

By the Committee on Natural Resources & Environmental Protection and Representatives Spratt, Alexander, Dockery, Harrington, Greenstein, Cantens, Lacasa, Diaz-Balart, Machek, Sorensen, Barreiro, Diaz de la Portilla, Gottlieb, Ritter, (Additional Sponsors on Last Printed Page)

1 A bill to be entitled
 2 An act relating to aquifer storage and recovery
 3 wells; creating s. 403.065, F.S.; providing
 4 legislative findings; providing for
 5 classifications and permitting of aquifer
 6 storage and recovery wells; providing a zone of
 7 discharge for aquifer storage and recovery
 8 wells meeting specific criteria; providing
 9 monitoring requirements for aquifer storage and
 10 recovery wells; requiring an aquifer exemption
 11 for an aquifer storage and recovery well that
 12 does not meet primary drinking water standards
 13 other than those relating to total coliform
 14 bacteria or sodium; requiring the Department of
 15 Environmental Protection to make a reasonable
 16 effort to issue or deny permits within a
 17 specified period; providing rulemaking
 18 authority; requiring an annual report by the
 19 department; creating s. 373.222, F.S.;
 20 providing requirements for certain domestic
 21 wells; providing rulemaking authority;
 22 providing an effective date.

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 24 Be It Enacted by the Legislature of the State of Florida:

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 26 Section 1. Section 403.065, Florida Statutes, is
 27 created to read:

28 403.065 Aquifer storage and recovery wells.--
 29 (1) The Legislature finds that it is in the public
 30 interest to conserve and protect water resources, provide
 31 adequate water supplies, provide for natural systems, and

1 promote quality aquifer storage and recovery projects by
2 removing inappropriate institutional barriers.

3 (2) The storage of water through the use of aquifer
4 storage and recovery wells must not endanger drinking water
5 sources, as established in the federal Safe Drinking Water
6 Act, 42 U.S.C. s. 300h, and the regulations adopted
7 thereunder.

8 (3) Aquifer storage and recovery wells must be
9 classified and permitted according to department rules,
10 consistent with the federal Safe Drinking Water Act, and must
11 be constructed to prevent violation of state groundwater
12 quality standards at the point of discharge, except as
13 specifically provided in this section.

14 (4) Aquifer storage and recovery wells must be allowed
15 a zone of discharge for sodium and secondary drinking water
16 standards, if the requirements of paragraphs (5)(b), (c), and
17 (d) and subsection (7) are met.

18 (5) Aquifer storage and recovery wells used to inject
19 water from a surface water or groundwater source must be
20 allowed a zone of discharge for total coliform bacteria and
21 other biological contaminants demonstrated to die off within
22 the zone of discharge when the applicant for the aquifer
23 storage and recovery well permit demonstrates through a
24 risk-based analysis:

25 (a) That the native groundwater within the proposed
26 zone of discharge contains no less than 1,500 milligrams per
27 liter total dissolved solids;

28 (b) That the native groundwater within the proposed
29 zone of discharge is not currently being used as a public or
30 private drinking water supply, nor can any person other than
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1 the permit applicant reasonably be expected to withdraw water
2 from the zone of discharge in the future for such use;
3 (c) That the presence of the stored water will not
4 cause any person other than the permit applicant to treat
5 water withdrawn from the aquifer in any way that would not
6 have been required in the absence of the aquifer storage and
7 recovery well;
8 (d) That the department has approved a monitoring plan
9 that specifies the number and location of monitor wells,
10 monitoring parameters, and frequency of monitoring;
11 (e) That total coliform bacteria is the only primary
12 drinking water standard other than the standard for sodium
13 that will not be met before injection;
14 (f) Directly or through the use of indicator organisms
15 approved by the department, that biological contaminants will
16 experience die-off such that primary drinking water standards
17 will be met at the edge of the zone of discharge and that
18 those contaminants will not pose an adverse risk to human
19 health; and
20 (g) That the environmental benefits to be derived from
21 the storage, recovery, and future use of the injected water
22 and the use of the recovered water is consistent with its
23 intended primary purpose.
24 (6) The department may allow a zone of discharge for
25 sodium, total coliform bacteria and other biological
26 contaminants demonstrated to die off within the zone of
27 discharge, and secondary drinking water standards if:
28 (a) The total dissolved solids concentration of the
29 native groundwater within the proposed zone of discharge is
30 less than 1,500 milligrams per liter;
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1 (b) The requirements of paragraphs (5)(b)-(g) are
2 satisfied;

3 (c) The applicant for the aquifer storage and recovery
4 well permit demonstrates that no person, other than the permit
5 applicant, may in the future withdraw water from the zone of
6 discharge for use as a public or private drinking water supply
7 because of legal restrictions imposed by a water management
8 district, state agency, local government, or other
9 governmental entity having jurisdiction over water supply or
10 well construction; and

11 (d) The permit applicant provides written notice,
12 including specific information concerning the proposed aquifer
13 storage and recovery project, to each landowner whose property
14 overlies the zone of discharge.

