



Celeste Philip, MD, MPH
Surgeon General and Secretary

Rick Scott
Governor



Ryan E. Matthews
Interim Secretary

May 18, 2017

Dear Septage Hauler:

RE: Land Application Prohibition

In May, 2016, ahead of the June 30, 2016 prohibition on the land application of septage under section 381.0065(6), Florida Statutes (F.S.), in consideration of businesses and septage haulers needing additional time to transition to other approved alternatives, the Department of Health (DOH) issued temporary variances under the provisions of section 381.0065, F.S., and Chapter 64E-6, Florida Administrative Code (F.A.C.)

The temporary variances issued by DOH in 2016 expire on July 1, 2017. Considering the continuing statutory prohibition on the land application of septage, DOH will not be able to issue new variances beyond the expiration date for existing variances. As we approach the variance expiration date, your business must select one of the following options:

Option 1

Businesses or septage haulers that have already converted their DOH-regulated septage treatment facility and land application site to a septage management facility and land application site regulated by the Department of Environmental Protection (DEP) must amend their DOH septage cleaning service permit on or before June 23, 2017. The amended application must indicate that their septage will be managed under their DEP permit or disposed of at another DEP-regulated facility.

Option 2

Businesses or septage haulers who are discontinuing use of a DOH-regulated land application site and are disposing of their waste at a DEP-regulated wastewater facility, biosolids treatment facility, septage management facility, or septage dewatering facility with solids disposal in a landfill facility, must amend their DOH septage cleaning service permit on or before June 23, 2017. The amended application must indicate the DEP-permitted facility that has agreed to receive the septage and include a written letter of acceptance from the DEP-permitted facility. See attached list of DEP-regulated facilities.

Option 3

Businesses or septage haulers that were granted a 2016 variance and who are in the process of converting their land application site into a DEP-permitted site, may request a *180-day variance extension*, provided the business or septage hauler submits documentation to DOH validating

that they have applied on or before June 23, 2017, for a permit to convert to a DEP-permitted biosolids treatment facility, septage management facility, or septage dewatering facility with solids disposal in a landfill facility. Documentation must, at a minimum, reflect DEP's acknowledgment of their receipt of a substantially complete application.

Option 4

Businesses or septage haulers who plan to discontinue use of a DOH-regulated land application site and plan to take septage to a DEP-regulated facility that is not ready to take the septage, due to construction or some other documented delay such as passage of a local ordinance or fee schedule, may request a *180-day variance extension*. The applicant must provide documentation, on or before June 23, 2017, that the DEP facility has agreed to receive septage from that business or septage hauler and the anticipated date for the acceptance of septage. The business or septage hauler must also state, in writing, that there is *not* an alternate DEP-regulated facility available for the applicant's use within a 50-mile radius of the DEP-regulated facility willing to accept septage.

Variance extension requests available through options 3 and 4 will require a signed letter requesting a variance extension, but will *not* require a new variance application or fees. Without a variance extension, the continued use of a DOH-regulated land application site by businesses or septage haulers is subject to a fine of \$500 per day. See Rule 64E-6.022, F.A.C., or section 381.006, F.S., as applicable. Please note in both instances the penalties are applied cumulatively and consecutively.

For those businesses planning to have their land application facilities permitted by the DEP, a fact sheet and the application documents are available at:

<http://dep.state.fl.us/water/wastewater/dom/docs/Applying-DEP-SeptagePermit.pdf>.

A preliminary design report, containing the information identified in Rule 62-640.880(2)(e), F.A.C., must be submitted with the application; however, the additional permitting fee of \$1,200 for review of the preliminary design report will not be charged for existing DOH septage facilities applying for DEP septage management facility permits. An operation and maintenance manual containing the information identified in Rule 62-640.880(2)(i), F.A.C., must also be prepared for the facility.

DEP will also consider a variance pursuant to section 120.542(5), F.S., from certain components of Chapter 62-640, F.A.C. Components that may be waived under the variance include:

- The requirement for a person certified by the NRCS or a PE to sign and seal a nutrient management plan, if the facility agrees to apply at a rate specified by DEP (paragraph 62-640.500(3), F.A.C.).
- Certain monitoring requirements of the application facility, if the permittee applies at the rate specified by DEP (subparagraph 62-640.650(3)(a)3., F.A.C., and subparagraph 62-640.650(3)(b)2., F.A.C.).

To inquire further about a DEP permit, please contact the appropriate DEP district office or visit <http://dep.state.fl.us/water/wastewater/dom/septic.htm> for more information.

DEP Permitting Contacts

Name	District	Telephone	Email Address
Tom Kallemeyn	Northeast	904-256-1700	Thomas.kallemeyn@dep.state.fl.us
Nolin Moon	South	239-344-5600	Nolin.moon@dep.state.fl.us
Dennise Judy	Central	407-897-4100	Dennise.judy@dep.state.fl.us
Jacki Champion	Southwest	813-470-5700	Jacquelyn.Champion@dep.state.fl.us
Brad Akers	Southeast	561-681-6600	brad.akers@dep.state.fl.us
Bill Evans	Northwest	850-595-8300	Bill.evans@dep.state.fl.us

If you have any questions regarding the above described options and information, please contact your county health department (<http://www.floridahealth.gov/programs-and-services/county-health-departments/find-a-county-health-department/index.html>), or DOH's Central Office at 850-245-4250.

Sincerely,



Carina Blackmore, DVM, PhD, Dipl. ACVPM, Director
Division of Disease Control & Health Protection
Florida Department of Health



John J. Truitt
Interim Deputy Secretary for Regulatory Programs
Florida Department of Environmental Protection

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Enclosure

cc: DEP District Offices
DOH County Health Departments