

YOUR DRINKING WATER



Florida obtains over 90% of its drinking water from ground water sources. Three million Floridians (about 20% of population) get their drinking water from private and small drinking water systems not regulated by the Safe Drinking Water Act. Florida also contains 33 of the approximately 78 first-magnitude springs in the United States, an indication of the significant ground and surface water interchange Florida experiences. To ensure the quality and safety of such drinking water, the regulatory requirements of several state agencies apply to the protection and supply of drinking water. Whether private or public, wells used to withdraw ground water for use as drinking water must be permitted for construction by the water management districts before construction of the wells. Many Floridians receive their water from a public water system, and not from their own well. There are several types of public water systems, and two state agencies—the Florida Department of Environmental Protection (“DEP”) and the Florida Department of Health (“DOH”)—regulate these systems, as discussed below.

Water Wells

The five water management districts (listed at the end of this brochure) each require permits for and impose standards on the construction of all wells used for drinking water. A licensed water well contractor is required to construct all water wells. An exception to this is if the well is two inches or less in diameter and is constructed by the person on property owned or leased for his or her single-family residence or farm. If you have problems with the well constructed by a licensed water well contractor, you may call the water management district that is in your area. There are minimum construction standards that must be met in constructing the well. These include certain distances from potential contaminant sources, depending on what kind of a system the well will serve. The well construction standards (and the permitting requirements) apply even if the well is constructed by a person on his or her own land under the exemption mentioned above. Some water management districts have delegated the water well construction program to the counties or county health departments located within the water management district's boundary.

Public Water Systems and the DEP

The Federal Safe Drinking Water Act (“SDWA”) is administered by the United States Environmental Protection Agency (“EPA”). The EPA has delegated this responsibility to the DEP, which has in turn entered into an agreement with the DOH. In addition, Florida has promulgated its own Safe Drinking Water Act located in Florida Statutes Sections 403.850 to 403.864, which is administered by the DEP. The 6,500

public water systems in Florida are currently divided into three categories. (1) Transient non-community public systems serve water to at least 25 people or 15 connections 60 days out of the year. These systems generally serve places that are not residences, or have only short-term residents, are small businesses, or are seasonal operations. Some examples are trailer camps, convenience stores, and highway rest stops. (2) Non-transient non-community systems serve water to at least 25 people at least 6 months of the year, and the people so served must be the same ones throughout the minimum period of service. These systems include schools, many daycare centers, and businesses with at least 25 employees. (3) Community systems serve at least 25 year-round residents or 15 service connections used by year-round residents. These include many trailer parks, entire towns and cities, and retirement homes. Construction or alteration of any of these systems requires a permit from the DEP or an approved county health department. The water produced from these systems must meet certain water quality standards, be monitored periodically, and be disinfected. If your water is from a DEP-regulated public water system and you have any questions about it, contact either the water system or the DEP. Telephone numbers for the DEP's six districts and the Drinking Water Section in Tallahassee are listed at the end of this brochure.

The Role of the DOH

The DOH regulates other public water systems and water from private wells. In addition, ten approved county health departments (Broward, Hillsborough, Lee, Manatee, Miami-Dade, Palm Beach, Pinellas, Polk, Sarasota, and Volusia), jointly with the DEP, regulate those community, non-transient non-community, and transient non-community systems described above, located within the approved county. The DOH regulates four types of water systems. (1) A limited use commercial public system serves a commercial establishment that provides potable water for public consumption less than 60 days per year and has fewer than 25 employees. An example of this is a system serving water to one or more small shops. (2) A limited use community public water system serves up to 15 connections or less than 25 people who are in residence at least 60 days per year. (3) A private water system serves one or two residences, and only one of these residences may be rented. (4) A multi-family system serves three to four water systems, and only one of the residences may be rented.

If you use a private well or a private well system and suspect that the water you are drinking may be contaminated from an activity that you did not cause, the DOH and the DEP may be able to provide clean water to you. You need to call the health department of the county in which you live. This telephone number is listed in your local telephone book. The health department will ask you some questions and may send an inspector to look at your well and test the water. If you are served by any of the other types of water systems described above, you should call the water provider first.

