

**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

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**TECHNICAL REVIEW AND ADVISORY PANEL (TRAP) MEETING**

DATE:            Wednesday, October 23, 2019  
TIME:            1 p.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 of September 30, 2019 meeting
3.     Old Business
  - a.    Tentatively None
4.     New Business
  - (a)   TRAP Issue 19-09 Form Updates
  - (b)   TRAP Issue 19-13 Definition
  - (c)   TRAP Issue 19-14 Aerobic treatment unit property record notice
    - Pulled language from 19-10
5.     Other items of interest to the Technical Review and Advisory Panel
  - a.    Tentatively None
6.     Public Comment

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





**STATE OF FLORIDA**  
**DEPARTMENT OF HEALTH**  
**INNOVATIVE SYSTEM PERMIT ~~ONSITE SEWAGE TREATMENT AND DISPOSAL~~**  
**SYSTEM TEMPORARY PERMIT APPLICATION**

Applicant Name \_\_\_\_\_ Phone # \_\_\_\_\_  
 (Last, First, M.I. or Business Name)

Authorized Agent Name \_\_\_\_\_ Phone # \_\_\_\_\_  
 (Last, First, M.I. or Business Name)

Email Address \_\_\_\_\_ Fax # \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_  
 (Business name)

\_\_\_\_\_  
 (Street Address or P.O. Box) (City) (State) (Zip)

1. Identify the proposed technology for innovative testing, and if it is a sewage treatment component, disposal component, both, or other. List name, type and model number of innovative system or product (may Attach by addendum). Only one product per application. Applications are not transferrable.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Supply the following ~~minimum~~ information:
- A) Data from previous testing~~Research and development studies;~~
  - B) An affidavit by the applicant certifying that the technology submitted for approval is the same as the technology for which testing data are provided~~Results of previous testing;~~
  - C) Design criteria~~and installation criteria;~~
  - D) Product literature~~Performance and reliability data;~~
  - E) Warranty~~A disinterested third party certifier report, or a Florida Registered Engineer report;~~
  - F) Consumables meeting requirements of rule 64E-6.0151, FAC and estimated replacement intervals and methods, if applicable~~Copy of system or product warranty.;~~
  - G) Test plan;
  - H) An evaluation report by an independent third-party testing or a Florida-licensed engineer.

3. A fee in accordance with the current fee schedule will be charged upon application for an innovative system permit application. If the above information is not available or determined to be insufficient by the department and a temporary permit is issued for further testing and monitoring then a fee in an amount not to exceed \$25,000.00 as authorized under section 381.0066, Florida Statutes, will be agreed upon prior to application approval. This fee covers the department's cost associated with the performance evaluation of the innovative system or product.

**I affirm the information contained in this application is true.**

Applicant signature or authorized ~~agent~~representative of applicant,; if applicant is other than an

individual: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Month/Day/Year

<b>FOR OSP OFFICE USE ONLY</b>	Notes: _____ _____ _____	Application Check No. _____
		Date of Application Check: _____
		Check Amount: \$ _____

Instructions for Form DH 3143

All information must be legible.

If the applicant authorizes an agent, they must do so in writing. If an agent is authorized, all contact information will be for the agent. Otherwise, contact information is for the applicant. Should the authorized agent who signed the application cease their association with the applicant or business, the applicant must immediately notify the Onsite Sewage Program Office of the change and supply the name(s) of any other person they intend to act as an authorized agent, if any.

1. Identify the system.
2. For requirements for these items, refer to Section 3 of the department's Protocol on Innovative Systems, September 2019.
3. See rule 64E-6.030, Florida Administrative Code for fees.

