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CERTIFIED MAIL # 7011 2970 0000 6631 2382  
RETURN RECEIPT REQUESTED

September 19, 2016

**Persons(s) Responsible for Brownfield  
Site Rehabilitation (PRFBSR):**

Community Redevelopment Agency of the City of Plant City, Florida  
302 W Reynolds Street  
PO Box C  
Plant City, Florida 33564

Attention: Kenneth W. Buchman, Esq  
General Counsel

Subject: **Conditional Site Rehabilitation Completion Order (SRCO)**  
Former Hydraulic Hose/JWH Limited-Former Telco Oil  
617-619 South Evers Street  
Plant City, Hillsborough County, Florida  
Discharge Date: December 12, 1988  
FDEP Facility ID# 29/8735902  
BF # 291002003

Dear Mr. Buchman:

You are receiving this order because the Community Redevelopment Agency for the City of Plant City, Florida (the "CRA") has been conducting activities related to site rehabilitation for the discharge described herein. The CRA is the current owner of the property where the discharge occurred, and the owner of the adjacent property that is affected by the terms of this order.

The Environmental Protection Commission of Hillsborough County (EPC), acting as a delegated authority for the Florida Department of Environmental Protection (Department), has reviewed the No Further Action Proposal (NFAP) with Conditions dated March 28, 2016 and additional information provided May 27, 2016, for the Former Hydraulic Hose/JWH Limited-Former Telco Oil facility located at 617-619 South Evers Street, Plant City, Hillsborough County, Florida for the discharge dated December 12, 1988. Maps showing the location of the referenced facility and the location of the "contaminated site" (i.e., contaminant plume) for which this Order is being issued are attached as Exhibit A and are incorporated by reference. This includes the

source parcel identified as Folio 208697-0000 and the adjacent downgradient parcel identified as Folio 208694-0000.

The contamination resulted from a discharge from a petroleum storage system that was reported on December 12, 1988. The NFAP is supported by earlier submittals, prepared pursuant to the requirements of Chapter 62-780, Florida Administrative Code (F.A.C.), and can be found in the Department document repository at <http://depedms.dep.state.fl.us/Oculus/servlet/login>, and at EPC.

Based on the documentation submitted with the Conditional NFAP, and other submitted documents, the EPC has reasonable assurance that the Persons Responsible for Brownfield Site Rehabilitation (PRFBSR) met the criteria in Chapter 62-780.680(3), F.A.C. Therefore, the PRFBSRs have satisfied the site rehabilitation requirements for the above-referenced contaminated site and are released from any further obligation to conduct site rehabilitation at the contaminated site, except as set forth below. See attached table (Exhibit B), incorporated by reference herein, which includes information regarding the contaminants, affected media, applicable cleanup target levels, and the Alternative Cleanup Target Levels (ACTL's) established for the contaminated site that is the subject of this Order. Although contaminants are present in groundwater on the source parcel only, this closure for the two parcels is being implemented in reliance upon and maintenance of the current exposure risk and the institutional controls described below.

Change to the risk of exposure with the performance of any of the following will result in the revocation of this Order:

- (1) Access to public water supply. The EPC will rely on the Plant City local Ordinance (as defined below) and Southwest Florida Water Management District (the "District") Rules as defined and listed below to ensure that no risk to human health, public safety or the environment will occur from use of groundwater from the site as a potable water source. As such, the PRFBSR must notify the EPC if the PRFBSR becomes aware of the repeal or amendment of the Ordinance or the Rules which increase the potential for exposure of contaminants resulting in risk to human health, public safety, and/or the environment. Repeal or amendment of the Ordinance or the Rules, or failure to notify the EPC of such repeal, may result in proceedings to revoke this Order and require the immediate resumption of active cleanup or require that other approved controls be implemented, unless demonstrated that the cleanup target levels under 62-680.680(1), F.A.C., have been achieved.
  - a. The entire contaminated site, both the source property and non-source property, is located in an area under the jurisdiction of Plant City and its ordinances. Both subject properties are required to utilize the public water supply for potable water per Article II, Section 74-32(b) of the Plant City Code D (the "Ordinance"). (Exhibit D) Under the Ordinance, the owner or operator of any residential, commercial, industrial, or agricultural property, facility or structure using water from a permitted well as a potable water supply within the City limits where City water is available shall connect to the City water system. City water is available

for the source and non-source properties which are located within 250 feet of a City water line. See Exhibit C.

- b. In addition, the entire contaminated site, both the source property and non-source property, is located in an area under the jurisdiction of the District. Chapter 40D-3, F.A.C. implements a permitting system for the location, construction, repair, and abandonment of any water wells in this area and is attached and incorporated as Exhibit E. Rule 40D-3.502 requires that wells be constructed to permanently prevent the “degradation of water by poor quality water or other substances....” Rule 40D-3.505(3), F.A.C., states that the District “will deny a permit application to construct a water well if use of the well would increase the potential for harm to public health, safety and welfare, or if the proposed well would degrade the water quality of the aquifer by causing pollutants to spread” (collectively, Rules 40D-3.502 and 40D-3.505(3)).
- (2) Proper handling during dewatering. For both the Source Property and non-source property, the-EPC will rely on this Order, Rule 62-621.300, F.A.C., and prior review of any dewatering plan as the institutional control to ensure that no contaminant exposure from contaminated groundwater resulting in risk to human health, public safety or the environment will occur due to this contaminated site. Department Rule 62-621.300, F.A.C., requires a permit when conducting dewatering in the area of a contaminated site. Unless it is demonstrated that the cleanup target levels under Rule 62-780.680(1), F.A.C., have been achieved, the Department may institute proceedings to revoke this Order and require the resumption of site rehabilitation or require that other approved institutional controls be implemented, if any dewatering activities occur on the Source or on the non-source property without a plan in place approved by the EPC’s Division of Waste Management to address and ensure the appropriate handling, treatment and disposal of any extracted ground water that may be contaminated, such that it adversely impacts or increases potential for exposure of contaminants resulting in risk to human health, public safety, and the environment.
- (3) Installation or modification of stormwater facilities or installation and operation of irrigation wells. The EPC will rely on this Order and the current stormwater facility configuration and that no irrigation wells are on these properties to ensure that no contaminant exposure from contaminated groundwater entering into new or expanded stormwater facilities or new irrigation wells resulting in risk to human health, public safety or the environment will occur. Unless it is demonstrated that the cleanup target levels under Rule 62-780.680(1), F.A.C., have been achieved, the EPC may institute proceedings to revoke this Order and require the resumption of site rehabilitation or require that other approved controls be implemented, if any construction of storm water swales, storm water detention or retention facilities, ditches, or irrigation wells on the site, including the source property and the non-source property, such that they adversely impact stabilization of the groundwater plume or increase potential for exposure of contaminants resulting in risk to human health, public safety, and the environment. For this reason, parties seeking to construct storm water facilities or irrigation wells on either the source or the non-source property should first consult with

the EPC's Waste Management Division in addition to obtaining any authorizations required by the Department's Division of Water Resource Management or the District.

- (4) Proper well abandonment. The PRFBSR is required to properly plug and abandon all monitoring wells, injection wells, extraction wells, and sparge wells unless these wells are otherwise required for compliance with a local ordinance or another cleanup within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(5), F.A.C. A Well Plugging Report shall be submitted within 30 days of well plugging;
- (5) Notification of buyers and tenants. For your information, there are state laws that may require that you notify purchasers of the property or tenants and lessees of the property that the property listed above still has contamination in excess of the Department's cleanup target levels. Additionally, information about the above property will be maintained on the Department's Contamination Locator Map website at:  
<http://webapps.dep.state.fl.us/DepClnup/welcome.do;jsessionid=QMRBTxShjcv2ZhkfTG3D4t2mdxFq3MP8QxTPyQHNYHMTYKhg5Gy3!1787172975>  
and on the Institutional Controls Registry website at:  
<http://ca.dep.state.fl.us/mapdirect/?focus=icr>.
- (6) In accordance with Section 376.30701(4), Florida Statutes, (F.S.), upon completion of site rehabilitation, additional site rehabilitation is not required unless it is demonstrated that:
  - (a) Fraud was committed in demonstrating site conditions or completion of site rehabilitation;
  - (b) New information confirms the existence of an area of previously unknown contamination which exceeds the site specific rehabilitation levels established in accordance with subsection (2) of Section 376.30701, F.S., or which otherwise poses the threat of real and substantial harm to human health, public safety, or the environment;
  - (c) The remediation efforts failed to achieve the site rehabilitation criteria established under Section 376.30701, F.S.;
  - (d) The level of risk is increased beyond the acceptable risk established under subsection (2) of Section 376.30701, F.S., due to substantial changes in exposure conditions; or
  - (e) A new discharge of pollutants or hazardous substances occurs at the site subsequent to the issuance of a "No Further Action" order or a "Site Rehabilitation Completion" order [i.e., this Order] associated with the original contamination being addressed pursuant to this Section 376.30701, F.S.

## NOTICE OF RIGHTS

### LEGAL ISSUES:

The EPC's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, F.S. within **21** days of receipt of this Order. The procedures for petitioning for a hearing are set forth below. Persons affected by this Order have the following options:

A. If you choose to accept the EPC's decision regarding this *Conditional SRCO*, you do not have to do anything. This Order is final and effective on the date filed with the Clerk of the EPC, which is indicated on the last page of this Order.

B. If you choose to challenge the decision, you may do the following:

1. File a request for an extension of time to file a petition for hearing with the EPC's Agency Clerk in the Legal Department within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the EPC in an attempt to informally resolve any disputes without first filing a petition for hearing; or

2. File a petition for administrative hearing with the EPC's Agency Clerk in the Legal Department within **21** days of receipt of this Order.

