

# ARTICLE 15

## HEALTH REGULATIONS

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# ARTICLE 15

## HEALTH REGULATIONS

### CHAPTER A PBC ENVIRONMENTAL CONTROL RULE I – ONSITE SEWAGE PROGRAMS (OSP)

This Chapter shall be designated as “PBC Environmental Control Rule I – Onsite Sewage Programs.” The Florida Department of Health (FDOH) is the delegated authority for the OSP per the Interagency Agreement with the Florida Department of Environmental Protection (FDEP), effective July 1, 2021. [Ord. 2022-019]

#### Section 1 Purpose

The provisions of this Chapter shall apply to the following Onsite Sewage Treatment and Disposal Systems (OSTDS) and Private Collection and Transmission Systems (PCTS): [Ord. 2011-002] [Ord. 2022-019]

- A. An OSTDS regulated under F.S. § 381.0065, as amended, that serves a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day based on Table I of Chapter 62-6, Florida Administrative Code (F.A.C.), which is not currently regulated under F.S. ch. 403; [Ord. 2011-002] [Ord. 2022-019]
- B. An OSTDS regulated under F.S. § 381.0065, that serves an establishment with an estimated commercial sewage flow of 5,000 gallons or less per day, based on Table I of Chapter 62-6, F.A.C., which is not currently regulated under F.S. ch. 403; and, [Ord. 2011-002] [Ord. 2022-019]
- C. An OSTDS which has received variances from the FDEP from the requirements of F.S. ch. 403, and from the jurisdictional flow limits of F.S. ch. 381. [Ord. 2011-002] [Ord. 2022-019]

#### Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

#### Section 3 General Provisions – OSTDS

- A. No OSTDS shall be installed, modified, abandoned, or repaired without a valid permit, or used without obtaining final approval or release from the Health Department. [Ord. 2011-002]
- B. No municipality or political subdivision of the State of Florida, including PBC, shall issue a building or plumbing permit for any building requiring the use of an OSTDS unless the owner or builder has received a permit for such system from the Department. No municipality or political subdivision of the State of Florida should issue a Business Tax Receipt to an owner or tenant of a building or otherwise allow an individual or business to relocate into or within an area zoned or used for industrial or manufacturing purposes or its equivalent until the owner or tenant has received written approval from the Department. Approval shall state that the OSTDS serving the business has been evaluated, is not expected to receive toxic or hazardous waste, and is adequately designed to meet the sewage treatment and disposal needs of the business. [Ord. 2007-013]
- C. Buildings used or intended for human occupancy, employment, or service to the public and locations where persons congregate shall provide toilets connected to an approved sewage waste disposal system. Also, property or locations where persons congregate and are employed, or where property is used by the public for temporary and short periods of duration, such as construction sites, fairs, carnivals, revivals, field locations of agricultural workers, encampments, or other uses, shall be provided with portable toilets or other approved toilet facilities. The number of toilet facilities to be provided shall be in accordance with the local plumbing code, other applicable local regulations and the F.A.C. Establishments with permanent structures shall not rely upon systems designed for temporary use as the primary means of wastewater treatment and disposal unless a temporary approval is issued by the Health Department. [Ord. 2011-002]
- D. Sewage wastes and effluents from an OSTDS shall not be allowed to surface onto the ground and shall not be discharged into or permitted to enter streams, surface waters, underground aquifers, ditches, or drainage structures.
- E. No building or premises shall be occupied, sub-let, or leased unless provided with an approved sewage disposal system.
- F. Wastewater generated by industrial or commercial establishments shall not be discharged into an OSTDS if the characteristics of the waste are such that it would cause malfunctioning of the OSTDS and/or contamination of the groundwater. Wastewater from such establishments shall be treated and disposed of in accordance with the FDEP requirements. [Ord. 2011-002]

- G. Treatment and disposal of the wastewater from a building or establishment shall be in compliance with FDEP standards and rules when any one of the following conditions exist:
  - 1. Sewage or wastewater contains industrial, toxic, or hazardous waste.
  - 2. An area is zoned for industrial or manufacturing use, or its equivalent, where there is a likelihood the system may be used for disposing of wastes which are not domestic wastes.
- H. Any OSTDS used for disposal of domestic sewage, which is designed, constructed, installed, or modified after the effective date of this Chapter shall conform to the minimum requirements and provisions of this Chapter. Should an emergency or epidemic occur, the Department may approve temporary systems for waste disposal which may differ from standards set forth in this Chapter, as long as the Department supervises the operation of the temporary system.
- I. Any existing OSTDS installed under previous rules and regulations which becomes non-conforming with this Chapter for conditions or purpose as approved and which has not been placed in use for a period of one year or more, shall be deemed unapproved and its use for such purpose prohibited.
- J. Whenever an approved sanitary sewer is made available under the conditions set forth in Art. 15.A.8.A of this Chapter, any OSTDS shall be abandoned and the sewage wastes from the residences or building discharged to the sanitary sewer within 90 days thereafter.
- K. If an existing OSTDS is disconnected from a structure that was made unusable or destroyed following a disaster, the system may be reconnected to a rebuilt structure per the provisions of F.S. § 381.0065(4)(y). [Ord. 2022-019]
- L. When the use of an OSTDS is discontinued, it shall be abandoned and its further use for any purpose prohibited. An abandoned septic tank shall be (1) pumped out; (2) the bottom suitably opened or ruptured so as to prevent the tank from retaining water; and, (3) filled with clean sand or other suitable material, the actions being taken in the order listed. However, if the Department or its designee approves the use of the retention tank as an integral part of a sanitary sewer system or stormwater management system, the septic tank need not be abandoned. [Ord. 2022-019]
- M. A septic tank serving a Single Family residence may, at the owner's discretion, be converted into a cistern pursuant to the procedures set forth in Rule 62-6.011(4), F.A.C. [Ord. 2022-019]
- N. It shall be the duty of the Department to conduct such technical inspections as are reasonable and necessary to determine compliance with the provisions of this Chapter. [Ord. 2022-019]

#### **Section 4      Permit Conditions and Approvals**

- A. An OSTDS shall not be installed, modified, abandoned, or repaired until a valid permit has been obtained from the Health Department. Permits for system repairs shall be issued in accordance with Chapter 62-6, F.A.C. [Ord. 2011-002] [Ord. 2022-019]
- B. If the Department determines that the disposal of certain wastes into the OSTDS may interfere with the proper functioning of the system, the Department may specify on the permit those conditions that are appropriate for the proper functioning of the system. Upon request of the Department, the permit and conditions shall be recorded in the Public Records of PBC at the permittee's expense.
- C. The OSTDS shall not be used or covered with earth before it has passed an inspection by the Health Department and a notice of approval has been issued. Should the installer or general contractor fail to notify the Health Department prior to covering the system, the Health Department shall require that the system be uncovered for inspection. If the system is approved, the Health Department shall issue a notice of approval to the owner. Any new building or structure shall not be occupied until final approval has been issued by the Health Department. [Ord. 2011-002] [Ord. 2011-017]

#### **Section 5      Application Data for an OSTDS – Single Lot or Parcel**

- A. The application and supporting data required for approval of an OSTDS for a single lot or parcel of property shall be submitted to the Health Department by the owner or his authorized representative, or a contractor licensed under F.S. ch. 489 in accordance with Chapter 62-6, F.A.C. The completed application form shall be submitted together with the following: [Ord. 2011-017] [Ord. 2022-019]
  - 1. A Site Plan of the property drawn to scale, showing the following:
    - a. Property boundaries with dimensions;
    - b. Easements;
    - c. Location of all existing and proposed buildings;
    - d. Location of all wells;
    - e. Location and layout of treatment receptacle and drainfield;
    - f. Unobstructed area available for the installation of the OSTDS;