<b><u>DEPARTMENTAL USE ONLY</u></b>		
1)	Application Number: _____	
2)	Application Received By: _____	Date: _____
3)	Reviewed By: _____	Date: _____
4)	Additional Information Requested..... Y/N	Date: _____
	Information Needed: _____	
5)	Application Complete ..... Y/N	Date: _____
	Application Approved..... <input type="checkbox"/>	Date: _____
7)	Temporary Permit Issued ..... Y/N	Date: _____
8)	Application Denied ..... <input type="checkbox"/>	Date: _____
	Reason for Denial: _____	
	Reviewed By: _____	Date: _____
	Title: _____	



**STATE OF FLORIDA**  
**DEPARTMENT OF HEALTH**  
**HOMEOWNER ACKNOWLEDGEMENT OF INNOVATIVE SYSTEM**  
**INSTALLATION**

\_\_\_\_\_

\_\_\_\_\_  
(date)

\_\_\_\_\_ County Health Department

\_\_\_\_\_

**Attention: Environmental Health Director or  
OSTDS Program Coordinator**

I (print name) \_\_\_\_\_, owner of the residence or business property  
located at (give street address or physical location or street address):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

understand that the proposed Onsite Sewage Treatment and Disposal System to serve my  
property is permitted as an innovative system by the Department of Health (DOH).

I agree to allow employees or agents of the DOH Florida Department of Health, the  
manufacturer and the local DOH County Health Department (CHD) to enter my property during  
normal working hours or any other agreed upon time at reasonable hours for the purpose of  
monitoring this system.

I agree that I will not hold DOH or the \_\_\_\_\_ CHD  
responsible if this innovative system malfunctions.

I agree that I will notify the \_\_\_\_\_ CHD of any  
problems or malfunctions I observe or am made aware of with this innovative system.

I also understand that if the innovative system fails within the warranty five year testing  
period as specified in the department's Protocol on Innovative Systems, September 2019, the  
manufacturer of the test system will be responsible for all costs necessary to install a providing  
a certified installer who will provide contractor equipment, material and labor necessary to  
modify the system or repair the system with an DOH approved system meeting all new  
construction standards at no additional cost to me. It is also my understanding that I will be  
responsible for landscape restoration if a new DOH approved system is to be installed. For the  
purposes of this evaluation, failure of a system shall be defined as a) by section 64E-6.002, or  
b) creating a sanitary nuisance as defined by chapter 386, Florida Statutes, or c) the test system  
fails to function to the manufacturer's specifications as approved in the innovative system

~~permit as any system that meets one or more of the following criteria: 1) systems that have been increased in size after installation for reasons other than erroneous application information; 2) systems that experience effluent surfacing and sewage backing up into the house plumbing; and 3) systems described by homeowner as having a sluggish performance during wet weather or observed to have soggy, waterlogged soils above the drainfield attributed to sewage effluent. The failure definition shall include persistent electrical or mechanical device malfunctions. It is also my understanding that I will be responsible for landscape restoration.~~

Sincerely,

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

Instructions for completing Form DH 3144.

All information must be legible.

This form must be completed by the owner of the property where the innovative system will be installed for testing. All blanks must be completed by printing the required information, except where the property owner signature is required, which must be signed by the property owner.



**INNOVATIVE SYSTEM PERMIT COUNTY HEALTH  
DEPARTMENT ~~ONSITE SEWAGE TREATMENT AND DISPOSAL~~  
SYSTEM REVIEW INFORMATION FORM**

**TO BE COMPLETED BY COUNTY HEALTH DEPARTMENT**

CONSTRUCTION PERMIT APPLICATION NUMBER: \_\_\_\_\_

Property Owner: \_\_\_\_\_  
(Last, First, M.I. or Business Name)

Property Address: \_\_\_\_\_  
(Physical Location or Street Location)

Mailing Address: \_\_\_\_\_  
(Street Address or P.O. Box)

Owner's Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Last, First, M.I. or Business Name)

\_\_\_\_\_  
(Street Address or P.O. Box)

\_\_\_\_\_  
(City) (State) (Zip)

**PROVIDE ALL MATERIALS SUBMITTED FOR THE FOLLOWING INFORMATION FROM  
SITE EVALUATION AND PROPOSED CONSTRUCTION PERMIT AND ATTACH A COPY  
OF THE SITE PLAN.**

Septic tank(s): \_\_\_\_\_ gal.

