

## Notice of Proposed Rule

### **WATER MANAGEMENT DISTRICTS**

#### **South Florida Water Management District**

##### **RULE NO.: RULE TITLE:**

40E-3.011: Policy and Purpose

40E-3.021: Definitions

40E-3.035: Agreements

40E-3.036: Rules and Publications Incorporated by Reference

40E-3.038: Violations of Contractor Licensing and Well Construction Requirements

40E-3.040: Scope of Part I

40E-3.041: Permits Required

40E-3.042: Multiple Wells Under a Single Permit

40E-3.051: Exemptions

40E-3.101: Content of Application

40E-3.321: Duration of Permits

40E-3.341: Suspension and Revocation

40E-3.411: Well Completion Reports

40E-3.451: Emergency Authorization

40E-3.461: Inspection

40E-3.500: Scope of Part II

40E-3.502: Construction Methods

40E-3.507: Casing and Liner Pipe Standards

40E-3.517: Grouting and Sealing

40E-3.600: Scope of Part VI

**PURPOSE AND EFFECT:** To update the District's water well regulation rules to reflect recent statutory amendments for water well contractor licensing, create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, incorporate by reference updated versions of related rules adopted by the Department of Environmental Protection (DEP), incorporate materials and forms that are already incorporated into DEP's well construction rules, and make non-substantive amendments.

**SUMMARY:** Rule 40E-3.011, F.A.C., is amended to add "F.A.C." after a rule reference; Rule 40E-3.021, F.A.C., is amendment to update a rule reference; Rule 40E-3.035, F.A.C., is amended to include hyperlinks to the delegation agreements with local permitting authorities, Rule 40E-3.036, F.A.C., is amended to incorporate updated Chapter 62-531, F.A.C., and its incorporated Water Well Contractor Disciplinary Guidelines and Citations Dictionary and Water Well Contractor Continuing Education Program Manual, Chapter 62-532, F.A.C., Rules 62-555.310, 62-555.312, 62-555.315(1), Chapter 62-524, F.A.C., and DEP Form 3, Application for Continuing Education Coursework Approval, Florida Water Well Contractor Continuing Education Program, and Form 4, Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program, and correct reference to the subsection referenced in 40E-3.036(2)(e), and correct title to material incorporated in 40E-3.036(2)(h); amend Rule 40E-3.038, F.A.C., to incorporate updated Form No. 0186 of DEP, State of Florida Water Well Contractor's License Application, and add reference to Chapter 62-532, F.A.C.;

amend Rule 40E-3.040 to delete reference to repealed Chapter 40E-40, F.A.C.; amend Rule 40E-3.041, F.A.C., to add punctuation; add new Rule 40E-3.042, F.A.C., authorizing multiple wells under a single permit; amend Rule 40E-3.051, F.A.C., to correct a rule reference, delete repealed Chapter 40E-40, F.A.C., and delete exemption for a well which has received a permit under Chapter 62-528, F.A.C.; amend Rule 40E-3.101, F.A.C., to delete redundant language, correct punctuation, add (s) for multiple wells, update language regarding location of well(s), and update reference to Table A which is no longer titled "Summary of Groundwater (Well) Facilities;" amend Rules 40E-3.321, 40E-3.341, 40E-3.461, 40E-3.500, F.A.C., to correct punctuation; amend Rule 40E-3.411, F.A.C., to add rule reference and make incorporation language consistent with other rules; amend Rule 40E-3.451, F.A.C., to correct a grammatical error; amend Rule 40E-3.501, to add reference to Chapter 62-524, F.A.C., and to correct punctuation; amend Rules 40E-3.507 and 40E-3.517, F.A.C., to correct rule references and punctuation; and amend Rule 40E-3.600, F.A.C., to reflect this rule pertains to Part II of this Chapter rather than Part IV.

#### **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed rule amendments. There will be some cost savings resulting from the new rule allowing multiple wells under a single permit. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.119, 373.171, 373.309, 373.333, 373.337, F.S.

