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2 Evaluation and Assessment

3 (1) Except for systems required to obtain an operating permit, all systems shall be evaluated
4 every five years to assess their fundamental operational condition and identify any failures. The
5 following standards shall apply:

6 (a) The Department shall notify property owners of the requirement to have their system
7 evaluated at least 60 days prior to the deadline for their system evaluation.

8 (b) The property owner may request an exemption from the evaluation requirement or an
9 extension of the time to obtain an evaluation under the following conditions:

10 1. A notice that sewer will be available within the next five years. A letter from the sewer
11 utility regarding the anticipated date of sewer availability must be provided to the Department
12 with the request. A system owner may receive only one such exemption for one five-year
13 evaluation cycle for a piece of property.

14 2. A notice that sewer is available and written arrangement for payment of any utility
15 assessments or connection fees has been made. A letter from the sewer utility verifying that
16 sewer is available to the property and acknowledging the payment of assessments and fees must
17 be provided to the Department with the request. A property owner may receive only one such
18 exemption for a piece of property.

19 3. The owner of a single family owner-occupied residence who meets the income level for
20 grant assistance under s. 381.0066, F.S., may request a one-year extension. A property owner
21 may receive only one such extension per five-year evaluation cycle. Written documentation of
22 current income level, such as a written determination by a government agency, of the family
23 income level as a percentage of the federal poverty level, must be provided with the request.

24 4. Systems that have been newly installed, repaired or, modified are exempt from evaluation
25 under this section for five years following the date of final system approval.

26 (c) If the evaluation cannot be scheduled by the deadline, the owner shall provide to the
27 Department, not later than the deadline, a copy of a signed contract to have the evaluation
28 performed with the expected completion date, not later than 60 days after the original deadline,
29 noted in the contract. In addition to any other administrative action authorized by law, the
30 Department may impose a fine of up to \$500 for failure to comply with the provisions of this
31 section. Each day the violation continues may constitute a separate violation.

32 1. If there is more than one onsite sewage system on the owner's property or where the owner
33 owns multiple properties, the owner may elect to have some systems evaluated in subsequent
34 years provided at least 20% of all systems on the property and no less than one system are
35 evaluated by the original deadline and each subsequent year until all systems on the property are
36 evaluated. The written evaluation schedule for all systems shall be signed by the property owner
37 and provided to the Department prior to the original deadline.

38 2. Initial notification shall begin in 2011 with notification to property owners having systems
39 with permit records in the Department database. Subsequent notifications shall be to owners of
40 developed property for which there is no record of publicly-owned or investor-owned sewer
41 connection.

42 (d) Upon receipt of notice to have the system evaluated, a property owner may apply for a
43 permit to have the system modified, repaired or have a new system installed in lieu of having the
44 system evaluated. The application shall be made before the evaluation deadline and the repair,
45 modification or replacement shall be completed before the expiration of the permit.

46 (e) If a local government has enacted an evaluation program that meets the requirements of
47 this section, the owner of a system that was evaluated within the preceding five years pursuant to
48 such a program may provide a copy of that local program evaluation report in lieu of the
49 evaluation report required under this section. The local program evaluation report shall be
50 accompanied by the report fee required in this section. The Department shall review the report
51 and notify the system owner of any required corrections to the system.

52 (2) Evaluations shall be conducted by licensed septic tank contractors, environmental health
53 professionals certified in the area of onsite sewage treatment and disposal systems, or licensed
54 professional engineers. Except for Department personnel conducting evaluations for the
55 Department, persons conducting evaluations shall complete Department-approved trainings on
56 the evaluation process and wettest season water table determination and pass examinations on
57 the trainings with a score of at least 80%.

58 (a) Employees under the supervision and control of engineers or septic tank contractors may
59 conduct evaluations provided both the employee and the supervising contractor or engineer have
60 successfully completed the Department-approved training. The employee as well as the
61 supervising contractor or engineer must sign the evaluation report. Any violation by the
62 employee shall constitute a violation by the supervising contractor or engineer. Employee is

63 defined as a person who receives compensation from and is under the supervision and control of
64 an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers'
65 compensation, all as prescribed by law.

