

**From:** [County Ordinances](#)  
**To:** [Ordinances](#); [County Ordinances](#)  
**Cc:** [Heidi Kurppe](#); [Carol Bekas](#)  
**Subject:** RE: Hernando County Ordinance No. 2023-02 - Adopted on January 10, 2023  
**Date:** Wednesday, January 18, 2023 8:44:49 AM  
**Attachments:** [Hernando20230117\\_ORD\\_2023-02\\_ACK.pdf](#)

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Good morning,

Please find attached the acknowledgment letter for Hernando County Ordinance No. 2023-02, which was filed in this office on January 17, 2023.

Best,

County Ordinances  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida

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**From:** Ordinances <ord@hernandoclerk.org>  
**Sent:** Tuesday, January 17, 2023 3:48 PM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Heidi Kurppe <hkurppe@hernandoclerk.org>; Carol Bekas <cbekas@hernandoclerk.org>  
**Subject:** Hernando County Ordinance No. 2023-02 - Adopted on January 10, 2023

**EMAIL RECEIVED FROM EXTERNAL SOURCE**

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Heidi Kurppe
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2023-02

Thank You,

Heidi Kurppe  
Administrative Services | Administrative Services Supervisor  
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller  
Phone: (352)754-4201 | Email: [hkurppe@hernandoclerk.org](mailto:hkurppe@hernandoclerk.org)  
20 N Main Street, Brooksville, FL 34601

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FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

January 18, 2023

Honorable Doug Chorvat, Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 362  
Brooksville, Florida 34601

Attention: Heidi Kurppe

Dear Honorable Doug Chorvat Jr.,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2023-02, which was filed in this office on January 17, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra



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~~ hLicense 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;

- 1 (3) Owner of facility;
- 2 (4) Description of material collected;
- 3 (5) Estimated amount of material collected; and
- 4 ~~(6) Time arrived at land application area.~~

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

7 Sec. 28-188. Incorporated Documents.

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

12 Sec. 28-189. Severability.

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

19 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 10<sup>th</sup> day of January 2023.

3 BOARD OF COUNTY COMMISSIONERS  
4 HERNANDO COUNTY, FLORIDA

5  
6  
7  
8 Attest: Heidi Kuyper, Deputy Clerk  
9 DOUGLAS CHORVAT, JR.  
10 Clerk and Comptroller

By: [Signature]  
11 JOHN ALLOCCO  
12 Chairman

13 Approved for Form and Legal Sufficiency

14  
15  
16 [Signature]  
County Attorney

