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Board of County Commissioners

Leon County, Florida

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Agenda Item Executive Summary

Tuesday, December 08, 2009

<p>Title: Acceptance of Status Report Regarding Performance-Based Septic System Issues and Approval to Release a Request for Proposals for Services to Identify Onsite Sewage Treatment and Disposal Systems and Management Options</p>
<p>Staff: Parwez Alam, County Administrator Vincent S. Long, Deputy County Administrator Kim Dressel, Senior Assistant to the County Administrator Homer Rice, Health Department Administrator</p>

Issue Briefing: This agenda item seeks the Board's acceptance of a status report regarding performance-based septic system issues, and approval to release a Request for Proposals (RFP) for Services to Identify Onsite Sewage Treatment and Disposal Systems and Management Options.

Fiscal Impact: Leon County, Wakulla County and the City of Tallahassee have budgeted \$20,000 each (\$60,000 in total) to fund a study to identify options for onsite sewage treatment disposal systems, where central sewer is not available, and options for managing the permitting, operations and maintenance of those treatment options.

Staff Recommendation:

- Option #1: Accept status report regarding performance-based septic system issues.
- Option #2: Authorize staff to release the RFP for services to identify onsite sewage treatment and disposal system and management options for Wakulla and Leon Counties.

Report and Discussion

Background:

On February 12, 2009, the Board Conducted its First Public Hearing to consider a proposed Ordinance Amending Article III "On-site Sewage Disposal Systems" of Chapter 18 "Utilities" of the Code of Laws of Leon County, Florida (the "Proposed Ordinance") which would require the use of performance-based treatment systems within the Primary Springs Protection Zone (PSPZ). On March 19, 2009, the Second Public Hearing to consider the Proposed Ordinance was indefinitely continued.

On April 10, 2009, two related provisions became effective:

- (i) An Ordinance revision that established the PSPZ boundaries; and
- (ii) Comprehensive Plan Policy 4.2.5, which requires performance-based treatment systems within the PSPZ when central sewer is not available.

Actions taken by the Board during its May 12, 2009 workshop, regarding on-site sewage treatment and disposal systems, and during its meeting of June 9, 2009 when it ratified those actions, resulted in the following:

- o Designation of the Leon County Health Department as the Responsible Management Entity for performance-based and traditional on-site treatment systems within the PSPZ.
- o Direction to staff to revise the Proposed Ordinance to define "redevelopment" as the abandonment of an existing on-site treatment system and installation of a new on-site treatment system.
- o Direction to staff to revise the Proposed Ordinance so that terms for exemption from performance-based treatment systems requirements within the PSPZ are consistent with the source data, and to address multiple dwellings and multiple septic systems on a single parcel.
- o Direction to staff to revise the Proposed Ordinance, and seek an amendment to the Comprehensive Plan, to more broadly define performance-based systems. The Comprehensive Plan currently sets the following standards for performance-based systems: NSF 245 certified and (a) demonstrate no more than 10 mg/L Nitrogen, or (b) reduce effluent nitrogen concentration by a minimum of 70%. Staff recommended revising the nitrogen reduction performance standard for performance-based treatment systems in the PSPZ to: NSF 40 certified to reduce nitrogen by no less than 50% and used in conjunction with drip irrigation, or NSF 245 certified and used in conjunction with drip irrigation. The Board approved staff's recommendation and, during the discussion, staff advised the Board that broader language will be used in the Comprehensive Plan Amendment process, if possible, so that the specificity is contained within the Code of Laws, rather than in the Comprehensive Plan.
- o Direction to staff to revise the Proposed Ordinance such that owners of traditional septic systems within the PSPZ, that are being "modified", could seek an exemption from the requirement to upgrade to a performance-based system based on the low income/low property value criteria included in the Proposed Ordinance for "failing" systems.
- o Direction to staff to amend Chapter 18, Article III, Leon County Code of laws to include

- nitrogen reduction performance requirements for on-site cluster systems within the PSPZ, with nitrogen reduction standards comparable with those required for performance-based systems.
- o Direction to staff to maintain the Proposed Ordinance language which requires septic systems within the PSPZ that are being “modified”, and do not meet F.A.C. 6.002 definition of “repair”, to meet current Florida Administrative Code construction requirements for drainfield sizing and the required 24-inch separation from the bottom of the drainfield to the water table.
 - o Direction to staff to return to the Board with a financial assistance program for the replacement of traditional on-site treatment systems with performance-based systems within the PSPZ.
 - o Direction to staff to return to the Board with a countywide inspection program for on-site treatment systems.
 - o Establishment of a Septic System Loan (financial assistance) and Inspection Program Committee.

On July 14, 2009, the Board approved participation with the City and Wakulla County in a Phase I study of on-site sewage treatment and disposal system options and management alternatives to reduce nitrate load associated with septic tanks (Attachment #2). A RFP has been prepared for Services to Identify Onsite Sewage Treatment and Disposal Systems and Management Options (Attachment #1).

