

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
CHAPTER 64E-6, FLORIDA ADMINISTRATIVE CODE  
STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS**

**EFFECTIVE JULY 31, 2018**

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**STATE OF FLORIDA  
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**PART I**

**64E-6.001 General.**

(1) The provisions of Part I (64E-6.001 - 6.016) of this chapter shall apply to all areas of the state except where specific provisions in Part II (64E-6.017 - 6.0182), addressing the Florida Keys, or specific provisions in Part IV (64E-6.025 - 6.0295), addressing performance-based treatment systems, exempt or modify compliance with Part I. Part III (64E-6.019 - 6.023) addresses the registration of septic tank contractors and authorization of partnerships and corporations. Part V (64E-6.030) addresses fees for services throughout the chapter. The provisions of this chapter must be used in conjunction with Chapter 381 and Part III of Chapter 489, F.S.

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

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

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

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

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

(c) If a prior approved existing system has been approved by the DOH county health department within the preceding five years, and the system was determined to be in satisfactory operating condition at that time, a new inspection is 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 application fee shall be charged for this application and approval.

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

1. Proper well setbacks shall be maintained.

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

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

(e) For residences, flows shall be calculated using new system criteria for bedrooms and building area, including existing structures and any proposed additions. Table I and footnotes shall apply. No part of the existing structure, or the addition to the

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structure shall be allowed to cover any part of the system. Non-load bearing structures, such as a concrete patio floor, are allowed to cover the septic tank, provided that access to the tank is provided for maintenance. The structure above the septic tank shall 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 in direct contact with the tank. A barrier of soil or plastic shall be used between the tank and non-load bearing structure. A modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition if a bedroom is not added. For those residences that add sewage flow, the system shall be required to be altered to meet the following criteria:

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

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

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

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

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

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

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

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

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

(7) All materials incorporated herein may be obtained from the Bureau of Environmental Health at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041, 489.553 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-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, 7-16-13.*

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#### **64E-6.002 Definitions.**

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

- (1) Absorption surface – the total surface area of soil at the bottom of the drainfield.
- (2) Aerobic treatment unit – a sewage treatment unit which introduces air into sewage to provide aerobic biochemical stabilization within a treatment receptacle.
- (3) Alternative system – any approved onsite sewage treatment and disposal system used in lieu of, including modifications to, a standard subsurface system.
- (4) American National Standards Institute, hereafter referred to as ANSI – an organization comprised of trade associations, technical societies, professional groups, consumer organizations, and individual companies with headquarters located at 1430 Broadway, New York, New York 10018. This organization acts as a clearinghouse and coordinating body for voluntary standards activities in the United States, and approves as American National Standards those standards that have been developed according to its principles of openness, due process and consensus. Among its activities is accreditation of third-party certification programs.
- (5) American Society for Testing Materials hereafter referred to as ASTM – a technical society with headquarters located at 1916 Race Street, Philadelphia, Pennsylvania, 19103, which develops and publishes national standards for the testing and quality assurance of construction materials.
- (6) Approved – an onsite sewage treatment and disposal system constructed and installed in compliance with the standards and requirements of this chapter and which has received final installation approval. “Approved” installation does not imply that a system will perform satisfactorily for a specific period of time.
- (7) Approved maintenance entity – any person or business entity which has been issued a written permit by the DOH county health department to provide maintenance services associated with approved onsite aerobic treatment units.
- (8) Aquifer – a geological formation, group of formations, or part of a formation that is capable of yielding potentially usable quantities of potable water from wells or springs.
- (9) Available publicly owned or investor-owned sewerage system – as defined by Section 381.0065(2), F.S.
- (10) Base flood – the flood having a one percent chance of being equaled or exceeded in any given year.
- (11) Bedroom – as defined by Section 381.0065(2), F.S.
- (12) Building Area – that enclosed habitable area of a dwelling unit, excluding the garage, carport, exterior storage shed, or open or screened patios or decks. Calculations of building area shall be made by measurements of the outside building dimensions. Building area of each additional story of the structure shall be added to determine the total building area.
- (13) Commercial Sewage Waste – Non-toxic, non-hazardous wastewater from commercial facilities. Examples of establishments included in this definition are commercial and institutional food operations, commercial laundry facilities with no more than 4 machines, and animal holding facilities.
- (14) Department – the Department of Health including authorized agents of the individual DOH county health departments.
- (15) Domestic sewage waste – as defined by Section 381.0065(2), F.S. Domestic sewage is further categorized as:
  - (a) Blackwater – as defined by Section 381.0065(2), F.S.
  - (b) Graywater – as defined by Section 381.0065(2), F.S.
  - (c) Domestic sewage waste ranges:
    1. Carbonaceous Biochemical Oxygen Demand (CBOD5), maximum 300 mg/l;
    2. Total Suspended Solids (TSS), maximum 200 mg/l;
    3. pH, 6 – 8; or within 1 pH unit of the water supply pH; and
    4. Nitrogen (Total Kjeldahl Nitrogen, TKN) maximum 100 mg/l.
- (16) Dosing Tank – See Pump Tank.
- (17) Drainage Ditch – a trench dug for the purpose of draining water from the land or for transporting water for use on the land. Swales are excluded from this definition.
- (18) Drainfield – a system of open-jointed or perforated piping, approved alternative distribution units, or other treatment facilities designed to distribute effluent for filtration, oxidation and absorption by the soil within the zone of aeration.
- (19) Dwelling unit – a residence for the housing of a single family whether such residence is a detached structure or a unit of a multiple family building.
- (20) Effective capacity – the liquid volume of a tank contained below the liquid level line.
- (21) Effective soil depth – the depth of slightly or moderately limited soil material at an onsite sewage treatment and disposal system drainfield site.
- (22) Establishment – a multi-family housing, apartment, condominium or townhouse complex, a mobile home park or recreational vehicle park, a non-residential commercial or institutional development or places of business or assembly. An establishment includes all buildings or structures, and the land appertaining thereto and shall have an owners association or other legal entity which is responsible for maintenance and operation of the development’s sewage treatment and disposal facilities.
- (23) Failure – a condition existing within an onsite sewage treatment and disposal system which prohibits the system from

functioning in a sanitary manner and which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface water, into ground water, or which results in the failure of building plumbing to discharge properly.

(24) Filled System – a drainfield system where a portion, but not all, of the drainfield sidewalls are located at an elevation above the elevations of undisturbed native soil on the site.

(25) Flooding – a covering of soil surface by water from any source, such as streams overflowing their banks, runoff from adjacent or surrounding slopes, elevation of the ground water table exceeding that of the soil surface, or combinations of these. Terms also associated with flooding and used elsewhere in this chapter are:

(a) Frequent – flooding which occurs more than once every two years on the average;

(b) Ten year flood elevation – that flood elevation which has a 10 in 100 probability of being equaled or exceeded in any calendar year.

(26) Florida Keys – as defined by Section 381.0065(2), F.S.

(27) Food Establishment Sludge – oils, fats, greases, food scraps and other grease interceptor contents generated by a food operation or institutional food preparation facility using an onsite sewage treatment and disposal system.

(28) Impermeable – when used in reference to Section 381.0065(2)(k), F.S., shall mean a condition where the maximum hydraulic conductivity is less than or equal to  $1 \times 10^{-7}$  centimeters per second.

(29) Industrial, hazardous or toxic sewage waste – wastewater not otherwise defined as domestic sewage waste or commercial sewage waste. Wastewater carried off by floor drains, utility sinks and equipment drains located in buildings in industrial or manufacturing areas, estimated volumes of commercial sewage wastes exceeding 5000 gallons per day, wastewater from commercial laundry facilities with more than 4 self-service machines, and wastewater from car and truck washes are included in this definition.

(30) Innovative system – as defined by Section 381.0065(2), F.S.

(31) Limitation ratings – Soil classification ratings which describe the relative suitability of soils to properly assimilate sewage effluent. The three rating categories for the purpose of this rule are:

(a) Slightly limited – soil materials with favorable properties for the use of a drainfield.

(b) Moderately limited – soil materials that have properties moderately favorable for the use of a drainfield.

(c) Severely limited – soil materials which have one or more properties unsuitable for the use of a drainfield.

(32) Lot – as defined by Section 381.0065(2), F.S.

(33) Mean annual flood line – as defined by Section 381.0065(2), F.S.

(34) Mean annual flood line indicators– as used in Section 381.0065(2), F.S. means:

(a) Water stains – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of “Water marks”;

(b) Hydric adventitious roots – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of “Morphological plant adaptations”;

(c) Drift lines – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of “Drift lines and rafted debris”;

(d) Rafted debris – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of “Drift lines and rafted debris”;

(e) Aquatic mosses and liverworts – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of “Aquatic mosses and liverworts”;

(f) Moss collars – a proliferation of terrestrial mosses and liverworts that mark the upper limits of the mean annual flood line;

(g) Lichen lines – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of “Elevated lichen lines.”

(35) Mean high water – the average height of tidal high waters over a 19-year period.

(36) Mean high water line – the intersection of the tidal plane of mean high water with the shore.

(37) Mound system – a drainfield constructed at a prescribed elevation in a prepared area of fill material. All drainfields where any part of the bottom surface of the drainfield is located at or above the elevation of undisturbed native soil in the drainfield area is a mound system.

(38) National Sanitation Foundation International, hereafter referred to as NSF – a not for profit research, education and service organization located at 3475 Plymouth Road, Ann Arbor, Michigan, 48106, that develops standards and criteria for equipment, products and services that bear upon health.

(39) Non-potable water well – a well intended exclusively for irrigation purposes, or for supplying water to a heat pump system or a well for receiving discharge water from a heat pump system.

(40) “O” Horizon – the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.

(41) Obstructed land – those areas on a lot or property used for such purposes as pools, concrete slabs, buildings, driveways, parking and similar areas which prohibit, hinder, or affect the installation, operation or maintenance of an onsite

sewage treatment and disposal system.

(42) Onsite sewage treatment and disposal system, also referred to as system – as defined by Section 381.0065(2)(j), F.S. Appurtenances installed within the building sewer prior to a treatment receptacle shall not be included in this definition. Systems covered by Chapter 403, F.S., are not included in this definition.

(43) Potable water line – as defined by Section 381.0065(2), F.S.

(44) Potable water well – a source of water used for drinking, culinary or domestic purposes. The following classifications of potable wells are used in this chapter.

(a) Private potable well – a well used only by one or two residences, one of which may be a rental residence.

(b) Public drinking water well – a well serving any drinking water system other than a private water system. Public systems are classified in the following manner:

1. Community public water system – as defined in Section 403.852, F.S., such water system serves a year-round residential population of at least 25 people per day or has a minimum of 15 year-round residential service connections.

2. Non-community public water system – as defined in Section 403.852, F.S., such water system serves a transient population of at least 25 people per day at least 60 days per year or has a minimum of 15 non-residential service connections.

3. Non-transient non-community public water system – as defined in Section 403.852, F.S., such water system is not a community water system, but is a system that regularly serves at least 25 of the same people for over 6 months of the year.

4. Limited use public water system – a public water system not regulated by the Florida Safe Drinking Water Act or Chapter 62-550, 62-555, or 62-560 of the F.A.C., and further specified as limited use commercial public water system which provides piped potable water to one or more non-residential establishments and limited use community public water system which provides piped potable water to five or more private residences or two or more rental residences.

(c) Multi-family water well – a well that is used by three or four residences, one of which may be a rental residence.

(45) Pump tank – a tank, or dedicated section of a multi-compartment tank used to locate a pump that is used to distribute effluent to a drainfield, or other part of an onsite sewage treatment and disposal system.

(46) Regulatory floodway – means the channel of a river or other water course and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(47) Repair – replacement of or modifications or additions to a failing system which are necessary to allow the system to function in accordance with its design or must be made to eliminate a public health or pollution hazard. Servicing or replacing with like kind mechanical or electrical parts of an approved onsite sewage treatment and disposal system; or making minor structural corrections to a tank, or distribution box, does not constitute a repair. The use of any treatment method that is intended to improve the functioning of any part of the system, or to prolong or sustain the length of time the system functions, shall be considered a repair. The use of any non-prohibited additive by the system owner, through the building plumbing, shall not be considered a repair. Removal of the contents of any tank or the installation of an approved outlet filter device, where the drainfield is not disturbed, shall not be considered a repair. Replacement of a broken lid to any tank shall not be considered a repair. Splicing a drip emitter line where no emitter is eliminated shall not be considered a repair.

(48) Septage – as defined by Section 381.0065(2), F.S. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors.

(49) Septic tank – a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal into a drainfield.

(50) Spoil material – any part of the existing drainfield, any adjacent soil material within 24 inches vertically and 12 inches horizontally of the drainfield, and any soil that has visible signs of effluent that has been removed as part of a repair, modification or abandonment of an onsite sewage treatment and disposal system.

(51) Standard subsurface drainfield system – an onsite sewage treatment and disposal system drainfield consisting of a distribution box or header pipe and a drain trench or absorption bed with all portions of the drainfield sidewalls installed below the elevation of undisturbed native soil.

(52) Subdivision – as defined by Section 381.0065(2), F.S.

(53) Surface water bodies – are classified as.

(a) Permanent nontidal surface water body – as defined by Section 381.0065(2), F.S.

(b) Tidally influenced surface water body-as defined by Section 381.0065(2), F.S.

(54) Swale – a manmade, vegetatively-stabilized trench which contains contiguous areas of standing or flowing water for less than 72 hours following a rainfall event. A swale has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical.

(55) Temporary – a single period or an accumulation of periods not exceeding 120 total days in any 365-day period.

(56) Toxic or hazardous chemical – as defined by Section 381.0065(2)(p), F.S.

(57) Undisturbed native soil – soil which has been deposited onto a site by the actions of nature and which has not been disturbed or altered by the activities of man.

(58) Water table elevation – the upper surface of the groundwater or that level below which the soil or underlying rock

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material is wholly saturated with water. Water table elevation is measured from the soil surface downward to the upper level of saturated soil or up to the free water level.

(59) Wettest season – that period of time each year in which the ground water table elevation can normally be expected to be at its highest elevation.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, 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, 11-26-06, 7-16-13.*

#### **64E-6.003 Permits.**

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

(2) System Inspection – Before covering with earth and before placing a system into service, a person installing or constructing any portion of an onsite sewage treatment and disposal system shall notify the county health department of the completion of the construction activities and shall have the system inspected by the department for compliance with the requirements of this chapter, except as noted in subsection 64E-6.003(3), F.A.C., for repair installations.

(a) If the system construction is approved after an inspection by the DOH county health department, the department shall issue a “Construction Approval” notice to the installer.

(b) If the system installation does not pass the construction inspection on any type of system installation, the installer shall make all required corrections and notify the DOH county health department of the completion of the work prior to reinspection of the system. A reinspection fee shall be charged to the installer for each additional inspection leading up to construction approval.

(c) Final installation approval shall not be granted until the DOH county health department has confirmed that all requirements of this chapter, including building construction and lot grading are in compliance with plans and specifications submitted with the permit application.

1. In addition, if the system was designed by an engineer, who shall be licensed in the State of Florida, the DOH county health department shall require the design engineer or the design engineer’s designee, who shall be a licensed engineer, to certify that the installed system complies with the approved design and installation requirements. Single family residences are excluded from this requirement, however, all changes to the engineering specifications shall be approved by the design engineer.

2. If additional site visits after the construction approval inspection are necessary to establish the compliance of the building construction and lot grading, or to establish the compliance with any provision of this chapter, a reinspection fee shall be charged to the permit applicant for each inspection of the building and site leading to the final installation approval.

3. If an operating permit is required for the onsite sewage treatment and disposal system, final installation approval shall not be granted until the operating permit application and fee have been received by the Department.

(d) Where an establishment is serviced by an onsite sewage treatment and disposal system, Section 381.0065(4), F.S., shall govern when occupancy of a building can be allowed. “Approved” installation does not imply that a system will perform satisfactorily for a specific period of time.

(e) Systems which are required to have an annual or biennial operating permit and the structures which they serve shall be inspected by the department at least once per year during the term of the permit to determine compliance with the terms of the operating permit.

(3) Repair Inspections – A system repair shall be inspected by the department or a master septic tank contractor to determine compliance with construction permit standards prior to final covering of the system. Inspections shall comply with subsection 64E-6.003(2), F.A.C., and the following:

(a) A master septic tank contractor may, at their option, cover a system repair when the following conditions are met:

1. The master septic tank contractor has requested an inspection from the department during the normal duty day before the date and time the repair will be ready for inspection. Inspections must be scheduled during normal inspection hours and in conjunction with the inspection schedule of the county health department having jurisdiction.

2. At the date and time specified for inspection, the department is not on site to conduct an inspection within 30 minutes of the scheduled time. If the department is on site to conduct the inspection and the system is not ready for inspection within 30 minutes after the scheduled time, a reinspection shall be requested. A reinspection fee shall be charged. Contractors shall cancel or reschedule inspections not later than two hours prior to the scheduled time. In such cases, no reinspection fee shall be

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charged.

3. The master septic tank contractor is physically on site and conducts the inspection.

(b) The master septic tank contractor shall document the inspection on page 3 of Form DH 4016, and fax or hand deliver the form to the department by the next normal duty day following the inspection.

(c) A master septic tank contractor shall not cover a system repair when the department has performed an inspection and has notified the contractor of violations. Any system that has been inspected by the department and found to be in violation of construction standards of this rule, must receive a reinspection from the department before the system may be covered. A reinspection fee shall be charged for each reinspection leading to final approval.

(d) The department shall issue a "final approval" of the system repair based on the master septic tank contractor's inspection.

(e) Nothing herein prevents the department from inspecting a system inspected by a master septic tank contractor. No inspection is final until approved by the department.

(4) Voiding a permit – After an onsite sewage treatment and disposal system has received final installation approval from the department, if the building is modified in such a way that a larger system would be required, if any portion of the required drainfield unobstructed area is covered by impervious material, if the property is subdivided into a smaller lot or lots whereby the permitted system would not have been originally approved, if a well is installed on the property which violates the setbacks to the approved system, or if the system is improperly modified or damaged, the department shall undertake administrative action to revoke the permit. The department shall prohibit the further or continued use of a system when the permit has become void by injunction or other procedure authorized by law.

(5) Operating permits – No business or facility shall occupy a building served by an onsite sewage treatment and disposal system if the building is located in an area zoned or used for industrial or manufacturing purposes or its equivalent; or where a business will generate commercial sewage waste; and no structure shall be occupied where an aerobic treatment unit or performance-based treatment system is used, until an "Application for Onsite Sewage Treatment and Disposal System Operating Permit" has been received and approved by the department. Form DH 4081, 10/96 "Application for Onsite Sewage Treatment and Disposal System Operating Permit," is herein incorporated by reference.

(a) Property owners or their authorized agents are required to obtain an annual operating permit for systems located in an area zoned or used for industrial or manufacturing purposes or its equivalent or where a business will generate commercial sewage waste. The permit shall designate the person or entity responsible for the operation and maintenance of the system; the type of activity proposed on the site; persons or businesses which will use the system; equipment and types and quantities of chemical compounds which will be used by the building occupants which are likely to be discharged into the onsite sewage treatment and disposal system. At a minimum, the owner or person responsible for maintenance of the system shall test, or cause to be tested, the onsite sewage treatment and disposal system effluent in a qualitative and quantitative manner for any chemical compounds associated with the particular industrial or manufacturing operations conducted in that establishment, as directed by the county health department. The frequency of testing shall be specified on the annual operating permit.

(b) Operating permits are not transferable. If the owner of the system remains the same but the tenancy of the building changes, a Business Survey, Form DH 4081A, 10/96, herein incorporated by reference, must be completed and submitted to the DOH county health department for review. Changes in building occupancy shall be reviewed per Section 381.0065(4), F.S.

(c) Maintenance entities contracting to service aerobic treatment systems and performance-based treatment systems shall obtain a biennial operating permit from the DOH county health department for the system. Persons operating an aerobic treatment unit or performance-based treatment system shall permit department personnel right of entry to the property during normal working hours to allow for effluent sampling or evaluating the general state of repair or function of the system. Persons required to obtain an annual operating permit for an onsite sewage treatment and disposal system in an industrial or manufacturing zone or its equivalent, or where the system receives commercial sewage, shall not be required to obtain another operating permit for an aerobic treatment unit or performance-based treatment system at that site. Performance-based treatment systems that also include an aerobic treatment unit require only one biennial operating permit for the system.

(6) Expired Permits - Any new construction, repair, or modification permit issued by the department, that has received construction approval within the previous five years but has not received final approval may be approved provided all of the following conditions are met:

(a) The applicant or agent provides a written statement that there have been no changes in application or site conditions from the original permit. The statement must specifically address any changes on adjacent lots.

(b) A site re-evaluation confirms that site conditions have not changed sufficiently to place the system in violation of the rules under which it was permitted and received construction approval.

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

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

(7) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

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*Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. 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-6.043, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09, 4-1-10, 4-28-10, 7-16-13.*

**64E-6.004 Application for System Construction Permit.**

(1) No person shall cause or allow construction of a system without first applying for and obtaining a construction permit. Form DH 4015 shall be used for recording permit application information.

(2) An application shall be completed in full, signed by the owner or the owner's authorized representative, or a contractor licensed in accordance with Chapter 489, F.S., and shall be accompanied by all required exhibits and fees. If the owner of a property uses an authorized representative to obtain a new system construction permit, a signed statement from the owner of the property assigning authority for the representative to act on the owner's behalf shall accompany the application. This statement shall include specific information allowing the representative to act on the owner's behalf in all aspects of an application for an onsite sewage treatment and disposal system.

(3) The suitability of a lot, property, subdivision or building for the use of an onsite sewage treatment and disposal system shall be determined from an evaluation of lot size, anticipated sewage flow into the proposed system, the anticipated sewage waste strength, soil and water table conditions, soil drainage and site topography and other related criteria. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer with soils training who is licensed in the State of Florida pursuant to Chapter 471, F.S., by department personnel, registered septic tank contractors, master septic tank contractors, professional soil scientists certified and registered by the Florida Association of Environmental Soil Scientists, and persons certified under Section 381.0101, F.S. Registered septic tank contractors shall perform site evaluations for system repairs only. When determining that the necessary site investigations and tests be performed by an engineer licensed in the State of Florida, the county health department must consider the criteria listed in subsection 64E-6.004(4), F.A.C. Results of site investigations shall be entered on, or attached to, the construction permit application form for consideration by the county health department. Site evaluations shall occur not earlier than 180 days prior to the date the department receives the permit application. Site evaluations remain valid for the life of the permit. The application shall also include the following data:

(a) A plan or plat of the lot or total site ownership. The site plan shall be drawn to scale and shall be for the property where the system is to be installed.

1. The site plan shall show boundaries with dimensions and any of the following features that exist or that are proposed:

- a. Structures;
- b. Swimming pools;
- c. Recorded easements;
- d. Onsite sewage treatment and disposal system components;
- e. Slope of the property;
- f. Wells;
- g. Potable and non-potable water lines and valves;
- h. Drainage features;
- i. Filled areas;
- j. Excavated areas for onsite sewage systems;
- k. Obstructed areas;
- l. Surface water bodies; and
- m. Location of the reference point for system elevation.

2. If the county health department is responsible for performing the site evaluation, the applicant or applicant's authorized representative shall indicate the approximate location of wells, onsite sewage treatment and disposal systems, surface water bodies and other pertinent facilities or features on contiguous or adjacent property. If the features are within 75 feet of the applicant lot, the estimated distance to the feature must be shown but need not be drawn to scale.

3. If the county health department will not be performing the site evaluation, the applicant or authorized agent shall be responsible for the measurements to all features, including the pertinent features within 75 feet of the applicant lot. The location of any public drinking water well, as defined in paragraph 64E-6.002(44)(b), F.A.C., within 200 feet of the applicant's lot shall also be shown, with the distance indicated from the system to the well.

4. If an individual lot is five acres or greater, the applicant may draw a minimum one acre parcel to scale showing all required features, or the minimum size drawing necessary to properly exhibit all required features, whichever is larger. The applicant must also show the location of that one acre or larger parcel inside the total site ownership.

5. All information that is necessary to determine the total sewage flow and proper setbacks on the site ownership shall be submitted with the application. The applicant lot shall be clearly identified. A copy of the legal description or survey must accompany the application for confirmation of property dimensions only.

(b) For residences, a floor plan drawn to scale or showing the total building area of the structure, at the applicants' option, and showing the number of bedrooms and the building area of each dwelling unit. Non-residential establishments shall submit a floor plan drawn to scale showing the square footage of the establishment, all plumbing drains and fixture types, and any

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other features necessary to determine the composition and quantity of wastewater to be generated. Plumbing fixtures located at a non-residential establishment shall be included on the floor plan, but need not be drawn to scale.

(c) At least two soil profile descriptions within the proposed system soil absorption area to a minimum depth of 6 feet or to refusal, for which the minimum information provided is the upper and lower horizon boundaries, Munsell color of the horizon and its components and USDA soil texture; using USDA Soil Classification methodology as described in Chapter 3 of the Soil Survey Manual, United States Department of Agriculture, Handbook No. 18, October 1993, herein incorporated by reference. At a minimum, a soil profile shall be provided at the beginning and end of the proposed drainfield site. Where the replacement of severely limited soil is proposed, soil profiles shall be performed to a minimum depth of 6 feet or to the depth of the slightly or moderately limited soil layer lying below the replaced layer, whichever is greater. The evaluator shall document the locations of all soil profiles on the site plan.

(d) Water table elevations which exist at the time of the site evaluation and estimated water table elevation during the wettest season of the year. Water table elevations shall be established from a benchmark or other fixed point of reference located on the property or within reasonable proximity to it. The existing property elevation at the site of each soil profile must also be recorded relative to the benchmark or fixed point of reference.

(e) Subdivisions platted and recorded or unrecorded prior to January 1, 1972, will be considered on the basis of an evaluation of soil characteristics, water table elevations, history of flooding and records of service of existing installations in the same general area.

(f) A Coastal Construction Control Line Permit or an exemption notice from the Department of Environmental Protection if any component of the onsite sewage treatment and disposal system or the shoulders or slopes of the system mound will be seaward of the Coastal Construction Control Line, established under Section 161.053, F.S. Should the location of the proposed onsite system relative to the control line not be able to be definitively determined based on the site plan and the online products available on the DEP website, the applicant shall provide a survey prepared by a certified professional surveyor and mapper showing the location of the control line on the subject property.

(4) All plans and forms submitted by a licensed engineer shall be dated, signed and sealed. Except as provided for in subsection 64E-6.003(2), F.A.C., the DOH county health department shall require the design engineer to certify that the installed system complies with the approved design and installation requirements. Under the following circumstances, the DOH county health department shall require for review and approval, the submission of detailed system construction plans prepared by an engineer who is licensed in the State of Florida:

(a) Systems serving establishments with proposed domestic sewage flow rates of 2500 or more gallons per day.

(b) Systems serving establishments with proposed commercial sewage flow rates of 1000 or more gallons per day.

(c) Systems where the total required drainfield area is 1500 square feet or greater.

(d) The applicant proposes to split the flow from any residence or establishment in a method other than that provided for by rule.

(e) The repair or modification of an engineer-designed system that meets these criteria for requiring an engineered design and that alters the original engineered design.

(f) All performance-based treatment systems.

(g) All innovative systems.

(h) All sites where the seasonal high water table has or will be altered by physical or mechanical means.

(i) All sites requiring engineer designs as a condition of a variance or waiver approval.

(j) All drip irrigation systems.

(5) The applicant shall be the permit holder and shall be held responsible for all information supplied to the department. The signed application, site evaluation, and system design plans when required, serve as the basis by which the department determines the issuance of a construction permit. In the event of a change in any information given in the application which served as basis for issuing a construction permit, the permit holder will immediately file an amended application detailing such changed conditions. If the new conditions are determined to be in compliance with the standards in this chapter, the construction permit shall be amended. If the new conditions are determined to be in non-compliance with the standards of this chapter, the permit shall be revoked subject to the provisions of Chapter 120, F.S. A system construction permit application shall be valid for one year. If a permit has not been issued to the applicant within one year from the date of application, then the department shall review the construction permit application for accuracy at no charge prior to issuance of a permit. The applicant shall supply a statement that the information contained in the application has not changed, or shall amend the application. If a site visit is necessary as part of the review, then a re-evaluation fee shall be charged. If the rules under which the application was accepted have changed, and an onsite sewage treatment and disposal system construction permit has not been issued, a new permit application shall be required.

(6) Requests for variance shall be made on Form DH 4057, 08/09, Application for Variance from Chapter 64E-6, F.A.C., herein incorporated by reference.

(7) Where a property owner proposes to build or has built multiple residences or multiple businesses on a single lot, and the entire area of the lot is required to accommodate the designed sewage flow from the multiple residences or multiple businesses to the onsite sewage treatment and disposal system, the property owner must submit, prior to issuance of a

construction permit, a written utility easement which has been executed and recorded in the public property records at the county courthouse. The utility easement must bind the property together so that the original lot size is retained for purposes of compliance with all the requirements of Chapter 64E-6, F.A.C., and must include provisions for maintaining the onsite sewage treatment and disposal system. For example, a duplex built on a single lot with a single onsite sewage treatment and disposal system serving both halves of the duplex must have a written utility easement executed and recorded in the public property records before an onsite sewage treatment and disposal system construction permit is issued. In order to obtain a repair permit, the property owner must submit a copy of the recorded utility easement demonstrating the retention of the original lot size for purposes of the onsite sewage treatment and disposal system and a method for maintaining the system. For example, each half of a duplex built on a single lot with a single onsite sewage treatment and disposal system serving both halves of the duplex is sold to separate persons. If, when the onsite sewage treatment disposal system fails, and a written utility easement was not executed and recorded in the public property records before the sales, it must be done before an onsite sewage treatment and disposal system repair permit is issued.

(a) Where a property owner proposes to build or has built a single residence or a single business or multiple residences or businesses on multiple lots, and the residence's or business's authorized sewage flow requires the use of multiple lots, or parts thereof, for the onsite sewage treatment and disposal system, the property owner must submit, prior to issuance of a permit, a written utility easement executed and recorded in the public property records at the county courthouse. The utility easement must bind the required property together so that the original lots and their collective size, or part thereof, is retained for purposes of the onsite sewage treatment and disposal system, and must include provisions for maintaining the onsite sewage treatment and disposal system. For example, a residence or business built on three lots with a sewage flow which is large enough to require the land from all three lots must have a written utility easement executed and recorded in the public property records before an onsite sewage treatment and disposal system construction permit may be issued. In order to obtain a repair permit, the property owner must submit a copy of the recorded utility easement demonstrating the retention of the original lots and their collective size for purposes of the onsite sewage treatment and disposal system and a method for maintaining the system.

(b) Where a property owner, through inadvertent error or mistake, has built multiple residences or multiple businesses on a series of lots and each residence or business has its own onsite sewage treatment and disposal system or the sewage flow from the residence or business exceeds the allowable limits established for the area of land upon which the residence or business is located, the property owner must execute and record in the public property records, a written utility easement, for the remaining undeveloped lots in the subdivision, which informs the public of the amount of sewage flow which will be generated or the number of onsite sewage treatment and disposal systems which will be installed in that subdivision. It must also state that when the maximum amount of sewage flow or maximum number of onsite sewage treatment and disposal systems has been reached for the subdivision, no further development can occur until sewer is available.

(8) Innovative Systems or new product approval for onsite sewage treatment and disposal systems shall be initiated by submittal of an application for permit using Form DH 3143, Jan. 94, hereby incorporated by reference. DOH county health departments are authorized to issue installation permits upon receipt of the temporary permit. Form DH 3144, Jan 94, and Form DH 3145, Jan 94, hereby incorporated by reference, shall be used to record information that describes notification requirements between the temporary permit applicant, the DOH county health department, and the State Health Office. These forms are to be processed by the DOH county health departments.

(9) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.44, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.044, Amended 11-19-97, 3-22-00, 11-26-06, 6-25-09, 4-28-10.*

#### **64E-6.005 Location and Installation.**

All systems shall be located and installed so that with proper maintenance the systems function in a sanitary manner, do not create sanitary nuisances or health hazards and do not endanger the safety of any domestic water supply, groundwater or surface water. Sewage waste and effluent from onsite sewage treatment and disposal systems shall not be discharged onto the ground surface or directly or indirectly discharged into ditches, drainage structures, ground waters, surface waters, or aquifers. To prevent such discharge or health hazards:

(1) Systems and septage stabilization facilities established after the effective date of the rule shall be placed no closer than the minimum distances indicated for the following:

(a) Seventy-five feet from a private potable well as defined in paragraph 64E-6.002(44)(a), F.A.C., or a multi-family water well as defined in paragraph 64E-6.002(44)(c), F.A.C.

(b) One-hundred feet from a public drinking water well as defined in paragraph 64E-6.002(44)(b), F.A.C., if such a well serves a facility with an estimated sewage flow of 2000 gallons or less per day.

(c) Two-hundred feet from a public drinking water well as defined in paragraph 64E-6.002(44)(b), F.A.C., if such a well serves a facility with an estimated sewage flow of more than 2000 gallons per day.

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(d) Fifty feet from a non-potable water well as defined in subsection 64E-6.002(39), F.A.C.

(e) Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

(f) Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual-lot stormwater retention areas.

(2) Systems shall not be located under buildings or within 5 feet of building foundations, including pilings for elevated structures, or within 5 feet of mobile home walls, swimming pool walls, or within 5 feet of property lines except where property lines abut utility easements which do not contain underground utilities, or where recorded easements are specifically provided for the installation of systems for service to more than one lot or property owner.

(a) Sidewalks, decks and patios shall not be subject to the 5 foot setback, however, drainfields shall not be installed beneath such structures. Any tank located beneath a driveway shall have traffic lids as specified in paragraph 64E-6.013(1)(f), F.A.C. Concrete structures which are intended to be placed over a septic tank shall have a barrier of soil or plastic material placed between the structure and the tank so as to preclude adhesion of the structure to the tank.

(b) Systems shall not be located within 10 feet of water storage tanks in contact with the ground or potable water lines unless such lines are sealed with a water proof sealant within a sleeve of similar material pipe to a distance of at least 10 feet from the nearest portion of the system or the water lines themselves consist of schedule 40 PCV or stronger. In no case shall the water line be located within 24 inches of the onsite sewage treatment and disposal system. Potable water lines within 5 feet of the drainfield shall not be located at an elevation lower than the drainfield absorption surface. Non-potable water lines shall not be located within 24 inches of the system without backflow devices per Sections 381.0065(2)(1)1. and 2., F.S., being installed on the water line to preclude contamination of the water system.

(c) Systems shall be setback a minimum of 15 feet from groundwater interceptor drains.

(3) Except for the provisions of Section 381.0065(4)(g)1. and 2., F.S., systems and septage stabilization facilities shall not be located laterally within 75 feet of the boundaries of surface water bodies. Systems and septage stabilization facilities shall be located a minimum of 15 feet from the design high water line of a swale, retention or detention area designed to contain standing or flowing water for less than 72 hours after a rainfall, or the design high water level of normally dry drainage ditches or normally dry individual lot storm water retention areas.

(4) Suitable, unobstructed land shall be available for the installation and proper functioning of the system. The minimum unobstructed area shall:

(a) Be at least 1.5 times as large as the drainfield absorption area required by rule. For example, if a 200 square feet drainfield is required, the total unobstructed area required, inclusive of the 200 square feet drainfield area, would be 300 square feet. Unobstructed soil area between drain trenches shall be included in the unobstructed area calculation.

(b) Be contiguous to the drainfield.

(c) Be in addition to the setbacks required in subsections (1), (2), and (3) above.

(5) Onsite sewage treatment and disposal systems if installed in fill material, the fill shall be required to settle for a period of at least 6 months, or has been compacted to a density comparable to the surrounding natural soil. The fill material shall be of a suitable, slightly limited soil material.

(6) To prevent soil smear and excessive soil compaction, drainfields shall not be installed in soils with textures finer than sand, loamy sand, or sandy loam when the soil moisture content is above the point at which the soil changes from semi-solid to plastic.

(7) Onsite sewage treatment and disposal systems shall be installed where a sewerage system is not available and when conditions in Sections 381.0065(4)(a)-(g), F.S., are met. Onsite graywater tank and drainfield systems may, at the homeowners' discretion, be utilized provided blackwater is disposed into a sanitary sewerage system when such sewerage system is available. Graywater systems may, at the homeowners' discretion, be utilized in conjunction with an onsite blackwater system where a sewerage system is not available for blackwater disposal.

(a) The minimum area of each lot under Section 381.0065(4)(a), F.S., shall consist of at least 1/2 acre (21,780 square feet) exclusive of all paved areas and prepared road beds within public rights-of-way or easements and exclusive of surface water bodies.

(b) 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.

(c) Maximum daily sewage flow allowances specified in Sections 381.0065(4)(a), (b) and (g), F.S., shall be calculated on an individual lot by lot basis. The acreage or fraction of an acre of each lot or parcel of land shall be determined and this value shall be multiplied by 2500 gallons per acre per day if a public drinking water well serving a public system as defined in subparagraphs 64E-6.002(44)(b)1., 2., or 3., F.A.C., is utilized, or be multiplied by 1500 gallons per acre per day if a public drinking water well serving a public water system as defined in subparagraph 64E-6.002(44)(b)4., F.A.C., or a private potable well or cistern is utilized. Contiguous unpaved and non-compacted road rights-of-way, and easements with no subsurface obstructions that would affect the operation of drainfield systems, shall be included in total lot size calculations. Where an

unobstructed easement is contiguous to two or more lots, each lot shall receive its pro rata share of the area contained in the easement. Surface water bodies shall not be included in total lot size calculations. subsection 64E-6.008(1), F.A.C., Table I, shall be used for determining estimated average daily sewage flows.

(d) Platted residential lots shall be subject to the requirements set forth in subsections 381.0065(4)(g)1. and 2., F.S.

(e) When portions of a lot or lots which were platted prior to January 1, 1972 are combined in such a manner that will decrease the total density of the subdivision, pre-1972 lot provisions shall apply. However, the maximum setback possible to surface water bodies shall be maintained with a minimum setback of 50 feet.

(8) Notwithstanding the requirements of this section, where an effluent transmission line consists of schedule 40 PVC, the transmission line shall be set back from private potable wells, irrigation wells or surface water bodies by not less than 25 feet when installed. Effluent transmission lines constructed of schedule 40 PVC shall be set back from property lines and building foundations by not less than 2 feet. Schedule 40 PVC effluent transmission lines shall be set back from potable water lines and storm water lines by no less than 5 feet unless all portions of the potable water line or storm water line within 5 feet of the effluent transmission line are:

(a) A minimum of 12 inches above the top of the effluent transmission line; and,

(b) Sealed with a waterproof sealant within a sleeve of schedule 40 PVC or stronger pipe or the water line itself consists of schedule 40 PVC or stronger pipe.

(9) Onsite sewage treatment and disposal systems for estimated establishment domestic sewage flows exceeding 5000 gallons per day but not exceeding 10,000 gallons per day shall be located and installed under the following conditions.

(a) The average estimated daily sewage flow from the establishment shall be divided by the net land area associated with the establishment. The resulting number shall not exceed 2500 gallons per acre per day for establishments which use a water supply as defined in subparagraphs 64E-6.002(44)(b)1., 2. and 3, F.A.C.

(b) No more than 5000 gallons of wastewater shall be discharged into any single onsite sewage treatment and disposal system serving the establishment.

*Rulemaking Authority 381.0065(3)(a), 489.553, 489.557(1) FS. Law Implemented 381.0065, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.46, Amended 3-17-92, 1-3-95, Formerly 10D-6.046, Amended 11-19-97, 2-3-98, 3-22-00, 5-24-04, 6-25-09.*

#### **64E-6.006 Site Evaluation Criteria.**

Onsite sewage treatment and disposal systems may be utilized where lot sizes are in compliance with requirements of subsection 64E-6.005(7), F.A.C., and all of the following criteria are met:

(1) The effective soil depth throughout the drainfield installation site extends 42 inches or more below the bottom surface of the drainfield. Paragraphs (a), (b) and (c) list soil texture classes with their respective limitation ratings.

(a) Coarse sand not associated with an estimated wet season high water table within 48 inches below the absorption surface, sand, fine sand, loamy coarse sand, coarse sandy loam, loamy sand, and sandy loam are considered to be slightly limited soil materials.

(b) Very fine sand, loamy fine sand, loamy very fine sand, silt loam, silt, loam, fine sandy loam, very fine sandy loam, sandy clay loam, clay loam, silty clay loam, sandy clay and silty clay soil are considered to be moderately limited soil materials and are subject to evaluation with other influencing factors and local conditions.

(c) Clay, bedrock, oolitic limestone, fractured rock, hardpan, organic soil, gravel and coarse sand, when coarse sand is associated with an estimated wet season high water table within 48 inches of the absorption surface are severely limited soil materials. If severely limited soil material can be replaced with slightly limited soil material, see Footnotes 3 and 4 of Table III for minimum requirements. Where limestone is found to be discontinuous along the horizontal plane and is dispersed among slightly or moderately limited soils, the Department Policy for Drainfield Sizing in Areas With Discontinuous Limestone, August 1999, herein incorporated by reference, shall be used.

(2) The water table elevation at the wettest season of the year is at least 24 inches below the bottom surface of the drainfield. In addition, systems shall not be located where the undrained, naturally occurring wet season water table elevation in the area of the proposed system installation is determined to be at or above the elevation of the existing ground surface. However, when sufficient slightly limited fill material is permitted to be placed on the property to construct a properly designed onsite sewage treatment and disposal system, the department shall authorize construction based on the final lot elevation. This provision does not authorize a property owner to fill or modify the site without first obtaining necessary permits for site preparation work from other agencies of government having jurisdiction. The following information shall be used in determining the wet season water table elevation:

(a) U.S. Department of Agriculture Soil Conservation Service soils maps and soil interpretation records.

(b) Evaluation of soil color and the presence or absence of mottling.

(c) Evaluation of impermeable or semi-permeable soil layers.

(d) Evaluation of onsite vegetation.

(e) An onsite evaluation of the property which has used the above referenced sources of information and which has considered the season of the year when the evaluation was performed, historic weather patterns, and recent rainfall events.

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(3) Setbacks in subsections 64E-6.005(1), (2), (3) and (4), F.A.C., are met.

(4) The site of the installation and the additional required unobstructed land referred to in subsection 64E-6.005(4), F.A.C., shall not be covered with asphalt or concrete, or be subject to vehicular traffic or other activity as defined in subsection 64E-6.002(41), F.A.C., which would adversely affect the soil, or the operation of the system.

(5) The site of the installation and the additional required unobstructed land referred to in subsection 64E-6.005(4), F.A.C., is not subject to saturation from sources such as artificial drainage of ground surfaces, driveways, roads or roof drains.

(6) The existing lot elevation at the site of the proposed system installation and any contiguous land referred to in subsection 64E-6.005(4), F.A.C., shall not be subject to frequent flooding. Except for areas affected by Section 381.0065(4)(t), F.S., fill material, if permitted, shall be placed in the area for the system and contiguous unobstructed area to raise the lot elevation above the 2 year flood.

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

*Rulemaking Authority 381.0011(4), (13), 381.0065(3)(a) FS. Law Implemented 381.0065, 381.00655 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.47, Amended 3-17-92, 4-16-92, 1-3-95, Formerly 10D-6.047, Amended 3-22-00, 11-26-06.*

**64E-6.008 System Size Determinations.**

(1) Minimum design flows for systems serving any structure, building or group of buildings shall be based on the estimated daily sewage flow as determined from Table I or the following:

(a) The DOH county health department shall accept, for other than residences and food operations, metered water use data in lieu of the estimated sewage flows set forth in Table I. For metered flow consideration, the applicant shall provide authenticated monthly water use data documenting water consumption for the most recent 12 month period for at least six similar establishments. Similar establishments are those like size operations engaged in the same type of business or service, which are located in the same type of geographic environment, and which have approximately the same operating hours. Metered flow values will not be considered to be a reliable indicator of typical water use where one or more of the establishments utilized in the sample has exceeded the monthly flow average for all six establishments by more than 25 percent or where the different establishments demonstrate wide variations in monthly flow totals. When metered flow data is accepted in lieu of estimated flows found in Table I, the highest flow which occurred in any month for any of the six similar establishments shall be used for system sizing purposes. Except for food operations which exceed domestic sewage waste quality parameters as defined in subsection 64E-6.002(15), F.A.C., where an existing establishment which has been in continuous operation for the previous 24 months seeks to utilize its own metered flows, the applicant shall provide authenticated monthly water use data documenting water consumption for the most recent 24 month period. The highest monthly metered flow value for an existing establishment shall be used for system sizing purposes.

(b) When onsite systems use multiple strategies to reduce the total estimated sewage flow or the drainfield size, only one reduction method shall be credited.

