

FROM: Markham Woods Association, Inc
SUBJECT: Update on Onsite Sewage/Septic Issues

September, 2008

TO: Markham Woods Area Homeowners

The Association continues to monitor the Wekiva Area Onsite Sewage/Septic issues being addressed by the Wekiva Parkway Commission, Department of Health, the Technical Review and Advisory Panel (TRAP), the Research Review and Advisory Committee (RRAC) and the Department of Environmental Protection. Association members attend meetings, interface with governmental staffs and Seminole County Legislative Representatives.

“Just In” From a Recent TRAP Meeting

The Florida Department of Health’s Chief for the Bureau of Onsite Sewage Programs stated to the TRAP membership that the current proposed rule for onsite systems in the Wekiva Study Area is “Dead”. He further stated that when the Governor’s Office decides upon recommendations for onsite systems in the Wekiva Study Area those recommendations will be brought back by DOH to TRAP for review.

The Association’s Response to Several Orlando Sentinel Articles

Recent commentaries in the Orlando Sentinel by staff writers Daphne Sashin and Mike Thomas concerning the problem of nitrate and phosphate pollution in the Wekiva Springs area have stimulated renewed concern toward this very important issue. The Markham Woods Association, a civic organization representing approximately 2,900 homeowners along the Markham Woods Road corridor, is also interested in protecting and maintaining Wekiva environmental quality. Indeed, the natural beauty of the Wekiva Springs area was a big factor in attracting most of us to live here.

We specifically share in the consensus opinion expressed by Ms. Sashin and Mr. Thomas that excessive commercial and residential overuse of fertilizers has negatively impacted existing groundwater, streams, and rivers. The Markham Woods Association welcomes regulatory action to reduce the use of fertilizers in our area and possibly eliminate harsh, concentrated chemical fertilizers in favor of more environmentally friendly organic fertilizers.

However, claims by the Department of Health (DOH) and Department of Environmental Protection that area onsite septic systems are the next-largest contributor of nitrates to the Wekiva waters remains very unclear. All the initial scientific field studies completed in the past year have shown that nitrogen and phosphorus pollution reaching the Wekiva River cannot be conclusively attributed to area onsite septic systems. A comprehensive, long-term, field study has been mandated by the Florida legislature under Line Item 1682 of the new budget. This study will start this year and hopefully resolve this septic drainfield issue. We believe it is not prudent for DOH to enact new rules concerning residential septic tank systems until this study is finished. Proposed DOH rules would force some homeowners to spend between \$15,000 to \$30,000 in new performance-based onsite septic systems plus an estimated \$1,000 in annual maintenance expenses. It does not make sense to require these more expensive systems when such equipment may prove not to be warranted.

We are not alone with our feelings on this matter. The Department of Health’s two advisory committees - the Research Review and Advisory Committee (RRAC) and the Technical Review and Advisory Panel (TRAP) - both have concluded that further scientific study is needed

regarding residential septic systems and have recently voted that DOH not move forward with their proposed new rules.

In the meantime, we agree it is important to move forward in addressing the biggest negative factor affecting the Wekiva Springs area, namely the high use of private and commercial fertilizers. We support government and/or private initiatives addressing the fertilizer issue, but we strongly ask regulators to hold off on any new septic rules until the newly **funded studies*** are done.

***Funded Study: \$1 Million from the Funds in Specific Appropriation 1682**

\$1 million from the Water Protection and Sustainability Program Trust Fund shall be transferred to the Department of Health to further develop cost-effective nitrogen reduction strategies. The Department of Health shall contract, by request for proposal, for Phase 1 of an anticipated 3-year project to develop passive strategies for nitrogen reduction that complement use of conventional on site wastewater treatment systems. The project shall be controlled by the Department of Health's research review and advisory committee and shall include the following components:

1. Comprehensive review of existing or ongoing studies on passive technologies.
2. Field testing of nitrogen reducing technologies and performance based treatment systems to determine nitrogen reduction performance.
3. Documentation of all capital, energy and life cycle costs of various technologies for nitrogen reduction.
4. Evaluation of nitrogen reduction provided by soils and the shallow groundwater below and down gradient of various systems.
5. Development of a simple model for prediction nitrogen fate and transport from onsite wastewater systems.

A progress report shall be presented to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives on February 1, 2009, including recommendations for funding additional phases of the study.

The Department of Health shall also submit a report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives by no later than October 1, 2008, which identifies the range of costs to implement a mandatory statewide 5-year septic tank inspection program to be phased in over 10 years pursuant to the Department of Health's procedure for voluntary inspection, including use of fees to offset costs.

From the research fees collected pursuant to section 381.0066, Florida Statutes, \$ 150,000 shall be used by the Department of Health to provide a statewide inventory of onsite treatment and disposal systems.

NO Administrative Rule Changes Until Studies Have Been Completed

Concerned members should get involved with this issue by contacting:

Rep. Chris Dorworth, District 34, 407-333-1815, Christ.Dorworth@myfloridahouse.gov.
Rep. Alan Hayes, District 25, 352-742-6443, Alan.Hayes@myfloridahouse.gov.
Rep. Sandy Adams, District 33, 407-977-4020, Sandy.Adams@myfloridahouse.gov.
Rep. David Simmons, District 37, 407-462-7520, David.Simmons@myfloridahouse.gov.
Sen. Lee Constantine, District 22, 407-331-9675, Constantine.Lee@flsenate.gov.
Sen. Daniel Webster, District 9, 407-656-0066, Emhof.Jaryn.s09@flsenate.gov.