

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 29, 2016
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Clayton Lewis, US Engineering Specialist, Division of Engineering *EKL TS*
RE: Docket No.130209-SU-Application for expansion of certificate (CIAC) (new wastewater line extension charge) by North Peninsula Utilities Corp.

Please file the attached "Volusia County ordinance on mandatory connections for Volusia County" in the above mentioned Docket File.

Thank you.

Terri Jones

From: Clayton Lewis
Sent: Tuesday, June 28, 2016 3:13 PM
To: Terri Jones
Cc: Robert Graves
Subject: FW: NPUC Docket 130209-SU
Attachments: sec_122-55 (1).pdf; CC-12-3-16_Item-06.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please place this email and the two attached documents in Docket No 130209. Please name the filing as:

“Volusia County ordinance on mandatory connections for Volusia county”

Thank you..

From: Hillman Wilson Development Offices [<mailto:developershw@gmail.com>]
Sent: Tuesday, June 28, 2016 12:23 PM
To: Clayton Lewis
Subject: NPUC Docket 130209-SU

Mr. Lewis,

Find attached Volusia County ordinance on mandatory connections for Volusia county, please advise if anything else is needed.

NPUC
Bob Hillman

Sec. 122-55. - Use of on-site sewage treatment and disposal systems.



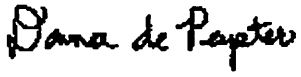
- (a) It shall be unlawful for any person to construct, install, modify, abandon, operate or repair on-site sewage treatment and disposal systems in violation of this section, the provisions of F.S. §§ 381.0065—381.0067, or Rule 64E-6, Florida Administrative Code. F.S. §§ 381.0065—381.0067 and Rule 64E-6, Florida Administrative Code, as may be amended, are hereby adopted and incorporated into this section by this reference.
- (b) The owner of property served by an on-site sewage treatment and disposal system shall connect the plumbing of an establishment or residence on such property to a publicly owned or investor-owned sewerage system when service is available. "Available," as applied to a publicly owned or investor-owned sewerage system, means that:
 - (1) The publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence; and
 - (2) The publicly owned or investor-owned sewerage system is not under a department of environmental protection moratorium; and
 - (3) The publicly owned or investor-owned sewerage system has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and
 - (4) The publicly owned or investor-owned sewerage system complies with all other provisions, including distance limitations of F.S. §§ 381.0065—381.0067.
- (c) Mandatory connection of existing on-site sewage treatment and disposal systems to a publicly owned or investor-owned sewerage system shall be subject to the following:
 - (1) Publicly owned or investor-owned sewerage systems shall comply with all provisions, including notice requirements of F.S. § 381.00655.
 - (2) Owners of an existing on-site sewage treatment and disposal system shall have the option of prepaying the amortized value of required connection charges to a publicly owned or investor-owned sewerage system in equal monthly installments over a period not to exceed two years from the date of the initial notification of anticipated availability.
 - (3) 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 five years from the date the sewerage system becomes available, if the county determines that the owner has demonstrated a financial hardship. The county council shall establish criteria for making this determination by resolution, which takes into account the owner's net worth, income and financial needs.
- (d) To the extent permitted by law, violations of this section, the provisions of F.S. §§ 381.0065—381.0067, or Rule 64E-6, Florida Administrative Code, may be enforced by the following entities through the remedies in subsection (e) of this section:
 - (1) By the Volusia County Health Department as an authorized agent of the Florida Department of Health, or the Florida Department of Health; or
 - (2) By the county; or
 - (3)

For violations of F.S. § 381.00655, "Connection of existing on-site sewage treatment and disposal systems to central sewerage system; requirements", by a municipality providing sewerage service in the unincorporated county pursuant to F.S. ch. 180, or an interlocal utility service agreement with the county; or

