

**INTEROFFICE MEMORANDUM**

**DCEH 12-008**

**DATE:** October 5, 2012

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

**THROUGH:** Robert "Sterling" Whisenhunt   
Interim Deputy Secretary for Statewide Services

**FROM:** Patti Anderson, MSc, P.E., Chief   
Bureau of Environmental Health

**SUBJECT:** Commercial Onsite Systems Under Pavement

This memorandum provides guidance on processing applications for review and/or approval of onsite systems for commercial establishments that are under pavement. We frequently hear variance requests for systems that, under local government or another agency's jurisdiction, have been paved over in violation of 64E-6.006(4), FAC.

This guidance specifically provides a procedure for the review and/or approval of such systems when there is no change in flow or sewage characteristics that would require a modification of the system and no visible failure. While the request may be approved, the applicant shall be given written notice of the violation and that corrective action is required. In response to this notice the applicant may:

1. Remove the pavement, (an existing system evaluation is not required) or
2. Apply for a 381 variance. In this case, a completed application and existing system evaluation is required, or
3. Enter into settlement discussions with your local county health department attorney (an existing system evaluation is not required). The settlement agreement should specially acknowledge the violation and the requirement to remove the pavement if the system requires repair or modification or request a variance at that time, and a requirement to connect to sewer within 120 days of availability.

If the applicant fails to respond to the written notice of violation appropriate enforcement action shall be taken. For any case where the request/approval will require an operating permit, one of the above options must be completed before the operating permit can be issued.

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