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16 The department shall revoke the zone of discharge and require
17 the withdrawal of injected water upon a demonstration by any
18 party that the legal restrictions required under paragraph (c)
19 are no longer in effect.

20 (7) The zone of discharge for an aquifer storage and
21 recovery well may not intersect or include any part of a
22 500-foot radius surrounding any well that uses the injection
23 zone to supply drinking water.

24 (8) The permit applicant must demonstrate, based on
25 hydrogeological conditions, the vertical and lateral limits of
26 the zone of discharge by providing the department with
27 calculations or the results of modeling that include, but are
28 not limited to, reasonable assumptions concerning the expected
29 volume of water to be stored and recovered and reasonable
30 assumptions regarding aquifer thickness and porosity.

31 Compliance with the primary drinking water standards for total

1 coliform bacteria and sodium and the secondary drinking water
2 standards is required at the edge of the zone of discharge.
3 The department shall specify the vertical and lateral limits
4 of the approved zone of discharge in the permit.

5 (9) After the aquifer storage and recovery well is in
6 operation, groundwater monitoring must demonstrate that
7 biological die-off is occurring, that no exceedances of the
8 primary drinking water standards have occurred outside the
9 zone of discharge, and that there is no adverse risk to human
10 health from the injection activity. If the applicant fails to
11 make this demonstration, the department shall require
12 operational modifications, reduction or cessation of
13 injection, partial or full recovery of water, remediation, or
14 other actions necessary to assure compliance at the edge of
15 the zone of discharge and to protect public health.

16 (10) If drinking water supply wells are present in the
17 injection zone within 2.5 miles of the edge of the zone of
18 discharge, additional monitor wells may be required to detect
19 the possible movement of injected fluids in the direction of
20 the drinking water wells.

21 (11) Monitor wells must be sampled at least monthly
22 for the parameters specified in the permit for the aquifer
23 storage and recovery well. The department may modify the
24 monitoring requirements if necessary to provide reasonable
25 assurance that underground sources of drinking water are
26 adequately protected.

27 (12) The department shall make a reasonable effort to
28 issue or deny a permit within 90 days after determining that
29 the permit application is complete. In accordance with s.
30 403.0876(2)(b), the failure of the department to issue or deny
31 an underground injection control permit for an aquifer storage

1 and recovery well within the 90-day time period will not
2 result in the automatic issuance or denial of the permit and
3 will not prevent the inclusion of specific permit conditions
4 that are necessary to ensure compliance with applicable
5 statutes and rules.

6 (13) The department may adopt rules for the regulation
7 of aquifer storage and recovery wells necessary to administer
8 this section.

9 (14) By January 31, 2003, and annually thereafter, the
10 department shall report to the Governor, the President of the
11 Senate, the Speaker of the House of Representatives, and the
12 chairs of the Senate and House committees with substantive
13 jurisdiction over the department on the number, location, and
14 size of all aquifer storage and recovery wells that have been
15 permitted with a zone of discharge under the provisions of
16 this section. The report shall also include summary
17 information on the results of any monitoring associated with a
18 zone of discharge.

19 Section 2. Section 373.222, Florida Statutes, is
20 created to read:

21 373.222 Regulation of domestic use from groundwater
22 affected by aquifer storage and recovery wells.--

23 (1) Notwithstanding s. 373.219(1), the governing board
24 or the department shall require a permit for the domestic use
25 of groundwater from a well that overlies or may influence or
26 be influenced by a zone of discharge for an aquifer storage
27 and recovery well approved by the department under s. 403.065.
28 The governing board or the department may impose such
29 reasonable conditions as are necessary to assure that such use
30 is consistent with the overall objectives of the district or
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1 department and is not harmful to the water resources of the
2 area.

3 (2) The governing board and the department may adopt
4 rules necessary to administer this section.

5 Section 3. This act shall take effect upon becoming a
6 law.

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11 ADDITIONAL SPONSORS

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Attkisson, Mayfield, Garcia, Bendross-Mindingall, Miller,
Bennett, Brown and Littlefield

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