

ORDINANCE NO.: 2023 - __

AN ORDINANCE AMENDING CHAPTER 28 (UTILITIES), ARTICLE V (ON-SITE SEWAGE DISPOSAL SYSTEMS), CODE OF ORDINANCES, HERNANDO COUNTY, FLORIDA, TO UPDATE REGULATIONS REGARDING SEPTAGE HAULING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Chapter 28 (Utilities), Article V (On-Site Sewage Disposal Systems), Code of Ordinances, Hernando County, Florida, Amended. Chapter 28 (Utilities), Article V (On-Site Sewage), Code of Ordinances, Hernando County, Florida, is hereby amended as follows:

ARTICLE V. ON-SITE SEWAGE DISPOSAL SYSTEMS

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.

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 septage haulers to

1 utilize Hernando County Utilities' disposal facilities ~~and methods,~~ and providing for
2 strict enforcement.

3 Sec. 28-182. Purpose.

4 The purpose of this article is:

5 (a) To provide a mechanism to promote a more efficient method of
6 regulating septage and ~~sludge~~ portable toilet waste ~~collection and~~ disposal.

7 (b) To protect against the creation of a public nuisance through improper
8 handling and disposal of ~~sludge, domestic septage, food service sludge, and~~
9 chemical/portable toilet waste ~~and industrial nontoxic sludge.~~

10 (c) ~~To ensure county control over the sludge and septage land application~~
11 ~~areas.~~

12 ~~(d)~~ To ensure that proper pretreatment of septage is occurring prior to its
13 disposal, thereby protecting the land, water and environment in general.

14 Sec. 28-183. Application of Article.

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

18 Sec. 28-184. Definitions.

19 The definitions contained in this section shall have the meanings set forth
20 below whenever they appear in this article. In addition, all definitions in Subsections

1 17-7, 17-640, and 10D-6, Florida Administrative Code, are incorporated into and
2 made a part of this article except where amended herein.

3 *Agricultural Lands.* All lands zoned for agricultural purposes.

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

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

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

14 ~~*Food Service Sludge.* Oils, greases and grease trap pumpings generated by a
15 food service operation.~~

16 ~~*Industrial Sludge.* Sludges that are primarily composed of materials generated
17 through a manufacturing or other industrial process and which do not contain toxic
18 substances.~~

19 *Licensed Septage Hauling Service.* A person, firm or corporation, or any other
20 entity licensed by the ~~Department of Health and Rehabilitative Services (HRS),~~

1 ~~Hernando County Public Health Unit~~ regulatory authority or authorities having
2 jurisdiction, to haul domestic septage, food service sludge, industrial sludge or
3 chemical toilet waste.

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

8 *Permitted Septage/Sludge Hauling Service.* A person, firm or corporation or
9 any other entity holding a valid permit issued by Hernando County to haul domestic
10 septage, food service sludge, industrial sludge, wastewater treatment plant sludge or
11 chemical toilet waste.

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

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

18 *Sludge Pasteurization.* The heating of a sludge to seventy (70) degrees
19 Celsius for at least thirty (30) minutes, or heating of sludge to a temperature higher

1 or lower than seventy (70) degrees Celsius for a duration that produces a similar kill
2 of microorganisms.

3 *Stabilization.* The use of a treatment process to render sludge or septage less
4 odorous and putrescible, and to reduce the pathogenic content as described in Chapter
5 6 of EPA 625/1-79-0 11, Process Design Manual for Sludge Treatment and Disposal.

6 *Toxic Substances.* Any of the following:

- 7 (1) Hazardous wastes as defined in Chapter 17-30, Florida
8 Administrative Code.
- 9 (2) A pollutant as defined in Chapter 376, Florida Statutes.
- 10 (3) A substance which is or is suspected to be carcinogenic,
11 mutagenic, teratogenic, or toxic to human beings, or to be acutely toxic as defined in
12 Rule 17-3.021(1), Florida Administrative Code.
- 13 (4) A substance which poses a serious danger to the public health,
14 safety or welfare.

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

18 Sec. 28-185. License; ~~permit~~.

19 (a) ~~Competency~~ ~~h~~License required. No septic tank, grease trap, privy,
20 portable toilet, holding tank or other on-site waste disposal facility shall be cleaned

1 or have its contents removed by a septage hauling service engaged in a septage
2 disposal service until such service has obtained a competency license from the
3 ~~Department of Health and Rehabilitative Services (HRS), Hernando County Public~~
4 ~~Health Unit~~ regulatory authority or authorities having jurisdiction. This does not
5 include the removal of wastewater treatment plant sludge.

