

APPENDIX I DRAFT GUIDANCE ON SEPTIC TANK MAINTENANCE AND SEWER HOOKUP

Contributions from: Alachua County Health Department, Lake County Health Department, Florida Department of Health

Preliminary Notes:

- Note that the term “functioning properly” is a qualitative one. Basically, if a prior approved system is operating under the same conditions it was permitted for and not causing a sanitary nuisance, then it is “functioning properly.”
 - Systems that were permitted prior to 1983 may not meet the scientifically researched basis for the 24” vertical separation from the absorption surface (bottom of drainfield) to the seasonal high water table. Those systems meeting the 24” vertical separation to the seasonal high water table and the 75’ lateral setback to surface waters are unlikely to pose a risk for fecal coliform loading to the creeks.
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Septic Tank Maintenance:

Unless a system is required to have an operating permit, there is no State mandate for maintenance other than insuring that the Onsite Sewage Treatment and Disposal System (OSTDS) functions properly and does not cause a sanitary nuisance.

Operating permits are required for OSTDS:

- Located in an area zoned industrial or manufacturing, or its equivalent.
- Where a business will generate commercial sewage waste.
- That utilize aerobic treatment units.
- That are performance-based treatment systems.

The current **recommendations** are that a typical residential OSTDS have its tank(s) inspected every three to five years to determine if they need to be pumped. Owners may consider increasing this inspection frequency if they have a garbage disposal.

See: Chapter 64E-6.003(5), Florida Administrative Code.

Conditions for Sewer Hook-up:

An owner of an OSTDS that is functioning properly has 365 days from the time a utility notifies* them that a sewer is “available” to connect to the central sewage system. The definition of “available” can be found in s. 381.0065(2)(a), Florida Statutes (F.S.) – see below.

An owner of an OSTDS that is in need of repair or modification in order to function properly has 90 days to connect to an “available” sewer system after written notification from the Health Department. The Health Department would issue an order to abate a sanitary nuisance.

These are two separate and distinct scenarios. County health departments do not have authority to issue permits or grant system approvals for septic tanks where a sewer is available per the s. 381.0065, F.S., definition of “available.”

Guidance for this issue is provided by: s. 381.0065, F.S.

** DEP note: There is no statutory mandate for the utility to notify septic tank owners of sewer availability. However, where septic tanks are abandoned in order to hook up to the utility, the utility does have to keep track of the abandonments. The utility may conduct its own program of proper abandonment, but where there are only a few abandonments and no utility program, the utility must notify the owners to go to the county for permits, and must notify the county of the abandonments. Enforcement of this hookup requirement is generally enforced by municipalities (when enforced). It is unclear what enforcement authority a county health department would have in this situation, even if asked by a municipality to step in.*

Incentives for Local Governments to Connect Citizens to Central Sewer:

Economics generally has been the primary driving force for communities to require central sewer connections. Sewerage results in higher densities and more intense use of commercial properties (especially restaurants) that OSTDS do not support or allow.

- In the Orange Creek Basin, with regard to the creek project, environmental concerns are the impetus for the efforts currently underway by the Alachua County Health Department, Gainesville Regional Utilities, and Alachua County Environmental Protection Department.
 - o Where OSTDS are found that pose a significant potential or confirmed contribution to fecal coliform loading, the option of repairing the OSTDS or extending/connecting sewer lines is being assessed.
 - o A challenge is going to be in how we address those systems that pose a potentially significant problem; if they are not obviously failing, we cannot impose a fix. We can explore options to mitigate their impact.
- **Regarding sewer hook-ups:** Section 381.0016, Florida Statutes, states that a municipality may act in a manner not inconsistent with our regulations. The interpretation of legal counsel is that this means the City of “Smithville” for example could tell DOH that central sewer was available by their definition, which could be 2000 feet. It is then considered available, and DOH would be precluded from issuing septic tank permits. This would supersede s. 381.0065, F.S. (64E-6, F.A.C. provides for “home rule” on this issue.) This would also include privately owned systems working with municipal entities and 180 Utility Districts.
- The entity providing the central sewer would be required to enforce hookup through the legal system if the property owner failed to do so in the required 365 days.

Related Statutes

381.0065

(2) **DEFINITIONS.**--As used in ss. [381.0065](#)-381.0067, the term:

- (a) "Available," as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:
1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.
 2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.
 3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.
 4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.

381.0016 Municipal regulations and ordinances.--Any municipality may enact, in a manner prescribed by law, health regulations and ordinances not inconsistent with state public health laws and rules adopted by the department.