HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1557 CS Wekiva Onsite Disposal System Compliance Grant Program
SPONSOR(S): Brummer
TIED BILLS: **IDEN./SIM. BILLS:** SB 1794

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee	7 Y, 0 N, w/CS	Kliner	Kliner
2) Health Care Appropriations Committee	14 Y, 0 N, w/CS	Money	Massengale
3) State Resources Council			
4)			
5)			

SUMMARY ANALYSIS

House Bill 1557 CS creates the Wekiva Onsite Disposal System Compliance Grant Program in the Department of Health (DOH). The program would provide grants of up to $10,000 per property to low-income property owners who are using onsite sewage treatment disposal systems in the Wekiva Study Area or the Wekiva River Protection Area. The purpose of the grant program is to assist the property owners in complying with rules developed by DOH, the Department of Environmental Protection (DEP), or the St. Johns Water Management District to enforce compliance with onsite disposal system standards.

The bill allows any property owner in the identified areas with an income less than or equal to 200 percent of the federal poverty guidelines to qualify for the grant to offset the cost of constructing, reconstructing, altering, repairing, or modifying any new or existing onsite disposal system to comply with adopted rules. The bill specifies that the grant is in the form of a rebate to the property owner for documented costs associated with complying with the adopted rules.

The bill also authorizes DOH to adopt rules for creating forms, implementing procedures, and establishing requirements for the application process and for disbursing grants under this bill and for documenting compliance costs incurred by the property owner; however, the rulemaking shall be suspended until the completion of the study.

The bill directs the Department of Environmental Protection (DEP) to conduct a study of all sources of nitrogen going into the Wekiva, and requires the study to recommend actions to be taken by DEP, and the St. Johns Water Management District to reduce nitrogen inputs. The bill directs DOH to contract for an independent study of nitrogen sources specifically from onsite sewage treatment and disposal systems into the Wekiva and associated springs. Both agencies are to submit the reports to the President of the Senate and to the Speaker of the House before the start of the 2007 Regular Session.

The bill directs DOH to develop rules applying to the operation and maintenance of these systems in the Wekiva Study Area and the Wekiva River Protection Area, and at a minimum, requires each onsite sewage disposal and treatment system to be pumped out at least once every five years. The bill includes appropriations for the required studies.

The bill makes the grant program contingent on an appropriation in the General Appropriations Act.

The bill appropriates $250,000 to DEP and $250,000 to DOH in General Revenue:

- So DEP can conduct the study of various sources of nitrogen into the Wekiva.
- So DOH can contract for the study of the effects of onsite systems on the Wekiva.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—This bill creates a grant program in DOH that will increase workload and costs for DOH.

The bill directs DEP to conduct a study to determine the various sources of nitrogen in the specified area. In addition, the DOH is required to contract for a study to determine the effect of onsite systems on the Wekiva.

The bill provides property owners in the identified areas with an income less than or equal to 200 percent of the federal poverty guidelines to qualify for the grant to offset the cost of constructing, reconstructing, altering, repairing, or modifying any new or existing onsite disposal system.

Promote personal responsibility—The grant program is to assist certain property owners in defraying costs associated with updating, replacing, repairing, or replacing onsite waste disposal systems in the Wekiva River protection Area.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The Federal Clean Water Act and Wastewater Discharge

The federal Water Pollution Control Act of 1972, commonly referred to as the Clean Water Act (CWA)[1], established the basic framework for pollution control in the nation's water bodies. Its primary goal was to have the nation's water bodies clean and useful. By setting national standards and regulations for the discharge of pollution, the CWA was intended to restore and protect the health of the nation's water bodies.

The CWA established the foundation for wastewater discharge control in the United States. According to the Environmental Protection Agency (EPA), the CWA's primary objective is to "restore and maintain the chemical, physical and biological integrity of the nation's waters."[2] The CWA established a control program for ensuring that communities have clean water by regulating the release of contaminants into our country's waterways. Permits that limit the amount of pollutants discharged are required of all municipal and industrial wastewater dischargers under the National Pollutant Discharge Elimination System (NPDES) permit program. In addition, a construction grants program was set up to assist publicly owned wastewater treatment works build the improvements required to meet these new limits.

