

CHAPTER 64E-8 DRINKING WATER SYSTEMS

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64E-8.001 Definitions

- (1) "Abandoned water well" -- a well the use of which has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its intended purpose.
- (2) "Construction plan" -- a schematic drawing of the water system components' arrangement and connections, which specifies each component's model, brand, size, and capacity, and the length and size of water pipes.
- (3) "Contaminant source" -- any minor source such as abandoned water wells, flooded areas, reclaimed water distribution systems, sewage collection systems excluding plumbing, onsite sewage treatment and disposal systems, underground pollutant or petroleum storage and piping facilities or other minor sources recognized by well permitting agencies; and major sources such as animal feedlots, sewage treatment systems, sewage, septage or wastewater treatment plant residuals disposal areas, and solid waste disposal facilities.
- (4) "Cross-connection" -- any physical arrangement whereby a potable water system is connected, directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains or may contain contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may contaminate the potable supply as a result of backflow or back siphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices and other temporary or permanent devices through which or because of which backflow can occur are considered to be cross-connections.
- (5) "Disinfectant" -- any oxidant, for example: chlorine, chlorine dioxide, chloramine or a process applied to water, in any part of the treatment or distribution system, that is intended to kill or inactivate pathogenic organisms.
- (6) "Establishment" -- a non-residential building or premise. This term excludes residential-based businesses where there is no public consumption, where patrons do not visit, and where non-resident employees work no more than once per week. This term also excludes non-residential locations where there is no public consumption, where patrons do not visit, and where employees work no more than once per week.
- (7) "Existing system" -- a water system that was constructed and initially placed in service prior to January 1, 1993.
- (8) "Health Advisory Level" (HAL) -- the maximum recommended level of a contaminant in potable water based on human health concerns, as determined by the Florida Department of Health. A list of the chemicals and their established HALs are listed in the *Florida Department of Health Environmental Chemistry Analyte List*, 10/30/07, available from the Department of Health, Division of Environmental Health/Water Programs at: 4052 Bald Cypress Way, Bin C22, Tallahassee, FL, 32399-1742, or http://www.doh.state.fl.us/environment/community/health-advisory/HAL_list.pdf.
- (9) "Limited Use Public Water System"-- a public water system not covered or included in the Florida Safe Drinking Water Act. This includes water systems that serve the following:
 - (a) Two (2) or more rental residences or five (5) or more non-rental residences, but no more than fourteen (14) service connections and no more than twenty-four (24) persons;
 - (b) An establishment that serves any number of persons for less than sixty (60) days per year, or no more than twenty-four (24) persons for any number of days per year, or;
 - (c) An establishment that serves any number of persons for any number of days per year provided that the system serves no more than twenty-four (24) of the same persons for six (6) or more months per year and there

is no oral consumption of the water by the transient population. Oral consumption includes consumption of the water through water fountains, cups, water-based beverages, dishwashing and water used in food preparation.

Oral consumption does not include industrial food or beverage processing.

(10) "Maximum Contaminant Level" (MCL) -- the maximum permissible level of a contaminant in potable water delivered to consumers.

(11) "Modification" -- a change, addition, or deletion of the water system capacity, source, pumping, storage, distribution, or treatment equipment.

(12) "Multifamily Water System" -- a water system that provides piped water to three (3) or four (4) residences, one of which may be a rental residence. Examples include water systems that serve the following:

(a) three (3) or four (4) owner-occupied residences.

(b) two (2) or three (3) owner-occupied residences plus one (1) rental residence.

(c) three (3) or four (4) residences on a property, where one (1) residence is occupied by the property owner and the remaining residences on the property are occupied by non-renting family members of the property owner.

(d) three (3) or four (4) residences on a property, where one (1) residence is occupied by the property owner, one (1) residence is a rental residence, and the remaining residences on the property are occupied by non-renting family members of the property owner.

(13) "Rental residence" -- a structure or part of a structure that is rented for use as a home, residence, or sleeping place by one or more persons. This term applies to a residence occupied by one or more persons other than the property owner as documented on the warranty deed, regardless of the occupant's relationship to the owner, except as described in the examples of Multifamily Water Systems in section (12)(c) and (d) above with regards to non-renting family members. This term also includes facilities where residency is incidental to the provision of employment or medical, geriatric, educational, counseling, religious, or similar services, where each bed in such facilities shall be considered a rental residence. This term does not apply to facilities offering transient residency such as a public lodging establishment.