Public water supply: ..... Y / N

Estimated sewage flow: \_\_\_\_\_ gpd

Dosing tank(s): \_\_\_\_\_ gal.

Aerobic treatment Unit(s): \_\_\_\_\_

Lot size: \_\_\_\_\_ sq.ft.

DESCRIPTION OF INNOVATIVE SYSTEM AND COMPONENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the agent for the innovative system permit reviewed and approved of the application Y / N \_\_\_\_\_

**FOR STATE HEALTH OFFICE REVIEW ONLY**

Date received: \_\_\_\_\_ Review form complete: ..... Y / N

Additional information requested: ..... Y / N Date: \_\_\_\_\_

Brief explanation of information requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application:  Approve  Disapprove Reason: \_\_\_\_\_



Reviewed by: \_\_\_\_\_

Site Number \_\_\_\_\_ of \_\_\_\_\_ approved sites. Date: \_\_\_\_\_

# 19-13 ISSUE FOR TECHNICAL REVIEW AND ADVISORY PANEL CONSIDERATION

Printed 10/18/2019 1:40:42 PM

Next Trap Meeting: 10/23/2019

**Subject: Net Acreage**

**Rule Sections: 64E-6.002 Define terms Lot Densities and Platted**

Issue: Application of s. 381.0065(4)(b), of the Florida Statutes. Define the terms Lot Densities and Platted, as they relate to the interpretation and application of s. 381.0065(4)(b), Florida Statutes, regarding the appropriate methodology to use when determining if a subdivision meets the four lots per acre requirements of the statute.

Issue Originated By: Ed Barranco

Purpose and Effect The proposed changes Define the terms Lot Densities and Platted and how it is used in the process to determine if a subdivision meets the four lots per acre requirement in statute.

Proposed Rule Change: (See Attached)

Summary: Provide a clear definition of the term Lot Densities and Platted and how it is used in the process of determining net acreage for a subdivision. No individual lot can be assessed as meeting the four lots per acre provision of the statute. Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre.

Possible Financial Impacts: None

Date New: 10/1/2019

Initially Reviewed by Trap: 10/23/19

Tabled by Trap:

Trap Review Finished:

Variance Committee Reviewed:

Trap Review Variance Comments:

Trap Final Decision:

Final Outcome:

Comments:

Ready for Rule

In Rule

Rule Date:

1       **64E-6.002 Definitions.**

2       For the purposes of this chapter, the following words and phrases shall have the meanings  
3       indicated:

4       (1) through (32), no change.

5       (33) Lot Densities - as used in s. 381.0065(4)(b), FS, four lots per acre shall be defined as a  
6       grouping of any four conterminous lots and summing their cumulative areas. The pro-rata  
7       portion of the uncompacted adjacent right-of-way for the lots is added to this calculation. The  
8       area of all surface water bodies as well as all paved areas and prepared road beds within public  
9       or private rights-of-way or easements must be deducted from the calculations. As used in this  
10       definition, a prepared road bed is any area where soil has been compacted, which may or may  
11       not be paved, to support vehicle traffic. The four-lot grouping with the smallest cumulative area  
12       must be used to determine overall lot density for the entire subdivision. Where this four-lot  
13       grouping does not equal at least one acre, the entire subdivision does not meet the four lots per  
14       acre requirement.

15       (33) through (42) renumbered (34) through (43).

16       (44) Platted – the date a lot is placed into its current configuration and dimensions; including  
17       any changes from previous legal descriptions.

18       (43) through (59) renumbered (45) through (61).

