DRAFT PROCESS FOR USE OF LOCAL GOVERNMENT MANDATORY CONNECTION ORDINANCE AS INSTITUTIONAL CONTROL

A municipal or county mandatory connection ordinance may be an acceptable IC to limit some exposures to groundwater when:

- 1. Potable use is the only exposure route of concern as established in a site-specific risk assessment in support of closure under paragraphs 62-780.680(2) ["RMO II"] or 62-780.680(3) ["RMO III"], F.A.C. Alternatively, the PRSR may use existing studies, literature, updated sources of risk assessment data based on the adopted hierarchy in Section 62-780.650, F.A.C. (e.g., USEPA IRIS database), or the Department's own guidance on Alternative CTLs that are available at https://floridadep.gov/waste/district-business-support/content/risk-assessment-references-scenarios to establish ACTLs as another NRIC option.
 - a. RMO II criteria met for situations where groundwater contamination is limited to source property.
 - b. RMO III criteria met for situations with groundwater contamination extending beyond the source property.
 - c. The risk assessment establishes that other exposure routes (e.g., irrigation) are not a concern or independent controls will be used to address those exposure routes [(e.g., the Irrigation Water Screening Levels (IWSLs)].
 - d. Fresh/marine surface water exposure is not a concern or surface water CTLs are met.
- 2. The ordinance is valid and is consistent with the local government's authority.
 - a. The mandatory ordinance was properly codified or recorded, as applicable, and a copy of the ordinance is provided.
 - i. County- PRSR to provide a current copy of the ordinance(s) as 1) codified and published by the county in accordance with section 125.68(1)(a), F.S.; OR 2) recorded and maintained by the clerk of the board of county commissioners pursuant to section 125.68(1)(d), F.S., as applicable.
 - ii. Municipality- PRSR to provide a current copy of the ordinance as recorded and signed in accordance with section 166.041(5), F.S.
 - b. The mandatory connection ordinance does not purport to regulate the consumptive use of water in conjunction with the mandatory connection requirement.
- 3. The site is subject to the ordinance, as described below:
 - a. PRSR to provide verification that site is within jurisdiction of the county or municipal ordinance as defined in the ordinance (e.g., boundary map).
 - b. PRSR to demonstrate that site is within specified distance of public supply system.
 - i. If connected, current water bill for affected property;
 - ii. GIS map or survey depicting water service line(s); or

- iii. Development plan, building permit, local government infrastructure map, etc.
- c. PRSR must contact the county or municipality, as applicable, to verify the subject site to which the ordinance is being applied is not and has not applied for a variance or waiver of such ordinance. PRSR shall provide proof of this communication to DEP.
- 4. Mailed Notice pursuant to 62-780.220(7), F.A.C., is required for all affected property owners and other entities identified in said rule regardless of whether the institutional control is recorded. Prior to DEP's approval of conditional closure, Notice of the DEP's intent to conditionally close the site in reliance upon an institutional control must be sent to those entities identified in paragraph 62-780.220(7), F.A.C.
 - a. Restricted areas will be shown on the ICR.
 - b. Language of the Notice should conspicuously state the intended use of the Ordinance as a non-recorded institutional control.
- 5. After issuance of the CSRCO, subsequent repeal of the ordinance should result in reevaluation of the CSRCO.
 - a. Rescission of the CSRCO may be necessary if an alternative IC is not put in place, if required.