



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 14, 2024

Via email: dwestrich@biomicrobics.com

Mr. Daniel Westrich
BioMicrobics, Inc.
16002 West 110th St
Lenexa, Kansas 66219

Dear Mr. Westrich,

You requested review and approval of the MicroFAST 0.4 aerobic treatment unit (ATU) manufactured by BioMicrobics, Inc. This ATU has been certified to meet the requirements of ANSI/NSF Standard 40 (Residential Wastewater Treatment Systems) for Class I classification and ANSI/NSF Standard 245 (Wastewater Treatment Systems – Nitrogen Reduction). You submitted an NSF letter documenting their scale-down review against the tested MicroFAST 0.5 model (NSF Final Report 06/11/2015/060 dated April, 2007). Per your request, the MicroFAST 0.4 model has been reviewed for compliance with the requirements of rule 62-6.012, Florida Administrative Code (F.A.C.) and is hereby approved.

This model is housed in a treatment receptacle that is manufactured by Dura-Cast and was previously approved by the Florida Department of Environmental Protection. The version that houses the Microfast has minor modifications as noted below.

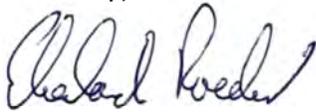
Approval Number	Approval Remarks
53-161-95D-C3	Polyethylene; Snyder Industries "900 Gallon D2"/Norwesco "900 Gallon Low Profile" modified with a higher inlet and outlet and a different location of the slide in baffle. Approved for use to house the Microfast 0.4 (400 gpd) NSF 245 certified ATU. White color.

For common reference, we include the proposed tank listing, your tank drawings with approval comments, the manuals, and a notice of rights.

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If you have further questions, please contact Ms. Debby Tipton at
Debby.Tipton@FloridaDEP.gov or 850-245-8629.

Sincerely,



Eberhard Roeder, PhD, PE, CPM
Program Administrator
Onsite Sewage Programs

ER/tw

Enclosures: tank listing, tank drawing, BioMicrobics MicroFAST0.4 Manual, Notice of Rights

Cc:

Mark Repasky, repaskymd@aol.com

Robert Rebori, BioMicrobics, Inc., RRebori@biomicrobics.com

Taylor Krone, Snyder Industries, LLC, tkrone@snydernet.com

Todd Bolzer, Norwesco, Inc., todd.bolzer@norwesco.com

David Evans, Harry Warren, Inc. davidevans@harrywarren.com

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the request for a variance or waiver.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file identification number, if known;
- (b) The name, address, telephone number, and any e-mail address of the petitioner; the name, address, telephone number, and any e-mail address of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of receipt of this written notice. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any

subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.