

By the Committees on Environmental Preservation and Conservation; and Health Policy; and Senator Bullard

592-04034-13

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1                                   A bill to be entitled  
2           An act relating to onsite sewage treatment and  
3           disposal systems; amending s. 381.0065, F.S.;  
4           requiring onsite sewage treatment and disposal systems  
5           to comply with rules of the Department of  
6           Environmental Protection and provide a certain level  
7           of treatment; providing that certain onsite sewage  
8           treatment and disposal systems installed after a  
9           specified date are not required to connect to a sewer  
10          until a specified date; providing for  
11          nonapplicability; deleting a provision that requires a  
12          maintenance entity to obtain a system operating  
13          permit; authorizing the department to approve and  
14          permit a property owner of an owner-occupied, single-  
15          family residence as a maintenance entity for the  
16          property owner's own aerobic treatment unit system  
17          under certain circumstances; requiring the maintenance  
18          entity service agreement to conspicuously disclose  
19          that the property owner has the right to maintain his  
20          or her own system and is exempt from certain  
21          contractor registration requirements; prohibiting a  
22          septic tank contractor from being denied access by the  
23          manufacturer to aerobic treatment unit system training  
24          or spare parts for maintenance entities; providing  
25          that component parts for an aerobic treatment unit  
26          system may be replaced with parts that meet  
27          manufacturer's specifications; requiring the  
28          maintenance entity to maintain documentation for a  
29          specified period of time and to provide the

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30 documentation to the department upon request;  
31 providing an effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Paragraphs (l) and (u) of subsection (4) of  
36 section 381.0065, Florida Statutes, are amended to read:

37 381.0065 Onsite sewage treatment and disposal systems;  
38 regulation.—

39 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
40 construct, repair, modify, abandon, or operate an onsite sewage  
41 treatment and disposal system without first obtaining a permit  
42 approved by the department. The department may issue permits to  
43 carry out this section, but shall not make the issuance of such  
44 permits contingent upon prior approval by the Department of  
45 Environmental Protection, except that the issuance of a permit  
46 for work seaward of the coastal construction control line  
47 established under s. 161.053 shall be contingent upon receipt of  
48 any required coastal construction control line permit from the  
49 Department of Environmental Protection. A construction permit is  
50 valid for 18 months from the issuance date and may be extended  
51 by the department for one 90-day period under rules adopted by  
52 the department. A repair permit is valid for 90 days from the  
53 date of issuance. An operating permit must be obtained prior to  
54 the use of any aerobic treatment unit or if the establishment  
55 generates commercial waste. Buildings or establishments that use  
56 an aerobic treatment unit or generate commercial waste shall be  
57 inspected by the department at least annually to assure  
58 compliance with the terms of the operating permit. The operating

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59 permit for a commercial wastewater system is valid for 1 year  
60 from the date of issuance and must be renewed annually. The  
61 operating permit for an aerobic treatment unit is valid for 2  
62 years from the date of issuance and must be renewed every 2  
63 years. If all information pertaining to the siting, location,  
64 and installation conditions or repair of an onsite sewage  
65 treatment and disposal system remains the same, a construction  
66 or repair permit for the onsite sewage treatment and disposal  
67 system may be transferred to another person, if the transferee  
68 files, within 60 days after the transfer of ownership, an  
69 amended application providing all corrected information and  
70 proof of ownership of the property. There is no fee associated  
71 with the processing of this supplemental information. A person  
72 may not contract to construct, modify, alter, repair, service,  
73 abandon, or maintain any portion of an onsite sewage treatment  
74 and disposal system without being registered under part III of  
75 chapter 489. A property owner who personally performs  
76 construction, maintenance, or repairs to a system serving his or  
77 her own owner-occupied single-family residence is exempt from  
78 registration requirements for performing such construction,  
79 maintenance, or repairs on that residence, but is subject to all  
80 permitting requirements. A municipality or political subdivision  
81 of the state may not issue a building or plumbing permit for any  
82 building that requires the use of an onsite sewage treatment and  
83 disposal system unless the owner or builder has received a  
84 construction permit for such system from the department. A  
85 building or structure may not be occupied and a municipality,  
86 political subdivision, or any state or federal agency may not  
87 authorize occupancy until the department approves the final

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88 installation of the onsite sewage treatment and disposal system.  
89 A municipality or political subdivision of the state may not  
90 approve any change in occupancy or tenancy of a building that  
91 uses an onsite sewage treatment and disposal system until the  
92 department has reviewed the use of the system with the proposed  
93 change, approved the change, and amended the operating permit.

94 (1) For the Florida Keys, the department shall adopt a  
95 special rule for the construction, installation, modification,  
96 operation, repair, maintenance, and performance of onsite sewage  
97 treatment and disposal systems which considers the unique soil  
98 conditions and water table elevations, densities, and setback  
99 requirements. On lots where a setback distance of 75 feet from  
100 surface waters, saltmarsh, and buttonwood association habitat  
101 areas cannot be met, an injection well, approved and permitted  
102 by the department, may be used for disposal of effluent from  
103 onsite sewage treatment and disposal systems. The following  
104 additional requirements apply to onsite sewage treatment and  
105 disposal systems in Monroe County:

106 1. The county, each municipality, and those special  
107 districts established for the purpose of the collection,  
108 transmission, treatment, or disposal of sewage shall ensure, in  
109 accordance with the specific schedules adopted by the  
110 Administration Commission under s. 380.0552, the completion of  
111 onsite sewage treatment and disposal system upgrades to meet the  
112 requirements of this paragraph.