Please be advised that mediation of this decision pursuant to section 120.573, F.S., is not available.

### How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the EPC may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Legal Department at **3629 Queen Palm Dr., Tampa, Florida 33619** or via **electronic mail at [legalclerk@epchc.org](mailto:legalclerk@epchc.org) or via facsimile at (813) 627-2602**, within **21** days of receipt of this Order. Petitioner, if different from the CRA, shall mail a copy of the request to the CRA at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

### How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative hearing under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Legal Department at **3629 Queen Palm Dr., Tampa, Florida 33619** or via **electronic mail at [legalclerk@epchc.org](mailto:legalclerk@epchc.org) or via facsimile at (813) 627-2602**, within **21** days of receipt of this Order. Petitioner, if different from the CRA, shall mail a copy of the request to the CRA at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S. Pursuant to subsection 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the site owner's name and address, if different from the petitioner; the DEP facility number; and the name and address

of the facility;

b) A statement of when and how each petitioner received notice of the EPC's action or proposed action;

c) An explanation of how each petitioner's substantial interests are or will be affected by the EPC's action or proposed action;

d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;

e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the EPC's action or proposed action;

f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the EPC's action or proposed action; and

g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the EPC to take with respect to the EPC's action or proposed action.

This Order is final and effective on the date filed with the Clerk of the EPC, which is indicated on the last page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the EPC issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the EPC pursuant to meetings with the EPC.

#### Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk in the Legal Department at **3629 Queen Palm Dr., Tampa, Florida 33619** or via **electronic mail at [legalclerk@epchc.org](mailto:legalclerk@epchc.org) or via facsimile at (813) 627-2602**, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the EPC (see below).

#### Questions

Any questions regarding the EPC's review and action of the No Further Action Proposal (NFAP) with Conditions dated March 28, 2016 and additional information provided May 27, 2016, should be directed to Allison Amram at **3629 Queen Palm Dr., Tampa, Florida 33619**; Phone: 813-627-2600, ext. 1294 or via email at [amrama@epchc.org](mailto:amrama@epchc.org). Questions regarding legal issues should be referred to the EPC's Legal Department's at (813) 627-2600. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Environmental Protection Commission  
of Hillsborough County



Janet L. Dougherty  
Executive Director

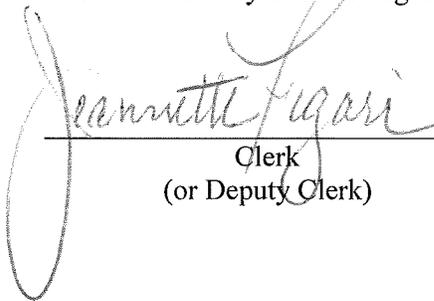
- Exhibits:       A: Map(s) of the properties affected by this Order;  
                  B: Updated analytical summary tables;  
                  C: Copy of Article II, Division 1, Sections 74-31 and 74-32, of the Plant City, Florida  
                  Code of Ordinances;  
                  D: Figure depicting the Plant City Potable Water Service Area at the time this Order was  
                  entered; and,  
                  E: Copy of Southwest Florida Water Management District "Regulation of Wells,"  
                  Chapter 40D-3, F.A.C.

cc:   Frank L. Hearne, Mechanik Nuccio Hearne & Wester, P. A, [frank@floridalandlaw.com](mailto:frank@floridalandlaw.com)  
      Greg Lassi, Chastain-Skillman, [glassi@chastainskillman.com](mailto:glassi@chastainskillman.com)  
      David Arnold, Southwest Florida Water Management District [davidn.arnold@watermatters.org](mailto:davidn.arnold@watermatters.org)  
      Rebecca Robinette, OGC, FDEP [Rebecca.Robinette@dep.state.fl.us](mailto:Rebecca.Robinette@dep.state.fl.us)  
      Kim Walker, FDEP, [kim.walker@dep.state.fl.us](mailto:kim.walker@dep.state.fl.us)  
      Yanisa Angulo, FDEP – SW District [Yanisa.Angulo@dep.state.fl.us](mailto:Yanisa.Angulo@dep.state.fl.us)

FDEP ICR

FILING AND ACKNOWLEDGMENT

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

  
\_\_\_\_\_  
Clerk  
(or Deputy Clerk)

9-19-2016  
Date

# **EXHIBIT A**

## **Property Map**

NOTE: SEMIANNUAL PARM WELLS  
 MW-5  
 MW-6  
 RW-3

MW-7	09/27/12	02/06/13	08/22/13	12/03/13
B	NA	NA	NA	NA
T	NA	NA	NA	NA
E	NA	NA	NA	NA
X	NA	NA	NA	NA
MTBE	NA	NA	NA	NA
NAPH	0.20	33	0.052 I	0.059 I
1-METH	0.068 I	24	0.028 U	0.027 U
2-METH	0.15	43	0.025 U	0.026 U

RW-3	04/10/15
B	0.20 U
T	0.40 U
E	0.20 U
X	0.51 U
MTBE	0.30 U
NAPH	0.31 U
1-METH	0.31 U
2-METH	0.31 U

MW-5	09/27/12	02/06/13	08/22/13	12/03/13	04/10/15
B	NA	NA	NA	0.23 U	0.20 U
T	NA	NA	NA	0.20 U	0.40 U
E	NA	NA	NA	4.2	28.3
X	NA	NA	NA	0.22 U	10.6
MTBE	NA	NA	NA	0.28 U	0.30 U
NAPH	5.0	0.078 I	4.4	0.89	16.5
1-METH	0.89	0.036 I	0.51	0.042 I	0.90
2-METH	0.71	0.036 I	0.65	0.026 U	0.76 I

MW-11	12/03/13
B	0.23 U
T	0.20 U
E	0.20 U
X	0.22 U
MTBE	0.28 U
NAPH	0.032 U
1-METH	0.027 U
2-METH	0.026 U

RW-5	09/27/12	02/06/13	02/06/13	12/03/13
B	NA	NA	NA	NA
T	NA	NA	NA	NA
E	NA	NA	NA	NA
X	NA	NA	NA	NA
MTBE	NA	NA	NA	NA
NAPH	0.78	120	0.032 U	8.1
1-METH	0.028 U	35	0.029 U	1.4
2-METH	0.025 U	46	0.026 U	0.7 I

MW-6	12/03/13	01/17/14	04/10/15
B	0.23 U	0.23 U	1.0 U
T	1.1	1.0	2.0 U
E	370	300	456
X	130	76 V	90.9
MTBE	0.28 U	0.28 U	1.5 U
NAPH	130	110	240
1-METH	18	11	41.4
2-METH	22	17	62.6

MW-10	12/03/13
B	0.23 U
T	0.20 U
E	0.20 U
X	0.22 U
MTBE	0.28 U
NAPH	0.031 I
1-METH	0.026 U
2-METH	0.026 I

MW-3R	09/27/12	02/06/13	08/22/13	12/03/13
B	1.7	0.84 I	0.46 I	0.23 U
T	0.20 U	0.20 U	0.20 U	0.20 U
E	0.20 U	0.20 U	0.31 I	0.20 U
X	0.22 U	0.22 U	0.22 U	0.22 U
MTBE	0.28 U	0.28 U	0.28 U	0.28 U
NAPH	0.077 I	0.042 I	0.12 I	0.067 I
1-METH	0.044 I	0.028 U	0.030 U	0.027 U
2-METH	0.064 I	0.025 U	0.035 I	0.026 U

MW-9	12/03/13
B	0.23 U
T	0.20 U
E	0.20 U
X	0.22 U
MTBE	0.28 U
NAPH	0.30
1-METH	1.9
2-METH	0.026 U

MW-8R	12/03/13
B	0.23 U
T	0.20 U
E	0.20 U
X	0.22 U
MTBE	0.28 U
NAPH	0.037 U
1-METH	0.031 U
2-METH	0.030 U

MW-2R	09/27/12	02/06/13	08/22/13	12/03/13
B	0.56 I	1.0	0.23 U	0.23 U
T	0.61 I	0.20 U	0.20 U	0.20 U
E	0.20 U	0.20 U	0.20 U	0.20 U
X	0.22 U	0.22 U	0.22 U	0.22 U
MTBE	0.28 U	0.28 U	0.28 U	0.28 U
NAPH	0.21	0.17	0.097 I	0.043 I
1-METH	0.082 I	0.11	0.029 U	0.027 U
2-METH	0.14	0.16	0.031 I	0.026 U

NOTE:  
 THIS FIGURE PREPARED FROM DRAWINGS  
 COMPLETED BY PPM CONSULTANTS INC.  
 ON 4-21-15.  
 ALL LOCATIONS ARE APPROXIMATE

LEGEND:

- ⊕ MONITORING WELL LOCATION
- ⊙ RECOVERY WELL LOCATION
- 2.8 RED NUMBER INDICATES AN EXCEEDANCE IN FDEP GCTLs
- GCTL GROUNDWATER CLEANUP TARGET LEVEL PER CHAPTER 62-777, FAC, TABLE 1
- B BENZENE
- T TOLUENE
- E ETHYLBENZENE
- X TOTAL XYLENES
- NA NOT ANALYZED
- NAPH NAPHTHALENE
- MTBE METHYL TERT BUTYL ETHER
- 1-METH 1-METHYLNAPHTHALENE
- 2-METH 2-METHYLNAPHTHALENE
- I ESTIMATED VALUE BELOW THE LOWEST CALIBRATION POINT
- U BELOW DETECTION LIMIT
- V THE ANALYTE WAS DETECTED IN BOTH THE SAMPLE AND THE ASSOCIATED METHOD BLANK

