

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In Re: Authorization to the Southwest Florida)
Water Management District to Adminis-)
ter, Enforce and Defend Specified) Order No. 82-0451
Parts of Chapter 17-22, Florida)
Administrative Code)

ORDER

In an effort to develop a more effective program to control the location and construction of public drinking water systems supply wells, the Department of Environmental Regulation (DEPARTMENT), pursuant to Sections 403.061(3), (21), (27), 403.812 and 403.861(6), Florida Statutes, hereby exercises its discretion to authorize the Southwest Florida Water Management District (DISTRICT) to administer, enforce and defend Chapter 17-22, Florida Administrative Code, as set forth herein.

1. Beginning November 1, 1982, the DISTRICT is delegated the authority to implement and enforce Section 17-22.106(1), (2), Florida Administrative Code, relating to construction of wells that may be used as public water supplies pursuant to Chapter 403, Florida Statutes, and Chapter 17-22, Florida Administrative Code, throughout the DISTRICT'S geographic jurisdiction.

2. The DISTRICT shall continue to administer public water supply well construction permitting as established in accordance with Section 17-22.108(1)(a), Florida Administrative Code, including review of permit applications and issuance or denial of permits.

3. In connection with this delegation the DISTRICT shall be responsible for all administrative proceedings under Chapter 120, Florida Statutes, including hearings, relating to applications for constructing wells. The DISTRICT shall also be responsible for taking enforcement action through appropriate administrative or judicial proceedings under Section 403.860, Florida Statutes, in connection with wells constructed in violation of the requirements of Section 17-22.106(1), (2), Florida Administrative Code.

4. The DISTRICT is additionally delegated the authority to take water samples and conduct inspections as provided in Section 403.858, Florida Statutes, for the purpose of ascertaining the state of compliance with the law, with Chapter 17-22, Florida Administrative Code, or with rules or orders of the DISTRICT.


5. The DEPARTMENT and DISTRICT will execute an operating agreement to specify the extent to which this delegation is to be implemented in each county within the DISTRICT to avoid conflicts with responsibilities designated to "approved" local units of the Department of Health and Rehabilitative Services, and to coordinate the review of applications to construct public drinking water system supply wells with other permitting authorities under Chapter 17-21, Florida Administrative Code. Such operating agreement may further provide for necessary operational or procedural details which will provide consistency with the Florida Safe Drinking Water Act and Chapter 17-22, Florida Administrative Code.

6. In order that the DEPARTMENT may evaluate this delegation to the DISTRICT, information regarding permits and the permitting program shall be provided to the DEPARTMENT upon request.

7. This delegation shall continue from year to year unless and until the DEPARTMENT or the DISTRICT provides written notice of termination, signed by the head of the agency, at least ninety (90) days prior to the proposed termination date.

DONE AND ORDERED this 17 day of September, 1982, in Tallahassee, Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


Victoria J. Tschinkel
Secretary
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to §120.52 (9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Carol A. Gatewood 9/20/82
Clerk Date