



Florida Department of Environmental Protection Florida Department of Health

Program Operating Procedures Guidance

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DEP - DOH OPERATING PROCEDURES GUIDANCE

For the Continued Implementation of the Florida Safe Drinking Water Act

July 2001

Introduction

The purpose of this informal Operating Procedures Guidance (hereinafter referred to as Guidance) is to update the program procedures that are included in the 1994 DEP-DOH Interagency Agreement (IA.) The changes included have been reviewed and approved by both departments. This Guidance becomes effective July 2, 2001, and was distributed by the Drinking Water Program Administrator, Van Hoofnagle, to all offices on that date. This Guidance will be superseded by a formal IA agreement at an unspecified date.

Part 1 Scope of the Operating Procedures Guidance

The Department of Environmental Protection (hereinafter referred to as DEP) and the Department of Health (hereinafter referred to as DOH) enter into the DEP- DOH Operating Procedures Guidance set forth below. The first purpose of this Guidance is to effectuate the intent and purposes of Sections 403.851 and 403.862, Florida Statutes (F.S.), by defining procedures and responsibilities that maximize the cooperation between DEP and its District Offices and DOH and its county health department offices. The second purpose is to integrate the joint operation of the water system program established by the Florida Safe Drinking Water Act, Sections 403.850 through 403.864, F.S., with other water supply related programs solely operated by DOH pursuant to statutory authority other than the Florida Safe Drinking Water Act.

The rule and statute references above may be updated as federal and state law, or administrative requirements change without the written consent of either Secretary or the re-negotiation of this Guidance provided the DOH Division of Environmental Health and the ACHDs are notified of the changes. All hard copies of ACHD files shall be made available to DEP upon request.

This Guidance shall govern the interaction between DEP and its District Offices and DOH and its-county health department offices as these various offices administer the Public Water System Supervision (PWSS) Program. By this Guidance, all offices agree to follow the PWSS Program administrative procedures that are outlined in this document. For delegated county health departments, DEP accepts the support role for permitting, compliance and enforcement by providing legal, technical and training assistance. For non-delegated county health departments, DEP retains the lead role for permitting, compliance, and enforcement activities and welcomes county health departments to serve a support role by providing technical assistance as appropriate. The attached Appendices provide guidance for implementing these procedures.

This Guidance supersedes and makes obsolete all previous versions of the DEP-DOH Interagency Agreement, and may be amended as outlined in Part 6, Administrative Issues, of this Guidance.

Part 2 Operational Definitions

To make selected definitions in Chapter 62-550, Florida Administrative Code (F.A.C.), and terms used in this Guidance more operational for use in execution of this Guidance, the following clarifications are made:

- 2.1 **DEP-APPROVED DOH COUNTY HEALTH DEPARTMENT (ACHD)** - In accordance with Sections 403.861(6) and 403.862(1)(c), F.S., DEP may delegate authority for administering the PWSS Program to a DOH county health department (CHD) that meets the criteria outlined in Part 5, Designation of Approved County Health Department.
- 2.2 **CLASS I INSPECTION** - means a scheduled routine sanitary survey or a routine reconnaissance inspection, which is conducted more frequently and generally with less detail than a sanitary survey. At a minimum, compliance with monitoring requirements should be determined, and appropriate enforcement actions should be pursued.
- 2.3 **CLASS II INSPECTION** - means an investigation conducted in response to a complaint, violation of a standard, or some other cause that represents a potential public health risk.
- 2.4 **CLASS III INSPECTION** - means a follow-up inspection to determine if the public water system (PWS) is complying with the terms of an enforcement action or is taking corrective actions cited in a previous inspection.
- 2.5 **COMMUNITY WATER SYSTEM (CWS)** - In addition to the definition in Rule 62-550.200, F.A.C., PWSS program personnel in both Departments shall use the guidance in Appendix A, 1.1 SYSTEM REGULATION AND CLASSIFICATION DETERMINATIONS, to assist in determining if a PWS is a Community Water System (CWS).
- 2.6 **LIMITED USE PUBLIC WATER SYSTEM (LUPWS)** - is a water system not covered by the Florida Safe Drinking Water Act and further defined as having at least five nonrental residences, but not more than 14, or two or more rental residences or, serving any number of persons for less than 60 days per year, or less than 25 persons for more than 60 days per year. Other LUPWSs are further discussed in Chapter 381, F.S., and Chapter 64E-8, F.A.C.
 - 2.6.1 **LIMITED USE COMMUNITY PUBLIC WATER SYSTEM** - is a public water system not covered or included in the Florida Safe Drinking Water Act, which serves at least five non-rental residences, but not more than 14, or two or more rental residences, and provides piped water.

- 2.6.2 LIMITED USE COMMERCIAL PUBLIC WATER SYSTEM - is a public water system not covered or included in the Florida Safe Drinking Water Act, which serves one or more nonresidential establishments, and provides piped water.
- 2.7 MONITORING - means the collection, analyses by a certified lab and submittal of data from water samples taken from PWSs for compliance purposes.
- 2.8 MONITORING RECORDS - means the results of microbiological, chemical, physical, and radiological analyses of samples taken for the purpose of compliance.
- 2.9 NON-COMMUNITY WATER SYSTEM (NC) - In addition to the definition in Rule 62-550.200, F.A.C., PWSS Program personnel in both Departments shall use the criteria described in Appendix A, 1.1, SYSTEM REGULATION AND CLASSIFICATION DETERMINATIONS, to assist in determining if a PWS is an NC.
- 2.9.1 NON-TRANSIENT NON-COMMUNITY WATER SYSTEM (NTNC) - In addition to the definition in Rule 62-550.200, F.A.C., PWSS Program personnel in both Departments shall use the criteria described in Appendix A, 1.1, SYSTEM REGULATION AND CLASSIFICATION DETERMINATIONS, to assist in determining if a PWS is a NTNC.
- 2.9.2 TRANSIENT NON-COMMUNITY WATER SYSTEM (TNC) – In addition to the definition in Rule 62-550.200, F.A.C., PWSS Program personnel in both Departments shall use the criteria described in Appendix A, 1.1, SYSTEM REGULATION AND CLASSIFICATION DETERMINATIONS, to assist in determining if a PWS is a TNC.
- 2.10 OPERATIONAL RECORDS - means the monthly operation reports prepared by certified operators or by other persons pursuant to Chapter 62-550, F.A.C.
- 2.11 PUBLIC WATER SYSTEM (PWS) - means a water system determined to be regulated by the Florida and Federal Safe Drinking Water Acts. To assist in making that determination, use the guidance in Appendix A, 1.1, SYSTEM REGULATION AND CLASSIFICATION DETERMINATIONS.
- 2.12 SANITARY SURVEY - means an inspection of PWSs as defined in Rule 62-550.200, F.A.C..
- 2.13 SURVEILLANCE - means the occasional inspection, sampling (if needed to address a particular public health risk situation), or review of operational and monitoring records of a PWS.

Part 3 Public Water System Program Elements

The following is a description of each task in the PWSS Program along with the division of duties among DEP, DOH, the ACHDs, and the CHDs. It is the responsibility of DEP, through its District Offices, to ensure that ACHDs are performing the duties outlined in this Guidance.

3.1 PERMITTING

All permitting of PWSs performed by DEP and DOH shall be in accordance with Chapter 120, F.S., and Chapters 62-4 and 62-555, F.A.C., including provisions for allowing the electronic submittal of permit applications and the electronic issuance of permits. To assist in making permitting decisions, refer to program guidance issued by the Permitting, Compliance, and Enforcement Workgroup (PCE). Any fee established by rule or statute shall be paid to, collected by, and accounted for by the agency taking final permit action. Such fees collected by an ACHD shall be deposited in the DOH County Health Department Trust Fund, using the required DOH accounting codes, and used exclusively for Safe Drinking Water Act program activities. Local fees charged for permitting or processing are not governed by this Guidance.

3.1.1 DEP Responsibilities - The DEP shall receive, evaluate, and take final action on PWS permit applications for those systems that are not within the geographical boundaries of an ACHD.

The DEP shall conduct training adequate to assure that permit actions by ACHDs are consistent with Chapter 120, F.S.; Chapter 62-555, F.A.C.; and Department policy. When any DEP District Office finds that a system believed to be a PWS meets Limited Use Public Water System (LUPWS) criteria, it shall notify the applicable CHD of this condition and request that a joint inspection be conducted between both agencies to evaluate the water system in accordance with Appendix B, 1.1.

3.1.2 ACHD Responsibilities - In accordance with Sections 403.861(6) and 403.862(1)(c), F.S., each ACHD shall receive, review, evaluate, and take final action on all PWS permits allowed by Chapter 62-555, F.A.C., (including general permit requests and electronic permit applications) for those systems within its geographical boundaries. When an applicant is eligible for a general permit, a regular permit shall not be required. The ACHDs shall use forms specified in Part IX of Chapter 62-555, F.A.C., and receive fees stated in the DEP fee schedule contained in Rule 62-4.050, F.A.C.

