



# **PUBLIC WORKSHOP: CHAPTER 62-6, F.A.C. PRIVATE PROVIDER INSPECTIONS AND OTHER UPDATES**

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Florida Department of Environmental Protection

Presented Virtually and In-person from Tallahassee | Dec. 6, 2022



# WORKSHOP AGENDA

- I. Opening comments.**
- II. Background on onsite sewage treatment and disposal system (OSTDS) rulemaking.**
- III. Overview of updated draft language: Chapter 62-6, F.A.C.**
- IV. Public comment.**
- V. Closing remarks.**





# I. OPENING COMMENTS

## Onsite Sewage Program Rule Development Workshop

- Noticed in Florida Administrative Register (F.A.R.).
- Will be recorded.

## Meeting Logistics

There are two ways to use audio during the meeting:

1. **Via computer speakers:** Click the “microphone” icon once your line is made active.
2. **Via telephone:** Use the call-in number and enter the conference ID followed by “#.”

***\*We are unable to assist you with technical issues during the meeting.\****

**The webinar will be recorded and posted online at:**

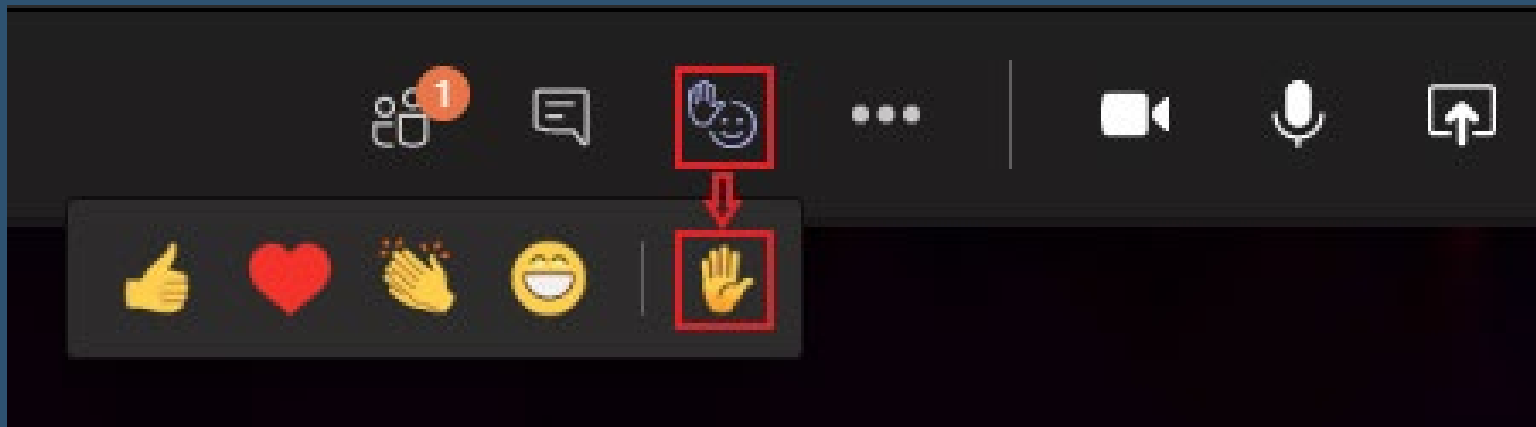
**<https://floridadep.gov/water/water/content/water-resource-management-rules-development>**



# OPENING COMMENTS (2)

## Public Comments

- All online attendee **telephones and microphones will be set to mute** to reduce distractions.
- All in-person attendees can comment by raising their hand.
- To ask a question during the public comment period, “**raise your hand**” by clicking the **virtual smiley face** and then click on the **virtual hand**. Click the hand again to lower your hand.
- For attendees on the telephone, “\*5” will raise or lower hand.
- Type questions in the “**Questions**” pane.





## **II. BACKGROUND**

**Chapter 2022-105, Laws of Florida, signed by Governor DeSantis on May 12, 2022, effective July 1, 2022.**

- Amendments to section 381.0065, F.S., authorize private provider inspectors holding certain qualifications to inspect an OSTDS upon written authorization by the owner of the system.
- Mandates rulemaking in section 381.0065(8)(h), F.S.
- Interim guidance posted with Notice of Rule Development on July 1, 2022.
- First rulemaking workshop held on July 19, 2022.
- Notice of Rule Development to update section 62-6.001, F.A.C. and create section 62-6.024, F.A.C.

