

MINUTES OF MEETING
TECHNICAL REVIEW AND ADVISORY PANEL (TRAP)
June 5, 2008

Members present were:

Robert Harper III, Florida Home Building Industry, Chairman
Ken Odom, Florida Home Building Industry
Clay M. Tappan, P.E., Professional Engineer
Greg Liskey, Septic Tank Manufacturer
Russell Melling, County Health Department
Patti Sanzone, Florida Environmental Health Association
Frank J. Dragoun, P.E., Consumer

Alternate members present:

Scott Franz, Soil Scientist
Pamela Tucker, Real Estate Professional
Jim Peters, Florida Engineering Society
Gerald Prescott, Septic Tank Industry
William Sirmans, County Health Department
Roy Pence, Home Building Industry

Department of Health staff present:

Gerald Briggs, Chief, Bureau of Onsite Sewage Programs
Dale Holcomb, Environmental Administrator
Paul Booher, P.E., Professional Engineer III
Eberhard Roeder, Ph.D, P.E., Professional Engineer III
Bart Harriss, Environmental Health Program Consultant
Sonia Cruz, Ph.D., Environmental Health Program Consultant
Shirley Kugler, Administrative Assistant

Absent members and Alternates:

David Collins, Real Estate Professional
Dikran Kalaydjian, P.E., Home Building Industry
Ted Kirk, Septic Tank Industry
Ken Maggard, Florida Environmental Health Association
Joseph Schuster, Soil Scientist
Ellen Vause, Septic Tank Manufacturer

Speakers

Damann Anderson, Hazen and Sawyer
Joe Brown, Roth Global Plastics, Inc.
John Byrd, Orange County Commission (for Fred Brummer)
Roxanne Groover, FOWA

Keith Hetrick, Attorney, Florida Home Builders Association
John Higgins, Markham Woods Association
Carl Thompson, Infiltrator Systems, Inc.

Others present:

Numerous Interested Persons including representatives from:
Florida Onsite wastewater Association
Industry Representatives

The meeting was called to order at 9:15 AM by Chairman Harper. He welcomed the attending panel members, department staff and the audience participants. He noted the absence of several panel members and requested that letters be sent reminding the absentees of the importance of attending the meetings. Self introductions were then made by the attending panel members, the department staff, and persons in the audience.

A page by page review of the February 26 TRAP meeting minutes was first on the agenda. Mr. Harper reminded the panel again to bring their copies of 64E-6 in the event of verifying rules and laws governing the issues discussed. Mr. Harper noted on page 3 the request for a letter to be prepared by Department of Health attorney Lucy Schneider regarding certain aspects of the Sunshine Law. Copies of Ms. Schneider's memorandum were provided in the information packets sent to the panel members prior to the meeting. Mr. Briggs explained that information in the memorandum speaks specifically to the correct procedure for last minute changes to a meeting agenda, and about communication between a primary member and their alternate member keeping within the charge of the Sunshine Law. E-mail notification is proper but the correct procedure is to first communicate with the chairman any potential changes to an agenda. There is no prohibition of a primary and an alternate talking with each other about TRAP issues at any time regarding their position on the issue and within the confines of the group they represent. By law they are considered one entity. Referring also to page 3, Mr. Harper asked about the TRAP's approved motion to propose that the Legislature raise the amount of new permit fees from \$5 to \$20. Mr. Briggs responded that the Legislature took no action on increasing the fees amount. Page 4 brought forth comments from Mr. Harper about his repeated request to DEP for information about potential central sewer extensions in the Wekiva area. To date, he has received no response. Mr. Briggs stated that the planning of those extensions is a part of local government's function under their wastewater plans and, therefore, not under DEP's direction. Mr. Harper said he realized this is a gray area of understanding but recalled that a lady from DEP thought there was information that DEP could provide. Mr. Briggs will check with the DEP Central District. Mr. Peters, newly appointed engineering alternate, wondered if comments from a letter written by David Childs representing the FWEA Utility Council should be included in the minutes. Mr. Harper didn't recall those specifics. Mr. Briggs stated that Ms. Kugler will listen to the recording from that meeting to attempt capturing those comments as well as inclusion of the actual letter as an addendum to the current minutes. There being no further questions or comments regarding the minutes, Mr. Liskey, seconded by Mr. Odom, motioned to approve the minutes as written. The panel voted approval.