66 1. An employee who will perform only the tank evaluation and certification is required to
67 successfully complete only the training in paragraph (b).

68 2. An employee who will perform only the drainfield portion of the evaluation is required to
69 successfully complete only the training in paragraph (c).

70 (b) The training on the evaluation process shall be approved in accordance with the
71 Department Policy on Requirements for Continuing Education Courses and Course Providers
72 and shall include 6 hours of instructional time comprised of the following subjects:

73 1. statutory and rule requirements;

74 2. form completion and reporting;

75 3. field procedures; and

76 4. standards of practice.

77 (c) The training on wettest season water table determination shall be approved in accordance
78 with the Department Policy on Requirements for Continuing Education Courses and Course
79 Providers and shall include 6 hours of instructional time comprised of the following subjects:

80 1. soil color determination and documentation;

81 2. soil color contrast determination and documentation;

82 3. wettest season water table feature identification, quantification and documentation;

83 4. field determination of the wettest season water table; and

84 5. proper use of soil surveys.

85 (d) Persons who successfully complete the Department-approved training on soils
86 morphology that is required for persons being certified under 381.0101, F.S., and for becoming
87 master septic tank contractors may substitute that training for the training required in paragraph
88 (c).

89 (3) The evaluation report shall be made on Form DH #####, System Evaluation Report,
90 ##/2010, herein incorporated by reference. The evaluator is responsible for providing a copy of
91 the report to the system owner and for submitting the report and required report fee to the
92 Department. Electronic submission of the report to a Department-approved data system is
93 allowed. Reports and fees must be postmarked, electronically submitted or delivered to the

94 Department, no later than the 10th day of the month following the month in which the evaluation
95 was completed.

96 (a) The evaluator, with the prior written approval of the owner, may conduct a more in-depth
97 evaluation of the system provided those evaluation activities that go beyond the requirements of
98 this section are identified on the evaluation report.

99 (b) The evaluator shall measure the scum and sludge layer in treatment tanks to determine if
100 a pump out is required. Tanks shall be pumped out if either layer is within 8 inches of the inlet
101 of the outlet device or filter. If an outlet device or filter is not present, one shall be installed and
102 the evaluator shall make the pump out determination based on the installed device or filter.
103 Where an external outlet filter is used, measurements shall be made from inlet of the outlet
104 device leading to the external outlet filter.

105 (c) The evaluator shall visually inspect the tanks for any cracks or leaks or corrosion. The
106 evaluator shall document tank deformities which result in less than 1-inch of fall from the tank
107 inlet to the outlet or which prevent lids or manhole covers from being properly installed.

108 (d) The evaluator shall inspect the area of the system for any exposed sewage or effluent.

109 (e) The evaluator shall determine the wettest season water table in accordance with
110 Department rule and record that elevation referenced to a reference point or benchmark on the
111 site. The evaluator shall probe or dig to determine the lowest elevation of the bottom of the
112 drainfield and record that elevation relative to the elevation of the wettest season water table.

113 (f) When the evaluation of the tank interior is completed, the original lid or manhole cover of
114 the tank shall be put back in place, or be replaced with a new lid or manhole cover from an
115 approved septic tank manufacturer if the original one is broken. Tank lids and manhole covers
116 shall be completely sealed and secured as required in paragraph 64E-6.013(2)(i), F.A.C. Lid or
117 manhole cover replacement does not require a permit but shall be documented on the evaluation
118 form. Missing or damaged outlet devices or filters shall be replaced. During the tank evaluation
119 or pumping, the outlet filter shall be cleaned. If the owner refuses permission to make these
120 corrections, the evaluator shall document this on the evaluation form. The Department will issue
121 a notice to correct and, if required, take enforcement action.

122 (4) The Department shall review the system evaluation and, if required, issue a notice to
123 obtain a construction permit to repair the system or install a new system.

