



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

## MEMORANDUM

To: County Health Department Directors/Administrators  
Environmental Health and Engineering Directors

Through: Michael Lynch, Director, Division of Water Resource Management

From: Kendra F. Goff, PhD, DABT, CPM, CEHP, Deputy Director, Division of Water Resource Management

Date: April 29, 2022

Subject: Use of Virtual Evidence for Certain Onsite Sewage Treatment and Disposal Systems (OSTDS) Inspections

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As of July 1, 2021, Florida Department of Health (DOH) county health department (CHD) staff perform permitting and inspections of OSTDS for the Florida Department of Environmental Protection (DEP) per interagency agreement. DOH previously established a policy allowing the substitution of photographic, video or livestreaming (virtual) evidence for certain in-person construction re-inspection items for OSTDS (DOH policy memo DCEH 20-006). After discussion with DEP's Office of General Counsel, DWRM will continue to allow this virtual evidence. Inspection items are listed on inspection form DEP/DH 4016 p.2. The specific conditions where virtual evidence can be substituted to show corrections of a deficiency in such items are listed in the table below. These items can be part of a final inspection. This guidance memo replaces references for OSTDS in DCEH 20-006.

### **Inspection Items for Which Virtual Evidence Can Be Substituted**

#### **Re-inspection Items, Including Final Inspection/Re-inspection Items:**

- [03] Installation of a tank inlet or outlet device provided the inlet pipe and outlet pipes have been inspected and found in compliance per item [07]. [03] Installation of a solids deflection device.
- [04] Verification that hole in baffle wall has been smoothed if originally rough/flashed-over (requires visible measurement device to verify 4" diameter of opening).
- [05] Outlet filter installation (requires observation of all components, on all sides, and product label).
- [06] Verification of legend contents, placement, and lettering size (requires measuring device be visible).
- [07] Verification of patches to chips/cracks per Rule 62-6.013(11)(a) and (b), F.A.C.

- [07] Sealing of manhole access covers to tank or riser using approved method.
- [28] Setback to ditches, provided the system component was not moved.
- [39] Amendment of additional seed and hay for 5:1 slopes, supplemented with receipts.
- [40] Removal of an obvious obstruction (asphalt, trees, etc.).
- [41] Verification of gutter installation and redirecting of downspouts for stormwater runoff that does not direct water through buried pipe in drainfield or unobstructed area.
- [42] Audio/visual function of alarms with power through permanent wiring.
- [44] Removal of closet/bath/etc., that was not on approved floor plans.

**Initial Inspection:**

- [50] Abandonment inspection to ensure tank is crushed, filled and no sanitary nuisance exists. Requires submittal of pump-out receipt.
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- CHDs are not required but are encouraged to use photo, video or livestreaming evidence to perform re-inspections virtually for the allowed items listed in the table above. The acceptance of photographic, video, or livestreaming evidence as a replacement for any in-person re-inspection is at the discretion of the local CHD Administrator and Environmental Health (EH) Director.
  - Initial construction inspections cannot be conducted virtually. Pursuant to Chapter 62-6, F.A.C., initial construction inspections involve detailed measurements, professional assessments and must be performed by persons with specific training and certification authorized by statute, making a virtual non-site initial inspection impossible to carry out remotely. The only exception to this is for an abandonment inspection.
  - If the items needed for a reinspection/final inspection are listed in the above table and are the only outstanding items required for approval to cover the system, those re-inspections can be done virtually.
  - The assigned certified environmental health professional (CEHP) inspector must evaluate substituted re-inspection evidence and determine if an in-person re-inspection is more appropriate to protect public health and the environment.
  - If the CHD allows photographic, video or livestreaming evidence, it is required that all areas in question are clearly visible to the inspector. If the quality and content of the evidence is insufficient thus compromising credibility, visibility, information about time taken, location etc., the inspector must request new evidence of sufficient quality or require an in-person re-inspection. In case of questions please contact your regional program office consultant.
  - The CHD using this process will notify the contractor that this type of re-inspection/inspection is allowed in the required "Construction Approval" notice (Rule 62-6.003(2), F.A.C.).

- Photographic, video, or livestreaming evidence can be provided by a contractor or homeowner or as approved by the local CHD Administrator and the EH Director.
- A CEHP is still required for any in-person inspections or review of the substituted evidence with exception of certain inspection activities outlined in DOH policy DCEH 2018-013.
- The reviewing CEHP inspector shall indicate on the applicable inspection forms if items were accepted based on virtual/remote evidence, and which.
- CHDs must charge a regular re-inspection fee when using virtual evidence regardless if the evidence is deemed sufficient by the assigned CEHP inspector.

This memo is subject to future revision. If you have any additional re-inspection items for consideration in this list, send a description – including the item number from the inspection form (DEP/DH 4016 p.2) and sample of acceptable photographic/video evidence – to Eberhard Roeder, OSP Program Administrator at [Eb.Roeder@FloridaDEP.gov](mailto:Eb.Roeder@FloridaDEP.gov).