

MINUTES OF MEETING
TECHNICAL REVIEW AND ADVISORY PANEL (TRAP)
July 15, 2010

Members present were:

Robert Harper III, Florida Home Building Industry, Chairman
Frank Dragoun, Consumer Representative
Scott Franz, Soil Scientist
Scott Johnson, P.E., Florida Engineering Society
Greg Liskey, Septic Tank Manufacturer
Russell Melling, County Health Department
Ken Odom, Home Building Industry
Patti Sanzone, Florida Environmental Health Association
Derek Woodruff, Septic Tank Industry

Alternate members present:

Chris Brown, Septic Tank Industry
Ed Cordova, Local Government
Martin Guffey, Septic Tank Industry
Roy Pence, Home Building Industry
Oren Reedy, Soil Scientist
William Sirmans, County Health Department
Clay Tappan, Florida Engineering Society
Pamela Tucker, Real Estate Professional
Ellen Vause, Septic Tank Manufacturer

Department of Health staff present:

Gerald Briggs, Chief, Onsite Sewage Programs
Marcelo Blanco, Environmental Health Program Consultant
Paul Bocher, P.E., Professional Engineer III
Kim Duffek, Environmental Health Program Consultant
Bart, Harriss, Environmental Manager
Shirley Kugler, Administrative Assistant
Eberhard Roeder, Professional Engineer III
Lucy Schneider, Attorney

Absent members and Alternates:

Raymond Collins, Florida Environmental Health Association
Dikran Kalaydjian, Home Building Industry
Paul Steinbrecher, Local Government

Speakers:

Sam Averett, Averett Septic Tank Co.
Jason Churchill, Orenco Systems, Inc.
Quentin (Bob) Beitel, Markham Woods Assn., Inc.

Gary S. Duren, Code Compliance, Inc. Highland Tank & Mfg. Co.
Doug Everson, Homeowner/PTI, Inc.
Keith Hetrick, Florida Home Builders Association
Bob Himschoot, Crews Environmental
Cory Mong, Economy Septic, Inc.
Maria Pecoraro, for State Representative Bryan Nelsen

Chairman Harper called the meeting to order at 9:10 AM. Following welcoming remarks and introductions Mr. Harper observed that almost all of the panel members were present with only three absentees. He expressed gratitude to the panel for their past and present attendance and dedication to the TRAP.

Mr. Harper called David Carter forward to receive recognition for his years of service with the Research Review and Advisory Committee (RRAC) noting also his valuable in tandem service to the TRAP when needed. Mr. Briggs also commended Mr. Carter as he presented him with a plaque for his unwavering commitment to the RRAC through the 14 years of serving as the RRAC's chairman during which he shepherded the committee through many difficult issues.

Mr. Harper then announced his resignation as member and Chairman of the TRAP. Like Mr. Carter's tenure with the RRAC, Mr. Harper shares a long, dedicated history with the TRAP. He was elected chairman during the first meeting of the Technical Review and Advisory Panel in August 1996, and was subsequently re-elected chairman thereafter. Mr. Harper said that leading the TRAP has been an exciting venture as he recalled past efforts and accomplishments. Mr. Briggs then stepped forward, on behalf of the Department and the Panel, to present Mr. Harper with a plaque for his commitment and loyalty to the TRAP. Mr. Briggs commented that the years of service were omitted on the plaque because of the general disbelief that Mr. Harper would actually go through with his intentions to resign. Mr. Briggs expressed appreciation to Mr. Harper for being an outstanding chairman, crediting his strong leadership as being instrumental in building strong consensus and achievements.

Mr. Harper deferred election of a new chairman and vice-chairman to the end of the meeting. The minutes of the January meeting were opened for review and comment. During the page by page critique, Mr. Johnson asked for a correction to be made to page 5 under Issue 09-07 – Low Pressure Design. The sentence in question will be stricken from the minutes. Also on pages 4 and 5, regarding Issue 08-15 – Bedroom Definition, Mr. Briggs said that an email update was sent to the Chair of the Building Commission work group explaining the outcome of that issue. There were no further questions or corrections to the minutes. Mr. Odom, seconded by Mr. Johnson, motioned to approve the minutes with the one noted correction. The motion carried.

