



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

## C – State Regulations

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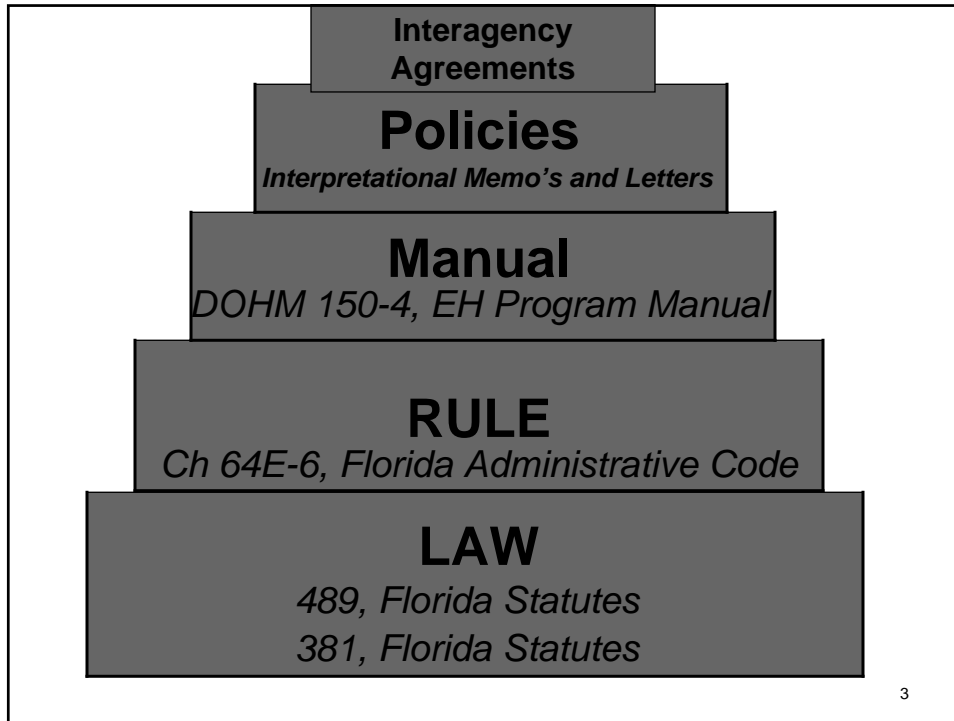


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## Objectives

To give a clear understanding of the regulations governing the onsite sewage treatment and disposal program in Florida. In addition, to give an overview of certain regulations, policies and agreements with other State agencies.

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## 381.0065, FS

- Foundation
- Law enacted by State Legislature
- Tells us what to do or regulate
- We can only do what is authorized by the Law

**Online Sunshine**  
Official Internet Site of the Florida Legislature

June 25, 2010

Search Statutes: [input type="text"] [input type="button" value="Search"]

Select Year: [2009] [Go]

The 2009 Florida Statutes

Title 381 Chapter 381  
PUBLIC HEALTH - GENERAL PROVISIONS  
381.0065 Onsite sewage treatment and disposal systems; regulation...

(1) LEGISLATIVE INTENT.—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. It is 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

# Part III 489, FS

- Septic Tank Contracting



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# 64E-6, Florida Administrative Code

- Technical requirements
- Standards
- Authorized by Law to write rule

STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
CHAPTER 64E-6, FLORIDA ADMINISTRATIVE CODE  
STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS  
EFFECTIVE APRIL 24, 2010

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# 120.60 FS

- Administrative Procedures Act
- Licensing
- 30 days to review application
- 90 days to approve/deny after receiving complete application



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# EH Manual 150-4

Department of Health  
Division of Environmental Health  
Environmental Health Program Manual  
DHM 150-4 (06-19-2009)

VI. Chapter K: ONSITE SEWAGE TREATMENT AND DISPOSAL

A. Objective

The objective of the onsite sewage treatment and disposal program is to provide for safe and sanitary treatment and disposal of domestic and commercial sewage waste and septic in areas not served by public sewage systems. The goal of the program is to protect public health by the elimination of the potential for the spread of infectious disease from improperly built or maintained onsite sewage treatment and disposal systems and the protection of ground and surface water from onsite sewage treatment and disposal systems discharge.

