

*Utilities Department*

## **Public Hearing**

# **Septic Tank Workgroup Chapter 37 Ordinance**

**November 19, 2024**



# Presentation Outline

- **Background**
- **Recap of Policy Recommendations**
- **Chapter 37 Draft Ordinance**
- **Ordinance Stakeholder Feedback**
- **Summary**
- **Requested Action**



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# Background

- **The County identified a need to protect our water resources from excessive nutrient loading associated with conventional septic systems**
  - Identified as one of the largest sources of nutrients
  - Excess nutrients cause overabundance of algae
- **Orange County's Water Resources**
  - Over 600 named lakes
  - 12 major drainage basins (9 river systems)
  - Wekiwa & Rock Springs (Outstanding Florida Springs)
  - Wekiva River (Wild & Scenic River)
  - Econlockhatchee River (Outstanding Florida Water)
  - Headwaters of Everglades





# Background

- **Conventional septic systems**
  - Provide effective wastewater treatment in the right locations and at the right densities
- **Enhanced septic systems**
  - Provide higher nutrient removals than conventional systems and may be utilized in nutrient vulnerable areas
- **Connection to central wastewater**
  - Best solution and mandatory when central wastewater service is available





# Background

- **Septic Tank Workgroup was created to protect our water resources**
  - **Comprised of staff from multiple county departments and the Florida Department of Health (FDOH)**
  - **Objectives**
    - **Address the appropriate use of conventional septic systems in the county**
    - **Identify vulnerable areas in the county located outside the Wekiwa Priority Focus Area**
    - **Propose policy changes to provide additional protections for areas most vulnerable to excessive nitrogen associated with conventional septic systems**



