

STORAGE NAME: h0721.ep

DATE: March 26, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
ENVIRONMENTAL PROTECTION
ANALYSIS**

BILL #: HB 721

RELATING TO: Sewage Treatment Facility Discharges

SPONSOR(S): Representatives Fiorentino and Fasano

COMPANION BILL(S): SB 1424 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) WATER AND RESOURCE MANAGEMENT YEAS 11 NAYS 0
- (2) ENVIRONMENTAL PROTECTION
- (3) COMMUNITY AFFAIRS
- (4)
- (5)

I. SUMMARY:

HB 721 would prohibit new or increased pollutant loadings from existing sewage treatment facilities into Pasco County coastal waters, effective January 1, 2002. The bill also provides for exceptions to the prohibited surface water discharges. No immediate fiscal impact is anticipated as a result of the bill, but future sewage treatment facility expansion could result in increased costs associated with treatment or reuse and subsequent utility rate increases for Pasco residents.

An amendment travelling with the bill clarifies that new or expanded discharges are prohibited in waters within Pasco county, provides a date for eliminating existing discharges to waters within Pasco County of July 1, 2004, and clarified the exceptions to these provisions. The two exceptions are: 1) if there is no other practicable alternative and the discharge will receive advanced waste treatment or a higher level of treatment and will not result in a violation of water quality standards and 2) if the discharge is a limited wet weather discharge serving as a backup to a reuse system and will not result in a violation of water quality standards. The new effective date of the act is upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Wilson-Grizzle Act, 403.086(1)(b), F.S., was passed by the Legislature in 1972. As subsequently amended, the Act requires that after October 1, 1990, facilities for sanitary sewage disposal may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, or Charlotte Harbor Bay, or into any river, stream, channel, canal, bay, bayou, sound or other tributary thereto, without providing advanced wastewater treatment as defined by 403.086(4), F.S. Pasco County waters are not included in the pollution control coverage area of the Act.

Three wastewater treatment facilities-New Port Richey, Lindrick and Deer Park Subregional Reuse Facility-are currently permitted to discharge effluent into Pasco County canals and waterways that enter the Gulf of Mexico. Recently, concerns have been raised by local citizens regarding decreases in water quality in the surrounding coastal waters marked by algal blooms and subsequent beach closings. Residents have ascribed these problems to the effluent from these wastewater treatment facilities. A petition drive, initiated by a group of these concerned residents known as Protect Our Waters, collected more than 6,500 signatures urging state lawmakers to enact legislation that would hold Pasco County wastewater treatment facilities to the same higher standards already required in Hillsborough, Pinellas, and Manatee counties under the Wilson-Grizzle Act.

The New Port Richey wastewater treatment facility is permitted to discharge 7.5 mgd into an unnamed tributary to Cross Bayou to the Gulf of Mexico. The city of New Port Richey currently uses 60% of the permitted discharge amount and Pasco County uses the remaining 40%. The discharge is subject to advanced secondary treated effluent with basic level disinfection and currently meets the advanced waste treatment standards of 403.086(4), F.S., with the exception of nitrogen and occasionally phosphorus. The Lindrick facility is privately operated and was recently ordered by the department to take its facility off line by May 1999 due to improperly treated wastewater discharges. After that time, wastewater loads currently handled by Lindrick will be diverted to the New Port Richey plant for treatment. While the Deer Park Subregional Reuse Facility is permitted to discharge surface water to surrounding wetlands, the discharge ability is not being used.

B. EFFECT OF PROPOSED CHANGES:

HB 721 would prohibit new or increased pollutant loadings from existing sewage treatment facilities into Pasco County coastal waters, effective January 1, 2002. Exceptions would be provided if:

- 1) the applicant demonstrates that no other practical alternative exists and that the discharge will receive advanced waste treatment, as defined in 403.086(4), F.S., or a higher level of treatment;
- 2) the applicant demonstrates that the proposed discharge will not result in violation of water quality standards, either by itself or in combination with other discharges, and will not hinder efforts to restore the water quality of the coastal waters of the state adjacent to Pasco County; or
- 3) the applicant's discharge is an intermittent surface water discharge occurring during wet weather conditions subject to department rules.

