

**Public Comments on Notice of Rule Development:
Workshop 1 July 19, 2022
Chapter 62-6, F.A.C.**

The Department is involved in on-going rulemaking for Chapter 62-6, F.A.C. We welcome public comments during the rulemaking process. The following responses are a compilation based on questions raised after the first public workshop. These responses are preliminary and not definitive regarding the ultimate rule language which will be adopted.

Jim Schivinski

1. Professional Engineers responsibilities and authorities to provide engineering service are very well defined under the engineering statutes. As well as work performed under the “responsible charge” clauses.

Response: Thank you for the comment. Amendments to section 381.0065, Florida Statutes (F.S.) establishes qualification requirements for Florida professional engineers and people working under their responsible charge in order to qualify to perform private provider inspections. The Department will adopt rules to implement the new subsection 381.0065(8), F.S.

2. Trying to establish “after the fact soil profiles” is going to be very (if not) impossible to provide. As you stated “ may not be exact but close”? Especially with soil corrections, filled or mound systems and the site being altered by the general construction purpose. Not sure what “close” is.

Response: Private Provider Inspectors are expected to perform the same assessments. The Department performs post-inspection confirmation/verification of wet season water table (WSWT) elevation and soil texture information for all permits submitted with site evaluations performed by private site evaluators. Because the WSWT elevations are established and evaluated relative to the benchmark, changes in grade due to site construction have not been a confounding issue. Due to the consistent nature of natural soils on a property, disturbance in the immediate drainfield area has not prevented assessment of the site conditions. Questions on specific sites can be directed to the Department’s Onsite Sewage Program (OSP) consultants.

Sandra Vázquez

3. Including as part of the inspection report calculation sheets and inspection worksheet. Examples of these can be found in Lee County.

Response: Thank you for your comment. The Department requires the information stated in Chapter 62-6, F.A.C. required by rule. Private Provider Inspectors will have access to additional training materials from the OSP office or their local County Health Department offices to help complete the rule-required forms. If this comment suggests that the information required by Chapter 62-6, F.A.C., should be expanded, during this rulemaking process the Department is considering the usefulness of additional information, effects on database updating, and compatibility and training needs.

4. Will the form that the owner signs give access to the private provider of previous inspections for that site. Some DOH does not publish these inspections until the CO is completed. In other cases, some DOH do not have an online database.

Response: The local County Health Department offices are required to provide the most recent complete inspection record on request. All information must be recorded in the Environmental Health Database and is available upon request by the property owner or their authorized representative. Additionally, the information is available via public records requests. While some offices have an online repository of scanned records, not all will have this facility, and records retrieval will be through their normal processes.

5. Including pictures of the site could also be part of the inspection process.

Response: Thank you, the rule does not currently require pictures of the installation, but where some local offices choose to produce such records, they can be requested along with any other information related to the project.

Kenny Siggs

6. Major issue: DOH as final inspection approver, because of continued CO delays and workload on DOH staff. DOH inspector or PP inspector, a bottleneck remains at resulting the inspections and sending approval to building departments.

Response: Thank you for voicing this concern. The new statute section 381.0065(8), F.S. allows an owner to hire a Private Provider to perform inspections. The final installation approval is issued by the Department. The inspections are processed as quickly as possible with the available staff within the County Health Department office, with the aim of notifying building officials when the Certificate of Occupancy can be authorized for a structure served by an OSTDS.

7. Potential solution: provide qualified PPs user profiles in EHD to result their own inspections with the same criteria & process as a DOH CEHP employee.

Response: Private Inspection Providers are authorized to perform and document all construction inspections. The Department, along with the Department of Health (DOH), are exploring options to allow data entry for these inspections directly to the Environmental Health Database to eliminate the time necessary to have staff input inspection results.

Robert Himschoot

8. This bill has been at least 2 years in the making. The intent was to aid the DOH (at that time) for initial and final inspection to facilitate the construction industry and the homebuyer's ability to close and occupy homes. Inspections by third parties have been occurring throughout the state for all the trades to facilitate county and municipal building departments. Much of this bill was intended to mirror their format. Specifically, utilization of:
 - a. Employees of Designers with CEHP designation
 - b. Employees of Master Septic tank Contractors
 - c. Engineering companies that perform design and inspection services.