[RESERVED, ref. 20% fee to DEP]

Additional fees collected by ACHDs shall be accounted for independently and shall be represented by a separate permit or other document issued by ACHDs.

If the ACHD has a lapse in having a professional engineer (PE) registered in the State of Florida supervising the drinking water program, the ACHD shall immediately notify the local

DEP District office and permitting responsibility shall immediately revert to the local DEP District Office. The DEP may then approve in writing a temporary arrangement with an adjacent ACHD or the Division of Environmental Health in the interim. The PEs in ACHDs shall sign and seal a certification statement attesting to the review of applications and associated plans and specifications prior to issuance or denial of the permits in accordance with DEP guidelines and Chapter 471, F.S. The ACHDs shall electronically record all permits they issue or deny in the DEP drinking water and permit data management systems and reconcile all fees in accordance with state law. Each ACHD shall make permit actions available to DEP for review as discussed in Section 3.1.1, DEP Responsibilities.

3.1.3 CHD Responsibilities - CHDs are responsible for regulating Limited Use Public Water Systems (LUPWSs). If any CHD finds that a system believed to be a LUPWS meets PWS criteria, it shall notify the local DEP District Office of this condition, and request that a joint inspection be conducted by the agencies to evaluate the water system in accordance with the guidance in Appendix B, 1.1.1, Transfer of Public Water Systems.

3.1.4 Construction Without a Permit - Water systems originally constructed as private or LUPWSs shall not be used as PWSs unless PWS acceptance is obtained. Many PWSs have been constructed without a permit because either they were originally a private water system or LUPWS that subsequently "grew" into PWS status or they simply did not apply for a permit although one was required. If an existing water system is believed to be an unpermitted PWS, the discovering CHD shall notify the appropriate DEP District Office. The notifying CHD shall follow the guidance presented in Appendix B, 1.1., Transfer of Public Water Systems and apply rules governing capacity development requirements as contained in Chapters 62-550 and 62-555, F.A.C., as applicable.

3.1.5 Reclassification of a Water System - A change in the status of water system classification (i.e., CWS, TNC, NTNC, or LUPWS) will be evaluated as described in Appendix A, 1.1, SYSTEM REGULATION AND CLASSIFICATION DETERMINATIONS. Transfer of water systems from one agency to the other will be allowed only once in a 12 month period.

3.2 COMPLIANCE AND SURVEILLANCE

Surveillance performed by DEP and ACHD consists of a sanitary survey or other inspections, and review of drinking water sample analysis results, written plans, or operating reports to determine compliance with all applicable drinking water rules.

Nothing in this Guidance shall preclude any CHD from conducting quality assurance sampling. However, such sampling services shall not relieve an owner of a PWS of the responsibility of ensuring compliance with all monitoring specified in Chapter 62-550, F.A.C. The ACHDs and DEP District offices will assist SDWA water systems by annually notifying them of their monitoring responsibilities.

3.2.1 Schedules of Inspections

3.2.1.1 A Class I inspection (sanitary survey) shall be conducted on each CWS and NTNC once every three years and on each TNC system once every five years using worksheets adopted by the PCE Workgroup. More frequent Class I inspections may be conducted if personnel are available.

3.2.1.2 A Class I routine reconnaissance (compliance) inspection is to be conducted on an annual or more frequent basis on all systems within available resources using checklists developed by the PCE Workgroup and incorporated into guidance memoranda.

3.2.1.3 A Class II inspection that is conducted upon receipt of a complaint or evidence of a maximum contaminant level violation in any PWS is a "for cause" investigation and is scheduled as needed.

3.2.1.4 A Class III inspection that is a follow-up inspection shall be conducted to determine compliance with enforcement actions or correction of deficiencies cited in a Class I or Class II inspection. These inspections are scheduled as needed.

3.2.2 DEP Responsibilities - The DEP has the following surveillance and compliance responsibilities:

3.2.2.1 The DEP is responsible for conducting Class I, Class II, and Class III inspections, and for overseeing all monitoring requirements for those PWSs not inspected by ACHDs. The local DEP District Office shall also oversee the operational records of those PWSs.

3.2.2.2 The DEP shall provide informal technical assistance and training to aid the ACHDs in performing inspections and taking water samples, if requested. In addition, informal technical assistance training shall be provided by DEP to aid CHDs in performing complaint investigations.

3.2.2.3 The DEP shall, at least quarterly, update the electronic record with the data from each PWS inspected by the DEP District Office and with all sample analyses data and operational record data according to the program requirements. The DEP shall make data equipment at District Offices available for use by ACHDs when needed.

3.2.2.4 The DEP shall assist the ACHDs in investigating and resolving complaints as described in Section 3.2.3, ACHD Responsibilities, and consult with DOH in the event of contamination incidents affecting PWSs.

3.2.2.5 The DEP, through its District Offices, shall oversee the ACHDs to ensure adequate completion of their surveillance and compliance activities, and conduct quarterly meetings with ACHD staff to share information and offer assistance if required.

3.2.2.6 The DEP shall ensure that the DOH is adequately informed, and is further given an opportunity to review and provide comments prior to the adoption of any rules or the issuance of any policies affecting the implementation of the Florida SDWA Program.

3.2.2.7 The DEP shall make a reasonable effort to immediately notify the DOH in the event of a drinking water related emergency or consult with them about public health effects in the event of contamination incidents affecting PWSs, such as in the issuance of boil water notices (See Appendix C, 1.1, Boil Water Notice Guidelines), and during the establishment of drinking water standards.

3.2.3 ACHD Responsibilities - All ACHDs have the following surveillance and compliance responsibilities.

3.2.3.1 The ACHDs are responsible for conducting Class I, Class II, and Class III inspections, and for overseeing all monitoring and operational requirements for all PWSs within their geographical boundaries.

3.2.3.2 The ACHDs shall, at least quarterly, update the DEP's electronic record with the data from each PWS inspected and with all sample analyses data and operational record data according to the program requirements of DEP.

3.2.3.3 Each ACHD shall take the lead in investigating all complaints within its geographical boundaries. Complaints requiring immediate attention shall be investigated within 24 hours of receipt. If DEP assistance is needed to resolve a complaint, the local DEP District Office shall be notified by telephone as soon as possible. If requested, the ACHDs shall assist DEP in resolving all complaint referrals by providing requested information and making on-site investigations. If an ACHD resolves a complaint that is controversial or involves the District, it shall inform the local DEP District Office of the nature of the complaint and its resolution, in a timely manner; either by phone, fax, e-mail, or in writing.

3.2.3.4 Bacteriological or chemical sampling of the water may be required by the nature of the complaint. Sampling will be conducted by the utility or the ACHD until the incident is resolved (e.g., clean samples or maximum contaminant level violation confirmed) and PWS resumes sampling activities.

3.2.4 CHD Responsibilities - CHDs will be responsible for conducting investigation of complaints related to PWSs. The timeliness of complaint investigations will depend upon the

nature and severity of the complaints; however, initial CHD contact with the complainant shall occur within at least two working days of the receipt of the complaint. If investigation verifies the validity of the complaint, the CHD will forward an opinion about the origin of the problem to the local DEP District Office within five days. Copies of sampling results will be forwarded to the local DEP District Office upon receipt by the CHD. Any complaint activity involvement by the CHD beyond the scope of this paragraph will be available as time and staffing resources allow.

3.2.5 Special CHD and DEP Responsibilities – In some cases a food service, food outlet, recreational vehicle park, mobile home park, migrant labor or recreational camp facility is regulated by DOH with respect to aspects of its operations other than drinking water. In such cases DEP shall provide notice to DOH in writing when DEP becomes aware that the PWS serving such a facility is not in compliance with Chapters 62-4, 62-550, 62-555, 62-560, or 62-699, F.A.C.. DOH shall take appropriate enforcement action against the facility owner in accordance with its applicable statutes/rules. The DEP shall take enforcement action concurrent with the DOH enforcement action.

3.2.6 Emergency CHD Responsibilities - In the event of an emergency threat to public health resulting from contamination of a PWS, the CHDs shall assist DEP in the notification of potentially affected consumers.

3.2.7 DOH Responsibilities - DOH shall oversee CHD and ACHD-activities defined in the Florida Safe Drinking Water Act. The DOH shall provide DEP information concerning public health effects in the event of contamination incidents affecting PWSs, and during the establishment of standards. In addition, DOH shall assist DEP in the resolution of PWS complaint processing problems and in making jurisdictional determinations.

3.2.8 Chapter 120 F.S. Variance Requests - All petitions by water systems seeking a Chapter 120 variance to Department rules shall be forwarded to DEP's Office of General Counsel (OGC). OGC will assist the District or Tallahassee Drinking Water staff in review and preparation of all notices, requests for additional information, and final orders.

