



Charlie Crist  
Governor

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

May 23, 2007

John Hall, Head Building Official  
Polk County Building Division  
P.O. Box 9005  
330 West Church Street  
1<sup>st</sup> Floor, Drawer CS02  
Bartow, Florida 33831

RE: Existing Onsite Sewage Treatment and Disposal System (OSTDS) Approvals

Dear Mr. Hall:

In an effort to ensure the proper use and operation of onsite sewage treatment and disposal systems (OSTDS), and to protect the public health from sanitary nuisances due to premature or unexpected failure of OSTDS due to misuse or abuse, the Polk County Health Department Environmental Health Division provides the following procedure for the permitting, use, and approval of onsite systems previously in use. Under section 64E-6.001(4), Florida Administrative Code, (emphasis added);

“... 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 shall 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), 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. 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, 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 working condition at that time, a

Daniel O. Haight, M.D.  
Director

**POLK COUNTY HEALTH DEPARTMENT**  
ENVIRONMENTAL HEALTH DIVISION  
2090 East Clower Street • Bartow, FL 33830-6741  
Phone (863) 533-3398 Fax (863) 534-7245

Lynne M. Saddler, M.D., M.P.H.  
Assistant Director

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.  
..."

In reviewing this section of the rule, one of the first items to point out is that for any existing system to be reapproved, it must have been at one time initially approved by the department. Just because a system exists doesn't mean it was ever approved for any use by the department. If a system is existing and there is no record of HD approval, it must meet current requirements and standards before any approval or reapproval can be issued by the department. The burden of previous approval is clearly on the owner or applicant. While the department does have significant records of recently permitted and approved systems, older system records (greater than 10 years old) are incomplete and access is minimal.

Except when a system has been inspected and approved by the department within the last three years, approval of existing systems will require permitting and inspection of that system by the department to ensure compliance with current standards.

To clarify, any changes or modifications to a structure or property that has the potential to impact or compromise the function of an OSTDS (septic system), requires that the system be re-approved by the health department for that new, changed or modified use. Examples of activities that may increase sewage flow, change sewage characteristics or compromise the performance of an onsite sewage treatment and disposal system are as follows:

- 1- The addition of one or more bedrooms to a residence; this also includes addition of square footage of living area. A change in the footprint alone may impact the onsite system
- 2- Remodeling of an existing building. This is clearly indicative of a change in use and/or occupancy of a building or residence.
- 3- Changes in the use or occupancy of any building (other than a private residence). This item can also be addressed by requiring a system approval before the issuance of an occupational license.
- 4- Installation of a swimming pool. Many times have we investigated system failures and found that part of the drainfield was removed to make room for the pool, or the pool deck drains directly onto the drainfield.
- 5- Installation of new driveways, patios, or decks. Many new residences are extremely limited in regards to the space required for a properly operating onsite system. When adding a circular driveway or a patio in the backyard, precautions need to be taken to ensure no part of an onsite system is covered or obstructed.

- 6- Placement of sheds. Sheds can also obstruct and cover onsite systems when not properly placed. Shed tie-down anchors can also damage drainfields.
- 7- Replacement of a Mobile Home. The footprint and/or floor plan of a mobile or manufactured home may impact the onsite system setbacks or treatment capacity.

It almost goes without saying that these requirements affect only those structures utilizing septic systems as their method of sewage disposal. Buildings and residences served by a municipal or community wastewater treatment facility would not be impacted. Also, many of the onsite systems currently being utilized would not require any upgrade or modification and, after review by the department, would not require permitting or inspection. It is also important to remember that Section 381.0065 of the Florida Statutes states in paragraph (4), the following:

s.381.0065(4) PERMITS; INSTALLATION; AND CONDITIONS.-- "... A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit."

This procedure, as outlined above, will allow both the health department and all the local county and municipal building agencies to protect the public health as well as fully comply with the listed statutes.

I appreciate, as always, your cooperation as we move forward in this endeavor. Should you have any questions on this or any other matter, please do not hesitate to call me at 863-519-8330 ext 1201.

Sincerely,

Timothy G. Mayer, RS, MPH  
Environmental Administrator

CC: PCHD East County area OSTDS office  
PCHD West County area OSTDS office  
PCHD South County area OSTDS office