

## CHAPTER 62-524 NEW POTABLE WATER WELL PERMITTING IN DELINEATED AREAS

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### **62-524.200 Definitions for New Potable Water Well Permitting in Delineated Areas.**

(1) “Available Potable Water System” means, for the purpose of this chapter, a public water system, as defined in Rule 62-550.200, F.A.C., which has sufficient capacity and is legally able to serve specific additional connections.

(2) “Delineated Area” means a surface area identified pursuant to Rule 62-524.420, F.A.C., within which ground water contamination is known to exist or which encompasses vulnerable areas or areas in which the Department provides a subsidy for restoration or replacement of contaminated drinking water supplies.

(3) “Ground Water Contamination” means, for the purpose of this chapter, the presence outside an applicable zone of discharge in Class F-I, G-I, or G-II ground water of one or more substances in quantities which exceed a primary drinking water maximum contaminant level as set forth in Chapter 62-550, F.A.C., present an imminent hazard pursuant to Section 403.855, F.S., or for which the State Health Officer in the Department of Health, based upon a written request from the Department, has advised the Department in writing is present in deleterious amounts. The determination, under this section, of the existence of ground water contamination based upon the presence of deleterious amounts shall not constitute the establishment of a standard under either Chapter 62-520 or Chapter 62-550, F.A.C. If the concentration of any primary drinking water standard in the natural background quality of the ground water is greater than the stated maximum contaminant level, the representative background value shall be the prevailing standard.

(4) “New Potable Water Well” means any excavation that is drilled or bored, or converted from non-potable water use, after delineation in an area delineated pursuant to Rule 62-524.400, F.A.C., when the intended use of such excavation is for the location and acquisition of ground water which supplies water for human consumption. This does not include repair of an existing potable water well.

(5) “Vulnerable area” is an area in which research or monitoring data indicate that ground water is vulnerable to nitrate contamination because of the presence of potential sources of nitrate contamination, and because of land surface and subsurface characteristics.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309, 376.307 FS. History—New 5-16-89, Amended 3-3-92, Formerly 17-524.200, Amended 2-7-95.*

### **62-524.420 Procedures for Delineation of Areas for Application of New Potable Water Well Permitting.**

(1) Based upon available data, the Department shall identify and locate, for the purpose of application of the requirements of this chapter, areas within which ground water contamination is known to exist or which encompasses vulnerable areas or areas in which the Department provides a subsidy for restoration or replacement of contaminated drinking water supplies.

(2) The Department shall rely on data from samples collected and analyzed using Department approved quality assurance/quality control procedures. Where quality assurance/quality control procedures are not documented the Department shall evaluate the data for completeness and accuracy in order to determine acceptability for use in delineation under this chapter.

(3) Sources of ground water data to be used for delineation of areas under this chapter shall include:

- (a) Local, state, and federal agencies.
- (b) Water management districts.

(c) Department programs.

(4) For wells, sites, or sources with known ground water contamination, where insufficient site specific ground water data exist for determination of contaminant plume boundaries, a delineated area shall be established in the following manner:

(a) A 1000-foot setback from the well, site or source boundary.

(b) Where data from the distribution or movement of ground water contamination indicate that a 1000-foot setback is insufficient the Department shall establish an alternate setback based on such data.

(5) For sites with a history of application of ethylene dibromide where insufficient site specific ground water data exist for determination of contaminant plume boundaries, the Department shall delineate an area which encompasses the area of application and a setback, based on data on the distribution of ethylene dibromide contamination, or a 1000-foot setback, whichever is larger.

(6) For sites where a hydrogeologic investigation of ground water has been conducted and the nature and extent of a contaminant plume is documented and sufficient data exist for predictive ground water modelling, the Department shall delineate an area which encompasses the ground water contamination and its predicted movement for the next two years.

(7) Where the source or site which resulted in an area being delineated is the subject of remediation for ground water clean-up, the effect of this remediation shall be considered by the Department in subsequent delineation updates.

(8) For areas in which the Department provides a subsidy for restoration or replacement of contaminated drinking water supplies through extending existing water lines or developing new water supply systems under Section 376.307(4)(b)3. and (c), F.S., the Department shall delineate an area which encompasses such extended water lines or water lines constructed as part of a new water system and a 1000-foot setback.

