

HB 975

2008

1 A bill to be entitled
2 An act relating to onsite sewage treatment and disposal
3 systems; directing the Department of Health to conduct or
4 contract for a study to develop and evaluate certain
5 sewage and disposal systems; specifying requirements for
6 the study; providing for the review of the study;
7 requiring interim progress reports and a final report;
8 requiring the department to provide specified services
9 related to the study; providing an appropriation; amending
10 s. 381.0065, F.S.; providing for the periodic inspection
11 of certain onsite sewage treatment and disposal systems;
12 directing the Department of Health to adopt rules;
13 specifying criteria for such rules; creating s. 381.00656,
14 F.S.; establishing the Wekiva Onsite Sewage Treatment and
15 Disposal System Compliance Grant Program in the Department
16 of Health for the purposes of providing grants to low-
17 income property owners; specifying eligibility and grant
18 amounts; requiring the department to adopt rules;
19 directing the department, the Department of Environmental
20 Protection, and the St. John's River Water Management
21 District to conduct specified evaluations; providing an
22 effective date.

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

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26 Section 1. (1) It is the intent of the Legislature to
27 continue to research cost-effective methods to reduce nitrogen
28 levels in Florida's springs and to augment the research

29 performed in the Wekiva Springs Basin. To that end, the
30 Department of Health shall conduct or contract with the
31 Stormwater Management Academy at the University of Central
32 Florida to conduct a study to develop and evaluate passive
33 onsite wastewater nitrogen reduction systems, consisting of
34 technologies and strategies for nitrogen reduction that
35 complement or can be added to conventional onsite wastewater
36 treatment systems. The scope of the study and its parameters
37 shall be consistent with the requirements herein, shall be
38 approved by the department's research review and advisory
39 committee and the department's technical review and advisory
40 panel, and shall include the following:

41 (a) The identification and evaluation of passive onsite
42 wastewater nitrogen reduction systems that have a significantly
43 lower life-cycle cost and higher benefit-to-cost ratio than the
44 available performance-based treatment systems currently
45 identified by the department for nitrogen reductions of 70
46 percent of effluent less than 10 mg/L. Life-cycle cost shall be
47 based on total system costs, including installation, operation,
48 and maintenance costs, while benefit-to-cost ratio shall be
49 based on the life-cycle cost per unit mass of nitrogen
50 reduction.

51 (b) A comprehensive review of passive onsite wastewater
52 nitrogen reduction system methods, strategies, and costs
53 reported for passive nitrogen reduction, as well as the field
54 evaluations of selected systems from appropriate demonstration
55 sites as determined by the research review and advisory
56 committee.

57 (c) The evaluation of technologies, including, but not
58 limited to, the addition of organic carbon material and other
59 alternative media through conventional components such as tanks
60 or drainfields, effluent recirculation, alterations such as the
61 addition of low-pressure dosing or drip irrigation, various
62 plant material over the drainfield and other technologies, and
63 combinations or process configurations as identified by the
64 department, its contractor, or the review described in paragraph
65 (b).

66 (d) A nitrogen reduction performance measurement,
67 including the analyses of numerous effluent samples from various
68 process streams for each system evaluated, and a determination
69 of the mean as well as measures of process variance for each
70 system. Nitrogen reduction shall be measured in both wet and dry
71 seasons.

72 (e) The evaluation of the fate and transport of nitrogen
73 species from onsite wastewater treatment systems, passive onsite
74 wastewater nitrogen reduction systems, and performance-based
75 treatment systems, including a determination of denitrification
76 rates in unsaturated soil and groundwater below and downgradient
77 of the systems. Data shall be analyzed to develop credits for
78 soil and groundwater based treatment.

79 (f) The documentation and comparison of the costs and the
80 performance of onsite wastewater treatment systems, passive
81 onsite wastewater nitrogen reduction systems, and performance-
82 based treatment systems, including descriptions of installation
83 requirements, maintenance needs, operational requirements, and
84 all costs related to the systems.

85 (2) The research review and advisory committee shall
86 initially approve the study and shall also oversee performance
87 of the project. The study shall be periodically peer reviewed by
88 a five-person technical advisory panel comprised of engineers
89 and scientists with known expertise in wastewater treatment
90 process design and performance assessment, including nitrogen
91 removal processes and the fate and transport of nitrogen in the
92 environment. The panel shall be comprised of two members
93 designated by the department, one member designated by the
94 Florida Onsite Wastewater Association, one member designated by
95 the Florida Home Builders Association, and one member designated
96 by the Florida Association of Realtors.