TABLE I  
For System Design  
ESTIMATED SEWAGE FLOWS

TYPE OF ESTABLISHMENT	GALLONS PER DAY
<b>COMMERCIAL:</b>	
Airports, bus terminals, train stations, port & dock facilities,	
Bathroom waste only	
(a) Per passenger.....	4
(b) Add per employee per 8 hour shift.....	15
Barber & beauty shops per service chair.....	75
Bowling alley bathroom waste only	
Per lane.....	50
Country club	
(a) Per resident.....	100
(b) Add per member or patron.....	25
(c) Add per employee per 8 hour shift.....	15
Doctor and Dentist offices	
(a) Per practitioner.....	250
(b) Add per employee per 8 hour shift.....	15
Factories, exclusive of industrial wastes	
gallons per employee per 8 hour shift	

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(a) No showers provided.....	15
(b) Showers provided.....	25
Flea Market open 3 or less days per week	
(a) Per non-food service vendor space.....	15
(b) Add per food service establishment using single service articles only per 100 Square feet of floor space.....	50
(c) Per limited food service establishment.....	25
(d) For flea markets open more than 3 days per week estimated flows shall be doubled	
Food operations	
(a) Restaurant operating 16 hours or less per day per seat.....	40
(b) Restaurant operating more than 16 hours per day per seat.....	60
(c) Restaurant using single service articles only and operating 16 hours or less per day per seat.....	20
(d) Restaurant using single service articles only and operating more than 16 hours per day per seat.....	35
(e) Bar and cocktail lounge per seat.....	20
add per pool table or video game.....	15
(f) Drive-in restaurant per car space.....	50
(g) Carry out only, including caterers	
1. Per 100 square feet of floor space.....	50
2. Add per employee per 8 hour shift.....	15
(h) Institutions per meal.....	5
(i) Food Outlets excluding delis, bakery, or meat department per 100 square feet of floor space.....	10
1. Add for deli per 100 square feet of deli floor space.....	40
2. Add for bakery per 100 square feet of bakery floor space.....	40
3. Add for meat department per 100 square feet of meat department floor space.....	75
4. Add per water closet.....	200
Hotels & motels	
(a) Regular per room.....	100
(b) Resort hotels, camps, cottages per room.....	200
(c) Add for establishments with self service laundry facilities per machine.....	750
Mobile Home Park	
(a) Per single wide mobile home space, less than 4 single wide spaces connected to a shared onsite system.....	250
(b) Per single wide mobile home space, 4 or more single wide spaces are connected to a shared onsite system.....	225
(c) Per double wide mobile home space, less than 4 double wide mobile home spaces connected to a	

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shared onsite system.....	300
(d) Per double wide mobile home space, 4 or more double wide mobile home spaces connected to a shared onsite system.....	275
Office building	
per employee per 8 hour shift or.....	15
per 100 square feet of floor space, whichever is greater.....	15
Transient Recreational Vehicle Park	
(a) Recreational vehicle space for overnight stay, without water and sewer hookup per vehicle space.....	50
(b) Recreational vehicle space for overnight stay, with water and sewer hookup per vehicle space.....	75
Service stations per water closet	
(a) Open 16 hours per day or less.....	250
(b) Open more than 16 hours per day.....	325
Shopping centers without food or laundry per square foot of floor space.....	0.1
Stadiums, race tracks, ball parks per seat.....	4
Stores per bathroom.....	200
Swimming and bathing facilities, public per person.....	10
Theatres and Auditoriums, per seat.....	4
Veterinary Clinic	
(a) Per practitioner.....	250
(b) Add per employee per 8 hour shift.....	15
(c) Add per kennel, stall or cage.....	20
Warehouse	
(a) Add per employee per 8 hour shift.....	15
(b) Add per loading bay.....	100
(c) Self-storage, per unit (up to 200 units).....	1
add 1 gallon for each 2 units or fraction thereof, for over 200 units, and shall be in addition to employees, offices or living quarters flow rates.	
<b>INSTITUTIONAL:</b>	
Churches per seat which includes kitchen wastewater flows unless meals prepared on a routine basis.....	3
If meals served on a regular basis add per meal prepared.....	5
Hospitals per bed which does not include kitchen wastewater flows.....	200
add per meal prepared.....	5
Nursing, rest homes, adult congregate living facilities per bed which does not include kitchen wastewater flows.....	100
add per meal prepared.....	5
Parks, public picnic	
(a) With toilets only per person.....	4
(b) With bathhouse, showers & toilets per person.....	10
Public institutions other than schools and hospitals per person which does not include kitchen wastewater flows.....	100
add per meal prepared.....	5
Schools per student	
(a) Day-type.....	10

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(b) Add for showers.....	4
(c) Add for cafeteria.....	4
(d) Add for day school workers.....	15
(e) Boarding-type.....	75
Work/construction camps, semi-permanent per worker.....	50
<b>RESIDENTIAL:</b>	
Residences	
(a) Single or multiple family per dwelling Unit	
1 Bedroom with 750 sq. ft. or less of building area.....	100
2 Bedrooms with 751-1200 sq. ft. of building area.....	200
3 Bedrooms with 1201-2250 sq. ft. of building area.....	300
4 Bedrooms with 2251-3300 sq. ft. of building area.....	400
For each additional bedroom or each additional 750 square feet of building area or fraction thereof in a dwelling unit, system sizing shall be increased by 60 gallons per dwelling unit.	
(b) Other per occupant.....	50

Footnotes to Table I:

1. For food operations, kitchen wastewater flows shall normally be calculated as 66 percent of the total establishment wastewater flow.
  2. Systems serving high volume establishments, such as restaurants, convenience stores and service stations located near interstate type highways and similar high-traffic areas, require special sizing consideration due to expected above average sewage volume. Minimum estimated flows for these facilities shall be 3.0 times the volumes determined from the Table I figures.
  3. For residences, the volume of wastewater shall be calculated as 50 percent blackwater and 50 percent graywater.
  4. Where the number of bedrooms indicated on the floor plan and the corresponding building area of a dwelling unit in Table I do not coincide, the criteria which will result in the greatest estimated sewage flow shall apply.
  5. Convenience store estimated sewage flows shall be determined by adding flows for food outlets and service stations as appropriate to the products and services offered.
  6. Estimated flows for residential systems assumes a maximum occupancy of two persons per bedroom. Where residential care facilities will house more than two persons in any bedroom, estimated flows shall be increased by 50 gallons per each additional occupant.
- (2) Minimum effective septic tank capacity and total dosing tank capacity shall be determined from Table II. However, where multiple family dwelling units are jointly connected to a septic tank system, minimum effective septic tank capacities specified in the table shall be increased 75 gallons for each dwelling unit connected to the system. With the exception noted in paragraph 64E-6.013(2)(a), F.A.C., all septic tanks shall be multiple chambered or shall be placed in series to achieve the required effective capacity. The use of an approved outlet filter device shall be required. Outlet filters shall be installed within or following the last septic tank or septic tank compartment before distribution to the drainfield. The outlet filter device requirement includes blackwater tanks, but does not include graywater tanks or grease interceptors or laundry tanks. Outlet filter devices shall be placed to allow accessibility for routine maintenance. Utilization and sizing of outlet filter devices shall be in accordance with the manufacturers' recommendations. The approved outlet filter device shall be installed in accordance with the manufacturers' recommendations. The Bureau of Onsite Sewage Programs shall approve outlet filter devices per the department's Policy on Approval Standards For Onsite Sewage Treatment And Disposal Systems Outlet Filter Devices, November 2008, which is herein incorporated by reference.

**TABLE II  
SEPTIC TANK AND PUMP TANK CAPACITY**

AVERAGE SEWAGE FLOW GALLONS/DAY	SEPTIC TANK MINIMUM EFFECTIVE CAPACITY GALLONS	PUMP TANK MINIMUM TOTAL CAPACITY GALLONS	
		Residential	Commercial
		0-200	900
201-300	900	225	375
301-400	1050	300	450
401-500	1200	375	600
501-600	1350	450	600
601-700	1500	525	750
701-800	1650	600	900
801-1000	1900	750	1050
1001-1250	2200	900	1200
1251-1750	2700	1350	1900
1751-2500	3200	1650	2700
2501-3000	3700	1900	3000
3001-3500	4300	2200	3000
3501-4000	4800	2700	3000
4001-4500	5300	2700	3000
4501-5000	5800	3000	3000

(3) Where a separate graywater tank and drainfield system is used, the minimum effective capacity of the graywater tank shall be 250 gallons with such system receiving not more than 75 gallons of flow per day. For graywater systems receiving flows greater than 75 gallons per day, minimum effective tank capacity shall be based on the average daily sewage flow plus 200 gallons for sludge storage. Design requirements for graywater tanks are described in subsection 64E-6.013(2), F.A.C. Where separate graywater and blackwater systems are utilized, the size of the blackwater system can be reduced, but in no case shall the blackwater system be reduced by more than 25 percent. However, the minimum capacity for septic tanks disposing of blackwater shall be 900 gallons.

(4) Where building codes allow separation of discharge pipes of the residence to separate stubouts and where lot sizes and setbacks allow system construction, the applicant may request a separate laundry waste tank and drainfield system. Where an aerobic treatment unit is used, all blackwater, graywater and laundry waste flows shall be consolidated and treated by the aerobic treatment unit. Where a residential laundry waste tank and drainfield system is used:

(a) The minimum laundry waste trench drainfield absorption area for slightly limited soil shall be 75 square feet for a one or two bedroom residence with an additional 25 square feet for each additional bedroom. If an absorption bed drainfield is used the minimum drainfield area shall be 100 square feet with an additional 50 square feet for each additional bedroom over two bedrooms. The DOH county health department shall require additional drainfield area based on moderately limited soils and other site specific conditions, which shall not exceed twice the required amount of drainfield for a slightly limited soil.

(b) The laundry waste interceptor shall meet requirements of subsections 64E-6.013(2) and (8), F.A.C.

(c) The drainfield absorption area serving the remaining wastewater fixtures in the residence shall be reduced by 25 percent.

(5) The minimum absorption area for standard subsurface drainfield systems, graywater drainfield systems, and filled systems shall be based on estimated sewage flows and Table III so long as estimated sewage flows are 200 gallons per day or higher. When estimated sewage flows are less than 200 gallons per day, system size shall be based on a minimum of 200 gallons per day.

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**TABLE III**  
For Sizing of Drainfields Other Than Mounds

U.S. DEPARTMENT OF AGRICULTURE SOIL TEXTURE CLASSIFICATION	SOIL TEXTURE LIMITATION (PERCOLATION RATE)	MAXIMUM SEWAGE LOADING RATE TO TRENCH & BED ABSORPTION SURFACE IN GALLONS PER SQUARE FOOT PER DAY	
		TRENCH	BED
Sand; Coarse Sand not associated with a seasonal water table of less than 48 inches; and Loamy Coarse Sand	Slightly limited (Less than 2 Min/inch)	0.80	0.60
Loamy Sand; Sandy Loam; Coarse Sandy Loam; and Fine Sand	Slightly limited (2-4 min/inch)	0.80	0.60
Loam; Fine Sandy Loam; Silt Loam; Very Fine Sand; Very Fine Sandy Loam; Loamy Fine Sand; Loamy Very Fine Sand; and Sandy Clay Loam	Moderately limited (5-10 min/inch)	0.65	0.35
Clay Loam; Silty Clay Loam; Sandy Clay; Silty Clay; and Silt	Moderately limited (Greater than 15 Min/inch but not exceeding 30 min/inch)	0.35	0.20
Clay; Organic Soils; Hardpan; and Bedrock	Severely limited (Greater than 30 Min/inch)	Unsatisfactory for standard subsurface System	
Coarse Sand with an estimated wet season High water table within 48 inches of the bottom of the proposed drainfield; Gravel or Fractured Rock or Oolitic Limestone	Severely limited (Less than 1 Min/inch and a Water table less than 4 feet below The drainfield)	Unsatisfactory for standard subsurface System	

Footnotes to Table III:

1. U.S. Department of Agriculture major soil textural classification groupings and methods of field identification are explained in Rule 64E-6.016, F.A.C. Laboratory sieve analysis of soil samples may be necessary to confirm field evaluation of specific soil textural classifications. The USDA Soil Conservation Service "Soil Textural Triangle" shall be used to classify soil groupings based on the proportion of sand, silt and clay size particles.

2. The permeability or percolation rate of a soil within a specific textural classification may be affected by such factors as soil structure, cementation and mineralogy. Where a percolation rate is determined using the falling head percolation test procedure described in the United States Environmental Protection Agency Design Manual for Onsite Wastewater Treatment and Disposal Systems, October, 1980, incorporated by reference into this rule, the calculated percolation test rate shall be used with Table III and evaluated by the DOH county health department with other factors such as history of performance of systems in the area in determining the minimum sizing for the drainfield area.

3. When all other site conditions are favorable, horizons or strata of moderately or severely limited soil may be replaced with slightly limited soil or soil of the same texture as the satisfactory slightly limited permeable layer lying below the replaced layer. The slightly limited permeable layer below the replaced layer shall be identified within the soil profile which was submitted as part of the permit application. The resulting soil profile must show complete removal of the moderately or

severely limited soil layer being replaced and must be satisfactory to a minimum depth of 54 inches beneath the bottom surface of the proposed drainfield. The width of the replacement area shall be at least 2 feet wider and longer than the drain trench and for absorption beds shall include an area at least 2 feet wider and longer than the proposed bed. Drainfields shall be centered in the replaced area. Where at least 33 percent of the moderately limited soils at depths greater than 54 inches below the bottom of the drainfield have been removed to the depth of slightly limited soil, drainfield sizing shall be based on the following sewage loading rates. Where severely limited soils are being removed at depths greater than 54 inches below the bottom of the drainfield, 100 percent of the severely limited soils at depths greater than 54 inches shall be removed down to the depth of an underlying slightly limited soil. Maximum sewage loading rates for standard subsurface systems installed in replacement areas shall be 0.80 gallons per square foot per day for trench systems and 0.60 gallons per square foot per day for absorption beds in slightly limited soil textures. Where moderately limited soil materials are found beneath the proposed drainfield, and where system sizing is based on that moderately limited soil, soil replacements of less than 33% may be permitted.

4. Where coarse sand, gravel, or oolitic limestone directly underlies the drainfield area, the site shall be approved provided a minimum depth of 42 inches of the rapidly percolating soil beneath the bottom absorption surface of the drainfield and a minimum 12 inches of rapidly percolating soil contiguous to the drainfield sidewall absorption surfaces, is replaced with slightly limited soil material. Where such replacement method is utilized, the drainfield size shall be determined using a maximum sewage application rate of 0.80 gallons per square foot per day of drainfield in trenches and 0.60 gallon per square foot per day for drainfield absorption beds.

5. Where more than one soil texture classification is encountered within a soil profile and it is not removed as part of a replacement, drainfield sizing for standard subsurface drainfield systems and fill drainfield systems shall be based on the most restrictive soil texture encountered within 24 inches of the bottom of the drainfield absorption surface.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.48, Amended 3-17-92, 1-3-95, Formerly 10D-6.048, Amended 11-19-97, 3-22-00, 9-5-00, 11-26-06, 6-25-09, 7-16-13.*

#### **64E-6.009 Alternative Systems.**

When approved by the DOH county health department, alternative systems may, at the discretion of the applicant, be utilized in circumstances where standard subsurface systems are not suitable or where alternative systems are more feasible. Unless otherwise noted, all rules pertaining to siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems. In addition, the DOH county health department may, using the criteria in subsection 64E-6.004(4), F.A.C., require the submission of plans prepared by an engineer licensed in the State of Florida, prior to considering the use of any alternative system.

(1) Waterless, incinerating or organic waste composting toilets – may be approved for use if found in compliance with standards for Wastewater Recycle/Reuse and Water Conservation Systems as defined by ANSI/NSF International Standard Number 41, revised May 1983, hereby incorporated by reference, and provided that graywater and any other liquid and solid waste is properly collected and disposed of in accordance with standards established in this chapter. For residences, the required drainfield absorption surface and unobstructed area of the system treating the remaining sewage flow shall be reduced by 25% when waterless, incinerating or organic waste composting toilets are used exclusively for all toilet wastes. Solids removed from waterless, incinerating or organic waste composting toilets shall be mixed with lime, containerized, and disposed of with the solid waste from the establishment. Liquids discharging from waterless, incinerating or organic waste composting toilets shall be plumbed into the onsite system serving the establishment.

(2) Sanitary pit privy – shall not be permitted except at remote locations where electrical service is unavailable. In no case shall such installations be permitted for permanent residences.

(3) Mound systems – are used to overcome certain limiting site conditions such as an elevated seasonal high water table, shallow permeable soil overlying slowly permeable soil and shallow permeable soil located over creviced or porous bedrock. Special installation instructions or design techniques to suit a particular site shall, using the criteria in subsection 64E-6.004(4), F.A.C., be specified on the construction permit in addition to the following general requirements.

(a) Site preparation must render the site in compliance with requirements of subsections 64E-6.006(1)-(6), F.A.C.

(b) Prior to the construction of a mound system, the applicant may fill all or a portion of a lot utilizing slightly limited soil.

(c) The O horizon of original topsoil and vegetation must be removed from beneath the drainfield, shoulder and slope area and the exposed underlying soil plowed or roughened to prevent formation of an impervious barrier between the fill and natural soil. Moderately limited soil material may be used in the construction of mound systems, but shall only be used in the construction of mound slopes and the soil cap. If moderately or severely limited soil is to be replaced beneath the mound, Rule 64E-6.008, F.A.C., Table III, footnote 3. shall be followed.

(d) Where the soil material underlying a mound system is of a similar textural material as that used in system construction, the mound drainfield size shall be based on estimated sewage flows as specified in Rule 64E-6.008, F.A.C., Table I and upon the quality of fill material utilized in the mound system. When estimated sewage flows are calculated to be less than 200 gallons per day, specifications for system design shall be based on a minimum flow of 200 gallons per day. Maximum sewage

loading rates for soils used in mound construction shall be in compliance with the following:

Fill Material	Maximum Sewage Loading Rate to Mound Drain Trench Bottom Surface in gallons per square foot per day	Maximum Sewage Loading Rate to Mound Absorption Bed Bottom Surface in gallons per square foot per day
Sand; Coarse Sand; and Loamy Coarse Sand	0.80	0.60
Fine Sand	0.80	0.60
Sandy Loam; Coarse Sandy Loam; and Loamy Sand	0.65	0.40
Fine Sandy Loam; Very Fine Sand; Loamy Fine Sand; and Loamy Very Fine Sand	0.35	0.25

(e) Where moderately limited soils underlie the mound within 36 inches of the bottom of the drainfield, drainfield sizing shall be based on the most restrictive soil texture existing in the profile to a depth of 36 inches below the bottom of the drainfield, using Table III for soil loading rates.

(f) There shall be a minimum 4 feet separation between the shoulder of the fill and the nearest trench or absorption bed sidewall. Where a portion of the mound slope will be placed adjacent to building foundations, pilings or supports for elevated structures, mobile home walls, swimming pool walls, retaining walls, or similar obstructions there shall be a minimum 5 foot separation between the sidewall of the absorption area and the obstruction. Such obstructions shall impact the slope on no more than 50 percent of the shoulder perimeter. Retaining walls must be designed by a professional engineer licensed in the State of Florida to withstand the lateral earth forces under saturated conditions and to prevent seepage. Where mounds are placed on slopes exceeding 2 percent, the toe of the slope on the downslope side of the mound shall extend an additional 4 inches for each additional 1 percent of slope. To taper the maximum elevation of the mound at the outer perimeter of the shoulder down to the toe of the slope, additional moderately or slightly limited fill shall be placed at a minimum 2 foot horizontal to 1 foot vertical grade where mound height does not exceed 36 inches. Mound heights which exceed 36 inches shall have a slope not steeper than 3 foot horizontal to 1 foot vertical. The entire mound including slopes, shoulders and the soil cap shall be stabilized with vegetation. Slopes steeper than 5:1 shall be sodded or hydroseeded. Soil caps and unsodded slopes must, at a minimum, be hydroseeded or seeded with grass and a layer of hay or similar cover. Where fill material is present in the amount so as to provide a level surface from the top of the required cover over the system over the area where the slopes would normally be located, no slopes shall be required. For example, if the neighboring lot has been permanently filled to the same level as the applicant's lot, a five-foot separation from the property line to the system will be required, as opposed to requiring the slope area. Stabilization of a mound shall be the responsibility of the septic tank contractor who constructed the mound system unless the written agreement for system construction clearly states the system owner is responsible. Mound slopes which do not conform to permit requirements shall at a minimum be restored to permit specifications prior to stabilizing. Other synthetic or vegetative covers providing protection from mound erosion equal to or better than sod shall be approved by the State Health Office. Final installation approval shall not be granted until sodding, hydroseeding, seeding and haying or other approved stabilization of the mound has occurred. No portion of the drainfield or shoulder area shall be covered with asphalt or a concrete driveway or be subject to vehicular traffic. Landscaping features such as boulders or trees which obstruct drainfield or fill shoulder area shall not be used. Hydroseeding shall be performed in accordance with the product manufacturer's instructions and Section 7.5, Permanent Seeding, of the Florida Erosion and Sedimentation Control Inspector's Manual, July 2008, herein incorporated by reference.

(g) There shall be a soil cap of slightly or moderately limited soil material over the drainfield and shoulder area. The soil cap shall be no less than 6 inches thick at the outer perimeter of the shoulder. Additional soil cap material shall be placed over the mound and graded to provide drainage off and away from the mound. The maximum depth from the bottom of the drainfield to the finished ground surface shall not exceed 30 inches after natural settling.

(h) The site shall be landscaped according to permit specifications and shall be protected from automotive traffic or other activity that could damage the system. Swales or other surface drainage structures shall be utilized to prevent water shed from mounds draining onto neighboring property.

(i) All fill material used in the construction of systems shall be free of extraneous non-soil material such as grass, roots and any other debris. Shell fragments less than 2.0 mm in diameter are excluded from the classification of extraneous non-soil materials and are considered to be soil particles. Severely limited soil material shall not be used in system construction. Fill material consisting of mechanically crushed and sieved rock shall not be used in system construction.

(j) Where moderately limited soil is used to construct a mound system, a low pressure distribution network is required.

(4) Filled systems – filled systems shall be constructed in accordance with the minimum requirements for mounds, except as provided for in footnote 5., Table III, and that sewage loading rates to trench or absorption bed bottom areas shall be based

on values found in Table III.

(5) Drip irrigation systems – Drip irrigation systems may, at the option of the applicant, be used in lieu of a mineral aggregate drainfield. Drip irrigation systems shall meet all requirements of this chapter except as noted below.

(a) Drip irrigation systems shall receive effluent from an approved aerobic treatment unit or a performance-based treatment system designed to meet at least secondary treatment standards for CBOD<sub>5</sub> and TSS, and shall meet the following requirements:

1. Drip irrigation systems shall be designed by an engineer licensed in the State of Florida.
2. The infiltrative area required shall be the same as the area required for a mineral aggregate drainfield with reductions allowed for the reduction of CBOD<sub>5</sub> and TSS as noted in this chapter for aerobic treatment units.
3. In an absorption bed configuration, the drainfield area shall be calculated as extending one foot beyond the sides of the outermost emitter lines. Notwithstanding the provision of paragraph 64E-6.014(5)(b), F.A.C., the individual bed size limitation of 1500 square feet does not apply to drip emitter systems.
4. In a trench containing a single emitter line, the drainfield area shall be calculated as 2 feet multiplied by the emitter spacing in feet multiplied by the number of emitters.
5. Drip effluent disposal systems shall be considered pressure distribution systems. Head loss calculations shall be provided to insure proper hydraulic pressure at the emitter. Pump selection shall be indicated in the design specifications. Pump performance curves shall be included in the permit application.
6. Recirculation rates shall be in the design specifications.
7. Check valves, petcocks, inline filters, and vacuum breaking device locations shall be shown on the design drawings.
8. Drip irrigation systems shall be time-dosed over the 24-hour period. Demand control dosing shall override timed-dosing in periods of flow where timed dosing cannot accommodate the excessive flow.
9. Emitter lines shall be designed as a continuous loop circuit with no dead-ends.
10. Emitter lines shall be drawn to scale and emitter spacing shall be indicated on the drawings.
11. Vacuum release valves shall be installed at the highpoint of the emitter lines.
12. The maximum emitter longitudinal spacing on an emitter line shall be 2 feet. The maximum spacing between adjacent emitter lines in an absorption bed configuration shall be 2 feet. The 24-inch separation from the seasonal high water table shall be measured from the emitter orifice. Setbacks shall be measured from the drip emitter lines.
13. The setback from drip emitter lines to building foundations and property lines shall be no less than two feet.
14. The definition of a filled system in Rule 64E-6.002, F.A.C., is not applicable to drip effluent disposal systems. A drip effluent disposal system is considered to be a mound system when any part of the bottom surface of any drip emitter line is located at or above the elevation of undisturbed native soil in the drainfield area. A drip effluent disposal system is considered a standard subsurface drainfield system when the entire bottom surface of every drip emitter line is installed below the elevation of undisturbed native soil in the drainfield area.
15. For mound systems there shall be a minimum 18-inch separation between the shoulder of the fill and the nearest drip emitter line. Mound system slopes shall be in accordance with paragraph 64E-6.009(3)(f), F.A.C., except that a minimum 2 foot separation is required between the nearest drip emitter line and a building foundation, retaining wall, or similar obstruction. Mound systems shall be stabilized in accordance with paragraph 64E-6.009(3)(f), F.A.C.
16. For standard subsurface systems, the elevation of any fill covering the drainfield shall extend no less than 18 inches away from all emitter lines before tapering down to natural grade.
17. Minimum cover on the emitter lines shall be 6 inches for all drip irrigation systems. The maximum cover for all drip irrigation systems shall be no greater than 12 inches.
18. The system shall include a petcock on the dosing pump discharge line for effluent sampling.
19. All systems shall incorporate an automatic mechanism for backwashing or flushing the drip lines and filters.
20. All onsite sewage treatment and disposal systems that include a drip effluent disposal system and aerobic treatment unit or performance-based treatment system shall have a biennial operating permit, a maintenance contract with an approved maintenance entity, and shall be inspected in accordance with the requirements of this chapter.
21. Drip irrigation systems shall be designed to have a minimum operating pressure at the emitter head of 10 PSI, a maximum operating pressure at the emitter head of 45 PSI, a maximum system operating pressure of 60 PSI, and a maximum discharge rate per emitter of 1.5 gallons per hour.
22. The hydraulic surge storage requirement of Rule 64E-6.028, F.A.C., does not apply to drip irrigation systems.
23. Drip irrigation systems shall only use components approved by the Bureau of Onsite Sewage Programs.
24. Unobstructed area for drip irrigation systems may be located anywhere on the establishment property that meets the setbacks for unobstructed area and can be accessed via transmission lines, supply lines and return lines installed in accordance with this chapter. The land containing only transmission lines, supply lines and return lines shall not be included in the calculation of unobstructed area.
25. Supply lines and return lines shall be considered as transmission lines for determining setbacks not specified in this section.
26. Except for slopes required to meet the stabilization requirements of paragraph 64E-6.009(3)(f), F.A.C., the area over

the drip irrigation drainfield shall be stabilized in the same way or vegetated with plant species specified by the design engineer. The species specified shall not include trees.

27. For drip emitter lines using non-pressure-compensating emitters, the maximum elevation difference shall be four inches between the highest and the lowest emitter in any individual line segment between the supply and the return line. For drip emitter lines using pressure-compensating emitters, there shall be no more than 18 inches of elevation difference between the highest and lowest emitter in any line. Neither property slope nor drip emitter line slope shall result in the depth of cover over the drip emitter lines to be outside of the range permitted in subparagraph 64E-6.009(5)(a)17, F.A.C.

28. The minimum effective soil depth below drip emitter lines shall be 42 inches; however, spodic layers greater than 24 inches below the drip emitter lines may remain in place at the discretion of the design engineer.

(b) Drip irrigation systems shall be monitored during required maintenance visits by visual inspection of the ground surface above the emitter lines for evidence of soil saturation at the ground surface.

(6) Tire chip aggregate systems – tire chip aggregate may be used as a substitute for mineral aggregate in onsite sewage treatment and disposal system drainfields under the following conditions:

(a) The tire chips meet the specifications for mineral aggregate found in this chapter: Mixed tire and mineral aggregate shall be approved where each type of aggregate meets its respective standard and the combined mixture meets the gradation requirements in paragraph 64E-6.014(5)(c), F.A.C.

(b) Exposed wire protrudes no more than one-half (1/2) inch from 90% of the chips.

(c) At least 80% of the bead wire has been removed from the tires to be chipped.

(d) The system receives domestic wastewater only.

(e) Tire chip aggregate shall not be used where the seasonal high water table is less than 12 inches below the bottom of the drainfield at the wettest season of the year.

(f) In all other respects tire chip aggregates and mixed tire-mineral aggregates shall be installed with identical site restrictions and construction requirements as approved mineral aggregates.

(7) In-ground Nitrogen-reducing Biofilters (INRB) – Nitrogen-reducing media layers, also referred to as media layers, may be placed beneath the drainfield provided the resulting system meets all requirements of this chapter except as noted in this subsection.

(a) Nitrogen-reducing media layers shall be installed as follows:

1. The drainfield shall be installed over sand fill material that is at least 18 inches thick and conforms to the textures and colors in subparagraph 10. below and shall extend at least one foot beyond the perimeter of the drainfield. The drainfield shall be centered above the sand fill area.

2. Below the sand fill material layer required in subparagraph 1. above there shall be a media layer that is at least 12 inches thick and extends beneath the entire drainfield absorption surface and extends at least 24 inches beyond the perimeter of any portion of the drainfield absorption surface and any other effluent release point. The media layer shall also extend upward along the boundary of the sand fill material to a point four to six inches below the bottom of the drainfield. The drainfield shall be centered above the media layer. The media layer shall conform with subparagraphs 8. and 11. below. The media layer shall not be installed when the observed water table is at or above the lowest depth of the media layer.

3. The bottom of the media layer shall be at least 6 inches above the wet season water table.

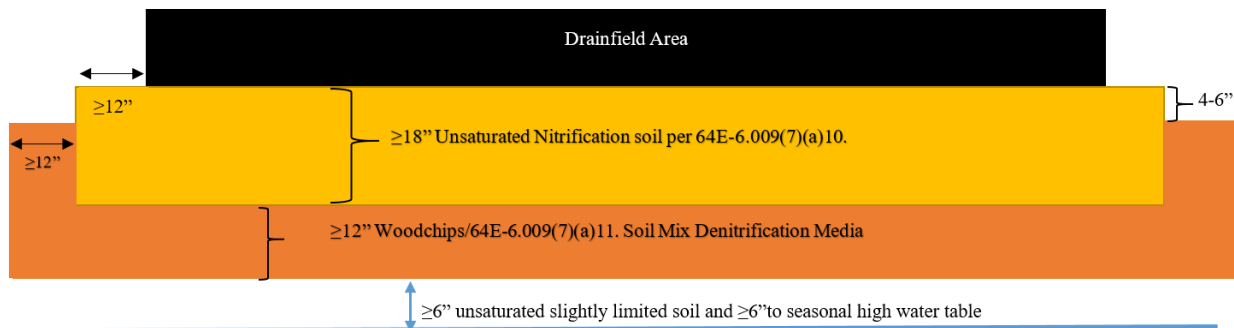


Figure 1. In-ground Nitrogen-reducing Biofilter media layer system

4. While media longevity and nutrient reduction may be enhanced by the use of low-pressure distribution, any Department-approved drainfield effluent distribution method may be used.

5. The natural and existing soil profile throughout the area of the drainfield shall indicate slightly limited soils extending from the ground surface to at least 6 inches below the bottom of the nitrogen-reducing media layer.

6. Only drainfield materials approved per Rule 64E-6.014 or Rule 64E-6.009, F.A.C. shall be used.

7. As measured vertically, no portion of the media layer required in subparagraph 2. above, shall be within 18 inches of the infiltrative surface of the drainfield.

8. An example of nitrogen-reducing media is lignocellulosic material such as chips or shavings of untreated lumber, blended urban waste wood mulch, yellow pine sawdust, or 2-inch to 3-inch wood chips. The nitrogen-reducing media shall be



demonstrated in Florida-based studies to be effective at providing a substrate for denitrification.

9. The nitrogen-reducing media shall comply with the provisions of Rule 64E-6.0151, F.A.C.

10. The soil layer between the infiltrative surface of the drainfield and the media layer shall extend beneath the entire drainfield absorption surface and to a point at least one foot beyond the perimeter of any portion of the drainfield absorption surface and any other effluent release point and shall consist of fine aggregate having a texture of sand or fine sand but excluding:

- a. those having color values less than or equal to 4 with chromas less than or equal to 3; or
- b. those with colors on the gley charts.

11. The media layer shall be a combination of nitrogen-reducing media and fine aggregate, which shall be composed of 40-60% nitrogen-reducing media by volume, with the remainder to be fine aggregate. The media layer shall not be installed when the observed water table is at or above the lowest depth of the media layer. The fine aggregate to be mixed with the nitrogen-reducing media shall be one or more of the following textures: coarse sandy loam, sandy loam, loamy sand, fine sandy loam, very fine sand, loamy fine sand, and loamy very fine sand; and shall conform to the colors in subparagraph 10. above. The media layer shall be thoroughly mixed while the soil is in a non-plastic state, with the constituents uniformly distributed when installed.

12. Where the system has a total required drainfield size over 1500 square feet, the design engineer shall address the potential for mounding of the effluent between the drainfield and the bottom of the media layer at the estimated sewage flow and will increase the separation between the drainfield and the layer required in subparagraph 2. above, to ensure no less than 18 inches of unsaturated soil beneath the drainfield. A four-inch diameter observation port in the center of the drainfield shall be installed to monitor this parameter. The observation port shall be capped and lockable and installed within a protective surface cover. A toilet flange shall be securely attached to the bottom of the observation port to prevent the port from being inadvertently raised from its installed position. The observation port, including the flange, shall be perforated at the lowest elevation possible to allow accurate measurements. If installed within three feet of the sidewall of a bed or trench, the port shall be grouted to prevent effluent from flowing down the outer surface of the port to the media.

13. Drainfield repair shall not necessitate media replacement provided the media has been in use for less than 10 years or if sampling within the previous 12 months shows denitrification at or above the target level for mean total nitrogen (TN) removal efficiency which shall be a minimum 65%.

14. Setback distances to the denitrification media or soil material directly above denitrification media extending to the infiltrative surface of the drainfield shall be reduced by the following:

- a. Except for building foundations, vertical obstructions and pilings for elevated structures, where the required setback is  $\leq 5$  feet, the setback shall be reduced to one foot.
- b. Where the required setback is  $\geq 10$  feet, the setback shall be reduced by five feet.
- c. Setbacks to all other parts of the system shall be in compliance with the requirements in this Chapter and section 381.0065, Florida Statutes.

(b) In addition to the inspections required in Rule 64E-6.003, F.A.C., upon completion of the installation of the media layer but before covering the media layer, a person installing or constructing the system shall notify the DOH county health department that the media layer has been installed and shall have that portion of the system inspected by the department. If the inspection of the media layer is the initial inspection of the system, the initial inspection fee in Rule 64E-6.030(1)(i), F.A.C., shall be paid. If an initial inspection occurred before the media layer inspection, the reinspection fee in Rule 64E-6.030(1)(j), F.A.C., shall be paid.

(c) Repairs of systems incorporating media layers shall meet the current standard for nitrogen reduction. The provisions of Rule 64E-6.003(3), F.A.C., shall not apply to repair of systems that include media layers, nor shall repairs be allowed per Rule 64E-6.015(3), F.A.C.

(d) Final installation approval shall not be granted until the DOH county health department has confirmed that 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 nitrogen-reducing media onsite system that may require special repair or maintenance procedures. The notice shall include the department's construction permit number for the system, and that additional information may be obtained by contacting the DOH county health department.

(8) Alternative system component and design approval – After innovative system testing is completed, requests for approval of system components and designs which are not specifically addressed in this chapter shall be submitted to the department's Bureau of Onsite Sewage Programs.

(a) Requests for alternative system component material and design approval shall include:

1. Detailed system design and construction plans by an engineer licensed in the State of Florida;
2. Certification of the performance capabilities of the product submitted by an engineer licensed in the State of Florida;
3. Research supporting the proposed system materials;
4. Empirical data showing results of innovative system testing in the State of Florida; and
5. A design, installation and maintenance manual showing how to design and install the system in accordance with this

chapter for standard, filled, mounded, gravity-fed, dosed, bed and trench configurations.

(b) In addition to those items listed in paragraph 64E-6.009(7)(a), F.A.C., manufacturers of drip effluent disposal system distribution lines, emitters, and components shall apply for and obtain approval from the Bureau of Onsite Sewage Programs for specific model numbers or part numbers prior to inclusion of the components on any site specific permit application. Manufacturer's of drip effluent disposal system components shall provide design and installation manuals for engineering and construction guidance. Design manuals shall include tables that detail flow rates vs. pressure and pressure loss per length(s) of distribution pipe.

(c) The detailed plans and information submitted with the approval request shall be reviewed by the department onsite sewage program to determine whether or not there is a reasonable certainty of the effectiveness and reliability of the proposed alternative system component. If the department is not satisfied that the information provided provides reasonable evidence of the effectiveness and reliability of the alternative system component and designs, the department shall deny the approval. Department approval of any alternative system component does not guarantee or imply that any individual system installation will perform satisfactorily for a specific period of time. Upon department approval of the material and design, the manufacturer shall list the department approval date in the installation and design manual. Proposals to amend the approved installation and design manual shall be submitted to the bureau for approval. The date of amendment approval shall be included in the manual.

(d) Except as provided for in Part IV of this chapter, alternative drainfield materials and designs shall not be approved which would result in a reduction in drainfield size using the mineral aggregate drainfield system as described in Rule 64E-6.014, F.A.C., and the total surface area of soil at the bottom of the drainfield as the criteria for drainfield sizing comparisons. Alternative system component and design approvals shall not be granted for the following items:

1. Those which, in whole or in part, are used to achieve a more advanced level of treatment than the baseline treatment level specified in part IV of this chapter;
2. Aerobic treatment units;
3. Septic tank designs, filters, seals, and sealants;
4. Additives;
5. Header and drainfield pipe, including their layout; and
6. Water table separation and setback requirements.

(e) Unless determined unnecessary or impractical by the Department at the time of component approval, effective January 1, 2010, all components shall be labeled with the name of the manufacturer and the model identification of the component. The design, installation and maintenance manual shall show the location of the label and shall include an illustration of a typical label. The label shall be in a location where it will be visible or easily exposed at the time of system inspection. All identifying marks shall be inscribed or affixed at the point of manufacture.

(9) Other alternative systems – systems such as low pressure distribution networks, small diameter gravity sewers, low pressure sewer systems, alternating absorption fields, and sand filters designed and submitted by an engineer who is licensed in the State of Florida, meeting the general requirements of this chapter, shall be approved by the DOH county health department where evidence exists that use of such systems will not create sanitary nuisance conditions, health hazards or pollute receiving waters. Use of an alternative system may require the establishment of procedures for routine maintenance, operational surveillance, and environmental monitoring to assure the system continues to function properly.

(10) Use of a system to serve more than one residence or commercial building under separate ownership and when located on separate lots shall require the establishment of a local sewer district, maintenance franchise, or other legally binding arrangement for the operation and maintenance of such system.

(11) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.49, Amended 3-17-92, 1-3-95, Formerly 10D-6.049, Amended 11-19-97, 2-3-98, 3-22-00, 4-21-02, 6-18-03, 11-26-06, 6-25-09, 7-31-18.*

#### **64E-6.010 Septage and Food Establishment Sludge.**

(1) No septic tank, grease interceptor, privy, or other receptacle associated with an onsite sewage treatment and disposal system shall be cleaned or have its contents removed until the service person has obtained an annual written permit (Form DH 4013, 01/92, Operating Permit, herein incorporated by reference) from the DOH county health department in the county in which the service company is located. Permits issued under this section authorize the disposal service to handle liquid waste associated with food operations, domestic waste, or domestic septage. Such authorization applies to all septage produced in the State of Florida, and food establishment sludge which is collected for disposal from onsite sewage treatment and disposal systems.

(2) Application for a service permit shall be made to the DOH county health department on Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference. The following must be provided for the evaluation prior to issuance of a service permit:

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(a) Evidence that the applicant possesses adequate equipment such as a tank truck with a liquid capacity of at least 1500 gallons, pumps, off truck stabilization tanks and pH testing equipment where lime stabilization and land application are proposed, as well as other appurtenances and tools necessary to perform the work intended. Equipment may be placed into service only after it has been inspected and approved by the DOH county health department. Tanks used for the stabilization and storage of septage and food service sludges shall be constructed, sized, and operated in accordance with the following provisions:

1. Stabilization tanks and septage storage tanks shall be constructed of concrete, fiberglass, corrosion-resistant steel, or other equally durable material. Tanks shall be watertight and shall be water tested for leaks prior to placing into service. The stabilization tank shall have a liquid capacity of at least 3000 gallons.

2. Construction of concrete tanks shall be at a minimum equal to that required of concrete septic tanks in Rule 64E-6.013, F.A.C. Fiberglass tanks and tanks of similar materials shall be constructed in accordance with standards found in Rule 64E-6.013, F.A.C.

3. Stabilization tanks shall contain aeration or mixing devices which will ensure thorough agitation or mixing of lime with the waste as specified in Chapter 6, EPA 625/1-79-011, Process Design Manual for Septage Treatment and Disposal, herein incorporated by reference.

(b) The proposed disposal method and the site to be used for disposing of onsite sewage treatment and disposal system septage.

(c) The contractor registration number and certificate of authorization number, if applicable.

(3) When a permit is issued, the number of said permit along with the name of the company, its phone number, and the gallon capacity of the waste storage tank shall be prominently and permanently displayed on the service truck in contrasting colors with 3 inch or larger letters. Use of removable magnetic signs shall not be considered permanent display of vehicle identification information. A septage disposal service permit shall be suspended, revoked or denied by the department in accordance with Chapter 120, F.S., for failure to comply with requirements of this chapter.

(4) After septage or food establishment sludge is removed from an onsite sewage treatment and disposal system, the original lid of the tank shall be put back in place, or be replaced with a new lid if the original lid is broken. The tank lid shall be completely sealed and secured as per paragraph 64E-6.013(2)(i), F.A.C., and the ground backfilled and compacted so that the site is left in a nuisance free condition.

(a) Contents of any treatment tank, including all chambers of a multi-chambered tank, or pump tank shall be removed in their entirety when pumped. Where in the opinion of the person pumping any onsite sewage treatment and disposal system waste receptacle or pump tank, the complete removal of all tank contents may create an unintended problem in regards to the continued use of the system, a complete pumpout is not required. The pumper must document, in writing, to the system owner the reason for the partial pumpout, the gallonage pumped from the system, and what material was left in the tank.

(b) The access to pump a tank must be through the lid of the tank, through the manhole or by moving a sectional lid. Where the tank is chambered, separate chambers must be accessed through the manholes or sectional lid for the chamber being pumped. Pumping shall not be accomplished by entering the tank through inlets or outlets. Where the lid of the tank must be broken in order to gain access for the removal of tank contents, or at anytime when the lid is broken, the lid shall be replaced.

(5) Untreated food establishment sludges, and septage shall be transported to an approved treatment facility in such a manner as to preclude leakage, spillage or the creation of a sanitary nuisance.

(6) Treated septage and sludges shall be transported to the disposal site in such a manner so as to preclude leakage, spillage or the creation of a sanitary nuisance.

(7) The food establishment sludge and contents from onsite waste disposal systems shall be disposed of at a site approved by the DOH county health department and by an approved disposal method. Untreated domestic septage or food establishment sludges shall not be applied to the land. Criteria for approved stabilization methods and the subsequent land application of domestic septage or other domestic onsite wastewater sludges shall be in accordance with the following criteria for land application and disposal of domestic septage.

(a) Land application of domestic septage and sludges shall be permitted provided such septage and sludges have been properly treated by an approved septage-stabilization process, including lime stabilization, and an application using Form DH 4012 has been completed as part of the permitting process. Prior to discharge of septage or food establishment sludge into a stabilization tank, the septage or sludge shall be screened in a pretreatment tank or chamber which contains a final screening method using bar screens having a maximum gap of 1/2 inch or rock screens or other similar mesh material having a maximum 3/4 inch opening. Material retained in the screening process shall be limed, containerized, and disposed of at an approved solid waste disposal facility. Septage or sludge shall pass from the pretreatment tank or chamber to the stabilization tank. Lime stabilization of septage shall be in accordance with processes and designs described in Chapter 6, EPA 625/1-79-011, Process Design Manual for Sludge Treatment and Disposal, hereby incorporated by reference. Facilities approved for septage treatment under this rule shall not receive and treat more than 20,000 gallons of septage or combined septage, grease interceptor, portable restroom or other receptacle waste associated with an onsite sewage treatment and disposal system on any one day and shall not exceed a monthly average of 10,000 gallons of septage or septage and combined domestic waste per day. Stabilization by lime shall raise the pH of the septage to a level of 12 for a minimum of two hours or to a level of at least 12.5 for a minimum of

30 minutes to be deemed sufficient. The pH of the stabilized septage shall be maintained at a level of at least 11 until actual land application, but shall not be landspread until the pH of the stabilized septage has fallen below 12.5. To check the pH of the stabilized septage, a sampling port having an internal diameter of no less than 1/2 inch and no more than 3/4 inch and located no more than 60 inches above the ground surface shall be used to allow sampling of waste tank contents. Lime purchase receipts shall be kept at the place of business for a minimum of 6 months.

1. Use on playgrounds, parks, golf courses, lawns, hospital grounds, or other unrestricted public access areas where frequent human contact is likely to occur is prohibited.

2. Application is limited to sod farms, pasture lands, forests, highway shoulders and medians, plant nursery use, land reclamation projects and soils used for growing human food chain crops. Application methods shall be conducted in a manner which will disperse the treated septage uniformly over the land application site.

a. Pasture vegetation on which stabilized septage or sludge has been applied shall not be cut for hay or silage nor grazed for a period of 30 days from the last application.

b. No human food chain crops except hay, silage, or orchard crops shall be harvested from a land application area for a period of 60 days following the last application of septage or sludges.

c. Domestic septage or sludge shall not be used for the growing or cultivation of tobacco, root crops, leafy vegetables, or vegetables to be eaten raw. Vegetables and fruits which come in contact with the ground surface shall not be grown on land used for septage application for a period of 18 months after the last application of septage or sludge.

d. When applied to unvegetated soils, stabilized domestic septage or sludge shall be incorporated into the soil within 48 hours of application.