**Updates from previous rule and statute revisions.**



# PRIVATE PROVIDER INSPECTORS

## WHAT THE NEW LAW SAYS

**A qualified private provider inspector is either:**

**Certified  
Environmental  
Health  
Professional**

**Master Septic  
Tank  
Contractor**

**Professional  
Engineer\***

**Employee of  
Professional  
Engineer\***

***\*Must pass all parts of the OSTDS Accelerated Certification training.***



# INTERIM GUIDANCE

JUNE 28, 2022

**The Department of Environmental Protection (DEP) issued interim guidance to implement the new requirements on July 1, 2022.**

- Outline of procedures.
- Draft form for notification by owner.
- Draft form for inspection by private provider inspectors.
- Interim guidance and forms are posted online under “Guidance” at: <https://floridadep.gov/water/onsite-sewage/content/private-provider-inspections-ostds>.



# TODAY'S OBJECTIVES

- Present revised draft rule language based on public comments received.
- Draft rule language can be found at:
  - <https://floridadep.gov/water/onsite-sewage/documents/draft-62-6001-and024-fac-workshop-no-2>.
  - <https://floridadep.gov/water/onsite-sewage/documents/draft-language-62-6-rulemaking-workshop-2>.
- Solicit comments on current draft rule language.
- Please note: discussions should focus on the draft rule and not on current implementation.





# III. OVERVIEW OF DRAFT LANGUAGE

## Anticipate updates to existing rules:

- Section 62-6.001, F.A.C., General.
- Section 62-6.002, F.A.C., Definitions.
- Section 62-6.003 F.A.C., *Permits and Inspections*.
- Section 62-6.027, F.A.C., *Permits and Inspections*.
- Section 62-6.030, F.A.C., Fees.

## Anticipate updates to existing forms:

- Forms DEP 4016, DEP 4013, DEP 4066, DEP 4081 and DEP 4081A.

## Anticipate creating new rule and new form:

- Section 62-6.024, F.A.C., Private Provider Inspectors.
- DEP 4015A, Selection of Private Provider Inspector.



# PRIVATE PROVIDER INSPECTIONS

## OUTLINE

- Section 62-6.001, F.A.C., General.
- Section 62-6.002, F.A.C., Definitions.
- Section 62-6.003, F.A.C., *Permits and Inspections*.
- Section 62-6.027, F.A.C., *Permits and Inspections*.
- Section 62-6.024, F.A.C., Private Provider Inspectors.
- Section 62-6.030, F.A.C., Fees.



# PRIVATE PROVIDER INSPECTIONS

## GLOBAL CHANGES

### THROUGHOUT

- Use consistently “final installation approval” for final approval step by DEP.
- Replace “shall” with “must” or another appropriate verb.



# SECTION 62-6.001, F.A.C.

## GENERAL

### SUBSECTION (1)

- Update references to rule numbering, including the addition of new section 62-6.024, F.A.C., Private Provider Inspectors.
- Include private provider inspectors in Part III, which currently addresses the registration of septic tank contractors and authorization of partnerships and corporations.



# SECTION 62-6.002, F.A.C.

## DEFINITIONS

### **SUBSECTION (6) Approved.**

- Updated to clarify that DEP provides the final installation approval which is issued after the system receives construction approval.
- Added clarification on what constitutes construction approval. A construction approval records a partial approval of the construction of the OSTDS based on the results of a system construction inspection.

### **SUBSECTION (45) Private provider inspector.**

- Defined as a person or authorized representative qualified under section 381.0065(8), F.S., to perform private inspection services. Such a person or authorized representative will perform one or more system construction inspections that confirms an OSTDS is in compliance with applicable regulatory requirements.





# SECTION 62-6.003, F.A.C.

## PERMITS *AND INSPECTIONS*

### **SUBSECTION (1) System construction permit.**

- Reword for clarity.
- Update reference to form.
- Refer to definition of repair in (future) section 62-6.002(48), F.A.C. [currently (47)].



# SECTION 62-6.003, F.A.C. (2)

## PERMITS AND INSPECTIONS

### **SUBSECTION (2) System construction inspection.**

- Allow inspections by “private provider inspector” as alternative to DEP inspector\*.  
*\*CHD currently performing inspection duties for DEP per Interagency Agreement.*
- Require use of form DEP 4016 to record inspections and identify that a separate inspection form is required for each inspection.
- (a) – Clarify construction approval notice.
- (b) – Clarify steps if installation does not comply.
- (c) – Clarify procedures for final installation approval by DEP.
- (d) – Consolidate requirement for final installation approval before placing system into service and authorization of occupancy.



# SECTION 62-6.003, F.A.C. (3)

## PERMITS *AND INSPECTIONS*

### **SUBSECTION (3) Repair construction inspections and reinspections of systems installed by a master septic tank contractor.**

- Clarify that master septic tank contractor will continue to be allowed to inspect their own repair installations if DEP inspector does not show up for pre-scheduled inspection.