- d. All must go through the accelerated training courses much like Department Staff
- e. The difference: Inspectors would have more field training and be able to handle the tasks of inspecting what was designed and installed by others under supervision of the appropriate disciplines mentioned above.
- f. The intent was to facilitate the Department in performing these necessary functions.
- g. It was the design of this law to be able to perform services and enter the appropriate records in the state database.
- h. Audit provisions are provided.
- i. The law was intended to be hand in glove with DOH reporting, using your Department forms and your Department work sheets that are currently in place. (Adding soils verification is duplicative and unnecessary.)
- j. The intent was not to make more work for the Department or for the contractor.
- k. The 7-page rewrite of 62-6 is unnecessary. Some simple clarifications would be sufficient. IE the contractor acknowledgement sheet. A listing of all qualified Private Providers located in one department. Your Department would maintain a list like your existing contractor list.

Response: Thank you for the comments. The Department will regulate the new statutory requirements of SB 856, which adds section 381.0065(8), F.S., expanding the available inspection workforce. Inspections performed by a qualified Private Provider Inspector must follow the same standards as if conducted by the Department personnel, which includes verification of soils by non-DOH evaluators. The addition of a specific location to document verification of soils was previously requested by the County Health Department (CHD) staff and implemented to facilitate documentation by all parties. The option to employ a Private Provider Inspector should enlarge the available workforce, with the potential to increase even further in the future. The recent statutory change does not address data entry requirements however, the Department and DOH are exploring options to allow data entry by an outside party, such as a Private Provider Inspector to access directly the Environmental Health Database to eliminate the time necessary to have staff input inspection results.

- 9. I have reviewed the delete and add portion of Chapter 62-6 STANDARD FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS. I find much of the language as onerous. I understand providing the necessary paperwork, what I find unacceptable is the additional paperwork that is continuing to overburden an already taxed department. There is no sense of urgency to get a job completed. Right now, LCDOH is reviewing May permits for construction and cannot get the existing inspections done. All this additional checking the inspectors will further delay and frustrate the staff at the local Health Departments. Not to mention the construction industry. I would like to suggest that the Private Providers that are trained and listed are given authorization to enter the Data Base with certain protections to enter completed inspections.

Response: The Department, along with DOH are exploring options to allow data entry for these inspections directly to the Environmental Health Database to eliminate the time necessary to have staff input inspection results.

10. I would appreciate it if you would take our offer and talk to someone who does inspections for the construction industry in other trades to get their insight. I am providing a contact for you to consider.

Response: Thank you for your offer to establish contacts with people that provide inspection services in adjacent industries.

11. We are all in this together and want to make sure that the health of our communities and our environment is well protected.

Response: Thank you for your comment. The Department agrees that this is our common goal.

Ainë Ryan

12. A safe and sanitary waste/wastewater infrastructure is the hallmark of a civilized nation. FDOH successfully oversaw the septic system contribution to this for about 100 years. In order to maintain integrity of septic code standards that helps ensures so many things like safe drinking water it is critical that private inspectors are held to a high standard.

Response: Thank you for your comment. The OSP within the Department agrees and will continue to protect public and environmental health as authorized by statute and specified in rule. An inspection performed by the Private Provider Inspector is also required to perform the inspection that follows applicable regulatory requirements of the onsite sewage treatment and disposal system.

13. Any private provider should have a clean record, like no disciplinary action, or any license revocation with FDEP/FDOH (within past 10 years). Also, this clean record should apply across the board, for example an engineer should have clean record with governing body of professional engineers. Also, no felony convictions within last 10 years. No record of financial crimes.

Response: Thank you for your comment. Licensing oversight and compliance for a Private Provider Inspector is governed within each agency or governing statute. This new statute allows the Department to audit up to 25 percent of the Private Providers each year who perform an OSTDS inspection. Private Providers who hold a license and/or credentials with another regulating agency must comply with licensing standards of that agency and the statutory requirements for the particular license held.