Mr. Briggs talked about the Legislature's provision of an additional two million dollars in funding to continue the passive nitrogen study. Dr. Roeder provided a brief update of the passive nitrogen study that encompasses four areas, technology development that is the passive nitrogen reduction study – phase II, another is field testing of these technologies at home sites, the third is the movement of nitrogen in soil in shallow ground water and the fourth is the modeling of these processes of nitrogen in soil and shallow ground water. He talked further about a site visit to a test facility provided by Hazen and Sawyer to view progress being made. This recent funding provides certainty of moving forward with those various tasks.

Mr. Briggs led a lengthy discussion about SB 550 which directs the Department of Health to create and administer a statewide 5-year cycle septic tank evaluation program. Mr. Harper found the way that SB 550 was put together interesting. Mr. Briggs said our thoughts along with those

expressed by FOWA throughout the legislative process are that these evaluations while making the required determinations should be kept as low cost and the least invasive as possible. This evaluation process is fairly high level, looking at some very key things. We want to very narrowly define what those things are and what constitutes the pass or fail standard.

Mr. Pence asked if the rule making for this new law is being addressed today. Mr. Briggs responded that this is the start of the rule making process. The first draft of the proposed language and the proposed form follow discussion of the SB 550 language in today's agenda package. Mr. Harper noted that part of SB 550 speaks to the Florida Keys, Monroe County. Mr. Briggs said SB 550 addresses significant changes to the Keys that are also addressed in Issue 10-05. The Keys have been under a mandate to upgrade their sewers and their onsite systems by July 2010, this year. This legislation extends that deadline. He said great progress is being made in the Keys, particularly in the city of Marathon and the Key Largo areas in their sewerage projects. The primary issue is funding. This bill extends time to meet requirements. Mr. Briggs noted, too, that there are changes in regard to the interim standard for onsite systems that was in place until July 2010. Homeowners in a sewerage area were allowed to put in an aerobic treatment unit instead of a performance based nutrient reduction system, but that interim standard expired on July 1, 2010. The mandatory date for onsite systems in the Keys to be performance based, nitrogen reduction and phosphorous reduction systems is now December of 2015. He further commented on the amazing fact that there will probably be less than a thousand onsite systems in the Keys when the sewerage projects are completed.

Mr. Harper commented on areas of the language of SB 550. He noted on page 108 of 171 beginning on line 3123 that it appears that language was skipped from (2) through (4) picking up again with (5) Evaluation and Assessment. He surmised the skipped language was because there were no changes in that part of the law. Mr. Harper also asked about the expected prohibition of land application of septage by January 1, 2016 addressed beginning on line 3259 of page 113 of 171. Mr. Briggs said there are more and more restrictions on land application that holds true for the Department of Environmental Protection (DEP) as well. However, land application under DEP standards has not been prohibited.

Review of SB 550 concluded and Mr. Briggs moved forward to Issue 10-12.

Issue 10-12 – SB 550: Five Year System Evaluation
Rule Sections: 64E-6.0NEW

This issue presents the first draft of the proposed language that addresses the 5-year evaluation program. Mr. Briggs began with a page by page review of the language addressing comments and questions as the review progressed. Mr. Harper questioned the explanation for Possible Financial Impacts: on the cover page of the issue. He did not agree with the statement, 'None for homeowners who have been maintaining their system.' He proposed removing the word 'none' or using a different word such as 'minimal'.

The first part of the language speaks to the general provision of the statute in terms of assessing fundamental operational conditions to identify any failures. Mr. Harper noted that the language does not say 'pump out', it says 'evaluate'. Mr. Briggs said that the statute talks about 'pump out', but the language says that evaluation can be done to determine if a pump out is needed. Mr. Harper wanted the language to be clear that it is an evaluation and not necessarily a mandatory pump out.