Occasionally, the system needs to super-disinfect the water, and this can leave the water with a funny taste or smell for a few hours. This procedure is necessary to prevent contamination, and should not be harmful to you. There may also be times when the water system notifies you to boil the water before using it. This will happen

after a water line break. The boiling of the water will kill any bacteria that may have gotten into the line because of the break. Carefully follow the instructions on the notice.

As part of a new federal regulation, all community water systems are required to mail or otherwise directly deliver one copy of their consumer confidence report to every and each of their billing customers. Systems serving 10,000 or more must send the reports via mail. While water systems are free to enhance their reports in any useful way, each report must meet a minimal information disclosure required by the rule, including: (1) the source of the water, (2) the susceptibility to contaminant of the water source, (3) the level of any contaminant actually found, (4) the likely source of that contaminant actually found, (5) the potential health effects of any contaminant detected, (6) the water system's compliance with other drinking-water related rules, (7) the way to get a copy of the water system's complete source water assessment, and (8) phone numbers of additional sources of information including the water system and EPA's Safe Drinking Water Hotline, 800-426-4791.

Contact Information and Resources

To find out how your community scores with regard to environmental health, check out Environmental Defense Fund's Environmental Scorecard webpage. You input your zip code and it will tell you how your county ranked in terms of a variety of environmental factors including air and water pollution, toxic exposure and an environmental justice report. The link is: <http://www.scorecard.org>.

DEP's Drinking Water Program

<http://www.dep.state.fl.us/water/drinkingwater/index.htm>

☛ Drinking Water Program - Tallahassee, 850-245-8624

DEP's Springs of Florida

<http://www.dep.state.fl.us/geology/geologictopics/springs.htm>

DEP's District Offices

☛ Northwest District - Pensacola, 850-595-8300

<http://www.dep.state.fl.us/northwest/>

☛ Northeast District - Jacksonville, 907-807-3300

<http://www.dep.state.fl.us/northeast/>

☛ Central District - Orlando, 407-894-7555

<http://www.dep.state.fl.us/central/>

☛ Southwest District - Tampa, 813-744-6100

<http://www.dep.state.fl.us/southwest/>

☛ South District - Ft. Myers, 239-332-6975

<http://www.dep.state.fl.us/south/>

☛ Southeast District - West Palm Beach, 561-681-6600

<http://www.dep.state.fl.us/southeast/>

Florida Department of Health

<http://www.doh.state.fl.us/>

- ✚ Drinking Water Program - Tallahassee, 850-488-4070
 - <http://www.doh.state.fl.us/environment/water/index.html>
 - e-mail: WaterPrograms@doh.state.fl.us

Florida Water Management Districts

- ✚ Northwest Florida Water Management District - Midway, 850-539-5999
 - <http://www.state.fl.us/nwfwmd/>
 - e-mail: webmaster@nwfwmd.state.fl.us
- ✚ Suwannee River Water Management District – Live Oak, 386-362-1001 or 1-800-226-1066 (toll free in Florida)
 - <http://www.srwmd.state.fl.us/>
 - e-mail: district@srwmd.state.fl.us
- ✚ St. Johns River Water Management District - Palatka, 386-329-4500
 - <http://sjr.state.fl.us/welcome/contactus.html>
- ✚ Southwest Florida Water Management District - Brooksville, 352-796-7211 or 1-800-423-1476 (Florida only)
 - <http://www.swfwmd.state.fl.us/>
 - e-mail: executive@swfwmd.state.fl.us
- ✚ South Florida Water Management District - West Palm Beach, 561-686-8800 or 1-800-432-2045 (Florida only)
 - <http://www.sfwmd.gov/site/index.php?>

Prepared by the Environmental and Land Use Law Section, Committee on Access to Justice

The Environmental and Land Use Law Section (“ELULS”) is an organization within the Florida Bar. One of the ELULS’s major purposes is to promote increased knowledge and understanding of environmental and land use law. In response to the need for increased legal services to people who are unable to afford legal counsel, the ELULS has created a Committee on Access to Justice to encourage pro bono activities in the areas of environmental and land use law. Right now, the ELULS is sponsoring a variety of activities, including *Legal Assistance through Legal Services, Inc. and the Florida Pro Bono Coordinators Association*, *Public Workshops on Environmental and Land Use Law*, and *Educational Materials for Citizens*.

For more information, visit the Florida Bar at <http://www.flabar.org/>; or contact the Environmental and Land Use Law Section, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, 904/561-5623, <http://www.eluls.org>.

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