

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 901 Pasco County

SPONSOR(S): Murphy

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Darden	Miller
2) Agriculture & Natural Resources Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

Pasco County is interested in using reclaimed water to restore, recover, and enhance the ecosystem of Crews Lake. The Legislature has recognized reclaimed water as being a vital competent to meet the state's water needs and has declared the use of reclaimed water as a formal state objective.

The bill repeals Ch. 99-166, Laws of Florida, and would place Pasco County under the generally applicable laws and regulations applying to sewage treatment facility discharges statewide. This will enable the county to use reclaimed water for a variety of proposes, including irrigation, power generation, fire protection, and natural system restoration.

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

This bill will take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Reclaimed Water

“Reclaimed water” is statutorily defined as any “water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.”¹ Reclaimed water can reduce stress on overburdened ground and surface water supplies by providing water for applications where potable water is not necessary.² The Legislature has acknowledged the vital role of reclaimed water, by establishing “the encouragement and promotion of water conservation and reuse of reclaimed water” as a formal state objective³ and stating reclaimed water is of great importance to “meeting the state’s existing and future water supply needs while sustaining natural systems.”⁴ The Legislature has also proclaimed the benefits of reclaimed water to water, wastewater, and reclaimed water consumers.⁵

Florida contains over 440 water reclamation systems which capture 659,000,000 gallons of water per day, more than any other state.⁶ Reclaimed water is used by over 240,000 Florida residences and hundreds of parks, golf courses, and schools.⁷ Other uses for reclaimed water include agricultural irrigation, industrial uses, groundwater recharge, and the watering of lawns, landscapes, cemeteries, and golf courses.⁸

The safety of reclaimed water is established in the scientific literature. Studies show “reclaimed, surface, and ground water [are] more similar than dissimilar,”⁹ that the “risks [associated with reclaimed water] are not measurably different than risks associated with irrigation using potable water,”¹⁰ and “irrigation of raw-eaten vegetable crops and artichokes with reclaimed water was shown to be as safe as irrigation with well water.”¹¹ Evidence from real-world use in Florida supports these conclusions, with no reported cases of illness related to reclaimed water use in the state over forty years of use.¹²

Legislative Acts Concerning Reclaimed Water

Reclaimed water, like all waters in the state, is considered a basic resource in need of conservation to realize its full beneficial use.¹³ Reclaimed water is currently defined by s. 373.019(17), F.S.¹⁴ Before this statutory definition was added to ch. 373 in 2012,¹⁵ the Department of Environmental Protection (DEP)

¹ S. 373.019(17), F.S.

² Southwest Florida Water Management District, *Reclaimed Water: A reliable, safe alternative water supply*, available at http://www.swfwmd.state.fl.us/download/view/site_file_sets/118/reclaimed_water_lev2_08.09.pdf (accessed 3/12/15).

³ S. 373.250(1)(a), F.S.

⁴ S. 403.064(1), F.S.

⁵ S. 367.0817(3), F.S.

⁶ *Supra* note 2.

⁷ *Id.*

⁸ *Id.*

⁹ Tom Helgeson and Mark McNeal, *A Reconnaissance-Level Quantitative Comparison of Reclaimed Water, Surface Water, and Groundwater*, WaterReuse Foundation Project Number 02-008-01 (2009).

¹⁰ James Crook, *Irrigation of Parks, Playgrounds, and Schoolyards with Reclaimed Water: Extent and Safety*, WaterReuse Foundation Project Number 04-006-01 (2005).

¹¹ Baham Sheikh, et al., *Monterey Wastewater Reclamation Study for Agriculture, Final Report*, Research Journal of the Water Pollution Control Federation, Vol. 62, No. 3 pp. 216-226 (May-Jun. 1990).

¹² *Supra* note 2.

¹³ S. 373.016(1), F.S.

¹⁴ As any “water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.”

¹⁵ Ch. 2012-150, Laws of Fla.

already regulated the use of reclaimed water under more general provisions.¹⁶ It is unclear if DEP had sufficient statutory authority to engage in this rulemaking before the passage of Ch. 2012-150,¹⁷ but the definition adopted by the Legislature mirrored the definition used by DEP.¹⁸

The state continues to search for new uses for reclaimed water, with the Legislature passing a bill during the 2014 session requiring DEP to conduct a comprehensive study on “the expansion of use of reclaimed water, stormwater, and excess surface water in this state.”¹⁹

The use of reclaimed water in Pasco County is governed by separate legislative provision.²⁰ The act prohibits new discharges from existing sewage treatment facilities into coastal waters in Pasco County and their tributaries²¹ and requires existing discharges to be eliminated by July 1, 2004.²² DEP is permitted to grant waivers to these requirements in two circumstances:

