

Dear Colleagues in the Florida Onsite Sewage Industry:

We would like to share some more information on a statutory change that will impact onsite sewage treatment and disposal system (OSTDS) permitting throughout the state.

Background

During the 2023 legislative session, the Florida Legislature passed House Bill (HB) 1379, [Laws of Florida Chapter No. 2023-169](#). This statute specifies areas (impacted areas) in the state where Enhanced Nutrient-Reducing Onsite Sewage Treatment and Disposal Systems (ENR-OSTDS) are required instead of conventional septic systems.

Which new OSTDS (aka septic system) permits are affected?

New septic system construction permits that meet all of the following are affected:

- On lots one acre or less.
- Systems located in an impacted area.
- Applications received by the Department of Health county health department (CHD) on or after July 1, 2023, or incomplete applications (except for the site evaluation) received before July 1, 2023.

How can I tell if my system requires a new system construction permit or is in the impacted area?

- Refer to [DCEH 19-004](#) to find out when a new system construction permit is required by Chapter 62-6, Florida Administrative Code (F.A.C.).
- See the [BMAPs and Alternative Restoration Plans - OSTDS Requirements mapping tool](#) to determine if a lot is in an impacted area.

What approved nitrogen-reducing systems (ENR-OSTDS) can be used to meet these requirements?

In-ground nitrogen-reducing biofilters (INRBs), [Florida-approved nitrogen-reducing \(NSF 245-certified\) aerobic treatment units](#), and [Florida-approved nitrogen-reducing Performance-Based Treatment Systems](#) can be used to meet the ENR-OSTDS standard. For a summary of each type of system, see [ENR-OSTDS nitrogen-reducing technologies](#).

What statutory changes require ENR-OSTDS?

The following statutory changes require ENR-OSTDS effective July 1, 2023:

- HB 1379 amends the Florida Springs and Aquifer Protection Act (section 373.811, Florida Statutes (F.S)) to require an ENR-OSTDS within a Basin Management Action Plan (BMAP) in effect for an Outstanding Florida Spring, for new systems on lots of one acre or less when sewer is not available.
- HB 1379 amends section 403.067, F.S. to require ENR-OSTDS for new systems on lots one acre or less within all BMAP areas, Reasonable Assurance Plan (RAP) areas and Pollution Reduction Plan (PRP) areas when sewer is not available.

In addition, the legislation creates the new Indian River Lagoon Protection Program (section 373.469, F.S.). It requires that by July 1, 2030, any commercial or residential property with an existing OSTDS located within the three BMAP areas (Banana River Lagoon, Central Indian River Lagoon, North Indian River Lagoon) and the Mosquito Lagoon RAP to connect to central sewer if available or upgrade to ENR-OSTDS or other wastewater treatment system that achieves at least 65 percent nitrogen reduction. It requires starting January 1, 2024, ENR-OSTDS for new systems on all lot sizes when sewer is not available in these three BMAP areas and the Mosquito Lagoon RAP area.

Let us know if you have any questions at ostds_feedback@floridadep.gov.



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