

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the **Healthiest State** in the Nation

May 14, 2018

Dear Interested and Affected Party:

RE: Onsite Sewage Treatment and Disposal System (OSTDS) Permitting in a County affected by the Florida Springs and Aquifer Protection Act

The “Florida Springs and Aquifer Protection Act”, passed during the 2016 legislative session, directed the Department of Environmental Protection (DEP) to assess the Outstanding Florida Springs (OFS) for nutrient impairment and in collaboration with Florida Department of Health (DOH) and local governments, develop restoration plans, known as Basin Management Action Plans (BMAPs), that include an Onsite Sewage Treatment and Disposal System (OSTDS) remediation plan as necessary to reduce nitrogen impairments from OSTDS. For more information about the “Florida Springs and Aquifer Protection Act”, please visit DEP’s website at <https://floridadep.gov/springs/protect-restore/content/protecting-floridas-springs>.

DOH is the permitting authority for OSTDS, aka septic systems. The Florida Springs and Aquifer Protection Act prohibits new, conventional OSTDS in priority focus areas (PFAs) of Outstanding Florida Springs on lots with a size of less than one acre where the new system would conflict with the OSTDS remediation plan developed by DEP. DEP is mandated by statute to develop the OSTDS remediation plans by July 1, 2018. Under these plans, an area resident applying for a new construction permit in the PFAs on lots with a size of less than one acre has the following options:

- connect to available sewers or,
- install a conventional non-nitrogen-reducing OSTDS if the utility has identified the property as being within a BMAP-listed septic-to-sewer project or,
- install a nitrogen-reducing OSTDS such as, “In-ground, passive nitrogen-reducing systems” that use additional soil and media layers to reduce nitrogen flow into the aquifer, or nitrogen-reducing Aerobic Treatment Units (ATUs) and Performance-Based Treatment Systems (PBTS) (See Attachment 2).

Permitting as it applies to OSTDS inside PFAs of OFS with remediation plans.

Counties with some area located within at least one PFA are: Alachua, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jackson, Jefferson, Lafayette, Leon, Levy, Madison, Marion, Orange, Pasco, Seminole, Suwannee, Volusia and Wakulla. To determine whether a particular lot is within a PFA, please visit <https://floridadep.gov/PFAmap>.

New Permits Issued Prior to Adoption of the BMAP (7/1/2018)

All OSTDS permits issued prior to adoption of the BMAP, which is anticipated by July 1, 2018, will not be subject to the remediation plan or the prohibited actions found in 373.807 and 373.811, Florida

Florida Department of Health

Division of Disease Control & Health Protection • Bureau of Environmental Health
4052 Bald Cypress Way, Bin A-08 • Tallahassee, FL 32399
PHONE: 850/245-4250 • FAX: 850/487-0864

FloridaHealth.gov



Statutes (FS), However, as currently required in 381.00655, FS, an OSTDS must connect to sewer once it is available.

New Permits Issued on or after Adoption of the BMAP (7/1/2018)

New OSTDS permitted on July 1, 2018 or later, that will be constructed on lots less than one acre, located in a PFA, will be required to have a nitrogen-reducing OSTDS. Conditions that would invoke "New" OSTDS construction in Chapter 64E-6, Florida Administrative Code are:

- Installation of a system where a system has never been installed.
- Installation of a system where the previous system was abandoned when use of the property was discontinued.
- Installation of a system when the previous DEP-regulated treatment facility is being decommissioned.
- Installation of a system to serve a house addition rather than modifying the existing system.
- Installation of a system to serve an additional structure on the property.
- Installation of a complete system to replace a system where the existing structure is being expanded into the location of the existing system, or where the placement of a pool, outbuilding or other structure is impacting the location of the existing system.
- An increase in the existing domestic sewage flow of over 20% at a non-residential establishment.
- Any increase in commercial sewage flow (e.g., restaurant, nail salon, commercial laundromat).

All new OSTDS with permits issued after July 1, 2018, on lots less than one acre, located in a PFA (see Attachment 3), must be nitrogen-reducing OSTDS. The options are listed above. No one option is preferred over another but the chosen option must meet the nitrogen reduction target set forth in the DEP BMAP remediation plans.