The second paragraph is about notification requirements to owners at least 60 days prior to the deadline for the system evaluation, required by statute, to have their system evaluated. Mr. Briggs noted that the statute also requires implementation of the program by January 2011. He said details of the implementation are still being worked on. It will take time for department and industry staff to be able to handle the full load of this. Mr. Briggs said the one fairly firm target number for the first year would be 104,000 systems. That number of systems would be added each year and by the fifth year there would be approximately 520,000 systems that would be the recurring number thereafter. At that point, the program would be up to full strength and fully manned to handle the ongoing evaluation program. Mr. Odom referred to lines 5 through 12 and asked about fines; in particular, the language that says 'the department may impose a fine of up to \$500 for failure to comply'. Mr. Briggs replied that there is the general administrative fine authority for the Department in Chapter 381 that is \$500 per day per violation. The intention here is to be very up-front that there are penalties for not complying with the program. An initial notification would be sent, followed with a second notification. If there is no reply, then a letter of warning of non-compliance would follow. At that point, if that is ignored, we would need to move into the enforcement mode. Mr. Johnson asked if the notices will be issued through the county health departments noting the obvious expectation of fees and forms to be filled out by the appropriate inspection entity. He recognized that the counties vary in their range of fees. Mr. Briggs responded that the fee will be a state level fee, collected at the county level. Mr. Hetrick asked for clarification about line 11 that says '\$500 fine for failure to comply with these provisions'. Mr. Briggs explained the sequence of potential fines.

The verbiage on lines 13 through 16 speaks about implementation and the obvious need to build an inventory throughout the state. The thought is to begin notification using the systems that are currently in the Environmental Health data base that are at the 5 year point and work backward. Mr. Harper asked about the source of the funding. Mr. Briggs said funding will eventually come from the fees but at the moment, there is no additional budget or staffing provided to begin this year. Mr. Cordova referred to line 15, 'Subsequent notification shall be to owners of developed property for which the Department has no record of central sewer connection'. He cited an example of problems in Northeast Florida of working through records in Duval County to find out homeowners who have electrical accounts but do not have sewer accounts. There are many people who legitimately do not have a sewer account such as a property being a parking lot that has lights but no sewer facilities. He wondered if the Department recognizes the complexity of accomplishing this task. Ms. Tucker commented about the record keeping process and how far back records are available. Mr. Briggs said the current data base goes back to 1992-93. Once entered, the data base becomes the main record. Paper records on many of the older systems may be non existent.

Mr. Briggs said lines 17 through 20 addresses who are allowed to do the evaluations, i.e. registered septic tank contractors, professional engineers, and certified environmental health professionals. All those people authorized to do the evaluations must attend a course on the requirements involved in performing the evaluations. Ms. Vause asked if employees who install septic tanks and do pump outs working under the person licensed to do evaluations are also allowed to do evaluations. Mr. Briggs responded that they are not allowed to perform evaluations. Ms. Vause sees this as being a problem. Mr. Briggs agreed that this bears looking at and may require a statutory fix.

Another issue was the determination of a surface water boundary. Mr. Harper said a potential flaw here is that persons identified to do evaluations are stated in the law referencing line 3176 of SB 550. He said that surface water is identified both in Chapter 381 and 64E. His opinion is that this should be clearly noted in the language drawing the example of confusion that might

occur about what is defined as a swale, surface water, etc. which are defined both in the rule and the law. The evaluator must be qualified to identify what those surface waters are. Mr. Harper said that two people may be needed in certain areas that include wetlands or surface water. He further said that some other areas on the form may need to have a definition or a reference to the law or to the rule because of potential confusion if not clearly defined. Mr. Briggs said to bear in mind that the evaluation form will be part of the rule. The terms stated on the form are in relation to statute language. Mr. Harper said that fact should be noted on the evaluation sheet so that people know they have an available reference. Mr. Pence commented further about the restrictive, specific statutory language of who can do the evaluations leading to more discussion involving Ms. Vause, Mr. Johnson, Mr. Franz, Mr. Reedy, Mr. Melling and Ms. Groover.

Mr. Bob Himschoot, speaking from the audience, stated his interpretation of this legislation is basically meant to verify septic tank integrity noting that septic tanks can deform or deteriorate. He also talked about causes for drainfield failure. He said that we have to assume that the two and a half million existing systems have already gone through the permitting process and thinks too much time is being spent trying to 'recreate the wheel'.