19       *Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History–New 12-22-*  
20       *82, Amended 2-5-85, Formerly 10D-6.42, Amended 3-17-92, 1-3-95, Formerly 10D-6.042,*  
21       *Amended 11-19-97, 3-22-00, 11-26-06, 7-16-13.*



# TRAP Issue 19-14

## Issue 19-14 Aerobic treatment unit property record notice

This issue splits the property record notice for aerobic treatment units out of the issue 19-10.

- 64E-6.012(2)(p) add requirement of property record notice (similar to PBTS and INRB) to provide notice of perpetual maintenance requirement.

### 64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units.

When aerobic treatment units are used for treating domestic and commercial sewage waste, each unit ~~must~~shall be installed, operated and maintained in conformance with the following provisions:

(1) unchanged

(2) The following additional requirements ~~will~~shall also apply to the construction, design, and operation of aerobic treatment units treating 1500 gallons per day or less:

(a) –(o) unchanged

(p) Final installation approval must not be granted until the county health department has confirmed the property owner has executed and recorded in the public property records at the county courthouse, a written notice that informs all subsequent property owners of the use of the aerobic treatment unit, and of the requirement for the system to be maintained, in perpetuity, in compliance with all lawful requirements.

(3)-(6) unchanged.

#### Option 1 (new systems)

(p)After this rule becomes effective, final installation approval for systems meeting new system standards must not be granted until the county health department has confirmed the property owner has executed and recorded in the public property records at the county courthouse, a written notice that informs all subsequent property owners of the use of the aerobic treatment unit, and of the requirement for the system to be maintained, in perpetuity, in compliance with all lawful requirements.

#### Option 2 (no prior permitted OSTDS)

(p)After this rule becomes effective, final installation approval for systems on parcels where there had been no onsite sewage treatment and disposal system permitted previously must not be granted until the county health department has confirmed the property owner has executed and recorded in the public property records at the county courthouse, a written notice that informs all subsequent property owners of the use of the aerobic treatment unit, and of the requirement for the system to be maintained, in perpetuity, in compliance with all lawful requirements.

*Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, Part I 386 FS. History—New 3-17-92, Amended 1-3-95, Formerly 10D-6.0541, Amended 11-19-97, 4-21-02, 6-18-03, 5-24-04, 11-26-06, 6-25-09, 4-28-10, 7-31-18.*

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

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**TECHNICAL REVIEW AND ADVISORY PANEL (TRAP) MEETING MINUTES**

DATE: Monday, October 23, 2019

PLACE: Conference Call

**Members present were:**

G. Will Bryant, *County Health Department*  
Elias Christ, *Environmental Health*  
Ron Davenport, *Septic Tank Manufacturer,*  
*Chair*  
Roy Pence, *Home Building Industry*  
Robert Washam, *Consumer Representative*

**Alternate members present:**

Scott Johnson, *Florida Engineering Society*

**Absent members and alternates:**

Dewayne Bingham, Jr., *Septic Tank Industry*  
Scott Franz, *Soil Scientist*  
Kriss Kaye, *Florida Engineering Society*  
Ronald Oakley, *Local Government*  
Ken Odom, *Home Building Industry, Vice*  
*Chair*  
Stephen Shepard, *Septic Tank Manufacturer*  
Joseph Sullivan, *Soil Scientist*

**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*  
Alan Willett, *Environmental Consultant*

**Others present:**

Denworth Cameron, *Presby Environmental*  
Pam Tucker, *Greater Orlando Realty USA,*  
*Inc.*  
Dominique Buhot, *Green Environmental*  
*Services*

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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 1:02 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 September 30, 2019 meeting conference call. Dominique Buhot asked that the spelling of his name and the name of his company be corrected. Pam Tucker asked for clarification on what was decided on in page four of four. Ron Davenport lead the discussion with the following results:

Will Bryant made a motion to approve the minutes as amended and the motion was seconded Bob Washam. Unanimously approved, motion passed, none opposed, minutes approved.

Scott Johnson asked for the agenda footer to be updated with Kriss Kaye's name instead of his. Robin indicated this was no problem to update.