- (4) For violations of F.S. § 381.00655, "Connection of existing on-site sewage treatment and disposal systems to central sewerage system; requirements", by an investor-owned sewerage system.
- (e) To the extent permitted by law, all civil and criminal remedies available to the entities listed in subsection (d) of this section may be used to enforce this section, the provisions of F.S. §§ 381.0065—381.0067, or Rule 64E-6, Florida Administrative Code. The following remedies are cumulative, may be pursued simultaneously or consecutively, and include, but are not limited to:
 - (1) Citations issued in compliance with F.S. ch. 162; or
 - (2) Fines assessed in compliance with F.S. ch. 162, or F.S. § 125.69; or
 - (3) Administrative actions; or
 - (4) Civil actions, including a complaint for injunctive relief filed in the Seventh Judicial Circuit in the State of Florida; or
 - (5) Referral to the State of Florida Attorney General; or
 - (6) Referral to the Volusia County State Attorney pursuant to F.S. § 125.69, for prosecution as a misdemeanor and upon conviction, punishment by a fine not to exceed \$500.00, or imprisonment not to exceed 60 days, or both; or
 - (7) Any action necessary to prevent imminent danger to public health and safety.
- (f) Proposed development shall provide for sewer service in accordance with chapter 6, Sanitary Sewer Sub-Element, of the Volusia County Comprehensive Plan, and all applicable state and local regulations.

(Res. No. 86-116, § 25, 8-14-86; Ord. No. 2000-31, § I, 9-21-00; Ord. No. 2015-20, § I, 12-3-15)

Cross reference— Wastewater treatment plants and septic tanks in Indian River Lagoon Surface Water Improvements and Management Zone, § 50-138; use of on-site sewage disposal systems by industrial or manufacturing operations, § 58-1.

Date: 12/03/2015		AGENDA ITEM		Item: 06
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input type="checkbox"/> Other	
Department: Legal Department Division: Legal				
Subject: Ordinance 2015-20, amending Section 122-55, Use of septic tanks or other private sewage disposal systems, of Volusia County Code of Ordinances.				
Daniel D. Eckert Director Legal Department  Department Approval Division Approval		Legal Shannon K. Eller  Approved as to Form and Legality	County Manager's Office Donna de Peyster Deputy County Manager 	
Council Action:				
Modification:				
Account Number(s): NA Total Item Budget: NA				
Staff Contact(s):		Phone:	Ext.	
Jamie E. Seaman		386 736 5950	12253	
Shannon K. Eller		386 736 5950	13238	
Summary/Highlights: The county has not updated its onsite sewage treatment and disposal system (septic tanks) regulations since 2000. The proposed ordinance adopts current state law mandating when a property owner must connect an onsite sewage treatment and disposal system to a publicly owned or investor-owned sewerage system, and authorizes enforcement of the connection requirements by the county, municipalities providing wastewater service in the unincorporated county, investor-owned sewerage systems, or the health department. The proposed ordinance also authorizes the above-listed entities to pursue all remedies permitted by law for violation of state statutes and rules governing onsite sewage treatment and disposal systems.				
Recommended Motion: Approval.				

1 381.0067 and Rule 64E-6, Florida Administrative Code, as may be amended, are hereby
2 adopted and incorporated into this section by this reference.

3 (b) ~~The owner of a properly functioning on-site sewage treatment and disposal~~
4 ~~system will be required to connect the system or the building's plumbing to a county-~~
5 ~~owned or operated sewer system when service is available. Sewer service is deemed~~
6 ~~available to an existing building with less than 1000 gallons per day estimated~~
7 ~~wastewater flow, if a gravity line, a low pressure line or a vacuum sewage collection line~~
8 ~~is in a public easement or right of way that abuts the property line of the lot or tract on~~
9 ~~which the building is located. Sewer service is deemed available to an existing building~~
10 ~~with 1000 gallons per day or greater wastewater flow if a sewer line, force main or lift~~
11 ~~station exists in a public easement or right of way that abuts the property line of the lot or~~
12 ~~tract on which the building is located or is within 200 feet of the property line with access~~
13 ~~via a public right of way or easement. This mandatory connection requirement applies to~~
14 ~~properties available to be served by a county owned or operated system both in the~~
15 ~~incorporated areas of the county, and in unincorporated areas of the county. The owner~~
16 ~~of property served by an onsite sewage treatment and disposal system shall connect the~~
17 ~~plumbing of an establishment or residence on such property to a publicly owned or~~
18 ~~investor-owned sewerage system when service is available. "Available," as applied to a~~
19 ~~publicly owned or investor-owned sewerage system, means that:~~

20 (1) The publicly owned or investor-owned sewerage system is capable
21 of being connected to the plumbing of an establishment or residence; and

22 (2) The publicly owned or investor-owned sewerage system is not
23 under a Department of Environmental Protection moratorium; and

1 (3) The publicly owned or investor-owned sewerage system has
2 adequate permitted capacity to accept the sewage to be generated by the establishment or
3 residence; and

4 (4) The publicly owned or investor-owned sewerage system complies
5 with all other provisions, including distance limitations, of F.S. §§381.0065 – 381.0067.