⊕ RW-1

⊕ MW-12

⊕ RW-2

⊕ RW-3

⊕ RW-4

⊕ MW-6

⊕ MW-5

⊕ MW-11

⊕ MW-10

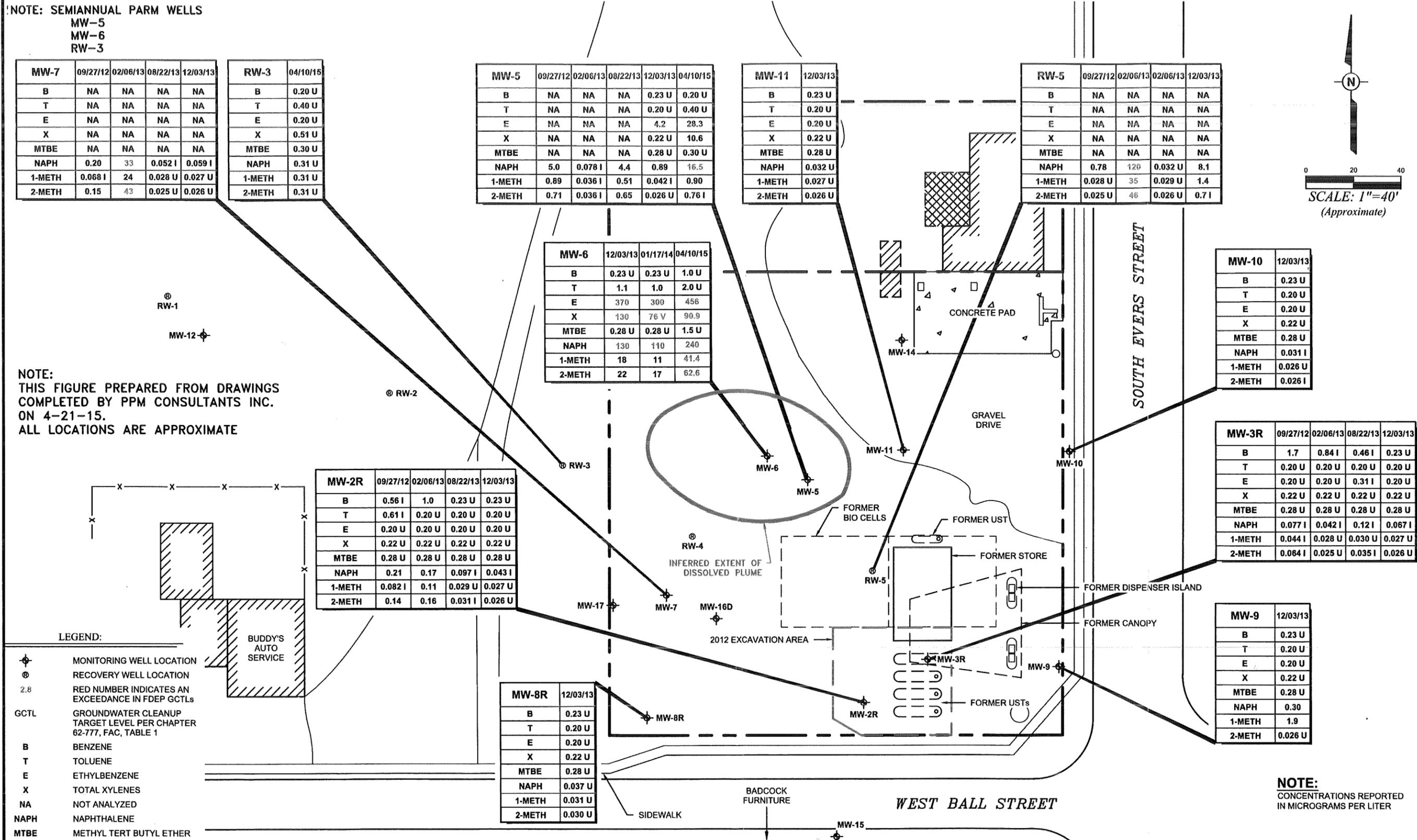
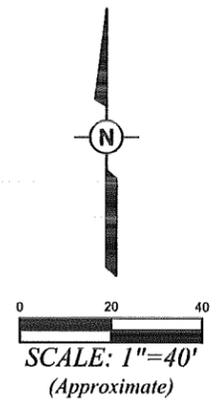
⊕ MW-17

⊕ MW-7

⊕ MW-16D

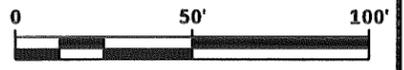
⊕ MW-8R

⊕ MW-15



NOTE:  
 CONCENTRATIONS REPORTED  
 IN MICROGRAMS PER LITER

engineers | surveyors | environmental  
**chastain SKILLMAN**  
 68 YEARS  
 PROJECT NO. 9680.20A  
 SHEET NO. FIGURE 3  
 P:\968020A\CAD\Risk\968020A-16-CBB-SITE.dwg FIG 3 May 18, 2016 2:05pm by: bfisher  
 © 2016 CHASTAIN SKILLMAN INC.  
 CITY OF PLANT CITY  
 RISK MANAGEMENT OPTION EVALUATION  
 DISSOLVED HYDROCARBON CONCENTRATION MAP  
 REVISION DESCRIPTION  
 REVISION DATE  
 REVISION NO.  
 REV. P-0 DATE: 01/20/16  
 DRAWN BY: BLF



**65 YEARS**  
**chastain SKILLMAN**  
engineers | surveyors | environmental

CA. No. 282  
Design Office: 4752 Old Highway 27, P.O. Box 5710 Lubbock, Texas 79405-5710 (817) 466-4422  
Corporate Headquarters: 4502 Old Hwy 27, P.O. Box 5713, Lubbock, TX 79405-5713 (817) 466-4422

REV.	DATE	REVISION DESCRIPTION
P-0	02/05/16	
DRAWN BY: BLP		

**CITY OF PLANT CITY**  
**RISK MANAGEMENT OPTION EVALUATION**  
**PROPOSED INSTITUTIONAL CONTROL BOUNDARY**

© 2016 CHASTAIN SKILLMAN INC.  
P:\968020A\CAO\Risk\968020A-16-CBB-SITE.dwg FC 2 F.eb 08. 2016 11:05am by: b/ghar

PROJECT NO. **9680.20A**  
 SHEET NO. **FIGURE 2**

# **EXHIBIT B**

## **Groundwater Analytical Summary**

Hydraulic Hose  
Groundwater Analytical Results for April 10, 2015

Analyte	GCTL	Primary Standard	Natural Attenuation	MW-5	MW-6
Ethylbenzene	30*	700	7000	28.3	456
Xylenes	20*	10,000	100,000	10.6	90.9
Naphthalene	14	n/a	140	16.5	240
1-Methylnaphthalene	28	n/a	280	0.90	41.4
2-Methylnaphthalene	28	n/a	280	0.76i	62.6

Concentrations in ug/l.

GCTL – Groundwater Cleanup Target Levels

\* GCTL based on Secondary standard for odor, not health-risk based. MW-5 and MW-6 meet the health-based Primary standard.

Primary standard – Health-risk based

Natural Attenuation – Natural Attenuation Default Concentration, based on expected decline in contaminant concentration due to natural processes.

# **EXHIBIT C**

**Article II, Division 1, Sections 74-31 and 74-32  
Code of Ordinances, City of Plant City**

Sec. 74-60. - Penalties.

Sec. 74-61. - More stringent restrictions by SWFWMD.

Secs. 74-62—74-85. - Reserved.

## ARTICLE II. - WATER SERVICE



### DIVISION 1. - GENERALLY



#### Sec. 74-31. - Definitions. Modified



The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Available.* When a property, facility or structure is within 250 feet of a City water line.

*City water.* Water from the City water system.

*City water system* The potable water system operated by the City for the provision of potable water for domestic, commercial, recreational, industrial, and other uses.

*Midtown.* The area designated as the "Midtown Redevelopment District" within the Future Land Use Element of the City's Comprehensive Plan.

*Nonpermitted well.* Any well that has been constructed without a water use or consumptive use permit issued by a regulatory agency, or has been granted a permit for well construction only.

*Permitted well.* A well that has been issued a consumptive use permit or a water use permit from a regulatory agency. This includes, but is not limited to, those permits issued by a the Southwest Florida Water Management District or the Department of Environmental Protection.

*Potable water.* Water suitable for drinking that has been treated by a system that is regulated by the Safe Drinking Water Act.

▲ Scroll to Top

*Private well.* A well that supplies water for consumptive use. These uses may include, but are not limited to, one or more of the following: Household, business, industrial or irrigation. For purposes of this Section, a well that supplies water solely for irrigation purposes shall not be classified as a private well.

*Safe Drinking Water Act.* The federal regulations, including the regulations and parameters as they may be amended from time to time, which set the quality standards for potable water.

(Ord. No. 29-2002, § 1, 9-9-2002; Ord. No. 25-2015, § 1, 9-28-2015)

**Sec. 74-32. - Connection to city water system required.** Modified



- (a) The owner or operator of any property, facility or structure presently using water from a nonpermitted well within the City limits where City water is available shall connect to the City water system within 90 days after the date of official notice to do so.
- (b) The owner or operator of any residential, commercial, industrial or agricultural property, facility or structure using water from a permitted well as a potable water supply within the City limits where City water is available shall connect to the City water system within 90 days after the date of official notice to do so. However, agricultural, industrial or commercial uses, which are using water from a permitted well may continue to use such well for nonpotable water uses.
- (c) Upon connection to the City water system, use of private wells for potable water supply shall cease.
- (d) No new private wells shall be constructed for the purpose of providing potable water to any property, facility or structure within the City limits where City water is available.
- (e) No new irrigation wells or private wells shall be constructed within the Midtown District.

