

**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.)

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

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BILL: SB 1306

INTRODUCER: Senator Altman

SUBJECT: Onsite Sewage Treatment and Disposal Systems

DATE: March 13, 2014

REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	<b>Pre-meeting</b>
2.			EP	
3.			AG	
4.			RC	

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**I. Summary:**

SB 1306 amends s. 381.0065, F.S., to create a new permit for a “combined system” which allows the continued use of an onsite sewage treatment and disposal system (OSTDS) after that system is connected with a publicly or investor-owned sewerage 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,<sup>1</sup> while the remainder of the population is served by centralized domestic wastewater facilities. There are an estimated 2.6 million OSDTS in operation in Florida<sup>2</sup> and over 2,100 domestic wastewater treatment facilities that treat over 1.5 billion gallons of water per day.<sup>3</sup>

Florida law makes the Department of Health (DOH), specifically the environmental health sections of the county health departments, responsible for regulating OSTDS and the Department

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<sup>1</sup> 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](http://water.epa.gov/aboutow/owm/upload/2005_08_19_primer.pdf), last visited on Mar. 13, 2014.

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

<sup>3</sup> Id.

of Environmental Protection (DEP) responsible for permitting and compliance activities for centralized domestic (municipal) wastewater treatment facilities.<sup>4</sup> 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.<sup>5</sup> This agreement sets up procedures for addressing interagency issues including jurisdiction.<sup>6</sup>

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.<sup>7</sup>

### III. Effect of Proposed Changes:

The bill amends s. 381.0065, F.S., to allow the permitting of combined systems that use both an OSTDS and a public or investor-owned sewerage system. The bill defines “combined system” to mean a system that includes any part of an onsite sewage and disposal system that is also connected to a publicly owned or investor-owned sewerage system regulated under ch. 403, F.S.,<sup>8</sup> and states the Legislature’s intent that the DOH issue permits for the construction of combined systems when the connection of an OSTDS to a publicly or investor-owned sewerage system results in the use of any part of the OSTDS.<sup>9</sup> The bill also:

- Authorizes the DOH to establish and collect fees and approve the installation of a combined system.
- Restricts persons from constructing, repairing, modifying, abandoning, and operating a combined system without a permit from the DOH.<sup>10</sup>
- Restricts a municipality or political subdivision from issuing a building permit for a combined system unless the owner or builder has received a construction permit from the DOH and also restricts municipalities, political subdivisions, and state and federal agencies from authorizing occupancy of a building with a combined system until the DOH has approved the final installation of that system.
- Allows permits issued by the DOH for combined systems to transfer with the title to the property in a real estate transaction and restricts a governmental entity from encumbering a title with new permitting requirements that differ from those in effect at the time the system was permitted, modified, or repaired.
- Makes numerous other technical changes.

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

<sup>5</sup> The agreement can be found at [http://www.dep.state.fl.us/legal/Operating\\_Agreement/agreements/DOH/HOHOSTDS\\_9\\_10\\_01.pdf](http://www.dep.state.fl.us/legal/Operating_Agreement/agreements/DOH/HOHOSTDS_9_10_01.pdf), last visited on Mar. 13, 2014.

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

<sup>7</sup> See also, DOH analysis of SB 1306, on file with Senate Health Policy Committee staff.

<sup>8</sup> Related to environmental control.

<sup>9</sup> The DOH states that it is unclear how such permitting would be coordinated with the DEP. See supra n. 7.

<sup>10</sup> The bill makes such permits contingent on the approval of the receiving force main system by the DEP when issuing a permit for work seaward of the costal control line established in s. 161.053, F.S.

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.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An OSTDS owner who applied for a combined system permit would be subject to permitting costs including an evaluation of the existing system and any repairs or modifications needed. The DOH estimates these costs could range from approximately \$300 to \$5600 depending on the repairs needed.<sup>11</sup>

C. Government Sector Impact:

The DOH will likely incur an indeterminate negative fiscal impact due to costs resulting from permitting and inspections of the newly designated combined systems; however, the DOH estimates that revenue from permitting fees will cover approximately 60 percent of these costs.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill creates a new type of permit that will be issued by the DOH; however, it does not give the DOH rulemaking authority specific to the combined system permit type. Also, the bill requires that the combined system permit be subject to some, but not all, of the same regulations as OSTDS. Since combined systems seem to be substantially similar to OSTDS, it may be appropriate to consider substantially similar regulation of combined permits and OSTDS.

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<sup>11</sup> See supra n. 6.

<sup>12</sup> See supra n. 6.

**VIII. Statutes Affected:**

This bill substantially amends section 381.0065 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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