Objective

To give a clear understanding of the regulations governing the onsite sewage treatment and disposal program in Florida. In addition, to give an overview of certain regulations, policies and agreements with other State agencies.
# State Regulations

<table>
<thead>
<tr>
<th>Description</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law</td>
<td>▪ Chapter 381, Florida Statutes</td>
</tr>
<tr>
<td></td>
<td>▪ Chapter 489 Part III, Florida Statutes</td>
</tr>
<tr>
<td></td>
<td>▪ Chapter 120, Florida Statutes</td>
</tr>
<tr>
<td>Rule</td>
<td>▪ Chapter 64E-6, Florida Administrative Code</td>
</tr>
<tr>
<td>Manual</td>
<td>▪ Environmental Health Manual 150-4 (DOH 150-4)</td>
</tr>
<tr>
<td>Interagency Agreements</td>
<td>▪ DEP/DOH Interagency Agreement</td>
</tr>
<tr>
<td></td>
<td>▪ Interagency Coordination of Regulated Facilities</td>
</tr>
<tr>
<td>Policies and Interpretations</td>
<td>▪ Interpretational Memo’s, Letters and Emails</td>
</tr>
</tbody>
</table>

## 381.0065, Florida Statutes

- **Foundation**
- **Law enacted by State Legislature**
- **Tells us what to do or regulate**
- **We can only do what is authorized by the Law**
Part III, 489, Florida Statutes

- Septic Tank Contracting

Chapter 64E-6, Florida Administrative Code

- Technical requirements
- Standards
- Authorized by Law to write rule
120.60, Florida Statutes

- Administrative Procedures Act
- Licensing
- 30 days to review application
- 90 days to approve/deny after receiving complete application

EH Manual 150-4

- Environmental Health Program Manual, Chapter K – Onsite Sewage Disposal
- Procedures for department
Policies and Interpretations

- Explanations and clarifications of the Laws and Rules
- Interpretations only given by the Bureau
- Interoffice Memo’s
- From the Mound Top
- Email or letter correspondence

---

Suwannee/Aucilla Rivers

381.0065(4)(t), FS

- Floodways of Suwannee/Aucilla River
- Drainfield shall not be subject to flooding
- Based on 10 yr. flood elevation
  - Exceptions: if subdivided prior to 1/17/1990 (all must be met)
  - Lot minimum ½ acre
  - Bottom of DF at least 36” above 2-yr flood elevation
  - Installation of either: a waterless, incinerating, or composting toilet/gray-water system, ATU and DF or N reducing system approved by State Health Office
- Fill and mounding – not permitted if in regulatory floodway of the Suwannee or Aucilla River
Roof Run-off

- Mostly known as “guttering”
- Guttering shall not be required if system is not within 5 feet from the drip line of a residence (tank not included)
- The intent is to protect the drainfield, shoulders and slopes from the drainage impact of buildings
- Downspouts shall be directed away from drainfield
- 381.0065(4)(s)

"In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering shall not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield". Section 381.0065(4)(s), Florida Statutes

Rights to Hearings

- Provide “Notice of Rights” with construction permit
- Substantial interest is affected
- Right to Petition for Administrative Hearing pursuant to 120.569 and 120.57
- Send to Agency Clerk in Tallahassee
- Mediation is not available
- See Handout “Notice of Rights”
Variance Review and Advisory Committee

- Application of Construction Permit is denied when provisions of 64E-6, F.A.C. and Section 381.0065, FS can not be met.
- Right to Apply for a Variance
- Granted for Hardship Cases (not caused by applicant)
- Variance Application Submitted to CHD and reviewed (Form DH4057)
- Variance sent to SHO to Review and Schedule for Meeting
- Schedule for Variance Meeting (monthly)
- Variance Review and Advisory Committee
- Variance Approved, Denied or Tabled
- Construction Permit Issued based on Variance
- 381.0065(4)(h), FS
- See Handout for “Variances”
March 18, 2015

Denial Letter

Debbie Gomes, agent for
Home Inspection

March 18, 2015

Denial Letter

Notice on back of Denial Letter

NOTICE TO POTENTIAL VARIANCE APPLICATIONS

If pursuing a variance application, please note that the following information is taken from the section of Florida Statutes dealing with variance applications for onsite sewage treatment and disposal systems. To find the Florida Statutes on the internet, please go to http://www.statutes.fl.state.us/index.html and click "Chapter 198.100." The citation to look for is Chapter 198.100(4)(d), Florida Statutes.

The department may grant variances in hardship cases which may not be less restrictive than the provisions specified in this section. A variance may be granted under this section only if the department is satisfied that:

1. The hardship was not caused intentionally by the action of the applicant;
2. The hardship is of such a nature as not to constitute a public nuisance or hazard;
3. The hardship is not the direct or indirect reason why the applicant may be authorized to discharge the sewage into the ground or surface waters.

Variances granted under provisions are determined by the department to be satisfactory, special consideration must be given to those homes built before 1972.