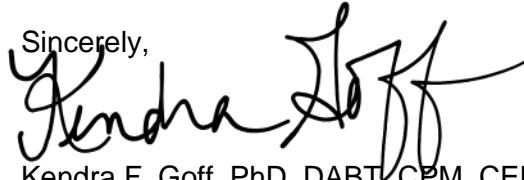
Owners of existing OSTDS in a PFA are encouraged to get an upgrade, but nitrogen reduction will not be required until indicated in DEP's remediation plan and the system is in need of repair or modification. DEP is working with the water management districts, DOH and local governments to develop grant programs to provide funding assistance directly to homeowners for replacement of existing systems. DEP will administer the grant program to help homeowners cover the difference in costs for upgrading their existing septic system to enhanced nitrogen treatment systems to nutrient impacts to springs.

OSTDS Permitting Process

- DEP will provide the online mapping tool (BMAP and PFAs), showing the boundaries of the PFAs at the following web address: <https://floridadep.gov/pfamap>.
- Applicants may search the BMAP and PFAs tool using their property address.
- County Health Department staff will consult with DEP on questions or disagreements regarding whether a property is located within a PFA.
- Once a determination is made that a NEW construction site is in the PFA and is mandated to meet the nutrient-reduction standards, a permit application must be completed per the enclosed guidance (see Attachment 1) before a permit can be issued.
- Once a complete application is received, normal permitting timeframes apply.
- The permit application with necessary fields and documents can be found on our website at <http://www.floridahealth.gov/environmental-health/onsite-sewage/ostds-permitting.html>

If you have any questions, please call the Onsite Sewage Program office at 850-245-4070.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendra F. Goff". The signature is fluid and cursive, with a large initial "K" and a long horizontal stroke at the end.

Kendra F. Goff, PhD, DABT, CPM, CEHP
State Toxicologist & Chief

Attachments

cc: Florida Home Builders Association
Florida Association of Realtors
Florida Onsite Wastewater Association
Florida Association of Counties
Florida League of Cities
Florida Department of Environmental Protection

OSTDS APPLICATION INFORMATION

Submission of an incomplete, inaccurate or illegible application will result in unnecessary delays.

A permit application for any onsite sewage treatment and disposal (OSTDS or septic tank) system is required by Florida law. Click on the following link for access to the [Onsite Sewage Treatment and Disposal Application Forms](http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/ostds-app-form-info.docx) or go to http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/ostds-app-form-info.docx.

Applications must be complete, accurate and legible. *A complete application contains all information required by Chapter 64E-6, Florida Administrative Code (FAC).*

- The applicant or their authorized agent is responsible for **all** the information required in the application. If the application is incomplete, the permitting process is put on hold until **all** the information is received.
- The Site Evaluation component of the application may be conducted by Department staff, private OSTDS Certified Environmental Health Professionals, Master and Registered Septic Tank Contractors. Remember that Registered Septic Tank Contractors can conduct site evaluations for system repairs only.
- Applications allow the Florida Department of Health to determine if the system, as proposed by the applicant or their agent, can be installed to meet the required standards to protect public health.

Once a complete application is received, the Department has certain timeframes required by statute for issuing a permit for a septic tank. Permit timeframes are different depending on whether a septic tank is considered a performance-based system or a conventional (non-performance) system. For permit timeframe purposes, applications for septic tank system construction may be grouped into the following categories:

1. Applications for Non-Performance-based Treatment Systems

Unless a shorter time frame is prescribed by law, Section 120.60, Florida Statutes (FS) provides specific timeframes for construction permit applications.

Submitted applications must be reviewed within 30 days for errors or omissions. If errors or omissions exist, the department must request, in writing, any additional information that is necessary to complete the application. This serves as the basis by which the department must evaluate the application, and is required to ensure that the supporting facts and circumstances indicate regulatory compliance.

