

By Representative Sorensen

1                                   A bill to be entitled  
2           An act relating to sewage treatment, reuse, and  
3           disposal; providing requirements for sewage  
4           treatment, reuse, and disposal facilities and  
5           onsite sewage treatment and disposal systems in  
6           Monroe County; prohibiting new or expanded  
7           discharges into surface waters; eliminating  
8           existing surface water discharges by a  
9           specified date; requiring existing sewage  
10          facilities that do not discharge to surface  
11          waters and onsite sewage treatment and disposal  
12          systems to meet certain treatment requirements  
13          by a specified date; requiring new or expanded  
14          discharges to other than surface waters and new  
15          onsite sewage treatment and disposal systems to  
16          meet certain treatment requirements;  
17          establishing requirements for Class V injection  
18          wells; providing exceptions to requirements of  
19          the act; providing for actions of the  
20          Department of Environmental Protection to  
21          ensure compliance with state water quality  
22          standards; requiring all sewage treatment  
23          facilities and all new onsite sewage treatment  
24          and disposal systems to monitor for nitrogen  
25          and phosphorus; providing responsibilities of  
26          the Department of Environmental Protection and  
27          the Department of Health to ensure proper  
28          operation of facilities and systems; requiring  
29          adoption of rules; amending s. 381.0065, F.S.;  
30          deleting requirement for advanced waste  
31          treatment by onsite sewage treatment and

1 disposal systems in the Florida Keys; requiring  
2 a report on sewage treatment technology and on  
3 water quality in Monroe County; requiring a  
4 report on sewage charges, fees, and assessments  
5 in Monroe County and on the Monroe County  
6 Wastewater Master Plan; providing an effective  
7 date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Sewage requirements in Monroe County.--The  
12 provisions of this section apply to all sewage treatment,  
13 reuse, and disposal facilities and all onsite sewage treatment  
14 and disposal systems in Monroe County, except as provided in  
15 subsection (8).

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17 (1) As used in this section, the term "existing" means  
18 permitted by the Department of Environmental Protection or the  
19 Department of Health, as of the effective date of this act.

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21 (2) No new or expanded discharges shall be allowed  
22 into surface waters.

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

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27 (4) Existing sewage facilities that discharge to other  
28 than surface waters and existing onsite sewage treatment and  
29 disposal systems shall cease discharge or shall comply with  
30 the applicable treatment requirements of subsection (6) by  
31 July 1, 2010, and with the rules of the Department of  
Environmental Protection or the Department of Health, as  
applicable.

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33 (5) All new or expanded discharges into other than  
34 surface waters and all onsite sewage treatment and disposal

1 systems permitted after the effective date of this act shall  
2 comply with the requirements of subsection (6) and with the  
3 rules of the Department of Environmental Protection or the  
4 Department of Health, as applicable.

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

12 1. Biochemical Oxygen Demand (CBOD5) of 5 milligrams  
13 per liter.

14 2. Suspended Solids of 5 milligrams per liter.

15 3. Total Nitrogen, expressed as N, of 3 milligrams per  
16 liter.

17 4. Total Phosphorus, expressed as P, of 1 milligram  
18 per liter.

19 (b) Sewage facilities with design capacities less than  
20 100,000 gallons per day that do not discharge to surface  
21 waters shall provide basic disinfection as defined by  
22 Department of Environmental Protection rule and the level of  
23 treatment that will produce an effluent that contains not  
24 more, on a permitted annual average basis, than the following  
25 concentrations:

26 1. Biochemical Oxygen Demand (CBOD5) of 10 milligrams  
27 per liter.

28 2. Suspended Solids of 10 milligrams per liter.

29 3. Total Nitrogen, expressed as N, of 10 milligrams  
30 per liter.

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1           4. Total Phosphorus, expressed as P, of 1 milligrams  
2 per liter.

3           (c) Onsite sewage treatment and disposal systems shall  
4 provide the level of treatment that will produce an effluent  
5 that contains not more, on a permitted annual average basis,  
6 than the following concentrations:

7           1. Biochemical Oxygen Demand (CBOD5) of 10 milligrams  
8 per liter.

9           2. Suspended Solids of 10 milligrams per liter.

10           3. Total Nitrogen, expressed as N, of 10 milligrams  
11 per liter.

12           4. Total Phosphorus, expressed as P, of 1 milligram  
13 per liter.

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15 In addition, onsite sewage treatment and disposal systems  
16 discharging to injection wells shall provide basic  
17 disinfection as defined by Department of Health rule.

18           (7) Class V injection wells, as defined by Department  
19 of Environmental Protection or Department of Health rule,  
20 shall meet the following requirements and shall otherwise  
21 comply with Department of Environmental Protection or  
22 Department of Health rules, as applicable.

23           (a) If the design capacity of the facility is less  
24 than 1 million gallons per day, the injection well shall be at  
25 least 90 feet deep and cased to a minimum depth of 60 feet or  
26 to such greater cased depth and total well depth as may be  
27 required by Department of Environmental Protection rule.

