



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

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WORKSHOP AGENDA

- Opening comments.
- Background.
- Overview of draft rule language.
- Public comments.
- Next steps of the rulemaking process.
- Adjourn.





OPENING COMMENTS

Public Workshop: Chapter 62-6, F.A.C.



HOUSEKEEPING ITEMS

GOTOWEBINAR

CALL TO ORDER

- Today's workshop was noticed in the Florida Administrative Register (F.A.R.).
- The workshop will be recorded.

MEETING LOGISTICS

- There are two ways to use audio during the meeting:
 1. **Via computer speakers:** select "computer audio."
 2. **Via telephone:** Select the phone call option AND enter the nine-digit access code followed by #. Press *6 to unmute your audio.

****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>.

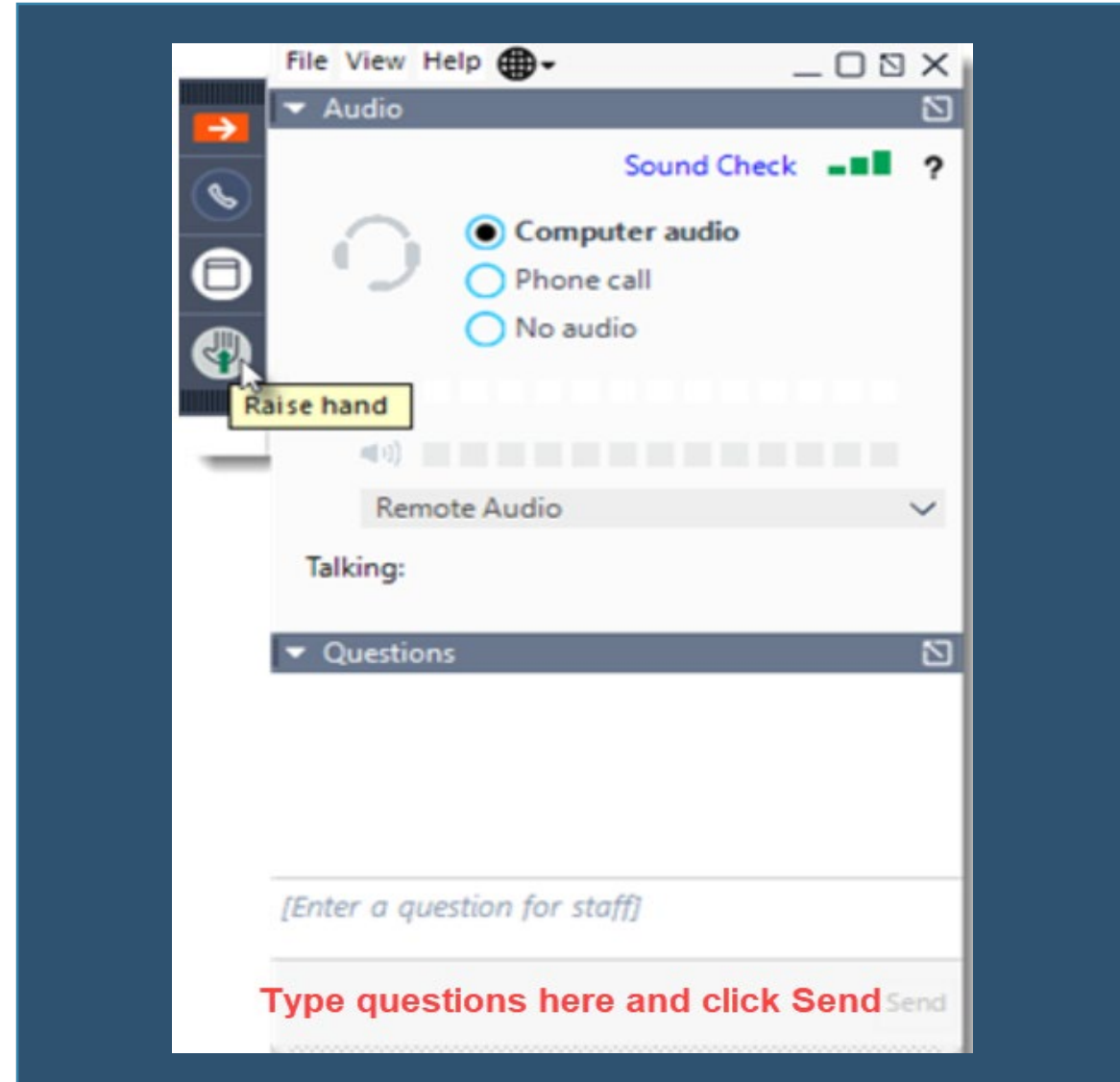


HOUSEKEEPING ITEMS (2)

GOTOWEBINAR

PUBLIC COMMENTS

- All attendee **telephones and microphones will be set to mute** to reduce distractions.
- To ask a question during the public comment period, “**raise your hand**” by clicking the **raise hand icon**. The hand will turn **green** to signify the action. Click the hand again to lower your hand.
- Type questions in the “**Questions**” pane.