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

11 ~~(1) Evidence that the applicant possesses adequate equipment,~~
12 ~~such as a tank truck, pumps, appurtenances and tools, for the work intended.~~
13 ~~Equipment shall be inspected and approved by the county public health unit.~~

14 ~~(2) The permanent location and address of the business where~~
15 ~~operations will originate and where equipment is to be stored when it is not in use.~~

16 ~~(3) The proposed disposal method and the site to be used for~~
17 ~~disposing of on-site sewage disposal system septage and wastewater treatment plant~~
18 ~~sludges. The proposed disposal method and the site to be used shall be inspected and~~
19 ~~approved by the Hernando County Public Health Unit.~~

1 ~~(4) Proof that the twelve-hour Florida Department of Health and~~
2 ~~Rehabilitative Services educational course has been successfully completed by the~~
3 ~~septage hauler.~~

4 ~~(5) Proof that the applicant has been actively engaged as a licensed~~
5 ~~septage hauler operator or under the supervision of a licensed operator in the State~~
6 ~~of Florida for at least two (2) of the last five (5) years.~~

7 ~~(6) Reserved.~~

8 ~~(7) Proof of a bond in the amount of twenty-five thousand dollars~~
9 ~~(\$25,000.00) with the bond payable to the Hernando County Board of County~~
10 ~~Commissioners, for the purpose of correcting any environmental damage or public~~
11 ~~health threat by the license holder. This does not apply to any government agencies~~
12 ~~in Hernando County.~~

13 ~~(8) That the applicant agrees to abide by this article and any other~~
14 ~~state or federal code applicable to the activity for which the permit is sought.~~

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

19 ~~(d) Transferability. Permits shall not be transferable.~~

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

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

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

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

1 Sec. 28-186. ~~State requirements~~ Permits.

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

6 (a) Permit Required. No person shall engage in the business of
7 transporting and disposing of domestic septage or portable toilet waste without first
8 obtaining a county permit. Approval for a permit shall be contingent upon the
9 following minimum requirements:

10 (1) Evidence that the applicant possesses adequate equipment,
11 such as a tank truck, pumps, appurtenances and tools, for the work intended.

12 (2) The permanent location and address of the business where
13 operations will originate and where equipment is to be stored when it is not in use.

14 (3) That the applicant agrees to abide by this article, county permit
15 conditions, and any other state or federal code applicable to the activity for which the
16 permit is sought.

17 (b) Non-Transferability. Permits shall not be transferable.

18 (c) Duration. Each permit issued will be for a one-year period (January
19 1 to December 31). The county may establish conditions and a process for automatic
20 renewal, or may require renewal by the applicant each year.

1 Sec. 28-187. Disposal Facilities and Methods.

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

7 (b) Septage and ~~sludge~~ portable toilet waste shall be transported to ~~the~~
8 ~~disposal site~~ Hernando County Utilities' Septage Receiving Stations in such a manner
9 so as to preclude leakage, spillage or the creation of a sanitary nuisance. In the event
10 a nuisance injurious to health or causing environmental damage is created, the permit
11 holder is responsible for and must disinfect the contaminated area and immediately
12 notify ~~the county health unit~~ any required regulatory authorities.

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

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

- 19 (1) Date and time of collection;
- 20 (2) Name and address 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.~~

These records shall be available during offloading at HCUD Septage Receiving Stations and must be maintained for a minimum of two (2) years.

Sec. 28-188. 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.

Sec. 28-189. 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.

Sec. 28-190. ~~Pre-Emption~~ Preemption.

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

10 Sec. 28-191. Administrative Compliance Procedures.

11 (a) Any permittee which has violated, or continues to violate, this Article
12 or any order or permit issued thereunder, shall be subject to immediate revocation of
13 its permit and/or suspension of its disposal privileges as determined by the Hernando
14 County Utilities Department Director.

15 (b) A permittee may appeal a determination made pursuant to this article
16 to the board of county commissioners: provided, that the permittee files a written
17 notice of appeal with the Hernando County Utilities Department Director within
18 thirty (30) days of the date of the determination that is being appealed. Hearings
19 before the board of county commissioners shall be de novo and quasi-judicial.

1 (c) Any person affected by any decision of the board of county
2 commissioners may apply for judicial relief to the circuit court within thirty (30) days
3 after rendition of the decision. Review shall be by petition for writ of certiorari,
4 which shall be governed by the Florida Rules of Appellate Procedure.

5 Section 28-192. Enforcement and Remedies.

6 (a) Administrative Enforcement. Any violation of this Article may be
7 prosecuted as described in Chapter 2, Article III, of the Hernando County Code of
8 Ordinances, as it may be amended or renumbered from time to time.

9 (b) Injunctive Relief. The county may institute a civil action in a court of
10 competent jurisdiction to seek injunctive relief to enforce compliance with this
11 Article.

12 (c) Enumeration Non-Exclusive. Enumeration of penalties, enforcement
13 and remedies herein are non-exclusive and shall not preclude any other enforcement
14 means or remedy now or hereafter available under applicable law. The county may
15 take any, all, or any combination of these actions when the circumstances warrant,
16 including more than one enforcement action.

17 **Section 2. Severability.** It is declared to be the intent of the Board of County
18 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
19 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
20 validity of the remaining portions of this ordinance.

1 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
2 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
3 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
4 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
5 the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

6 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
7 conflict with the provisions of this ordinance are hereby repealed.

8 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of
9 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
10 been filed with said office.

11 **(The Remainder of this Page Has Been Intentionally Left Blank)**

1 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
2 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2023.

3 **BOARD OF COUNTY COMMISSIONERS**
4 **HERNANDO COUNTY, FLORIDA**
5
6
7

8 **Attest:** _____
9 **DOUGLAS CHORVAT, JR.**
10 **Clerk and Comptroller**

8 **By:** _____
9 **JOHN ALLOCCO**
10 **Chairman**

11
12 **Approved for Form and Legal Sufficiency**
13

14
15 
16 _____
 County Attorney