Issue 05-03 – Subject: Wekiva Study Area
Rule Sections: 64E-6.0162 and 64E-6.010

Mr. Briggs explained that the Wekiva Study Area issue is still under review in the Governor's office. The Governor's staff asked Mr. Briggs to present to the TRAP two options presently under consideration. The two options presented on the spreadsheet attached to the

issue are shown under the headings, “2008 Springs Protection Option” and “2008 Option.” These options are not proposed rule language but concepts for review and debate. Mr. Briggs explained that the “2008 Springs Protection Option” was modeled after language that was in Senator Saunders’ Springs Bill that went no where during the Session. The option language was developed between the Department of Health and the Department of Environmental Protection and has several innovative approaches of ways to deal with this issue. The language talks about two different standards, 3 mg/L Nitrogen at property line for the primary protection zone and 10 mg/L Nitrogen at property line in the secondary zone. Those standards are based on predicted numbers from the models of what the load would be at the edge of the property. This is strictly a modeling with no intent or suggestion that monitoring wells would be placed at the edge of property. Mr. Booher, Mr. Roeder and several DEP staff worked on the model incorporating lot size, flow, and recharge rate plus some other factors to come up with a fairly simple multiplication factor to estimate the numbers. That means larger lots in primary zones could in some cases put in a standard system to meet the modeling standard but the smaller lots would have to go with a performance based system to meet that standard. The intent is to provide additional options for the various lot sizes and soil types. Mr. Briggs pointed out that there is no difference between the “2008 Springs Protection Option” and the “2008 Option” for new systems. He then explained the difference between the options for repairs and modifications. The “2008 Springs Protection Option” requires meeting a 24 inch separation, current setbacks and water tight tanks. The “2008 Option” would require repairs to meet at least a 12 inch separation, an increase over the current 6 inches. Modifications would still meet the 24 inch separation and both repairs and modifications would have to meet the current setbacks of 50 to 75 feet depending on the date of plat and a water tightness test for the tanks. For existing systems, under the “2008 Springs Protection Option”, the legislation talked about a 5 year evaluation and, if necessary, a pump out of those systems and requires at that point meeting the 24 inch separation, water tightness, and current setbacks. The “2008 Option” would shift to a 10 year evaluation and pump out during real estate transactions. The 24 inch separation, current setbacks, and water tight tanks would still apply.

Many questions and comments followed. Mr. Harper led off by noting the 55, 417 existing systems in the Wekiva Study Area with an estimated 31,208 of those existing systems being installed before 1983 that are likely to be within 24 inches of the wet season water table. He recalled that previous, extensive discussion by the TRAP was that pre 1983 systems would come under different guidelines that are not indicated on the spreadsheet. Mr. Harper asked if there is data substantiating the statement that the 31,208 pre 1983 systems are likely to be within the 24 inches of the wet season water table. Mr. Briggs replied that the intent of that statement is to point out that the standards did change and that water table separation violations are more likely to occur in those pre-1983 older systems than in the later systems. Mr. Harper suggested changing the statement to read “some” of those older systems. Mr. Briggs concurred. Mr. Damann Anderson added comments about 24 inch separation and noted the absence of any mention of the standards for the tertiary zone on the spreadsheet. He further stated that homes in the tertiary zone are the most likely to be in the water table. Mr. Hetrick questioned the \$7,200 performance based treatment systems (PBTS) cost listed on the spreadsheet. He talked about annualized system’s cost, operating costs, etc. and stated his opinion that the cost numbers listed are misleading. Mr. Tappan agreed with Mr. Anderson’s comments. Mr. Harper wanted it clearly understood that the Governor’s office asked Mr. Briggs to present the two options now under review and that the “2008 Option” is an option brought forward by the Governor’s office, stressing that there is no rule attached but just another option for the TRAP’s consideration. Mr. Briggs responded that the Governor’s office asked department staff to prepare an option to the “2008 Springs Protection Option”. Mr. Prescott referenced the difference in the “2008 Springs Protection Option” and the “2008 Option” for existing systems and asked for clarification of the specifics of the 10 year evaluation and pump out during real estate transactions. Referring to repairs and modifications,

