

**SECOND AMENDED WATER WELL PERMITTING DELEGATION AGREEMENT
MARION COUNTY HEALTH DEPARTMENT**

This Second Amended Agreement ("Agreement") is made between the St. Johns River Water Management District ("District") and the Florida Department of Health-Marion County Health Department ("MCHD") (collectively "the Parties") this _____ day of _____, 20__.

WHEREAS:

On May 20, 2008, the Parties entered into an Amended Water Well Permitting Delegation Agreement pursuant to Rule 40C-3.035, Florida Administrative Code ("F.A.C."); and

It is the desire of the Parties to further amend the agreement currently in effect; and

The District is a special taxing district created by Chapter 373, Florida Statutes ("F.S."), and is charged with the duty to prevent harm to the water resources of the District, and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder; and

The Department of Environmental Protection ("Department") has delegated to the District the authority to implement Chapters 62-524, 62-531, 62-532, and certain portions of 62-555, F.A.C., related to the permitting and regulation of water wells; and

The District is authorized to delegate the duty to administer and enforce the statutes and rules regulating water well construction, repair, and abandonment, to the MCHD; and

The MCHD has sufficient authority to exercise the powers delegated by this Agreement; and

The MCHD has demonstrated to the District that it has procedures in effect to protect the rights of permit applicants and persons whose rights may be substantially affected by the MCHD's administration of the program; and

The MCHD has the requisite regulatory experience, and the parties desire to avoid any duplication or overlapping of permitting requirements between the District and the MCHD; and

The Parties desire to accomplish the regulation of water wells in the County that are not located within an area delineated by the Department or earth-coupled geothermal well systems (an underground heat exchanger that circulates transfer fluid within pressurized tubing installed and grouted in the earth), through delegation of the implementation of Part III of Chapter 373, F.S., and the applicable portions of Chapters 40C-3, 62-532, and 62-555, F.A.C., to the MCHD; and

THEREFORE, based upon the mutual consideration contained in this Agreement, the Parties agree as follows:

I. RESPONSIBILITIES OF THE MCHD

1. The MCHD shall administer the program for regulation of water well construction, repair, and abandonment standards pursuant to Chapters 40C-3, 62-532, and 62-555, F.A.C., in Marion County within the jurisdictional boundaries of the District, unless these wells are within a Chapter 62-524, F.A.C., delineated area or part of an earth-coupled geothermal well system.
2. The MCHD shall regulate water well construction, repair, and abandonment using the standards set forth in Chapters 40C-3, 62-532, and 62-555, F.A.C.
3. The MCHD shall use the permit application and Well Completion Report forms supplied or approved for use by the District.
4. The MCHD shall maintain records of all permit applications reviewed by the MCHD in accordance with Chapter 119, F.S. (the Florida Public Records Law), and procedures consistent with the District's Division of Regulatory Information Management, Department of Resource Management. Copies of records may be maintained as official scanned copies in accordance with Chapters 1B-24 and 1B-26, F.A.C.
5. The MCHD may establish a schedule of permit fees, which shall not exceed the cost to the MCHD for permit processing, monitoring, and inspecting for compliance with the permit.
6. The MCHD shall organize and train its staff as a functional unit and maintain sufficient staffing to fulfill its obligations under this Agreement.
7. The MCHD shall submit a quarterly report to the District by email to delegatedcountysupport@sjrwmd.com within fifteen (15) days after the end of each quarter, which describes the MCHD's permitting and compliance inspection activities for the previous quarter. The report shall include:
 - a. A list of water well construction, repair, and abandonment permits issued or under review by MCHD, including permit number, property owner and location, and identification of the water well contractor; and
 - b. A list of water well construction, repair, and abandonment compliance inspections conducted, violations found, and the current status of the violation, including permit number, property owner and location, and identification of the water well contractor; and
 - c. Scanned or mailed copies of all Well Completion Reports received by the MCHD which have not been previously submitted through the E-permitting system.
8. MCHD shall ensure that a properly completed Well Completion Report is submitted by the Water Well Contractor prior to forwarding a copy of the Well Completion Report to the District.

9. MCHD shall conduct random water well construction, repair, and abandonment inspections of at least twenty percent (20%) of all wells permitted in Marion County within the jurisdictional boundaries of the District, calculated on a running 12 month average.

10. MCHD may not further delegate its authority under this Agreement.

11. Nothing in this Agreement shall be construed to limit or delegate the District's exclusive authority to review, issue, or take any action regarding consumptive use permits pursuant to Chapter 373, F.S., and applicable rules. MCHD shall withhold issuance of any water well construction, repair, or abandonment permit if the application indicates or if MCHD staff verifies that the proposed or existing well requires a District consumptive use permit, until such time as the District has notified the MCHD in writing that the water well permit can be issued. MCHD shall notify the District upon receipt of an application for the construction, repair, or abandonment of any water well, regardless of diameter, if the proposed or existing water well will require a District consumptive use permit.

II. RESPONSIBILITIES OF THE DISTRICT

1. The District shall continue to issue permits for the construction, repair, and abandonment of all wells within delineated areas as enumerated in Chapters 62-524 and 40C-3, F.A.C.

2. The District shall continue to issue permits for the construction, repair, and abandonment of all wells associated with earth-coupled geothermal well systems.