(Ord. No. 29-2002, § 2, 9-9-2002; Ord. No. 25-2015, § 1, 9-28-2015)

**Secs. 74-33—74-55. - Reserved.**



**DIVISION 2. - WATER CONSERVATION**



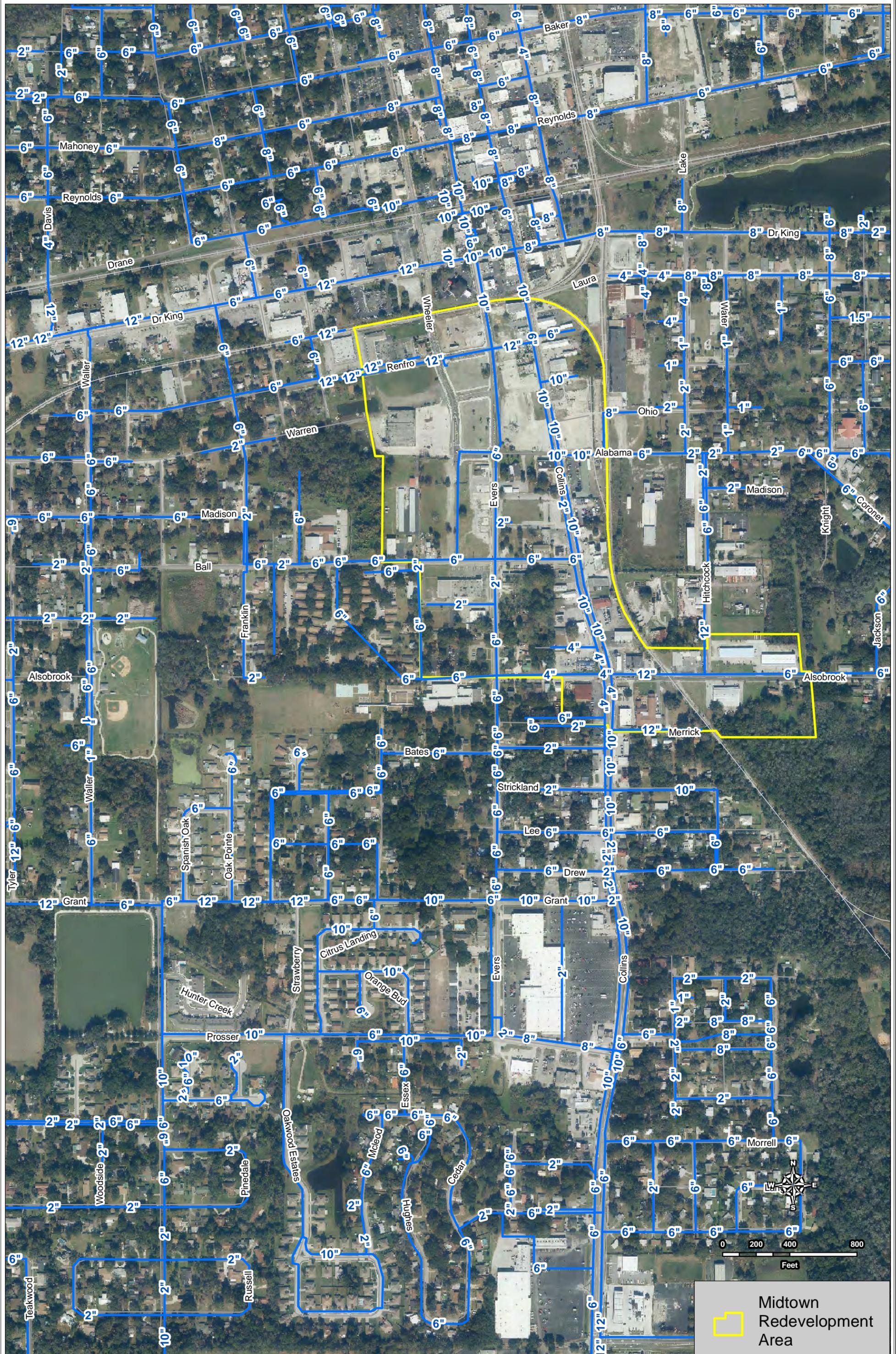
**Sec. 74-56. - Definitions.**

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# **EXHIBIT D**

## **Plant City Potable Water Service Area**




**Midtown Redevelopment Area**

Disclaimer: The data are being provided on an 'as is' basis. The City of Plant City disclaims any warranty, either expressed or implied, including, but not limited to, the implied warranties or merchantability and fitness for a particular use. The entire risk as to quality and performance is with the user. In no event will the City of Plant City or its staff be liable for any direct, indirect, incidental, special, consequential, or other damages, including loss of profit, arising out of the use of these data even if the City of Plant City has been advised of the possibility of such damages. All data are intended for resource management use and have not been collected or certified by a Florida-registered Surveyor and Mapper.

# **EXHIBIT E**

**Chapter 40D-3, F.A.C.  
Regulation of Wells**

## **CHAPTER 40D-3 REGULATION OF WELLS**

40D-3.011	Policy and Purpose (Repealed)
40D-3.021	Definitions
40D-3.031	Implementation (Repealed)
40D-3.032	Delegation
40D-3.037	Rules, Publications and Agreements Incorporated by Reference
40D-3.038	Violations of Contractor Licensing Requirements (Repealed)
40D-3.041	Permits Required
40D-3.042	Multiple Wells Under a Single Permit
40D-3.045	Water Use Permit Required
40D-3.051	Exemptions
40D-3.060	General Permit for Monitoring Wells
40D-3.101	Content of Application
40D-3.201	Permit Processing Fee (Repealed)
40D-3.301	Conditions for Issuance of Permits
40D-3.310	Conditions for Transfer of Permits
40D-3.321	Duration of Permits
40D-3.341	Revocation of Permits
40D-3.411	Well Completion Report
40D-3.461	Inspection
40D-3.492	Violations
40D-3.502	Construction Methods
40D-3.505	Location
40D-3.507	Casing and Liner Pipe Standards
40D-3.517	Grouting and Sealing
40D-3.521	Well Seals
40D-3.525	Explosives (Repealed)
40D-3.529	Flowing Wells (Repealed)
40D-3.531	Abandoned Well Plugging
40D-3.600	Special Well Construction Standards

### **40D-3.011 Policy and Purpose.**

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309(1), 373.333(1), 373.337 FS. Law Implemented 373.306, 373.308, 373.309, 373.313, 373.316, 373.323(2), 373.324, 373.326, 373.329, 373.333, 373.337 FS. History—New 10-5-74, Formerly 16J-3.01, 16J-3.06(1), Amended 7-1-90, 9-30-91, 12-31-92, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

### **40D-3.021 Definitions.**

When used in this chapter:

(1) “Abandoned well” means a well the use of which has been permanently discontinued. Any well shall be deemed abandoned which is in such a state of disrepair, that continued use for the purpose of obtaining groundwater or disposing of water or liquid wastes, or for observation is impracticable.

(2) “Annulus” or “annular space” means any artificially created void existing between a well casing or liner pipe and a borehole wall, or between two casings or between tubing and the casing or liner pipe.

(3) “Aquifer” means a geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield useful quantities of ground water to wells and springs.

(4) “Casing diameter” or “diameter of casing” means the largest nominal permanent water bearing casing. For the purposes of this Chapter, the diameter of the casing at the upper terminus will be presumed to be the diameter for the entire length, unless the

well owner or contractor can demonstrate that the well has a smaller diameter permanent water bearing casing below the upper terminus.

(5) “Confining unit” means a body of relatively impermeable material stratigraphically adjacent to one or more aquifers in which hydraulic conductivity may range from nearly zero to some value distinctly lower than that of the aquifer.

(6) “Consolidated” means a stratum which is cemented with a binding substance commonly derived from within the deposit containing that stratum.

(7) “Construction of water wells” means all parts and acts necessary to obtain ground water by wells, including the location and excavation of the well, but excluding the installation of pumps and pumping equipment.

(8) “Contractor” means any person licensed by the Department, or a water management district, in accordance with Chapter 62-531, F.A.C., and engaged in the business of construction, repair, or abandonment of wells.

(9) “Department” means the Florida Department of Environmental Protection.

(10) “District” means the Southwest Florida Water Management District.

(11) “Driller” means a licensed contractor, or a person working for a licensed contractor who actually constructs the well.

(12) “Drilling equipment” means a drilling rig or other apparatus used in constructing a well.

(13) “Drive shoe” means any device specifically designed, fabricated and installed to protect the lower end of a water well casing or liner pipe from collapse or other damage while the casing or liner pipe is being driven into place in a well.

(14) “Field log” means an accurate, written documentation of all construction activities needed to fill out well completion reports.

(15) “Filter pack” means sand or gravel that is uniform, clean, and siliceous. It is placed in the annulus of the well between the borehole wall and the well screen.

(16) “Gang well” means a system where two or more water wells are coupled together with a common header or manifold.

(17) “Incomplete well” means any attempted well the construction of which has been discontinued and which is unsuitable for any permitted use.

(18) “Inspection port” means any opening in the well seal or casing wall not less than one-quarter inch in diameter through which unobstructed access to the inside of the casing can be obtained for measuring water levels. Inspection ports shall be threaded openings temporarily sealed with a removable watertight plug.