Mr. Prescott wondered why 12 inches of separation was not considered instead of the 24 inches separation for modifications as indicated on the spreadsheet. Mr. Briggs replied that the thought process was that modifications are under the control of the homeowner where repairs are not. Currently, the standards are stricter for modifications than for repairs. Mr. Prescott also commented on the 10 year evaluation and pump out during real estate transactions. Mr. Briggs said the language is tied to real estate transactions with the estimate being that there would be a turnover every ten years. Mr. Odom asked "once this has been done and the seasonal high water table separation has been determined and documented, does the evaluation need to be done again?" Mr. Briggs thinks the only thing to be done at that point is an evaluation and a pump out. Mr. Odom asked if the reason for the pump out is to check for water tightness and maintenance. Mr. Briggs responded for water tightness and maintenance, and to ascertain that there has been no change or damage to the system due to homeowners making changes such as additions, driveways, etc. Mr. Odom asked also if these options apply to commercial as well as residential.

Ms. Sanzone commented further about the proposed 10 year evaluation, etc. Mr. Briggs responded that the 10 years was based on an estimate of real estate transactions occurring every 10 years. He noted the obvious variation of some real estate turning over more often than others. The difference in the options is that one is a fixed 5 year cycle whereas the other is an estimate of being a 10 year cycle. Mr. Harper, as a home owner and realtor, expressed concerns about such changes that might interfere with final closing during buyer/seller contracts as well as the potential of thousands of dollars of expense. What happens if a system cannot be fixed to comply with the rule? Mr. Briggs then talked about the variance process and the possibility of situations during which a variance would be needed. Mr. Prescott understands the variance process used for modifications. He also spoke of specific areas in the state that require a 36 inch separation and the problems encountered doing repairs in those areas. There are times when a requested drainfield simply won't fit the lot. Mr. Briggs said he realizes that many details will need to be resolved in the rule language. Mr. Harper expressed skepticism about the costs depicted on the spreadsheet for performance based treatment systems. Mr. Briggs answered that those costs factors came from Wakulla County and that there has been a huge drop in the price of the systems since the county made them mandatory. A price drop is expected to be seen around the state.

Mr. Liskey asked for help understanding how the treatment standards of 3 ml/L and 10 mg/L of Nitrogen at property line in primary and secondary protection zones were determined. The standards were a compromise between DEP and DOH. There was a comfort level about systems meeting the 10 ml/L. DEP felt very strongly that there needed to be a higher protection factor in the more vulnerable areas that led to making that a standard at the property edge and not just an out of the system standard. All parties felt that was achievable based on current technology. Mr. Liskey asked if advanced secondary criteria was used to get to the property line based on dosing or drip irrigation. He stated that he did not want his name attached to something that he is uncertain about actually being obtained. Mr. Pence asked if any of this was debated in this year's Legislature. Mr. Briggs responded that it was not discussed but there was a budget proviso for additional research waiting for the Governor's signature. The budget proviso is for research on passive nitrogen systems and is not specific to the Wekiva area. Mr. Briggs talked more about the methods used to determine the 3 mg/L and 10mg/L Nitrogen standards based on findings from modeling done considering lot size, flow, discharge, etc. Mr. Prescott talked about the costs of ATU systems installed in Polk County ranging from approximately \$10,000 for a 4 bedroom home to \$12,000 for 6 bedrooms to meet the 24 inch separation. Those prices are without extra expense of sand/mounds. Addition of sand could further increase the price of the system as much as \$2,000. Mr. Franz added comments about soil conditions affecting the size of the excavation. Mr. Booher talked about passive treatment systems that are still early in the research phase. Mr. Harper spoke about the legislation recently passed for a \$1,000,000 sturdy for research that the

TRAP supports. The \$1,000,000 research legislation was on the tax watch list for a while but has been removed. It awaits the Governor's signature.