14. Perhaps private providers should take a special 6 hour CEU with the curriculum design for conducting private inspections with scenarios to handle "difficult" challenges/situations. Lets be real. To our knowledge, no one has voluntarily put in an aerobic, PBTS, or nitrogen-reducing system. No one likes those mounds or pumps. Actually folk hate those mounds and pumps.

Response: Thank you for your comments. Specialized training will be useful for the people doing this work, particularly for people who have no prior experience inspecting installations. Continuing education requirements were not part of SB856 and the Department will have only direct influence on the requirements for some of the qualified groups, chiefly master septic tank contractors.

15. Bill Gibson (EH manager) mentioned it had been discussed whether a CEHP that did the initial work should be allowed/disallowed from performing inspection.

Response: Thank you. As long as the Private Provider Inspector is not also the installer or an authorized representative, the private site evaluator that performed the site evaluation for a system would not be prohibited by this new statute from being the Private Provider Inspector for that same system.

16. As a CEHP I would only consider doing inspection if i had initially done the site evaluation. Because in addition to soil boring, i am siting system, doing “due diligence” on several items such as lot size and boundaries, wetlands and easements, siting offsite wells (sometimes those “casings” are hidden) and many other things. As a private provider inspector my liability is quite high and could conceivably be held liable (or strongly fussed at) if anything mentioned above was amiss (other than actual system installation). So taking on the inspection is really taking on the entire “site evaluation” process. Also, perhaps the permit wasn’t written correctly. This may not be spotted and addressed beforehand by an installer/private inspector (if they weren’t initially involved in project development)

Response: Thank you for your comment. Qualified private site evaluators will need to make these and other considerations in determining whether they have a conflict of interest or other concern with inspecting systems for which they performed the site evaluation or inspecting systems with which history they are not familiar.

17. Recently I did a job in Wakulla that involved 6 site evaluations in Wakulla Gardens. Two of the lots were wrongly surveyed, meaning the surveyor staked the incorrect lots (and one of the lots had been cleared!). It would probably been difficult to catch this at inspection [had I not done the initial site eval] because one might blithely pull up to house under construction...and not mentally consider “is this the correct lot” when obviously a house is under construction and 100 workers are presently constructing it.

Response: Thank you for your comment. The process relies on all parties involved to reduce errors and identify discrepancies such as these, so any issues are addressed prior to approval of the system installation.

Craig Davis

18. Is there going to be a fillable PDF form from the draft DEP 4016 inspection form? I would also suggest making the area to put a legend number for tanks longer so it can be filled in that area. The Setback section has a lot of space to enter numbers but the legend line is very small to input numbers like 42-007-04D-C3.

Response: The final version of the form will be converted to a fillable PDF. We will review these suggestions and adjust the form as needed and feasible prior to incorporating it to the rule.

19. The pumpout report form is not long enough to input a complete legend in fillable form , this may be an issue with the new updated inspection form.

Response: Thank you, the final version of the form will be converted to a fillable PDF, and lines found to be too short will be adjusted as necessary and feasible.

20. The Soil evaluation page does not have a spot for the actual address. I know some lots don't have addresses yet but the page I believe should have a dedicated spot for address.

Response: Thank you for your comment. The property address information with directions on how to find the property is recorded on the first page of the application form (DEP 4015), and it is not repeated on all pages of the form.

21. The pumpout report page does not have an address spot as well.

Response: Thank you for your comment. The property address information with directions on how to find the property is recorded on the first page of the application form (DEP 4015), and it is not repeated on all pages of the form.

David Hammonds

22. My overall comment is that there are many issues that have not been properly addressed, including the use of new terms that have no definition as well as inconsistencies existing within both the form as well as the other portions of the rule. The department should thoroughly review the entire product to correct deficiencies which will cause issues with the implementation of the rule.

Response: Thank you for the detailed comments.