97 (3) Beginning on February 1, 2009, through February 1,
98 2011, interim progress reports approved by the research review
99 and advisory committee shall be submitted to the Speaker of the
100 House of Representatives, the President of the Senate, and the
101 Governor. The study shall be completed by December 1, 2011. A
102 final report summarizing the study, including options, findings,
103 and recommendations, shall be approved and presented by the
104 committee to the Speaker of the House of Representatives, the
105 President of the Senate, and the Governor within 60 days after
106 completion of the study.

107 (4) The Department of Health, at the direction of the
108 research review and advisory committee, shall provide
109 administrative support to the committee with respect to the
110 study, including, but not limited to, the drafting of reports,
111 the preparation of outlines for the study, and the issuing of
112 requests for proposal if the study is to be contracted. The

113 department shall also be responsible for administering and
114 providing quality control for any contracts approved by the
115 committee.

116 (5) For the 2008-2009 fiscal year, the sum of \$5 million
117 in nonrecurring funds is appropriated to the Department of
118 Health from the Water Protection and Sustainability Program
119 Trust Fund in the Department of Environmental Protection for the
120 purposes of conducting the study pursuant to this section.

121 Section 2. Subsection (5) of section 381.0065, Florida
122 Statutes, is renumbered as subsection (6), and a new subsection
123 (5) is added to that section to read:

124 381.0065 Onsite sewage treatment and disposal systems;
125 regulation.--

126 (5) PERIODIC INSPECTIONS.--Except for systems that are
127 required to obtain an operating permit, the owner of any onsite
128 sewage treatment and disposal system installed prior to 1983
129 shall have the system pumped out and inspected pursuant to rules
130 adopted by the department. In consultation with its technical
131 review and advisory panel, the department shall adopt rules to
132 implement the following:

133 (a) An implementation schedule for inspections on a 5-year
134 cycle with priority given to spring protection areas,
135 outstanding Florida waters, and water bodies listed on the
136 303(d) list.

137 (b) The qualifications of inspectors, including conflict
138 of interest provisions to prevent an inspector from conducting
139 repairs associated with any deficiencies found.

140 (c) The timely reporting of inspection results to the

141 department and the homeowner.

142 (d) Minimum inspection and pumpout practices necessary to
 143 prolong system function and to identify and correct public
 144 health nuisances.

145 (e) The repair permitting requirements to correct a
 146 sanitary nuisance pursuant to the requirements of s. 386.03.

147 Section 3. Section 381.00656, Florida Statutes, is created
 148 to read:

149 381.00656 Wekiva Onsite Sewage Treatment and Disposal
 150 System Compliance Grant Program.--

151 (1) The Wekiva Onsite Sewage Treatment and Disposal System
 152 Compliance Grant Program is established in the Department of
 153 Health and shall be administered by the department. The purpose
 154 of the program is to provide grants to low-income property
 155 owners in the Wekiva Study Area or the Wekiva River Protection
 156 Area using onsite disposal systems to assist the property owners
 157 in complying with rules for onsite sewage treatment and disposal
 158 systems developed by the department, the Department of
 159 Environmental Protection, or the St. Johns River Water
 160 Management District. The grant program is effective upon final
 161 adoption of department rules and may be applied to costs
 162 incurred by property owners on or after such date.

163 (2) Any property owner in the Wekiva Study Area or the
 164 Wekiva River Protection Area having an income less than or equal
 165 to 200 percent of the federal poverty level who is required by
 166 rule of the department, the Department of Environmental
 167 Protection, or the St. Johns River Water Management District to
 168 alter, repair, or modify any existing onsite sewage treatment

HB 975

2008

169 and disposal system on such property to a nitrogen-reducing,
170 performance-based treatment system may apply to the department
171 for a grant to assist the owner with the cost of compliance.

172 (3) The amount of the grant is limited to the cost
173 differential between the replacement of a comparable existing
174 onsite sewage treatment and disposal system and that of an
175 upgraded nitrogen-reducing, performance-based treatment system,
176 but may not exceed \$10,000 per property.

177 (4) The department shall adopt rules providing forms,
178 procedures, and requirements for applying for and disbursing
179 grants, including bid requirements, and for documenting
180 compliance costs incurred.

181 (5) The department, in coordination with the Department of
182 Environmental Protection and the St. Johns River Water
183 Management District, shall continue to evaluate, by any means
184 the department deems appropriate, the level of nitrogen
185 deposited in the Wekiva Study Area by onsite sewage treatment
186 and disposal systems.

187 Section 4. This act shall take effect July 1, 2008.