

INTERAGENCY AGREEMENT  
BETWEEN THE  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
AND THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
AND THE  
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

The purpose of this document is to set forth a revised agreement between the State of Florida Department of Environmental Regulation (Department), the St. Johns River Water Management District (District), and the State of Florida Department of Health and Rehabilitative Services (HRS), including the county public health units, to delegate the permitting and water quality analysis of new potable water wells in delineated areas pursuant to Section 373.309, Florida Statutes (F.S.) and Chapter 17-524, Florida Administrative Code (F.A.C.). The parties agree that:

1. The District shall adopt, through rulemaking, the requirements of Chapter 17-524, F.A.C., and shall bring into conformity all existing rules regarding water well construction as related to the intent and purpose of Chapter 17-524, F.A.C.
2. HRS shall adopt, through rulemaking, the requirements of Chapter 17-524, F.A.C., and shall update all existing rules regarding water well testing to be consistent with the intent and purpose of Chapter 17-524, F.A.C.
3. The Department shall, upon request, provide technical assistance to the District and HRS in this rulemaking process. The Department, the District, and HRS shall cooperate to ensure that rules adopted or amended in this process are consistent with the language and intent of Chapter 17-524, F.A.C.
4. Pursuant to Section 373.309, F.S., the Department shall delineate areas with known ground water contamination. The Department shall review and analyze data related to a given area and establish delineated areas through procedures set forth in Rule 17-524.420, F.A.C. In delineating areas under Rule 17-524.420, F.A.C., the Department shall coordinate with the District and HRS to incorporate technical information relating to well construction, geology, hydrogeology, pump test analyses, and other data available to the District and HRS which may be useful in establishing delineated areas. Prior to public notice, the Department shall submit preliminary delineations and data related to those delineations to the District and HRS for review. Within 30



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days of submittal to the Department, the District and HRS shall provide written comments on proposed delineations.

5. The Department shall make maps and other information on areas of contamination available to the District and HRS. The Department shall provide the District with information on adopted delineated areas and quarter quarter section maps (index maps), which indicate all quarter quarter sections which contain any portion of a delineated area, both encoded in a digital format suitable for District use in administering the permitting process. The Department shall provide hard copy maps, map overlays, or alternative formats of delineated areas at a 7.5 minute quadrangle map scale.
6. The Department shall notify the District and HRS 90 days prior to initiating revisions to delineated areas in counties which are located within or contiguous to the District's jurisdictional boundary.
7. The District, in conjunction with HRS as set forth herein, shall administer a permitting process for the construction and abandonment of potable water wells in delineated areas pursuant to Section 373.309, F.S., and Chapter 17-524, F.A.C. Permit application shall be made under the District's existing well construction permitting Chapter 40C-3, F.A.C., pursuant to Chapter 17-532, F.A.C., using existing or new forms adopted by the District for this purpose.
8. The District shall require that applicants provide the District with the correct locations of proposed potable water wells for purposes of determining whether each well is subject to the requirements of Chapter 17-524, F.A.C. As a minimum, the District shall require that applicants provide the correct proposed locations of all new potable water wells located within a quarter of a quarter section which contains any portion of a delineated area on a U.S.G.S. 7.5 minute quadrangle map, or other map approved by the District that is at the same or greater scale.
9. Based on the information submitted by the applicant, the District shall determine whether a proposed new potable water well will be located within a delineated area, and thereby will require permitting pursuant to Chapter 17-524, F.A.C.
10. The District shall adopt, through rulemaking, the requirement for prohibition of permitting and construction of new potable water wells in delineated areas where available potable water systems exist as provided for in Chapter 17-524, F.A.C. The rules shall provide that prior to issuing a permit for a new potable water well in a delineated area, the District shall

determine, through contact with county public health units approved for implementation of the Florida Safe Drinking Water Act or local water supply officials, whether a potable water supply system is available, as provided for in Chapter 17-524, F.A.C., to service the location for which a new potable water well permit is required.

