

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

DATE: Friday, December 14, 2012
TIME: 10:00 A.M.
PLACE: Conference Call Meeting
Teleconference Phone Number: (888) 670-3525
At the prompt, enter the
Participant Code: 298 021 4500

For those who wish to attend the meeting in person, the teleconference will originate from :

Capital Circle Office Complex,
Conference Room 240P
4042 Bald Cypress Way,
Tallahassee, Florida 32399

THIS MEETING IS OPEN TO THE PUBLIC.

AGENDA

1. Introductions
2. Review minutes of last meeting
3. Rule Issues
 - 12-02 HB 1263 changes - Bedroom Definition, Modifications, Abandonments and Permit Expiration.
 - 12-03 Existing Systems
4. Other items of interest to the Technical Review and Advisory Panel.
5. Public Comment

Scott Johnson <i>PROFESSIONAL ENGINEER</i>	Pam Tucker <i>REAL ESTATE INDUSTRY</i>	Derek Woodruff <i>SEPTIC TANK INDUSTRY</i>	Robert Baker <i>SEPTIC TANK MANUFACTURER</i>
William Sirmans <i>COUNTY HEALTH DEPARTMENT</i>	Frank Dragoun <i>CONSUMER</i>	Scott Franz <i>SOIL SCIENTIST</i>	Sonia Cruz <i>ENVIRONMENTAL HEALTH</i>
Paul Steinbrecher <i>LOCAL GOVERNMENT</i>	Ken Odom, Chair <i>HOME BUILDING INDUSTRY</i>	Roy Pence, Vice Chair <i>HOME BUILDING INDUSTRY</i>	

MINUTES OF MEETING
TECHNICAL REVIEW AND ADVISORY PANEL
November 16, 2012

Members present were:

Scott Johnson, P. E., Florida Engineering Society
Pamela Tucker, Real Estate Professional
Derek Woodruff, Florida Onsite Wastewater Association
Robert Baker, Septic Tank Manufacturer
William Sirmans, County Health Department
Roy Pence, Home Building Industry, Vice Chairman
Ken Odom, Home Building Industry, Chairman
Sonia Cruz, Florida Environmental Health Association

Alternate members present:

Edward Cordova, Local Government

Department of Health staff present:

Gerald Briggs, Environmental Administrator, Water and Onsite Sewage Programs
Dale Holcomb, Environmental Administrator
Ed Williams, Environmental Health Program Consultant

Absent members and alternates:

Clay Tappan, Florida Engineering Society
Tony Macaluso, Real Estate Professional
Martin Guffy, Florida Onsite Wastewater Association
Glenn W. Bryant, County Health Department
Mark Cotton, Home Building Industry
Frank Dragoun, Consumer Representative
Scott Franz, Soil Scientist
Oren C. Reedy, Soil Scientist
Paul Steinbrecher, Local Government

Others present:

Ron Sandler, Highlands County Health Department
Alice Burkley, Commissioner Brummer's Office
Clyde Coker, Escambia County
Nanci Cornwell, Senator Hays's Office
Elke Ursin, Department of Health
Ron Davenport, Florida Onsite Wastewater Association
Dominique Buhot, Green's Environmental Services
Marcelo Blanco, Department of Health

Chairman Odom welcomed the meeting attendees and called the meeting to order at 10:00 AM. Mr. Odom provided a brief history of the TRAP committee and its role regarding the rule making process. All members attended via telephone. Mr. Williams called roll for the panel members.

Introductions from members and alternates present were requested. Gerald Briggs discussed the new department organizational structure.

A review of the November 16, 2011 meeting minutes followed. Pam Tucker had questions regarding Issue 11-01 (Drainlines the same length). This issue will be presented to the committee prior to inclusion into the rule. Gerald Briggs explained that the department was directed to present rule issues based on statutory changes only. Mr. Johnson, seconded by Mr. Sirmans, motioned to approve the previous minutes with no changes. The minutes were approved by unanimous vote.

Nominations for Chair and Vice-Chair were requested. Ken Odom was re-elected for Chair and Roy Pence was re-elected for Vice-Chair.

Ken Odom started the meeting discussing the ability of the TRAP committee to meet face-to-face twice a year and reserve conference calls for emergency technical issues only. The issue will be researched and discussed further.

Issue 12-02 – HB 1263 changes – Bedroom Definition, Modifications, Abandonments, Permit Expiration, Performance-based treatment systems and Title Transfer.

