

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Phillip, MD, MPH
Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

August 9, 2016

Certified Mail: 7009 1680 0002 3058 4896

Mr. Lucas Sherry
Island Water Technologies
Post Office Box 577
23 Brook Street
Montague, Prince Edward Island
C0A 1R0, Canada

Dear Mr. Sherry:

This letter is in response to your request of May 10, 2016 to utilize the "ClearPod™" as an alternative repair method in onsite sewage treatment systems in Florida. You provided information that this alternative repair method will include the following:

1. Installation by an installer certified by you of a device that you distribute and refer to as Clearpod™. This device consists of a ballasted stand that carries an air dispersal unit and three stacked ClearPod™ Bio-support cylinders with a diameter of 18.8 inches and a height of approximately six inches. The installer positions this part on the bottom of the center of the first compartment of a dual-compartment septic tank or of a single-compartment septic tank. Depending on the depth of the liquid level in the tank, one of two linear air pumps will be used, either a 25 Watt, HK-25L air pump for liquid depths up to 48 inches, or a 40 Watt, HK-40L air pump for deeper tanks. The air pump and the device are connected by an airline supplied by you. The air pump runs continuously.
2. You recommend that a certified installer should check up on the system annually and replace the diaphragm of the linear air pump every three years. Please note that the department has no authority to enforce such a recommendation.

The department has no objection to the use of your product subject to the terms below:

1. No structural modifications to the existing tank or lid are allowed beyond installation of a riser and installation of the airline through the sidewall of the riser (referred to as "header" in your installation instructions, step 8). The drilling of holes in the lid or access cover of the septic tank is not allowed.
2. Airline installation shall follow the requirements for electrical line and effluent pipe installation of Rule 64E-6.013(9)(c)2. of the Florida Administrative Code: "... the electrical line and the effluent dosing pipe may penetrate the riser wall provided the penetration is above the wet season high water table elevation and there is a soil-tight seal around the penetrations. When the top of the dosing tank is placed more than 8 inches below the finished grade, risers shall be used to provide access within 8 inches of the finished grade. Where risers are used, risers shall be attached to the tank in accordance with paragraph 64E-6.013(2)(i), Florida Administrative Code."

3. Installation of your unit shall be considered an alternative repair subject to Rule 64E-6.015(3) of the Florida Administrative Code. Please note that alternative repair methods cannot be used where the absorption surface of the drainfield is within six inches of the wet season water table.
4. The unit may be installed in all septic tank applications (new, modification, repair)

Be advised that the department is not a testing agency. This determination reflects only a review of the information submitted by you for compliance with Florida Statutes and Florida Administrative Code. The product evaluation does not investigate the validity of performance claims. The department acceptance must not be interpreted as certifying effectiveness, endorsing or recommending use of an additive. The product cannot be advertised as "state approved". The Florida Department of Health also does not assume liability for any promise, guarantee, or expectation from purchasing or using an additive. The department reserves the right to withdraw acceptance if the product is modified to differ from what was considered in this evaluation or if the product is subsequently found to not be in compliance with the rule.

This letter of no-objection is limited to Department of Health jurisdictional circumstances as defined in Chapter 64E-6, Florida Administrative Code and Chapter 381.0065, Florida Statutes. If you have any questions regarding this letter, please contact Dr. Eberhard Roeder at (850) 245-4444, ext. 2698.

Sincerely


Ed Barranco, MPH, CEHP, CPM
Environmental Administrator
Onsite Sewage Programs

EB/er
Enclosure

NOTICE OF RIGHTS

A party whose substantial interest is affected by this action may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Chapter 28-106, Florida Administrative Code, governs such proceedings. A petition for hearing must be in writing and must be received by the Agency Clerk for the Department within twenty-one (21) days from receipt of this notice. The petition may be mailed to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703; hand delivered to the Agency Clerk, Department of Health, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL; or sent by facsimile to (850) 413-8743.

Mediation is not available as an alternative remedy.

The failure of any person to file a petition for hearing within 21 days from receipt of this notice will constitute a waiver of that person's right to an administrative hearing, and this notice shall become a "Final Order."

Should this notice become a "Final Order," a party who is adversely affected by it is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such Proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy, accompanied by the filing fees required by law, with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of the filing of the Final Order.