

# THE SLUDGE REPORT

Sludge Report: April 4, 2009

## Update on Department of Health and your septic system.

Welcome to the first edition of the SLUDGE REPORT, brought to you by your friendly neighborhood coalition of Homeowner's Associations and friends whose common bond is common sense and common cause. The cause is stopping the Department of Health from making a rule mandating that all septic systems in the Wekiva Study Area be replaced with electrically operated Performance Based Treatment Systems (PBTS). DOH states the purpose of the rule is to reduce nitrogen levels in the Wekiva Study Area - which encompasses 250+ square miles of land beginning in the north from an eastern point in Seminole County (west of Interstate 4), across (west) to portions of Lake County, then stretching south to Ocoee and Winter Garden pulling in all Orange County communities directly below the northernmost points. (we can send you a map if you are unsure about whether or not you are affected).

We've done our homework, sources are available, and here are the issues:

**1. IS THIS NECESSARY?** Guesstimates abound that septic systems cause 6% up to 20% or more of the nitrogen in the Wekiva River. This is a war of statistical justification. Some of the information coming our way indicates the DOH is cherry-picking statistics and documentation to justify the rule, and ignoring or removing statistics that prove them wrong.

The better question is if there is still an argument over how much of a problem septic systems cause, doesn't the DOH have a moral and professional duty to its employer, **the citizens who pay their salaries**, to resolve the questions before they mandate an economically crippling solution? It lends credibility to no one to shoot first and ask questions later.

DOH insists they "have a legislative mandate to impose nitrogen standards on onsite systems within the WSA area." Not exactly true. Legislators say that was not the intent of the legislation. DOH said to legislators at a hearing yesterday in Tallahassee, "that's the way we (the DOH) *interpreted* the 2004 Wekiva Parkway and Protection Act", and therefore, they are moving forward. In an e-mail from Gerald Briggs (DOH) to many homeowners, it is stated clearly that because no one in the legislature has stopped them, they intend to move forward. *Does that seem a little arrogant and out of control to you? Constitutionally, the judicial branch of government has the job of interpretation, not the Department of Health.*

**2. WILL PBTS REMOVE NITROGEN?** Case studies and interviews conducted with homeowners and installers reveal the PBTS systems nitrogen reduction performance ranges from non-performing to inconsistent at meeting the DOH rule standard of 10mg/litre. To the home owners who have already installed PBTS systems, this has triggered notices of fines to the homeowner for non-compliance. It has also triggered expensive service calls. What's more, DOH has no intention of field testing these systems. Performance results they cite are lab conditions only. They have evidence of and are not reporting system performance failures. Very credible people who know these systems say, the minute the rule passes, all homeowners with PBTS will be in an

almost constant state of violation. In a 2000 EPA study, disadvantages of PBTS include the statement that PBTS may in fact release more nitrogen than a conventional system.

**3. IS PBTS THE ONLY SOLUTION?** To date, there are no studies proving PBTS more efficient than conventional septic systems in removing nitrogen. To date, no studies have been conducted on other conventional septic system solutions, although other solutions are available. DOH rule gives no options.

**4. IS THERE A LESS EXPENSIVE SOLUTION?** DOH publishes a \$7,700 cost. It turns out that is a "poster child" figure based on the minimum cost for the least expensive, least complex system available. It's a parts estimate only.

Not stated by DOH, the homeowner will most likely need an engineering specification, electrical upgrades, old drain field removal, new landscaping, and tree removal. Real estimates and real installation costs obtained from home owners show new installations average between \$15,000 and \$17,000, as high as \$30,000. Real estimates and actual documented costs of annual service contracts plus repairs, fees and power bring the annual increase in homeowner costs to more than \$1,000 a year, again understated by the Department of Health at \$300/year.

Interviews, extensive research, and hearing evidence reveal there are indeed less expensive alternatives. DOH will not pursue other options to the PBTS system.