Applications must be approved or denied within 90 days once a **completed** application has been received. Note that when additional information is requested, the 90-day time to issue the permit is stopped. Once all corrected information is received, the 30 and 90-day time clock begins anew.

2. Applications for Performance-based Treatment Systems

Sub-paragraph 381.0065(4)(j)2., FS, provides specific timeframes for construction permit applications for Performance-Based Treatment Systems (PBTS).

Within five working days after receiving an engineer-designed PBTS application, the county health department must review and shall request additional information if the application is incomplete. Within 15 working days after the department receives a **completed** application for a PBTS, the county health department must either issue the permit or notify the applicant that the system does not comply with performance criteria, and refer the application to the Onsite Sewage Program Office in Tallahassee, Florida who shall review the application for a determination whether the system should be approved, disapproved, or approved with modifications. Once referred to the Onsite Sewage Program Office, the standard time lines found in Chapter 120, Florida Statutes, and mentioned above, are in effect.

For the calendar year of 2017, there were 16,884 new system permits and 19,882 repair permits issued for the state. The statewide averages for permit issuance was three working days for new permits, and one working day for repair permits.

Septic System Permitting in Areas Affected by the Florida Springs and Aquifer Protection Act

Under the Florida Springs and Aquifer Protection Act, new septic systems permitted on July 1, 2018 or later in some springs areas will be required to be nitrogen-reducing. New conventional systems will no longer be permitted in these areas.

Which new septic system permits will be affected?

New septic systems with permits issued on or after adoption of a basin management action plan (BMAP) (by July 1, 2018) on lots less than one acre and located in a priority focus area (PFA) will be required to be nitrogen-reducing.

How do I know if a lot is in a PFA?

The Florida Department of Environmental Protection (DEP) provides a tool to determine whether a particular lot is within a PFA at the following web address:

<https://floridadep.gov/PFAmap>

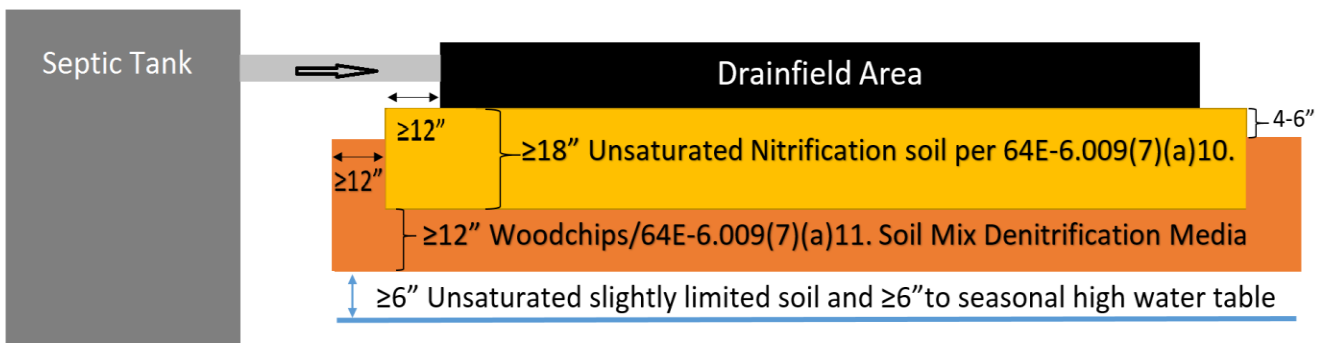
What Florida Department of Health-approved nitrogen-reducing septic system exist?

Nitrogen-reducing options include in-ground nitrogen-reducing systems, nitrogen-reducing (245-certified) ATUs, and Performance-Based Treatment Systems. Each of these options is described below.

In-Ground Nitrogen-Reducing Biofilters

- Include a nitrate-reducing, filter layer below the drainfield with material that reacts with nitrate.
- Reduce nitrogen in sewage by around 65%.

