



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**
123 West Indiana Avenue, Room 202, DeLand, Florida 32720
(386) 736-5959

PUBLIC HEARING: November 18, 2021 – Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: CPA-21-012

SUBJECT: Large-Scale Comprehensive Plan Amendment – Sanitary Sewer Element

APPLICANT: Growth and Resource Management Department
Planning and Development Services Division

I. SUMMARY OF REQUEST

The purpose of this amendment is to update the Sanitary Sewer Element of the Volusia County Comprehensive Plan. The element has been revised to extend the planning horizon to 2035, remove redundant policies, fix minor grammatical errors, and to add new policies to implement the Basin Management Action Plans for Gemini, DeLeon, and Blue Springs.

Staff Recommendation:

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA-21-012, to County Council with a recommendation of approval to transmit to the Department of Economic Opportunity for expedited review and to the Volusia Growth Management Commission (VGMC) for certification.

II. OVERVIEW

Wastewater service within the unincorporated area includes publicly and privately-owned facilities consisting of septic tanks, package plants, and central sanitary sewer systems. Volusia County Water Resources and Utilities Division is one of many utility service providers in the county. It provides services to approximately seven percent (7%) of the entire county. The remaining publicly-held systems are operated by the municipalities. Privately-held systems, which are negotiated by developers and are subject to binding development orders, are typically maintained by a homeowner's association and are inspected regularly by the county's Environmental Management team. The county's Water Resource and Utilities Division interacts often with other providers to maximize services for Volusia County residents.

The Growth and Resource Management Department, through its Planning and Development Services Division, has undertaken a review of the county's Comprehensive Plan to ensure consistency with Florida's Growth Management law and current county policies. The entire comprehensive plan is in the process of being updated to reflect a new planning horizon of 2035. A review of the Sanitary Sewer Element revealed that several additional changes should be implemented.

This package includes an ordinance, an underline strike-through of the element text, a matrix describing the proposed changes, new maps, and the statutory authority relating to sanitary sewer. The package was developed by the Growth and Resource Management team, in coordination with the Water Resources and Utilities team and the Environmental Management team. Prior to submitting the package to the PLDRC for consideration, the draft document was sent to the Volusia County Association for Responsible Development (VCARD), the Environmental Council of Volusia and Flagler Counties (ECVF), and other parties who have requested to review proposed comprehensive plan amendments. VCARD and the ECVF did not provide comments. One email was received by a member of the public who recommended minor tweaks to the wording of three policies that are not being proposed for revision at this time. Those comments are appended to this report.

Minor edits were made throughout the document to improve grammar and make the document easier to read. The term "Sub-Element" was replaced with the term "Element" to reflect a prior change to the hierarchy of the comprehensive plan elements. The word "Rural Village" was removed from the document because this term is not a future land use designation. Policy 6.1.1.1 was revised to reflect the level of service standard for sanitary sewer for Volusia's utility.

Policy 6.1.3.6 was deleted at the request of the county's Environmental Management Division to remove the option for disposing of wastewater in wetland systems. The old policy is not consistent with the Conservation Element. Policy 6.1.3.9 was removed because it is more appropriately addressed in the Potable Water Element, which is also in the process of being updated by county staff. Policy 6.1.3.12 was updated and renumbered to address the Central Springs/East Coast Regional Water Supply plan

(CSEC), which is scheduled for approval by the Governing Board of the St. John's River Water Management District in late 2021. The CSEC provides a regional approach to water supply planning. It includes a slate of projects that could be implemented through cost share agreements to improve water quality and water supply in our region. Several of these projects have been incorporated into Volusia County's Capital Improvement Plan (CIP), and others have been added to the municipalities' CIPs. Policies 6.1.5.3 and 6.1.5.4 were deleted at the request of the county's utility division. Finally, Goal 6.2 and its accompanying objective and policies were added to provide for the requirements of the Basin Management Action Plans (BMAPS) that are mandated by the Florida Department of Environmental Protection to improve water quality in the spring sheds. The BMAPS include projects that could improve water supply and water quality. Many of these projects have been incorporated into the county's CIP, and the Water Resource and Utilities Division partners with its municipalities for projects in their jurisdictions.

In addition to the text amendment, two new maps were added to the comprehensive plan. The first is Figure 6-1. It is a generalized map depicting service providers in Volusia County. Service provider boundaries may shift to accommodate growth depending on the available capacity at each facility, and this map is intended to be used as an overview to show the name and approximate vicinity of various public utilities operating in Volusia County. The second map is a representation of the BMAP areas and their associated Priority Focus Areas (Figure 6-2). These areas include the spring sheds of Gemini, DeLeon, and Blue Springs, which are all subject to stricter guidelines for the provision of sanitary sewer. The county is committed to ensuring that water quality in the area springs does not continue to degrade at its current rate. By participating in the BMAP process and implementing water quality projects throughout the county, the county can be a partner in ensuring better water quality for Volusia County residents.

III. STAFF RECOMMENDATION

Find the amendment consistent with the Comprehensive Plan and forward the application, case number CPA 21-012, to County Council with a recommendation of approval to transmit to the Department of Economic Opportunity for review and to the Volusia Growth Management Commission (VGMC) for certification.

IV. ATTACHMENTS

- Ordinance 2022-42
- Underline/Strikethrough Text
- Maps
- Matrix with Comments
- Public Comments
- Statutory Requirements

ORDINANCE 2022-42

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-10, AS PREVIOUSLY AMENDED; AMENDING SANITARY SEWER SUB-ELEMENT, CHAPTER 6 OF THE COMPREHENSIVE PLAN; RECHARACTERIZING IT AS ITS OWN FULL ELEMENT; AMENDING THE OVERVIEW TO REMOVE ANTEQUATED INFORMATION AND MORE ACCURATELY EXPLAIN THE CURRENT SITUATIONS WITH FDEP GOALS AND BASIN MANAGEMENT PLANS; ADDING FIGURE 6-1, UTILITY SERVICE AREAS MAP AND FIGURE 6-2, BASIN AREA MANAGEMENT PLANS AND PRIORITY FOCUS AREAS MAP; ADJUSTING EQUIVALENT RESIDENTIAL UNIT SERVICE STANDARDS; AMENDING REFERENCES TO STATE STATUTES AND ADMINISTRATIVE CODE WHERE REQUIRED; INCORPORATING REFERENCES TO THE CENTRAL SPRINGS/EAST COAST REGIONAL WATER SUPPLY PLAN; ADDING NEW GOALS, OBJECTIVES, AND POLICIES RELATING TO PROTECTING GROUND AND SURFACE WATERS FROM NEGATIVE IMPACTS OF NUTRIENT POLLUTION FROM WASTE WATER; REVISING APPENDIX 1, TABLE OF CONTENTS; AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et seq., Florida Statutes, creates the Community Planning Act ("Act"); and

WHEREAS, Section 163.3167, Florida Statutes, requires each county in the State of Florida to prepare and adopt a Comprehensive Plan; and

WHEREAS, the council adopted the Volusia County Comprehensive Plan by Ordinance No. 90-10 pursuant to the Act; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive Plan by the local government; and

WHEREAS, the council desires to take advantage of this statute and amend the Volusia County Comprehensive Plan; and

WHEREAS, the council has provided for broad dissemination of the proposed amendment to the Comprehensive Plan in compliance with Sections 163.3181 and 163.3184(3) and (11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County Code of Ordinances, chapter 72, article II, division 11, section 72-413, has designated the Volusia County Planning and Land Development Regulation Commission as a local planning agency for the unincorporated area of the County of Volusia, Florida.

1 NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA
 2 COUNTY, FLORIDA, AS FOLLOWS:

3
 4 (Words in ~~strike through~~ are deletions; words in double underscore type are additions)

5
 6 **SECTION I: AMENDMENT** – Chapter 6, Sub-Element Sanitary Sewer, of the Volusia
 7 County Comprehensive Plan is amended as provided in EXHIBIT “A” attached hereto and
 8 incorporated herein.

9
 10 **SECTION II: INCLUSION IN COMPREHENSIVE PLAN** – The provisions of this ordinance
 11 shall be included and incorporated into the Volusia County Comprehensive Plan as additions or
 12 amendments thereto, and shall be appropriately renumbered to conform to the Volusia County
 13 Comprehensive Plan.

14
 15 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence, subsection or section
 16 be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,
 17 then that word, phrase, sentence, subsection or section so held shall be severed from this
 18 ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full
 19 force and effect.

20
 21 **SECTION IV: EFFECTIVE DATE** – Within ten (10) days after enactment, a certified copy
 22 of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County
 23 Council and transmitted to the state land planning agency and any other agency or local
 24 government that provided timely comments pursuant to the expedited state review process in
 25 Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the
 26 following dates: (a) thirty-one (31) days after the state land planning agency notifies the County
 27 that the plan amendment package is complete and the issuance of a certificate of consistency or
 28 conditional certificate of consistency by the Volusia County Growth Management Commission, or
 29 (b) issuance of a final order by the state land planning agency or the State of Florida
 30 Administration Commission determining the amendment adopted by this Ordinance to be in
 31 compliance.

32
 33
 34 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
 35 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
 36 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS
 37 ____ DAY OF _____, 2021.

38
 39
 40
 41 ATTEST:

COUNTY COUNCIL
 COUNTY OF VOLUSIA, FLORIDA

42
 43
 44
 45
 46 _____
 47 George Recktenwald
 County Manager

 Jeffrey Brower, County Chair

CHAPTER 6
SANITARY SEWER SUB-ELEMENT

CHAPTER 6

SANITARY SEWER SUB-ELEMENT

A. OVERVIEW

The following Future Land Use categories are considered to be urban and require the provision of sanitary sewer facilities and services consistent with the level of service standards set out in this Sub-element and in the Capital Improvements Element, unless specifically noted elsewhere in the Plan; Urban Low Intensity, Urban Medium Intensity, Urban High Intensity, Commercial, Industrial, Mixed Use, Activity Center, Planned Community, and Low Impact Urban. Each of these categories is described in the Future Land Use Element and geographically depicted by the Future Land Use Map. Additional requirements regarding sanitary sewer service are found in the Future Land Use (Chapter 1), Conservation (Chapter 12) Intergovernmental Coordination (Chapter 14), Coastal Management (Chapter 11), and Capital Improvements (Chapter 15) Elements of the Comprehensive Plan.

