

~~64B16-26.303~~, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) If the initial renewal of a nuclear pharmacist license occurs less than 12 months after the initial licensure, then completion of courses of nuclear pharmacy continuing education hours will not be required.

(c) If the initial renewal of a nuclear pharmacist license occurs 12 months or more after the initial licensure, then 12 hours of nuclear pharmacy continuing education hours must be completed prior to the renewal date of the license but no earlier than the date of initial licensure.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7), (9), 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, 4-12-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-6.001	General
64E-6.003	Permits
64E-6.004	Application for System Construction Permit
64E-6.005	Location and Installation
64E-6.008	System Size Determinations
64E-6.009	Alternative Systems
64E-6.010	Septage and Food Establishment Sludge
64E-6.0101	Portable Restrooms and Portable or Stationary Holding Tanks
64E-6.011	Abandonment of Systems
64E-6.012	Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units
64E-6.013	Construction Materials and Standards for Treatment Receptacles

64E-6.014	Construction Standards for Drainfield Systems
64E-6.015	Permitting and Construction of Repairs
64E-6.0151	Product Composition
64E-6.023	Certification of Partnerships and Corporations
64E-6.027	Permits
64E-6.028	Location and Installation

PURPOSE AND EFFECT: The proposed changes to Chapter 64E-6, Florida Administrative Code, incorporate recommendations from regulators and industry. The proposed changes have been reviewed by the Technical Review and Advisory Panel.

SUMMARY: The proposed rule incorporates changes reviewed and recommended by the Technical Review and Advisory Panel for onsite sewage treatment and disposal systems. The proposals address existing system tank inspection procedures; operating permits; filters and components; land application of septage; drainfield repairs; portable restrooms; design, construction location and use of septic tanks, dosing systems, drip irrigation systems, performance-based treatment systems, aerobic treatment systems and mound drainfield systems; system abandonment; site evaluations; reports required; and availability of forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: These rules potentially impact anyone seeking to design install, maintain, repair, modify or manufacture components for an onsite sewage treatment and disposal system. In addition to \$6600 in rule-promulgation costs, the Department anticipates \$11,400 in new annual costs for the Bureau of Onsite Sewage Programs to review certain new product and system designs. Costs to the regulated industries and public would be for the design of treatment receptacle lids, component labeling, large aerobic treatment units and up-to-date site evaluations. Numerous potential cost savings occur as the proposed rules present additional options for system design, permitting, construction and evaluation.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 381.0065, 381.0066, 489.553, 489.557 FS.

LAW IMPLEMENTED: 381.0065, 381.066, 381.0067, 386.041, 489.553, 489.557 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 30, 2009, 2:00 p.m.

PLACE: Bureau of Onsite Sewage Programs, Conference Room 240P, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shirley Kugler, Bureau of Onsite Sewage Programs 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-6.001 General.

(1) through (3) No change.

(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. An applicant will be required to complete Form DH 4015, 10/97, Application for Onsite Sewage Treatment and Disposal System 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. The applicant shall have all system tanks; pumped by a permitted septage disposal service ~~to determine tank volume based on the actual measurements of the tank. 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~~ The service pumping the tank 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, and shall submit the results to the DOH county health department as part of the application. If a prior approved existing system has been approved by the DOH county health department within the preceding three 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. A commercial system out of service for more than one year shall be brought into full compliance with current requirements of this Chapter prior to the system being placed into service. 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. Proper well setbacks shall be maintained. 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. 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.

(a) through (g) No change.

(5) through (7) No change.

Specific Authority ~~381.0011(4), (13); 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 10-6.41, 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, \_\_\_\_\_.~~

64E-6.003 Permits.

(1) No change.

(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) through (b) No change.

(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. through 2. No change.

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) No change.

(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) through (4) No change.

(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 ~~or~~ 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 hereby incorporated by reference.

(a) through (b) No change.

(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 ~~also~~ be required to obtain another ~~an annual~~ 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) No change.

Specific Authority ~~154.06(1), 381.0011(4), (13);~~ 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented ~~381.0012, 381.0025,~~ 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,\_\_\_\_\_.

64E-6.004 Application for System Construction Permit.

(1) through (2) No change.

(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) through (f) No change.

(4) through (8) No change.

(9) 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.

Specific Authority ~~381.0011(4), (13);~~ 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,\_\_\_\_\_.

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, groundwaters, surface waters, or aquifers. To prevent such discharge or health hazards:

(1) No change.

