

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1113 Onsite Sewage Treatment and Disposal Systems

SPONSOR(S): State Affairs Committee; Agriculture & Natural Resources Subcommittee; Edwards and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 1160

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	12 Y, 1 N, As CS	Renner	Blalock
2) Agriculture & Natural Resources Appropriations Subcommittee	11 Y, 2 N	Helpling	Massengale
3) State Affairs Committee	12 Y, 2 N, As CS	Renner	Camechis

SUMMARY ANALYSIS

Septage is defined as a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system (septic tank). Approximately 100,000 onsite septic tanks are pumped each year, generating 100 million gallons of septage requiring treatment and disposal. The septage is treated and disposed of at a number of septage treatment facilities regulated by the Department of Health (DOH). The treated septage may then be spread over the land at DOH-regulated land application sites. In addition to septage, onsite systems serving restaurants include tanks that separate grease from the sewage stream and that grease is hauled, treated and land applied similarly to septage. In 2010, the Legislature enacted a law prohibiting the land application of septage from septic tanks effective January 1, 2016.

The bill delays the effective date of the prohibition on the land application of septage from January 1, 2016 to January 1, 2017. The bill also directs the Department of Environmental Protection (DEP), in consultation with DOH and other entities, to examine and report on the potential options for safely and appropriately disposing or reusing septage and the contents of portable toilets, grease interceptors, and holding tanks, including, but not limited to the following:

- An inventory of domestic wastewater utilities and solid waste management facilities that are known to receive and treat septage or the contents of portable toilets, grease interceptors, and holding tanks;
- An inventory of permitted septage land application sites;
- An analysis of the nutrient concentrations of septage;
- An analysis of the technical limitations for domestic wastewater utilities and solid waste management facilities to receive and treat septage or the contents of portable toilets, grease interceptors, and holding tanks;
- An analysis of the sufficiency of DOH's rules for onsite sewage treatment and disposal systems standards as they pertain to managing nutrient loading from land application sites, with emphasis on high recharge areas of the aquifer and other sensitive surface waters or groundwaters;
- An analysis of compliance rates with DOH's rules relating to standards for onsite sewage treatment and disposal systems and the sufficiency of operator oversight to ensure compliance;
- An analysis of the sufficiency of penalties for noncompliance; and
- The transfer of regulatory authority over the land application of septage or the contents of portable toilets, grease interceptors, and holding tanks from DOH to DEP, including the environmental benefits of applying the nutrient management plan requirements, setbacks, site-monitoring requirements, and provisions of DEP's rules relating to the land application of septage.

DEP is required to submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2015.

The bill delays the potential indeterminate negative fiscal impact on septic tank pumpers, septic haulers, and owners of septic tanks resulting from the increased cost of disposing of septage using alternative methods. The bill delays the potential insignificant negative fiscal impact on DOH resulting from the loss of permit revenues. The bill may also have an indeterminate but insignificant negative fiscal impact on DEP for the cost of submitting the report. The bill does not appear to have a fiscal impact on local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1113e.SAC

DATE: 4/14/2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Septage is defined as a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system (septic tank).¹ Approximately 100,000 septic tanks are pumped each year, generating 100 million gallons of septage requiring treatment and disposal.² The septage is treated and disposed of at a number of septage treatment facilities regulated by the Department of Health (DOH). The treated septage is then spread over the land at DOH-regulated land application sites.³ In addition to septage, onsite systems serving restaurants include tanks that separate grease from the sewage stream and that grease is hauled, treated and land applied similarly to septage. There are currently 92 DOH-regulated land application sites that receive treated septage from 108 DOH-regulated septage treatment facilities. Approximately 40 percent of septage removed from septic tanks is treated at septage treatment facilities and then taken to the land application sites.⁴

In 2010, the Legislature enacted a law⁵ prohibiting the land application of septage from septic tanks effective January 1, 2016.⁶ In addition, the bill required DOH, in consultation with the Department of Environmental Protection (DEP), to provide a report to the Governor and the Legislature recommending alternative methods to establish enhanced treatment levels for the land application of septage by February 1, 2011. The report, which was received on February 1, 2011, provided the following alternatives to the land application of septage as it is currently performed:⁷

- **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. Furthermore, the distance between central facilities with available treatment capacity and the locations where septage is collected in rural areas can make transport to such facilities cost prohibitive.
- **Disposal of septage at landfills** – Acceptance of septage at Class I landfills has positive impacts to the landfills because it increases microbial activity within the landfills 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. Many landfills choose not to accept loads of septage, making land application sites one of the only available options for the disposal of septage.
- **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 the 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.

¹ Section 381.0065(2)(n), F.S.

² See Department of Health, Report on Alternative Methods for the Treatment and Disposal of Septage, February 1, 2011, available at <http://www.doh.state.fl.us/environment/ostds/index.html>.