If a variance petition is filed with DOH on a DEP rule, DOH may either return the petition to the petitioner with the explanation that it is a DEP rule and must be filed with DEP OGC or send the petition to OGC or send the petition to the DEP district. In any case the DEP District will probably be the lead in its processing. Processing must include obtaining an OGC case number and assignment of an attorney. Team members would include a ACHD representative and a staff member of DEP's Drinking Water Section in Tallahassee. If the District takes the lead, the Director of District Management will sign the final order.

3.2.9 Reduced Operator Coverage Requests - The approval or denial of water system requests for reduced operator coverage as allowed under Chapter 62-699, F.A.C., shall remain the

responsibility of the ACHD or DEP District having jurisdiction over the county in which the water system is located.

3.3 ENFORCEMENT

The DEP, pursuant to Sections 403.861(1), (16) and (17) F.S., and ACHDs, pursuant to Sections 403.862(1) through (c)5, F.S., are to review reports of water sample analyses, written plans, and operational records and detect violations in the records. Once a violation is detected, the DEP or the ACHD shall initiate an enforcement action. The following actions are described in more detail in Chapter Five of the DEP's Enforcement Manual, which shall be made available to all program offices. The routine procedure for bringing a PWS back into compliance is the use of informal and formal enforcement actions.

3.3.1 Informal Enforcement

- Noncompliance Letter
- Warning Letter

The noncompliance letter and the warning letter are informal enforcement actions that normally function as the initial step to begin the enforcement process.

3.3.2 Formal Enforcement

- Notice of Violation (NOV)
- Consent Order (CO)
- Court Action

The notice of violation, consent order, and court action are all formal enforcement actions that are generally used when informal enforcement actions have not been effective.

The list above may be updated as federal and state law, or administrative requirements change without the written consent of either Secretary or the re-negotiation of this Guidance provided the DOH Division of Environmental Health and the ACHDs are notified of the changes. All hard copies of ACHD files shall be made available to DEP upon request.

Once a violation has been discovered, any of the above options may be used as the Department's initial response to the violation. The Department has a Noncompliance Fee provision, Rule 62-560.310(3), F.A.C., that may be used solely for monitoring violations in lieu of civil penalties. In extreme cases, a public water system may be referred to the USEPA, Region IV, through the appropriate DEP District office and the DEP Drinking Water Section in Tallahassee. The responsibilities of each Department in supplying enforcement information and taking enforcement action are defined below.

3.3.3 DEP Responsibilities

In accordance with Sections 403.855 and 403.860, F.S., DEP will initiate and prosecute enforcement actions for those systems that are not within the geographical boundaries of ACHDs.

Variance, waiver and exemption proceedings, for the purpose of this Guidance, are a form of enforcement action and may be granted or denied only by the Secretary of the Department of Environmental Protection, except that Chapter 120 variances or waivers may be granted or denied by the Director of the Division of Water Resource Management, or by a Director of District Management. The DEP Division of Water Resource Management shall specify Department procedures for acting on variance, waiver and exemption petitions, including Chapter 120, F.S. variance petitions submitted by SDWA water systems. The ACHD recommendations regarding the petition shall be considered by the DEP prior to final DEP action.

Enforcement referrals to the USEPA will be made by DEP's Division of Water Resource Management. ACHDs and DEP District offices will forward all appropriate file information to the DEP Drinking Water Section in Tallahassee for their final recommendation prior to Division action on the referral.

3.3.4 ACHD Responsibilities

In accordance with Sections 403.860 and 403.862, F.S., an ACHD will initiate and prosecute enforcement actions for those systems that are within its geographical boundaries. The ACHDs shall follow the specific procedures in Section 4.3 of the DEP Enforcement Manual concerning inspections and entry upon land. Class II and III inspections shall be unannounced and conducted at reasonable times. Penalties shall be pursued consistent with the most current versions of "Guidelines for Civil Penalties" which is included in the DEP Enforcement Manual as an Appendix.

Once a violation of any type is detected, an ACHD is responsible for attempting to bring a PWS within its jurisdiction back into compliance by notifying the PWS by phone, by completing an inspection or sending the violator a noncompliance letter, completing a follow-up inspection, and sending a warning letter (if needed). The ACHDs shall use the DEP format for these letters and shall electronically record all enforcement actions immediately after they are initiated. When a system returns to compliance after issuance of a noncompliance or warning letter, this fact shall also be recorded electronically. An ACHDs shall pursue enforcement activities within the specified time period outlined in the EPA/DEP Enforcement Agreement. All enforcement referrals shall include all applicable documentation pertaining to the case. Personnel of an ACHD shall be available to testify at enforcement proceedings about whatever

actions they have taken. The ACHD personnel shall transmit any request for variance, waiver or exemption with comments to the DEP Division of Water Resource Management for action as described in Section 3.3.3 DEP Responsibilities.

In addition, DEP recognizes that ACHDs may have local ordinances with which a PWS shall comply. In such cases, ACHDs may pursue these or other enforcement capabilities to bring a PWS into compliance. The ACHDs shall electronically record all enforcement actions for violations of state and federal drinking water requirements on the DEP PWS data system on at least a quarterly basis. Each ACHD shall submit an enforcement report annually to the Division of Environmental Health, who will compile and submit an enforcement report annually to DEP headquarters.

3.3.5 CHD Responsibilities

The DEP recognizes that CHDs may have local ordinances with which a PWS shall comply. In such cases, CHDs may pursue these or other enforcement capabilities to bring a PWS into compliance.

Part 4 Recordkeeping Requirements

4.1 TIME REQUIREMENTS

All hard copies of inventory records (i.e., plans, specifications, etc.), permits, sanitary surveys, and monitoring records of PWSs shall be maintained for the length of time mandated by federal and state law by the DEP District Office or the ACHD office in whose geographical area the systems are located. Microfilm or computer disk copies may be maintained as an alternative to retaining hard copies of data. The minimum length of time records must be kept is as follows:

consumer confidence reports - 2 years;

monthly operating reports - 5 years;

turbidity monitoring records - 2 years;

bacteriological monitoring records - 5 years;

variances, waivers, or exemptions - 5 years after the expiration date;

capacity development demonstrations - 10 years;

chemical monitoring records (including radiological monitoring records) - 10 years

- plans and specifications - 10 years;
- sanitary surveys - 10 years;
- lead and copper monitoring and compliance records - 12 years;
- permits - permanently;
- well surveys - permanently.

The list above may be updated as federal and state law, or administrative requirements change without the written consent of either Secretary or the re-negotiation of this Guidance provided the DOH Division of Environmental Health and the ACHDs are notified of the changes. All hard copies of ACHD files shall be made available to DEP upon request.

4.2 ELECTRONIC RECORDING OF DATA

Information from hard copy records shall be entered into DEP's drinking water, permit application (PA), and enforcement databases, including EAPP as appropriate, within 30 days of receipt of that information. The protocol of data entry and use of the data management shall be specified by DEP. To assist the ACHDs in electronically recording these data, DEP agrees to provide training in data management activities and any necessary software. Upon designation as an ACHD, the ACHD shall commence data management activities and retention of hard copy files. Purchase of equipment for data management activities will be negotiated during the program delegation process. The ACHDs shall have the responsibility for proper maintenance, repair, or replacement of equipment.

During periods when an ACHD is without equipment for data entry because of equipment failure, DEP shall make equipment available at a DEP Office for ACHD staff to use.

4.3 UPON RESCISSION OF ACHD STATUS

If approval for an ACHD's status is rescinded, DEP may immediately retrieve the DEP-purchased computer equipment. The rescinded ACHD shall also submit hard copies, computer disk copies, or microfilm copies of all PWS inventory records, permits, sanitary surveys, and monitoring records to the appropriate DEP District Office, if requested. Otherwise, the rescinded ACHD shall retain all hard copy files at its office for the time specified in Section 4.1, TIME REQUIREMENTS, and shall make these files available to DEP upon request.

Part 5 Designation of An Approved County Health Department

In accordance with Sections 403.861(6) and 403.862(1)(c) F.S., DEP may delegate authority for administering the PWSS Program to a DOH CHD that has a qualified engineering staff and meets the criteria specified in Section 5.3, APPROVAL CRITERIA, as determined by DEP. County Health Departments shall be designated as provided in Section 403.862(1)(c) only if the ACHD is able to and intends to carry out all functions of the Drinking Water Program.

[RESERVED, ref. DEP further delegation to other entities]

The following paragraphs outline the process for becoming a DEP-DOH ACHD and keeping this status. A procedure for DEP to rescind approval is also included.

5.1 NOMINATION PROCESS

The DOH shall nominate a CHD for approval by providing written notice from the Secretary of DOH to the Secretary of DEP. The written notice shall be accompanied by a statement of the qualifications of all the CHD staff who will participate in program activities and shall include, at a minimum, a detailed analysis of the CHD's ability to meet the approval criteria. The DOH shall not nominate a CHD in which a DEP District office is located in the same county, or if the CHD would regulate fewer than 200 SDWA PWSs, or if existing Chapter 403 authority or delegation has already been granted to other governmental entities within that county. After reviewing the statement of qualifications, and following a minimum twelve-month observation period as addressed in 5.2, EVALUATION AND APPROVAL PROCESS, the Secretary of DEP shall notify the CHD through the Secretary of DOH of the decision. If DEP is unable to approve the nomination, the Secretary of DEP shall state the reasons with particularity. If the Secretary of DEP approves the CHD's qualifications, the CHD shall then be called an ACHD.