- g. Potable and non-potable water lines;
  - h. Driveways;
  - i. Parking areas;
  - j. Walkways;
  - k. Swimming pools;
  - l. Stormwater drainage system;
  - m. Surface water such as ponds, (existing or proposed), lakes, streams, ditches, canals, or wet areas;
  - n. Location and elevation of soil profiles;
  - o. Benchmark on or adjacent to the property;
  - p. Location of wells, onsite sewage treatment and disposal facilities or other pertinent features on adjacent properties if the features are within 200 feet of the proposed onsite sewage treatment system or well; and,
  - q. The Site Plan shall also indicate the presence of any marsh area, mangroves, cypress, and wetland vegetation on the property or on adjacent properties.
2. For residences, a floor plan showing the number of bedrooms and the building area of each dwelling unit.
  3. In cases where there is an extreme variation in the elevation of the lot, a topographical map of the property must be submitted.
  4. At least two soil profiles delineating the textural classification and Munsell color of the native soil at the beginning and end of the soil absorption area to a minimum depth of six feet or refusal in accordance with USDA Soil Classification Methodology.
  5. The existing water table elevation and the estimated wettest season water table elevation.
- B. The owner shall be held responsible for all information supplied to the Department. The application and supporting data serve as the basis for the issuance of a construction permit. In the event of a change in any material fact given in the application which served as a basis for issuing a construction permit, the owner shall immediately file an amended application detailing such changed conditions. If the new conditions are in compliance with the standards in this Chapter, the construction permit shall be amended. If the new conditions are not in compliance with the standards of this Chapter, the permit shall be revoked.
- C. New Construction, Additions, or Repairs**
1. For new construction and additions, the supporting data must be prepared by an Engineer and land Surveyor registered in the State of Florida, as specified in Chapter 62-6, F.A.C. The Site Plan must be prepared by a Professional Engineer or land Surveyor registered in the State of Florida. The soil classification and system design shall be performed by a Professional Engineer registered in the State of Florida with training in soils, person certified under F.S. § 381.0101, master septic tank contractor licensed under F.S. ch. 489, or professional soil scientist certified and registered by the Florida Association of Environmental Soil Scientists. When fill soils are used, the Department may require that soils be classified by a certified soils engineering testing laboratory registered in the State of Florida. [Ord. 2018-019] [Ord. 2022-019]
  2. For repairs, an existing Site Plan can be used. The soils evaluation can be performed by a septic tank contractor licensed under F.S. ch. 489 in accordance with Chapter 62-6, F.A.C. and F.S. § 381.0101. [Ord.2018-019] [Ord. 2022-019]
- D. If the application is for a lot that is exempt under Art. 15.A.7.E, of this Chapter, documentation shall be submitted to substantiate the existence of the lot prior to January 1, 1972. Documentation shall be: [Ord. 2005-003]
1. A survey, map, plat, or drawing prepared by a professional land Surveyor licensed in the State of Florida, or
  2. A survey, map, plat, or drawing registered with the Department of Business and Professional Regulation, Division of Land Sales, or
  3. A property tax receipt, or
  4. A deed, or
  5. An agreement for deed.

## **Section 6      Application Data for an OSTDS – Subdivision**

- A. The application and supporting data required for approval of the use of OSTDS for a subdivision shall be submitted to the Department by the owner or his authorized representative. The supporting data must be prepared by a licensed Surveyor or Engineer, as appropriate, and shall include: [Ord. 2022-019]
1. A plan of the subdivision clearly drawn to scale, showing lot and block arrangements, lot dimensions with all lots numbered, and net area of each lot;

2. A topographical map with contour interval to indicate surface configurations, including slopes, streams, or watercourses, bodies of water, low, wet, or marshy land, and lots on which any fill is to be made;
3. A general site location map for reference identification of the area;
4. The proposed drainage plans certified by the preparer as being in compliance with existing district drainage plans as approved by the local drainage authority, the PBC Engineering Department, and the South Florida Water Management District (SFWMD), as applicable;
5. SFWMD Staff Report and permit for the proposed drainage system, if applicable;
6. The natural soil profile delineating soil classification to a depth of six feet or refusal for a representative number of test sites for at least ten percent of the number of lots, for which the minimum information provided is the upper and lower horizon boundaries. Munsell color of the horizon and its components and USDA soil texture; using USDA Soil Classification methodology as described in Chapter 3 of the Soil Survey Manual, USDA, Handbook No. 18 (March 2017), herein incorporated by reference. Where the replacement of severely limited soil is proposed, soil profiles shall be performed to a minimum depth of six feet or to the depth of the slightly or moderately limited soil layer lying below the replaced layer, whichever is greater; [Ord. 2022-019]
7. Water table elevations as existing and for the wettest season, based on MSL datum;
8. All dedicated R-O-W or recorded easements proposed for use in the installation of onsite sewage treatment and disposal or water system;
9. Proposed sewer utility easements and R-O-W shall be included on the Subdivision Plan; and,
10. If private wells are to be used, submit evidence to the Department that the groundwater is of satisfactory quality and is not threatened by a source of contamination.

## **Section 7      Approval Standards – OSTDS**

In considering applications for permitting construction of an OSTDS, the Health Department shall be governed by the following standards: [Ord. 2011-017] [Ord. 2022-019]

- A. The lot, unless exempt under Art. 15.A.7.E, of this Chapter, shall have a minimum net usable land area of: [Ord. 2005-003] [Ord. 2022-019]
  1. One-half acre if the water supply is by means of a public water system as defined in F.S. § 403.852. [Ord. 2011-017] [Ord. 2022-019]
  2. One acre if the water supply is by means of an onsite well. [Ord. 2011-017]
- B. The drainfield invert shall be a minimum of 30 inches above the wettest season water table elevation.
- C. Systems shall be placed no closer than the minimum distances required under Chapter 62-6, F.A.C. except for lots addressed under Art. 15.A.7.F, of this Chapter; [Ord. 2005-003] [Ord. 2022-019]
- D. Suitable, unobstructed land shall be available for the installation and proper functioning of drainfields as required under Chapter 62-6, F.A.C. [Ord. 2022-019]
- E. Parcels or tracts of land for which documentation has been submitted in accordance with Art. 15.A.5.D, of this Chapter, to substantiate existence prior to January 1, 1972 shall be exempt from the lot size requirements of Art. 15.A.7.A, of this Chapter, as long as a Conditional Use has not been granted or a change in zoning has not been made; provided, however, that neither a zoning change which does not increase the permitted residential density of units on the parcels or tracts nor a zoning change initiated by action of PBC shall be deemed to divest the parcels or tracts of the exemption provided hereby. [Ord. 2005-003]
- F. The following standards shall apply when the soil profile, as required under Art. 15.A.5.A.4, of this Chapter, shows the presence of hardpan or bedrock or of soils classified as sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, clay, and organic soils. The PBC Soil Survey prepared by the USDA Soil Conservation Service or other available data may be used by the Health Department to determine the presence of the above-noted soils. [Ord. 2005-003] [Ord. 2011-017]
  1. The OSTDS shall be placed no closer than the minimum distances indicated for the following:
    - a. 100 feet from private, Multifamily, and limited use wells;
    - b. 200 feet from a non-community well;
    - c. 500 feet from a community well;
    - d. 75 feet from a non-potable water well; and,
    - e. 100 feet from the high-water line of lakes, streams, canals, or other surface waters of overflow (see Appendix 1 and Appendix 2, Typical Site Plan Sewage Disposal System).

- G. When an automatic dosing system is required in accordance with Chapter 62-6, F.A.C., two pumps shall be required for commercial use when the estimated establishment sewage flow exceeds 500 gallons per day and for Multifamily residential use where three or more units are proposed. A placard on the dosing pump panel must be provided indicating the following: [Ord. 2022-019]
1. Name and phone number of person to contact in case of emergency; and
  2. Name and phone number of septic tank company to call for pumpout in case of overflow.

## **Section 8 Conditions for Non-Approval of an OSTDS**

An OSTDS shall not be approved:

- A. Where an existing sanitary sewer is available. A municipal or investor-owned sewage system shall be deemed available for connection if the following conditions exist:
  1. The system is not under a FDEP moratorium, the sewage system has adequate hydraulic capacity to accept the quantity of sewage to be generated by the proposed establishment, and the existing sewer line is within the following distance from the property:
    - a. For estimated sewage flows of 600 or fewer gallons per day, if a sewer line exists in a public easement or R-O-W which abuts the property or is within 100 feet of the property and if gravity flow can be maintained from the building drain to the sewer line.
    - b. For estimated sewage flows greater than 600 gallons per day to 1,200 gallons per day, if a gravity or force main exists in a public easement or R-O-W which is within 100 feet of the property. [Ord. 2022-019]
    - c. For estimated sewage flows greater than 1,200 gallons per day to 2,500 gallons per day, if a gravity or force main exists in a public easement or R-O-W which is within 500 feet of the property. [Ord. 2022-019]
    - d. For estimated sewage flows greater than 2,500 gallons per day to 10,000 gallons per day, if a gravity or force main exists in a public easement or R-O-W which is within 1,000 feet of the property. [Ord. 2013-002] [Ord. 2022-019]
- B. Where the property is located in an area that is subject to frequent flooding.
- C. For lots in a subdivision where the approved drainage has not been constructed in accordance with the requirements of the SFWMD and/or the PBC Engineering Department.
- D. For treatment and disposal of industrial hazardous or toxic wastes.