(b) No land application of stabilized septage or food service sludge may occur until:

1. The site has been inspected and approved by department personnel.

2. The site evaluation fee has been submitted.

3. An Agricultural Use Plan, Form DH 4012A, 08/09, herein incorporated by reference, has been completed for the proposed application site.

a. Agricultural use plans shall describe the manner in which treated domestic septage and sludges are to be used as part of a planned agricultural operation. Methods of application, proposed crops and their fertilizer needs, vegetative types proposed, erosion management, access control for humans and animals, and anticipated harvesting periods shall be included.

b. Agricultural use plans shall include information on the soil and geologic conditions at the disposal site which could limit the areas available for land application.

4. The plan has been submitted for review and approval to the DOH county health department having jurisdiction.

5. The DOH county health department has granted approval to use the site.

(c) No person shall dispose of domestic septage or sludge by land application unless they have complied with approved treatment and disposal methods described in Rule 64E-6.010, F.A.C. Lime stabilization in the tank of a septage hauling vehicle or in the tank of an onsite sewage treatment and disposal system is not an approved septage treatment method.

(d) Land application of septage shall occur only in accordance with paragraph 64E-6.010(7)(a), F.A.C., unless prohibited by the DOH county health department due to a brief condition which creates a potential for a sanitary nuisance as exemplified in paragraph 64E-6.010(7)(l), F.A.C.

(e) All septage and food establishment sludge haulers regulated by Chapter 64E-6, F.A.C., are to maintain a collection and hauling log at the treatment site or at the main business location which provides the information listed below. Records shall be retained for five (5) years.

1. Date of septage or waste collection;

2. Address of collection;

3. Indicate whether the point of collection is a residence or business and if a business, the type of business;

4. Estimated volume, in gallons, of septage or waste transported;

5. Receipts for lime or other materials used for treatment;

6. Location of the approved treatment facility;

7. Date and time of discharge to the treatment facility; and

8. Acknowledgement from treatment facility of receipt of septage or waste.

(f) All Department of Health-regulated septage treatment facility operators shall maintain permanent records of the septage or waste receipt, treatment and discharge. Records shall be retained for five (5) years. At a minimum, these records shall include the following.

1. Date and time of each load of septage or waste is received;

2. Name of company from which the septage or waste is received;

3. Identification of the truck from which the septage or waste was received;

4. Signature from the driver acknowledging delivery of the septage or waste;

5. Quantity of septage or waste received;

6. Date and time of discharge of each load of treated septage or waste;

7. Name of the company which received the treated septage or waste from the treatment facility;

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8. Signature from the driver of the truck which received the treated septage or waste; and

9. Quantity of treated septage or waste discharged to the truck.

(g) A summary of the total volume of septage applied to each site shall be submitted to the DOH county health department quarterly.

(h) Domestic wastewater systems residuals shall not be mixed with septage for treatment and disposal at department approved sites.

(i) Septage which contains toxic or hazardous waste must be disposed of in accordance with the rules of the Department of Environmental Protection.

(j) The land application area shall not be located closer than 3000 feet to any Class I water body or Outstanding Florida Water as defined in Chapter 62-302, F.A.C. or 200 feet to any surface water bodies except canals or bodies of water used for irrigation purposes which are located completely within and not discharging from the site. The land application area shall not be located closer than 500 feet to any shallow public water supply wells, nor closer than 300 feet to any private drinking water supply well. The application area shall be no closer than 300 feet to any habitable building and a minimum of 75 feet from property lines and drainage ditches.

(k) The land application site shall have a minimum 24 inches of unsaturated soil above the ground water table at the time of septage or sludge application. The seasonal high ground water table for the site may be indicated in the Agricultural Use Plan by soil survey maps. If the wet season high ground water table is within 2 feet of the surface or is not determined in the Agricultural Use Plan, the water table encountered at the time of septage or sludge application shall be determined by use of a monitoring well.

(l) Septage or sludge shall not be applied during rain events of sufficient magnitude to cause runoff, or during periods in which surface soils of the land application area are saturated. The land application area shall have sufficient buffer areas or stormwater management structures to retain the runoff from a ten-year one-hour storm on the site. Sufficient septage storage capacity shall be provided for periods of inclement weather and equipment failure. Facilities shall be designed, located, and operated to prevent nuisance conditions and avoid site run-off.

(m) Land application area topographic grades shall not exceed 8 percent.

(n) The land application area and an area 200 feet wide adjacent to, and exterior of, the land application area boundary shall contain no subsurface fractures, solution cavities, sink holes, excavation core holes, abandoned holes, or any other natural or manmade conduits which allow contamination of ground water. Determinations of site conditions shall be made as part of a geophysical examination of the property by qualified persons.

(o) Florida water quality criteria for groundwater and surface water shall not be violated as a result of land application of septage or sludge. Water quality testing of application areas may be required if the department determines that septage application not conforming to this rule is evident. If water quality violations are indicated, the site owner shall suspend land application activities.

(p) A layer of permeable soil at least 2 feet thick shall cover the surface of the land application area.

(q) Unless required by law to be limited by phosphorous, application rates of septage and food establishment sludges are limited by the nitrogen content of the waste.

1. Where the application rate is limited by nitrogen content, the maximum annual surface application rate of total nitrogen is 500 pounds per acre during any 12-month period. Application of septage shall be applied as evenly as possible during the 12 month period to ensure maximum uptake of nitrogen by the crops used. This equates to 6 dry tons or 40,000 gallons of typical septage per acre per year. However, if the following formula, based on the annual uptake of nitrogen for a given crop is used, the 40,000 gallons of septage applied per acre per year shall be increased if the nitrogen content of the septage will not exceed the nitrogen uptake of the crop.

$$\text{AAR} = \text{N} \div 0.0026$$

AAR is the annual application rate in gallons per acre per 365 day period; and N equals the amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation grown on the land. Application methods shall be conducted in a manner which will disperse the treated septage uniformly over the land application site.

2. Where the application rate is limited by phosphorous, the maximum annual surface application rate of total phosphorous is 40 pounds per acre during any 12 month period. Application of septage shall be applied as evenly as possible during the 12 month period to ensure maximum uptake of phosphorous by the crops used. This equates to 2 dry tons or 12,000 gallons of typical septage per year. However, if the following formula, based on the annual uptake of phosphorous for a given crop is used, the 12,000 gallons of septage applied per acre per year shall be increased if the phosphorous content of the septage will not exceed the phosphorous demand of the crop.

$$\text{AAR} = \text{P} \div 0.0076 \text{ if the crop demand is calculated for } \text{P}_2\text{O}_5.$$

$$\text{AAR} = \text{P} \div 0.0033 \text{ if the crop demand is calculated for P.}$$

AAR is the annual application rate in gallons per acre per 365 day period; and P equals the Crop Phosphorous Demand in pounds per acre per 365 day period calculated for the crop or vegetation grown on the land. Application methods shall be conducted in a manner which will disperse the treated septage uniformly over the land application site.

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(r) Permanent records of actual application areas and application rates shall be kept. These records shall be maintained by the site owner, lessee, or the land applicator for a period of five years, and shall be available for inspection upon request by the department or by DEP. An annual summary of the total septage or sludge applied shall be provided with the annual update to the Agricultural Use Plan. Records shall be kept and shall include:

1. Location of the septage treatment facility from which each load of treated septage is obtained.
2. Date and time the treated septage was obtained from the treatment facility.
3. Dates of septage or sludge land application.
4. Weather conditions when applied.
5. Location of septage or sludge application site.
6. Amounts of septage or sludge applied.
7. Specific area of the site where septage or sludge was applied.
8. pH of stabilized septage or sludge being applied.
9. Soil groundwater table when septage was applied.
10. Vegetational status of application area.

(s) Food establishment sludges may be discharged into permitted domestic wastewater treatment facilities pursuant to the requirements of Chapter 62-600, F.A.C.

(t) Application of food establishment sludge to the land shall be permitted if such food establishment sludge has been properly treated by lime stabilization, or by any other process which produces similar kills of microorganisms and has been approved by the State Health Office.

(u) Mixing of unstabilized food establishment sludge with stabilized septage prior to land application is not permitted.

(v) Food establishment sludge shall be blended with septage and treated prior to land application. The ratio of food establishment sludge to septage shall be no greater than 1:1.

(8) Stabilization tanks and septage storage tanks may be located at regional stabilization facilities, at sites owned by the disposal service or at sites owned by the owner or lessee of the septage land application site.

(9) Potable water supplies located at the stabilization tank and septage storage tank site shall be provided with back flow prevention devices to prevent potential contamination of water supplies.

(10) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, 386.041, 373.4595 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.52, Amended 3-17-92, 1-3-95, 5-14-96, Formerly 10D-6.052, Amended 3-22-00, 5-24-04, 11-26-06, 6-25-09, 4-28-10.*

#### **64E-6.0101 Portable Restrooms and Portable or Stationary Holding Tanks.**

(1) Persons servicing portable restrooms, portable hand washing facilities and portable or stationary holding tanks shall obtain an annual permit on Form DH 4013 from the county health department in the county in which the service company has an office or storage yard. The service company need not be permitted in neighboring counties in which the service company operates but does not have an office or storage yard. Service persons shall carry proof of possession of a current annual operating permit and vehicle inspection for review by department personnel in neighboring counties. Permits issued under this rule authorize the disposal service to handle liquid waste associated with portable restrooms, portable hand washing facilities, restroom trailers, shower trailers and portable or stationary holding tanks containing domestic wastewater produced in the State of Florida.

(2) Application for a service permit shall be made to the DOH county health department on Form DH 4012, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval". The following must be provided for the evaluation prior to issuance of a service permit:

(a) Evidence that the applicant possesses adequate equipment such as a tank truck, pumps, off truck stabilization tanks and pH testing equipment where lime stabilization and land application are proposed, as well as other appurtenances and tools necessary to perform the work intended. Equipment may be placed into service only after it has been inspected and approved by the DOH county health department. Tanks used for the stabilization and storage of portable or stationary holding tank waste and portable restroom waste shall be constructed, sized, and operated in accordance with the provisions of subparagraphs 64E-6.010(2)(a)1.-3., F.A.C.

(b) The proposed disposal method and the site to be used for disposing of the waste from portable restrooms or portable or stationary holding tanks.

(c) The contractor registration number and certificate of authorization number, if applicable.

(3) When a permit is issued, the number of said permit along with the name of the company, its phone number, and the gallon capacity of the waste storage tank shall be prominently and permanently displayed on the service truck in contrasting colors with 3 inch or larger letters. Use of removable magnetic signs shall not be considered permanent display of vehicle identification information.

(4) After waste is removed from a portable or stationary holding tank, the original cap or lid of the tank shall be put back

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in place, or be replaced with a new cap or lid if the original one is broken. Tank lids shall be completely sealed and secured as per paragraph 64E-6.013(2)(i), F.A.C. The site shall be left in a nuisance-free condition.

(5) Waste from portable or stationary holding tanks or portable restrooms shall be transported to an approved treatment facility in such a manner as to preclude leakage, spillage or the creation of a sanitary nuisance.

(6) All portable restroom and portable or stationary holding tank waste haulers regulated by Chapter 64E-6, F.A.C., are to maintain a collection and hauling log at the main business location which provides the information listed below. Records shall be retained for five (5) years.

- (a) Date of septage or waste collection;
- (b) Estimated volume, in gallons, of septage or waste transported;
- (c) Location of the approved treatment facility;
- (d) Date and time of discharge to the treatment facility;
- (e) Acknowledgement from treatment facility of receipt of septage or waste; and

(f) The location and the installation or placement date of all portable holding tanks placed into service. When a county health department requests to see the list of holding tank installation locations, only those locations within the health department's county of jurisdiction need to be provided.

(7) Portable Restrooms, Portable Holding Tanks, Stationary Holding Tanks, Mobile Restroom Trailers, Mobile Shower Trailers, and Portable Sinks.

(a) The department shall allow, on a temporary basis, portable restrooms, mobile restrooms, mobile shower trailers, and portable or stationary holding tanks for fairs, carnivals, revivals, field locations, encampments and other locations which lack permanent structures where people congregate for short periods of time, provided the construction, maintenance, and utilization of such systems conform to the general provisions of this chapter. Portable restrooms, portable or stationary holding tanks or other restroom facilities shall be provided at commercial and residential building sites for the duration of construction any time workers are present, and shall not be bound by the definition of temporary. All required restroom facilities shall remain accessible whenever the intended users are present. Where the department determines that no health hazard will result, portable restrooms, portable holding tanks, stationary holding tanks, mobile restroom trailers, mobile shower trailers, and portable sinks shall be permitted meeting setbacks that are 50% of the setback requirements of subsections 64E-6.005(1) through (3), F.A.C., provided portable or stationary holding tanks shall be placed within secondary containment structures with a containment capacity of no less than 110% of the total waste capacity of the holding tank. For purposes of this rule, a holding tank is any sealed, water tight fixture for receiving and storing domestic wastewater from plumbing fixtures in remote locations or at building sites or special events. For purposes of this rule, a portable restroom is a transportable, self contained static or flush-type toilet constructed to promote a sanitary environment at remote locations, building sites or special events, comprised of at least a waste storage receptacle, a riser and toilet seat and a protective enclosure. Portable restrooms, mobile restrooms, and mobile shower trailers at building sites or at a location for a temporary period of time do not require a permit from the department but must comply with the provisions of this rule. A construction permit (DH 4016) shall be obtained before placing or installing any stationary holding tanks.

(b) The department shall approve, for permanent use or placement, portable restrooms or stationary holding tanks at continually used locations where restroom facilities are desirable for the promotion of public health and where conventional facilities are neither available nor practical. Examples of such locations would be boat ramps, remote areas of golf courses, office or sales trailers, or other places where people congregate which meet the above criteria. A construction permit (DH 4016) shall be obtained before placing or installing any portable restroom or stationary holding tank for permanent use. The portable restroom service company providing portable restrooms or stationary holding tanks shall be responsible for maintenance of the unit and removal if conventional facilities are made available.

(c) Portable restrooms shall be self-contained, have self closing doors and shall be designed and maintained so that insects are excluded from the waste container.

(d) Portable restroom service company operators shall use Table PR I to determine the required number of facilities for special events for use in situations where no local or state codes provide a minimum number of toilet facilities. Table PR I assumes that the portable restrooms are serviced only once per day. If the restrooms are serviced twice per day, the value from the table shall be divided by two. If they are pumped three or more times per day, the value shall be divided by three. All resulting fractional numbers of restrooms required shall be rounded up to the next higher whole number of restrooms. If permanent restroom facilities are available for use by the attendees, the number of portable restrooms may be reduced based on the number of attendees the permanent facilities are designed to accommodate. At least one working day prior to the special event, special event organizers shall provide to the county health department a signed contract, or facsimile copy thereof, with the portable restroom service company specifying the dates the facilities will be on the event site, the number of restroom facilities to be provided, the servicing frequency and the removal date for the units.

(e) Table PR II shall be used to determine the number of required facilities at remote locations and commercial and residential building sites.

1. Table PR II assumes that the portable restrooms are serviced only once per week. If the restrooms are serviced twice per week, the value from the table shall be divided by two. If they are pumped three or more times per week, the value shall be

divided by three. All resulting fractional numbers of restrooms required shall be rounded up to the next higher whole number of restrooms.

2. Where a contractor has multiple building sites, the individual sites shall be considered a single site for purpose of determining the number of facilities. Portable restrooms serving multiple individual building sites may be shared between sites provided they are no more than 300 feet from any individual building site served.

(f) Waste receptacles shall be watertight and made of non-absorbent, acid resistant, corrosion-resistant and easily cleanable material.

(g) The floors and interior walls shall have a non-absorbent finish and be easily cleanable.

(h) Portable restrooms shall be serviced at least weekly and the inside of the structure housing the storage compartment shall be cleaned on each service visit. The waste storage compartment shall be charged with a sanitizer-deodorizer solution prepared in accordance with the sanitizer-deodorizer manufacturer's instructions.

(i) Each portable restroom shall have listed in a conspicuous place the name and telephone number of the servicing company.

(j) Portable restrooms shall be maintained in a sanitary condition. Portable restrooms at special events shall be serviced at least daily.

TABLE PR I

NUMBER OF PORTABLE RESTROOMS REQUIRED FOR SPECIAL EVENTS  
(ASSUMES SERVICING ONCE PER DAY)

NUMBER OF PEOPLE PER DAY	NUMBER OF HOURS FOR EVENT PER DAY									
	1	2	3	4	5	6	7	8	9	10
250	2	2	2	2	2	3	3	3	3	3
500	2	3	4	4	4	4	4	4	4	4
1000	4	5	6	7	7	8	8	8	8	8
2000	6	10	12	13	14	14	14	15	15	15
3000	9	14	17	19	20	21	21	21	21	22
4000	12	19	23	25	28	28	28	30	30	30
5000	15	23	30	32	34	36	36	36	36	36
6000	17	28	34	38	40	42	42	42	44	44
7000	20	32	40	44	46	48	50	50	50	50
8000	23	38	46	50	54	57	57	58	58	58
9000	26	42	52	56	60	62	62	62	64	64
10,000	30	46	57	63	66	70	70	72	72	72
12,500	36	58	72	80	84	88	88	88	88	92
15,000	44	70	84	96	100	105	105	110	110	110
17,500	50	80	100	110	115	120	125	125	126	126
20,000	57	92	115	125	132	138	138	144	144	150
25,000	72	115	144	154	168	175	175	176	176	184
30,000	88	138	168	192	200	208	208	216	216	216

TABLE PR II

PORTABLE RESTROOMS REQUIRED FOR REMOTE LOCATIONS AND COMMERCIAL AND RESIDENTIAL BUILDING SITES

PER SITE OR LOCATION

(ASSUMES SERVICING ONCE PER WEEK)

NUMBER OF PEOPLE PER SITE

NUMBER OF RESTROOMS REQUIRED

8 HOURS PER DAY – 40 HOURS PER WEEK

1-10	1
11-20	2
21-30	3
31-40	4
41-50	5
over 50	Add 1 restroom for every 10 additional people or fraction thereof

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TABLE PR III  
HOLDING TANK CAPACITY REQUIRED FOR REMOTE LOCATIONS, AND SPECIAL EVENTS  
PER SITE OR LOCATION

(ASSUMES SERVICING TWICE PER WEEK)

NUMBER OF PEOPLE PER SITE 8 HOURS PER DAY – 40 HOURS PER WEEK	MINIMUM HOLDING TANK CAPACITY (IN GALLONS)
1	125
2-3	250
4-5	500
6-7	750
over 7	Add 125 gallons for each additional person

(k) Portable hand washing facilities shall be self-contained and have access to a fresh water compartment and a wastewater compartment. A sign shall be posted near the hand washing apparatus to advise users that the water is not for drinking.

(l) Portable hand washing facilities shall be provided in a proportion of one hand wash facility to every ten portable restrooms required, and shall be provided at special events and remote locations where food is served or picnic areas are provided. With the exception of locations where food is served, hand sanitizers may be used in lieu of hand washing facilities, at the option of the applicant.

(m) The number and location of portable restroom and hand washing facilities for food handlers at special events shall be based on this section or applicable local or state food hygiene requirements, whichever is greater.

(n) An applicant for a stationary holding tank installation permit shall provide to the county health department a copy of a contract with a permitted disposal company that states the holding tank capacity and the scheduled pumping frequency.

(o) All stationary holding tanks shall be constructed in compliance with the construction standards for treatment receptacles in Rule 64E-6.013, F.A.C.

(p) Portable holding tanks shall meet the following requirements:

1. The total effective capacity of the portable holding tank shall not exceed 300 gallons;
2. No portion of the portable holding tank shall be more than 12 inches below the surface of the ground;
3. The portable holding tank shall be used for a construction site or temporary use;
4. The portable holding tank shall be rigid, water-tight, impervious;
5. Polyethylene holding tanks shall meet the requirements of International Association of Plumbing and Mechanical Officials (IAPMO) PS 1-93, Paragraph 5.4 “Polyethylene”, herein incorporated by reference. Where the requirements of IAPMO PS 1-93 Paragraph 5.4 “Polyethylene” conflict with the standards in this section, the standards in this section shall apply;
6. Multiple portable holding tanks, if used, shall be connected in such a manner that leakage from one tank will not result in the loss of any liquid from any other tanks;
7. Each portable holding tank shall have listed in a conspicuous place the name and telephone number of the servicing company; and

8. The portable holding tank shall be removed from the site when no longer needed;

9. The portable holding tank servicing company shall maintain a list of the location and the installation or placement date of all portable holding tanks placed into service. The list shall be made available to the Department upon request.

(q) Portable or stationary holding tanks shall be serviced at least weekly to prevent insanitary conditions.

(r) Table PR III shall be used to determine the required total capacity of portable or stationary holding tanks serving a remote location, construction site, or special event. The values from table PR III shall be adjusted proportionately to the number of times per week the holding tank will be emptied.

(s) Application for a service permit shall be made to the county health department on Form DH 4012, “Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval”. The following must be provided for the evaluation prior to issuance of a service permit:

1. The permanent location and address of the business where operations will originate and where equipment is to be stored when it is not in use.

2. The proposed disposal method and the site to be used for disposing of the waste.

(t) The following equipment, maintenance and service requirements shall be complied with:

1. Vehicles used for servicing portable restrooms shall be provided with two separate tanks or a dual compartment tank. One compartment or tank shall be used for receiving and removing wastes and the other shall be used for clean water storage and shall have adequate capacity to allow proper cleaning of each serviced unit. The waste tank on all vehicles servicing portable restrooms or portable or stationary holding tanks shall be equipped with a suction hose having a cut-off valve not more than 36 inches from the intake end.

2. Standby portable restroom and holding tank service equipment shall be available for use during breakdowns or emergencies. If equipment from another approved service is to be used for stand-by purposes, a written agreement between the

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services must be provided to the county health department.

3. The waste storage compartment of a tank truck shall be maintained as necessary to prevent the creation of sanitary nuisance conditions.

(u) Portable or stationary holding tank, portable restroom, and portable hand sink wastes shall be disposed of into a septage treatment and disposal facility approved by the department or into a treatment facility approved or permitted for such disposal by the Department of Environmental Protection. These wastes shall be land applied under provisions of subsection 64E-6.010(7), F.A.C., provided a DEP-approved treatment facility is not available. Companies which service portable or stationary holding tanks or portable restrooms which use quaternary ammonium sanitizing and deodorizing compounds are prohibited from having the wastes treated or disposed of at lime stabilization facilities.

(v) When disposed of in a department approved lime stabilization facility, the portable restroom, portable hand washing and portable or stationary holding tank wastes shall be blended with domestic septage at a rate of no less than 3 parts septage to 1 part holding tank, portable restroom or portable hand washing facility waste prior to lime stabilization. Treatment and disposal shall comply with the provisions of paragraphs 64E-6.010(7)(a)-(u), F.A.C.

(w) Contents of portable restrooms and portable or stationary holding tanks shall be removed in their entirety when pumped.

(x) Persons who own portable restrooms but are not a permitted service company shall maintain a service contract with a permitted service company for every portable restroom in use. The name and telephone number of the owner shall be displayed on every portable restroom in use.

(8) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, 386.041 FS. History—New 5-24-04, Amended 11-26-06, 6-25-09, 4-28-10.*

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

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

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

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

(b) The tank shall be pumped out by a permitted septage disposal company who shall provide a receipt or a written certification to the department. Alternatively, if the tank is empty and dry at the commencement of the abandonment, a written statement to that effect by the septage disposal company or the contractor performing the abandonment shall be provided to the department.

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

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

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

(3) The permitting provisions of paragraph 64E-6.011(2)(a), F.A.C., are not required if a local utility or local plumbing authority performs a system abandonment program which requires the completion of those steps listed in paragraphs 64E-6.011(2)(b), (c), (d), and (e), F.A.C. If the system abandonment is performed by a local utility or local plumbing authority, the local utility or local plumbing authority performing the abandonment program shall maintain a log of all inspections performed and shall forward the log to the County Health Department on a monthly basis.

(4) A septic tank serving a single family residence may, at the owner's discretion, be converted into a cistern pursuant to the following procedures:

(a) The applicant shall obtain a system abandonment permit from the county health department.

(b) The permit application shall specify the intended use of the abandoned septic tank.

(c) The activities related to abandoning the onsite sewage treatment and disposal system shall not create a sanitary nuisance.

(d) The septic tank shall be disconnected from the drainfield and from the building sewer pipe.

(e) All work to disconnect, clean and sanitize the septic tank shall be conducted by a registered septic tank contractor or a state-licensed plumber or by the owner of the owner-occupied single family residence being served by the septic tank.

(f) All septage, wash water, and other liquids removed from the tank shall be removed and handled as septage (Rule 64E-6.010, F.A.C.) by a DOH-licensed septage disposal service and disposed of at a DEP-regulated wastewater treatment facility.

(g) The health department shall inspect the tank once it is disconnected, emptied, cleaned, disinfected and filled with

water. The inspection shall determine whether all of the following conditions have been met:

1. The tank has been disconnected from the drainfield and the building sewer.
2. The tank is full of water within 12 inches of the top of the tank.
3. The clarity of the water is such that a Secchi disk is visible at the bottom of the tank.
4. The pH of the water in the tank is between 6.0 and 8.0.
5. The free chlorine residual of the water in the tank is  $\leq 1.0$  ppm.
6. The total coliform count is  $\leq 1000$  per 100 ml.
7. The fecal coliform count is  $\leq 200$  per 100 ml.
8. No sanitary nuisance condition exists on the property related to the abandonment activities.

(h) One inspection is included in the abandonment permit fee. The applicant shall pay a reinspection fee for any additional inspection visits necessary until all of the criteria in subparagraphs 64E-6.011(4)(g)1. through 8. F.A.C., are met and final approval of the abandonment is granted by the county health department.

(i) The applicant shall be responsible for all required laboratory fees. All sampling shall be conducted by county health department staff during the final inspection.

(j) The septic tank shall be converted and inspected within 90 days after connection of the building plumbing to the sanitary sewer.

(k) The tank shall not be connected to any irrigation components nor shall the water used for irrigation purposes until final approval of the abandonment has been granted by the county health department.

(l) Upon final approval of the abandonment, use of the tank or the drainfield for sewage storage, treatment or disposal is prohibited and constitutes a nuisance injurious to health as defined by Section 386.041, F.S.

(m) Upon final approval of the abandonment, the water collected in the tank shall be utilized for non-potable, irrigation purposes only.

*Rulemaking Authority 381.0065 FS. Law Implemented 381.0065, 381.0066, 386.002, 386.003, 386.041 FS. 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 6-18-03, 6-25-09, 7-16-13.*

#### **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 shall be installed, operated and maintained in conformance with the following provisions:

(1) Aerobic treatment units designed to treat up to 1500 gallons of sewage waste per day shall be listed by a third party certifying program approved by the State Health Office. Aerobic treatment units shall be in compliance with at least one of the following standards: Class I systems as defined by NSF International Standard/American National Standard (NSF/ANSI) 40-2013, "Residential Wastewater Treatment Systems", revised April 2013; nitrogen reduction as defined by NSF/ANSI 245-2013, "Wastewater Treatment Systems – Nitrogen Reduction," revised April 2013; or onsite residential and commercial water reuse treatment systems as defined by NSF/ANSI 350-2013, "Onsite Residential and Commercial Water Reuse Treatment Systems," revised December 2012. These NSF/ANSI standards are hereby incorporated by reference, have been deemed copyright protected, and are available for inspection at the Department of Health, Bureau of Environmental Health, 4025 Esplanade Way, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. An approved third party certifying program shall comply with the following provisions in order for units which it has certified to be approved for use in Florida:

(a) Be accredited by the American National Standards Institute.

(b) Have established procedures which send representatives to distributors in Florida on a recurring basis to conduct evaluations to assure that distributors of certified aerobic units are providing proper maintenance, have sufficient replacement parts available, and are maintaining service records.

(c) Notify the department State Health Office of the results of monitoring visits to manufacturers and distributors within 60 days of the conclusion of the monitoring. Approved distributors must be reported by the manufacturer to the certifying agency.

(d) Submit completion reports on testing for review by the State Health Office.

(e) Provide a registered certification mark or seal which must be affixed in a conspicuous location on the units it has certified. This mark or seal will alert persons evaluating or maintaining the unit that the unit is in compliance with the NSF/ANSI standard appropriate for the application.

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

(a) An appropriate mechanism shall be provided to make access ports vandal, tamper, and child resistant. Acceptable protection of openings shall consist of one or more of the following methods as specified by the tank manufacturer:

1. A padlock.
2. An "O" ring with twist lock cover requiring special tools for removal.
3. Covers weighing 65 pounds or more, net weight.
4. A hinge and hasp mechanism which uses stainless steel or other corrosion resistant fasteners to fasten the hinge and

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hasp to the lid and tank for fiberglass, metal, or plastic lids.

(b) A minimum of a 4-inch diameter sampling access port located between the treatment unit outlet and the drainfield.

(c) A visual and audio warning device shall be installed in a conspicuous location so that activation of such warning device will alert property occupants of aerobic unit malfunction or failure. All warning devices shall be wired separately from the aerobic unit so that disconnecting the aerobic unit from electricity will activate the warning device. If installed outside, the alarm shall be waterproof.

(d) Each unit shall be designed or equipped so that regardless of unusual patterns or frequencies of sewage flow into the system effluent discharged to the drainfield will be in compliance with the applicable standards of subsection (1) above.

(e) Minimum required treatment capacities for systems serving any structure, building or group of buildings shall be based on estimated daily sewage flows as determined from Table IV.

**TABLE IV  
AEROBIC SYSTEMS  
PLANT SIZING**

**RESIDENTIAL:**

Number of Bedrooms	Building Area in square feet	Minimum Required Treatment Capacity Gallons Per Day
1 or 2	Up to 1200	400
3	1201-2250	400
4	2251-3300	500

For each additional bedroom or each additional 750 square feet of building area, or fraction thereof, treatment capacity shall be increased by 60 gallons.

**COMMERCIAL:**

Estimated Sewage Flow in Gallons Per Day	Minimum Required Treatment Capacity in Gallons Per Day
0-400	400
401-500	500
501-600	600
601-700	700
701-750	750
751-800	800
801-1000	1000
1001-1200	1200
1201-1500	1500

**Footnotes to Table IV**

1. Where the number of bedrooms and the corresponding building area in Table IV do not coincide, the criteria which results in the greatest required treatment capacity shall apply.

2. These figures assume that the aerobic system will be treating domestic strength sewage with CBOD<sub>5</sub> and suspended solids values typically not exceeding 300 and 200 milligrams per liter, respectively. For wastewaters with higher CBOD<sub>5</sub>, higher suspended solids values, or for facilities that exhibit short-term hydraulic surge conditions, additional treatment or pre-treatment facilities shall be required when specified by design engineers, plant manufacturers, or by the DOH county health department.

(f) There shall be no bypass capability designed into the system which will allow waste to be discharged to the drainfield without undergoing all the treatment processes necessary to achieve the desired effluent quality. Bypassing, removing, or excluding any component or components of a system after the system has received final installation approval is prohibited.

(g) Effluent from an aerobic treatment unit shall be disposed of on the owner's property in conformance with other requirements of this chapter except as provided for in paragraph (f) above. Effluent quality which is found to not meet its standards shall be reported to the maintenance entity for correction within 10 working days.

(h) Where slightly limited soil textures exist on a site, the required drainfield size may be reduced by 25 percent from the requirements in Rule 64E-6.008(5) or Rule 64E-6.009(3)(d), F.A.C.

(i) A manufacturer, distributor or seller of aerobic treatment units shall furnish, to the State Health Office, in Microsoft Word document format, Portable Document Format (PDF) or other electronic format accepted by the Department, a copy of the completion reports and engineering drawings showing the design and construction details of all models of approved Class I units to be constructed or installed under the provisions of this rule. The State Health Office will forward these reports and drawings to each DOH county health department. No aerobic unit shall receive final installation approval until the unit is found to be in compliance with all provisions of this rule, including compliance with design and construction details shown on the

engineering plans filed with DOH county health departments and the State Health Office.

(j) Manufacturers shall provide a listing of approved maintenance entities they have authorized to provide service in the state and shall demonstrate that the entire state is covered by at least one maintenance entity. A system using a manufacturer's unit shall not be approved in the state if the manufacturer cannot demonstrate that there are maintenance entities to service it.

(k) A distributor of a specific manufacturer's brand or model of an approved aerobic treatment unit shall provide to the DOH county health department and State Health Office written assurance that spare mechanical and structural parts are available, upon request, for purchase, to all other approved maintenance entities.

(l) Where local building occupancy codes require that the DOH county health department approve the means of sewage disposal prior to building occupancy or change of occupancy, and where an aerobic treatment unit is utilized, a current, unexpired aerobic treatment unit maintenance contract between the property owner or lessee and an approved maintenance entity shall be one of the required conditions of system approval.

(m) A copy of the signed maintenance agreement between the property owner or property lessee and an approved maintenance entity shall be provided to the DOH county health department by the maintenance entity. The maintenance agreement shall:

1. Initially be for a period of at least 2 years and subsequent maintenance agreement renewals shall be for at least 1 year periods for the life of the system.

2. Provide that a maintenance entity which desires to discontinue the provision of maintenance services, notify in writing, the property owners and lessees and the DOH county health department at least 30 days prior to discontinuance of service.

3. Provide that, if a private maintenance entity discontinues business, property owners who have previously contracted with the discontinued maintenance service shall, within 30 days of the service termination date, contract with an approved maintenance service and provide the DOH county health department a copy of the newly signed maintenance agreement.

4. Provide that each aerobic unit is inspected by an approved maintenance entity at least two times each year. Aerobic treatment units serving commercial establishments shall be inspected four times per year. The maintenance entity shall furnish to the DOH county health department a listing of all aerobic units inspected or serviced during the respective reporting period. As a minimum, reports shall indicate the system owner or building lessee, the street address of the system, the date of system inspection or service and a statement as to the maintenance or service performed. The maintenance entity shall also include a list of the owners who have refused to renew their maintenance agreement.

(n) The DOH county health department shall, at least annually, inspect the maintenance and performance of aerobic treatment units. The DOH county health department shall also inspect each authorized maintenance entity, including review of their service records and maintenance agreements.

(3) An aerobic treatment unit used for treating domestic or commercial sewage flows in excess of 1500 gallons per day, or a combination of aerobic treatment units treating flows according to Rule 64E-6.004(4)(a) or (b), F.A.C., shall be designed and certified by an engineer licensed in the State of Florida. The design shall include an assessment of wastewater strength. The certification shall state that the unit is capable of consistently meeting, at minimum, secondary treatment standards for CBOD<sub>5</sub> and TSS established in Rule 64E-6.025(12)(a), F.A.C. In addition, the following requirements shall also be met:

(a) The owner or lessee of a system shall comply with the applicable safety, maintenance and operational requirements of subsection (2) above. Unless the system owner or lessee is a state licensed wastewater treatment plant operator, the owner or lessee shall be required to have a system maintenance agreement with a permitted aerobic unit maintenance entity which has at least a Class D state certified operator who has been certified under the provisions of Chapter 62-602, F.A.C.

(b) A permitted aerobic unit maintenance entity shall collect effluent quality samples and submit the sample analysis reports to the DOH county health department. Effluent quality samples for CBOD<sub>5</sub> and suspended solids shall be collected at least semi-annually and such samples shall be analyzed by a department-approved laboratory.

(c) Written sample analysis reports shall be submitted to the DOH county health department by no later than the 15th of the next month following the semi-annual sampling period. However, if the sample analysis for CBOD<sub>5</sub> or suspended solids exceeds secondary treatment standards by more than 100 percent, the maintenance entity or certified operator shall notify the DOH county health department by telephone or in person within 24 hours after receipt of sample analysis results.

(d) The DOH county health department shall monitor the maintenance and performance of aerobic treatment units as required by paragraph (m) above.

(4) No aerobic treatment unit shall be serviced or repaired by a person or entity engaged in an aerobic treatment unit maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under Section 489.105(3)(m), F.S., septic tank contractor registered under Part III of Chapter 489, F.S., or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for a Maintenance Service Permit, Form DH 4066, 02/10, herein incorporated by reference, shall be made to the DOH county health department and shall contain the following information:

(a) Evidence that the maintenance entity possesses a manufacturer's maintenance and operations manual and has received training from the manufacturer in proper installation and service of the unit and has received written approval from the manufacturer to perform service on their units. The manual shall contain detailed instructions on proper operation and

maintenance procedures, a replacement parts list for all models being installed and maintained, a statement giving the capabilities of each unit, instructions on how to detect a malfunctioning unit and what to expect from a properly functioning unit.

(b) A signed statement from the applicant attesting that the applicant has adequate staff, possesses proper equipment and has sufficient spare structural and mechanical parts and components to perform routine system monitoring and servicing and is able to make a service response within 36 hours after notification of the need for emergency repairs.

(c) Payment of \$25.00 to the DOH county health department per annum for the aerobic treatment unit maintenance service permit.

(5) Emergency service necessary to prevent or eliminate an imminent sanitary nuisance condition caused by failure of a mechanical component of any aerobic treatment unit shall be reported by the approved aerobic unit maintenance entity, in writing, to the DOH county health department no later than 5 working days after the date of the emergency service.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*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.*

#### **64E-6.013 Construction Materials and Standards for Treatment Receptacles.**

(1) Onsite wastewater treatment receptacle design. The following requirements shall apply to all onsite wastewater treatment receptacles manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) Onsite wastewater treatment receptacles include: septic tanks, graywater tanks, laundry tanks, grease interceptors, pump tanks, aerobic treatment unit tanks, tanks containing treatment media and stationary holding tanks not described in paragraph 64E-6.0101(7)(p), F.A.C. Treatment receptacles shall be constructed of concrete, fiberglass or polyethylene.

(b) Design and testing of concrete treatment receptacles:

1. Structural design of receptacles shall be by calculation or by performance.

2. Structural design shall be verified by actual vacuum load or hydrostatic test in accordance with the department's policy for Test Requirements for Structural Proofing, August 16, 2005, herein incorporated by reference. The vacuum test shall be followed by a water tightness test.

3. Treatment receptacles shall be watertight as defined in ASTM C1227 98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2., herein incorporated by reference. ASTM C1227 98, paragraph 9.2.2, herein incorporated by reference, shall be modified to read as follows: Water tightness testing – Fill the receptacle with water to the invert of the outlet and let stand for 24 hours. Refill the receptacle. The receptacle is approved as water tight if the water level is held for one hour.

4. Manufacturers may use calculations provided by the design engineer in lieu of proof testing for receptacles using reinforcement bars for structural strength and having a wall thickness of 5 inches or greater. Design by calculation shall be completed using the Strength Design Method (ultimate strength theory) or the Alternate Design Method (working stress theory) outlined in the American Concrete Institute (ACI) publication ACI 318-99, Building Code Requirements for Structural Concrete (318-99) and Commentary (318R-99), herein incorporated by reference. The Strength Design Method is outlined in Chapter 9 and the Alternate Design Method is in Appendix A. Equation (9-1), herein incorporated by reference, shall be modified to read as follows:  $U=1.4L + 1.4D$ . When the Strength Design Method is used to verify satisfaction of the required strength a strength reduction factor of 0.90 shall be applied per ACI 318-99 paragraph 9.3.2.1.

(c) Design and testing of fiberglass and polyethylene treatment receptacles:

1. Vacuum testing shall be conducted in accordance with the department's policy for Test Requirements for Structural Proofing. The vacuum test shall be followed by a water-tightness test.

2. Vacuum testing shall demonstrate a distortion of volume of no more than 1% at a safety factor of 1.0 and 2% at a safety value of 1.4 followed by passing a water-tightness test to be considered satisfactory. To determine the vacuum at a 1.0 safety factor, divide the required total vacuum values by 1.4. There shall be no distortion of the access hatch perimeters at the full vacuum load and the access hatch must be able to be removed and reinstalled at the conclusion of the test.

3. Water-tightness testing shall be performed as follows: Fill the receptacle with water to the invert of the outlet. The receptacle is approved as water tight if the water level is held for one hour.

(d) Testing shall be conducted in the presence of an engineer licensed in the state of Florida, or by an employee of the department that has been authorized by the State Health Office to perform or witness receptacle testing. Test results shall be certified by the witnessing engineer or department employee.

(e) Receptacle lids for non-traffic residential installations shall be designed for a dead load of 12 inch earth cover with a dry soil density of 100 pounds per cubic foot or a live load of two concentrated loads of 1750 pounds at a 60 inch spacing or a concentrated load of 1750 pounds located at the center of the lid, whichever provides the greater shear and moment stresses to the lid. The required strength shall be per ACI 318-99, equation (9-1) as follows:  $U=1.4D + 1.7L$ . Structural integrity proof test or calculations for the 12 inch overburden earth load and the 1750 pound concentrated loading shall be provided. Designs sealed by an engineer licensed in the state of Florida shall be acceptable for design proof of receptacle lid designs.

(f) Receptacles and receptacle lids for traffic installations shall be designed, signed and sealed by an engineer licensed in

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the state of Florida. Whenever vehicular traffic is anticipated to cross over the receptacle, traffic lids shall be installed with manhole covers to finished grade. Traffic receptacles and lids shall be designed in accordance with ASTM C 890-91 (Reapproved 1999), Standard Practice for Minimum Structural Design Loading for Monolithic or Sectional Precast Concrete Water and Wastewater Structures, herein incorporated by reference, for the appropriate loading. Application of paragraph 5.2.4 of ASTM C 890-91 (Reapproved 1999), shall be at the discretion of the design engineer.

(2) Onsite wastewater treatment receptacle design requirements. The following details shall be incorporated into the design:

(a) Septic tanks and graywater tanks shall have multiple compartments, or single compartment tanks shall be placed in series to achieve the required effective capacity. Grease interceptors, laundry tanks, pump tanks, aerobic treatment unit tanks and retention tanks shall be either multi-compartment or single compartment tanks. All receptacle stiffening members such as ribs shall be a homogeneous integral part of the structure. When slide-in type compartment walls are proposed, the structural testing for such tanks shall be conducted without the slide-in wall in place. There shall be a maximum of two horizontal seams between the topside of the bottom of the receptacle and the underside of the lid. There shall be no vertical seams. Except as noted in this paragraph, the first chamber of a dual compartment septic or graywater tank or the first tank of single compartment tanks in series shall have a minimum effective capacity of at least 2/3 of the total required effective capacity. The second single compartment tank or chamber of a multi-compartment tank shall have a minimum effective capacity of at least 1/5 of the total required effective capacity. The combined effective capacities of the first and second chambers or the first and second single-compartment tanks shall equal or exceed the total required effective capacity. Systems with daily flows in excess of 3500 gallons per day may utilize two tanks to achieve the total required effective capacity, provided that the first tank shall provide no less than 1/2 of the total required effective capacity. The second tank shall provide no less than 1/5 of the total required effective capacity and the total effective capacities of the two tanks combined shall be no less than the total required effective capacity.

(b) The liquid depth of compartments for septic tanks and grease interceptors shall be at least 40 inches. The liquid depth of compartments for graywater tanks, laundry interceptors and pump tanks shall be at least 30 inches. Liquid depths greater than 84 inches shall not be considered in determining the effective capacity.

(c) A minimum free board or airspace of 15 percent by volume of the effective capacity of all blackwater, graywater and laundry tanks shall be provided. The volume of risers above the liquid level line cast as an integral part of the tank may be included as free board or airspace.

(d) The inlet invert of septic tanks, graywater tanks and laundry tanks shall enter the tank 1 to 3 inches above the liquid level of the tank. A vented inlet tee, vented sweep or a baffle may be provided at the discretion of the manufacturer to divert the incoming sewage. The inlet device, if utilized, shall have a minimum diameter of 4 inches and shall not extend below the liquid surface more than 33 percent of the liquid depth.

(e) In septic tanks, graywater tanks and laundry tanks, a minimum 4 inch diameter vented outlet tee, sweep or baffle shall extend below the liquid level of the tank so that the invert level of the outlet device is a distance not less than 30 percent nor greater than 40 percent of the liquid depth. The outlet device shall extend at least 4 inches above the liquid level. The submerged intake orifice of any outlet fixture not incorporating an approved outlet filter device shall be provided with an approved solids deflection device to reduce, by a minimum of 90 percent, the intake area of the outlet fixture exposed to the vertical rise and fall of solid particles within the tank. Turning the intake orifice of an outlet tee or sweep 90 degrees from the vertical will satisfy the solids deflection device requirement.

(f) The inlet and outlet devices shall be located at opposite ends of the receptacle so as to be separated by the maximum distance practical and shall be in accordance with ASTM C 923-98, Standard Specification for Resilient Connectors Between Reinforced Concrete Manhole Structures, Pipes, and Laterals, herein incorporated by reference. The head pressure noted in paragraph 7.1.1 of ASTM C 923-98 shall be reduced from 23 feet to 10 feet. Inlets and outlets on the sides of any treatment receptacle must be located no more than 12 inches from the end of the receptacle.

(g) Compartment walls shall be designed to withstand the stresses induced by pumping out either of the compartments. There shall be no relief holes. However, the compartment walls may be inserted in grooves without grouting, fiberglassing or otherwise permanently attaching in place, unless such attachment is required for proving structural integrity of either the receptacle or compartment wall.

