

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 115 Land Application of Septage

SPONSOR(S): Drake

TIED BILLS: None **IDEN./SIM. BILLS:** SB 558

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	11 Y, 3 N	Deslatte	Blalock
2) State Affairs Committee	12 Y, 2 N	Deslatte	Hamby

SUMMARY ANALYSIS

During the 2010 session, SB 550 was passed by the Legislature and signed into law by the Governor. The bill contained a number of provisions relating to onsite sewage treatment and disposal systems. The bill created a statewide septic tank evaluation program and required the Department of Health (DOH) to undertake rulemaking and implement the first phase of the evaluation program by January 1, 2011, with full statewide implementation by January 1, 2016. During the 2010 special session, the Legislature extended the implementation date to July 1, 2011. During the 2011 legislative session, Senate Bill 2002 (implementing bill to the general appropriations act) provided that before the implementation of the onsite sewage treatment and disposal system evaluation program, the DOH must submit a plan for approval by the Legislative Budget Commission, which includes an estimate of agency workload and funding needs.

SB 550 also prohibited the land application of septage from onsite sewage treatment and disposal systems by January 1, 2016. In addition, the bill required that the DOH, in consultation with the Department of Environmental Protection (DEP), provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011. The report was received on February 1, 2011.

The bill repeals the prohibition on the land application of septage from septic tank pumpouts that goes into effect on January 1, 2016, and the requirement that DOH provide a report recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011.

The bill has a positive fiscal impact on the DOH. The DOH currently has 92 land application sites permitted, with an annual fee of \$200 per site. Total revenue to the DOH for permitting these sites is \$18,400. Repealing the ban on land application of septage would allow the DOH to continue its current permitting program for these sites. The bill does not have a fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

During the 2010 session, Senate Bill (SB) 550 was passed by the Legislature and signed into law by the Governor. The bill contained a number of provisions relating to onsite sewage treatment and disposal systems. The bill created a statewide septic tank evaluation program and required the Department of Health (DOH) to undertake rulemaking and implement the first phase of the evaluation program by January 1, 2011, with full statewide implementation by January 1, 2016. During the 2010 special session, the Legislature extended the implementation date to July 1, 2011. During the 2011 legislative session, SB 2002 (implementing bill to the general appropriations act) provided that before the implementation of the onsite sewage treatment and disposal system evaluation program, the DOH must submit a plan for approval by the Legislative Budget Commission, which includes an estimate of agency workload and funding needs.

SB 550 also prohibited the land application of septage from onsite sewage treatment and disposal systems by January 1, 2016. In addition, the bill required that the DOH, in consultation with the Department of Environmental Protection (DEP), provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011. The report¹ provided the following alternatives to land application of septage:

- **Treatment of septage at domestic wastewater treatment facilities**-treating septage takes advantage of available wastewater treatment facilities capacity while at the same time centralizing waste treatment operations. However, accepting septage, which is a high strength waste, has the potential to upset wastewater treatment facilities processes and may result in a variety of increased operation and maintenance requirements and costs.
- **Disposal of septage at landfills**-Acceptance of septage at Class I landfills increases microbial activity within the landfill and results in increased waste decomposition and more rapid waste stabilization. However, landfill instability may result due to disposal of the wet waste stream, and increased difficulty in operating compaction equipment may result due to creation of a slick working surface.
- **Increasing the treatment level for land application**-The current practice of lime stabilization for two hours at a pH of 12 meets the federal regulations, so the necessity of higher levels of treatment is questionable.
- **Possible enhancements to existing land application practices**-Current land application rules meet the requirements for nutrient reduction and management under federal regulations. Any enhancement would be above what EPA currently requires for septage management and land application. Possible enhancements include requiring third-party oversight of septage treatment and land application activities and changing operational procedures.

Effect of Proposed Changes

The bill repeals the prohibition on the land application of septage from septic tank pumpouts that goes into effect on January 1, 2016, and the requirement that DOH provide a report recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011.

¹ The Department of Health's "Report on Alternative Methods for the Treatment and Disposal of Septage", February 1, 2011. The report can be found here: http://www.doh.state.fl.us/environment/ostds/pdfiles/forms/Septage_Alternatives.pdf

B. SECTION DIRECTORY:

Section 1. Amends s. 381.0065, F.S., repealing the prohibition on the land application of septage from septic tank pumpouts that goes into effect on January 1, 2016, and the requirement that DOH provide a report recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011.

Section 2. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill appears to have a positive fiscal impact on state government revenues (See Fiscal Comments Section).

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to the 2012 DOH analysis, land application of septage provides an additional alternative for disposal. With the termination of the ban on land application of septage, septic tank pumpers/septage haulers can continue business as usual. Without the termination of the ban on land application of septage, these businesses would, over the next five years, have to find approved municipal wastewater treatment plants or biosolids receiving facilities that accept septage at a typically higher cost than land application due to driving distance and fees for disposal. These costs would also result in higher pumpout costs to people that own septic tanks.

D. FISCAL COMMENTS:

According to the DOH analysis, repeal of the termination on land application of septage allows the DOH to continue its current permitting program for these sites. DOH currently has 92 land application sites permitted, with an annual fee of \$200 per site. Total revenue to the DOH for permitting these sites is \$18,400.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.