

Bill No. SB 854, 1st Eng.

Amendment No. _____ Barcode 794838

CHAMBER ACTION

Senate

House

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Brown-Waite moved the following amendment to amendment
12 (470591):

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14 **Senate Amendment (with title amendment)**

15 On page 1, line 22,

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17 insert:

18 (16) This section applies only to aquifer storage and
19 recovery pilot projects established by the Comprehensive
20 Everglades Restoration Plan, namely, the Caloosahatchee River
21 Basin Aquifer Storage and Recovery Pilot Project, the Lake
22 Okeechobee Aquifer Storage and Recovery Pilot Project, and the
23 Western Hillsborough Aquifer Storage and Recovery Pilot
24 Project. Collectively, these pilot projects constitute the
25 Aquifer Storage and Recovery Demonstration Project.

26 (17) Surface water and ground water that contains more
27 than 4 total coliforms per 100 milliliters and more than 160
28 milligrams per liter (mg/L) of sodium may be injected into any
29 aquifer storage and recovery well that is included in the
30 demonstration project, provided that the applicant for the
31 well affirmatively demonstrates that:

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1 (a) The native ground water that would be displaced by
2 the storage zone of injected water does not currently serve as
3 a source of drinking water and is not used for any domestic
4 purpose;

5 (b) The total dissolved solids content of the native
6 ground water is more than 3,000 mg/L, and it is not reasonably
7 expected to become a supply of drinking water;

8 (c) Compliance with secondary drinking water standards
9 and primary drinking water standards for sodium and total
10 coliform is unnecessary for the protection of present and
11 future potable water supplies and the environment;

12 (d) Testing and operation of the aquifer storage and
13 recovery well will not interfere with existing uses or the
14 designated use of the native ground water or of contiguous
15 water, including, but not limited to, Lake Okeechobee;

16 (e) Testing and operation of the aquifer storage and
17 recovery well will not present a danger to the public health,
18 safety, or welfare;

19 (f) An adequate monitoring program approved by the
20 department is established to ascertain the location and
21 approximate dimensions of the storage zone for the injected
22 water in order to detect within 48 hours any fluid movement
23 and leakage of contaminants outside the storage zone and into
24 other aquifers or surface waters;

25 (g) An adequate detection program approved by the
26 Department of Health is established to ascertain the presence
27 of microbial contaminants, including bacteria, viruses, and
28 protozoa, in the injected water both before and after
29 injection; and

30 (h) There are no faults, fractures, fissures, or
31 solution channels that would allow the unpredictable movement

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1 of injected water outside the storage zone.

2 (18) In conjunction with the Aquifer Storage and
3 Recovery Demonstration Project and in consultation with the
4 Department of Health, the department shall:

5 (a) Develop and complete studies that will determine
6 whether biological contaminants, including viruses, protozoa,
7 and bacteria, will experience "die-off" and the conditions
8 required for complete "die-off";

9 (b) Develop and complete studies that will determine
10 the percentage of recovery of injected water and the
11 conditions required for maximum recovery;

12 (c) Develop and complete studies that will determine
13 the presence of chemical contaminants in the injected
14 wastewater, not limited to those for which primary drinking
15 water standards have been established; and

16 (d) Demonstrate that the aggregate hydraulic effects
17 of the pilot projects on the existing Upper Floridan aquifer
18 flow system will not adversely affect three-dimensional
19 geometry and continuity of hydrostratigraphic units, propagate
20 rock fracturing, change patterns of groundwater movement, or
21 affect existing aquifer storage and recovery wells, supply
22 wells, or Class I underground injection wells.

23 (19) In order to facilitate the utility of the Aquifer
24 Storage and Recovery Demonstration Project and fully address
25 environmental and public health issues associated with the
26 storage and recovery of surface water and ground water through
27 the use of aquifer storage and recovery wells, the Legislature
28 creates the Aquifer Storage and Recovery Demonstration Project
29 Oversight Committee.