Rule Sections: 64E-6.001, 003, 011, 030

Gerald Briggs explained that these are statute-driven changes. The proposed changes bring the rule into alignment with the provisions of 381.0065 that were changed by LOF 2012-184 (HB 1263) with regard to bedroom definition, modifications, abandonments, title transfer, performance-based treatment systems, and permit expiration. Scott Johnson recommended adding “and use” on line 67 and removing or clarifying “fundamental” on Line 34. Mr. Woodruff, seconded by Mr. Baker, motioned to approve with the pending changes. The motion carried with unanimous vote by the panel.

Issue 12-03 – Existing Systems

Rule Sections: 64E-6.001

Again, these are primarily statute-driven changes. The proposed changes simplify the language related to existing systems and modifications. It allows for tank additions rather than new standards for any tank addition, tank certification to be honored for five years, and no modifications for houses with no bedroom addition. There was discussion regarding changing language “sewage characteristics” to “increase in waste strength”. Mr. Johnson, seconded by Ms. Cruz, motioned to approve with the pending changes. The motion carried with unanimous vote by the panel.

The remaining issues; 09-07, 09-13, 10-01, 10-05, 10-09, have already been through the entire TRAP process. These issues were included in the package since they will also be incorporated into the proposed rule change.

Issue 09-07 – Low Pressure Design

Rule Sections: 64E-6.014

The proposed changes will allow a drainfield between 1000 and 2000 square feet to be split into two drainfields, be lift dosed, and not have to be low-pressure dosed. Discussion included engineer design requirements for systems that are 1500 square feet or larger. The intent is to require an engineer for these applications. No Discussion, no vote necessary.

Issue 09-13 – Septage Storage Tanks
Rule Sections: 64E-6.010

Current language lumped septage storage tanks into stabilization tank requirements in order to require them to meet some standard. Some stabilization tank requirements are not applicable to storage tanks. No discussion, no vote necessary.

Issue 10-01 – Lower flow rates for large houses
Rule Sections: 64E-6.008, Table I

The proposed changes reduce sewage flow increment for houses over four bedrooms and over 3300 square feet of building area. No discussion, no vote necessary.

Issue 10-05 – Part II (Florida Keys) SB 550, Update standards
Rule Sections: 64E-6.017, 018, 0181, 0182

SB550 (Ch. 2010-205, Laws of Florida) amended repair standards for the Florida Keys. Many provisions are being relocated within the rules to eliminate duplication. Additionally, several provisions of Part II need updating to address evolving technology. No discussion, no vote necessary.

Issue 10-09 – LTAR and Alternative Drainfield Geometry for PBTS
Rule Sections: 64E-6.028

The proposed changes delete the long term acceptance rate provision of the rule. This does not affect alternative drainfield products. No discussion, no vote necessary.

Public Comment:

Clyde Coker discussed the tank abandonment process and proper documentation. Discussion included language that can be added to the abandonment section to require documentation regarding the pump out of the tank and who pumped the tank. Also, the final inspection form could be amended to include this information. Gerald Briggs indicated that this issue would be further reviewed.

Derek Woodruff requested any updates regarding the testing of plastic tanks. The issue will be reconsidered and an update provided at the December meeting.

Gerald discussed having a TRAP meeting via conference call after the December Variance Committee Meeting to wrap up these issues. Dale Holcomb will provide dates to the committee members.

Mr. Baker, seconded by Mr. Woodruff, motioned to adjourn the meeting. The motion carried with unanimous vote by the panel.

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12-02 ISSUE FOR TECHNICAL REVIEW AND ADVISORY PANEL CONSIDERATION

Printed 11/28/2012 4:06:36 PM

Next Trap Meeting: 12/14/2012

Subject: HB 1263 changes - Bedroom Definition, Modifications, Abandonments, Permit Expiration, Performance-based treatment systems and Title Transfer.

Rule Sections: 64E-6.001, 003, 011, 030

Issue: LOF 2012-184 (HB 1263) amended 381.0065, Florida Statutes, pre-empting or obsoleting several rule provisions.

Issue Originated By: Dale Holcomb, DOH

Justification: The proposed changes bring the rule into alignment with the provisions of 381.0065 that were changed by LOF 2012-184 (HB 1263) with regard to bedroom definition, modifications, abandonments, title transfer, performance-based treatment systems, and permit expiration.

Proposed Rule Change: 12-02--HB 1263 substantive changes to 64E-6.doc (See Attached)

Summary: Changes rule as necessary to implement the provisions of 381.0065 that were changed by LOF 2012-184 (HB 1263)

Possible Financial Impacts: will reduce costs to property owners with permits that expire between construction approval and final approval, owners of undamaged systems at properties destroyed by disaster and owners planning building additions that contain no bedrooms.