- Applicant conclusively demonstrates no other practical alternative exists, the discharge receives advanced waste treatment to at least the level defined by s. 403.086(4), F.S., and the applicant conclusively demonstrates the proposed discharge will not result in a violation of water quality standards; or²³
- The discharge is a limited wet weather surface water discharge serving as a backup to a reuse system and will not cause a violation of water quality standards.²⁴

Pasco County

The Pasco County Master Reuse System is permitted by DEP as a stand-alone reclaimed distribution and disposal system for treated wastewater effluent produced by county treatment facilities.²⁵ The system provides approximately twenty million gallons of reclaimed water per day for use by golf courses, landscaped common areas, parks, schools, residents, and businesses.²⁶

One proposed use for reclaimed water in Pasco County is to increased water levels in Crews Lake.²⁷ The lake was once 700 acres and centerpiece of the 113 acre Crews Lake Wilderness Park.²⁸ Primarily due to groundwater withdrawals, the lake has become almost completely dehydrated.²⁹ The Southwest Florida Water Management District adopted management levels for the lake in 1984 and it has been on the “Stressed Lake” list since 1992.³⁰

Effect of Proposed Changes

The bill repeals ch. 99-166, Laws of Florida. The bill will result in the coastal waters of Pasco County being subject to the general regulatory scheme that applies to sewage treatment facility discharges statewide. The bill is projected to benefit both individuals and businesses. By allowing the discharge of reclaimed water into Crews Lake, Pasco County Utilities will not need to construct additional storage facilities for reclaimed water and the Pasco County Environmental Lands Acquisition and Management

¹⁶ See Rule 62-610.100, F.A.C. (effective November 19, 2007).

¹⁷ House Bill Analysis of CS/HB 639 (2012) at 2.

¹⁸ *Id.* at 9.

¹⁹ Ch. 2014-79, Laws of Fla.

²⁰ Ch. 99-166, Laws of Fla.

²¹ Ch. 99-166, s. 1(1), Laws of Fla.

²² Ch. 99-166, s. 1(2), Laws of Fla.

²³ Ch. 99-166, s. 1(3)(a), Laws of Fla.

²⁴ Ch. 99-166, s. 1(3)(b), Laws of Fla.

²⁵ Department of Environmental Protection, *Wastewater Facility Information*, available at <http://www.dep.state.fl.us/water/wastewater/facinfo.htm> (accessed 3/12/15).

²⁶ CH2M Hill, *Pasco County Master Reuse System*. On file with House Local Government Affairs Subcommittee.

²⁷ Carl Orth, *Pasco provides plenty of priorities for state lawmakers*, available at <http://suncoastnews.com/su/list/news-pasco/pasco-provides-plenty-of-priorities-for-state-lawmakers-20150227/> (accessed 3/12/15).

²⁸ Pasco County, FL, *Crews Lake Natural Systems Restoration*. On file with House Local Government Affairs Subcommittee.

²⁹ *Id.*

³⁰ *Id.*

Program will not need to maintain dry lake beds.³¹ These changes will result in stable utility rates for consumers and a potentially reduced tax burden.³² The total savings projected over alternative methods of reclaimed water disposal is project to be \$23,364,870.³³

One of the anticipated uses of water is the rehydration of Crews Lake. The Wakodahatchee Wetlands and the Green Cay Wetlands in Palm Beach County are considered models for the Crews Lake project.³⁴ Those wetlands are a significant tourist destination, bolstering the local economy.³⁵

The Economic Impact Statement (EIS) submitted for this bill simply stated the bill would have no impact on revenues or expenditures and did not provide any other information or discuss the specific data used in reaching the estimates.³⁶ The EIS submitted for HB 1025 during the 2014 session, a bill very similar to the present bill,³⁷ was prepared by the same individual and reached the same conclusions concerning the fiscal impact of the bill. The 2014 EIS also contained detailed information about the impact of the HB 1025 (2014).³⁸

B. SECTION DIRECTORY:

Section 1: Repeals ch. 99-166, Laws of Florida.

Section 2: Provides that the bill shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 23, 2015

WHERE? *Baylink Pasco*, a publication of general circulation in Pasco County, Florida, published by the *Tampa Bay Times*, a daily newspaper in Pinellas County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

³¹ Economic Impact Statement for HB 1025 (2014).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Economic Impact Statement for HB 901 (2015).

³⁷ HB 1025 (2014) passed the House but did not pass in the Senate.

³⁸ Economic Impact Statement for HB 1025 (2014).

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES