

TECHNICAL REVIEW AND ADVISORY PANEL
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS
ADVISORY TO THE DEPARTMENT OF HEALTH
AUTHORITY: SECTION 381.0068, FLORIDA STATUTES

TECHNICAL REVIEW AND ADVISORY PANEL (TRAP) MEETING MINUTES

DATE: Monday, October 27, 2020
PLACE: Conference Call

Members present were:

G. Will Bryant, *County Health Department*
Ron Davenport, *Septic Tank Manufacturer, Chair*
Kriss Kaye, *Florida Engineering Society*
Roy Pence, *Home Building Industry*
Joseph Sullivan, *Soil Scientist*
Robert Washam, *Consumer Representative*

Absent members and alternates:

Dewayne Bingham, Jr., *Septic Tank Industry*
Elias Christ, *Environmental Health*
Scott Franz, *Soil Scientist*
Ronald Oakley, *Local Government*
Ken Odom, *Home Building Industry, Vice Chair*
Stephen Shepard, *Septic Tank Manufacturer*

Alternate members present:

Scott Johnson, *Florida Engineering Society*

Department of Health (DOH) staff present:

Ed Barranco, *Environmental Administrator*
Robin Eychaner, *Environmental Administrator*
Dr. Eberhard Roeder, PE, *Environmental Manager*
Marcelo Blanco, *Environmental Manager*
Debby Tipton, *Environmental Consultant*

Others present:

Denworth Cameron, *Presby Environmental*
Roxanne Groover, *Florida Onsite Wastewater Association (FOWA)*

Kriss Kaye <i>Professional Engineer</i>	Vacant <i>Real Estate Industry</i>	Dewayne Bingham, Jr. <i>Septic Tank Industry</i>	Ron Davenport <i>Septic Tank Manufacturer</i>
Glenn W. Bryant <i>DOH County Health Department</i>	Robert Washam <i>Consumer</i>	Scott Franz <i>Soil Scientist</i>	Elias Christ <i>Environmental Health</i>
Ronald Oakley <i>Local Government</i>	Ken Odom <i>Home Building Industry</i>	Roy Pence <i>Home Building Industry</i>	

1. CALL TO ORDER AND ROLL CALL

Robin Eychaner called the meeting to order at 2:30 p.m.

Roll call was completed and Robin also invited the members of the public introduce themselves. At the beginning of the meeting six panel members and/or their alternates were present.

2. REVIEW MINUTES OF LAST MEETING

The TRAP reviewed the minutes of the December 10, 2019 meeting conference call. Ron Davenport lead the discussion with the following results:

Will Bryant made a motion to approve the minutes and the motion was seconded Scott Johnson. Unanimously approved, motion passed, none opposed, minutes approved.

3. OLD BUSINESS

a) Update on previous TRAP rule issues, provided by Ed Barranco.

The proposed language is moving forward for several issue numbers 19-01, 2, 4, 5, 6, and 7. Legal had some questions or proposed language changes, which were reviewed, updated, and subsequently returned to legal to continue their routing. Once completed by legal, the packet will move to the Surgeon General for review, and then for Florida Administrative Register (FAR) advertisement (Notice of Proposed Rule and Hearing date).

4. New Business

A. Chapter 2020-150, Committee Substitute for Committee Substitute for Senate Bill No. 712

- Onsite Sewage Program Transfer to Department of Environmental Protection (DEP)
Ed Barranco led the overview of the new law and the results of Senate Bill 712.

Ed Barranco began by announcing that Governor DeSantis signed Senate Bill (SB) 712 in to law, now [Chapter 2020-150](#). This law will impact the Department of Health (DOH) as a type II transfer of the Onsite Sewage Program (OSP) to the Department of Environmental Protection (DEP) on July 1, 2021. There are several reports and an interagency agreement, that must be completed prior to the transfer date.

Mr. Barranco explained DOH must provide a report to the Governor and the Legislature by July 1, 2020. The [report](#) provides Onsite Sewage Program (OSP) data which includes the number of permits issued each year, number of employees working in the OSP, and program costs and expenditures.

Additionally, the law requires DOH and Department of Environmental Protection (DEP) to submit a Recommendations Report of the transfer to the Governor & Legislature by December 31, 2020. This report must include recommendations on all aspects of the transfer of the OSP from DOH to DEP. The report will address the continued role of the DOH county health departments (CHD) in permitting, inspection, data management, and tracking of the onsite sewage treatment and disposal systems (OSTDS) under direction of DEP and an interagency agreement between DEP and DOH. These activities and reports are currently in the planning process.

Kriss Kaye <i>Professional Engineer</i>	Vacant <i>Real Estate Industry</i>	Dewayne Bingham, Jr. <i>Septic Tank Industry</i>	Ron Davenport <i>Septic Tank Manufacturer</i>
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The new law adds language in ss. 381.0065 (7), Florida Statutes (FS), approving use of enhanced nutrient-reducing OSTDS under a fast-track approval process of no longer than 6 months by July 1, 2020. This includes determining the use of American National Standards Institute (ANSI) 245 systems approved by the National Sanitation Foundation (NSF) and adopting an internal fast-track procedure which was implemented on June 30, 2020.

The new law also amends ss. 381.0101, FS, which removes OSTDS certification and leaves, as a minimum, the food protection program area under the Certified Environmental Health Profession (CEHP) credential program. This may have the potential to impact to private soil evaluators operating under their CEHP in OSTDS, if DEP and DOH decide not to pursue continuing the certification requirement. If removal of OSTDS from the CEHP is implemented, this will require a revision to Rule Chapter 64E-18, Florida Administrative Code (FAC), for certification and 64E-6 for private site evaluators.

Ed went on to explain how the law repeals the Technical Review Advisory Panel (TRAP) repeal on 7/1/2021, the Research Review & Advisory Committee (RRAC) repeal on 7/1/2021 and temporarily creates the OSTDS technical advisory committee (TAC) per ss. 381.00652 under DEP (10 member committee). He indicated, this may be the last meeting of the TRAP, as we were still trying to get the rule revisions through that we had worked on in 2019. The DEP TAC will address increasing the availability of enhanced nutrient-reducing OSTDS, providing recommendations for set back distances for surface water, ground water, and wells. The TAC will be active by 8/1/2021 and must submit their committee recommendations report by 1/1/2022 to the Governor and Legislature. The TAC is set to expire on 8/15/2022.

Onsite sewage permitting will be done by DEP through the local County Health Departments (CHD) under DOH. Contractor Licensing Part III of Chapter 489, FS, is transferred to DEP and will be implemented through the OSP once transferred to DEP. In addition, continuing education for sections 381.0101 and 489.554, FS, related to OSTDS is transferred to DEP. Lastly, Ed Barranco explained the contractor enforcement will also be transferred to DEP (CH. 489, FS) and will continue once our OSP staff are transferred on July 1, 2021.

There were various questions and thought expressed by the various TRAP members and Ed Barranco did his best to answer any items they brought up. He also indicated there was a webpage created specifically related to the [transfer of the OSP](#) and they were welcome to check in on that site as often as they wanted to view any new developments posted.

5. Other items of interest to the TRAP

None.

6. PUBLIC COMMENT

Members of the public were free to speak during the meeting and did so. There was no additional public comment.

Roy Pence made a motion to adjourn and Kriss Kaye seconded the motion. Meeting Adjourned at 3:35 p.m.

TECHNICAL REVIEW AND ADVISORY PANEL

ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS

ADVISORY TO THE DEPARTMENT OF HEALTH

AUTHORITY: SECTION 381.0068, FLORIDA STATUTES

Update

TECHNICAL REVIEW AND ADVISORY PANEL (TRAP) VIRTUAL WEBINAR MEETING

DATE: Tuesday, October 27, 2020

TIME: 2:30 p.m. Eastern Time

PLACE: Virtual Webinar

Register at <https://attendee.gotowebinar.com/register/8291117428783641611>

After registering, participants will receive a confirmation email containing information about webinar and a link specifically for them to join the webinar.

THIS MEETING IS OPEN TO THE PUBLIC.

Agenda

1. Introductions and roll call
2. Review minutes of December 10, 2019 meeting
3. Old Business
 - A. Update on previous TRAP rule issues, provided by Ed Barranco
4. New Business
 - A. Chapter 2020-150 (New Law), Committee Substitute for Committee Substitute for Senate Bill No. 712
 - Onsite Sewage Program Transfer to Department of Environmental Protection (DEP)
5. Other items of interest to the Technical Review and Advisory Panel
 - A. Tentatively None
6. Public Comment

Kriss Kaye <i>Professional Engineer</i>	Vacant <i>Real Estate Industry</i>	Dewayne Bingham, Jr. <i>Septic Tank Industry</i>	Ron Davenport <i>Septic Tank Manufacturer</i>
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T E C H N I C A L R E V I E W A N D A D V I S O R Y P A N E L
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS
ADVISORY TO THE DEPARTMENT OF HEALTH
AUTHORITY: SECTION 381.0068, FLORIDA STATUTES

TECHNICAL REVIEW AND ADVISORY PANEL (TRAP) MEETING

DATE: Tuesday, December 10, 2019
TIME: 9 a.m. Eastern Time
PLACE: Conference Call
 Teleconference Phone Number: 888-585-9008
 At the prompt, enter the Conference Code: 200-983-436 #

THIS MEETING IS OPEN TO THE PUBLIC.

Agenda

1. Introductions and roll call
2. Review minutes from the October 23, 2019 meeting
3. Old Business
 - a. TRAP Issue 19-08 Innovative System Permitting Process
 - i. Protocol on Innovative System Permits
 - b. TRAP Issue 19-09 Form Updates
 - c. TRAP Issue 19-10 Aerobic Treatment Unit Updates
 - d. TRAP Issue 19-12 Performance-Based System-Standards
4. New Business
 - (a) Tentative: TRAP Issue 19-15 Calculation for Net Acreage
5. Other items of interest to the Technical Review and Advisory Panel
 - a. Tentatively None
6. Public Comment

Kris Kaye <i>Professional Engineer</i>	Vacant <i>Real Estate Industry</i>	Dewayne Bingham, Jr. <i>Septic Tank Industry</i>	Ron Davenport <i>Septic Tank Manufacturer</i>
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1. CALL TO ORDER AND ROLL CALL

Robin Eychaner called the meeting to order at 9 a.m.

Roll call was completed and Robin also invited the members of the public introduce themselves. At the beginning of the meeting five panel members and/or their alternates were present. Robin turned the meeting over to the Chair Person, Ron Davenport.

2. REVIEW MINUTES OF LAST MEETING

The TRAP reviewed the minutes of the October 23, 2019 meeting conference call.

Kriss Kay made a motion to approve page one and two the motion was seconded by Roy Pence.

Unanimously approved, motion passed, none opposed, page one and two approved.

Kriss Kay made a motion to approve page three of six and the motion was seconded by Will Bryant.

Unanimously approved, motion passed, none opposed, page three approved.

Will Bryant made a motion to approve page four and the motion was seconded by Kriss Kay.

Unanimously approved, motion passed, none opposed, page four approved.

Kriss Kay made a motion to approve pages five and six and the motion was seconded Roy Pence.

Unanimously approved, motion passed, none opposed, page five and six approved.

Ron Davenport concluded the minutes are approve as presented.

3. OLD BUSINESS

- a) Ed Barranco was recognized to provide an update on the previous rule issues. He began with 19-08 Innovative System Permitting Process. Member Joe Sullivan joined the call during the update. Ed reviewed all changes made, page by page, since the last meeting, and specified which changes were requested by TRAP and which ones were made to provide clarification.

Lines 72-76: Roxanne Groover commented that DOH staff may be challenged to attend the trainings and there is no verbiage to address the fact that the manufacturer would be prevented from installing their technology if DOH cannot get to the manufacturer's training. Ron Davenport suggested adding language to require DOH attend the training within 45 days of the department receiving a complete application. If not, the manufacturer and installer can install the system. Ed asked if it would be ok if he made changes to the language to include a timeline. Ron Davenport agreed and clarified that giving all parties, manufacturers, installers, and the department timeframes would result in all parties having a vested interest in meeting timeframes for a successful installation.

- i. Protocol on Innovative System Permits

Ed provided updates, new terminology, and an explanation on the proposed language changes in the Protocol page by page. Debby Tipton provided by some clarification regarding Form DH 3145. This is a form that is required to be filled out by the CHDs and she indicated it does not appear in the draft rule anymore. Debby spoke to the DOH legal counsel and they directed us to remove it since it is an internal form it does not need to appear in the rule.

Lines 148-151 (51:54): Bob Washam asked if the 15 projects that are being used as test sites, are getting their highest [nitrogen reduction] in moderately limited soils, would 80% of those be required to be installed in moderately limited soils. Dr. Roeder and Ed Barranco replied yes. Bob Washam indicated he just wanted to

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double check. Dr. Roeder explained most would be tested in slightly limited soils, as that is where they typically get the largest drainfield size reduction.

Ed Barranco continued with the review of the Protocol with no other discussion.

Will Bryant made a motion to approve Issue 19-08 as written with the training time and Joe Sullivan seconded it. Motion approved no nays, motion passed.

Discussion occurred and the it was decided to implement the 45 day timeline for DOH staff to attend the training via memo and incorporation into Program Manual 150-4 for DOH staff policies. See discussion section above for line 72-76 in rule language section.

b) TRAP Issue 19-09 Form Updates

Ed Barranco began with going over Issue 19-09 page by page.

Will Bryant made a motion to approve and Kris Kay seconded the motion. Motion passed unanimously.

c) TRAP Issue 19-10 Aerobic Treatment Unit Updates

Ed Barranco reviewed each area that was tweaked or has requested changes. Ron Davenport asked about line 6 and line 35 references to treating 1500 gallons. He suggested we make those consistent statements, by adding “up to” in line 35 since they are referring to the same thing. Ed Barranco and Debby Tipton agreed for consistency it will be updated.