(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) No change.

(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 PVC or stronger. In no case shall the ~~sleeved~~ 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 subparagraphs 381.0065(2)(1)1. and 2., Florida Statutes, preventers or check valves being installed on the water line ~~so as~~ to preclude contamination of the water system.

(c) No change.

(3) through (7) No change.

(8) Notwithstanding the requirements of this section, where an effluent transmission line consists of schedule 40 PVC ~~or consists of schedule 20 PVC enclosed in a sleeve of schedule 40 PVC~~, the transmission line shall be set back from private potable wells, irrigation wells or surface water bodies by ~~the maximum distance attainable but~~ 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 ~~bottom 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) No change.

Specific Authority ~~381.0011(13), 381.006, 381.0065(3)(a), 489.553, 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 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, 05-24-04,\_\_\_\_\_.~~

64E-6.008 System Size Determinations.

(1) No change.

(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 August 1999, which is herein incorporated by reference.

Table II No change.

(3) through (6) No change.

Specific Authority ~~381.0011(4), (13), 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,\_\_\_\_\_.~~

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. ~~The DOH county health department shall require an engineer licensed in the state of Florida to design a system having a total absorption~~

~~area greater than 1000 square feet and shall require the design engineer to certify that the installed system complies with the approved design and installation requirements.~~

(1) through (2) No change.

(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) through (c) No change.

(d) Where the soil material underlying a mound system is of a similar ~~slightly limited~~ 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; Loamy Coarse Sand	1.00	0.75
Fine Sand	0.80	0.65
Sandy Loam; Coarse Sandy Loam; Loamy Sand	0.65	0.40
Fine Sandy Loam;	0.35	0.25

Very Fine Sand; Loamy Fine Sand;  
Loamy Very Fine Sand

(e) No change.

(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, or 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 the Florida Erosion and Sediment Control Inspector’s Manual, Chapter 6, Best Management Practices Vegetation for Erosion Control, herein incorporated by reference.

(g) through (i) No change.

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

(4) No change.

(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 receiving 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. through 2. No change.

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. through 14. No change.

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. through 19. No change.

20. All onsite sewage treatment and disposal systems that include a drip effluent disposal system and aerobic treatment unit shall have a biennial ~~an annual~~ operating permit, a maintenance contract with an approved aerobic treatment system maintenance entity, and shall be inspected in accordance with the requirements of this chapter.

21. No change.

22. The hydraulic surge storage requirement of Rule 64E-6.028, F.A.C., does not apply to drip irrigation systems. Drip irrigations shall be used for treating domestic wastewater only.

23. No change.

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 vegetated with plant species specified by the design engineer. The species specified shall not include trees.

(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 receiving waste from other treatment devices shall be regulated under Part IV of this Chapter.

(6) No change.

(7) 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) through (d) No change.

(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.

(8) through (10) No change.

Specific Authority ~~381.0011(4), (13)~~, 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, 06-18-03, 11-26-06, \_\_\_\_\_.

64E-6.010 Septage and Food Establishment Sludge.

(1) through (6) No change.

(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) through (p) No change.

(q) Unless required by law to be limited by phosphorous, application ~~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 ~~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.

AAR=P÷0.0076 if the crop demand is calculated for P<sub>2</sub>O<sub>5</sub>.

AAR=P÷0.0033 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.

(r) through (v) No change.

(8) through (10) No change.

Specific Authority ~~381.0011(4), (13)~~; 381.0065(3)(a), 489.553(3) FS. Law Implemented ~~381.0012, 381.0064~~; 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, 05-24-04, 11-26-06,\_\_\_\_\_.

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

(1) through (6) No change.

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

(a) through (g) No change.

(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) through (x) No change.

(8) No change.

Specific Authority ~~381.0011(4), (13)~~; 381.0065(3)(a), 489.553(3) FS. Law Implemented ~~381.0012~~; 381.0065, 386.041 FS. History—New 5-24-04, Amended 11-26-06,\_\_\_\_\_.

64E-6.011 Abandonment of Systems.

(1) through (3) No change.

(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 ≤ 1.0 ppm.

6. The total coliform count is ≤ 1000 per 100 ml.

7. The fecal coliform count is ≤ 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.

(n) Persons contemplating this work are advised that working in and around an open septic tank can be dangerous. Activities related to the cleaning and disinfection of the septic tank could expose workers to hazards related to confined workspaces, methane gas, aerosolized pathogens, collapsing tanks and other hazards. The applicant and workers are advised to seek advice from OSHA or experts in occupational safety before undertaking this work.

