

Seminole County Legislative Delegation Public Hearing

(9:00am, Dec 5th)

Members of the Legislative Delegation, distinguished guests, ladies and gentlemen . . . good morning and thank you for allowing me the opportunity to speak here today.

My name is Bob Beitel and I am President of the Markham Woods Association, a not-for-profit organization representing approximately 2,900 households in the 40 subdivisions along the Markham Woods Road corridor and within the existing Wekiva Study Area (WSA).

I am here today to speak to you concerning an important issue that potentially affects a significant number of homeowners in Seminole County . . . Onsite Wastewater Treatment Systems in the Wekiva Study Area.

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 drainfield bottom is no lower than 36 inches below grade. Significant costs would be incurred by homeowners if existing systems fail any of these tests.

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).

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 Markham Woods Association is in favor of a clean Wekiva River. But we are opposed to 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. As concerned citizens, we ask for your attention in this matter.

Thank you.