



Rick Scott
Governor

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Interim State Surgeon General

INTEROFFICE MEMORANDUM

HSES 12-004

DATE: March 31, 2012

TO: County Health Department Directors/Administrators
ATTN: Environmental Health and Engineering Directors

THROUGH: Sterling Whisenhunt *RSW*
Assistant Deputy Secretary for Health

FROM: Patti Anderson, P.E., Interim Director *Patti Anderson*
Division of Environmental Health Programs

SUBJECT: Interagency Coordination Regarding Regulated Establishments
DOH/ DBPR / DACS/ APD/ AHCA/DCF

ACTION REQUIRED: Review and Implement

This memo updates and rescinds Interoffice Memorandum 07-005 and 11-003 and is the result of agreements reached in interagency meetings with the Department of Agriculture and Consumer Services (DACS), the Department of Business and Professional Regulation (DBPR), Department of Children and Families, (DCF), Agency for Persons with Disabilities (APD), Agency for Health Care Administration (AHCA) and the Department of Health (DOH) and its County Health Departments (CHD) for regulated establishments to ensure facilities served by an onsite sewage and/or a drinking water system regulated by the DOH are evaluated for adequate potable water and sewage disposal services before they are permitted to open or expand their operation by their respective licensing agency. For the purpose of this memo the term "regulated establishment" includes all establishments regulated by DOH, DBPR, DACS, DCF, APD and AHCA, including facilities serving or preparing food.

The licensing agency may be called to a facility to conduct an inspection for several reasons including; routine inspection of an existing facility, new facility or remodeling/upgrading of an existing facility and/or a change in tenant or occupant of an existing facility. Examples of upgrades to an existing facility include a request for increase in seating, increase in residents in group care settings or other changes in food service operations (e.g., single-service to full service, an increase in operating hours, etc.). Any failures of the onsite sewage or water systems noted during the licensing agency's inspection should be reported to the CHD with jurisdiction.

Any changes observed by the licensing agency that may affect the facility's sewage flow, will require an existing onsite sewage system and potable water system evaluation by the DOH to ensure the septic system is properly sized to handle the expected or proposed sewage flows and the potable water system is adequate. After evaluation by DOH, modification of the onsite sewage or drinking water system may be required. These evaluation services are covered by fees for existing system evaluations and water system permits.

The attached "Evaluation of Onsite Sewage (Septic) and Water Supply Capacity" (EOSWSC) form is to be used to determine if a licensed facility is served by a proper water supply and sewage disposal system as described above. In Section 1 of the form the applicant provides



general information on the licensed facility seeking approval to upgrade or open for business, i.e., the reason for evaluation and contact information. Sections 2 (Water) and 3 (Wastewater) will be completed by the CHD, DEP, or the water or wastewater utility authority, depending upon jurisdictional authority. If the facility is served by either onsite water or an onsite wastewater system regulated by DOH, the EOSWSC evaluation form should be completed to facilitate and expedite the approval process. The completed form will indicate whether or not the water and/or wastewater systems have been approved or disapproved for the proposed new facility, facility upgrade, or for the new tenant or occupant. If approval is not granted, the reasons for denial will be listed along with appropriate instructions/notices to the applicant informing them of the necessary corrections to bring the system(s) into compliance. The EOSWSC evaluation form will be supplied to the licensing agency by the applicant or facility owner when completed by the appropriate CHD. A facility shall not receive final approval from a licensing agency until the CHD has given final written approval for either or both the onsite sewage treatment and disposal system and/or water system, per Chapter 381, Florida Statutes.

“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 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.” Section 381.0065 (4), Florida Statutes.

DBPR Responsibilities – Prior to licensing an establishment that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or onsite sewage treatment and disposal system regulated by Chapter 64E-6, F.A.C., approval is required from the CHD for the following:

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

DBPR Change of Ownership Reporting – DBPR posts a data extract (Excel format) to report all Change of Ownership licensing each week/month/quarter on their website.

DACS Responsibilities – Prior to licensing/opening a food establishment that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or an onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., approval is required from the CHD 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 facilities they regulate as requested by DOH.

DCF Responsibilities – Prior to licensing/opening a child or group care establishment that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or an onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., approval is required from the CHD for the following:

1. New facilities.
2. Existing facilities adding food service and/or increasing the number of residents/clients.
3. Existing facilities undergoing extensive remodeling that may impact the septic system

DCF Change of Ownership Reporting – DCF will provide DOH with Change of Ownership licensing information in facilities they regulate as requested by DOH.