(o) The applicant is advised to have the tank inspected by a civil engineer or other person qualified to evaluate the condition of the tank and its suitability for the intended use.

Specific Authority ~~154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557~~ FS. Law Implemented ~~154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067,~~ Part I, Chapter 386 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.53, Amended 3-17-92, 1-3-95, 6-18-03,\_\_\_\_\_.

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) No change.
- (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) through (h) No change.

(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 90 copies 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) through (n) No change.
- (2) No change.
- (a) through (e) No change.

(3) An aerobic treatment unit used for treating domestic or commercial sewage flows in excess of 1500 gallons per day ~~but not exceeding 10,000 gallons per day~~ 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 established by DEP in Rule 62-600.420, F.A.C. In addition, the following requirements shall also be met:

- (4) through (5) No change.

Specific Authority ~~154.06(1), 381.0011(4), (13), 381.0065(3)(a), 489.553(3)~~ FS. Law Implemented 381.0065, Part I, Chapter 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, 11-26-06,\_\_\_\_\_.

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

- (1) through (8) No change.

(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) through (b) No change.
- (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 ~~or,~~

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.

2. through 4. No change.

(10) Transportation and installation.

(a) through (d) No change.

(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) through (12) No change.

Specific Authority ~~381.0011(4), (13)~~; 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,\_\_\_\_\_.

64E-6.014 Construction Standards for Drainfield Systems.

(1) through (2) No change.

(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) through (c) No change.

(d) 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 ~~two~~ times in a 24 hour period. More frequent dosing may be allowed with systems designed by engineers licensed in the state of Florida.

(e) through (f) No change.

(4) through (6) No change.

Specific Authority ~~381.0011(4), (13)~~; 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,\_\_\_\_\_.

64E-6.015 Permitting and Construction of Repairs.

(1) through (2) No change.

(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. ~~This is~~ 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 ~~For example, hydrogen peroxide treatment or~~ 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) through (c) No change.

(4) through (11) No change.

(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.

~~(a)~~ 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.

~~(b) The county health department shall keep a separate file for repairs completed using physical disruption methods. These records shall be used to provide periodic follow-up evaluations of a sampling of these systems to determine the general long term effectiveness of this type of repair. The follow up protocol and evaluation procedure shall be provided by the Bureau of Onsite Sewage Programs.~~

Specific Authority ~~381.0011(4), (13), 381.0065(3)(a)~~ FS. Law Implemented ~~381.0012, 381.0025, 381.0061, 381.0065, 381.0067, 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, \_\_\_\_\_.

64E-6.0151 Product Composition Additive Use.

(1) Any ~~onsite sewage treatment and disposal system additive or drainfield conditioner or restorative~~ 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) through (c) No change.

(2) If the Department determines an onsite sewage treatment and disposal system ~~additive or drainfield conditioner or restorative~~ 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 additive, conditioner or restorative~~ 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) No change.

(c) Test results from a State or EPA-certified laboratory demonstrating that use of the ~~additive, drainfield conditioner or restorative~~ 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. through 2. No change.

(d) No change.

(e) All studies done on the use of the ~~additive, conditioner or restorative~~ 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) through (g) No change.

(3) No change.

Specific Authority ~~154.06, 381.0011, 381.006, 381.0065(4)(m)~~ FS. Law Implemented ~~154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065(4)(m), 381.00655, 381.0066, 381.0067, 386.041~~ FS. History–New 3-22-00, Amended 5-24-04, \_\_\_\_\_.

64E-6.023 Certification of Partnerships and Corporations.

(1) through (5) No change.

(6) 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.

Specific Authority ~~154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557~~ FS. Law Implemented ~~154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I, Chapters 386, Part III, Chapter 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, \_\_\_\_\_.

64E-6.027 Permits.

(1) through (5) No change.

(6) Operating permits – No residence or establishment served by a performance-based treatment system shall be occupied until Form DH 4081, 10/96, “Application for Onsite Sewage Treatment and Disposal System Operating Permit” has been received and approved by the department. Form DH 4081, is hereby incorporated by reference, and is available from the department. Where a performance-based treatment system is used, only one operating permit shall be required for the system.

(a) No change.

(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 annual~~ operating permit. The operating permit shall also specify the observation interval to assess the operation of the system without taking monitoring samples.