(h) Sewage flow between the first and second chamber of a multi-chamber receptacle shall interconnect utilizing either a minimum 4 inch diameter hole or equivalent size slot in the wall or with a minimum 4 inch diameter vented and inverted U-fitting or a tee. Receptacles in series shall interconnect utilizing a minimum 4 inch diameter vented, inverted U-fitting or a tee. The outlet device or slot shall extend below the liquid level of the receptacle so that the invert level is located not less than 30 percent nor greater than 40 percent of the liquid depth.

(i) Joints of receptacles, including mid-seams, risers, and lids shall be sealed using a bonding compound that meets ASTM C 990-96, Standard Specification for Joints for Concrete Pipe, Manholes, and Precast Box Sections using Preformed Flexible Joint Sealants, herein incorporated by reference.

(j) The State Health Office's designated approval number for the receptacle, and the effective capacity of the receptacle in gallons shall be cast or stamped into the wall or permanently stenciled or decaled onto the wall at the inlet end, to begin within

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6 inches of the top of the wall. All identifying marks shall be inscribed or affixed at the point of manufacture only. All information supplied in the legend shall be provided with a minimum of two inch high lettering.

(k) Each compartment shall have access using manholes, with each manhole having a minimum area of 225 square inches. Manholes shall be located so as to allow access to the inlet and outlet devices. A minimum 6-inch diameter opening shall be placed at the inlet and outlet ends of the lid if a minimum 225 square inch access port is placed in the middle of the lid. The access manhole over the inlet and outlet shall extend to within 8 inches of finished grade. If a riser is used, and if the riser access lid opens directly to the receptacle interior, joints around the riser and receptacle shall be sealed and made watertight as specified in paragraph 64E-6.013(2)(i), F.A.C., to prohibit intrusion of ground water into the receptacle. For multi-compartment receptacles or receptacles in series, manholes shall extend to within 8 inches of finished grade over the first compartment inlet and the last compartment outlet. An appropriate mechanism shall be provided to make access manholes vandal, tamper, and child resistant. Acceptable protection of openings shall consist of one or more of the following methods as specified by the manufacturer:

1. A padlock.
2. A twist lock cover requiring special tools for removal.
3. Covers weighing 58 pounds or more, net weight.
4. A hinge and hasp mechanism which uses stainless steel or other corrosion resistant fasteners to fasten the hinge and hasp to the lid and receptacle for fiberglass, metal or plastic lids.

(l) Receptacle designs that specify a monolithic compartment wall from the bottom of the receptacle up to the invert of the pass-through orifice and a drop-in section for the upper portion of the wall shall be approved for both single and multi-compartment use.

(m) Treatment receptacles shall have a one-piece lid or a lid with a maximum of three sections. All lids shall be designed by Licensed Engineers in accordance with paragraphs 64E-6.013(1)(e) and (f), F.A.C., and approved by the Department.

(3) Onsite wastewater treatment receptacle design approval. All onsite wastewater treatment receptacles distributed in the state shall be approved for use by the department prior to being offered for sale or installed. Such approval shall not be obtained until the manufacturer of a specific receptacle model has submitted the following:

(a) Detailed design drawings of the receptacle and lid showing:

1. Design calculations or proof testing results in accordance with subsection 64E-6.013(1), F.A.C.
2. Dimensions, including location and size of all inlets, outlets, access hatches, manholes and pass through orifices.
3. Effective capacity in gallons.
4. Freeboard or air space in gallons.
5. Production materials. For concrete receptacles include 28 day compressive strength, in pounds per square inch (psi).
6. Reinforcing materials. For concrete receptacles, include size and location of all rebar, if any; and fiber reinforcing material size and quantity (in pounds) per cubic yard, if any.

(b) For concrete receptacles-see subsection 64E-6.013(5), F.A.C.

(c) For fiberglass and polyethylene receptacles-see subsection 64E-6.013(6), F.A.C.

(d) Certification that the receptacle has undergone flow testing to confirm the effective capacity, airspace, and water tightness. Flow testing shall be conducted by an engineer licensed in the state of Florida, a third-party certified testing laboratory or a Department employee. Test results shall be certified by the engineer, laboratory or state employee.

(e) Designs shall be submitted to the State of Florida Department of Health, Bureau of Onsite Sewage Programs.

(f) There shall be two receptacle design classifications. The following criteria shall be used for each category:

1. Category 3 receptacles shall be designed for saturated soil with the saturation at finished grade. The design shall provide for a maximum of 18 inches of saturated soil cover over the top of the receptacle. Soil density shall be 100 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.33.

2. Category 4 receptacles shall be designed for saturated soil with the saturation at finished grade. The design shall provide for a maximum of 48 inches of saturated soil cover over the top of the receptacle. Soil density shall be 100 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.33. Where a receptacle will be placed with greater than 48 inches of soil over the top of the receptacle, an engineer licensed in the state of Florida shall design the receptacle for the specific conditions anticipated at the site.

(g) A series of receptacles may be approved by successful demonstration of the largest in a series of receptacles. Approval for inclusion of the receptacles to be considered in a series must be obtained from the state health office prior to testing the receptacles. A series is either where only one dimension, this being height, length, or width, is changed or where two dimensions change in the same proportion to offer a different capacity of treatment receptacle.

(h) The manufacturer shall notify the state health office in writing, stipulating the date, time and location of the test, no less than ten working days prior to the receptacle proof testing. The notice shall include the receptacles to be tested. Approval shall not be granted until after successfully passing the required tests, and submitting the testing results.

(i) The department will issue an approval number to the manufacturer. Form DH 4012, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval", shall be used to apply for manufacturing approval. The form can be obtained from the department.

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(4) Onsite wastewater treatment manufacturer's yearly inspection – Yearly inspection of the manufacturer's facility shall consist of the following:

- (a) Verify that the manufacturer has the design mix recorded and in a readily accessible location for the plant operators.
  - (b) Verify that the production process is recorded and that the operators are following the process.
  - (c) Verify that the necessary tests are being conducted by a certified testing lab or by a technician certified by the ACI. The preparation of the test specimens shall be performed by certified third party testing laboratory personnel; or manufacturers, or their employees, that have successfully passed the ACI certification program. Each manufacturer shall submit a minimum of three cylinders per year. The specimens shall be taken from a production mix.
  - (d) Verify that the manufacturer has the proper number of tests for the year and that the results are recorded. Review the results for compliance with the design.
  - (e) Examine the material stockpiles to ensure that the materials are free from deleterious materials.
  - (f) Examine the measuring equipment to ensure that the equipment has been calibrated within the last year.
  - (g) Examine conveyors to insure that material is transported as measured.
  - (h) Inspect a minimum of five receptacles in the manufacturers' inventory. For different series, a minimum of one receptacle shall be inspected from each series. Report the following unacceptable defects:
    1. Cracks in all interior and exterior surfaces of the receptacles.
    2. Cold joint lines. This is an indication of non-monolithic pours. Examine both the interior and exterior of the receptacle for confirmation of a cold joint that extends across the thickness of the wall.
    3. Evidence of improper steel cover. Rebar and wire mesh shall not be exposed.
    4. Watertight inlets and outlets shall be provided per rule.
  - (i) Where cold-joint lines that appear to extend through the wall, or cracks in any surface of the receptacle exist, conduct a watertightness test on a maximum of two receptacles per ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2. The receptacles shall not be tested until they have cured for 28 days. If there are no indications of cold-joint lines that appear to extend through the wall, or cracking of receptacle surfaces, two receptacles shall be tested at random. Record all data and submit results to the department.
  - (j) Verify that the manufacturer is not relocating the receptacles prior to the receptacle achieving 75% of the design compressive strength. Record how this is accomplished.
  - (k) Conduct impact hammer tests-record data.
  - (l) Examination of the manufacturer's receipts for material used during the previous year. Receptacle manufacturers shall retain all receipts from the previous year for material used in the manufacture of treatment receptacles and make them available for inspection.
- (5) Concrete onsite wastewater receptacles shall be built of precast or poured in place concrete in accordance with ACI 318-99, Building Code Requirements for Structural Concrete (1999) or ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks (1998), except as revised herein.
- (a) For design and analysis of concrete septic tanks, the publication "Rectangular Concrete Tanks" revised 5th edition (1998), as published by the Portland Cement Association may be used at the designer's discretion, herein incorporated by reference. When computing length to height and width to height ratios the designer may interpolate between tables for intermediate ratios and values or may use the table and values for the higher ratios.
  - (b) Temperature and shrinkage crack control in concrete receptacles shall be accomplished by use of steel reinforcing in accordance with ACI 318-99 Chapter 16, or by use of fiber reinforcement. Minimum ratio of vertical and horizontal reinforcement area to gross concrete area shall be 0.0010 for deformed bars or welded wire fabric. Fiber reinforcing materials may be used by the manufacturer to achieve crack control equivalent to the use of deformed bars or welded wire fabric. To be considered equivalent, acceptable fibers shall at least meet or exceed ACI recommendations regarding materials, fiber sizing, and required fiber quantities. Any current or future revisions to the ACI recommendations may be used by the manufacturer, at their option. Materials other than materials recognized by ACI for crack control use will not be acceptable. Minimum reinforcement shall be as outlined in the document entitled Reinforcement Required to Meet paragraph 64E-6.013(5)(b), F.A.C., dated April 15, 2005, herein incorporated by reference.
  - (c) Concrete mixes shall be in accordance with the Portland Cement Association (PCA) publication entitled PCA Design and Control of Concrete Mixtures, Thirteenth Edition (1994), herein incorporated by reference.
  - (d) Terminology relating to concrete and concrete aggregates shall be in accordance with ASTM C 125-98, Standard Terminology Relating to Concrete and Concrete Aggregates (1998), herein incorporated by reference.
  - (e) Concrete aggregates used in the manufacturing of all precast or poured-in-place concrete receptacles for use in onsite sewage treatment and disposal systems shall conform to ASTM C 33-99, Standard Specification for Concrete Aggregates (1999), herein incorporated by reference.
  - (f) Minimum concrete cover over structural steel reinforcing shall be 3/4 inches. The minimum bend radius for structural reinforcing shall be three times the reinforcing bar diameter.
  - (g) Temperature and shrinkage crack control steel shall not be exposed. Exposure of fiber reinforcing is acceptable.
  - (h) Minimum 28-day compressive strength shall be 4000 psi.

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(i) Three compressive test cylinders shall be prepared, cured, and tested in accordance with ASTM C 31-98, Standard Practice for Making and Curing Concrete Test Specimens in the Field (1998), herein incorporated by reference, and ASTM C 39-96, Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens (1996), herein incorporated by reference, at least one time every year, or whenever the manufacturer changes the design mix or the manufacturing process.

(j) The bottoms of concrete receptacles shall be monolithic and shall either be an integral part of the walls or shall be sealed to the walls using water-stops cast into the wall and bottom. Receptacle bottoms shall not contain openings for any purpose, for example, to facilitate the removal of rainwater.

(k) Approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the aggregate material, size and gradation; type and strength of cement; cement to aggregate ratios; water to cement ratio; and any other pertinent design data. Record the production process, for example; measuring equipment, batch sizes, mixing sequence, transportation techniques from mixer to mold, pouring techniques with consolidation of concrete methods detailed.

2. Construct three receptacles using the design mix.

3. Test two sets of cylinders from the design mix at 7 days and 28 days.

4. Structural proof test three receptacles to the design strength in accordance with paragraph 64E-6.013(1)(b), F.A.C., for receptacles having an effective capacity of 1350 gallons or less.

5. Structural proof test one receptacle to the design strength in accordance with paragraph 64E-6.013(1)(b), F.A.C., for receptacles having an effective capacity greater than 1350 gallons but not more than 1500 gallons.

6. Structural proof test one receptacle or provide receptacle strength calculations in accordance with paragraph 64E-6.013(1)(b), F.A.C., for receptacles having an effective capacity exceeding 1500 gallons.

7. Verify that the manufacturer is not removing receptacles from the producer's facility prior to the receptacle achieving 75% of the design compressive strength. Record how this is accomplished.

(6) The following structural requirements are applicable to fiberglass and polyethylene receptacles:

(a) Materials and sealants used in the receptacle manufacturing process shall be capable of effectively resisting the corrosive influences of the liquid components of sewage, sewage gases and soil burial. Materials used shall be formulated to withstand shock, vibration, normal household chemicals, deterioration from sunlight and other environmental factors.

(b) Fiberglass receptacles shall be constructed so that all parts of the receptacle meet the following mechanical requirements. A test report from an independent testing laboratory is required to substantiate that individual receptacle designs and material formulations meet these requirements.

1. Ultimate tensile strength – minimum 12,000 psi when tested in accordance with ASTM D 638-98, Standard Test Method for Tensile Properties of Plastics (1998), herein incorporated by reference.

2. Flexural strength – minimum 19,000 psi when tested in accordance with ASTM D 790-98, Standard Test Methods for Flexural Properties of Unreinforced and Reinforced Plastics and Electrical Insulating Materials (1998), herein incorporated by reference.

3. Flexural modulus of elasticity – minimum 800,000 psi when tested in accordance with ASTM D 790-98 Standard Test Methods for Flexural Properties of Unreinforced and Reinforced Plastics and Electrical Insulating Materials (1998), herein incorporated by reference.

4. Not less than 30 percent of the total weight of the fiberglass receptacle shall be fiberglass reinforcement.

5. Internal surfaces shall be coated with an appropriate gel coating or resin to provide a smooth, pore-free, watertight surface.

(c) Polyethylene receptacles shall meet the requirements of International Association of Plumbing and Mechanical Officials (IAPMO) PS 1-93, Paragraph 5.4 "Polyethylene", herein incorporated by reference. Where the requirements of IAPMO PS 1-93 Paragraph 5.4 "Polyethylene" conflict with the standards in this section, the standards in this section shall apply. A test report from an independent testing laboratory is required to substantiate that individual receptacle designs and material formulations meet these requirements.

(d) Approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the material specifications and other pertinent design data. Record the production process, for example; measuring equipment, batch sizes, mixing sequence, transportation techniques from mixer to mold, and spraying techniques.

2. Construct three receptacles using the design mix.

3. Test two sets of test strips from the design mix.

4. Structural proof test three receptacles to the design strength per paragraph 64E-6.013(1)(c), F.A.C., for receptacles having an effective capacity of 1350 gallons or less.

5. Structural proof test one receptacle to the design strength in accordance with paragraph 64E-6.013(1)(c), F.A.C., for receptacles having an effective capacity greater than 1350 gallons.

6. Verify that the manufacturer is not planning to relocate the receptacles prior to the receptacle achieving 75% of the

design compressive strength. Record how this is accomplished.

(7) Grease interceptors are not required for a residence. However, one or more grease interceptors are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal. The design of grease interceptors shall be based on standards found in paragraph (a) below. In addition, the following general requirements found in paragraphs (b), (c), and (d), apply when determining the proper use and installation of a grease interceptor used as a component of an onsite sewage treatment and disposal system.

(a) The inlet invert shall discharge a minimum 2 1/2 inches above the liquid level line and the outlet pipe shall have a tee with a minimum diameter of 4 inches that extends to within 8 inches of the bottom of the tank.

(b) Interceptors must be located so as to provide easy access for routine inspection, cleaning and maintenance. Manholes shall be provided over the inlet and outlet of each interceptor and be brought to finished grade.

(c) Where a grease interceptor is required or used, only kitchen wastewater shall first pass through the interceptor and then be discharged into the first compartment of a septic tank or other approved system.

(d) Sizing of grease interceptors shall be based on the equations below. The minimum volume of any grease interceptor shall be 750 gallons and the maximum volume of an individual single grease interceptor chamber shall be 1250 gallons. When the required effective capacity of the grease interceptor is greater than 1250 gallons, installation of multi-chambered grease interceptors or grease interceptors in series is required.

1. Restaurants:  $(S) \times (GS) \times (HR/12) \times (LF) =$  effective capacity of grease interceptor in gallons.

S = number of seats in the dining area.

GS = gallons of wastewater per seat; use 25 gallons for ordinary restaurant, use 10 gallons for single service article restaurants.

HR = number of hours establishment is open.

LF = loading factor: use 2.0 interstate highways, 1.5 other freeways, 1.25 recreational areas,

1.0 main highways, and 0.75 other roads.

2. Other type establishments with commercial kitchens:  $(M) \times (GM) \times (LF) =$  effective capacity of grease interceptor in gallons.

M = meals prepared per day.

GM = gallons of wastewater per meal: use 5 gallons.

LF = loading factor: use 1.00 with dishwashing and 0.75 without dishwashing.

(8) Laundry waste interceptor – when a separate system is installed to accept effluent from a single home washing machine only, the retention tank or interceptor for such system shall meet the following minimum standards:

(a) The minimum effective capacity shall be 225 gallons for establishments with an estimated sewage flow of up to 300 gallons per day and shall be increased by 50 gallons for every 100 gallons of additional daily sewage flow.

(b) The interceptor shall be provided with a vented inlet tee, vented sweep, or a baffle.

(c) The interceptor shall not receive waste flow from kitchen fixtures or be used as a grease trap.

(9) Pump tanks and pumps – when used as part of an onsite sewage treatment and disposal system, the following requirements shall apply to all pump tanks manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) Pump tanks shall have a minimum effective capacity measured from the bottom of the tank to the top of the tank in accordance with Table II. At least 80% of the required effective capacity shall be contained below the invert of the inlet. Pump levels shall be set as low as practical to preserve as much reserve capacity as possible in the event of pump failure.

(b) Construction standards for pump tanks shall be the same as for treatment receptacles, except that single compartment tanks are allowed.

(c) The electrical conduit and effluent dosing pipe shall exit the dosing chamber:

1. Through the tank outlet using plumbing fittings and reducers to produce a watertight seal,

2. When risers are used, the electrical line and the effluent dosing pipe may penetrate the riser wall provided the penetration is above the wet season high water table elevation and there is a soil-tight seal around the penetrations. When the top of the dosing tank is placed more than 8 inches below the finished grade, risers shall be used to provide access within 8 inches of the finished grade. Where risers are used, risers shall be attached to the tank in accordance with paragraph 64E-6.013(2)(i), F.A.C. The unused tank outlet shall be sealed with a length of capped PVC pipe installed in accordance with paragraph 64E-6.013(2)(f), F.A.C., or

3. Through a 2 to 4 inch access port installed in the tank lid by the manufacturer as approved by the State Health Office. After installation the port must be sealed with a bonding compound per paragraph 64E-6.013(2)(i), F.A.C. Unused ports shall be sealed watertight with cement or bonding compound or with a length of capped PVC pipe.

(d) When a pump is used as part of a system, the following conditions shall apply.

1. Pumps used to distribute sewage effluent must be certified by the manufacturer to be suitable for such purpose. The use of a timer as a part of any pump system shall not be allowed unless it is part of a design submitted by an engineer, or master septic tank contractor, and is approved by the department. Pumps shall be designed in accordance with the May, 1985, Sump, Effluent and Sewage Pump Manufacturers Association standards for the purpose intended, herein incorporated by reference.

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2. An audio and visual high water alarm shall be provided in a conspicuous location visible by system users to warn of pump failures. If the alarm is located outdoors, the alarm shall be waterproof and specified by the manufacturer for outdoor use.

3. A pump shall be placed in a separate compartment or tank, except when using a pump chamber insert. Except as noted below, any compartment or tank in which a pump is located shall not be considered when determining total effective capacity of a septic tank.

4. A pump chamber insert may, at the applicant's discretion, be used to house a pump inside a septic tank. If a pump chamber insert is used, it must be approved for use by the State Health Office. Approval shall be based on the ability of the pump chamber insert to effectively filter solids from the effluent prior to intake by the pump. The efficiency of solids removal by the pump chamber insert must be at least equal to a currently approved outlet filter device. Pump chamber inserts that do not meet these criteria shall not be approved and shall not be used. The filter device used as part of the pump chamber insert shall be considered to meet the requirement of using an outlet filter device for purposes of subsection 64E-6.008(2), F.A.C. The tank or compartment used to house the pump chamber insert shall be included in calculating the minimum effective capacity of the tank, subject to the following conditions:

a. When placed in a compartmentalized tank or tanks in series, the pump chamber insert shall be placed in the last chamber or tank. When placed in a single compartment tank, the pump chamber insert shall be placed as close to the outlet side of the tank as possible. In no case shall the insert be placed farther than 1/2 the distance to the inlet as measured from the outlet of the tank. The pump chamber insert and filter shall be accessible for routine maintenance. The manufacturer shall provide instructions on how to maintain the filter unit and the insert device.

b. Pump levels shall be set so that the high water alarm is activated when the liquid level of the tank will exceed the height of the inlet invert of the tank. The pump-on switch shall be set to maintain the greatest possible effective capacity of the tank, and in no case shall it be set higher than 1 inch below the inlet invert. Floats used for operation of the pump shall be allowed outside the pump chamber insert.

c. The intake openings of the pump chamber insert shall not be located within 12 inches of the bottom of the tank, or within 12 inches of the liquid level line of the tank.

d. The volume discharged by the pump shall not exceed 1/4 of the average daily sewage flow in any dose.

e. A pump chamber insert shall not be used when the total absorption area for the system is greater than 1000 square feet, or when automatic dosing is required.

f. For new system installations, in addition to the requirements above, the total septic tank capacity shall include the required minimum septic tank effective capacity, which shall be contained below the pump-off switch level, plus the pumping tank capacity per Table II, plus the required 15% airspace.

g. For repair installations, in addition to the requirements of subparagraphs a. through e. above, pump chamber inserts shall not be used in an existing septic tank of less than 750 gallons effective capacity. In addition, the minimum tank liquid depth shall be 36 inches below the pump-off switch level and the minimum effective capacity contained below the pump-off switch level shall be within two tank sizes of that required in Rule 64E-6.008, F.A.C., Table II. The total septic tank capacity shall include the minimum effective capacity within two tank sizes of required tank size, plus dosing capacity, plus dosing reserve capacity equal to the dosing capacity, plus freeboard or air space capacity which is equal to 15% of the minimum effective capacity.

(10) Transportation and installation.

(a) Onsite wastewater receptacles shall not be removed from the manufacturer's facility until the compressive strength of the concrete has reached 75% of the design strength. Use of concrete industry published graphs or tables indicating compressive strength vs. concrete age for the design mix are satisfactory proof of strength.

(b) Tanks shall be installed level from end to end and side to side. As used in this context, level includes a slope from the inlet end to the outlet end or from side to side of the tank not exceeding one-half inch over the entire length or width of the tank. The tank shall not be approved with any pitch upward from the inlet end to the outlet end of the tank.

(c) If a pumping device has been placed in the building sewer, an inlet device shall be used.

(d) Cast in place tanks or tanks manufactured with water stops below the invert of the outlet, and tanks with seams below the invert of the outlet shall be watertightness tested in accordance with ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2.2, after installation in the field.

(e) The excavation for the installation of a wastewater receptacle shall be level and free of debris and rocks that could damage the receptacle or prevent proper leveling, backfilling or compaction. Backfill material shall be free of rocks and debris. The installer shall refer to the receptacle manufacturer's installation instructions to prevent the receptacle from settling or floating or from being damaged or distorted.

(11) Repair of receptacles – Repairs shall be allowed for receptacles prior to shipment per ASTM, ACI, PCA and National Precast Concrete Association (NPCA), Septic Tank Manufacturing Best Practices Manual (1998), standards and publications. Tanks damaged after they leave the manufacturer's facility may be repaired for the following defects:

(a) Chips and cracks that occur above the invert of the outlet.

(b) Chips that occur below the invert of the outlet, provided that such chips do not penetrate more than 1/3 of the wall or

bottom thickness.

(12) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.55, Amended 3-17-92, 1-3-95, Formerly 10D-6.055, Amended 11-19-97, 2-3-98, 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09, 4-28-10.*

#### **64E-6.014 Construction Standards for Drainfield Systems.**

(1) Distribution box – where distribution boxes are used for distributing sewage from the septic tank or other waste receptacle to the drainfield lines, the following requirements shall be adhered to:

(a) Distribution boxes shall be watertight, constructed of durable materials, have adequate structural strength, and be of sufficient size to accommodate the required number of drain pipe lines.

(b) Each drainfield line shall be connected individually to the box.

(c) The invert of inlets to the box shall be at least 1 inch above the invert of the outlets. The invert of all outlets shall be level with respect to each other.

(d) The distribution box shall be built as a separate unit from the septic tank and shall be set level on solid ground or in mineral aggregate.

(2) Header pipe – header pipe, when used, shall be installed in compliance with the following requirements:

(a) Header pipe shall meet one or more of the following requirements:

1. ASTM D 3034-98, Standard Specification for Type PSM Poly (Vinyl Chloride)(PVC) Sewer Pipe and Fittings (1998), herein incorporated by reference.

2. ASTM D 2729-96 Standard Specification for Poly (Vinyl Chloride)(PVC) Sewer Pipe and Fittings (1996), herein incorporated by reference.

3. AASHTO M252M-96 Standard Specification for Corrugated Polyethylene Drainage Pipe (1996), herein incorporated by reference. Materials used to produce this pipe shall meet ASTM D 3350-98a, Standard Specification for Polyethylene Plastics Pipe and Fittings Materials (1998), Cell Classification 324420C, herein incorporated by reference.

4. ASTM F 405-97, Standard Specification for Corrugated Polyethylene (PE) Pipe and Fittings (1997), herein incorporated by reference. Materials used to produce this pipe shall meet ASTM D 3350-98a, Standard Specification for Polyethylene Plastics Pipe and Fittings Materials (1998), Cell Classification 324420C or E, herein incorporated by reference.

5. ASTM F 810-99, Standard Specification for Smoothwall Polyethylene (PE) Pipe for Use in Drainage and Waste Disposal Absorption Fields (1999), herein incorporated by reference. Materials used to produce this pipe shall meet ASTM D 3350-98a (1998), Standard Specification for Polyethylene Plastics Pipe and Fittings Materials, Cell Classification 32442C or E, herein incorporated by reference.

(b) Corrugated or smooth wall fittings (elbows, tees and crosses) shall be acceptable for gravity flow headers. Header pipe interior shall be smooth. Header pipe shall have a minimum inside diameter of 4 inches for gravity flow applications. Header pipe shall not be perforated.

(c) The header pipe shall be laid level with direct, connections to each drainfield line and the septic tank outlet pipe. When installed in a drainfield which uses mineral aggregate, the header pipe shall be encased in mineral aggregate, and shall be included as part of the drainfield area. Gravity flow header pipes, when installed within the mineral aggregate drainfield, may be non-watertight but shall be soil tight. Snap connections are acceptable. On non-mineral aggregate systems, header pipe must be supported by soil. All connections shall be such that all joints or fittings are firmly connected to pipes. When a drainfield system is a pumped system, the header pipe and fittings shall be smooth-walled and watertight. Where the header pipe is not within the absorption surface area it shall not be included in drainfield size calculations, but shall be considered part of the system. The header pipe shall be designed to distribute effluent as equally as practical to each individual drainline and shall be supported so that the header is laid level.

(d) Pipe which connects the septic tank outlet to the header pipe or a distribution box shall comply with the strength and material standards for header pipe as specified in this subsection.

(3) Low-Pressure dosing – where the total required area of drainfield is greater than 1000 square feet or where the applicant proposes to use low-pressure dosing, an automatic dosing device discharging into a low pressure distribution network consisting of 2 inch or smaller diameter schedule 40 PVC or equal pipe with 1/2 inch or smaller diameter drilled holes shall be used. All piping shall use solvent welded connections or equal throughout to prevent dislocation of connections under pressure. The network shall be designed for equal distribution of effluent. For the purposes of this section, equal distribution shall mean that the flow from the least effective hole in the network shall deliver no less than 75% of the flow from the most effective hole. The selected pump capacity (as measured in Gallons Per Minute) versus total dynamic head shall be indicated on a pump curve and shall be shown by calculation to achieve an effluent velocity through the network of at least 2 ft per second to the first exit hole on each lateral. Each line of the pressure network shall individually connect to a pressure manifold and be sealed on their distal ends and shall not be looped with other lines regardless of whether the drainfield is a bed or a trench or whether it is in a mound, filled subsurface installation. Plans and equipment specifications for low-pressure dosing systems shall be

approved by the department prior to construction or installation.

(a) Where the total drainfield area is greater than 1000 square feet but not more than 2000 square feet, the applicant may, in lieu of low-pressure dosing, choose to split the drainfield into two drainfields, equal in size, each having no more than 1000 square feet, with each drainfield being lift-dosed.

(b) Dosing systems with 2000 square feet of drainfield or less shall consist of a pump tank that receives the flow from a septic tank or other sewage waste receptacle. Two pumps shall be required for commercial use where dosing is required due to drainfield size or where gravity flow into the drainfield is not possible, and estimated establishment sewage flows exceed 500 gallons per day. Where more than one pump is used, the pumps shall dose alternately. Where dosing is required for a commercial system for flows of 500 gallons or less per day, only one pump shall be required if the drainfield does not exceed 2000 square feet.

(c) Systems having more than 2000 square feet of drainfield shall have a minimum of two dosing pumps, with each pump serving a proportionate amount of the total required absorption area. The pumps shall dose alternately.

(d) The volume dosed between the pump operating levels shall be adequate to assure that the entire drain pipe network is filled at least four times each cycle.

(e) When a drainfield is installed in slightly limited soil, operating levels shall be adjusted to dose the drainfield a maximum of six times in a 24 hour period. For moderately limited soils the drainfield shall be dosed no more than four times in a 24 hour period. More frequent dosing may be allowed with systems designed by engineers licensed in the state of Florida.

(f) The distribution network for drainfields having an absorption area less than 1500 square feet shall be designed by a Florida licensed professional engineer or a master septic tank contractor. The network for drainfields having an absorption area of 1500 square feet or larger shall be designed by a Florida licensed professional engineer.

(g) Drip emitter systems shall be designed in accordance with subsection 64E-6.009(5), F.A.C.

(4) Lift dosing – Where a septic tank or sewage waste receptacle is placed too low to permit gravity flow into a properly designed, constructed and located drainfield, a pump tank with a pump or similar type device shall be used to lift the effluent to a properly constructed header pipe or distribution box for effluent distribution by gravity to the drainfield. This provision shall apply only to drainfields of 1000 square feet or less of total area. Tank size and pumps with effluent level controls and alarms shall be set in accordance with the requirements set forth in subsection 64E-6.013(9), F.A.C.

(5) Drain trenches and absorption beds – drain trenches and absorption beds are the standard subsurface drainfield systems used for disposing of effluent from septic tanks or other sewage waste receptacles. When used, these systems shall be constructed as specified below.

(a) When utilizing the standard drain trench method, the width of the trench at the bottom shall not exceed 36 inches. For trenches of 12 inches or less, there shall be a minimum separation distance of 12 inches between the sidewalls of adjacent trenches; trenches greater than 12 inches require a minimum 24 inch separation between the sidewalls of adjacent trenches.

(b) The trench method shall be the preferred method. Absorption beds may be used in lieu of the standard drain trench method. An absorption bed consists of an area in which the entire earth content of the required absorption area is removed and replaced with aggregate and distribution pipe or other approved alternative drainfield components. The distance between the centers of distribution lines in standard beds shall be a maximum of 36 inches. The distance between the sidewall of the bed and the center of the outside drain line shall be no more than 18 inches, but shall not be less than six inches. Where header pipe is used in lieu of a distribution box, the header shall extend to within 18 inches of the bed sidewalls. In no case shall the bottom surface of an absorption bed exceed a total of 1500 square feet. Where two or more beds are used to obtain the necessary absorption area, there shall be a minimum 10 foot separation between the sidewalls of adjacent absorption beds. Absorption beds shall be designed to achieve the maximum length to width ratio practical.

(c) When installing a drainfield system that uses mineral aggregate, all portions of the header pipe and perforated drain pipe shall be installed in aggregate conforming to ASTM C33-86 or lightweight aggregate conforming to ASTM C330-87 meeting State of Florida Department of Transportation (FDOT) specifications under Section 901, “Standard Specifications for Road and Bridge Construction, 1991” and the following gradation requirements.

Sieve size	2 IN.	1 1/2 IN.	1 IN.	3/4 IN.	1/2 IN.	3/8 IN.	No. 4
Percent passing	90-100	35-100	15-100	0-70	0-50	0-30	0-5

In addition, not more than 3.75% by weight of the aggregate material at the point of use shall pass a #200 sieve.

1. Approved materials for drainfield mineral aggregate shall be limestone, slag, quartz rock, granite, river gravel, recycled crushed concrete, lightweight aggregate and other equally durable materials.

2. The aggregate shall be labeled as drainfield aggregate on the freight bill-of-lading. Effective March 1, 1995, a copy of the freight bill-of-lading shall be part of the documentation of aggregate size and quality and records shall be available for department review for a period of two years from the date of purchase. This bill-of-lading shall clearly certify that the material

meets the requirements for drainfield use.

(d) Mineral aggregate material shall have a total depth of at least 12 inches extending throughout the width of the trench or absorption bed. The distribution pipe shall have a minimum of six inches of aggregate under the pipe, but shall not exceed 10 inches under the pipe when the total depth of aggregate is 12 inches.

(e) The drainfield in place shall be protected from infiltration of earth backfill by a barrier of polyester bonded filament. The barrier shall be placed on top of the drainfield only. For alternative drainfield systems any required earth backfill barrier shall be as specified by the alternative system manufacturer, which must be approved by the department at the time of the initial alternative drainfield approval.

(f) Providing the requirements of subsections 64E-6.006(1), (2) and (6), F.A.C., are met, the maximum depth from the bottom of the drainfield to the finished ground surface shall not exceed 30 inches after natural settling. The minimum earth cover over the top of the drainfield, distribution box or header pipe in standard subsurface drainfields shall be 6 inches after natural settling.

(g) The inside diameter of the drain pipe used in drainfields shall be determined based on the type and design of the proposed absorption system. However, for standard gravity aggregate drainfield systems, inside pipe diameter shall not be less than 4 inches. Perforated pipe shall have two rows of holes, and a minimum perforated area of 1 1/2 square inches per linear foot. Perforations shall be located not less than 30° or more than 60° from the vertical on either side of the center line of the bottom of the pipe. However, for drainfield systems designed by an engineer, drainpipe perforation area and hole configuration shall assure that effluent is distributed as equally as possible throughout the drainfield area. All plastic pipe shall conform to the standards of ASTM D 3034-98, Standard Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (1998), herein incorporated by reference, ASTM F 405-97, Standard Specification for Corrugated Polyethylene (PE) Pipe and Fittings (1977), herein incorporated by reference, or ASTM F 810-99 (1999), herein incorporated by reference.

(h) Depending on the type of drainfield system being utilized, the drainfield absorption surface shall be constructed level or with a downward slope not exceeding one inch per 10 feet. Drain lines shall be placed at the same slope as the drainfield absorption surface.

(i) The maximum length of drain lines shall not exceed 100 feet for all gravity-fed and lift-dosed drainfields, and where two or more drain lines are used, they shall be, as near as practical, the same length. The ends of two or more drain lines in bed and mound systems shall be connected to produce a continuous circuit. A continuous circuit arrangement is also recommended but not required for standard drain trench systems. However, when a continuous circuit arrangement is not used, the distal ends of the drain lines shall be capped or sealed.

(j) No part of a drainfield shall be placed within 18 inches of the treatment or pump tank.

(k) If lots are encountered whereby a standard drainfield system cannot meet drainfield slope or soil cover requirements, a drop box configuration for sloping lots as per Section 7.2.8.1, Chapter 7, EPA 625/1-80-012, Design Manual for Onsite Wastewater Treatment and Disposal Systems, such section hereby incorporated by reference, may be used at the installer's discretion for drainfield construction.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.56, Amended 3-17-92, 1-3-95, Formerly 10D-6.056, Amended 2-3-98, 3-22-00, 5-24-04, 11-26-06, 6-25-09, 7-16-13.*

#### **64E-6.015 Permitting and Construction of Repairs.**

All repairs made to a failing onsite sewage treatment and disposal system shall be made only with prior knowledge and written approval from the DOH county health department having jurisdiction over the system. Approval shall be granted only if all of the following conditions are met:

(1) Any property owner or lessee who has an onsite sewage treatment and disposal system which is improperly constructed or maintained, or which fails to function in a safe or sanitary manner shall request from the DOH county health department, either directly or through their agent, a permit to repair the system prior to initiating repair of the system. A permit shall be issued on Form DH 4016 only after the submission of an application accompanied by the necessary exhibits and fees. Form DH 4015 shall be used for this purpose, and can be obtained from the department. Applications shall contain the following information:

(a) A site plan showing property dimensions, the existing and proposed system configuration and location on the property, the building location, potable and non-potable water lines, within the existing and proposed drainfield repair area, the general slope of the property, property lines and easements, any obstructed areas, any private or public wells, or any surface water bodies and stormwater systems in proximity to the onsite sewage system which restricts replacement or relocation of the drainfield system. The existing drainfield type shall be described. For example, mineral aggregate, non-mineral aggregate, chambers, or other.

(b) The size of the septic tank or other treatment tank currently in use and the approximate square footage and elevation of the drainfield existing on the site.

(c) The quantity and type of waste being discharged to the system. Where water use records cannot be obtained, estimates

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shall be made from values found in Rule 64E-6.008, Table I, F.A.C.

(d) The soil textures encountered within the existing and proposed drainfield areas, and the estimated water table during the wettest season of the year.

(e) Any unusual site conditions which may influence the system design or function such as sloping property, drainage structures such as roof drains or curtain drains, and any obstructions such as patios, decks, swimming pools or parking areas.

(f) The person performing the site evaluation shall provide a brief description of the nature of the failure which is occurring.

(2) Site evaluations necessary to obtain the above referenced information shall be conducted at the expense of the owner or lessee by department personnel, by an engineer who is licensed in the State of Florida or by other qualified persons as per subsection 64E-6.004(3), F.A.C. Site specific information may be obtained by the applicant through examination of department records of permits previously issued for the site.

(3) When a repair is to be performed on a failing system in which the contractor will be using any method other than drainfield addition or replacement, the following additional permit application information shall be submitted to the county health department by the contractor in addition to the information required in subsections 64E-6.015(1) and (2), F.A.C.

(a) The process used to repair the system. Examples include high-pressure water jetting of drainlines and high-pressure injection of air alongside the drainfield. Such information shall include the manner in which the proposed repair will take place. The manufacturers recommended method for product use, quantities and concentration of product, shall be included in this information.

(b) Any chemical compound to be introduced into the system in an effort to repair the system shall be identified by chemical composition or trade name, including the concentration and quantity of product used. The method of product introduction shall be stated. For example, product introduced through the distribution box.

(c) Any repair method proposed which intends to physically disrupt the absorption surface shall include a drawing of the drainfield system that includes a diagram of the sites where the absorption surface will be disrupted. The depth of each disruption shall be recorded at each site.

(4) Where the absorption surface of the drainfield is within 6 inches of the wet season high water table, an alternative repair method addressed in subsection 64E-6.015(3), F.A.C., shall not be used. The existing drainfield shall be removed and a replacement drainfield shall be installed in accordance with all other repair criteria, including separation from seasonal high water table and drainfield sizing. Paragraph 64E-6.015(6)(f), F.A.C., shall be used to determine septic tank conformance.

(5) The department shall make every effort to issue a permit within 2 working days after receiving the application for system repair. Repair permits shall be valid for 90 days from the date of issuance. However, if the system is maintained to not create a sanitary nuisance, a repair permit shall be extended for one 90 day period.

(6) Construction materials used in system repairs shall be of the same quality as those required for new system construction. Aggregate and soil in spoil material from drainfield repairs shall not be used in system repair in any manner. Undamaged infiltration units, pipes and mechanical components may be reused on the original site. Any spoil material taken off site shall be disposed of in a permitted landfill or shall be limed and stockpiled for at least 30 days to prevent a sanitary nuisance. Offsite spoil material stockpile areas shall meet the prohibition requirements of subsection 62-701.300(2), F.A.C. The resulting lime-treated material shall not be used for drainfield repair, or construction of any onsite sewage treatment and disposal system. Any use of the lime treated material shall not cause a violation of Chapter 386 F.S., and shall not impair groundwater or surface water. Mineral aggregate and soil in spoil material may, at the option of the septic tank contractor and the property owner, be buried on site if limed before burial. Lime amount must be sufficient to preclude a sanitary nuisance. Depth of seasonal high water table to the spoil material must be at least six inches. Setbacks for buried spoil material shall be the same as for onsite sewage treatment and disposal system drainfields. A minimum of six inches of slightly or moderately limited soil shall cover the spoil material and shall extend to at least five feet around the perimeter of the burial site. Any failing system shall, at a minimum, be repaired in accordance with the following criteria:

(a) System repairs shall comply with minimum setbacks and separations as specified in Rule 64E-6.005, F.A.C. If current required setbacks and separations cannot be met, lesser setbacks as specified in Table V shall be maintained. For repairs only, if current required setbacks given below cannot be attained, absolute minimum setbacks shall be met. When site conditions exist which allow either absolute or current required setbacks to various features, current required setbacks shall be maintained from features with the highest protection factor. Setbacks to features with lower protection factors shall be reduced to the maximum setback or separation attainable, with no less than the absolute minimum setback allowed. A standard gravity flow system is to be used when possible to achieve the appropriate separations of absorption surface to seasonal high water and effective soil depth.



TABLE V

## Repair System Setback Requirements

Permit Date of Original System	Description of Setback (Separation)	Protection Factor	Current Required Setback	Absolute Minimum Setback
Prior to 1-1-72	System to a Private Potable Well	6	75 feet	Greatest of the Following: a) Maximum Setback (<75 feet and >50 feet) b) Original Setback (if >50 feet) c) 50 feet
	Bottom of Drainfield Absorption Surface to Wet Season Water Table	5	24 inches	Greatest of the Following: a) Maximum Separation (>6 inches) b) Original Separation (if >6 inches) c) 6 inches
	Effective Soil Depth	5	42 inches	Greatest of the Following: a) 24 inches b) Maximum Separation (>12 inches) c) 12 inches
	System to Surface Water	4	50 feet	Greatest of the Following: a) Maximum Setback (>25 feet and <50 feet) b) Original Setback (if >25 feet) c) 25 feet
	System to Non-Potable Well	3	50 feet	Greatest of the Following: a) Maximum Setback (>25 feet and <50 feet) b) Original Setback (if >25 feet) c) 25 feet

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	Drainfield Sidewall to Start of Slope	2	4 feet	Greatest of the Following: a) Maximum Separation (>2.5 feet) b) 2.5 feet
	System to Property Line or Building Foundation	1	5 feet	Greatest of the Following: a) Maximum Setback (>2 feet) b) 2 feet
1-1-72 to 12-31-82	System to a Private Potable Well	6	75 feet	Greatest of the Following: a) Maximum Setback (<75 feet and >50 feet) b) Original Setback (if >50 feet) c) 50 feet
	Bottom of Drainfield Absorption Surface to Wet Season Water Table	5	24 inches	Greatest of the Following: a) Maximum Separation (<24 inches and >6 inches) b) Original Separation (if >6 inches) c) 6 inches
	Effective Soil Depth	5	42 inches	Greatest of the Following: a) 36 inches b) Maximum Separation (> 24 inches) c) 24 inches
	System to Surface Water	4	75 feet	Greatest of the Following: a) Maximum Setback (<75 feet and >50 feet) b) Original Setback (if >50 feet) c) 50 feet

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	System to Non-Potable Well	3	50 feet	Greatest of the Following: a) Maximum Setback (<50 feet and >25 feet) b) Original Setback (if >25 feet) c) 25 feet
	Drainfield Sidewall to Start of Slope	2	4 feet	Greatest of the Following: a) Maximum Separation (>3 feet) b) 3 feet
	System to Property Line or Building Foundation	1	5 feet	Greatest of the Following: a) Maximum Setback (>2 feet) b) 2 feet
1-1-83 to Present	System to a Private Potable Well	6	75 feet	75 feet
	Bottom of Drainfield Absorption Surface to Wet Season Water Table	5	24 inches	Greatest of the Following: a) Existing elevation (>12 inches) b) 12 inches
	Effective Soil Depth	5	42 inches	Greatest of the Following: a) Maximum Separation (>36 inches) b) 36 inches
	System to Surface Water	4	75 feet	Greatest of the Following: a) Maximum Setback (if >50 feet) b) 50 feet
	System to Non-Potable Well	3	50 feet	50 feet
	Drainfield Sidewall to Start of Slope	2	4 feet	4 feet

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System to Property Line or Building Foundation	1	5 feet	Greatest of the Following: a) Maximum Setback (if >2 feet) b) 2 feet
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Footnotes to Table V:

1. For sites which contain oolitic limestone, the minimum effective soil depth shall be 12 inches regardless of the date the original system was installed provided that the wet season water table is a minimum of 4 feet below the bottom surface of the drainfield.

2. Where severely limited soil underlies the drainfield, soil removal and replacement shall be performed as per Footnote 3. to Table III.

(b) For systems permitted on or after January 1, 1983, if system failure is due to excessive hydraulic loading, the original permitted drainfield shall be allowed to remain in service but shall have additional drainfield added to it. The resulting system drainfield size shall be 50 percent larger than the drainfield originally permitted, or shall be in compliance with drainfield sizing criteria specified in Rules 64E-6.008 and 64E-6.009, F.A.C., whichever is larger.

(c) Minimum sizing of drainfield repairs for residential systems installed prior to 1983 shall be based on the criteria specified below. Failed drainfields shall be replaced with drainfields meeting, at a minimum, the sizing criteria specified below.