3. While this Agreement is in effect, the District shall not enter into any agreement regarding the implementation of Chapter 40C-3, F.A.C., with any other local government within the jurisdictional boundaries of Marion County without the written consent of the MCHD.

4. The District shall provide the MCHD with all necessary information to support the MCHD's implementation of the Chapter 40C-3, F.A.C., program. This support shall include:

- a. Providing the MCHD with information regarding the District's current technical and administrative procedures for review of water well permit applications, including the coordination of activities regarding Chapter 40C-2, F.A.C., which may affect well permitting; and
- b. Providing information regarding pending water well construction, repair, and abandonment enforcement activities in Marion County within the jurisdictional boundaries of the District; and

- c. Providing technical assistance and training as necessary to enable an accurate and consistent review of water well construction, repair, and abandonment permit applications or to resolve compliance problems with existing wells.

5. The District shall take enforcement action against water well contractors and unlicensed persons who have engaged in the practice of water well contracting.

6. The District shall maintain responsibility for administering examinations and issuing licenses for water well contractors who construct, repair, or abandon wells within Marion County.

7. The District, or Contractors working for the District, will not be required to obtain a permit from the MCHD when constructing, repairing, or abandoning a water well within Marion County. The District will inform the MCHD of its intention to do work within the county and file a Well Completion Report with the MCHD upon completion of the work.

III. COMPLIANCE

1. As part of the regulation of water well construction, repair, and abandonment, the MCHD shall:

- a. Verify compliance with water well construction, repair, and abandonment standards pursuant to Chapters 40C-3, 62-532, and 62-555, F.A.C., and permit conditions; and
- b. Report all unlicensed water well contracting to the District which will take appropriate enforcement action against the unlicensed individual; and
- c. Issue a Warning Letter when unable to resolve a water well construction, repair, or abandonment violation; and
- d. Refer to the District for enforcement action all violations unresolved within the fifteen-day response time specified in the initial Warning Letter; and
- e. Refer the violation to the District for enforcement action in lieu of issuing a Warning Letter if a Water Well Contractor is found to have committed repetitive violations; and
- f. Assist the District, as needed, in any enforcement action regarding a violation.

2. As part of the regulation of water well construction, repair, and abandonment, the District shall:

- a. Direct MCHD to issue a Warning Letter if the District finds a violation was not identified by MCHD; and

- b. Upon request, assist the MCHD with the identification of well construction, repair, and abandonment violations and rule interpretation; and
- c. Issue a Notice of Violation (NOV), at the District's discretion, pursuant to Section 373.333(2), F.S., for unresolved compliance actions referred to the District by MCHD; and
- d. Report the appropriate contractor enforcement information to the Statewide Clearinghouse.

IV. DISTRICT/MCHD COORDINATION

1. The District's Water Well Construction Program staff and MCHD staff shall meet to review and approve new or modified water well permitting procedures and to promote regulatory consistency. Frequency of such meetings shall be determined by mutual agreement between the parties. New or modified procedures must receive District approval prior to implementation.

2. Applications submitted to the MCHD for any water wells that exceed the authority delegated to MCHD shall be forwarded to the District within five (5) days of receipt. The MCHD shall notify the permit applicant that the District will process the application.

3. The District shall submit to the MCHD, within fifteen (15) days after the end of each quarter, a quarterly report that describes the status of all recent water well enforcement activities within the District.

4. The MCHD's Program Administrator or designee and the District's Water Well Construction Program Supervisor or designee shall coordinate this program to ensure consistent and effective implementation of Chapter 40C-3, F.A.C.

5. The District may assist in the review of any water well construction, repair, or abandonment permit application that the MCHD is reviewing. In cooperation with MCHD, the District may also conduct inspections of water wells permitted the MCHD.

V. TERMINATION

Either party may terminate this Agreement upon one hundred twenty (120) days prior written notice to the other party. Not less than sixty (60) days prior to the effective date of termination of the Agreement, the MCHD shall transfer all permit applications to the District; and provide comments on the appropriate course of action for any pending compliance activities.

VI. EFFECTIVE DATE

Upon execution of this Agreement by the Parties, the District shall initiate rulemaking to adopt an amendment to Rule 40C-3.035, F.A.C., implementing the provisions of this Agreement.

This Agreement shall become effective upon the effective date of the District's rule incorporating this Agreement by reference. The agreement between the MCHD and the District

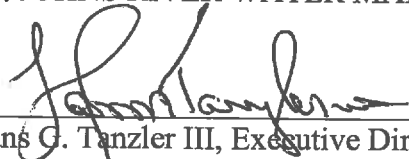
dated May 20, 2008 shall remain in full force and effect until the effective date of this Second Amended Agreement.

VII. EXCLUSIVE AUTHORITY

Nothing in this Agreement shall be construed to impede, interfere with, or supersede the exclusive authority of the District under Part II of Chapter 373, F.S., to regulate the consumptive use of water, and no delegation of this exclusive District authority is granted to MCHD. MCHD agrees not to regulate the consumptive use of water in any manner.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT




Hans G. Tanzler III, Executive Director

Date: 11-14-11

(Seal)

FLORIDA DEPARTMENT OF HEALTH
MARION COUNTY HEALTH DEPARTMENT



Nathan Grossman, M.D.
Marion County Health Department Director

Date: 11-26-11