

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
State Surgeon General

Vision: To be the Healthiest State in the Nation

July 11, 2016

Sent by certified mail: 7004 0550 0000 9641 0030

Mr. Ken Miller
K&P Enterprises, LLC
1500 1st Avenue North
Laurel, Montana 59044

Dear Mr. Miller:

This letter responds to your e-mails as of June 27, 2016 and replaces the letter sent on June 1, 2016. K&P Enterprises informed us that K&P Enterprises, LLC has acquired the rights to the alternative drainfield repair method known to us as "Soil Shaker" and intends to market this method under the name "EarthBuster". You requested to utilize the "EarthBuster" System as an alternative repair method in onsite sewage treatment systems in Florida according to 64E-6.015(3), Florida Administrative Code. We acknowledge that this will result in a name change for the alternative repair method. The following restates our letter of no objection for Soil Shaker from January 2011.

This alternative repair method will include the following:

1. Pneumatic hammering a probe of approximately 1¾" diameter and six feet length into the ground to a designated depth.
2. Injection of a blast of approximately 120 psi air through the probe into the ground. EarthBuster's overall ideal working pressure is 120 psi, and this pressure is stepped down to 80 psi for the air hammer.
3. The pressurized air is intended to loosen the compacted or clogged soil.

The injection points are subject to the following limitations:

1. Injection points shall be outside of the drainfield bed or trench. Outside will mean at least six inches away from the sidewall of a gravel drainfield.
2. Depth of injection points shall not exceed the depth of the infiltrative surface.
3. Horizontal distance between injection points should be three to four feet apart.
4. After withdrawing the probe, the resulting hole may be filled with pea gravel.

The department has no objection to the use of your system subject to the terms below:

1. Use of your system shall be considered an alternative repair subject to s. 64E-6.015(3), Florida Administrative Code. Please note that alternative repair methods cannot be used where the absorption surface of the drainfield is within six inches of the wet season water table.
2. The repair permit application must show where and at which depth the Soil Shaker equipment is to be used in relation to the existing drainfield.
3. The use shall be as detailed in the instructions submitted by you on November 17, 2010 for use in Florida. Florida use will exclude injection points inside a drainfield and below the infiltrative surface. This has been reflected in the limitations #1 and #2 above.

Florida Department of Health

Division of Disease Control & Health Protection • Bureau of Environmental Health
4052 Bald Cypress Way, Bin A-08 • Tallahassee, FL 32399-1710
PHONE: 850/245-4250 • FAX: 850/487-0864

FloridaHealth.gov



Accredited Health Department
Public Health Accreditation Board

Mr. Miller, K&P Enterprises, LLC

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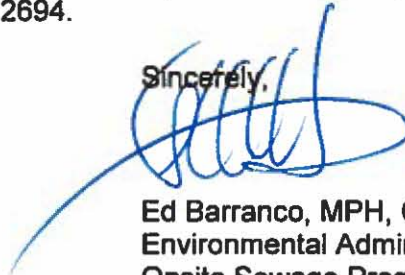
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4. This method may be used with drainfields constructed with mineral aggregate (gravel) according to 64E-6.014, Florida Administrative Code.
5. For use of this method with alternative drainfield products, you will need to develop instructions in cooperation and with approval of the alternative drainfield product manufacturer. These and any other changes to the instructions must be reviewed by the department prior to distribution in Florida.
6. All repairs must be done by a state licensed septic tank contractor or plumber.

Be advised that the department is not a testing agency. This determination reflects only a review of the information submitted by you for compliance with Florida Statutes and Florida Administrative Code. The product evaluation does not investigate the validity of performance claims. The department acceptance must not be interpreted as certifying effectiveness, endorsing or recommending use of an additive. The product cannot be advertised as "state approved".

This letter of no-objection is limited to Department of Health jurisdictional circumstances as defined in Chapter 64E-6, Florida Administrative Code and Chapter 381.0065, Florida Statutes. If we may be of further assistance or should you have any additional questions regarding this letter, please contact Eberhard Roeder at (850) 245-4070 ext. 2694.

Sincerely,



Ed Barranco, MPH, CEHP, CPM
Environmental Administrator
Onsite Sewage Programs

EB/er
Enclosure

NOTICE OF RIGHTS

A party whose substantial interest is affected by this action may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Chapter 28-106, Florida Administrative Code, governs such proceedings. A petition for hearing must be in writing and must be received by the Agency Clerk for the Department within twenty-one (21) days from receipt of this notice. The petition may be mailed to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703; hand delivered to the Agency Clerk, Department of Health, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL; or sent by facsimile to (850) 413-8743.

Mediation is not available as an alternative remedy.

The failure of any person to file a petition for hearing within 21 days from receipt of this notice will constitute a waiver of that person's right to an administrative hearing, and this notice shall become a "Final Order."

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