

# Handbook of Florida Water Regulation: Safe Drinking Water Act<sup>1</sup>

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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decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time.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.

## SDWA Overview

The federal Safe Drinking Water Act (SDWA) was passed in 1974 and has been amended several times to expand both its breadth and the United States Environmental Protection Agency's (EPA) power to enforce it. SDWA's primary purpose, which is to stop contaminants from entering drinking water systems, is accomplished by doing the following:

- Establishing quality standards for drinking water
- Monitoring public water systems
- Guarding against groundwater contamination from injection wells

Among the areas of SDWA coverage, the regulation and permitting of injection wells probably has the most direct agricultural implications. Underground injection endangers drinking water sources if such injection results in the presence in underground water of any contaminants that may eventually affect drinking water quality. While the term "injection well" usually implies a very deep well, the definition of "injection" under SDWA may encompass several types of runoff, including irrigation return flow that enters

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the groundwater. Regulatory agencies therefore regulate the activity of the injection well, not the wells themselves.

## Who Enforces SDWA?

In virtually all states, including Florida, EPA has given up enforcement of SDWA and now serves only to supervise the state programs approved to take its place. While this is true, the 1986 amendments to SDWA gave EPA increased authority to step in and enforce SDWA if the state takes no action within 30 days of receiving notice from EPA that water quality standards of SDWA have been violated. The states must also adopt all new and revised national regulations in order to continue to retain primary enforcement powers.

## What Does SDWA Prohibit?

SDWA prohibits any leakage of contaminants from injection wells into groundwater. Facilities that conduct underground injection are also subject to regulation. Regulations under SDWA create categories of injection wells with different requirements for each. Some injection wells (e.g., hazardous waste wells) are prohibited, while others are subject to various permitting, record-keeping, reporting, and testing requirements. Wells are evaluated in classes, from Class I to Class V, although Class VI was recently approved for geologic sequestration of carbon dioxide. For information on well classification, see <http://water.epa.gov/type/groundwater/uic/wells.cfm>.

## What Are the Penalties under SDWA?

Violations of underground injection well regulations can result in administrative penalties of up to \$125,000. Civil penalties of up to \$25,000 per day are also available, along with criminal penalties of up to three years' imprisonment, in lieu or in addition to civil penalties, for willful violations. In all cases, EPA is required to take action if the states fail to do so.

## Source

42 United States Code, Sections 300f to 300j-26

For further information about SDWA, see <http://water.epa.gov/lawsregs/rulesregs/sdwa/index.cfm>. For Florida Drinking Water Program, see <http://www.dep.state.fl.us/water/drinkingwater/index.htm>.

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