Mr. John Byrd talked more about the two options being discussed. He noted that the "2008 Springs Protection Option" was not supported in the Legislature and failed to understand why it is presented as one of the options. Mr. Briggs responded again that the Governor's office is looking at these two options, the "2008 Springs Protection Option" and the "2008 Option". Ms. Tucker asked if criteria will be set for all the different lot sizes if this issue becomes a rule. The intent of this option was to provide flexibility and to give the property owner some control over the option they would use by talking about lot size and building size. Standard systems could be used for larger lots but many of the smaller lots would need to go with the performance based systems and the best protection at present is the 10 mg/L nitrogen out of the system. Ms. Tucker also talked about a grandfathering provision for the older systems until passive technology can be researched. She suggested that passive technology be included in the equation being presented today. Mr. Briggs responded that passive technology is very early in the research stages and he does not foresee being able to do as Ms. Tucker suggested. Mr. Odom used the example of an existing lot size and home and the homeowner putting in a swimming pool, a detached garage, or even to extend a driveway that would require modification to the existing system. Would this require the homeowner to go to a performance based system if they have to get a modification permit? Mr. Briggs stated that would depend on the type of modification. Mr. Harper said the average lot size based on his past experience is $\frac{1}{4}$ acre, i.e. generally about an 85 X 135 to 140 foot lot. Mr. Briggs said those lots would probably have to go with performance based treatment systems. Mr. Harper asked if the failure of the "2008 Springs Protection Option" in the Legislature was the cause for other agencies such as DEP, DCA, water management districts, etc. filtering through the Governor's office to DOH. Mr. Briggs stated that the direction that came back from the Governor's office was for DOH staff to get with DEP staff and work out options agreeable to both agencies and provide those back to the Governor's office.

Mr. Byrd asked if the TRAP's comments and reaction would be reported to the Governor's office. Mr. Briggs replied there would be a report to the Governor's office, probably by way of a copy of the minutes. Mr. Harper strongly supported capturing as much of the panels comments as possible about these options in the minutes. Mr. Liskey, seconded by Ms. Sanzone, motioned to provide a summarized version of the panel's comments from this meeting's minutes to the Governor's office. The panel concurred. Later during the meeting Mr. Harper asked Mr. Briggs to send the summary of the panel's comments to him for his review before dissemination to the Governor's office either by himself or Department staff.

Mr. Dominic Buhot from Green's Environmental Services spoke of his concerns and disagreement with the separation and setback options presented. Mr. Hetrick suggested for the panel to better understand the rationale for these options that they see a presentation similar to one done by DEP of the factors that went into the analysis that forms the basis for the concept of the two options.

Mr. Pence expressed confusion about the method of getting from 10 mg/L to the 3 mg/L nitrogen treatment criteria. He understands that the current approved systems provide the 10 mg/L. Mr. Briggs explained again the primary factors of lot size, flow and discharge that went into those calculations. Mr. Pence asked if his assumption that the 10 mg/L is currently the best to which Mr. Briggs replied affirmatively, in terms of a system. Mr. Pence said he is concerned about the cut off point for reaching the 3 mg/L criteria and wondered how many existing lots that we are knocking out of being able to be used. Mr. Briggs said the language that was put out in the springs bill talks about if you put in a baseline system which is a standard system, if you are in the secondary zone, you must meet a 400 to 1 ratio between flow and lot size. So he has concluded

that one acre would be needed to install a standard system for a four bedroom house. Four acres would be needed for a standard system in the primary zone. Mr. Pence asked the lot size needed to meet the 3 mg/L at property line. Mr. Briggs answered if a baseline system is used then the 3 mg/L at the property line comes into play whereas use of a performance based system that does not come into play. The intent of the language is to provide options to the property owner. Mr. Pence observed that this is a big change to consider and that the ramifications all down the line are mind boggling. He feels that extreme caution should be taken before taking positive action on these areas because of the potential tremendous impact on home owners. He further said that without the research and the background substantiating these options he would be very nervous about following through with this.

Mr. Franz wondered about the sampling frequency on performance based systems. Will sampling be done quarterly, or left up to the discretion of the engineer, etc? The language for this area would need to be refined. At this point it is at the discretion of the engineer. Mr. Briggs has continuing concerns in this area because of the variables that cannot be controlled. We are looking at the frequency of monitoring problem that could possibly be an issue to be brought to the TRAP. Mr. Franz observed the possibility that there would be no sampling involved but the system would have to be approved to function at an acceptable level. He further noted if that were the case there would be no maintenance costs to a PBTS versus ATU and drip systems.

Mr. Liskey expressed his thoughts of the importance of understanding the number of Performance Based Treatment Systems that will meet and adhere to these standards. He said that this needs to be a competitive and good situation for the industry as well as for the people of Florida.