**LAW IMPLEMENTED:** 373.019, 373.103, 373.106, 373.113, 373.118, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.326, 373.329, 373.333, 373.336, 373.342, F.S.

#### **IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District's Clerk's Office, (800) 432-2045, ext. 2087, or (561) 682-2087.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kellie Madison, Section Leader, Water Use Bureau, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045, ext. 6906 or (561) 682-6906, email: kmadison@sfwmd.gov, or Jennifer Brown, Sr. Attorney, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045, ext. 2258 or (561) 682-2258. For procedural questions, contact Jan Sluth, Sr. Paralegal, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045, ext. 6299 or (561) 682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

**40E-3.011 Policy and Purpose.**

(1) No Change.

(2) Additional District rules relating to water wells are found in Chapters 40E-5 (Artificial Recharge) and 40E-2, F.A.C. (Consumptive Use).

*Rulemaking Authority 373.044, 373.113, 373.171 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. History—New 1-1-85, Amended 12-19-89, 3-16-05, 7-14-14,\_\_\_\_\_.*

**40E-3.021 Definitions.**

When used in this chapter:

(1) through (18) No Change.

(19) All definitions contained in Section 373.303, F.S. and Chapters 62-531 and 62-532, F.A.C., are adopted and incorporated by reference in subsections ~~paragraphs~~ 40E-3.036

(1)~~(a)~~ and (2) ~~(c)~~, F.A.C., respectively.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, 9-26-12, 7-14-14,\_\_\_\_\_.*

**40E-3.035 Agreements.**

The Governing Board hereby incorporates by reference the following documents, which are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436, or (561) 682-6436:

(1) "Delegation Agreement between South Florida Water Management District and Lee County for Regulation of Water Wells," ~~dated~~ (September 13, 2005) [HYPERLINK].

(2) "Delegation Agreement between South Florida Water Management District and Miami-Dade County Health Department", ~~dated~~ (August 10, 2005) [HYPERLINK].

(3) "Agreement between Collier County and South Florida Water Management District," ~~dated~~ (February 5, 1985) [HYPERLINK]; "Amendment to Agreement between South Florida Water Management District and Collier County" (February 28, 1989) [HYPERLINK]; "Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Collier County," ~~dated~~ (May 11, 2005) [HYPERLINK].

(4) "Agreement between the City of Cape Coral and South Florida Water Management District," ~~dated~~ (October 10, 1986) [HYPERLINK]; "Amendment to the Water Well

Construction Permit Program Delegation Agreement between South Florida Water Management District and the City of Cape Coral;” ~~dated~~ (August 10, 2005) [\[HYPERLINK\]](#).

(5) “Agreement between the Martin County Health Department and South Florida Water Management District;” ~~dated~~ (June 12, 1998) [\[HYPERLINK\]](#); “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Martin County Health Department;” ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#); “Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Martin County Health Department;” ~~dated~~ (May 13, 2010) [\[HYPERLINK\]](#).

(6) “Agreement between the Osceola County Health Department and South Florida Water Management District;” ~~dated~~ (February 11, 1999) [\[HYPERLINK\]](#); “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Osceola County Health Department;” ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#).

(7) “Agreement between the St. Lucie County Health Department and South Florida Water Management District;” ~~dated~~ (April 13, 2000) [\[HYPERLINK\]](#); “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and St. Lucie County Health Department;” ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#); “Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and St. Lucie County Health Department;” ~~dated~~ (May 13, 2010) [\[HYPERLINK\]](#).

(8) “Agreement between the Hendry County Health Department and South Florida Water Management District;” ~~dated~~ (September 14, 2000) [\[HYPERLINK\]](#); “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Hendry County Health Department;” ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#).

(9) “Agreement between the Okeechobee County Health Department and South Florida Water Management District;” ~~dated~~ (April 11, 2002) [\[HYPERLINK\]](#); “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Okeechobee County Health Department;” ~~dated~~ (April 18, 2005) [\[HYPERLINK\]](#); “Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Okeechobee County Health Department;” ~~dated~~ (May 13, 2010) [\[HYPERLINK\]](#).