(19) “Liner” means a pipe which is installed within the permanent water bearing casing to repair, or protect the casing or is installed below and separate from the casing to seal off casing material which may be encountered in the open hole of the well.

(20) “Monitor well” means a well used primarily to monitor hydrologic parameters such as water levels or water quality.

(21) “Neat cement grout” or “grout” means a mixture of water and Portland cement (American Concrete Institute Types I, II or III), or any other approved types of cement, or Bentonite for applications specified in Rule 40D-3.517, F.A.C., and acceptable amounts of additives approved by the District for use in cement grouts.

(22) “Nominal” means the standard size of the well casing and may be less than or greater than the number indicated. Nominal when referring to the grouting annulus means the available void thickness between telescoped casings or the average available void thickness between the borehole and outside wall of the casing at any point.

(23) “Packer” means a device made from material other than lead placed within the well casing that seals the joint between two pieces of casing, between the casing and screen, between one formation or water bearing strata and another, or between the formation and the casing.

(24) “Potable water” means water suitable for human consumption and approvable by the county health unit (Florida Department of Health and Rehabilitative Services).

(25) “Public water supply well” means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550, 62-555, 62-560, 62-524 and 64E-8, F.A.C.

(26) “Public water system” means a community or non-community system for the provision to the public of piped water for human consumption, provided that such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year, as set forth in Chapters 62-550, 62-555, 62-560 and 62-524, F.A.C.

(27) “Soil boring” or “foundation hole” means a hole in the ground drilled, bored, cored, washed, driven, dug or jetted, the intended use of which includes obtaining data for engineering, geophysical or geological exploration, or prospecting for minerals or products of mining or quarrying, but not for producing, disposing of, or searching for water.

(28) “Telescoped casing” means an interior casing extending below and sealed within an exterior casing.

(29) “Water Use Permit” means a permit issued under Chapter 40D-2, F.A.C.

(30) “Water well” or “well” means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, monitoring or artificial recharge of ground water. This term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil-bearing or natural gas-bearing formation, for storing petroleum, natural gas or other products or for temporary dewatering of subsurface formations for construction, mining or quarrying purposes.

(31) “Well casing” means a pipe installed in a borehole to prevent caving, provide structural strength, seal off zones of poor water quality, or prevent the interchange of waters between aquifers.

(32) “Well completion” means termination of all construction, repair, modification or abandonment activities.

(33) “Well completion report” means the well completion form as described in paragraph 40D-3.411(1)(a), F.A.C., supplied by or approved by the District.

(34) “Well seal” means an arrangement or device approved by the District that prevents contaminants from entering the well at the upper terminus.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.323 FS. History—New 10-5-74, Formerly 16J-3.02, Amended 7-1-90, 9-30-91, 12-31-92, 8-19-08.*

#### **40D-3.031 Implementation.**

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS., 78-65, Laws of Florida. History—New 10-5-74, Amended 9-4-77, 10-16-78, Formerly 16J-3.03, Amended 7-1-90, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

#### **40D-3.032 Delegation.**

The authority for general administration of this chapter is delegated to the Executive Director of the District. It is the policy of the Board that in making this delegation the Executive Director may designate specific staff members to carry out various tasks but that overall supervision and responsibility shall rest with the Executive Director. The Executive Director is authorized to issue permits under this chapter as provided in Section 373.342(1), F.S.

*Rulemaking Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.342 FS. History—New 7-1-90, Amended 9-30-91.*

#### **40D-3.037 Rules, Publications and Agreements Incorporated by Reference.**

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (2-16-12) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05524>, the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (2-16-12) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05521>, the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (6-22-14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05523>, the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (5-5-14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05525>, and underground injection control as set forth in Chapter 62-528, F.A.C. (2-16-12) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05522>, are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District. The regulations can be obtained from the Department’s website at: [www.dep.state.fl.us](http://www.dep.state.fl.us) or the Department’s Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(2) The Department’s Water Well Construction Disciplinary Guidelines and Citations Dictionary (6-22-14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05530>, is hereby incorporated by reference and made a part of this rule. This document is available from the Department’s website at: [www.dep.state.fl.us](http://www.dep.state.fl.us) or can be obtained from the Department’s Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the District upon request.

(3) Well Construction Forms are incorporated by reference into Rule 40D-3.101, F.A.C., and are available from the District’s website at [www.watermatters.org](http://www.watermatters.org) or from the District’s offices.

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District (August 2008) and Appendix I dated March 2010 is incorporated by reference and is available from the District upon request.

(5) The Application for Water Well Contractor's License, Form No. LEG-R.003.02 (9/14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05526> and Application for Renewal of a Water Well Contractor's License, Form No. LEG-R.004.03 (9/14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05527> are hereby incorporated by reference and are available from the District's website at [www.watmatters.org](http://www.watmatters.org) or from the District offices.

(6) The Department's Water Well Contractor Continuing Education Program Manual (6-22-14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05531>, incorporated by reference in subsection 62-531.300(2), F.A.C., a copy of which may be obtained from the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or from the District's website at [www.watmatters.org](http://www.watmatters.org) or District offices.

*Rulemaking Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09, 8-30-09, 11-2-09, 6-7-10, 7-12-15.*

#### **40D-3.038 Violations of Contractor Licensing Requirements.**

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS. Law Implemented 373.323, 373.324, 373.333, 373.336 FS. History—New 7-1-90, Amended 12-31-92, 2-1-05, 8-19-08, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

#### **40D-3.041 Permits Required.**

(1) Unless expressly exempted by statute or District rule, a permit must be obtained from the District prior to construction, repair, modification or abandonment of any water well, including:

- (a) Water wells not in areas delineated pursuant to Chapter 62-524, F.A.C.
  - (b) Potable water wells in areas delineated pursuant to Chapter 62-524, F.A.C.
  - (c) Non-potable water wells in areas delineated pursuant to Chapter 62-524, F.A.C.
  - (d) Dewatering wells for construction, mining or quarrying purposes that will be in existence for 6 months or longer.
  - (e) Public supply water wells.
  - (f) Monitor wells not authorized pursuant to a general permit under Rule 40D-3.060, F.A.C.
  - (g) Injection wells identified as Class V, Group 1, pursuant to paragraph 62-528.600(2)(a), F.A.C., effective 11-20-2002, incorporated herein by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-02252>.
  - (h) Abandoned wells.
  - (i) Incomplete wells.
- (2) The permit shall be available at the well site during construction, repair, modification or abandonment.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106, 373.306, 373.308, 373.309, 373.313, 373.316 FS. History—New 10-5-74, Amended 12-31-74, 12-1-77, 2-4-79, 11-8-82, Formerly 16J-3.06(2)-(5), 16J-3.10, Amended 7-1-90, 9-30-91, 12-31-92, 2-7-13, 7-12-15.*

#### **40D-3.042 Multiple Wells Under a Single Permit.**

- (1) The construction, repair, modification or abandonment of:
- (a) Up to eight (8) sandpoint irrigation, monitor, recovery, dewatering, or gang wells 4 inches or less in diameter; or
  - (b) A Class V air conditioning heat pump system consisting of one supply well and one return well; may be included under one permit provided the conditions of subsection (2) are met.
- (2) A multiple well permit as described in subsection (1) will be issued provided:
- (a) The wells are constructed in the same geologic material, completed in the same hydrogeologic unit, and drilled on a contiguous tract of land owned or controlled by the same individual or entity; and
  - (b) Each well is the same diameter and constructed of a similar material.
- (3) The District requires both a supply well and a return well in the construction of an open heat pump system. A supply well without a return well is not permitted.

(4) The District will authorize multi-zone monitor wells consisting of multiple observation tubes monitoring different depths all located in a single larger diameter well casing under a single permit. Provisions listed in subsection (2) do not apply to this type of well.

(5) When a single well construction permit is issued for multiple wells as described above, a separate well completion report is required for each of the wells or tubes.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106(1), 373.309 FS. History—New 12-31-92, Amended 4-22-07.*

#### **40D-3.045 Water Use Permit Required.**

(1) Permits for construction, repair, modification or abandonment of wells for which an individual water use permit is required under Chapter 40D-2, F.A.C., shall not be issued prior to issuance of the water use permit authorizing such water use withdrawals.

(2) Notwithstanding the provisions of subsection (1) above, the District shall issue permits for construction, repair or modification of any well when:

(a) The well to be constructed, repaired, or modified is to be used for aquifer testing, hydrologic monitoring, water quality monitoring, or otherwise for the purpose of gathering hydrogeologic data; or

(b) The applicant demonstrates that a compelling need exists to commence construction, repair or modification of the well while an application for a water use permit is pending; and

1. The Applicant has filed an application for Water Use Permit including all information required by Rule 40D-2.101, F.A.C., and the application has been deemed complete; and

2. It appears that the proposed use of water represented in the pending complete Water Use Permit application is a reasonable and beneficial use, will not interfere with any presently existing legal use of water, and is consistent with the public interest.

(c) The applicant agrees to all conditions attached to the well permit.

(3) The District is under no obligation to issue a water use permit merely because construction, repair or modification of a well has been authorized.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 3-30-93, 8-10-93, 7-12-15.*

#### **40D-3.051 Exemptions.**

(1) The following wells are exempt from the requirements of Rule 40D-3.041, F.A.C.:

(a) Wells exempted under Section 373.303(7), F.S.

(b) Wells used for the purpose of temporary dewatering of subsurface formations for construction, mining or quarrying purposes for a period of less than 6 months.

(c) Wells two inches or less in diameter and less than 20 feet in depth used for no more than ten days for the purpose of obtaining shallow soil or water information.