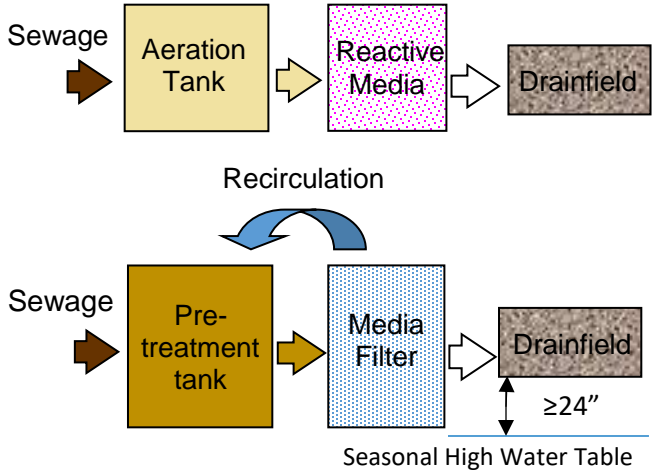
Regulations for these systems are under development. The Florida Onsite Wastewater Association (FOWA) is currently developing courses on how to construct, install, and maintain these systems. For more course information visit <http://www.fowaonsite.com/>. For rulemaking updates visit <http://www.floridahealth.gov/environmental-health/onsite-sewage/rule.html>.



Performance-Based Treatment Systems

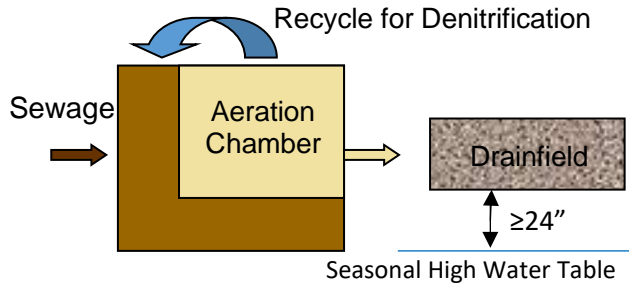
- Vary widely, but sometimes include a nitrogen-reducing ATU and other components.
- Must be engineer-designed and require a maintenance contract and operating permit from the county health department.
- Reduce nitrogen in sewage overall by around 65% to 90+%.

For a list of Florida-approved PBTS components, see http://www.floridahealth.gov/environmental-health/onsite-sewage/products/_documents/pbts-components.pdf



Nitrogen-Reducing (NSF-245 certified) Aerobic Treatment Units

- Include recirculation or some other method of reducing nitrate.
- Require a maintenance contract and operating permit from the county health department.
- Reduce nitrogen in sewage overall by around 65%.
- Do not include all ATUs; below is a list of Florida-approved NSF 245-certified ATUs.



Florida-Department of Health-approved, NSF-245-certified ATUs

Manufacturer	Equipment Series Approved in Florida	Tested Model	NSF 245-Certified Models
AquaKlear, Inc.	AquaKlear 245-series	AK6S245	AK6S245C, AK10S245C
Bio-Microbics, Inc.	BioBarrier	MBR 0.5-N	MBR 0.5-N; MBR 1.0-N; MBR 1.5-N
Bio-Microbics, Inc.	MicroFAST	0.5	MicroFAST 0.5, 0.625, 0.75, 0.9, 1.5
Delta Environmental Products, Inc.	ECOPOD-N	E50-N	E50-N, E-60-N, E75-N, and E100-N
Fuji Clean USA	CEN	5	CEN 5, 7, 10
Norweco, Inc.	Hydro-Kinetic	600 FEU	600 FEU
Norweco, Inc.	Singulair TNT	TNT-500	TNT-500, 750, 1000, 1250, 1500
Orenco Systems	Advantex	AX20N (Mode 1)	AX20N

Attachment 3

Counties with some area located within at least one Priority Focus Area*

Alachua
Citrus
Columbia
Dixie
Gilchrist
Hamilton
Hernando
Jackson
Jefferson
Lafayette
Leon
Levy
Madison
Marion
Orange
Pasco
Seminole
Suwannee
Volusia
Wakulla

*Based on draft Priority Focus Area boundaries (dated February 22, 2018) from the Florida Department of Environmental Protection, which are subject to revision. Counties outside the Priority Focus Area but have lots that cross into the Priority Focus Area were not included.