124 (a) A repair permit shall be required when:

125 1. The tank is not watertight; or
126 2. The tank has deformed sufficiently that there is less than 1-inch of fall from the inlet to the
127 outlet or to prevent the lids from being properly replaced; or
128 3. There is exposed sewage or effluent on the site.
129 4. The bottom of the drainfield does not meet the minimum separation from the wettest
130 season water table as required in s. 381.0065(5)(d), F.S.
131 (b) A permit to install a new system shall be required when:
132 1. There is no tank; or
133 2. The tank is not constructed of sealed concrete block, monolithic concrete, fiberglass, or
134 polyethylene.
135 3. The system includes a cesspool or bottomless tank; or
136 4. There is a direct discharge of sewage or effluent to surface water; or
137 5. The tank cannot be accessed because it is beneath a building or obstruction that is not
138 permanently removed prior to the evaluation; or
139 6. The evaluator cannot determine the separation between the drainfield and the wettest
140 season water table or whether the drainfield is in failure because the drainfield is beneath a
141 building or obstruction that is not permanently removed prior to the evaluation.
142 (c) Installation date shall be based on the most recent final approval of a new system or
143 system modification. If a Department record is not available the installation date shall be based
144 on property appraiser or building Department records.
145 (5) The owner shall make application for a construction permit within 60 days of the date of
146 the notice from the Department to obtain a construction permit; however, if the only correction
147 being addressed is separation from wettest season water table, the system owner shall have one
148 year to make application following receipt of notice from the Department to obtain a
149 construction permit.
150 (6) Repairs or new system installation shall be completed within 90 days following the
151 issuance of the system construction permit. Until the system construction has been completed,
152 the owner shall ensure that the sewage or effluent is not exposed in open tanks or on the ground
153 surface or discharged into surface water.
154 (7) Evaluators are responsible for compliance with the standards of section 381.0065, F.S.,
155 and this chapter in conducting and submitting evaluations. Violations committed by the

156 employee of a contractor or engineer shall subject both the employee and the supervising
157 contractor or engineer to penalty. The following actions shall be subject to the following
158 penalties:

159 (a) Failure to conduct the evaluation in accordance with this section. First violation, Letter of
160 Warning and fine up to \$500; repeat violation, \$500 fine per violation and suspension or
161 revocation of approval to conduct evaluations.

162 (b) Failure to submit reports within timeframes. First violation, Letter of Warning; repeat
163 violation, fine up to \$500; additional violation, \$500 fine and suspension or revocation of
164 approval to conduct evaluations.

165 (c) False payment statements. First violation, Letter of Warning and fine up to \$500; repeat
166 violation, \$500 fine per violation and suspension or revocation of approval to conduct
167 evaluations.

168 (d) Failure to complete work within timeframes of contract or abandoning a contract. First
169 violation, Letter of Warning and fine up to \$500; repeat violation, \$500 fine per violation and
170 suspension or revocation of approval to conduct evaluations.

171 (e) Conducting evaluations without being licensed or certified or completing required
172 training. First violation, Letter of Warning and fine up to \$500; repeat violation, \$500 fine per
173 violation and suspension or revocation of approval to conduct evaluations.

174 (f) Practicing fraud or deceit, making misleading or untrue representations. First violation,
175 Letter of Warning and fine up to \$500; repeat violation, \$500 fine per violation and suspension
176 or revocation of approval to conduct evaluations.

177 (g) Illegal disposal of septage. First violation, Fine up to \$500; repeat violation, \$500 fine
178 per violation and suspension or revocation of septic tank contractor registration.

179 (h) Absence of any violation from this section shall not be construed as an indication that no
180 penalty is to be assessed.

181 (8) In addition to the penalties of this section, complaints may be issued and disciplinary
182 action may be taken under the provisions of law and rule under which an evaluator is licensed or
183 certified.

184 (9) Owners who do not comply with provisions of this section shall be subject to
185 administrative fines up to \$500 per day per violation.