WORKSHOP PURPOSE

- Present revised draft rule language.
 - Draft rule language can be found at:
<https://floridadep.gov/water/water/content/water-resource-management-rules-development#onsite>.
- Receive comments on current draft rule language.
- Today's version is only a draft; no changes will become effective until a final rule is adopted.



BACKGROUND

Public Workshop: Chapter 62-6, F.A.C.



BACKGROUND

PRIVATE PROVIDER INSPECTORS

- Chapter 2022-105, Laws of Florida, signed by Governor DeSantis on May 12, 2022, effective July 1, 2022.
- Added section 381.0065(8), Florida Statutes (F.S.), to authorize private provider inspectors holding certain qualifications to inspect an onsite sewage treatment and disposal system (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, Florida Administrative Code (F.A.C.), and create section 62-6.024, F.A.C.
- Second rulemaking workshop held on Dec. 6, 2022.



PRIVATE PROVIDER INSPECTORS

WHAT THE NEW LAW SAYS

- A qualified private provider inspector may be one of the following.

**Certified
Environmental
Health
Professional**

**Master Septic
Tank
Contractor**

**Professional
Engineer***

**Staff 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 that became effective 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 on DEP's "Private Provider Inspections of OSTDS" webpage at: <https://floridadep.gov/water/onsite-sewage/content/private-provider-inspections-ostds>.



OVERVIEW OF DRAFT RULE LANGUAGE

Public Workshop: Chapter 62-6, F.A.C.



OVERVIEW OF DRAFT RULE LANGUAGE

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.

UPDATES TO EXISTING FORMS

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

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

CHANGES THROUGHOUT RULE CHAPTER

- Consistently use, “final installation approval” for DEP final approval step.
- Incorporate referenced documents with links to Department of State website.
- Add private provider inspectors where they are performing functions previously only performed by DEP.



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.
- Subsection (6).
 - Remove use of citation form to follow 2024 statutory change.
 - Restate requirement in section 381.0065(4), F.S., for a system construction permit before a building permit.



SECTION 62-6.002, F.A.C.

DEFINITIONS

- Accelerated certification training (ACT).
- Approved or approval – construction and final installation approval.
- Approved maintenance entity – include performance-based treatment systems (PBTS).
- Construction inspection.
- Private provider.



SECTION 62-6.003, F.A.C.

PERMITS AND INSPECTIONS

- Subsection (1) – system construction permit.
 - Reword for clarity.
 - Update reference to form DEP 4016.
 - Clarify process for permit errors when site conditions change or violations are discovered.
 - Refer to definition of repair in section 62-6.002, F.A.C., for activities that do not require repair permit.



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

PERMITS AND INSPECTIONS

- Subsection (2) – system construction inspection.
 - Generalize inspection requirement.
 - Require inspections, allow private provider inspector alternative to DEP inspector.
 - Florida Department of Health (DOH) county health departments (CHDs) currently performing inspection duties for DEP per Interagency Agreement.
 - Paragraph (a) – require qualified inspector.
 - Paragraph (b) – require part 2 of form DEP 4016, one for each inspection.
 - Paragraph (c) – require complete inspection form.
 - Paragraph (d) – require that inspection form establishes compliance.
 - Paragraph (e) – require that inspections are completed before permit expires.
 - Paragraph (f) – require construction approval notice, including role of private provider inspector.



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

PERMITS AND INSPECTIONS

- Paragraph (g) – establish steps if construction is disapproved, including role of private provider inspector.
- Paragraph (h) – requirements for final installation approval by DEP.
 - Clarify engineer certification required and provide wording.
 - Various documents, including reinspection fee, operating permit application, property record notices, pumpout receipts and others.
- Paragraph (i).
 - Require final installation approval before placing system into service and authorization of occupancy.
- Paragraph (e) (current).
 - Move operating permit inspections to subsection (5), operating permits.



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

PERMITS AND INSPECTIONS

- Subsection (3) – repair inspections.
 - Remove existing language for repair construction inspections by a master septic tank contractor.
 - Replace with language addressing specific requirements for system construction inspections by a private provider inspector.



