




INTEROFFICE MEMORANDUM

HSES 12-001

DATE: February 2, 2012

TO: County Health Department Directors/Administrators
ATTN: Environmental Health and Engineering Directors

THROUGH:  Keith Keene, CEHP, Interim Director
Division of Environmental Health Programs

FROM:  Gerald Briggs, Chief, Bureau of Onsite Sewage Programs
 Patti Anderson, P.E., Chief, Bureau of Water Programs

SUBJECT: Interagency Coordination with DOH/DEP/DACS for the Onsite Wastewater and Onsite Water Systems for Small Farms & Alternative Enterprises

ACTION REQUIRED: Review and Implement

This memo is to give guidance to ensure that a private residence or farm type business that are served by an onsite sewage system and/or onsite water system and intends to **process, pack, store, and sell food products** are evaluated to ensure that the facility is served by an appropriate water and sewage disposal system prior to operating or expanding their capacity. These types of farming operations are regulated by the Florida Department of Agriculture and Consumer Services (FDACS). Small Farms & Alternative Enterprises represent over 90% of all farms in Florida, based on the USDA definition of a small farm as one with up to \$250,000 in annual sales.

Wastewater Disposal System

If sanitary sewer is not available to the site, then treatment and disposal of the wastewater must be permitted by either the Department of Environmental Protection or the Department of Health. In some cases, as explained below both agencies may have permitting responsibilities.

Buildings Used To Pack, Store, and Sell Food Products. If the total flow is less than 10,000 gallons then the FDOH has jurisdiction.

For New Buildings – A complete application for a new OSTDS and construction permit is required.

For Existing Buildings - If an applicant proposes to use an existing OSTDS, an existing system evaluation of the OSTDS will be required to determine if the existing system is adequate to handle the flows. After evaluation of the existing OSTDS by DOH, an approval letter may be given if the domestic flow will not increase by more than 20% of the original design flow or require more than one tank size adjustment. A new system permit or a system modification construction permit may be required based on the proposed processes or changes to the facility.

Buildings Used to Wash and/or Process Food Products

Wastewater from food processing plants and their operations including wastewater from dairies, slaughterhouses and wastewater not otherwise defined as domestic wastewater or commercial wastewater is defined as "industrial wastewater" and is under the jurisdiction of the Department of Environmental Protection (DEP). An applicant must first apply to DEP. DEP may elect to:

1. Permit the entire system or,
2. Permit only the industrial portion and request DOH take jurisdiction of the domestic flow, or
3. Request DOH take jurisdiction of the entire flow. In this case, a variance is required.

For New Buildings - An application for a new OSTDS and construction permit is required. For option 2, with just domestic wastewater (bathrooms), no variance is required. For option 3, combined flows that contain industrial wastewater, a variance is required.

For Existing Buildings - If an applicant proposes to use an existing onsite system, jurisdiction determination must be made by DEP, as described above. If the DEP recommends transferring the existing system to DOH via the above described process, an existing system evaluation of the onsite sewage system will be required. After evaluation of the existing OSTDS by DOH, an approval letter may be given if the domestic flow will not increase by more than 20% of the original design flow or require more than one tank size adjustment, and there is no industrial wastewater (option 2). A variance is required for any system with industrial wastewater (option 3). In either case, a new system permit or a system modification permit may be required based on the proposed processes or changes to the facility.

DEP/DOH Interagency Agreement – Definition of Industrial Water: II. 6., Process for Establishments Generating Industrial Waste: III. A.4.
<http://www.myfloridaeh.com/ostds/pdf/forms/depdoh092701.pdf>

If the facility is served by a DOH regulated wastewater system the facility shall not receive a final approval from the licensing agency until the county health department has given final approval in writing, per Section 381, Florida Statutes.

A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit." Section 381.0065 (4), Florida Statutes.

The Water Supply System

For New Buildings – A complete application for a new water system and construction permit is required.

For Existing Buildings - Any changes in the use of the water system will require a reevaluation of the water system to ensure that it is classified correctly and under the proper jurisdiction. After evaluation by DOH, modification of the water system may be required based on the changes to the facility.

1. Upon review of the facility, the water supply system will be evaluated to check whether the water supply system serving this facility meets the classification of a 64E-8, F.A.C., water system, under the Department of Health's jurisdiction, or a Florida Safe Drinking Water Act public water system regulated by DEP or an approved county health department.
2. If the facility's water system is currently permitted as a Limited Use Public Water System, or regulated as a Safe Drinking Water Act public water system, it shall be required that all outstanding violations be corrected and the water system deemed to be in full compliance by the jurisdictional agency.
3. Based on the evaluation of the department, the system may be approved or not approved. If the water system does not meet standards, a letter or inspection report giving a written explanation of the requirements and deficiencies will be provided to the applicant.

NOTE: Cottage Food Operations – This memo does not apply to cottage food operations. Cottage Food Operations generally refer to, “a person who produces or packages cottage food products at his or her residence and sells products in accordance with section 500.80, Florida Statutes. See the FDACS Cottage Food advisory for more information:
<http://www.freshfromflorida.com/fs/CottageFoodAdvisory.pdf>

Department of Agriculture and Consumer Services (DACS), Division of Food Safety

Phone: (850) 245 - 5520

<http://www.freshfromflorida.com/fs/inspectn.html>

http://smallfarms.ifas.ufl.edu/about_us.html

Department of Environmental Protection (DEP)

DEP District Offices

<http://www.dep.state.fl.us/secretary/dist/default.htm>

If you have questions on the matter, please contact Bart Harriss at 407-317-7327, Bart_Harriss@doh.state.fl.us regarding onsite systems and Ed Bettinger at 850-245-4444x2696, Ed_bettinger@doh.state.fl.us for water systems.