



STATUS REPORT:

Department of Health, Bureau of On-Site Sewage 2009 Rule Making for the Wekiva Study

Area: Legislature initiated and approved funding for the Nitrogen Reduction Strategy Study. The budget language prevents rule-making and adoption until the study is completed. That was a three-year project due for completion in June of 2012. This study is intended to substantiate what happens to nitrogen in soils and ground water. It is further intended to test nitrogen reducing technologies that can be used with conventional septic systems. There is controversy within the study, as some of the nitrogen reduction solutions being tested seem to involve the use of a secondary tank and power assist. That is being followed closely by us and by our legislators in the TRI-County area so that the study itself follows legislative intent which is to provide non-powered alternatives for conventional septic systems that have a tank and drainfield configuration. This issue is quite apart and separate from the inspection mandates that fall under Senate Bill 550.

Department of Health, Bureau of On-Site Sewage 2010 Rule Making for Senate Bill 550:

In 2010, the legislature passed Senate Bill 550. The bill mandated every five year inspections for all septic systems in the State of Florida. It was due to be implemented beginning in January of 2011. The Dept. of Health, Bureau of On-Site Sewage wrote a rule implementing inspections which was hotly contested by us and others across the state. Because of that uproar, the Special Session of the Legislature that met last November halted implementation of the rule until the Regular Session could convene in March of 2011. During that 2011 session, there were bills introduced to repeal the inspection provisions and bills introduced to repeal and replace. None of these bills passed in Regular Session. That left SB550 in place.

However, while the 2011 Legislature did not repeal or modify the septic tank evaluation program established in 2010, it did take action to delay implementation of the program. Specifically, the Department of Health must submit a plan for approval by the Legislative Budget Commission prior to using any funds for the evaluation program. The law further requires the Department to adopt a rule to implement the evaluation program which will require legislative ratification. This oversight on the dept. is a welcome change. This is oversight we have begged for, and obviously legislators were responding to this.

CURRENT SITUATION WITH INSPECTIONS: We have been involved with many other groups and associations and other homeowners statewide helping draft acceptable language for a new bill to be introduced during the upcoming session. The language is very specific about how inspections will be conducted, by whom, what a pass/fail standard is, and what your property rights are as far as being required to replace your conventional system with other technologies. Further, the new bill will remove the state's responsibility for conducting inspections from the Dept. of Health, and deposit the responsibility with the various counties to adopt or not. If they adopt it, they must follow the inspection provisions in the bill.

There is an additional issue contained in SB550. It outlaws land application of septage after 2016. If SB550 is not changed to put the responsibility in the county to opt in or opt out, the current infrastructure to handle the massive increase in pumping due to inspections cannot be handled with this provision in place. If this provision stays in place, there is no choice but to massively increase the cost of inspections as pump outs will have to be hauled to municipal plants. This will overwhelm the municipal plant capacity of every county and city, resulting in tax increases across the state.

There are also bills being introduced that call for repeal only. Whether or not we support the replacement inspection bill depends largely on how it is received in the Senate. Last year the simple inspections language was amended 35 times to the point where it was unacceptable and we could no longer support the bill and made that information known to our legislators.

EPA and NUMERIC NUTRIENT CRITERIA: TRI-County is also involved in this issue as septic systems are a named source of nutrient pollution in the federal EPA's position papers. I have attended two meetings within the past 30 days on this subject and spoken on behalf of our homeowners. We are supporting the State of Florida's position that our own State Department of Environmental Protections should have sole responsibility for meeting the Clean Water Act standards, and that the lawsuit brought by the environmental groups should be dropped by EPA. Again, we have aligned ourselves with many associations and other homeowners statewide on this issue.

Lots more information and background is available on www.thesludgereport.org . If you are not familiar with the sludge report, there is a link to it on the TRI-County Association website. www.tricountyassociation.org . Or, you can access it by typing "the sludge report" into Google. News is updated as needed on this site.