Date New: 5/21/2012

Initially Reviewed by Trap: 11/16/2012

Tabled by Trap:

Trap Review Finished: 11/16/2012

Variance Committee Reviewed: 12/6/2012

Trap Review Variance Comments: 12/14/2012

Trap Final Decision:

Final Outcome:

Comments: 11/16/2012 TRAP approved to go to variance committee with edits: 64E-6.001(4)(a)5.a. ". . .the same type of structure and use which contains. . ." ; 64E-6.003(6)(b) clarify "fundamental"; 11/16/2012 TRAP asked for the tank pumping certification language to be added to 6E-6.011(2)(b).

Ready for Rule

In Rule

Rule Date: 4/1/2012

1 | NOTE: Blue Highlights are statutory language for reference (not for inclusion in rule)

2 | NOTE: Yellow Highlights are changes since last TRAP meeting

3 | **64E-6.001 General.**

4 | **SEE ISSUE 12-03 FOR CHANGES IN 64E-6.001 INCORPORATING HB 1263**

5 | (1) through (3) No change

6 | (4) Except as provided for in Section 381.00655, F.S., any existing and prior approved system which has been placed into
7 | use and which remains in satisfactory operating condition shall remain valid for use under the terms of the rule and permit
8 | under which it was approved. Alterations that change the conditions under which the system was permitted and approved,
9 | sewage characteristics or increase sewage flow will require that the owner, or their authorized representative, apply for and
10 | receive reapproval of the system by the DOH county health department, prior to any alteration of the structure, or system. If an
11 | applicant requests that the department consider the previous structure's or establishment's most recent approved occupancy, the
12 | applicant must provide written documentation that the onsite sewage treatment and disposal system was approved by the
13 | department for that previous occupancy. An applicant will be required to complete Form DH 4015, 08/09, Application for
14 | Construction Permit, herein incorporated by reference, and provide a site plan in accordance with paragraph 64E-6.004(3)(a),
15 | F.A.C., to provide information of the site conditions under which the system is currently in use and conditions under which it
16 | will be used. The applicant shall have all system tanks pumped by a permitted septage disposal service. A registered septic tank
17 | contractor, state-licensed plumber, person certified under Section 381.0101, F.S., or master septic tank contractor shall
18 | determine the tank volume and shall perform a visual inspection of the tank when the tank is empty to detect any observable
19 | defects or leaks in the tank. The tank volume shall be obtained from the tank legend or shall be calculated from measured
20 | internal tank dimensions for length, width and depth to the liquid level line or from the measured outside dimensions for length
21 | and width minus the wall thickness and depth to the liquid level line. For odd shaped tanks and tanks without a legend, metered
22 | water flows from the refilling of the tank may be used in lieu of measured inside or outside tank dimensions. The person
23 | performing the inspection shall submit the results to the DOH county health department as part of the application using page 4
24 | of Form DH 4015. If a prior approved existing system has been approved by the DOH county health department within the
25 | preceding three years, and the system was determined to be in satisfactory operating condition at that time, a new inspection is
26 | not required unless there is a record of failure of the system. If it is determined that a new inspection is not required, only the
27 | application fee shall be charged for this application and approval. A commercial system out of service for more than one year
28 | shall be brought into full compliance with current requirements of this chapter prior to the system being placed into service. If
29 | the use of a building is changed or if additions or alterations to a building are made which will increase domestic sewage flow,
30 | change sewage characteristics, or compromise the integrity or function of the system, the onsite sewage treatment and disposal
31 | system serving such building shall be brought into full compliance with the provisions and requirements of these rules. Proper
32 | well setbacks shall be maintained. Prior to any modification of the system, the owner shall apply for and obtain a permit for
33 | modification of the system from the county health department in accordance with Rule 64E-6.004, F.A.C. The permit shall be
34 | valid for 18 months from the date of issue. Where building construction has commenced, it shall be valid for an additional 90
35 | days. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer with soils
36 | training who is licensed in the state of Florida pursuant to Chapter 471, F.S., registered septic tank contractors, master septic
37 | tank contractors, or persons certified under Section 381.0101, F.S., or department personnel for the appropriate fee specified in
38 | Section 381.0066, F.S.

