
**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

BOARD POLICY - SECTION NUMBER 09.07.08.00

SUBJECT: MANDATORY WASTEWATER CONNECTION POLICY

EFFECTIVE DATE: MAY 26, 1994

SUPERSEDES:

Purpose:

To establish a Mandatory Wastewater Connection Policy.

Policy:

The Board of County Commissioners approves and adopt a policy to identify and notify owners of existing properties served by an on-site sewage treatment and disposal system (septic tanks), or a private wastewater treatment facility, of the requirements for mandatory connection of those properties to the County wastewater system (see attachment).

Where the March 18, 1992 Board of County Commissioners approved Recommendations for the Disposition of the South County Wastewater Collection System are less restrictive than this policy, that document shall take precedence until its expiration on April 1, 1997. Where the aforementioned Recommendations are more restrictive, this policy shall take precedence. This policy shall be applied on a prospective, not a retroactive basis.

Responsibilities:

It is the responsibility of the Public Utilities Department to put into effect the policy of the Board of County Commissioners and to establish and execute Department policies and procedures for mandatory wastewater connections.

Enforcement:

The enforcement of requirements established by this policy will be in accordance with Section 1.9, Hillsborough County Ordinance 92-11, as amended.

Attachment:

Mandatory Wastewater Connection Procedure

Approved by: Board of County Commissioners
Approval Date: May 26, 1994

HILLSBOROUGH COUNTY
PUBLIC UTILITIES DEPARTMENT
Section 6.11

- I. SUBJECT: MANDATORY WASTEWATER CONNECTION FOR EXISTING DEVELOPMENT.
- II. PURPOSE: To establish procedures to identify and notify an owner of an existing development served by an on-site sewage treatment and disposal system or a private wastewater treatment plant of the requirement to connect that development to Hillsborough County wastewater service.
- III. POLICY: The Public Utilities Department is responsible to notify an owner of an existing development of mandatory connection to the County wastewater system when service is determined to be available in accordance with the mandatory connection criteria. The Public Utilities Department is also responsible for ensuring compliance after notification to connect is issued.
- IV. AUTHORITY: Hillsborough county ordinance 92-11, as amended, Section 381.00655 Florida Statutes, Chapter 10D-6, Florida Administrative Code, and the Recommendation for the Disposition of the South County Wastewater Collection System, Dated March 18, 1992.
- V. DEFINITIONS:
 - A. Existing development - A single family residence, a multi-family structure, or a single parcel of property with one or more existing structures utilized for residential, commercial, commercial residential, industrial or manufacturing purposed that generates wastewater flow to an on-site sewage treatment and disposal system or a private wastewater treatment plant within the Hillsborough County wastewater service area.
 - B. On-site Sewage Treatment and Disposal System - Septic system(s).
 - C. Priority List Development - Development constructed from 1985 forward that was placed on a Priority List when permanent County wastewater service was not available and was allowed to sue an interim wastewater system until County service became available, whether or not a related agreement was executed.
 - D. Existing Development Owner - Property owner(s) and structure owner(s).
 - E. Rate Resolution - The current Hillsborough County Resolution Authorizing Schedule of Capacity Fees, Monthly User Charges, Deposits, Water Conservation Charges, Reclaimed Water Charges and Other miscellaneous Service Charges for Water, Wastewater and Reclaimed Water Services.
 - F. Service Availability (Availability of Service)
 - 1. The Planning and Development Management Department will establish service availability in accordance with criteria established within County Ordinance and the Hillsborough County Water and Wastewater Technical Manual.
 - 2. Planning and Development Management staff will employ three tests to establish service availability: sufficient system capacity, feasible off-site distance to a point-of-connection, and utility operational considerations, based on the total estimated wastewater flow and the on-site inspection submitted by the Service Availability Team, Technical Support Section, Public Utilities

Department. A development that does not meet the availability tests will not be required to connect to the County wastewater system.