5.2 EVALUATION AND APPROVAL PROCESS

The statement of qualifications of a nominated CHD, based upon approval criteria listed in 5.3, APPROVAL CRITERIA, shall be evaluated by a DEP professional engineer registered in the State of Florida. If initial review shows that qualifications appear to be adequate, written notice will be provided by DEP to the CHD and the DOH Division of Environmental Health that conformance with approval criteria will be assessed during a twelve-month interval referred to as the observation period. The twelve month observation period is divided into three segments. During this period, the CHD's capability to carry out the duties listed in this Guidance will be closely observed by DEP District and Tallahassee offices.

The nominated CHD shall commence all surveillance and record keeping activities during the observation period. The DEP District Office shall direct each PWS permit applicant to submit a complete set of application materials to the nominated CHD during the observation period. The applicant CHD will conduct parallel engineering plan reviews with the DEP District Office during the

second three months of the observation period. The CHD will provide recommendations on permit issuance and conditions based on its plan review to the DEP District Office within 20 calendar days of receipt of an application package to facilitate the plan review process mandated under Chapter 120, F.S. Subsequently, the DEP district office shall audit all permits issued by the CHD during the remaining six months of the observation period.

During the first segment, months one to three, the nominated CHD shall:

- Receive training in PWS data management, enforcement, compliance and sanitary surveys.
- Conduct all compliance inspections.
- Begin to enter data into the PWS and PA-databases.
- Accompany district personnel on sanitary surveys of public water systems within the nominated county.
- Set up paper files.
- Establish a reference library that contains, at a minimum, those publications listed in Sections 62-555.330 and .335, F.A.C.

Initiate correspondence with public water systems within the nominated county.

During months four to six the nominated CHD, in addition to the previously mentioned responsibilities, shall:

- Perform parallel permit reviews.
- Conduct all sanitary surveys of public water systems within the nominated county.
- Enter all data into the PWS database.
- Begin informal enforcement where applicable.

During months seven to twelve the nominated CHD, in addition to the previously mentioned responsibilities, shall:

- Process all permits applications.
- Perform all enforcement actions.

- The DEP District will audit all permit and final enforcement actions as necessary.

5.3 APPROVAL CRITERIA

The minimum criteria a CHD shall meet to be considered for ACHD status include, but are not limited to:

5.3.1 The staff shall be under the direct supervision of a PE registered in the State of Florida, or under the indirect supervision of a PE registered in the State of Florida when the staff's immediate director is an individual who possesses an engineering degree from a university with a curriculum accredited by the Engineers' Council for Professional Development. In either event, the staff's immediate director must have experience in an environmental-engineering-related field with a minimum of six months of experience with Florida's water system program (prior to the observation period).

5.3.2 The staff shall consist of an adequate number of technically qualified persons. The program shall be provided with sufficient funding to consistently perform the duties set forth in Section 403.862, F.S., as described in this Guidance.

5.3.3 There must be adequate legal resources provided to implement and execute the responsibilities for enforcement of the Florida Safe Drinking Water Act as delegated by Section 403.862(1)(c), F.S.

5.3.4 Upon demonstration that all criteria in Part 5, Designation of Approved County Health Department, are satisfied by a CHD, and upon recommendation by the DEP Division of Water Resource Management, the Secretary of DEP shall designate the ACHD Director/or Administrator, or his or her designee, which shall be a professional engineer registered in the state of Florida, as signatory of Department permits authorized by Section 403.862(1)(c), F.S. For general permits, the standard procedures developed for the district offices shall be followed by the ACHDs. This shall include the use of standard approval letters developed by the Department. Denials of permit applications must be signed by the Director or Administrator, or his or her designee. The first three months of the twelve-month observation period shall consist of initial training and preparation of the CHD to receive the Public Water System Supervision Program. Then the DEP shall perform parallel reviews of all permit applications during the second three months of the observation period. The DEP shall audit all permit actions taken by ACHDs during the final six months of the observation period. The DEP shall act on review results as authorized by Section 5.5, Program Evaluation of ACHDs.

5.4 EXISTING ACHDs

The ACHDs approved prior to the signing of this Guidance shall not be required to submit a revised statement of qualifications as described above. Nevertheless, all ACHDs must meet the approval criteria and are subject to annual review by DEP to determine if they are meeting PWSS Program requirements.

5.5 PROGRAM EVALUATION OF ACHDs

The DEP shall annually evaluate at least half of all ACHDs for program administration and data verification. All ACHDs will be evaluated at least once every two years. However, any ACHD that receives a less than satisfactory review shall be reevaluated the next year. Requests for an evaluation may be made by DEP in Tallahassee, any DEP District Office, or by DOH. The evaluation team will include a representative from the DOH Division of Environmental Health, the DEP Division of Water Resource Management and the DEP District Office.

The DEP District Office, prior to the program evaluation, will make a detailed review of the ACHD's files to assist the evaluation team in determining adherence to the PWSS program requirements. This detailed file review will occur on a three-year rotational basis. The DOH Division of Environmental Health will be invited to attend this data collection visit.

The date and time of the evaluation shall be established by mutual agreement between the DEP Division of Water Resource Management and the DOH Division of Environmental Health. An evaluation will consist primarily of file reviews and interviews with county program staff. At the conclusion of an evaluation, the DEP staff will discuss its findings and leave a copy of the report with the county program administrator. A copy of the report will be sent to the DOH Division of Environmental Health. At the time of the program review, the DOH will provide a financial audit of the ACHD Drinking Water Program.

5.6 RESCISSION OF ACHD STATUS

In accordance with Section 403.862(4) F.S., if DEP determines that an ACHD is not adequately performing its PWSS Program functions, as reflected in two successive unsatisfactory reviews, the Secretary of DEP shall inform the Secretary of DOH in writing of rescission of the ACHD's program delegation. Deficiencies that may result in immediate withdrawal of delegation include, but are not limited to, the following: falsifying documents, conflict of interest, loss of resources that result in significant program deficiencies, or intentional deletion or destruction of records.

This provision in no way precludes a CHD that has had the PWSS program rescinded from reapplying for delegation after the noted deficiencies have been corrected to the satisfaction of DEP.

If an ACHD approval is rescinded, DEP shall be responsible for immediately resuming the PWSS Program functions in that county.

5.7 LIST OF ACHDs

| | | |
|--------------|------------|----------|
| Broward | Manatee | Sarasota |
| Dade | Palm Beach | Volusia |
| Hillsborough | Pinellas | |
| Lee | Polk | |

This list will be revised as necessary to reflect formal actions taken by the Secretary of DEP and without the re-negotiation of this Guidance. Revisions will be attached as addenda.

Part 6 Administrative Issues

6.1 POLICY RESPONSIBILITIES

The DEP maintains the authority and responsibility of providing guidance to DEP Districts and ACHDs. This guidance may be in the form of rule interpretation, or Division of Water Resource Management Program Guidance Memoranda. The DEP Drinking Water Section is authorized to provide routine non-policy technical guidance in the form of final PCE Workgroup minutes. The PCE Workgroup shall be comprised of representatives from the DEP district offices, ACHDs, and DOH and DEP headquarters offices. All DEP Districts and ACHDs have the responsibility to follow, apply, or otherwise use such guidance.

Any apparent conflicts between federal and state or DEP and DOH rules or guidance shall be brought to the attention of the DEP Drinking Water Section Tallahassee office and the DOH Division of Environmental Health. Final resolution shall be by the DEP.

6.2 FUNDING

6.2.1 Joint Report - A yearly accounting of funds, overhead, personnel, and property used by DEP and DOH, including the CHDs, will be exchanged by January 15 of each year. This accounting by State fiscal year will be included in a joint report prepared by DEP and DOH and presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than February 1 of each year.

6.2.2 Semi-Annual Payments - DEP agrees to provide DOH funding from the Water Quality Assurance Trust Fund or other funds as it may become available, contingent on an annual appropriation by the State legislature. Payments will be made semi-annually for the management of delegated ACHD Public Water System Supervision Programs.

6.2.3 Penalty Retention - DEP agrees that ACHDs shall retain penalties, costs and expenses pursuant to Section 403.860(4), F.S., which they recover either through an administrative or civil action. The ACHDs recognize that such moneys collected under that section must be expended

as provided in Section 403.862(7), F.S. Therefore, ACHDs may retain all penalties, costs, and expenses recovered pursuant to Sections 403.860, 403.862(1)(c)(5) and (7), F.S., and Rules 62-560.310(2), and (3), F.A.C., so long as the moneys are expended only for the operation of the DEP delegated PWSS activities in the ACHD. An annual penalty assessment and expense report specifying, costs and expenses collected and how they were expended by each ACHD will be submitted to the DOH Division of Environmental Health within ninety days after the end of each fiscal year.