While the final authority to grant or deny variances rests with the Department of Health, variance applications are reviewed by a State Variances Board and Advisory Committee. The committee meets once a month in a predetermined location in Florida. You are invited to attend, at your own expense, or send someone to represent you. The committee will consider your request during the meeting, and will make a recommendation on the disposition of your application to the department. Please note there are specific requirements and deadlines for variance applications. For more information, please call the nearest Florida Department of Health office or visit their website at www.floridahealth.gov.

Variance Response Letter

Where sewer is not available, the department shall issue permits for OSTDS.
OSTDS shall not adversely affect the public health or significantly degrade groundwater or surface water.
Issue permits for domestic flows of 10,000 gpd or less or commercial at 5,000 gpd or less.
Develop comprehensive program to ensure proper regulation and maintenance to prevent groundwater contamination and surface water contamination and to preserve the public health.
Final rule interpretative authority is with the Onsite Sewage Program Office.

Sewer Availability

(a) "Available," as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:

381.0065(2), Florida Statutes

---

Sewer Availability

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.

381.0065(2), Florida Statutes
For a single family residence with flow < 1000 gpd, sewer would be considered “available” if a gravity or low pressure line exists in the shaded area.

- Flow < 1000 gpd. There is no limit to the width of the easement abutting the property - if the sewer line is in shaded area - even if that area is 100 feet wide and sewer is on the far edge - it's available.
- Variance provisions do not apply to sewer availability
- But the utility can waive connection.

381.0065(2)1. FS
Interagency Agreement Between DEP and DOH

FOR
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS

September 10, 2001

An agreement between the two agencies that outlines how the agencies interact together on issues regarding jurisdictional flow limits, industrial/manufacturing zones and equivalents, septage treatment facilities, variances and more.


---

<table>
<thead>
<tr>
<th>Definitions</th>
<th>Regulatory Responsibilities</th>
<th>Attachments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Wastewater</td>
<td>Onsite Sewage Treatment and Disposal Systems</td>
<td>1. List of Potential Toxic, Hazardous And Industrial Waste Generators</td>
</tr>
<tr>
<td>Domestic Wastewater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Sewage Flow</td>
<td>* Existing Establishments</td>
<td></td>
</tr>
<tr>
<td>Existing Facility</td>
<td>Industrial and Manufacturing Areas</td>
<td>3. Waiver of DEP over Industrial Wastewater</td>
</tr>
<tr>
<td>Industrial Wastewater</td>
<td>Marina Pumpout Facilities</td>
<td></td>
</tr>
<tr>
<td>New Establishment</td>
<td>Septage and Residuals</td>
<td>4. No Objection Letter for An Establishment in an area Zoned or Used for IM Purposes</td>
</tr>
<tr>
<td>OSTDS</td>
<td>Permitting</td>
<td></td>
</tr>
<tr>
<td>Residuals</td>
<td>Compliance and Enforcement</td>
<td></td>
</tr>
<tr>
<td>Residuals Management Facility</td>
<td>Administrative</td>
<td>5. Technical Guidelines for Marina Pumpout Facilities</td>
</tr>
<tr>
<td>Septage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Septage Management Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Interagency Coordination Regarding Regulated Establishments

- Ensure coordination between agencies
- DOH, DACS, DBPR, APD, ACHA, DCF
- Licensing agency conducts inspections
- For new facility, remodeling upgrade, change in business operation
- Food Establishments, Group Care, Institutions
- Memo 12-004

DOH Responsibilities

Prior to licensing DOH regulated Food Service/Institutional/and Group Care Facilities that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or an onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., DOH staff will verify requisite approvals from their office for the following:

1. New facilities.
2. Existing facilities increasing the number of beds/residents/seating, food preparation area, etc.
3. Existing facilities undergoing extensive remodeling that may impact the septic system.
4. For a change in ownership, a commercial sewage waste operating permit may be required. See section below.

Note: DOH should ensure that a routing procedure is in place so the staff responsible for the facility inspections are coordinating with the onsite sewage and onsite well sections of the county health department.
DBPR Responsibilities

Prior to licensing an establishment that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., approval is required from the CHD for the following:

- New public food service establishments requiring plan review.
- Existing public food service establishments requiring plan review due to remodeling or conversion.
- Existing public food service establishments with onsite water systems and/or septic tank systems that do not require plan review but request an increase in seating.
- Existing public food service establishments with onsite water systems and/or septic tank systems that do not require plan review but undergo significant change in operations (e.g., switch from single-service to multiuse tableware).
Operating Permits

- Not To Be Confused With Construction Permit
- Allows Business or System to Operate
- Facilities and Service Companies
- Issued On An Annual/Biannual Basis
- Inspections – CHD/Maintenance Entity
- Managed System

Operating Permits

<table>
<thead>
<tr>
<th>Facility Operating Permits</th>
<th>Service Company Operating Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>IM</td>
<td>Maintenance Entities</td>
</tr>
<tr>
<td>COM</td>
<td>Manufactures</td>
</tr>
<tr>
<td>ATU</td>
<td>Disposal Services</td>
</tr>
<tr>
<td>PBTS</td>
<td>Treatment Facility</td>
</tr>
<tr>
<td></td>
<td>Temporary Service</td>
</tr>
<tr>
<td></td>
<td>Agricultural Land Use</td>
</tr>
</tbody>
</table>
Questions?