3. The following feasible distance to point-of-connection criteria will apply for existing development.
 - a. Single Family Residential - A gravity main exists in a public easement of right-of-way that abuts the property and gravity flow can be natural or artificially maintained from the residence's drain to the gravity main.
 - b. Commercial Flow under 1,000 GPD - A gravity main exists in a public easement or right-of-way that abut the property and gravity flow can be naturally or artificially maintained from the establishment's drain to the gravity main.
 - c. Commercial Flow from 1,000 GPD to 50,000 GPD - A gravity main, force main, or lift station exists in a public easement of right-of-way that the property of the establishment and is within 50' of the property line of the establishment as accessed via rights-of-way or easements.
 - d. Commercial Flow over 50,000 GPD - A gravity main, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment and is within 100' of the property line of the establishment as accessed via rights-of-way or easements.
 - e. Industrial/Manufacturing Zoned Areas - A public wastewater system exists within 500' of an establishment's wastewater stub out located 5' outside building wall as accessed via existing easements or rights-of-way.
 - f. Wastewater - Equivalent Residential Connection (ERC) - A unit of wastewater flow in the applicable County utility system which is equivalent to the average number of gallons per day of service attributable to a single family detached residence as such number is established from time to time by the County Administrator for the applicable service.

VI. EXEMPTIONS:

A. Private Wastewater Treatment Plants

1. A private wastewater treatment plant that is not part of a specific agreement with Hillsborough County which is operating in compliance with the Environmental Protection Commission or the Department of Environmental Protection operation permits is exempt from mandatory connection if:
 - a. The private wastewater treatment plant was placed into operation prior to the establishment of the Priority List,
 - b. The private wastewater treatment plant was placed into operation after establishment of the Priority List, does not serve a Priority List development and was permitted without an agreement with Hillsborough County.
2. The private wastewater treatment plant that serves a Priority List development or has a specific agreement with Hillsborough County will be referred to as new development and not exempted. Service availability and feasible distance will be determined by new development criteria in accordance with the current Ordinance or specified in the agreement.

3. EPC has defined "out of compliance" as:
 - a. When the private wastewater treatment plant violation(s) issued by EPC results in endangerment to the public health or the environment and no reasonable technical or economic solution exists to bring the private wastewater treatment plant into compliance, or
 - b. The owner of a private wastewater treatment plant that has failed to reach a compliance agreement which requires the regulatory authority having jurisdiction over the private wastewater treatment plant to take appropriate legal action against the owner.

B. On-site Sewage Treatment and Disposal System

1. A development served by an on-site sewage treatment and disposal system that is operating in compliance with Chapter 10D-6, Florida Administrative Code and Section 381.0065, Florida Statutes, at the time County wastewater service becomes available will be exempt from mandatory connection to County wastewater service as long as such connection is not required in the public interest due to public health considerations. Exemptions will not be granted if:
 - a. The site location, soil suitability, density or setback criteria does not satisfy the repair permitting requirements of Chapter 10D-6, Florida Administrative Code, or
 - b. The specific site or area has developed a history of on-site sewage treatment and disposal system violations or failures creating sanitary nuisance conditions, or
 - c. There is a required change to the on-site sewage treatment and disposal system due to an increase in flow requirement as requested by the owner, or
 - d. The on-site sewage treatment and disposal system serves a Priority List development.
2. Suitability and criteria in a through c, above, will be determined by the Hillsborough County Health Department pursuant to Chapter 10D-6, Florida Administrative Code and Section 381.0065, Florida Statutes.
3. Development cited in c and d, above, will be referred to as new development. Service availability and feasible distance will be determined by new development criteria in accordance with the current Ordinance.

VII. PROCEDURES:

A. Identifying Developments

1. Single family residential development served by an on-site sewage treatment and disposal system.
 - a. Section VI, B. EXEMPTIONS, sets out the conditions which cannot be granted.
 - b. For areas that are not exempt from mandatory connection, the service availability Team will utilize GIS maps, provided; by the Planning and Development Management Department, that show parcels of property currently provided County wastewater service, approved and funded plans for wastewater main extensions, 1'-400' availability maps, and field canvassing to determine existing residential developments that may meet the criteria for mandatory connection.

