



Rick Scott
Governor

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General

February 21, 2012

Sent by Certified Mail: **7010 2780 0003 1500 4990**

Ms. Allison Blodig, REHS
Bio-Microbics, Incorporated
8450 Cole Parkway
Shawnee, KS 66227

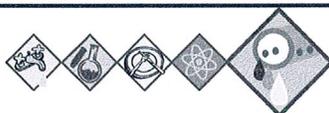
Dear Ms. Blodig:

This letter is in response to your request to utilize the "Lixor ®" device as a supplemental pretreatment device before other Bio-Microbics aeration treatment systems. This scope falls into the category of alternative repair method for Bio-Microbics aeration treatment systems. You provided information that this alternative repair method will include the following:

1. Installation of a device that you manufacture. This device consists of a blower with housing, and diffusers, connected by pipes.
2. The diffuser will be installed in the tank or tank compartment preceding the primary treatment or pretreatment compartment of the aeration treatment system. The blower is installed outside of the tank.
3. The aeration treatment systems currently approved in Florida are MicroFAST 0.5, 0.75, 0.9, 1.5, 3.0, or 4.5, where the number reflects the rated treatment capacity in 1000 gallons per day of domestic strength sewage. For these treatment systems there are approved treatment receptacles in Florida.
4. You distinguish between seven devices: Lixor 0.5; 1.0, 2.0, 3.0, 4.0, 4.0XD, 6.0, and 6.0XD. These differ in the number of diffusers, the provided airflow, the depth at which air is injected, and the maximum mixing volume. The number represents approximately the additional dissolved oxygen in 10kg/day that the device can provide.

The Department has objections to the following elements of your installation manual

1. Steps 2 and 6 of the Materials Required for Installations, Step 3 of the Blower Installation instructions, and Step 2 of the Lixor Module Installation instructions, refer to the use of bolting and screwing to attach parts of your products to the tank and lid. This raises concerns of weakening or puncturing the approved treatment receptacles. Glueing, casting in, or adding additional material to the tank to then affix the products to are acceptable.
2. The Direct Venting Option is not a watertight manhole cover. The remote vent option or the biofilter option when specified by the engineer of record are acceptable.
3. Open tank installations are not allowed in the jurisdiction of the Florida Department of Health. Therefore, only what your literature refers to as riser mount installation is permissible.



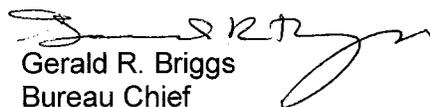
The Department has no objection to the use of your product subject to the terms below:

1. Use of the product shall be in conjunction with a Bio-Microbics aerobic treatment unit or performance-based treatment system including a Bio-Microbics aerobic treatment unit. The maintenance agreement for the system shall include the product.
2. Use of the product shall be specified by the engineer of record in the permit application for the onsite sewage treatment and disposal system in conjunction with an assessment of wastewater strength as described in footnote 2 to table IV or in 64E-6.012(3), Florida Administrative Code, and in accordance with your instructions. The aeration treatment systems that the product assists shall be of sufficient capacity for the estimated sewage flow.
3. Florida-approved treatment receptacles proposed for use with your product shall comply with your dimensional specifications. No structural modifications to the existing tank or lid are allowed. The unit must be installed through the manufactured holes in the lid.
4. Installation of your unit shall be considered an alternative repair subject to s. 64E-6.015(3), FAC. Please note that alternative repair methods may not be used where the absorption surface of the drainfield is within six inches of the wet season water table.
5. Installation and use shall be as detailed in your specification sheet created October 12, 2010 and your installation and service manual created February 25, 2010, 2008. Any changes to these must be reviewed by the Department prior to distribution in Florida.
6. The products may be installed in repair, modification and new onsite sewage treatment and disposal system construction applications.

Be advised that the department is not a testing agency. This determination reflects only a review of the information submitted by you for compliance with Florida Statutes and Florida Administrative Code. The product evaluation does not investigate the validity of performance claims. The department acceptance must not be interpreted as certifying effectiveness, endorsing or recommending use of an additive. The product cannot be advertised as "state approved". The Florida Department of Health also does not assume liability for any promise, guarantee, or expectation from purchasing or using an additive. The department reserves the right to withdraw acceptance if the product is modified after evaluation by the department or subsequently found not to be in compliance with the rule.

This letter of no-objection is limited to Department of Health jurisdictional circumstances as defined in Chapter 64E-6, Florida Administrative Code and Chapter 381.0065, Florida Statutes. If we may be of further assistance or should you have any additional questions regarding this letter, please contact Eberhard Roeder at (850) 245-4070.

Sincerely,


Gerald R. Briggs
Bureau Chief

GRB/er
Attachment: Notice of Rights

NOTICE OF RIGHTS TO APPEAL

A party whose substantial interest is affected by this order may petition for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. Such proceedings are governed by Chapter 28-106, Florida Administrative Code. A petition for a hearing must be in writing and must be received by the Agency Clerk for the Department within twenty-one (21) days from the receipt of this order. The address for the Agency Clerk is 4052 Bald Cypress Way, Bin # A02, Tallahassee, FL 32399-1703. The Agency Clerk's facsimile number is (850) 410-1448.

Mediation is not available as an alternative remedy.

Your failure to submit a petition for hearing within 21 days from receipt of this order will constitute a waiver of your right to an administrative hearing, and this order shall become a "final order".

Should this Order become a Final Order, a party who is adversely affected by it is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy accompanied by the filing fees required by law with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of the rendition of the final order.