Mr. Harper stressed his opinion of the need to follow a scientific approach. He is concerned about the thousands of people that can be affected emotionally and economically regarding their property values and their right to contact and sell.

Mr. John Higgins, Markham Woods Association, said he wanted to second the Chairman's comments. He stated that the people at Markham Woods Association continue to believe that neither of the options is acceptable until further study is done. Directing his remarks to Mr. Briggs, he stated that until he and the twenty four hundred other representatives along Markham Ridge Road sees proof that nitrogen from their septic tanks is polluting the aquifer or the Wekiva river they will continue to strenuously oppose new rules. He recalled that at the last meeting the TRAP told the DOH in no uncertain terms that they wanted further study done before new administrative rules are submitted and passed. He said the oldest sales trick in the book is being used here today that sales ploy being if the customer is reluctant to buy a product, then you put two products in his hands thus comparing the two options presented on this proposed issue. He urged the TRAP to tell the Department in no uncertain terms to wait until further study is done.

Ms. Sanzone talked about specifics addressed in the rule and stressed the need to better define the "2008 option", address standards for the tertiary zone, resolve the 12 and 24 inch separation and the 5 and 10 year evaluation and pump outs. Mr. Byrd agreed with Ms. Sanzone's comments. He also spoke of the May 26 edition of the Florida Passive Nitrogen Removal Study Final Report presented at the May 29, 2008 RRAC meeting. He hopes the TRAP membership received copies of the report as he believes the report includes needed comparative numbers. He further stated his opinion that the problem with the two options presented today is that they don't fit in the Wekiva Study Area, further concluding that they are a part of the Springs Bill that went no where during the Legislature.

Mr. Harper reflected back on the grandfathering of systems. Admittedly the government has made mistakes about the water table issue. Now we are asking citizens to fix issues that were permitted by the government. We certainly want to be protective of the water table and of the people that might be polluting the water. If pollution is occurring then we probably do need to have rules addressing that problem. We should remember that the government permitted this all through the years for what standards they had at a given time. We need to recognize that fact and to be aware that whatever rules we come forward with will cause some people to have out of pocket expense.

Mr. Peters reinforced comments by Ms. Sanzone regarding the “2008 Option” based on the 10 year evaluation during real estate transactions. He said there could be times when inspections might occur several times during the 10 year period. He felt the language should read “during real estate transactions or 10 years, which ever comes first.”

Mr. Harper thanked the panel for an excellent debate on this issue and felt that the many spoken comments and opinions, individually and as a group, gave the department enough information to present to the Governor’s office.

Issue 07-15 – Subject: Mound Sizing
Rule Sections: 64E-6.009

This issue was tabled at the February 26 meeting because of unresolved questions about suitable soil types to use in mound sizing. Mr. Harper referred to page 21 of 64E-6.009, Alternative Systems that specifies 3 categories for the maximum loading for different types of sands. This issue, brought forward by the FOWA Fort Myers Subcommittee adds a fourth classification of soils. Mr. Franz, Soil Scientist, spoke about comments and concerns prompting the proposal of this issue involving soil types and cost issues. He was asked to look at various soil textures to eliminate the ones that would behave somewhat plastically, a concern also mentioned at the Variance meeting. He suggested striking from that list loam, silt loam, and sandy clay loam. He conferred with Mr. Shuster, TRAP’s primary Soil Scientist representative, and they are both uncomfortable with very fine sandy loam as well. Mr. Schuster has been involved in situations where a system that used moderately limiting material failed that Mr. Schuster suspected to be the cause of the failure. Mr. Liskey stated that FOWA is in favor of moving ahead with this issue. His understanding is the issue was brought forward because of the increasing cost of bringing in slightly limited material so this would make more material available that would be cheaper to truck in. Mr. Harper asked for specific soil types acceptable for use in mound sizing. Mr. Franz stated, fine sandy loam, very fine sand, loamy fine sand, and loamy very fine sand. Mr. Prescott stated his opinion to pass this proposed issue that would give another option to use. Mr. Tappan called the motion to pass the issue designating the use of only four soil types, i.e. fine sand loam, very fine sand, loamy fine sand, and loamy very fine sand. Mr. Prescott seconded the motion that was passed by unanimous vote.

Issue 07-27 - Subject: Operating Permits
Rule section: 64E-6.00

The Variance committee reviewed and approved the finalized version of this issue that simply aligns rule language with statute language. Mr. Liskey, seconded by Ms. Sanzone, motioned to approve the issue. The panel voted unanimous approval.