## 3. OLD BUSINESS

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

The proposed language is moving forward for several issue numbers 19-01, 2, 4, 5, 6, and 7. The most notable in this group (commonly referred to as the 100 day rules) is adding new designs of In-ground Nitrogen-reducing Biofilter (INRB) systems that utilize liners and language authorizing existing systems compliance with Basin Management Action Plans (BMAP). The rule has come back from legal and we are working addressing their questions and providing needed clarifying language. Once completed, it will return to legal, move to the Surgeon General for review, and then for Florida Administrative Register (FAR) advertisement (Notice of Proposed Rule and Hearing date).

Pam Tucker asked for clarification on what Ed was saying on Issue 19-14, "that we talked about earlier." She indicated Ed had said, "after talking with Roxanne that item would trip our next" and she didn't catch the rest of the statement. Was this involving the innovative permitting section or something different?

Ed Barranco replied, yes, that's correct. We have another rule effort in motion that includes the innovative systems permit rule language with a protocol attached to it. Then there was 19-10 which is the ATU issue that was approved at the last meeting (discussion of 19-10 at the last meeting of September 30<sup>th</sup>) with a motion requesting we bring it to Roxanne to work on the language and have some further discussion on whether a home owner would have to file a notice with the county courts regarding when an ATU is used. Those two, plus issue 19-09 which brings in the forms that need to be associated with the innovative system permit rule and protocol. We are not going to include the language (now) in 19-14, separated out from 19-10, so it can be worked out and the other items in 19-10 can move forward as they are critically needed. We are also bringing in issue 19-13 for a later set of proposals.

## 4. New Business

### a) TRAP Issue 19-09 Form Updates

Ed Barranco lead the introductions of the proposed revisions to the three forms.

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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>	

Discussion on Form DH 3143 was as follows:

Scott Johnson recommends making the form clearer by adding a separate line for Business name and business contact name. Is it the business applying or the homeowner, this isn't clear. Anytime you can clarify how to fill out the application without instructions is better. Business name and contact name for the business. Specify who's email address should be included. Specify, whose mailing address.

Question 1, no comments.

Question 2, Scott Johnson commented on 2(h). should that be organization after the worked testing? Debby Tipton, yes, thank you.

Question 3, no comments.

Affirmation section, Ed Barranco indicated it should read "Signature of applicant or authorized Agent." Scott Johnson suggested adding a comma after the affirmation line and add "to the best of my knowledge." Also, you don't need the Month/Day/Year under the date line as it seems repetitive. Scott Johnson, can we make this form a fillable PDF document? Ed Barranco indicated yes, it can be and available on our website.

Discussion on Form DH 3144 was as follows:

Scott Johnson suggested specifying what kind of owner in the title. Ed Barranco suggested calling it "System Owner and adding the word "Form" after the word "Installation" in the title. Scott Johnson indicated the date line is too short. What if there are two owners, do both sign? Ed said let's add and "s" to owner (s). What if it's a business, there isn't enough room. What if there's no street address, or physical location? Property appraisers ID, what is acceptable? Ed Barranco indicated we will specify. Do you need to specify CHD and DOH? Are you not all DOH employees, do you need to specify? Ed Barranco indicated we can just put Department of Health (DOH) and it will make it clearer. It would read, "agree to allow staff of the Department of Health, and its local County Health Departments, and the manufacturer to enter my property....." Scott Johnson commented to make the line addressing problems or malfunctions consistent with how it is referred to in the paragraphs below, as it uses the term failures and not malfunctions. Is it one of these (malfunction or failure) or both? In the next bulk paragraph, add a comma after "period," the word "dated" before September, after necessary to "remove the failed system if necessary and"... install. Change "meeting" to "comply with." Where it says failure of a system "shall be," change "shall be" to "is." Then, after "is defined as" add a colon. Also, after 64E-6.002 delete "or" because you have a string of a, b, and c. On page 2, suggest removing the word "Sincerely" and change to "Acknowledged," add an "s" to "owner"(s) and "signature"(s), and under property owner Signatures add business title and name. Pam Tucker suggested adding "printed name" under property owner(s). Bob Washam inquired is there any concern with change of ownership of these systems? Ed Barranco, yes, we would have to explain this to the new owners. The discussion that ensued involved multiple panel members, DOH staff, and members of the public. Ed Barranco summarized the discussion with the comment, yes, we can add a statement requiring the owner(s) to notify DOH and the manufacturer, when there is a change in the property ownership. Additionally, at the end of the form, in the area under instructions, we will sync-up the terms owner(s) and signature(s) as we did similarly in the other section of this form.