(9) For areas in which the Department determines that ground water is vulnerable to contamination with nitrate, the Department shall delineate such vulnerable areas. The Department shall determine where vulnerable areas exist by using the following information when available:

(a) Physical properties of soils

(b) Vadose zone media

(c) Hydrogeologic characteristics of aquifer systems

(d) Depth to ground water

(e) Recharge

(f) Karst features

(g) Topography

(h) Presence of Class G-II ground water or other potable ground water with less than 10,000 mg/L total dissolved solids

(i) Water quality data; and

(j) Nitrogen application or loading rates for potential sources of nitrate contamination.

(10) In delineating areas under this rule, the Department shall coordinate with other affected agencies, particularly those receiving delegation under Rule 62-524.800, F.A.C., in the technical aspects of delineation.

(11) The Department shall present delineated areas to the Environmental Regulation Commission for approval at rulemaking public hearings duly noticed as required by Section 120.54, F.S.

(a) At such public hearings the Commission, when approving delineated areas, shall consider the known ground water contamination and its projected movement until the next delineation update.

(b) If requested by the Commission, the Department shall present the data, predictive ground water modelling, and mapping procedure used to delineate each area presented to the Commission.

(c) The Commission shall consider any other competent evidence regarding delineated areas.

(d) Approval by the Commission of a delineated area shall result in that area being included on maps or other means of location and description prepared by the Department as described in subsections (12) and (13). Each approved map or other means of location and description shall contain an effective date and shall be made available as provided in subsections (12) and (13).

(12) To facilitate the permitting process, the Department shall provide maps which indicate all sections which contain any portion of a delineated area. Prior to construction of a new potable water well within a mapped section, the potential applicant should contact the appropriate permitting authority which shall determine if the proposed well is within a delineated area. Such maps or other information shall be made available by the Department to interested persons upon written request and upon payment of appropriate costs.

(13) Following each update, the Department shall make available to water management districts, regional planning councils, the Department of Health, and county building and zoning departments, maps or other information on areas for application of the requirements of this chapter.

(a) Where maps are provided, they shall be of an appropriate scale as determined by the Department based on the accuracy and precision of the data.

(b) For each delineated area the Department shall provide a list of those contaminants to be tested pursuant to Rule 62-524.600, F.A.C., and shall specify any casing or solvent bond restrictions.

(14) Maps or other information on areas for application of the requirements of this chapter shall be periodically updated by the Department. Additional areas, or revision to existing areas, for application of the requirements of this chapter may be delineated at any time as technical information becomes available.

**62-524.430 Maps Containing Delineated Areas.**

The following maps, which are incorporated herein by reference, show surface areas, delineated pursuant to Rule 62-524.420, F.A.C. Each map listed contains a month and year which corresponds to the date the Department prepared the most recent map showing any portion of a delineated area. Copies of these maps may be examined at the Department of Environmental Protection, Bureau of Information Systems, or copies may be obtained, upon receipt of reproduction and other appropriate costs, from the Department of Environmental Protection, Bureau of Information Systems, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

- (1) ALACHUA COUNTY:
  - Archer 11/94
  - Gainesville East 11/94
  - High Springs 11/94
  - High Springs SW 11/94
  - Micanopy 11/94
  - Monteocha 11/94
  - Newberry 11/94
  - Orange Heights 11/94
  - Waters Lake 11/94
- (2) BREVARD COUNTY:
  - Melbourne East 11/94
- (3) BROWARD COUNTY:
  - Cooper City 11/94
  - Fort Lauderdale North 11/94
  - Fort Lauderdale South 11/94
  - North Miami 11/94
  - Port Everglades 11/94
- (4) CITRUS:
  - Crystal River 11/94
  - Homosassa 11/94
- (5) COLUMBIA:
  - Columbia 11/94
  - Fort White 11/94
  - Lake City West 11/94
  - Mikesville 11/94
- (6) DADE COUNTY:
  - Hialeah 11/94
  - North Miami 11/94
  - South Miami 11/94
- (7) DESOTO:
  - Arcadia 11/94
- (8) DUVAL COUNTY:
  - Baldwin 11/94
  - Jacksonville 11/94
  - Jacksonville Heights 11/94
  - Marietta 11/94
- (9) ESCAMBIA COUNTY:
  - Cantonment 11/94
  - Pensacola 11/94
  - Seminole (AL) 11/94
  - West Pensacola 11/94
- (10) GILCHRIST:

