

Board of County Commissioners

Agenda Request

Date of Meeting: February 3, 2009

Date Submitted: January 22, 2008

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Dale Dransfield, Eutaw Consultant (Sewer)

Subject: Request Board Authorization to Advertise for a Public Hearing on March 3, 2009 to Adopt an Ordinance Clarifying That Citizens Who Install and Maintain a Performance Based Septic System Will Not Be Required to Hook Onto Sewer (as authorized under state law)

Statement of Issue:

This agenda item requests Board authorization to advertise for a public hearing on March 3, 2009 to adopt an Ordinance clarifying that citizens who install and maintain a performance based septic system will NOT be required to hook onto the Wakulla County sewer system, when that system is made available to them (as authorized under state law).

Background:

A number of citizens have expressed concerns that they are being required to construct and maintain a performance based septic system in order to build a new system or replace a failed system, which will then be required to be abandoned when public sewer is made available to them. Florida Statutes allow the Board of County Commissioners to wave the mandatory connection when sewer becomes available. Staff would encourage the Board to allow them to schedule a public hearing where the proposed ordinance (attached) could be discussed that would set policy in place to wave the mandatory hook up requirement if a properly operational, currently inspected performance based septic system were in place.

Analysis:

Florida Statutes Chapter 381.00655(1)(a) states "The owner of a properly functioning onsite sewage treatment and disposal system . . . *must connect* the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system."

FAC 381.00655(2)(c) gives the local government the ability to wave the mandatory connection rule under certain conditions.

- (c) A local government or water and sewer district responsible for the operation of a centralized sewer system under s. 153.62 may grant a variance

to an owner of a performance-based onsite sewage treatment and disposal system permitted by the department as long as the onsite system is functioning properly and satisfying the conditions of the operating permit. Nothing in this paragraph shall be construed to require a local government or water and sewer district to issue a variance under any circumstance. Nothing in this paragraph shall be construed as limiting local government authority to enact Ordinances under s. 4 of Chapter 99-395, Laws of Florida. A local government or water and sewer district located in any of the following areas shall not be required to issue a variance under any circumstance:

1. An area of critical state concern.
2. An area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
3. An area of the South Florida Water Management District west C-11 basin that discharges through the S-9 pump into the Everglades.
4. An area designated by the Lake Okeechobee Protection Act.

The County Attorney has drafted an Ordinance (Attachment #1) which would make it public policy to grant the waiver available in the statutes. The proposed Ordinance now requires to be advertised to come before the Board at a public hearing in order to become the law governing this policy.

Options:

1. Approve staff to advertise for a Public Hearing on March 3, 2008 to adopt an Ordinance clarifying that citizens who install and maintain a performance based septic system will not be required to hook onto sewer.
2. Do not approve staff to advertise for a Public Hearing on March 3, 2008 to adopt an Ordinance clarifying that citizens who install and maintain a performance based septic system will not be required to hook onto sewer.
3. Board direction.

Recommendation:

Option #1

Attachment(s):

1. Proposed Ordinance