B. Narrative Description

1. Management of domestic and commercial wastewater discharged from residences and business establishments, which are not connected to a central sewage system, are of major concern in protecting the public health and preventing deterioration of the environment. Large areas of the state are not served by public sewage disposal systems. Consequently onsite sewage treatment and disposal systems (OSTDS) must be utilized. Included in the definition of OSTDS are septic tanks and drainfields, organic waste composting toilets, gray water systems, aerobic wastewater treatment units, floating tanks and other similar type systems for the treatment and disposal of domestic and commercial waste.
2. OSTDS can be a viable, relatively long-lasting means of sewage treatment and disposal. Generally, OSTDS present no public health problems when they are properly designed, installed and maintained on sites having satisfactory soil and drainage features. However, where an installation site is unsuitable, and where no modification of the property is possible or practical, use of an OSTDS may contaminate ground or surface waters and pose a threat to public health.
3. The CHDs conduct the operational aspects of this program component. Services provided by the county health departments include application plan review, site evaluation, system construction permitting, inspection, consultation and other activities which are intended to ensure that OSTDS are properly sited and will function properly without creating sanitary nuisance or pollution problems. County health departments monitor the maintenance of OSTDS by conducting complaint investigations, and sanitary surveys where requested or warranted. Additionally, the OSTDS maintenance industry is regulated by the inspection and permitting of septic disposal services, line stabilization facilities, land spreading sites, portable or temporary toilet services, and registration of septic tank contractors and businesses.

C. Authority

1. Section 381.001, F.S., gives DOH responsibility for the improvement, protection and protection of the environment that enhances the health of the individual and community as part of the overall public health plan.

Section VI Page K 1

- Environmental Health Program Manual, Chapter K – Onsite Sewage Disposal
- Procedures for department
- Not an interpretation of the Law or rule or not a substitute for rules or agency interpretations of the law

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# Policies and Interpretations

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



# Suwannee/Aucilla River

381.0065(4)(t), FS

- Floodways of Suwannee/Aucilla River
- Drainfield shall not be subject to flooding
- Based on 10 yr flood elevation
  - ✓ Exceptions: if subdivided prior to 1/17/1990 (all must be met)
  - ✓ Lot minimum ½ acre
  - ✓ Bottom of DF at least 36" above 2-yr flood elevation
  - ✓ Installation of either: a waterless, incinerating, or composting toilet/gray-water system, ATU and DF or N reducing system approved by State Health Office
- Fill and mounding – not permitted if in regulatory floodway of the Suwannee or Aucilla River

## Roof Run Off

- Mostly known as “guttering”
- Guttering shall not be required if system is not within 5 feet from the dripline of a residence (tank not included)
- The intent is to protect the drainfield, shoulders and slopes from the drainage impact of buildings
- Downspouts shall be directed away from drainfield
- 381.0065(4)(s)

“In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering shall not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield”. Section 381.0065(4)(s), Florida Statutes

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## Rights to Hearings

- Provide “Notice of Rights” with construction permit
- Substantial interest is affected
- Right to Petition for Administrative Hearing pursuant to 120.569 and 120.57
- Send to Agency Clerk in Tallahassee
- Mediation is not available
- See Handout “Notice of Rights”

### NOTICE OF RIGHTS

A party whose substantial interest is affected by this order may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Such proceedings are governed by Rule 28-106, Florida Administrative Code. A petition for administrative hearing must be in writing and must be received by the Agency Clerk for the Department, within twenty-one (21) days from the receipt of this order. The address of the Agency Clerk is 4052 Bald Cypress Way, BIN # A02, Tallahassee, Florida 32399-1703. The Agency Clerk's facsimile number is 850-410-1448.

Mediation is not available as an alternative remedy.

Your failure to submit a petition for hearing within 21 days from receipt of this order will constitute a waiver of your right to an administrative hearing, and this order shall become a final order.

