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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 principle Federal and Florida laws that directly or indirectly relate to agriculture. This handbook should provide a basic overview of the many rights and responsibilities that farmers and farmland owners have under both Federal and Florida 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decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at anytime. 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 Florida 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.

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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 surface and groundwater resources. When a party pollutes the surface water, the hydrologic water cycle makes it more likely than not that groundwater is simultaneously being contaminated.

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 a NPDES program. The DEP is the sole agency issuing the NPDES permits with the exception of storm water discharge permitting, which is the responsibility of the Water Management Districts.

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 individual 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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