




Onsite Wastewater Concepts, Materials, Regulations & The Application Process Part I

C – State Regulations

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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.

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State Regulations

Description	Reference
Law	<ul style="list-style-type: none"> ▪ Chapter 381, Florida Statutes ▪ Chapter 386 Part I, Florida Statutes ▪ Chapter 489 Part III, Florida Statutes ▪ Chapter 120, Florida Statutes
Rule	<ul style="list-style-type: none"> ▪ Chapter 64E-6, Florida Administrative Code
Manual	<ul style="list-style-type: none"> ▪ Environmental Health Manual 150-4 (DOH 150-4)
Interagency Agreements	<ul style="list-style-type: none"> ▪ DEP/DOH Interagency Agreement ▪ Interagency Coordination of Regulated Facilities
Policies and Interpretations	<ul style="list-style-type: none"> ▪ Interpretational Memo's, Letters and Emails

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Policies and Interpretations 

- Explanations and clarifications of the Laws and Rules
- Interpretations only given by the Department
- Interoffice Memo's
- Email or letter correspondence

381.0065(3)(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation, the State Surgeon General, or his or her designee, shall timely assign a staff person to resolve the dispute.

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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

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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

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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"

NOTICE OF RIGHTS

A party whose substantial interest is affected by this order may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Such proceedings are governed by Rule 28-106, Florida Administrative Code. A petition for administrative 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 of the Agency Clerk is 4532 Bobo Cypress Way, 8th & A2C, Tallahassee, Florida 32309-1700. The Agency Clerk's facsimile number is 904-415-1448.

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 rendition of the final order.

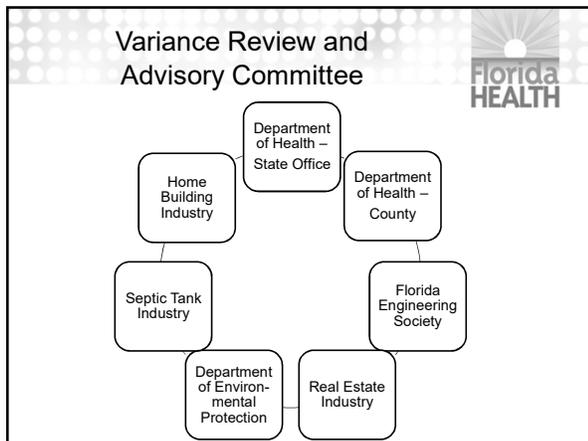
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Variances



- 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"

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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

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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.

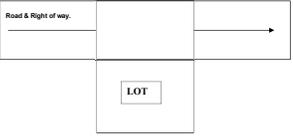
381.0065(2), Florida Statutes

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Sewer Availability



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.



The diagram shows a rectangular 'LOT' with a shaded area extending from its right side to a vertical line labeled 'Road & Right of way'. An arrow points from the shaded area towards the road.

- 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

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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

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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.

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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 the do not require plan review but undergo significant change in operations (e.g., switch from single-service to multiuse tableware).

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Questions?

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