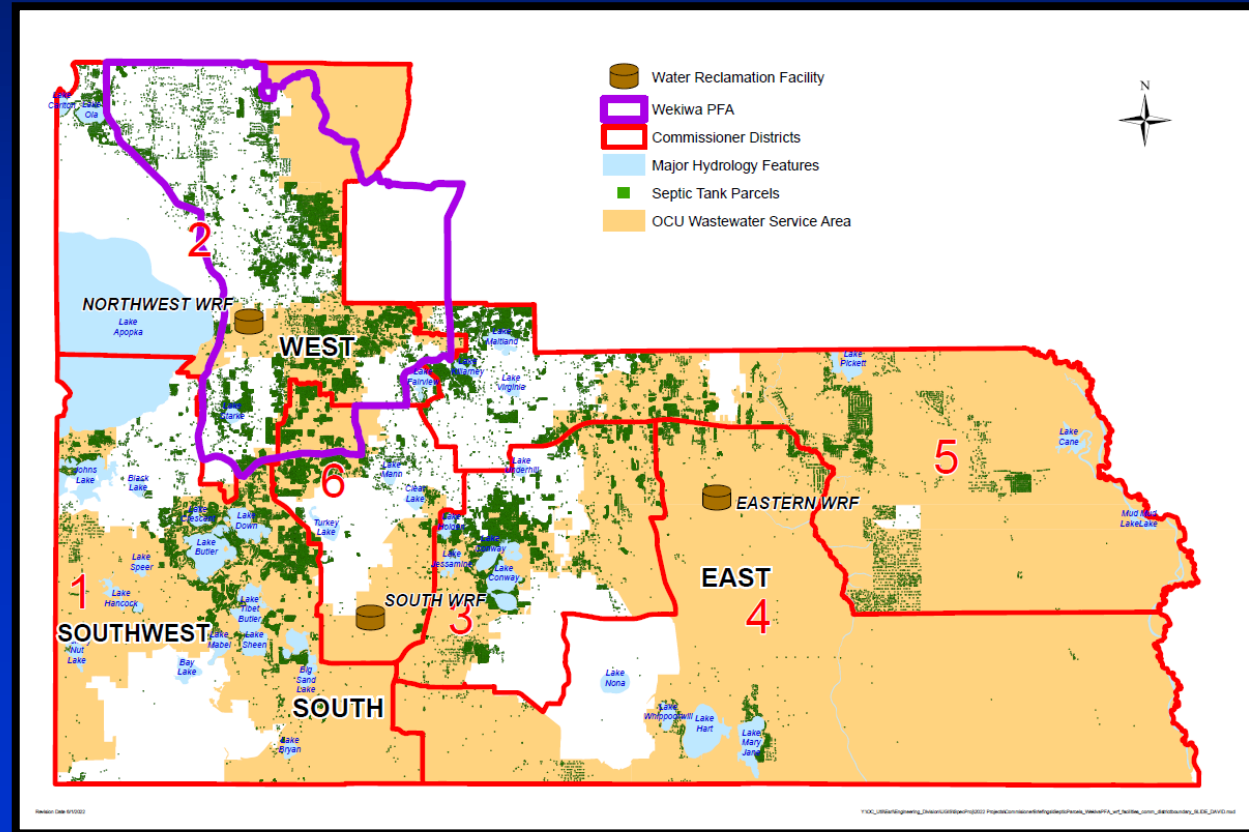
# Background

## Existing Legislation for Septic Systems

– Wekiwa and Rock Springs Basin Management Action Plan (BMAP) Priority Focus Area (PFA) (2018)

- Effective May 2021
- New septic systems – Enhanced nitrogen-reducing systems required on lots < 1 acre
- Existing septic systems – No repairs to conventional systems
  - To be enforced in the future

