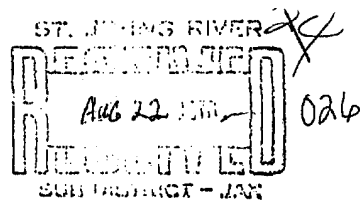


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MEMORANDUM OF UNDERSTANDING

Between

THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

And

THE DEPARTMENT OF ENVIRONMENTAL REGULATION

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 17<sup>th</sup> day of August, 1978, by the Suwannee River Water Management District (hereinafter SRWMD) and the State of Florida Department of Environmental Regulation (hereinafter DER):

W I T N E S S E T H :

Part I. PUBLIC DRINKING WATER APPLICATIONS

WHEREAS, the Legislature of the State of Florida has enacted the Florida Safe Drinking Water Act, Sections 403.850-403.861, Florida Statutes, and

DER has promulgated regulations to implement the requirements of that Act as well as to acquire primacy for the State of Florida, and

DER has promulgated Chapter 17-22, Florida Administrative Code, which establishes rules containing criteria for water supply wells, and

DER, through the Water Resources Act of 1973, Chapter 373, Part III, Florida Statutes, has promulgated Chapter 17-21, Florida Administrative Code, which establishes rules containing criteria for wells generally, and

DER has delegated the performance of the permitting of wells under Chapter 373, Florida Statutes, and chapter 17-21, Florida Administrative Code, to SRWMD and the district has accepted the delegation, and

It is the intention of DER and SRWMD to implement the legislature's mandate to eliminate two-stop permitting whenever possible.

NOW, THEREFORE, SRWMD AND DER agree as follows:

1. Any landowner or licensed water well contractor desiring to construct a well to supply a public water system, as defined by Chapter 17-22, Florida Administrative Code, and Chapter 403, Florida Statutes, shall submit an application to SRWMD in accordance with the provisions of Chapters 17-21 and 17-22, Florida Administrative Code. Within one working day following receipt of the application SRWMD shall forward a copy of the application and all supportive documents to DER for simultaneous review.
2. The application filed with SRWMD shall be accompanied by an application fee as required by the rules of SRWMD. The fee shall be retained by SRWMD.
3. The DER district office shall review the application and attachments for completeness, pursuant to Section 17-22.106 (1) and (2) (b), Florida Administrative Code.
  - A. If the application is complete, a site inspection under Section 17-22.106(1) and (2)(b), Florida Administrative Code, shall be conducted by DER or the appropriate county health department. The time schedules in Chapter 120, Florida Statutes, shall begin upon receipt of the application by SRWMD.
  - B. If the application is incomplete, DER shall, pursuant to Chapter 120, Florida Statutes, request additional information through SRWMD within five (5) calendar days of DER's receipt of the application. SRWMD shall provide DER with a copy of all relevant correspondence and the additional information as received.
  - C. Within thirty (30) days from receipt of all additional requested information, DER shall submit to SRWMD, a recommendation as to issuance or denial. The recommendation shall include a statement of reasons therefore, citation of supporting rules, and, where appropriate,

conditions desired in the permit.

- D. If the application is complete but the site inspection reveals additional problems, DER shall attempt to resolve the problems with the owner and well contractor within the time allowed for processing the application under Chapter 120, Florida Statutes. If the problems cannot be resolved, a letter will be forwarded to SRWMD no later than ten (10) days prior to the date agency action is required under Chapter 120, Florida Statutes, recommending denial of the proposed well permit with the reasons for that recommendation and citation of supporting rule criteria. SRWMD shall issue all letters of intent to deny.
4. Requests for administrative hearing shall be directed to SRWMD which shall provide for a hearing and take final action on any application following the hearing.
    - A. If the hearing is necessitated solely by virtue of the recommendation from DER, DER shall reimburse SRWMD for actual reasonable hearing costs and subsequent administrative or legal costs, not including attorneys fees, which are necessarily incurred to resolve the conflict. Cost shall be incurred by SRWMD on behalf of DER only upon specific authorization from the DER's Office of General Counsel. Reimbursement shall only be required for costs incurred due to specific authorization.
    - B. If the hearing is necessitated by recommendations from SRWMD, SRWMD shall bear all costs incurred in connection with the hearing and any subsequent administrative or legal costs incurred to resolve the conflict.
    - C. In the event that recommendations from both parties necessitate administrative or legal activity, the parties shall allocate the costs therefore between themselves equitably. However, costs shall be incurred by SRWMD on

behalf of DER only upon specific authorization from DER's Office of General Counsel. Reimbursement shall only be required for costs incurred due to specific authorization.