(10) “Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Glades County Health Department;” ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(11) “Delegation Agreement between South Florida Water Management District and Orange County Health Department;” ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(12) “Delegation Agreement between South Florida Water Management District and Osceola County and Polk County Health Departments;” ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(13) “Delegation Agreement between South Florida Water Management District and Palm Beach County Health Department;” ~~dated~~ (May 11, 2005) [\[HYPERLINK\]](#).

(14) “Delegation Agreement between South Florida Water Management District and State of Florida Department of Health, Broward County Health Department;” ~~dated~~ (June 8, 2005) [\[HYPERLINK\]](#).

(15) "Delegation Agreement between South Florida Water Management District and Highlands County Health Department;" dated (May 13, 2010) [HYPERLINK].  
*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended 8-26-10,\_\_\_\_\_.*

#### **40E-3.036 Rules and Publications Incorporated by Reference.**

The following Department rules, publications, standards and forms ~~are incorporated by reference herein~~, regarding construction, repair, and ~~abandonment~~ abandonment of wells, and shall apply to the well contractor licensing program administered by the District, and are incorporated by reference herein. Copies may be obtained by contacting the Department or the District in accordance with subsection (8) below:-

(1) Chapter 62-531, F.A.C., Water Well Contractor Licensing Requirements (June 22, 2014) (11-25-07), [https://www.flrules.org/Gateway/ChapterHome.asp?Chapter=62-531], ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~ The following publications referenced in Chapter 62-531, F.A.C., are also incorporated by reference herein:

(a) The Department's Water Well Contractor Disciplinary Guidelines and Citations Dictionary Procedures Manual (June 22, 2014) (October 2002) [https://www.flrules.org/Gateway/reference.asp?No=Ref-03955], incorporated by reference in subsection 62-531.450(15), F.A.C., ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436;~~

(b) The Department's Water Well Contractor Continuing Education Program Manual for Coursework and Continuing Education for Water Well Contractors, Department of Environmental Protection (June 22, 2014) (November 2006), [https://www.flrules.org/gateway/reference.asp?No=Ref-03954], incorporated by reference in subsection 62-531.300(2), F.A.C., ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, MS 3680, Tallahassee, FL 32399-2400; telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436;~~

(2) Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements (October 7, 2010) (10-07-10), [https://www.flrules.org/Gateway/reference.asp?No=Ref-00574], ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~ The following publications referenced in Chapter 62-532, F.A.C., are also incorporated by reference herein:

(a) through (d) No Change.

(e) 2008 NSF International Standard/American National Standard NSF/ANSI 14-2008e, Plastics Piping System Components and Related Materials; NSF International Standard/American National Standard NSF/ANSI 61-2008, Drinking Water System Components – Health Effects, incorporated by reference in paragraph 62-532.500(1)(ga), F.A.C. Copies of

these copyrighted standards may be obtained from NSF International, P. O. Box 130140, Ann Arbor, MI 48113-0140;

(f) and (g) No Change.

(h) Grouting and Sealing for Vertical Geothermal Heat Pump Systems Engineering Design and Field Procedures Manual, published by the International Ground Source Heat Pump Association, First Edition 2000, Oklahoma State University, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018.

(3) Rule 62-555.310, F.A.C., Source and Siting Requirements for Public Water Systems (August 28, 2003 8-28-03); [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01538>], ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(4) Rule 62-555.312, F.A.C., Location of Public Water System Wells (August 28, 2003 8-28-03); [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01539>]; ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(5) Subsection 62-555.315(1), F.A.C., Public Water System Wells – Well Security (August 28, 2003 8-28-03); [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01540>]; ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(6) Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas (June 27, 2000 6-27-00); [<https://www.flrules.org/Gateway/reference.asp?No=Ref-00572>], and the maps containing Delineated Areas for the following Counties: Broward, Glades, Highlands, Martin, Miami-Dade, Orange, Osceola, Polk, and St. Lucie, incorporated by reference in Rule 62-524.430, F.A.C. [<https://www.flrules.org/Gateway/reference.asp?No=Ref-01529>]. Copies may be obtained; upon receipt of reproduction and other appropriate costs, ~~from the Department of Environmental Protection, Bureau of Information Systems, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District Clerk's office, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(7) ~~The Department's Florida Unified Citations Dictionary for Well Construction (October 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-03078>, a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(7) (8) The following Department forms are incorporated by reference into this chapter and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District:

(a) and (b) No Change.