Wekiwa PFA







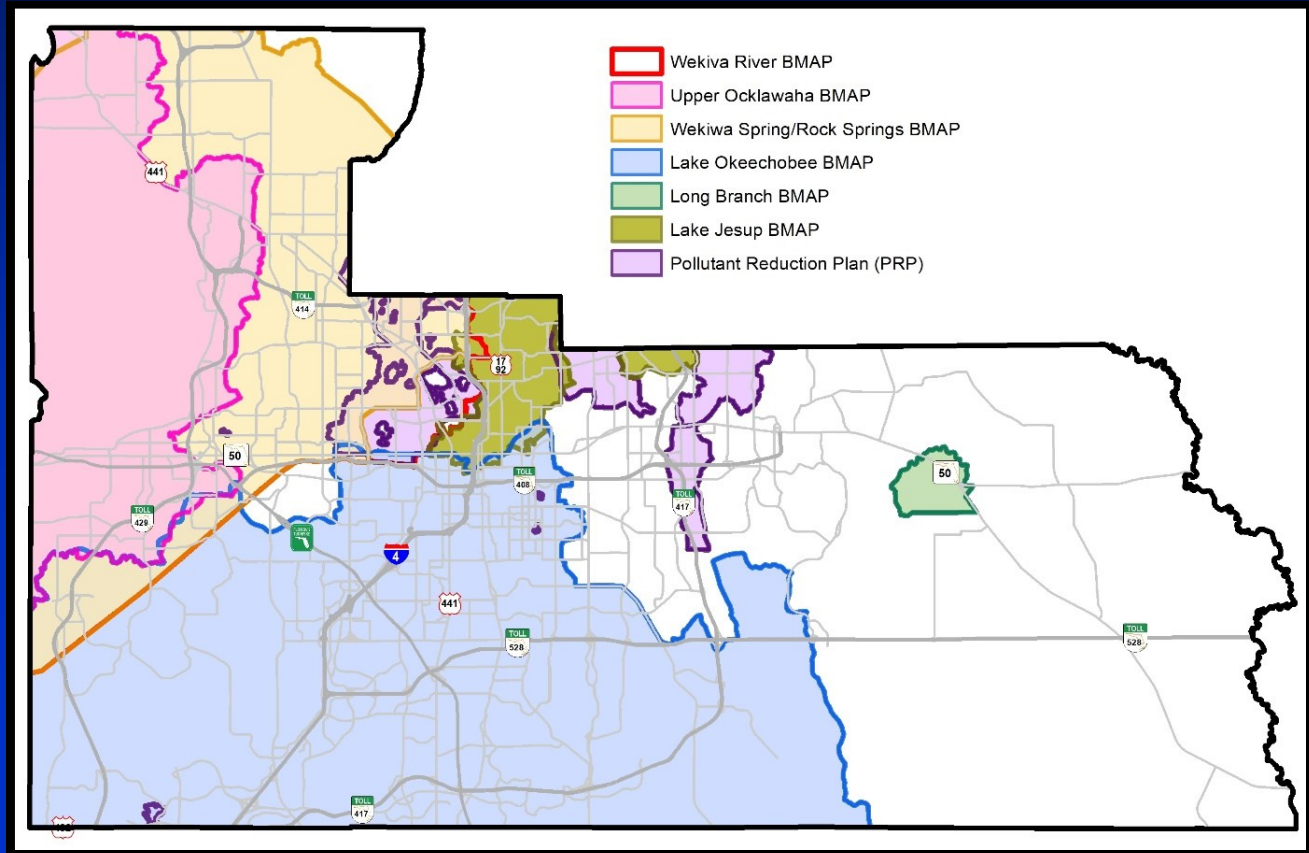
# Background

## Recent Legislation for Septic Systems

– House Bill 1379 (2023) BMAPs and Pollution Reduction Plans (PRPs):

- New septic systems – Enhanced nitrogen-reducing systems required on lots  $\leq 1$  acre
  - Approximately 80% of Urban Service Area
  - Effective July 2023
- Existing septic systems
  - No upgrade requirements