23. 62-6.003(1), F.A.C. - A repair permit IS a construction permit. See highlighted language in (1) above where it states these are construction permits. Why not state "If a construction permit for an...." [Referenced language: "...*installed, repaired, altered, modified, abandoned or replaced...*"]

Response: Thank you for the comment and suggestion. It targets existing rule language that appears to distinguish between construction and repair permits while establishing common requirements for both. The Department is involved in on-going rulemaking and updates for Chapter 62-6, F.A.C., and will keep these comments as we move through the rulemaking process.

24. 62-6.003(2), F.A.C. - No one but DEP personnel or a DOH inspector can locate a permanent nontidal surface water body, and no one but a surveyor can identify a tidally influenced surface water body. Where a lot contains a SWB, especially a PNTSWB, the surface water boundary is not normally marked. This means that any non-departmental inspector is not allowed to locate the boundary during an inspection. If the SWB has been located by a surveyor and denoted on a survey, this would work. [Referenced language: "...or authorized private provider inspector of the completion of the construction activities and ~~must~~ shall have the system inspected by the Department or private provider inspector for compliance with the requirements of this chapter,..."]

Response: Thank you for the comment. It points to an issue that apparently exists already now, where a private site evaluator would have similar difficulties in measuring the distance from the water body boundary to the proposed OSTDS during the site evaluation phase. Surface water boundaries are required to be identified at the time of permitting. Should a surface water body be identified only at time of inspection, the system construction must be disapproved and the permit application amended with the complete information, including a determination of the surface water boundary by an authorized party.

25. 62-6.003(2)(b), F.A.C. - This does not agree with the language in the draft form. The phrase used on the form as it relates to the Final Approval is "Final INSTALLATION" which is approved or denied. Indeed, the following paragraph actually states "Final installation approval by the Department will not be granted...". Indeed, this is the point at which the issue of a non-Departmental inspector must do if the conditions they find do not comport with the permit specs, such as SHWT or soil information disagreement. If there is a disagreement, the Department MUST be notified to be the final arbiter. [Referenced language: "...final construction approval is issued by the Department."]

Response: Thank you for the comment. Future drafts during this rulemaking process will consider language to be consistent in terminology used. You seem to also suggest to have additional language in the rule to clarify that when a private inspector is involved and an installation is out of compliance, the private inspector additionally inform the Department and the Department serve as arbiter. All approvals and disapprovals by a Private Provider Inspector will be noted on the first line of the form. The final installation approval referenced on the draft form is for use only by the Department and is reserved to document the approval given by the Department referenced in subsection 381.0065(4), F.S., which authorizes occupancy of a structure. Where the site evaluation information is found to be incorrect by the inspector, the system is disapproved and the discrepancy addressed separately. If a permit amendment is required, a reinspection will be required.

26. 62-6.003(2)(b), F.A.C. - Does not agree with wording on 4016, i.e. construction approval and final system approval. [Referenced language: "...final construction approval is issued by the Department."]

Response: Thank you for the comment, which appears to be very similar to the previous comment. The sentence deals with charging for inspections performed by the Department, so "final construction approval" in the current draft language could be replaced with "final installation approval", which will be the point at which there is some certainty that no further inspections will need to occur. The "final installation approval" referenced on the draft form is for use only by the Department and is reserved to document the approval given by the Department referenced in subsection 381.0065(4), F.S., which authorizes occupancy of a structure.

27. 62-6.003(3)(b), F.A.C. - How can the MSTC find the surface water boundary to measure the distance if it has not been marked by someone who is allowed to locate it? They are not allowed to locate any SWB.

Response: See previous comment (24). Surface water boundaries must be identified on an approved site plan. Private Provider Inspectors must use the approved site plan to determine that system setbacks are met. Should a surface water body be identified only at time of inspection, the system construction must be disapproved and the permit application amended with the complete information, including a determination of the surface water boundary by an authorized party.

28. 62-6.003(3)(c), F.A.C. - There are 3 subparagraphs, therefore it is not a single subparagraph. Please put a period after the 1 in the citation.