6.2.4 Budget Approval - DOH agrees to establish a proposed budget for the expenditure of any moneys transferred or collected under paragraphs 6.2.2, 6.2.3, and 3.1.2. Any such expenditures shall be accounted for through the use of specific module numbers. An annual report shall be prepared to detail the expenditure of such funds during the year just ended and the proposed budget for the upcoming year. DEP shall accept the proposed budget and verify during the annual program evaluation that the funds have been expended on the supervision of public drinking water systems regulated under the Florida Safe Drinking Water Act.

6.2.5 Data Management - DEP agrees to provide the ACHDs and the DOH Division of Environmental Health all necessary computer hardware and software to adequately conduct data management activities utilizing the Oracle Public Water System Data Base and PA system. DEP further agrees to provide technical assistance and training in the utilization of the Oracle and PA data management systems, and provide technical service if system repairs are necessary.

6.3 MODIFICATIONS TO THE GUIDANCE

This Guidance sets out the procedures to be followed by the DEP and its District offices, and DOH and all of its ACHDs and CHDs. Either of the parties may seek a modification of this Guidance by giving written notice outlining the desired modification to the other. No modification is effective until the modification is in writing and added to this document and reissued by DEP. This Guidance shall remain in effect until revised by the DEP after consultation with DOH or terminated by either Department.

6.4 TERMINATION OF THE GUIDANCE

To terminate this Guidance the terminating Department shall inform the other Department of its desire for termination at least 90 days prior to the termination date. By the termination date, each Department shall return any equipment purchased by or owned by the other Department, including all computer equipment. Furthermore, ACHDs shall transfer all appropriate documents to the appropriate DEP District Office if requested, as described in Part 4, Recordkeeping Requirements.

DEP-DOH OPERATING PROCEDURES GUIDANCE

For the Continued Implementation of the Florida Safe Drinking Water Act

APPENDIX A

1.1 SYSTEM REGULATION AND CLASSIFICATION DETERMINATIONS

The following discussion outlines how to determine if a water system is regulated as a Public Water System (PWS) under Chapters 62-550, through 62-560, F.A.C., and how it is classified further as either a Community (C), Non-Transient Non-Community (NTNC) or a Transient Non-Community (TNC) PWS. The term PWS is used throughout this appendix to refer to a regulated system. This appendix can be updated by DEP without the written consent of either Secretary or the re-negotiation of this Guidance provided the DOH Division of Environmental Health Office and CHDs are notified of the Guidance.

1.1.1 Public Water System (PWS) Determination

According to 40 CFR § 141.2, a PWS is a public water system that provides water through pipes or other constructed conveyances for human consumption, when the system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. If adjacent water systems do not have their source, treatment, and distribution components physically connected, the systems may be considered separate water systems. To determine what kind of water system or systems, a joint site visit, as defined in Appendix A, Paragraph 1.1.1.7, Separated Systems, by DOH and DEP will take place. The State Plumbing Code, currently Chapter 9B-3.048, F.A.C., requires all buildings intended for human habitation, occupancy, or use to have piped potable water of a quality defined by Chapter 64E-8, F.A.C., or Chapter 62-550, F.A.C., whichever applies.

There are three defining criteria that are used to determine if a water system is a PWS. The first two of these as listed below are taken directly out of the definition of a public water system in Rule 62-550.200, F.A.C. The third one is established by this Guidance. The criteria that define a PWS are:

1. The provision of water through pipes or other constructed conveyances for human consumption, and
2. There are 15 or more service connections, or service is provided to 25 or more persons daily for at least 60 days out of the year, and
3. If flow-through public traffic (transients) has access to water by oral consumption (by way of a drinking fountain or food service including making beverages).

1.1.1.1 Piped Water (or other constructed conveyances)

If a system provides piped water for human consumption and it also meets criteria 2 and 3, it is obviously a PWS. If the criterion 3 is not met, then the system may not be a PWS as discussed below. A business that does not provide piped water to the public except for its own employees is excluded from regulation under Chapters 62-550, through 62-560, F.A.C., if it has less than 25 employees. Such a system is a Limited Use Public Water System regulated under Chapter 64E-8, F.A.C.

1.1.1.2 Number of Service Connections

When a system serves fewer than 25 persons, it can only be a PWS if it has 15 or more available service connections. An available service connection is defined herein as one with evidence of connection at or above the ground surface. A standpipe, meter box or other evidence of connection to a main is an available service connection regardless of the presence/absence of a habitable structure. Initial regulatory status determinations should be based on the number of permitted connections. If development and connections do not occur, the system may have to be reevaluated or reclassified in accordance with Section 3.1.5 of the Guidance.

1.1.1.3 Number of Persons Served

If there are fewer than 15 service connections, a system must be open for at least 60 days per year and serve 25 persons daily to be regulated as a PWS. To determine the number of individuals served in residential situations, use census information or affidavits or, if unavailable, a calculation of 3.5 people for a house and 2.5 people for other dwelling units, or a calculation of persons served based on average daily water use divided by 100 gallons per capita per day. Determine which is most appropriate for the particular situation. The total population served for a NTNC classified PWS is based on the sum of both permanent and non-transient populations (if information is available), but not tourist or daily population influxes. For a Community PWS determination, only the permanent (year round) population must be used. For example, if a system serves a residential/community type population from five homes (+/- 18 people) and a convenience store that serves 100+ per day, the system would only be classified as a TNC.

A public water system, serving a business/facility dependent on public traffic to remain in business and providing piped water for oral consumption, is assumed to serve 25 people per day to stay in business. The seating capacity of facilities, such as churches or restaurants, may be considered when evaluating this criteria. Membership roles may be considered for churches and clubs.

To count public traffic as population served, piped water must be made available to the public other than regular occupants/employees. If a NTNC or TNC PWS does not

serve drinking water to public traffic, the population served is based on the regular building occupants only. If an operator of a system makes a written showing that the system serves less than 25 people, its regulatory status may be redetermined unless it has at least 15 service connections.

1.1.1.4 Service at Least 60 Days of The Year

All residential situations that are open 60 days out of the year meet this criterion. The same is true for a business/facility open or operating 60 days of the year. Places of worship or facilities that hold meetings/services on days of the week in addition to the primary weekly services may meet this criterion, if the total number of days is equal to or greater than 60.

1.1.1.5 Dermal Contact and Oral Consumption

To be counted as population served, the non-transient population (regular building occupants/employees of a work place setting such as a real estate office, warehouse, service station, etc.) need only have dermal contact with the piped water. Oral consumption by the regular building occupants is assumed if there is access to a sink tap. Oral consumption by flow-through traffic is not assumed.

To consider that piped water is served to flow-through public traffic there must be oral consumption. There must be a water fountain, cups, beverage service (made with water) or other conveyance of the water for drinking.

Water used in food preparation, dishwashing, or other related activities constitutes the service or oral consumption of drinking water. The use of water in commercial or industrial beverage or food processing does not, in and of itself, constitute service or oral consumption of drinking water. However, if an industry has 25 or more employees it is regulated under the SDWA.

1.1.1.6 Bottled Water

The use of bottled water to serve flow-through traffic does not affect which State agency regulates the water system.

1.1.1.7 Separated Systems

The characteristics of a water system, such as the number of connections and individuals served based on the actual system configuration, will determine which agency (DEP or DOH) has jurisdiction. This means adjacent water systems that do not have physically interconnected components, regardless of ownership, are allowed to request to be defined as separate water systems.

Each separate water system must have its own well (or source), treatment facilities, and distribution system. Provided related public health requirements for well setback and septic tank flow volumes are met, this will allow the owners of some very small water systems to consider the feasibility of system modification to come under either state (DOH) or federal (SDWA) regulatory requirements.

After an inspection, consistent with the "Guidance on Jurisdictional Transfers of Small Water Systems," by both the DEP District office and local CHD, an eligible water system currently regulated as a SDWA PWS may elect to split into two or more separate water systems (or be considered separate systems if the split has already occurred). Each resulting water system serving fewer than 25 persons and meeting other DOH requirements for setback and septic tank flow restriction would be subject to regulation by DOH under Chapter 64E-8, F.A.C.

1.1.2 Community Water System (CWS) Classification

A CWS is a PWS that serves at least 15 service connections used by year-round residents or serves at least 25 year-round residents. A year-round resident is herein described as a person served piped water by the PWS for at least nine months out of the year. Use occupancy records, census data, or available service connections and water use records applicable in this classification as discussed earlier. Divide average daily water use in gallons by 100 gallons per capita per day to compute population if no better data are available.

The intent of mobile home and recreational vehicle parks must be recognized when classifying their water systems. In general, mobile home parks would rent to a year-round resident given the opportunity; therefore, count available connections as such unless the owner has provided sufficient documentation, certifying the residents' duration of occupancy, and the Department has confirmed the information by a site visit. Most recreational vehicle parks do not have the intent of renting connections to year-round residents. An affidavit or certification by the owner combined with an appropriate site visit should be used to establish the population served and the length of time that the service is available to at least 25 or more of the same population.

