

Handbook of Florida Water Regulation: Groundwater Discharge Regulations at the Federal Level¹

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Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal federal and state (Florida) laws that directly or indirectly relate to agriculture. This handbook provides a basic overview of the many rights and responsibilities that farmers and farmland owners have under both federal and state laws as well as the appropriate contact information to obtain more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time. Several details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded as a substitute for professional advice. This handbook is not all inclusive in providing information to achieve compliance with the federal and state laws and regulations governing water protection. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, the Florida Cooperative Extension Service, the Institute of Food and Agricultural Sciences, and the University of Florida for any liability claims, damages, or expenses that

may be incurred by any person as a result of reference to or reliance on the information contained in this handbook.

How Does the Federal Government Regulate Groundwater Discharge?

Federal regulation of groundwater consists of a variety of statutory directives administered by a host of administrative agencies. Over sixteen pieces of federal legislation have some effect on groundwater or have the potential of affecting activities and programs relevant to its use. This handbook presents a summary of three of the most important.

What Is the Clean Water Act?

The most important piece of federal legislation is the Clean Water Act. The chief purpose of the Clean Water Act is the elimination of point source pollution to surface water. Groundwater is directly implicated due to the natural linkage of ground and surface water resources. When a party pollutes the surface water, the hydrologic water cycle makes it more likely than not that groundwater is simultaneously being contaminated.

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What Is the National Pollutant Discharge Elimination System?

The National Pollutant Discharge Elimination System (NPDES) places flow limitations on point sources (a recognizable origin of pollution such as a pipe, well, or leaking container) of water pollution. Florida has adopted its own version of the NPDES program. FDEP is the sole Florida agency able to issue NPDES permits.

What Is the Safe Drinking Water Act?

The Safe Drinking Water Act establishes primary and secondary drinking water quality standards for larger types of public water systems that serve at least 15 service connections or serve 25 or more people 60 days or more out of the year. The Safe Drinking Water Act also contains provisions for the notification of the public when water quality maximum contaminant levels are exceeded by public water systems, and further mandates enforcement action when drinking water is not treated properly, exceeds water quality standards, or imposes any undue risk to the public's health.

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