# SECTION 62-6.003, F.A.C. (4)

## PERMITS AND INSPECTIONS

### **SUBSECTION (4) System construction inspection by private provider inspector.**

- Private provider inspector must follow the same inspection standards as DEP.
- (a) – Provide form DEP 4015A for statutory notification and authorization requirement.
- (b) – Require:
  - Private inspectors to provide signed forms for each inspection to owner/authorized contractor.
  - Owner/authorized contractor to provide completed forms to subsequent inspectors.
  - Engineer’s staff inspection forms must be sealed by engineer.
- (c) – Establish process for DEP to receive all records of private provider inspections.
- (d) – Clarify “final installation approval” by DEP.



# SECTION 62-6.003, F.A.C. (5)

## PERMITS *AND INSPECTIONS*

### SUBSECTIONS (5) AND (6)

- Formerly were numbered as subsections (4) and (5), respectively.
- (6)(d) moved from (2)(e), operating permit inspection requirement.





# SECTION 62-6.024, F.A.C. – NEW RULE

## PRIVATE PROVIDER INSPECTORS

### **SUBSECTION (1) Audit process for a private provider inspector.**

- DEP will maintain a record of all private provider inspectors.
- Up to 25% of private provider inspectors performing inspections are audited annually. DEP and private provider inspector coordinate to perform the audit. The private provider inspector must make themselves available for auditing during DEP's normal business hours.
- An audit is the assessment of the tools, methods and reporting used by a private provider inspector to ensure inspections follow regulatory requirements.
- Components of the audit include field compliance by observing a construction inspection and field verification of a selection of systems to compare documented inspection results with field conditions and records. In addition, the audit will assess accuracy of inspection records and registry information.
- Private provider inspectors are responsible for maintaining inspection records and all related calculations for a minimum of three years from the date the inspection.



# SECTION 62-6.024, F.A.C. – NEW RULE (2)

## PRIVATE PROVIDER INSPECTORS

### **SUBSECTION (1) Audit process for a private provider inspector (continued).**

- DEP will maintain records on private provider inspectors based on submitted information pursuant to subsection 381.0065(8), F.S. Upon receipt of private provider inspector information DEP will review and verify compliance. If non-compliant, DEP will notify the applicant if additional information is needed. Once information is accurate and complete, DEP assigns a registry number for auditing purposes.
- All changes to required information must be submitted within 7 days of the change.
- Individuals working under the supervision of a licensed professional engineers must submit a signed, sealed and dated statement from the engineer under whose supervision they work to confirm the private provider inspectors status.
- DEP will continuously update and share registry information.



# SECTION 62-6.024, F.A.C. – NEW RULE (3)

## PRIVATE PROVIDER INSPECTORS

### **SUBSECTION (2) Conflict of interest.**

- Private provider inspector must not have a conflict of professional or personal interests in conducting the inspection, which would prevent them from performing the inspection in an unbiased, ethical manner.
- The private provider inspector or their authorized representative cannot install the system being inspected.
- Private provider inspectors who are master septic tank contractors qualified per section 381.0065(8)(c)2., F.S., must not inspect systems they or the business they authorize install, except as allowed per section 62-6.003(3), F.A.C., for repair construction inspections.
- Private provider inspectors who are public officers must comply with section 112.313, F.S.



# SECTION 62-6.024, F.A.C. – NEW RULE (4)

## PRIVATE PROVIDER INSPECTORS

### **SUBSECTION (3) Complaints and enforcement.**

- Private provider inspectors are responsible that their work conforms to the requirements of applicable Florida Statutes and Chapter 62-6, F.A.C.
- Private provider inspectors are subject to disciplinary guidelines of the applicable professional licensing, registration or certification boards. For individuals supervised by a licensed professional engineer, enforcement actions will be assessed against the supervising engineer.
- Private provider inspectors are also subject to enforcement by DEP based on its authority in section 381.0065(3)(h), F.S.



# SECTION 62-6.027, F.A.C.

## PERMITS *AND INSPECTIONS*

### **Special provisions for performance-based treatment systems.**

Changes made to be consistent with procedures for all systems in section 62-6.003, F.A.C.

#### **SUBSECTION (2)**

- Refer to definition of repair.

#### **SUBSECTION (5)**

- Incorporate private provider inspector procedures from section 62-6.003, F.A.C., into inspection process.





# SECTION 62-6.030, F.A.C.

## FEES

### **SUBSECTION (1)**

- Designate a fee for review and processing of private provider inspections.

### **SUBSECTION (2)**

- Designate a fee for the examination of private provider inspectors that are required to pass all parts of the Accelerated Certification Training exam and are not becoming certified environmental health professionals or master septic tank contractors.



# OTHER RULE UPDATES OUTLINE

- Section 62-6.001, F.A.C., General.
- Section 62-6.002, F.A.C., Definitions.
- Section 62-6.030, F.A.C., Fees.