30 (a) The committee shall consist of 13 members,
31 including:

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- 1 1. The Secretary of Health or his or her designee;
- 2 2. The Secretary of Environmental Protection or his or
- 3 her designee;
- 4 3. One representative of the Florida Geologic Survey;
- 5 4. One member of the Board of Directors of the
- 6 Southwest Florida Water Management District;
- 7 5. One member of the Board of Directors of the South
- 8 Florida Water Management District;
- 9 6. One microbiologist from the University of South
- 10 Florida Department of Marine Sciences who specializes in water
- 11 pollution microbiology;
- 12 7. One physician who is certified in the specialty of
- 13 Public Health and General Preventative Medicine by the
- 14 American Board of Preventive Medicine or who has a master's of
- 15 public health degree, with specialization in environmental
- 16 health sciences;
- 17 8. One representative of a local or regional water
- 18 utility;
- 19 10. Two representatives of public interest
- 20 environmental organizations, with at least one of those
- 21 organizations being one that focuses primarily on the effects
- 22 of pollution upon human health; and
- 23 11. Two representatives of community-based
- 24 organizations the members of which may be affected by aquifer
- 25 storage and recovery operations.
- 26 (b) The Governor shall make the appointments described
- 27 in paragraph (a) after soliciting input from the President of
- 28 the Senate and the Speaker of the House of Representatives,
- 29 and the members of the committee shall be appointed by July
- 30 30, 2001. The commission shall meet initially to review the
- 31 permit applications for the aquifer storage and recovery

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1 demonstration projects and subsequently to review the draft
2 and final permits, and shall meet periodically thereafter to
3 review data and information submitted to or collected by the
4 department. The committee shall issue a written report at the
5 conclusion of its review of the draft permit, at the notice of
6 issuance of draft permits and final permits, and semiannually
7 thereafter until the demonstration project has been completed.

8 (c) The committee members shall serve without
9 compensation, but shall be reimbursed for per diem and travel
10 expenses pursuant to s. 112.061. The committee shall encourage
11 private contributions, which must be used to assist low-income
12 individuals and people of color to participate in the
13 hearings.

14 (d) The committee shall conduct a scientific analysis
15 and submit to the Governor, the President of the Senate, and
16 the Speaker of the House of Representatives, at the completion
17 of the demonstration projects, a written report that must
18 include, but need not be limited to:

19 1. A review of existing data on bacterial,
20 geochemical, and physical processes that occur when surface
21 water and ground water interact with native ground water, with
22 particular focus on the fate of biological and viral
23 contaminants and pathogens;

24 2. A review of scientific methods used to detect
25 biological contaminants, including viruses, protozoa, and
26 bacteria;

27 3. A review of treatment technology alternatives
28 including filtration, ultraviolet disinfection, ozonation, and
29 other methods to remove biological and chemical contaminants
30 from source waters;

31 4. A review of existing data on the regional

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1 hydrogeology of the Upper Floridan aquifer;

2 5. A review of current and projected water
3 withdrawals, drinking water needs, and wastewater discharge in
4 this state;

5 6. A review of approaches that should be taken to
6 ensure that the fate of source water injected through aquifer
7 storage and recovery wells will be adequately monitored;

8 7. A review of the economic and health effects of
9 public water supply system failures and a review of the
10 effects of imposing and not imposing treatment requirements on
11 aquifer storage and recovery wells; and

12 8. Recommendations on measures that can be taken to
13 prevent contamination of underground sources of drinking water
14 from biological and chemical contaminants, reduce the
15 incidence of waterborne diseases, and meet the current and
16 future drinking water needs of this state.

17 (e) Following completion of the preliminary report
18 provided for in paragraph (d), the committee shall conduct at
19 least three public hearings, and may meet more frequently upon
20 the vote of the majority of the committee. The committee shall
21 determine the location of the hearings in a manner that allows
22 for participation by residents of the state who are
23 potentially affected by the demonstration projects. The final
24 report must reflect consideration of the comments presented at
25 the public hearings.

26 (f) For administrative purposes only, the committee is
27 assigned to the Department of Environmental Protection, which
28 must provide assistance when requested by the committee.
29 However, in the performance of its powers and duties, the
30 committee is not subject to control, supervision, or direction
31 by the Department of Environmental Protection.

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1 (g) The committee shall have access to all
2 confidential and nonexempt records, files, and reports from
3 any program, service, or facility that is operated, funded, or
4 regulated by either the Department of Environmental
5 Protection, the Department of Health, the Southwest Florida
6 Water Management District, or the South Florida Water
7 Management District which are material to its monitoring
8 duties and are in its custody. The committee may conduct
9 onsite inspections. The committee's review may not impede or
10 obstruct matters under investigation by departmental,
11 district, law enforcement, or judicial authorities.

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, line 29, after the semicolon,

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18 insert:

19 providing for the Aquifer Storage and Recovery
20 Demonstration Project; providing standards for
21 injected water; creating the Aquifer Storage
22 and Recovery Demonstration Project Oversight
23 Committee; providing for committee membership,
24 reimbursement, and duties; providing for a
25 report to the Governor and the Legislature;
26 providing for committee access to specified
27 documents;

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