APD Responsibilities - Prior to licensing/opening a group care establishment that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or an onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., approval is required from the CHD for the following:

1. New facilities.
2. Existing facilities adding food service and/or increasing the number of residents/clients.
3. Existing facilities undergoing extensive remodeling that may impact the septic system.

APD Change of Ownership Reporting – APD will provide DOH with Change of Ownership licensing information in facilities they regulate as requested by DOH

AHCA Responsibilities – Prior to licensing/opening a hospital/nursing home establishment that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or an onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., AHCA staff will verify requisite approvals from the CHD for the following:

1. New facilities.
2. Existing facilities increasing the number of beds/residents
3. Existing facilities undergoing extensive remodeling that may impact the septic system.

AHCA Change of Ownership Reporting – AHCA will provide DOH with Change of Ownership licensing information in facilities they regulate as requested by DOH.

DOH Responsibilities – Prior to licensing DOH regulated Food Service/Institutional/and Group Care Facilities that depends on a water supply system regulated by Chapter 64E-8, F.A.C. and/or an onsite sewage disposal system regulated by Chapter 64E-6, F.A.C., DOH staff will verify requisite approvals from their office for the following:

1. New facilities.

2. Existing facilities increasing the number of beds/residents/seating, food preparation area, etc.
3. Existing facilities undergoing extensive remodeling that may impact the septic system.
4. For a change in ownership, a commercial sewage waste operating permit may be required. See section below.

Note: DOH should ensure that a routing procedure is in place so the staff responsible for the facility inspections are coordinating with the onsite sewage and onsite well sections of the county health department.

DOH Responsibilities – Onsite Wastewater and Onsite Water System Evaluation Process

Evaluation of the Existing Onsite Sewage Disposal System

1. For a change in the businesses occupancy or tenancy, when there is no system failure and no change in sewage flow, handle as an existing system inspection. Verify the system is not in failure, check all setbacks, be sure the drainfield is not paved over and have all tanks pumped and certified with the appropriate forms used. Follow the flow chart for Commercial Systems as referenced in Interoffice Memorandum HSES 07-010 as a guide. If this is a group care facility that is considered residential (6 or fewer residents), follow the residential flow chart as a guide. If there is an ownership change of the property a commercial sewage operating permit may be required. See step #5. A change in the business occupancy or tenancy is normally submitted to DOH when there is a change to the business that will impact the onsite wastewater and/or onsite well system.
2. It is the applicant's responsibility to provide documentation on the approval of their wastewater system's original design. Where a system appears to be out of compliance (i.e., 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.
3. For a change in sewage flow or sewage characteristic (i.e., an expansion or remodeling that would cause an increase in seating, change from single to full service, increase of hours of operation, etc), subsection 64E-6.001(4)(d), F.A.C., requires the onsite sewage disposal system to be brought up to current rule specifications. Note not all food service or group care facilities would be classified as producers of "commercial sewage waste". Some examples of food service facilities not producing "commercial sewage waste" include retail convenience food outlets without a deli, carry-out delis without an oven, and group care facilities without cooking or food preparation.
4. If there is a modification of the system based on a change in sewage flow or sewage characteristics, a **grease interceptor** may be required if one is not present. The CHD 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 for re-permitting

purposes. 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. However, some food establishments, such as 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 grease interceptors as required by DOH. Contact the Bureau of Onsite Sewage Programs for further guidance.

5. Finally, the CHD must determine if a **commercial operating permit** is required. An operating permit is necessary for food service facilities that produce commercial sewage waste. 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 reference in the Interagency Agreement with DEP. See Interoffice Memorandum HSES 01-029.

Evaluation of the Existing DOH Regulated Water Supply System

1. Any changes in the use of the water system will require a reevaluation of the water system to ensure that it is classified correctly and under the proper jurisdiction. After evaluation by DOH, modification of the water system may be required based on the changes to the facility.
2. Upon review of the facility, the water supply system 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.
3. If the facility's water system is currently permitted as a Limited Use Public Water System, or regulated as a Safe Drinking Water Act public water system, it shall be required that all outstanding violations are corrected and the water system deemed to be in full compliance by the jurisdictional agency.
4. Based on the evaluation of the department, the system will be approved or not approved. If the water system does not meet standards, a letter or inspection report giving an explanation of the requirements will be provided to the applicant. In addition, the approval or disapproval would be noted on the EOSWSC.

