

ARTICLE V. ON-SITE SEWAGE DISPOSAL SYSTEMS*

***Editor's note:** Being not specifically amendatory of the Code, the provisions of Ord. No. 89-20, adopted Oct. 24, 1989, have been included herein by the editor as a new Art. V to Ch. 28, §§ 28-180--28-197.

Cross references: Health and sanitation generally, Ch. 15.

Sec. 28-180. Short title.

The ordinance from which this article derives shall be known as the "Hernando County On-Site Sewage Disposal Systems Ordinance".

(Ord. No. 89-20, § 1, 10-24-89)

Sec. 28-181. General provisions.

The provisions of this article are to regulate on-site sewage disposal by providing for contractor's permits, establishing guidelines for disposal facilities and methods, and providing for strict enforcement.

(Ord. No. 89-20, § 2, 10-24-89)

Sec. 28-182. Purpose.

The purpose of this article is:

- (a) To provide a mechanism to promote a more efficient method of regulating septage and sludge collection and disposal.
- (b) To protect against the creation of a public nuisance through improper handling and disposal of sludge, domestic septage, food service sludge, chemical/portable toilet waste and industrial nontoxic sludge.
- (c) To ensure county control over the sludge and septage land application areas.
- (d) To ensure that proper pretreatment of septage is occurring prior to its disposal, thereby protecting the land, water and environment in general.

(Ord. No. 89-20, § 3, 10-24-89)

Sec. 28-183. Application of article.

This article shall apply to the maintaining, hauling, storage, and disposal of domestic septage, domestic sludge, food service sludge from on-site sewage disposal systems, chemical toilet waste and nontoxic industrial sludges.

(Ord. No. 89-20, § 4, 10-24-89)

Sec. 28-184. Definitions.

The definitions contained in this section shall have the meanings set forth below whenever they appear in this article. In addition, all definitions in Subsections 17-7, 17-640, and 10D-6, Florida Administrative Code, are incorporated into and made a part of this article except where amended herein.

Agricultural lands. All lands zoned for agricultural purposes.

Disinfection. The selective destruction of pathogens in wastewater effluent or sludge as described in Chapter 7 of EPA 625/6-84-009, *Septage Treatment and Disposal*. This manual is adopted and made a part of this article by reference.

Domestic septage. All solid or liquid wastes containing human feces or residual of such, which have not been stabilized or disinfected. Not included are food service sludges, industrial sludges, and wastewater treatment plant sludges.

Domestic sludge. A solid or liquid waste resulting from a wastewater treatment plant, sewage, septage, or food service operation, or any other such waste having similar characteristics. Domestic sludge may be liquid, semisolid or solid, but does not include the treated effluent from a wastewater treatment plant.

Food service sludge. Oils, greases and grease trap pumpings generated by a food service operation.

Industrial sludge. Sludges that are primarily composed of materials generated through a manufacturing or other industrial process and which do not contain toxic substances.

Licensed septage hauling service. A person, firm or corporation, or any other entity licensed by the Department of Health and Rehabilitative Services (HRS), Hernando County Public Health Unit, to haul domestic septage, food service sludge, industrial sludge or chemical toilet waste.

Lime stabilization. The addition of sufficient quantities of lime to raise and maintain a sludge at or above a pH of 12.0 for two (2) hours, which such process being as described in Chapter 7, EPA 625/6-84-009, *Septage Treatment and Disposal*.

Permitted septage/sludge hauling service. A person, firm or corporation or any other entity holding a valid permit issued by Hernando County to haul domestic septage, food service sludge, industrial sludge, wastewater treatment plant sludge or chemical toilet waste.

Portable toilet waste. A waste resulting from chemical toilets, privy holding tanks or other equipment designed for temporary collection and storage of wastes containing human feces or residuals of such or any other such waste having similar characteristics. This waste may be liquid, semisolid or solid.

Sludge generator. Any facility that, as a normal function of its operation, produces a sludge. Residential septic tanks are excluded.

Sludge pasteurization. The heating of a sludge to seventy (70) degrees Celsius for at least thirty (30) minutes, or heating of sludge to a temperature higher or lower than seventy (70) degrees Celsius for a duration that produces a similar kill of microorganisms.