39 | **381.0065(4)(aa) A modification, replacement, or upgrade of an onsite sewage**
40 | **treatment and disposal system is not required for a remodeling addition**
41 | **to a single-family home if a bedroom is not added.**

42 | (a) For residences, flows shall be calculated using new system criteria for bedrooms and building area, including existing
43 | structures and any proposed additions. Table I and footnotes shall apply. ~~For example, a current three bedroom, 1300 square~~
44 | ~~foot home would be able to add building area to have a total of 2250 square feet of building area with no change in their~~
45 | ~~approved system, provided no additional bedrooms are added.~~ No part of the existing structure, or the addition to the structure
46 | shall be allowed to cover any part of the system. Non-load bearing structures, such as a concrete patio floor, are allowed to
47 | cover the septic tank, provided that access to the tank is provided for maintenance. The structure above the septic tank shall
48 | have a minimum opening of 225 square inches at each end of the septic tank for access into the tank. The structure shall not be
49 | in direct contact with the tank. A barrier of soil or plastic shall be used between the tank and non-load bearing structure.

50 | Provided that a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a
51 | remodeling addition if a bedroom is not added, fFor those residences that add sewage flow, the system shall be required to be
52 | altered to meet the following criteria:

53 | 1. The septic tank need not be replaced if it is structurally sound and is within one tank size of the required specifications
54 | found in Table II, for the proposed structure. An approved outlet filter shall be installed if one is currently not in place.

55 | 2. The county health department shall require the existing drainfield to be increased to current rule drainfield size
56 | requirements for the proposed estimated sewage flow using the appropriate soil loading rate and sizing criteria for new
57 | systems. Where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high
58 | water table, the bottom of the drainfield shall be maintained at the existing separation or a minimum of 12 inches above the wet
59 | season high water table, whichever is greater.

60 | 3. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield shall be

61 brought into full compliance with all new system standards, as long as it is the intent of the applicant to proceed with the
62 addition to the residence.

63 4. Any system where the tank needs to be replaced or is replaced as part of a system upgrade shall be brought into full
64 compliance with all new system specifications.

65 5. If the existing system is disconnected from a structure that was made unusable or destroyed following a disaster and if
66 the system was properly functioning at the time of disconnection and not adversely affected by the disaster, the onsite sewage
67 treatment and disposal system may be reconnected to a rebuilt structure if:

68 a. The reconnection of the system is to the same type of structure and use which contains the same number of bedrooms or
69 fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure
70 that existed before the disaster;

71 b. The system is not a sanitary nuisance; and

72 c. The system has not been altered without prior authorization.

73 381.0065(4)(y)1. An onsite sewage treatment and disposal system is not considered
74 abandoned if the system is disconnected from a structure that was made
75 unusable or destroyed following a disaster and if the system was properly
76 functioning at the time of disconnection and not adversely affected by the
77 disaster. The onsite sewage treatment and disposal system may be
78 reconnected to a rebuilt structure if:

79 a. The reconnection of the system is to the same type of structure which
80 contains the same number of bedrooms or fewer, if the square footage of the
81 structure is less than or equal to 110 percent of the original square footage of
82 the structure that existed before the disaster;

83 b. The system is not a sanitary nuisance; and

84 c. The system has not been altered without prior authorization.

85 2. An onsite sewage treatment and disposal system that serves a
86 property that is foreclosed upon is not considered abandoned.

87 (b) through (g) No change

88 (5) through (7) No change

89 *Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041, 489.553*
90 *FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-*
91 *6.041, Amended 11-19-97, 2-3-98, 3-22-00, 9-5-00, 5-24-04, 11-26-06, 6-25-09, 4-28-10, ____.*

92 **64E-6.002 Definitions.**

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

94 (1) through (10) No change

95 (11) Bedroom – ~~as defined by Section 381.0065(2), F.S. a room designed primarily for sleeping or a room which is~~
96 ~~expected to routinely provide sleeping accommodations for occupants.~~

97 381.0065(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

98 381.0065(2)(b)1. “Bedroom” means a room that can be used for sleeping and that:

99 a. For site-built dwellings, has a minimum of 70 square feet of
100 conditioned space;

101 b. For manufactured homes, is constructed according to standards of the
102 United States Department of Housing and Urban Development and has a
103 minimum of 50 square feet of floor area;

104 c. Is located along an exterior wall;

105 d. Has a closet and a door or an entrance where a door could be
106 reasonably installed; and

107 e. Has an emergency means of escape and rescue opening to the outside.

108 2. A room may not be considered a bedroom if it is used to access another
109 room except a bathroom or closet.

110 3. “Bedroom” does not include a hallway, bathroom, kitchen, living room,
111 family room, dining room, den, breakfast nook, pantry, laundry room,
112 sunroom, recreation room, media/video room, or exercise room.