(c) Application for a State of Florida Water Well Contractor's License, DEP Form 0186, incorporated by reference in subsection 40E-3.038(1 3), F.A.C.

(d) Application for Continuing Education Coursework Approval, Florida Water Well Contractor Continuing Education Program, DEP Form 3 (June 2014)  
[https://www.flrules.org/gateway/reference.asp?No=Ref-04130], incorporated by reference in Rule 62-531.300, F.A.C.

(e) Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program, DEP Form 4 (June 2014)  
[https://www.flrules.org/gateway/reference.asp?No=Ref-04131], incorporated by reference in Rule 62-531.300, F.A.C.

(8) All rules and publications incorporated by reference herein, other than the copyrighted materials identified in paragraphs (2)(a) through (h) herein, may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (800) 432-2045 ext. 6436 or (561) 686-6436.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended 9-8-13,\_\_\_\_\_.*

#### **40E-3.038 Violations of Contractor Licensing and Well Construction Requirements.**

(1) Applications for a water well contractor license shall be filed with the District on Form 0186, (09-2012), “Application for a State of Florida Water Well Contractor’s License Application”, (September 2012) ~~incorporated by reference herein:~~  
[https://www.flrules.org/Gateway/reference.asp?No=Ref-01635], incorporated by reference herein, which is Form 0186 is available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436 or (561) 682-6436, and the delegated permitting authorities’ offices, as identified in Rule 40E-3.035, F.A.C.

(2) No Change.

(3) Violations of the contractor licensing requirements and well construction requirements are provided by Chapter 373, F.S., and Chapters 62-531 and 62-532, F.A.C.

(4) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History—New 12-19-89, Amended 3-16-05, 9-26-12,\_\_\_\_\_.*

#### **40E-3.040 Scope of Part I.**

The rules in this part relate to the permitting requirements applicable to the construction, repair, or abandonment of wells. Unless expressly exempt by statute or this rule, all wells must be permitted prior to construction, repair, or abandonment and must be constructed, repaired, or abandoned by a licensed water well contractor. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use); or Chapters 40E-4 and 62-330 (Environmental Resource Permits Surface Water Management), or Chapter 40E-40 (General Surface Water Management Permits), F.A.C.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.316, 373.326, 373.342 FS. History—New 1-1-85, 7-14-14,\_\_\_\_\_.*

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

(1) Unless expressly exempted by statute or District rule, a permit must be obtained from the District or delegated agency prior to the construction, repair, or abandonment of any water well within the District's jurisdiction.

(2) and (3) No Change.

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

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.309, 373.313, 373.316 FS. History—New 1-1-85, Amended 3-16-05, 7-14-14, \_\_\_\_\_.*

#### **40E-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 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.

(4) 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 \_\_\_\_\_*

#### **40E-3.051 Exemptions.**

(1) The following wells are exempt from Rule 40E-3.041, F.A.C.:

(a) and (b) No Change.

(c) A test hole, as defined in subsection 40E-3.021(14) ~~(27)~~, F.A.C.

(d) A well classified as a Class I, Class II, Class III, Class IV, or Class V Groups 2-9 intended for use as an injection well, which has received a permit under Chapter 62-528, F.A.C. Such wells are exempt from the construction standards in this chapter, provided the applicable standards of Chapter 62-528, F.A.C., are met. A well classified as a Class V Group 1 well under Chapter 62-528, F.A.C., is not exempt from Rule 40E-3.041, F.A.C.

(2) These exemptions do not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use); or Chapters 40E-4 and 62-330, F.A.C. (Environmental Resource Permits); or Chapter 40E-40 (Environmental Resource Standard General Permits), F.A.C.