(2) In emergency situations when compliance with the requirements of Chapter 373, Part III, F.S. or Chapter 40D-3, F.A.C., will result in undue hardship, including those situations when an unexpected problem is encountered during the construction, repair or abandonment of a well, the Executive Director, or the Executive Director's deignee, shall authorize an exemption, by telephone, from the conditions required by a permit or rule requirements for a well. A Well Completion Report documenting the exemption must be submitted to the District in writing within 30 days of completion.

(3) Qualifying for one of the above exemptions does not relieve the applicant from obtaining any other applicable permits required by law or District rule.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 10-5-74, Formerly 16J-3.13, Amended 7-1-90, 9-30-91, 12-31-92, 8-24-99.*

#### **40D-3.060 General Permit for Monitoring Wells.**

(1) A general permit is hereby granted for the construction, repair, modification or abandonment of a piezometer or monitoring well authorized as part of a site assessment, remedial action plan or pilot study at contaminated sites regulated by the Department of

Environmental Protection Division of Waste Management pursuant to Chapter 376, F.S., provided all of the following conditions are met:

- (a) Work is conducted by a licensed water well contractor or under the supervision of a licensed water well contractor;
- (b) The nominal casing size shall be no larger than 4 inches in diameter;
- (c) Total well borehole depth does not exceed 150 feet;
- (d) Work complies with all applicable construction, location, casing and grouting requirements set forth in Chapter 40D-3, F.A.C.; and,
- (e) A State of Florida Well Completion Report, signed by the licensed water well contractor who conducted or supervised the work is submitted to the District in accordance with the requirements of Rule 40D-3.411, F.A.C., for each well authorized by this general permit.

(2) The State of Florida Well Completion Report, Form No. LEG-R.005.02 (6/10) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05528> is incorporated by reference in Rule 40D-3.411, F.A.C. Copies may be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from District offices.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.118, 373.306, 373.308, 373.309, 373.313, 373.316 FS. History--New 7-12-15.*

#### **40D-3.101 Content of Application.**

(1) Applications for permits required by this chapter shall be submitted to the District. All permit applicants shall submit the form entitled "State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well," Form No. LEG-R.040.01 (6/10), incorporated herein by reference. Except for replacement and domestic use wells, all applications to construct a well within the Most Impacted Area of the Southern Water Use Caution Area, as set forth in subparagraph 40D-2.801(3)(b)2., and Figure 2.1, F.A.C., shall include the form entitled "Well Verification for all Non-Domestic Use Wells Located in the Most Impacted Area of the Southern Water Use Caution Area," Form No. LEG-R.016.01 (4/09), incorporated herein by reference. Copies of all forms incorporated in this rule can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices.

(2) A permit applicant seeking to drill a public supply well shall submit:

(a) A completed well permit application, as set forth in subsection (1) above, signed and accompanied by an applicable permit fee;

(b) A completed "Public Supply Well Information and Classification Form," Form No. LEG-R.015.02 (08/11), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00740> incorporated herein by reference; and

(c) Two sets of site plans, scaled drawings or legal plats with sufficient detail to demonstrate compliance with well setback requirements in Section 62-532.400, F.A.C. and location requirements in Section 62-555.312, F.A.C.

(3) A permit applicant seeking to convert an existing non-public supply well to public supply standards shall submit all the above and:

(a) The cased depth and total depth of well;

(b) The lithology encountered, if available;

(c) The diameter, type of casing and static water level of the well.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.308, 373.309, 373.313, 373.316 FS. History--New 10-5-74, Formerly 16J-3.07, Amended 7-1-90, 9-30-91, 12-31-92, 4-11-94, 10-19-95, 2-26-07, 8-19-08, 8-30-09, 9-12-10, 12-12-11.*

#### **40D-3.201 Permit Processing Fee.**

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.309 FS. History--New 10-5-74, Formerly 16J-3.071, Amended 7-1-90, 9-30-91, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

#### **40D-3.301 Conditions for Issuance of Permits.**

(1) In order to obtain a water well construction, repair, modification or abandonment permit, an applicant must demonstrate compliance with the following conditions:

(a) The applicant shall have a current, valid water well contractor license from the State of Florida unless the permit is for a water well two (2) inches or less in diameter constructed by an individual for his own private use on his own or leased property as

specified in Section 373.326(2), F.S.

- (b) The applicant shall submit a permit application as specified by Rule 40D-3.101, F.A.C.
- (c) The application must be complete and meet the requirements of Chapter 373, F.S., and this chapter.
- (d) A Water Use Permit, if applicable under Chapter 40D-2, F.A.C., shall have been obtained.
- (e) The applicant shall not have overdue well completion reports.
- (f) The proposed water well shall not adversely impact the water resource.

(2) The District shall impose on any permit issued under this chapter such reasonable conditions as are necessary to protect the water resource and assure that the permitted activity will be consistent with the overall objectives of the District. The District shall attach such conditions to the permit, and well construction, repair, modification or abandonment shall be performed accordingly. An applicant who believes that a condition is unreasonable or is not necessary to protect the water resource or to assure that the permitted activity is consistent with the District's overall objectives, has the right to petition and be heard in an administrative hearing pursuant to Chapter 120, F.S., regarding imposition of the condition.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.306, 373.308, 373.309, 373.313 FS. History—New 10-5-74, Formerly 16J-3.11(1)-(3), Amended 1-8-87, 7-1-90, 12-31-92, 7-2-98, 8-19-08.*

#### **40D-3.310 Conditions for Transfer of Permits.**

(1) Permit Transfers from One Contractor to Another. A well construction permit may be transferred from one licensed water well contractor to another if:

- (a) Both contractors agree to the transfer;
- (b) The owner or his agent agree to the transfer;
- (c) The original contractor relinquishes the initial permit and forwards his or her copy of the initial permit to the District within ten days of requesting such action;
- (d) The permit has not expired; and
- (e) The new contractor obtains a valid permit for the well site, for which no additional fee shall be required.

(2) Permit Transfers from One Well to Another. A well construction permit for a well which is not completed and becomes an "incomplete well" as defined in subsection 40D-3.021(17), F.A.C., may be used to construct a replacement well if:

- (a) The incomplete well has been properly abandoned as described in Rule 40D-3.531, F.A.C., and a completion report on the abandonment submitted;
- (b) The construction permit has not expired;
- (c) The replacement well is in the same quarter section as the incomplete well; and
- (d) No completion report has been submitted for the construction permit.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.342 FS. History—New 12-31-92.*

#### **40D-3.321 Duration of Permits.**

(1) Each permit shall be consecutively numbered, dated, and valid for a period of 90 days, unless the time limit is extended by the District pursuant to subsection (3) or (4), below.

(2) Construction, repair, modification or abandonment of a well shall not commence or continue after the expiration of a permit.

(3) Requests for extension of an existing permit shall be made for a period not to exceed 90 days and shall be granted by the District upon written request if:

- (a) Submitted by the permittee prior to the expiration date of the permit, and
- (b) The permittee shows circumstances and conditions have not changed substantially since permit issuance so that the proposed well will not adversely impact the water resource.

(4) Well permits shall be extended for a period of not more than one (1) year from the date of issuance, in increments of ninety (90) days per written request for permit extension, provided the requirements of subsection (3) have been met. Extensions will be covered under the original permit fee, with no additional fee required.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—New 10-5-74, Formerly 16J-3.08, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 12-12-11.*

#### **40D-3.341 Revocation of Permits.**

(1) The Governing Board will revoke a permit, after notice and an opportunity for a hearing, upon a determination that one or more of the following has occurred.

- (a) Material misstatement or misrepresentation in the application for a permit;
- (b) Failure to comply with the provisions set forth in the permit;
- (c) Disregard or violation of any of these rules or Chapter 373, Part III, F.S.; or
- (d) Material change of circumstances or conditions from those existing at the time such permit was issued.

(2) Prior to the commencement of any activity for which a permit has been issued, the permittee, the property owner or the party in legal control of the subject property may request revocation of the permit. A request to revoke a permit shall be submitted to the District in writing. The party requesting revocation of a permit shall be deemed to have waived the right to notice and an opportunity to request a hearing under Section 120.60(5), F.S. The District will provide such notice and an opportunity to request a hearing to the other party(ies). Upon confirmation that no activity has taken place pursuant to the permit the District will revoke the permit provided no request for a hearing has been received.

(3) Submittal of a Completion Report pursuant to paragraph 40D-3.411(1)(a), F.A.C., is not required if a permit has been revoked.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.309, 373.313 FS. History—New 10-5-74, Formerly 16J-3.11(4), Amended 7-1-90, 7-2-98, 2-1-05, 3-6-13.*

#### **40D-3.411 Well Completion Report.**

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District's receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled "State of Florida Well Completion Report," Form No. LEG-R.005.02 (6/10), incorporated herein by reference, within 30 days of the completion of construction, repair or abandonment of any well. Copies of the Well Completion Report form can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from District offices.

(b) If no work is performed or if the well is not completed, a completion report shall be filed within 30 days of the expiration of the permit stating that no well construction was performed or completed under the permit.

(c) The District shall require a record of the well construction at any time prior to the submittal of the completion report if any drilling problems are encountered during well construction. The District may request a record either orally or in writing. The water well contractor or individual permittee shall provide the record within 7 days of receipt of the District's request.

(d) The record of the well construction shall include the depth of the well, the depth of the well casing, the amount of grout material used, and a description of the geologic material and any drilling problems encountered during the well construction.