If a mobile home (MH) or recreational vehicle (RV) park system affirmatively demonstrates to the Department that the system does not serve at least 25 of the same people over six months of the year, it may be reclassified as a TNC. Likewise, if the certification and

the site visit document service of 25 or more for six to nine months, the system would be classified as a NTNC.

There are situations regarding classifications where the recreational vehicles are owned by the PWS owners, remain connected, and are then rented by tenants. Information must be gathered and a judgment made whether to treat this system as serving a transient population (as does a hotel) or a residential population (as does an apartment). Remember to consider intent.

1.1.3 Non-Transient Non-Community Water System (NTNC) Classification

A NTNC is a "PWS which serves 25 or more of the same persons at least six months of the year." Clearly, offices, factories and other work places are NTNCs if operational six months of the year. Schools, day care facilities, and institutions serving the same group daily for six months of the year are NTNCs. Establishments with regular public traffic, such as health clubs, restaurants or bars, are not NTNCs unless there were 25 or more employees. Some MH or RV parks might be classified as NTNCs (see discussion under 1.1.2 above).

Businesses or facilities, including highly seasonal residential systems, may be classified as a TNC, NTNC, or Community (if residential in nature) PWS depending on use and occupancy duration. The duration of occupancy for a residential type of facility is assumed to be year-round, unless survey information, system certification as to duration of occupancy, or other types of information (power records, occupancy records, etc.) are made available to the Department by the owner. This information should be confirmed by a site visit during the appropriate off season period.

1.1.4 Transient Non-Community Water System (TNC) Classification

An TNC is a PWS that provides water through pipes or other constructed conveyances for human consumption to at least 15 service connections or which serves at least 25 individuals at least 60 days out of the year, but which is not a CWS or NTNC. A TNC is any system meeting PWS criteria mentioned in earlier discussions and not fitting into classifications of a CWS or NTNC. When a system does not provide such water to their flow-through traffic for oral consumption and the only access is to a sink or hose bib for dermal contact by transients and it has less than 25 regular building occupants, it is not regulated under the SDWA. Please note such a system might well serve more than 25 people (flow-through traffic) and still not be classified as a PWS subject to SDWA regulation.

1.2 REVIEW OF WATER SYSTEM TRANSFERS

Each CHD shall identify all Limited Use Public Water Systems (LUPWS) within each county that provide piped water to taps available to the public. Each CHD shall create and forward to the DOH Division of Environmental Health Office an inventory of such systems.

A joint determination shall be made by both CHD drinking water personnel and DEP District staff of water system classification based on evidence gathered by program staff, submitted by the system, or submitted by the DOH CHD. Decisions to classify systems shall be based on evidence mutually considered most appropriate. The DOH CHDs shall provide the DEP District staff with all information/evidence on hand that supports a system classification. (See Appendix B, 1.1.1).

Staff of the Drinking Water Section and the DOH Division of Environmental Health will mediate any disputes of water system classification. When there is a threat to public health, District Drinking Water Section staff is directed to work with DOH and pursue compliance with the SDWA by those water systems that may not clearly meet the strict definition of a PWS.

When a determination of water system classification is made for a water system that is clearly not a PWS and it does not fall under the SDWA classification, the DOH CHD shall be notified in writing. Correspondence shall be under the Drinking Water Program Administrator's (DWPA) signature. The Tallahassee program offices of DEP and DOH will mediate issues over classification only after the DOH CHD or DEP District Office has received the disputed determination from the DWPA, or CHD Environmental Health Director, in writing. District staff are not to simply instruct the owner of a system to contact the DOH CHD. The owner of the respective water system shall be notified in writing by the agency with jurisdiction, concerning any compliance issues that must be adhered to, following the determination of water system classification.

1.3 EXAMPLES OF PWS DETERMINATIONS AND CLASSIFICATIONS (PWS code)

Airport (AI): A water system serving an airport is a NTNC PWS if there are 25 or more employees. If there are less than 25 employees and there is service of piped drinking water available to public traffic for oral consumption, it is classified as a TNC PWS.

Apartments (AP): A water system serving apartments is a Community PWS if there are 15 or more units, or there are expected to be 25 or more residents.

Bathing (BA), swimming (BA), picnic (PA), or recreational facilities (RC): A water system serving bathing, swimming, picnic, or recreational facilities with less than 25 employees is a TNC PWS if the facility is open at least 60 days per year, and has a capacity to serve 25 or more persons each day.

Bar or lounge (BR): A water system serving a bar or lounge with less than 25 employees is a TNC PWS if there is a water fountain or piped water is used in beverages or for dishwashing.

Campground (CG): A water system serving a campground is a PWS if it is open 60 days per year and has a capacity for at least 25 persons. If the system can document annual occupancy rates of less than 25 persons per day for less than 60 days, such a system is regulated under Chapter 64E-8, F.A.C.

Church/religious facility (CH): A water system serving a religious facility with less than 25 employees or workers and no drinking fountain or food service to provide water to public traffic is not a PWS. If the facility has 25 or more employees or workers but does not have a day care or daily school it is a PWS, classified as a TNC. If the facility has a daily school or a day care serving 25 or more of the same persons at least six months of the year, it is a PWS, classified as a NTNC.

Community college/university (CC): A water system serving a community college or university is a PWS, and classified as a NTNC.

Convenience store (CS): A water system serving a convenience store with less than 25 employees is a PWS if piped water is or may be served to public traffic, such as in beverages, via a water fountain, or via food preparation, and is classified as a TNC PWS. Otherwise it would be regulated under Chapter 64E-8, F.A.C.

Day care (DC): A water system serving a day care facility is a TNC PWS if there are at least 25 staff and children, and the facility is open more than 60 days per year. It is classified as a NTNC PWS if open six or more months of the year.

Dude ranch (WH)/nudist colony (NU): A water system serving a dude ranch or nudist colony is a TNC PWS if it has the capacity to serve 25 or more persons and is open at least 60 days but less than six months per year. It is classified as a NTNC if there are 25 or more employees or non-transient residents and it is open at least six months of the year. Again, annual sales/occupancy records may be used to demonstrate less than 25 people per day are served for less than six months. If such documentation shows the business being open less than 60 days per year, the system is regulated under Chapter 64E-8, F.A.C.

Gas station (SS): A water system serving a gas station with fewer than 25 employees with no drinking fountain is not a PWS if no water is provided to public traffic for oral consumption.

Highway rest area (HR): A water system serving a highway rest area is a PWS and classified as a TNC. A highway oasis facility is a NTNC PWS if it has at least 25 employees. The population served and the required number of bacteriological monitoring samples for an oasis facility is based on its non-transient population if it is a NTNC PWS.

Hospital (HO)/medical center (MD): A water system serving a hospital or medical center is a TNC PWS if staff and patient capacity is more than 25, but classified as a NTNC if there are 25 or more staff alone.

Industrial (IN)/mining facility (IM): A water system serving an industrial or mining facility is a TNC PWS if there are 25 or more employees, and the facility is open 60 or more days of the year. It is classified as a NTNC if operational at least 6 months of the year.

Labor camp (LC)/dairy (DA): A water system serving a labor camp or dairy is a NTNC PWS if there are 25 or more staff and laborers served by the camp and is open at least six months of the year. Camps open between two and six months out of the year are TNC systems. Camps open less than two months per year are regulated under Chapter 64E-8, F.A.C.

Lodge (LG): A water system serving a lodge is a TNC PWS if it has 25 or more members and is open at least 60 days of the year.

Marina (MA): A water system serving a marina is a TNC PWS if the water is made available to the public traffic for filling reservoirs or via water fountains or beverages or to renters of the moorings. A flow-through traffic of 25 persons per day is assumed unless the owner provides a written showing that the system serves fewer than 25 persons per day. Then the system would be regulated under Chapter 64E-8, F.A.C.

Mobile home (MH) or RV park (RV): A water system serving a mobile home or RV park is a PWS if there are 15 or more available service connections or service to 25 or more persons. System certification, documentation and agency site inspection would determine whether the system is a NTNC system serving at least 25 or more of the same persons for six to nine months per year.

Military base (MI): A water system serving a military base is a PWS, if there are typically 25 or more persons on base daily, and it is open 60 or more days of the year. The system is classified as a NTNC if it is open 6 months of the year (likely serving the same personnel) and a CWS if it serves residences (15 or more connections, or 25 or more persons) at least nine months of the year.

Motel (ML): A water system serving a motel is a TNC PWS if it has the capacity to serve 25 or more persons and is open 60 or more days of the year. A small motel may make a written showing based on its sales/occupancy records that it does not on an annual basis serve 25 or more persons (including employees) daily at least 60 days out of the year.

Municipality/city (MC) or a subdivision (SD): A water system serving a municipality/city or a subdivision is a PWS if there are 15 or more available service connections or service to 25 or more residents and is always classified as a CWS.