According to the EPA, more than 75 percent of the nation's population is served by centralized wastewater collection and treatment systems. The remaining population uses septic or other onsite systems. Approximately 16,000 municipal wastewater treatment facilities are in operation nationwide. The CWA requires that municipal wastewater treatment plant discharges meet a minimum of 'secondary treatment.' More than 30 percent of the wastewater treatment facilities today produce cleaner discharges by providing even greater levels of treatment than secondary.

Central Wastewater Collection and Treatment[3]

[1] Public Law 92-500
[2] http://www.epa.gov/owm/primer.pdf
[3] EPA primer on municipal systems at http://www.epa.gov/owm/primer.pdf

The most common form of pollution control in the United States consists of a system of sewers and wastewater treatment plants. The sewers collect municipal wastewater from homes, businesses, and industries and deliver it to facilities for treatment before it is discharged to water bodies or land, or reused. Conventional wastewater collection systems transport sewage from homes or other sources by gravity flow through buried piping systems to a central treatment facility. These systems are usually reliable and consume no power. However, the slope requirements to maintain adequate flow by gravity may require deep excavations in hilly or flat terrain, as well as the addition of sewage pump stations, which can significantly increase the cost of conventional collection systems. Manholes and other sewer appurtenances also add substantial costs to conventional collection systems.

Cities began to install wastewater collection systems in the late nineteenth century because of an increasing awareness of waterborne disease and the popularity of indoor plumbing and flush toilets. In the year 2000, approximately 208 million people in the United States were served by centralized collection.

On-site Systems

Generally, septic systems are used to treat and dispose of relatively small volumes of wastewater, usually from houses and businesses that are located relatively close together. Septic systems are also called onsite wastewater treatment systems, decentralized wastewater treatment systems, on-lot systems, individual sewage disposal systems, cluster systems, package plants, and private sewage systems. Systems are considered "decentralized" because they do not involve central wastewater collection and treatment.

According to the EPA, the typical septic treatment system includes a septic tank, which digests organic matter and separates matter that floats (e.g., oils and grease) and settling solids from the wastewater. Soil-based systems discharge the liquid (effluent) from the septic tank into a series of perforated pipes buried in a leach field, leaching chambers, or other special units designed to slowly release the effluent into the soil or surface water, sometimes referred to as a drainage field.

Alternative systems use pumps or gravity to help septic tank effluent trickle through sand, organic matter (e.g., peat, sawdust), constructed wetlands, or other media to remove or neutralize pollutants like disease-causing pathogens, nitrogen, phosphorus, and other contaminants. Some alternative systems are designed to evaporate wastewater or disinfect it before it is discharged to the soil or surface waters.[4] The EPA developed guidelines to assist communities in establishing comprehensive management programs for onsite/decentralized wastewater systems to improve water quality and protect public health. The voluntary guidelines address the sensitivity of the environment in the community and the complexity of the system used. The five model management programs include:

- System inventory and awareness of maintenance needs.
- Management through maintenance contracts.
- Management through operating permits.
- Utility operation and maintenance.
- Utility ownership and management.[5]

According to the U.S. Census Bureau, approximately 26 million homes (one-fourth of all homes) in America are served by decentralized wastewater treatment systems. The Census Bureau reports that the distribution and density of septic systems vary widely by region and state, from a high of about 55

[4] http://cfpub2.epa.gov/owm/septic/home.cfm - Frequently Asked Questions
[5] http://www.epa.gov/owm/septic/pubs/septic_guidelines_factsheet.pdf

percent in Vermont to a low of around 10 percent in California. The New England states have the highest proportion of homes served by septic systems: New Hampshire and Maine both report that about one-half of all homes are served by individual systems. More than one-third of the homes in the southeastern states depend on these systems, including approximately 48 percent in North Carolina and about 40 percent in both Kentucky and South Carolina. More than 60 million people in the nation are served by septic systems. About one-third of all new development is served by septic or other decentralized treatment systems.[6] According to the Florida Department of Health, 31 percent of the Florida population is served by an estimated 2.3 million onsite sewage treatment and disposal systems (OSTDS). These systems discharge over 426 million gallons of treated effluent per day into the subsurface soil environment.[7]

In Florida, the effect of waste disposal, whether through an on-site system or a centralized system, will implicate laws relating to the Total Maximum Daily Load Program (TMDL), which describes the amount of each pollutant a water body can receive without violating state water quality standards.