(2) The water well contractor shall keep or cause to be kept by a person in his employ an accurate field log of all well construction, repair, modification or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—New 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 1-1-01, 2-26-07, 8-19-08, 8-30-09, 9-12-10, 7-10-13.*

#### **40D-3.461 Inspection.**

(1) The District shall inspect any water well it deems necessary to insure conformity with applicable standards. Duly authorized representatives of the District may, at reasonable times, enter upon and shall be given access to any premises for the purpose of such inspection. Such inspection may include, but need not be limited to, geophysical logging, water level measurements, water quality sampling, and other methods.

(2) If, upon the basis of an inspection, the District determines that applicable laws or rules have not been complied with, it shall disapprove the well. A disapproved well shall not be used until brought into compliance. If compliance cannot be achieved in a reasonable time, the well shall be properly abandoned.

(3) If, upon the basis of an inspection, the District determines that any well is an abandoned or incomplete well as defined in this

chapter, the property owner shall have the well abandoned in accordance with subsection 62-532.500(4) and Rule 40D-3.531, F.A.C.

(4) If, upon the basis of an inspection, the District determines that any well is a potential hazard to the water resource, the well shall be abandoned in accordance with subsection 62-532.500(4) and Rule 40D-3.531, F.A.C.

(5) The permittee shall notify the District at least 24 hours in advance of:

(a) Grouting a public supply well,

(b) Plugging an abandoned well that is greater than two inches in diameter, or that is more than 20 feet in depth, or

(c) The construction of any well under a permit issued with special grouting conditions.

(6) For wells identified in subsection (5) above, a District representative must be on site to observe the grouting or plugging procedure, except for wells that are 2 inches or less in diameter, and wells that are 20 feet or less in depth. The District shall grant a variance to this requirement upon oral request at the time of the 24-hour notification by a contractor provided that:

(a) The contractor is currently in compliance with all other District rules;

(b) The contractor has not violated any conditions of his license or any District rule within the past two years;

(c) The District has observed the grouting, plugging or abandonment of at least 10 prior wells by the requesting contractor; and

(d) A District representative cannot be at the well site at the time of the grouting or plugging.

*Rulemaking Authority 373.044, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.319 FS. History—New 10-5-74, Amended 8-9-77, 4-27-80, 11-8-82, Formerly 16J-3.12, Amended 7-1-90, 9-30-91, 12-31-92, 2-10-03.*

#### **40D-3.492 Violations.**

(1) In addition to those violations set forth in Section 373.336, F.S., and Rule 62-531.450, F.A.C., actions, omissions, or conduct that shall be considered a violation of this chapter include the following:

(a) Failure to submit a complete well completion report within 30 days of the completion of construction, repair or abandonment of any well.

(b) Intentional misrepresentation or falsification of records.

(c) Failure to obtain a permit when required under Rule 40D-3.041, F.A.C.

(d) Failure to keep a field log at the drilling site with accurate information of all construction activities.

(e) Failure to provide a field log upon request to a District representative at the drilling site during times when work is in progress.

(f) Failure to report to the District within 30 days of expiration of the permit when no work is performed or the well is not completed.

(g) Failure to comply with any or all permit conditions.

(h) Failure to notify the District 24 hours prior to the commencement of drilling operations of any public supply well.

(i) Failure to notify the District 24 hours prior to the placement of grout in the annular space of any public supply well; plugging of an abandoned well that is greater than two inches in diameter, or that is more than 20 feet in depth; or the construction of any well under a permit issued with special grouting conditions.

(j) Failure to notify the District 48 hours prior to the completion of a well that is subject to the requirements of Rule 40D-3.600, F.A.C.

(k) Failure to have the well construction permit available at the well site during construction, repair, modification or abandonment.

(l) Failure to produce upon request to the District a record of the well construction within the allowable time provided in paragraph 40D-3.411(1)(c), F.A.C.

(2) Violations may be reported by any person, including District staff.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.342 FS. History—New 7-10-13, Amended 7-12-15.*

#### **40D-3.502 Construction Methods.**

(1) Water wells may be constructed by drilling, coring, boring, washing, jetting, driving or digging, but must be so constructed, cased, cemented, plugged, capped or sealed as to permanently prevent:

(a) The escape of water to waste, either at or above the land surface, or from a subsurface zone of higher hydrostatic head to a zone of lower hydrostatic head, or

(b) The degradation of water by poor quality water or other substances from surface or underground sources.

(2) For wells constructed using the combination method of drilling a borehole and then driving the casing, the borehole shall be equal to or smaller in diameter than the inside diameter of the casing and shall be sealed by adding dry bentonite to the casing string at land surface and allowing that material to be carried down the outside of the casing as the casing is driven to completion. Dry bentonite shall be applied to maintain a grout seal around the casing. The first length of water bearing casing, excluding the attached drive shoe, shall not exceed 21 feet in length and must be driven into the ground before any additional borehole is constructed. During construction of a well in a delineated area, as defined in Rule 62-524.200, F.A.C., or a public supply well using the combination drilling method, the minimum acceptable grout seal shall be accomplished by undercutting or underreaming the last five feet of hole before sealing the casing. A minimum of one foot of such enlarged hole must be into the consolidated formation in which the casing is seated. The entire enlarged portion of the hole shall be filled with cement grout and then the casing shall be driven through the cement grout and seated into the enlarged portion of the consolidated formation. The top 20 feet of casing shall be sealed with no less than a 2-inch nominal thickness of cement grout. Except as described above, the use of a drilling tool, such as an eccentric bit or an underreamer bit, that is capable of drilling a hole larger than the inside diameter of the casing is prohibited when constructing a well by combination method.

(3) In the construction of a well, reasonable caution shall be taken to maintain the premises in sanitary condition and to minimize the entrance of contaminants into the water resource. Water and materials used in construction shall be reasonably free of contamination. If the well or water supply is a known source of contamination or is within a known area of contamination, it shall not be used to provide water to construct the well. For purposes of this rule, a known source or known area of contamination would be any water supply or well within the area specified by Chapter 62-524, F.A.C.

(4) Monitor wells for underground storage systems shall be constructed in accordance with Chapter 62-761, F.A.C., and this Chapter.

(5) Injection wells shall be constructed in accordance with Chapter 62-528, F.A.C., and this chapter.

(6) Wells permitted under Chapter 62-524, F.A.C., shall be constructed, repaired, modified or abandoned in a manner that meets the special criteria developed for each designated area.

(7) Wells being constructed, repaired, modified or abandoned as part of a water use permit, issued under Chapter 40D-2, F.A.C., must meet all special well construction conditions specified by that permit. When special well construction conditions have been specified on a water use permit, these conditions shall be attached to applicable well construction permits.

(8) The District may designate special well construction standards areas by emergency rule to prevent transport of surface contaminants to ground water or movement of introduced or natural contaminants from one aquifer or zone to another. Such standards will be the minimum necessary to prevent the movement of contaminants, and will be developed in cooperation with other state agencies, local jurisdictions, and the regulated public, in accordance with Chapter 120, F.S., provisions for emergency rulemaking.

*Rulemaking Authority 373.044, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History--New 7-1-90, Amended 9-30-91, 12-31-92, 2-19-04, 12-12-11.*

#### **40D-3.505 Location.**

(1) Wells shall be located so as to not pose a threat of contamination to the water resource and to provide for the protection of the health, safety and welfare of the user.

(2) Minimum spacing between wells and sanitary hazards, including but not limited to, septic tanks, drain fields and ground water contamination areas, shall be as specified by Section 381.0065, F.S. and subsection 62-532.400(7), F.A.C. The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination through ingestion, inhalation or dermal absorption.

(3) The District will deny a permit application to construct a water well if use of the well would increase the potential for harm to public health, safety and welfare, or if the proposed well would degrade the water quality of the aquifer by causing pollutants to spread.

(4) A variance from the above-specified restrictions may be obtained from the District as provided in Rule 40D-1.1001, F.A.C. The review of a variance request shall include an evaluation of the following criteria, as applicable: surface and ground water gradients, well location, withdrawal amount, well depth (including depth of casing), natural barriers, impermeable geological strata, water quality sampling, compliance with the requirements of Chapter 62-524, F.A.C., other grouting or protective well construction measures, and the use of treatment systems acceptable to the Department or Department of Health.

(5) Nothing in this section relieves an applicant of the responsibility to comply with the requirements of any other regulatory agency with jurisdiction over the applicant's activities.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 12-31-92, 7-2-98, 5-4-05.*

#### **40D-3.507 Casing and Liner Pipe Standards.**

(1) Well casing installed by driving shall not have less than the dimensions and weights specified in subsection 62-532.500(1), F.A.C.

(2) Well casing or liner pipe set into place without driving shall not have less than the dimensions and weights specified by subsection 62-532.500(1), F.A.C.

(3) Telescoped casings may be used provided that casings of different diameters are joined with an appropriate overlap and any annular space including the overlapped section shall be grouted in accordance with subsection 62-532.500(3), F.A.C. (2-16-12) incorporated by reference in subsection 40D-3.037(1), F.A.C. To prevent interchanges of water when multiple aquifers or zones are penetrated, grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers for this purpose is prohibited.

(a) A minimum overlap of ten feet and one casing centralizer in the overlapping section shall be required for non-public supply wells which are less than six inches in diameter.

(b) A minimum overlap of 20 feet and two casing centralizers in the overlapping section shall be required for public supply wells and all wells six inches or more in diameter.

(4) When any part of a well casing with an outside diameter of four inches or larger is intended to be installed in a bore hole which is larger in diameter than the inside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal two inch thickness of neat cement grout. For those well casings with an outside diameter of less than four inches, the minimum grout thickness shall be a nominal one inch.