Wastewater service within the unincorporated area represents the complete spectrum includes a combination of publicly and privately owned facilities/systems, consisting of septic tanks, package plants, and central wastewater treatment area-wide facilities. Volusia County Water Resources and Utilities Division is one of many service providers in the county. It provides services to approximately seven percent of the entire county. The remaining publicly held systems are operated by the municipalities. The majority of these package plants are privately owned. The area-wide systems serving portions of the unincorporated region include both privately held and publicly owned facilities. The publicly-owned systems are either operated by municipalities or the County. Privately held systems, which are negotiated by developers and are subject to a binding development order, are typically maintained by a homeowner's association and are inspected regularly by the county's Environmental Management team. In accordance with the provisions of the Comprehensive Plan, the The County has, and continues to negotiate service area agreements with municipalities to maximize services to residents who live in Volusia County. Within these agreed upon areas, maps of which are included in the supporting documentation for this Sub-element, the appropriate utility will be the primary provider of central wastewater services. A generalized map depicting service providers in Volusia County is provided as Figure 6-1. Service provider boundaries may shift to accommodate growth depending on the available capacity at each facility.

The areas, to be accorded wastewater service by the County, are depicted by the maps found in the supporting documentation accompanying this Sub-element. The provision of wastewater service is intended to adequately accommodate the projected populations within these areas.

Additionally, the provision of reclaimed water to meet the demand for non-potable uses, chiefly landscape irrigation, is one of County's water supply strategies. This sub-element contains policies that will enhance and expand the County's reclaimed water usage with the purpose of reducing potable water demand. The specific actions to expand the County's reclaimed water facilities and supply are outlined in the Water Supply Facilities Work Plan that is incorporated into the Potable Water Sub-Element and also supported by policies in this Sub-Element. The facility improvements that implement the reuse strategy are included in the Five-Year Capital Improvements Program that the County prepares on an annual basis and incorporates into the amended Capital Improvements Element.

~~There are numerous privately owned "package plant" systems operating in the County sewer service areas. Several of the County sewer service areas lack regional facilities but contain smaller systems. The development of these small facilities into a regionally based system would greatly benefit the County in terms of economy and reliability of service.~~

This Sub-element, which is intended to comply with the requirements of Chapter 163, Florida Statutes, ~~presents a plan~~ represents an effort to addressing subjects as: the use of on-site systems, the increase/expansion of County systems, and consolidation and regionalization of the wastewater collection, treatment and disposal systems under its control, as well as coordination efforts with municipal service providers and developers of privately-run systems. Finally, the plan incorporates the FDEP goals and objectives for implementing the Basin Management Plans (BMAP) and improving conditions within the Priority Focus Areas (PFA) of springsheds in Volusia County.

~~The adopted components of the Sanitary Sewer Sub-eElement include the Overview, the Goals, Objectives and Policies. The "support" components of this Sub-element have been printed separately.~~

B. GOALS, OBJECTIVES, AND POLICIES

GOAL:

- 6.1 Ensure that adequate and environmentally acceptable sanitary sewer systems are provided to areas appropriate for service within the unincorporated Volusia County.

OBJECTIVE:

- 6.1.1 Volusia County shall require ~~that~~ the following policies ~~which that~~ establish minimum level of service standards are met when planning capital improvements and for reviewing applications for development approval.

POLICIES:

- 6.1.1.1 Volusia County adopts level of service standards of 200 gallons per day, per Equivalent Residential Unit (ERU) providing for an annual average daily volume applicable for each of the unincorporated sewer service areas as depicted in the following table. Within unincorporated areas encompassed by an adopted service area agreement with a municipality, the municipal level of service standards shall be applicable:

<u>Sanitary Sewer Level of Service Standards</u>			
Service Area	Sanitary Sewer Level of Service Standards		
	Residential Connection (ERU/GPD*)	Non-Residential Office	Retail, Institutional & Industrial
Deltona North	200	0.15	0.10 GPD per sq. ft. of

Southwest	200	GPD per sq. ft. of Building Area	Building Area
Northeast	90		
Spruce Creek	144		
Southeast	175		

*ERU – Equivalent Residential Unit/GPD - Gallons per Day

~~Within unincorporated areas encompassed by an adopted service area agreement with a municipality, the municipal level of service standards shall be applicable.~~

- ~~6.1.1.2 Provide the major wastewater facilities collecting wastewater from a new development in accordance with the adopted Capital Improvements Program and Budget as amended on an annual basis.~~
- 6.1.1.32 Volusia County shall continue to require "advanced secondary treatment" of wastewater (including high-level chlorination and sand filtration) at all County owned wastewater treatment plants with capacities of 0.1 MGD or more.
- 6.1.1.43 Volusia County shall require that all new development which is located within an area encompassed by an adopted municipal sewer service agreement, shall comply with the Sanitary Sewer ~~Sub~~-element and the level of service standards adopted by said municipality.
- 6.1.1.54 Central sewer is not required for non-urban areas, except as required by the Florida Statutes, ~~Administrative Code, Chapter 64E-6~~. Lines should only be extended if the absence of such facilities would result in a threat to the public health or safety or a designated rural area is inside an approved sewer service area with an agreement that describes the method and timing of when these services would be provided, ~~or the Comprehensive Plan is amended to change rural areas to urban areas or within the Priority Focus Areas (PFA) identified in the FDEP Basin Management Action Plans (BMAP) for DeLeon, Gemini, and Blue Springs (Figure 6-2).~~
- 6.1.1.65 Central sewer systems may be installed in Rural Communities, ~~Rural Villages~~, and Rural Recreational areas that are established in the Comprehensive Plan provided that said systems are designed to serve only the development within the geographic area encompassed by the Rural Community or Rural Recreational area.
- 6.1.1.76 Volusia County may negotiate agreements with developers for the County to provide wastewater facilities in accordance with the Master Plan for the affected County sewer service area and the County's design and construction standards.
- 6.1.1.87 Except as may otherwise be permitted by this ~~Sub~~-element, the extension of wastewater lines and the establishment of central wastewater systems outside of sewer service areas (County, municipal, or other as established by an adopted service area agreement) shall be prohibited unless such extension or facility construction will mitigate existing or potential problems identified by state and federal authorities pertaining to ~~of~~ public health, safety, or welfare, or other exceptions under the guidelines delineated in the Future Land Use Element.

- 6.1.1.98 Except as may otherwise be permitted by this Sub-element, Volusia County shall require the installation of a central sewer collection and transmission system. The County may require the installation of a wastewater treatment plant, in accordance with County land development regulations where connection to an existing central sanitary sewer system is not available and connection to a central sanitary sewer system when said system is available within in areas designated for urban uses by the Future Land Use Map.
- 6.1.1.109 ~~Prior to 2009, Volusia County shall adopt an Industrial Wastewater Pretreatment Ordinance which will require~~ The County shall reserve the right to allow industrial and commercial land uses to continue which generate wastewater substantially different (in waste strength and chemical constituents) from residential wastewater to provided that effluent is pre-treated ~~the effluent~~ prior to its discharge to a County-owned treatment facility.
- 6.1.1.410 Volusia County shall regularly inspect all County-owned and private wastewater treatment facilities to ensure proper operation and maintenance. All County-owned wastewater treatment plants shall be operated and maintained in a manner which complies with the applicable State regulation(s).
- 6.1.1.421 ~~County sewer service areas may include~~ For undeveloped land inside existing unincorporated urban areas where the developer agrees to provide necessary urban services. ~~In this instance, the necessary system facilities and services are to~~ shall be guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to County land development/utility regulations, or an agreement or development order issued pursuant to Chapter 380, (F.S.).
- 6.1.1.431 2 ~~Unless otherwise required by a BMAP, Septic tanks~~ septic systems are only allowed under any one of the following applicable circumstances provided that the septic tank has been approved by the Florida Department of Health:
- a. the lot is not designated for urban land uses by the Future Land Map, or
 - b. the lot is one acre or larger in size and is designated as either Low Impact Urban or Urban Low Intensity by the Future Land Use Map and the lot is within a single family subdivision (new or previously approved under Volusia County Ordinance 72-2 or 88-3, as amended), or
 - c. the septic tank system is installed in conjunction with the construction of a single family residence upon an existing single family lot or a new subdivision of six (6) lots or less in size (exempt or approved under Volusia County Ordinance 72-2 or 88-3, as amended) which is designated for urban land uses by the Future Land Use Map and which the lots are less than one (1) acre in size provided that:
 - i) central service is currently not available to the lot. Connection to central sewer service is required when said service becomes available, and

- ii) the lot is not located within a Special Assessment District which has been established for the purpose of installing a wastewater system.
- or

- d. the septic ~~tank~~system is installed in conjunction with non-residential construction on an existing lot (exempt or approved under Volusia County Ordinance 72-2 or 88-3, as amended), which is designated for urban land uses by the Future Land Use Map provided that central wastewater service is not currently available and that the estimated wastewater flow from said non-residential use meets the state mandated thresholds, ~~is less than five thousand (5,000) gallons per day~~. Connection to a central system of sanitary sewer service is required when said system is available.

- 6.1.1.4413 Volusia County shall require all sewage treatment and disposal systems including septic tanks to be located and constructed in a manner consistent with all applicable local, State, and Federal regulations, including the applicable Goals, Objectives, Policies, and level of service standards contained in this Comprehensive Plan.
- 6.1.1.4514 ~~An e~~Existing septic ~~tank~~ systems may be repaired or upgraded, provided that a central sanitary sewer system is not available, subject to any FDEP regulations contained in an adopted BMAP, TMDL, or reasonable assurance plan. However, connection to a central sanitary sewer system is required where said system is available in lieu of repairing or upgrading an existing septic tank system.
- 6.1.1.4615 The establishment of central wastewater service outside of sewer service areas is prohibited except for Rural Communities, ~~Rural Villages~~, and Rural Recreational areas as provided for by this Sub-element or where the Florida Department of Environmental Protection, ~~the County Development Review Committee~~ or other appropriate regulatory agency, has determined that such a facility is necessary to correct existing or potential problems of public health, safety, or welfare.
- 6.1.1.4716 Within the County sewer service areas, package treatment plants may be permitted as an interim measure provided that said plants are constructed and designed to County standards including provisions to allow the interim system to be connected to a central wastewater system when said connection is available pursuant to Policy 6.1.2.5. Interim package treatment plants serving residential developments shall be dedicated to the County. When the interim facility is located within an area encompassed by an adopted sewer service area agreement, the package plant may be dedicated to the entity responsible for providing sewer service to the region.
- 6.1.1.4817 Existing privately-owned package treatment plants that are not located in County sewer service areas, Rural Communities, ~~Rural Villages~~, Rural Recreational Areas, or a region encompassed by an adopted sewer service area agreement may expand only so long as said expansion is for the purpose of correcting existing conditions which have been determined to be a hazard to the public health, safety, or welfare. Expansion of said system will require that the facility comply with the appropriate level of service standards and other County rules and regulations, as applicable.