6 (c) Mandatory connection of existing onsite sewage treatment and disposal
7 systems to a publicly owned or investor-owned sewerage system shall be subject to the
8 following: ~~The requirement for mandatory connection of existing onsite sewage~~
9 ~~treatment and disposal systems to a county owned or operated central sewer system will~~
10 ~~be subject to the provisions of Florida Statute Section 381.00655-67, except where~~
11 ~~modified herein. The county will also record the notice of availability in the public~~
12 ~~record. The owner shall have the option of prepaying required connection charges over a~~
13 ~~period determined by the sewer utility system operator but not less than two years.~~
14 ~~Payment of connection fees by 24 equal installments on the monthly utility bill will be~~
15 ~~without interest. Payment of amortized connection fees by a schedule over periods~~
16 ~~greater than two years will incur interest and administrative costs.~~

17 (1) Publicly owned or investor-owned sewerage systems shall comply
18 with all provisions, including notice requirements, of F.S. §381.00655.

19 (2) Owners of an existing onsite sewage treatment and disposal system
20 shall have the option of prepaying the amortized value of required connection charges to
21 a publicly owned or investor-owned sewerage system in equal monthly installments over
22 a period not to exceed two (2) years from the date of the initial notification of anticipated
23 availability.

1 (3) Any connection fee charged under this section by an investor-
2 owned sewerage system may be paid without interest in monthly installments, over a
3 period of time not to exceed five (5) years from the date the sewerage system becomes
4 available, if the county determines that the owner has demonstrated a financial hardship.
5 The county council shall establish criteria for making this determination by resolution,
6 which takes into account the owner’s net worth, income, and financial needs.

7 (d) ~~A property owner who fails to comply with mandatory connection~~
8 ~~requirements may be subject to the following:~~

- 9 (1) ~~Monthly service availability charges;~~
10 (2) ~~Property lien for connection fees and/or accruing services charges;~~
11 (3) ~~Other enforcement action as may be necessary to prevent a public~~
12 ~~health threat.~~ To the extent permitted by law, violations of this section, the provisions of
13 F.S. §§381.0065 - 381.0067, or Rule 64E-6, Florida Administrative Code, may be
14 enforced by the following entities through the remedies in subsection (e) of this section:

15 (1) By the Volusia County Health Department as an authorized agent
16 of the Florida Department of Health, or the Florida Department of Health; or

17 (2) By the county; or

18 (3) For violations of F.S. §381.00655, “Connection of existing onsite
19 sewage treatment and disposal systems to central sewerage system; requirements”, by a
20 municipality providing sewerage service in the unincorporated county pursuant to F.S.
21 ch. 180, or an interlocal utility service agreement with the county; or

1 (4) For violations of F.S. §381.00655, “Connection of existing onsite
2 sewage treatment and disposal systems to central sewerage system; requirements”, by an
3 investor-owned sewerage system.

4 (e) To the extent permitted by law, all civil and criminal remedies available to
5 the entities listed in subsection (d) of this section may be used to enforce this section, the
6 provisions of F.S. §§381.0065 - 381.0067, or Rule 64E-6, Florida Administrative Code.
7 The following remedies are cumulative, may be pursued simultaneously or consecutively,
8 and include, but are not limited to:

9 (1) Citations issued in compliance with F.S. ch. 162; or

10 (2) Fines assessed in compliance with F.S. ch. 162, or F.S. §125.69; or

11 (3) Administrative actions; or

12 (4) Civil actions, including a complaint for injunctive relief filed in the
13 Seventh Judicial Circuit in the State of Florida; or

14 (5) Referral to the State of Florida Attorney General; or

15 (6) Referral to the Volusia County State Attorney pursuant to F.S.
16 §125.69, for prosecution as a misdemeanor and upon conviction, punishment by a fine
17 not to exceed \$500.00, or imprisonment not to exceed 60 days, or both; or

18 (7) Any action necessary to prevent imminent danger to public health
19 and safety.

20 (e)(f) Proposed development ~~will~~ shall provide for sewer service in accordance
21 with Chapter 6, Sanitary Sewer Sub-Element, of the Volusia County Comprehensive
22 Plan, and all applicable state and local regulations.