TMDL Program

Section 305(b) of the CWA requires states to submit to Congress a biennial report on the water quality of their lakes, streams, and rivers. A partial list of water bodies that qualify as "impaired" (i.e., do not meet specific pollutant limits for their designated uses) must be submitted to the U.S. Environmental Protection Agency (EPA) under section 303(d) of the CWA. States are required to develop total maximum daily loads (TMDL) for each pollutant that exceeds the legal limits for that water body. Section 303(d) and the development of TMDLs were generally ignored by the states until numerous lawsuits were filed by environmental groups.[8]

Currently, DEP develops and implements TMDLs through a watershed-based management approach that addresses the state's 52 major hydrologic basins into five groups. Each basin group is subject to a five phase TMDL cycle on a rotating basis. Phase 1 is a preliminary evaluation of the quality of a water body, phase two is monitoring and assessing to verify water quality impairments, phase 3 is the development and adoption of TMDLs for waters verified as impaired, phase 4 is the development of basin management action plans to achieve the TMDL, and phase 5 is the implementation of the plan and monitoring of results.

During the 2005 Legislative Session, the TMDL program was amended to authorize DEP to develop basin management action plans (BMAP) as part of the development and implementation of a TMDL for a water body. The law requires plans to integrate appropriate management strategies available to the state through existing water quality protection programs to achieve the TMDL, restore designated uses of the water body, provide for phased implementation of strategies, establish a schedule for implementing strategies, establish a basis for evaluating the plan's effectiveness, identify feasible funding strategies, and equitably allocate pollutant reductions to basins as a whole or to each point or non-point source. The bill provides that plans may provide pollutant load reduction credits to pollution dischargers that have implemented strategies to reduce pollutant loads.[9]

The law creates incentives to participate in the BMAP process and establishes a more direct linkage between the actions specified in the BMAP and activities regulated by DEP. Consistent with the existing provisions in s. 403.067, F.S., non-point sources are still managed through a non-regulatory, incentive-based program. However, in order to promote the same predictable pollution reduction

[6] http://cfpub2.epa.gov/owm/septic/faqs.cfm?program_id=70#358
[7] http://www.doh.state.fl.us/environment/ostds/intro.htm
[8] Florida implements the TMDL program in s. 403.067, Florida Statutes.
[9] House of Representatives State Resources Council Staff Analysis for CS/HB 1839, 2005 Regular Session

performance among non-regulated entities as exists for permitted entities, the law provides the following:

- Non-regulated activities are not eligible for the incentives associated with the presumption of compliance with state water quality standards and the waiver of liability for pollution if adopted best management practices are not properly and timely implemented.
- Non-regulated activities that choose not to implement adopted best management practices must demonstrate compliance with applicable water quality standards.
- DEP is authorized to take enforcement actions where a party fails to properly implement best management practices or provide data demonstrating compliance with water quality standards.

The Wekiva River Basin

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River, and their tributaries, along with associated lands in central Florida, is part of a wildlife corridor that connects northwest Orange County with the Ocala National Forest. The Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve. The river is a spring-fed system associated with 19 springs that are connected to the Florida Aquifer. Eleven of these springs are second and third magnitude springs, meaning those springs discharge 10 to 100 cubic feet of water per second or 1 to 10 cubic feet of water per second, respectively.

