

Handbook of Florida Water Regulation: Notes and Glossary¹

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decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time.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

Notes

The Environmental Information Service Center can connect anyone to Region 4 or assist with agency-related questions Monday through Friday, from 8:00 am to 5:00 pm at (404) 562-9900 or (800) 241-1754.

Glossary

- AD VALOREM TAX – tax imposed on the value of property
- APPURTENANT – any artificial improvement to a dam that might affect the safety of such dam, or when employed might affect the holding capacity of such dam, or reservoir, or impoundment created by such dam
- ARRANGERS – anyone involved in arranging for the transportation of hazardous waste, such as a middle man who contacted the transporter to ship the hazardous waste, etc.
- AQUIFER – huge underground supply of water, which in Florida is stored in cavities of porous limestone
- BASIN BOARDS – water management board with authority to develop water use plans

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- **BEST MANAGEMENT PRACTICES (BMP)** – management and cultural practices designed to efficiently use and conserve the land
- **BLACKWATER** – residential wastewater from toilets or kitchens
- **BROWNFIELD SITE** – real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant
- **BYPRODUCT MATERIAL** – “radioactive material (except special nuclear material) yielded in or made radioactive by exposure to a radiation incident to the process of producing or using special nuclear material; ...any discrete source of radium-226 that is produced, extracted, or converted after extraction...for use for a commercial, medical, or research activity; or any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction...for use for a commercial, medical, or research activity” [United States Nuclear Regulatory Commission, <http://www.nrc.gov/materials/byproduct-mat.html>]
- **CARCINOGEN** – an agent that has been scientifically proven to cause cancer
- **CLOSED SYSTEM** – a system that exchanges neither matter nor energy with its surroundings
- **COMMON LAW** – law determined by courts or custom, in contrast with statutory law or legislatively made law
- **CONTAMINANT** – a measurable amount of a foreign substance
- **DE MICROMIS** – an exemption from CERCLA under which arrangers or transporters of a hazardous waste substance are not liable for cleanup costs as long as they can demonstrate that the amount of the hazardous substances they arranged for the transportation of or transported was less than 110 gallons of liquid materials or less than 200 pounds of solid materials and all or part of the disposal, treatment, or transport occurred before April 1, 2001
- **DEWATERING** – the temporary removal of water by well pumps from subsurface formations for mining, quarrying, or construction purposes
- **EFFLUENT** – liquid discharge from point source; sometimes refers to liquid that comes from a treatment plant after completion of the treatment process
- **EXTREMELY HAZARDOUS SUBSTANCE** – any substance listed as an extremely hazardous substance by EPA under EPCRA
- **FEDERAL CAUSE OF ACTION** – a group of facts giving rise to one or more bases for suing in federal court
- **FELONY/MISDEMEANOR** – felonies are usually punished with high fines and/or prison sentences, while misdemeanors are offenses lower than felonies and punishable by lesser fines and/or shorter prison sentences
- **GREYWATER** – residential wastewater (showers, washing machines, etc.)
- **HAZARDOUS CHEMICAL** – any chemical that is a physical hazard or a health hazard and that is listed as a hazardous chemical by EPA under EPCRA
- **HAZARDOUS WASTE** – waste considered a threat to human health or the environment by EPA; does not include petroleum, although some petroleum products are hazardous wastes
- **INJECTION WELL** – [according to the United States Environmental Protection Agency, as defined in Title 40, Code of Federal Regulations, Section 144.3] “a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or a subsurface fluid distribution system into which fluids (any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state) are emplaced”
- **INJUNCTIVE RELIEF** – court order to prohibit someone from doing some specified act or to command someone to undo some wrong or injury (e.g., a restraining order)
- **JOINT AND SEVERAL LIABILITY** – when a wronged party may sue one or more of the offending parties either separately or together (responsible together and individually)
- **LIEN** – a claim or charge on property for payment of some debt, obligation, or duty
- **LIABILITY** – the state of being bound or obliged in law to do, pay, or make good on something
- **LEACHING** – process by which nutrient chemicals or contaminants are dissolved and carried away by water or are moved into a lower layer of soil

- **MITIGATION** – a legal process by which a penalty or punishment is reduced or made less severe
- **MINIMUM WATER LEVEL** – level of water below which withdrawals would be harmful to the ecosystem or water resources; set by water management districts
- **NITROGEN STABILIZER** – any substance or mixture of substances intended to prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through action on soil bacteria
- **NEGLIGENCE** – failure to use such care as a reasonably prudent and careful person would use under similar circumstances
- **NEGLIGENCE PER SE** – a form of negligence that results from violation of a statute (e.g., running a red light)
- **NONPOINT SOURCE** – nondiscernable source of pollution (i.e., agricultural runoff and urban runoff)
- **PCB** – Polychlorinated Biphenyls, common human-produced carcinogens; often found in coolants, pesticide extenders, flame retardants, sealants, and adhesives
- **PESTICIDE** – any substance used to regulate, prevent, repel, or destroy any pest or plant
- **POINT SOURCE** – discernible channel through which wastes are discharged (i.e., pipes, sewers, and channels)
- **POLLUTANT** – presence of contaminants in water, soil, or air that is present in such a degree that the use of the resource is impaired, includes gasoline or oil, any pesticide, or any ammonia or chlorine compound or derivative
- **RECLAMATION** – process of increasing mined land or other used resource to a higher value by physically changing the land (i.e., wetland reclamation)
- **SOLID WASTE** – trash, sludge, semi-liquid, and gaseous wastes; does not include domestic sewage, irrigation return flow, or pollutants included in NPDES permits
- **SOURCE MATERIAL** – uranium, thorium, or any other material that is determined by the Atomic Energy Commission to be source material; or ores containing one or more of the foregoing materials
- **SPECIAL NUCLEAR MATERIAL** – plutonium, uranium enriched in isotope 233 or in isotope 235, and any other material that is determined by the Atomic Energy Commission to be special nuclear material, not including source material; or any material enriched by any of the foregoing, but not including source material
- **STANDING** – a party's right to make a legal claim or seek judicial enforcement of a duty or right
- **STRICT LIABILITY** – liability without fault, when one is responsible for all consequences regardless of one's fault
- **THREATENED/ENDANGERED SPECIES** – species of plants or animals that are threatened with extinction or are in danger of extinction
- **TOTAL MAXIMUM DAILY LOADS** – the total of the individual discharge allocations for point sources and the discharge allocations for non-point sources and natural background
- **TOXIC CHEMICALS** – those chemicals that present unreasonable risk of injury to public health or the environment and are listed as toxic chemicals by EPA under EPCRA
- **TOXIC SUBSTANCES** – substances carrying a risk to produce birth defects, heart disease, emphysema, or other health problems in humans, or carrying a risk to injure the environment
- **VICARIOUS LIABILITY** – liability of employer based on actions of employee that occur within the scope of his or her employment
- **WETLANDS** – lands supporting vegetation suited to a wetland environment and/or covered periodically with water
- **ZONE OF DISCHARGE** – predefined three-dimensional area underground around a source of water going into the ground, usually has more relaxed water quality standards before the water reaches groundwater supply

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