

**FWEAUC Position Paper
HB 749
SB 1874
Septic Tanks Legislation**

This bill would promote ongoing and continued utilization of onsite sewage treatment and disposal systems (OSTDS) in lieu of hook ups to centralized sewer systems. For example:

(1) New §153.54, F.S., governing water and sewer districts, would require prior to new construction a “feasibility study” comparing the cost (to property owners) of a new or expanded centralized sewer system to the costs of an OSTDS meeting “advanced secondary treatment standards.”

(2) Similarly, §153.73, F.S., relating to assessments for centralized sewer systems, would require a report comparing the costs, to individual property owners, of hooking up to a new or expanded centralized sewer system to the cost of an OSTDS.

(3) Section 163.3180, F.S., would specify that local governments may meet sanitary sewer concurrency requirements through OSTDS.

(4) Section 180.03, F.S., relating to municipal public works, would require a study comparing the costs of centralized sewer system hook-ups to the costs of OSTDS.

(5) Section 381.00655, F.S. would provide that OSTDS owners “shall not” be required to hook-up to centralized sewer systems so long as the OSTDS “is functioning properly and satisfying the conditions of the operating permit,” or so long as the owner executes a legally binding agreement requiring the owner to install an adequate system upon failure of the existing onsite system.

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This legislation would represent a significant setback in ongoing efforts to improve water quality in Florida. Traditionally regulated sources such as publicly owned treatment works (POTWs) already have expended significant sums to reduce nutrient loadings to Florida’s waters. OSTDS, which largely are unregulated and known to be unreliable and inefficient with respect to environmental performance, are significant nutrient contributors in many areas. It is common knowledge amongst environmental policy makers that a significant “gap” in the current water quality regulatory framework is the absence of mechanisms to get needed pollutant discharge reductions from OSTDS. In many cases, the most efficacious solution to this problem likely will be for OSTDS users to hook up to POTWS.

Ironically, this bill likely would thwart effective management of the OSTDS problem.

Although this legislation speaks in general regarding performance standards and regulation of OSTDS, it completely fails to define or require appropriate treatment levels, create a substantive regulatory program, or describe any effective compliance monitoring or enforcement mechanisms.

This legislative approach could be marginally acceptable only if strong regulatory control of OSTDS is afforded to DEP, along with adequate funding to implement a new program that rigorously enforces advanced wastewater treatment (AWT) requirements on OSTDS systems. Even then, the program likely may not be particularly effective because in many cases responsible parties may be “judgment proof” individual homeowners.

The cost comparisons called for in the various feasibility studies are misleading and incomplete because there would be no assessment of the “external costs” (i.e., environmental damage) associated with the proliferation of OSTDS without adequate regulation.

In short, this legislation represents substandard environmental policy.