	High Springs SW	11/94
	Waters Lake	11/94
(11)	GLADES COUNTY:	
	Moore Haven	11/94
(12)	HAMILTON:	
	Ellaville	11/94
	Fort Union	11/94
(13)	HARDEE:	
	Griffins Corner	11/94
(14)	HERNANDO:	
	Masaryktown	11/94
	Port Richey NE	11/94
	Weekiwachee Springs	11/94
(15)	HIGHLANDS COUNTY:	
	Avon Park	11/94
	Childs	11/94
	Crewsville	11/94
	Frostproof	11/94
	Lake Arbuckle	11/94
	Lake Arbuckle SW	11/94
	Lake June In Winter	11/94
	Lake Placid	11/94
	Sebring	11/94
	Venus SW	11/94
(16)	HILLSBOROUGH COUNTY:	
	Brandon	11/94
	Citrus Park	11/94
	Dover	11/94
	Ft. Lonesome	11/94
	Lithia	11/94
	Lutz	11/94
	Plant City West	11/94
	Sulphur Springs	11/94
	Tampa	11/94
	Thonotosassa	11/94
	Wimauma	11/94
(17)	INDIAN RIVER:	
	Vero Beach	11/94
(18)	JACKSON COUNTY:	
	Alford	11/94
	Bascom	11/94
	Campbellton	11/94
	Cottdale East	11/94
	Cottdale West	11/94
	Cypress	11/94
	Dellwood	11/94
	Fairchild (GA)	11/94
	Graceville	11/94
	Kynesville	11/94
	Malone	11/94
	Marianna	11/94
	Oakdale	11/94
	Grangeburg (AL)	11/94

	Saffold (AL)	11/94
	Sills	11/94
	Sneads	11/94
	Steam Mill (GA)	11/94
(19)	LAKE COUNTY:	
	Astatula	11/94
	Center Hill	11/94
	Clermont East	11/94
	Clermont West	11/94
	Eustis	11/94
	Howey In The Hills	11/94
	Lake Louisa	11/94
	Lake Louisa SW	11/94
	Lake Nellie	11/94
	Leesburg East	11/94
	Mascotte	11/94
	Sorrento	11/94
	Umatilla	11/94
(20)	LEON COUNTY:	
	Tallahassee	11/94
(21)	LEVY:	
	Morrison	11/94
(22)	MADISON:	
	Cherry Lake	11/94
	Madison	11/94
	Nankin (GA)	11/94
	Pinetta	11/94
(23)	MANATEE:	
	Ft. Lonesome	11/94
	Wimauma	11/94
(24)	MARION COUNTY:	
	Belleview	11/94
	Lady Lake	11/94
	Lake Weir	11/94
	Ocala East	11/94
	Ocala West	11/94
	Oxford	11/94
(25)	MARTIN COUNTY:	
	Indiantown	11/94
	Okeechobee 4 SE	11/94
(26)	ORANGE COUNTY:	
	Apopka	11/94
	Astatula	11/94
	Clermont East	11/94
	Eustis	11/94
	Forest City	11/94
	Lake Jessamine	11/94
	Lake Louisa	11/94
	Orlando East	11/94
	Orlando West	11/94
	Sorrento	11/94
	Windermere	11/94
	Winter Garden	11/94
(27)	OSCEOLA:	

	Ashton	11/94
	Intercession City	11/94
	Lake Louisa SW	11/94
	Narcoossee	11/94
(28)	PASCO:	
	Lutz	11/94
(29)	PINELLAS:	
	Elfers	11/94
(30)	POLK COUNTY:	
	Alturas	11/94
	Auburndale	11/94
	Babson Park	11/94
	Bartow	11/94
	Bereah	11/94
	Davenport	11/94
	Dundee	11/94
	Eloise	11/94
	Frostproof	11/94
	Gum Lake	11/94
	Hesperides	11/94
	Homeland	11/94
	Intercession City	11/94
	Lake Arbuckle	11/94
	Lake Louisa SW	11/94
	Lake Wales	11/94
	Lake Weohyakapka	11/94
	Lakeland	11/94
	Mulberry	11/94
	Nichols	11/94
	Plant City East	11/94
	Polk City	11/94
	Providence	11/94
	Socrum	11/94
	Winter Haven	11/94
(31)	PUTNAM:	
	Baywood	11/94
(32)	SANTA ROSA:	
	Milton South	11/94
	Pace	11/94
(33)	SEMINOLE COUNTY:	
	Aurantia	11/94
	Bithlo	11/94
	Casselberry	11/94
	Forest City	11/94
	Geneva	11/94
	Sanford	11/94
	Titusville SW	11/94
(34)	ST. JOHNS COUNTY:	
	Picolata	5/00
(35)	ST. LUCIE:	
	Fort Pierce NW	11/94
	Okeechobee 1 NE	11/94
(36)	SUMTER:	
	Bushnell	11/94

