



PUBLIC WORKSHOP: CHAPTER 62-6, F.A.C. PRIVATE PROVIDER INSPECTIONS

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Presented Virtually from Tallahassee | July 19, 2022



WORKSHOP AGENDA

- I. Opening comments.**
- II. Background on onsite sewage treatment and disposal system (OSTDS) rulemaking.**
- III. Overview of draft language: Chapter 62-6, F.A.C.**
- IV. Public comment.**
- V. Closing remarks.**



I. OPENING COMMENTS

Onsite Sewage Program Rule Development Workshop

- Noticed in Florida Administrative Register (F.A.R.).
- Will be recorded.

Meeting Logistics

There are two ways to use audio during the meeting:

1. **Via computer speakers:** select “computer audio.”
2. **Via telephone:** Select the phone call option AND enter the nine-digit access code followed by “#”. Press “*6” to unmute your audio.

****We are unable to assist you with technical issues during the meeting.****

The webinar will be recorded and posted online at:

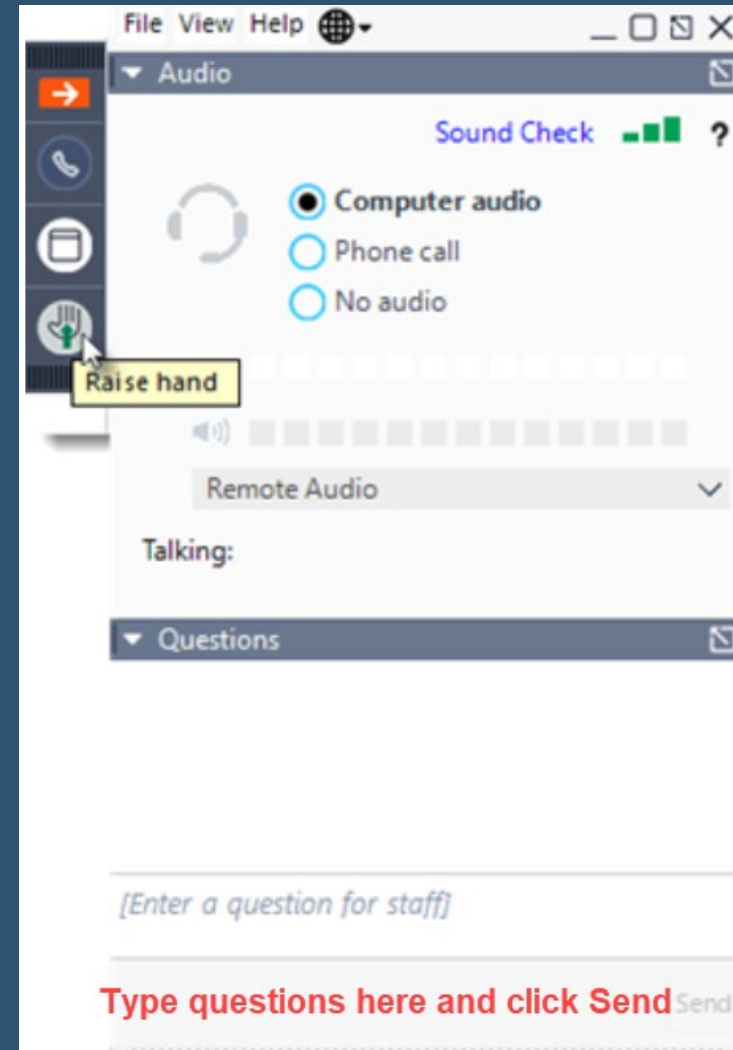
[https://floridadep.gov/water/water/content/water-resource-management-rules-development.](https://floridadep.gov/water/water/content/water-resource-management-rules-development)



OPENING COMMENTS (2)

Public Comments

- All attendee **telephones and microphones will be set to mute** to reduce distractions.
- To ask a question during the public comment period, “**raise your hand**” by clicking the **raise hand icon**. The hand will turn **green** to signify the action. Click the hand again to lower your hand.
- Type questions in the “**Questions**” pane.





II. BACKGROUND

Chapter 2022-105, Laws of Florida, signed by Governor DeSantis on May 12, 2022.

- Effective July 1, 2022.
- Mandates rulemaking in section 381.0065(8)(h), F.S.
- Amendments to section 381.0065, F.S., authorize private provider inspectors holding certain qualifications to inspect an OSTDS upon written authorization by the owner of the system.



PRIVATE INSPECTORS

WHAT THE NEW LAW SAYS

A qualified private provider inspector is either:

CEHP

**Master
Septic Tank
Contractor**

**Professional
Engineer***

**Employee of
Professional
Engineer***

****Must pass all parts of the OSTDS Accelerated Certification training.***



INTERIM GUIDANCE

JUNE 28, 2022

The Department of Environmental Protection (DEP) issued interim guidance to implement the new requirements on July 1, 2022.