Community meetings were held at the Woodville Community Center on August 11 and August 13, 2009, staffed by Alex Mahon with the Leon County Health Department, and “Frequently Asked Questions” were posted on the Health Department’s web page (Attachment #3).

An October 13, 2009 agenda item sought approval to schedule two public hearings to amend Section 18, Article III, “On-site Sewage Disposal Systems” of Chapter 18 “Utilities” of the Leon County Code of Laws to require the use of performance-based treatment systems within the PSPZ under certain conditions. During the meeting, the Board did not approve the scheduling of the public hearings; expanded the role of the Septic System Loan and Inspection Program Committee to include its review of the Proposed Ordinance, which staff had revised consistent with direction the Board had provided during the May 12, 2009 workshop and subsequent ratification; and directed staff to schedule public hearings for March 2010. Additionally, the Board directed staff to provide an update on the Proposed Ordinance, and the loan and inspection program.

Analysis:

A RFP for services to identify onsite sewage treatment and disposal system and management options for Wakulla and Leon Counties, for the purpose of reducing nitrate load to Wakulla Springs, has been prepared with the participation of Leon County, Wakulla County and City of Tallahassee staff (Attachment #1). Leon County would act as the lead agency, relative to the release of the RFP and related processes. Outcomes sought from the study are summarized below. The Scope of Work requires the study’s details to be provided for each of the following geographic areas: Wakulla County only; Leon County – Countywide; Leon County – PSPZ only; and a combined Leon and Wakulla approach.

- i. An assessment and summarization of existing data and prior research.

- ii. Identification of treatment options where central sewer is not available and, for each treatment option, provision of:
 - (a) Projected total and unit cost information (as noted in the RFP, the County understands that, at this point in time, specific detailed cost estimates cannot be provided. Therefore, the County is seeking high level cost and rate projections, including unit pricing, based on other projects and the Respondent's expertise);
 - (b) Pros, cons and considerations associated with each option, including scalability and relevant, comparable locations where these options have been implemented.
- iii. Identification and discussion of options for managing the permitting, operations and maintenance of privately-owned and publicly-owned treatment options (such management options are not limited to a single management entity for Leon and Wakulla counties, or within either county).
- iv. Review, identification and discussion of: (a) practical funding sources and preliminary rate schedules for the treatment and management options, and identify relevant, comparable locations where these funding sources and rate schedules are being utilized; (b) the affordability, ability and willingness of the customer base to pay in accordance with the necessary fee structure; (c) fee collection mechanisms; and (d) the economic sustainability with attention to the initial, lifetime, operating, maintenance and replacement costs.
- v. A suggested hierarchy by which treatment system and management options may be reasonably phased in.
- vi. Identification of generalized areas where central sewer would be the recommended method.
- vii. Development of a recommended scope of work for further analysis, including a recommended subset of treatment and management options for decision makers to evaluate in greater detail (note: such further study is not part of this solicitation), and potential funding sources for a future Phase II study.

The Proposed Ordinance, which staff had revised to be consistent with the direction the Board had provided during its May 12, 2009 workshop and subsequent ratification, is provided as Attachment #4. Staff has summarized revisions in the Ordinance to identify: (i) revisions initially proposed in February and March, 2009; and (ii) revisions staff subsequently made to reflect further direction the Board provided during its May 12, 2009 workshop and subsequent ratification (these subsequent, proposed revisions have not been presented to the Board for a Public Hearing) (Attachment #5).

As directed by the Board, review of the Proposed Ordinance, as revised, has been added to the Septic System Loan and Inspection Committee's scope of work, in addition to its original charge of providing feedback to staff as to two programs being considered by the Board: (i) a loan

program, available to those who are replacing traditional septic systems with performance-based septic systems within Leon County's PSPZ, and (ii) a county-wide septic system inspection program. The Septic System Loan and Inspection Program Committee has begun meeting. A timeline for the committee to complete its work is provided as Attachment #6.

Options:

1. Accept status report regarding performance-based septic system issues.
2. Authorize staff to release the RFP for services to identify onsite sewage treatment and disposal system and management options for Wakulla and Leon Counties.
3. Do not accept the status report regarding performance-based septic system issues.
4. Do not authorize the release of the RFP for services to identify onsite sewage treatment and disposal system and management options for Wakulla and Leon Counties.
5. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

#1 – RFP for Proposals for Services to Identify Onsite Sewage Treatment and Disposal Systems and Management Options

#2 – July 14, 2009 Agenda Item, Consideration of Participation in a Regional Study of Management Alternative for Nitrate Load Associated with Septic Tanks (which includes the related City of Tallahassee's June 10, 2009 agenda item), and Wakulla County's related July 17, 2009 Agenda Item

#3 – Frequently Asked Questions

#4 – Proposed Ordinance, As Currently Revised

#5 – Comparison of the Proposed Ordinance, as revised, with that Originally Proposed in February and March, 2009

#6 – Committee Timeline

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