11. When the District issues a permit for the construction of a new potable water well in a delineated area, the District shall provide written notice, via well construction permit, to the property owner or his agent that the proposed potable water well is in an area in which ground water contamination is known to exist and that the well is subject to the requirements of Chapter 17-524, F.A.C. The District shall provide written notification to the owner that the owner is responsible for contacting HRS within 60 days of well completion to coordinate sampling and analyses of required water quality testing. Such notification shall inform the property owner and/or his agent that construction, sampling, and analysis of the well must be conducted according to procedures specified in Chapters 17-524 and 40C-3, F.A.C., as a prerequisite for well use; that costs related to the collection, shipping, and analysis of samples are the responsibility of the property owner; and that a determination will be made by HRS as to whether the testing and water quality analysis requirements of Chapter 17-524, F.A.C., have been met. In the event the well water is found not to be suitable for potable use, HRS shall notify the owner that the use of the well is prohibited pursuant to Section 373.309, F.S., and Chapter 17-524, F.A.C., until remedies are implemented by the Department or the owner that bring the well into compliance with Chapter 17-524, F.A.C. The District shall provide written notification to HRS when a new potable water well located in a delineated area is properly constructed. HRS may extend the 60 day sampling period and shall make written notification to the District of any extension.
12. For each delineated area, the Department shall provide the District with a list of those contaminants to be tested for, pursuant to Rule 17-524.600, F.A.C. The methods of analysis, the STORET codes, units to be reported, and any casing or solvent bond restrictions shall be specified for each contaminant. The Department and HRS agree to cooperate on technical issues related to the water quality testing requirements of Chapter 17-524, F.A.C., including required sampling methodologies, analytical methods for water quality testing of permitted wells, and information on certified analytical laboratories. Where no certified laboratories are available for a contaminant, the Department shall specify

- quality assurance/quality control procedures and shall consult with HRS in determining the validity of analytical data. HRS agrees to consider contaminants included in Department delineations under Chapter 17-524, F.A.C., in the implementation and development of the laboratory certification program under Chapter 105-41, F.A.C.
13. HRS shall establish administrative procedures to implement the water quality testing requirements of Chapter 17-524, F.A.C., for new potable water wells located in delineated areas. HRS shall coordinate and provide quality assurance/quality control of all collected samples. If no contamination is found upon testing, HRS shall issue a letter of clearance to the well construction permit applicant, with copies to the owner, the District and Department, including the results of the analysis and the suitability of the well water for its intended potable use, within 7 days of the receipt of analytical results for a sample. If the well water meets the water quality testing requirements of Chapter 17-524, F.A.C., HRS shall include in such clearance that water quality testing requirements for Chapter 17-524, F.A.C., have been met. If contamination is found upon testing, HRS shall notify the well construction permit applicant, with copies to the owner, the District and the Department, that the well water is not suitable for its intended potable use, and that use of the well is prohibited pursuant to Section 373.309, F.S., and Chapter 17-524, F.A.C., until remedies are implemented by the Department or the owner that bring the well into compliance with Chapter 17-524, F.A.C. If HRS receives notification from the District that the construction of a potable water well in a delineated area has been properly constructed, but, HRS has not been contacted by the owner within 60 days of the date of well completion, or within the time extension granted by HRS, HRS shall notify the District that the water quality testing requirements of Chapter 17-524, F.A.C., have not been met.
  14. If HRS determines that testing or water quality requirements and remedial measures as set forth in Chapter 17-524, F.A.C., have not been met, or the water well is not suitable for its intended potable use, and notifies the District of such determination, the District shall disapprove the well and require its abandonment pursuant to Chapter 40C-3, F.A.C.
  15. The District shall develop specific permit construction requirements for potable water wells in delineated areas. These requirements shall be based on site specific geology, hydrogeology, the nature and extent of contamination, and other information available to the District which is related to delineated areas. If the District determines that

construction requirements as set forth in Chapter 17-524, F.A.C., or the conditions or stipulations of a permit have not been met, the District shall disapprove the well and require its modification or abandonment pursuant to Chapter 40C-3, F.A.C.