Line 27: Roy Pence asked if this language requires an annual visit of each maintenance entity. Dr. Roeder indicated it does not. This is language that describes requirements for the certification entity/agency. They audit a sample of them [maintenance entities], not all of them. Debby indicated this is Gulf Coast Testing or NSF (National Sanitation Foundation) doing the auditing. Instead of requiring them to send the report within 60 days of the monitoring visit, the draft language would allow them to do it within 60 days of the end of the calendar year. We are just changing the due date of the reporting and nothing else.

Will Bryant made a motion to approve as written with the inclusion of the words “up to” for line 35 and Kris Kay seconded the motion. Motion passed unanimously.

d) TRAP Issue 19-12 Performance-Based System-Standards

1:24 start. Dr. Roeder began with suggestions we received from the Variance Committee. The first request is regarding adding NSF 245 and the Inground Nitrogen-reducing System (INRB) to Table (IX). Dr. Roeder explained that adding these two items to the chart would cause it to get wider than the page could display. So, instead of having these in the chart, they have been added to the footnotes below the chart as Footnote 3, which are lines 97-102. Roxanne Groover expressed concerns that getting people to read the footnotes is a challenge. Plus the chart walks you through all the benefits. Doing this doesn't put the information out where we want it and makes the chart more difficult to read. The footnotes don't make it easier to read. It goes against what we are trying to do with our messaging. Dr. Roeder asked if Roxanne was proposing adding a column for standards NSF 40, NSF 245, NSF 350, and the INRB. The INRB has a soil part in there which will take more space. Debby Tipton mentioned she is concerned about adding ATUs to the PBTS table because it may create confusion. There are very limited situations when an engineer would design a PBTS to achieve ATU standards. An example is where there is a local ordinance that requires an ATU and for whatever reason they want to put in a PBTS. This is very different [from a permitting/rule standpoint] than permitting a system as an ATU. Dr. Roeder said what is in the chart is currently what is written in several paragraphs in definitions. Ed Barranco suggested going to two tables. Ron Davenport agreed with Roxanne

Groover that it is important to make the chart easy to read and add the items to the chart. Dr. Roeder mentioned he will try to flip the layout to landscape to accommodate the footnote items. More discussion ensued amongst TRAP members and DOH staff. Ron Davenport then suggested adding back the ATU and the NSF 245 but leaving the INRB in the footnote. Roxanne Groover said that's fine but she thinks everyone is still missing her point. Maybe the table needs to be renamed Performance Treatment Chart and then have another (chart), that is just for Performance Standards. Eb indicated we could have ATU, NSF 40, and 245 standards and do some squishing. We could keep the footnote which clarifies you can use a PBTS where an ATU is required, as a footnote. Then we can focus on revising the tables we had at the ACT and in our presentations to include more specifically these nitrogen standards, as that is what everyone is interested in. Roxanne Groover said she thinks we need to retitle the chart to show that it should be used for performance treatment standards, not just performance standards. It needs to be clarified that it's supposed to be used for the PBTS designed by an engineer.

Dr. Roeder then recapped the changes requested: Instead of striking out ATU treatment effluent standards, we would have two columns that deal with ATUs; one with NSF 40 effluent standards and the other with NSF 245 effluent standards. For the NSF 40 standards, we would put in the same numbers that we have now and they would not be stricken out. The NSF 245 standards would be the same for BOD₅ and TSS [as NSF 40]. Total nitrogen standards would be the same as advanced secondary treatment standards for nitrogen, so we would copy the total nitrogen advanced secondary treatment standards to the NSF 245 column. There are no requirements for total phosphorous and fecal coliform so for those so it would be NR. At the bottom in footnote three, the first and last sentences would remain. Roxanne Groover suggested we leave the INRB footnote four in while we work on redoing it. Ron Davenport asked if we would strike lines 98-102 and keep 103-105. Dr. Roeder confirmed, yes.

Will Bryant made a motion to accept 19-12 with the amended NSF 245 branch out column, strike parts of lines 98-102, and change the name of the table title. Kriss Kaye seconded the motion. No discussion or comments. Motion passed unanimously, as amended.

4. New Business

Roxanne Groover gave an update on SB 712 and indicated there was another bill coming out of the House as a companion bill. She wanted members of the committee to be aware this was occurring. There is a change to the dates from the initial bill.

5. Other items of interest to the TRAP

None.

6. PUBLIC COMMENT

Members of the public were free to speak during the meeting and did so. There was no additional public comment.

Will Bryant made a motion to adjourn and Kriss Kaye seconded the motion. Meeting adjourned at 10:57 a.m.