1. If sufficient area is available, the existing drainfield can be left in place and used as part of the system. A new drainfield equal in size to, and separate from, the existing drainfield shall be added and flow directed to both the old and new drainfield.

2. Table VI and VII values are for subsurface and filled systems if the existing drainfield cannot be used as part of the repair. Mound trench systems shall be sized 10 percent larger than the values below and 20 percent larger if absorption beds are installed in the mound. The amount of drainfield installed during the repair shall not be less than the amount the system had prior to the repair.

**TABLE VI**  
Residential Sizing for Slightly Limited Soil Textures

Number of Bedrooms	Square Feet of Trench Area	Square Feet of Absorption Bed
1	75	100
2	150	200
3	225	300
4	300	400
Add per bedroom	75	100

**TABLE VII**  
Residential Sizing for Moderately Limited Soil Textures

Number of Bedrooms	Square Feet of Trench Area	Square Feet of Absorption Bed
1	100	125
2	200	250
3	300	375
4	400	500
Add per bedroom	100	125

(d) Repairs of commercial systems installed prior to 1983 shall be based on the following criteria:

1. Sewage flows shall be determined from values found in Table I of Rule 64E-6.008, F.A.C., or on the highest monthly flow for the previous 18 month period from documented water use records, whichever is higher.

2. Failed drainfields shall at a minimum, meet the sizing criteria specified below.

a. If sufficient room is available, the existing drainfield can be left in place and used as part of the system. A new drainfield equal in size to, and separate from, the existing failed drainfield shall be added.

b. Sewage loading rates to trench or absorption bed bottom areas shall be in accordance with the values in Table VIII which are applicable to subsurface and filled drainfield systems if the existing drainfield is replaced with a new drainfield. Mound trench systems shall be sized 10 percent larger than the values below and 20 percent larger if absorption beds are installed in the mound.

TABLE VIII  
 Drainfield Sizing for Commercial Systems Installed  
 Prior to 1983  
 in gallons/square foot/day

	Trenches	Absorption Beds
Slightly limited textures	1.00	0.80
Moderately limited textures	0.65	0.50

(e) Where the cause of system failure is determined to be from root clogging of the distribution box or drainfield line of a system, and where removal of the root mass and replacement of damaged drainfield material will restore the system to its original design function, upon inspection and verification of the repair work by the health unit, permit satisfaction will be considered to be achieved.

(f) A tank need not be replaced as part of the repair if the health unit determines the tank to be structurally sound, constructed of approved materials, and if such tank has an effective capacity within two tank sizes of the capacities required by Table II. In addition, the tank shall be pumped and a solids deflection device shall be installed as a part of the outlet of the tank if one is not currently in place.

(g) Repairs to a system shall not be located within 2 feet of a sleeved and sealed potable water line or 2 feet from non-potable water lines.

(h) If the total drainfield area exceeds 1000 square feet, or if the tank is too low to permit gravity flow into the drainfield, the drainfield shall be dosed. The requirements of subsections 64E-6.014(3) and (4), F.A.C., shall be used for dosing requirements.

(i) Setbacks from an existing system to a public well shall not be decreased from existing setbacks, but shall be increased where practical to achieve the required setbacks as per paragraphs 64E-6.005(1)(b) and (c), F.A.C.

(7) If a repair cannot be made utilizing the standards in subsection (6) above, all available area for drainfield repair shall be assessed and the repair permit shall allow for the maximum size drainfield that can be accommodated in the available area while allowing for the system to be installed above the wet season water table. Total removal of the existing drainfield and replacement of the drainfield in its original location shall be authorized if there is no additional area to enlarge the system. Setbacks to wells, surface water bodies, and other pertinent features which are less than the setbacks in subsection (6) above shall not be reduced below existing setbacks. Nothing in this section shall be construed to allow a drainfield to remain in the wet season water table. The appropriate requirements for bottom of drainfield absorption surface to wet season water table separation in Table V shall be adhered to in all repairs.

(8) If soil replacement is to be performed on any repair, the requirements of Footnote 3., Table III, shall be adhered to.

(9) System repairs shall be performed by persons who are qualified to do so as set forth in Part III of this rule.

(10) Except as provided for in subsection (7) above, the amount of drainfield installed during the repair shall not be less than the amount the system had prior to the repair.

(11) Subsection 64E-6.004(7), F.A.C., shall be used in conjunction with this section when permitting a repair in which the property has been divided after the original permit was issued.

(12) For inspection purposes when a drainfield is repaired using a physical disruption method, such as air injection, the contractor shall mark the location of each injection site in an easily identifiable manner. The county health department shall inspect repairs to determine that the absorption surface of the repaired drainfield is at least six inches above the wet season high water table, to determine the repair process was completed according to the information provided with the repair permit application and to determine the repair site is free of sanitary nuisance conditions.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065, 386.041 FS. History—New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0571, Amended 2-3-98, 3-22-00, 5-24-04, 11-26-06, 6-25-09, 4-28-10.*

**64E-6.0151 Product Composition.**

(1) Any product sold or used in the state for use in an onsite sewage treatment and disposal system shall be in compliance with the requirements of Section 381.0065(4)(m), F.S. The following criteria shall be used in determining product compliance.

(a) Use of the product shall not result in violations of Surface Water Quality Rule 62-302.500, F.A.C., effective 5-15-2002, or Groundwater Quality Rules 62-520.400 and 62-520.420, F.A.C., effective 12-9-1996.

(b) The product's formula itself shall not exceed water quality contaminant concentrations in Rule 62-302.500, F.A.C., effective 5-15-2002, or Rules 62-520.400 and 62-520.420, F.A.C., effective 12-9-1996.

(c) The product shall contain no substance in concentrations or amounts that would interfere with or prevent the successful operation of an onsite sewage treatment and disposal system.

(2) If the Department determines an onsite sewage treatment and disposal system product is not in compliance with the criteria in Rule 64E-6.0151, F.A.C., the Department shall notify the product manufacturer of the items in non-compliance. The product shall be allowed to be continued for sale and use in Florida for a maximum of 90 days from date of receipt of

notification of violation. This is to allow the manufacturer an opportunity to exhibit to the department that the product satisfactorily complies with the conditions of Section 381.0065(4)(m), F.S., and this rule. In attempting to demonstrate compliance with Section 381.0065(4)(m), F.S., and this rule, the manufacturer shall provide at a minimum the following information:

(a) A listing of all physical, chemical, biological or other agents which make up the product and provide toxicity information for each component. This information shall include trade names, chemical names, and concentrations of all individual or complexed components and the Material Safety Data Sheet (MSDS) for the product. Any trade secret will be treated according to Section 381.83, F.S.

(b) A list of all known, expected, or possible reactions and by-products resulting from use of the product including the effect on bacteria, all standard contents of the tank, including sludge layer; scum layer; fats, oils and greases, and the effects on currently approved drainfield distribution systems.

(c) Test results from a State or EPA-certified laboratory demonstrating that use of the product will not result in violations of surface water or groundwater standards in Rule 64E-6.0151, F.A.C. Tests shall be conducted on the product as sold and the test results shall include:

1. Acute Definitive Toxicity test [96 hour LC<sub>50</sub>] according to EPA Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (EPA-821-R-02-012), October 2002, herein incorporated by reference, for *Pimephales promelas* (fathead minnow) or any of the following species: *Ceriodaphnia dubia* (daphnid), *Cyprinella leedsi* (bannerfin shiner), *Daphnia pulex* and *Daphnia magna* (daphnids). The 96-hour LC<sub>50</sub> shall be reported as a concentration in mg/l or ml/l, and;

2. Chemical analysis showing the concentrations of Volatile Organic Compounds [EPA 8260] to a minimum detection level of 0.5 ug/L (ppb).

(d) A description of the anticipated use of the product in onsite sewage treatment and disposal systems. Where and how the product is to be applied, any exceptions to application guidelines, the frequency of applications, who is allowed to perform the applications, and the amount and concentration of product per application shall be included in the product description. When the product should not be used shall also be included in the description. The information provided shall include the manufacturer's recommended application rate of the product as it appears on the product label. Unless the product label provides other specifications, the department, for purposes of this evaluation, assumes that the application rate will be applied to a flow of 300 gallons per day into a 1000-gallon septic tank.

(e) All studies done on the use of the product which support or disputes the information required in Rule 64E-6.0151, F.A.C., and which demonstrates the product will not harm public health or the environment and will not impair system components and functioning. Monitoring reports and data from systems in use shall be provided if available.

(f) A signed and dated certification by the manufacturer that states: "I certify under penalty of law that these documents and all attachments, to the best of my knowledge and belief, are true, accurate and complete, and represent all available data for [name of product or products]."

(g) Scientific documentation demonstrating claimed benefits occurring due to the use of the product.

(3) If the department determines that the product does not comply with the provisions of Section 381.0065(4)(m), F.S., the department shall stop the sale of the product or take other actions deemed necessary to preclude the sale and use of the non-compliant product.

*Rulemaking Authority 381.0065(4)(m) FS. Law Implemented 381.0065(4)(m), 381.0066 FS. History—New 3-22-00, Amended 5-24-04, 6-25-09.*

**64E-6.016 U.S. Department of Agriculture Soil Textural Classification System.**

(1) Soil texture is a term commonly used to designate the proportionate distribution of different sized mineral particles in a soil material. The three basic sizes of soil mineral particles are the sand size, the silt size and the clay size. The sand size class is subdivided further into the subclasses of very coarse sand, coarse sand, medium sand, fine sand, and very fine sand. Individual particles, based on their size, are grouped into separates. These soil separates are classified by size into the groupings shown below:

Separate	Diameter Limit In Millimeters
Very coarse sand	2.00-1.00
Coarse sand	1.00-.50
Medium sand	.50 -.25
Fine sand	.25-.10
Very fine sand	.10-.05
Silt	.05-.002
Clay	less than.002

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(2) Florida's major soil texture classifications and some of the characteristics which can be utilized in the field for identification of these soil texture groups is accomplished primarily by rubbing moist samples of soil material between the fingers and observing how the material feels.

(a) Sand – Sand feels extremely gritty and does not form a ribbon or ball when wet or moist. A sand is loose and single grained. The individual grains can readily be seen or felt.

(b) Loamy sand – Loamy sand feels extremely gritty and forms a weak ball that cannot be handled without breaking.

(c) Sandy loam – A sandy loam feels extremely gritty and slightly sticky. When moist, it forms a cast that will bear careful handling without breaking.

(d) Loam – A loam feels somewhat gritty, yet fairly smooth and slightly plastic. When moist, it forms a cast that may be handled quite freely without breaking. Loam forms only short ribbons about 0.25 inch to 0.50 inches in length. This soil texture is not common in Florida soils.

(e) Silt loam – Silt loam lacks grittiness and feels extremely floury when moist or dry. When dry it may appear cloddy but the lumps can be readily broken. When moist it will form casts that can be freely handled without breaking. It will not form a ribbon but will give a broken appearance. This soil texture is not common in Florida soils.

(f) Silt – Silt lacks grittiness and feels extremely floury when moist or dry. It will not ribbon and forms a weak ball that will tolerate careful handling without breaking. This soil texture is extremely rare in Florida soils.

(g) Sandy clay loam – Sandy clay loam feels very gritty and sticky. When moist it forms a firm ball and may form a ribbon of one to two inches before it breaks.

(h) Clay loam – A clay loam feels very sticky with little or no grittiness. When moist it will form a ribbon that is about one to two inches long. The moist soil is plastic and will form a cast or ball that will bear much handling. When kneaded in the hand it does not crumble readily but tends to work into a heavy compact mass.

(i) Sandy clay – Sandy clay feels extremely sticky and very gritty. When moist and forms a firm ball and produces a ribbon that is over two inches in length before breaking.

(j) Silty clay – Silty clay feels both plastic and extremely sticky when moist and lacks any gritty feeling. It forms a firm ball and readily ribbons to over two inches in length before it breaks. This soil texture is not common in Florida soils.

(k) Clay – A clay feels extremely sticky and is neither gritty nor floury. When moist it forms a ribbon over two inches in length before breaking. It will form a hard ball or cast which will not break when handled.

(l) Organic soils – Muck, peat, and mucky peat are used in place of textural class names in organic soils. Muck is well decomposed organic soil material; peat consists of raw undecomposed organic soil material; and mucky peat designates materials intermediate in decomposition between muck and peat.

(3) Definitions of the soil texture classes according to distribution of size classes of mineral particles less than 2 millimeters in diameter are as follows:

(a) Sands – 85 percent or more sand and the percentage of silt plus 1 1/2 times the percentage of clay is 15 or less.

1. Coarse sand – 25 percent or more very coarse and coarse sand and less than 50 percent any other single grade of sand.

2. Sand – 25 percent or more very coarse, coarse and medium sand, but less than 25 percent very coarse and coarse sand, and less than 50 percent either fine sand or very fine sand.

3. Fine sand – 50 percent or more fine sand; or less than 25 percent very coarse, coarse, and medium sand and less than 50 percent very fine sand.

4. Very fine sand – 50 percent or more very fine sand.

(b) Loamy sands – At the upper limit 85 to 90 percent sand and the percentage of silt plus 1 1/2 times the percentage of clay is 15 or more; at the lower limit 70 to 85 percent sand and the percentage of silt plus twice the percentage of clay is 30 or less.

1. Loamy coarse sand – 25 percent or more very coarse and coarse sand and less than 50 percent any other single grade of sand.

2. Loamy sand – 25 percent or more very coarse, coarse, and medium sand and less than 50 percent either fine sand or very fine sand.

3. Loamy fine sand – 50 percent or more fine sand; or less than 50 percent very fine sand and less than 25 percent very coarse, coarse, and medium sand.

4. Loamy very fine sand – 50 percent or more very fine sand.

(c) Sandy loams – 20 percent or less clay and 52 percent or more sand and the percentage of silt plus twice the percentage of clay exceeds 30; or less than 7 percent clay, less than 50 percent silt, and between 43 and 52 percent sand.

1. Coarse sandy loam – 25 percent or more very coarse and coarse sand and less than 50 percent any other single grade of sand.

2. Sandy loam – 30 percent or more very coarse, coarse, and medium sand, but less than 25 percent very coarse and coarse sand, and less than 30 percent either fine sand or very fine sand.

3. Fine sandy loam – 30 percent or more fine sand and less than 30 percent very fine sand; or between 15 and 30 percent very coarse, coarse, and medium sand; or more than 40 percent fine and very fine sand, at least half of which is fine sand, and less than 15 percent very coarse, coarse, and medium sand.

4. Very fine sandy loam – 30 percent or more very fine sand; or more than 40 percent fine and very fine sand, at least half of which is very fine sand, and less than 15 percent very coarse, coarse, and medium sand.
- (d) Loam – 7 to 27 percent clay, 28 to 50 percent silt, and less than 52 percent sand.
  - (e) Silt loam – 50 percent or more silt and 12 to 27 percent clay; or 50 to 80 percent silt and less than 12 percent clay.
  - (f) Silt – 80 percent or more silt and less than 12 percent clay.
  - (g) Sandy clay loam – 20 to 35 percent clay, less than 28 percent silt, and 45 percent or more sand.
  - (h) Clay loam – 27 to 40 percent clay and 20 to 45 percent sand.
  - (i) Silty clay loam – 27 to 40 percent clay and less than 20 percent sand.
  - (j) Sandy clay – 35 percent or more clay and 45 percent or more sand.
  - (k) Silty clay – 40 percent or more clay and 40 percent or more silt.
  - (l) Clay – 40 percent or more clay, less than 45 percent sand, and less than 40 percent silt.

Rulemaking Authority 381.0011(4),(13), 381.0065(3)(a) FS. Law Implemented 381.0065, 381,00655 FS. History--New 12-22-82, Amended 2-5-85, Formerly 10D-6.58, Amended 3-17-92, 1-3-95, Formerly 10D-6.058.

## PART II

### 64E-6.017 Definitions.

Definitions in Chapter 64E-6, Parts I and III, F.A.C., are also applicable to Chapter 64E-6, Part II, F.A.C.

(1) Building Area – that enclosed area of a dwelling unit, excluding the garage, carport, exterior storage shed, or open or screened patios or decks. Calculations of building area shall be made by measurements of the outside building dimensions. Building area of each additional story of the structure shall be added to determine the total building area.

(2) Cesspit – a pit, with or without a cover, that receives untreated sewage from a building and discharges the sewage, either untreated or improperly treated, directly to the surrounding soil or limestone. A septic tank that functions as a cesspit shall be considered a cesspit.

(3) Injection well – an open vertical hole at least 90 feet in depth, fully cased and grouted to at least 60 feet in depth which is used to dispose of onsite sewage treatment and disposal system effluent.

(4) Minimum level of waste treatment – a treatment which will provide a recovered water product that contains not more, on a permitted annual average basis, than the following concentrations from a sampling point located following the final design treatment step of the onsite sewage treatment and disposal system:

- |  |         |
|--|---------|
| (a) Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 10 mg/l |
| (b) Suspended Solids                               | 10 mg/l |
| (c) Total Nitrogen, expressed as N                 | 10 mg/l |
| (d) Total Phosphorus, expressed as P               | 1 mg/l  |

(5) Salt Marsh and Buttonwood Associations – two plant associations that are sometimes collectively or individually referred to as the “transitional zone.”

(a) The salt marsh community is a wetland area subject to tidal influence wherein the dominant vegetation includes the following:

1. *Batis maritima* Saltwort;
2. *Distichilis spicata* Salt grass;
3. *Fimbristylis castanea* Chestnut sedge;
4. *Monanthochloe littoralis* Key grass;
5. *Salicornia spp.* Glasswort;
6. *Sesuvium portulacastrum* Sea purslane; and
7. *Spartina spp.* Cordgrass.

The woody vegetation that may be present includes red, white and black mangroves, as well as buttonwood (*Conocarpus erectus*); the salt marsh community is distinguished by the dominance of non-woody plants, and the woody species have a coverage of less than 40 percent. The salt marsh community may be associated and intermixed with areas of almost bare ground on which the vegetation may be limited to mats of algae.

(b) The buttonwood association is an association that is usually present in the more landward zone, and may intermix with more upland communities. The vegetation may include, but is not limited to, the following species:

1. *Borrichia spp.* Sea oxeye daisy;
2. *Bumelia celastrina* Saffron plum;
3. *Coccoloba uvifera* Sea grape;
4. *Conocarpus erectus* Buttonwood;
5. *Erithalis fruticosa* Black torch;
6. *Fimbristylis castanea* Chestnut sedge;
7. *Jacquinia keyensis* Joewood;

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8. *Lycium carolinianum* Christmas berry;
9. *Maytenus phyllanthoides* Mayten; and
10. *Spartina spp.* Cordgrass.

The buttonwood association is distinguished from the salt marsh association by the dominance of buttonwood trees, usually occurring as an open stand that permits the growth of an under-story of groundcovers and shrubs.

(6) Nutrient reducing material – material which is used in the final treatment stage of an onsite sewage treatment and disposal system to reduce effluent nutrient levels to the minimum level of waste treatment.

(7) Undocumented system – an onsite sewage treatment and disposal system that does not have a record of installation and approval.

*Rulemaking Authority 381.0011(4), (13), 381.006, 381.0065(3)(a), (4)(k) FS., Ch. 99-395, LOF. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 386.041 FS., Ch. 99-395, LOF. History–New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.062, Amended 3-3-98, 3-22-00.*

#### **64E-6.018 System Location, Design and Maintenance Criteria.**

Table III of Chapter 64E-6, Part I, F.A.C., and other subsections of Part I pertaining to soil texture, soil depth, and maximum sewage loading rates for specific soils shall not apply to areas subject to the provisions of this Part except for Table III, Footnote 2., as it relates to the falling head percolation test procedure. However, approved system design criteria, system location, operation, maintenance and monitoring requirements of subsections 64E-6.018(1), (2), (3), and (4), F.A.C., shall apply. A minimum of one soil profile and one percolation test per application shall be required for site evaluations performed in the Florida Keys. However, a soil profile and percolation test is not required when the system design engineer chooses the use of an injection well for effluent disposal. All new onsite sewage treatment and disposal systems shall be performance-based treatment systems designed by an engineer licensed in the State of Florida and shall meet the minimum level of waste treatment as defined in Rule 64E-6.017, F.A.C. All receptacles subject to a positive buoyancy exposure shall be anchored or otherwise weighted to prevent flotation during flooding periods. The receptacles shall be evaluated for buoyancy while in their normal operating condition.

(1) An onsite sewage treatment and disposal system which meets the location, construction, maintenance and operational requirements of paragraphs 64E-6.018(1)(a) or (b), F.A.C., shall be approved, provided that if an aerobic treatment unit is a component of the system design, the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C., shall also be met.

(a) When final effluent disposal is into a nutrient reducing material-lined drainfield system, the following general requirements shall apply:

1. The county health department shall require the installer of a nutrient reducing material lined drainfield system to provide certification from the installer's nutrient reducing material supplier that the material supplied for such type of installations meets the requirements of this subsection.

2. No part of the system shall be within 25 feet of the boundaries of surface water bodies or salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

3. The bottom surface of the nutrient reducing material layer shall be at least 12 inches above mean high water.

4. Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

5. Nutrient reducing material has a finite life span. The nutrient reducing material shall be replaced as necessary to ensure that the system continues to meet the minimum level of waste treatment.

(b) An injection well shall be approved for final effluent disposal provided setbacks from salt marsh/buttonwood habitats and other surface water bodies cannot be met by another effluent disposal system noted above, and provided the installation is in compliance with the following:

1. An injection well shall not be permitted or installed under the provisions of this part in any area designated by the United States Environmental Protection Agency or the Florida Department of Environmental Protection as having a single or sole source aquifer. Single source aquifer is defined in subsection 62-520.200(14), F.A.C.

2. In areas where injection wells are approved for use, the DOH Monroe County Health Department shall be the permitting authority for the engineer designed onsite sewage treatment unit and the injection well, where the estimated daily domestic sewage flow will not exceed 2000 gallons per day. For establishments having a total daily sewage flow greater than 2000 gallons per day but not greater than 10,000 gallons per day, the Monroe County Health Department shall be the permitting authority for the engineer designed treatment unit and DEP is the permitting authority for the injection well and any additional associated effluent treatment device.

3. The ground surface within a distance of at least 10 feet in all directions around the injection well and any portion of the onsite sewage treatment and disposal system shall not be subject to surface or ground water flooding. In addition, the invert of the effluent inlet pipe to the injection well shall be a minimum 18 inches above the estimated seasonal high water level.

4. If there is adequate vertical and horizontal clearance to allow for proper maintenance, repair or replacement of the treatment unit and injection well, such components of the onsite sewage treatment and disposal system shall be allowed to be

placed beneath an elevated building.

5. Prior to discharge into an injection well, effluent shall be disinfected by chlorination or other disinfection method approved by the State Health Office. A minimum disinfection level equivalent to a free chlorine residual of 0.5 milligrams per liter measured at the point of effluent discharge after a minimum chlorine contact time of 15 minutes into the injection well, shall be maintained in the effluent at all times.

6. An injection well to receive an estimated daily domestic sewage flow not exceeding 2000 gallons per day shall meet minimum construction criteria a., b. and c. of this sub-paragraph. The Monroe County Health Department shall be notified by the well driller the time when the well will be drilled so the county health department can schedule observation of well construction. The DOH Monroe County Health Department shall not approve an injection well for use until the well driller has certified, in writing to the DOH Monroe County Health Department, that the well has been installed in compliance with the provisions of this sub-paragraph. The inspection fee for the construction of an injection well shall be \$125.00.

a. An injection well as defined in subsection 64E-6.017(3), F.A.C., shall be constructed, in part, utilizing a casing of polyvinyl chloride, commonly referred to as PVC. The minimum PVC casing weight and strength classification shall be schedule 40 and the minimum outside diameter of the casing shall be 4 inches. Other casing materials having strength and corrosion resistance properties equal to or greater than PVC schedule 40 pipe shall also be approved.

b. An open hole having a minimum diameter of 6 inches shall extend to a depth of not less than 30 feet below the bottom of the casing.

c. The annular space between the casing and the natural rock wall of the borehole shall be grouted the full length of the casing.

7. A minimum of one maintenance visit every four months shall be made to those systems using injection wells for effluent disposal. The visit shall include an inspection of the chlorination unit and any filter units. When an aerobic treatment unit is a component of the onsite sewage treatment and disposal system, documents and reports required in Rule 64E-6.012, F.A.C., shall also include the results of aerobic treatment unit inspections and shall include information on chlorine residuals to assess compliance with the disinfection requirements of this rule.

8. If an injection well is discontinued for effluent disposal the injection well shall be properly abandoned and plugged by filling the injection well from bottom to top with cement grout.

(2) For an aerobic treatment unit treating domestic sewage flows in excess of 1500 gallons per day but not exceeding 10,000 gallons per day, where effluent from the treatment unit will be discharged to an engineer designed soil absorption drainfield system, the following requirements shall be met:

(a) The soil absorption drainfield system shall be set back from surface water bodies by the greatest distance attainable, but shall meet at least minimum setback and elevation requirements specified in subsection 64E-6.018(1), F.A.C.

(b) The owner or lessee of a system shall comply with the general maintenance and operational requirements of subsections 64E-6.012(2) and (3), F.A.C., and any additional operation and maintenance requirements specified by the system design engineer.

(3) The owner or lessee of a performance-based treatment system shall obtain and maintain a maintenance contract with an approved maintenance entity.

(a) All new onsite sewage treatment and disposal systems shall be inspected by an approved maintenance entity at least two times each year.

(b) A maintenance report shall be kept by the maintenance entity. A copy of all maintenance reports shall be provided to the county health department. The report shall include the following information:

1. The address of the system.
2. Date and time of inspection.
3. Sample collection time and date, and person who collected sample.
4. Results of all sampling.
5. Volume of effluent treated, to include total monthly and daily average.
6. Maintenance performed.
7. Problems noted with the treatment system and actions taken or proposed to overcome them.

(4) In conjunction with the systems specified in subsections 64E-6.018(1) and (2), F.A.C., an applicant may use the alternative systems described in subsection 64E-6.009(1), (3), (4), (5) or (6), F.A.C. An alternative system shall meet the general intent of Part I and Part II of this rule.

*Rulemaking Authority 381.0011(4), (13), 381.006, 381.0065(3)(a) FS., Ch. 99-395, LOF. Law Implemented 381.0065, 381.00655 FS., Ch. 99-395, LOF. History—New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.063, Amended 3-3-98, 3-22-00, 4-21-02, 11-26-06.*

#### **64E-6.0181 System Repair and Cesspit and Undocumented System Replacement.**

(1) Where a property is determined to have a cesspit or an undocumented system, the cesspit or undocumented system shall be required to be replaced with an onsite sewage treatment and disposal system complying with Rule 64E-6.018, F.A.C.

(2) In areas that are scheduled to be served by a central sewer by December 31, 2015, where there is documentation from

the sewer utility that the property is scheduled to be served by December 31, 2015 and there is documentation from the sewer utility or from the county tax collector's office that the property owner has paid or has signed an agreement to pay for connection to the central sewer system, an onsite sewage treatment and disposal system requiring repair shall be repaired to the standards in 64E-6.0181(3), F.A.C.

(3) Systems shall be repaired to the following standards provided no system shall be repaired to meet a lower standard of treatment than the treatment standard permitted or required to be met prior to the repair.

(a) A Class I aerobic treatment unit which meets the location, construction, maintenance and operational requirements of subparagraph 64E-6.0181(3)(a)1. or 2., F.A.C., and the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C.

1. Where a Class I aerobic treatment unit is utilized, and where final effluent disposal is into a sand lined drainfield system, the following general requirements shall apply:

a. For a sand-lined drainfield, a minimum 12 inch thick layer of quartz sand shall be placed beneath the bottom of the drainfield absorption surface and a minimum 12 inch wide and minimum 24 inch thick layer of quartz sand shall be placed contiguous to the drainfield sidewall absorption surfaces in order to provide an additional level of effluent treatment prior to effluent passing into the surrounding natural limestone rock. Sand material shall have either an effective grain size in the range of 0.25 millimeter to 1.00 millimeter and shall have a uniformity coefficient of less than 3.5, or the material shall be of such size whereby at least 90 percent of the sand particles pass a U.S. Standard Number 18 sieve and less than 10 percent pass a number 60 sieve. These materials are in the USDA soil texture classes known as medium sand and coarse sand. The county health department shall require the installer of a sand-lined drainfield system to provide certification from the installer's sand supplier that the sand supplied for such type of installation meets the requirements of this subsection.

b. No part of the system shall be within 25 feet of the mean high water line of tidal surface water bodies or within 25 feet of the ordinary high water line of lakes, ponds or other non-tidal surface waters or salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

c. The bottom surface of the sand layer shall be at least 12 inches above mean high water.

d. The maximum sewage loading rate to an aerobic treatment unit absorption bed drainfield with underlying sand liner shall be 1.1 gallons per square foot per day.

e. Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

2. Provided a Class I aerobic treatment unit is utilized and provided effluent from the treatment unit, prior to discharge into an injection well, is passed through a mineral aggregate filter unit as described in subparagraph 64E-6.0181(3)(a)2., F.A.C., or where effluent is passed through a filter unit of another design which has been determined by the State Health Office to be at least equal to the mineral aggregate filter unit with regard to sewage treatment capability, an injection well shall be approved in compliance with the following:

a. An injection well shall not be permitted or installed under the provisions of this part in any area designated by the United States Environmental Protection Agency or the Florida Department of Environmental Protection as having a single or sole source aquifer. Single source aquifer is defined in subsection 62-520.200(14), F.A.C.

b. In areas where injection wells are approved for use, the DOH Monroe County Health Department shall be the permitting agent for the aerobic treatment unit, the filter unit and the injection well, where the estimated daily domestic sewage flow will not exceed 2000 gallons per day. For establishments having a total daily sewage flow greater than 2000 gallons per day but not greater than 10,000 gallons per day, the Monroe County Health Department shall be the permitting authority for the aerobic treatment unit and the filter unit and DEP is the permitting agent for the injection well and any additional associated effluent treatment device. The effluent from the treatment unit permitted by the DOH Monroe County Health Department shall not exceed 20 mg/l CBOD<sub>5</sub> or 20 mg/l suspended solids on a permitted annual average basis and shall have disinfection in accordance with sub-subparagraph 64E-6.0181(3)(a)2.h., F.A.C., prior to discharge into any injection well.

c. The interior of the aerobic treatment unit, the top surface of the mineral aggregate filter soil cover, and the ground surface within a distance of at least 10 feet in all directions around the injection well, filter unit and aerobic treatment unit shall not be subject to surface or ground water flooding. In addition, the invert of the effluent inlet pipe to the injection well shall be a minimum 18 inches above the estimated seasonal high water level.

d. If there is adequate vertical and horizontal clearance to allow for proper maintenance, repair or replacement of the aerobic treatment unit, filter unit and injection well, such components of the onsite sewage treatment and disposal system shall be allowed to be placed beneath an elevated building.

e. If a mineral aggregate filter as referred to in subparagraph 64E-6.0181(3)(a)2., F.A.C., is utilized, effluent discharge from the aerobic unit shall be by gravity or pressure distribution to a perforated pipe distribution system as specified in Part I, Rule 64E-6.014, F.A.C. Such distribution system shall be placed within the walls of the mineral aggregate filter and shall be placed above a mineral aggregate filter layer which shall be at least 24 inches thick. Mineral aggregate filter material shall have either an effective size in the range of 2.36 millimeters to 4.75 millimeters and shall have a uniformity coefficient of less than 3.5 or the material shall be equivalent in size to Florida Department of Transportation aggregate classification number eight or nine. The system designer may specify additional layers of filter material above or below the required 24-inch layer of filter

material. The DOH Monroe County Health Department shall require the installer of mineral aggregate filter systems to provide certification from the installer's mineral aggregate supplier that the aggregate supplied meets requirements of this sub-paragraph. If the filter is not sealed with a lid meeting the requirements of paragraph 64E-6.013(1)(e), F.A.C., the filter shall be capped with a layer of slightly limited soil no less than 6 nor more than 12 inches thick.

f. The maximum sewage loading rate to the mineral aggregate filter shall be 5.5 gallons per square foot per day based upon the top surface area of the filter layer. The maximum sewage loading rate to an approved filter unit other than a mineral aggregate filter as described in this section shall be evaluated by the State Health Office based on unit design, size, filter media characteristics and expected functional life of the unit.

g. Effluent having passed through a mineral aggregate filter shall collect in an underdrain for gravity or mechanical discharge into an injection well. The underdrain shall consist of minimum 4 inch diameter perforated drainpipe which is encased within a minimum 8 inch depth of 1/2 to 2 inch diameter washed and durable aggregate. The walls and bottom of the filter unit shall be reinforced concrete or other material of adequate strength and durability to withstand hydrostatic and earth stresses to which the unit will be subjected. The walls and bottom of the unit shall be made waterproof so that the total volume of effluent passed through the mineral aggregate filter will be collected in the filter underdrain for discharge into the injection well.

h. Prior to discharge into an injection well, effluent from the filter unit shall be disinfected by chlorination or other disinfection method approved by the State Health Office. A minimum disinfection level equivalent to a free chlorine residual of 0.5 milligram per liter measured at the point of effluent discharge after a minimum chlorine contact time of 15 minutes into the injection well, shall be maintained in the effluent at all times.

i. An injection well to receive an estimated daily domestic sewage flow not exceeding 2000 gallons per day shall meet minimum construction criteria (I), (II) and (III) of this sub-paragraph. The DOH Monroe County Health Department shall not approve an injection well for use until the well driller has certified, in writing to the DOH Monroe County Health Department, that the well has been installed in compliance with the provisions of this sub-paragraph. The inspection fee for the construction of an injection well shall be \$125.00.

(I) An injection well as defined in subsection 64E-6.017(3), F.A.C., shall be constructed, in part, utilizing a casing of polyvinyl chloride, commonly referred to as PVC. The minimum PVC casing weight and strength classification shall be schedule 40 and the minimum outside diameter of the casing shall be 4 inches. Other casing materials having strength and corrosion resistance properties equal to or greater than PVC schedule 40 pipe shall also be approved.

(II) An open hole having a minimum diameter of 6 inches shall extend to a depth of not less than 30 feet below the bottom of the casing.

(III) The annular space between the casing and the natural rock wall of the borehole shall be grouted the full length of the casing.

j. A minimum of one maintenance visit every four months shall be made to those systems using injection wells for effluent disposal. In addition to the standard aerobic treatment unit maintenance visit, the visit shall include an inspection of the chlorination and filter units. Documents and reports required in Rule 64E-6.012, F.A.C., shall also include the results of these inspections and shall include information on chlorine residuals to assess compliance with the disinfection requirements of this rule.

k. If an injection well is discontinued for effluent disposal use such injection well shall be properly abandoned and plugged by filling the injection well from bottom to top with cement grout.

(b) The following general requirements apply for the repair of a septic tank system:

1. The existing tanks shall meet the requirements of 64E-6.015(6)(f), F.A.C., or, if the tanks need to be replaced as part of the repair, they shall be replaced with tanks meeting the requirements of Table II and 64E-6.013, F.A.C.

2. Effluent from the septic tank shall discharge to a drainfield over a sand liner meeting the standards in 64E-6.0181(3)(a)1.a., F.A.C.

3. No part of a septic tank and sand-lined drainfield system shall be located within 50 feet of the mean high water line of tidally influenced surface water bodies or within 50 feet of the mean annual flood line of permanent non-tidal surface water bodies.

4. The drainfield component of the system must be located a minimum distance of 50 feet from salt marsh and buttonwood association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

5. The maximum sewage loading rate to the drainfield shall be 0.9 gallons per square foot per day.

(c) A performance-based treatment system designed and certified by a professional engineer, licensed in the state, as producing an effluent meeting at a minimum the treatment standards for a system designed in accordance with 64E-6.017(4), F.A.C., and permitted, constructed and monitored in accordance with Part IV.

*Rulemaking Authority 381.0065(3)(a), 381.0065(4)(l) FS. Law Implemented 381.0065 FS. History—New 3-3-98, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 7-16-13.*

#### **64E-6.0182 Coordinated Permitting.**

Chapter 28-20, F.A.C., and the Memorandum Of Understanding (MOU) between Monroe County, the Department of

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Community Affairs, the Department of Environmental Protection, and the Department of Health, including the Monroe County Health Department, dated July 25, 1997, are herein incorporated by reference, and is available by contacting the department. Chapter 28-20, F.A.C., and the MOU establish a permit allocation system for development and a coordinated permit review process. Chapter 28-20, F.A.C., and the MOU prohibit new system construction permits to serve new residential development that would allow development in excess of the number of permits that Monroe County may issue under its policy.

*Rulemaking Authority 381.0011(4), (13), 381.006, 381.0065(3)(a), (4)(k) FS., Ch. 99-395, LOF. Law Implemented 154.01, 381.0011(4), 381.006(7), 381.0065, 381.00655, 386.01, 386.03, 386.041 FS., Ch. 99-395, LOF. History—New 3-3-98, Amended 3-22-00.*

### **PART III**

#### **64E-6.019 Requirements for Registration.**

(1) Persons subject to registration – A person shall be subject to the requirements of this rule if he or she contracts or advertises to provide services to the public or holds himself or herself out as being capable of performing services related to any of the following activities in the onsite sewage treatment and disposal industry regulated by the department:

- (a) Installation of onsite sewage treatment and disposal systems,
- (b) Repair of onsite sewage treatment and disposal systems,
- (c) Modification of onsite sewage treatment and disposal systems,
- (d) Maintenance of onsite sewage treatment and disposal systems,
- (e) Septic tank pumping and septage disposal services, excluding companies which only provide portable toilet or temporary holding tank services,
- (f) Abandonment of an onsite sewage treatment and disposal system.

(2) Any person seeking registration shall apply to the department to take the registration examination on Form DH 4075, 1/97, Application for Septic Tank Contractor Registration, herein incorporated by reference. The form is available from the department.

(3) A person shall be eligible to take the registration examination if they submit necessary exhibits and fees and meet the requirements of Section 489.553(4), F.S.

(a) Under the supervision and control of a registered septic tank contractor or a plumbing contractor in Section 489.553(4)(d), F.S., is defined as an employment relationship where compensation can be documented by the regular deduction of FICA and federal withholding tax as required by law. Principal officers of a corporation or partners of a partnership providing onsite sewage contracting services shall be recognized as being under the supervision and control of the corporation's or partnership's qualifying registered septic tank contractor or plumbing contractor.

(b) Related work experience includes but is not limited to onsite sewage treatment and disposal system design, inspection, installation, regulation, environmental health professional certification, site evaluation, underground utility contracting and wastewater treatment plant maintenance and operation. Related work experience does not include clerical, purchasing or estimating.

(c) Out-of-state work experience on a year for year basis shall be accepted for any applicant who demonstrates that they hold a current statewide license for septic tank contracting which was issued upon satisfactory completion of an equivalent examination and required continuing education courses for renewal. For purposes of this section, an equivalent examination means that at a minimum, the following topics were tested and passed: system location and installation; site evaluation criteria; system size determinations; disposal of septage; construction standards for drainfield systems and U.S. Department of Agriculture soil textural classification system. A person employed by and under the supervision and control of such a licensed contractor shall be granted up to two years of related work experience.

(4) Completed applications for registration must be received by the department's Onsite Sewage Program at least 21 days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed by the applicant, be reviewed by the county health department where the applicant provides service, include a money order or sufficiently funded check in the correct amount and contain all necessary support documentation. Support documentation shall include:

- (a) A list of the 25 most recent contracts by the applicant or business organization completed immediately preceding the date of filing.
- (b) Signed statements from two persons not related to the applicant for whom the applicant has provided services in the onsite sewage industry, stating what services were provided.
- (c) Certification from a registered septic tank contractor or plumbing contractor of the applicant's employment dates and work responsibilities.
- (d) Documentation of payment of federal withholding tax and social security as required by law. For principal corporate officers of a corporation or partners in a partnership, legal documentation of their position in the corporation or partnership may be substituted for withholding tax and social security documentation.
- (e) Two recent color passport style photographs, not older than 12 months and 1 1/2 × 1 1/2 inches in size.

(5) Eligible applicants must successfully complete an examination administered by the department. Minimum passing

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score for the examination shall be a 75 percent correct response to all questions comprising the exam.

*Rulemaking Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.072, Amended 2-3-98, 4-21-02, 6-18-03, 11-26-06, 4-28-10.*

#### **64E-6.020 Master Septic Tank Contractors.**

(1) A septic tank contractor or a plumbing contractor certified under Section 489.105(3)(m), F.S., who is eligible under Section 489.553(5)(a) and (b), F.S., may apply to the department on Form DH 4105, 10/96, Application for Master Septic Tank Contractor Registration, hereby incorporated by reference, to take the master contractor examination provided by the contractor:

(a) Has been in “active” status for the three years immediately preceding the date of application. This time period may not be interrupted by more than 60 accumulated days as “inactive” or include any registration probation or suspension imposed by the department through administrative action.

(b) Has not been assessed more than \$500 in administrative penalties by the department in the three years immediately preceding the date of application.

(c) Does not have an outstanding fine assessed pursuant to this chapter which is in final order status and judicial reviews are exhausted.

(d) Has successfully resolved any disciplinary action involving septic tank contracting where an administrative action was commenced by the department prior to the filing of the application.

(e) Has not been convicted of, found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which is related to the practice of contracting for the three years immediately preceding the date of application.

(f) Has successfully completed 30 hours of master contractor course work approved by the department. At a minimum, this course work shall include training and testing of soil classification, system design and theory, system material and construction standards, and regulatory requirements.

(2) Completed applications for registration must be received by the department Onsite Sewage Program office at least 21 days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed and dated by the applicant, be reviewed by the county health department where the applicant’s primary place of business is located, and include a money order or sufficiently funded check in the correct amount.

(3) Eligible applicants must successfully complete a comprehensive examination administered by the department. Minimum passing score for the examination shall be a 70 percent correct response to the examination questions.

(4) Successful applicants shall be issued a master septic tank contractor certificate after they have paid the registration fee.

(5) Master septic tank contractor certificates shall be renewed only after the contractor has completed 18 classroom hours of approved instruction for each renewal cycle. At least 6 classroom hours must be successfully completed in an approved master contractor course. Instructional time spent by a master septic tank contractor in providing department approved continuing education training shall receive credit as master contractor course hours. Application for renewal shall be made on Form DH 4076, 01/03, Application for Septic Tank Contractor Registration Renewal, herein incorporated by reference, accompanied by the required supporting documentation and fees.

(a) A master septic tank contractor who only completes 12 classroom hours of approved instruction during the renewal cycle shall revert to registered septic tank contractor status and shall apply for renewal under Rule 64E-6.021, F.A.C.

(b) Applications for renewal not submitted in a timely and complete manner shall revert to inactive status. Each application for renewal shall be considered filed in a timely manner if it is postmarked prior to close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the date of expiration shall be the first working day after the expiration date of the certificate. Application for renewal of an inactive certificate shall be made on Form DH 4076, Application for Septic Tank Contractor Registration Renewal, accompanied by the required supporting documentation and fees.

(c) The department shall deny an application for renewal for an outstanding administrative penalty with the department where the penalty is final agency action and all judicial reviews are exhausted.

(d) Master contractors with “inactive” certificates shall be reinstated to “active” upon completion of the following:

1. Take sufficient continuing education courses and pay registration fees to cover the inactive period, or
2. Retake and pass the comprehensive examination.

(e) Master contractor certificates not renewed within five renewal cycles of the expiration date shall comply with subsections 64E-6.020(1) through (4), F.A.C., to be reinstated as active.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553, 489.554 FS. History—New 2-13-97, Formerly 10D-6.0725, Amended 2-3-98, 4-21-02, 6-18-03, 11-26-06.*

#### **64E-6.021 Issuance of Registration Certificates and Renewal.**

(1) Certificates of registration shall be renewed only after information has been provided to the department that the

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contractor has successfully completed 12 classroom hours of department-approved instruction within the previous 12-month period. However, if a registered contractor successfully completes more hours of approved instruction than are required for registration renewal within a 12-month period, a maximum of 6 unused hours can be rolled over to renew their next year's certificate of registration. Such information shall be accompanied by necessary renewal fees and a completed renewal application on Form DH 4076, Application for Septic Tank Contractor Registration Renewal.

(2) Any registration renewal application which for any reason is not submitted in a timely and complete manner shall revert to inactive status. Each application for renewal shall be considered filed in a timely manner if the application has been postmarked prior to the close of business on the date of expiration of the registration. If that date falls on a weekend or legal holiday, the date of expiration shall be the first working day after the expiration date on the certificate of registration.

(3) A registered contractor may request inactive status. Persons wishing to renew an inactive registration must make application on Form DH 4076 and substantiate 12 classroom hours of approved instruction for each year the registration was considered inactive. Application must be accompanied by necessary exhibits and renewal fees. Persons holding inactive registrations for more than five renewal cycles from the date of inactivation who wish to become active may not renew the inactive registration but shall seek new registration under Rule 64E-6.019, F.A.C.

(4) The department shall deny an application for renewal if there is any outstanding administrative penalty with the department where the penalty is final agency action and all judicial reviews are exhausted.

(5) Approval of continuing education courses and course providers will be in accordance with the department Policy on Requirements for Continuing Education Courses and Course Providers, September 2006, herein incorporated by reference.

(6) Beginning in 2004 and every 5 years thereafter, registration renewal applications shall include a recent color passport style photograph 1 1/2 x 1 1/2 inches in size and not older than 12 months. The applicant may provide the required photograph as a photographic print or in digital JPEG or TIFF format.