NOTE: The "Evaluation of Onsite Sewage (Septic) and Water Supply Capacity" (EOSWSC) form is not an official program or agency form but serves as a standard tool to inform and document to the licensing agencies, as to whether or not the onsite sewage disposal and/or water systems at the "regulated establishment" are approved by the DOH/CHD prior to a license or other approval being issued by the regulating agency. The procedure is intended to facilitate and expedite the approval process.

If you have questions on the matter, please contact Bart Harriss at 407-317-7327, Bart_Harriss@doh.state.fl.us regarding onsite systems and Ed Bettinger at 850-245-4240, Ed_bettinger@doh.state.fl.us for water systems.

Contact Information:

Agency for Health Care Administration (AHCA)

Hospitals - Polly Weaver 850-412-4491, Laura MacLafferty 850-412-4549
Nursing Homes – Polly Weaver (# listed above), Bernard Hudson 850-412-4303
<http://ahca.myflorida.com/>

Agency for Persons with Disabilities (APD)

Group Homes – Jonathan Grabb 850-921-4473
<http://apd.myflorida.com/area/>

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

Phone: (850) 245-5520
<http://www.freshfromflorida.com/fs/inspectn.html>

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

Call Center: 850-487-1395
Plan Review Mailbox (checked on an hourly basis): chr.planreview@dbpr.state.fl.us
<http://www.myfloridalicense.com/dbpr/hr/index.html>

Department of Children and Families (DCF)

Child Care –Dinah Gallon 850-717-4361, Debby Russo 850-921-4928
<http://www.dcf.state.fl.us/programs/childcare/>
<http://www.dcf.state.fl.us/programs/cbc/>

Department of Health, County Health Departments (DOH)

See the link for information and ask for the Environmental Health Section.
<http://www.doh.state.fl.us/chdsitelist.htm>

Department of Environmental Protection (DEP)

<http://www.dep.state.fl.us/secretary/dist/>

**INTERAGENCY COORDINATION OF REGULATED ESTABLISHMENTS - DOH/DACS/DBPR/DCF/AHCA/APD
EVALUATION OF ONSITE SEWAGE (SEPTIC) AND WATER SUPPLY CAPACITY**

This evaluation is to ensure certain regulated facilities/businesses are evaluated for adequate water and sewage services before opening or expanding operations. If the facility/business is on a DOH regulated onsite well or onsite septic system, completion of this evaluation will facilitate and expedite the approval process. Please return to the appropriate licensing agency when complete.

Section 1 - EVALUATION REQUEST FOR/LICENSING AGENCY				
Completed by Applicant	<input type="checkbox"/> New (new building or structure)	<input type="checkbox"/> Expansion / Remodeling (increase in seating/residents/other)	<input type="checkbox"/> Change in Occupancy/Tenancy	
	Licensing Agency: <input type="checkbox"/> DBPR <input type="checkbox"/> DACS <input type="checkbox"/> DCF <input type="checkbox"/> AHCA <input type="checkbox"/> APD		License Number:	
	Contact Person:		Phone:	FAX:
	Comments:			
	ESTABLISHMENT INFORMATION			
	Establishment Name:		Type of Establishment:	
Address:		Contact Person / Phone#:		
City:		County:	Zip:	

Section 2 – WATER				
The above named facility/business uses the following water supply (choose one type), and complete evaluation:				
Completed by DOH/CHD, DEP or Utility Authority	<input type="checkbox"/> Municipal/Public Water System	Name of Supplier:		
	<input type="checkbox"/> Onsite Well System	Permit Number:		
	<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: <i>(this section below normally only completed by DOH if on a DOH water system)</i>			
	<input type="checkbox"/> Approved	Comments:		
	<input type="checkbox"/> Denied (see comments)			
	Name & Title (Printed)		County Health Department/DEP/Utility	
Signature		Date		
Address		Phone		

Section 3 – WASTEWATER				
The above named facility/business uses the following wastewater disposal system (choose one type), and complete evaluation:				
Completed by DOH/CHD, DEP or Utility Authority	<input type="checkbox"/> Municipal/Public Sewer	Name of Supplier:		
	<input type="checkbox"/> Septic System (Onsite Wastewater)	Permit Number:		
	SYSTEM EVALUATION RESULT: <i>(this section below normally only completed by DOH if on a septic system)</i>			
	<input type="checkbox"/> Approved	<input type="checkbox"/> Single-Service Utensils Only	<input type="text"/>	<input type="checkbox"/> Number of Residents/Students
	<input type="checkbox"/> Denied (see comments)	<input type="checkbox"/> Number of Seats Permitted	<input type="text"/>	<input type="checkbox"/> Number of Beds/Clients
		<input type="checkbox"/> Hours of Operation	<input type="text"/>	<input type="checkbox"/> Other Conditions (see comments)
				<input type="checkbox"/> Food Service Yes <input type="text"/> No <input type="text"/>
	Comments:			
Name & Title (Printed)		County Health Department/DOH/Utility		
Signature		Date		
Address		Phone		