³ Criteria for the land application of septage may be found in ch. 64E-6.010, F.A.C.

⁴ See Department of Health, Report on Alternative Methods for the Treatment and Disposal of Septage, February 1, 2011, available at <http://www.doh.state.fl.us/environment/ostds/index.html>.

⁵ ch. 2010-205, L.O.F.

⁶ Section 381.0065(6), F.S.

⁷ Department of Health, Report on Alternative Methods for the Treatment and Disposal of Septage, February 1, 2011, available at <http://www.doh.state.fl.us/environment/ostds/index.html>.

Other alternatives to the land application of septage are incineration, bioenergy production, and conversion to fertilizer, but these processes require larger capital investments.⁸

Effect of Proposed Changes

The bill delays the effective date of the prohibition on the land application of septage from January 1, 2016 to January 1, 2017. The bill also directs DEP, in consultation with DOH, the Department of Agriculture and Consumer Services, the Department of Economic Opportunity, the University of Florida Institute of Food and Agricultural Sciences, local governments, and other stakeholders, to examine and report on the potential options for safely and appropriately disposing or reusing septage and the contents of portable toilets, grease interceptors, and holding tanks, including, but not limited to the following:

- An inventory of domestic wastewater utilities and solid waste management facilities that are known to receive and treat septage or the contents of portable toilets, grease interceptors, and holding tanks;
- An inventory of permitted septage land application sites;
- An analysis of the nutrient concentrations of septage;
- An analysis of the technical limitations for domestic wastewater utilities and solid waste management facilities to receive and treat septage or the contents of portable toilets, grease interceptors, and holding tanks;
- An analysis of the sufficiency of DOH's rules for onsite sewage treatment and disposal systems standards as they pertain to managing nutrient loading from land application sites, with emphasis on high recharge areas of the aquifer and other sensitive surface waters or groundwaters;
- An analysis of compliance rates with DOH's rules relating to standards for onsite sewage treatment and disposal systems and the sufficiency of operator oversight to ensure compliance;
- An analysis of the sufficiency of penalties for noncompliance; and
- The transfer of regulatory authority over the land application of septage or the contents of portable toilets, grease interceptors, and holding tanks from DOH to DEP, including the environmental benefits of applying the nutrient management plan requirements, setbacks, site-monitoring requirements, and provisions of DEP's rules relating to the land application of septage.

DEP is required to submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2015.

B. SECTION DIRECTORY:

Section 1 amends s. 381.0065, F.S., delaying the effective date of the prohibition on the land application of septage from January 1, 2016 to January 1, 2017.

Section 2 directs DEP, in consultation with various entities and individuals, to examine potential options for safe and appropriate disposal or reuse of septage and to submit a report to the Governor and the Legislature by October 1, 2015.

Section 3 provides an effective date of July 1, 2014.

⁸ *Id.*

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

DOH currently permits 92 land application sites, with an annual fee of \$200 per site, resulting in a total of \$18,400 per year in revenues. When the prohibition takes effect in 2016 pursuant to current law, DOH will lose \$18,400 in revenue per year from these permitted sites. By delaying the effective date of the prohibition on the land application of septage, the bill also delays this potential insignificant negative fiscal impact on DOH.

2. Expenditures:

The bill may have an indeterminate but insignificant negative fiscal impact on DEP for the cost of submitting the report.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The land application of septage from septic tanks provides a method for disposal that is typically lower in cost than alternative methods. When the prohibition on land application takes effect in 2016 pursuant to current law, septic tank pumpers and septage haulers will have to find approved municipal wastewater treatment plants or facilities that receive biosolids, which typically cost more than land application due to driving distance and fees for disposal. These costs would likely result in higher pumpout costs to people who own septic tanks. By delaying the effective date of the prohibition on land application of septage, the bill also delays the potential indeterminate negative fiscal impact on septic tank owners.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The 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:

The bill does not appear to create a need for rulemaking or require additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2014, the Agriculture & Natural Resources Subcommittee adopted one strike-all amendment and reported the bill favorably with a committee substitute. The amendment changes the date of prohibition on the land application of septage from January 1, 2020 (what is currently in the bill) to January 1, 2018. The amendment also directs DEP, in consultation with various entities and individuals, to examine potential options for safe and appropriate disposal or reuse of septage and to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2015.

On April 11, 2014, the State Affairs Committee adopted one strike-all amendment and reported the bill favorably with a committee substitute. The amendment changes the date of prohibition on the land application of septage from January 1, 2018 (what is currently in the bill) to January 1, 2017. The amendment adds additional criteria that must be included in the report including analyses of sufficiency of DOH's rules for onsite sewage treatment and disposal systems standards as they pertain to managing nutrient loading from land application sites and operator oversight to ensure compliance, and an analysis of the sufficiency of penalties for noncompliance. The amendment also changes the date for the submittal of the report to the Governor and Legislature from March 1, 2015 to October 1, 2015.