	Webster	11/94
(37)	SUWANNEE:	
	Dowling Park	11/94
	Fort Union	11/94
	Hildreth	11/94
	Hillcoat	11/94
	Live Oak East	11/94
	O'Brien	11/94
(38)	VOLUSIA COUNTY:	
	Aurantia	11/94
	De Land	11/94
	Geneva	11/94
	Orange City	11/94
	Titusville SW	11/94

*Specific Authority 373.309, 403.061 FS. Law Implemented 373.309 FS. History—New 3-25-90, Amended 10-4-90, 7-4-91, Formerly 17-524.430, Amended 2-7-95, 6-27-00.*

**62-524.550 Well Construction Requirements for New Potable Water Well Permitting in Delineated Areas.**

(1) New potable water wells shall comply with the minimum construction standards contained in Rule 62-532.500, F.A.C. Additional requirements may be assigned by the permitting authority relative to depth restrictions, location of screened or open hole interval, and length of casing where warranted by local specific information.

(2) Methods for constructing new potable water wells shall be limited to rotary drilling, boring, or other method specifically approved by the permitting authority pursuant to subsection 62-524.700(1), F.A.C., which meets the water well construction criteria in Rule 62-532.500, F.A.C., except as required below.

(a) Well casing and liner pipe shall be new, free of breaks, corrosion and dents, straight and true, and not out of round. Welded or seamless black or galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe.

(b) Solvent-bonded couplings shall be prohibited in areas with known ground water contamination which includes solvent components.

(c) To prevent the interchange of water and loss of artesian pressure, contaminated, unconfined ground water intervals shall be sealed off prior to drilling through the underlying confining interval. Uncontaminated, unconfined ground water intervals shall be sealed off or otherwise protected prior to drilling into deeper, contaminated ground waters.

(d) For any well casing installed in a bore hole, the annular space shall be filled from bottom to top with not less than a nominal two inch thickness of neat cement grout.

(e) A concrete pad measuring three feet by three feet by four inches shall be constructed around the elevated portion of the casing so that the casing is centered in the pad to prevent soil erosion and seepage of surface contamination into the annular space.

(f) A minimum elevation of one foot of casing above land surface shall be required.

(g) A raw water tap shall be provided to allow sampling of the well before exposure to storage or treatment.

(h) The well casing shall be visibly and permanently marked above the land surface with the latitude and longitude and the permit number issued by the permitting authority for that well.

(i) To the extent practical, potable water wells shall be located outside an area delineated under Rule 62-524.420, F.A.C.

(j) Where the source of contamination and the direction of ground water flow are known, in an area delineated under Rule 62-524.420, F.A.C., to the extent practical, potable water wells shall be located upgradient of the source.

(k) New potable water wells shall be located on ground least subject to inundation.

(l) Any new potable water well constructed within a delineated area that does not meet the construction standards of this section shall be abandoned and plugged in accordance with Rule 62-532.500, F.A.C., and applicable water management district rules.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309 FS. History—New 5-16-89, Amended 3-25-90, 3-3-92, Formerly 17-524.550, Amended 12-9-96.*

**62-524.600 Water Quality Testing for New Potable Water Well Delineated Areas.**

(1) New potable water wells shall be tested using methods as specified in Rule 62-524.420, F.A.C., for the presence in the untreated water of the ground water contamination which resulted in the delineation.

(2) The Department shall accept only test results obtained from water samples collected and analyzed by the Department of Health. The well construction permit applicant shall be responsible for the cost of sample collection, shipping, and analysis.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309 FS. History—New 5-16-89, Amended 3-3-92, 5-6-93, Formerly 17-524.600.*

**62-524.650 Clearing for Use of New Potable Water Wells in Delineated Areas.**

(1) If no ground water contamination is found upon testing of a new potable water well in a delineated area pursuant to Rule 62-524.600, F.A.C., the Department of Health shall be responsible for issuance of a letter of clearance to the well construction permit applicant.

(2) If ground water contamination is found upon testing pursuant to Rule 62-524.600, F.A.C., or other ground water contamination is found, a well shall not be cleared for use without a demonstration, through water quality testing, that a filter or other permanent remedy prevents the users of the well from being exposed through ingestion, inhalation, or dermal absorption, as appropriate for a contaminant, to ground water contamination.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309 FS. History—New 3-3-92, Formerly 17-524.650, Amended 12-9-96.*

**62-524.700 Permit Requirements for New Potable Water Wells in Delineated Areas.**

(1) A construction permit shall be obtained from the appropriate water management district pursuant to Rule 62-524.800, F.A.C., for all new potable water wells prior to installation or conversion. Applicants shall submit a proposed well design with the completed application, and the permit fee, to the permitting authority. Permit application shall be made under existing well construction permitting programs pursuant to Chapter 62-532, F.A.C., using forms adopted by the permitting authority for this purpose. In addition to the general requirements of this chapter, the permit shall address the following requirements through special conditions:

(a) Well construction including method of construction, depth, location of cased and screened intervals, casing material and grouting.