- 6.1.1.1918 The location and siting of new package treatment plants shall be prohibited in areas where the disposal of effluent will result in the lowering of the ambient quality, where such information is available, of surface water or groundwater unless such discharge can be shown to be of overriding public interest.
- 6.1.1.2019 The County shall not approve the use of interim treatment facilities within the boundaries of an adopted sewer service area agreement unless the facilities are approved by both the County and the appropriate entity responsible for providing the service. As a result of this policy, the interlocal agreements shall also require that the County and the municipality develop a set of criteria to address the following items for interim treatment facilities: system design operation, construction standards, future dedication/acquisition and payment of capital charges.

OBJECTIVE:

- 6.1.1 ~~Throughout the planning period,~~ Volusia County shall maximize the use of existing facilities within sewer service areas, ~~so as to discourage urban sprawl.~~

POLICIES:

- 6.1.2.1 Volusia County shall replace and/or consolidate, ~~when it is determined to be feasible,~~ smaller package plants owned by the County with "advanced secondary" sewage treatment plants, or they may enlarge existing plants as determined by the county's Water Resources and Utilities Division. ~~enlarge existing plants.~~
- 6.1.2.2 The "infilling" of urban areas shall be directed to locations where an existing wastewater collection network is available and where treatment capacity is adequate to service the intended development or to those areas where funds have been committed for the provision of adequate capacity, unless otherwise vested under the County's Concurrency Management Ordinance, Vested Rights Ordinance, or Land Development Regulations, or as may be determined by the County Council.
- 6.1.2.3 Volusia County shall continue to maintain programs and schedules that are intended to promote facility longevity and optimum operating levels.
- 6.1.2.4 Where feasible, Volusia County may acquire and upgrade wastewater systems to eliminate service voids in sanitary sewer service areas.
- 6.1.2.5 Existing package treatment plants shall be connected to a central sewer system when connection to said system is available. When an existing privately-owned package treatment facility is phased out and connected to a central public wastewater system, the owner of said private plant may be required to assume the cost of the connection.
- 6.1.2.6 Volusia County shall require the utilization of a central sewer system where connection to a central system is available, pursuant to state statute. ~~The use of existing septic tanks serving land uses within the sewer service areas may continue in the manner consistent with the requirements specified by the County's Comprehensive Plan and local and state regulations.~~

OBJECTIVE:

- 6.1.3 Volusia County shall continue to maintain, and expand where feasible, its program of effluent recharge, reuse and disposal.

POLICIES:

- 6.1.3.1 Volusia County shall require use of recovered wastewater for irrigation and non-potable use for all new development and other appropriate uses, where such use can be feasibly implemented and permitted by the Florida Department of Environmental Protection and as determined by Volusia County's land development regulations.
- 6.1.3.2 Volusia County shall comply with State regulations for water quality, especially with respect to wastewater plant operations and effluent disposal and, if necessary, develop an appropriate alternative management strategy which may include reduction in wastewater effluent loadings and discharge rates.
- 6.1.3.3 Volusia County may participate in long-term agreements with land owners to accept reclaimed water.
- 6.1.3.4 As provided in the Water Supply Facilities Work Plan, Volusia County shall develop a dual water system utilizing reclaimed wastewater.
- 6.1.3.5 Volusia County shall encourage the use of reclaimed water by establishing differential rates and fees for its supply.
- ~~6.1.3.6 Volusia County may, where practical and economically feasible, develop and implement an environmentally sound program for the use of natural systems, such as wetlands, for wastewater disposal provided that the implementation of such a program does not present a hazard to public health.~~
- 6.1.3.76 Volusia County shall continue to require provisions for reuse, where County or other utility owners supply it.
- 6.1.3.87 Volusia County shall, to the extent feasible, provide facilities to allow the use of recovered wastewater for agricultural and other purposes, where County or other utility owners supply it.
- ~~6.1.3.98 Volusia County shall implement reuse programs and facility improvements as identified in the County's most recently adopted Water Supply Facilities Work Plan that is incorporated into the Potable Water Sub-Element.~~
- 6.1.3.408 Volusia County shall continue to develop a reclaimed water distribution system to ensure that reclaimed water is available to a sufficient number of users so that available reclaimed water is utilized for landscape irrigation within the Southwest, Deltona North, and Southeast service areas.
- 6.1.3.449 Volusia County shall utilize non-potable water to be supplied by the City of Sanford, pursuant to the Joint Participation Agreement with this City, to augment the County's

reclaimed water system during periods of high demand within the Southwest and Deltona North water supply planning areas.

- 6.1.3.120 Volusia County shall coordinate with the St. Johns River Water Management District to ~~incorporate selected reclaimed water~~ implement projects in the District Water Supply Plan The Central Springs/East Coast Regional Water Supply Plan.

OBJECTIVE:

- 6.1.4 Volusia County shall develop plans to extend wastewater facilities and to expand wastewater treatment capacity necessary to accommodate projected ~~2020-2035~~ wastewater service needs within its sewer service area.

POLICIES:

- 6.1.4.1 Volusia County shall annually designate a portion of its capital improvements budget for its wastewater disposal system. ~~as determined by the applicable standards contained in this Sub-element.~~
- 6.1.4.2 Volusia County shall collect and use impact fees to offset the cost of capacity necessitated by the impact of new users.
- 6.1.4.3 Volusia County shall begin planning for expanded or replacement wastewater treatment facilities on or before the annual average wastewater flows exceed 80% of the permitted capacity.
- 6.1.4.4 Volusia County shall develop, or update, on an as-needed basis, wastewater collection and treatment facility master plans for selected County sewer service areas.
- 6.1.4.5 Volusia County shall seek to lessen the land application of septage countywide by exploring pre-treatment options that allow for the septage to be received at the sanitary sewer treatment facility.

OBJECTIVE:

- 6.1.5 ~~Throughout the planning period,~~ Volusia County shall coordinate the provision of sanitary sewer service to the unincorporated area based upon the Comprehensive Plan, so as to ensure the efficient and economical delivery of this service.

POLICIES:

- 6.1.5.1 Volusia County shall coordinate its utility and transportation construction and planning efforts to take advantage of the most economical construction and maintenance costs.
- 6.1.5.2 Volusia County shall negotiate sewer service area agreements with adjacent municipalities to better coordinate the orderly, efficient, and economical provision of wastewater service.

- ~~6.1.5.3~~ If the County is unable to establish an agreement with a municipality for the provision of wastewater service, then the County will be responsible for providing wastewater service within the area.
- ~~6.1.5.4~~ All affected utility providers, having established interlocal agreements, in cooperation with Volusia County, will develop conceptual wastewater facility plans for areas at the urban periphery of utility provider's jurisdiction consistent with the County's Future Land Use Element. As long as such services can be provided by extension of existing central systems, Volusia County shall not propose to construct any interim facilities without completing an analysis documenting that such construction is more cost-effective than extension of existing central system.
- 6.1.5.53 Notwithstanding the provisions of Policy 6.1.1.19, the County may provide, or allow the provision of, wastewater service within the agreed upon municipal or private utility service area in a manner which is consistent with the adopted interlocal agreements. Should any existing interlocal agreement be amended or any new interlocal agreement be structured, the provisions of Policy 6.1.1.19 shall be included in the provisions of said interlocal agreement.
- 6.1.5.64 The duties and responsibilities which flow from an interlocal agreement previously entered into between the County and a municipality shall prevail over subsequent amendments to the Comprehensive Plan until and unless such interlocal agreement is renegotiated as deemed appropriate by the County and a municipality.
- 6.1.5.75 The County shall initiate a program with the owners of the various privately-held wastewater systems (especially the area-wide systems) serving portions of the unincorporated region. The purpose of this program will be to foster coordination and may include the submission of periodic reports by the utility to the County.
- 6.1.5.86 The County shall seek to establish and strengthen ties to the Florida Public Service Commission and other appropriate regulatory agencies.

OBJECTIVE:

- 6.1.6 Throughout the planning period, Volusia County shall provide for the correction of County wastewater systems having unacceptable capabilities/capacities and areas lacking sufficient treatment and/or disposal facilities.

POLICIES:

- 6.1.6.1 Volusia County shall designate a portion of its annual budget to be used for the correction of existing deficiencies in its sanitary sewer systems.
- 6.1.6.2 The County may create Special Assessment districts encompassing existing lots or subdivisions, in the manner prescribed by State and County rules and regulations, for the purposes of installing central wastewater systems.
- 6.1.6.3 The County may seek alternative sources of funding, (i.e., grants and loans) to finance wastewater system construction and/or expansion.

GOAL:

- 6.2 Protect Volusia County's groundwater and surface waters from the negative impacts of nutrient pollution from waste water.

OBJECTIVE:

- 6.2.1 Protect 1st and 2nd magnitude springs and springshed areas where the Floridan Aquifer is generally most vulnerable to pollutant inputs in the areas where there is connectivity between groundwater and the springs.

POLICIES:

- 6.2.1.1 The County shall implement the FDEP requirements prohibiting new septic systems on lots less than one-acre within the identified PFAs, unless the system includes enhanced treatment of nitrogen, as to not allow any further degradation of Gemini, Blue, and DeLeon Springs.
- 6.2.1.2 Upon the need for repair or replacement, an existing OSTDS must include at least one of the recommended FDOH nitrogen reducing enhancements, unless the OSTDS permit applicant demonstrates that sewer connections will be available within five (5) years. Connection is required when sewer becomes available.
- 6.2.1.3 All existing conventional OSTDS within the PFAs are required to adopt enhanced treatment of nitrogen or connect to central sewer no later than 20 years after BMAP adoption.
- 6.2.1.4 Volusia County shall develop a Master Wastewater Treatment Feasibility Analysis to identify specific areas where sewer lines should be extended.
- 6.2.1.5 Volusia County Water Resources and Utilities shall provide notice to OSTDS owners within their service area of the availability of sewer lines for connection no later than one (1) year prior to the date the sanitary sewer will become available.
- 6.2.1.6 All residential development on lots less than one-acre within the PFAs shall connect to central wastewater treatment facilities within one (1) year of when facilities become available, pursuant to Chapter 381.0065, FS.
- 6.2.1.7 For residential development, the use of package treatment plants within the PFAs shall be discouraged. In areas served by wastewater treatment plants the use of package treatment plants shall be prohibited.

- 6.2.1.8 New non-residential development shall be required to connect to sanitary sewer when sewer becomes available, pursuant to state statutes.
- 6.2.1.9 New domestic wastewater disposal facilities, including rapid infiltration basins (RIBs), with permitted capacities of 100,000 gallons per day (gpd) or more are prohibited, except for those facilities that meet an advanced wastewater treatment standard for total nitrogen on an annual permitted basis.
- 6.2.1.10 Volusia County Utilities shall upgrade wastewater treatment plants to advanced wastewater standards as required by the FDEP Basin Management Action Plans for Gemini, DeLeon, and Blue Springs.
- 6.2.1.11 Volusia County shall educate its citizens about the impacts of wastewater on surface water bodies, groundwater, and spring sheds.

Appendix 1

MAPS AND FIGURES

All maps and figures contained in Appendix 1 are attached hereto and a part herewith of the Volusia County Comprehensive Plan. Said maps and figures are adopted as part of the Comprehensive Plan unless otherwise specified.

Table of Contents

Reference – Chapter 1 Future Land Use Element

Future Land Use Map Series: The Future Land Use Map is actually made up of a series of maps. The individual maps that make up the map series are as follows:

Figure 1-1	Public Potable Waterwells
Figure 1-2	Water Bodies
Figure 1-3	Major Wetland Systems
Figure 1-4	General Soil Categories
Figure 1-5	Mineral Resources and Extraction Sites
Figure 1-6	Population by Planning Region
Figure 1-7	Special Rural Areas
Figure 1-7A	Rural Community – Seville
Figure 1-7B	Rural Community – Volusia
Figure 1-7C	Rural Community - Barberville
Figure 1-7D	Rural Community – Deleon Springs
Figure 1-7E	Rural Community – Cassadaga
Figure 1-7F	Rural Community – Emporia
Figure 1-7G	Rural Recreational – Pine Island
Figure 1-7H	Rural Recreational – Shell Harbor Estates
Figure 1-7I	Rural Recreational – Volusia Bar, South Moon, Paramore
Figure 1-7J	Rural Recreational – Highland Park
Figure 1-7K	Rural Recreational – Daisy Lake, Crows Bluff
Figure 1-7L	Rural Recreational – Lemon Bluff
Figure 1-7M	Rural Recreational – Baxter Point
Figure 1-7N	Rural Recreation – Lake View
Figure 1-7O	Rural Recreation - St. Johns Gardens
Figure 1-8	Airport Obstructions and Clear Zones
Figure 1-9	100-Year Flood Plain – Unincorporated Volusia County
Figure 1-10	Coastal High Hazard Area – Unincorporated Volusia County
Figure 1-11	Generalized Future Land Use Plan (scale 1" = 3 miles)
Figure 1-11A	Future Land Use Map/Plan Notations
Figure 1-12	Local Plans
Figure 1-12A	Highridge Neighborhood Future Land Use
Figure 1-12B	Halifax Activity Center Future Land Use
Figure 1-12C	Southeast Activity Center Future Land Use
Figure 1-12D	Southwest Activity Center Future Land Use
Figure 1-12E	Hontoon Island
Figure 1-12F	North Peninsula
Figure 1-12G	Mosquito Lagoon
Figure 1-12H	Enterprise Local Plan
Figure 1-12I	Wilbur-by-the-Sea Local Plan
Figure 1-12J	Samsula Local Plan
Figure 1-12K	Tomoka Farms Local Plan
Figure 1-12L	Jacksonville Bombing Range Complex Military Zone
Figure 1-12M	Osteen Local Plan
Figure 1-12N	Farnton Local Plan
Figure 1-12O	SunRail DeLand Area Activity Center

- Figure 1-12P Fairgrounds Local Plan
- Figure 1-13 Environmental Core Overlay (ECO) Map
- Figure 1-14 Energy Conservation Area Map
- Figure 1-15 Commercial Space Industry Opportunity Overlay

Reference – Chapter 2 Transportation Element

- Figure 2-1 Thoroughfare Roadway System 2035 Map
- Figure 2-2 Roadway Number of Lanes 2035 Map
- Figure 2-3 Roadway Level of Service Standard 2035 Map
- Figure 2-4 Designated Evacuation Routes 2035 Map
- Figure 2-5 Scenic Corridors 2035 Map
- Figure 2-6 Farmton Local Plan – Spine Transportation Network

Reference – Chapter 3 Public Schools Facilities Element

- Figure 3-1 School Planning Areas
- Figure 3-2 Elementary School Concurrency Service Areas
- Figure 3-3 Middle School Concurrency Service Areas
- Figure 3-4 High School Concurrency Service Areas
- Figure 3-5 Existing Public School Facilities and Ancillary Plants – East Volusia
- Figure 3-6 Existing Public School Facilities and Ancillary Plants West Volusia
- Figure 3-7 Planned Public School Facilities and Ancillary Plants – East Volusia
- Figure 3-8 Planned Public School Facilities and Ancillary Plants– West Volusia
- Figure 3-9 Long Range Planned Public School Facilities by School Planning Areas
- Figure 3-10A Policy 3.2.3.6 (1) Illustration
- Figure 3-10B Policy 3.2.3.6 (3) Illustration

Reference – Chapter 6 Sanitary Sewer

- Figure 6-1 Utility Service Providers
- Figure 6-2 Basin Management Action Plans and Priority Focus Areas

Reference – Chapter 10 Natural Groundwater and Aquifer Recharge Element

- Figure 10-1 Floridan Aquifer Recharge Areas

Reference – Chapter 11 Coastal Management Element

- Figure 11-1 Coastal Study Area Boundary
- Figure 11-2 Watershed and Sub-Basin Boundaries

Reference – Chapter 14 Intergovernmental Coordination Element

- Figure 14-1 Port Orange Wellfield Property
- Figure 14-2 Port Orange Water Supply Planning Area

Reference – Chapter 17 Historic Preservation Element

- Figure 17-1 Archaeologically Sensitive Areas in Unincorporated Volusia County
- Figure 17-2 Historic Resources Map Series Unincorporated Volusia County

Figure 17-2A Individually Significant Properties

Figure 17-2B Cassadaga Historic District

Figure 17-2C Enterprise Historic District

Figure 17-2D Spring Garden Ranch Historic District

Figure 17-3 Significant Historic Resources Owned and Managed by Volusia County

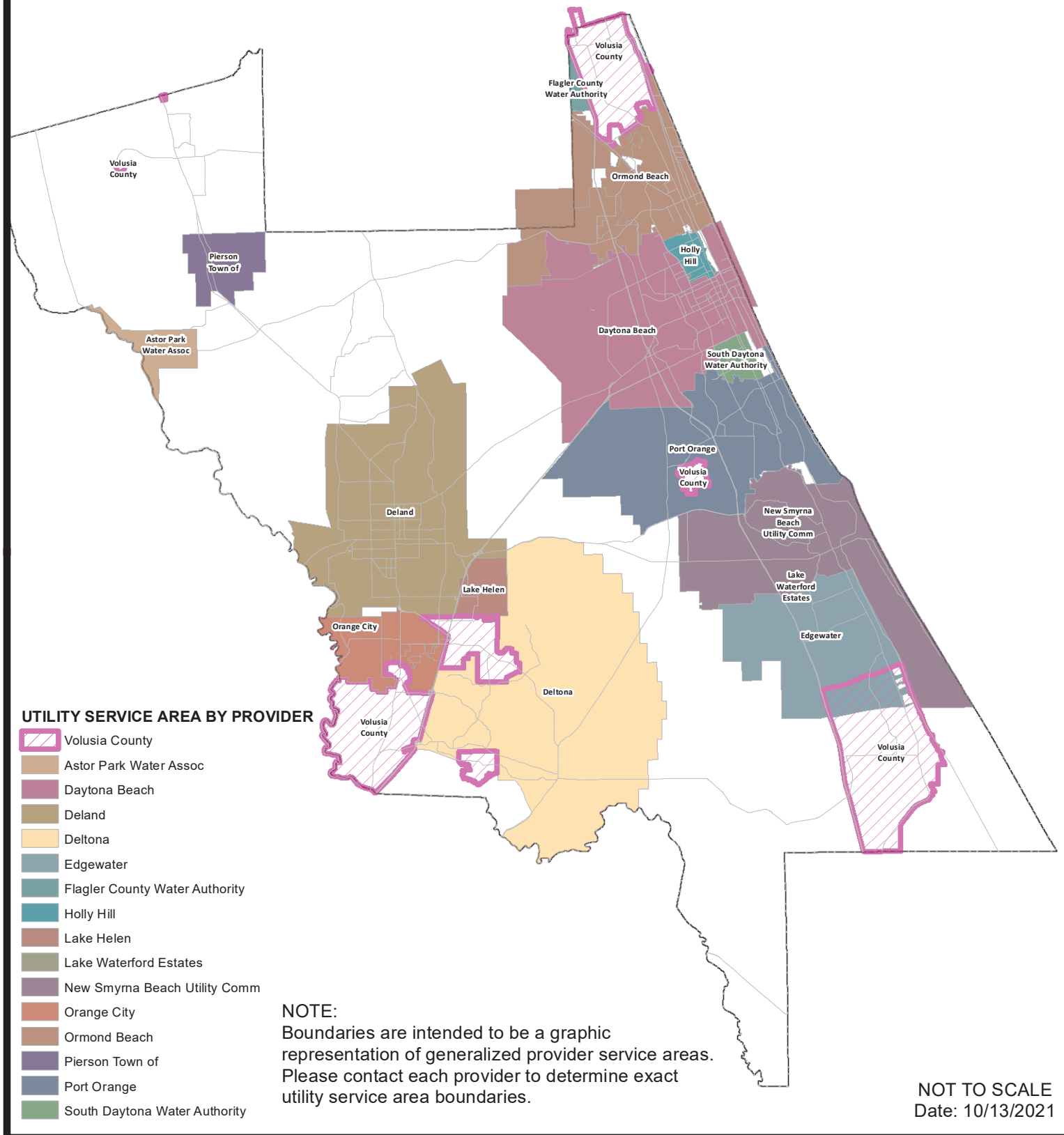


FIGURE 6-1
UTILITY SERVICE AREAS



PREPARED BY: VOLUSIA COUNTY GROWTH & RESOURCE MANAGEMENT DEPARTMENT

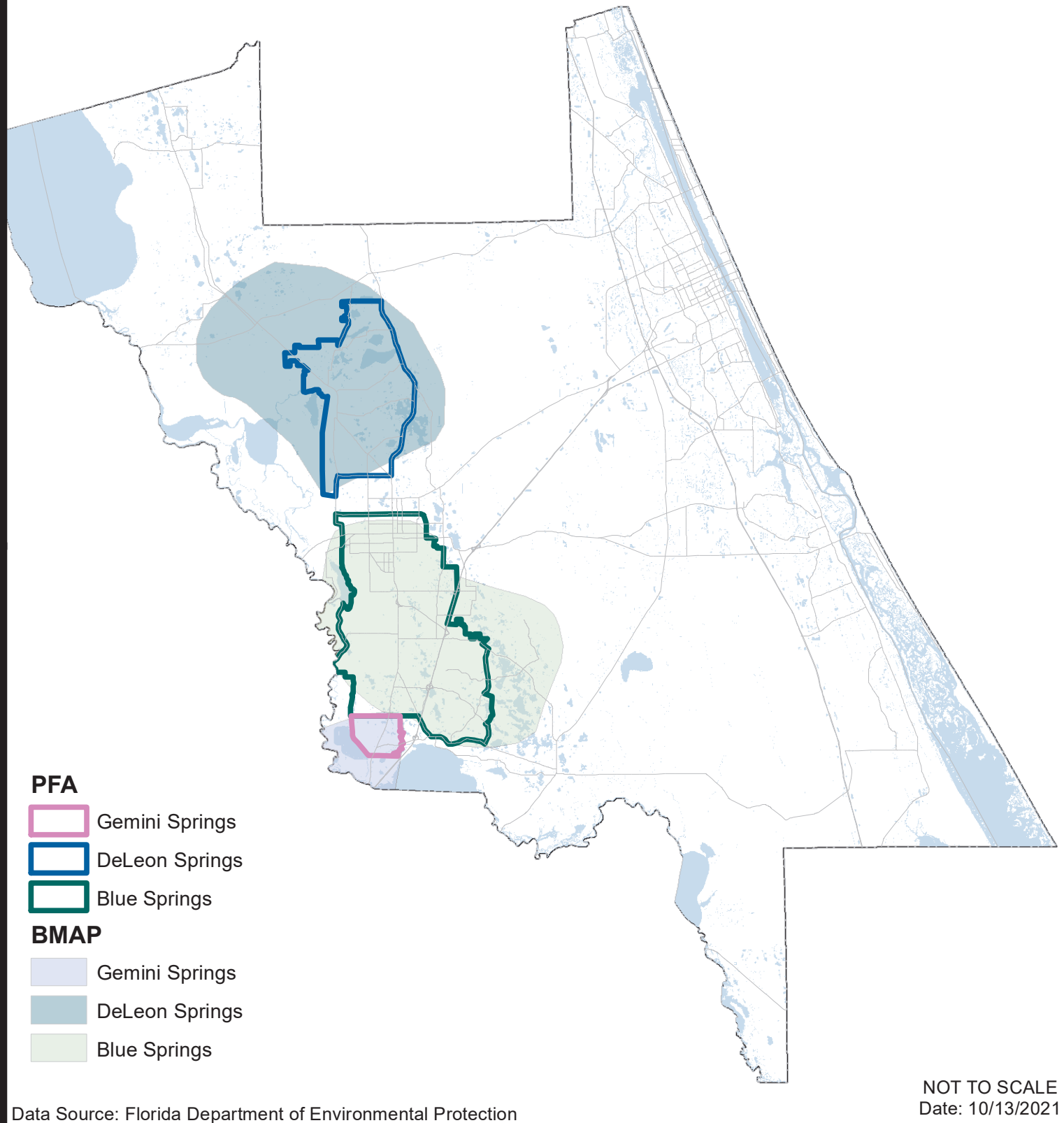


FIGURE 6-2
BASIN MANAGEMENT ACTION PLANS (BMAP)
& PRIORITY FOCUS AREAS (PFA)



PREPARED BY: VOLUSIA COUNTY GROWTH & RESOURCE MANAGEMENT DEPARTMENT

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	
	Sanitary Sewer Sub-Element (Chapter 6)	163.3177	X						
<u>B. GOALS, OBJECTIVES, AND POLICIES</u>									
<u>GOAL:</u>									
6.1	Ensure that adequate and environmentally acceptable sanitary sewer systems are provided to areas appropriate for service within the-unincorporated Volusia County.							x	delete "the"
<u>OBJECTIVE:</u>									
6.1.1	Volusia County shall require that the following policies which that establish minimum level of service standards are met when planning capital improvements and for reviewing applications for development approval.							x	Replace "which" with "that"
<u>POLICIES:</u>									
6.1.1.1	Volusia County adopts level of service standards of 200 gallons per day per Equivalent Residential Unit (ERU) providing for an annual average daily volume applicable for each of the unincorporated sewer service areas as depicted in the following table. Within unincorporated areas encompassed by an adopted service area agreement with a municipality, the municipal level of service standards shall be applicable:							X	Utilities Engineering Division changed to reflect Current LOS
Sanitary Sewer Level of Service Standards									
	Residential	Non-Residential							

Goals, Objectives, Policies							Florida Statute Citation	Keep	Delete	New	Replace	Move	Modify	Recommended Action
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Goals, Objectives, Policies		Florida Statute Citation						Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
		comply with the Sanitary Sewer Sub-element and the level of service standards adopted by said municipality.							
6.1.1.54		Central sewer is not required for non-urban areas, except as required by the Florida Statutes, <u>Administrative Code, Chapter 64E-6</u> . Lines should only be extended if the absence of such facilities would result in a threat to the public health or safety or a designated rural area is inside an approved sewer service area with an agreement that describes the method and timing of when these services would be provided, or the Comprehensive Plan is amended to change rural areas to urban areas within the <u>Priority Focus Areas (PFA) identified in the FDEP Basin Management Action Plans (BMAP) for DeLeon, Gemini, and Blue Springs (Figure 6-2)</u> .						X	Renumbered; Revised to address the need for sewer based on the FDEP requirements
6.1.1.65		Central sewer systems may be installed in Rural Communities, <u>Rural Villages</u> , and Rural Recreational areas that are established in the Comprehensive Plan provided that said systems are designed to serve only the development within the geographic area encompassed by the Rural Community or <u>Rural Recreational area</u> .						X	Rural Villages is not a Future Land Use; renumbered
6.1.1.76		Volusia County may negotiate agreements with developers for the County to provide wastewater facilities in accordance with the Master Plan for the affected County sewer service area and the County's design and construction standards.	X						Renumbered

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
6.1.1.8Z	Except as may otherwise be permitted by this Sub-element, the extension of wastewater lines and the establishment of central wastewater systems outside of sewer service areas (County, municipal, or other as established by an adopted service area agreement) shall be prohibited unless such extension or facility construction will mitigate existing or potential problems <u>identified by state and federal authorities pertaining to ef</u> public health, safety, or welfare or other exceptions under the guidelines delineated in the Future Land Use Element.							X	Renumbered; modified to capture state or federal directives; removed “sub”
6.1.1.98	Except as may otherwise be permitted by this Sub-element, Volusia County shall require the installation of a central sewer collection and transmission system. The County may require the installation of a wastewater treatment plant, in accordance with County land development regulations where connection to an existing central sanitary sewer system is not available and connection to a central sanitary sewer system when said system is available within in areas designated for urban uses by the Future Land Use Map.							x	Renumbered; removed “sub” from element
6.1.1.409	Prior to 2009, Volusia County shall adopt an Industrial Wastewater Pretreatment Ordinance which will require <u>The County shall reserve the right to allow industrial and commercial land uses to continue which generate wastewater substantially different (in waste strength and chemical constituents) from residential wastewater to provided that effluent is pre-treated the effluent prior to its discharge to a County-owned treatment facility.</u>							X	County determined pretreatment ordinance was not needed. Addresses controls for treating effluent prior to discharge to a county facility.
6.1.1.4410	Volusia County shall regularly inspect all County-owned and private wastewater treatment facilities to ensure proper operation and maintenance. All County-owned		X						Renumbered

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	wastewater treatment plants shall be operated and maintained in a manner which complies with the applicable State regulation(s).									
6.1.1.4211	County sewer service areas may include For undeveloped land inside existing unincorporated urban areas where the developer agrees to provide necessary urban services, in this instance, the necessary <u>system facilities and services</u> are to <u>shall</u> be guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to County land development/utility regulations, or an agreement or development order issued pursuant to Chapter 380, (F.S.).							X	Modified for better clarity; renumbered	
6.1.1.4312	<u>Unless otherwise required by a BMAP, Septic tanks systems are only allowed under any one of the following applicable circumstances provided that the septic tank has been approved by the Florida Department of Health:</u> a. the lot is not designated for urban land uses by the Future Land Map, or b. the lot is one acre or larger in size and is designated as either Low Impact Urban or Urban Low Intensity by the Future Land Use Map and the lot is within a single family subdivision (new or previously approved under Volusia County Ordinance 72-2 or 88-3, as amended), or c. the septic tank system is installed in conjunction with the construction of a single family residence upon an existing single family lot or a new subdivision of six (6) lots							X	Goals Objectives and policies have been created under 6.2 pertaining to additional standards for the BMAPs and PFAs	

Goals, Objectives, Policies	Florida Statute Citation	Recommended Action					
		Keep	Delete	New	Replace	Move	Modify
	<p>or less in size (exempt or approved under Volusia County Ordinance 72-2 or 88-3, as amended) which is designated for urban land uses by the Future Land Use Map and which the lots are less than one (1) acre in size provided that:</p> <p>i) central service is currently not available to the lot. Connection to central sewer service is required when said service becomes available, and</p> <p>ii) the lot is not located within a Special Assessment District which has been established for the purpose of installing a wastewater system.</p> <p>or</p> <p>d. the septic tank <u>system</u> is installed in conjunction with non-residential construction on an existing lot (exempt or approved under Volusia County Ordinance 72-2 or 88-3, as amended), which is designated for urban land uses by the Future Land Use Map provided that central wastewater service is not currently available and that the estimated wastewater flow from said non-residential use <u>meets state-mandated thresholds</u> is less than five thousand (5,000) gallons per day. Connection to a central system of sanitary sewer service is required when said system is available.</p>						

Goals, Objectives, Policies		Florida Statute Citation	Recommended Action					
			Keep	Delete	New	Replace	Move	Modify
6.1.1.4413	Volusia County shall require all sewage treatment and disposal systems including septic tanks to be located and constructed in a manner consistent with all applicable local, State, and Federal regulations, including the applicable Goals, Objectives, Policies, and level of service standards contained in this Comprehensive Plan.		X					
								Renumbered

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
6.1.1.4615	The establishment of central wastewater service outside of sewer service areas is prohibited except for Rural Communities Rural Villages , and Rural Recreational areas as provided for by this Sub-element or where the Florida Department of Environmental Protection, the County Development Review Committee or other appropriate <u>regulatory</u> agency, has determined that such a facility is necessary to correct existing or potential problems of public health, safety, or welfare.							X	Renumbered; rural village is not a Future Land Use; remove DRC from process and add State and Federal consideration	
6.1.1.4716	Within the County sewer service areas, package treatment plants may be permitted as an interim measure provided that said plants are constructed and designed to County standards including provisions to allow the interim system to be connected to a central wastewater system when said connection is available pursuant to Policy 6.1.2.5. Interim package treatment plants serving residential developments shall be dedicated to the County. When the interim facility is located within an area encompassed by an adopted sewer service area agreement, the package plant may be dedicated to the entity responsible for providing sewer service to the region.		x						Renumbered	