113 (12) through (59) No change

114 *Rulemaking Authority 381.0011(4), (13), 381.0065(3)(a) FS. Law Implemented 381.0065, 381.00655 FS. History—New 12-22-*
115 *82, Amended 2-5-85, Formerly 10D-6.42, Amended 3-17-92, 1-3-95, Formerly 10D-6.042, Amended 11-19-97, 3-22-00, 11-26-*
116 *06, ____.*

117 **64E-6.003 Permits.**

118 (1) System Construction Permit – No portion of an onsite sewage treatment and disposal system shall be installed,
119 repaired, altered, modified, abandoned or replaced until a construction permit has been issued on Form DH 4016, 08/09,
120 Construction Permit, herein incorporated by reference. If building construction has commenced, the system construction permit
121 shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall not be charged for a repair
122 permit issued within 12 months from the date of final authorization of the onsite sewage treatment and disposal system. If a
123 construction or repair permit for an onsite sewage treatment and disposal system is transferred to another person the date of the
124 construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer.
125 Servicing or replacing with like kind mechanical or electrical parts of an approved onsite sewage treatment and disposal
126 system; pumping of septage from a system; or making minor structural corrections to a tank, or distribution box, does not
127 constitute a repair.

128 (2) through (5) No change

129 (6) Expired Permits - Any new construction, repair, or modification permit issued by the department ~~with an expiration~~
130 ~~date of September 1, 2008, through December 31, 2009~~, that has received construction approval within the previous five years
131 but has not received final approval may be approved provided all of the following conditions are met:

132 (a) The applicant or agent provides a written statement that there have been no changes in application or site conditions
133 from the original permit. The statement must specifically address any changes on adjacent lots. ~~If there are any changes a site~~
134 ~~re-evaluation is required.~~

135 (b) A site re-evaluation confirms that fundamental site conditions have not changed since construction approval. In this
136 paragraph, fundamental site conditions are those conditions that have changed sufficiently to place the system in violation of
137 the rules under which it was permitted.

138 (c) ~~(b)~~ Fees for a new construction permit and the research/training surcharge are paid. A site re-evaluation fee is paid, if
139 applicable. A new permit shall be issued under the rules under which the original permit was issued.

140 (d) ~~(e)~~ A final system inspection is performed showing compliance with all rules under which the construction approval
141 was granted. If applicable, a system re-inspection fee is paid.

142 381.0065(4)(z) If an onsite sewage treatment and disposal system permittee receives,
143 relies upon, and undertakes construction of a system based upon a validly
144 issued construction permit under rules applicable at the time of construction
145 but a change to a rule occurs within 5 years after the approval of the system
146 for construction but before the final approval of the system, the rules
147 applicable and in effect at the time of construction approval apply at the time
148 of final approval if fundamental site conditions have not changed between
149 the time of construction approval and final approval

150 (7) No change

151 *Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041 FS.*
152 *History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-*
153 *6.043, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09, 4-1-10, 4-28-10, ____.*

154 **64E-6.011 Abandonment of Systems.**

155 381.0065(4)(y)1. An onsite sewage treatment and disposal system is not considered
156 abandoned if the system is disconnected from a structure that was made
157 unusable or destroyed following a disaster and if the system was properly
158 functioning at the time of disconnection and not adversely affected by the
159 disaster. The onsite sewage treatment and disposal system may be
160 reconnected to a rebuilt structure if:
161 a. The reconnection of the system is to the same type of structure which
162 contains the same number of bedrooms or fewer, if the square footage of the
163 structure is less than or equal to 110 percent of the original square footage of
164 the structure that existed before the disaster;
165 b. The system is not a sanitary nuisance; and
166 c. The system has not been altered without prior authorization.
167 2. An onsite sewage treatment and disposal system that serves a
168 property that is foreclosed upon is not considered abandoned.

169 (1) Whenever the use of an onsite sewage treatment and disposal system is discontinued following connection to a sanitary
170 sewer, ~~following condemnation or demolition or removal or destruction, of a building or property~~, or discontinuing the use of a
171 septic tank and replacement with another septic tank, the system shall be abandoned within 90 days and any further use of the
172 system for any purpose shall be prohibited. However, if the Department of Environmental Protection or its designee approves
173 the use of the retention tank where the tank is to become an integral part of a sanitary sewer system or stormwater management
174 system, the septic tank need not be abandoned.

175 (2) The following actions shall be taken, in the order listed, to abandon an onsite sewage treatment and disposal system:

176 (a) Property owner or agent shall apply for a permit from the department to abandon the existing onsite sewage system and
177 submit the required fee. Upon receiving a permit:

178 (b) The tank shall be pumped out by a permitted septage disposal company who shall provide a receipt or a written

179 | certification to the department.