Issue 07-32 - Subject: Drip Emitter System Standards
Rule Sections: 64E-6.009

The proposed language approved at the last meeting addresses some of the issues that come up regarding drip irrigation systems. Comments by the Variance committee included uncertainty for bed systems over 1500 sq. feet and they felt that "tree" needed definition. Mr. Holcomb stated that the issue language has not been changed. Mr. Prescott, seconded by Mr. Dragoun, motioned to approve the issue. The panel concurred.

07-34 - Subject: Septic Tank Installation
Rule Sections: 64E-013

When first presented to the TRAP polyethylene industry representatives felt there were parts included that should be made into a separate issue. Mr. Holcomb briefly explained where this proposed issue stands since its initial presentation. The issue was tabled at the February 26 meeting to hear presentation by and discussion with representatives from polyethylene tank manufacturers. Mr. Holcomb continued with explanation of the proposed issue language now being considered. Polyethylene or fiber glass shall be covered with a minimum of four inches of soil. He also talked about general language for **all** tanks where the installation needs to be free of debris and rocks that could damage the receptacle. The backfill material also needs to be free of debris and rocks. He said this proposed language is not necessarily a strong, enforceable item but rather more instructional from the manufacturers to the installers. Mr. Joe Brown, Roth Global Plastics, Inc. spoke from the perspective of the polyethylene manufactures. He said on a national basis there is a common misunderstanding throughout the industry that polyethylene and fiberglass require some sort of special care and consideration when being installed. On the contrary, he maintains that the published instructions by the national Pre-cast Concrete Association are virtually identical to those for proper installation of polyethylene tanks where specifics are cited about not using clay materials, no rock should be used, that proper bedding should be placed, that compaction should occur, etc. He is concerned that the panel wants to segregate polyethylene tanks in Florida. Mr. Brown reiterated the fact that all polyethylene tanks on the market today are UV stabilized. Discussion and differentiating opinions continued about UV damage and requiring four inches of soil cover for poly tanks. Mr. Cory Mong, Economy Septic, from Polk County stated that all tanks should be covered with at least four inches of soil for safety reasons. Mr. Prescott called a motion to remove the proposed language about covering with 4 inches of soil in (k) but to leave the proposed language in (e). Mr. Odom seconded the motion. The issue was approved by 6 votes for and 2 against.

Issue 08-01- Subject: Water Line Setback
Rule Sections: 64E-6.005

This proposed issue will allow setback reductions if the water line itself is made of schedule 40 PVC whereas current rule allows setback reductions if the water line is sleeved in schedule 40 PVC. The issue was approved at the February 26 meeting and was sent to the Variance committee for review and approval. Mr. Odom posed a question about the use of copper pipe. Mr. Holcomb said he would seek clarification about copper piping. Mr. Liskey, seconded by Mr. Dragoun, motioned to approve the issue. The motion passed.

Issue 08-03 - Subject: Determining Existing Tank Volume
Rule Sections: 64E-6.001

This issue adds new language allowing options to determine tank volumes to existing systems. The panel approved the issue at the last meeting and the issue was sent to the Variance committee review and approval. The committee had some concerns about the accuracy of

legends. Discussion ensued about legends and methods for measuring different shapes of tanks, Mr. Dragoun, seconded by Mr. Prescott, motioned to approve the issue. The motion passed.

