



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
Secretary of Health

INTEROFFICE MEMORANDUM

**ACTION
HSES 07-005**

DATE: March 26, 2007
TO: Environmental Health and Engineering Directors
THROUGH: Lisa Conti, D.V.M., M.P.H., Dipl. ACVPM, CEHP
Director, Division of Environmental Health
FROM: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs
SUBJECT: Interagency Coordination Regarding Regulated Food Establishments
DOH/ DBPR / DACS

**ACTION
REQUIRED:** Review and Implement

DUE DATE: April 30, 2007

This memo updates Interoffice Memorandum 97-015. The purpose of this memo is to ensure coordination between the Department of Agriculture and Consumer Services (DACs), the Department of Business and Professional Regulation (DBPR), and the Department of Health (DOH) for regulated food establishments and to ensure that regulated food establishments are evaluated for adequate water and sewage disposal services before they are permitted to open or expand their operation. For the purpose of this memo the term "regulated food establishment" includes all food establishments regulated by DOH, DBPR and DACs.

The licensing agency may be called to a facility to conduct an inspection for several reasons including; a routine inspection of an existing facility, new facility or remodeling/upgrading of an existing facility and/or a change of ownership. Upgrading of existing facility includes a request for an increase in seating or other change in food service operation (e.g., single-service to full service or an increase in operating hours).

Any changes that affect the sewage flow or impact the system require an existing system evaluation of the septic tank or water system. After evaluation by DOH, modification of the sewage or water system may be required based on the changes to the facility.

When DOH has completed their evaluation of the system, the attached form should be completed in the appropriate section, and will indicate whether or not the system has been approved or not approved. If not approved, the reasons will be listed and appropriate instructions/notices will be sent to the applicant informing them of the necessary corrections to bring the system into compliance for the proposed operation. The attached form will be supplied to DACs or DBPR when completed. The facility shall not receive a final approval from



Division of Environmental Health, Bureau of Onsite Sewage Programs
4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

DACS/DBPR until the county health department has given final approval in writing, per 381.0065, Florida Statutes.

DBPR Responsibilities – Prior to licensing an establishment, water and/or wastewater approval is required for the following:

1. New public food service establishments requiring a plan review.
2. Existing public food service establishments requiring a plan review due to remodeling or conversion.
3. Existing public food service establishments with onsite well and/or septic tank systems that do not require a plan review but request an increase in seating.
4. Existing public food service establishments with onsite well and/or septic tank systems that do not require a plan review but undergo significant change in operations (e.g., switch from single-service to multiuse tableware)

DBPR Change of Ownership Reporting – DBPR will post a data extract (Excel format) to report all Change of Ownership licensing each week/month/quarter.

DACS Responsibilities – Prior to licensing/opening a food establishment that depends on a water supply regulated by Chapter 64E-8, F.A.C. and/or wastewater system regulated by Chapter 64E-6, F.A.C., approval is required for the following:

1. New food service establishments.
2. Existing food service establishments conducting remodeling or conversion.
3. Existing food service establishments that undergo a significant change in operations (e.g., switch from convenience store without deli to deli, addition or increase in seating).

DACS Change of Ownership Reporting – DACS will provide DOH with Change of Ownership licensing information in food establishments that depend on a water system regulated by Chapter 64E-8, F.A.C. and/or an OSTDS that is regulated by Chapter 64E-6, F.A.C.

DOH Responsibilities – Evaluation and Permitting of Food Service Facilities

Existing System Evaluation

1. For an ownership change only, when there is no failure of the system and no change in sewage flow, handle as an existing system inspection. Verify that the system is not in failure, check all setbacks, be sure the drainfield is not paved over, and have all tanks pumped and certified using the appropriate forms. Follow the flow chart for Commercial Systems as referenced in Interoffice Memorandum HSES 00-009.

It is the applicant's responsibility to provide documentation on the approval of their system's original design. Where a system appears to be in violation (e.g., never before permitted), the application should be regarded as a new system permit and the system shall comply with all new system requirements. Documented systems will need to meet all setbacks for existing approval based on their original installation approval. If there is a setback problem, the county health department should determine who is responsible for the violation and take appropriate enforcement action. Systems with drainfields and unobstructed areas paved over cannot be approved unless the owner has documentation that the department approved the conditions at the time of installation.

2. For a change in sewage flow, subsection 64E-6.001(4)(d), F.A.C., requires the OSTDS to be brought up to current rule specifications if there is any increase in commercial sewage flow (increase in seating, change in service – single to full, hours of operation, etc). Not all food service facilities would be classified as producers of "commercial sewage waste". Some examples of food service facilities producing domestic sewage waste include; retail convenience food outlets without a deli, carry-out delis without an oven, etc.
3. Any commercial system out of service for more than one year shall be brought into full compliance with new system requirements. Any commercial system where the tank needs to be replaced shall be brought into full compliance with new system requirements.

Grease Interceptor - If there is a modification of the system, a grease interceptor may be required if one is not present. The county health department shall determine whether or not a grease interceptor is required based on the type of facility. If an existing grease interceptor is present, it will be evaluated. Grease interceptors are required where grease is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal. This would include most full service food facilities. Some food establishments (e.g., retail food outlets serving only prepackaged foods) would probably not fit these criteria and would not require a grease interceptor. Under-the-sink grease traps do not meet the criteria specified in subsection 64E-6.013(7), F.A.C. and are not acceptable to meet health department requirements. Contact the Bureau of Onsite Sewage Programs for further guidance.