- Outline of procedures.
- Draft form for notification by owner.
- Draft form for inspection by private inspectors.
- Interim guidance and forms are posted online under “Guidance” at: <https://floridadep.gov/water/onsite-sewage/content/private-provider-inspections-ostds>.



TODAY'S OBJECTIVES

- Present draft rule language.

<https://floridadep.gov/water/onsite-sewage/documents/draft-rule-62-6-fac-private-inspectors>

- Present topics for further discussion.
- Solicit comments.



III. OVERVIEW OF DRAFT LANGUAGE

Anticipate updates in:

- Section 62-6.002, F.A.C. Definitions.
- Section 62-6.003 F.A.C. *Permits and Inspections.*
- Section 62-6.027, F.A.C. Permits.
- Section 62-6.030, F.A.C. Fees.
- Forms DEP 4015A and DEP 4016.



SECTION 62-6.002, F.A.C.

DEFINITIONS

(45) Private provider inspector – a person or authorized representative qualified under subsection 381.0065(8), F.S., to perform private inspection services as described in subsections 62-6.003(2) and (4), F.A.C. Such a person or authorized representative qualifies to perform an inspection that follows the regulatory requirements of the onsite sewage treatment and disposal system upon the owner’s written authorization.



SECTION 62-6.003, F.A.C.

PERMITS *AND INSPECTIONS*

THROUGHOUT

- Use consistently “final installation approval” for final approval step.
- Replace “shall” with “must” or another appropriate verb.

SUBSECTION (1)

- Update reference to form.
- Refer to definition of repair.



SECTION 62-6.003, F.A.C. (2)

PERMITS AND INSPECTIONS

SUBSECTION (2)

- Introduce “private provider inspector” as alternative to Florida Department of Health county health department (CHD) inspector*.
**CHD currently performing inspection duties for DEP per Interagency Agreement.*
- Require use of form DEP 4016 to record inspections.
- (a) – Clarify construction approval notice.
- (b) – Clarify steps if installation does not comply.
- (c) – Clarify procedures for final installation approval by DEP.
- (d) – Consolidate requirement for final installation approval before placing system into service and authorization of occupancy.

SUBSECTION (3)

- Clarify that Master Septic Tank Contractor will continue to be allowed to inspect their own repair installations if CHD inspector does not show up for pre-scheduled inspection.



SECTION 62-6.003, F.A.C. (3)

PERMITS AND INSPECTIONS

SUBSECTION (4)

- (a) – Provide form DEP 4015A for statutory notification and authorization requirement.
- (b) – Require:
 - Private inspectors to provide signed forms to owner/authorized contractor.
 - Owner/authorized contractor to provide completed forms to subsequent inspectors.
 - Engineer’s staff inspection forms must be sealed by engineer.
- (c) – Establish process for DEP to receive all records of private inspections.
- (d) – Clarify “final installation approval” by CHD.
- (e) – Clarify statutory conflict of interest provisions.
- (f) – Refer to audit process.
- (g) – Refer for complaints and enforcement to current licensing agencies.



SECTION 62-6.003, F.A.C. (4)

PERMITS *AND INSPECTIONS*

SUBSECTIONS (5) AND (6)

- Were subsections (4) and (5), respectively.
- (6)(d) moved from (2)(e), operating permit inspection requirement.



SECTION 62-6.027, F.A.C.

PERMITS

Special provisions for performance-based treatment systems.

Changes made to be consistent with procedures for all systems in section 62-6.003, F.A.C.

SUBSECTION (2)

- Refer to definition of repair.

SUBSECTION (5)

- Incorporate private provider inspector procedures from section 62-6.003, F.A.C., into inspection process.



SECTION 62-6.030, F.A.C.

FEES

Designate a fee for review and processing of private provider inspections.



UNDER CONSIDERATION

PRIVATE INSPECTOR AUDIT PROTOCOLS

- Selection of auditors.
- Selection of inspectors to be audited.
- Observation of field procedures used by inspector.
- Field verification of inspection results by inspector.
- Review of inspection forms submitted by inspector.



UNDER CONSIDERATION (2)

REGISTRY

- Require private inspectors to be a part of a registry maintained by the DEP.

Complaints and enforcement.



IV. PUBLIC COMMENT

Written comments can also be emailed by Aug. 2, 2022.

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THANK YOU

The meeting has ended.

Written comments can be submitted via email by Aug. 2, 2022, to Elke.Ursin@FloridaDEP.gov.