## **Section 9 Handling of Septage**

Collection, treatment, and disposal of septage shall be in accordance with Chapter 62-6, F.A.C. No person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable toilets, or other treatment receptacles without first obtaining an annual license from the Department. The issuance of the license would be based upon compliance with the provisions of Chapter 62-6, F.A.C. [Ord. 2022-019]

## **Section 10 Prohibitions**

- A. It is prohibited for any person to construct, keep, use, or maintain a privy from which human waste is deposited on the surface of the ground or over waters of the State of Florida.
- B. No person shall manufacture, sell, or install an OSTDS unless in compliance with the requirements of this Chapter.
- C. It is prohibited to drain sewage wastes or septic tank effluent into cesspools or drywells as means of disposal.
- D. Organic chemical solvents shall not be advertised, sold, or used in PBC for the purpose of degreasing or declogging onsite sewage disposal systems.

## **Section 11 Incorporation by Reference of Chapter 62-6, F.A.C.**

Chapter 62-6, F.A.C. as may be amended from time to time and all amendments hereto, is hereby incorporated by reference including, but not limited to, application and permitting procedures, systems design and construction standards, system sizing, system setback requirements, septage disposal, system maintenance, and Fee Schedule unless higher in Sec. 11-24 of the PBC Code. In the event of a conflict between the provision of Chapter 62-6, F.A.C. and this Chapter, the more restrictive provision shall apply. [Ord. 2022-019]

## **Section 12      Environmental Appeals Board (EAB)**

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations, or determinations of this Chapter made by the Department or the ECO. Its membership is described in Art. 2.G, Decision Making Bodies.

## **Section 13      Appeals**

- A. Persons aggrieved by a requirement, interpretation, or determination of this Chapter made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. However, no appeal shall be filed which requests relief from the construction standards required under Chapter 62-6, F.A.C. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be in accordance with Sec. 11-24 of the PBC Code. [Ord. 2013-002] [Ord. 2022-019]
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix 3, ECR I – Information Required for an Appeal for an Individual Lot, or Appendix 4, ECR II – Information Required for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information, as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department or Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the Person filing the appeal. The Person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department shall defend all appeals before the EAB. [Ord. 2005-003]
- C. The Person filing the appeal shall also submit to the ECO a list of the names and addresses of every Property Owner who may be affected by the granting of the appeal in the following cases:
  - 1. The proposed OSTDS fails to meet the minimum distance required between the system and a well, as provided by this Chapter; or
  - 2. The proposed OSTDS is within five feet of a neighboring lot; or
  - 3. The proposed OSTDS is within 50 feet of a water body on a neighboring lot.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the Applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent Persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing an OSTDS on a single lot, the EAB must find that:
  - 1. Because of special factors, which may include economic factors, the Applicant is unable to comply with this Chapter; and
  - 2. The OSTDS complies with current construction standards; and
  - 3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land, structure, or building; and
  - 4. The granting of the appeal is consistent with the general intent, purpose, and requirements of PBC laws and Ordinances; and
  - 5. The grant of the appeal will not be injurious to the area involved or to the public health and general welfare.



- I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those required under this Chapter, the EAB must additionally find: [Ord. 2022-019]
  - 1. That for a proposed subdivision to be served by individual private wells, each lot has at least one-half acre, with a minimum dimension of 100 feet and that said subdivision contains no more than 50 lots; or that for the proposed subdivision to be served by a public water system, each lot has at least one-third acre with a minimum dimension of 75 feet and that said subdivision contains no more than 100 lots; and
  - 2. That satisfactory groundwater can be obtained if an individual private well is to be used; and
  - 3. That all distance and setbacks, soil conditions, water table elevations, and other related requirements of this Chapter and Chapter 62-6, F.A.C., are met; and [Ord. 2022-019]
  - 4. That the proposed subdivision does not represent sequential development of contiguous subdivisions, the purpose of which is to avoid the requirements of Art. 15.A.13.I.1; and
  - 5. That a municipal, County, or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
  - 6. That the proposed plat contains notification that the lots must be connected to a municipal, County, or investor-owned water supply and/or sewage system within 90 days from the date such system becomes available; and
  - 7. That the proposed density of the subdivision is consistent with the density recommended in the Land Use Plan of PBC or in the Land Use Plan of the appropriate municipality; and
  - 8. That the developer has made every reasonable effort to obtain public water and sewer; and
  - 9. That dry water and/or sewer lines are to be installed by the developer and that the developer will establish an escrow account to pay for the cost of connection when water and/or sewer becomes available, or that the installation of the same is not feasible from a technical or economic standpoint; and
  - 10. That on site, water and/or sewage treatment facilities are not feasible from a technical or economic standpoint; and
  - 11. That the proposed development will consist of no more than one Single Family residence per lot; and
  - 12. That land uses surrounding and adjacent to the proposed subdivision and soil qualities of the area do not indicate that the area's health is endangered by an inordinate proliferation of septic tanks.
- J. Provided that the factual findings specified in Art. 15.A.13.H and Art. 15.A.13.I, above, are made, the EAB may reverse, modify, or affirm, wholly or partly, the requirement, interpretation, or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Chapter. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in facts or circumstances supporting a request for relief after an order granting relief has been issued, then the Applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an Applicant from the requirement to connect to a sanitary sewer under Art. 15.A.8.A, any relief granted shall automatically terminate upon the availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued pursuant to Art. 15.A.13.J, relief granted under this Chapter shall automatically lapse if action for which the appeal was granted has not been initiated within 24 months from the date of granting such appeal by the EAB or, if judicial proceedings to review the EAB's decision shall be instituted, from the date of entry of the Final Order in such proceedings, including all appeals. [Ord. 2013-002]
- M. The decision of the EAB shall be final administrative action. Any party or interested Person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB's order.

## **Section 14      Violations, Enforcement, Penalties, and Inspections**

### **A. Violations, Enforcement, and Penalties**

It is unlawful for any person to violate any provision of this Chapter or any duly constituted order of the ECHB enforcing this Chapter. Such violations shall be punished according to the provisions of Chapter 77-616, Special Acts, Laws of Florida, as amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

### **B. Inspections**

It shall be the duty of the Health Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Chapter.

## **Section 15      Judicial Review**

Any Person aggrieved by an action or decision of the EAB may seek judicial review in the Circuit Court for PBC by filing a Petition for Writ of *Certiorari* pursuant to the Florida Rules of Appellate Procedure.

## **Section 16      Applicability**

This Chapter shall apply to all the incorporated and unincorporated areas of PBC.

## **CHAPTER B PBC ENVIRONMENTAL CONTROL RULE II – DRINKING WATER SUPPLY SYSTEMS**

This Chapter shall be designated as “PBC Environmental Control Rule II – Drinking Water Supply Systems.” [Ord. 2022-019]

### **Section 1 Purpose**

The provisions of this Chapter prescribe the minimum standards for the design, construction, installation, and operation of all water supply systems from which water is used for human consumption, culinary, sanitary, domestic, or other purposes.

### **Section 2 Definitions**

See Art. 1.H, Definitions and Acronyms.

### **Section 3 General Provisions**

- A. A single water supply system shall be constructed for any new structure, lot, or facility containing more than one building with common access parking.
- B. All fees charged for the administration of this Chapter shall be in accordance with the Fee Schedule pursuant to Ordinance No. 97-58 and the amendments thereto. Also refer to Sec. 11-24 of the PBC Environmental Regulation and Control Code.
- C. All buildings used or intended for human occupancy, employment, or service to the public shall be provided with piped water under pressure from a water system which complies with the provisions of this Chapter. Bottled water shall not be considered an acceptable substitute for such a water system.
- D. Request for Department approval on zoning, Site Plan, and subdivision matters for Building Permits shall be reviewed in light of this Chapter.
- E. This Chapter applies to both new and existing water systems unless the Section states otherwise.

### **Section 4 Water Quality Requirements**

The ultimate concern of a public drinking water program is the quality of piped water for human consumption when the water reaches the consumers. The following rules establish the maximum contaminant levels for the water within public water systems. Public water systems shall not exceed the maximum contaminant levels established.

#### **A. Primary Drinking Water Standards – Maximum Contaminant Levels**

These standards are as specified in Chapter 62-550, F.A.C. and Chapter 64E-8, F.A.C. as applicable.