Stabilization. The use of a treatment process to render sludge or septage less odorous and putrescible, and to reduce the pathogenic content as described in Chapter 6 of EPA 625/1-79-0 11, *Process Design Manual for Sludge Treatment and Disposal*.

Toxic substances. Any of the following:

- (1) Hazardous wastes as defined in Chapter 17-30, Florida Administrative Code.

- (2) A pollutant as defined in Chapter 376, Florida Statutes.
- (3) A substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings, or to be acutely toxic as defined in Rule 17-3.021(1), Florida Administrative Code.
- (4) A substance which poses a serious danger to the public health, safety or welfare.

Treatment. The process of altering the character or physical or chemical condition of the waste to prevent pollution of water, air or soil to safeguard the public health or enable the waste to be recycled.

(Ord. No. 89-20, § 5, 10-24-89)

Sec. 28-185. License; permit.

(a) *Competency license required.* No septic tank, grease trap, privy, portable toilet, holding tank or other on-site waste disposal facility shall be cleaned or have its contents removed by a septage hauling service engaged in a septage disposal service until such service has obtained a competency license from the Department of HRS, Hernando County Public Health Unit. This does not include the removal of wastewater treatment plant sludge.

(b) *Permit required.* In addition, no person shall engage in the business of transporting or disposing of domestic septage, food service sludge, portable toilet waste, or industrial nontoxic sludge or wastewater treatment plant sludge within Hernando County without first obtaining a county permit. Approval for a permit shall be contingent upon the following:

- (1) Evidence that the applicant possesses adequate equipment, such as a tank truck, pumps, appurtenances and tools, for the work intended. Equipment shall be inspected and approved by the county public health unit.
- (2) The permanent location and address of the business where operations will originate and where equipment is to be stored when it is not in use.
- (3) The proposed disposal method and the site to be used for disposing of on-site sewage disposal system septage and wastewater treatment plant sludges. The proposed disposal method and the site to be used shall be inspected and approved by the Hernando County Public Health Unit.
- (4) Proof that the twelve-hour Florida Department of Health and Rehabilitative Services educational course has been successfully completed by the septage hauler.
- (5) Proof that the applicant has been actively engaged as a licensed septage hauler operator or under the supervision of a licensed operator in the State of Florida for at least two (2) of the last five (5) years.
- (6) Reserved.
- (7) Proof of a bond in the amount of twenty-five thousand dollars (\$25,000.00) with the bond payable to the Hernando County Board of County Commissioners, for the purpose of correcting any environmental damage or public health threat by the license holder. This does not apply to any government agencies in Hernando County.
- (8) That the applicant agrees to abide by this article and any other state or federal code applicable to the activity for which the permit is sought.

(c) *Display of permit number.* When a permit is issued, the number of such permit along with the name of the company, its address, phone number, and the gallon capacity of the truck shall be prominently displayed on the service truck with three-inch or larger letters.

(d) *Transferability.* Permits shall not be transferable.

(e) *Suspension or revocation.* A septage disposal service permit may be suspended or revoked by the Hernando County Code Enforcement Board where the permit holder has violated this article or has violated either state or federal regulations or statutes governing activity engaged in by the permit holder.

(f) *Duration; inspection for renewal.* Each permit issued will be for a one-year period (January 1 to December 31). Each year during December each current permit holder so desiring will be required to renew of his/her permit for the following year. In the thirty (30) days prior to renewal the permittee shall ensure that the Hernando County Health Unit inspects the permittee's equipment for compliance with all applicable health regulations. All discrepancies must be corrected prior to the renewal.

(g) *Inspection prior to initial issuance.* Prior to an initial permit becoming effective, the applicant shall ensure that the Hernando County Public Health Unit inspects the permittee's equipment for compliance with all applicable health regulations, noncomplying equipment will not be used until compliance is achieved.

(h) *Appeal from denial of initial permit.* Whenever a permit holder/permit applicant is denied an initial permit or permit renewal, he/she may appeal to the Hernando County Environmental Health Board. This appeal must be filed with the Hernando County Public Health Unit within thirty (30) days of the disapproval of the application.

(Ord. No. 89-20, § 6, 10-24-89; Ord. No. 2007-05, § 8, 4-17-07)

Sec. 28-186. State requirements.

