

What do the Amendments to SB 1698 do?

Amendments to the proposed Dean bill ensure that homeowners are provided with maximum protection from both state and local government actions in the following manner:

- The bill sets out a procedure that must be followed by local government if a local government chooses to adopt a septic tank evaluation program. When a contractor conducts the inspection once every 5 years, he will pump the tank and visually examine the tank and the drainfield and look only for failures.
- The definition of a failing system is simple, tight and limited to those visual observations of untreated wastewater onto the ground surface, or a sanitary nuisance caused by the failure of the building plumbing to discharge properly – again protecting the homeowner.
- Local governments cannot deviate from the procedure. As such, the bill prevents local governments from being able to: (a) enact inspection requirements which go beyond looking for failures, (b) require repairs that are not connected to a failure, and (c) require unnecessary, fancy fixes or engineer-designed upgrades to systems arising out of the inspection. Local governments however are free to address **any** environmental or water quality issues outside the scope of the actual inspection program.
- Water table separation requirements are not indicators of a failing system. Water table separation only comes into play after a drainfield failure is identified and a repair is necessary. It is then tied to statutory provisions that benefit homeowners by requiring they meet separation requirements as set out by existing statute (thereby prohibiting DOH rulemaking or interpretation on this point).
- Septic tank owners whose systems are in failure must repair their systems to current code but are only required to do what is necessary to the maximum extent practicable to fix the failure and meet the current code.
- Local governments must let the septic tank owner select the least expensive permissible option to fix a failing system.
- The Department of Health is prohibited from rulemaking.

Why A Pure Repeal of SB 550 Without Replacement will actually do MORE HARM to Septic Tank Owners and Business Opportunity and Expansion in Florida:

- Without one uniform, common-sense, prescriptive statewide standard for evaluating septic tanks once every 5 years, local governments in the future will begin enacting their own inspection ordinances. This is because they will continue to be pushed to do so by

either the federal EPA or the state DEP. As such, Florida businesses could be facing hundreds of different requirements for septic tank installations and repairs.

- If the state does nothing, local ordinances will not consider what is cost-effective and practical for septic tank owners because such ordinances will be driven by NGO special interest groups who are not concerned with balancing the needs of man and nature.
- Businesses throughout the state will begin to see new, extensive, expensive and unjustified local regulations springing up under the guise of a septic tank inspection program.
- There will be a greater push at the local level of government, led by NGO special interest groups, to outlaw conventional systems. As we've seen in the past, these groups will allege that new conventional systems should not be allowed by local government because they are not good for the environment because they are neither inspected nor maintained.
- NGO groups will argue for high performance system mandates at the local level. Arbitrary engineer-designed high performance mandates will greatly curtail and restrict development activity by unnecessarily driving it to central sewer because new development will not utilize high performance systems. Already, several counties in the past have proposed mandating arbitrary and unjustified expensive engineer-designed high performance onsite systems in lieu of use of conventional systems.

Therefore, passage of the Dean bill **with the amendments** is better for and more protective of septic tank owners, the environment and businesses than repealing SB 550. Passing the Dean bill in 2011 with the amendments on the front-end will enable a rational approach to prevail and prevent inevitable conflict in the future between homeowners, business interests and local government entities that may otherwise promulgate unjustified and misguided regulations.

This is why

**Associated Industries of Florida,
Florida Association of Realtors,
Florida Home Builders Association and
Florida Onsite Wastewater Association**

Support SB 1698 with Amendments