(7) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553, 489.554 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.073, Amended 3-22-00, 4-21-02, 6-18-03, 5-24-04, 11-26-06.*

#### **64E-6.022 Standards of Practice and Disciplinary Guidelines.**

(1) It shall be the responsibility of persons registered under this rule to see that work for which they have contracted and which has been performed by them or under their supervision is carried out in conformance with the requirements of all applicable Florida Statutes and Chapter 64E-6, F.A.C. The following actions by a person included under this rule shall be deemed unethical and subject to penalties as set forth in this section. The penalties listed shall be used as guidelines in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this section.

(a) Providing contracted services without obtaining registration from the department, failure to obtain a certificate of authorization for a firm which provides contracted services, acting under a name not registered or authorized by the department. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine, or revocation.

(b) Permit violations.

1. Contractor initiates work to install, modify, or repair a system when no permit has been issued by the department. A permit is issued after construction is started but prior to completion of the contracted work. No inspections are missed. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and 90 day suspension or revocation.

2. Contracted work is completed without a permit having been issued, or no permit application is received until after contracted work was completed, resulting in missed inspection or inspections. First violation, letter of warning or fine up to \$1000; repeat violation, revocation.

(c) Contracting with a delinquent registration. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine or revocation.

(d) Failure to call for required inspections. First violation, letter of warning or fine up to \$500; repeat violation, letter of warning or fine up to \$500 and 90 day suspension or revocation.

(e) False payment statements which are the result of assessing charges to a customer for work not performed. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(f) Failure to reasonably honor a written warranty. First violation, letter of warning or fine up to \$500; repeat violations, \$500 fine and one year suspension or revocation.

(g) Abandoning for 30 consecutive days, without good cause, a project in which the contractor is engaged or under contractual obligation to perform. First violation, letter of warning or fine up to \$500; repeat violation, revocation.

(h) Aiding or abetting evasion of Chapter 489, F.S. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(i) Obtaining registration through fraud or misrepresentation. Revocation and \$500 fine.

(j) Convicted or found guilty of a crime relating to contracting. Use penalty for violation most closely resembling the act underlying the conviction; repeat violation, revocation.

(k) Practicing fraud or deceit, making misleading or untrue representations. First violation, letter of warning or fine up to

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\$500; repeat violation, revocation.

(l) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to a customer, or physical harm to any person. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and 90 day suspension or revocation.

2. Causes monetary or other harm to a customer, or physical harm to any person. First violation, letter of warning or fine up to \$500 and 90 day suspension; repeat violation, \$500 fine and revocation.

(m) Operating a septage disposal service without a valid department operating permit. First violation, letter of warning or fine up to \$500; repeat violation, revocation.

(n) Failure to properly treat or properly dispose of septage, holding tank waste, portable restroom waste, or food service sludge. First violation, letter of warning or fine up to \$500 per violation of Rule 64E-6.010, F.A.C.; repeat violation, revocation.

(o) Failure to maintain completed records of septage treatment and disposal activities. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and 90 day suspension or revocation.

(p) Installation, modification, or repair of an onsite sewage treatment and disposal system in violation of the standards of Section 381.0065 or 381.00655, F.S., or Chapter 64E-6, F.A.C. First violation, letter of warning or fine up to \$500 per specific standard violated; repeat violation, 90 day suspension or revocation.

(q) Creation or maintenance of a sanitary nuisance as defined by Section 386.041, F.S. First violation, letter of warning or fine up to \$500; repeat violation, 90 day suspension or revocation.

(r) Falsifying an inspection report or covering a system in violation of the standards of Rule 64E-6.003, F.A.C. First violation, letter of warning or fine up to \$500; repeat violation, 90 day suspension of master septic tank contractor privileges or revocation of registration.

(s) Performing service on an onsite sewage disposal system that is clearly not necessary to improve the function or design of the system without notifying the property owner that such work is optional. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(t) The absence of any violation from this section shall be viewed as an oversight, and shall not be construed as an indication that no penalty is to be assessed.

(2) Circumstances which shall be considered for the purposes of mitigation or aggravation of penalty shall include the following:

(a) Monetary or other damage to the registrant's customer, in any way associated with the violation, which damage the registrant has not relieved, as of the time the penalty is to be assessed.

(b) Actual job-site violations of this rule or conditions exhibiting gross negligence, incompetence or misconduct by the contractor, which have not been corrected as of the time the penalty is being assessed.

(c) The severity of the offense.

(d) The danger to the public.

(e) The number of repetitions of the offense.

(f) The number of complaints filed against the contractor.

(g) The length of time the contractor has practiced and registration category.

(h) The actual damage, physical or otherwise, to the customer.

(i) The effect of the penalty upon the contractor's livelihood.

(j) Any efforts at rehabilitation.

(k) Any other mitigating or aggravating circumstances.

(3) As used in this rule, a repeat violation is any violation on which disciplinary action is being taken where the same licensee had previously had disciplinary action taken against him or received a letter of warning in a prior case. This definition applies regardless of the chronological relationship of the violations and regardless of whether the violations are of the same or different subsections of this rule. The penalty given in the above list for repeat violations is intended to apply only to situations where the repeat violation is of a different subsection of this rule than the first violation. Where the repeat violation is the very same type of violation as the first violation, the penalty set out above will generally be increased over what is shown for repeat violations.

(4) Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(5) The provisions of this section shall not be construed so as to prohibit civil action or criminal prosecution as provided in Part III of Chapter 489, F.S., and Section 381.0065, F.S., or for a violation of any provision of Part I of Chapter 386, F.S. No provision of this section shall be construed as to limit the ability of the department to enter into binding stipulation with the accused party per subsection 120.57(4), F.S.

*Rulemaking Authority 381.0011(4), (13), 381.0065(3)(a), 489.553(2), (3), 489.556, 489.557 FS. Law Implemented Part III 489 FS. History—New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0751, Amended 2-3-98, 5-24-04.*

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#### **64E-6.023 Certification of Partnerships and Corporations.**

(1) Authorization of a corporation is only effective as to that corporation; subsidiaries or parents of authorized corporations must be separately authorized.

(a) Application for a certificate of authorization shall be made to the department on Form DH 4077, 04/03, Application for Certificate of Authorization, herein incorporated by reference, and shall be accompanied by all necessary exhibits and fees. A business that applies for a certificate of authorization after the mid point of the biennial authorization cycle shall pay one/half the fee required in Rule 64E-6.030, F.A.C.

(b) Any certificate of authorization not renewed in a timely manner shall expire. Applications for renewal shall be considered timely filed if the application has been post marked prior to the close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the day of expiration shall be the first working day after the expiration date of the certificate.

(2) A registered contractor may not be the sole qualifying contractor for more than one business required to have a certificate of authorization.

(3) A business organization which loses its qualifying contractor shall have sixty (60) days from the date the qualifier terminated his affiliation within which to obtain another qualifying person. This period shall be extended by the department for a period of 30 days pending the outcome of the examination if the applicant has provided a completed application and all required exhibits and fees. During this period, the business organization may complete any existing contracts or continuing contracts, but may not undertake new contracts.

(4) A business organization shall provide written notification to the department within 30 days of any change in the ownership of the business.

(5) A business organization that changes its name shall apply for a new certificate of authorization within 30 days of the name change.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065, 489.553, 489.557 FS. Law Implemented 381.0065, Part III 489 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.076, Amended 4-21-02, 5-24-04, 6-25-09, 4-28-10.*

### **PART IV PERFORMANCE-BASED TREATMENT SYSTEMS**

#### **64E-6.025 Definitions.**

Definitions in Chapter 64E-6, Parts I and II, F.A.C., are also applicable to Chapter 64E-6, Part IV, F.A.C.

(1) Advanced Secondary Treatment Standards: A wastewater system with the following operational criteria:

(a) CBOD<sub>5</sub> and TSS.

1. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 10 mg/l.

2. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day during a period of 90 consecutive days (quarterly) shall not exceed 12.5 mg/l.

3. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day of seven consecutive days shall not exceed 15 mg/l.

4. Maximum-permissible concentrations of CBOD<sub>5</sub> or TSS values in any effluent grab sample at any time shall not exceed 20 mg/l.

(b) TN.

1. The arithmetic mean of the TN values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 20 mg/l.

2. The arithmetic mean of the TN values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day during a period of 90 consecutive days (quarterly) shall not exceed 25 mg/l.

3. The arithmetic mean of the TN values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day of seven consecutive days shall not exceed 30 mg/l.

4. Maximum-permissible concentrations of TN values in any effluent grab sample at any time shall not exceed 40 mg/l.

(c) TP.

1. The arithmetic mean of the TP values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 10 mg/l.

2. The arithmetic mean of the TP values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day during a period of 90 consecutive days (quarterly) shall not exceed 12.5 mg/l.

3. The arithmetic mean of the TP values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day of seven consecutive days shall not exceed 15 mg/l.

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4. Maximum-permissible concentrations of TP values in any effluent grab sample at any time shall not exceed 20 mg/l.

(d) Fecal coliform – system operation shall result in not more than 200 fecal coliform colonies per 100 ml of effluent sample. Where chlorine is used for disinfection, the design shall include provisions for rapid and uniform mixing and a total chlorine residual of at least 0.5 mg/l shall be maintained after at least 15 minutes contact time at the peak hourly flow. To determine compliance of a system, the following operational criteria (using either MF or MPN methods) shall be applicable.

1. The arithmetic mean of the fecal coliform colonies collected during the annual period shall not exceed 200 per 100 ml of effluent.

2. The median value of the fecal coliform colonies for a minimum number of 10 samples of effluent, each collected on a separate day during a period of 30 days (monthly) shall not exceed 200 per 100 ml of sample.

3. No more than 10% of the samples collected during the period of 30 consecutive days shall exceed 400 fecal coliform colonies per 100 ml of sample.

4. Any one sample shall not exceed 800 fecal coliform colonies per 100 ml of sample.

(2) Advanced Wastewater Treatment Standards: A wastewater system with the following operational criteria:

(a) CBOD<sub>5</sub> and TSS.

1. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 5 mg/l.

2. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day during a period of 90 consecutive days (quarterly) shall not exceed 6.25 mg/l.

3. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day of seven consecutive days shall not exceed 7.5 mg/l.

4. Maximum-permissible concentrations of CBOD<sub>5</sub> or TSS values in any effluent grab sample at any time shall not exceed 10 mg/l.

(b) TN.

1. The arithmetic mean of the TN values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 3 mg/l.

2. The arithmetic mean of the TN values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day during a period of 90 consecutive days (quarterly) shall not exceed 3.75 mg/l.

3. The arithmetic mean of the TN values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day of seven consecutive days shall not exceed 4.5 mg/l.

4. Maximum-permissible concentrations of TN values in any effluent grab sample at any time shall not exceed 6 mg/l.

(c) TP.

1. The arithmetic mean of the TP values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 1 mg/l.

2. The arithmetic mean of the TP values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day during a period of 90 consecutive days (quarterly) shall not exceed 1.25 mg/l.

3. The arithmetic mean of the TP values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day of seven consecutive days shall not exceed 1.5 mg/l.

4. Maximum-permissible concentrations of TP values in any effluent grab sample at any time shall not exceed 2.0 mg/l.

(d) Fecal coliform – system operation shall result in an effluent in which fecal coliform colonies (per 100 ml of sample) are below detectable limits. Where chlorine is used for disinfection, the design shall include provisions for rapid and uniform mixing; and the total chlorine residual of at least 1.0 mg/l shall be maintained at all times. The minimum acceptable contact time shall be 15 minutes at the peak hourly flow. To determine compliance of a system, the following operational criteria (using either MF or MPN methods) shall be applicable.

1. Fecal coliform shall be below the detection limits for 75% of the samples collected over a 30 day period.

2. Any one sample shall not exceed 25 fecal coliform colonies per 100 ml of sample.

3. Any one sample shall not exceed 5.0 mg/l of TSS at a point before application of the disinfectant.

(3) Baseline system standards – A wastewater system with the following operational criteria:

(a) Effluent concentrations from the treatment tank:

1. CBOD<sub>5</sub> – <240 mg/l.

2. TSS – <176 mg/l.

3. TN – <45 mg/l.

4. TP – <10 mg/l.

(b) Percolate concentrations from the baseline system prior to discharge to groundwater:

1. CBOD<sub>5</sub> – <5 mg/l.

2. TSS – <5 mg/l.

3. TN – <25 mg/l.

4. TP – <5 mg/l.

(4) Bottom infiltrative surface – the vertical projection of the bottom surface of the drainfield that is no lower in elevation than 30 inches below grade.

(5) Composite sample – means a combination of individual samples of wastewater or effluent taken at selected intervals, generally hourly or less for some specified period, to minimize the effect of the variability of the individual sample.

(6) Grab sample – a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen minutes.

(7) Effective drainfield depth – the vertical distance from the bottom of the drainfield to the invert of the distribution pipe.

(8) Florida Keys nutrient reduction treatment – a treatment which will provide a recovered water product that contains not more, on a permitted annual average basis, than the following concentrations from a sampling point located following the final design treatment step of the onsite sewage treatment and disposal system:

(a) Biochemical Oxygen Demand (CBOD<sub>5</sub>) 10 mg/l

(b) Suspended Solids 10 mg/l

(c) Total Nitrogen, expressed as N 10 mg/l

(d) Total Phosphorus, expressed as P 1 mg/l

(9) Innovative System – as defined by Section 381.0065(2)(g), F.S.

(10) Performance-based treatment system – a specialized onsite sewage treatment and disposal system designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD<sub>5</sub> (carbonaceous biochemical oxygen demand), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), and fecal coliform found in domestic sewage waste, to a specific and measurable established performance standard. This term also includes innovative systems.

(11) Performance System Maintenance Entity – any person or business entity which has been issued a written permit by the county health department and has been authorized by the design engineer or manufacturer of all treatment components used in the performance-based treatment system and provides operation and maintenance services associated with performance-based treatment system.

(12) Secondary Treatment Standards: A wastewater system with the following operational criteria:

(a) CBOD<sub>5</sub> and TSS.

1. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 20 mg/l.

2. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day during a period of 30 consecutive days (monthly) shall not exceed 30 mg/l.

3. The arithmetic mean of the CBOD<sub>5</sub> or TSS values for a minimum of four effluent samples, each collected (whether grab or composite technique is used) on a separate day of seven consecutive days shall not exceed 45 mg/l.

4. Maximum-permissible concentrations of CBOD<sub>5</sub> or TSS values in any effluent grab sample at any time shall not exceed 60 mg/l.

(b) Fecal coliform – system operation shall result in not more than 200 fecal coliform colonies per 100 ml of effluent sample. Where chlorine is used for disinfection, the design shall include provisions for rapid and uniform mixing and a total chlorine residual of at least 0.5 mg/l shall be maintained after at least 15 minutes contact time at the peak hourly flow. To determine compliance of a system, the following operational criteria (using either MF or equivalent MPN methods) are applicable.

1. The arithmetic mean of the fecal coliform colonies collected during the annual period shall not exceed 200 per 100 ml of effluent.

2. The geometric mean of the fecal coliform colonies for a minimum of 10 samples of effluent, each collected on a separate day, shall not exceed 200 per 100 ml of sample.

3. No more than 10% of the samples collected during a period of 30 consecutive days shall exceed 400 fecal coliform colonies per 100 ml of sample.

4. Any one sample shall not exceed 800 fecal coliform colonies per 100 ml of sample.

(13) Sidewall infiltrative surfaces – the horizontal projection of the drainfield measured from the invert of the drainfield distribution pipe to the bottom infiltrative surface, or to 30 inches below finished grade, whichever is less.

(14) Total drainfield depth – the vertical distance from the bottom of the drainfield to the top of the drainfield

(15) Wastewater strength – the sum of the CBOD<sub>5</sub> and TSS concentrations in the effluent.

*Rulemaking Authority 381.0011(4), (13), 381.0065(3)(a) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. History—New 2-3-98, Amended 3-22-00, 6-18-03, 11-26-06.*

#### **64E-6.026 Applications for Innovative System Permits and System Construction Permits.**

(1) Applications for innovative system permits – Applications for innovative system permits shall be made using form DH 3143. The application and all supporting information shall be signed, dated and sealed by an engineer, licensed in the State of Florida. Except as provided for in subsection 64E-6.028(3), F.A.C., alternative drainfield materials and designs shall not be approved which would result in a reduction in drainfield size using the mineral aggregate drainfield system as described in

Rule 64E-6.014, F.A.C., and the total surface area of soil at the bottom of the drainfield as the criteria for drainfield sizing comparisons. Applications shall include:

(a) A monitoring protocol designed to validate that the system will perform to the engineer's design specifications.

(b) Compelling evidence that the system will function properly and reliably to meet the requirements of this chapter and Section 381.0065, F.S. Such compelling evidence shall include one or more of the following from a third-party testing organization approved through the NSF Environmental Technology Verification Program:

1. Side stream testing, where effluent is discharged into a system regulated pursuant to Chapter 403, F.S.
2. Testing of systems in other states with similar soils and climates.
3. Laboratory testing.

(2) Applications for system construction permits – All information required in part I for an application for system construction permit shall be included as part of the application for a performance-based treatment system. Two copies of all information shall be dated, signed and sealed by the registered engineer who designed the system, and provided to the department. Upon any change to the design, two copies of any revisions shall be provided to the department. Additional information shall include the following:

(a) System design criteria, to include performance levels for the performance-based system and monitoring requirements and monitoring locations, and method of monitoring flow through the system. Performance levels shall be indicated in the design as secondary treatment standards, advanced secondary treatment standards, or advanced wastewater treatment standards, or baseline treatment.

(b) System design calculations for the performance-based system.

(c) System design plans and drawings for the performance-based treatment system, to include all components and method of installation to be used in construction. A detailed installation drawing shall be included. The site plan required in paragraph 64E-6.004(3)(a), F.A.C., shall be drawn to scale.

(d) Where soil is used as part of the treatment system, a site plan showing the direction of groundwater movement, the locations of all effluent plume monitoring wells or devices, and the anticipated extent of the effluent plume.

(e) Contingency plan for effluent to be collected and disposed of, or treated, in the event of system failure.

(f) Certification of design. The design engineer shall certify the design of the system to meet all applicable performance standards. The certification shall be as follows: "I certify that the engineering features of this performance-based treatment system have been designed or specified by me and conform to engineering principles applicable to such projects. In my professional judgment, this system, when properly constructed, operated and maintained, will achieve the established performance standard and comply with all applicable statutes of the State of Florida and rules of the Department".

(g) An operation and maintenance manual shall be prepared by the design engineer and provided as part of the original design.

(h) All changes to the engineering specifications shall be approved and certified by the design engineer. A copy of any changes shall be provided to the county health department for review for compliance with performance-based system standards and approval or disapproval.

(i) All changes to the operation and maintenance manual shall be approved and certified by the design engineer. A copy of any changes shall be provided to the county health department for review and approval or disapproval.

(j) A cover letter addressed to the county health department stating that the applicant wishes to apply for a performance-based treatment system.

(3) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0011(4), (13), 381.0065(3)(a) FS. Law Implemented 381.0065, 381.0067, Part I 386 FS. History—New 2-3-98, Amended 6-18-03, 11-26-06, 4-28-10.*

#### **64E-6.027 Permits.**

(1) Innovative System Permit – An application for system construction permit for an innovative system cannot be reviewed until the innovative system permit has been approved specifying the number of systems and time limits. The department's decision to grant or deny the innovative system permit shall be based on the presence or absence of compelling evidence that the innovative systems will function properly and reliably to meet the requirements of this chapter and Section 381.0065, F.S.

(2) System Construction Permit – No portion of a performance-based treatment system shall be installed, repaired, altered, modified, abandoned or replaced until a construction permit has been issued on Form DH 4016. If building construction has commenced, the system construction permit shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall be charged for a repair permit issued within 12 months from the date of final authorization of the performance-based treatment system. If a construction or repair permit for a performance-based treatment system is transferred to another person, the date of the construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer. Servicing or replacing with like kind mechanical or electrical parts of a performance-based treatment system; pumping of septage from a system; or making minor structural corrections to a tank, or distribution box, does not constitute a

repair, however, all services must be performed by the performance system maintenance entity. Any proposed change from the original design, including increasing or decreasing changes in flow rate, shall require that the system be re-engineered to achieve the desired performance standard under the altered conditions.

(3) Within 15 working days after the department receives a completed application for a performance-based treatment system, the county health department must either issue a permit for the system or shall notify the applicant that the system does not comply with the performance criteria, and refer the application to the Bureau of Onsite Sewage Programs, who shall review the application for a determination whether the system should be approved, disapproved, or approved with modifications. The determination of the engineer for the Bureau of Onsite Sewage Programs shall prevail over the action of the local county health department. All applications for a construction permit for an innovative system shall be reviewed for completeness by the county health department and referred to the Bureau of Onsite Sewage Programs for review and approval, disapproval or approval with modifications.

(4) The applicant shall be notified of the department's determination. If the permit is denied, the applicant shall be notified of their right to pursue a variance or seek review under the provisions of Chapter 120, F.S.

(5) System inspection – Before covering with earth and before placing the performance-based treatment system into service, a person installing or constructing any portion of the performance-based treatment system shall notify the county health department of the completion of the construction activities and shall have the system inspected by the department for compliance with the requirements of this chapter.

(a) Prior to or concurrent with a final installation inspection by the department, the professional engineer who designed the system, or the design engineer's designee, shall observe the entire installation and shall certify in writing that the installed system complies with the approved design and installation requirements. This certification shall read as follows: "I certify that the engineering features of this performance-based treatment system have been examined by me and found to substantially comply with all specifications contained in the engineering design that was the basis for issuance of the construction permit. I certify that the operation and maintenance manual for this performance-based treatment system has been prepared or examined by me or by an individual(s) under my direct supervision and that there is reasonable assurance, in my professional judgment, that the system, when properly operated and maintained in accordance with this manual, will achieve the established performance standard and comply with all applicable statutory requirements and rules of the department".

(b) If the system construction is approved after an inspection by the county health department, the department shall issue a "Construction Approval" notice to the installer. A drawing to depict the installation as built shall be provided to the department prior to final system approval.

(c) If the system is found to not comply with the construction permit during the construction inspection on any type of system installation, the county health department shall notify the engineer. The installer shall make all required corrections and notify the county health department of the completion of the work prior to reinspection of the system. A reinspection fee shall be charged for each additional inspection leading up to construction approval.

(d) Final installation approval shall not be granted until the county health department has confirmed that all requirements of this chapter, including building construction and lot grading are in compliance with plans and specifications provided with the permit application, the system maintenance entity has been identified to the county health department, and 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 performance-based treatment system, and of the requirement for the system to be maintained, in perpetuity, in compliance with all lawful requirements. "Approved" installation does not imply that a system will perform satisfactorily for a specific period of time.

(6) Operating permits – No residence or establishment served by a performance-based treatment system shall be occupied until Form DH 4081, "Application for Onsite Sewage Treatment and Disposal System Operating Permit" has been received and approved by the department. Where a performance-based treatment system is used, only one operating permit shall be required for the system.

(a) Maintenance entities contracting to service performance-based treatment systems shall obtain a biennial operating permit from the county health department for the system. Persons operating a performance-based treatment system shall permit department personnel right of entry to the property during normal working hours to allow for effluent sampling or evaluating the general state of repair or function of the system.

(b) The permit shall designate the performance system maintenance entity responsible for the operation and maintenance of the system. At a minimum, the performance system maintenance entity responsible for maintenance of the system shall test, or cause to be tested, the performance-based treatment system in accordance with Part IV of this rule. The frequency of testing shall be specified on the biennial operating permit. The operating permit shall also specify the observation interval to assess the operation of the system without taking monitoring samples.

(c) Systems and the structures which they serve shall be inspected by the department at least once annually during the term of the biennial operating permit to determine compliance with the terms of the operating permit.

(d) A copy of the signed maintenance agreement between the property owner or property lessee and an engineer-designed performance-based system maintenance entity shall be provided to the county health department by the maintenance entity. The maintenance agreement shall:

1. Initially be for a period of at least 2 years and subsequent maintenance agreement renewals shall be for at least 1 year periods for the life of the system.

2. Provide that a maintenance entity which desires to discontinue the provision of maintenance services, notify in writing, the property owners and lessees and the county health department at least 60 days prior to discontinuance of service.

3. Provide that, if a private maintenance entity discontinues business, property owners who have previously contracted with the discontinued maintenance service shall, within 60 days of the service termination date, contract with an approved maintenance service and provide the county health department a copy of the newly signed maintenance agreement.

4. Provide that each performance-based treatment system is inspected by an engineer-designed performance-based system maintenance entity at least two times each year. The maintenance entity shall furnish to the county health department a listing of all performance-based treatment systems inspected or serviced during the respective reporting period. As a minimum, reports shall indicate the system owner or building lessee, the street address of the system, the date of system inspection or service and a statement as to the maintenance or service performed. The maintenance entity shall also include a list of the owners who have refused to renew their maintenance agreement.

(e) No performance-based treatment system shall be serviced or repaired by a person or entity engaged in a performance-based treatment system maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under Section 489.105(3)(m), F.S., septic tank contractor registered under Part III of Chapter 489, F.S., or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for a Maintenance Service Permit, Form DH 4066, shall be made to the DOH county health department and shall contain the following information:

1. Evidence that the maintenance entity possesses a manufacturer's maintenance and operations manual and has received training from the manufacturer in proper installation and service of the performance-based treatment system components and has received written approval from the components' manufacturers to perform service on their components. The manual shall contain detailed instructions on proper operation and maintenance procedures, a replacement parts list for all components being installed and maintained, a statement giving the capabilities of each system, instructions on how to detect a malfunctioning system and what to expect from a properly functioning system.

2. A signed statement from the applicant attesting that the applicant has adequate staff, possesses proper equipment and has sufficient spare structural and mechanical parts and components to perform routine system monitoring and servicing and is able to make a service response within 36 hours after notification of the need for emergency repairs.

3. Payment of \$25.00 to the DOH county health department per annum for the performance-based treatment system maintenance service permit.

(7) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065, Part I 386 FS. History—New 2-3-98, Amended 4-21-02, 6-18-03, 6-25-09, 4-28-10.*

#### **64E-6.028 Location and Installation.**

Performance-based treatment systems shall be installed in compliance with the following.

(1) Systems shall receive the following setbacks to the listed feature. If no setback is specified for a specific feature, Part I requirements shall apply unless the performance-based treatment system is located in the Florida Keys. If located in the Florida Keys, Part II shall be used for all setbacks.

(a) Secondary Treatment Standards. The system shall be a minimum of 65 feet from any surface water bodies or wet retention or detention area if the lot was platted on or after January 1, 1972.

(b) Advanced Secondary Treatment Standards.

1. Surface water bodies: The system shall be a minimum of 50 feet from any surface water bodies or wet retention or detention area if the lot was platted on or after January 1, 1972.

2. Groundwater interceptor drain: 10 feet.

3. Dry retention area and swales: 10 feet.

4. Where a performance-based treatment system is placed adjacent to Class II waters, setbacks that are applied to secondary treatment levels shall be applicable. Alternatively, where the fecal coliform complies with the following levels, reduced setbacks in subparagraphs 64E-6.028(1)(b)1. through 3., F.A.C., above shall be allowed.

a. System operation shall result in not more than 14 fecal coliform colonies per 100 ml of effluent sample. Where chlorine is used for disinfection, the design shall include provisions for rapid and uniform mixing and a total chlorine residual of at least 1.0 mg/l shall be maintained after at least 15 minutes contact time at the peak hourly flow. To determine compliance of a system, the following operational criteria (using either MF or MPN methods) are applicable.

b. The arithmetic mean of the fecal coliform colonies collected during the annual period shall not exceed 14 per 100 ml of effluent.

c. The median value of the fecal coliform colonies for a minimum number of 10 samples of effluent, each collected on a

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separate day during a period of 30 days (monthly) shall not exceed 14 per 100 ml of sample.

d. No more than 10% of the samples collected during the period of 30 consecutive days shall exceed 43 fecal coliform colonies per 100 ml of sample.

e. Any one sample shall not exceed 86 fecal coliform colonies per 100 ml of sample.

(c) Advanced Wastewater Treatment Standards.

1. Surface water bodies: The drainfield shall be a minimum of 25 feet from any surface water bodies or wet retention or detention area. The treatment unit or process containers shall be a minimum of 50 feet from any surface water bodies or wet retention or detention area.

2. Groundwater interceptor drain: 10 feet.

3. Dry retention area and swales: 10 feet.

4. Seasonal high water table to bottom of drainfield: 12 inches.

(2) Systems designed to meet secondary treatment standards shall be allowed to exceed their authorized lot sewage flow allowances by up to 25%. Systems designed to meet advanced secondary treatment standards shall be allowed to exceed their authorized lot sewage flow allowances by up to 50%. Systems designed to meet advanced wastewater treatment standards shall be allowed to exceed their authorized lot sewage flow allowance by up to 100%. For example, if authorized lot flow is 200 gallons per day, a total of 300 gallons per day lot flow will be allowed for systems designed to meet advanced secondary treatment standards.

(3) Hydraulic surge storage – the design shall protect the residence from backflow into the treatment tank. For gravity and pumped systems, the following shall apply:

(a) For aggregate systems, the porosity shall be calculated at 33%.

(b) The effective storage volume of the drainfield shall be equal to or greater than 1.5 times the design daily flow.

(c) The total storage volume of the drainfield shall be equal to or greater than 1.8 times the design daily flow.

(4) Infiltrative surface area reductions shall be allowed for systems designed to reduce the wastewater strength of the effluent where the drainfield is sized based on slightly limited soils. The baseline system shall be used for comparison with a typical average CBOD<sub>5</sub> of 140 mg/l and TSS of 105 mg/l. The maximum reduction in infiltrative surface area shall not exceed the following standards.

(a) Secondary treatment standards: 25% reduction.

(b) Advanced secondary treatment standards: 40%.

(c) Advanced wastewater treatment standards: 40%.

*Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065, 386.041 FS. History—New 2-3-98, Amended 3-22-00, 6-25-09, 7-16-13.*

#### **64E-6.029 Monitoring.**

Monitoring requirements – All performance-based treatment systems shall be monitored in compliance with the requirements in this section. If soil is considered part of the treatment system in any performance-based standard, monitoring points in the effluent plume within the boundaries of the property must be in compliance with the minimum criteria for total nitrogen, total phosphorous and fecal coliform.

(1) Advanced wastewater treatment systems.

(a) A maintenance report shall be kept by the performance system maintenance entity. A copy of all maintenance reports shall be provided to the county health department on monthly intervals, to begin one month after system operation has started. After the first six reports are provided to the county health department, reports shall be provided once every three months. All reports must be legible. The report shall include the following information:

1. Address of performance-based treatment system.

2. Date and time of inspection.

3. Sample collection time and date, and person who collected sample.

4. Results of all sampling.

5. Volume of effluent treated, to include total monthly and daily average.

6. Maintenance performed.

7. Problems noted with performance-based treatment system and actions taken or proposed to overcome them.

8. During the first six months of system operation, or after the system has failed, systems shall be monitored a minimum of once every two weeks. Monitoring shall include sampling for CBOD<sub>5</sub>, TSS, TN, TP and fecal coliform. Monitoring shall occur at the time the system is expected to be at capacity, or as close to capacity as possible. Re-sampling within 48 hours of receipt of laboratory results shall be allowed on all samples that exceed design parameters in order to evaluate the validity of the original sample results. If the re-sample is in compliance with the appropriate performance-based standard, the original result shall be disregarded. Laboratories must be approved by the department or the Department of Environmental Protection for all analyses performed. All results shall be certified by the laboratory.

a. If any two consecutive samples exceed design treatment standards by more than 100%, the system design and operation shall be inspected by the design engineer for conformance with permitting requirements, and shall be adjusted to bring the

**EFFECTIVE JULY 31, 2018**

effluent quality into compliance with permitting requirements. Monitoring shall be increased to once per week, or more if the design engineer specifies such, until such time the violation is corrected. When two consecutive samples are within 100% of the design parameters, monitoring shall be reduced to once every two weeks. For example, if the design parameter is 10 mg/l CBOD<sub>5</sub>, a reading of 20 mg/l CBOD<sub>5</sub> exceeds the standard by 100%.

b. After a six month period of compliance with all applicable performance standards, sampling shall be performed quarterly.

c. When an applicant installs a system designed to meet advanced wastewater treatment standards, the monitoring frequency shall be reduced by 50% if only one of the following three location and installation requirements is used and the other two remain at the standards required of prescriptive systems. The three requirements are:

- (I) Setbacks required in paragraphs 64E-6.028(1)(a)-(c), F.A.C.
- (II) Seasonal high water table subparagraph 64E-6.028(1)(c)4., F.A.C.
- (III) Authorized lot flow subsection 64E-6.028(2), F.A.C.

(b) When four consecutive once every two week samples from a system are at or below the applicable standard, sampling frequency shall be reduced to quarterly.

(c) When eight consecutive quarterly samples from a system are below the applicable standard, sampling frequency shall be reduced to once every six months.

(d) All reports of operating permit violations shall be reported to the department within five working days.

(e) If the system cannot be brought into compliance with design parameters, the contingency plan must be enforced.

(f) All failures of the performance-based treatment system shall be reported to the county health department by the maintenance entity within one working day from discovery of failure. The testing laboratory shall mail copies of all results to the county health department.

(g) Testing performed during periods of system non-use that exceed one week, shall not qualify as legitimate samples for purposes of compliance with any provisions of this rule.

(2) Secondary treatment systems and advanced secondary treatment systems.

(a) A maintenance report shall be kept by the performance system maintenance entity. A copy of all maintenance reports shall be provided to the county health department on quarterly intervals. All reports must be legible. The report shall include the items required in subparagraphs 64E-6.029(1)(a)1., 2., 5., 6. and 7., F.A.C., in addition to the following information:

1. Ponding depth observed through drainfield observation ports or, when the drainfield design prevents direct measurement of ponding depth, CBOD<sub>5</sub> and TSS results for samples collected at a point prior to the discharge to the drainfield.

2. If system performance is necessitated by setback reductions or lot flow allowances:

- a. Sampling results for Fecal Coliform from Secondary Treatment Systems.
- b. Sampling results for Nitrogen, Phosphorous and Fecal Coliform from Advanced Secondary Treatment Systems.
- c. Collection time and date of all samples.
- d. Name of the person who collected samples.

(b) All reports of operating permit violations shall be reported to the department within five working days.

(c) If the system cannot be brought into compliance with design parameters, the contingency plan must be implemented by the system owner.

(d) All failures of the performance-based treatment system shall be reported to the county health department by the maintenance entity within one working day from discovery of failure. The testing laboratory shall mail copies of all results to the county health department.

(3) Florida Keys nutrient reduction treatment systems shall be monitored and sampled in accordance with Part II of this chapter.

(4) All systems with drainfields designed under subsection 64E-6.028(3)-(5), F.A.C., shall be monitored via placing a minimum of two observation ports in the drainfield. Monitoring will consist of recording depth of effluent ponding in the drainfield in at least two places on a quarterly basis.

(5) If soil is considered part of the treatment system in any performance-based standard, two monitoring points in the effluent plume within the boundaries of the property must be in compliance with the performance level specified by the design engineer.

(6) Any performance-based treatment system that is out of compliance with the terms of the operating permit shall be re-engineered by an engineer registered in the State of Florida. The system shall be brought into compliance with treatment standards required at the time of system permitting.

(7) Innovative systems shall be monitored in accordance with the design engineer's protocol submitted with the application as approved by the department. All monitoring and sampling shall be performed at the expense of the applicant. At a minimum, the monitoring protocol shall:

- (a) Determine if baseline standards are being met.
- (b) Address the monitoring for any contaminant being reduced.
- (c) Address the monitoring of any site condition being modified.

(8) The following shall be considered as violations of the performance-based treatment system operating permit:

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- (a) The failure to maintain equipment in a condition which will enable the intended function.
- (b) The submission, by the owner, manager or maintenance entity of a performance-based treatment system, or agent or employee thereof, of misleading, false, or inaccurate information or operational reports to the department, either knowingly or through neglect.
- (c) The submission of fraudulent data produced with an intention to deceive including the following:
  1. Apparent measurement results for which no measurement or test results were actually made as determined by the absence of the supporting records which are usually made.
  2. Measurements or test results obtained by deliberately and knowingly making measurements or collecting samples at places and times other than as specified in this chapter.
  3. Test results obtained through use of unapproved and erroneous sampling, preservation, storage, or analysis procedures.
  4. Computational errors, misunderstandings of required procedures and other common errors are excluded.

*Rulemaking Authority 381.0011(13), 381.006, 381.0065(3)(a) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. History—New 2-3-98, Amended 3-22-00, 6-18-03.*

**64E-6.0295 Innovative System Reclassification.**

(1) Following the installation and monitoring of the number of systems allowed by the innovative system permit, the applicant may request reclassification of their innovative system by the Bureau of Onsite Sewage Programs. Requests for reclassification as an alternative system component and design shall be made in accordance with subsection 64E-6.009(7), F.A.C. Requests for reclassification as a performance-based treatment system shall include the following:

- (a) Results and analysis of monitoring of the systems installed.
- (b) Observations of system performance.
- (c) Maintenance, repairs or modifications performed on any systems.
- (d) Comments from the system operators or users.
- (e) Comments from the design engineers who designed the individual system designs.
- (f) Comments from the county health departments in the counties where the systems were installed.
- (g) Specification of the proposed classification as performance-based.
- (h) Rationale for the proposed type of classification desired.
- (i) Proposed monitoring protocol.
- (j) A sample manual addressing the siting, design, installation, inspection, operation, maintenance and abandonment procedures.

(2) The Bureau of Onsite Sewage Programs shall process the request in accordance with Chapter 120, F.S. The department shall approve the request only if the department is satisfied that the system will reliably perform to the standards desired under normal operating conditions as demonstrated by the information provided.

*Rulemaking Authority 381.0011(13), 381.006, 381.0065(3)(a) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. History—New 6-18-03.*

**PART V**

**64E-6.030 Fees.**

- (1) The following fees are required for services provided by the department.
  - (a) Application and plan review for construction permit for new system. \$100
  - (b) Application and approval for existing system, if system inspection is not required. \$35
  - (c) Application and Existing System Evaluation. \$50
  - (d) Application for permitting of a new performance-based treatment system. \$125
  - (e) Site evaluation. \$115
  - (f) Site re-evaluation. \$50
  - (g) Permit or permit amendment for new system, modification or repair to system. \$55
  - (h) Research/Training surcharge, new and repair permits. \$5
  - (i) Initial system inspection. \$75
  - (j) System reinspection (stabilization, non-compliance or other inspection after the initial inspection). \$50
  - (k) Application for system abandonment permit, includes permit issuance and inspection. \$50
  - (l) Annual operating permit industrial/manufacturing zoning or commercial sewage waste. \$150
  - (m) Biennial operating permit for aerobic treatment unit or performance-based treatment system. \$100
  - (n) Amendment to operating permit. \$50
  - (o) Tank Manufacturer’s Inspection per annum. \$100
  - (p) Septage Disposal Service permit per annum. \$75
  - (q) Portable or Temporary Toilet Service permit per annum. \$75

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(r) Additional charge per pumpout vehicle, septage disposal service or portable toilet service.	\$35
(s) Septage stabilization facility inspection fee per annum per facility.	\$150
(t) Septage disposal site evaluation fee per annum.	\$200
(u) Aerobic treatment unit maintenance entity permit per annum.	\$25
(v) Variance Application for a single family residence per each lot or building site.	\$200
(w) Variance Application for a multi-family or commercial building per each building site.	\$300
(x) Application for innovative product approval.	\$2500
(2) The following fees are required to accompany applications for registration of individuals for septic tank contractor or master septic tank contractor or for a certificate of authorization for partnerships and corporations.	
(a) Application for registration including examination.	\$75
(b) Initial registration.	\$100
(c) Renewal of registration.	\$100
(d) Certificate of authorization each two-year period.	\$250

*Rulemaking Authority 154.06(1), 381.0066, 489.557(1) FS. Law Implemented 381.0065, 381.0066, 489.557 FS. History—New 2-3-98, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 9-24-07..*

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**POLICY ON REQUIREMENTS FOR CONTINUING EDUCATION COURSES AND COURSE PROVIDERS,  
SEPTEMBER 2006**

The following policy establishes the procedures for the approval of continuing education courses and course providers, hereinafter referred to as providers, for septic tank contractors registered under Part III of Chapter 489, F.S. Septic tank contractors will not be awarded continuing education credit for attending unapproved courses or courses from an unapproved provider.

1. DEFINITIONS

- (A) "Alternative Non-Classroom Continuing Education Hours" are approved continuing education hours, offered in a non-classroom setting, such as correspondence and web-based courses or instruction received via electronic education media.
- (B) "Approved Course Provider" means a person or legal entity, such as a private or a public university, vocational school, construction industry school or other professional association, approved by the department to provide registered or master level courses, or Alternative Non-Classroom Continuing Education Hours.
- (C) "Classroom Hour" and "Contact Hour" means a sixty-minute segment of an approved conference, workshop, seminar or other program of approved instruction, exclusive of any breaks.
- (D) "Course" means a conference, workshop, seminar or other program of instruction, including alternative non-classroom continuing education hours, sponsored by a department approved course provider that has been approved by the department for the purpose of complying with the registered septic tank contracting requirements for continuing education pursuant to ss. 489.554, F.S.
- (E) "Department" means the Department of Health, Bureau of Onsite Sewage Programs.
- (F) "Educational Cycle Year" is the 12-month period between October 1 and September 30.
- (G) "Master Level Course" is a conference, workshop, seminar or other program of approved instruction in advanced onsite sewage treatment and disposal theory, concepts, laws, regulations, applied construction technologies, alternative and innovative technologies, requiring the participant to demonstrate working knowledge or applied understanding of the materials being presented, through testing, field work projects or experiments.
- (H) "Registered Level Course" is a conference, workshop, seminar or other program of approved instruction in onsite sewage treatment and disposal theory, safety (i.e., truck safety, brake inspection, confined spaces, excavation safety, infection control, hand washing, skin cancer, etc.), concepts, laws, regulations, and applied construction technologies.

2. STANDARDS FOR THE APPROVAL OF COURSE PROVIDERS

- (A) Each course provider shall apply to the department for registration on DH Form 4116, 07/03, Application For Septic Tank Contracting Course Provider, herein incorporated by reference. DH Form 4116 can be obtained from the department's Bureau of Onsite Sewage Programs.
- (B) Provider approvals are valid for 4 years from the date the approval is issued.
- (C) Any changes to the information contained in the provider application shall be submitted to the department within 30 days following the effective date of the changes.
- (D) The provider is responsible for maintaining records regarding the name and business affiliation of each person who attends an approved course of instruction and for reporting the attendance to the department.
- (E) Providers shall allow access to approved courses to all registered contractors and shall issue statewide notice of course availability to all active registered septic tank and master septic tank contractors.
- (F) Providers shall be required to provide a post-course evaluation form for completion by the participants.
- (G) Providers shall be required to check a valid picture identification card from attendees when they sign-in. The provider shall remove all participants that engage in behavior that interrupts, impedes or creates disorder during the presentation of approved instruction. One warning shall be given before removal. The provider shall not issue a certificate of completion to any person who has been removed from the course.
- (H) Providers shall issue a certificate of completion to each person who completes an approved course.
- (I) Within 15 working days of course completion, the provider shall provide to the department copies of the sign-in sheets and the list of participant names that qualify to receive continuing education credits. The names and qualifications of any substitute course instructors that were not listed in the original application for course approval shall also be provided. The provider may provide partial course credit in no more than 1/4 hour increments. The provider must approve and document the reason for partial credit.
- (J) The department shall maintain a list of all registered course providers.

- (K) The department shall approve or deny any application for provider approval within the time frames stipulated under s. 120.60, FS. If the application is denied, the department shall identify the specific reasons for the denial in writing. The department may assess penalties against a provider for any of the following acts or omissions:
  - (i) Submittal of an incomplete application; to include the application fee. Penalty assessed: Denial of application.
  - (ii) Obtaining course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently. Penalty assessed: Revocation
  - (iii) Falsifying any records regarding the approved course conducted by the provider. Penalty assessed: Revocation
  - (iv) Failure to maintain records as specified in section 6 below. Penalty assessed: first violation, letter of warning; repeat violation, fine of up to \$500, suspension or revocation.
  - (v) Failure to submit to the department, copies of the sign-in sheets and the list of participant names, that qualify to receive continuing education credits, within 15 days of completion of the course. Penalty assessed: first violation, letter of warning; repeat violation, fine of up to \$500, suspension or revocation.
  - (vi) Failure to adequately train staff responsible for taking attendance at any approved course. Penalty assessed: first violation, letter of warning; repeat violation, fine of up to \$500, suspension or revocation.
  - (vii) Advertising that a course has been approved by the department prior to the actual date of course approval. Penalty assessed: first violation, letter of warning; repeat violation, fine of up to \$500, suspension or revocation.
- (L) A provider who has had their approval revoked may not reapply for approval for 4 years from the date of final agency action. A provider suspension shall be effective for a minimum of 1 educational cycle year.