Should this order become a final order, a party who is adversely affected by it is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy, accompanied by the filing fees required by law, with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of rendition of the final order.

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# Variations

- Application of Construction Permit is denied when provisions of 64E-6, FAC and Section 381.0065, FS can not be met.
- Right to Apply for a Variance
- Granted for Hardship Cases (not caused by applicant)
- Variance Application Submitted to CHD and reviewed (Form DH4057)
- Variance sent to SHO to Review and Schedule for Meeting
- Schedule for Variance Meeting (monthly)
- Variance Review and Advisory Committee
- Variance Approved, Denied or Tabled
- Construction Permit Issued based on Variance
- 381.0065(4)(h), FS
- See Handout for "Variations"

## Denial Letter

## Notice to Variance Applicants

**Reasons for Denial**

Code Citation	Letter Detail	Code Citation Description
381.0065(4)(g)2, F.S.	Existing system is only 28' from a surface water body.	Sewage flow for pre-72 lot
64E-6.005(2), F.A.C.	Existing draft/field is only 2' from the property line.	Setback from property line
64E-6.005(2), F.A.C.	Existing tank is only 6' from the enclosed drain header.	System located under building

**NOTICE TO POTENTIAL VARIANCE APPLICANTS**

If pursuing a variance application, please note that the following information is taken from the section of Florida Statutes dealing with variance applications for onsite sewage treatment and disposal systems. To find the Florida Statutes on the internet, please go to <http://www.leg.state.fl.us/Statutes/index.cfm>. Scroll down and click on "Title XXXI." Find and click on "Chapter 381." Find and click on "381.0065." The citation to look for is Chapter 381.0065(4)(h)1., Florida Statutes.

The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. 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 zoned before 1972.

While the final authority to grant or deny variances rests solely with the Department of Health, variance applications are reviewed by a State Variance Review and Advisory Committee. The committee meets once a month in a predetermined location in Florida. You are invited to attend, at your own expense, or send someone to represent you. The committee will evaluate your request during the meeting, and will make a recommendation on the disposition of your application to the department.

Please note there are specific requirements and deadlines for variance applications. Please call your local county health department representative for information on how to file for a variance request.



## DOH Jurisdiction/Authority

- Where sewer is not available, the department shall issue permits for OSTDS
- OSTDS shall not adversely affect the public health or significantly degrade groundwater or surface water
- Issue permits for domestic flows of 10,000 gpd or less or commercial at 5,000 gpd or less
- Develop comprehensive program to ensure proper regulation and maintenance to prevent groundwater contamination and surface water contamination and to preserve the public health
- Final rule interpretative authority is with the Bureau

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## Sewer Availability

Section 381.0065(2)

- (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:

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# Sewer Availability

Section 381.0065(2)

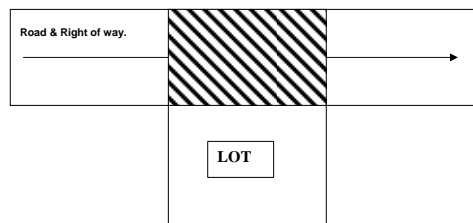
- 1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection 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.

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# Sewer Availability

Section 381.0065(2)1.

For a single family residence with flow < 1000 gpd, sewer would be considered "available" if a gravity or low pressure line exists in the shaded area.



- Flow < 1000 gpd. There is no limit to the width of the easement abutting the property - if the sewer line is in shaded area - even if that area is 100 feet wide and sewer is on the far edge - it's available.
- Variance provisions do not apply to sewer availability
- But the utility can waive connection.

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## Overview of 64E-6, Florida Administrative Code

STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
CHAPTER 64E-6, FLORIDA ADMINISTRATIVE CODE  
STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS  
EFFECTIVE APRIL 28, 2010

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64E-6.005	LOCATION AND INSTALLATION.....11
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64E-6.008	SYSTEM SIZE DETERMINATIONS.....14
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Take a look at your copy of the rule to follow along.