In addition to the requirements set out in this article, the holder of a competency license shall be subject to the regulations set out in Rules 17-7, 17-640 and 10D-6, Florida Administrative Code, all of which are incorporated herein as if fully set out herein.

(Ord. No. 89-20, § 7, 10-24-89)

Sec. 28-187. Disposal facilities and methods.

(a) After septage is removed from an on-site waste disposal system, the original lid of the tank shall be put back in place, or be replaced with a new lid if the original lid is broken. The tank lid shall be completely sealed and the ground backfilled, compacted and disinfected so that the site is left in a nuisance-free condition.

(b) Septage and sludge shall be transported to the disposal site in such a manner so as to preclude leakage, spillage or the creation of a sanitary nuisance. In the event a nuisance injurious to health or causing environmental damage is created, the permit holder is responsible for and must disinfect the contaminated area and immediately notify the county health unit.

(c) Disposal sites and vehicles for septage and sludge Classes I and II shall be inspected and approved by the Hernando County Public Health Unit and shall comply with Part IV of Chapter 17-7, Florida Administrative Code.

(d) All operators or haulers are to maintain a collection and hauling record that is open for inspection and provides the following information as to each hauling operation:

- (1) Date and time of collection;
- (2) Name of facility;
- (3) Owner of facility;

- (4) Description of material collected;
- (5) Estimated amount of material collected; and
- (6) Time arrived at land application area.

(Ord. No. 89-20, § 8, 10-24-89)

Sec. 28-188. Land application.

Land application is permitted under the following conditions:

- (a) The sludge and contents from on-site waste disposal systems shall be disposed of at a site approved by the Hernando County Public Health Unit. Sludge or septage stored on site shall not create a violation of Chapter 386, Florida Statutes. The approval of the site will be based on requirements of Part IV of Chapter 17-7, Florida Administrative Code and criteria listed at Section 28-190.
- (b) Untreated domestic septage, portable toilet waste or food service sludge shall not be applied to the land. A pretreatment facility capable of providing for stabilization must be provided. EPA Handbook 625/6-84-009, "Septage Treatment and Disposal," shall be utilized for construction of any permanent treatment facility. Criteria for land application or disposal of domestic septage is provided in Part IV of Chapter 17-7, Florida Administrative Code.
- (c) Hernando County shall require inspection of domestic septage and portable toilet waste. If the operator or hauler is using lime stabilization, he or she must call the Hernando County Health Department when the lime is applied and wait for two (2) hours before land spreading. The operation shall have necessary pH testing equipment.
- (d) The county may observe and test at the disposal site to ascertain that the pH is being maintained and the material is being disposed of properly. Records for chemical toilets shall be maintained and shall show a daily estimated total volume. Operators permitted in Hernando County shall be the sole users of the sites described herein.
- (e) A permitted operator transporting, pumping and handling septage and sludges shall be governed by the following:
 - (1) Collection trucks for residential and commercial purposes shall have a minimum capacity of twelve hundred (1200) gallons.
 - (2) Portable toilet equipment must conform with Rule 10D-6, Florida Administrative Code.
 - (3) There must be an adequate storage site for the operation.
 - (4) Deflection devices must be provided to assure proper distribution when land spreading.

(Ord. No. 89-20, § 9, 10-24-89)

Sec. 28-189. Application site approval.

Each sludge and septage application site shall be approved by the Hernando County Public Health Unit prior to its use. The county public health unit will review the suitability of each site using the criteria in Section 28-190 of this article and Part IV of Chapter 17-7, Florida Administrative Code. The county public health unit will advise the county administrator when a request for approval of a specific application site has been received by the public health unit. The administrator will provide the public

health unit with data on the zoning classification of the site, size of the site, and access routes to the site. The county public health unit must receive an application for a septage disposal site permit for currently in-use disposal sites by May 1, 1990. If an application is not received, the site will not be an approved septage disposal site as of May 2, 1990, and subject to the penalties outlined in Section 29-194. Whenever a permit application is disapproved, the applicant may appeal to the Hernando County Environmental Health Board. This appeal must be filed with the county public health unit within thirty (30) days of the disapproval of the application.