#### **B. Maximum Contaminant Levels for Secondary Inorganic Contaminants**

The maximum contaminant levels for secondary inorganic contaminants are applicable to community water systems only and are as specified in Chapter 62-550, F.A.C.

### **Section 5 Water Monitoring Requirements**

- A. Monitoring requirements for the supplier of water shall be per Chapter 62-550, F.A.C. for community, non-transient non-community, and transient non-community public water supply systems and per Chapter 64E-8, F.A.C. for limited use water systems. [Ord. 2005-003]
- B. Community and non-transient non-community water systems shall monitor for the following from each raw water source or well semi-annually: [Ord. 2005-003]
  - 1. Calcium, Ca
  - 2. Chloride, Cl<sup>-</sup>
  - 3. Color
  - 4. Iron, Fe
  - 5. Nitrate, NO<sub>3</sub><sup>-</sup>
  - 6. pH (Field)
  - 7. Total dissolved solids
  - 8. Conductivity
  - 9. Total hardness, as CaCO<sub>3</sub>

## **Section 6      Reporting Requirements**

The supplier of water of any community, non-transient non-community, or transient non-community water supply system shall comply with the reporting requirements as specified in Chapter 62-550, F.A.C. The supplier of water of any limited use water supply system shall comply with the reporting requirements as specified in Chapter 64E-8, F.A.C. [Ord. 2005-003]

## **Section 7      Notification Requirements**

- A. The supplier of water of any community, non-community, non-transient, or transient non-community water system shall comply with the notification requirements as defined in Chapter 62-560, F.A.C. [Ord. 2011-002]
- B. If a limited use water system fails to comply with an applicable maximum contaminant level or fails to comply with an applicable testing procedure, established in Art. 15.B.6, Reporting Requirements, the supplier of water shall give notice of such failure to the persons served by the system by fixed signs located at all potable water outlets or connections.
- C. In case of breaks in water mains or transmission lines, a drop in water pressure at the point of entry or anywhere in the distribution system below 20 psi, abnormal taste or odor, any interruption of water service to users, or any circumstances which could affect the quality of the drinking water, it shall be the duty of the water supplier to notify the Health Department within one hour of the occurrence. Notification shall include the following information: [Ord. 2011-002]
  - 1. Description of the problem;
  - 2. Area affected;
  - 3. Number of connections or users affected;
  - 4. Estimated duration of problem;
  - 5. Method of notification to users; and,
  - 6. Such information shall also be provided in writing on the monthly operation report.
- D. If any of the conditions listed in Art. 15.B.7.C, above, should occur, the water supplier is required to obtain two consecutive days of satisfactory bacteriological sample results from the affected area. If it is determined that notification of the necessity to boil water is required, then notification shall be given immediately to the users either by written notice (e.g., door hangers; flyers; locally posted signs), a reverse 911 calling system through the media of newspaper, radio, or television, or a combination of these methods as needed to properly contact the service population. The Department of Health's "Guidelines for the Issuance of Precautionary Boil Water Notices" as adopted in Chapter 62-550, F.A.C. shall be used to determine if and when a boil water notification is necessary and how to issue/rescind said boil water notification. If issued, the notice to boil water shall remain in effect until at least one day of satisfactory bacteriological sample results have been obtained from the affected area, and after consultation and approval of the Health Department. If only one day of precautionary boil water is utilized, then sufficient evidence must be provided to the Health Department to confirm that no contamination has occurred, e.g. extensive bacteriological test data, system pressure data, detailed explanation of repair process to confirm lack of potential for contamination, etc. If unsatisfactory bacteriological levels are detected following the one day initial sampling, or if the system cannot adequately justify to the Health Department that no contamination has occurred, then the water system shall provide a minimum of two consecutive days of satisfactory sample results prior to rescinding the boil notice. Samples shall be taken 24 hours apart. The Health Department shall notify the water supplier when a system-wide boil water notice may be rescinded. [Ord. 2005-003] [Ord. 2011-002]
- E. Where public fire protection is provided by the mains affected by the interruption, the utility water supplier shall notify the Fire Marshall or the appropriate Fire Department official that an interruption has occurred or will occur.

## Section 8 Construction and Design Requirements

### A. Design Criteria

Approval for construction, extension, expansion, or use of any community, non-transient non-community, transient non-community, and limited use water supply system shall be based on the criteria below, in addition to the design criteria specified in Chapter 62-532, F.A.C., Chapter 62-555, F.A.C., Chapter 64E-8, F.A.C., and the standards considered as modern engineering practices. Criteria in the references listed below are incorporated into this Code. If any differences in design criteria exist, the more stringent standard shall be used. [Ord. 2011-002]

1. Lead pipes, solder, and flux are prohibited for use in the installation or repair of any drinking water system. This does not apply to leaded joints necessary for the repair of cast iron pipes. Solders and fluxes must contain not more than one-fifth percent lead and fittings not more than eight percent lead.
2. A minimum of two drinking water supply wells and pumps shall be provided for each community water system that will serve 350 or more persons or 150 or more service connections upon completion of construction. [Ord. 2005-003]
3. All water wells shall be constructed by a water well contractor licensed by the SFWMD in accordance with Chapter 62-531, F.A.C., as applicable.
4. All water wells shall be constructed in accordance with Chapter 40E-3, F.A.C., Chapter 62-532, F.A.C., Chapter 62-555, F.A.C., and Chapter 64E-8, F.A.C., as applicable.
5. For private and Multifamily water wells and irrigation wells the casing shall be surrounded at grade level by a two-inch-thick concrete pad extending at least six inches in all directions and the upper terminus of the well casing shall project at least 12 inches above finished grade. [Ord. 2005-003]
6. Whenever the pump is not set at the vertical casing, the line between the vertical casing and pump shall be considered an extension of the casing and protected from sanitary hazards in a similar manner as the casing.
7. For community, non-community, and non-transient non-community water systems having OSTDS wells shall be located as specified in Chapter 62-555, F.A.C.
8. Limited use wells shall be placed a minimum distance of 100 feet from any OSTDS.
9. Private and Multifamily water wells shall be placed a minimum distance of 75 feet from any OSTDS or brine disposal area.
  - a. 75 feet from any OSTDS or brine disposal area. [Ord. 2005-003]
  - b. 50 feet from any non-potable water well, pond, canal, or other body of water. [Ord. 2005-003]
10. Community, non-community, non-transient non-community, and limited use water wells shall be located a minimum distance of:
  - a. 100 feet from other pollution sources, including but not limited to drainage wells, gasoline or other petroleum product underground storage tanks, or water softener brine disposal areas except as otherwise provided in Art. 14.B, Wellfield Protection.
  - b. 100 feet from any non-potable water well, pond, canal, or other body of water unless justified in accordance with Chapter 62-555, F.A.C., but not less than 50 feet.
  - c. 25 feet from poisoned soils, including but not limited to building foundations.
  - d. 500 feet from any sanitary landfill or recognized hazardous or toxic waste site.
11. Distances shown in Art. 15.B.8.A.8, Art. 15.B.8.A.9, and Art. 15.B.8.A.10 above may be increased if required under Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs.
12. Any waste collection or transmission line within the defined locations defined in Art. 14.B, Wellfield Protection shall be constructed in accordance with current American Water Works Association, water main standards, including the passing of the appropriate pressure and leakage tests.
13. Within 30 days after the completion of the construction or repair of any drinking water well, the water well contractor shall submit a report to the Department on the approved forms in accordance with the instructions provided thereon.
14. Water supply system wells shall be enclosed within protective fencing when access is open to the general public.
15. The cone of influence of a new well or wells serving a community water supply system shall comply with the requirements of Art. 14.B, Wellfield Protection.
16. All wells for which use has been permanently discontinued shall be plugged by filling them from the bottom to the top with neat cement grout, concrete, or other method approved by the Department.
17. All existing community systems serving 350 or more persons and all newly proposed community systems shall be equipped with a source of auxiliary power to allow operation of the raw water supply, water treatment units, and pumping capacity. In addition, such systems shall be provided with automatic start-up devices except where elevated storage or 24-hour per day, seven-day per week operation is

provided. Such emergency power shall be of a sufficient capacity to operate the water supply facility at average daily design capacity. A minimum fuel supply for 14 days of continuous operation for each item of auxiliary power shall be maintained at the Water or Wastewater Treatment Plant or under the control of the utility and reserved for the Water or Wastewater Treatment Plant. Any fuel pumps required to transfer the fuel to the auxiliary power units shall be equipped with their own auxiliary power or manual pumping system. [Ord. 2005-003] [Ord. 2017-008]

18. All community, non-transient non-community, and transient non-community limited use systems where applicable, shall maintain a minimum reserve supply of chlorine for emergency conditions. Such reserve shall be figured for 14 days' consumption for systems using gas chlorine and seven days' consumption for systems using hypochlorite solution. The consumption shall be based, as a minimum on 50 percent of design capacity. [Ord. 2011-002]

**19. Disinfection**

- a. All public water systems shall be designed to maintain a minimum continuous and effective free chlorine residual within the acceptable range of 4.0 milligrams per liter maximum and 0.2 milligrams per liter minimum or equivalent disinfection if other than free chlorine is used as the disinfection measure throughout the system. When utilizing chlorine in combination with ammonia, a minimum combined residual of 0.6 milligrams per liter shall be maintained. [Ord. 2005-003]

**b. Limited Use Water Systems**

The Department shall require disinfection if bacteria is discovered in any sample of water and it is determined that there is an existing or potential health threat.