**BMAPs/PRP**

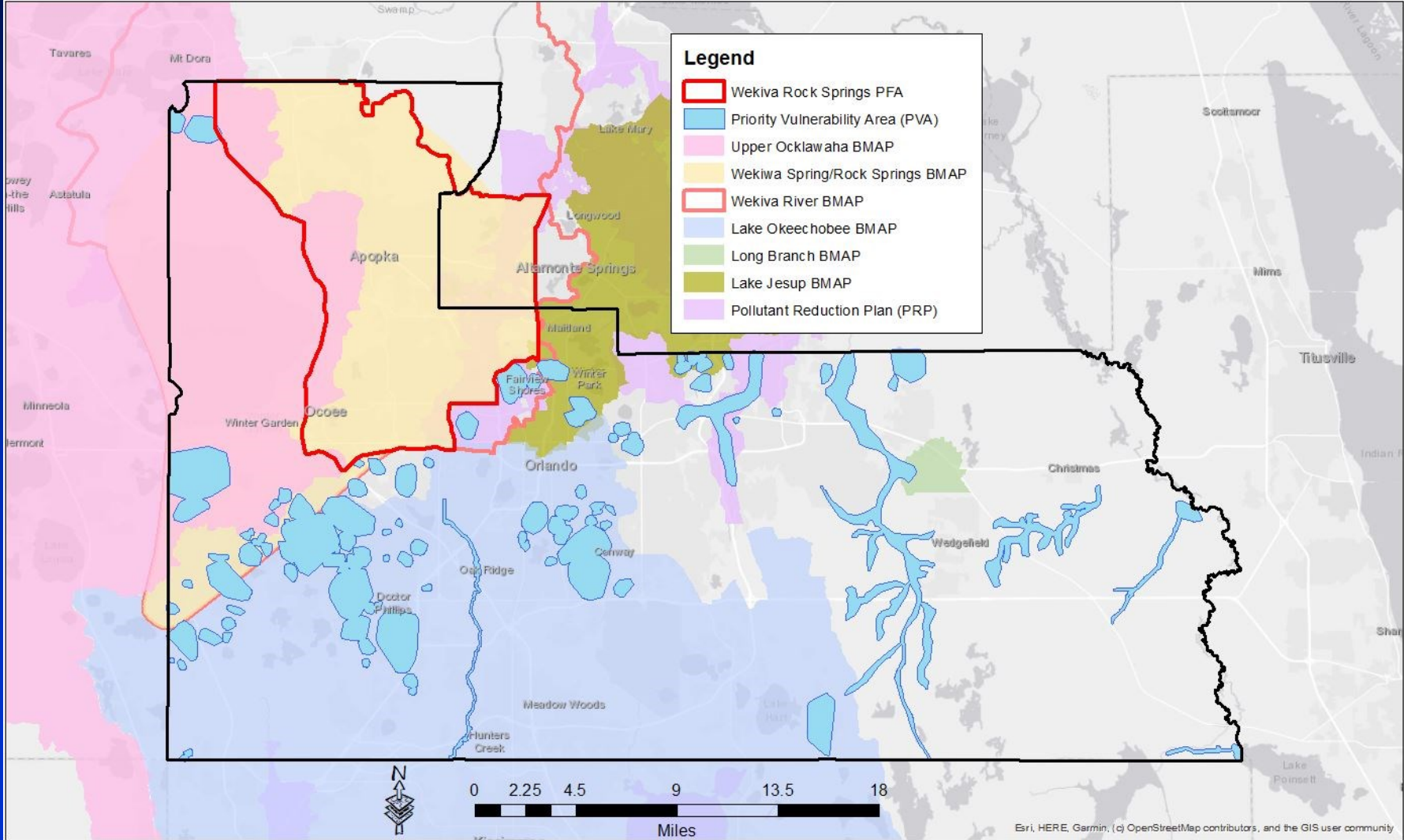






# Background

## Orange County Priority Vulnerability Areas (PVAs)



Nearly 70% of the Orange County PVAs are in a BMAP or PRP

# Background

## ■ Public Outreach

### — Groundwater Vulnerability Assessment

- [ocfl.net/GroundwaterStudies](https://ocfl.net/GroundwaterStudies)

### — Septic Tank Workgroup

- [ocfl.net/SepticTankWorkgroup](https://ocfl.net/SepticTankWorkgroup)
- [SepticTankWorkgroup@ocfl.net](mailto:SepticTankWorkgroup@ocfl.net)

### — Septic Upgrade Incentive Program

- [ocfl.net/SepticPollutionPrevention](https://ocfl.net/SepticPollutionPrevention)
- [OCNeighborhoods@ocfl.net](mailto:OCNeighborhoods@ocfl.net)



The screenshot shows the Orange County Government website's page for the Septic Tank Workgroup. The page features a navigation menu with links for Residents, Visitors, Businesses, Employees, and About Us. A search bar and a "Browse Services" button are also present. The main content area includes a "SEPTIC TANK workgroup" header, a description of the workgroup's purpose, and a list of topics: New Development (Connections to Central Sewer, Septic Tank Standards and Permitting) and Existing Systems (Septic to Sewer Connections, Septic Tank Upgrades). A photograph of a house with a septic tank is shown. Below the text are three expandable sections: Background, Reasons to Address Septic Systems, and Identifying Vulnerable Areas. The latter section contains a map of Orange County with a legend identifying the Wekiva Priority Focus Area (PFA), Proposed County Priority Vulnerability Area (PVA), Pollutant Reduction Plan (PRP), and Basin Management Action Plan (BMAP).



# Background

## ■ Public Outreach

### – Spring 2023

- Groundwater Vulnerability Assessment (GVA) Work Sessions/Website

### – December 2023

- Environmental Protection Commission (EPC)

### – January 2024

- Development Advisory Board (DAB)
- Sustainability Advisory Board (SAB)
- Greater Orlando Builders Association (GOBA)

### – February 2024

- Master Custom Builder Council (MCBC)
- Planning and Zoning Commission/Local Planning Agency (PZC/LPA)
- Septic Tank Workgroup/Septic Upgrade Incentive Program Websites/Email Addresses
- Septic Tank Workgroup Webinar

## ■ Majority of stakeholders supported staff recommendations



11th Event - Septic-Tank-Workgroup-Webinar-2-27-2024.mp4

Alan Plante

Laura Tatro

Lindy Wolfe

### Presentation Outline

- Background
  - Orange County's Water Resources
  - Septic Systems Overview
  - Workgroup Overview
  - Existing Requirements for Septic Systems
  - Groundwater Vulnerability Assessment
- Policy Recommendations and Considerations
  - No Proposed Policy Changes for Existing Septic Systems
  - Proposed Policy Changes for New Development in Vulnerable Areas Only
    - Policy Considerations for New Development
- Summary of Recommendations and Next Steps
- Workgroup Members and Resources
- Q&A Protocol and Submitted Questions

2



# Background

## ▪ Eight BCC Work Sessions

– Overall Workgroup Introduction (2022)

– Four Subgroups Work Sessions with Preliminary Recommendations (2022)