(5) Liners may be used in a well provided that cross-connection of aquifers of significantly differing water quality does not occur. Liners installed within a casing shall meet the grouting and sealing requirements of subsection (4) above. Liners installed for the purpose of sealing off casing material in an open borehole are not required to be grouted. A liner installed for the purpose of repairing a well may be overlapped into an existing casing provided it is joined with an appropriate overlap and a watertight seal and provided that loss of artesian pressure or cross connection of aquifers of significantly differing water quality does not occur.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 2-19-04, 7-12-15.*

#### **40D-3.517 Grouting and Sealing.**

Wells shall be grouted and sealed in accordance with subsection 62-532.500(3), F.A.C., (2-16-12), and this section, to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of artesian pressure in artesian aquifers. Subsection 62-532.500(3), F.A.C., (2-16-12) is incorporated by reference in subsection 40D-3.037(1), F.A.C.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in subsection 62-532.500(3), F.A.C., and this section. The use of lead packers for this purpose is prohibited.

(2) Grouting and sealing of water wells shall be accomplished in the following manner using neat cement or bentonite grouts unless otherwise granted a variance by the District. The slurry grout mixture shall be introduced into the annulus space from bottom to top; the casing seat shall be clean allowing the casing to set at the total depth bored in a hole reasonably free of drill cuttings; the manufacturer's mixing instructions shall be followed and any polymers added to bentonite slurry mixes must be approved by the District prior to use.

(a) Grouting and Sealing Using Neat Cement Grout.

1. Composition of neat cement grout shall consist of 5.2 to 5.5 gallons of water per cubic foot or 94-pound sack of Portland cement or a mixture of 6.0 gallons of water per sack of Portland cement with 3 to 7.5 pounds of Bentonite not to exceed eight percent by weight.

2. The minimum set time for grouting of casing using neat cement grout before drilling operations may continue is twelve

hours. The minimum set time for grouting of casing with Portland cement and two percent calcium chloride by weight as an accelerator will vary with depth and are listed in Table 1 below.

TABLE 1 INITIAL SET TIMES FOR SPECIFIED DEPTH RANGES WHEN 2% CALCIUM CHLORIDE IS MIXED BY WEIGHT WITH PORTLAND CEMENT

Depth (in feet)	Set Time (in hours)
0-200	4
201-400	3.5
401-600	3
601-800	2
801 & greater	1

(b) Grouting and Sealing Using Bentonite Grouts.

1. A Bentonite grout shall consist of a high solid sodium montmorillonite. The grout shall yield solids ranging from 20 to 30 percent, with a minimum density equal to or greater than 9.4 pounds per gallon, and a permeability of approximately  $1 \times 10^{-7}$  centimeters per second or less.

2. Bentonite slurry grout used for sealing purposes is restricted to wells with an outside diameter of five inches or less in diameter nominal size. A formation packer or a five foot neat cement plug must be installed at the casing seat and an upper ten feet of neat cement is required to prevent deterioration of or damage to the bentonite seal.

3. Bentonite grout used for abandonment purposes is not restricted by well size but cannot be used to abandon a dry well and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement. At a minimum, an upper ten feet of neat cement is required to prevent deterioration of or damage to the bentonite seal.

4. Only Bentonite grout approved by the National Sanitation Foundation is allowed on public supply wells or in any identified contamination areas. If artesian flow conditions occur, a neat cement plug shall be installed to stop the flow prior to the use of Bentonite grout. Use of Bentonite grout shall not be allowed in contaminated wells when the contaminants will prevent an adequate seal, or in wells with water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids.

(3) For wells constructed by driving well casing, dry bentonite with an average mesh size between 4 and 20 U.S. standard sieve size or grain size between 5mm and .85mm must be added to the continuous casing string at land surface at the beginning and during construction of the well.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 12-12-11, 7-12-15.*

**40D-3.521 Well Seals.**

(1) Temporary Well Seals. Whenever there is a temporary interruption in work on the well during construction, repair, modification or abandonment, the well opening shall be sealed with a watertight cover. Except in areas designated by the District, any well in which pumping equipment is installed seasonally or periodically shall, whenever pumping equipment is not installed, be capped with a watertight cap or valve. The top of the well casing shall at a minimum extend one foot above land surface and, if practical, one foot above the 100-year flood elevation.

(2) Permanent Well Seals. Wells shall be properly sealed to prevent the movement of contaminants and surface water into the well. The top of the well casing shall at a minimum extend one foot above land surface and, if practical, one foot above the 100-year flood elevation, for all wells except those outlined in Chapter 62-761, F.A.C. A flush mounted protective cover can be installed as an alternative to the one foot casing extension on surficial screened wells that are two inches or less in diameter. The flush mounted protective cover shall be constructed of one continuous piece of material resistant to deterioration and rusting. The flush mounted protective cover shall be fitted with a lid for easy access to the well point and a minimum dimension of 15 inches in length by ten inches in width by 13 inches in depth. When a flush mounted protective cover is used as an alternative in accordance with this section, the pipe connecting the well point must be continuous to the pump, and the cover must allow adequate drainage to prevent ponding or mounding of water inside the box.

(3) Pumping equipment and any necessary pipe or electrical connections shall be installed to prevent inadvertent introduction of contaminants into the well, and if installed within the casing, shall be installed through a watertight seal.

(4) The finished height of public supply wells shall be at a minimum 18 inches above finished grade, and, if practical, one foot above the 100-year flood elevation. The upper end of the well casing shall include a watertight seal with any vent located two feet above finished grade.

*Rulemaking Authority 373.044, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 12-31-92, 2-8-99.*

#### **40D-3.525 Explosives.**

*Rulemaking Authority 373.044, 373.309, 373.317, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

#### **40D-3.529 Flowing Wells.**

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.206, 373.306, 373.308, 373.309 FS. History—New 7-1-90, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

#### **40D-3.531 Abandoned Well Plugging.**

(1) The form entitled “State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well,” adopted by reference in Rule 40D-3.101, F.A.C., shall be submitted to the District and a Well Construction Permit shall be issued prior to the abandonment of any well, including an incomplete well.

(2) All abandoned wells as defined by Section 373.303(1), F.S. and subsection 40D-3.021(1), F.A.C., abandoned artesian wells as defined by Section 373.203(1), F.S., and incomplete wells as defined by subsection 40D-3.021(17), F.A.C., shall be plugged in accordance with subsection (3) of this rule and Rule 40D-3.517, F.A.C., unless they can be repaired in accordance with this chapter.

(3) All abandoned and incomplete wells shall be plugged by filling them from bottom to top with grout. The work shall be performed by a licensed water well contractor except for wells exempted under subsection 40D-3.051(1), F.A.C., and wells permitted to be constructed or abandoned pursuant to paragraph 40D-3.301(1)(a), F.A.C.

(a) Use of clean aggregate to bridge cavernous or lost circulation zones shall be allowed if measurements indicate loss of grout and the borehole or screened portion does not connect two (2) or more aquifers of differing water quality. Prior approval to use aggregate or other material must be obtained from the District.

(b) Obstructions shall be cleared from all wells prior to plugging.

(4) The contractor must notify the District at least 24 hours in advance of a well abandonment. A District representative must be on site to observe the abandonment procedure unless the following criteria are met and the District authorizes the contractor to proceed without a District representative on site:

(a) The contractor is currently in compliance with all other District rules;

(b) The contractor has not violated any conditions of his license or any District rule within the past two years;

(c) The District has observed the abandonment of at least ten prior wells by the requesting contractor; and

(d) A District representative cannot be at the well site at the time of abandonment.

(5) The “Well Grouting/Abandonment Form,” Form No. LEG-R.041.01 (9/14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05529> incorporated herein by reference, will be used to document the well abandonment. Copies of this form can be obtained at the District’s website at [www.watmatters.org](http://www.watmatters.org) or from District offices.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.206, 373.207, 373.209, 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 7-2-98, 9-26-02, 2-26-07, 8-19-08, 8-30-09, 7-12-15.*

#### **40D-3.600 Special Well Construction Standards.**

To prevent impacts to water wells from periodic high water use, in addition to complying with the other construction requirements of this chapter, the construction, modification or repair of potable water wells in the area of the Dover community shall also comply with the requirements set forth below.

(1) Potable water wells constructed, modified or repaired in the North Dover Area, as identified in subsection (2) below, shall be cased to a minimum depth of 105 feet below land surface.

(2) The area of North Dover is as follows:

Township 27, Range 21, Sections 25 through 36;

Township 27, Range 22, Sections 26 through 35;

Township 28, Range 20, Sections 12 through 14, 23, 24 and those portions of 25 and 26 lying north of Interstate 4;

Township 28, Range 21, Sections 1 through 19 and those portions of 20 through 24 and 30 lying north of Interstate 4; and

Township 28, Range 22, Sections 2 through 10, 15 through 20, Sections 22 through 27, and Sections 34 through 36.

(3) Potable water wells constructed, modified or repaired in the South Dover Area, as identified in subsection (4) below, shall be cased to a minimum depth of 147 feet below land surface.

(4) The area of South Dover is as follows:

Township 28, Range 20, those portions of Sections 25 and 26 lying south of Interstate 4 and Sections 35 and 36;

Township 28, Range 21, those portions of Sections 20 through 24 and 30 lying south of Interstate 4 and Sections 25 through 29 and 31 through 36;

Township 29, Range 20, Sections 1, 2, 11 through 13 and 24;

Township 29, Range 21, Sections 1 through 29, and 33 through 36;

Township 29, Range 22, Sections 1 through 36;

Township 30, Range 21, Sections 1, 2, 11, and 12; and

Township 30, Range 22, Sections 2 through 10.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.308 FS. Law Implemented 373.308, 373.309 FS. History—New 4-9-02, Amended 8-17-10.*