- c. A minimum of two chlorination facilities at the Water or Wastewater Treatment Plant shall be provided for each community water system. Each chlorinator shall be of adequate capacity to supply the total demand of the raw water at the rated capacity of the Water or Wastewater Treatment Plant. Where more than two chlorinators are available, adequate capacity to supply the total chlorine demand of the raw water shall be provided with the largest unit out of service. Disinfection other than chlorination will be considered on an individual basis by the Department. [Ord. 2017-008]
- d. Booster chlorination facilities shall be provided in the distribution systems of community water systems as necessary to maintain the disinfection requirements of Art. 15.B.8.A.19.a, above, to consecutive systems. [Ord. 2011-002]
- e. Consecutive systems shall be responsible for maintaining the disinfectant residual requirements of Art. 15.B.8.A.19.a, above, within the consecutive system.

**20. Water or Wastewater Treatment Plant and Storage**

The approved design capacity shall be adequate to provide for the maximum day demand plus fire flow requirements and maintain the water quality standards specified in this Chapter.

**21. Distribution**

- a. The sizing of the distribution lines shall be adequate to provide the maximum day demand plus fire flow without the development of distribution pressures lower than 20 pounds per square inch (20 psi). The minimum required fire flow shall be established by the fire department having jurisdiction. [Ord. 2006-004]
- b. Except for repair or replacement of existing lines, the size of new piping for any community system shall be no less than six-inch diameter unless a departure in sizing is justified by hydraulic analysis or historic analysis and future water use for the area and is approved by Department based on such circumstances.
- c. In metered distribution systems, the supplier of water shall be responsible for operation maintenance and repair of new water lines up to and including the water meter.
- d. Any new development or construction connecting to an off-site water main shall provide an extension of that water main along the public R-O-W or utility easements abutting the property.
- e. Dead-end lines shall be minimized by the looping of all mains where possible. Where dead-end lines occur, they shall be provided with flush hydrants, fire hydrants, or blowoffs for flushing purposes.
- f. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 80 percent of approved design capacity, the supplier of water shall initiate the procedures for Water or Wastewater Treatment Plant expansion. In the event expansion procedures are not initiated, the system shall be considered inadequate for additional distribution expansion, and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department. [Ord. 2017-008]

- g. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 90 percent of the approved design capacity, the supplier of water shall have the Water or Wastewater Treatment plant expansion under construction. In the event construction is not underway, the system shall be considered inadequate for additional distribution expansion, and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department. [Ord. 2017-008]

## **Section 9 Connection Required**

All existing buildings served by non-transient non-community, transient non-community, and limited use water systems or new limited use and new private water systems shall connect to an approved community water system where such a system has an available water main within 100 feet in a public R-O-W or easement abutting the property on which the building(s) are located. Connection to an approved community water system shall be completed within six months of being notified by the Health Department. Connection to an approved community water system shall not be required: [Ord. 2011-002] [Ord. 2022-019]

- A. If connection requires an extension of the main; or
- B. If the main is located across four or more lanes of paved roadway; or
- C. If the utility is unable to provide water.

## **Section 10 Backflow Prevention**

The following buildings, establishments, or facilities connected to a drinking water supply shall install and maintain backflow prevention devices complying with current American Water Works Association standards: nursing homes, hospitals, mortuaries, funeral parlors, restaurants, sewage treatment plants, sewage lift stations, public swimming pools, and buildings using corrosive, toxic, infectious, radioactive, or other substances which would be a health threat if they entered a drinking water supply.

## **Section 11 Permits/Approvals**

### **A. Approval**

The Department shall review and approve or deny any construction or use of any water supply system or facility based on the criteria specified in this Chapter. Prior to submission to the Department, plans involving distribution mains shall be reviewed by the Fire Marshall or by the appropriate Fire Department official.

### **B. Construction Permits**

1. No person shall install, extend, or alter any water supply system or facility including any well, plant, tank, pump station, distribution system, fire line, or other pipe or structures without first obtaining a construction permit or written approval from the Department. [Ord. 2005-003]
2. Where required, Applicants shall provide evidence of their ability to secure a Consumptive Use Permit from the SFWMD; in addition evidence of proper zoning is required prior to Department approval.
3. The Applicant shall provide the necessary information and design specifications requested and required by the Department to conduct an adequate review of any proposed activity or construction in addition to that information provided on the FDEP or Department application forms. The plans, applications, and specifications for community, non-community, or non-transient non-community water wells and water systems except limited use, private, and non-potable water wells shall be prepared by a Professional Engineer, licensed in the State of Florida.
4. Any submittal for community water systems, for which the supplier of water is not the Applicant but will require ownership, operation, or maintenance by the supplier of water, shall require the acceptance stamp of the supplier of water on the plans.
5. A construction permit shall be required for all extensions, relocations, or replacements of distribution lines exceeding 100 feet in length at any single location, service connections exceeding 100 feet in length with two-inch or larger pipe serving commercial or institutional establishments, and where privately-owned or maintained fire hydrants are proposed. [Ord. 2005-003]
6. Distribution lines and service connections permitted by the Department shall be reviewed to determine that the proposed construction complies with applicable design and construction standards of Chapter 62-550, F.A.C. and Chapter 62-555, F.A.C. and this Chapter. [Ord. 2005-003]
7. Any extension of a distribution system within PBC for which the water supply facility is not located within PBC, or distribution extension outside PBC when the water supply facility is located within PBC, shall require a permit from the Department and written acceptance of the project from the responsible agency outside PBC. [Ord. 2005-003]

### **C. Approval for Use**

1. No person shall put into service or use any drinking water system or facility, including any well, plant, tank, pump station, distribution system, fire line, or other pipes or structure without first having received written approval from the Department.
2. Upon completion of construction of the water well or water system, the following information shall be submitted to the Department in order to obtain an approval for use:
  - a. For water wells, a well completion report prepared by a licensed water well contractor.
  - b. For water systems, a Certification of Completion and record drawings (sampling points shall be highlighted) prepared by the Engineer of Record.
  - c. Chemical and bacteriological sample results as required by this Chapter.
3. The Certification of Completion for the water system or facility shall include certification of any accompanying sewage system and evidence of the acceptance of the system or facility by the supplier of water.
4. Uses of construction meters for construction water may be approved by the Department in cases when accompanying sewer has not been certified if the Department determines the water system or facility has been satisfactorily tested and certified by the Engineer of Record.
5. The Water Well Completion Report shall be submitted to the Department within 30 days of the completion of construction or repair of the water well.
6. The connection of new water mains to existing mains shall not be completed until after the new mains have passed their pressure and leakage tests and completed the disinfection and bacteriological clearance procedures. During construction partial releases may be given by the Department. However, the pressure and leakage tests and the disinfection and bacteriological procedures shall be followed in all cases. No water supply system or facility, including any well, plant, tank, pump station, distribution system, or other pipes, equipment, or structure through which water is delivered to the consumer for drinking or household purposes, except certain community water supply service connections not requiring a permit, shall be put into service or used until such facility has been effectively disinfected and bacteriologically cleared. Sample results shall be submitted to the Health Department as follows:  
[Ord. 2011-002]
  - a. For all water systems, except wells, two acceptable consecutive daily samples shall be required.
  - b. For a community, non-transient non-community, or transient non-community well clearance, a minimum of 20 consecutive workday-acceptable samples are required with no more than two samples taken daily. Samples shall be taken at least six hours apart. [Ord. 2011-002]
  - c. For a limited use water well clearance, a minimum of five acceptable samples are required. The collection and analysis of two samples per day is permitted if the samples are taken a minimum of six hours apart and the well is purged for 15 minutes before each sample is taken. [Ord. 2005-003]
  - d. For a private water well clearance, one acceptable sample shall be taken.
  - e. Any sample analysis with confluent growth and/or TNTC non-coliform counts shall not be accepted.
  - f. Sample results from any water supply facility or well shall not be accepted if more than 60 days has elapsed since the taking of the last sample. [Ord. 2005-003]