28           (b) If the design capacity of the facility is equal to  
29 or greater than 1 million gallons per day, the injection well  
30 shall be cased to a minimum depth of 2,000 feet or to such  
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1 greater depth as may be required by Department of  
2 Environmental Protection rule.  
3 (8) The requirements of subsections (2)-(7) do not  
4 apply to the following:  
5 (a) Class I injection wells as defined by Department  
6 of Environmental Protection rule, including any authorized  
7 mechanical integrity tests;  
8 (b) Authorized mechanical integrity tests associated  
9 with Class V wells as defined by Department of Environmental  
10 Protection rule; and  
11 (c) The following types of reuse systems authorized by  
12 Department of Environmental Protection domestic wastewater  
13 rules:  
14 1. Slow-rate land application systems.  
15 2. Industrial uses of reclaimed water.  
16 3. Use of reclaimed water for toilet flushing, fire  
17 protection, vehicle washing, construction dust control, and  
18 decorative water features.  
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20 However, disposal systems serving as backups to reuse systems  
21 shall comply with the other provisions of this section.  
22 (9) If it is demonstrated that a discharge, even if it  
23 is otherwise in compliance with this section or chapter 403,  
24 Florida Statutes, will cause or contribute to a violation of  
25 state water quality standards, the Department of Environmental  
26 Protection shall:  
27 (a) Require more stringent effluent limitations;  
28 (b) Order the point or method of discharge changed;  
29 (c) Limit the duration or volume of the discharge; or  
30 (d) Prohibit the discharge.  
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1       (10) All sewage treatment facilities shall monitor  
2 effluent for total nitrogen and total phosphorus  
3 concentrations as required by Department of Environmental  
4 Protection rule, beginning October 1, 1999. All onsite sewage  
5 treatment and disposal systems issued a construction permit  
6 after the effective date of this act shall be monitored for  
7 total nitrogen and total phosphorus concentrations as required  
8 by Department of Health rule.

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

15       (12) The Department of Environmental Protection and  
16 the Department of Health shall adopt rules necessary to carry  
17 out the provisions of this section.

18       Section 2. Paragraph (k) of subsection (4) of section  
19 381.0065, Florida Statutes, 1998 Supplement, is amended to  
20 read:

21       381.0065 Onsite sewage treatment and disposal systems;  
22 regulation.--

23       (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
24 may not construct, repair, modify, abandon, or operate an  
25 onsite sewage treatment and disposal system without first  
26 obtaining a permit approved by the department. The department  
27 may issue permits to carry out this section. A construction  
28 permit is valid for 18 months from the issuance date and may  
29 be extended by the department for one 90-day period under  
30 rules adopted by the department. A repair permit is valid for  
31 90 days from the date of issuance. An operating permit must be

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

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

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

23 Section 3. No later than January 1, 2003, the  
24 Department of Environmental Protection and the Department of  
25 Health shall report to the Governor, the President of the  
26 Senate, and the Speaker of the House of Representatives on the  
27 then-current state of sewage treatment technology. The report  
28 shall address the treatment capabilities and operational and  
29 maintenance requirements of various sizes and types of sewage  
30 facilities and onsite sewage treatment and disposal systems,  
31 with special attention given to individual systems and



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

8           Section 4. No later than January 1, 2003, Monroe  
9 County and the Florida Keys Aqueduct Authority shall report to  
10 the Governor, the President of the Senate, and the Speaker of  
11 the House of Representatives on the implementation of charges,  
12 fees, and assessments related to sewage collection, treatment,  
13 and disposal in Monroe County, and on implementation of the  
14 Monroe County Wastewater Master Plan.

15           Section 5. This act shall take effect upon becoming a  
16 law.

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HOUSE SUMMARY

Revises requirements for sewage treatment, reuse, and disposal facilities and onsite sewage treatment and disposal systems in Monroe County. Prohibits new or expanded discharges into surface waters, eliminates existing permitted surface water discharges by July 1, 2006, and requires other existing facilities and systems to comply with described requirements, as applicable, by July 1, 2010. Provides requirements for Class V injection wells. Specifies exceptions to requirements of the act. Provides authority of the Department of Environmental Protection to take certain actions to ensure compliance with state water quality standards. Requires monitoring of sewage treatment facilities, beginning October 1, 1999, and new onsite sewage treatment and disposal systems permitted after the effective date of the act, for nitrogen and phosphorus concentrations. Requires the Departments of Environmental Protection and Health to ensure proper operation of facilities and systems and to adopt rules to implement the act. Requires a report by the departments, by January 1, 2003, on the then-current state of sewage treatment technology and on water quality in Monroe County. Requires a report by Monroe County and the Florida Keys Aqueduct Authority by January 1, 2003, on sewage charges, fees, and collections in Monroe County and on the Monroe County Wastewater Master Plan. See bill or details.