3. **STANDARDS FOR THE APPROVAL OF CONTINUING EDUCATION COURSES**

- (A) Approved course providers shall submit an application for approval of continuing education courses. Providers shall apply to the department for course approvals on DH Form 4115, 07/03, Application for Septic Tank Contracting Course Approval, herein incorporated by reference. DH Form 4115 can be obtained from the department's Bureau of Onsite Sewage Programs.
- (B) An approved course provider shall submit the application at least 60 days prior to the earliest date of the proposed course.
- (C) Course approval is valid for 2 years from date of issue, provided no changes are made to the course content or to the minimum qualifications of the instructors.
- (D) The application shall include the total number of classroom hours, the course agenda, and a detailed course description.
- (E) The department shall approve continuing education courses that appropriately relate to the public health, environmental effects, the proper installation and use of onsite sewage treatment and disposal systems and safety and management practices related to septic tank contracting.
- (F) The department shall approve or deny any application for a continuing education course within the time frames stipulated under s. 120.60, FS. If the application is denied, the department shall identify the specific reasons for the denial in writing.
- (G) The department shall not deny nor withdraw approval for any course solely on the basis that another provider is conducting the same or similar approved course.

4. **QUALIFICATIONS OF COURSE INSTRUCTORS**

The approved course provider shall be responsible to ensure that instructors assigned to teach a course, or parts of a course, meet one of the following criteria:

- (A) Have a minimum of 3 years of work experience in the subject matter to be presented, or
- (B) Have a 4 year college degree or graduate degree and related work experience, or
- (C) Be a master septic tank contractor, or
- (D) Be a state certified plumber with at least 3 years of experience in their technical area of licensure, or
- (E) Be a registered septic tank contractor with at least 3 years of experience in their technical area of licensure, or
- (F) Be a state certified environmental health professional with at least 3 years of work experience in their technical area of certification.

5. COURSE AGENDA

- (A) Each course shall have a course agenda, which will specify the name of the course, the name and address of the provider and a description or outline of the contents of the course.
- (B) Each person who registers for a course must be given the course agenda prior to attendance.

6. APPROVED COURSE PROVIDER RECORDS AND DOCUMENTATION REQUIREMENTS

The following records shall be maintained for a minimum of 2 years and made available to the department upon request, for each course provided:

- (A) The time, date and place the course is conducted.
- (B) The name, address and qualifications of each instructor who teaches any portion of the course.
- (C) The name and address of each person who attended the course.
- (D) The original sign-in sheet used at the site of the course to register persons who attended each course. The sign-in sheet shall reflect the name and the validated attendance signature of each participant.
- (E) The course agenda used for each course.
- (F) The post-course evaluation forms completed by the participants.

7. ADVERTISING OF CONTINUING EDUCATION COURSES

- (A) A provider may not advertise a course as one approved by the department for continuing education until the department grants such approval in writing.
- (B) A provider may not include any false or misleading information regarding the contents, instructors or number of classroom hours of any approved course.
- (C) A provider must indicate in all course advertisements, the course has been approved by the department's Bureau of Onsite Sewage Programs.

8. FEES

- (A) The application fee for Septic Tank Contracting Course Provider, DH Form 4116, is \$250.00.
- (B) The application fee for Registered and Master Level Course Approvals, DH Form 4115, is \$25.00 per classroom hour, not to exceed \$150.00 per course approval.

## Procedure for Voluntary Inspection and Assessment of Existing Systems

May, 2000

These inspection procedures are intended to be used as a minimum standard when these types of inspections are performed.

This procedure shall be used if a person having ownership of, control of, or use of an onsite sewage treatment and disposal system requests to have the system inspected due to a reason that is not related to an increase in sewage flow or change in sewage characteristics, or failure of the system.

(1) Inspection Procedures: All inspection procedures used by the inspector shall be documented. Unless the person requesting the inspection specifies in writing that parts of the inspection be omitted, the inspection shall include a tank inspection, a drainfield inspection, and a written assessment of the condition of the system. At any time where the inspector finds that the system is in failure, or has been in failure, the inspector may choose to terminate the inspection and inform the owner of the findings.

(2) Tank Inspection (when not omitted at the written instruction of the person requesting the inspection): The tank must be pumped to determine its capacity. Where proof of a tank pumping, permitted new installation or permitted repair or permitted modification can be documented within the previous three years, and where the document states the capacity of the tank and that the condition of the tank does not constitute a sanitary nuisance, the inspector may waive the pumping requirement. Visual inspection of the tank must be made when the tank is empty to detect cracks, leaks, or other defects. Check baffles or tees to ensure they are intact and secure. Note the presence and condition of outlet device, effluent filters and compartment walls. Note any structural defects in the tank. Note the condition and fit of the tank lid, including manholes. If the tank, in the professional opinion of the inspector, is in danger of being damaged by leaving the tank empty after inspection, the tank will be refilled with water prior to concluding the inspection.

(3) Drainfield Inspection (when not omitted at the written instruction of the person requesting the inspection): The drainfield area should be probed to determine its location and approximate size. Note whether the drainfield is a trench or bed configuration and whether it is made of mineral aggregate, non-mineral aggregate, or plastic chambers. In addition, note any indications of previous failure, the condition of surface vegetation, for example, is there any seepage visible or excessively lush vegetation? If so, the inspector should note if there is ponding water within the drainfield and if there is even distribution of effluent in the field. The inspection should note any downspouts or drains that encroach or drain into the drainfield area. Auger and examine soils to estimate the seasonal high water table in the area of the drainfield.

(4) Where the system contains pumps, siphons, alarms, the following minimum information is required when not omitted at the written instruction of the person requesting the inspection:

- (a) dosing tank integrity, approximate volume and material used in construction (i.e., concrete, fiberglass, plastic)
- (b) pump elevated off the bottom of the chamber
- (c) pump operational status
- (d) If there is a check valve, is a purge hole present?
- (e) Is there a high water alarm present
- (f) Type of alarm (audio/ visual/both) and the location
- (g) Does the alarm work?
- (h) Do electrical connections appear satisfactory?
- (i) Can surface water infiltrate into the tank?
- (j) Indicate whether the pump tank was pumped out.

(5) Assessment The inspector shall provide a copy of a written signed inspection report to the person requesting the assessment and the owner of the system. The front cover of the report shall indicate whether the system is or is not, in the professional opinion of the inspector:

- (a) a sanitary nuisance through:
  1. allowing the discharge of untreated or improperly treated human waste.
  2. the improperly built or maintained sewage treatment tank.
  3. the creation, maintenance or causing of any condition capable of breeding flies, mosquitoes or any other arthropods capable of transmitting diseases directly or indirectly to humans.
- (b) The report will indicate any maintenance that needs to be performed on the system.

### DISCLOSURE STATEMENTS

The following conditions, when determined during the course of an inspection, shall be disclosed using the appropriate disclosure statement(s) below. When the person requesting the inspection has made written specification that portions of the inspection be omitted, the inspector's written report shall indicate any of the conditions that could not be properly assessed because of the limited scope of the inspection.

1. When the inspector detects cracks, leaks, improper fit or other defects in the tank, manholes or lid; the report shall state that the damaged or defective item or tank be properly corrected.
2. When the inspector detects any missing or damaged component of the system, the report shall state that the missing or damaged component be replaced or an approvable replacement reinstalled in the system.
3. When the inspector detects previous failure indicators, these should be documented in the report.
4. When the inspector detects ponding of the drainfield or uneven distribution of effluent, documentation of the extent of such ponding or uneven distribution shall be included in the report.
5. When the inspector detects downspouts or other stormwater or other source of water directed toward the system, the report shall state that these sources be re-directed away from the system.
6. When the inspector detects the seasonal high water table at or above the elevation of the drainfield, the report shall state that there is an increased probability of system malfunction due to the presence of groundwater at these levels.
7. Any condition or situation existing on the site at the time of the inspection that, in the opinion of the inspector, would possibly interfere with or restrict any future repair or modification to the existing system shall be included in the report.

**DEPARTMENT POLICY FOR DRAINFIELD SIZING IN AREAS WITH DISCONTINUOUS LIMESTONE  
AUGUST 1999**

- A. WHERE DISCONTINUOUS LIMESTONE EXISTS WITHIN THE PROPOSED DRAINFIELD AREA, AND IS 42 INCHES OR LESS BELOW THE BOTTOM SURFACE OF THE DRAINFIELD, THE FOLLOWING REQUIREMENTS SHALL APPLY.
- B. ADDITIONAL DRAINFIELD SHALL BE ADDED TO EQUAL THE AMOUNT OF AREA WHICH HAS DISCONTINUOUS LIMESTONE WITHIN 42 INCHES OF THE BOTTOM OF THE DRAINFIELD. THIS ADDITIONAL AREA SHALL NOT CONTAIN DISCONTINUOUS LIMESTONE WITHIN 42 INCHES OF THE BOTTOM OF THE DRAINFIELD.
- C. THE SOIL LOADING RATE SHALL NOT BE BASED ON THE LIMESTONE BUT SHALL BE BASED ON THE MOST RESTRICTIVE SLIGHTLY OR MODERATELY LIMITED SOIL TYPE IN THE REMAINDER OF THE DRAINFIELD AREA, PER TABLE III, FOOTNOTE 5., AND 64E-6.009(3)(e), F.A.C. HOWEVER, LIMESTONE SHALL NOT TOUCH THE BOTTOM SURFACE OF THE DRAINFIELD. WHERE THE APPLICANT CHOOSES TO REMOVE DISCONTINUOUS LIMESTONE, REMOVAL MUST BE TO A DEPTH OF 24 INCHES BELOW THE BOTTOM OF THE DRAINFIELD, AND REPLACED WITH SUITABLE SLIGHTLY LIMITED SOIL MATERIAL. THIS WILL NOT COUNT AS A "SOIL REPLACEMENT" AND WILL NOT REQUIRE THE USE OF A LOWER SOIL LOADING RATE. THE APPLICANT MAY ALSO CHOOSE TO "DETOUR" THE DRAINFIELD. THIS MAY BE ACCOMPLISHED BY REMOVAL OF ANY GRAVEL WITHIN A 1 FOOT PERIMETER AROUND THE DISCONTINUOUS LIMESTONE AND USING A SOLID WALL PIPE (NON-PERFORATED) TO PASS THROUGH THE DETOURED AREA. THE CONNECTION BETWEEN PERFORATED AND NON PERFORATED PIPE SHALL BE WITHIN THE REMAINING DRAINFIELD AND NO CLOSER THAN 6 INCHES FROM THE SIDEWALL.
- D. WHERE ADDITIONAL DRAINFIELD MUST BE ADDED DUE TO THE PRESENCE OF DISCONTINUOUS LIMESTONE, ADDITIONAL UNOBSTRUCTED AREA (2X AREA) SHALL BE REQUIRED IN EQUAL PROPORTION.



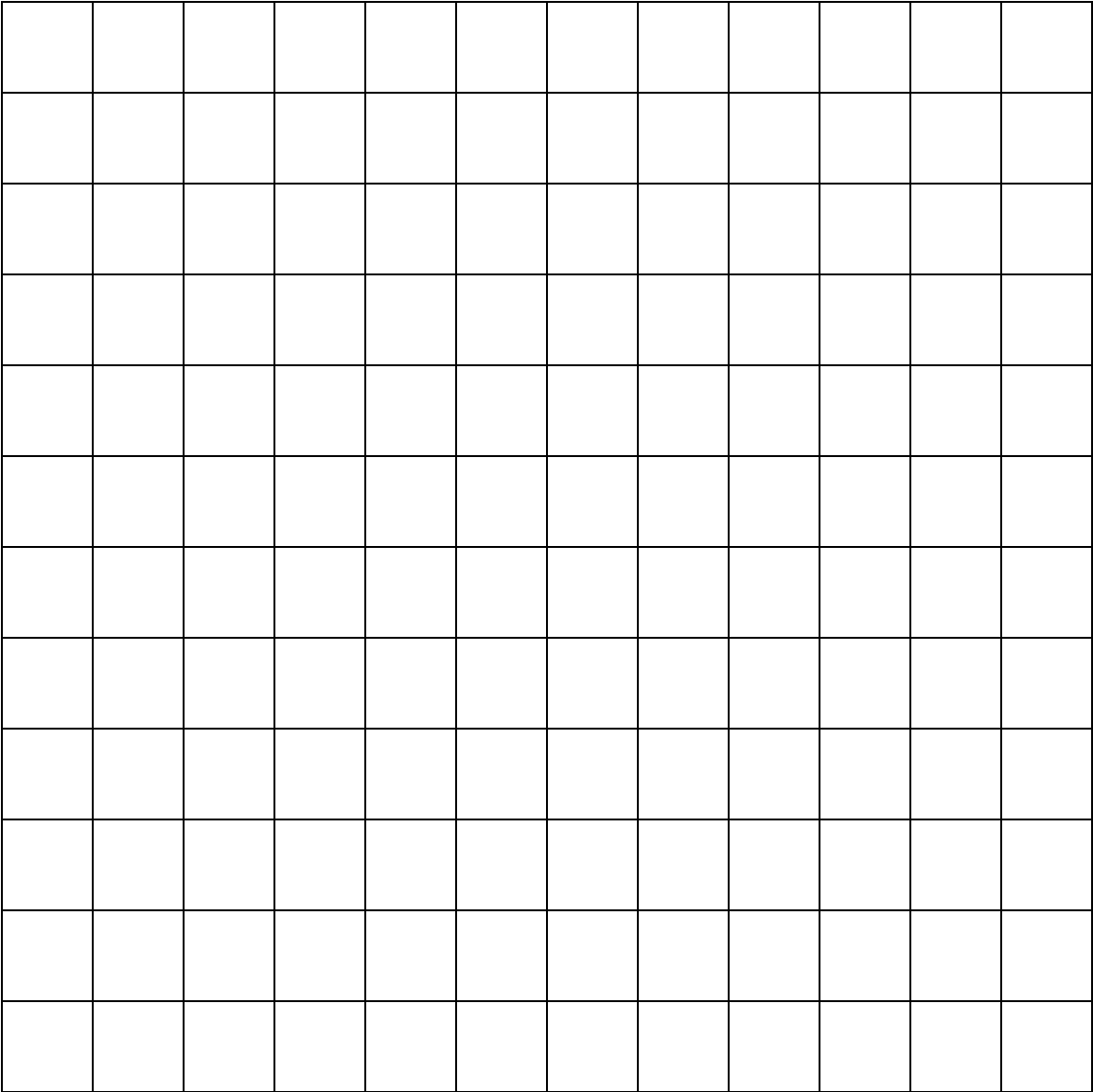
## **METHOD FOR DETERMINING DRAINFIELD LOCATION AND SIZE IN AREAS WITH SHALLOW DISCONTINUOUS LIMESTONE FORMATIONS AT VARYING DEPTHS**

1. Have the applicant identify a drainfield installation area on the property that is at least two times the minimum required drainfield size. Recommend an area of at least 900 square feet.
2. Two soil profiles shall be performed in the proposed area in compliance with the requirements of Chapter 64E-6.
3. Determine the soil type for drainfield sizing and the estimated SHWT. Determine the drainfield area required by Chapter 64E-6.
4. Divide the installation area (or a portion thereof which is approximately two times the required drainfield area) into a grid of 5' by 5' squares.
5. Make one probe into the center of each of the 5' by 5' squares to determine the depth to limestone at that point. Record the depth for each square.
6. Each 5'x5' square is considered as "counted" or "discounted" as part of the drainfield based on the depth to rock as determined by probing the middle of the square. Where the probe depth to limestone meets or exceeds 42 inches below the proposed drainfield bottom, the entire square can be "counted" as drainfield. Where the probe depth to limestone is less than 42 inches below the proposed drainfield bottom, the entire square is "discounted" from the drainfield.
7. The drainfield needs to incorporate a sufficient number of "counted" squares to occupy the area required by 64E-6.

For example, if 64E-6 requires 300 square feet of drainfield, the installed drainfield must fully overlie at least 12 "counted" squares. (12 squares X 25 square feet per square = 300 square feet.). If an area exists on this site where a rectangular group of 16 squares includes 12 counted squares and 4 discounted squares, a total drainfield area of 400 square feet (16 X 25) would be required to be installed over the area. This would encompass 300 square feet of counted drainfield required to meet the code.

If a different rectangular area encompasses 12 counted squares and only 2 discounted squares, that 14 square (350 square foot) area would probably be a better choice since it "discounted" less drainfield.

8. Once a rectangular total drainfield area is identified, squares in the area must be covered with drainfield. This trades off the incidental areas of "counted" squares which may not meet the drainfield-limestone separation requirement with incidental areas of "discounted" squares which do meet the separation requirement.
9. Since elevating the drainfield will increase the separation to limestone and thus increase the number of "counted" squares, an applicant may wish to elevate the drainfield to reduce the total drainfield area necessary to be installed.
10. The total drainfield area should be checked to make sure that no very shallow limestone exists at the elevation of the bottom of the drainfield. Cobble-sized limestone can be ignored. Small boulders can be removed and replaced with slightly limited soil. Drainfield should not be installed over large contiguous limestone where the bottom of the drainfield will be in contact with the limestone.



**1 BLOCK IS 5' X 5' (25 SQUARE FEET). SCALE IS 1 INCH = 10 FEET.**

DATE:

SIGNATURE:

41	48	16	18	0	17	22	17	48	18	12	22
48	20	48	14	48	48	15	25	10	9	33	48
TREE	29	TREE	16	48	48	13	22	10	45	26	18
42	48	32	15	26	48	48	TREE	48	48	48	48
32	24	21	27	48	48	48	TREE	48	48	18	21
48	48	35	12	36	22	30	48	29	48	12	48
48	48	48	48	48	36	48	16	36	13	12	14
48	48	48	48	34	48	48	25	17	48	15	27
48	20	48	48	25	48	45	28	18	12	48	23
48	24	48	29	48	27	29	48	26	15	10	NP
46	17	12	48	21	38	48	NP	NP	NP	NP	NP

**EACH SQUARE 5' HIGH BY 5' WIDE.**

**EACH SQUARE IS 25 SQUARE FEET.**

**THE NUMBER INDICATES THE PROBE DEPTH TO ROCK (IN INCHES) IN THE MIDDLE OF EACH SQUARE  
BOTTOM OF DRAINFIELD IS AT GRADE.**

**ESTIMATED SEASONAL HIGH WATER TABLE IS 24 INCHES BELOW GRADE.**

**PROPOSED DRAINFIELD AREA IS BLACK BOX, WHICH EQUALS 525 SQUARE FEET. THIS WILL EQUATE TO 425  
SQUARE FEET OF DRAINFIELD THAT WILL MEET RULE REQUIREMENTS.**

**ABSORPTION SURFACE CANNOT BE WITHIN 12 INCHES (VERTICALLY OR HORIZONTALLY) OF LIMESTONE  
FORMATION.**

**PROPOSED DRAINFIELD SITE MUST BE PROBED TO A DEPTH OF 12 INCHES TO VERIFY THE ABSENCE OF  
SHALLOW LIMESTONE FORMATIONS. ANY SUCH FORMATIONS DETECTED SHOULD BE FLAGGED TO  
PREVENT DRAINFIELD INSTALLATION WITHIN 12 INCHES. SPLIT DRAINFIELDS MAY BE USED.**

**APPROVAL STANDARDS for  
ONSITE SEWAGE TREATMENT and DISPOSAL SYSTEMS  
OUTLET FILTER DEVICES  
November 2008**

**DESIGN AND PERFORMANCE CRITERIA**

- **FLOW**--The minimum sized filter shall provide a minimum clean water flow rate of 4.2 gallons per minute when tested in a setup that places the filter in its operating position and the clean water head is at the center of a 4" sewer line at the septic tank inlet.
- **FILTER AREA**--Specify total filter surface area, in square feet, (filter solid area plus filter void area)
- **FLOW AREA**--Specify filter open area, in square feet, (filter void area only)
- **FILTRATION**--Filters shall prevent solid particles larger than a nominal 1/8" diameter sphere from passing through the filter.
- **CLOGGED FILTER BY-PASS PROTECTION**--There shall be no bypass capability designed into the filter which will allow waste to be discharged.
- **FILTER CONSTRUCTION**--Openings developed by penetration, sawcut, or equivalent shall be process controlled and all mold flash and penetration burrs removed. The filter shall be secured so that inadvertent movement does not take place during operation.
- **STRUCTURAL INTEGRITY**--The filter shall be designed such that the filtering medium maintains structural integrity throughout the useful life of the device. The filter medium shall not tear or otherwise distort so as to make the filter inoperable during normal operations of the septic tank.

• **OPERATIONAL VERIFICATION**--The manufacturer shall provide results of field testing for their product(s) being considered for approval.

**DRAWINGS**--Manufacturer shall provide drawings to the Department with the written request for product approval submittal. Drawings shall show all dimensions. Drawings shall also show the location of the filter label and shall include an illustration of the label.

**FREQUENCY OF MAINTENANCE**--Manufacturer shall provide data and information reflecting actual operational experience related to the frequency of necessary unit maintenance to keep the unit functional and shall specify the recommended method and frequency of maintenance.

**INSTALLATION INSTRUCTIONS**--Manufacturer shall provide installation instructions to installer.

**MATERIALS OF CONSTRUCTION**--The filter shall be constructed of proven corrosion resistant material for use in wastewater environments.

**MAINTENANCE ACCESSIBILITY**--64E-6.013(2)(k), FAC requires accessibility to the inlet and outlet devices. When outlet filter devices are used, this rule shall include convenient accessibility to the filter for maintenance through service manholes or equivalent.

**PRODUCT LABELING**-- All filters installed on or after January 1, 2010, shall be indelibly labeled with the name of the filter manufacturer and the model of the filter. The location of the label and an illustration of the label shall be included in the filter drawings provided to the Department. All identifying marks shall be inscribed or affixed at the point of manufacture.

**CERTIFICATION TO DEPARTMENT OF HEALTH, ONSITE SEWAGE PROGRAM**

The manufacturer shall certify to the Department that the filter(s) meet the requirements of this standard.

**FILTER APPLICATION**--Filters shall be sized in accordance with the manufacturers' recommendations for the service intended.

## **OUTLET FILTER DEVICES EXTERNAL TO THE SEPTIC TANK**

### **STRUCTURAL INTEGRITY OF THE FILTER CHAMBER**

- Materials subject to corrosion in a septic tank effluent environment shall not be used.
- Plastics, fiberglass, and similar non-corrosive materials shall be a minimum of 1/8" thickness.
- Chambers shall be designed by a professional engineer registered in the state of Florida to withstand saturated soil pressures to a depth of 48 inches with an actual calculated stress of 67% of the allowable stress for shear, flexural, compressive and tensile properties of the chamber materials. The chamber manufacturer shall specify the maximum permissible depth below grade of the chamber lid.
- Chamber lids shall be reinforced to withstand a 300 lb. vertical load placed at the center of the lid. Under such load the lid shall not crack, temporarily invert, or permanently deform.

Inlet and outlet connections shall be watertight.

### **ACCESS TO AND CLEANING OF THE FILTER**

- Access to the chamber shall be within 8 inches of final grade.
- Lids shall be equipped with a locking mechanism designed to prevent easy access without proper tools.
- For filters utilizing a disposable media the manufacturer shall specify the proper method of disposal of the filter media.

### **LOCATION WITH REGARD TO EFFLUENT PUMPS**

- Filter must be upstream of any pumps in the effluent system.
- Filter must be immediately after the septic tank for dual compartment tanks.
- Filter must be immediately after the second tank for tanks in series.

### **EFFLUENT FROM THE SEPTIC TANKS**

- An outlet tee with a solids deflector or 90-degree elbow shall be required by rule for effluent exiting the second compartment of a dual chamber tank or second tank for tanks in series.

### **FALL ACROSS THE CHAMBER**

- The inlet invert shall be at least 1" above the outlet invert.

### **INSTALLATION**

- The chamber shall be installed level on soil that has been compacted to prevent vertical movement of the chamber. Compaction can be achieved by manually tamping the soil with a sledgehammer or equivalent.
- The chamber shall not be installed within 18" of the drainfield infiltrative surfaces.

## CHAPTER 381

### PUBLIC HEALTH: GENERAL PROVISIONS

381.001 Public health system.

381.0011 Duties and powers of the Department of Health.

381.0012 Enforcement authority.

381.0016 County and municipal regulations and ordinances.

381.006 Environmental health.

381.0061 Administrative fines.

381.0064 Continuing education courses for persons installing or servicing septic tanks.

381.0065 Onsite sewage treatment and disposal systems; regulation.

381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.

381.00655 Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements.

381.0066 Onsite sewage treatment and disposal systems; fees.

381.0067 Corrective orders; private and certain public water systems and onsite sewage treatment and disposal systems.

381.0068 Technical review and advisory panel.

**381.001 Public health system.**— The Department of Health is responsible for the state's public health system which shall be designed to promote, protect, and improve the health of all people in the state. The department shall provide leadership for an active partnership working toward shared public health goals and involving federal, state, and local governments and the private sector. It is the intent of the Legislature that the department provide public health services through the 67 county health departments in partnership with county governments, as specified in part I of chapter 154, and in so doing make every attempt possible to solicit the support and involvement of private and

not-for-profit health care agencies in fulfilling the public health mission.

**History.**—s. 2, ch. 91-297; s. 28, ch. 97-101; s. 7, ch. 2006-261; s. 6, ch. 2012-184.

**381.0011 Duties and powers of the Department of Health.**—It is the duty of the Department of Health to:

(1) Assess the public health status and needs of the state.

(2) Administer and enforce laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals to humans, and the general health of the people of the state.

(3) Coordinate with federal, state, and local officials for the prevention and suppression of communicable and other diseases, illnesses, injuries, and hazards to human health.

(4) Provide for a thorough investigation and study of the incidence, causes, modes of propagation and transmission, and means of prevention, control, and cure of diseases, illnesses, and hazards to human health.

(5) Provide for the dissemination of information to the public relative to the prevention, control, and cure of diseases, illnesses, and hazards to human health.

(6) Act as registrar of vital statistics.

(7) Manage and coordinate emergency preparedness and disaster response functions to: investigate and control the spread of disease; coordinate the availability and staffing of special needs shelters; support patient evacuation; ensure the safety of food and drugs; provide critical incident stress debriefing; and provide surveillance and control of radiological, chemical, biological, and other environmental hazards.

**History.**—s. 3, ch. 91-297; s. 13, ch. 93-53; s. 29, ch. 97-101; s. 2, ch. 98-151; s. 94, ch. 98-200; s. 6, ch. 2000-367; s. 1, ch. 2002-269; s. 5, ch. 2004-350; s. 92, ch. 2010-102; s. 16, ch. 2010-161; s. 7, ch. 2012-184.

**381.0012 Enforcement authority.**—

(1) The department may commence and maintain all proper and necessary actions and proceedings to enforce the rules adopted

pursuant to this chapter and may defend all actions and proceedings involving the department's powers and duties.

(2) The department may apply for an injunction to the proper circuit court, and the judge of that court upon hearing and for cause shown may grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this chapter or from failing or refusing to comply with the requirements of this chapter. A permanent injunction may be issued without bond. However, a temporary injunction may not be issued without bond except after a hearing of which the respondent has been given not less than 7 days' prior notice. A temporary injunction may not be issued without bond which limits or prevents operations of an industrial, manufacturing, or processing plant, unless at the hearing, it is shown by clear, certain, and convincing evidence that irreparable injury will result to the public from the failure to issue the temporary injunction. If a temporary injunction or restraining order is improperly or erroneously granted, the state is liable in damages and to the extent provided for in chapter 768.

(3) The department may commence and maintain all proper and necessary actions and proceedings to compel the performance of any act specifically required of any person, officer, or board by any law of this state relating to public health.

(4) The department may appear before any trial court judge empowered to issue warrants in criminal cases and request the issuance of a warrant. The trial court judge shall issue a warrant directed to any sheriff, deputy, or police officer to assist in any way to carry out the purpose and intent of this chapter.

(5) It shall be the duty of every state and county attorney, sheriff, police officer, and other appropriate city and county officials upon request to assist the department or any of its agents in enforcing the state health laws and the rules adopted under this chapter.

**History.**—s. 4, ch. 91-297; s. 9, ch. 2004-11.

**381.0016 County and municipal regulations and ordinances.**—Any county or municipality may enact, in a manner prescribed by law, health regulations and ordinances not inconsistent with state public

health laws and rules adopted by the department.

**History.**—s. 2, ch. 29834, 1955; ss. 19, 35, ch. 69-106; s. 59, ch. 77-147; s. 8, ch. 91-297; s. 11, ch. 2012-184.

**Note.**—Former s. 381.101.

**381.006 Environmental health.**—The department shall conduct an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

(1) A drinking water function.

(2) An environmental health surveillance function which shall collect, compile, and correlate information on public health and exposure to hazardous substances through sampling and testing of water, air, or foods. Environmental health surveillance shall include a comprehensive assessment of drinking water under the department's supervision and an indoor air quality testing and monitoring program to assess health risks from exposure to chemical, physical, and biological agents in the indoor environment.

(3) A toxicology and hazard assessment function which shall conduct toxicological and human health risk assessments of exposure to toxic agents, for the purposes of:

(a) Supporting determinations by the State Health Officer of safe levels of contaminants in water, air, or food if applicable standards or criteria have not been adopted. These determinations shall include issuance of health advisories to protect the health and safety of the public at risk from exposure to toxic agents.

(b) Provision of human toxicological health risk assessments to the public and other governmental agencies to characterize the risks to the public from exposure to contaminants in air, water, or food.

(c) Consultation and technical assistance to the Department of Environmental Protection and other governmental agencies on actions necessary to ameliorate exposure to toxic agents, including the emergency provision by the Department of Environmental Protection of drinking water in cases of drinking water

contamination that present an imminent and substantial threat to the public's health, as required by s. 376.30(3)(c)1.a.

(d) Monitoring and reporting the body burden of toxic agents to estimate past exposure to these toxic agents, predict future health effects, and decrease the incidence of poisoning by identifying and eliminating exposure.

(4) A sanitary nuisance function, as that term is defined in chapter 386.

(5) A migrant labor function.

(6) A public facilities function, including sanitary practices relating to state, county, municipal, and private institutions serving the public; jointly with the Department of Education, publicly and privately owned schools; all places used for the incarceration of prisoners and inmates of state institutions for the mentally ill; toilets and washrooms in all public places and places of employment; any other condition, place, or establishment necessary for the control of disease or the protection and safety of public health.

(7) An onsite sewage treatment and disposal function.

(8) A biohazardous waste control function.

(9) A function to control diseases transmitted from animals to humans, including the segregation, quarantine, and destruction of domestic pets and wild animals having or suspected of having such diseases.

(10) An environmental epidemiology function which shall investigate food-borne disease, waterborne disease, and other diseases of environmental causation, whether of chemical, radiological, or microbiological origin. A \$10 surcharge for this function shall be assessed upon all persons permitted under chapter 500. This function shall include an educational program for physicians and health professionals designed to promote surveillance and reporting of environmental diseases, and to further the dissemination of knowledge about the relationship between toxic substances and human health which will be useful in the formulation of public policy and will be a source of information for the public.

(11) Mosquito and pest control functions as provided in chapters 388 and 482.

(12) A radiation control function as provided in chapter 404 and part IV of chapter 468.

(13) A public swimming and bathing facilities function as provided in chapter 514.

(14) A mobile home park, lodging park, recreational vehicle park, and recreational camp function as provided in chapter 513.

(15) A sanitary facilities function, which shall include minimum standards for the maintenance and sanitation of sanitary facilities; public access to sanitary facilities; and fixture ratios for special or temporary events and for homeless shelters.

(16) A group-care-facilities function. As used in this subsection, the term "group care facility" means any public or private school, assisted living facility, adult family-care home, adult day care center, short-term residential treatment center, residential treatment facility, home for special services, transitional living facility, crisis stabilization unit, hospice, prescribed pediatric extended care center, intermediate care facility for persons with developmental disabilities, or boarding school. The department may adopt rules necessary to protect the health and safety of residents, staff, and patrons of group care facilities. Rules related to public and private schools shall be developed by the Department of Education in consultation with the department. Rules adopted under this subsection may include definitions of terms; provisions relating to operation and maintenance of facilities, buildings, grounds, equipment, furnishings, and occupant-space requirements; lighting; heating, cooling, and ventilation; food service; water supply and plumbing; sewage; sanitary facilities; insect and rodent control; garbage; safety; personnel health, hygiene, and work practices; and other matters the department finds are appropriate or necessary to protect the safety and health of the residents, staff, students, faculty, or patrons. The department may not adopt rules that conflict with rules adopted by the licensing or certifying agency. The department may enter and inspect at reasonable hours to determine compliance with applicable statutes or rules. In addition to any sanctions that the department may impose for violations of rules adopted under this section, the department shall also report such violations to any agency responsible for licensing or certifying the group care facility. The licensing or certifying agency may also



impose any sanction based solely on the findings of the department.

(17) A function for investigating elevated levels of lead in blood. Each participating county health department may expend funds for federally mandated certification or recertification fees related to conducting investigations of elevated levels of lead in blood.

(18) A food service inspection function for domestic violence centers that are certified by the Department of Children and Family Services and monitored by the Florida Coalition Against Domestic Violence under part XII of chapter 39 and group care homes as described in subsection (16), which shall be conducted annually and be limited to the requirements in department rule applicable to community-based residential facilities with five or fewer residents.

The department may adopt rules to carry out the provisions of this section.

**History.**—s. 21, ch. 91-297; s. 1, ch. 92-180; s. 27, ch. 93-150; s. 4, ch. 93-151; s. 351, ch. 94-356; s. 5, ch. 98-151; s. 10, ch. 99-397; s. 17, ch. 2000-141; s. 8, ch. 2000-242; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 6, ch. 2004-350; s. 1, ch. 2010-28; s. 17, ch. 2010-161; s. 45, ch. 2011-213; s. 6, ch. 2012-147.

**381.0061 Administrative fines.—**

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which shall not exceed \$500 for each violation, for a violation of s. 381.006(16), s. 381.0065, s. 381.0066, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of any of the provisions of chapter 386. Notice of intent to impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

(2) In determining the amount of fine to be imposed, if any, for a violation, the following factors shall be considered:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions

of the applicable statutes or rules were violated.

(b) Actions taken by the owner or operator to correct violations.

(c) Any previous violations.

(3) All amounts collected under this section shall be deposited into an appropriate trust fund of the department.

**History.**—s. 4, ch. 80-351; s. 2, ch. 85-300; s. 13, ch. 89-324; s. 22, ch. 91-297; s. 7, ch. 92-180; s. 11, ch. 99-397.

**Note.**—Former s. 381.112.

**381.0064 Continuing education courses for persons installing or servicing septic tanks.—**

(1) The Department of Health shall establish a program for continuing education which meets the purposes of ss. 381.0101 and 489.554 regarding the public health and environmental effects of onsite sewage treatment and disposal systems and any other matters the department determines desirable for the safe installation and use of onsite sewage treatment and disposal systems. The department may charge a fee to cover the cost of such program.

(2) The department shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(3) Septic tank contractors and master septic tank contractors registered under part III of chapter 489 shall meet the continuing education requirements set forth in s. 489.554.

**History.**—ss. 1, 2, 3, ch. 85-314; s. 59, ch. 91-224; s. 25, ch. 91-297; s. 5, ch. 93-151; s. 9, ch. 96-303; s. 180, ch. 97-101; s. 1, ch. 98-420.

**Note.**—Former s. 381.262.

**381.0065 Onsite sewage treatment and disposal systems; regulation.—**

(1) LEGISLATIVE INTENT.—

(a) It is the intent of the Legislature that proper management of onsite sewage treatment and disposal systems is paramount to the health, safety, and welfare of the public.

(b) It is the intent of the Legislature that where a publicly owned or investor-owned sewerage system is not available, the department shall issue permits for the construction, installation, modification, abandonment, or repair of onsite sewage treatment and disposal systems under conditions as described in this section and rules adopted under this section. It is further the intent of the Legislature that the installation and use of onsite sewage treatment and disposal systems not adversely affect the public health or significantly degrade the groundwater or surface water.

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

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

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

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

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or

manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

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

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

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

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

c. Is located along an exterior wall;

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

e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

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

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

(c) “Blackwater” means that part of domestic sewage carried off by toilets, urinals, and kitchen drains.

(d) “Domestic sewage” means human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from appurtenances at a residence or establishment.

(e) “Graywater” means that part of domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.

(f) "Florida Keys" means those islands of the state located within the boundaries of Monroe County.

(g) "Injection well" means an open vertical hole at least 90 feet in depth, cased and grouted to at least 60 feet in depth which is used to dispose of effluent from an onsite sewage treatment and disposal system.

(h) "Innovative system" means an onsite sewage treatment and disposal system that, in whole or in part, employs materials, devices, or techniques that are novel or unique and that have not been successfully field-tested under sound scientific and engineering principles under climatic and soil conditions found in this state.

(i) "Lot" means a parcel or tract of land described by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed boundaries or an assigned number, letter, or any other legal description by which it can be identified.

(j) "Mean annual flood line" means the elevation determined by calculating the arithmetic mean of the elevations of the highest yearly flood stage or discharge for the period of record, to include at least the most recent 10-year period. If at least 10 years of data is not available, the mean annual flood line shall be as determined based upon the data available and field verification conducted by a certified professional surveyor and mapper with experience in the determination of flood water elevation lines or, at the option of the applicant, by department personnel. Field verification of the mean annual flood line shall be performed using a combination of those indicators listed in subparagraphs 1.-7. that are present on the site, and that reflect flooding that recurs on an annual basis. In those situations where any one or more of these indicators reflect a rare or aberrant event, such indicator or indicators shall not be utilized in determining the mean annual flood line. The indicators that may be considered are:

1. Water stains on the ground surface, trees, and other fixed objects;
2. Hydric adventitious roots;
3. Drift lines;

4. Rafted debris;
5. Aquatic mosses and liverworts;
6. Moss collars; and
7. Lichen lines.

(k) "Onsite sewage treatment and disposal system" means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.

(l) "Permanent nontidal surface water body" means a perennial stream, a perennial river, an intermittent stream, a perennial lake, a submerged marsh or swamp, a submerged wooded marsh or swamp, a spring, or a seep, as identified on the most recent quadrangle map, 7.5 minute series (topographic), produced by the United States Geological Survey, or products derived from that series. "Permanent nontidal surface water body" shall also mean an artificial surface water body that does not have an impermeable bottom and side and that is designed to hold, or does hold, visible standing water for at least 180 days of the year. However, a nontidal surface water body that is drained, either naturally or artificially, where the intent or the result is that such drainage be temporary, shall be considered a permanent nontidal surface water body. A nontidal surface water body that is drained of all visible surface water, where the lawful intent or the result of such drainage is that such drainage will be permanent, shall not be considered a permanent nontidal surface water body. The boundary of a permanent nontidal surface water body shall be the mean annual flood line.

(m) "Potable water line" means any water line that is connected to a potable water supply source, but the term does not include an

irrigation line with any of the following types of backflow devices:

1. For irrigation systems into which chemicals are not injected, any atmospheric or pressure vacuum breaker or double check valve or any detector check assembly.

2. For irrigation systems into which chemicals such as fertilizers, pesticides, or herbicides are injected, any reduced pressure backflow preventer.

(n) "Septage" means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system.

(o) "Subdivision" means, for residential use, any tract or plot of land divided into two or more lots or parcels of which at least one is 1 acre or less in size for sale, lease, or rent. A subdivision for commercial or industrial use is any tract or plot of land divided into two or more lots or parcels of which at least one is 5 acres or less in size and which is for sale, lease, or rent. A subdivision shall be deemed to be proposed until such time as an application is submitted to the local government for subdivision approval or, in those areas where no local government subdivision approval is required, until such time as a plat of the subdivision is recorded.

(p) "Tidally influenced surface water body" means a body of water that is subject to the ebb and flow of the tides and has as its boundary a mean high-water line as defined by s. 177.27(15).

(q) "Toxic or hazardous chemical" means a substance that poses a serious danger to human health or the environment.

(3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067, including definitions that are consistent with the definitions in this section, decreases to setback requirements where no health hazard exists, increases for the lot-flow allowance for performance-based systems, requirements for separation from water table elevation during the wettest season, requirements for the design and construction of any component part of an onsite sewage treatment and disposal system, application and

permit requirements for persons who maintain an onsite sewage treatment and disposal system, requirements for maintenance and service agreements for aerobic treatment units and performance-based treatment systems, and recommended standards, including disclosure requirements, for voluntary system inspections to be performed by individuals who are authorized by law to perform such inspections and who shall inform a person having ownership, control, or use of an onsite sewage treatment and disposal system of the inspection standards and of that person's authority to request an inspection based on all or part of the standards.

(b) Perform application reviews and site evaluations, issue permits, and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day, or an estimated commercial sewage flow of 5,000 gallons or less per day, which is not currently regulated under chapter 403.

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

(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section.

(e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section.

(f) Issue annual operating permits under this section.

(g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.

(h) Conduct enforcement activities, including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.

(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.

(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(k) must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be initially approved by the technical review and advisory panel and shall be applicable to and reflect the soil conditions specific to Florida. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in Florida and that are principally located in Florida. Research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical review and advisory panel or the research review and advisory committee.

(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.

(l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and

disposal of byproducts from any system regulated under this chapter and not regulated by the Department of Environmental Protection.

(m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations, and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include: training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of

any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(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.

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the Department of Health, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewerage system is available. It is the intent of this

paragraph not to allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) Onsite sewage treatment and disposal systems must not be placed closer than:

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(f) Except as provided under paragraphs (e) and (t), no limitations shall be imposed by rule, relating to the distance between an onsite disposal system and any area that either permanently or temporarily has visible surface water.

(g) All provisions of this section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency

on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. There is no

fee associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

- a. The hardship was not caused intentionally by the action of the applicant;
- b. No reasonable alternative, taking into consideration factors such as cost, exists for the treatment of the sewage; and
- c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

- a. The State Surgeon General or his or her designee.
- b. A representative from the county health departments.
- c. A representative from the home building industry recommended by the Florida Home Builders Association.
- d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.
- e. A representative from the Department of Environmental Protection.

f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

g. A representative from the engineering profession recommended by the Florida Engineering Society.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewerage system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewerage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department shall not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or



operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, need not obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. A person electing to utilize an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health

department may utilize an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department either shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

5. The property owner shall obtain a biennial system operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the

performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(k) An innovative system may be approved in conjunction with an engineer-designed site-specific system which is certified by the engineer to meet the performance-based criteria adopted by the department.

(l) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- b. Suspended Solids of 10 mg/l.
- c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70

percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.

d. Total Phosphorus, expressed as P, of 1 mg/l. In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewer, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by central sewer by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewer system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

8. Notwithstanding any other provision of law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not

required to connect to a central sewer system until December 31, 2020.

(m) No product sold in the state for use in onsite sewage treatment and disposal systems may contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. In the event a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(j). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(o) The department shall appoint a research review and advisory committee, which shall meet at least semiannually. The committee shall advise the department on directions for new research, review and rank proposals for research contracts, and review draft research reports and make comments. The committee is comprised of:

1. A representative of the State Surgeon General, or his or her designee.
2. A representative from the septic tank industry.
3. A representative from the home building industry.
4. A representative from an environmental interest group.

5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.

6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.

7. A representative from local government who is knowledgeable about domestic wastewater treatment.

8. A representative from the real estate profession.

9. A representative from the restaurant industry.

10. A consumer.

Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(p) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. No specific documentation of property ownership shall be required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(q) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider prior to submission of an application for an onsite sewage treatment and disposal system.

(r) Nothing in this section limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

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

the downspouts shall be directed away from the drainfield.

(t) Notwithstanding the provisions of subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield shall not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations prior to January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

- a. The lot is at least one-half acre in size;
- b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and
- c. The applicant installs either: a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system approved by the State Health Office that is capable of reducing effluent nitrate by at least 50 percent; or a system approved by the county health department pursuant to department rule other than a system using alternative drainfield materials. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water shall not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for

the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(u)1. The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(v) The department may require the submission of detailed system construction plans that are prepared by a professional

engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(w) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in [§ 9, Art. VIII](#) of the State Constitution (1885).

(x) A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012. Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

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

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

b. The system is not a sanitary nuisance; and  
c. The system has not been altered without prior authorization.

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

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

(aa) An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

(5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

(a) Department personnel who have reason to believe noncompliance exists, may at any reasonable time, enter the premises permitted under ss. 381.0065-381.0066, or the business premises of any septic tank contractor or master septic tank contractor registered under part III of chapter 489, or any premises that the department has reason to believe is being operated or maintained not in compliance, to determine compliance with the provisions of this section, part I of chapter 386, or part III of chapter 489 or rules or standards adopted under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489. As used in this paragraph, the term "premises" does not include a residence or private building. To gain entry to a residence or private building, the department must obtain permission from the owner or occupant or secure an inspection warrant from a court of competent jurisdiction.

(b)1. The department may issue citations that may contain an order of correction or an order to pay a fine, or both, for violations of ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 or the rules adopted by the department, when a violation of these sections or rules is enforceable by an administrative or civil remedy, or when a violation of these sections or rules is a misdemeanor of the second degree. A citation issued under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 constitutes a notice of proposed agency action.

2. A citation must be in writing and must describe the particular nature of the violation, including specific reference to the provisions of law or rule allegedly violated.

3. The fines imposed by a citation issued by the department may not exceed \$500 for each violation. Each day the violation exists constitutes a separate violation for which a citation may be issued.

4. The department shall inform the recipient, by written notice pursuant to ss. 120.569 and 120.57, of the right to an administrative hearing to contest the citation within 21 days after the date the citation is received. The citation must contain a conspicuous statement that if the recipient fails to pay the fine within the time allowed, or fails to appear to contest the citation after having requested a hearing, the recipient has waived the recipient's right to contest the citation and must pay an amount up to the maximum fine.

