

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

AND

THE DEPARTMENT OF ENVIRONMENTAL REGULATION

THIS MEMORANDUM, made and entered into this 16 day of Sept., 1982, by and between the Suwannee River Water Management District (hereinafter SRWMD) and the Department of Environmental Regulation (hereinafter DER):

W I T N E S S E T H :

PART I. PUBLIC DRINKING WATER APPLICATIONS.

WHEREAS, the Legislature of the State of Florida enacted the "Florida Safe Drinking Water Act," Sections 403.850-403.864, Florida Statutes; and

WHEREAS, DER has promulgated regulations to implement the requirements of the Florida Safe Drinking Water Act as well as acquire primacy for the State of Florida; and

WHEREAS, DER, through the Water Resources Act of 1973, has promulgated Chapter 17-21, Florida Administrative Code, which establishes rules containing criteria for wells generally; and

WHEREAS, DER, through the Florida Safe Drinking Water Act, has promulgated Chapter 17-22, Florida Administrative Code, which establishes rules containing additional criteria for public water supply wells; and

WHEREAS, DER has delegated the performance of the permitting of wells to the SRWMD and the District has accepted said delegation (copy of said delegation as Exhibit "1" attached hereto); and

The enforcement of wells by the Water Management District is specified in Section 17-1.04(8), Florida Administrative Code, and Section 373.103, Florida Statutes, which provides the responsibility for the SRWMD to engage in enforcement activity.

WHEREAS, DER and the SRWMD intend to implement the Legislature's mandate to eliminate two-step permitting whenever possible;

NOW, THEREFORE, the SRWMD and DER agree as follows:

1. The well contractor will make application for a well permit, in conjunction with the owner, to the SRWMD for a well to serve as a source of public water supply, as defined by Chapter 17-22, Florida Administrative Code; Chapter 403, Florida

Code.

2. The requirements of Chapter 120, Florida Statutes, will apply.

3. The SRWMD will review the application and attachments for completeness, pursuant to Section 17-22.106, Florida Administrative Code.

A. A site inspection will be conducted by the SRWMD. One of the important items to investigate will be existing sanitary hazards or potential sanitary hazards. Other items include: topography, possibility of flooding, and availability of service from an existing approved public water system. Relative to this, the Florida Public Service Commission regulates and grants certified areas of service for certain utilities in certain counties. Some counties also "franchise" areas for utility service. Chapter 10D-26, Florida Administrative Code (DHS), requires connection of trailer parks, campgrounds, etc., which are licensed by DHS to connect to an approved utility when service is available.

4. The SRWMD shall forward, by certified mail, a copy of the application and all supportive documents to DER for review.

5. Within five (5) working days following receipt of the application and supportive materials, DER shall submit to SRWMD a recommendation for issuance or denial. Failure of DER to respond within this five (5) day period will constitute acceptance of the permit application.

6. If either DER or SRWMD recommend denial of the well permit, SRWMD shall issue a letter of intent to deny to the applicant and inform applicant of his right to request an administrative hearing.

7. Requests for an administrative hearing shall be directed to SRWMD which shall forward a copy to DER. SRWMD shall provide for a hearing and take final action on any application following the hearing.

8. The SRWMD will be responsible for all aspects of enforcement and legal activity involving all violations to Chapter 17-21 and 17-22, Florida Administrative Code; Chapter 403, Florida Statutes; Chapter 373, Florida Statutes; and Chapter 161-3, Florida Administrative Code, relating to the construction of public water supply wells.

9. The application fee shall be that fee required by the rules of the SRWMD and shall be paid to and obtained by the SRWMD. Once a project is issued a permit by the SRWMD, a copy of the well permit shall be provided to DER. Once the SRWMD determines that the permitted well is satisfactorily completed, a certificate of completion and completion report will be sent to DER.

PART II. APPLICATIONS FOR PROJECTS INVOLVING THE CONSTRUCTION AND OPERATION OF ARTIFICIAL RECHARGE FACILITIES.

WHEREAS, SRWMD is required by Chapter 373.106(1) to accept and consider applications for projects involving artificial recharge; and

WHEREAS, DER regulates projects involving artificial recharge under Chapter 17-28, Florida Administrative Code, and does not delegate that authority to SRWMD by this agreement; and

WHEREAS, both agencies want to minimize duplication of effort and permitting requirements;

THEREFORE, SRWMD and DER agree that the following procedures shall apply to all artificial recharge systems which involve the intentional introduction of fluids into any underground formation and for which a permit is required under Chapter 17-28, Florida Administrative Code, and which fall within the jurisdiction of SRWMD.

