,  
14 operation, repair, maintenance, and performance of onsite  
15 sewage treatment and disposal systems which considers the  
16 unique soil conditions and which considers water table  
17 elevations, densities, and setback requirements. On lots  
18 where a setback distance of 75 feet from surface waters,  
19 saltmarsh, and buttonwood association habitat areas cannot be  
20 met, an injection well, approved and permitted by the  
21 department, may be used for disposal of effluent from onsite  
22 sewage treatment and disposal systems. ~~The department shall~~  
23 ~~require effluent from onsite sewage treatment and disposal~~  
24 ~~systems to meet advanced waste treatment concentrations, as~~  
25 ~~defined in s. 403.086.~~

26 Section 7. No later than January 1, 2003, the  
27 Department of Environmental Protection and the Department of  
28 Health shall report to the Governor, the President of the  
29 Senate, and the Speaker of the House on the then current state  
30 of sewage treatment technology. The report shall address the  
31 treatment capabilities and operational and maintenance

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1 requirements of various sizes and types of sewage facilities  
2 and onsite sewage treatment and disposal systems, with special  
3 attention given to individual systems and facilities designed  
4 to treat 100,000 gallons per day or less of sewage. The  
5 report shall also address the status of research on the fate  
6 and transport of nutrients after injection, and shall provide  
7 an overall assessment of water quality in Monroe County and  
8 include recommendations for changes to the sewage collection,  
9 treatment and disposal requirements in Monroe county.

10 Section 8. No later than January 1, 2003, Monroe  
11 County and the Florida Keys Aqueduct Authority shall report to  
12 the Governor, the President of the Senate, and the Speaker of  
13 the House on the implementation of charges, fees and  
14 assessments related to sewage collection, treatment and  
15 disposal in Monroe County, and on implementation of the Monroe  
16 County Wastewater Master Plan.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 26,

22

23 after the semicolon insert:

24 authorizing certain counties within the Florida  
25 Keys to enact certain ordinances; providing  
26 definitions; providing for sewage requirements  
27 in Monroe County; amending s. 381.0065, F.S.;  
28 revising language with respect to the Florida  
29 Keys onsite sewage treatment and disposal  
30 systems; providing for reports;

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