Discussion on Form DH 3145 was as follows:

Much of the upper portion of the form was proposed to be struck, as this information will be contained in the application details, which the CHD will be forwarding the application to the State Health Office with this form. The sentence above the area "For State Health Office Review Only," Scott Johnson suggested adding the term "manufacturer", delete the word "of" and recommended this be sent to the CHDs for feedback, since they will be the ones completing the form. Ed Barranco proposed restating the beginning of the sentence as "Has the manufacturer or agent for the innovative system permit," . Scott Johnson also commented that maybe a



general description and the site number may be enough, but it may be necessary to include manufacturer name, model number, and city in the description to help better identify the site. Pam Tucker asked if any innovators were asked about this and inquired if Roxanne (Groover) had provided input. Debby Tipton reported that Roxanne Groover indicated earlier in the day, she would be submitting her comments on today's issues via email.

Will Bryant made a motion to approve 19-09 with the amendments made in the discussion and based on the minutes for this meeting, the motion was seconded by Bob Washam. Unanimously approved, motion passes, none opposed.

b) TRAP Issue 19-13 Lot Densities and Platted

Denworth Cameron asked using the adjacent lot compacted areas, should we just limit this definition to what the legal description that describes the property to be? Ed Barranco explained, when reviewing the site plan for a new subdivision, we need to determine if the subdivision is legal, so we look at the plat. We are not into plat approvals, but we need to look at the plat. We can add the pro rata. We are taking the language in the rule about what the lot is and the language in the statute that talks about no more than four lots per acre. The sum of four lots, if it comes up to less than an acre, when you add the pro rata share to the smallest four lots, then you have a better chance that there are not going to be smaller than four lots per acre. Scott Johnson, is this verbatim out of the Statute 381? Ed Barranco replied, part of it is. Here is what the statute says, ss. 381.0065(4)(b) "Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met." We are having to interpret what the statute says that subdivisions and lots, with public water, may use onsite systems provided there are no more than four lots per acre. Our interpretation is what we have attempted to put in this definition.

Ed Barranco continued to explain, in addition, in rule 64E-6.005(7) (b), in (b) it states, "The determination of lot densities under section 381.0065(4)(b), F.S., shall be made on the basis of the net acreage of the subdivision which shall exclude from the gross acreage all paved areas and prepared road beds within public or private rights-of-way or easements and shall also exclude surface water bodies." In this case, it talks about excluding the paved areas and excluding the water bodies, and that's what we did with this definition. We also allow in this definition to include the contiguous unpaved and non-compacted road rights-of-way, which is borrowed from another rule subsection 64E-6.005(7)(c), where we talk about the maximum sewage flows based on your type of water system. We allow you to add to your lot the pro rata portion of the none compacted rights-of-way. We are requiring the areas that is frankly unusable because it is flooded or compacted to be taken out, and then we are very specifically telling you how to do it. Take the four-lot grouping, with the smallest cumulative area, to determine the overall density and then where that grouping does not meet an acre, it does not meet the test. Scott Johnson commented, on line 5 it seems in order to have the ability to consider this, the subdivision must be on public water, so it should say it must be served by a public water system. Instead of shall be, it should say "is defined." Also, it should say "rights-of-way." Also, it should indicate which side of the right's-of way or refer to the centerline of the rights-of-way. If it's a curb and gutter subdivision with a sidewalk and it's a 4-5 foot wide sidewalk along the edge rights-of-way. It would cut off what is between the road and the sidewalk, so then you have no adjacent area correct? Pavement is not a suitable area for a septic system. Ed Barranco, we had not considered including the side walk. We can work on clarification there, to address the compacted area of the sidewalk.