1. Application for an injection well permit may be received either at the Department of Environmental Regulation, St. Johns River Subdistrict Office, 3426 Bills Road, Jacksonville, Florida 32207, or at SRWMD at its headquarters in Live Oak on behalf of DER. The application shall be made on appropriate DER forms.

2. Not later than two (2) working days following receipt of an injection well application, DER or SRWMD shall mail or deliver to the other a copy of the application and all applicable supporting documents. DER is to retain the original application and appropriate fee.

3. DER shall promptly review all applications and will request additional information as necessary from the applicants, providing copies of such requests to SRWMD. DER shall coordinate its final review of application completeness with SRWMD. SRWMD will advise DER of necessary additional information within 15 days of receipt of the application. DER shall notify applicants of deficiencies within 30 days of receipt of the application. DER shall forward a copy of additional materials to SRWMD upon receipt and shall inform SRWMD when each application is complete.

4. SRWMD shall take final District action pursuant to Chapter 408-5, Florida Administrative Code, within a reasonable time not to exceed 60 days after notification by DER of a completed application, and provide to the Department written authorization or denial with the reasons attached. Any authorization or denial by SRWMD shall specifically state that any substantially affected person has the right to request a hearing pursuant to Chapter 120, Florida Statutes. SRWMD shall apply the standards contained in Chapter 17-28, Florida Administrative Code, and the policy

contained in Chapter 17-40, Florida Administrative Code, and Chapter 373, Florida Statutes, in rendering its decision. DER shall be promptly notified of such action and the authorization or denial shall be made part of the permit or official file as appropriate. DER shall not take final agency action on such applications within this time frame without notifying SRWMD. No construction may begin on a project involving artificial recharge or the intentional introduction of fluids into any underground formation except as permitted by Chapter 377, Florida Statutes, without written authorization of the Governing Board of SRWMD and a permit issued by DER under Chapter 17-28, Florida Administrative Code.

5. When a project involves a Class I, III, or IV injection well (as defined in Chapter 17-28, Florida Administrative Code), DER shall form a Technical Advisory Committee (TAC) to offer advice in the permitting process. DER may form a TAC for a Class V injection well at its discretion. Any TAC formed shall, at a minimum, consist of one DER and one SRWMD representative and shall be chaired by DER. SRWMD will notify DER of any preliminary contacts from potential injection well permit applicants so that the TAC may be formed prior to application submittal.

6. SRWMD agrees to assist DER with Class V injection well owner notification procedures. By mutual consent DER and SRWMD may exchange computerized groundwater data.

PART III. APPLICATIONS FOR PROJECTS UTILIZING LAND DISPOSAL OF TREATED WASTEWATER.

WHEREAS, DER receives and processes permit applications for projects utilizing land disposal of treated wastewater, and

The SRWMD desires an opportunity to comment upon and provide technical input into DER's regulatory process;

THEREFORE, the parties agree that the following procedures shall apply to those domestic and industrial projects which require a DER permit and which utilize land application for effluent disposal:

1. Application shall be filed with the appropriate DER office.
2. No later than two (2) working days following receipt, the DER office receiving the application will mail to SRWMD one copy of the application and applicable documents.
3. Any additional information needed by SRWMD shall be requested by them through the DER office within five (5) calendar days of SRWMD's receipt of the application.

4. Within fifteen (15) calendar days of the receipt of the completed application, SRWMD shall forward its comments and applicable supporting materials to the DER office processing the application.

5. Both agencies shall work together with the applicant to resolve any objections either may have to any aspect of the proposed project.

This agreement shall not relieve any applicant from complying with permitting requirements of DER relating to water quality, operational or system requirements that may otherwise be regulated by the DER.

Termination of this agreement can be achieved by either party providing the other with written notice of termination no less than thirty (30) days in advance of the desired date of termination.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed in their respective names the day and year first written above.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

Arley Powell, Chairman Attest [Signature]
As to SRWMD

DEPARTMENT OF ENVIRONMENTAL REGULATION

Victoria J. Lindell Attest September 16, 1982
As to DER