180 | (c) The bottom of the tank shall be opened or ruptured, or the entire tank collapsed so as to prevent the tank from retaining
181 | water, and

182 | (d) The tank shall be filled with clean sand or other suitable material, and completely covered with soil.

183 | (e) An inspection of the system abandonment shall be conducted by the department or by the local utility or plumbing
184 | authority performing the system abandonment.

185 | (3) through (4) No change

186 | *Rulemaking Authority 381.0065, 489.553, 489.557 FS. Law Implemented 381.0065, 381.00655, 381.0066, Part I 386 FS.*

187 | *History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.53, Amended 3-17-92, 1-3-95, Formerly 10D-6.053, Amended 6-18-*

188 | *03, 6-25-09,_____.*

12-03 ISSUE FOR TECHNICAL REVIEW AND ADVISORY PANEL CONSIDERATION

Printed 11/28/2012 4:06:47 PM

Next Trap Meeting: 12/14/2012

Subject: Existing Systems

Rule Sections: 64E-6.001

Issue: Current language has been amended and re-amended and is confusing. Need to incorporate HB 1263 (LOF 2012-184)

Issue Originated By: Gerald Briggs, DOH

Justification: The proposed changes simplifies the language related to existing systems and modifications. Allows for tank additions rather than new standards for any tank addition, allows tank certification to be honored for five years. No modification for houses with no bedroom addition.

Proposed Rule Change: 12-03--64E-6.001_Existing systems 10-22-2012.doc (See Attached)

Summary: Simplifies the language related to existing system modification. Reduces requirements, provides more options for some modifications.

Possible Financial Impacts: eliminates "new" requirement for tank addition. Allows pumping certificate to be honored for five years rather than current three.. Should reduce costs to homeowners and business owners.

Date New: 10/22/2012

Initially Reviewed by Trap: 11/16/2012

Tabled by Trap:

Trap Review Finished: 11/16/2012

Variance Committee Reviewed: 12/6/2012

Trap Review Variance Comments: 12/14/2012

Trap Final Decision:

Final Outcome:

Comments: 11/16/2012 TRAP approved to go to variance committee with edit: 64E-6.001(4)(f) ". . .there is any increase in sewage flow or increase in waste strength."

Ready for Rule

In Rule

Rule Date: 4/1/2012

1 | **NOTE: Yellow highlights are changes since last TRAP meeting.**

2 | **64E-6.001 General.**

3 | (1) The provisions of Part I of this chapter shall apply to all areas of the state except where specific provisions
4 | of law or other parts of this chapter provide a specific exemption or modification to those provisions. The provisions
5 | of this chapter must be used in conjunction with Chapter 381 and Part III, Chapter 489, F.S.

6 | (2) Structures used or intended for human occupancy, employment or service to the public and locations where
7 | people congregate, such as construction sites, fairs, and field locations for agricultural workers shall provide
8 | approved wastewater treatment and disposal systems. Except for the provisions of Rule 64E-6.0101, F.A.C.,
9 | permanent structures shall not rely upon the use of holding tanks and portable toilets for wastewater treatment and
10 | disposal.

11 | (3) Combination of commercial and domestic sewage into a single system shall require that all the sewage be
12 | treated as commercial sewage.

13 | (4) Except as provided for in Section 381.00655, F.S., any existing and prior approved system which has been
14 | placed into use and which remains in satisfactory operating condition shall remain valid for use under the terms of
15 | the rule and permit under which it was approved. Alterations that change the conditions under which the system was
16 | permitted and approved, sewage characteristics or increase sewage flow will require that the owner, or their
17 | authorized representative, apply for and receive reapproval of the system by the DOH county health department,
18 | prior to any alteration of the structure, or system. If an applicant requests that the department consider the previous
19 | structure's or establishment's most recent approved occupancy, the applicant must provide written documentation
20 | that the onsite sewage treatment and disposal system was approved by the department for that previous occupancy.

21 | (a) An applicant will be required to complete Form DH 4015, 08/09, Application for Construction Permit,
22 | herein incorporated by reference, and provide a site plan in accordance with paragraph 64E-6.004(3)(a), F.A.C., to
23 | provide information of the site conditions under which the system is currently in use and conditions under which it
24 | will be used.