The Wekiva Basin Area Task Force

On September 26, 2002, Governor Bush established the "Wekiva Basin Area Task Force" to balance the transportation needs associated with this projected growth and protection of the Wekiva Basin.[10] The task force was charged with evaluating and providing recommendations for appropriate highway routes connecting State Road 429 to Interstate 4 (while providing the greatest protection to the Wekiva Basin), in addition to evaluating and providing recommendations for the potential expansion of roads and corridors within the Wekiva Basin. The task force was charged with considering, among other issues, land acquisition, springshed protection, innovative road design, protection of rural character, protection of habitat, utilization of financial resources, and the adequacy of local governments relating to transportation corridors.[11] The task force completed its work in 2003, and provided over a dozen recommendations in its final report. Legislation to implement the task force's recommendations was considered during the 2003 Legislative Session, but did not pass.[12]

The Wekiva Parkway and Protection Act of 2004 (Ch. 2004-384, L.O.F.)

On July 1, 2003, Governor Bush issued Executive Order No. 03-112, creating a 28-member Wekiva River Basin Coordinating Committee. Membership of the committee included the Commissioner of Agriculture, the Secretaries of the Department of Community Affairs, the Department of Environmental Protection, and the Department of Transportation, the Executive Directors of the St. Johns River Water Management District (SJRWMD), the Florida Fish and Wildlife Conservation Commission, and the East Central Florida Regional Planning Council. The committee also included eight appointed individuals with balanced representation from citizen groups, the agricultural community, property owners, and environmental or conservation organizations.

The committee was charged with considering the recommendations of the Wekiva Basin Area Task Force, and to consider the use of innovative planning and development strategies, such as rural land stewardship and other mechanisms for concentrating development in appropriate areas, and the use of

[10] See Executive Order No. 2002-259.
[11] Wekiva Basin Area Task Force, Final Report: Recommendations for Planning and Locating the Wekiva Parkway While Preserving the Wekiva River Basin Ecosystem, January 15, 2003. See links at http://www.dca.state.fl.us/fdcp/dcp/wekiva/wekivatf/index.cfm
[12] CS/SB 1956 passed the Senate, however, HB 1333 died in committee.

the latest science-based information and methods, performance-based-planning strategies, and development standards. In addition, the committee was to address issues of compatibility with the existing comprehensive plans and land development regulations of those local governments with jurisdiction over lands located within the Wekiva River Protection Area.[13]

The Wekiva River Basin Coordinating Committee issued its final report on March 16, 2004. The committee's recommendations were adopted and passed into law (chapter 2004-384, Laws of Florida). The law created part III of chapter 369, F.S., consisting of s. 369.314-369.324, F.S., as the Wekiva Parkway and Protection Act. Some of the major provisions of the law include:

- Statements of legislative findings and intent.
- A legal description of the Wekiva Study Area, including the majority of the land within the Wekiva Study Area which contributes groundwater recharge to the Wekiva River and springs (counties and municipalities located within the Wekiva Study Area include: Lake County and the municipalities of Eustis and Mount Dora; Orange County and the municipalities of Apopka, Eatonville, Maitland, Oakland, Ocoee, Orlando and Winter Garden; and Seminole County and the municipalities of Lake Mary, Longwood and Altamonte Springs).
- Guiding principles for the Wekiva Parkway Design Features and Construction.
- A requirement that the Department of Transportation (DOT), the Department of Environmental Protection (DEP), the St. Johns River Water Management District, the Orlando-Orange County Expressway Authority, and other land acquisition entities cooperate and establish funding responsibilities and partnerships by agreement, to the extent funds are available to the various entities, to develop the Wekiva Study Area.
- A requirement that DOT, subject to an appropriation by the Legislature, purchase lands in the Wekiva Study Area necessary for the construction of the Wekiva Parkway and the preservation of environmentally sensitive lands.
- Requirements for several studies and rule making related to the development and protection of the Wekiva Study Area, including looking at methods to reduce nitrates from leeching into the watershed from onsite sewage treatment and disposal systems.