16. When permitting the construction of a public water supply well or issuing a consumptive use permit for a well located outside a delineated area, the District shall consider whether the withdrawal of water from the proposed well(s) may draw ground water contamination into areas outside the delineated area and apply additional permit requirements as appropriate.
17. Prior to the issuance of a water well construction permit for any water well within a delineated area, the District shall determine whether additional permit requirements are necessary pursuant to Rules 17-532.500(2)(c), and 17-524.550(2)(c), F.A.C., in order to prevent cross contamination of ground water or the interchange of ground water between aquifers.
18. The District shall conduct inspections as needed of each permitted potable water well in a delineated area to ensure conformity with the well construction requirements of Chapter 17-524, F.A.C. HRS shall conduct site visits as needed of each permitted potable water well in a delineated area to ensure that the sampling and water quality requirements as set forth in Chapter 17-524, F.A.C., are met.
19. The District shall notify the Department and HRS of the issuance of exemptions from the requirements of Rule 17-524.700, F.A.C. and provide all information used as a basis for the exemptions. The Department reserves the right to review and comment on applications for exemption from Rule 17-524.700, F.A.C., during the period established by the District for review of applications for exemption.
20. For all permitted potable water wells located in delineated areas, the District shall report well construction details to the Department within 60 days of receipt of such data and results. Reporting shall be conducted on forms adopted by the Department, or by other methods which are agreed to by the District and the Department. HRS shall report analytical results to the Department on the laboratory analysis report form (with "delineated area" written in the comments section) within 60 days of receipt of such data and results.
21. The District shall provide the Department, on an annual basis, with records regarding expenses incurred and revenues

received in the implementation of the requirements of Chapter 17-524, F.A.C., delegated to them under Section 373.309, Florida Statutes, and this agreement. The District shall consult with the Department prior to establishing or revising permitting fees for new potable water wells in delineated areas.

22. Cooperative agreements, whereby HRS or other political subdivisions perform any or all of the permitting activities required under Chapter 17-524, F.A.C., and this agreement, shall be consistent with the intent and requirements of Chapter 17-524, F.A.C. In no event shall such agreements be entered into by the District without written approval of the Department. Delegation by the District to HRS or other political subdivisions shall be allowed provided the following are met:
- A. Personnel. The District shall demonstrate to the Department that the political subdivision has sufficient qualified personnel and resources to properly perform the delegated responsibilities.
  - B. Rules. Each political subdivision shall adopt the appropriate provisions of the District rule(s) regarding permitting of new potable water wells in delineated areas.
  - C. Fees. The statutory fee caps set forth in Section 373.309 (1)(e)7, F.S., shall apply. The District shall submit to the Department justification for specific fees charged by each political subdivision as required in Section 373.309, (1)(e), F.S.
  - D. Data Forms. Each political subdivision shall complete and submit to the Department data forms required in Rule 17-524.900, F.A.C.
  - E. Enforcement. Each political subdivision shall enact penalty provisions equivalent to Rule 17-524.740, F.A.C. or the District shall retain responsibility for enforcement.
  - F. Reporting. The District shall report all permitting and enforcement activities associated with permitting of new potable water wells in delineated areas within its jurisdiction to the Department quarterly if under contract to do so, otherwise annually.

- G. Oversight. The District is statutorily responsible for the permitting of new potable water wells in delineated areas within its jurisdiction. The District shall monitor the implementation of delegation to a political subdivision, and upon determination that the delegated responsibilities are not being implemented in accordance with the requirements of Chapter 17-524, F.A.C., shall rescind or limit delegation.
23. In the event of an unresolved dispute between Department and District staff or HRS staff, the disagreement shall be referred as necessary to the Secretary of the Department and the Executive Director of the District or the Secretary of HRS.
24. This agreement may be terminated by any party after written notice of not less than 90 days is given to all parties hereto.
25. Each party shall appoint a project representative to which correspondence and other communications shall be directed.

The Department Representative shall be:

Administrator  
Pesticides and Data Review Section  
Bureau of Drinking Water and Ground Water Resources  
Division of Water Facilities

The District Representative shall be:

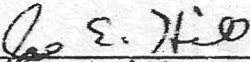
Director  
Groundwater Compliance Division  
Department of Resource Management

The HRS Representative shall be:

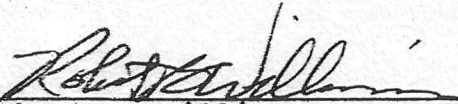
Assistant Health Officer of Environmental Health  
Environmental Health Programs

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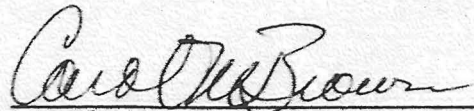
DONE AND AGREED this 25<sup>r</sup> day of June, 1992.

  
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Joe E. Hill  
Chairman, Governing Board

St. Johns River Water  
Management District  
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Secretary

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Carol M. Browner  
Secretary

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