By Senators Pruitt, Bronson, Garcia, Villalobos, Campbell, Klein, King, Horne, Smith, Latvala and Clary

27-359C-01

A bill to be entitled

An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing an effective date.

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

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

403.065 Aquifer storage and recovery wells.--

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

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

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

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

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

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

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

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

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

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

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

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

(6) The department may allow a zone of discharge for sodium, total coliform bacteria and other biological contaminants demonstrated to die off within the zone of discharge, and secondary drinking water standards if the total dissolved solids concentration of the native ground water within the proposed zone of discharge is less than 1,500 milligrams per liter and if the requirements of paragraphs (5)(b)-(5)(g) are satisfied and:

(a) The applicant for the aquifer storage and recovery well permit demonstrates that no person, other than the permit

applicant, may in the future withdraw water from the zone of discharge for use as a public or private drinking water supply because of legal restrictions imposed by a water management district, state agency, local government, or other governmental entity having jurisdiction over water supply or well construction; and

(b) The permit applicant provides written notice, including specific information concerning the proposed aquifer storage and recovery project, to each land owner whose property overlies the zone of discharge.

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

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

(8) The permit applicant must demonstrate, based on hydrogeological conditions, the vertical and lateral limits of the zone of discharge by providing the department with calculations or the results of modeling that include, but are not limited to, reasonable assumptions concerning the expected volume of water to be stored and recovered and reasonable assumptions regarding aquifer thickness and porosity. Compliance with the primary drinking water standards for total coliform bacteria and sodium and the secondary drinking water standards is required at the edge of the zone of discharge. The department shall specify the vertical and lateral limits of the approved zone of discharge in the permit.

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

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

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

(12) The department shall make a reasonable effort to issue or deny a permit within 90 days after determining that the permit application is complete. In accordance with s. 403.0876(2)(b), the failure of the department to issue or deny an underground injection control permit for an aquifer storage and recovery well within the 90-day time period will not result in the automatic issuance or denial of the permit and will not prevent the inclusion of specific permit conditions

that are necessary to ensure compliance with applicable statutes and rules.

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

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

373.222 Regulation of domestic use from ground water affected by aquifer storage and recovery wells.--

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

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

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

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SENATE SUMMARY

Authorizes the Department of Environmental Protection to classify and permit aquifer storage and recovery wells consistent with the Federal Safe Drinking Act. Provides standards for construction and operation of wells. Provides requirements for certain domestic wells.