

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; providing applicability; amending
20 s. 373.309, F.S.; ensuring rule restrictions on
21 the construction of water wells within certain
22 zones of discharge; requiring the department to
23 make certain maps available; providing an
24 effective date.

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

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28 Section 1. Section 403.065, Florida Statutes, is
29 created to read:

30 403.065 Aquifer storage and recovery wells.--
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1 (1) The Legislature finds that it is in the public
2 interest to conserve and protect water resources, provide
3 adequate water supplies, provide for natural systems, and
4 promote quality aquifer storage and recovery projects by
5 removing inappropriate institutional barriers.

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

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

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

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

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

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1 (b) That the native groundwater within the proposed
2 zone of discharge is not currently being used as a public or
3 private drinking water supply, nor can any person other than
4 the permit applicant reasonably be expected to withdraw water
5 from the zone of discharge in the future for such use;

6 (c) That the presence of the stored water will not
7 cause any person other than the permit applicant to treat
8 water withdrawn from the aquifer in any way that would not
9 have been required in the absence of the aquifer storage and
10 recovery well;

11 (d) That the department has approved a monitoring plan
12 that specifies the number and location of monitor wells,
13 monitoring parameters, and frequency of monitoring;

14 (e) That total coliform bacteria is the only primary
15 drinking water standard other than the standard for sodium
16 that will not be met before injection;

17 (f) Directly or through the use of indicator organisms
18 approved by the department, that biological contaminants will
19 experience die-off such that primary drinking water standards
20 will be met at the edge of the zone of discharge and that
21 those contaminants will not pose an adverse risk to human
22 health; and

23 (g) That the environmental benefits to be derived from
24 the storage, recovery, and future use of the injected water
25 and the use of the recovered water is consistent with its
26 intended primary purpose.

27 (6) The department may allow a zone of discharge for
28 sodium, total coliform bacteria and other biological
29 contaminants demonstrated to die off within the zone of
30 discharge, and secondary drinking water standards if:

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1 (a) The total dissolved solids concentration of the
2 native groundwater within the proposed zone of discharge is
3 less than 1,500 milligrams per liter;

4 (b) The requirements of paragraphs (5)(b)-(g) are
5 satisfied;

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

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

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

23 (7) The zone of discharge for an aquifer storage and
24 recovery well may not intersect or include any part of a
25 500-foot radius surrounding any well that uses the injection
26 zone to supply drinking water.

27 (8) The permit applicant must demonstrate, based on
28 hydrogeological conditions, the vertical and lateral limits of
29 the zone of discharge by providing the department with
30 calculations or the results of modeling that include, but are
31 not limited to, reasonable assumptions concerning the expected

1 volume of water to be stored and recovered and reasonable
2 assumptions regarding aquifer thickness and porosity.
3 Compliance with the primary drinking water standards for total
4 coliform bacteria and sodium and the secondary drinking water
5 standards is required at the edge of the zone of discharge.
6 The department shall specify the vertical and lateral limits
7 of the approved zone of discharge in the permit.

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

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

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

30 (12) The department shall make a reasonable effort to
31 issue or deny a permit within 90 days after determining that

1 the permit application is complete. In accordance with s.
2 403.0876(2)(b), the failure of the department to issue or deny
3 an underground injection control permit for an aquifer storage
4 and recovery well within the 90-day time period will not
5 result in the automatic issuance or denial of the permit and
6 will not prevent the inclusion of specific permit conditions
7 that are necessary to ensure compliance with applicable
8 statutes and rules.

9 (13) The department may adopt rules for the regulation
10 of aquifer storage and recovery wells necessary to administer
11 this section.

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

22 (15) This section shall not apply to the following
23 counties located within the Northwest Florida Water Management
24 District: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf,
25 Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla,
26 Walton, Washington, and a portion of Jefferson.

27 Section 2. New Paragraph (g) of subsection (1) of
28 section 373.309, Florida Statutes, is added to read:

29 (1) The department shall adopt, and may from time to
30 time amend, rules governing the location, construction,
31 repair, and abandonment of water wells and shall be

1 responsible for the administration of this part. With respect
2 thereto, the department shall:

3 (g) Ensure that such rules prohibit the construction
4 of any water well in a location that intersects, or the use of
5 which in such a location would influence, a zone of discharge
6 for an aquifer storage and recovery well approved by the
7 department under s. 403.065. The department shall make
8 available to water management districts, regional planning
9 councils, the Department of Health, and county building and
10 zoning departments, maps of zones of discharge for aquifer
11 storage and recovery wells approved by the department under s.
12 403.065. Such maps or other information shall be made
13 available to property owners, realtors, real estate
14 associations, property appraisers, and other interested
15 persons upon request.

16 Section 3. This act shall take effect upon becoming a
17 law.