

CHAPTER 62-521 WELLHEAD PROTECTION

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62-521.100 Scope and Intent of Wellhead Protection.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.062 FS. History--New 7-13-95, Repealed 2-16-12.

62-521.200 Definitions for Wellhead Protection.

For the purpose of this chapter the following definitions shall apply. For other terms used in this chapter, the definitions contained in Chapters 62-520 and 62-522, F.A.C., shall prevail over definitions established elsewhere by Department rule.

(1) "Community Water System" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(2) "Existing Installation" means any installation including its zone of discharge established under Chapter 62-522, F.A.C., or other Department rule, regulated under this chapter which, on or before 90 days after the effective date of this chapter, or before the commencement of construction of a potable water well whose wellhead protection area would include that installation: either has a Department construction or operation permit or authorization; has submitted a complete construction permit application; has filed a notice of intent to file an application under Rule 62-17.041, F.A.C., or an application under Rule 62-17.051, F.A.C., or has filed an application or request for a meeting with the Department under Rule 62-17.540, F.A.C.; or is exempt from Department permitting or ground water monitoring requirements. Except as provided in Rule 62-521.400, F.A.C., this chapter does not apply to existing installations.

(3) "Installation" means any structure, equipment, facility, or appurtenances thereto, operation, or activity which may be a source of pollution.

(4) "New Installation" means any installation other than an existing installation as defined in subsection (2), above.

(5) "Non-Transient Non-Community Water System" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

(6) "Potable Water Well" means any water well which supplies water for human consumption to a community water system or to a non-transient non-community water system. For the purpose of this rule, any potable water well installed by an installation used to serve that installation's operation is excluded from this definition.

(7) "Wellhead Protection Area" means an area designated by the Department consisting of a 500 foot radial setback distance around a potable water well where ground water is provided the most stringent protection measures to protect the ground water source for a potable water well and includes the surface and subsurface area surrounding the well.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History--New 7-13-95.

62-521.400 Ground Water Protection Measures in Wellhead Protection Areas.

(1) The Department shall require new installations to meet the following restrictions within a wellhead protection area.

(a) New domestic wastewater treatment facilities shall be provided with Class I reliability as described in Chapter 62-600, F.A.C., and flow equalization. New wastewater ponds, basins, and similar facilities shall be lined or sealed to prevent measurable seepage. Unlined reclaimed water storage systems are allowed for reuse projects permitted under Part III of Chapter 62-610, F.A.C.

(b) New reuse and land application projects shall be prohibited except for new projects permitted under Part III of Chapter 62-610, F.A.C.

(c) New domestic wastewater residuals land application sites, as defined in Chapter 62-640, F.A.C., shall be prohibited.

(d) New discharges to ground water of industrial wastewater, as regulated under Chapters 62-660, 62-670, 62-671, and 62-673, F.A.C., shall be prohibited except as provided below:

1. All non-contact cooling water discharges (without additives); and,

2. Discharges specifically allowed within a wellhead protection area in Chapters 62-660, 62-670, 62-671 and 62-673, F.A.C.

(e) New phosphogypsum stack systems, as regulated under Chapter 62-673, F.A.C., are prohibited.

(f) New Class I and Class III underground injection control wells, as regulated in Chapter 62-528, F.A.C., are prohibited.

(g) New Class V underground injection control wells, as regulated in Chapter 62-528, F.A.C., are prohibited except as provided below:

1. Thermal exchange process wells (closed-loop without additives) for use at single family residences; and,
2. Aquifer storage and recovery systems wells, where the injected fluid meets the applicable drinking water quality standards in Chapter 62-550, F.A.C.

(h) New solid waste disposal facilities regulated under Chapter 62-701, F.A.C., are prohibited.

(i) New generators of hazardous waste, as regulated under Chapter 62-730, F.A.C., which excludes household hazardous waste as defined in 40 C.F.R. Part 261.4(b)(1) (1994), hereby incorporated and adopted by reference, shall comply with the secondary containment requirements of 40 C.F.R. Part 264 Subpart I (1994), hereby incorporated and adopted by reference.

(j) New hazardous waste treatment, storage, disposal, and transfer facilities requiring permits under Chapter 62-730, F.A.C., are prohibited.

(k) New aboveground and underground tankage of hazardous wastes regulated under Chapter 62-730, F.A.C., is prohibited.

(l) Underground storage tanks regulated under Chapter 62-761, F.A.C., shall not be installed 90 days after the effective date of this rule. Replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, or addition of new underground storage tanks regulated under Chapter 62-761, F.A.C., at a facility with other such underground storage tanks is exempt from this provision, provided that the replacement or new underground storage tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

(m) Aboveground storage tanks regulated under Chapter 62-762, F.A.C., shall not be installed 90 days after the effective date of this rule. Replacement or upgrading of an existing aboveground storage tank or addition of new aboveground storage tanks which are regulated under Chapter 62-762, F.A.C., at a facility with other such aboveground storage tanks is exempt from this provision, provided that the replacement or new aboveground storage tank system meets the applicable provisions of Chapter 62-762, F.A.C.

(n) Storage tanks which meet the auxiliary power provisions of subsection 62-555.320(6), F.A.C., for operation of a potable water well and storage tanks for substances used for the treatment of potable water are exempt from the provisions of this rule. Storage tanks regulated under Chapters 62-761 and 62-762, F.A.C., shall continue to meet the requirements of those chapters.

(o) Applicants should take note that to prevent the vertical migration of fluids, a water management district may require a construction permit for new water wells, which shall meet the applicable construction standards contained in Chapter 62-532, F.A.C.

(2) Emergency equipment, including storage tanks, that is necessary to provide power to ensure a continuous supply on an emergency basis of public water supply, electrical power, sewer service, telephone service, or other essential services that are of a public benefit are exempt from the provisions of this chapter. This does not exempt these services from meeting other applicable Department rules.

(3) Discharge to ground water from Department approved remedial corrective actions for contaminated sites located within wellhead protection areas shall not be subject to the discharge restrictions in this chapter.

(4) Nothing herein supersedes more stringent setback or permitting requirements contained in other Department rules.