Goals, Objectives, Policies		Florida Statute Citation	Recommended Action					
			Keep	Delete	New	Replace	Move	Modify
<u>6.1.1.4817</u>	Existing privately-owned package treatment plants that are not located in County sewer service areas, Rural Communities, Rural Villages , Rural Recreational Areas, or a region encompassed by an adopted sewer service area agreement may expand only so long as said expansion is for the purpose of correcting existing conditions which have been determined to be a hazard to the public health, safety, or welfare. Expansion of said system will require that the facility comply with the appropriate level of service standards and other County rules and regulations, as applicable.							X
								Renumbered; remove rural village – not a land use
<u>6.1.1.4918</u>	The location and siting of new package treatment plants shall be prohibited in areas where the disposal of effluent will result in the lowering of the ambient quality, where such information is available, of surface water or groundwater unless such discharge can be shown to be of overriding public interest.		X					Renumbered

Goals, Objectives, Policies		Florida Statute Citation						Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
6.1.1.2019	The County shall not approve the use of interim treatment facilities within the boundaries of an adopted sewer service area agreement unless the facilities are approved by both the County and the appropriate entity responsible for providing the service. As a result of this policy, the interlocal agreements shall also require that the County and the municipality develop a set of criteria to address the following items for interim treatment facilities: system design operation, construction standards, future dedication/acquisition and payment of capital charges.		X						Renumbered
OBJECTIVE:									
6.1.2	Throughout the planning period, Volusia County shall maximize the use of existing facilities within sewer service areas, so as to discourage urban sprawl.							X	Removed unnecessary text
POLICIES:									
6.1.2.1	Volusia County shall replace and/or consolidate, when it is determined to be feasible, smaller package plants owned by the County with "advanced secondary" sewage treatment plants, <u>or they may enlarge existing plants as determined by the county's Water Resources and Utilities Division, enlarge existing plants.</u>							x	Revision requested by Utilities Division
6.1.2.2	The "infilling" of urban areas shall be directed to locations where an existing wastewater collection network is available and where treatment capacity is adequate to service the intended development or to those areas where funds have been committed for the provision of adequate capacity, unless otherwise vested under the County's Concurrency Management		X						Minor modification

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	
	Ordinance, Vested Rights Ordinance, or Land Development Regulations, <u>or</u> as may be determined by the County Council.								
6.1.2.3	Volusia County shall continue to maintain programs and schedules that are intended to promote facility longevity and optimum operating levels.		X						
6.1.2.4	Where feasible, Volusia County may acquire and upgrade wastewater systems to eliminate service voids in sanitary sewer service areas.		X						
6.1.2.5	Existing package treatment plants shall be connected to a central sewer system when connection to said system is available. When an existing privately-owned package treatment facility is phased out and connected to a central public wastewater system, the owner of said private plant may be required to assume the cost of the connection.		X						
6.1.2.6	Volusia County shall require the utilization of a central sewer system where connection to a central system is available, <u>pursuant to state statute</u> . The use of existing septic tanks serving land uses within the sewer service areas may continue in the manner consistent with the requirements specified by the County's Comprehensive Plan and local and state regulations.							X	Revised to be more concise
OBJECTIVE:									
6.1.3	Volusia County shall continue to maintain, and expand where feasible, its program of effluent recharge, reuse and disposal.		X						
POLICIES:									
6.1.3.1	Volusia County shall require use of recovered wastewater for irrigation and non-potable use for all new development							x	Added "and"

Goals, Objectives, Policies		Florida Statute Citation						Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
	and other appropriate uses, where such use can be feasibly implemented and permitted by the Florida Department of Environmental Protection <u>and</u> as determined by Volusia County's land development regulations.								
6.1.3.2	Volusia County shall comply with State regulations for water quality, especially with respect to wastewater plant operations and effluent disposal and, if necessary, develop an appropriate alternative management strategy which may include reduction in wastewater effluent loadings and discharge rates.		X						
6.1.3.3	Volusia County may participate in long-term agreements with land owners to accept reclaimed water.		X						
6.1.3.4	As provided in the Water Supply Facilities Work Plan, Volusia County shall develop a dual water system utilizing reclaimed wastewater.		X						
6.1.3.5	Volusia County shall encourage the use of reclaimed water by establishing differential rates and fees for its supply.		X						
6.1.3.6	Volusia County may, where practical and economically feasible, develop and implement an environmentally sound program for the use of natural systems, such as wetlands, for wastewater disposal provided that the implementation of such a program does not present a hazard to public health.			X					Policy removed at the recommendation of EMD. This policy is inconsistent with the Conservation Element.
6.1.3.7	Volusia County shall continue to require provisions for reuse, where County or other utility owners supply it.		X						Renumbered
6.1.3.8	Volusia County shall, to the extent feasible, provide facilities to allow the use of recovered wastewater for agricultural and other purposes, where County or other utility owners supply it.		X						Renumbered

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
6.1.3.9	Volusia County shall implement reuse programs and facility improvements as identified in the County's most recently adopted Water Supply Facilities Work Plan that is incorporated into the Potable Water Sub-Element.			x					Potable water policy
6.1.3.840	Volusia County shall continue to develop a reclaimed water distribution system to ensure that reclaimed water is available to a sufficient number of users so that available reclaimed water is utilized for landscape irrigation within the Southwest, Deltona North, and Southeast service areas.		X						Renumbered
6.1.3.449	Volusia County shall utilize non-potable water to be supplied by the City of Sanford, pursuant to the Joint Participation Agreement with this City, to augment the County's reclaimed water system during periods of high demand within the Southwest and Deltona North water supply planning areas.		X						Renumbered
6.1.3.4210	Volusia County shall coordinate with the St. Johns River Water Management District to incorporate selected <u>implement reclaimed water</u> projects into the Central Springs/East Coast Regional Water Supply Plan. District Water Supply Plan.							X	Renumbered; added reference to regional water supply plan
OBJECTIVE:									
6.1.4	Volusia County shall develop plans to extend wastewater facilities and to expand wastewater treatment capacity necessary to accommodate projected 2020-2035 wastewater service needs <u>within its sewer service area.</u>							X	Updated objective to reflect planning horizon and clarify this applies to the county sewer service area
POLICIES:									

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	
6.1.4.1	Volusia County shall annually designate a portion of its capital improvements budget for its wastewater disposal system as determined by the applicable standards contained in this Sub-element.							x	Remove extraneous wording
6.1.4.2	Volusia County shall collect and use impact fees to offset the cost of capacity necessitated by the impact of new users.		X						
6.1.4.3	Volusia County shall begin planning for expanded or replacement wastewater treatment facilities on or before the annual average wastewater flows exceed 80% of the permitted capacity.		X						
6.1.4.4	Volusia County shall develop, or update, on an as needed basis, wastewater collection and treatment facility master plans for selected County sewer service areas.		X						
<u>6.1.4.5</u>	<u>Volusia County shall seek to lessen the land application of septage countywide by exploring pre-treatment options that allow for the septage to be received at the sanitary sewer treatment facility.</u>				X				New policy recommended by Environmental Management
<u>OBJECTIVE:</u>									
6.1.5	Throughout the planning period, Volusia County shall coordinate the provision of sanitary sewer service to the unincorporated area based upon the Comprehensive Plan, so as to ensure the efficient and economical delivery of this service.							X	Removed unnecessary text.
<u>POLICIES:</u>									
6.1.5.1	Volusia County shall coordinate its utility and transportation construction and planning efforts to take		X						

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
	advantage of the most economical construction and maintenance costs.								
6.1.5.2	Volusia County shall negotiate sewer service area agreements with adjacent municipalities to better coordinate the orderly, efficient, and economical provision of wastewater service.		X						
6.1.5.3	If the County is unable to establish an agreement with a municipality for the provision of wastewater service, then the County will be responsible for providing wastewater service within the area.			X					Deleted at the request of Utilities Engineering Division. This may force premature extension of sewer, forcing unnecessary cost on to existing customers.
6.1.5.4	All affected utility providers, having established interlocal agreements, in cooperation with Volusia County, will develop conceptual wastewater facility plans for areas at the urban periphery of utility provider's jurisdiction consistent with the County's Future Land Use Element. As long as such services can be provided by extension of existing central systems, Volusia County shall not propose to construct any interim facilities without completing an analysis documenting that such construction is more cost effective than extension of existing central system.			X					Deleted at the request of Utilities Engineering Division. This policy was tied to an Urban Service Area map which was never adopted.
6.1.5.5	Notwithstanding the provisions of Policy 6.1.1.19, the County may provide, or allow the provision of, wastewater service within the agreed upon municipal or private utility service area in a manner which is consistent with the adopted interlocal agreements. Should any existing interlocal agreement be amended or any new interlocal agreement be structured, the provisions of Policy 6.1.1.19 shall be included in the provisions of said interlocal agreement.							x	Revised for clarity

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
6.1.5.46	The duties and responsibilities which flow from an interlocal agreement previously entered into between the County and a municipality shall prevail over subsequent amendments to the Comprehensive Plan until and unless such interlocal agreement is renegotiated as deemed appropriate by the County and a municipality.		X						Renumbered	
6.1.5.75	The County shall initiate a program with the owners of the various privately-held wastewater systems (especially the area-wide systems) serving portions of the unincorporated region. The purpose of this program will be to foster coordination and may include the submission of periodic reports by the utility to the County.		X						Renumbered	
6.1.5.86	The County shall seek to establish and strengthen ties to the Florida Public Service Commission and other appropriate regulatory agencies.		X						Renumbered	
<u>OBJECTIVE:</u>										
6.1.6	Throughout the planning period, Volusia County shall provide for the correction of County wastewater systems having unacceptable capabilities/capacities and areas lacking sufficient treatment and/or disposal facilities.							X	Removed unnecessary text.	
<u>POLICIES:</u>										