Wekiva Basin Onsite Sewage Treatment and Disposal System Study

Within the Wekiva Parkway and Protection Act, several studies are listed. One of the studies required DOH, in consultation with DEP, to study the efficacy and applicability of onsite disposal system standards needed to achieve nitrogen reductions protective of groundwater quality within the Wekiva Study Area including publicly owned lands and report to the Governor and the Department of Community Affairs. The Department of Health published the Wekiva Basin Onsite Sewage Treatment and Disposal System Study report on December 1, 2004.[14]

The study found that the Wekiva Study Area is underlaid by a karst geology characterized by limestone or dolostone bedrock with caves and springs. The report states that onsite sewage treatment and disposal systems have been used for many years as a relatively low maintenance, low cost method of safely treating and disposing of human waste, and that there are an estimated 87,000 septic tanks used for onsite sewage disposal by property owners in the Wekiva Study Area. The typical, conventional onsite sewage treatment and disposal system consists of a septic tank distribution piping, and drainfield.[15] The treatment process begins in the septic tank. The septic tank is designed to skim off fats, oils, and greases; settle out the larger solids; and partially treat the sewage through breakdown by anaerobic bacteria. The waste then leaves the tank through the distribution piping and is distributed

[13] Executive Order Number 03-112, July 1, 2003, may be found at http://www.dep.state.fl.us/secretary/news/2003/july/0701_eo.htm
[14] http://www.doh.state.fl.us/environment/ostds/wekiva/wekivastudyrtp.pdf
[15] According to the report, a family of four will discharge approximately 25 pounds of nitrogen per year into the drainfield of a conventional onsite sewage treatment and disposal system. A conventional system costs from $5,500 to $7,500. A comparable system that also reduces nitrates costs from $7,500 to $9,000.

into the soil by the drainfield. Unsaturated soil surrounding the drainfield is extremely effective at removing disease-causing viruses, bacteria, and parasites.

The study concluded that in areas where development densities are low, the overall costs of onsite sewage treatment and disposal systems are less than a central sewer system and that onsite sewage treatment and disposal systems can provide protection of the environment and the public health that is comparable to a central sewer system.[16]

Based on these findings, DOH provided the following recommendations:

- Set a discharge limit of 10 milligrams per liter of total nitrogen for new systems, systems being modified, and for existing systems in the primary and secondary Wekiva Study Area protection zones.
- Prohibit the land spreading of septage (raw, untreated solids and liquids) and grease trap waste in the Wekiva Study Area. Septage waste would be required to be disposed of at wastewater treatment plants.
- Evaluate the economic feasibility of sewering versus nutrient removal upgrades to existing onsite sewage treatment and disposal systems. A phased-in approach to replacing the remaining existing systems should be developed with a target completion date of 2010.
- Establish new regional wastewater management entities or modify existing ones to oversee the maintenance of all wastewater discharged from onsite sewage treatment and disposal systems in the study area. These programs should take the privatization approach and contract with existing licensed septic tank contractors.

Proposed Rule 64E-6.001

In June 2005, based on the recommendations of the Wekiva Basin Onsite Sewage Treatment and Disposal System Study, DOH proposed a rule to limit nitrogen input from onsite sewage treatment and disposal systems within the Wekiva Study Area to 10 mg/L. The rule language was modified and republished in November 2005. The proposed rule came under considerable opposition from those who questioned the findings and recommendations in the study, including property owners and builders. Specifically, stakeholders raised concerns whether sufficient data exists on the extent to which onsite sewage treatment and disposal systems directly contribute to increased nitrogen levels in the Wekiva watershed. Based on the lack of a causal link between the systems and nitrogen levels, they argue that the cost of upgrading or replacing conventional systems is not justified.

Further, in a letter dated March 1, 2006, the chair of DOH's Technical Review and Advisory Panel (TRAP)[17] reported that the proposed rule could affect up to 55,000 existing homes and any new construction in the Wekiva Study Area. TRAP estimates that the cost of installing a nitrogen reduction system could be up to $15,000 per household, and a capital/operating/maintenance cost of $189 a month. In the letter, the TRAP panel made the following comments and recommendations regarding the Wekiva and OSTDS:

- The Legislature should appropriate the necessary monies to fund a study to be conducted by the state to identify and quantify the various sources of nitrogen within the Wekiva Study Area (as it is typically done in determining appropriate solutions) and to identify cost-effective options for reducing source impacts. In this regard, the TRAP voted to support legislation during the 2006 legislative session to achieve funding for such outcomes.

[16] The report considered utilizing a more stringent level of wastewater treatment, including, but not limited to, the use of multiple tanks to combine aerobic and anaerobic treatment to reduce the level of nitrates.