– Groundwater Vulnerability Assessment (2023)

– Workgroup Policy Recommendations (May 21, 2024)

- **BCC concurred with staff recommendations and directed staff to draft an Ordinance**

– Chapter 37 Draft Ordinance (August 27, 2024)

- **BCC provided consent and approval to finalize the Ordinance with an Effective Date of March 1, 2025**



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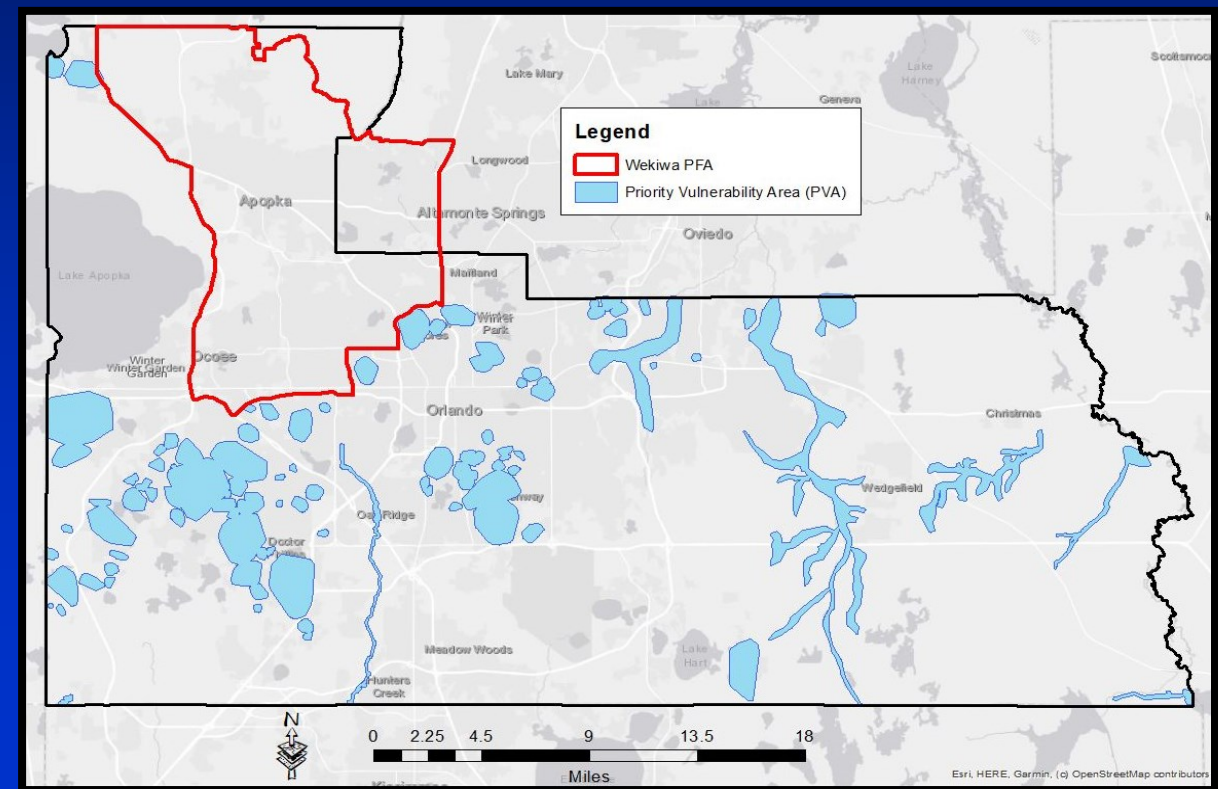


# Recap of Policy Recommendations

## ■ **Proposed Recommendation 1.a): Sewer Connection (Flows $\leq$ 2 ERU)**

- E.g., single-family home and duplex, low flow commercial, etc.
- Current requirement: Connect to sewer if fronting a gravity pipeline
- Recommendation: Connect to sewer if fronting a gravity pipeline or a force main
- Additional cost: \$5K – \$15K
- Implementation
  - Staff currently reviews vertical permits for connection to sewer and will now check if permit is in Vulnerable Area