Roy Pence inquired if there has been a challenge related to this? Ed Barranco, no, not to date that I know of. I do not know if it has been challenged in the last 30 years, but I do not think so.

We are to be working from the rule and that is why we decided to move it into a rule. The methodology is in memo and we are proposing to get the methodology into the rule. There is a statutory provision, that took us out of subdivision approval some years ago. Now, in section 381.0065(4)(q) it states, "The department may not require any form of subdivision analysis of property by an owner, developer, or subdivided prior to submission of an application for an onsite sewage treatment and disposal system." We were no longer allowed to review these plats and approve or deny these plats until the time it comes to us for an application as an onsite sewage and treatment disposal system. Roy Pence asked when you would analyze an individual lot within a subdivision, that's already platted, that subdivision has not gone through any prior approval or review process by the Department of Health. Is it possible, under this narrative you're talking about, that you will have platted lots that could either be a quarter acre or more, but because one of those lots in a grouping of four lots is not, then they all are not allowed? Ed Barranco rephrased the question: Is there a possibility that there are subdivisions that were approved and don't meet this methodology, exceeding four lots per acre? Roy Pence, yes. Ed Barranco, continued, well, there is a good possibility we have that out there. In general, we work with areas/subdivisions we know are in existence. When we run into an area, we are not familiar with, then we need to verify it meets the requirements. This is when we would apply the methodology. The four lots must be conterminous and if those four add up to less than an acre that would be a problem. This would apply to new subdivisions.

Scott Johnson made a motion to table. Ed asked if he could present the other definition included in the issue before they make a decision. Ron Davenport asked him to continue. Ed presented the term platted. We have a property that was created in 1956. In 2019 the property is sold, and the new owner subdivides it into two lots. It was initially a 1/3 of an acre lot, which now becomes two 0.1666 acre lots. Now, the department is presented with a permit application to put in a septic system. In this situation, the property lost its original platting, it now becomes a subdivision in 2019. This new configuration of two lots of 0.1666 acres are now going to be recorded as 2019 plat book X. Having said that, the owner comes the department and wants to argue the land was platted in 1956. Our answer is yes it was platted in 1956, but in 2019 you changed the dimensions and replaced it with a new recent date of platting. Platted is the date a lot is placed into its current configuration and dimensions including changes to its previous legal description. Roy Pence, what about recorded easements for that property? You basically have changed the legal description for that property. Eb Roeder, I think we have not looked at easements as a change to the plat date. Ed Barranco, yes, we will have to make sure. While it may change the legal description, it does not change the plat date. General discussion ensued between Roy Pence and Ed Barranco about looking more into it as this involves more than just a typical OSTDS issue. Bob Washam mentioned a lawsuit the Department lost related to this. It also required the owner of the lot to get a variance. The Judge did not have this definition of a lot to work from. Scott Johnson commented the legal descriptions was a great question and hopefully just the wording can change, so it still gets back to current configurations and dimensions. You can have a utility easement on the back behind the property and that is still not changing the effective plat date. We have the word "platted" and maybe we are able to use "effective plat date" instead.

Scott Johnson made a motion to table Issue 19-13 and Roy Pence seconded it. Unanimously approved, motion passes, none opposed.

- c) TRAP Issue 19-14 Aerobic treatment unit property record notice
- Pulled language from 19-10

Issue 19-14 was not heard. The panel had reached the timeframe set for the meeting and decided to adjourn.

## 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.

Scott Johnson made a motion to adjourn and Elias Christ seconded the motion. Meeting Adjourned at 4:04 p.m.