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## Interagency Agreement Between DEP and DOH

### FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS

September 10, 2001

An agreement between the two agencies that outlines how the agencies interact together on issues regarding jurisdictional flow limits, industrial/manufacturing zones and equivalents, septage treatment facilities, variances and more.

<http://www.myfloridaeh.com/ostds/pdf/files/forms/depdoh092701.pdf>

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## Interagency Agreement with DEP

Definitions	Regulatory Responsibilities	Attachments
Commercial Wastewater	Onsite Sewage Treatment and Disposal Systems	1. List of Potential Toxic, Hazardous And Industrial Waste Generators
Domestic Wastewater		
Establishment	* New Establishments	2. Sample Letter – Waiver of Jurisdictional Flow Limits
Estimated Sewage Flow	* Existing Establishments	
Existing Facility	Industrial and Manufacturing Areas	3. Waiver of DEP over Industrial Wastewater
Industrial Wastewater	Marina Pumpout Facilities	
New Establishment	Septage and Residuals	4. No Objection Letter for An Establishment in an area Zoned or Used for IM Purposes
OSTDS	Permitting	
Residuals	Compliance and Enforcement	5. Technical Guidelines for Marina Pumpout Facilities
Residuals Management Facility	Administrative	
Septage		
Septage Management Facility		
Sewage		

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### Interagency Food Coordination Regarding Regulated Food and Group Care Establishments

**DOH, DACS, DBPR, APD, ACHA, DCF**

- Ensure coordination between agencies
- Licensing agency conducts inspections
- For new facility, or remodeling upgrade
- Memo 11-003

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## DBPR Responsibilities

- **Prior To Licensing an Establishment, Water and/or Wastewater Approval is Required For the Following:**
  - New public food service establishment is requiring a plan review
  - Existing public food service establishment requiring a plan review due to remodeling or conversion
  - Existing public food service establishment requesting an increase in seating
  - Existing public food service establishment undergoing change in operations (e.g. menu, switch from single-service to multiuse tableware)

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## DOH Responsibilities

- **Prior to licensing DOH regulated Food Service/Institutional/and Group Care Facilities that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or an onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., DOH staff will verify requisite approvals from their office for the following:**
  - New facilities
  - Existing facilities increasing the number of beds/residents/seating, food preparation area, etc
  - Existing facilities undergoing extensive remodeling that may impact the septic system.
  - For a change in ownership, a commercial sewage waste operating permit may be required. See section below
  - **Note: DOH should ensure that a routing procedure is in place so the staff responsible for the facility inspections are coordinating with the onsite sewage and onsite well sections.**

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Draft Revised FORM - 7/27/2010 2:48 PM  
 INTERAGENCY - DOH/DACS/DBPR/DCF/AHCA/APD  
 ONSITE SEWAGE (SEPTIC) AND WATER SUPPLY EVALUATION

This form is to be completed to ensure that facilities/businesses serving or preparing food service are evaluated for adequate water and sewage services before opening or expanding operations. Please return to the licensing agency when complete.

**Section 1 - EVALUATION REQUEST FOR LICENSING AGENCY**

Is the facility/business served by an onsite well?  Yes (if yes, go to Section #2 below)  No (if no, list the name of the public water supplier)

Is the facility/business served by an onsite (septic) sewage system?  Yes (if yes, go to Section #3 below)  No (if no, list the name of the sewer/utility supplier)

New Facility  Expansion / Remodeling (increase in seating/other change)  Change in Ownership  Other (list)

Licensing Agency:  DBPR  DACS  DCF  AHCA  APD License Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Comments: \_\_\_\_\_

**ESTABLISHMENT INFORMATION**

Establishment Name: \_\_\_\_\_ Type of Establishment: \_\_\_\_\_

Address: \_\_\_\_\_ Contact Person / Phone#: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ Zip: \_\_\_\_\_

**Section 2 - WATER**

Onsite Well System  Permit # \_\_\_\_\_ Issued by: \_\_\_\_\_

Establishment served by a 64E-8, F.A.C. Limited Use Public Water System, DOH Regulated

Establishment served by a Florida Safe Water Drinking Act (DEP or DOH) regulated public water system

