By Senator Geller

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A bill to be entitled

An act relating to onsite sewage treatment and disposal systems; providing legislative intent to research and find cost-effective methods for reducing nitrogen levels in the state's springs and to expand research in the Wekiva Springs Basin; requiring the Department of Health to conduct a study that develops and evaluates passive onsite wastewater nitrogen reduction systems to complement or add to conventional onsite wastewater treatment systems; requiring that the department's research review and advisory committee and technical review and advisory panel approve the study; requiring the department to provide administrative support to the committee; requiring the department to administer and provide quality control for contracts; requiring the department to establish an advisory panel comprised of experts in wastewater treatment process design and performance assessment to periodically review the study; providing for the membership of the panel; providing requirements for the study; requiring that the study be completed by a specified date; requiring that the research review and advisory committee approve interim progress reports and a final report and submit such reports to the Governor and the Legislature; amending s. 381.0065, F.S.; requiring an owner of an onsite sewage treatment and disposal system installed before 1983 to have the system pumped out and inspected, with the exception of a system requiring an operating permit; requiring the department to adopt rules

relating to such inspection; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) It is the intent of the Legislature to research and find cost-effective methods to reduce nitrogen levels in the state's springs and to expand the research performed in the Wekiva Springs Basin. In order to fulfill the intent of this section, the Department of Health shall conduct a study, or contract with the Stormwater Management Academy of the University of Central Florida, to develop and evaluate passive onsite wastewater nitrogen reduction systems that consist of technologies and strategies for reducing nitrogen and that complement or can be added to conventional onsite wastewater treatment systems. The department's research review and advisory committee and technical review and advisory panel shall approve the study. The committee shall oversee the project's performance and initially approve the study. The department shall provide administrative support to the committee, including, but not limited to, drafting reports, preparing outlines, and making requests for a proposal if the department contracts with the University of Central Florida to conduct the study. The department shall administer and provide quality control for contracts approved by the committee. The study must comply with the requirements in this section.

(2) The department shall establish a five-person advisory panel to periodically review the study which shall be comprised of engineers and scientists having expertise in the design and

assessment of wastewater treatment, including nitrogen-removal processes and the fate and transport of nitrogen in the environment. The Florida Onsite Wastewater Association, the Florida Home Builders Association, and the Florida Association of Realtors shall recommend three members to serve on the advisory panel.

(3) The study must identify and evaluate passive onsite wastewater nitrogen reduction systems that have a significantly lower life-cycle cost and a higher benefit-to-cost ratio compared to the available performance-based treatment systems currently identified by the department for nitrogen reductions of 70 percent of effluent less than 10 mg/L. The life-cycle cost must be based on total system costs, including installation, operation, and maintenance costs and the benefit-to-cost ratio must be based on the life-cycle cost per unit mass of nitrogen reduction. The study must include a comprehensive literature review of passive onsite wastewater nitrogen reduction systems, methods, strategies, and costs reported for reducing passive nitrogen and the field evaluations of selected systems from a demonstration site determined by the research review and advisory committee.

(a) The study must evaluate the addition of organic carbon material and other alternative media through conventional components such as tanks or drainfields, effluent recirculation, alterations such as the addition of low-pressure dosing or drip irrigation, various plant material over the drainfield, and other technologies, combinations, or process configurations identified by the department, the contractor, or the literature review.

(b) The measurement of nitrogen-reduction performance must

include the analyses of numerous effluent samples from various process streams for each system evaluated, a determination of the mean, and measurements of process variance for each system. Nitrogen reduction must be measured during the wet and dry seasons.

(4) The study must evaluate the fate and transport of nitrogen species from conventional onsite wastewater treatment systems, passive onsite wastewater nitrogen reduction systems, and performance-based treatment systems and include a determination of denitrification rates in unsaturated soil and groundwater below and downgradient of the systems. The data must be analyzed to develop credits for soil and groundwater-based treatment.

(5) The cost and performance of the conventional onsite wastewater treatment systems, passive onsite wastewater nitrogen reduction systems, and performance-based treatment systems must be documented and compared in regard to installation requirements, maintenance needs, operational requirements, and all related costs.

(6) The study must be completed by December 1, 2011. The research review and advisory committee shall approve interim progress reports and submit such reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1 of each year beginning in 2009 and ending in 2011. The committee shall approve a final report summarizing the study, which must include options, findings, and recommendations, and shall present the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives within 60 days after the study is completed.

Section 2. Present subsection (5) of section 381.0065, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.--

(5) PERIODIC INSPECTIONS.--The owner of an onsite sewage treatment and disposal system installed before 1983 must have the system pumped out and inspected pursuant to rules adopted by the department, except for a system that is required to obtain an operating permit. In consultation with the technical review and advisory panel, the department shall adopt rules to administer:

(a) An implementation schedule for inspections on a five-year cycle with priority given to spring protection areas, outstanding Florida waters, and water bodies listed under s. 303(d) of the Clean Water Act.

(b) The qualifications of an inspector and conflict of interest standards to prevent an inspector from conducting repairs associated with any deficiency found.

(c) The timely reporting of inspection results to the department and the homeowner.

(d) Minimum inspection and pumpout practices necessary to prolong system function and to identify and correct public health nuisances.

(e) The repair permitting requirements to correct a sanitary nuisance pursuant to s. 386.03.

Section 3. The sum of $5 million is appropriated to the Department of Health from the Water Protection and Sustainability Program Trust Fund for the 2008-2009 fiscal year for the purpose of conducting the study required under section 1 of this act.

Section 4. This act shall take effect July 1, 2008.