Former TRAP member, Gerald Prescott, asked questions about non surface water. He sought to verify that this is not counted as a mean annual flood line but rather looking at the current observed measurement to observed water. Mr. Briggs responded that boundary is looked at which is the mean annual flood line and the mean high water line. Discussion continued about possible situations where an evaluation finding results in a system having to be moved because of a too close proximity to a body of water. Mr. Harper reiterated his thoughts of having to use more than one evaluator in such situations. Ms. Vause commented that she senses a general feeling of 'we are going too far'. She agreed with Mr. Himschoot about assuming that these systems have met pre-determined permitting criteria. What is done with this inspection program is double checking or making a visual inspection of those things. She described her procedure when doing a pump out; the first step being to pull up a GS map, find the property ID number, map it, soil map it and look at the satellite map to see if there are any water features, etc. In doing those things, she has three fourths of the information asked for on the form. Her opinion of this legislation is to have a tool to look at a piece of property with issues to determine if the septic system needs to be upgraded. She does not think the evaluator is asked to make all those determinations, but rather to score the system from good to bad. She thinks that perhaps too much is being put in this inspection. Mr. Odom pointed out a statement close to the bottom of the form that says the system is not being evaluated to meet precise code compliance. Mr. Briggs said that Ms. Vause makes a very good point to keep in mind. He talked about a grant program that is part of this legislation that does not come into effect for another year. Information gathered from this form will also help to make a straight forward determination that will allow us to handle grant applications when we get to that program. In doing so those people who are eligible for grants have a better understanding of grant requirements. In addition to their income, two things looked at are severity of the failure and the relative environmental impact. Mr. Averett asked if a simple change of one word could be made on the form under 'surface water' to 'surface water appears.' Mr. Johnson said he strongly favors the overall rule. He thinks the design and verbiage on the form is a good start but needs some revision to simplify its use as pointed out in this discussion. Regarding forms, Mr. Himschoot referred to Issue 10-06 – Existing Systems, specifically speaking about a voluntary system inspection report that many contractors have used, with some adaptations, for a number of years. That form provides opportunity to inventory the existing systems in a systematic manner that points out highlights of problem areas. He suggested that the panel may want to reference that form.

Mr. Briggs continued on page 1, line 21 with review of the proposed language that talks about the submission of the report within 5 business days. He pointed out that electronic submission is allowed.

The language beginning on lines 28 through 35 deals with pump out requirements that allows the evaluator to determine if a pump out is required. Mr. Jason Churchill affiliated with Orenco Systems commented about line 29 that says... 'Tanks shall be pumped out if either layer is within 8 inches of the bottom of the outlet filter'...and spoke of a problem for some effluent filter designs. He suggested that the Department of Health may want to consider working with manufacturers to develop a better criterion based on inches from intake or on the percentage of solids in the tank. Discussion followed about the need for mandatory pump outs, at least during the first evaluation.

Continuing the review, lines 36 through 40 the proposed language speaks about what to do about broken or missing septic tank lids.

The language beginning on line 41 is about determining when a repair is required. The Department would make that determination based on the documentation submitted.

The language beginning on 44 through 60 delineates when a repair permit shall be required. Mr. Odom referred to line 46 and asked Mr. Briggs to describe a visible failure. Mr. Briggs acknowledged more detailed language probably needs to be developed describing visible failure.

Continuing review of the proposed language, Mr. Briggs said lines 61 through 68 speak to the separation from the wettest season water table. He reiterated that language is spelled out in the statute. Mr. Odom referred to line 64 about systems installed after 1983 and posed the question about a documentation showing that the health department permitted and approved a system, but now it does not meet the water table separation requirement. Who is responsible for paying for that system upgrade? The answer is the applicant. Mr. Odom spoke about the possible legal quagmire if the Department of Health made a mistake on the water table call. Will the Department of Health be responsible for bringing those systems up to code if they originally permitted and approved a system with less than a 24 inch water table separation? Mr. Briggs recognized the possibility of such a situation causing legal issues. Another question posed was if the repair code is changing for systems for separations after 1983. The repair code will be changed to bring it in line with the statute.

Review of page 4 began with line 69 that states the owner shall submit an application for a construction permit within 60 days of the notice to obtain a permit.

The language on line 71 through 81 addresses conditions for requesting exemptions or extensions.

The next paragraph beginning on line 82 outlines disciplinary standards for the evaluators.

The last part on page 5 addresses the septage disposal issue. Owners who do not comply with the provisions of this section shall be subject to citations, administrative fines, and other legal remedies.