Response: Thank you for the comment, a revision will be made to "subparagraphs 62-6.003(3)(a)1.-3., F.A.C.".

29. 62-6.003(4)(b), F.A.C. - The citation is a Subparagraph, not paragraph.

Response: Thank you for the comment, a revision will be made to subparagraph 381.0065(8)(c)4, F.S.

30. 62-6.027(5), F.A.C. - Same comment as before regarding inspection of distance from any surface water boundary.

Response: Thank you for your comment, please see the associated response to your earlier query.

31. 62-6.027(5)(c), F.A.C. - Same comments as before regarding soil or SHWT determination disagreement. Where a private evaluator performed the site evaluation, and a private inspector disagrees with the soil/SHWT information, the Department must be the one who determines this issue.

Response: Thank you for your comment. Verification of the site evaluation information submitted by a different private site evaluator is part of the inspection process. As noted earlier, should the site evaluation information be found to be incorrect by the inspector, the system is disapproved, and the discrepancy addressed separately. If a permit amendment is required, a reinspection is needed to determine compliance with the amended permit.

32. 62-6.027(5)(d)(1), F.A.C. - Please clarify that fees must be paid prior to additional inspections.

Response: Thank you for your suggestion. While this is currently common and preferred practice, specific direction on billing is dictated by Department business processes.

33. 4016 p2 - [23] This heading does not exist in the instruction portion of this document.

Response: Thank you for your comment, the headings will be edited to align correctly.

34. 4016 p2 - There is virtually no room for explaining violations nor remarks. The form is WAY too busy. Make multiple pages AND use a different form for DEPARTMENT final approval and any other inspection.

Response: Thank you for your comment, additional space will be made available as practical on the reverse of the form. The last signature line on the form has been reserved for Department use only and serves the purpose expected of a separate Department-only form.

35. 4016 p2 - Department Designee in Department Inspection signature line: This phrase is undefined. What is a designee and who can sign this?

Response: Thank you for your comment. The proposed term “designee” accounts for the fact that under the Interagency Agreement with the DOH, the “Department” is DEP, while under the Interagency Agreement the permitting and inspections are performed by DOH-employees. We plan to take this and your subsequent comments into consideration as we move through this rulemaking process.

36. 4016 p2 - Department Designee in Final Installation signature line: Again, we have a signature AND an undefined "Department Designee." Can this be signed by non-certified DEP or DOH personnel? This section is not an inspection, therefore it could be argued that the DOH certification requirements do not apply. The DEP appears to be leaving the enforcement of this section to DOH regulations related to certification. the final signature should be one who is clearly stated to be OSTDS certified personnel. Additionally, define "Department Designee" or replace it with an appropriate term already in use. This must be enforced by DEP regulations.

Response: (see previous response above)

37. 4016 p2 Additional Construction Inspection Documentation - Final Approval: This must be Final INSTALLATION Approval to be consistent with form.

Response: Thank you for your comment. These will be edited for consistent use between the form and the body of the rule as we move through the rulemaking process.

38. 4016 p2 Additional Construction Inspection Documentation - Final Approval: Define or delete Department designee. WHAT IS A DEPARTMENT DESIGNEE?

Response: (see previous response above)

39. Any place "Final Approval" exists needs to be "Final INSTALLATION Approval."

Response: see above regarding “Final Installation Approval”

40. System Construction Inspection and Final Approval, Instructions (Version 2022): Any OUT or UN items MUST have a notation describing/explaining the determination.

Response: Thank you, we will clarify that comments/explanation is required for items that are out of compliance.

41. System Construction Inspection and Final Approval, Instructions (Version 2022) [04]: Suggest including inlet device in the wording.

Response: Thank you, verification of an inlet device will be added.

42. System Construction Inspection and Final Approval, Instructions (Version 2022) [04]:
The item identified states is "can be used." Any other measuring instrument allowed?
This is no longer a DEP-only used document and is therefore open to much interpretation.

Response: Thank you, other instruments can be used, for example a stadia rod or different-size tape measure depending on the specific installation and tank design.

