

PAID 5-6-72

MEMORANDUM OF UNDERSTANDING

Between

THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

And

THE DEPARTMENT OF ENVIRONMENTAL REGULATION

Concerning

PROCEDURES FOR HANDLING PUBLIC DRINKING
WATER SYSTEMS PERMIT APPLICATIONS

THIS MEMORANDUM, made and entered into this 15 day
of February, 1978, by and between St. Johns River Water
Management District, hereinafter referred to as "St. Johns,"
and the Department of Environmental Regulation, hereinafter
referred to as "DER":

W I T N E S S E T H :

WHEREAS, the Legislature of the State of Florida en-
acted 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 establish rules containing criteria for wells generally;
and

WHEREAS, DER, through the Florida Safe Drinking Water
Act (FSDWA), has promulgated Chapter 17-22, Florida Administra-
tive Code, which establish rules containing criteria for water
supply wells; and

WHEREAS, DER has delegated the performance of the permitting of wells to St. Johns and the District has accepted said delegation; (copy of said delegation as Exhibit I attached hereto); and

WHEREAS, DER and St. Johns intend to implement the legislature's mandate to eliminate two-stop permitting whenever possible;

NOW, THEREFORE, St. Johns and DER agree as follows:

1. The well contractor will make application for a well permit, in conjunction with the owner, for a well to serve as a source of public water supply, as defined by Chapter 17-22, Florida Administrative Code, Chapter 403, Florida Statutes rules, and will submit the application to St. Johns for its simultaneous review pursuant to Florida Statutes, Chapter 373: Chapter 17-21, Florida Administrative Code, and Section 17-22.108, Florida Administrative Code, and Chapter 16I-3, Florida Administrative Code.
2. The time limitations of Chapter 120, Florida Statutes, will begin when the application is complete.
3. A copy of the application will be mailed or forwarded by St. Johns to the appropriate DER District office on the next working day following its receipt.
4. The DER District office will review the application and attachments for completeness, pursuant to Section 17-22.106 (1) and (2) (b), Florida Administrative Code.
 - A. If the application is complete, the 30-day review period will have begun as of the day of receipt by St. Johns, and a site inspection, under Section 17-22.106(1) and (2) (b), Florida Administrative Code,

- will be conducted by DER or the appropriate County Health Department. DER shall notify St. Johns of the status of an application and will submit to St. Johns within 30 days of receipt of a complete application a recommendation as to issuance or denial.
- B. If the recommendation is for issuance of a well permit, a reason(s) for issuance and conditions desired in the permit, if any, will be provided.
 - C. (1) If the application is complete but the site inspection reveals additional problems, DER will attempt to resolve the problems with the owner and well contractor within the time specified in Chapter 120, Florida Statutes (initial 30 days including response time by applicant and/or owner).
(2) If problems cannot be resolved, a letter will be forwarded to St. Johns recommending denial of the proposed well permit with the reasons for that recommendation. St. Johns shall issue all intents to deny, and intents to issue.
 - D. If the application is not complete, and the applicant is so notified within 30 days of receipt of the application, the time period for review will not begin until all requested and required information is received by DER.
- 5. The application fee shall be that fee required by the Rules of St. Johns and shall be paid to and retained by St. Johns.
 - 6. Requests for administrative hearings will be directed to St. Johns which will conduct the hearing and take final action on any application following public hearing.

- A. If the hearing is necessitated by a recommendation from DER, DER will reimburse St. Johns for all hearing costs, and any subsequent administrative and legal costs incurred to resolve the conflict. Costs shall be incurred by St. Johns on behalf of DER only upon specific authorization from the DER's Office of General Counsel. Reimbursement shall only be required for costs incurred due to specific authorization.
 - B. If the hearing is necessitated by a recommendation from St. Johns, St. Johns will bear all costs incurred for the hearing and subsequent administrative and legal costs incurred to resolve the conflict.
 - C. In the event that recommendations from both parties necessitate administrative/legal activity, the parties will allocate the costs therefore between themselves equitably. Costs shall be incurred by St. Johns on behalf of DER only upon specific authorization from the DER's Office of General Counsel. Reimbursement shall only be required for costs incurred due to specific authorization.
 - D. Costs incurred for hearings and/or legal activity generated by Intervenors shall be borne by the party(s) as per (A) - (C) above, depending on the area of function in dispute.
7. As soon as possible, the expenses of administering water well permitting, including hearing costs and necessary inspections, shall be included by St. Johns in its budget request to DER with the intent of bearing all expenses financed directly by St. Johns.
8. 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 WHEREOF, the parties hereto have caused this Agreement to be executed in their respective names the day and year first above written.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

BY

R. T. Clay

Chairman

Attest:

Claude O. Godwin

Assistant Secretary

As to St. Johns

DEPARTMENT OF ENVIRONMENTAL REGULATION

BY

J. B. Landrum
Secretary

Attest:

James K. ...

As to DER



STATE OF FLORIDA
COUNTY OF PUTNAM

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

I HEREBY CERTIFY that on this 15 day of February, 1978, before me personally appeared R. T. Clay, Chairman, Board of Governors of the St. Johns River Water Management District and Claude O. Godwin, Secretary, Board of Governors of the St. Johns River Water Management District, to me known and known to me to be the persons described in and who executed the foregoing instrument and acknowledged before me they executed the same for the purposes therein expressed.

WITNESS my hand and official seal the date aforesaid.

Doris C. Cibley
Notary Public

My Commission expires

Notary Public, State of Florida at Large
My Commission Expires May 23, 1980
Issued by Governor Ron Reagan

STATE OF FLORIDA

COUNTY OF LEON

DEPARTMENT OF ENVIRONMENTAL REGULATION

I HEREBY CERTIFY that on this 30 day of January, 1978, before me personally appeared Joseph W. Landers, Jr., Secretary, Department of Environmental Regulation, to me known to me to be the person described in and who executed the foregoing instrument and acknowledged before me they executed the same for the purposes therein expressed.

WITNESS my hand and official seal the date aforesaid.

Maries A. Morales
Notary Public

My Commission expires September 30, 1979

(Corporate Seal)



DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FLOOD CONTROL

DELEGATION OF AUTHORITY AND RESPONSIBILITY TO THE:
NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT,
SUWANNEE RIVER WATER MANAGEMENT DISTRICT,
ST. JOINS RIVER WATER MANAGEMENT DISTRICT,
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT,
AND THE
CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT,
PURSUANT TO CHAPTER 373, FLORIDA STATUTES.

Pursuant to provision contained in Chapter 373, Florida Statutes, the above named Water Management Districts and The Central and Southern Florida Flood Control District are hereby authorized to exercise all powers and authorities enumerated in Section 373.103, Florida Statutes, except, the following Sections are withheld from delegation: 373.023, 373.026, 373.029, 373.043, 373.069 (1), (2), (3), 373.106 provisional, 373.191, 373.309, 373.323, 373.326, 373.329, 373.495, 373.498, 373.501, 373.589; said Districts are also specifically authorized to administer and enforce all provisions of Chapter 16C-8, Florida Administrative Code.

It is recognized in making these delegations of authority that the Department will continue to exercise general supervisory authority over these Districts, and that the Department shall review, and may rescind or modify the policies, rules, regulations and orders of such District as provided by law to insure compliance with the provisions and purposes of the Act.

An application for an injection well as covered under Section 373.106, Florida Statutes, shall be filed by duplicate copy with the Department and the concerned Water Management District. The Application requires the approval by both organizations.

Approved by the Governor and Cabinet on August 20, 1976.