**SYSTEM EVALUATION RESULT:**

Approved  Denied (see comments) \_\_\_\_\_

Comments: \_\_\_\_\_

Name & Title \_\_\_\_\_ Agency \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

**Section 3 - WASTEWATER**

**SYSTEM EVALUATION RESULT:**

Permit Issued  Single-Service Utensils Only \_\_\_\_\_  Other Conditions (see comments) \_\_\_\_\_

Final Approval  Number of Seats Permitted \_\_\_\_\_  Hours of Operation \_\_\_\_\_  Number of Residents/Students \_\_\_\_\_

Denied (see comments) \_\_\_\_\_

Comments: \_\_\_\_\_

Name & Title \_\_\_\_\_ Agency \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

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General Information completed by licensing agency

Wastewater Information completed by CHD

INTERAGENCY COORDINATION OF REGULATED ESTABLISHMENTS - DOH/DACS/DBPR/DCF/AHCA/APD  
 EVALUATION OF ONSITE SEWAGE (SEPTIC) AND WATER SUPPLY CAPACITY

This evaluation is to ensure certain regulated facilities/businesses are evaluated for adequate water and sewage services before opening or expanding operations. If the facility/business is on a DOH regulated onsite well or onsite septic system, completion of this evaluation will facilitate and expedite the approval process. Please return to the appropriate licensing agency.

**Section 1 - EVALUATION REQUEST FOR LICENSING AGENCY**

New (new building or structure)  Expansion / Remodeling (increase in seating/residents/other)  Change in Occupancy/Tenancy

Licensing Agency:  DBPR  DACS  DCF  AHCA  APD License Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Comments: \_\_\_\_\_

**ESTABLISHMENT INFORMATION**

Establishment Name: \_\_\_\_\_ Type of Establishment: \_\_\_\_\_

Address: \_\_\_\_\_ Contact Person / Phone#: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ Zip: \_\_\_\_\_

**Section 2 - WATER**

The above named facility/business uses the following water supply (choose one type), and complete evaluation:

Municipal/Public Water System Name of Supplier: \_\_\_\_\_

Onsite Well System Permit Number: \_\_\_\_\_

Establishment served by a 64E-8, F.A.C. Limited Use Public Water System, DOH Regulated

Establishment served by a Florida Safe Water Drinking Act (DEP or DOH) regulated public water system

**SYSTEM EVALUATION RESULT:** (this section below normally only completed by DOH if on a DOH water system)

Approved  Denied (see comments) \_\_\_\_\_

Comments: \_\_\_\_\_

Name & Title (Printed) \_\_\_\_\_ County Health Department/DEP/Utility \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

**Section 3 - WASTEWATER**

The above named facility/business uses the following wastewater disposal system (choose one type), and complete evaluation:

Municipal/Public Sewer Name of Supplier: \_\_\_\_\_

Septic System (on-site Wastewater) Permit Number: \_\_\_\_\_

**SYSTEM EVALUATION RESULT:** (this section below normally only completed by DOH if on a septic system)

Approved  Single-Service Utensils Only \_\_\_\_\_  Number of Residents/Students \_\_\_\_\_

Denied (see comments) \_\_\_\_\_  Number of Seats Permitted \_\_\_\_\_  Number of Beds/Clients \_\_\_\_\_

Hours of Operation \_\_\_\_\_  Other Conditions (see comments) \_\_\_\_\_

Food Service Yes  No

Comments: \_\_\_\_\_

Name & Title (Printed) \_\_\_\_\_ County Health Department/DOH/Utility \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

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General Information completed by licensing agency

Wastewater Information completed by CHD

## Operating Permits

- Not To Be Confused With Construction Permit
- Allows Business or System to Operate
- Facilities and Service Companies
- Issued On An Annual/Biannual Basis
- Inspections – CHD/Maintenance Entity
- Managed System

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## Operating Permits

Facility Operating Permits	Service Co. Operating Permits
IM	Maintenance Entities
COM	Manufactures
ATU	Disposal Services
PBTS	Treatment Facility
	Temporary Service
	Agricultural Land Use

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**Questions?**

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