Mr. Briggs reviewed specifics of the form. He reiterated that the thought is to use this form to acquire data to be able to score applications in preparation for the grant program. Soil profile

documentation was discussed, particularly in regard to the industry using existing records from the health department, where available, to document the soil profile of the water table. Mr. Melling asked about the many irrigation wells that are too close to a drainfield creating a source of contamination for the groundwater. Mr. Harper asked for opinions from contractors about the cost for an evaluation. Mr. Mong, Mr. Prescott, Ms. Vause, Mr. Woodruff, and Mr. Averett spoke their projections of the cost beginning as low as \$250 and upward depending on the variables of the evaluation. Mr. Hetrick commented on implementing the program in January 2011. Mr. Hetrick said we all want an inspection program but cautioned that this is a very sensitive issue especially to Central Florida legislators and that we do not want to see the gains made falter because we went 'out of the box' and did something more stringent creating consumer complaints about costs, etc. Mr. Briggs acknowledged Mr. Hetrick's warnings and said that he realizes the danger that the Legislature could come back and repeal. He said the program office thinks the water table separation is a critical issue. If we are not going to address those systems that are too close to the water table, then what are we doing? We are not fixing the problem...just continuing it. Ms. Sanzone asked where the variance process comes into play in this current situation. Mr. Briggs responded that any variance granted would be honored. A section in Chapter 381 provides for variances.

Paul Runk from Representative Alan Hayes' office asked for a more specific cost estimation for the evaluation process. He attended a meeting last year with Senator Constantine and the Markham Woods folks where the cost was represented as being in the \$200 range for a pump out and inspection. If the cost is closer to \$1,000, he said he could guarantee that the representatives from the Central Florida area will have serious concerns. Mr. Briggs responded that the goal is to keep this at the lowest cost level possible but that there are key issues in the statute that need to be addressed. We are very sensitive to the costs for the homeowners. Ms. Vause spoke of the responsibilities of this panel and that they will work diligently to provide the state with the information needed but to also give the consumer the quality that they deserve for a reasonable price. Mr. Runk requested that he be provided copies of the rule as it is being reworked. Mr. Bietel with the Markham Woods Association agreed with the comments from Mr. Hetrick and Mr. Runk.

Issue 10-05 – Part II (Florida Keys) SB 550, Update Standards
Rule Sections: 64E-6.017, 018, 0181, 0182

SB 550 amended repair standards for the Florida Keys. Mr. Briggs explained that the Keys are under a 10-10-10 standard to reduce both nitrogen and phosphorous. All systems that are not going to be connected to sewer are required to be upgraded to that standard under the new law by December of 2015. Prior to this there was statutory language in a separate law that provided an interim standard for all systems in those areas that were scheduled to be sewer. That provision expired July 1, 2010. Monroe County is moving forward with the sewer projects. Mr. Briggs expects that Monroe County will end up with less than 1,000 onsite systems by the time the 2015 date is reached. He told the panel that the language seen in this issue is statutory language being brought into place as well as a roll back to the rule that was in place with the sand lined drainfield and brought those standards for repairs forward into the new rule. A workshop will be held in Monroe County on this proposed rule. Mr. Johnson noted minor corrections/additions that need to be made to this language. On line 86, the word 'to' should be added before 'frequent'. Then on line 22 of page 4, he expressed uncertainty about the intent of '...minimum chlorine contact time of 15 minutes in the injection well...'. Mr. Briggs said it should read 'prior to the injection well...'. Mr. Johnson also thought that perhaps 'at the peak hourly rate' should be added to that verbiage. Mr. Liskey, seconded by Mr. Melling, motioned to approve. The panel concurred and the issue was approved.

Issue 07-23 – Performance-Based Systems-Standards
Rule Sections: 64E-6.025

Dr. Roeder explained that this issue proposes changes to replace current 7-day and 30-day average discharge limits with a percent removal and summarizes the performance requirements into a table format. This issue was first introduced in August 2007 and subsequently tabled several times for revisions. Dr. Roeder said the issue co-mingles with a couple of other issues on today's agenda. He explained that this revision reorganizes the standards of performance based systems and that some clarifying changes were made to the table. Changes to the table were specifically for the grab sample standards for the Florida Keys for nitrogen/phosphorous being four times the annual average. Mr. Johnson asked a question about the standards for reading the table about the hierarchy for removal of pollutants. Dr. Roeder referred to line 74 of the proposed language for the answer. Mr. Liskey motioned to approve the issue. Mr. Johnson called the second. Mr. Pence asked about the stricken language beginning on line 50 regarding maintenance entities. Dr. Roeder responded that there is language on how to approve maintenance entities under the operating permit section so there was no need to repeat the language for the approval process for maintenance entities under 'Definitions'. From the audience Mr. Churchill commented about a change reflected in this revision being the reduction to 62 percent from 70 percent nitrogen removal. He said that two different standards are being talked about, 10 mg/l and 62 percent citing examples of 'real world' infinite nitrogen levels. Dr. Roeder explained the reasoning for changing to 62 percent. Discussion concluded and the panel voted to approve the issue.