(b) Any special cleaning requirements for casing or drilling equipment.

(c) Water quality testing.

(d) Unique well identifiers where needed.

(2) Permitting and construction of new potable water wells, except for a well to be used for a public water system as defined in Rule 62-550.200, F.A.C., are prohibited in delineated areas where a distribution line of an available potable water system is within 500 feet of the boundary of the property for which a well construction permit is being sought. Such prohibition applies unless the property owner or applicant obtains documentation from the public water system or the Department's Water Supply Restoration and Replacement Program, and submits such documentation to the permitting entity, which demonstrates either of the following:

(a) That economic factors caused by physical or legal impediments to construction to a distribution line prevent the property owner or permit applicant from obtaining potable water through connection to the distribution line; or

(b) That necessary water distribution line extensions (excluding plumbing and meters) cannot be completed within 30 days of application to the Department for water supply restoration or replacement.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309 FS. History—New 5-16-89, Amended 3-3-92, Formerly 17-524.700, Amended 12-9-96.*

**62-524.710 Exemption from New Potable Water Well Permitting in Delineated Areas.**

Exemption from the requirements of Rule 62-524.700, F.A.C., shall be granted to an applicant by the Department or the permitting authority upon demonstration using hydrogeological, water quality, and other pertinent information that the exemption will not result in the impairment of the intent and purpose of this chapter. Detailed requirements for each exemption shall be negotiated between the permit applicant and the permitting authority on a case by case basis.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309, 373.326 FS. History—New 5-16-89, Formerly 17-524.710.*

**62-524.720 Fees for New Potable Water Wells in Delineated Areas.**

(1) Well construction permit fees for new potable water wells shall be established by rule by each water management district in an amount to recover all their actual costs, but may not exceed \$500.

(2) The clearance fee for new potable water wells shall be \$50.

(3) All fees collected pursuant to this rule shall be deposited in the delegated entity's appropriate operating account.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309 FS. History—New 5-16-89, Amended 3-3-92, Formerly 17-524.720.*

**62-524.730 Inspections of New Potable Water Wells in Delineated Areas.**

During the construction, repair, conversion from non-potable use, or abandonment of any well subject to permit under this chapter, the Department or the permitting authority may conduct inspections to ensure conformity with the requirements in this chapter. Duly authorized representatives of the Department or the permitting authority may, at any reasonable time, enter property on which a well subject to permit under this chapter is located and inspect said well.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309, 373.319 FS. History—New 5-16-89, Formerly 17-524.730.*



**62-524.740 Violations and Penalties for New Potable Water Wells in Delineated Areas.**

(1) Prohibited Acts.

(a) It shall be a violation of Section 373.309, F.S., and this chapter to construct, convert from non-potable use, or abandon any potable water well, or use for human consumption any well subject to permit under this chapter without having obtained a permit pursuant to Rule 62-524.700, F.A.C. This prohibition shall apply to both the water well contractor and the well owner.

(b) It shall be a violation of Section 373.309, F.S., and this chapter to use for human consumption, after delineation, any water well subject to permit under this chapter without having performed water quality testing pursuant to Rule 62-524.600, F.A.C.

(c) It shall be a violation of Section 373.309, F.S., and this chapter to use for human consumption, after delineation, any water well subject to permit under this chapter in which contaminants have been found without a demonstration through water quality testing that a filter or other means of preventing the users of such a well from being exposed to ground water contamination is effective.

(2) Penalties.

(a) Any person who violates any provision of this chapter, order, or permit issued under the authority of this chapter shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 and 775.083, F.S. Continuing violation after an order or conviction shall constitute a separate violation for each day the violation occurs.

(b) Any water well contractor who is in violation of paragraph (1)(a) shall, in addition to paragraph (2)(a), also be subject to the penalty provisions in Chapter 62-531, F.A.C., including the license suspension and revocation provisions contained therein.

*Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309, 373.323, 373.336 FS. History—New 5-16-89, Amended 3-25-90, Formerly 17-524.740.*