HB 721 is similar to the Indian River Lagoon System and Basin Act, chapter 90-262, L.O.F., enacted by the Legislature in 1990. As amended in 1994, chapter 94-274, L.O.F., section 2 of the law requires all existing sewage treatment facility discharges into the Indian River Lagoon System to be eliminated prior to July 1, 1995, unless granted an exception by the Department of Environmental Protection. Under the current statute, the department may grant an exception to this requirement if the applicant demonstrates that no other practical alternative exists and that the discharge will receive advanced waste treatment or a higher level of treatment; if the applicant demonstrates that the proposed discharge will not result in violation of water quality standards, either by itself or in combination with other discharges, and will not hinder efforts to restore the water quality of the Indian River Lagoon system; or if the applicant's discharge is an intermittent

surface water discharge occurring during wet weather conditions subject to department rules. Any new or expanded discharges would also be required to meet the exception conditions.

HB 721 includes the same exceptions for new or expanded discharges as those in the Indian River Lagoon Act but does not require elimination of existing discharges given the same exceptions as required by the Act. Thus, the New Port Richey and Deer Park facilities would only be subject to this bill if they expanded their discharges. The Lindrick facility would not be affected as it will be taken off line in May 1999. In addition, it is unclear whether the bill restrictions and exceptions would apply to discharges from new facilities or merely applies to existing facilities.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

No agency or program is eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No, but future sewage treatment facility expansion could result in increased costs associated with treatment or reuse and subsequent utility rate increases for Pasco residents.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

The bill does not purport to provide services to families or children.

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates an undesignated section.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Prohibits new or increased sewage treatment facility discharges into coastal waters adjacent to Pasco County. Specific coastal waters to which the prohibition would apply are named. Exceptions are to be granted if the applicant demonstrates that no other practical alternative exists and that the discharge will receive advanced waste treatment, as defined in 403.086(4), F.S., or a higher level of treatment; if the applicant demonstrates that the proposed discharge will not result in violation of water quality standards, either by itself or in combination with other discharges, and will not hinder efforts to restore the water quality of the coastal waters of the state adjacent to Pasco County; or if the applicant's discharge is an intermittent surface water discharge occurring during wet weather conditions subject to department rules.

Section 2: Provides that the effective date shall be January 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

While no immediate fiscal impacts resulting from the bill are anticipated, future impacts to the city of New Port Richey are anticipated. If New Port Richey finds it necessary to expand its sewage treatment facility discharges, it must either increase the amount of flow going to reuse, increase the level of treatment provided to its surface water discharges, or meet one of the exceptions provided under the bill. Increases in reuse or treatment would require additional funds. An estimate by the city of New Port Richey to increase treatment at current discharge levels was \$2.5 million-\$3 million.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate. As stated above, if the city of New Port Richey increases its sewage treatment discharges it must either increase the amount of flow going to reuse, increase the level of treatment provided to its surface water discharges, or meet one of the exceptions provided under the bill. Increases in reuse or treatment would require additional funds. These costs would almost certainly be passed along to utility customers.

2. Direct Private Sector Benefits:

None, but future decreased pollutant loadings from sewage treatment facility expansions could lead to water quality improvements for local residents.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Funding for wastewater improvements could be secured through the Department of Environmental Protection's Wastewater State Revolving Fund which offers low interest loans and 20 year repayment schedules.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 721 does not require counties or municipalities to expend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 721 does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 721 does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

Comments from both the Department of Environmental Protection and the city of New Port Richey indicate that restricting new or expanded discharges from existing sewage treatment facilities may not result in significant water quality improvements as anticipated by Protect Our Waters due to the relative insignificance of wastewater discharges in comparison to nonpoint source pollution (e.g. stormwater runoff containing lawn fertilizer).

While HB 721 raises awareness regarding pollution in Pasco County waters and provides restrictions regarding future sewage discharge expansions, as the bill is written, HB 721 does not affect the quantity or quality of existing sewage discharges. The sponsoring member has indicated she will file amendments to extend the bill's requirements to existing discharges.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 22, 1999, the Committee on Water and Resource Management unanimously adopted one strike-everything amendment to HB 721. The amendment clarifies that new or expanded discharges are prohibited in waters within Pasco county, provides a date for eliminating existing discharges to waters within Pasco County of July 1, 2004, and clarified the exceptions to these provisions. The two exceptions are: 1) if there is no other practicable alternative and the discharge will receive advanced waste treatment or a higher level of treatment and will not result in a violation of water quality standards and 2) if the discharge is a limited wet weather discharge serving as a backup to a reuse system and will not result in a violation of water quality standards. The new effective date of the act is upon becoming law.

VII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

Prepared by:

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