[17] The Technical Review and Advisory Panel (TRAP) is established in s. 381.0068, F.S., for the purpose of assisting DOH in rulemaking and decision making that affects the regulation, location, and technology of onsite sewage treatment and disposal systems in Florida.

- Suggested to the Department of Health to bring back a model proposal for a statewide operation and maintenance program for OSTDS.
- Expressed support for a mandatory once every 5-years pump out of all OSTDS within the Wekiva Study Area and upgrading of all failing systems to present standards if state monies were made available for such upgrades.
- Agreed to assemble a work group to come up with other recommendations or alternatives for improvements in OSTDS that could result in overall reduction of nitrogen from these systems.

Federal Poverty Threshold

There are two slightly different versions of the federal poverty measure:

- The poverty thresholds, and
- The poverty guidelines.

The poverty thresholds are the original version of the federal poverty measure. They are updated each year by the Census Bureau. The thresholds are used mainly for statistical purposes — for instance, preparing estimates of the number of Americans in poverty each year. (In other words, all official poverty population figures are calculated using the poverty thresholds, not the guidelines.) Poverty thresholds since 1980 and weighted average poverty thresholds since 1959 are available on the Census Bureau's Web site.

The poverty guidelines are the other version of the federal poverty measure. They are issued each year in the Federal Register by the Department of Health and Human Services (HHS). The guidelines are a simplification of the poverty thresholds for use for administrative purposes — for instance, determining financial eligibility for certain federal programs.[18]

2005 HHS Poverty Guidelines

Persons in Family Unit	48 Contiguous States and D.C.	Alaska	Hawaii
1	$ 9,570	$11,950	$11,010
2	12,830	16,030	14,760
3	16,090	20,110	18,510
4	19,350	24,190	22,260
5	22,610	28,270	26,010
6	25,870	32,350	29,760
7	29,130	36,430	33,510
8	32,390	40,510	37,260
For each additional person, add	3,260	4,080	3,750

SOURCE: *Federal Register*, Vol. 70, No. 33, February 18, 2005, pp. 8373-8375.

[18] http://aspe.hhs.gov/poverty/05poverty.shtml The poverty guidelines are sometimes loosely referred to as the "federal poverty level" (FPL), but that phrase is ambiguous and should be avoided, especially in situations (e.g., legislative or administrative) where precision is important.

Effects of Proposed Changes

This bill creates the Wekiva Onsite Disposal System Compliance Grant Program in the Department of Health (DOH). The program would provide grants of up to $10,000 per property to low-income property owners who are using onsite sewage treatment disposal systems in the Wekiva Study Area or the Wekiva River Protection Area. The purpose of the grant program is to assist the property owners in complying with rules developed by DOH, the Department of Environmental Protection (DEP), or the St. Johns Water Management District to enforce compliance with onsite disposal system standards.

The grant program is contingent onan appropriation in the General Appropriations Act.

The bill allows any property owner in the identified areas with an income less than or equal to 200 percent of the federal poverty guidelines to qualify for the grant to offset the cost of constructing, reconstructing, altering, repairing, or modifying any new or existing onsite disposal system to comply with adopted rules. The bill specifies that the grant is in the form of a rebate to the property owner for documented costs associated with complying with the adopted rules.

The bill also authorizes DOH to adopt rules for creating forms, implementing procedures, and establishing requirements for the application process and for disbursing grants under this bill and for documenting compliance costs incurred by the property owner; however, the rulemaking shall be suspended until the completion of the study.

The bill directs the Department of Environmental Protection (DEP) to conduct a study of all sources of nitrogen going into the Wekiva, and requires the study to recommend actions to be taken by DEP, and the St. Johns Water Management District to reduce nitrogen inputs. The bill directs DOH to contract for an independent study of nitrogen sources specifically from onsite sewage treatment and disposal systems into the Wekiva and associated springs. Both agencies are to submit the reports to the President of the Senate and to the Speaker of the House before the start of the 2007 Regular Session.