- c. The Hillsborough County Health Department will refer an applicant of an on-site sewage treatment and disposal system repair permit to the Public Utilities Department to determine if County wastewater service is available if a permit cannot be issued for repairs. If service is not available, the Health Department will be notified.
 - d. When a gravity wastewater line is adjacent to the development; the Service Availability Team will prepare documentation to notify the development owner of mandatory connection.
- 2. Commercial development served by an on-site sewage treatment and disposal system.
 - a. Section VI, B. EXEMPTIONS, sets out the conditions which cannot be granted.
 - b. For areas that are not exempt from mandatory connections, the Service Availability Team will utilize GIS maps that show parcels of property currently provided County wastewater service, approved and funded plans for wastewater main extensions, 1' - 200' and 1' - 400' availability maps, and field canvassing to determine existing commercial developments that may meet the criteria for mandatory connection.
 - c. The Hillsborough County Health department will refer an applicant of an on-site sewage treatment and disposal system repair permit to the Public Utilities Department to determine if County wastewater service is available if a permit can not be issued for repairs. If service is not available, the Health Department will be notified.
 - d. If it is determined County wastewater service is in close proximity to the development, the Service Availability Team will complete an on-site inspection o the development site to evaluate existing conditions to be used to determine service availability, Staff will record the number of structures, the number of employees and work hours, nature of business, the location of the structures and location of the on-site sewage treatment and disposal system.
 - e. The Service Availability Team will submit the development name, location, folio number, and a copy of the on-site inspection to the Planning and Development Management Department to establish service availability.
- 3. Development severed by a private wastewater treatment plant.
 - a. Section VI. A. EXEMPTIONS, sets out the conditions which cannot be granted.
 - b. The Public Utilities Department will be notified by the Environmental Protection Commissioner (EPC) when a private treatment plant is operating out of compliance.
 - c. If County wastewater service is in close proximity to the development served by the treatment plant, the Service Availability Team will complete an on-site inspection of the development site to evaluate existing conditions to determine service availability. Staff will record the number of structures, the number of employees and work hours, nature of the business, the location of the structures, and the location of the on-site wastewater treatment plant.
 - d. The Service Availability Team will provide the development name, location, folio number, and copy of the on-site inspection to the Planning and Development Management Department to establish service availability.

B. Determining Service Availability

1. The Planning and Development Management Department will employ the criteria described in Section V. F., DEFINITIONS, to determine service availability.
2. Planning and Development Management Department staff will provide a Point-of Connection to the Service Availability team for a development that is considered feasible to connect.
3. A development that does not meet the feasibility criteria will not be required to connect to the county wastewater system. The Service Availability Team will notify the appropriate agency that County wastewater service is not available and mandatory connection is not required.

C. Point-of-Connection Field Review

1. The Service Availability Team will provide the Line Maintenance Section with the development data and the recommended point-of connection. The Line Maintenance Section will evaluate the development site to determine if the point-of-connection is correct, if a more feasible point-of-connection exists or if a more suitable point-of-connection will be available in the near future. Line Maintenance staff will also determine if there are any unusual conditions that could increase the off-site construction costs to connect the development.
 - a. If a more feasible point-of-connection exists or a more suitable point-of connection will be available in the future, the Service Availability Team will ask Planning and Development Management Department staff to review the new point-of-connection to ensure the change will meet the requirements for service availability.
 - b. If an unusual condition exists that may increase the off-site construction costs, the development will be submitted by the Service Availability Team to the Planning and Development Management Department for additional review to establish service availability.