Issue 08-12 – Subject: Drainfield Loading Rates
Rule Sections: 64E-6.008

Mr. Briggs explained that this issue was proposed by Infiltrator Systems, Inc., and FOWA. In the absence of FOWA's Roxanne Groover, Mr. Carl Thompson, Infiltrator Systems, stepped forward to explain the proposed issue that speaks to increasing the loading rates and increasing the size of drainfields within a given footprint. The unobstructed area would be reduced slightly so that the total area required on the lot would be approximately the same. Mr. Thompson talked about relationships between drainfield size and failure rates and referred to a DOH Restaurant Study that identifies the loading failure point. That study also indicates the larger the drainfield the less likely it is to fail. Another DOH study in the late '90s indicates that the average life of the drainfield in Florida is about 17 ½ years. Information from other states that indicates the life of a drainfield is typically thought to be closer to 25 to 30 years. He referred to the summary handed out at the beginning of the meeting that compares the size of various systems in Florida and other states. Using power point illustrations he pointed out recommendations taken from the US EPA Onsite Manual on loading rates. He compared the US EPA's recommended loading rates to existing and proposed loading rates. A lengthy discussion ensued with many comments and questions voiced by the panel about loading rates in specific soil types. Mr. Thompson said this is a proposal to modify the language to change from 75 percent to 66 percent to keep the footprint the same. Mr. Thompson recalled that Mr. Harper requested a cost analysis study with supporting information. He did not have that particular information but said Ms. Groover has the study done by FOWA. In summary, he said the attempt is to protect public health and the environment by reducing the risk of malfunction, to improve the value of the home, and to bring Florida standards closer to US EPA standards, etc. Mr. Prescott and Mr. Harper asked about adjustment to loading rates to mound systems noting the absence of that specific information in the handout. Mr. Briggs said the information was not addressed in the handout but that it probably should be. Mr. Harper was also particularly concerned about the potential increased cost for mounds. Dr. Roeder explained again a graph on hydraulic loading rates that he presented at an earlier meeting. He talked about issues dealing with drainfields from septic tanks in processing waste so that it does not clog as well as disposal of the water. He also talked about problems encountered in two distinct classes of soils, one being the difficulty of water passing through the heavy textures such as silty clay loam and the different problems encountered with looser, sandy soils. Mr. Briggs suggested lowering the loading rate for slightly limited soil to .8 and to adjust the lowest moderately limited rate a little as well. Mr. Pence wanted to know the last time rules were changed for mound loading rates. Mr. Briggs answered that 1992 was the last change. Mr. Harper asked if this would be a major change affecting the size of mounds and drainfields that could result in substantial cost increase. He would like to see a comparative table of existing sizing, costs, etc. Ms. Groover apologized for being late and stepped forward to talk about FOWA's method for gathering pricing specific to drainfields. Comparison of cost from a non excavated, in-ground system and an excavated mound system revealed an approximate 17 to 20 percent cost increase. In dollars and cents, that relates to about \$200 in the panhandle area to \$1000 dollars in the southern areas of Florida. Mr. Harper wants the Department to compile comparative information discussed today regarding the different levels of loading, failure rates for the last 10 years, etc. Mr. Briggs was unsure about information on failure rates and wanted to make clear that the figures would be strictly estimated. Mr. Pence requested that the information include bottom absorption area loading rates for the alternative materials. Mr. Dominic Buhot expressed additional comments. Mr. Odom called a motion to table the issue pending discussion and review of additional

information to be presented by the department staff at the next meeting. Ms. Sanzone seconded the motion and the panel voted to table the issue.

A lunch break was taken between 12:30 PM and 1:20 PM after which resumption began of review of the remaining issues.

Review of this Issue 08-05 was moved ahead of Issue 08-04 allowing time for principle speaker's for the issue to return to the meeting.

Issue 08-05 – Subject: Site Evaluation Date
Rule Sections: 64E-6.004

The issue proposes to require that a site evaluation be performed no more than 90 days prior to the permit application being received by the department. General discussion with descriptive scenarios of problem areas resulted in consensus that 90 days is too short a timeframe. Mr. Liskey motioned to approve the proposed issue with the change of the timeframe from 90 days to 180 days. Mr. Melling called the second. The panel voted approval with one opposing vote noted.

Issue 08-04 – Subject: Retesting Tanks to 2006 Standard
Rule Sections: 64E-6.013

Mr. Briggs explained that this issue requires fiberglass and polyethylene tanks not already documented as meeting the 2006 standard to be re-tested.