Issue 08-09 – Innovative Systems – Test Data Required
Rule Sections: 64E-6.004, 64E-6.026

Dr. Roeder asked the panel to peruse the more recent version of this issue that was distributed at the beginning of the meeting instead of the one included in the mail out in the original package. He pointed out that the main change is seen in the 'Summary' language on page 1. Mr. Johnson suggested that in the future with changes in the text of an issue that those changes be flagged. He expressed the difficulty the panel faces in the short timeframe of reading and understanding changes brought forward on the day of a meeting. Mr. Hetrick asked how this relates to the on-going, passive nitrogen reduction study and wanted to know if this will impact the two million dollars appropriated by this year's Legislature. Mr. Briggs said this language is intended to get into place in order to utilize results of that study. Mr. Everson stated concerns with this issue about the inability under these innovative protocols to obtain permits from the state for either an innovative system demonstration permit or more importantly an innovative system development permit because both of those require outside third party testing in order to prove that they can get a permit. He further said the whole purpose of the passive study and the research being done was to provide a way for innovative technology to be explored within the state to provide cost effective alternatives. Dr. Roeder responded that Mr. Everson's concerns are covered under the development permit on lines 86 88. Mr. Everson was unconvinced that this would satisfy his concerns. Mr. Harper suggested that Department staff work with Mr. Everson regarding his concerns. Mr. Johnson motioned to approve this issue 08-09 as originally submitted in the agenda packets, not those subsequent revisions that were distributed at the beginning of today's meeting. Mr. Dragoun called the second. Mr. Liskey stated his interpretation of the intention of this proposed language and said that everyone needs to understand that this is a positive move. Issue 08-09 was approved.

Issue 09-10 – Septage Logs
Rule Sections: 64E-6.010

This issue proposes changes in the reporting requirements for service providers to provide quarterly summaries of septage and holding tank waste pumped, treated and land applied. Mr. Briggs said the collected information will be instrumental in supplementing the inventory data base. Mr. Averett asked several questions and stated that his company already has this type of information involving septage services on work orders but added this requirement will definitely add more cumbersome paperwork. He also asked if this issue affects the portable toilet industry to which Mr. Briggs responded that this issue does not include portable toilets. Following questions and comments by Mr. Himschoot, discussion concluded. Mr. Franz, seconded by Mr. Dragoun, motioned to approve the issue. The motion carried and the issue was approved.

Issue 09-13 – Septage Storage Tanks
Rule Sections: 64E-6.010

Mr. Briggs briefly explained the issue and its progression through the Variance Committee. There were no questions or comments. Mr. Odom motioned to approve the issue. Mr. Melling called the second and the motion carried.

Issue 09-14 – Protected Steel Treatment Receptacles
Rule Sections: 64E-6.013

Mr. Briggs explained the issue. Mr. Gary Duran with Code Compliance, Inc./Highland Tank & Mfg. Co. stepped forward to thank the panel and the department for working with him and his company on this issue. Mr. Woodruff, seconded by Mr. Franz, motioned to approve. The panel concurred and the issue was approved.

Issue 09-15 – Duplexes on One Lot
Rule Sections: 64E-6.004

The proposed language for this issue clarifies when an easement is required for duplexes on single lots or establishments on multiple lots. The issue was discussed at the previous meeting and has been reviewed by the Variance Committee. There were no questions or comments. Mr. Melling motioned to approve. Mr. Johnson called the second and the panel approved the issue.

Issue 09-16 – Triple-Wide Mobile Home Spaces; Cleanup MHP Sizing
Rule Sections:

Mr. Briggs said the proposed language provides sizing criteria for triple-wide mobile home spaces in Mobile Home Parks. The issue was reviewed by the Variance Committee and is ready for final approval by the TRAP. Mr. Liskey, seconded by Mr. Odom, motioned to approve and the panel concurred.