D. Notification and Compliance Process

1. The Service Availability Team will obtain and verify development or property owner through the Public Utilities Billing System and records of the Property Appraiser's Office.
2. A development owner will be notified of mandatory connection requirements by the Public Utilities Department Director. The Notice to Connect letter, prepared by the Service Availability Team, will be sent to the development owner by certified mail.
 - a. A development served by an on-site sewage treatment and disposal system that is operating in compliance with Florida Statutes and Chapter 10D-6, Florida Administrative Code that is not exempted from mandatory connection as set forth in Section VI. B. EXEMPTIONS must be connected to County wastewater service within 365 days after the Notice to Connect Letter is received by the development owner.
 - b. A development served by an on-site sewage treatment and disposal system that cannot be issued a repair permit pursuant to Chapter 10D-6, Florida Administrative Code by the Hillsborough County Health Department must connect to County wastewater service within 90 days after the Notice to Connect Letter is received by the development owner.
 - c. A development served by a private wastewater treatment plant that is determined to be operating "out of compliance" must be connected to County wastewater service within 180 days after the Notice to Connect Letter is received by the development owner.

3. A development owner who fails to comply with the initial Notice to connect letter will receive a Reminder Letter signed by the Public Utilities Department Director, within 30 days prior to expiration of the mandatory connection date. The Reminder Letter, prepared by the Service Availability team, will be sent to the development owner by certified mail.
4. A development owner who fails to comply with the initial Notice of Connection letter or the Reminder Letter will receive a Failure to Comply letter signed by the Public Utilities Department Director, within 15 days from the expiration of the mandatory connection date. The Failure to Comply letter will advise the development owner that the County will initiate enforcement actions within 30 days. The Failure to Comply letter, prepared by the Service Availability Team, will be sent to the development owner by certified mail.

E. Connection Costs

1. A residential single family development owner will be responsible for:
 - a. Obtaining an on-site sewage treatment and disposal system abandonment permit for each system abandoned from the Hillsborough County Health Department, and obtaining a plumbing permit form the Hillsborough County Building Department, and
 - b. All costs associated with on-site construction and restoration material to connect to the County's wastewater lateral, and the abandonment of the on-site sewage treatment and disposal system.
2. A commercial development owner will be responsible for:
 - a. Obtaining an on-site sewage treatment and disposal system abandonment permit for each system abandoned from the Hillsborough County Health Department, and obtaining a plumbing permit form the Hillsborough County Building Department and any other construction permit from regulatory agencies.
 - b. Providing a private wastewater treatment plant abandonment plan, if required, ti the Environmental Protection Commission, and
 - c. All costs associated with on-site and off-site construction and restoration material to connect to the County's designate point-of-connection, and the abandonment of the on-site sewage treatment and disposal system or private wastewater treatment plant.

F. Capacity Fees

1. Capacity fees will be computed in accordance with the Rate Resolution current at the time of connection.
2. Capacity fees may be paid in a lump sum, or in monthly payments, plus interest, for a period not to exceed twenty (20) years. The interest rate will be a blended rate equal to the average rate the County is paying on all outstanding utility Bonds at the time of connection. Payment processes will be in accordance with applicable County Ordinance and Public Utilities Department billing procedures.

G. Wastewater User Charges

Wastewater user charges will be billed in accordance with the current Rate Resolution and the Public Utilities Department's billing procedures.

VIII. RESCIND NOTIFICATION LETTERS:

1. A development owner notified of mandatory connection may request in writing o the Public Utilities Department Director, a review of the development, citing specific reasons why the Notice to Connect letter should be rescinded. The Public Utilities and the Planning and Development Management Departments will review all requests on a case by case basis.
2. A development that is issued Rescind Letters will be subject o review on an annual basis and may be re-notified of mandatory connection if a new service availability review determines the development is feasible to connect to County wastewater service.

IX. WAIVERS: Financial waivers will not be granted.

X. ENFORCEMENT: The provisions of Section 1.9, Hillsborough County Ordinance 92-11, as amended, will be enacted when development owners fail to comply with the requirements of this procedure.

XI. IMPLEMENTATION: The Technical Support Section will annually review the requirements for this procedure. Dissemination of changes to these procedures are the responsibility of the Administrative Support Section.