

FW: Low pressure sewer

Hardin, Joseph E <Joseph.Hardin@flhealth.gov>

Mon 10/28/2019 10:57 AM

Airway expansion

To: Keith Fell <keith.fell@ecua.fl.gov>;

Cc: Donado, Louviminda P <Louviminda.Donado@flhealth.gov>;

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I hope this answers your question.

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Environmental Health Division
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From: Schofield, Ralph

Sent: Monday, October 28, 2019 10:35 AM

To: Hardin, Joseph E <Joseph.Hardin@flhealth.gov>

Cc: Donado, Louviminda P <Louviminda.Donado@flhealth.gov>; Johnson, Pamela M (ECCHO) <Pamela.Johnson2@flhealth.gov>

Subject: RE: Low pressure sewer

If sewer is “available,” as that term is defined in Florida Statutes section 381.0065(2)(a), the property is required to connect. Although the county health department will typically not take any enforcement action while the septic system remains not a sanitary nuisance, the county health department will not approve repairs or replacements to a septic system that remains unconnected to sewer since that system is no longer “approved” (see Florida Administrative Code 64E-6.002(6)) or legal. This decision not to approve repairs or replacements absent a connection to sewer is mandated by Florida Statutes section 381.00655(1)(b). This legal interpretation is further supported by Florida Attorney General Opinion 2000-71.

By way of example, if we are talking about an existing single-family residence that has an estimated sewage flow under 1,000 gallons per day and there is not a gravity sewer line, sewer is available if the system has adequate permitted capacity to accept the sewage and “a low pressure or vacuum sewage collection line in [an area] 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 [or] residence.” If this definition is met, the health department presumes that sewer is available and that repairs to a septic unconnected to sewer are illegal.

Where there is such a presumption of sewer availability, the health department would be able to permit repairs only if (1) the property owner successfully seeks a variance from the Florida Department of Health; (2) ECUA successfully seeks consent from the Florida Department of Health to a waiver under section 381.00655(2)(b) and then grants such waiver; or (3) where applicable, the water authority grants a variance to performance-based systems under section 381.00655(2)(c).

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From: Hardin, Joseph E
Sent: Monday, October 28, 2019 7:02 AM
To: Schofield, Ralph <Ralph.Schofield@flhealth.gov>
Cc: Donado, Louviminda P <Louviminda.Donado@flhealth.gov>
Subject: FW: Low pressure sewer

Might you offer your view on this please?

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From: Keith Fell <keith.fell@ecua.fl.gov>
Sent: Friday, October 25, 2019 2:56 PM
To: Hardin, Joseph E <Joseph.Hardin@flhealth.gov>
Subject: Low pressure sewer

Hey Joe

Good Afternoon

Can you clarify this for me... When a new low pressure system is installed in an area with septic tanks, believe people have the option of remaining on septic. ECUA offers them \$0 impact fee if they connect within 1 year. If they stay on their septic tank and they begin to experience problems with septic, what code or rule does Health Dept quote saying that maintenance on the tank is no longer allowed?

Keith A. Fell, P.E. | Manager of Engineering Projects | Emerald Coast Utilities Authority |

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