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

PERMITS AND INSPECTIONS

- Subsection (3) – system construction inspection by a private provider inspector.
 - Paragraph (a) – require authorization (DEP 4015A) prior to first inspection.
 - Paragraph (b) – address submittal of inspection reports and fees.
 - Private inspectors to provide signed forms for each inspection to owner/authorized contractor and DEP; owner/authorized contractor to provide completed forms to subsequent inspectors.
 - Timeframe to submit inspection results established as two business days.
 - Electronic submittal via DEP-specified portal, with hardship exception. Private provider inspector must be qualified.
 - Engineer’s staff inspection forms must be sealed by engineer.
 - Paragraph (c) – Inspection review fee for each inspection report.
 - Paragraph (d) – Documentation required by DEP for final installation approval are responsibility of owner, contractor, agent and private provider inspector.
 - Paragraph (e) – Inspection records must be maintained for three years from inspection.



SECTION 62-6.003, F.A.C. (6)

PERMITS AND INSPECTIONS

- Subsection (5) – operating permits.
 - Incorporate operating permit application form DEP 4081.
 - Paragraph (a) – convert narrative into list of requirements.
 - Paragraph (b) – incorporate business survey form DEP 4081A.
 - Paragraph (c) – establish requirement for property owners or authorized agents to obtain aerobic treatment unit (ATU) or PBTS operating permits.
 - Paragraph (d) – require annual inspection by DEP for structures and systems with operating permits (formerly in paragraph 62-6.003(2)(e), F.A.C.).



SECTION 62-6.024, F.A.C.

NEW RULE: PRIVATE PROVIDER INSPECTORS

- Subsection (1) – audits for a private provider inspector.
 - Establish that DEP will maintain a record of all private provider inspectors in a registry.
 - Include information required for registry.
 - Require provide provider inspector information to be correct and up-to-date.
 - Note up to 25% of private provider inspectors performing inspections will be audited annually, with DEP and private provider inspector coordinating to perform the audit.
 - Audit will include the following.
 - Assessment of the tools, methods and reporting used by a private provider inspector to ensure inspections follow regulatory requirements.
 - Field compliance component.
 - Component to assess completeness and accuracy of inspection records.
 - Audit report to include performance assessment and requirements for training.



SECTION 62-6.024, F.A.C. (2)

NEW RULE: PRIVATE PROVIDER INSPECTORS

- Subsection (2) – examinations for ACT.
 - Establish requirement to complete pre-certification coursework and pass exams.
 - Application process:
 - Fee (except DEP employees).
 - Contact information.
 - Proof of prequalification.
 - Complete pre-certification coursework.
 - Take exam for each part with a 70% passing score.
 - Require fee for each exam.
 - Clarify two attempts at an exam before taking precertification coursework again.



SECTION 62-6.024, F.A.C. (3)

NEW RULE: PRIVATE PROVIDER INSPECTORS

- Subsection (3) – prohibited inspections.
 - Prohibit private provider inspector or their authorized representative from inspecting the system they installed.
 - Prohibit engineers and engineers' staff from inspecting systems for which they also certify completion.



SECTION 62-6.024, F.A.C. (4)

NEW RULE: PRIVATE PROVIDER INSPECTORS

- Subsection (4) – complaints and enforcement.
 - Establish private provider inspectors are responsible for their work conforming to the requirements of Chapter 62-6, F.A.C., and applicable Florida Statutes.
 - Stipulates violations of Chapter 62-6, F.A.C., section 381.0065, F.S., or Part III of Chapter 489, F.S., are subject to DEP enforcement.
 - Require private provider inspectors to comply with the applicable authority over their license or registration under Chapter 381, Chapter 471 or Chapter 489, F.S. For engineer's staff, enforcement actions will be taken against the supervising engineer.



SECTION 62-6.027, F.A.C.

PERMITS AND INSPECTIONS

- Subsection (5) – system construction inspection.
 - Refer to requirements of sections 62-6.003(2) through (4), F.A.C.
 - Edit timing of engineer's inspection to address private provider inspectors and definition of final installation approval.
 - Require DEP or private provider inspector to also notify the engineer of inspection results.



SECTION 62-6.030, F.A.C.

FEES

- Clarify some fees for existing systems.
- Clarify fees for abandonment permits if inspection is done by private provider inspector.
- Establish fee for private provider inspector system construction inspection review per inspection.
- Clarify fee per examination for septic tank contractors.
- Establish fee for ACT exams for non-department employees.