**40E-3.101 Content of Application.**

(1) No Change.

(2) All applications shall be submitted with the required non-refundable fee pursuant to Rule 40E-1.607, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, as identified in Rule 40E-3.035, F.A.C., ~~shall be submitted with the permit application.~~

(3) Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated, as identified in Rule 40E-3.035, F.A.C. The application for the construction, repair, or abandonment of water well(s) shall contain:

(a) The name, address, telephone number, license number and signature of the licensed contractor who will be constructing the well(s), except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: “Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well(s), will be submitted to the District”;

(b) The name, address, telephone number and signature of the property owner or his agent, if applicable, on whose property the well(s) is being drilled;

(c) Written authorization from the owner designating the authorized agent, if any;

(d) The location of the well(s) ~~(to the nearest one-quarter quarter section, or latitude and longitude to the nearest second; or Florida State Planar Coordinates to the nearest one hundred feet and section, township and range)~~, and property site map of each the well location, depicting land marks and providing a scale;

(e) The expected cased depth and total depth of the well;

(f) The proposed use of the well;

(g) The proposed grouting interval;

(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair, or abandonment methods, specifications including casing types, casing diameters; open hole or screened intervals, sizes and screen openings; and proposed grouting materials;

(i) The proposed method of construction and completion of each the well, or the method of plugging and abandoning of each the well;

(j) The anticipated starting date to begin drilling;

(k) The District water use permit number, the water use application number, and each the well number from the water use permit Summary of Groundwater (Well) Facilities Table A, if applicable;

(l) A well completion report and/or lithologic or cuttings log for any test hole or water test well and testing results, which is being requested to be converted to a water well;

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and a scaled map showing the well location, property boundaries, existing buildings or physical features, the location of all known

and proposed sources of contamination within a 500 feet radius of the proposed well location, and,

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum, shall include:

1. and 2. No Change.

3. A site map showing the location of the water test well(s) and any observation wells.

(4) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 11-8-99, 3-16-05, 9-26-12,\_\_\_\_\_.*

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

(1) No Change.

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

(3) and (4) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 3-16-05,\_\_\_\_\_.*

#### **40E-3.341 Suspension and Revocation.**

The District or delegated agency may suspend or revoke a permit to construct, repair, or abandon a well by written notice to the permittee under any of the following circumstances:

(1) through (3) No Change.

(4) Unforeseen circumstances which may create a danger to the water resources or the public health, safety, or welfare, if the well is constructed as permitted; or,

(5) No Change.

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History—New 1-1-85, Amended 3-16-05,\_\_\_\_\_.*

#### **40E-3.411 Well Completion Reports.**

(1) The water well contractor shall complete and submit DEP Form 62-532.900(2), ~~(10-07-10)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00578>, “State of Florida Well Completion Report,” ~~(October 7, 2010)~~ [https://www.flrules.org/Gateway/reference.asp?No=Ref-00578], incorporated by reference herein, to the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., for the construction, repair, or abandonment of all wells, regardless of whether a permit is required under Rules ~~40E-3.041~~, 40E-3.101, and 40E-3.600, F.A.C. Well completion reports shall be filed with the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., within 30 days of the completion of the work, using DEP Form 62-532.900(2). Copies of DEP Form 62-532.900(2) are available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436 or (561) 682-6436, and the delegated permitting authorities’ offices, as identified in Rule 40E-3.035, F.A.C. Well completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.

(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, 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.

(3) and (4) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 3-16-05, 9-26-12,\_\_\_\_\_.*

#### **40E-3.451 Emergency Authorization.**

(1) Emergency water well construction permits may be issued by the Executive Director or their designee when one of the following conditions exists which justifies the issuance:

(a) through (d) No Change.

(2) and (3) No Change.