Mr. Brown, Roth Global Plastics, Inc. spoke to the panel about the issue. He relayed that the polyethylene sector addressed this issue to the TRAP in the fall of 2005 and repeated brief comments from that time. He stated that the science behind the new limits of deformation is non-existent. The deformation limit in the old standards is 5 percent at a certain point of vacuum. He referred to the supposed problem with fish mouthing of lids on polyethylene tanks, a problem he maintains was neither quantified as percent of polyethylene tanks installed or qualified as to manufacturer, burial, soil conditions, installer, contractor, etc. He said polyethylene manufacturers do not object to the retesting of tanks but that they do object to the retesting of tanks to an arbitrary standard. He feels there is no basis for changing the rule. Mr. Booher strongly supports vacuum testing and the 1 percent and 2 percent safety factors to be met by the polyethylene and fiberglass tanks. Mr. Brown said poly tanks function as a composite structure with the soil around them. There is a high degree of variability of how they are installed. There is a very specific method for proper installation. His company sees deformation occurring from improper installation. He suggests implementing a finite element analysis, a computer driven model that can take into account the actual properties of the resin that's used, the wall thicknesses, the shape of the tank, the corrugations in the tank because every tank will respond differently based on construction materials used, the thickness of the material, the shape and design of the tank. This testing is at the other end of the spectrum from concrete tanks.

Mr. Corey Mong stated that in a matter of three hours, he pulled up 43 permits of poly tanks that have failed in just his county. Those 43 tanks were by different manufacturers and by 12 different installers. He further stated that when these products were approved, they did not go through the innovative process like every other product is supposed to go through. He thinks poly tanks should be tested as an innovative product so installers can figure out potential problems. He said these products are needed but that they should work and homeowners should not get stuck with potential problems from these products.

Mr. Dragoun, seconded by Ms. Sanzone, motioned to table the issue pending more language to be written and presented by department staff. The motion passed.

Issue 08-06 – Subject: Allowing soil scientists to conduct site evaluations
Rule Sections: 64E-6.004(3)

This proposed issue allows professional soil scientists, certified and registered by the Florida Association of Environmental Soil Scientists, to perform site evaluations. Mr. Liskey, seconded by Mr. Odom, motioned to approve the issue and received a unanimous vote of approval.

Issue 08-07 – Subject: Septic Tank Standards-Cover fills allowances.
Rule Sections: 64E-6.013(3)(f)1.

The issue was withdrawn.

Issue 08-08 – Subject: Update definition of Approved Maintenance Entity
Rule Sections: 64E-6.002(7)

The issue was withdrawn.

Issue 08-10 – Subject: When Engineer or Master Contractors are required
Rule Sections:

The issue was withdrawn.

Issue 08-11 – Subject: Effluent Transmission Line Setbacks
Rule Sections: 64E-6.005(8)

Mr. Holcomb explained that this proposal allows some water lines to cross and be in the vicinity of transmission lines. Mr. Odom motioned approval with Mr. Liskey calling the second. The motion passed.

Issue 08-13 – Split blackwater systems to serve some residential additions
Rule Sections: 64E-6.001

The issue was withdrawn.

Mr. Harper talked about bedroom definition that will become Issue 08-15 when presented to the panel with proposed language. The issue is brought forth by the Florida Building Commission. Comments from a work group meeting were included in the information packets for today's meeting. He said that there is some confusion all around the state of interpretation of "bedrooms" by the county health department personnel. He referenced three possible bedroom definition options shown on page 3 of the handout from the workgroup meeting. He reiterated the ongoing confusion about a common definition of a bedroom. Mr. Briggs also pointed out the issue of the mega houses that have recreation rooms, movie theaters, gyms, basketball courts, etc. He reminded the panel that they had worked on a similar issue about a year ago and actually approved a change that was very similar to option one. Mr. Briggs expressed concerns about option 2 because it could possible spawn a group of debates about identifying different rooms. He cautioned that there is a need to have something that will work because of all the scenarios that

the department will deal with. Mr. Briggs talked about the very small older mobile homes that still have 4 bedrooms that would have to be factored in. Mr. Briggs said department staff will research data and information to present to the TRAP. Mr. Harper stressed that the Building Commission is anxious to have this resolved. Mr. Harper suggested tabling the issue until the department compiles information to present to the TRAP.

Mr. Harper thanked the panel for their attendance and participation in today's meeting recognizing the sacrifice that it requires. Mr. Prescott asked when the issues that have been passed will come into effect. Mr. Briggs replied that a rule package will be assembled upon return from this meeting. A date for the next meeting was uncertain, possibly sometime in late August or September. Mr. Briggs added that much depends on the action taken by the Governor on the proviso language. If that is approved, the RRAC will obviously go into high gear and that means that the TRAP will meet earlier rather than later.

Mr. Prescott, seconded by Mr. Dragoun, motioned to adjourn and the meeting ended at approximately 2:50 PM.