Commercial Operating Permit - In addition, the county health department would determine if an operating permit is necessary. Commercial sewage waste is classified as high-strength waste and is typically produced by commercial and institutional food operations, commercial laundries with no more than four (4) machines, and animal holding facilities. All new facilities producing commercial sewage waste would require a commercial operating permit. In addition, commercial operating permits would be required for all existing establishments where there has been an ownership change, change in sewage flow or repair of the system. See Interoffice Memorandum HSES 03-016 for guidance. In addition, food processing plants are not regulated by DOH, and flows are defined as industrial wastewater. These are regulated by DEP as referenced in the Interagency Agreement with DEP. See Interoffice Memorandum HSES 01-029.

The Water Supply System:

1. Upon review of the facility, the water supply will be evaluated to check whether the water supply system serving this facility meets the classification of a 64E-8, F.A.C., water system, under the Department of Health's jurisdiction, or a Florida Safe Drinking Water Act public water system regulated by DEP or an approved county health department.
2. If the facility's water system meets the classification of a Chapter 64E-8, F.A.C., water system then a file search or an inspection and evaluation would be conducted by the county health department to determine if the water system meets the appropriate standards based on the type of facility or proposed changes.
3. Based on the evaluation of the department, the system will be approved or not approved. If the department is not satisfied with the water system, a letter giving an explanation of the requirements will be provided to the applicant.

Contact Information:

Department of Business and Professional Regulation – Division of Hotels and Restaurants (DBPR)

Consists of seven district offices. See the following link to determine what district your county lies within. http://www.myflorida.com/dbpr/hr/contacts/find_your_district.shtml.

Department of Agriculture and Consumer Services (DACS), Division of Food Safety

Division Director: Dr. Marion F. Aller

Phone: (850) 488 - 0295

Fax: (850) 488 - 7946

E-mail: foodsafety@doacs.state.fl.us for questions about the Division of Food Safety.

Bureau of Food and Meat Inspections

E-mail: foodinsp@doacs.state.fl.us for questions on food safety issues, store inspections, other programs, or opening a food establishment.

Department of Environmental Protection (DEP)

Consists of six district offices. See the link to determine what district your county lies within. <http://dep.state.fl.us/secretary/dist/default.htm>.

Department of Health, County Health Departments (DOH)

Consists of 67 county health departments. See the link for information and ask for the Environmental Health Section. <http://www.doh.state.fl.us/chdsitelist.htm>.

If you have questions on the matter, please contact Bart Harriss at 407-317-7327, Bart_Harriss@doh.state.fl.us or any member of the onsite staff at 850-245-4070 or 407-317-7325.



**INTERAGENCY - DOH/DACS/DBPR
ONSITE SEWAGE (SEPTIC) AND WATER SUPPLY EVALUATION**

This form is to be completed to ensure that food service and food outlet facilities are evaluated for adequate water and sewage services before opening or expanding operations. Complete and submit this form to the appropriate Department of Agriculture & Consumer Services (DACS) or Department of Business and Professional Regulation (DBPR) office.

EVALUATION REQUEST FOR/LICENSING AGENCY				
<input type="checkbox"/> New Facility		<input type="checkbox"/> Expansion / Remodeling (increase in seating/ other change)		<input type="checkbox"/> Change in Ownership
<input type="checkbox"/> Other (list)				
Licensing Agency: <input type="checkbox"/> DBPR <input type="checkbox"/> DACS			License Number:	
Contact Person:			Phone:	FAX:
Section 1 – ESTABLISHMENT INFORMATION				
Establishment Name:			Type of Establishment:	
Address:			Contact Person / Phone#:	
City:			County:	Zip:
Section 2 – WATER (To Be Completed By DOH, DEP or Utility Authority)				
The above named food service establishment uses the following water supply (choose one type):				
<input type="checkbox"/> Municipal Water		Name of Supplier:		
<input type="checkbox"/> Onsite Well System		Permit #:	Issued by:	
<input type="checkbox"/> Establishment served by a 64E-8, F.A.C., Limited Use Public Water System, DOH Regulated <input type="checkbox"/> Establishment served by a Florida Safe Water Drinking Act (DEP or DOH) regulated public water system				
SYSTEM EVALUATION RESULT:				
<input type="checkbox"/> Approved		Comments:		
<input type="checkbox"/> Denied (see comments)				
Name & Title			Agency	
Signature			Date	
Address			Phone	
Section 3 – WASTEWATER (To Be Completed By DOH, DEP or Utility Authority)				
The above named food service establishment uses the following wastewater disposal system (choose one type):				
<input type="checkbox"/> Municipal/Utility (DEP Regulated)		Name of Supplier:		
<input type="checkbox"/> Septic Tank System (Onsite Sewage System)		Permit #:	Tank Size:	Drainfield Size:
				Grease Trap Size:
SYSTEM EVALUATION RESULT:				
<input type="checkbox"/> Permit Issued		<input type="checkbox"/> Single-Service Utensils Only		Comments:
		<input type="checkbox"/> Number of Seats Permitted <input type="text"/>		
<input type="checkbox"/> Final Approval		<input type="checkbox"/> Hours of Operation <input type="text"/>		
		<input type="checkbox"/> Other Conditions (see comments)		
<input type="checkbox"/> Denied (see comments)				
Name & Title			Agency	
Signature			Date	
Address			Phone	