5. The department may reduce or waive the fine imposed by the citation. In determining whether to reduce or waive the fine, the department must consider the gravity of the violation, the person's attempts at correcting the violation, and the person's history of previous violations including violations for which enforcement actions were taken under ss. 381.0065-381.0067, part I of chapter 386, part III of chapter 489, or other provisions of law or rule.

6. Any person who willfully refuses to sign and accept a citation issued by the department commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

7. The department, pursuant to ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, shall deposit any fines it collects in the county health department trust fund for use in providing services specified in those sections.

8. This section provides an alternative means of enforcing ss. 381.0065-381.0067, part I of chapter 386, and part III of chapter 489. This section does not prohibit the department from enforcing ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, or its rules, by any other means. However, the department must elect to use only a single method of enforcement for each violation.

(6) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective June 30, 2016, the land application of septage from onsite sewage treatment and disposal systems is prohibited.

**History.**—ss. 1, 2, 3, 4, 5, 6, ch. 75-145; s. 72, ch. 77-147; s. 1, ch. 77-174; ss. 1, 2, ch. 77-308; s. 1, ch. 78-430; s. 1, ch. 79-45; s. 1, ch. 82-10; s. 37, ch. 83-218; ss. 43, 46, ch. 83-310; s. 1, ch. 84-119; s. 4, ch. 85-314; s. 5, ch. 86-220; s. 14, ch. 89-324; s. 26, ch. 91-297; ss. 1, 10, 11, ch. 93-151; s. 40, ch. 94-218; s. 352, ch. 94-356; s. 1033, ch. 95-148; ss. 1, 3, ch. 96-303; s. 116, ch. 96-410; s. 181, ch. 97-101; s. 21, ch. 97-237; s. 7, ch. 98-151; s. 2, ch. 98-420; s. 192, ch. 99-13; ss. 1, 7, ch. 99-395; s. 10, ch. 2000-242; s. 19, ch. 2001-62; s. 1, ch. 2001-234; s. 7, ch. 2004-350; s. 48, ch. 2005-2; s. 4, ch. 2006-68; s. 1, ch. 2008-215; s. 19, ch. 2008-240; s. 35, ch. 2010-205; s. 1, ch. 2010-283; s. 28, ch. 2011-4; s. 3, ch. 2012-13; s. 32, ch. 2012-184; s.1, ch. 2013-79; s. 67, ch. 2013-15; s. 7, ch. 2013-193, ch. 2015-222.

<sup>1</sup>**Note.**—The citation apparently refers to s. 9, Art. VIII of the Constitution of 1885, which relates to Jacksonville’s consolidated government; Article VIII of the State Constitution of 1968 does not contain a s. 9, but s. 6, Art. VIII does provide a Schedule to Article VIII retaining specified provisions of the Constitution of 1885 by reference; s. 9, Art. VIII is included among these provisions.

**Note.**—Former s. 381.272.

**381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.—**

(1) For the purposes of this section, the term “first magnitude spring” means a spring that has a median water discharge of greater than or equal to 100 cubic feet per second for the period of record, as determined by the Department of Environmental Protection.

(2) A county or municipality that contains a first magnitude spring shall, by no later than January 1, 2013, develop and adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program that meets the requirements of this section. The ordinance may apply within all or part of its geographic area. Those counties or municipalities containing a first magnitude spring which have already adopted an onsite sewage treatment and disposal system evaluation and assessment program and which meet the grandfathering requirements contained in this section, or have chosen to opt out of this section in the manner provided herein, are exempt from the requirement to adopt an ordinance implementing an evaluation and assessment program. The governing body of a local government that chooses to opt out of this section, by a 60 percent vote of the voting members of the governing board, shall do so by adopting a resolution that indicates an intent on the part of such local government not to adopt an onsite sewage treatment and disposal system evaluation and assessment program. Such resolution shall be addressed and transmitted to the Secretary of State. Absent an interlocal agreement or county charter provision to the contrary, a municipality may elect to opt out of the requirements of this section, by a 60 percent vote of the voting members of the governing board, notwithstanding a contrary decision of the governing body of a county. Any local government that has properly opted out of this section but subsequently chooses to

adopt an evaluation and assessment program may do so only pursuant to the requirements of this section and may not deviate from such requirements.

(3) Any county or municipality that does not contain a first magnitude spring may at any time develop and adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program, provided such program meets and does not deviate from the requirements of this section.

(4) Notwithstanding any other provision in this section, a county or municipality that has adopted a program before July 1, 2011, may continue to enforce its current program without having to meet the requirements of this section, provided such program does not require an evaluation at the point of sale in a real estate transaction.

(5) Any county or municipality may repeal an ordinance adopted pursuant to this section only if the county or municipality notifies the Secretary of State by letter of the repeal. No county or municipality may adopt an onsite sewage treatment and disposal system evaluation and assessment program except pursuant to this section.

(6) The requirements for an onsite sewage treatment and disposal system evaluation and assessment program are as follows:

(a) *Evaluations.*—An evaluation of each onsite sewage treatment and disposal system within all or part of the county’s or municipality’s jurisdiction must take place once every 5 years to assess the fundamental operational condition of the system and to identify system failures. The ordinance may not mandate an evaluation at the point of sale in a real estate transaction and may not require a soil examination. The location of the system shall be identified. A tank and drainfield evaluation and a written assessment of the overall condition of the system pursuant to the assessment procedure prescribed in subsection (7) are required.

(b) *Qualified contractors.*—Each evaluation required under this subsection must be performed by a qualified contractor, who may be a septic tank contractor or master septic tank contractor registered under part III of chapter 489, a professional engineer having wastewater treatment system experience and licensed under chapter 471, or an

environmental health professional certified under this chapter in the area of onsite sewage treatment and disposal system evaluation. Evaluations and pump-outs may also be performed by an authorized employee working under the supervision of an individual listed in this paragraph; however, all evaluation forms must be signed by a qualified contractor in writing or by electronic signature.

(c) *Repair of systems.*—The local ordinance may not require a repair, modification, or replacement of a system as a result of an evaluation unless the evaluation identifies a system failure. For purposes of this subsection, the term “system failure” means a condition existing within an onsite sewage treatment and disposal system which results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water or that results in the failure of building plumbing to discharge properly and presents a sanitary nuisance. A system is not in failure if the system does not have a minimum separation distance between the drainfield and the wettest season water table or if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. If a system failure is identified and several allowable remedial measures are available to resolve the failure, the system owner may choose the least costly allowable remedial measure to fix the system. There may be instances in which a pump-out is sufficient to resolve a system failure. Allowable remedial measures to resolve a system failure are limited to what is necessary to resolve the failure and must meet, to the maximum extent practicable, the requirements of the repair code in effect when the repair is made, subject to the exceptions specified in s. 381.0065(4)(g). An engineer-designed performance-based treatment system to reduce nutrients may not be required as an alternative remediation measure to resolve the failure of a conventional system.

(d) *Exemptions.*—

1. The local ordinance shall exempt from the evaluation requirements any system that is required to obtain an operating permit pursuant to state law or that is inspected by the department pursuant to the annual permit inspection requirements of chapter 513.

2. The local ordinance may provide for an exemption or an extension of time to obtain an evaluation and assessment if connection to a

sewer system is available, connection to the sewer system is imminent, and written arrangements for payment of any utility assessments or connection fees have been made by the system owner.

3. An onsite sewage treatment and disposal system serving a residential dwelling unit on a lot with a ratio of one bedroom per acre or greater is exempt from the requirements of this section and may not be included in any onsite sewage treatment and disposal system inspection program.

(7) The following procedures shall be used for conducting evaluations:

(a) *Tank evaluation.*—The tank evaluation shall assess the apparent structural condition and watertightness of the tank and shall estimate the size of the tank. The evaluation must include a pump-out. However, an ordinance may not require a pump-out if there is documentation indicating that a tank pump-out or a permitted new installation, repair, or modification of the system has occurred within the previous 5 years, identifying the capacity of the tank, and indicating that the condition of the tank is structurally sound and watertight. Visual inspection of the tank must be made when the tank is empty to detect cracks, leaks, or other defects. Baffles or tees must be checked to ensure that they are intact and secure. The evaluation shall note the presence and condition of outlet devices, effluent filters, and compartment walls; any structural defect in the tank; the condition and fit of the tank lid, including manholes; whether surface water can infiltrate the tank; and whether the tank was pumped out. If the tank, in the opinion of the qualified contractor, is in danger of being damaged by leaving the tank empty after inspection, the tank shall be refilled before concluding the inspection. Broken or damaged lids or manholes shall be replaced without obtaining a repair permit.

(b) *Drainfield evaluation.*—The drainfield evaluation must include a determination of the approximate size and location of the drainfield. The evaluation shall state whether there is any sewage or effluent visible on the ground or discharging to a ditch or other water body and the location of any downspout or other source of water near or in the vicinity of the drainfield.

(c) *Special circumstances.*—If the system contains pumps, siphons, or alarms, the



following information may be provided at the request of the homeowner:

1. An assessment of dosing tank integrity, including the approximate volume and the type of material used in the tank's construction;
2. Whether the pump is elevated off the bottom of the chamber and its operational status;
3. Whether the system has a check valve and purge hole; and
4. Whether the system has a high-water alarm, and if so whether the alarm is audio or visual or both, the location and operational condition of the alarm, and whether the electrical connections to the alarm appear satisfactory.

If the homeowner does not request this information, the qualified contractor and its employee are not liable for any damages directly relating from a failure of the system's pumps, siphons, or alarms. This exclusion of liability must be stated on the front cover of the report required under paragraph (d).

(d) *Assessment procedure.*—All evaluation procedures used by a qualified contractor shall be documented in the environmental health database of the Department of Health. The qualified contractor shall provide a copy of a written, signed evaluation report to the property owner upon completion of the evaluation and to the county health department within 30 days after the evaluation. The report shall contain the name and license number of the company providing the report. A copy of the evaluation report shall be retained by the local county health department for a minimum of 5 years and until a subsequent inspection report is filed. The front cover of the report must identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation of the failure performed by a qualified contractor other than the contractor performing the evaluation. The report must further identify any crack, leak, improper fit, or other defect in the tank, manhole, or lid, and any other damaged or missing component; any sewage or effluent visible on the ground or discharging to a ditch or other surface water body; any downspout, stormwater, or other source of water directed onto or toward the system; and any other maintenance need or condition of

the system at the time of the evaluation which, in the opinion of the qualified contractor, would possibly interfere with or restrict any future repair or modification to the existing system. The report shall conclude with an overall assessment of the fundamental operational condition of the system.

(8) The county health department shall administer any evaluation program on behalf of a county, or a municipality within the county, that has adopted an evaluation program pursuant to this section. In order to administer the evaluation program, the county or municipality, in consultation with the county health department, may develop a reasonable fee schedule to be used solely to pay for the costs of administering the evaluation program. Such a fee schedule shall be identified in the ordinance that adopts the evaluation program. When arriving at a reasonable fee schedule, the estimated annual revenues to be derived from fees may not exceed reasonable estimated annual costs of the program. Fees shall be assessed to the system owner during an inspection and separately identified on the invoice of the qualified contractor. Fees shall be remitted by the qualified contractor to the county health department. The county health department's administrative responsibilities include the following:

(a) Providing a notice to the system owner at least 60 days before the system is due for an evaluation. The notice may include information on the proper maintenance of onsite sewage treatment and disposal systems.

(b) In consultation with the Department of Health, providing uniform disciplinary procedures and penalties for qualified contractors who do not comply with the requirements of the adopted ordinance, including, but not limited to, failure to provide the evaluation report as required in this subsection to the system owner and the county health department. Only the county health department may assess penalties against system owners for failure to comply with the adopted ordinance, consistent with existing requirements of law.

(9)(a) A county or municipality that adopts an onsite sewage treatment and disposal system evaluation and assessment program pursuant to this section shall notify the Secretary of Environmental Protection, the Department of Health, and the applicable county health

department upon the adoption of its ordinance establishing the program.

(b) Upon receipt of the notice under paragraph (a), the Department of Environmental Protection shall, within existing resources, notify the county or municipality of the potential use of, and access to, program funds under the Clean Water State Revolving Fund or s. 319 of the Clean Water Act, provide guidance in the application process to receive such moneys, and provide advice and technical assistance to the county or municipality on how to establish a low-interest revolving loan program or how to model a revolving loan program after the low-interest loan program of the Clean Water State Revolving Fund. This paragraph does not obligate the Department of Environmental Protection to provide any county or municipality with money to fund such programs.

(c) The Department of Health may not adopt any rule that alters the provisions of this section.

(d) The Department of Health must allow county health departments and qualified contractors access to the environmental health database to track relevant information and assimilate data from assessment and evaluation reports of the overall condition of onsite sewage treatment and disposal systems. The environmental health database must be used by contractors to report each service and evaluation event and by a county health department to notify owners of onsite sewage treatment and disposal systems when evaluations are due. Data and information must be recorded and updated as service and evaluations are conducted and reported.

(10) This section does not:

(a) Limit county and municipal home rule authority to act outside the scope of the evaluation and assessment program set forth in this section;

(b) Repeal or affect any other law relating to the subject matter of onsite sewage treatment and disposal systems; or

(c) Prohibit a county or municipality from:

1. Enforcing existing ordinances or adopting new ordinances relating to onsite sewage treatment facilities to address public health and safety if such ordinances do not repeal,

suspend, or alter the requirements or limitations of this section.

2. Adopting local environmental and pollution abatement ordinances for water quality improvement as provided for by law if such ordinances do not repeal, suspend, or alter the requirements or limitations of this section.

3. Exercising its independent and existing authority to meet the requirements of s. 381.0065.

**History.**—s. 33, ch. 2012-184.

**381.00655 Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements.—**

(1)(a) The owner of a properly functioning onsite sewage treatment and disposal system, excluding an approved onsite graywater system, must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 1 year of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability. Nothing in this section shall operate to impair contracts or other binding obligations relating to payment schedules in existence as of October 1, 1993. Nothing in this paragraph limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(b) The owner of an onsite sewage treatment and disposal system that needs repair or modification to function in a sanitary manner

or to comply with the requirements of ss. 381.0065-381.0067 or rules adopted under those sections must connect to an available publicly owned or investor-owned sewerage system within 90 days after written notification from the department. In hardship cases, upon request of the owner, the department may approve an extension of not more than 90 days for sewerage connection. The department may approve only one extension. This paragraph does not authorize the owner of the onsite sewage treatment and disposal system to create or maintain a sanitary nuisance.

(2) The provisions of subsection (1) or any other provision of law to the contrary notwithstanding:

(a) The local governing body of the jurisdiction in which the owner of the onsite sewage treatment and disposal system resides may provide that any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed 5 years from the date the sewerage system becomes available if it determines that the owner has demonstrated a financial hardship. The local governing body shall establish criteria for making this determination which take into account the owner's net worth, income, and financial needs.

(b) A publicly owned or investor-owned sewerage system may, with the approval of the department, waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations.

(c) A local government or water and sewer district responsible for the operation of a centralized sewer system under s. 153.62 may grant a variance to an owner of a performance-based onsite sewage treatment and disposal system permitted by the department as long as the onsite system is functioning properly and satisfying the conditions of the operating permit. Nothing in this paragraph shall be construed to require a local government or water and sewer district to issue a variance under any circumstance. Nothing in this paragraph shall be construed as limiting local government authority to enact ordinances under s. 4, chapter 99-395, Laws of Florida. A local government or water and sewer district located in any of the following areas

shall not be required to issue a variance under any circumstance:

1. An area of critical state concern.
2. An area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
3. An area in the South Florida Water Management District west C-11 basin that discharges through the S-9 pump into the Everglades.
4. An area designated by the Lake Okeechobee Protection Act.

**History.**—s. 2, ch. 93-151; s. 5, ch. 2006-252.

**381.0066 Onsite sewage treatment and disposal systems; fees.—**

(1) The department may collect fees for services provided with respect to onsite sewage treatment and disposal systems. The total fees assessed under this section must be sufficient to meet the cost of administering this section and ss. 381.0065 and 381.00655.

(2) The minimum fees in the following fee schedule apply until changed by rule by the department within the following limits:

(a) Application review, permit issuance, or system inspection, including repair of a subsurface, mound, filled, or other alternative system or permitting of an abandoned system: a fee of not less than \$25, or more than \$125.

(b) Site evaluation, site reevaluation, evaluation of a system previously in use, or a per annum septage disposal site evaluation: a fee of not less than \$40, or more than \$115.

(c) Biennial operating permit for aerobic treatment units or performance-based treatment systems: a fee of not more than \$100.

(d) Annual operating permit for systems located in areas zoned for industrial manufacturing or equivalent uses or where the system is expected to receive wastewater which is not domestic in nature: a fee of not less than \$150, or more than \$300.

(e) Innovative technology: a fee not to exceed \$25,000.

(f) Septage disposal service, septage stabilization facility, portable or temporary toilet service, tank manufacturer inspection: a fee of not less than \$25, or more than \$200, per year.

(g) Application for variance: a fee of not less than \$150, or more than \$300.

(h) Annual operating permit for waterless, incinerating, or organic waste composting toilets: a fee of not less than \$15, or more than \$30.

(i) Aerobic treatment unit or performance-based treatment system maintenance entity permit: a fee of not less than \$25, or more than \$150, per year.

(j) Reinspection fee per visit for site inspection after system construction approval or for noncompliant system installation per site visit: a fee of not less than \$25, or more than \$100.

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued to be used to fund onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

(l) Annual operating permit, including annual inspection and any required sampling and laboratory analysis of effluent, for an engineer-designed performance-based system: a fee of not less than \$150, or more than \$300.

The funds collected pursuant to this subsection must be deposited in a trust fund administered by the department, to be used for the purposes stated in this section and ss. 381.0065 and 381.00655.

**History.**—ss. 44, 46, ch. 83-310; s. 39, ch. 85-81; s. 2, ch. 88-89; s. 27, ch. 91-297; ss. 3, 10, 11, ch. 93-151; ss. 2, 3, ch. 96-303; s. 2, ch. 99-395; s. 2, ch. 2001-234; s. 16, ch. 2002-402; s. 24, ch. 2003-399; s. 2, ch. 2004-245; ss. 10, 76, ch. 2004-269; s. 8, ch. 2004-350; s. 37, ch. 2010-205; s. 35, ch. 2012-184.

**Note.**—Former s. 381.273.

**381.0067 Corrective orders; private and certain public water systems and onsite sewage treatment and disposal systems.**—

When the department or its agents, through investigation, find that any private water system, public water system not covered or included in the Florida Safe Drinking Water Act (part VI of chapter 403), or onsite sewage treatment and disposal system constitutes a nuisance or menace to the public health or significantly degrades the groundwater or surface water, the department or its agents may issue an order requiring the owner to correct the improper condition. If the improper condition relates to the drainfield of an onsite sewage treatment and disposal system, the department or its agents may issue an order requiring the owner to repair or replace the drainfield. If an onsite sewage treatment and disposal system has failed, the department or its agents shall issue an order requiring the owner to replace the system. For purposes of this section, an onsite sewage treatment and disposal system has failed if the operation of the system constitutes a nuisance or menace to the public health or significantly degrades the groundwater or surface water and the system cannot be repaired.

**History.**—s. 2, ch. 29834, 1955; ss. 19, 35, ch. 69-106; s. 74, ch. 77-147; s. 17, ch. 77-337; s. 28, ch. 91-297; s. 6, ch. 93-151; s. 6, ch. 2006-252.

**Note.**—Former s. 381.291.

**381.0068 Technical review and advisory panel.**—

(1) The Department of Health shall establish and staff a technical review and advisory panel to assist the department with rule adoption.

(2) The primary purpose of the panel is to assist the department in rulemaking and decisionmaking by drawing on the expertise of representatives from several groups that are affected by onsite sewage treatment and disposal systems. The panel may also review and comment on any legislation or any existing or proposed state policy or issue related to onsite sewage treatment and disposal systems. The chair may also take such other action as is appropriate to allow the panel to function. At a minimum, the panel shall consist of a soil scientist; a professional engineer registered in this state who is recommended by the Florida Engineering Society and who has work experience in onsite sewage treatment and disposal systems; two representatives from the home-building industry recommended by the Florida Home Builders Association, including

one who is a developer in this state who develops lots using onsite sewage treatment and disposal systems; a representative from the county health departments who has experience permitting and inspecting the installation of onsite sewage treatment and disposal systems in this state; a representative from the real estate industry who is recommended by the Florida Association of Realtors; a consumer representative with a science background; two representatives of the septic tank industry recommended by the Florida Onsite Wastewater Association, including one who is a manufacturer of onsite sewage treatment and disposal systems; a representative from local government who is knowledgeable about domestic wastewater treatment and who is recommended by the Florida Association of Counties and the Florida League of Cities; and a representative from the environmental health profession who is recommended by the Florida Environmental Health Association and who is not employed by a county health department. Members are to be appointed for a term of 2 years. The panel may also, as needed, be expanded to include ad hoc, nonvoting representatives who have topic-specific expertise. All rules proposed by the department which relate to onsite sewage treatment and disposal systems must be presented to the panel for review and comment prior to adoption. The panel's position on proposed rules shall be made a part of the rulemaking record that is maintained by the agency. The panel shall select a chair, who shall serve for a period of 1 year and who shall direct, coordinate, and execute the duties of the panel. The panel shall also solicit input from the department's variance review and advisory committee before submitting any comments to the department concerning proposed rules. The panel's comments must include any dissenting points of view concerning proposed rules. The panel shall hold meetings as it determines necessary to conduct its business, except that the chair, a quorum of the voting members of the panel, or the department may call meetings. The department shall keep minutes of all meetings of the panel. Panel members shall serve without remuneration, but, if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

**History.**—s. 9, ch. 93-151; s. 4, ch. 96-303; s. 182, ch. 97-101; s. 3, ch. 98-420; s. 193, ch. 99-13; s. 32, ch. 2003-1; s. 2, ch. 2008-215; s. 36, ch. 2012-184.

**CHAPTER 386**  
**PARTICULAR CONDITIONS AFFECTING**  
**PUBLIC HEALTH**

**PART I**

**SANITARY NUISANCES**

386.01 Sanitary nuisance.

386.02 Duty of Department of Health.

386.03 Notice to remove nuisances; authority of Department of Health and local health authorities.

386.041 Nuisances injurious to health.

386.051 Nuisances injurious to health, penalty.

**386.01 Sanitary nuisance.**—A sanitary nuisance is the commission of any act, by an individual, municipality, organization, or corporation, or the keeping, maintaining, propagation, existence, or permission of anything, by an individual, municipality, organization, or corporation, by which the health or life of an individual, or the health or lives of individuals, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

**History.**—s. 1, ch. 4346, 1895; GS 1153; RGS 2157; CGL 3386.

**386.02 Duty of Department of Health.**—The Department of Health, upon request of the proper authorities, or of any three responsible resident citizens, or whenever it may seem necessary to the department, shall investigate the sanitary condition of any city, town, or place in the state; and if, upon examination, the department shall ascertain the existence of any sanitary nuisance as herein defined, it shall serve notice upon the proper party or parties to remove or abate the said nuisance or, if necessary, proceed to remove or abate the said nuisance in the manner provided in s. 823.01.

**History.**—s. 11, ch. 4346, 1895; GS 1154; RGS 2158; CGL 3387; ss. 19, 35, ch. 69-106; s. 148, ch. 77-147; s. 75, ch. 97-101.

**386.03 Notice to remove nuisances; authority of Department of Health and local health authorities.**—

(1) The Department of Health, upon determining the existence of anything or things herein declared to be nuisances by law, shall notify the person or persons committing, creating, keeping, or maintaining the same, to remove or cause to be removed, the same within 24 hours, or such other reasonable time as may be determined by the department, after such notice be duly given.

(2) If the sanitary nuisance condition is not removed by such person or persons within the time prescribed in said notice, the department, its agents or deputies or local health authorities, may within the county where the nuisance exists, remove, cause to remove, or prevent the continuing sanitary nuisance condition in the following manner:

(a) Undertake required correctional procedures, including the removal of same if necessary; the cost or expense of such removal or correctional procedures shall be paid by the person or persons committing, creating, keeping, or maintaining such nuisances; and if the said cost and expense thus accruing shall not be paid within 10 days after such removal, the same shall be collected from the person or persons committing, creating, keeping, or maintaining such nuisances, by suit at law; but this paragraph shall not authorize the department to alter, change, demolish, or remove any machinery, equipment, or facility designed or used for the processing or disposing of liquid or smoke effluent of a manufacturing plant.

(b) Institute criminal proceedings in the county court in the jurisdiction of which the condition exists against all persons failing to comply with notices to correct sanitary nuisance conditions as provided in this chapter.

(c) Institute legal proceedings authorized by the department as set forth in s. 381.0012.

(d) Institute administrative proceedings authorized by the department as set forth in s. 381.0061.

**History.**—s. 12, ch. 4346, 1895; GS 1155; RGS 2159; CGL 3388; s. 1, ch. 63-64; ss. 19, 35, ch. 69-106; s. 1, ch. 77-119; s. 149, ch. 77-147; s. 5, ch. 80-351; s. 53, ch. 91-297; s. 76, ch. 97-101.

**386.041 Nuisances injurious to health.**—

(1) The following conditions existing, permitted, maintained, kept, or caused by any individual, municipal organization, or corporation, governmental or private, shall constitute prima facie evidence of maintaining a nuisance injurious to health:

(a) Untreated or improperly treated human waste, garbage, offal, dead animals, or dangerous waste materials from manufacturing processes harmful to human or animal life and air pollutants, gases, and noisome odors which are harmful to human or animal life.

(b) Improperly built or maintained septic tanks, water closets, or privies.

(c) The keeping of diseased animals dangerous to human health.

(d) Unclean or filthy places where animals are slaughtered.

(e) The creation, maintenance, or causing of any condition capable of breeding flies, mosquitoes, or other arthropods capable of transmitting diseases, directly or indirectly to humans.

(f) Any other condition determined to be a sanitary nuisance as defined in s. 386.01.

(2) The Department of Health, its agents and deputies, or local health authorities are authorized to investigate any condition or alleged nuisance in any city, town, or place within the state, and if such condition is determined to constitute a sanitary nuisance, they may take such action to abate the said nuisance condition in accordance with the provisions of this chapter.

**History.**—s. 2, ch. 63-64; ss. 19, 35, ch. 69-106; s. 150, ch. 77-147; s. 77, ch. 97-101.

**386.051 Nuisances injurious to health, penalty.**—Any person found guilty of creating, keeping, or maintaining a nuisance injurious to health shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—s. 2, ch. 63-64; s. 337, ch. 71-136.

**CHAPTER 489**  
**CONTRACTING**

**PART I**

**CONSTRUCTION CONTRACTING**

**489.103 Exemptions.**—This part does not apply to:

(1) Contractors in work on bridges, roads, streets, highways, or railroads, and services incidental thereto. The board, in agreement with the Department of Transportation, shall, by rule, define "services incidental thereto" for the purposes of this subsection only.

(2) Any employee of a certificateholder or registrant who is acting within the scope of the license held by that certificateholder or registrant and with the knowledge and permission of the licenseholder. However:

(a) If the employer is not a certificateholder or registrant in that type of contracting, and the employee performs any of the following, the employee is not exempt:

1. Holds himself or herself or his or her employer out to be licensed or qualified by a licensee;
2. Leads the consumer to believe that the employee has an ownership or management interest in the company; or
3. Performs any of the acts which constitute contracting.

(b) The legislative intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions. For the purpose of this part, "employee" is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

(3) An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision, except school boards, state university boards of trustees, and community college boards of trustees, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, if the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment. If the construction, remodeling, or improvement

exceeds \$200,000, school boards, state university boards of trustees, and community college boards of trustees shall not divide the project into separate components for the purpose of evading this section.

(4) An officer appointed by a court when he or she is acting within the scope of his or her office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee.

(5) Public utilities, including special gas districts as defined in chapter 189, telecommunications companies as defined in s. 364.02(13), and natural gas transmission companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.

(6) The sale or installation of any finished products, materials, or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure, such as awnings. However, this subsection does not exempt in-ground spas and swimming pools that involve excavation, plumbing, chemicals, or wiring of any appliance without a factory-installed electrical cord and plug. This subsection does not limit the exemptions provided in subsection (7).

(7)(a) Owners of property when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors:

1. When building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings, at a cost not to exceed \$75,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease.
2. When repairing or replacing wood shakes or asphalt or fiberglass shingles on one-family, two-family, or three-family residences for the occupancy or use of such owner or tenant of the owner and not offered for sale within 1 year after completion of the work and when



the property has been damaged by natural causes from an event recognized as an emergency situation designated by executive order issued by the Governor declaring the existence of a state of emergency as a result and consequence of a serious threat posed to the public health, safety, and property in this state.

3. When installing, uninstalling, or replacing solar panels on one-family, two-family, or three-family residences, and the local permitting agency's county or municipal government is participating in a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant. However, an owner must utilize a licensed electrical contractor to effectuate the wiring of the solar panels, including any interconnection to the customer's residential electrical wiring. The limitations of this exemption shall be expressly stated in the building permit approved and issued by the permitting agency for such project.

(b) This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this part and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot.

(c) To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and must satisfy local permitting agency requirements, if any, proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in this section. However, for purposes of implementing a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant and the participation of county and municipal governments, including local permitting agencies under the jurisdiction of such county and municipal governments, an owner's notarized signature or personal appearance to sign the permit application is not required for a solar project, as described in subparagraph (a)3., if the building permit application is submitted electronically to the permitting agency and the owner certifies the application and disclosure statement using the permitting agency's electronic confirmation system. If any person violates the requirements of this

subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:  
DISCLOSURE STATEMENT

1. I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.

2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.

3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.

4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.

5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.

6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses

required by law and by county or municipal ordinance.

7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.

9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at (telephone number) or (Internet website address) for more information about licensed contractors.

11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed

construction activity at the following address: (address of property) .

12. I agree to notify (issuer of disclosure statements) immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

Signature: (signature of property owner) .

Date: (date) .

(d) A building permit application and disclosure statement electronically submitted by an owner to the authority for a solar project, as described in subparagraph (a)3., must also contain the following additional statement:

**OWNER'S ELECTRONIC SUBMISSION STATEMENT:** Under penalty of perjury, I declare that all the information contained in this building permit application and the representations made in the required disclosure statement are true and correct.

(e) A permitting authority that accepts a building permit application and disclosure statement in an electronic format from an owner who is exempt pursuant to this

subsection and who applies for a permit relating to a solar project, as described in subparagraph (a)3., is not liable in any civil action for inaccurate information submitted by the owner using the authority's electronic confirmation system.

(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this part.

(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$1,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.

(10)(a) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches;

(b) Regularly constituted irrigation districts or reclamation districts; or

(c) Clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a licensee.

(11) A registered architect or engineer acting within the scope of his or her practice or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in s. 481.229(1)(b); provided, however, that an architect or engineer shall not act as a contractor unless properly licensed under this chapter.

(12) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.

(13) Any person who is licensed pursuant to chapter 527 when such person is performing the work authorized by such license.

(14) Any person who sells, services, or installs heating or air-conditioning units which have a capacity no greater than 3 tons or 36,000 Btu, which have no ducts, and which have a factory-installed electrical cord and plug.

(15) The installation and maintenance of water conditioning units for domestic,

commercial, or industrial purposes by operators of water conditioning services. No municipality or county may adopt an ordinance, rule, or regulation which requires such an operator to become licensed, certified, or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

(16) An architect or landscape architect licensed pursuant to chapter 481 or an engineer licensed pursuant to chapter 471 who offers or renders design-build services which may require the services of a contractor certified or registered pursuant to the provisions of this chapter, as long as the contractor services to be performed under the terms of the design-build contract are offered and rendered by a certified or registered general contractor in accordance with this chapter.

(17) Contracting for repair, maintenance, remodeling, or improvement by any person licensed under part I of chapter 475 while acting as the owner's agent pursuant to that license, where all work requiring a contractor is performed by a contractor who has a current, valid certificate or registration issued under this part to perform such work, and where the aggregate contract for labor, materials, and all other items is less than \$5,000; however, this exemption does not apply:

(a) If the maintenance, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$5,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is qualified to engage in contracting.

(18) Any one-family, two-family, or three-family residence constructed or rehabilitated by Habitat for Humanity International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:

(a) Obtain all necessary building permits.

(b) Obtain all required building code inspections.

(c) Provide for supervision of all work by an individual with construction experience.

(19) A disaster recovery mitigation organization or a not-for-profit organization repairing or replacing a one-family, two-family, or three-family residence that has been impacted by a disaster when such organization:

(a) Is using volunteer labor to assist the owner of such residence in mitigating unsafe living conditions at the residence;

- (b) Is not holding itself out to be a contractor;
  - (c) Obtains all required building permits;
  - (d) Obtains all required building code inspections; and
  - (e) Provides for the supervision of all work by an individual with construction experience.
- (20) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with the Florida Building Code or any applicable local technical amendment to the Florida Building Code, local licensure requirements, or other local ordinance provisions.
- (21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the department showing compliance with the Florida Building Code.
- (22) A person licensed pursuant to s. 633.061(1)(d) or (3)(b) performing work authorized by such license.

**History.**—ss. 11, 17, ch. 79-200; ss. 2, 3, ch. 81-318; s. 1, ch. 84-160; s. 1, ch. 87-235; ss. 2, 20, 21, ch. 88-156; s. 3, ch. 89-115; s. 69, ch. 89-162; s. 1, ch. 89-343; s. 29, ch. 89-374; s. 38, ch. 90-228; ss. 34, 68, ch. 91-137; s. 4, ch. 91-429; s. 7, ch. 92-55; s. 1, ch. 93-154; s. 1, ch. 93-166; s. 255, ch. 94-119; s. 4, ch. 96-298; s. 73, ch. 96-388; s. 1125, ch. 97-103; s. 39, ch. 98-250; s. 19, ch. 98-287; s. 22, ch. 98-419; s. 39, ch. 2000-141; s. 34, ch. 2000-154; s. 30, ch. 2000-372; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 26, ch. 2003-32; s. 5, ch. 2005-30; s. 26, ch. 2005-132; s. 43, ch. 2005-147; s. 1, ch. 2006-283; s. 56, ch. 2007-217; s. 25, ch. 2009-195; s. 26, ch. 2010-176; s. 61, ch. 2011-36; s. 37, ch. 2011-64; s. 404, ch. 2011-142; s. 13, ch. 2011-222; s. 8, ch. 2012-13.

**489.105 Definitions.**—As used in this part: (3)(m) “Plumbing contractor” means a contractor whose services are unlimited in the plumbing trade and includes contracting business consisting of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, if not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, if not prohibited by law, design the following without obtaining an additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities, water and sewer plants and

substations, venting systems, public or private water supply systems, septic tanks, drainage and supply wells, swimming pool piping, irrigation systems, and solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines. The scope of work of the plumbing contractor also includes the design, if not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers if authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in a manner that complies with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor applies to private property and public property, including any excavation work incidental thereto, and includes the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified as being the work of a trade other than that of a plumbing contractor. This definition does not limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6), and does not require certification or registration under this part of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. A plumbing contractor may perform drain cleaning and clearing and install or repair rainwater catchment systems; however, a mandatory licensing requirement is not established for the performance of these specific services.

### PART III

#### SEPTIC TANK CONTRACTING

- 489.551 Definitions.
- 489.552 Registration required.
- 489.553 Administration of part; registration qualifications; examination.
- 489.554 Registration renewal.

489.555 Certification of partnerships and corporations.

489.556 Suspension or revocation of registration.

489.557 Fees, establishment.

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**489.551 Definitions.**—As used in this part:

(1) “Department” means the Department of Health.

(2) “Master septic tank contractor” means a septic tank contractor whose services are unlimited in the septic tank trade who has had at least 3 years’ experience as a Florida-registered septic tank contractor or a plumbing contractor certified under part I of this chapter who has provided septic tank contracting services for at least 3 years and who has the experience, knowledge, and skills to install, maintain, repair, close repairs of, and alter all types of onsite sewage treatment and disposal systems, to design onsite sewage treatment and disposal systems, where not prohibited by law, to perform and submit soil evaluations, when determined to meet site-evaluation expertise established by rule, and to use materials and items used in the installation and maintenance of all types of onsite sewage treatment and disposal systems.

(3) “Onsite sewage treatment and disposal system” means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.

(4) “Septic tank contractor” means a contractor who has the experience, knowledge, and skill to install, maintain, repair, alter, perform site evaluations for repairs, when determined to meet site-evaluation expertise established by rule, and use material and items used in the installation and maintenance of all kinds of onsite sewage treatment and disposal systems.

**History.**—ss. 1, 10, ch. 87-310; s. 4, ch. 91-429; s. 7, ch. 93-151; s. 5, ch. 96-303; s. 4, ch. 98-420; s. 234, ch. 99-8.

**489.552 Registration required.**—A person shall not hold himself or herself out as a septic tank contractor or a master septic tank

contractor in this state unless he or she is registered by the department in accordance with the provisions of this part. However, nothing in this part prohibits any person licensed pursuant to s. 489.105(3)(m) in this state from engaging in the profession for which he or she is licensed.

**History.**—ss. 2, 10, ch. 87-310; s. 4, ch. 91-429; s. 6, ch. 96-303.

**489.553 Administration of part; registration qualifications; examination.**—

(1) Each person desiring to be registered pursuant to this part shall apply to the department in writing upon forms prepared and furnished by the department.

(2) The department shall administer, coordinate, and enforce the provisions of this part, provide qualifications for applicants, administer the examination for applicants, and be responsible for the granting of certificates of registration to qualified persons.

(3) The department shall adopt reasonable rules, including, but not limited to, rules that establish ethical standards of practice, requirements for registering as a contractor, requirements for obtaining an initial or renewal certificate of registration, disciplinary guidelines, and requirements for the certification of partnerships and corporations. The department may amend or repeal the rules in accordance with the Administrative Procedure Act.

(4) To be eligible for registration by the department as a septic tank contractor, the applicant must:

(a) Be of good moral character. In considering good moral character, the department may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to: the applicant being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting; and previous disciplinary action involving septic tank contracting, where all judicial reviews have been completed.

(b) Pass an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the state laws relating to the installation and maintenance of onsite sewage treatment and disposal systems.

(c) Be at least 18 years of age.

(d) Have a total of at least 3 years of active experience serving an apprenticeship as a

skilled worker under the supervision and control of a registered septic tank contractor or a plumbing contractor as defined in s. 489.105 who has provided septic tank contracting services. Related work experience or educational experience may be substituted for no more than 2 years of active contracting experience. Each 30 hours of coursework approved by the department will substitute for 6 months of work experience. Out-of-state work experience shall be accepted on a year-for-year basis for any applicant who demonstrates that he or she holds a current license issued by another state for septic tank contracting which was issued upon satisfactory completion of an examination and continuing education courses that are equivalent to the requirements in this state. For purposes of this section, an equivalent examination must include the topics of system location and installation, site evaluation, system size determinations, disposal of septage, construction standards for drainfield systems, and the soil-texture classification system of the United States Department of Agriculture. A person employed by and under the supervision of a licensed contractor shall be granted up to 2 years of related work experience.

(e) Have not had a registration revoked, the effective date of which was less than 5 years before the application.

(5) To be eligible for registration by the department as a master septic tank contractor, the applicant must:

(a) Have been a registered septic tank contractor in Florida for at least 3 years or a plumbing contractor certified under part I of this chapter who has provided septic tank contracting services for at least 3 years. The 3 years must immediately precede the date of application and may not be interrupted by any probation, suspension, or revocation imposed by the licensing agency.

(b) Take and complete, to the satisfaction of the department, a minimum of 30 hours of approved coursework.

(c) Pass an examination approved by the department which demonstrates that the applicant has advanced knowledge relating to the installation and maintenance of onsite sewage treatment and disposal systems, including, but not limited to, the fundamental knowledge required to close residential repair jobs, design systems, and perform soil evaluations, when determined to meet site-evaluation expertise established by rule.

(d) Be reviewed by the department for any major infractions of this chapter or other law

relating to onsite sewage treatment and disposal.

(6) The department shall provide each applicant for registration pursuant to this part with a copy of this part and any rules adopted under this part. The department may also prepare and disseminate such other material and questionnaires as it deems necessary to effectuate the registration provisions of this part.

**History.**—ss. 3, 10, ch. 87-310; s. 4, ch. 91-429; s. 8, ch. 93-151; s. 7, ch. 96-303; s. 76, ch. 97-237; s. 27, ch. 98-151; s. 29, ch. 99-7; s. 31, ch. 2000-242; s. 46, ch. 2004-350.

**489.554 Registration renewal.—**

(1) The department shall prescribe by rule the method for approving continuing education courses, for renewing annual registration, for approving inactive status for the late filing of a renewal application, for allowing a contractor to hold a registration in inactive status for a specified period, and for reactivating a registration.

(2) At a minimum, annual renewal shall include continuing education requirements of not less than 12 classroom hours annually for septic tank contractors and not less than 18 classroom hours annually for master septic tank contractors. The 18 classroom hours of continuing education required for master septic tank contractors may include the 12 classroom hours required for septic tank contractors, but at a minimum must include 6 classroom hours of approved master septic tank contractor coursework.

(3) A certificate of registration becomes inactive when a renewal application is not filed in a timely manner. A certificate that has become inactive may be reactivated under this section by application to the department. A licensed contractor may apply to the department for voluntary inactive status at any time during the period of registration.

(4) A master septic tank contractor may elect to revert to the status of a registered septic tank contractor at any time during the period of registration. The department shall prescribe by rule the method for a master septic tank contractor who has reverted to the status of a registered septic tank contractor to apply for status as a master septic tank contractor.

(5) The department shall deny an application for renewal if the applicant has failed to pay any administrative penalty imposed by the department if the penalty is final agency action and all judicial reviews have been exhausted.

**History.**—ss. 4, 10, ch. 87-310; s. 55, ch. 91-297; s. 4, ch. 91-429; s. 8, ch. 96-303; s. 5,

ch. 98-420; s. 47, ch. 2004-350; s. 7, ch. 2006-252.

**489.555 Certification of partnerships and corporations.—**

(1) The practice of or the offer to practice septic tank contracting services by registrants through a parent corporation, corporation, subsidiary of a corporation, or partnership offering septic tank contracting services to the public through registrants under this chapter as agents, employers, officers, or partners is permitted, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as septic tank contractors or master septic tank contractors in this state are registered as provided by this part, and further provided that the corporation or partnership has been issued a certificate of authorization by the department as provided in this section. A registered contractor may not be the sole qualifying contractor for more than one business that requests a certificate of authorization. A business organization that loses its qualifying contractor has 60 days following the date the qualifier terminates his or her affiliation within which to obtain another qualifying contractor. During this period, the business organization may complete any existing contract or continuing contract, but may not undertake any new contract. This period may be extended once by the department for an additional 60 days upon a showing of good cause. Nothing in this section shall be construed to mean that a certificate of registration to practice septic tank contracting shall be held by a corporation. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing septic tank contracting be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

(2) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, association, or person practicing under a fictitious name, offering septic tank contracting services to the public, except that when an individual is practicing septic tank contracting in his or her own given name, he or she shall not be required to register under this section.

(3) Each certification of authorization shall be renewed every 2 years. Each partnership and corporation certified under this section shall

notify the department within 1 month of any change in the information contained in the application upon which the certification is based.

(4) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered septic tank contractor or master septic tank contractor.

(5) When a certificate of authorization has been revoked, any person authorized by law to provide septic tank contracting services may not use the name or fictitious name of the entity whose certificate was revoked, or any other identifiers for the entity, including telephone numbers, advertisements, or logos.  
**History.—**ss. 5, 10, ch. 87-310; s. 4, ch. 91-429; s. 10, ch. 96-303; s. 52, ch. 97-98; s. 28, ch. 98-151; s. 6, ch. 98-420.

**489.556 Suspension or revocation of registration.—**A certificate of registration may be suspended or revoked upon a showing that the registrant has:

- (1) Violated any provision of this part.
- (2) Violated any lawful order or rule rendered or adopted by the department.
- (3) Obtained his or her registration or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.
- (4) Been found guilty of gross misconduct in the pursuit of his or her profession.

**History.—**ss. 6, 10, ch. 87-310; s. 4, ch. 91-429; s. 11, ch. 96-303.

**489.557 Fees, establishment.—**

(1) The department shall, by rule, establish fees as follows:

- (a) For septic tank contractor registration:
  1. Application and examination fee: not less than \$25 or more than \$75.
  2. Initial registration fee: not less than \$50 or more than \$100.
  3. Renewal of registration fee: not less than \$50 or more than \$100.
- (b) For master septic tank contractor registration:
  1. Application and examination fee: not less than \$25 or more than \$75.
  2. Initial registration fee: not less than \$50 or more than \$100.
  3. Renewal of registration fee: not less than \$50 or more than \$100.
- (c) Certification of partnerships and corporations: not less than \$100 or more than \$250.

(2) Fees established pursuant to subsection (1) shall be based on the actual costs incurred by the department in carrying out its

registration and other related responsibilities under this part.

**History.**—ss. 7, 10, ch. 87-310; s. 4, ch. 91-429; s. 12, ch. 96-303.

**489.558 Penalties and prohibitions.—**

(1) Any person who violates any provision of this part commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The department may deny a registration if it determines that an applicant does not meet all requirements of this part or has violated any provision of this part. Any applicant aggrieved by such denial shall be entitled to a hearing, after reasonable notice thereof, upon filing a written request for such hearing in accordance with chapter 120.

**History.**—ss. 8, 10, ch. 87-310; s. 119, ch. 91-224; s. 4, ch. 91-429; s. 13, ch. 96-303.



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