113 2. Onsite sewage treatment and disposal systems must cease  
114 discharge by December 31, 2015, or must comply with department  
115 rules and provide the level of treatment which, on a permitted  
116 annual average basis, produces an effluent that contains no more

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117 than the following concentrations:

118 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

119 b. Suspended Solids of 10 mg/l.

120 c. Total Nitrogen, expressed as N, of 10 mg/l, or a  
121 reduction in nitrogen of at least at 70 percent. A system that  
122 has been tested and certified to reduce nitrogen concentrations  
123 by at least 70 percent is deemed to be in compliance with this  
124 standard.

125 d. Total Phosphorus, expressed as P, of 1 mg/l.

126

127 In addition, onsite sewage treatment and disposal systems  
128 discharging to an injection well must provide basic disinfection  
129 as defined by department rule.

130 3. In areas not scheduled to be served by a central sewer,  
131 onsite sewage treatment and disposal systems must, by December  
132 31, 2015, comply with department rules and provide the level of  
133 treatment described in subparagraph 2.

134 ~~4.3. On or after July 1, 2010, all new, modified, and~~  
135 ~~repaired onsite sewage treatment and disposal systems must~~  
136 ~~provide the level of treatment described in subparagraph 2.~~

137 ~~However,~~ In areas scheduled to be served by central sewer by  
138 December 31, 2015, if the property owner has paid a connection  
139 fee or assessment for connection to the central sewer system,  
140 the property owner may install a holding tank with a high water  
141 alarm, or an onsite sewage treatment and disposal system that  
142 meets ~~may be repaired to~~ the following minimum standards:

143 a. The existing tanks must be pumped and inspected and  
144 certified as being watertight and free of defects in accordance  
145 with department rule; and

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146 b. A sand-lined drainfield or injection well in accordance  
147 with department rule must be installed.

148 ~~5.4.~~ Onsite sewage treatment and disposal systems must be  
149 monitored for total nitrogen and total phosphorus concentrations  
150 as required by department rule.

151 ~~6.5.~~ The department shall enforce proper installation,  
152 operation, and maintenance of onsite sewage treatment and  
153 disposal systems pursuant to this chapter, including ensuring  
154 that the appropriate level of treatment described in sub-  
155 subparagraph b. ~~subparagraph 2.~~ is met.

156 ~~7.6.~~ The authority of a local government, including a  
157 special district, to mandate connection of an onsite sewage  
158 treatment and disposal system is governed by s. 4, chapter 99-  
159 395, Laws of Florida.

160 8. Notwithstanding any other provision of law to the  
161 contrary, an onsite sewage treatment and disposal system  
162 installed after July 1, 2010, which meets the standards in  
163 subparagraph 2., is not required to connect to a sewer until  
164 December 31, 2020. This subparagraph does not apply to chapter  
165 28-19.310, F.A.C.

166 (u) 1. The owner of an aerobic treatment unit system shall  
167 maintain a current maintenance service agreement with an aerobic  
168 treatment unit maintenance entity permitted by the department.  
169 ~~The maintenance entity shall obtain a system operating permit~~  
170 ~~from the department for each aerobic treatment unit under~~  
171 ~~service contract.~~ The maintenance entity shall inspect each  
172 aerobic treatment unit system at least twice each year and shall  
173 report quarterly to the department on the number of aerobic  
174 treatment unit systems inspected and serviced. The reports may

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175 be submitted electronically.

176 2. The department may approve and permit a property owner  
177 of an owner-occupied, single-family residence as a maintenance  
178 entity for the property owner's own aerobic treatment unit  
179 system if the system manufacturer's approved representative  
180 certifies in writing that the property owner has received  
181 training on the proper installation and service of the system.  
182 The maintenance entity service agreement must conspicuously  
183 disclose that the property owner has the right to maintain his  
184 or her own system and is exempt from contractor registration  
185 requirements for performing construction, maintenance, or  
186 repairs on the system. However, the property owner is subject to  
187 all permitting requirements.

188 3. A manufacturer may not deny a septic tank contractor  
189 licensed under part III of chapter 489 access to aerobic  
190 treatment unit system training or spare parts for maintenance  
191 entities. After the original warranty period, component parts  
192 for an aerobic treatment unit system may be replaced with parts  
193 that meet manufacturer's specifications but are manufactured by  
194 others. The maintenance entity shall maintain documentation for  
195 a period of 2 years of the substitute part's equivalency and  
196 shall provide such documentation to the department upon request.

197 4. The owner of an aerobic treatment unit system shall  
198 allow the department to inspect during reasonable hours each  
199 aerobic treatment unit system at least annually, and such  
200 inspection may include collection and analysis of system-  
201 effluent samples for performance criteria established by rule of  
202 the department.

203 Section 2. This act shall take effect July 1, 2013.