

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 678

SPONSOR: Natural Resources Committee and Senator Pruitt

SUBJECT: Protection of Lake Okeechobee

DATE: January 23, 2002 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| 1. | <u>Branning</u> | <u>Voigt</u> | <u>NR</u> | <u>Favorable/CS</u> |
| 2. | <u> </u> | <u> </u> | <u>AGG</u> | <u> </u> |
| 3. | <u> </u> | <u> </u> | <u>AP</u> | <u> </u> |
| 4. | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| 5. | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| 6. | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

I. Summary:

Provides that certain projects are eligible for available grants from coordinating agencies under the Lake Okeechobee Protection Program. For projects of otherwise equal priority, funding priority for such grants will be given to projects that involve public/private partnerships or that obtain federal match money. The Department of Health shall require entities disposing of septage within the Lake Okeechobee watershed to develop and submit to that agency by July , 2003, an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus loading originating from these application sites and similar sites for the disposal of domestic wastewater residuals shall not exceed the limits established in the district's WOD program.

This bill amends s. 373.4595, F.S.

II. Present Situation:

Section 373.4595, F.S., provides for a Lake Okeechobee Protection Program that achieves phosphorus load reductions for Lake Okeechobee. The program is to address the reduction of phosphorus loading to the lake from both internal and external sources.

All domestic wastewater treatment facilities which use biological treatment processes generate domestic wastewater residuals as a byproduct of the treatment process. The Department of Environmental Protection regulates the management, use, and land application of residuals so as to ensure protection of the environment and public health. Chapter 62-640, F.A.C., is the department's rule which provides standards for the treatment of residuals to be applied to the land or distributed and marketed; establishes land application criteria; and defines requirements for agricultural operations have or will receive residuals. These residuals may be composted with

yard trash, wood chips, or similar bulking agents and ultimately applied to land or marketed. The level of treatment depends on the manner of disposal or use. Disposal of residuals in a landfill are not governed by this rule, but is an allowable disposal method.

The Department of Health regulates the disposal of septage from onsite sewage disposal systems. The department's rule, 64E-6.010, F.A.C., provides that land application of domestic septage and sludges shall be permitted provided such septage and sludges have been properly treated by an approved septage-stabilization process. Land application on playgrounds, parks, golf courses, lawn, hospital ground or other unrestricted public access areas where frequent human contact is likely to occur is prohibited. Land application is limited to sod farms, pasture lands, forests, highway shoulders and medians, plant nursery use, land reclamation projects and soil used for growing human food chain crops. Domestic septage or sludge cannot be used for growing or cultivation of tobacco, root crops, leafy vegetables, or vegetables to be eaten raw. Furthermore, the land application area cannot be located closer than 3000 feet to any Class I water body or Outstanding Florida Water, as defined in ch. 62-302, F.A.C., or 200 feet to any surface water bodies except canals or bodies of water used for irrigation purposes which are located completely within and not discharging from the site.

Residuals may be high in phosphorus, a nutrient that can cause water quality problems depending on concentration and mass loading, as well as the sensitivity of any given water body or watershed. phosphorus pollution is of particular concern in the Lake Okeechobee/Everglades watershed. Efforts are underway to limit the phosphorus loading in this area. The Department of Environmental Protection has defined by rule "residuals" and "septage" as follows:

- "Residuals" or "domestic wastewater residuals" means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant. Also not included are solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, other solids as defined in Rule 62-640.200(24), F.A.C., and ash generated during the incineration of residuals.
- "Septage" means a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an onsite sewage treatment and disposal system. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors.

In a effort to delineate the responsibilities between the Department of Environmental Protection and the Department of Health concerning the regulation of septage management facilities, the two departments entered into an interagency agreement on September 10, 2001. Generally, that agreement provides that:

- Septage management facilities intending to treat 10,000 gallons or less per day monthly average daily flow of septage shall be treated by the Department of Health in accordance with DOH rules. Such facilities shall not treat more than 20,000 gallons of septage on any one day. The 10,000 and 20,000 gallons per day limits apply to the total flows from the

entire facility. The land application of septage from these facilities shall be at sites regulated and approved by DOH in accordance with DOH rules.

- Septage management facilities intending to treat more than 10,000 gallons per day monthly average daily flow or more than 20,000 gallons in a single day of septage shall be regulated by DEP in accordance with DEP rules. The land application of septage from these facilities shall be in accordance with DEP rules.

Section 373.4595(3)(a), F.S., requires all entities disposing of domestic wastewater residuals within the Lake Okeechobee watershed to develop and submit to the DEP by July 1, 2001, an agricultural use plan that limits applications based upon phosphorus loading. Phosphorus loading originating from these application sites cannot exceed the limits established in the district's WOD (Works of the District) program.

III. Effect of Proposed Changes:

This bill amends s. 373.4595(3)(c), F.S., to provide that projects that reduce nutrient outputs on private lands by restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, and protecting range and timberland from conversion to development are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, funding priority will be given to projects that involve public/private partnerships or that obtain federal match money. Grant applications may be submitted by any person, and eligible projects may include, but are not limited to, the purchase of conservation and flowage easements, hydrologic restoration of wetlands, development of a management plan for natural resources, and financial support to implement a management plan.

Entities disposing of domestic wastewater residuals within the Lake Okeechobee watershed were required to develop and submit to the DEP by July 1, 2001, an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus loading originating from these application sites shall not exceed the limits established in the district's WOD program.

The Department of Health shall require all entities disposing of septage within the Lake Okeechobee watershed to develop and submit to that agency by July 1, 2003, an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus loading originating from these application sites shall not exceed the limits established in the district's WOD program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

No significant impact.

C. Government Sector Impact:

No significant impact. There are currently only about six sites where domestic wastewater residuals are being disposed of in the Lake Okeechobee watershed by land application. Agricultural use plans limiting applications based upon phosphorus loading have been developed for these sites. By July 1, 2005, phosphorus loading originating from these application sites cannot exceed the limits established in the district's WOD program. The bill provides that entities disposing of septage within the Lake Okeechobee watershed will be bound by the same restrictions. It is not know how many entities dispose of septage in this area by land application.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.