### **Section 12 Sampling/Analytical Methods**

- A. All water samples required under this Chapter for community, non-transient non-community, and transient non-community, water systems, including community water well and water main clearance shall be taken by an employee of a laboratory certified to perform drinking water analysis by the Health Department in accordance with F.S. § 403.863 and Chapter 64E-1, F.A.C., or an operator certified under Chapter 62-602, F.A.C., or an employee of the Health Department. Water samples for other public and private water well clearance shall be taken by the licensed well contractor that installed the well. [Ord. 2011-002]
- B. All water samples shall be analyzed by a laboratory certified to perform drinking water analyses by the Department in accordance with F. S. § 403.863 and Chapter 64E-1, F.A.C.
- C. Analyses conducted to determine compliance with this Chapter shall be made in accordance first with the methods specified in Chapter 62-550, F.A.C., and if not specified then in accordance with "Standard Methods of Examination of Water and Wastewater," latest edition, or methods approved by the EPA.



## Section 13      Operation and Maintenance

The following operation and maintenance requirements shall apply to community, transient non-community, non-transient non-community, and consecutive water systems, except Art. 15.B.13.A, Art. 15.B.13.D, Art. 15.B.13.E, Art. 15.B.13.F, Art. 15.B.13.G, and Art. 15.B.13.I shall also apply when applicable to limited use water systems: [Ord. 2006-004]

- A. The supplier of water shall maintain all items of the water supply facility in the approved operational condition.
- B. The supplier of water shall provide a certified operator as specified in Chapter 62-699, F.A.C. as it may be amended or transferred. [Ord. 2005-003]
- C. The certified operator servicing water systems shall maintain an on-site log of maintenance performed, date performed, and problems encountered with the system.
- D. The supplier of water shall operate the water supply facility to maintain continuously the free available chlorine residual or equivalent disinfection between 4.0 milligrams per liter and 0.2 milligrams per liter throughout the distribution system, and the total chlorine residual no greater than 5.0 milligrams per liter. When utilizing chlorine in combination with ammonia, a minimum combined residual of 0.6 milligrams per liter shall be maintained. [Ord. 2005-003]
- E. The supplier of water shall operate the water supply facility to produce continuously water meeting the pressure quality requirements of this Chapter.
- F. The supplier of water shall not make any change in treatment or alter, discontinue, or by pass a purification process or protective provisions without securing prior approval from the Department.
- G. Cross-connection to any water supply system is prohibited. Upon detection of a cross-connection, the supplier of water shall either eliminate the cross-connection by installation of an approved backflow prevention device or discontinue service by providing a physical separation.
- H. The supplier of water shall establish a routine cross-connection control program and keep a maintenance log on each backflow prevention device connected to its system. Inspection, testing, and maintenance on each backflow prevention device shall be performed by a certified backflow prevention device tester, certified under a State of Florida-approved program. The frequency of testing shall be minimum of once per year or other schedule recommended by the manufacturer and approved by the Department.
- I. Fire hydrant maintenance and fire flow testing shall be the responsibility of the owner of the fire hydrant. Maintenance and fire flow testing shall be performed in accordance with the standards of the "American Water Works Association Manual M17" and as indicated below: [Ord. 2006-004]
  - 1. A routine maintenance program shall be established for each fire hydrant. [Ord. 2006-004]
  - 2. Fire flow testing of hydrants shall be performed on a three-year cycle, such that all hydrants in a system are fire flow tested at least once every three years unless recommended by the manufacturer or the Department to be more frequent. Owners of fire hydrants which do not utilize local fire departments or water utility departments to perform or oversee the fire flow testing shall have completed all testing and submitted a letter of completion to the local fire authority by January 1st of each year with all hydrants accounted for within the required cycle. These records shall be maintained on site for review by the applicable fire authority. [Ord. 2006-004] [Ord. 2013-002] [Ord. 2014-026]
  - 3. The minimum required fire flow from fire hydrants shall be determined as per Art. 15.B.8.A.21.a. [Ord. 2006-004]
- J. Any planned water outages shall be scheduled by the water supplier during periods of low water usage.
- K. The supplier of water shall operate all emergency power units for at least 15 minutes at least once per week to ensure starting capabilities and continuously for four hours under load once each calendar quarter to ensure dependability.
- L. The supplier of water shall conduct the necessary flushing program to remove lime, sand, or other objectionable sediments, matter, or material from its water system.
- M. Each community and non-transient community water system shall maintain a distribution map showing the general locations of the water lines and sizes, valves, fire hydrants, flush hydrants, and any interconnections. The scale of the distribution map shall be between 200 and 1,000 feet per inch or other scale acceptable to the Department. A microfilm-quality copy of the current edition of this map shall be submitted to the Department by February 28, of each even-numbered year. The Department may waive the submittal requirements for any water supply in which no significant change has taken place within the distribution system.

## **Section 14      Emergency Operation Requirements**

- A. Where two community water supply systems have distribution or transmission lines within 1,000 feet of each other, they shall provide an emergency interconnection between the two systems when the Department determines that such a connection would be of benefit to the citizens of PBC. Such determination shall be based on the possibility of destruction of the water source or treatment system in the event of a disaster and the possible benefits in moving water between the systems. Such interconnecting lines shall be no smaller than the smallest of the two lines being interconnected and shall be provided with at least one valve and any necessary flush points. If the two water suppliers are unable to reach an agreement on the payment for installation of such an interconnection, each supplier shall pay the cost of construction from the supplier's line to the point of connection and shall pay 50 percent of the cost of a meter and meter box if either party desires a meter and meter box. The point of connection shall be at the following:
1. Municipal limits or franchise boundaries if the supplier's limits or boundaries are adjacent and contiguous.
  2. The midpoint of the municipal limits or franchise boundaries if the limits or boundaries are not adjacent and contiguous. The interconnection shall be completed within one year after the Department notifies the systems involved.
- B. Any consecutive or community water system may be required to provide a flush or fire hydrant, water tap, or other provision for securing an emergency water service from an existing main at a location that the Department determines would be of benefit to the citizens of the area. Such determination shall be based in part on the possibility of a prolonged power outage or other disaster which would render individual wells in the area unusable. Other considerations will include the density of individual wells in the area and the distance of the nearest possible potable water supply during an emergency. Such water taps shall be constructed within 120 days of notification by the Department. It shall be the responsibility of PBC to secure an agreement with the community water system for use of that emergency water service.

## **Section 15      Adoption of Chapters of the F.A.C.**

Chapter 62-6, F.A.C., Chapter 62-532, F.A.C., Chapter 62-550, F.A.C., Chapter 62-555, F.A.C., Chapter 62-560, F.A.C., Chapter 62-602, F.A.C., Chapter 62-699, F.A.C., Chapter 64E-8, F.A.C., and all amendments thereto, are hereby incorporated into this Chapter. In the event of a conflict between the provisions of the F.A.C. and this Chapter, the more restrictive provision shall apply. [Ord. 2022-019]

## **Section 16      Environmental Appeals Board (EAB)**

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations, or determinations of this Chapter made by the Department or the ECO. Its membership is described in Art. 2.G, Decision Making Bodies.

