

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           findings; providing for classifications and  
5           permitting of aquifer storage and recovery  
6           wells; providing a zone of discharge for  
7           aquifer storage and recovery wells meeting  
8           specific criteria; providing monitoring  
9           requirements for aquifer storage and recovery  
10          wells; requiring an aquifer exemption for an  
11          aquifer storage and recovery well that does not  
12          meet primary drinking water standards other  
13          than those relating to total coliform bacteria  
14          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 a report; amending s.  
19          373.309, F.S.; requiring the department to  
20          enact rules relating to the construction of  
21          water wells in certain locations and requiring  
22          the department to make certain information  
23          available to governmental agencies and the  
24          public; providing an 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 ground water 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 ground water 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 the total  
31 dissolved solids concentration of the native ground water

1 within the proposed zone of discharge is less than 1,500  
2 milligrams per liter and if the requirements of paragraphs  
3 (5)(b)-(5)(g) are satisfied and:

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

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

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20 are no longer in effect.

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

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

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

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

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

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

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

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

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

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

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

21 373.309 Authority to adopt rules and procedures.--

22 (1) The department shall adopt, and may from time to  
23 time amend, rules governing the location, construction,  
24 repair, and abandonment of water wells and shall be  
25 responsible for the administration of this part. With respect  
26 thereto, the department shall:

27 (g) Ensure that such rules prohibit the construction  
28 of any water well in a location that intersects, or the use of  
29 which in such a location would influence, a zone of discharge  
30 for an aquifer storage and recovery well approved by the  
31 department under s. 403.065. The department shall make

1 available to water management districts, regional planning  
2 councils, the Department of Health, and county building and  
3 zoning departments, maps of zones of discharge for aquifer  
4 storage and recovery wells it has approved. Such maps or other  
5 information shall be made available to property owners,  
6 realtors, real estate associations, property appraisers, and  
7 other interested persons upon request.

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

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