**4. IS PBTS AN "APPROPRIATE" SOLUTION?** A legally permitted and properly maintained conventional septic system has never harmed anyone. The PBTS systems are described by industry experts as extremely complex and sensitive. Internet searches of DOH approved PBTS system providers have homeowner guides published complete with operational warnings including serious injury, death, and property damage if children or pets play near them, if power failures occur and the homeowner attempts to use the toilet, or the homeowner attempts to restart the system.

Household prohibitions that might cause system damage or shutdown include the use of antibiotics or other forms of medication, bleach, mop water in the drain, excessive use of toilet paper, dairy products, disinfectants or sanitizers, and toddlers throwing things like system-stopping Kleenex into the toilet. PBTS systems depend on a consistent, predictable flow. Vacations (no one using it) and sudden increases in flow (as with visiting relatives) can cause malfunction. The list of prohibitions radically impacts the daily function of a normal family. Any wonder that Industry and other government literature state these systems are **not appropriate** for residential use.

**5. WHAT WILL PBTS DO TO MY HOME VALUE?** **We are being accused of using scare tactics by stating that our homes have no value on the open market with these systems.** All we can say to that is - it's the truth and sometimes the truth is scary. If Mr. Mike Thomas of the Orlando Sentinel, or other proponents of PBTS, are interested in the truth, he and others are welcome to publish this response. On the subject of home buying, one home owner states, ***"I am an expert by virtue of my experience. I have lived in five different states, in seven different homes. I know a little something about picking location - which any real estate professional will tell you is the key to a successful home investment. The logical question for a buyer is: All other things being equal, why would I purchase a home with one of these***

**systems, when I can go one half mile down the street and buy one with municipal sewers, less monthly cost, and no hassle? I would instruct the real estate agent to avoid any house with a system such as this."** Location, location, location. Value is what someone will pay. A house that buyers avoid has no value.

## **FACTOIDS**(factoids)**QUESTIONS**(questions)**SUGGESTIONS**(suggestions)

- Progress Energy will dump more nitrogen into the air producing power for these systems than the homeowner will using a conventional system.
- State of Florida just received \$168Million in Federal Stimulus Money to pay for projects that reduce energy use and improve energy efficiency. DOH is mandating we use MORE energy. Does the word "**counterproductive**" apply?
- DOH goal for septic generated nitrogen reduction is EQUAL to eliminating one bag of fertilizer per homeowner. We suggest EVERY homeowner in FL reduce fertilizer usage by one bag. The total Nitrogen reduction would be staggering! And ALL would be contributing to the effort instead of a targeted few in the Wekiva Study Area. Fertilizers are the #1 contributor of nitrogen in the Wekiva River! It's a fact! Save \$30.00 per homeowner, eliminate green soup. DUH!
- TRUE AGGREGATE COST OF INSTALLATION 56,000 homes times \$15,000  
**\$900,000,000.**
- TRUE COST PER YEAR - OPERATION AND MAINTENANCE  
**\$180,000,000**
- Average income in Orange County is \$41,000. How many people making 41K a year have 15K in disposable income or savings? Who will help that family with the monthly costs of PBTS? Are these not the same families that are struggling to afford health care or pay their power bills now? Shouldn't DOH change its name to the Department of Nitrogen Police as "health" has taken a back seat to nitrogen? *Suggestion: Senator Constantine (major supporter of PBTS) and DOH leaders should have to live on 41K a year before they push laws and rules that financially destroy the "little" people.*
- "**The science is sound.**" So states an e-mail from the Dept. of Health. Says Dr. Ron Ney, Jr., PHd from Leesburg, *"How can a chemical that does not exist such as total nitrogen be discharged? How can FL enforce rules for the discharge of total nitrogen, which is not a chemical?"* In other words, the rule 64-E is not even written correctly !!! Our question is, if the rule is not even written correctly, how can we trust that the science itself is sound?

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Attn: **Homeowner Associations.**  
Join the list of HOA's in our Wekiva  
Study Area Coalition.  
**Individual homeowners** not  
represented by an HOA may also join.  
The only requirement is that you WRITE  
and EMAIL your representatives in  
Tallahassee !  
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