### Vulnerable Areas





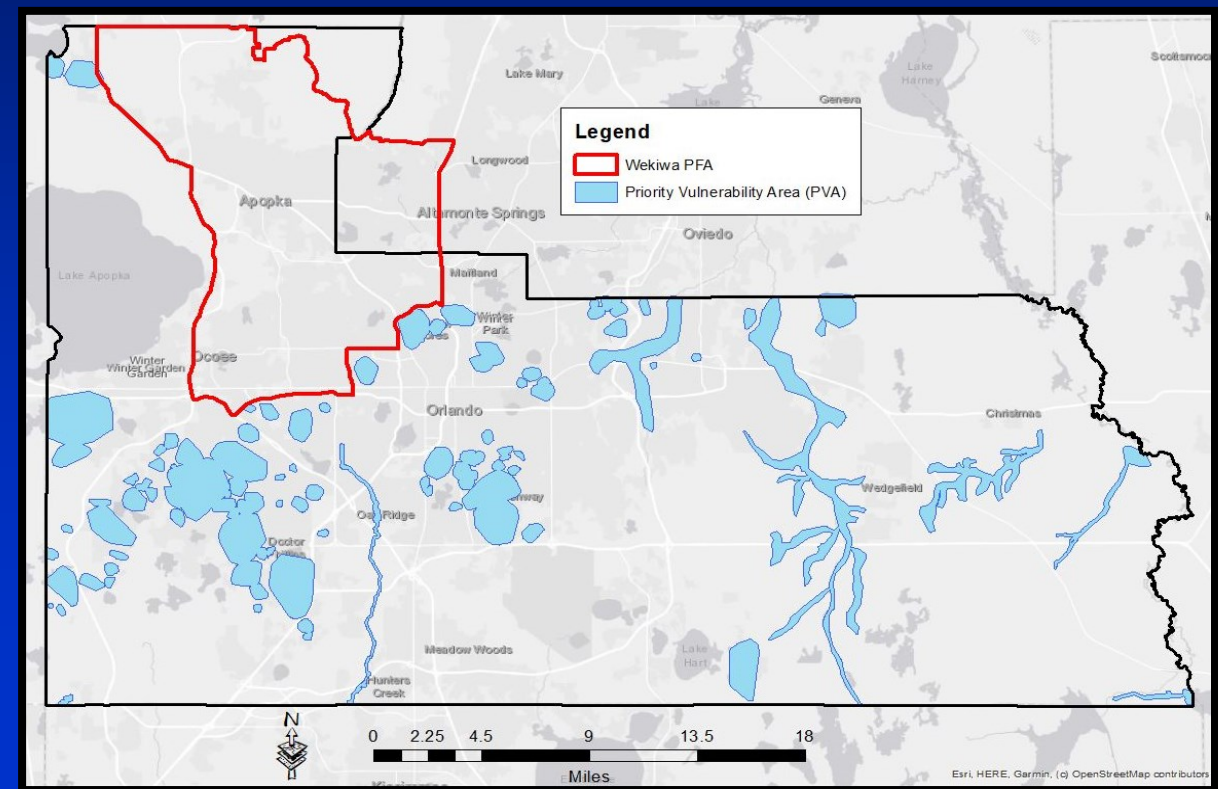


# Recap of Policy Recommendations

## Proposed Recommendation 1.b): Sewer Connection (Flows > 2 ERU)

- E.g., residential triplex and quadplex, commercial, etc.
- Current requirement: Connect to sewer if pipeline is within 100 feet
- Recommendation: Connect to sewer if pipeline is within 600 feet
- Additional cost: \$6K – \$54K
- Implementation
  - The additional distance will be incorporated into the current staff review process in Vulnerable Areas

### Vulnerable Areas





# Recap of Policy Recommendations

## ■ Proposed Recommendation 2: Enhanced Septic

– Enhanced nitrogen-reducing septic systems (65% nitrogen reduction):

