

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: CS/SB 1306

INTRODUCER: Health Policy Committee and Senator Altman

SUBJECT: Onsite Sewage Treatment and Disposal Systems

DATE: March 19, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	Fav/CS
2.			EP	
3.			AG	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1306 amends s. 381.00655, F.S., to allow an existing onsite sewage treatment and disposal systems (OSTDS) to continue to be used after the property is hooked up to a sewer system if the Department of Environmental Protection (DEP) approves the use of all or part of the OSTDS as an integral part of the sewer system.

II. Present Situation:

In Florida, there are two ways in which domestic wastewater is collected and treated. Approximately one-third of Florida's population uses a septic system, referred to as an onsite sewage treatment and disposal system,¹ while the remainder of the population is served by centralized domestic wastewater facilities. There are an estimated 2.6 million OSDTS in

¹ An OSTDS can contain any one of the following components: a septic tank; a subsurface drainfield; an aerobic treatment unit; a graywater tank; a laundry wastewater tank; a grease interceptor; a pump tank; a waterless, incinerating or organic waste-composting toilet; and a sanitary pit privy. Septic tanks are tanks in the ground that treat sewage without the presence of oxygen. Sewage flows from a home or business through a pipe into the first chamber, where solids are removed. The liquid then flows into the second chamber where anaerobic bacteria in the sewage break down the organic matter, allowing cleaner water to flow out of the second chamber. See General facts and Statistics about Wastewater in Florida, Found at <http://www.dep.state.fl.us/water/wastewater/facts.htm>, last visited on Mar. 13, 2014. Also see, The EPA's *Primer for Municipal Wastewater Treatment Systems*, 2005, p. 22, found at: http://water.epa.gov/aboutow/owm/upload/2005_08_19_primer.pdf, last visited on Mar. 13, 2014.

operation in Florida² and over 2,100 domestic wastewater treatment facilities that treat over 1.5 billion gallons of water per day.³

Florida law makes the Department of Health (DOH), specifically the environmental health sections of the county health departments, responsible for regulating OSTDS and the DEP responsible for permitting and compliance activities for centralized domestic (municipal) wastewater treatment facilities.⁴ In 1983, the DEP and the DOH entered into an interagency agreement to coordinate the regulation of onsite sewage systems, septage and residuals, and marina pumpout facilities.⁵ This agreement sets up procedures for addressing interagency issues including jurisdiction.⁶

When a sewer system is put in place, s. 381.00655, F.S., requires the owner of a property with a properly functioning OSTDS to connect to an available sewerage system within 365 days after receiving written notification by the owner of the sewerage system that the system is available for connection. In addition, DOH Rule 64E-6.011, F.A.C., requires that an OSTDS be abandoned after connecting to a sewer system and further use is prohibited. However, with a permit from the DEP, the owner may continue to use the tank as part of the sewer system or convert it into a cistern for non-potable uses.⁷

III. Effect of Proposed Changes:

The bill amends s. 381.00655, F.S., to allow an existing OSTDS to continue to be used after the property is hooked up to a sewer system if the DEP approves the use of all or part of the OSTDS as an integral part of the sewer system.

The bill establishes an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

² Onsite Sewage, found at <http://www.floridahealth.gov/healthy-environments/onsite-sewage/index.html>, last visited on Mar. 13, 2014.

³ Id.

⁴ Domestic Wastewater, found at <http://www.dep.state.fl.us/water/wastewater/dom/index.htm>, last visited Mar. 13, 2014.

⁵ The agreement can be found at http://www.dep.state.fl.us/legal/Operating_Agreement/agreements/DOH/HOHOSTDS_9_10_01.pdf, last visited on Mar. 13, 2014.

⁶ See <http://www.dep.state.fl.us/water/wastewater/dom/septic.htm>, last visited on Mar. 14, 2014.

⁷ See also, DOH analysis of SB 1306, on file with Senate Health Policy Committee.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.00655 of the Florida Statutes.

IX. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Policy on March 19, 2014:**

The CS amends the bill by removing all changes creating the “combined system” permit type from s. 381.0065, F.S., and replacing that with language amending s. 381.00655, F.S., which allows an existing OSTDS to continue to be used after the property is hooked up to a sewer system if the DEP approves the use of all or part of the OSTDS as an integral part of the sewer system.

B. Amendments:

None.