43. System Construction Inspection and Final Approval, Instructions (Version 2022) [05]:
Suggested rewording: Filter must....(i.e., removed and visually checked for defects to ensure integrity, after which it must be replaced to ensure proper installation.

Response: Thank you for the suggestion, we will consider the revision.

44. System Construction Inspection and Final Approval, Instructions (Version 2022) [06]: Is legend location not to be checked to start within 6" of top of tank? [*Verify legend lettering is at least 2" tall.*]

Response: Thank you for the suggestion, we will consider the addition.

45. System Construction Inspection and Final Approval, Instructions (Version 2022) [07]:
Used for what part??? Would be better to State manhole covers can be sealed with foam sealant or concrete. [*Foam sealant or concrete may be used.*]

Response: Thank you for the suggestion, the clarification will be considered for inclusion.

46. System Construction Inspection and Final Approval, Instructions (Version 2022) [09]:
This appears to be the only measuring tool which can be used. [*A 25' x 1" stainless steel, rigid and self-locking measuring tape or stadia rod can be used.*]

Response: Thank you for the comment, a clarification will be proposed.

47. System Construction Inspection and Final Approval, Instructions (Version 2022) [10]:
Where is "approved measuring device" defined as it relates to this form? Can I use a measuring wheel going over gravel or to measure a straight line around obstructions?

Response: Thank you for the comment, this is reference to prior guidance and will be edited as needed.

48. System Construction Inspection and Final Approval, Instructions (Version 2022) [10]:
This is now a document used by personnel other than DEP personnel, which now requires terms be properly defined as it relates to non-departmental inspectors.

Response: Thank you for the comment, it will be considered in proposed edits.

49. System Construction Inspection and Final Approval, Instructions (Version 2022) [10]:
Should this not be "comparability" to comport with the usage on the referenced document?

Response: Thank you for your comment, we will work to ensure terminology is consistent.

50. System Construction Inspection and Final Approval, Instructions (Version 2022) [11]:
The rule specifies the following: 62-6.014(5)(j) No part of a drainfield must be placed within 18 inches of the treatment or pump tank. If the header is encased in gravel and is considered part of the drainfield, the highlighted statement is INVALID and will cause a violation to exist.

Response: Thank you for the comment, a revision to the language will be proposed.

51. System Construction Inspection and Final Approval, Instructions (Version 2022) [48]:
This is not the same title as on the inspection form. Correct to reflect proper terminology.

Response: Thank you for your comment, an edit to make the label consistent will be proposed.

52. System Construction Inspection and Final Approval, Instructions (Version 2022) [48]:
The use of the term "equivalency" is incorrect and must be changed to comport with the phrasing found on the DEP Alternative Drainfield System Components information sheet, found on the website. The term used there is "Comparability Rating". Long ago the term "equivalency" was discontinued and replaced by "comparability."

Response: Thank you for your comment, an edit will be proposed to provide clarity and consistency.

53. System Construction Inspection and Final Approval, Instructions (Version 2022) [] Soil Verification: Please define the phrase "reasonably agree". Without proper definition it will not be consistently interpreted by the many different personnel who will be inspecting, and the department will not have an identified standard.

Response: Thank you for your comment, alternate language will be proposed.

54. System Construction Inspection and Final Approval, Instructions (Version 2022) [] Soil Verification: If any soil work is believed to be incorrect by a non-departmental inspector, the Department MUST become involved at this point. This is an issue of fact, and possibly rule interpretation with the department bearing final administrative authority for rule interpretation per s. 381.0065(3)(c), F.S.

Response: Thank you for your comment, when the soils information is found to be invalid the system must be disapproved. Additional steps outside of the scope of this inspection would then apply.

55. System Construction Inspection and Final Approval, Instructions (Version 2022)
Department Final Installation Approval: Final INSTALLATION approval. Department designee is an undefined term that will most likely cause issues. Can secretary sign the document? Who is allowed to designate the "Department Designee?" Please remember that the "Department" means DEP, not DOH, as they are contractors of DEP. So, can any DOH employee assign or be assigned as a "designee" whatever that actually means? Can a 9 year old child be designated? Should "final system disposition" not be "final system INSTALLATION disposition?" Once again designee is an UNDEFINED term. Please REMOVE this phrase or properly define it as it relates to DEP designation.

