

## Notice of Proposed Rule

**DEPARTMENT OF HEALTH**  
**Division of Environmental Health**

RULE NO: RULE TITLE

[64E-6.003](#): Permits

**PURPOSE AND EFFECT:** The proposed changes to Chapter 64E-6, Florida Administrative Code, provide a method to grant final approval for an onsite sewage treatment and disposal system that was permitted, installed and granted construction approval under the previous rule but had not yet received final system approval when the construction permit expired. The proposed change allows the department to approve the system as meeting the earlier standards rather than requiring the installed system to be brought into compliance with recently promulgated standards. The proposed changes have been reviewed by the members of the Technical Review and Advisory Panel.

**SUMMARY:** The proposal provides relief for property owners who installed an onsite sewage treatment and disposal system meeting previous rule requirements and allowed the permit to expire before the system was granted final system approval.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** This rule will reduce cost for those applicants to whom it applies. The cost savings will be application fee (\$125), and either variance fee (\$300) or installation modification costs (\$500 or more depending on the extent of the modification required). The rule potentially provides relief for anyone who installed a system using a permit with an expiration date between September 1, 2008, and December 31, 2009, and had the construction approved but allowed the permit to expire before requesting final system approval.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** [381.0065](#), [489.553](#), [489.557 FS](#).

**LAW IMPLEMENTED:** [381.0065](#), [381.0067](#), [386.041 FS](#).

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** January 11, 2010, 2:00 p.m.

**PLACE:** Bureau of Onsite Sewage Programs, Conference Room 240P, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shirley Kugler, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Gerald Briggs, Chief, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64E-6.003 Permits.

(1) through (5) No change.

(6) Expired Permits – Any new construction or modification permit issued by the department with an expiration date of September 1, 2008, through December 31, 2009, that has received construction approval but not final approval may be approved provided all of the following conditions are met:

1. The applicant or agent provides a written statement that there have been no changes in application or site conditions from the original permit. The statement must specifically address any changes on adjacent lots. If there are any changes a site re-evaluation is required.

2. Fees for a new construction permit and the research surcharge are paid. A site re-evaluation fee is paid, if applicable. A new permit shall be issued under the rules under which the original permit was issued.

3. A final system inspection is performed showing compliance with all rules under which the construction approval was granted. If applicable, a system re-inspection fee is paid.

~~(7)(6)~~ No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. History—  
New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043,  
Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Holcomb, Environmental Administrator, Bureau of  
Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.,  
Secretary of Health/State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 2009