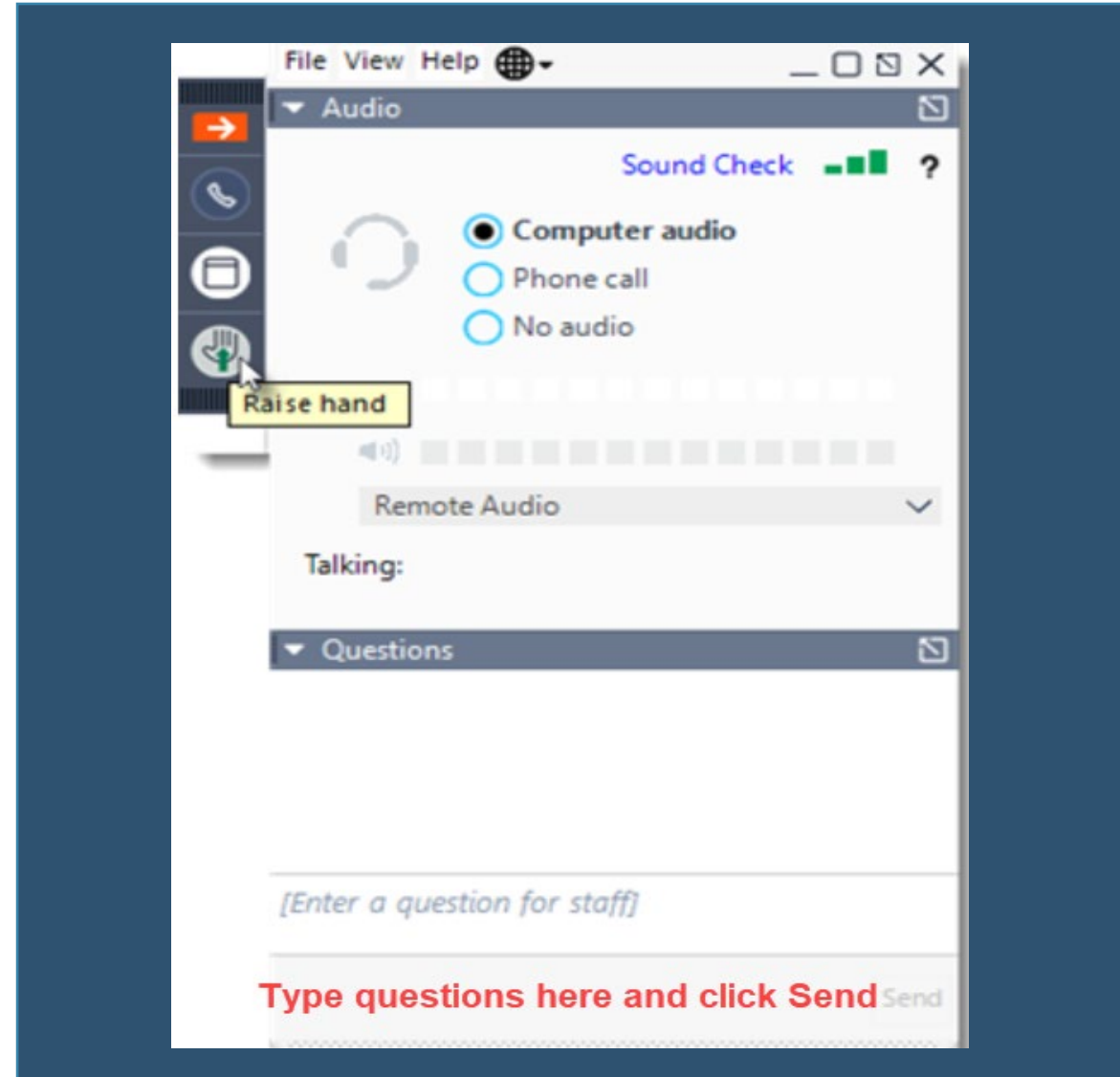
RECEIVE PUBLIC COMMENTS

Public Workshop: Chapter 62-6, F.A.C.



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 as webinar attendee, “raise your hand” by clicking the raise hand icon. The hand will turn green to signify the action. Click the hand again to lower your hand.
- Type questions in the chat.





NEXT STEPS

Public Workshop: Chapter 62-6, F.A.C.



NEXT STEPS

- Public comments will be collected and reviewed.
- A document listing comments and responses will be published after the public comment period closes at: <https://floridadep.gov/water/water/content/water-resource-management-rules-development#onsite>.
- **Written comments must be received within 21 days of this meeting (through Dec. 9, 2024).**
 - Email comments to Elke.Ursin@FloridaDEP.gov.
- DEP will review comments and may revise the draft rule.
- DEP will publish a notice of proposed rule.
- If after the notice of proposed rule there are no changes, DEP will file a certification package, and the rule would become effective 20 days after filing.



THANK YOU

THE MEETING HAS ENDED.

Written comments can be submitted via email within 21 days of this meeting (through Dec. 9, 2024) to:

Elke.Ursin@FloridaDEP.gov