Nursing home (NH): A water system serving a nursing home is a PWS if staff and patient capacity are more than 25. It is classified as a NTNC if there are 25 or more staff or the typical patient stay is more than six months and there are more than 25 patients. It is a CWS if the typical patient stay is nine months or more.

Office for Business (OF): A water system serving an office for business is a TNC PWS if the employees and public traffic are likely to total 25 persons per day and is classified as NTNC if there are 25 or more employees six months of the year. However, systems with less than 25 employees that do not provide water to public traffic for drinking water purposes as part of their business service (e.g. real estate office) are regulated under Chapter 64E-8, F.A.C.

Orphanage (OR): A water system serving an orphanage is a PWS if staff and residents total 25 persons, and is classified as a CWS if the resident capacity is 25 or more.

Plant Nursery: A water system serving a nursery is classified as a NC system if it provides piped water for oral consumption to 25 or more people at least 60 days per year, when considering both customers and employees. It is classified as a NTNC system if the establishment employs 25 or more individuals onsite. If it is small establishment that generally serves 25 or more people less than 60 days per year, it is regulated by the CHD under the provisions of Chapter 64E-8, F.A.C.

Prison (PR) or correctional facility (CF): A water system serving a prison or correctional facility is a PWS, and classified as a NTNC, or a CWS if prison terms of inmates are typically greater than 9 months.

Repair shop/Service station (SS): A water system serving a repair shop or service station with less than 25 employees is a PWS only if the piped water is available to the transient public traffic for drinking purposes. In this case it would be classified as a TNC.

Restaurant (RS): A water system serving a restaurant that serves at least 25 customers and employees per day at least 60 days per year is a TNC PWS, and a NTNC PWS if it has 25 employees. Such a system that serves less than 25 persons a day counting both employees and customers is not a PWS. Maintain a file copy of the owner's certification of the number of persons served on file.

Retail/general merchandise facility (RO): A water system serving a retail/general merchandise facility is a PWS only if there are 25 or more employees or the piped water is served to the transient public traffic for drinking purposes. If there are 25 employees and the facility is open six months of the year, it is classified as a NTNC.

School (SC)(MS)(JH)(HS)(ES): A water system serving a school (e.g. elementary, middle, junior, high, etc.) is a PWS and classified as a NTNC (so long as there are at least 25 of the same people six months of the year).

Travel trailer park (TR): A water system serving a travel trailer park is a TNC PWS if it has the capacity to serve 25 or more persons or has 15 or more available connections, and is open at least 60 days of the year. It is classified as a NTNC if the typical rental (totaling 25 or more persons) extends six

to nine months, and a CWS if those rentals extend more than nine months. A trailer park would be allowed to make the same demonstration and certification of occupancy as a RV park described above.

Visitor center (VC): A water system serving a visitor center is usually a TNC PWS, unless it can prove fewer than 25 people, 60 days a year go through it.

DEP-DOH OPERATING PROCEDURES GUIDANCE

For the Continued Implementation of the Florida Safe Drinking Water Act

APPENDIX B

1.1 Transfer of Public Water Systems

1.1.1 Water system transfer document

The attached water system transfer document (Table B), Interagency Transfer of a Public Water System, shall be utilized by both CHD drinking water personnel and DEP District staff when transferring water systems from either agency to the other.

1.1.2 Enforcement Referrals

The following information is to be submitted by an ACHD or a CHD to the local DEP District Office in writing for enforcement action referrals:

- inspector's name and phone;
- inspector's supervisor's name and phone;
- system name and address;
- owner name and address;
- nature of problem;
- violation that has occurred;
- inspections recently completed (if any) and dates;
- monitoring data;
- other problems with the system that could contribute to the enforcement cases;
- recommendations for corrective action; and
- copies of water system inspection reports.

All information must be submitted in writing to DEP. The ACHDs and CHDs will need to supply additional information, if requested.

TABLE B

| FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FLORIDA DEPARTMENT OF HEALTH | |
|---|---|
| INTERAGENCY TRANSFER OF A PUBLIC WATER SYSTEM | |
| 1. PWS # | 2. Date |
| 3. Water System Name and Address | |
| 4. System Owner Name and Address | |
| 5. Type of Establishment | |
| 6. Current Classification | <input type="checkbox"/> Regulated under Florida Safe Drinking Water Act (DEP) <input type="checkbox"/> Regulated under Chapter 64 E-8, F.A.C. (DOH) <input type="checkbox"/> Not currently regulated |
| 7. System Parameters | Piped water for human consumption: <input type="checkbox"/> Yes <input type="checkbox"/> No Number of service connections _____ Number of persons served Census data <input type="checkbox"/> Yes <input type="checkbox"/> No Type population served <input type="checkbox"/> Transient <input type="checkbox"/> Non-transient Service at least 60 days per year <input type="checkbox"/> Yes <input type="checkbox"/> No Oral consumption (includes water used in food preparation and dish washing. Reference IA 1.1.1.5) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. System Type | <input type="checkbox"/> Community <input type="checkbox"/> Non-community <input type="checkbox"/> NTNC <input type="checkbox"/> Limited Use |
| 9. <input type="checkbox"/> Sanitary Survey <input type="checkbox"/> Joint Inspection | Conducted by: <input type="checkbox"/> DEP Name _____ Date _____ <input type="checkbox"/> DOH Name _____ Date _____ <input type="checkbox"/> Sanitary Survey/Joint Inspection Form Is Attached |
| 10. Request for Transfer | <input type="checkbox"/> From DEP to DOH <input type="checkbox"/> From DOH to DEP |
| 11. Reason for Transfer | <input type="checkbox"/> Change in system parameters (See Section 7) <input type="checkbox"/> Request to split system <input type="checkbox"/> Correct error in original classification |
| 12. Transfer Action | <input type="checkbox"/> Accepted <input type="checkbox"/> Accepted conditionally (List Conditions in Comments) <input type="checkbox"/> Request denied (List Reasons and Comments) |
| 13. <input type="checkbox"/> File Transferred | |
| Signatures: _____ DEP Drinking Water Program Manager | |
| _____ DOH Environmental Health Director | |

DEP-DOH OPERATING PROCEDURES GUIDANCE

For the Continued Implementation of the Florida Safe Drinking Water Act

APPENDIX C

Issue Date: 9/22/97
Revise Date: 8/26/99

DEPARTMENT OF HEALTH DRINKING WATER PROGRAM

1.1 GUIDELINES FOR THE ISSUANCE OF PRECAUTIONARY BOIL WATER NOTICES

I. **AUTHORITY AND INTENT**

Pursuant to section 381.006, Florida Statutes (F.S.), the Florida Department of Health (DOH) is responsible for conducting an environmental health program consistent with the state's public health mission of preventing illness within our community. An integral component within this function is the conductance of human health risk assessments of exposure to contaminants in food, air and water.

Of major importance are risk assessments involving microbiological contaminants of waterborne origin. Through natural and manmade means, Florida's population and visitors may be subjected to microbiological contaminants in their drinking water supply. Large outbreaks involving bacteria, viruses, and protozoa have been documented throughout the country, thus arousing a high degree of awareness to these hazards. Additionally, per subsection 381.006(3)(c), F.S., the DOH is further responsible for providing guidance and technical assistance to the Department of Environmental Protection (DEP) and other governmental agencies regarding actions necessary to prevent exposure to drinking water contaminants that present an imminent and substantial threat to the public's health.

As required by the Florida Legislature and as provided within s. 381.0062(3), F.S., this instrument will serve as guidelines regarding the authorization of, and applicability for, the issuance of precautionary boil water notices during instances of imminent or substantial threat of microbiological contamination. The DOH's State Health Office and its units, the county health departments, in coordination with DEP, will have the final authority in ensuring that precautionary boil water notices are issued and rescinded when appropriate, and in a manner consistent with the degree of hazard encountered. Additionally, this document serves to outline particular instances when precautionary boil water notices shall be issued, the verbiage and

content of such notices, and the monitoring and clearance activities which must be conducted prior to rescinding such notices.

These notices should be issued in a prudent manner and only when there is sufficient justification for this emergency action. Inordinate issuance of the notices will cause needless alarm and may result in the public paying less attention to future notices.

II. IMPLEMENTATION AND INTERDEPARTMENTAL COORDINATION

Under emergency conditions, or following confirmation of the presence of microbiological pathogens within a public water supply, the public water system, as required within s. 403.857, F.S. shall notify the local county health department, the DEP, and the affected public as soon as possible, but not later than 24 hours of the occurrence. In response, the DOH will coordinate with DEP, other state and local governmental agencies, and the public water system, immediate actions which are to be taken (including the issuance of a precautionary boil water notice) to minimize danger to the public. Adequate communication between DEP, the DOH, and the public water system is essential to ensure that all agencies are fully informed prior to the issuance of a precautionary boil water notice. Whichever department issues the notice will also be responsible for rescinding it.