The bill directs DOH to develop rules applying to the operation and maintenance of these systems in the Wekiva Study Area and the Wekiva River Protection Area, and at a minimum, requires each onsite sewage disposal and treatment system to be pumped out at least once every five years. The amendment includes appropriations for the provision and administration of grants under the program and appropriations for the studies required under this amendment.

The bill appropriates $250,000 to DEP and $250,000 to DOH in General Revenue:

- So DEP can conduct the study of various sources of nitrogen into the Wekiva.
- So DOH can contract for the study of the effects of onsite systems on the Wekiva.

C. SECTION DIRECTORY:

Section 1. Creates the Wekiva Onsite Disposal System Compliance Grant Program in DOH; makes implementation subject to an appropriation.

Section 2. Directs the Department of Environmental Protection (DEP) to conduct a study of all sources of nitrogen going into the Wekiva, and requires the study to recommend actions to be taken by DEP, and the St. Johns Water Management District to reduce nitrogen inputs; directs DOH to contract for an independent study of nitrogen sources specifically from onsite sewage treatment and disposal systems into the Wekiva and associated springs; requires the agencies to submit their reports to the resident of the Senate and the Speaker of the House prior to the 2007 Regular Session; directs DOH to develop rules for a model proposal applying to operation and maintenance of onsite systems.

Section 3. Provides appropriations to DEP and DOH for respective studies.

Section 4. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures:

DOH	FY 06-07	FY 07-08
	$1.896 million	$1.895 million

DOH reports it requires an Environmental Health Program Consultant (SES Pay Grade 425) to administer the program. The base bi-weekly salary for this position would be $1,640.55 (or a base of $42,654.30 annually), with benefits. To administer the grant program there would be recurring costs including application reviews, grant disbursements, mailing, and travel.

The anticipated amount needed for the grant program is based on the current number of repair permits annually in the Wekiva Study Area (583) and percentage of Orange County residents at 200 percent of the federal poverty guidelines from the 2000 census (31.1 percent) for a total of 182 grants per year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Low-income private property owners' costs associated with installing new or modifying existing onsite sewage treatment and disposal systems would be offset by a grant award.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

B. RULE-MAKING AUTHORITY:

The bill authorizes the DOH to adopt rules providing forms, procedures and requirements for applying for grants, and to adopt rules for the department to disburse funds and to document compliance costs, and to develop a model proposal relating to onsite system maintenance and operation owner; however, the rulemaking shall be suspended until the completion of the study.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 11, 2006, the Health Care Appropriations Committee approved three amendments from the bill's sponsor. The amendments:

- Makes the Wekiva Onsite Sewage Treatment and Disposal Compliance System Grant Program contingent on an appropriation in the General Appropriations Act.
- Suspends rule making authority provided to the DOH to adopt rules providing forms, procedures and requirements for applying for grants; to adopt rules for the department to disburse funds; to document compliance costs; and, to develop a model proposal relating to onsite system maintenance and operation owner until after the study is completed.
- The bill appropriates $250,000 to DEP and $250,000 to DOH in General Revenue:
  So DEP can conduct the study of various sources of nitrogen into the Wekiva.
  So DOH can contract for the study of the effects of onsite systems on the Wekiva.

On March 29, 2006, the Committee on Environmental Regulation approved one strike all amendment from the bill's sponsor. The difference between the bill as drafted and the strike all is as follows:

- The bill directs the Department of Environmental Protection (DEP) to conduct a study of all sources of nitrogen going into the Wekiva, and requires the study to recommend actions to be taken by DEP, and the St. Johns Water Management District to reduce nitrogen inputs.
- The bill directs the DOH to contract for an independent study of nitrogen sources specifically from onsite sewage treatment and disposal systems into the Wekiva and associated springs.
- The bill directs DOH to develop rules applying to the operation and maintenance of these systems in the Wekiva Study Area and the Wekiva River Protection Area, and at a minimum, requires each onsite sewage disposal and treatment system to be pumped out at least once every five years.
- The bill appropriates an unspecified amount from General Revenue to DEP to conduct the study of various sources of nitrogen into the Wekiva, and to DOH to contract for the study of the effects of onsite systems on the Wekiva.