

MEMORANDUM OF UNDERSTANDING

Between

THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

And

THE DEPARTMENT OF ENVIRONMENTAL REGULATION

Concerning

PROCEDURES FOR HANDLING PUBLIC DRINKING

WATER SUPPLY WELL SOURCES APPLICATIONS

THIS MEMORANDUM, made and entered into this 20th day of January, 1981, by and between the St. Johns River Water Management District, hereinafter referred to as "SJRWMD", and the Department of Environmental Regulation, hereinafter referred to as "DER" and to be effective October 1, 1980:

W I T N E S S E T H:

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 acquired 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 Administrative Code, which establish rules containing additional criteria for public water supply wells; and

WHEREAS, DER has delegated the performance of the permitting of wells to the SJRWMD by Section 17-1.04(8), Florida Administrative Code; and

WHEREAS, enforcement responsibilities have also been delegated to SJRWMD by Section 17-1.04(8), Florida Administrative Code, and Section 373.103, Florida Statutes; and

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



MEMORANDUM

1. The DER hereby delegates to the SJRWMD the authority to implement and enforce those criteria in section 17-22.106(1) and (2), Florida Administrative Code, relating to construction of wells that may be used as public water supplies (PWS). The SJRWMD shall be responsible for all administrative proceedings under Chapter 120, Florida Statutes, including hearings, relating to applications for constructing PWS wells. The SJRWMD shall also be responsible for taking enforcement action through appropriate administrative or judicial proceedings against those wells constructed in violation of the requirements of Section 17-22.106, Florida Administrative Code.

2. The licensed well contractor will make application for a well construction permit, in conjunction with the owner, to the SJRWMD to construct a well to serve as a source of public water supply in accordance with the requirements of Chapters 17-21 and 17-22, Florida Administrative Code, and Chapter 40C-3, Florida Administrative Code.

3. The SJRWMD shall review each application and attachments for completeness and for compliance with Sections 17-22.106(1) and (2), Florida Administrative Code.

- A. In connection with each application, the SJRWMD shall conduct a site inspection to determine compliance with Section 17-22.106(1) but not including 22.106(2)(d)2, Florida Administrative Code. Property lines and potential sanitary hazards shall be brought to the attention of the owner/applicant.
- B. In each application proceeding the SJRWMD shall ascertain the availability of service from an existing approved public water system. Relative to this, the Florida Public Service Commission regulates and grants certificated areas of service for certain utilities in certain counties. Some counties also franchise areas for utility service, Chapter 10D-26, Florida Administrative Code, requires connection of trailer parks, campgrounds, etc. licensed by the Department of Health and

Rehabilitative Services to connect to an approved utility when service is available. The SJRWMD shall inform each applicant of alternative sources of water supply that may be available.

4. The application fee shall be that fee required by the rules of the SJRWMD and shall be paid to and retained by the SJRWMD. Once a project is issued a permit by the SJRWMD, a copy of the well permit shall be provided to the Orlando Office of DER. Once the SJRWMD determines that the permitted well is satisfactorily completed, a certificate of completion and completion report will be sent to the Orlando office of DER.

5. Termination of this agreement can be achieved by either party providing the other with written notice of termination no less than sixty (60) 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:

E. Lee Worsley By: A. Ray Bedell
Chairman

Joe Dale Hard By: D. Vergara
Assistant Secretary

DEPARTMENT OF ENVIRONMENTAL REGULATION:

Martha Howell Hall By: Jacob D. Varn
Secretary

As to DER Attest: Mary A. Masby