25 | (b) The applicant shall have all system tanks pumped by a permitted septage disposal service. A registered septic
26 | tank contractor, state-licensed plumber, person certified under Section 381.0101, F.S., or master septic tank
27 | contractor shall determine the tank volume and shall perform a visual inspection of the tank when the tank is empty
28 | to detect any observable defects or leaks in the tank. The tank volume shall be obtained from the tank legend or shall
29 | be calculated from measured internal tank dimensions for length, width and depth to the liquid level line or from the
30 | measured outside dimensions for length and width minus the wall thickness and depth to the liquid level line. For
31 | odd shaped tanks and tanks without a legend, metered water flows from the refilling of the tank may be used in lieu
32 | of measured inside or outside tank dimensions. The person performing the inspection shall submit the results to the
33 | DOH county health department as part of the application using page 4 of Form DH 4015.

34 | (c) If a prior approved existing system has been approved by the DOH county health department within the
35 | preceding ~~three~~ five years, and the system was determined to be in satisfactory operating condition at that time, a
36 | new inspection is not required unless there is a record of failure of the system. If it is determined that a new
37 | inspection is not required, only the application fee shall be charged for this application and approval. ~~A commercial~~
38 | ~~system out of service for more than one year shall be brought into full compliance with current requirements of this~~
39 | ~~chapter prior to the system being placed into service.~~

40 | (d) If the use of a building is changed or if additions or alterations to a building are made which will increase
41 | domestic sewage flow, change sewage characteristics, or compromise the integrity or function of the system, the
42 | onsite sewage treatment and disposal system serving such building shall be brought into full compliance with the
43 | provisions and requirements of these rules.

44 | 1. Proper well setbacks shall be maintained.

45 | 2. Prior to any modification of the system, the owner shall apply for and obtain a permit for modification of the
46 | system from the county health department in accordance with Rule 64E-6.004, F.A.C. The permit shall be valid for
47 | 18 months from the date of issue. Where building construction has commenced, it shall be valid for an additional 90
48 | days.

49 | 3. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer
50 | with soils training who is licensed in the state of Florida pursuant to Chapter 471, F.S., registered septic tank
51 | contractors, master septic tank contractors, or persons certified under Section 381.0101, F.S., or department
52 | personnel for the appropriate fee specified in Section 381.0066, F.S.

53 | (ae) For residences, flows shall be calculated using new system criteria for bedrooms and building area,
54 | including existing structures and any proposed additions. Table I and footnotes shall apply. ~~For example, a current~~
55 | ~~three bedroom, 1300 square foot home would be able to add building area to have a total of 2250 square feet of~~
56 | ~~building area with no change in their approved system, provided no additional bedrooms are added.~~ No part of the
57 | existing structure, or the addition to the structure shall be allowed to cover any part of the system. Non-load bearing
58 | structures, such as a concrete patio floor, are allowed to cover the septic tank, provided that access to the tank is
59 | provided for maintenance. The structure above the septic tank shall have a minimum opening of 225 square inches at
60 | each end of the septic tank for access into the tank. The structure shall not be in direct contact with the tank. A
61 | barrier of soil or plastic shall be used between the tank and non-load bearing structure. Provided that a modification,
62 | replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition

63 | if a bedroom is not added, For those residences that add sewage flow, the system shall be required to be altered to
64 | meet the following criteria:

65 | 1. The septic tank need not be replaced if it is structurally sound and is within one tank size of the required
66 | specifications found in Table II, for the proposed structure. An approved outlet filter shall be installed if one is
67 | currently not in place. If existing tanks are not within one tank size of the required specifications found in Table II,
68 | for the proposed structure, they shall be replaced or supplemented to meet current sizing requirements. If a new tank
69 | is installed in series, the resulting configuration must meet the sizing requirements for tanks-in-series in 64E-6.013.

70 | 2. The county health department shall require the existing drainfield to be increased to current rule drainfield
71 | size requirements for the proposed estimated sewage flow using the appropriate soil loading rate and sizing criteria
72 | for new systems. Where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the
73 | wet season high water table, the bottom of the drainfield shall be maintained at the existing separation or a minimum
74 | of 12 inches above the wet season high water table, whichever is greater.

75 | 3. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield
76 | shall be brought into full compliance with all new system standards, as long as it is the intent of the applicant to
77 | proceed with the addition to the residence.

78 | ~~4. Any system where the tank needs to be replaced or is replaced as part of a system upgrade shall be brought~~
79 | ~~into full compliance with all new system specifications.~~

80 | (b) For commercial establishments, the system shall not be required to be altered if domestic sewage flow is
81 | not expected to increase by more than 20% of original design flow or require more than one tank size adjustment. A
82 | department approved outlet filter device shall be installed. ~~Any commercial system where the tank needs to be~~
83 | ~~replaced shall be brought into full compliance with all new system specifications.~~ Any system which is used to
84 | treat and dispose of commercial wastewater shall be brought into full compliance with the provisions and
85 | requirements of current rules when there is any increase in sewage flow or increase in waste strength.