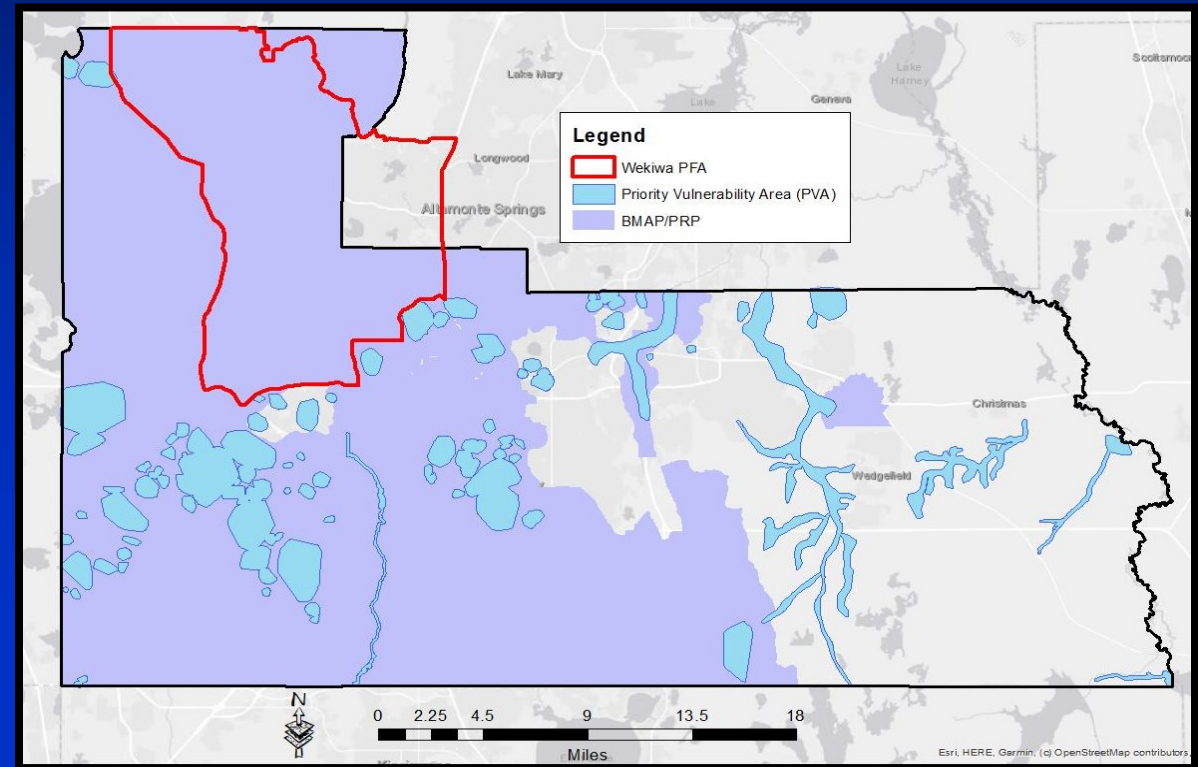
- 2.a) New systems on lots  $\leq 1$  acre in Orange County PVAs
- 2.b) New systems less than 150 feet from any waterbody Countywide

– Additional cost: \$10K – \$15K

– Implementation

- Enhanced septic requirement will be added to the current staff review process in Orange County PVAs
- Staff already reviews for setback requirements Countywide

### Vulnerable Areas and BMAPs/PRPs





# Recap of Policy Recommendations

- **Proposed Recommendation 3: Existing Septic Systems**
  - No proposed policy changes for Existing Systems
    - The State is leading this issue; County to follow their direction
  - In the Wekiwa PFA, the State is providing grants to partially offset costs
    - Septic to Sewer projects cost approximately \$75,000 per lot
    - Existing septic upgrades cost approximately \$25,000 per lot
  - Orange County PVAs may be eligible for state funding
    - Subject to funding, consider septic to sewer retrofits and existing septic upgrades
    - Future Feasibility Study



# Recap of Policy Recommendations

## ▪ Summary of Recommendations

### – New Development in Vulnerable Areas

1. Increase sewer connection requirements (Orange County PVAs and Wekiwa PFA)
  - a) Wastewater flows  $\leq$  2 ERU – connect to fronting gravity main or force main
  - b) Wastewater flows  $>$  2 ERU – connect to sewer pipeline within 600 feet
2. Require enhanced nitrogen-reducing septic systems where sewer is not available
  - a) New systems on lots  $\leq$  1 acre (Orange County PVAs)
  - b) New systems less than 150 ft. setback to any waterbody (Countywide)

