

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1648

SPONSOR: Senator Mitchell

SUBJECT: Onsite Sewage Treatment and Disposal Systems

DATE: March 23, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Liem	Wilson	HC	Favorable
2.	_____	_____	FT	_____
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1648 provides regulatory and permitting requirements for performance-based and aerobic treatment unit onsite sewage treatment systems. The bill requires owners of engineer-designed performance-based systems and aerobic treatment unit systems to have maintenance service agreements with entities permitted by the Department of Health. The requirement that the owner obtain a system operating permit is removed, and placed instead on the maintenance entity with which the owner contracts, which is required to inspect the system twice annually. Maintenance entities are required to employ a plumbing contractor, septic tank contractor, or state-licensed wastewater plant operator, and obtain an annual system operating permit from the department for each system under service contract. The bill requires the maintenance entity to report quarterly to the department the number of performance-based systems inspected and serviced.

The Department of Health is given rule authority to establish minimum qualifying criteria for maintenance entities. Operating permits for aerobic treatment units are declared valid for 2 years and must be renewed every 2 years.

The bill requires the owner of an aerobic treatment unit (ATU) system to allow the department to inspect the system during reasonable hours at least twice each year and annually collect and analyze samples for compliance with performance criteria established by the department.

The operating permit fee for these systems is reduced from the current range of \$150 to \$300 to not more than \$100. A fee is established for a maintenance entity permit for performance-based treatment systems.

The bill amends ss. 381.0065 and 381.0066, F.S.

II. Present Situation:

Performance-based treatment systems and ATUs are mechanical onsite sewage treatment and disposal systems. They are generally used in environmentally sensitive areas where a standard onsite sewage disposal system such as a septic tank is not appropriate due to the presence of a high water table or insufficient land. These systems require routine servicing and monitoring to ensure proper operation, and to prevent creation of a sanitary nuisance through failure. Systems that are not functioning properly can dump raw, untreated sewage directly onto the land. Many manufacturers will not sell these systems to an end user without a 2-year maintenance agreement.

ATUs must be serviced by representatives of an authorized maintenance entity who have been trained by the manufacturer, and who have access to approved spare parts. The Department of Health is granted authority to charge fees for ATU maintenance entity permits in s. 381.0066, F.S., but is not given specific authority to regulate these entities or performance-based treatment system maintenance entities.

For ATUs installed after July 1, 1991, the department charges an annual fee of \$150 for an operating permit. The annual fee for an ATU maintenance entity permit is \$25. Non-permitted ATUs are units installed prior to July 1, 1991, which are monitored for current maintenance contracts even though no annual operating permit fees are collected from them.

Current statutes do not specifically provide for a maintenance entity for performance-based treatment systems. However, the majority of these units currently incorporates an ATU and would require maintenance under the statute and rule.

The Department of Health reports that there are currently 1,504 permitted ATU systems in Florida. During FY 2000, the department performed 4,108 inspections.

Permitted ATUs should be inspected twice a year by the maintenance entity that services the unit (maintenance entities inspect commercial establishments four times a year). The county health department monitors to ensure that there is a current maintenance contract and samples for effluent quality. The maintenance entity furnishes the county health department a listing of all aerobic units inspected or serviced during the respective reporting system. They also report the date of the system inspection and the maintenance or service performed.

III. Effect of Proposed Changes:

The bill requires owners of engineer-designed performance-based systems and ATU systems to maintain a current maintenance service agreement with a maintenance entity that has been permitted by the department, and transfers the responsibility for obtaining the operating permit for the system from the owner to the maintenance entity. The bill requires the Department of Health to inspect an engineer-designed performance-based system at least annually, or on such periodic basis as the fee collected permits. The bill specifies that the owner of an ATU must allow the department to inspect during reasonable hours at least twice each year, and collect and analyze effluent samples for performance criteria established by rule of the department. The bill requires both types of systems to be inspected twice each year by the maintenance entity, and

requires maintenance entities to report quarterly to the department the number of performance-based systems inspected and serviced. Maintenance entities are required to employ a plumbing contractor, septic tank contractor, or state-licensed wastewater plant operator who is responsible for maintenance and repair of all systems under contract.

The bill requires the Department of Health to regulate and permit maintenance entities for performance-based treatment systems and ATU systems. The department is given rule authority and criteria are specified which must be addressed in standards for maintenance entities.

The bill adds an operating permit fee for performance-based treatment systems, and reduces the operating permit fee for both types of systems from the currently allowed range of between \$150 and \$300 per year to \$100 per permit.

The duration of an operating permit for an ATU is increased from 1 to 2 years.

The bill adds a fee for performance-based treatment system maintenance entity permits of between \$25 and \$150 per year.

The bill takes effect July 1, 2001.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution..

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Under the bill, maintenance entities for performance-based treatment systems will be required to obtain a permit. According to the department, most of these systems incorporate ATU systems, therefore most entities providing their maintenance are already permitted.

B. Private Sector Impact:

In the instance of owners of ATU and performance-based systems who have purchased maintenance agreements the bill will reduce costs.

C. Government Sector Impact:

The Department of Health reports that the bill has a negligible fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