Issue 09-17 – Site Plans
Rule Sections: 64E-6.004

This issue was discussed at the January 28 TRAP meeting and subsequently reviewed and approved by the Variance Committee. The proposed language sets standards in regard to the scale and how much error is allowed in the drawings. Mr. Johnson felt that more clarity is needed to be made to the language on lines 5 and 6 regarding the margin of error. Mr. Briggs said bureau staff will clarify the language. Mr. Johnson motioned to approve with clarification of the margin of error scale. Mr. Liskey seconded the motion and the issue was approved by the panel.

Issue 09-18 – PBTS Plans
Rule Sections: - 64E-6.028

This issue language requires all plans to be signed and sealed but does not specify the number of copies to submit. Mr. Liskey, seconded by Mr. Odom, motioned to approve and the panel concurred.

Issue 09-19 – Commercial Sewage Waste Definition
Rule Sections: 64E-6.002

The issue aligns definition of commercial waste with that in DEPs interagency agreement. Motion to approve called by Mr. Liskey. Mr. Dragoun seconded the motion and the panel voted approval.

Issue 09-20 – Incinerating Toilets
Rule Sections: 64E-6.009

This language updates the references for incinerating toilet standards. The issue was reviewed and approved by the Variance Committee. Mr. Odom, seconded by Mr. Liskey, motioned to approve. The panel concurred and the issue was approved.

Issue 09-21 – Inspection by Engineers
Rule Sections: 64E-6.003

This issue was originated by Mr. Franz that removes the residential exemption for engineer inspection. Following a brief discussion and comments by Mr. Himschoot, a motion was called by Mr. Johnson to approve. Mr. Dragoun seconded the motion followed with a vote to approve by the panel.

Issue 10-01 – Lower Flow Rates for Large Houses
Rule Section: 64E-6.008, Table I

Mr. Briggs explained that this is the bedroom sizing issue that was originally part of issue 08-15 regarding bedroom re-definition. The issue was discussed at the previous meeting and sent to the Variance Committee for their review and comment. The language was also sent to the Florida Building Commission. Mr. Odom, seconded by Ms. Sanzone, motioned to approve and followed with a unanimous vote to approve the issue.

Mr. Harper stopped the meeting at 11:55 AM for lunch.

Following the lunch break, Mr. Harper resumed the meeting with election of a new chairman and vice-chairman. Ms. Tucker nominated Ken Odom as Chairman recalling his strong leadership on the few occasions when Mr. Harper was absent. Mr. Franz seconded the nomination and the panel voted Mr. Odom to be the new Chairman. Mr. Liskey nominated Roy Pence to fill the position as Vice-Chairman. Ms. Tucker nominated Ellen Vause but Ms. Vause declined the honor because of responsibilities involving a family illness. Mr. Franz called the second to nominate Mr. Pence. Unanimous panel approval followed and Mr. Pence was voted to be the new Vice Chairman.

Issue 10-02 – Soil Replacement for Drip Systems
Rule Sections: 64E-6.009

This issue was originated by Mr. Franz who briefly explained specifics of the language that would eliminate the requirement for replacement of spodic horizons between 24 and 42 inches below a drip emitter drainfield. Brief discussion followed with Mr. Harper commenting on the money saving potential. Mr. Liskey motioned to approve. Mr. Dragoun seconded the motion followed with a unanimous vote from the panel to approve the issue.

Issue 10-06 – Existing Systems
Rule Sections: 64E-6.001

Mr. Briggs said this language is a re-write of the opening section of the rule for the existing systems section in an attempt to make the verbiage clearer. He said there is only one change in the language regarding water table separation. Currently when doing a repair or modification a 12 inch separation is required. The language on lines 35 and 36 brings into compliance with the new language in SB 550 in regard to that separation, i.e. pre-1983 has to be modified to meet a 12 inch separation and after 1983 a 24 inch separation is required. Mr. Pence asked to be directed to the language in SB 550 that relates to this issue. Mr. Briggs complied indicating that the language is found on page 109 on line 3154. Mr. Johnson pointed out missing words/corrections in the issue language on lines 11, 12, 31, 42, and 53. Mr. Odom asked how this language about existing systems relates to mobile homes. Additional comments and questions ensued with Mr. Briggs agreeing that more clarity is needed on lines 34, 35 and 36 for mobile homes when not increasing flow in terms of the water table separation. Mr. Himschoot, Mr. Averett, Mr. Woodruff and Mr. Johnson commented about the Voluntary System Inspection Report form eliciting more questions and discussion about liability issues, etc. culminating in general consensus that there needs to be more clarity in the language on the form. Ms. Tucker, seconded by Mr. Liskey, motioned to table the issue pending clarification of who can perform the inspections and also to allow time for the panel to compare the re-written language to the old language. A unanimous vote to table followed.

