



Rick Scott  
Governor

H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P.  
State Surgeon General

**INTEROFFICE MEMORANDUM**

**INFORMATION  
HSES 12-002**

**DATE:** February 27, 2012

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

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

**FROM:**   
Gerald R. Briggs, Chief  
Bureau of Onsite Sewage Programs

**SUBJECT:** Guidance for DEP/DOH Agreement

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This memorandum is to provide guidance on permitting establishments generating industrial wastewater. Please note that nothing in this agreement requires the DOH to accept jurisdiction if there is a public health concern.

**Industrial Waste-** wastewater not otherwise defined as domestic wastewater or commercial wastewater. Wastewaters from dairies, food processing plants, slaughterhouses, funeral homes, car washes, and commercial laundries with more than four washing machines are included in this definition.

The applicant must first apply to DEP who may elect to choose one of the three following options:

1. Permit the entire system or,
2. Permit only the industrial portion of the flow and request that DOH take regulatory responsibility of the domestic flow, or
3. Request DOH takes jurisdiction of the entire flow. In this case, a written waiver from the DEP and a variance from the State Health Office would be required prior to the CHD issuing a permit.

**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.



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**For Existing Buildings-** where no jurisdiction has previously been established, treat like new building. Where DEP currently has jurisdiction, they will retain jurisdiction unless the owner/applicant requests otherwise, the DEP issues a written waiver, and a variance is applied for and granted through DOH. The system would then be required to meet all current DOH standards for new system construction.

(DEP/DOH Interagency Agreement-Definition of Industrial Wastewater, Part II. 6., Process for Establishments Generating Industrial Waste, Part III.A.4.  
<http://myfloridaeh.com/ostds/pdfiles/forms/depdoh092701.pdf>)

**INDUSTRIAL MANUFACTURING AREAS-** DOH will evaluate the OSTDS permit application to determine if the establishment may generate toxic, hazardous, or industrial waste, using Attachment 1 of the DEP/DOH agreement as a guide.

1. If DOH ascertains that the establishment will not generate toxic, hazardous, or industrial waste and the flow does not exceed jurisdictional limits, DOH shall permit the OSTDS.
2. If DOH determines that the establishment may generate toxic, hazardous, or industrial waste then they will send a copy of the OSTDS permit application to DEP with five (5) working days of receipt. The DOH may then permit the OSTDS only after receiving written notice from DEP that they have reviewed the information and found no known sources of toxic, hazardous or industrial wastewater discharging into the OSTDS. Attachment 4 of the DEP/DOH agreement maybe used as a guide for the written notice.
3. DOH may also permit the system if a waiver of jurisdiction is given by DEP in accordance with Part III.A.4. of the DEP/DOH agreement. A variance will be required.

Please address any questions regarding this memorandum to your program consultant.