### – Existing Septic Systems

3. Continue septic to sewer and septic upgrade initiatives in the Wekiwa PFA, and expand to the Orange County PVAs, if funding is available



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# Chapter 37 Draft Ordinance

## ▪ Sec. 37-533. Definitions.

- Orange County Priority Vulnerability Areas (PVAs) shall mean areas of unincorporated Orange County where surface water and groundwater are generally most vulnerable to pollutant inputs. The boundary of each PVA is located at the extent of the modeled 5-year zone of influence, as depicted in section 37-546, including an additional one hundred fifty (150) foot buffer, around the prioritized waterbodies of interest. Parcels of land that fall wholly inside a PVA boundary and whole parcels of land one (1) acre or less in size that fall partially inside a PVA boundary shall be included.

Add definition of “Orange County PVAs”

Green text added to include the buffer description per the GVA

Green text added to meet the intent to be consistent with the State’s acreage requirements in the BMAPs/PRPs





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# Ordinance Stakeholder Feedback

## ▪ Work Sessions

### ✓ Development Advisory Board

- September 16, 2024, and October 14, 2024

### ✓ Sustainability Advisory Board

- October 24, 2024

## ▪ Public Hearings

### ✓ Environmental Protection Commission

- September 25, 2024

### ✓ Planning and Zoning Commission/Local Planning Agency

- October 17, 2024



# Ordinance Stakeholder Feedback

23

- **The Development Advisory Board recommended an exemption for Affordable Housing Single-Family Residential (SFR) Lots**
  - Would not require enhanced septic systems in OC PVAs outside of the BMAPs/PRPs
  - Would not require connection to force main sewer in Wekiwa PFA and OC PVAs
  - Comparison of approximate septic and sewer costs per SFR lot
    - Conventional septic system
      - \$15,000 capital cost
    - Enhanced septic system
      - \$25,000 capital cost (\$10K increase)
      - \$800 to \$1,000 per year operation and maintenance costs
    - Grinder pump station - force main sewer connection
      - \$30,000 capital cost (\$15K increase) – includes wastewater capital charge
      - \$650 per year for utility bill



# Ordinance Stakeholder Feedback

- **The Development Advisory Board recommended exemption (cont.)**
  - In lieu of the exemption, the Board could fund the increased capital costs
    - Approximately \$10K for enhanced septic system or grinder pump station
    - Existing Ordinance already includes a discount on wastewater capital charges
- **Staff estimates a limited number of parcels (~10) that would benefit from this funding**
- **Staff Recommendation: Establish a grant program to cover the increased capital costs of certified affordable single-family homes affected by this Ordinance with the following funding sources:**
  - Affordable Housing Trust Fund would cover increased construction costs
  - Utilities would cover wastewater capital charges



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# Summary

- **The Workgroup was created to protect our water resources from excessive nutrients associated with conventional septic tanks**
- **The State identified vulnerable areas where enhanced septic is required for new development (Wekiwa PFA, BMAPs, PRPs)**
- **Orange County PVAs are the most vulnerable areas to excessive nutrients from conventional septic tanks outside the Wekiwa PFA**
- **The Workgroup recommended enhanced septic systems and more stringent requirements to connect to sewer for new development in Orange County PVAs and the Wekiwa PFA**
- **These recommendations address our goal to protect Orange County's water resources from excessive nutrients associated with conventional septic tanks**
- **The draft Ordinance was presented to and recommended for approval by various stakeholders**
- **The Ordinance Effective Date will be March 1, 2025**





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## Requested Action

- **Make a finding of consistency with the Comprehensive Plan, and**
- **ADOPT an Ordinance amending and creating certain provisions of the Orange County Code, Chapter 37, Article XVII, known as the “Orange County Individual On-Site Sewage Disposal System (OSDS) Ordinance”; and providing an effective date; and authorize Staff to correct any non-substantial grammatical or scrivener’s errors, and**
- **Direct Staff to develop a grant program from the Affordable Housing Trust Fund to cover the increased capital costs of certified affordable single-family homes affected by this Ordinance**