(Ord. No. 89-20, § 10, 10-24-89)

Sec. 28-190. Application site requirements.

Use of application sites must meet the following requirements:

- (a) Each site applicant must restrict access to all but the owner, his representative and permitted haulers.
- (b) A minimum 100-foot buffer zone will be maintained from the property lines of all adjoining property owners.
- (c) Each site must be a minimum of ten (10) acres.
- (d) At access points and every one hundred (100) yards along the perimeter signs shall be posted conspicuously, indicating that the land is used for septage/sludge disposal.
- (e) Only a permitted operator may operate a private (nongovernmental) facility to treat domestic septage, food service sludge, portable toilet waste or industrial nontoxic sludge. The privately owned and operated facility shall contain adequate equipment for treatment and disposal of septage/sludge as set forth in Chapter 17-7, Florida Administrative Code.
- (f) The Hernando County Public Health Unit shall determine the number of operators or haulers permitted on a specific disposal land site and the amount of septage/sludge that may be applied.
- (g) The Hernando County Public Health Unit shall perform random inspections to ascertain whether or not proper treatment and disposal of the sludge or septage has occurred and to verify that the requirements of this article have been met.

(Ord. No. 89-20, § 11, 10-24-89)

Sec. 28-191. Enforcement.

The Hernando County Public Health Unit shall be charged with enforcing the provisions of this article.

(Ord. No. 89-20, § 12, 10-24-89)

Sec. 28-192. Records.

The records required to be kept and maintained by the permitted operator pursuant to this article shall be kept at the operator's principal place of business in Hernando County and shall be subject to inspection. Failure to keep and maintain such records shall be grounds for revocation of the permit authorized by this article. A summary of this concerning the previous month's activity will be sent to the Hernando County Public Health Unit by the fifteenth day of each month. This report will include totals of each type of material collected and type and total material disposed of at each disposal site

used. All operators or haulers are to maintain a collection and hauling record that is open for inspection, which provides the following information as to each hauling operation:

- (a) Date and time of collection;
- (b) Name of the job site;
- (c) Sludge generator or business;
- (d) Description of material collected;
- (e) Estimated amount of material collected;
- (f) Signature of owner or operator of business or site where material was obtained, when possible;
- (g) Time arrived at private disposal site; and
- (h) Amount of line added to the tank.

(Ord. No. 89-20, § 13, 10-24-89)

Sec. 28-193. Revocation procedure.

(a) *Authority.* The Hernando County Code Enforcement Board shall have authority to revoke or suspend the permits authorized by this article or issue letters of reprimand to permit holders or invoke any penalties herein.

(b) In the event of a violation or imminent threat to the public health, the health department, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.

(Ord. No. 89-20, § 14, 10-24-89)

Sec. 28-194. Penalty for violation.

Any violation of this article shall constitute a misdemeanor and shall be punishable as provided in Section 1-8 of the Hernando County Code.

(Ord. No. 89-20, § 15, 10-24-89)

Sec. 28-195. Incorporated documents.

All local, state and federal codes, manuals, statutes and regulations which are referred to in this article are adopted and incorporated in this article. All amendments, revisions, changes or additions to these incorporated documents will also be in effect.

(Ord. No. 89-20, § 16, 10-24-89)

Sec. 28-196. Severability.

If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction or administrative agency, such portion shall be deemed a separate, distinct and independent provision, and, except as otherwise expressly provided herein, such holding shall not affect the validity of the remaining portions thereof, all of which will remain in full force and effect, except as otherwise provided for herein.

(Ord. No. 89-20, § 17, 10-24-89)

Sec. 28-197. Pre-emption.

If any state or federal law, rule, ordinance or regulation, whether now in effect or hereafter enacted, pre-empts any part of this article, then that provision to the extent so pre-empted shall cease to be enforceable by the county or other interested party for the time that the pre-empting law, rule, ordinance or regulation is in existence. If the pre-empting law rule or regulation is hereinafter repealed by the enacting authority, and the appropriate provisions of this article are material, the board shall have the right to modify the remaining provisions of this article to comply with the law and mitigate the effect of the pre-emption.

(Ord. No. 89-20, § 18, 10-24-89)

Secs. 28-198--28-209. Reserved.