The public water system can issue its own precautionary boil water notice using these guidelines if it determines it is necessary. However, the DOH shall be immediately notified in such a case and a copy of the notice submitted to the DOH. The DOH will, in turn, notify the appropriate DEP district.

Additionally, the DOH shall take the lead role in cooperating with other governmental agencies and all contacts with the media regarding emergency notices involving any and all imminent threats to public health involving private and public water supply systems.

III. TYPES OF INCIDENTS

A. Microbiological Contamination.

1. A precautionary boil water notice shall always be issued in cases where confirmatory water samples indicate the presence of fecal coliform bacteria, *E. coli*, or other waterborne pathogens. The presence of such indicates an acute threat to the public's health and warrants immediate action by the public water system and public health officials to alert consumers.

2. The rules contained in 62-555.600, F.A.C., "Additional Requirements for Surface Water Systems", were developed to ensure the removal or inactivation of *Giardia* and viruses. Finished water turbidity levels exceeding 5.0 NTU in conjunction with the failure of a public water system to maintain adequate contact time for the inactivation of giardia cysts at current

temperature, pH level, and disinfectant concentration as outlined in EPA's "Guidance Manual for Compliance with Filtration and Disinfection Requirements" would warrant the issuance of precautionary boil water notice.

3. With the continuing threat of drinking water contamination via emerging microbial contaminants such as *Cryptosporidium*, all water utilities utilizing surface water and/or groundwater under the direct influence of surface water as their source for drinking water, should also carefully monitor certain critical water process parameters. Abrupt changes in process parameters such as turbidity, particle counts, and disinfectant residuals may indicate a compromise in the water treatment process and a potential of increased microbial risk for consumers. Abrupt changes in the quality of the source water which cannot be accommodated by the existing treatment processes, a disruption in filtration processes, and the presence of pathogenic microbes in finished water are factors which should be considered in determining action by the public water system. Such action should be made upon the evaluation of all available water quality data (i.e. raw and finished water turbidity, fecal coliform counts, particle counts, turbidity measurements on individual filters, treatment plant effluent and epidemiological information which confirms increases in diarrheal disease in the target community) by a task force comprised of local public health officials, public water system personnel, and health care professionals.

B. Zero or Negative Pressure. A precautionary boil water notice shall always be issued in cases where pressure in the water distribution system has been reduced to zero, or a negative pressure has resulted. Examples of such system wide events include water treatment plant or pump station shut downs due to equipment failure, power outages, emptying of storage tanks, or draining of the system during major fire events.

C. Low Water Pressures. A drop in water pressure in a water distribution system is a signal of the existence of conditions which could allow contamination to enter the public water system through backflow by back-pressure or back-siphonage. Precautionary boil water notices may be issued in cases when there is a historical record of inadequate disinfectant maintenance in the water distribution system, or analytical records indicate persistent microbiological or turbidity problems or an inadequate backflow prevention program exists. Water pressure falling below the regulated service level of 20 psi does not, in the absence of other aggravating factors, necessarily constitute an imminent health hazard. Such factors include the presence of tall buildings not adequately protected against backflow where the static head exceeds the residual main pressure. The decision to issue the precautionary boil water notice would be made on a case-by-case basis and based upon professional judgment of all available data that may indicate the extent of the problem such as type of facilities affected, duration of the low pressure condition, and possibility of infiltration into the potable water system. Microbiological samples shall be collected immediately within the area affected, and measures taken expeditiously to restore the integrity of the water system.

D. Water Main Breaks/Interruptions. Precautionary boil water notices must be issued in cases of water main breaks, or planned distribution system interruptions, which are deemed an imminent public health threat by the state health office or local county health department or will affect the bacteriological quality of the drinking water unless the public water system can demonstrate, by sound engineering judgment, that the integrity of the water system has been maintained. Assurance from the public water system that an outflow of water has been continuously maintained and no nonpotable water, soil or other potentially contaminated material has entered, or may enter, the broken water main during the event, will serve to demonstrate that the integrity of the system has been maintained. In cases of brief interruption in service, the affected water main should be immediately repaired, flushed, disinfected, sampled, and monitored for chlorine residual according to ANSI/AWWA Standard C651-92. If these measures are taken, advisories (not boil water notices) should be issued if temporary changes in water quality are expected to occur.

E. Flooding of Wells. Precautionary boil water notices shall be issued in all cases where surface water inundation of a water supply well has occurred. The presence of disinfectant resistant strains of protozoa such as *Giardia* or *Cryptosporidium* warrant special precautions to be taken until the microbiological integrity of the water system is verified or restored. Seasonal and storm related flooding warrant special attention from public water utilities as well as private well owners.

IV. **CONTENT OF PRECAUTIONARY BOIL WATER NOTICES**

The content of precautionary boil water notices shall include the following information: name of the public water system, geographical area affected, statement of the problem, date of occurrence, consumer corrective measures to be taken, and action being taken by the public water system to correct the problem. A statement indicating how and when the notice will be lifted, and a telephone number directing consumer questions to an appropriate party shall also be included.

Note: The Centers for Disease Control (CDC) and the EPA have indicated that a rolling boil for a period of one minute is sufficient to render drinking water microbiologically safe, free of bacteria, viruses, and protozoa.

(SEE ATTACHMENT C.1 FOR SAMPLE NOTICE)

V. **RESCISSION OF BOIL WATER NOTICES**

It shall be the responsibility of the entity issuing the precautionary boil water notice to also rescind it, following receipt of a minimum one day of representative bacteriological sample

results, supplemented by appropriate disinfection residual levels and other water quality parameters indicating that the water is safe to drink and with the concurrence of the DOH. However, if unsatisfactory microbiological levels are detected following the one day initial sampling event, the water system shall provide two consecutive days of satisfactory microbiological sample results prior to rescission of the precautionary boil water notice. As is required during the issuance of such, all parties involved, including DEP, other governmental agencies, the public water system, and the media, must be adequately informed of the rescission of the precautionary boil water notice.

(SEE ATTACHMENT C.2 FOR SAMPLE RESCISSION NOTICE)

All inquiries regarding this policy should be directed to Pepe Menendez or Edward A. Bettinger in the Bureau of Water and Onsite Sewage Programs, 2020 Capital Circle SE, Bin # A08, Tallahassee, Florida 32399-1713, Suncom 278-4070 or (850) 488-4070.

ATTACHMENT C.1

(DATE)

PRECAUTIONARY BOIL WATER NOTICE

TO: RESIDENTS OF (NAME OF CITY, TOWN, TRAILER PARK, SUBDIVISION OR COUNTY)
LIVING IN THE AREA BOUNDED BY (STREET, AVENUE, CANAL OR OTHER
DESCRIPTIVE BOUNDARY)

(BRIEF DESCRIPTION OF EVENT SUCH AS: BACTERIOLOGICAL ANALYSES OF SAMPLES
OBTAINED FROM YOUR WATER DISTRIBUTION SYSTEM HAVE SHOWN POSSIBLE
CONTAMINATION OF THE WATER, OR A WATER MAIN BREAK HAS OCCURRED AT
_____, OR A LOSS OF WATER PRESSURE HAS BEEN EXPERIENCED DUE TO
_____)

THEREFORE, AS A PRECAUTION, WE ADVISE THAT ALL WATER USED FOR DRINKING OR
COOKING BE BOILED. A ROLLING BOIL OF ONE MINUTE IS SUFFICIENT. AS AN
ALTERNATIVE BOTTLED WATER MAY BE USED.

THIS "PRECAUTIONARY BOIL WATER NOTICE" WILL REMAIN IN EFFECT UNTIL THE
PROBLEM HAS BEEN CORRECTED AND A BACTERIOLOGICAL SURVEY SHOWS THAT
THE WATER IS SAFE TO DRINK.

IF YOU HAVE ANY QUESTIONS YOU MAY CONTACT (NAME OF PERSON, AGENCY) AT
(PHONE NUMBER).

(SIGNATURE)
(NAME, TITLE AND AGENCY OF
OFFICIAL ISSUING THE NOTICE)

ATTACHMENT C.2

(DATE)

RESCISSION OF PRECAUTIONARY BOIL WATER NOTICE

TO: RESIDENTS OF (NAME OF CITY, TOWN, TRAILER PARK, SUBDIVISION OR COUNTY)
LIVING IN THE AREA BOUNDED BY (STREET, AVENUE, CANAL OR OTHER
DESCRIPTIVE BOUNDARY)

THE (DATE) "PRECAUTIONARY BOIL WATER NOTICE" IS HEREBY RESCINDED
FOLLOWING THE (ACTION TAKEN TO CORRECT THE PROBLEM) AND THE
SATISFACTORY COMPLETION OF THE BACTERIOLOGICAL SURVEY SHOWING THAT THE
WATER IS SAFE TO DRINK.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (NAME, AGENCY) AT (PHONE NUMBER).

(SIGNATURE)
(NAME, TITLE AND AGENCY OF
OFFICIAL RESCINDING THE NOTICE)