

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 Health Regulation Committee

BILL: SB 1318

INTRODUCER: Senator Gaetz

SUBJECT: Onsite Sewage Treatment and Disposal Systems

DATE: February 28, 2008 REVISED: 03/05/08

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Garner	Wilson	HR	Fav/1 amendment
2.			GO	
3.			CA	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input checked="" type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill adds a local government representative who is knowledgeable about domestic wastewater treatment to the Department of Health’s Research Review and Advisory Committee and to the Technical Review Advisory Panel, which advise the department on issues relating to onsite sewage treatment and disposal systems.

This bill amends ss. 381.0065 and 381.0068, Florida Statutes.

II. Present Situation:

Sewage Treatment and Disposal Systems and Their Effect on Public Health

Human sewage contains disease-causing viruses, bacteria, and parasites. Preventing sewage contamination of drinking water has been the primary way that public health officials have prevented the epidemics that occurred in early United States history. Sewage also contains nutrients, such as nitrogen and phosphorous, that can adversely affect the ground and surface water quality, as well as the public health. Nitrogen levels in the environment as low as one milligram per liter (mg/L) have been shown to degrade the aquatic environment in Florida’s

springs, and nitrogen levels of 10 mg/L or more have been found to cause illnesses like blue baby syndrome (methemoglobinemia) in infants.¹

In most parts of the state, municipalities and other local governmental entities own and/or operate regional sewage treatment and disposal systems. In areas where a centralized sewerage system is not available, residential and commercial buildings are required to have onsite sewage treatment and disposal systems (e.g., septic tanks and drainfields). Florida's Department of Health (DOH or department) regulates the installation and use of onsite sewage treatment and disposal systems to ensure that human sewage does "not adversely affect the public health or significantly degrade the groundwater or surface water."²

The Research Review and Advisory Committee

Section 381.0066(2)(k), F.S., assesses a \$5 fee on each new onsite sewage treatment and disposal system construction permit issued by the DOH. The statute requires that the proceeds from this assessment be used to fund onsite sewage treatment and disposal system research, demonstration, and treatment projects. The department's Research Review and Advisory Committee (RRAC or committee) is created in s. 381.0065(4)(o), F.S., to advise the department "on directions for new research, review and rank proposals for research contracts, and review draft research reports and make comments" that are funded by the research assessment in s. 381.0066, F.S. Currently, the committee is comprised of nine members including:³

- A representative of the Division of Environmental Health of the department;
- A representative from the septic tank industry;
- A representative from the home building industry;
- A representative from an environmental interest group;
- A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems;
- A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems;
- A representative from the real estate profession;
- A representative from the restaurant industry; and,
- A consumer.

The RRAC meets on a quarterly basis to review ongoing research projects, to examine the implementation of future research and demonstration projects, to set research priorities, and other activities. During the January 23, 2008, meeting of the RRAC, the committee identified the following research priorities for 2008:⁴

- Restoration of the University of South Florida's Lysimeter Station (\$20,000 to \$50,000 approximate cost).

¹ <http://www.emedicine.com/MED/topic1466.htm> (last visited on February 28, 2008).

² S. 381.0065(1), F.S.

³ S. 381.0065(4)(o), F.S.

⁴ http://floridashealth.com/Environment/ostds/research/Research_Priorities_2008.pdf (last visited on February 28, 2008).

- Phase II of the Florida Passive Nitrogen Removal Project (\$200,000 approximate cost).
- Wekiva Onsite Sewage Treatment and Disposal System Seasonal Variability Assessment (\$200,000 approximate cost).
- Alternative Drainfield Product Assessment (\$300,000 approximate cost).
- Long-term Deformation of Tanks on Different Materials (\$20,000 approximate cost).

Section 381.0065(3)(j), F.S., specifies that “research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical review and advisory panel or the research review and advisory committee.”

The Technical Review and Advisory Panel

The Technical Review and Advisory Panel (TRAP or panel) is created in s. 381.0068, F.S., “to assist the department in rulemaking and decisionmaking by drawing on the expertise of representatives from several groups that are affected by onsite sewage treatment and disposal systems. The panel may also review and comment on any legislation or any existing or proposed state policy or issue related to onsite sewage treatment and disposal systems.” Currently, the committee is comprised of the following ten members:⁵

- A soil scientist;
- A professional engineer, recommended by the Florida Engineering Society, who has work experience in onsite sewage treatment and disposal systems;
- Two representatives from the home building industry, recommended by the Florida Home Builders Association, including one who is a developer who develops lots using onsite sewage treatment and disposal systems;
- A representative from the county health departments who has experience permitting and inspecting the installation of onsite sewage treatment and disposal systems;
- A representative from the real estate industry, recommended by the Florida Association of Realtors;
- A consumer with a science background;
- Two representatives of the septic tank industry, recommended by the Florida Onsite Wastewater Association, including one who is a manufacturer of onsite sewage treatment and disposal systems; and,
- A representative from the environmental health profession, recommended by the Florida Environmental Health Association, who is not employed by a county health department.

At its most recent meeting (January 24, 2008), the panel discussed several issues, which included:⁶

- Septic tank lids, Rule 64E-6.013, F.A.C., requiring all treatment receptacles to have a watertight lid.
- Mound stabilization, Rule 64E-6.009, F.A.C., allowing mounds to be hydro seeded.

⁵ S. 381.0068(2), F.S.

⁶ <http://www.doh.state.fl.us/environment/ostds/trap/agenda/Ag20080124.pdf> (last visited on February 28, 2008).

- Alternative Systems, Rule 64E-6.009, F.A.C., removing the requirement that the county health department (CHD) require an engineer to design a system having a total absorption area greater than 1,000 square feet and removing the requirement that the CHD require the design engineer to certify that the installed system complies with the approved design and installation requirements.
- Septic tank installation, Rule 64E-6.013, F.A.C., removing the requirement that the access manhole over the inlet and outlet extend within eight inches and requiring the manhole to be exposed at the ground surface. Also requiring all fiberglass tanks to be covered with a minimum of four inches of soil, with the exception of the exposed hatch or riser covers.

Members of both the committee and panel receive reimbursement for per diem and travel expenses to attend scheduled meetings and public hearings.

III. Effect of Proposed Changes:

Section 1. Amends s. 381.0065, F.S., adding a representative from local government who is knowledgeable about domestic wastewater treatment to the research review and advisory committee that advises the DOH on research relating to onsite sewage treatment and disposal systems.

Section 2. Amends s. 381.0068, F.S., adding a representative from local government who is knowledgeable about domestic wastewater treatment and who is recommended by the Florida Association of Counties and the Florida League of Cities to the technical review and advisory panel that advises the DOH on rulemaking and decisionmaking related to onsite sewage treatment and disposal systems.

Section 3. Provides that the act takes effect on July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOH estimates that the travel and per diem for an additional member on the RRAC and the TRAP would cost approximately \$500 per member per meeting. With four meetings per year per member, the total estimated trust fund expenditure would be approximately \$4,000 per year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

Barcode 082600 by Health Regulation on March 5, 2008:

This amendment excludes persons working under the direct responsible charge of an engineer licensed under chapter 471, F.S., from the certification requirements to perform environmental health or sanitary evaluations pursuant to s. 381.0101, F.S. (WITH TITLE AMENDMENT)