

Area Septic Tanks Attack Nears Expensive Unreasonable End

The Florida Department of Health (DOH) and the State Department of Environmental Protection (DEP) have decided to ignore their own citizen and professional advisory group recommendations and move to implement new mandatory administrative rules regarding residential septic tanks. These new rules will require all new home constructed septic systems be built using “performance-based treatment systems” costing \$20,000 to \$30,000. Current traditional septic systems cost \$5,000 to \$10,000. More important to our members, the new rules say that any additions or modifications to existing homes that would require increased septic tank capacity under current rules may also require the installation of the “performance-based treatment system” costing \$20,000 to \$30,000. The DOH also wants existing residential septic systems pumped and inspected once every five years by a licensed contractor or plumber. Existing systems will be checked to be sure they are at least 24 inches above the estimated high water groundwater table; set back at least 75 feet from any surface water; and that the drain field bottom is no lower than 18 inches below grade. Significant costs would be incurred by homeowners if existing systems fail any of these tests. A copy of the new proposed administrative rules is included with this letter for exact and complete details.

DOH and DEP claim nitrogen seepage from residential septic tanks contributes significantly to groundwater pollution which eventually makes its way to the Wekiva River. The facts, based on their own studies, do not prove this is true. Expert testimony and recent independent field studies ordered by the State Legislature indicate existing tanks do leach some nitrogen. But the studies cannot tell how much of this nitrogen makes it to the River. Many experts feel our soil is a good filtering agent and that most of the nitrogen from our septic tanks is organically removed by the soil before it reaches the River.

DOH and DEP claim septic leakage might be estimated at about six percent of groundwater pollution versus other sources. Even if so, this small percentage seems insignificant when viewed using the same measuring criteria the agencies use in apportioning River damage done by commercial and private fertilizers, public sewers, and urban storm-water run-off. But according to a senior DOH chief, DEP has set new nitrogen level standards so aggressively high that DOH now must set rules for septic tanks which eliminate all nitrogen ground leakage, regardless how small.

The new proposed mandatory administrative rules have been voted down or tabled by both of its professional and citizen advisory groups; namely the Research Review and Advisory Committee (RRAC) and the Technical Review and Advisory Panel (TRAP.) Subsequent to these votes, Sen. Lee Constantine, Chairman of the Wekiva River Basin Commission (WRBC,) asked DOH to seek more information and feedback on the proposed administrative rules from its TRAP advisory group. But two days later a senior representative from DOH stated at its RRAC meeting that it had been directed to proceed with implementing the new proposed administrative rules.

The Markham Woods Association Board believes the DOH’s new proposed administrative rules are unfounded based on current scientific data. In fact, the field studies and tests ordered by the Legislature and the DOH’s own staff comments do not definitively support a change from traditional residential septic systems. The proposed changes amount to yet another major maintenance tax on our homesteads, and a very significant new tax on new home construction in our area.

The Board is in favor of a clean Wekiva River. We believe our members are as well. But the Board of the Association is opposed to its members being subjected to the new proposed administrative rules in the face of unproven claims that existing systems significantly contribute to pollution of the Wekiva River. We believe

the issue requires, at the very least, further study. We also question why residential septic systems continue to receive the focus of regulatory attention, when every study, every expert, and every voice of reason has said that, by far, the biggest contributor to pollution of the Wekiva River is the use of fertilizers.

Concerned members should get involved with this issue by contacting County Commissioner Brenda Carey. She is on the Wekiva River Basin Commission, and can be reached at: 407-665-7209 or alockhart@seminolecountyfl.gov . Also contact Governor Charlie Crist at 850-488-4441 or Charlie.Crist@MyFlorida.com . Ask them to require that DOH and DEP prove our current septic systems add any significant pollution, before saddling each of us with yet another onerous tax on our homes. Concerned members can ask questions and get future updates on this important issue from the DOH website at <http://www.doh.state.fl.us/environment/ostds/wekiva/wekiva.htm> .

Markham Woods Association, Inc.

(Updates: www.MarkhamWoodsAssociation.org; Questions: info@MarkhamWoodsAssociation.org)

PROPOSED ADMINISTRATIVE RULE

64E-6.0162-Specific Standards for the Wekiva Study Area

The following standards shall apply to all systems in the Wekiva Study Area as delineated in 369.316, F.S.

(1) Except in areas scheduled by an adopted local wastewater facility plan to be served by a central sewage facility by January 1, 2011, all new construction systems shall be performance-based treatment systems providing nitrogen reduction. No increase in authorized flow allowances in 381.0065(4)(a), (b), or (g) or reductions in surface water setbacks in 381.0065(4)(e) or (l) shall be allowed. All systems shall use drip irrigation or low-pressure dosing. The systems shall provide effluent meeting the following standard at discharge from the treatment units before disposal:

(a) An annual average total nitrogen reduction of 70 percent; or

(b) An annual average total nitrogen concentration of no more than 10 milligrams per liter with no individual sample concentration exceeding 20 mg/L.

(2) All existing systems requiring repair, modification or re-approval must meet the following standards:

(a) The bottom surface of the drain field shall be no less than 24 inches above the wet season water table.

(b) The system shall meet surface water setbacks in 381.0065(4)(e) or (l).

(c) All treatment receptacles must be within one size of current requirements in Table II and must be water-tight and be tested for water-tightness during the evaluation.

(d) The bottom of the drain field shall be no more than 30 inches below finished grade.

(e) If a replacement or new drain field is required to be installed and a dosing pump is used, the Drain field shall be low-pressure dosed or use drip irrigation.

(3) Every five years, all systems shall be pumped out by a state-licensed septage hauler and evaluated by a state-licensed septic tank contractor or person qualified under s. 381.0101, F.S. Upon completion of the evaluation, the evaluator shall complete Form DH 4015 page 1 – 4, and submit the application for approval to the department with a \$35 fee. A copy shall also be provided to the owner. The department shall review the application and approve the system for continued use or notify the owner of the requirement for a repair or modification permit. The department shall be responsible for notification and enforcement of the pump out and evaluation requirement. Initial notifications shall be phased in over a five-year period beginning July 1, 2008.

Specific Authority 369.318, 381.0065(3)(a), FS. Law Implemented 369.318, 381.0065, 381.0067, 386.041, FS. History—New .

64E-6.0162 change was tabled by TRAP 8/21/07