Response: Thank you for your comment, it will be taken into consideration.

56. System Construction Inspection and Final Approval, Instructions (Version 2022)
Example of elevation calculations with level: Is this used any more? Why not remove?

Response: Thank you for the comment. The elevation calculations serve as a reminder of how to do the calculations. They have not been required to be used. we can consider removing this information.

David Bauer

57. How can a private evaluator not have a conflict of interest if they are being paid by the contractor to complete the soil evaluation and the inspection and not have to verify that the soils are okay?

Response: Thank you for your question. The new statute prohibits the inspection from being performed by a Private Provider or authorized representative of the Private Provider who installed the system. The Private Provider is held accountable to follow the regulatory requirements. New updates to the rule will consider the oversight authority given to the Department by the Legislature to determine when a conflict of interest occurs.

58. How will you compile metrics to see how if process is successful:

- a. Number of inspections completed.
- b. Number of re-inspections
- c. Number of failed inspections and why they failed.
- d. Number of new soils and site plans received for when the contractor installs the system in another location.

Response: Thank you for the question and your suggestions. The statute references a Legislative report due October 1, 2023. This report includes, at a minimum, the number of inspections performed by private provider. The provided suggestions will be considered when identifying success metrics as the Department collects the data needed for the Legislative report.

59. Please propose that no final inspections be approved until the rules are in place and finalized.

Response: Thank you for your suggestion. The statute authorized private provider inspections as of July 1, 2021. While the interim guidance and proposed rule language can provide the more specific framework, the statute does not authorize the Department to prevent Private Provider inspections and approval of system construction by Private Provider inspections pending rule adoption.

60. Will the audit include checking the physical installation of the system or only a paper review of the inspection process.

Response: Thank you for your question. The audit process and specific criteria are in development. At the workshop the Department proposed an audit process that would include paper review, procedure review and field verification.

61. There should be a \$35 fee for each inspection sheet that is submitted. Or in the case of our county, we also have a \$25 county fee for reviewing a file so our fee should be \$60. Will that be allowed as that is our normal fee?

Response: A \$35.00 state fee per application has been authorized in the interim for the Department's role in processing Private Provider inspections. A determination of applicability of county fees would need to be made by the county government.

62. Will the private evaluator be required to submit an inspection sheet for each inspection completed just as the health department does currently (i.e. excavation, construction, re-inspections, final inspection including stabilization)?

Response: Yes, statute requires that all private provider inspections follow all applicable regulatory requirements. We will work on clarifying language in the rule/form.

63. If the proposal is to change the way an inspection is conducted, then it should be changed for the health department personnel first and that may alleviate the back ups since the inspection will be not as complete or complex as it currently is.

Response: Yes, statute requires that all Private Provider inspections follow all applicable regulatory requirements, including the same inspection procedures.

64. Thank you for reviewing my comments. I am very concerned that this legislation will allow inspections to be less rigorous and have an adverse effect on the environment and in particular the waters of this state and only for the sake of speeding up the process that is effecting only a few of the counties of this state.

Response: Thank you for your comments. Private provider inspections are expected to follow the same regulatory requirements that apply to inspections by the Department.

Roxanne Groover

1. Definitions (45): I'm not sure if we need to somehow define later this doesn't allow untrained staff to inspect.

Response: Thank you for the comments. The current draft language refers to the required qualifications in subsection 381.0065(8), F.S. That precludes unqualified people performing inspections. The second part of the definition clarifies that the inspection standards are the same for private and state inspectors.

2. 4) System construction inspection... (a) Notification requirement: If inspection has not been scheduled then this requirement is not necessary?

Response: When an inspection has not been scheduled already with the Department, the two-day advance notice does not apply. The notification to the Department that the owner is using a Private Provider for the inspection must be submitted to the Department at the time of permit application.