Issue 10-09 – LTAR Adjustments
Rule Sections: 64E-6.028

Mr. Briggs said this is more clean-up language that modifies one table to match up with previously approved sizing. Mr. Odom expressed confusion about the trench width (inches) equaling 36.00 on the table. Mr. Booher gave a convoluted explanation followed by a general agreement that the table should be made clearer. Mr. Liskey called the motion to approve with Mr. Johnson seconding the motion. The panel concurred and the issue was approved.

Issue 10-10 – Site Plans, Mounds
Rule Sections: 64E-6.004, 5, 8, 9, 15

Mr. Briggs explained the purpose of the issue that incorporates interpretive memos and cleans-up some existing language about showing and determining MAFL and other setback features, mound size determination, and setback to shallow swales. Mr. Johnson, seconded by Mr. Franz motioned to approve. However, during discussion that followed, Mr. Odom posed a question about new language under 64E-6.015 that says, "The model of any particular non-mineral aggregate or chamber system shall be included." He said there are a lot of variables in multi-pipe systems and spoke of the difficulty of determining the model. Lengthy discussion followed with comments and recommendations by Ms. Vause, Mr. Sirmans, Mr. Franz, and Ms. Tucker. The earlier motion to approve was withdrawn. Mr. Liskey then called a motion to table the issue, seconded by Mr. Cordova. The motion carried and the issue was tabled.

Issue 10-11 – Subject: PBTS Design Standards
Rule Sections: 64E-6.0295

Dr. Roeder explained that the data collected from current performance based treatment systems are listed in several different ways depending on the type of test data submitted. The proposed language of this issue provides a way to compile performance data, and also requires reclassification of all performance based treatment systems. Mr. Churchill said that the language has been extensively revised and, for the most part, addresses most of his previous concerns. He referred to line 67 and spoke about a specific concern about interim approval criteria but Dr. Roeder's response satisfied that concern. Damann Anderson voiced several concerns about the issue. He has difficulty with not allowing soil to be used as a treatment mechanism for some of the parameters because soil is what we rely on for secondary treatment for all conventional onsite wastewater systems. He also referred to the language for the advance wastewater treatment in (c.) lines 67, 68, and 69. He said he has difficulty with the 62 percent for the Keys and 90 percent for advanced wastewater treatment standards. He further stated that the Keys are probably the most sensitive area in the state for nitrogen needing the highest level of standards and said that 62 percent is not that great. He also expressed concerns about the language beginning on line 62 about fecal coliform. Mr. Hetrick commented about the importance of the issue and thinks the language is much improved. However, certain issues were isolated today and he would like to see Mr. Anderson's consideration taken into account and maybe make some modifications to bring back to the TRAP. Mr. Harper asked, 'how critical is the issue?' Mr. Briggs said there has been some disconnect in how systems have been evaluated creating unfairness to people. Following more discussion, Mr. Dragoun, seconded by Mr. Melling, motioned to approve the issue providing that department staff clarifies the language in the questionable areas discussed today. The motion passed.

Mr. Booher spoke briefly about conclusions he has drawn about the retesting of polyethylene tanks. The TRAP approved the issue about retesting polyethylene tanks to the 2006 Standard in August 2008. The problem remains, however, that there was no satisfactory technique for determining the deflection of the tanks. Have the deformation problems come from improper installation or improper design? Mr. Booher has been evaluating the process and has consulted with various counties finding that the counties are not seeing as many problems as previously seen. A logical conclusion is that the installation instructions are being more closely followed. He remains concerned though that a long term problem resulting from deformation of the polyethylene tanks could pose a real nightmare in the future. He does not recommend retesting with the vacuum test stating that he does not think the vacuum test is applicable to the poly tanks. He advocates using a test that directly relates to the poly tanks and recommends development of a test that better simulates the characteristics of those tanks. He also gave examples of testing methods used in Canada as well as testing methods used by IATMO. Mr. Booher, in closing, expressed the possibility of building a testing area at the training center so manufacturers could do the testing themselves at the training center with a qualified witness. Mr. Harper intervened by saying that this is the department's call further adding that perhaps another rule needs to be developed to address those proposals.

The meeting adjourned at 2:45 PM.