(c) through (e) No change.

(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.

Specific Authority ~~381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1)~~ FS. Law Implemented ~~154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, Part I, Chapter 386, 489.553~~ FS. History–New 2-3-98, Amended 4-21-02, 6-18-03, \_\_\_\_\_.

64E-6.028 Location and Installation.

Performance-based treatment systems shall be installed in compliance with the following.

(1) through (2) No change.

(3) Drainfield designs: The following alterations to drainfield requirements shall be allowed for pressure dosed systems only.

(a) through (e) No change.

~~(4)(f)~~ Hydraulic surge storage – the design shall protect the residence from backflow into the treatment tank. For gravity and pumped systems, the following shall apply:

~~(g)~~ For gravity and pumped systems, the following shall apply:

~~(a)1-~~ For aggregate systems, the porosity shall be calculated at 33%.

~~(b)2-~~ The effective storage volume of the drainfield shall be equal to or greater than 1.5 times the design daily flow.

~~(c)3-~~ The total storage volume of the drainfield shall be equal to or greater than 1.8 times the design daily flow.

~~(h)~~ For any pumped systems, the following shall apply:

~~1. The pump chamber shall be capable of providing the reserve required to make up the difference between the actual drainfield effective and total storage volumes provided and the effective and total storage volumes required, if applicable. In the event of pump failure, the pump chamber shall have a reserve capacity of at least 50% of the design daily flow.~~

~~2. Pumps shall be designed in accordance with the May, 1985 Sump, Effluent and Sewage Pump Manufacturers Association standards for the purpose intended, hereby incorporated by reference.~~

~~(i) Designs that utilize sound engineering principles and groundwater movement modeling to determine appropriate soil replacement and digout criteria for the disbursement of the design daily flow shall be considered. Groundwater mounding shall not be allowed to be within 18 inches of the infiltrative surface under a hydraulic stress equal to 1.5 times the design daily flow.~~

~~(5)(f)~~ 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)1-~~ Secondary treatment standards: 25% reduction

~~(b)2-~~ Advanced secondary treatment standards: ~~40~~ 30%

~~(c)3-~~ Advanced wastewater treatment standards: 40%

~~Reductions shall not be permitted if all other design requirements are not met. For example, the hydraulic surge storage requirements in Rule 64E-6.028(3)(f)-(h), F.A.C., above must be sufficient in the drainfield size specified.~~

Specific Authority ~~381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0064, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 2-3-98, Amended 3-22-00, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Holcomb, Environmental Administrator, Bureau of Onsite Sewage Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H., Secretary of Health/State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 and October 31, 2008

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-15.006	Regulations Relating to Miscellaneous Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish or revise specific area regulations on miscellaneous areas. The effect of the proposed rule changes will be to establish hunting and fishing seasons, specific area regulations and enable the agency to better manage fish and wildlife resources and public use on miscellaneous areas.

SUMMARY: The proposed rule changes would establish season dates and specific area regulations on miscellaneous areas as follows:

Babcock Ranch Preserve – establish the following open seasons and specific area regulations on the designated hunting area: two four-day archery hunts (quota 40, no exemptions), one three-day muzzleloading gun hunt (quota 40, no exemptions), one three-day general gun for mobility-impaired hunt (quota 25), two two-day family hunts (quota 30, no exemptions), three three-day general gun hunts (quota 40, no exemptions), four two-day small game hunts, two three-day spring turkey hunts (quota 15, no exemptions); prohibit fishing and frogging; prohibit trapping; legal to take – all legal game and wild hog, except quail; allow one antlered and one antlerless deer to be taken per quota permit during the archery season, family hunt and general gun for mobility-impaired hunt; allow one antlered deer per person to be taken during the muzzleloading gun and general gun seasons; allow one turkey to be taken per quota permit during the spring turkey season; public access will be restricted to permitted hunters and youth and allowed only on hunt days and one day prior to each hunt for scouting; prohibit the use of tracked vehicles, airboats, all-terrain vehicles (except during the mobility-impaired hunt), unlicensed and unregistered motorcycles and swamp buggies; allow vehicles to only be operated on named or numbered roads and require vehicles to be parked within 25 feet of an open road or in parking areas; allow the use of all-terrain vehicles during the general gun mobility-impaired hunt by mobility-impaired hunters; require all hunters to enter at a designated entrance, check in and out at the check station and