## **Section 17      Appeals**

- A. Persons aggrieved by a requirement, interpretation, or determination of Art. 15.B.8, Construction and Design Requirements, and Art. 15.B.9, Connection Required, made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, in the amount of 100 dollars made payable to the Department which shall be non-refundable, to defray the cost of processing and administering the appeal. Only those appeals requesting relief from setbacks under Art. 15.B.8, Construction and Design Requirements, or requesting an exception from connection to a public or investor-owned community water supply under Art. 15.B.9, Connection Required, shall be filed. [Ord. 2005-003]
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including a Site Plan indicating proposed and existing individual sewage disposal systems and water wells on the property that is the subject of the appeal and all other systems and conditions on neighboring properties which could affect the requirements of Art. 15.B.8, Construction and Design Requirements, or Art. 15.B.9, Connection Required, if the appeals were granted. The EAB may require such additional information as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department or ECO with the notice of appeal. The burden of presenting supporting facts in the notice of appeal shall be the responsibility of the Person filing the appeal. The Person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department and/or ECO shall defend all appeals before the EAB. [Ord. 2005-003]
- C. The Person filing the appeal shall also submit to the ECO a list of the names and addresses of every Property Owner who may be affected by the granting of the appeal.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the Applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply to the hearing but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent Persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and, to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing a new or existing well for use in lieu of connecting to a public or investor-owned community water supply, the EAB must find that: [Ord. 2005-003]
  - 1. Satisfactory groundwater is available or can be obtained; and
  - 2. The well complies with all setbacks, construction standards, and other requirements of this Chapter; and Chapter 62-6, F.A.C., Chapter 62-532, F.A.C., Chapter 62-550, F.A.C., Chapter 62-555, F.A.C., and Chapter 64E-8, F.A.C.; and [Ord. 2005-003] [Ord. 2022-019]
  - 3. Every reasonable effort has been made to obtain a water supply from a public or investor-owned community water supplier.
- I. In order to grant relief from Art. 15.B.8, Construction and Design Requirements, and/or Art. 15.B.9, Connection Required, the EAB must find that: [Ord. 2005-003]
  - 1. Satisfactory groundwater can be obtained; and
  - 2. Every reasonable effort has been made to comply with the requirements of this Chapter in the location of the water well; and

3. The proposed water well complies with all construction standards and other requirements of this Chapter; and
  4. Advanced notice shall be given to future purchasers of the water system that the system shall be connected to a community water supply when such supply becomes available. The purchaser has certain operational requirements until such connection is completed.
- J. Provided that the factual findings specified in Art. 15.B.17.H and Art. 15.B.17.I, above, are made, the EAB may reverse, modify, or affirm, wholly or partly, the requirement, interpretation, or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Chapter. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in the facts or circumstances supporting a request for relief after an order granting relief has been issued, then the Applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an Applicant from the requirement to connect to a community water supply under Art. 15.B.9, Connection Required, any relief granted shall automatically terminate upon the availability of community water supply to the lot or parcel. Upon the request of the Department or the ECO, the EAB may modify or rescind an order granting relief from the requirements to connect to a public or investor-owned community water supply under Art. 15.B.17.H if conditions under which the appeal was granted no longer exist. Unless otherwise provided in an order issued pursuant to Art. 15.B.17.H, relief granted under this Chapter shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if judicial proceedings to review the EAB's decision shall be instituted, from the date of entry of the Final Order in such proceedings, including all appeals. [Ord. 2005-003]
- M. The decision of the EAB shall be final administrative action. Any party or interested Person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB Order.

## **Section 18      Violations, Enforcement, Penalties, and Inspections**

### **A. Violations, Enforcement, and Penalties**

It is unlawful for any person to violate any provision of this Chapter or any duly constituted order of the ECHB enforcing this Chapter. Such violations shall be subject to the enforcement and penalty provisions of Chapter 77-616, Special Acts, Laws of Florida, as may be amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

### **B. Inspections**

It shall be the duty of the Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Chapter.

## **Section 19      Judicial Review**

Any Person aggrieved by an action or decision of the ECHB, including PBC, may seek judicial review in the Circuit Court of PBC.

## **Section 20      Application**

This Chapter shall apply to all the incorporated and unincorporated areas of PBC.

## **CHAPTER C    GENERAL THRESHOLD REVIEW**

### **Section 1        Purpose**

The purpose of threshold review is to provide information to the Applicant and PBC on the carrying capacity of the land prior to site design.

#### **A.    Development on Property or Uses Requiring Threshold Review**

Proposed development consisting of any of the following site uses shall be reviewed by the Department. In response, the Department shall advise the Applicant of special rules and procedures governing development of the use:

1. Landfills or Incinerators; [Ord. 2017-008]
2. Recycling Plants and Recycling/Centers; [Ord. 2017-008]
3. Composting Facilities;
4. Chipping and Mulching; [Ord. 2017-008]
5. Water or Wastewater Treatment Plants; [Ord. 2017-008]
6. Public Bathing Places;
7. Salvage and Junk Yards; [Ord. 2017-008]
8. Air Curtain Incinerators; [Ord. 2017-008]
9. Biohazardous Waste Processing Plants;
10. Electric Power Plants; [Ord. 2017-008]
11. Septic Tanks;
12. Private Water Supply Wells; and,
13. Public Swimming Pools.

#### **B.    Application Procedures**

Applications for Threshold Review may be submitted to the PBCHD or concurrently with a Zoning application.

##### **1.    Application Submitted to PBCHD**

Application must comply with the provisions of this Article and any additional application requirements, established by the Health Department.

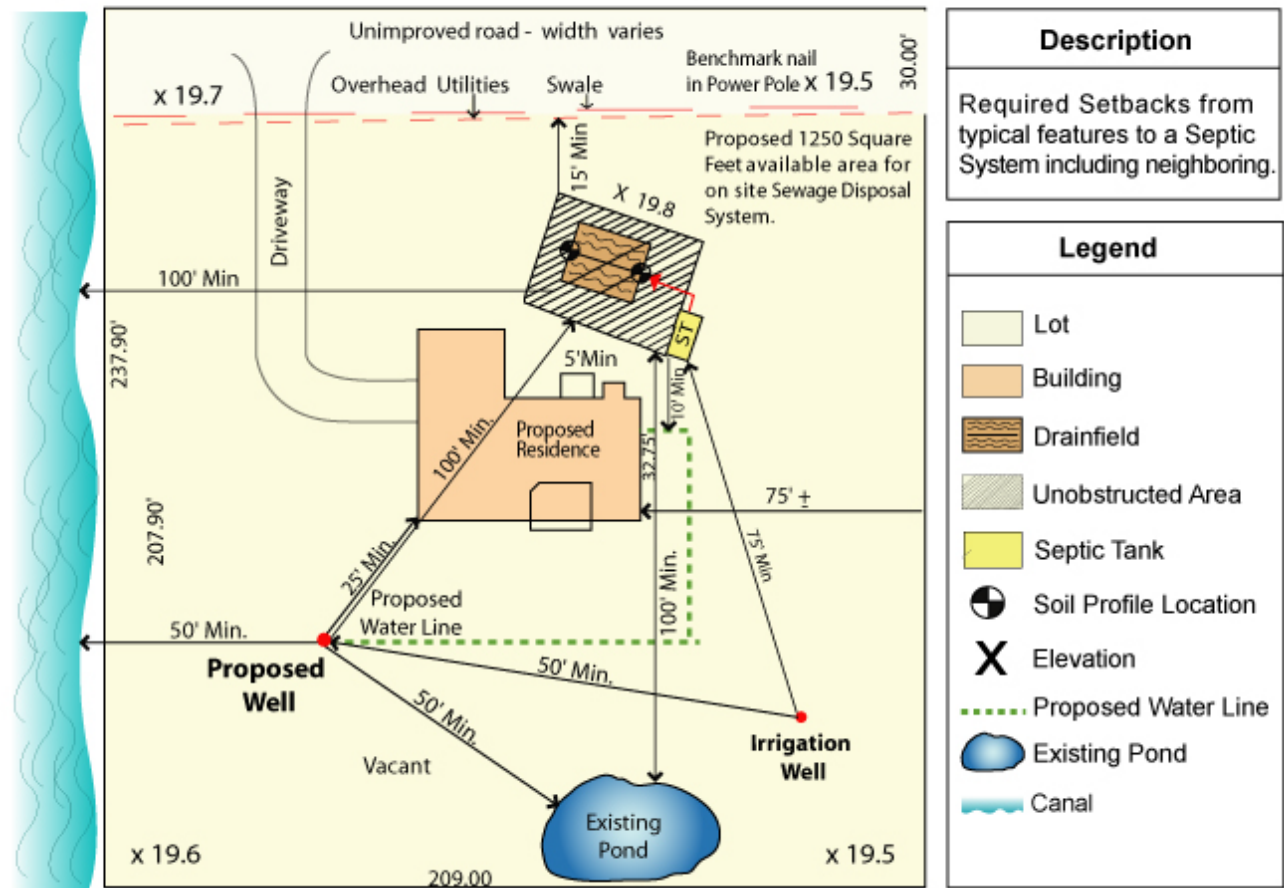
##### **2.    Submitted with a Zoning Application**

An application for all Zoning amendments or Development Permits shall be submitted pursuant to Art. 2, Application Processes and Procedures, by the owner, or agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or Development Permit is proposed.