# SECTION 62-6.001, F.A.C.

## GENERAL

### SUBSECTION (4)

- Incorporates statutory change of added section 381.0065(4)(z), F.S., from 2013.
- Adds language clarifying that no inspection, modification, replacement or upgrade is required when remodeling or modifying a single-family home if no bedroom is added, and the existing system will still meet required setbacks and unobstructed area.
- Defines types of remodeling or modifications included: home replacement, installation of accessory buildings or installation of pools and other obstructions.
- Requirements for DEP review include application, floor plans and a site plan documenting the existing and proposed structures.

### SUBSECTION (6)

- Removes incorporated Citation for Violation form and replaces with reference to a DEP-approved form.



# SECTION 62-6.002, F.A.C.

## DEFINITIONS

### SUBSECTION (14)

- Clarifies that “the Department” refers to the Department of Environmental Protection including authorized agents of the individual district offices or delegated offices as provided in agreements entered by DEP.



# SECTION 62-6.030, F.A.C.

## FEES

### SUBSECTION (1)

- Update to reflect changes made in June 2022 for sections 62-6.010 and 62-6.010, F.A.C. These updates had been previously reviewed by the Florida Department of Health's onsite sewage Technical Review and Advisory Panel (TRAP).
- Paragraph (s) – Remove reference to stabilization facilities and add septage storage tanks.
  - Fee is \$150 per year per tank.
- Paragraph (t) – Remove reference to septage disposal site evaluation and change to septage and food establishment storage tanks not already permitted or being removed.
  - Fee reduced from \$200 to \$100 per tank.

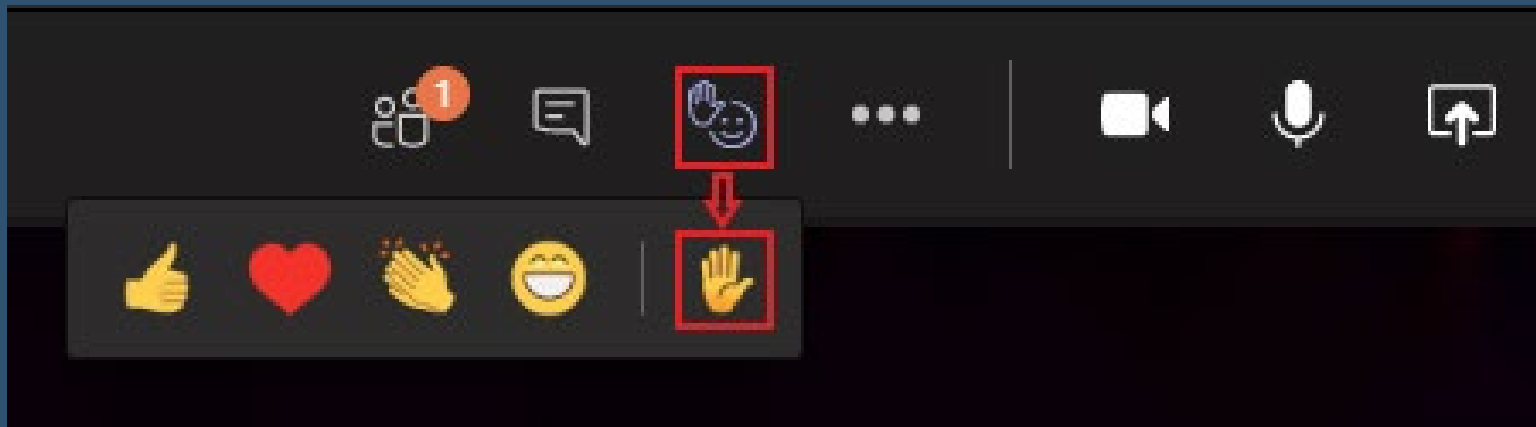




# IV. PUBLIC COMMENT

## PUBLIC COMMENTS

- Indicate your name and affiliation with your questions and comments.
- All in-person attendees can comment by raising their hand.
- To ask a question during the public comment period, “**raise your hand**” by clicking the **virtual smiley face** and then click on the **virtual hand**. Click the hand again to lower your hand.
- For attendees on the telephone, “\*5” will raise or lower hand.
- Type questions in the chat.





## V. CLOSING REMARKS

- Public comments will be collected and reviewed. A document listing comments and responses will be published after the public comment period closes here: <https://floridadep.gov/water/water/content/water-resource-management-rules-development#onsite>
- Written comments must be received by Dec. 20, 2022.
- Email comments to [Elke.Ursin@FloridaDEP.gov](mailto:Elke.Ursin@FloridaDEP.gov).



# CONTACT THE ONSITE SEWAGE PROGRAM

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# THANK YOU

THE MEETING HAS ENDED.

Written comments can be submitted via email by Dec. 20, 2022, to [Elke.Ursin@FloridaDEP.gov](mailto:Elke.Ursin@FloridaDEP.gov).