- D. Costs incurred for hearings or legal activity generated by intervenors shall be borne by the party(s) according to A through C above, depending on the area of function in dispute.

Part II. APPLICATIONS FOR PROJECTS INVOLVING THE CONSTRUCTION AND OPERATION OF ARTIFICIAL RECHARGE FACILITIES

WHEREAS, SRWMD regulates the construction, repair, abandonment and conversion of disposal, storage, test, or connector wells under Chapter 16H-5, Florida Administrative Code, and

DER desires an opportunity to comment upon and provide technical input into SRWMD's regulatory process;

THEREFORE, SRWMD and DER agree that the following procedures shall apply to all artificial recharge systems which involve the intentional introduction of fluids into any underground formation for which a permit is required under Chapter 16H-5, Florida Administrative Code:

1. Not later than two working days following receipt of an artificial recharge facility application SRWMD shall mail DER one copy of the application and all applicable supporting documents.
2. Any additional information needed by DER shall be requested through SRWMD within five (5) calendar days of DER's receipt of the application. SRWMD shall provide copies of all transmitted materials and correspondence to DER.
3. Within fifteen calendar days of receipt by DER of a completed application, DER shall forward its comments and applicable supportive material to SRWMD for processing.
4. Both agencies shall work together and with the applicant to resolve any objections either may have to any aspect of the proposed project.

5. If SRWMD proposes to deny the permit, it shall issue a Notice of Rejection along with justification for that notice to the applicant. The applicant shall be provided an opportunity to request an informal or formal hearing pursuant to Chapter 120, Florida Statutes. Requests for hearings shall be directed to SRWMD. Costs of hearings shall be determined as provided in Part I, paragraph 4 of this Memorandum of Understanding.

Part III. APPLICATIONS FOR PROJECTS UTILIZING LAND DISPOSAL OF TREATED WASTEWATER

WHEREAS, DER receives and processes permit applications for projects utilizing land disposal of treated wastewater, and

THE SRWMD desires an opportunity to comment upon and provide technical input into DER's regulatory process;

THEREFORE, the parties agree that the following procedures shall apply to those domestic and industrial projects which require a DER permit and which utilize land application for effluent disposal:

1. Applications shall be filed with the appropriate DER office.
2. Not later than the end of the working day following receipt, the DER office receiving the application will mail to SRWMD one copy of the application and applicable supporting documents.
3. Any additional information needed by SRWMD shall be requested by them through the DER office within five calendar days of SRWMD's receipt of the application.
4. Within fifteen calendar days of the receipt of the completed application, SRWMD shall forward its comments and applicable supportive materials to the DER office processing the application.
5. Both agencies shall work together and with the applicant to resolve any objections either may have to any aspect of the proposed project.
6. If DER proposes to deny the permit, it shall issue a Notice of Intent to Deny along with justification for that notice to the applicant. The applicant shall be provided an

opportunity to request an informal or formal hearing pursuant to Chapter 120, Florida Statutes. Requests for hearings shall be directed to DER. Costs of hearings shall be determined as provided in Part I, paragraph 4 of this Memorandum of Understanding.

This agreement shall not relieve any applicant from complying with permitting requirements of DER relating to water quality, operational or system requirements that may otherwise be regulated by the DER.

Termination of this agreement can be achieved by either party providing the other with written notice of termination no less than thirty (30) days in advance of the desired date of termination.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their respective names the day and year first written above.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

\_\_\_\_\_  
BY *James A. [Signature]*  
Chairman

\_\_\_\_\_  
As to SRWMD Attest *[Signature]*

DEPARTMENT OF ENVIRONMENTAL REGULATION

\_\_\_\_\_  
BY *John Landry*  
Secretary

\_\_\_\_\_  
As to DER Attest: *Mary A. [Signature]*