

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 707  
**SPONSOR(S):** Aubuchon

Management of Wastewater

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1296

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>Agriculture &amp; Natural Resources Policy Committee</u>	<u>16 Y, 0 N</u>	<u>Deslatte</u>	<u>Reese</u>
2)	<u>General Government Policy Council</u>	<u>14 Y, 0 N</u>	<u>Deslatte</u>	<u>Hamby</u>
3)	<u>Natural Resources Appropriations Committee</u>	<u>9 Y, 0 N</u>	<u>Smith</u>	<u>Lachat</u>
4)	<u>Full Appropriations Council on General Government &amp; Health Care</u>			
5)	<u></u>			

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**SUMMARY ANALYSIS**

The bill requires the Department of Environmental Protection (DEP) to investigate wastewater facilities within one mile of the affected beach where a certain beach health advisory has been issued to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination. The bill also requires the Department of Health (DOH) to notify the municipality or county in which the affected beach is located of the health advisory. Upon completion of its investigation or discovery of an incident at a wastewater treatment facility, the DEP must notify the municipality or county in which the affected beach is located of the results of the investigation.

The bill does not appear to have a significant fiscal impact on state or local government.

The bill has an effective date of July 1, 2009.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

The DEP regulates wastewater treatment facilities in accordance with the statutory authority established in Chapter 403, F.S., and Chapter 62 of the Florida Administrative Code (FAC). The wastewater facilities that pose the greatest threat of bacteria contamination are the facilities which collect and treat sewage. The majority of these types of facilities are owned and operated by municipal governments. As part of their operating permit, these facilities are required to monitor and report effluent quality to the DEP on a regular basis. The facilities are also inspected on a routine schedule. All wastewater facilities are required to immediately report to the DEP any noncompliance, including any spills from the collection system, and provide a written report within five days indicating the corrective actions taken to correct the violation. Facilities are able to provide the required notification by calling a 24-hour, toll-free hotline operated by the State Warning Point. When a spill directly affects surface waters, or if it poses a threat to the public health, then the State Warning Point and/or the DEP also notifies the DOH.

Other significant sources of bacteria are privately owned septic tanks, marinas and storm water runoff. These sources do not have nearly the amount of monitoring or oversight as the DEP has over wastewater facilities, and these sources also pose a threat to beach waters.

##### Effect of Proposed Changes

The bill states that when the DOH issues a health advisory against swimming in beach waters on the basis of finding elevated levels of fecal coliform or enterococci bacteria in a water sample, the DEP must investigate wastewater facilities within one mile of the affected beach to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination. The DOH must notify the municipality or county in which the affected beach is located of the health advisory. The DEP, upon completion of its investigation or discovery of an incident at a wastewater treatment facility, must notify the municipality or county in which the affected beach is located of the results of the investigation.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 514.023, F.S., requiring the DOH to notify the municipality or county in which certain beach health advisories are issued and the local office of the DEP and requires the DEP to investigate wastewater treatment facilities within one mile of the affected beach and

provide notification to the municipality or county in which the affected beach is located of the results of its investigation.

**Section 2.** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

According to the Department of Health, there is no fiscal impact on the Department.<sup>1</sup>

According to the Department of Environmental Affairs, there is no fiscal impact. Releases from wastewater treatment facilities are required to be reported to the Department as a condition of the plant's operating permit as is a report of the corrective action. Providing that information to relevant local governments can be accomplished at no measurable cost to the agency.<sup>2</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

### B. RULE-MAKING AUTHORITY:

None

### C. DRAFTING ISSUES OR OTHER COMMENTS:

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<sup>1</sup> Department of Health Bill Analysis, House Bill 707 (2009).

<sup>2</sup> Department of Environmental Protection Bill Analysis, House Bill 707 (2009).

The following comments were provided by the DEP:

The DEP has no concern with this bill as drafted. However, the DOH currently monitors (conducts weekly sampling) at over 300 beaches in 34 different counties but only 37 of those beaches have a domestic wastewater treatment facility located within one mile. Therefore, we recommend that line 36 of the bill be amended to reduce the number of times that DOH would need to notify the local department office and eliminate unnecessary reporting.

#### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**