*Rulemaking Authority 373.044, 373.119, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 7-2-98, 3-16-05, 7-14-14,\_\_\_\_\_.*

#### **40E-3.461 Inspection.**

(1) The District or delegated agency is authorized to inspect any well or abandoned well within its jurisdiction, including those wells permitted under Rule 40E-3.041, F.A.C. Inspections shall be done as necessary to insure conformity with applicable standards. Duly authorized representatives of the District or delegated agency, upon presenting proper identification and at reasonable times, may enter upon any premises for the purpose of such inspection. Such inspection may include, but need not be limited to, geophysical logging, water level measurements, or other methods.

(2) through (8) No Change.

*Rulemaking Authority 373.044, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.319 FS. History—New 1-1-85, Amended 3-16-05,\_\_\_\_\_.*

#### **40E-3.500 Scope of Part II.**

The rules in this part relate to the standards and criteria for the construction, repair, and abandonment of wells. All wells within the District unless specifically exempted under Rule 40E-3.051, F.A.C., must comply with these standards regardless of whether a permit is required under Part I.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—New 1-1-85,\_\_\_\_\_.*

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

(1) No Change.

(a) In those areas exempted by the District with the concurrence of the Department; or,

(b) For public water supply wells or limited use public supply wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-555 or Chapter 64E-8, F.A.C., respectively; or,

(c) For monitor wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-761, F.A.C., covering underground storage tank systems; or,

(d) For water wells permitted under Chapter 62-524, F.A.C., delineated areas, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-524 ~~62-534~~, F.A.C., or special criteria developed for specific designated areas; or,

(e) No Change.

(2) The District may designate special well construction standards areas by ~~e~~Emergency ~~r~~Rule to prevent transport of surface contaminants to groundwater 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 in cooperation with other state agencies, local jurisdictions, and the regulated public, in accordance with Chapter 120, F.S., provisions for emergency rule-making.

*Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, \_\_\_\_\_.*

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

(1) No Change.

(2) No Change.

(a) Any annular space including the overlapped section shall be grouted in accordance with paragraph 62-532.500(3)(i)4, ~~subsection (4)~~, F.A.C. incorporated by reference in subsection paragraph 40E-3.036(2) 40E-3.036(1)(e), F.A.C. The grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers is prohibited.

(b) through (e) No Change.

*Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, 9-26-12, \_\_\_\_\_.*

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

Wells shall be grouted and sealed in accordance with paragraph 62-532.500(3)(i), F.A.C., incorporated by reference in subsection paragraph 40E-3.036(2) 40E-3.036(1)(e), F.A.C., 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 pressure in artesian aquifers.

(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 paragraph 62-532.500(3)(i), F.A.C., incorporated by reference in subsection paragraph 40E-3.036(2) 40E-3.036(1)(e), F.A.C.

(2) through (7) No Change.

(8) Water wells constructed using Bentonite grouts shall meet all the following requirements:

(a) and (b) No Change.

(c) Neat cement must be placed in the upper ten (10) feet of the annular space to prevent deterioration of, or damage to, the bentonite seal; ~~and~~

(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches or less. Use of bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids;-

(e) Bentonite grout may be used for abandonment purposes for any well. However, it cannot be used to abandon a dry well, or a well which flows to surface 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;-

(f) Bentonite chips or pellets used for abandonment purposes may not be placed in any well casing or hole less than three inches in diameter or for sealing the annular space of any well; ~~and,~~

(g) No Change.

*Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, 9-26-12,\_\_\_\_\_.*

**40E-3.600 Scope of Part ~~III~~ VI.**

(1) This part ~~“Part VI of Chapter 40E-3, F.A.C.,”~~ grants a general permit for certain specified well construction, repair, or abandonment activities which have been determined by the District to exist in unique geographic areas.

(2) The construction, repair, or abandonment of wells in accordance with Rule 40E- 3.601, F.A.C., ~~is~~ ~~are~~ authorized subject to the requirements of Part III ~~Part VI~~ of this chapter.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309 FS. Law Implemented, 373.113, 373.118, 373.306, 373.308, 373.309, 373.342 FS. History—New 9-26-12,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria C. Clemente, Bureau Chief, Water Use Bureau

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 25, 2014