86 | (eg) These requirements do not authorize a residence or establishment to exceed the lot flow allowances
87 | authorized under paragraph 64E-6.005(7)(c), F.A.C. Establishments that currently exceed lot flow allowances shall
88 | not be allowed to increase sewage flow.

89 | ~~(d) Any system which is used to treat and dispose of commercial wastewater shall be brought into full~~
90 | ~~compliance with the provisions and requirements of current rules when any change in sewage flow or characteristics~~
91 | ~~is made.~~

92 | ~~(e) Repair of the system to repair system standards shall not alter the standards found in this subsection for~~
93 | ~~existing system use or modification.~~

94 | (fh) The installation of a laundry system, a gray water system, a grease interceptor, or additional drainfield as a
95 | precautionary measure to prolong system functioning of an existing system is considered a modification to the
96 | system. Such installation is not a modification if it is associated with an increase in estimated sewage flow or change
97 | in sewage characteristics, if the system is in failure or if the existing system is in non-compliance with the terms of
98 | the original permit, in which case it will be considered a new system.

99 | ~~(g) Where the current structure exceeds the design capacity of the existing system, the system shall not be~~
100 | ~~allowed for use with any addition.~~

101 | (i) If an existing system is disconnected from a structure that was made unusable or destroyed following a
102 | disaster, the system may be reconnected to a rebuilt structure per the provisions of s. 381.0065(4)(y).

103 | (5) The department Procedure for Voluntary Inspection and Assessment of Existing Systems, May, 2000, herein
104 | incorporated by reference, shall be applied except in situations pertaining to an increase in sewage flow or change in
105 | sewage characteristics, or failure of the system. The inspection is designed to assess the condition of a system at a
106 | particular moment in time. The inspection will identify obviously substandard systems, for example systems without
107 | drainfields. The inspection is not designed to determine precise code compliance, nor provide information to
108 | demonstrate that the system will adequately serve the use to be placed upon it by this or any subsequent owner.
109 | Nothing in this section shall be construed to limit the amount of detail an inspector may provide at their professional
110 | discretion. Persons allowed to perform work under this section shall be master septic tank contractors, registered
111 | septic tank contractors, state-licensed plumbers, and persons certified under Section 381.0101, F.S. Department
112 | employees are excluded from performing these evaluations. Aerobic treatment units and performance-based
113 | treatment systems shall not be evaluated using this criteria, but shall be evaluated by the approved maintenance
114 | entity which maintains the unit or system. Nothing in this section restricts the person having ownership of, control
115 | of, or use of an onsite sewage treatment and disposal system from requesting a partial inspection. The inspector shall
116 | provide the person requesting the inspection a copy of the department Procedure for Voluntary Inspection and
117 | Assessment of Existing Systems and written notice of their right to request an inspection based on part or all of the
118 | standards.

119 | (6) Citations issued by the department shall be on Form DH 3146, 11/02, Citation for Violation, Onsite Sewage
120 | Programs/ Sanitary Nuisance, hereby incorporated by reference.

121 | (7) All materials incorporated herein may be obtained from the Bureau of **Onsite Sewage**
122 | **Programs** Environmental Health at www.MyFloridaEH.com or 4052 Bald Cypress Way, Bin A08, Tallahassee,
123 | Florida 32399-1713.

The Variance Review and Advisory Committee met on December 6, 2012, and provided the following comments regarding the two issues on the agenda for the December 14, 2012 TRAP teleconference-

Issue 12-02 -- HB 1263 changes - Bedroom Definition, Modifications, Abandonments and Permit Expiration.

12/6/2012 Variance Committee Comments:

DEP-Need to define den, recreation room, media room, video room, and exercise room to differentiate from them and a bedroom.;

SHO-Change line 135-137 to read "Conditions that have changed sufficiently to place the system in violation of the rules under which it was permitted will be considered a violation.";

HBI-OK;

REI-OK;

ENG-OK;

CHD-OK;

STI-OK.

Issue 12-03 – Existing Systems

12/6/2012 Variance Committee Comments:

SHO-I disagree in allowing old systems to be used 'forever' even when the system has been placed out of use for a number of years. Systems not meeting current health standards need to be brought to current standards.;

HBI-OK;

REI-OK;

ENG-OK; Make sure lines 66-68 do not conflict with lines 60-61.

CHD-OK;

STI-OK;

DEP-OK.