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
6.1.6.1	Volusia County shall designate a portion of its annual budget to be used for the correction of existing deficiencies in its sanitary sewer systems.		X							
6.1.6.2	The County may create Special Assessment districts encompassing existing lots or subdivisions, in the manner prescribed by State and County rules and regulations, for the purposes of installing central wastewater systems.		X							
6.1.6.3	The County may seek alternative sources of funding, (i.e., grants and loans) to finance wastewater system construction and/or expansion.		X							
<u>GOAL:</u>										
<u>6.2</u>	<u>Protect Volusia County's groundwater and surface waters from the negative impacts of nutrient pollution from waste water.</u>				X					New goals, objective, and policies for FDEP BMAP/PFAs
<u>6.2.1</u>	<u>Protect 1st and 2nd magnitude springs and springsheds areas where the Floridan Aquifer is generally most vulnerable to pollutant inputs in the areas where there is connectivity between groundwater and the springs.</u>				X					
<u>6.2.1.1</u>	<u>The County shall implement the FDEP requirements prohibiting new septic systems on lots less than one-acre within the identified PFAs, unless the system includes enhanced treatment of nitrogen, as to not allow any further degradation of Gemini, Blue, and DeLeon Springs.</u>				X					
<u>6.2.1.2</u>	<u>Upon the need for repair or replacement, an existing OSTDS must include at least one of the recommended FDOH nitrogen reducing enhancements, unless the OSTDS permit applicant demonstrates that sewer connections will be available within five (5) years. Connection is required when sewer becomes available.</u>				X					

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	
<u>6.2.1.3</u>	<u>All existing conventional OSTDS within the PFAs are required to adopt enhanced treatment of nitrogen or connect to central sewer no later than 20 years after BMAP adoption.</u>				x				
<u>6.2.1.4</u>	<u>Volusia County shall develop a Master Wastewater Treatment Feasibility Analysis to identify specific areas where sewer lines should be extended.</u>				x				
<u>6.2.1.5</u>	<u>Volusia County Water Resources and Utilities shall provide notice to OSTDS owners within their service area of the availability of sewer lines for connection no later than one (1) year prior to the date the sanitary sewer will become available.</u>				x				
<u>6.2.1.6</u>	<u>All residential development on lots less than on-acre within the PFAs shall connect to central wastewater treatment facilities within one (1) year of when facilities become available, pursuant to Chapter 381.0065, FS.</u>				x				
<u>6.2.1.7</u>	<u>For residential development, the use of package treatment plants within the PFAs shall be discouraged. In areas served by wastewater treatment plants the use of package treatment plants shall be prohibited.</u>				x				
<u>6.2.1.8</u>	<u>New non-residential development shall be required to connect to sanitary sewer when sewer becomes available, pursuant to state statutes.</u>				x				
<u>6.2.1.9</u>	<u>New domestic wastewater disposal facilities, including rapid infiltration basins (RIBs), with permitted capacities of 100,000 gallons per day (gpd) or more are prohibited, except for those facilities that meet an advanced</u>				x				

Goals, Objectives, Policies		Florida Statute Citation						Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
	<u>wastewater treatment standard for total nitrogen on an annual permitted basis.</u>								
<u>6.2.1.10</u>	<u>Volusia County Utilities shall upgrade wastewater treatment plants to advanced wastewater standards as required by the FDEP Basin Management Action Plans for Gemini, DeLeon, and Blue Springs.</u>				x				
<u>6.2.1.11</u>	<u>Volusia County shall educate its citizens about the impacts of wastewater on surface water bodies, groundwater, and spring sheds.</u>				x				
MAPS & FIGURES	Maps of the PFAs, BMAPs, and utility service areas				x				

From: Rob Bird <rbird1@cfl.rr.com >
To: Patricia Smith <pssmith@volusia.org>
Date: 10/25/2021 3:26 PM
Subject: [EX] Sanitary Sewer Comments

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

Dear Ms. Smith,

My apologies for the last submission of comments on the proposed revisions to the Comp Plan Sanitary Sewer Element. Thought I would submit them anyway.

Sincerely,

Rob Bird
26 Silk Oaks Dr
Ormond Beach

Chapter 6

Sanitary Sewer Sub-Element

6.1.1.10 Volusia County shall regularly inspect all County-owned and private wastewater treatment facilities to ensure proper operation and maintenance. All County-owned wastewater treatment plants shall be operated and maintained in a manner which complies with the applicable State regulation(s). Should “regularly” be specifically defined?

6.1.1.16 Within the County sewer service areas, package treatment plants may be permitted as an interim measure provided that said plants are constructed and designed to County standards including provisions to allow the interim system to be connected to a central wastewater system when said connection is available pursuant to Policy 6.1.2.5. Interim package treatment plants serving residential developments shall be dedicated to the County. When the interim facility is located within an area encompassed by an adopted sewer service area agreement, the package plant may be dedicated to the entity responsible for providing sewer service to the region. More closely define or limit “interim”

6.1.1.18 The location and siting of new package treatment plants shall be prohibited in areas where the disposal of effluent will result in the lowering of the ambient quality, where such information is available, of surface water or groundwater unless such discharge can be shown to be of overriding public interest. Does “ambient quality” have a conventionally recognized definition? If not, could specify what “ambient quality” means. If a lowering of quality is possible, a monitoring regime must be specified to find out if “ambient quality” is being lowered.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.
2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conserving potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features.
3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.
4. A local government that does not own, operate, or maintain its own water supply facilities, including, but not limited to, wells, treatment facilities, and distribution infrastructure, and is served by a public water utility with a permitted allocation of greater than 300 million gallons per day is not required to amend its comprehensive plan in response to an updated regional water supply plan or to maintain a work plan if any such local government's usage of water constitutes less than 1 percent of the public water utility's total permitted allocation. However, any such local government is required to cooperate with, and provide relevant data to, any local government or utility provider that provides service within its jurisdiction, and to keep its general sanitary sewer, solid waste, potable water, and natural groundwater aquifer recharge element updated in accordance with s. 163.3191.

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The 2021 Florida Statutes

[Title XXIX](#)

[Chapter 381](#)

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PUBLIC HEALTH

PUBLIC HEALTH: GENERAL PROVISIONS

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(1) LEGISLATIVE INTENT.—

(a) It is the intent of the Legislature that proper management of onsite sewage treatment and disposal systems is paramount to the health, safety, and welfare of the public.

(b) It is the intent of the Legislature that where a publicly owned or investor-owned sewerage system is not available, the department shall issue permits for the construction, installation, modification, abandonment, or repair of onsite sewage treatment and disposal systems under conditions as described in this section and rules adopted under this section. It is further the intent of the Legislature that the installation and use of onsite sewage treatment and disposal systems not adversely affect the public health or significantly degrade the groundwater or surface water.

(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

(a) “Available,” as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property’s drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment’s or residence’s sewer stub-out as measured and accessed via existing rights-of-way or easements.

(b)1. “Bedroom” means a room that can be used for sleeping and that:

- a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;
- b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
- c. Is located along an exterior wall;
- d. Has a closet and a door or an entrance where a door could be reasonably installed; and
- e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.
3. "Bedroom" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.
 - (c) "Blackwater" means that part of domestic sewage carried off by toilets, urinals, and kitchen drains.
 - (d) "Department" means the Department of Environmental Protection.
 - (e) "Domestic sewage" means human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from appurtenances at a residence or establishment.
 - (f) "Graywater" means that part of domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.
 - (g) "Florida Keys" means those islands of the state located within the boundaries of Monroe County.
 - (h) "Injection well" means an open vertical hole at least 90 feet in depth, cased and grouted to at least 60 feet in depth which is used to dispose of effluent from an onsite sewage treatment and disposal system.
 - (i) "Innovative system" means an onsite sewage treatment and disposal system that, in whole or in part, employs materials, devices, or techniques that are novel or unique and that have not been successfully field-tested under sound scientific and engineering principles under climatic and soil conditions found in this state.
 - (j) "Lot" means a parcel or tract of land described by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed boundaries or an assigned number, letter, or any other legal description by which it can be identified.
 - (k) "Mean annual flood line" means the elevation determined by calculating the arithmetic mean of the elevations of the highest yearly flood stage or discharge for the period of record, to include at least the most recent 10-year period. If at least 10 years of data is not available, the mean annual flood line shall be as determined based upon the data available and field verification conducted by a certified professional surveyor and mapper with experience in the determination of flood water elevation lines or, at the option of the applicant, by department personnel. Field verification of the mean annual flood line shall be performed using a combination of those indicators listed in subparagraphs 1.-7. that are present on the site, and that reflect flooding that recurs on an annual basis. In those situations where any one or more of these indicators reflect a rare or aberrant event, such indicator or indicators shall not be utilized in determining the mean annual flood line. The indicators that may be considered are:
 1. Water stains on the ground surface, trees, and other fixed objects;
 2. Hydric adventitious roots;
 3. Drift lines;
 4. Rafted debris;
 5. Aquatic mosses and liverworts;
 6. Moss collars; and
 7. Lichen lines.
 - (l) "Onsite sewage treatment and disposal system" means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.
 - (m) "Permanent nontidal surface water body" means a perennial stream, a perennial river, an intermittent stream, a perennial lake, a submerged marsh or swamp, a submerged wooded marsh or swamp, a spring, or a seep, as identified on the most recent quadrangle map, 7.5 minute series (topographic), produced by the United States Geological Survey, or products derived from that series. "Permanent nontidal surface water body" shall also mean an artificial surface water body that does not have an impermeable bottom and side and that is designed to hold,

or does hold, visible standing water for at least 180 days of the year. However, a nontidal surface water body that is drained, either naturally or artificially, where the intent or the result is that such drainage be temporary, shall be considered a permanent nontidal surface water body. A nontidal surface water body that is drained of all visible surface water, where the lawful intent or the result of such drainage is that such drainage will be permanent, shall not be considered a permanent nontidal surface water body. The boundary of a permanent nontidal surface water body shall be the mean annual flood line.

(n) “Potable water line” means any water line that is connected to a potable water supply source, but the term does not include an irrigation line with any of the following types of backflow devices:

1. For irrigation systems into which chemicals are not injected, any atmospheric or pressure vacuum breaker or double check valve or any detector check assembly.
2. For irrigation systems into which chemicals such as fertilizers, pesticides, or herbicides are injected, any reduced pressure backflow preventer.

(o) “Septage” means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system.

(p) “Subdivision” means, for residential use, any tract or plot of land divided into two or more lots or parcels of which at least one is 1 acre or less in size for sale, lease, or rent. A subdivision for commercial or industrial use is any tract or plot of land divided into two or more lots or parcels of which at least one is 5 acres or less in size and which is for sale, lease, or rent. A subdivision shall be deemed to be proposed until such time as an application is submitted to the local government for subdivision approval or, in those areas where no local government subdivision approval is required, until such time as a plat of the subdivision is recorded.

(q) “Tidally influenced surface water body” means a body of water that is subject to the ebb and flow of the tides and has as its boundary a mean high-water line as defined by s. 177.27(15).