Simultaneous with the submission of the application for Development Permit, a Threshold Review application shall be completed and submitted in a form established by the Zoning Division. The response from the reviewing Agencies shall be provided to the Applicant within 15 days after submission of a completed application. The response shall be submitted the Zoning Division prior to certification of the application for a public hearing or meeting. For the purpose of applying for a Development Permit, a Certificate of Threshold Review shall remain valid for one year from the date of issuance of the certificate provided the project does not change, or for the life of the review process, whichever is less.

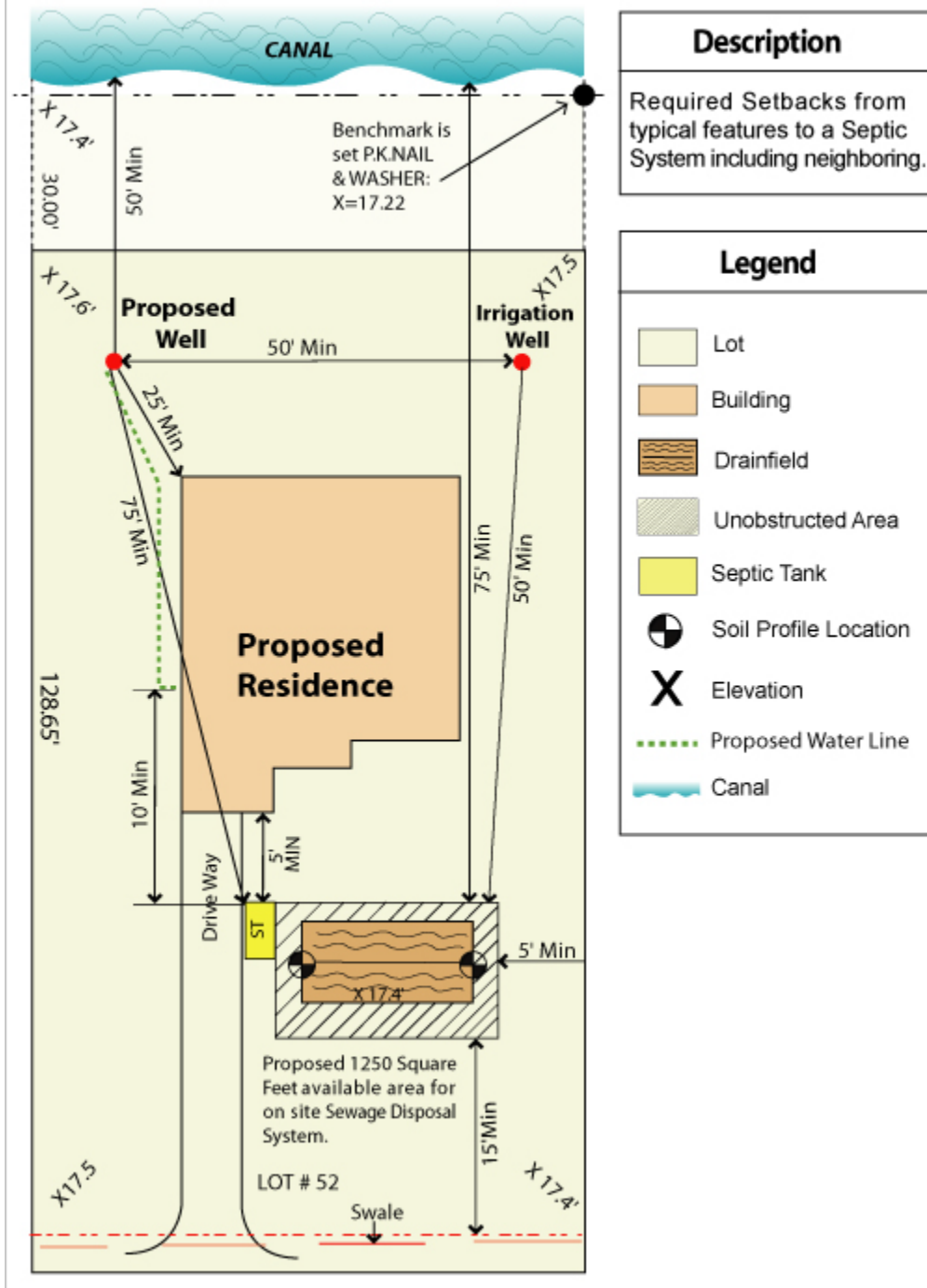
# APPENDIX 1 – TYPICAL SITE PLAN SEWAGE DISPOSAL SYSTEM

## Septic System for areas of Palm Beach County with severely or moderately limited soil



## APPENDIX 2 – TYPICAL SITE PLAN SEWAGE DISPOSAL SYSTEM

### Septic System for areas of Palm Beach County with slightly limited soil



### **APPENDIX 3 – ECR I, INFORMATION REQUIRED FOR AN APPEAL FOR AN INDIVIDUAL LOT**

Eight copies of the following information prepared by an Engineer or land Surveyor registered in the State of Florida must be submitted with the notice of appeal:

1. Floor plan
2. A Site Plan drawn to scale showing:
  - a. Boundaries with dimensions
  - b. Elevations or slope of land
  - c. Location of building(s)
  - d. Location and layout of septic tank
  - e. Location and layout of drainfield
  - f. Location of potable water supply lines
  - g. Location of well
  - h. Location of public sewers
  - i. Location and elevation of percolation test
  - j. Location of septic tank, drainfield, and well on adjacent properties (sides, front, and rear)
  - k. Location of driveways, parking, and walkways
  - l. Benchmark on or adjacent to property
3. The Site Plan must indicate the following (related to the system):
  - a. Distance from private well
  - b. Distance from public well
  - c. Distance of septic tank and drainfield from building
  - d. Distance of septic tank and drainfield from property line
  - e. Distance from water supply lines
  - f. Distance to high-water line of lakes, canals, streams, etc.
4. Two soil profiles to six feet (in drainfield area) indicating the soil classification and showing the existing water table and the estimated wettest season water table.



## APPENDIX 4 – ECR II, INFORMATION REQUIRED FOR AN APPEAL FOR A SUBDIVISION

Ten copies of the following information prepared by an Engineer registered in the State of Florida must be submitted with the notice of appeal:

1. General Information
  - a. Name of subdivision \_\_\_\_\_
  - b. Owner \_\_\_\_\_
  - c. Address \_\_\_\_\_
  - d. Location of subdivision \_\_\_\_\_
  - e. Total area of subdivision \_\_\_\_\_ acre:  
Number of lots \_\_\_\_\_
  - f. Minimum lot size \_\_\_\_\_
  - g. Adjacent subdivisions

|   | <u>Location</u> | <u>Size</u> | <u>Distance</u> |
|---|-----------------|-------------|-----------------|
| h. Approximate adjacent acreage available for expansion | _____           |             |                 |
  - i. Typical home to be constructed:  
No. of bedrooms \_\_\_\_\_  
Sq. footage of heated or cooled area \_\_\_\_\_
2. Required exhibits
  - a. Location map – A location map showing the location of the subdivision in related to the surrounding areas and nearby built-up area.
  - b. Topographical map – A contour map indicating all streams or watercourses, bodies of water, low, wet, or marshy land, rock outcrops, and filled areas.
  - c. Proposed plat – A plat of the subdivision showing the individual lots, if available, or a proposed subdivision layout.
  - d. Drainage plans – A plan of the subdivision indicating all drainage structures and features, designed in accordance with the requirements of the South Florida Water Management District and the local drainage district.
  - e. Plans for water and sewer lines – A plan of the subdivision indicating proposed water and sewer lines.
3. Water supply and sewage disposal.
  - a. Source of proposed water supply.
    - 1) Community \_\_\_\_\_
    - 2) Non-community \_\_\_\_\_
    - 3) Private well \_\_\_\_\_
    - 4) If a utility is expected to supply water, submit evidence of availability of the water supply.
    - 5) If an onsite well is utilized, submit evidence that groundwater is of adequate quality.

### **Amendment History:**

[Ord. 2003-068; December 12, 2003] [Ord. 2005-003; February 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2011-002; February 4, 2011] [Ord. 2011-017; September 6, 2011] [Ord. 2013-002; January 31, 2013] [Ord. 2014-026; September 3, 2014] [Ord. 2016-043; September 27, 2016] [Ord. 2017-008; March 2, 2017] [Ord. 2018-019; August 29, 2018] [Ord. 2022-019; July 29, 2022]