Instructions/Explanations for Interagency Coordination of Regulated Establishments /Evaluation of Onsite Sewage and Water Supply Capacity

As indicated on the evaluation page, the evaluation is to ensure facilities/businesses regulated by the Department of Business and Professional Regulation (DBPR), Department of Agriculture and Consumer Services (DACS), Department of Children and Families (DCF), Agency for Health Care Administration (AHCA) and Agency for Persons with Disabilities (APD) are evaluated for adequate water and sewage services before opening or expanding operations. When the evaluation form is completed, it is returned to the licensing agency to indicate whether or not the water and sewage services are adequate and have been approved by the appropriate agency or utility authority. The evaluation form is used to facilitate and expedite the approval process. The evaluation form is not intended to be used for existing or failing systems not associated with any changes to the operation. *If the business/facility is served by onsite water or onsite septic system (one or both), the evaluation form must be completed by the Department of Health/County Health Department (DOH/CHD) in sections 2 and/or 3 and the regulating agency must not complete licensing until the DOH/CHD has approved the onsite septic and/or water system.*

Section 1 – Evaluation Request For/Licensing Agency

This section should be completed by the applicant. Ensure correct information regarding the applicant and facility is provided. Indicate by checking the appropriate box if this request is for a new facility, expansion/remodeling, or change in occupancy/tenancy.

- **New** – A newly constructed business/facility
- **Expansion/remodeling** – a business/facility that is being remodeled or upgraded. This could be due to an increase in seating (food service establishment), change in food operation (e.g., single service to full service, an increase in operation hours, addition of a deli or food preparation in a convenience store, etc.), increase in the residents in a food outlet or bakery, increase in the residents in a adult living facility and increase in students in a childcare facility and more.
- **Change in Occupancy/Tenancy** – an existing business that has changed occupancy or tenancy resulting in changes to the business operation.

Indicate the appropriate licensing agency, permit number (if available), contact person with the licensing agency, phone number and any comments. In addition, complete the establishment information. Clearly indicate the name and physical address of the business/establishment, the type of business (i.e., restaurant, convenience store, bakery, childcare, adult living facility etc.) Provide the name of a contact person and phone number.

Section 2 – Water

This section is to be completed by the DOH/CHD, Department of Environmental Protection (DEP) or the Utility Authority.

If served by a Municipal/Public Sewer:

Indicate the name of the supplier. You may provide the appropriate documentation requested by the licensing agency to validate this or have the Municipal/Public Sewer provider complete the evaluation section.

If served by an Onsite Water System regulated by DOH:

The entire portion of Section #2 should be completed by DOH/CHD. In this section list the permit number if a permit has been issued. Indicate the type of water system. List the result of the evaluation as either approved or denied. In comments section list any conditions of approval or disapproval that may be necessary. At the bottom of the form indicate the name and title of the Health Official reviewing or approving the evaluation including a signature, date, office address and phone number. The licensing agency needs this information for reference, questions and any validation that may be necessary.

Section 3 - Wastewater

This section is to be completed by the DOH/CHD, Department of Environmental Protection (DEP) or the Utility Authority.

If served by a Municipal/Public Sewer:

Indicate the name of the supplier. You may provide the appropriate documentation requested by the licensing agency to validate this or have the Municipal/Public Sewer provider complete the evaluation section.

If served by a Septic/Onsite Wastewater System:

This entire portion of Section #3 should be completed by the DOH/CHD. In this section list the permit number if a permit has been issued. List the result of the evaluation as either approved or denied. If approved, list the conditions of approval. The conditions include; food service establishments that are designed for single service utensils only, the number of seats approved, the hours of operation, in group care/institutional facilities the number of residents or students, in adult living facilities the number of bed or clients, other conditions and whether or not food service is provided. In the comments section, other details or conditions of permitting/approval can be listed. At the bottom of the form indicate the name and title of the Health Official reviewing or approving the evaluation including a signature, date, office address and phone number. The licensing agency needs this information for reference, questions and any validation that may be necessary.