(r) “Toxic or hazardous chemical” means a substance that poses a serious danger to human health or the environment.

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067, including definitions that are consistent with the definitions in this section, increases for the lot-flow allowance for performance-based systems, requirements for separation from water table elevation during the wettest season, requirements for the design and construction of any component part of an onsite sewage treatment and disposal system, application and permit requirements for persons who maintain an onsite sewage treatment and disposal system, requirements for maintenance and service agreements for aerobic treatment units and performance-based treatment systems, and recommended standards, including disclosure requirements, for voluntary system inspections to be performed by individuals who are authorized by law to perform such inspections and who shall inform a person having ownership, control, or use of an onsite sewage treatment and disposal system of the inspection standards and of that person’s authority to request an inspection based on all or part of the standards.

(b) Perform application reviews and site evaluations, issue permits, and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day, or an estimated commercial sewage flow of 5,000 gallons or less per day, which is not currently regulated under chapter 403.

(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, sited, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination, including impacts from nutrient pollution, and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation, the Secretary of Environmental Protection, or his or her designee, shall timely assign a staff person to resolve the dispute.

(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section.

- (e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section.
- (f) Issue annual operating permits under this section.
- (g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.
- (h) Conduct enforcement activities, including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.
- (i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.
- (j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(k) must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be applicable to and reflect the soil conditions specific to this state. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in this state and that are principally located in this state.
- (k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.
- (l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and disposal of byproducts from any system regulated under this chapter.
- (m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations, and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.
- (n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.
- (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be

renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. [381.0062](#) and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(b) Subdivisions and lots using a public water system as defined in s. [403.852](#) may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rulemaking process for such rules must be completed by July 1, 2022, and the department shall notify the Division of Law Revision of the date such rules take effect. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed

pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to s. 381.00652. The rules must also allow a person to apply for and receive a variance from a rule requirement upon demonstration that the requirement would cause an undue hardship and granting the variance would not cause or contribute to the exceedance of a total maximum daily load.

(f) Onsite sewage treatment and disposal systems that are permitted ¹before the rules in paragraph (e) take effect may not be placed closer than:

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(g) This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

- a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.
- b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not

associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

- a. The hardship was not caused intentionally by the action of the applicant;
- b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and
- c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

- a. The Secretary of Environmental Protection or his or her designee.
- b. A representative from the county health departments.
- c. A representative from the home building industry recommended by the Florida Home Builders Association.
- d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.
- e. A representative from the Department of Health.
- f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.
- g. A representative from the engineering profession recommended by the Florida Engineering Society.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the

change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

5. The property owner shall obtain a biennial system operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(k) An innovative system may be approved in conjunction with an engineer-designed site-specific system that is certified by the engineer to meet the performance-based criteria adopted by the department.

(l) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.
2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:
 - a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
 - b. Suspended Solids of 10 mg/l.
 - c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.
 - d. Total Phosphorus, expressed as P, of 1 mg/l.

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewerage system, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

- a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and
- b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

8. Notwithstanding any other law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewerage system until December 31, 2020.

(m) A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(k). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(o) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership is not required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(p) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

(q) This section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(r) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(s) Notwithstanding subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

- a. The lot is at least one-half acre in size;
- b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and
- c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(t)1. The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification

from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(u) The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(v) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution (1885).

(w) A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012. Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

(x)1. An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and if the system was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if:

- a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster;
 - b. The system is not a sanitary nuisance; and
 - c. The system has not been altered without prior authorization.
2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.

(y) If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval

apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(z) An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

(5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

(a) Department personnel who have reason to believe noncompliance exists, may at any reasonable time, enter the premises permitted under ss. 381.0065-381.0066, or the business premises of any septic tank contractor or master septic tank contractor registered under part III of chapter 489, or any premises that the department has reason to believe is being operated or maintained not in compliance, to determine compliance with the provisions of this section, part I of chapter 386, or part III of chapter 489 or rules or standards adopted under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489. As used in this paragraph, the term “premises” does not include a residence or private building. To gain entry to a residence or private building, the department must obtain permission from the owner or occupant or secure an inspection warrant from a court of competent jurisdiction.

(b)1. The department may issue citations that may contain an order of correction or an order to pay a fine, or both, for violations of ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 or the rules adopted by the department, when a violation of these sections or rules is enforceable by an administrative or civil remedy, or when a violation of these sections or rules is a misdemeanor of the second degree. A citation issued under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 constitutes a notice of proposed agency action.

2. A citation must be in writing and must describe the particular nature of the violation, including specific reference to the provisions of law or rule allegedly violated.

3. The fines imposed by a citation issued by the department may not exceed \$500 for each violation. Each day the violation exists constitutes a separate violation for which a citation may be issued.

4. The department shall inform the recipient, by written notice pursuant to ss. 120.569 and 120.57, of the right to an administrative hearing to contest the citation within 21 days after the date the citation is received. The citation must contain a conspicuous statement that if the recipient fails to pay the fine within the time allowed, or fails to appear to contest the citation after having requested a hearing, the recipient has waived the recipient's right to contest the citation and must pay an amount up to the maximum fine.

5. The department may reduce or waive the fine imposed by the citation. In determining whether to reduce or waive the fine, the department must consider the gravity of the violation, the person's attempts at correcting the violation, and the person's history of previous violations including violations for which enforcement actions were taken under ss. 381.0065-381.0067, part I of chapter 386, part III of chapter 489, or other provisions of law or rule.

6. Any person who willfully refuses to sign and accept a citation issued by the department commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

7. The department, pursuant to ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, shall deposit any fines it collects in the county health department trust fund for use in providing services specified in those sections.

8. This section provides an alternative means of enforcing ss. ~~381.0065-381.0067~~, part I of chapter 386, and part III of chapter 489. This section does not prohibit the department from enforcing ss. ~~381.0065-381.0067~~, part I of chapter 386, or part III of chapter 489, or its rules, by any other means. However, the department must elect to use only a single method of enforcement for each violation.

(6) **LAND APPLICATION OF SEPTAGE PROHIBITED.**—Effective January 1, 2016, the land application of septage from onsite sewage treatment and disposal systems is prohibited.

(7) **USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS.**—To meet the requirements of a total maximum daily load, the department shall implement a fast-track approval process of no longer than 6 months for the determination of the use of American National Standards Institute 245 systems approved by NSF International before July 1, 2020.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 75-145; s. 72, ch. 77-147; s. 1, ch. 77-174; ss. 1, 2, ch. 77-308; s. 1, ch. 78-430; s. 1, ch. 79-45; s. 1, ch. 82-10; s. 37, ch. 83-218; ss. 43, 46, ch. 83-310; s. 1, ch. 84-119; s. 4, ch. 85-314; s. 5, ch. 86-220; s. 14, ch. 89-324; s. 26, ch. 91-297; ss. 1, 10, 11, ch. 93-151; s. 40, ch. 94-218; s. 352, ch. 94-356; s. 1033, ch. 95-148; ss. 1, 3, ch. 96-303; s. 116, ch. 96-410; s. 181, ch. 97-101; s. 21, ch. 97-237; s. 7, ch. 98-151; s. 2, ch. 98-420; s. 192, ch. 99-13; ss. 1, 7, ch. 99-395; s. 10, ch. 2000-242; s. 19, ch. 2001-62; s. 1, ch. 2001-234; s. 7, ch. 2004-350; s. 48, ch. 2005-2; s. 4, ch. 2006-68; s. 1, ch. 2008-215; s. 19, ch. 2008-240; s. 35, ch. 2010-205; s. 1, ch. 2010-283; s. 28, ch. 2011-4; s. 3, ch. 2012-13; s. 32, ch. 2012-184; s. 67, ch. 2013-15; s. 1, ch. 2013-79; s. 7, ch. 2013-193; s. 10, ch. 2013-213; ss. 50, 51, ch. 2015-222; ss. 6, 7, 52, ch. 2020-150.

¹**Note.**—Section 52, ch. 2020-150, provides that “[t]he Division of Law Revision is directed to replace the phrase ‘before the rules [. . .] in paragraph (e) take effect’ as it is used in the amendment made by this act to s. 381.0065(4)(f), Florida Statutes, with the date such rules are adopted, as provided by the Department of Environmental Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as amended by this act.”

Note.—Former s. 381.272.

Select Year: 2021 ▼ Go

The 2021 Florida Statutes

[Title XXIX](#)

PUBLIC HEALTH

[Chapter 381](#)

PUBLIC HEALTH: GENERAL PROVISIONS

[View Entire Chapter](#)

381.00655 Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements.—

(1)(a) The owner of a properly functioning onsite sewage treatment and disposal system, excluding an approved onsite graywater system, must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 1 year of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability. Nothing in this section shall operate to impair contracts or other binding obligations relating to payment schedules in existence as of October 1, 1993. Nothing in this paragraph limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(b) The owner of an onsite sewage treatment and disposal system that needs repair or modification to function in a sanitary manner or to comply with the requirements of ss. [381.0065](#)-[381.0067](#) or rules adopted under those sections must connect to an available publicly owned or investor-owned sewerage system within 90 days after written notification from the department. In hardship cases, upon request of the owner, the department may approve an extension of not more than 90 days for sewerage connection. The department may approve only one extension. This paragraph does not authorize the owner of the onsite sewage treatment and disposal system to create or maintain a sanitary nuisance.

(2) The provisions of subsection (1) or any other provision of law to the contrary notwithstanding:

(a) The local governing body of the jurisdiction in which the owner of the onsite sewage treatment and disposal system resides may provide that any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed 5 years from the date the sewerage system becomes available if it determines that the owner has demonstrated a financial hardship. The local governing body shall establish criteria for making this determination which take into account the owner's net worth, income, and financial needs.

(b) A publicly owned or investor-owned sewerage system may, with the approval of the department, waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations.

(c) A local government or water and sewer district responsible for the operation of a centralized sewer system under s. [153.62](#) may grant a variance to an owner of a performance-based onsite sewage treatment and disposal system permitted by the department as long as the onsite system is functioning properly and satisfying the conditions of the operating permit. Nothing in this paragraph shall be construed to require a local government or water and sewer district to issue a variance under any circumstance. Nothing in this paragraph shall be construed

as limiting local government authority to enact ordinances under s. 4, chapter 99-395, Laws of Florida. A local government or water and sewer district located in any of the following areas shall not be required to issue a variance under any circumstance:

1. An area of critical state concern.
2. An area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
3. An area in the South Florida Water Management District west C-11 basin that discharges through the S-9 pump into the Everglades.
4. An area designated by the Lake Okeechobee Protection Act.

History.—s. 2, ch. 93-151; s. 5, ch. 2006-252.