(14) "Repair" -- replacement of the components in a potable water system with components of equivalent capacity and intended function.

(15) "Sanitary survey" -- a combination inspection and review of the water source, potential contaminant sources, system construction and operation including monitoring compliance and consumption characteristics and maintenance to evaluate the system's capacity to provide potable water.

(16) "Site plan" -- a plan-view drawing, drawn to scale or with actual dimensions noted, of the subject property and the surrounding area, which locates the water source and system, existing and proposed major contaminant sources within one-thousand (1000) feet, existing and proposed minor contaminant sources within two-hundred (200) feet, the slope of land between the water and contaminant sources, and the location of existing and proposed structures on the property.

(17) "Source water" -- raw water as it enters the water system.

(18) "Supplier" -- the person(s), company, corporation or entity that owns or operates a Limited Use Public Water System or Multifamily Water System.

(19) "Water system" -- the mechanical and electrical assembly of one or more pumps, pipes, storage structures, treatment equipment, and distribution network meant to provide water to the plumbing of a building or premise. For the purposes of this chapter, except as described in section 64E-8.007(8), a water system does not include any connections after a master water meter where the water is obtained from a public water system that is covered or included in the Florida Safe Drinking Water Act, the water is not treated, collected or resold after the master water meter, and the end user is not a carrier which conveys passengers in interstate commerce.

Specific Rulemaking Authority 381.006, 403.862(1)(f), FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.024, Amended 1-26-98, 1-24-00, 5-04-08.

64E-8.002 Limited Use Public Water System Construction

No person shall construct a new water well to supply a Limited Use Public Water System unless a well construction permit has been issued by the appropriate water management district or their delegated well permitting agents, in accordance with section 62-532.400, F.A.C. and chapter 40A-3, B-3, C-3, D-3, or E-3, F.A.C. All wells serving Limited Use Public Water Systems must be constructed in accordance with section 62-532.500, F.A.C. and chapter 40A-3, B-3, C-3, D-3, or E-3, F.A.C.

- (1) To apply for new construction or modification of a Limited Use Public Water System, an applicant must complete Form DH 4092B, Application for Limited Use and Multifamily Water System Construction Permit. Form DH 4092B, effective 9/07, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Environmental Health/Water Programs at: 4052 Bald Cypress Way, Bin C22, Tallahassee, Florida, 32399-1742, at www.doh.state.fl.us/environment/water/manual/encl1.htm, or from the County Health Department (CHD). The applicant must submit a completed Form DH 4092B to the Department along with:
- (a) Two (2) copies of a site plan and two (2) copies of a construction plan. Each such plan shall be a minimum size of 8.5 x 11 inches and of sufficient clarity for reproduction.
 - (b) A \$90 processing fee. For newly constructed systems, this fee shall also serve as the annual operating permit fee for the first year, or portion thereof, as described in section 64E-8.004.
- (2) Distances between contaminant sources and potable water supply wells shall be maintained as specified in section 62-532.400(7), F.A.C., Water Well Permitting and Construction Requirements.
- (a) Wells shall be located upgradient of contaminant sources, unless sanitary or safety concerns prevent this placement.
 - (b) Abandonment of wells is required per section 62-532.440, F.A.C.
- (3) Water systems shall be equipped with:
- (a) A conveniently accessible, non-threaded downward opening tap, located at least twelve (12) inches above grade between the source and any storage or treatment equipment.
 - (b) A working pressure gauge.
 - (c) A six (6) foot by six (6) foot by four (4) inch thick concrete apron centered around the well.
 - (d) An aboveground check valve between the raw water source tap and the disinfectant injection point (for systems with chemical disinfection).
 - (e) A well vent as described in section 62-555.320(8)(c), F.A.C., for well pumps installed under a water system construction permit issued by the Department on or after the effective date of this rule, unless the criteria for exemption listed in that section are met.
- (4) Systems shall be sized and designed as follows, unless designed by a professional engineer:
- (a) Calculate Peak Demand (PD) as follows:
PD = (GPD/T) x 0.1 + IF, where:
PD is Peak Demand in Gallons per minute (GPM);
GPD is projected Gallons per day from section 64E-6.008, F.A.C., Table I;
T is daily time of system operation in hours (Use sixteen (16) for limited use community systems or facilities open ten (10) or more hours per day; use eight (8) for all other facilities);
IF is the Irrigation flow factor (Use five (5) if site has lawn or landscaping; use zero (0) if site has none).
 - (b) Minimum storage tank size:
 - 1. A hydropneumatic tank shall be at least ten (10) times the PD. For a flexible diaphragm or bladder tank, the amount of water delivered between pump shutdown and start shall equal or exceed the PD. Therefore:
Gross Storage Tank Volume, no disinfection = PD x 10
Drawdown Volume, bladder tank = PD
 - 2. Beginning on the effective date of this rule, where continuous disinfection is required for groundwater supplied systems to remove confirmed microbiological contamination, Table 1 shall be used to determine the minimum water contact time and free chlorine residual concentration needed at various water temperatures:

Table 1: Minimum Free Chlorine Residual (mg/L)

Contact Time	Water Temperature ¹					
	≥36.0°F	≥41.0°F	≥50.0°F	≥59.0°F	≥68.0°F	≥77.0°F
15 minutes	NA	NA	NA	2.7	2.0	1.4
30 minutes	3.5	2.7	2.0	1.4	1.0	0.7
45 minutes	2.4	1.8	1.4	0.9	0.7	0.5

Table 1 Notes:

Above values are based on a water pH of no greater than 9.0 and a baffling factor of 0.1 (no baffling). Water temperature, pH and free chlorine residuals are based on the water exiting the contact tank.

¹ For initial design of disinfection systems, use the coldest anticipated water temperature exiting the contact tank.

a. Therefore, the effective water contact volume for groundwater supplied systems shall be a minimum of fifteen (15), thirty (30) or forty-five (45) times the PD (to achieve a minimum water contact time of 15, 30 or 45 minutes with the disinfectant at peak demand flow, based on Table 1 values).

b. The effective water contact volume in hydropneumatic tanks shall be no more than 50% of the gross hydropneumatic tank volume, therefore:

$$\text{Gross Hydropneumatic Tank Volume} = \text{PD} \times \text{Contact Time} / 0.5$$

c. A flexible diaphragm or bladder storage tank may not be used as a contact tank.

d. 100% of the volume of a second, airless retention tank may be considered effective volume.

e. Influent and effluent contact tank piping shall enter and exit at opposite ends of the longest tank dimension.

(c) Pump capacity shall be as large as the PD.

(d) Filtration to remove oxidation precipitates shall be required if they invalidate microbiological tests.

(e) Beginning on the effective date of this rule, systems supplied by surface water or cisterns, and systems supplied by groundwater where continuous disinfection is required but is not designed according to Table 1 above, must be designed by a professional engineer and must include treatment designed according to Chapters 3 and 4 of the *Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources*, March 1991 Edition, available from the U.S. Environmental Protection Agency (EPA) at: Office of Groundwater and Drinking Water (4601), Ariel Rios Building, 1200 Pennsylvania Avenue NW, Washington, DC, 20460-0003, or www.epa.gov/safewater/mdbp/implement.html. All such plans must be reviewed and approved by the Department's Bureau of Water Programs.

(5) Piping:

(a) Inside pipe diameter size requirements are as listed in Table 2, unless designed by a professional engineer:

Table 2: Minimum Water System Pipe Size

For GPM ¹ up to:	Or length ² up to:	Use pipe diameter:
6	50'	½"
10	100'	¾"
15	200'	1"
25	300'	1 ¼"
35	400'	1 ½"
60	600'	2"
90	800'	2 ½"
125	1000'	3"

Table 2 Notes:

These figures prevent water velocity from exceeding six (6) feet per second, and pressure loss from exceeding twenty (20) pounds per square inch per one-hundred (100) feet of pipe at peak demand based upon Hazen & Williams friction loss tables using constant = 150.

¹ Use Gallons per minute flow from Peak Demand calculation in section (4) above.

² Distribution pipe lengths shall be summed to find the length factor in column two.

- (b) Potable water pipes shall be no closer than five (5) feet horizontally to building sewer pipes and effluent transmission lines of an onsite sewage treatment and disposal system (OSTDS) as defined in section 64E-6.002, F.A.C. This separation shall not apply where all portions of the bottom of the water pipe within five (5) feet of the sewer pipe are a minimum of twelve (12) inches above the top of the sewer pipe, or the water pipe is sealed with a waterproof sealant within a sleeve of similar or stronger material pipe to a distance of at least five (5) feet from the nearest portion of the sewer pipe.
- (c) Potable water pipes shall meet all separation requirements to sanitary or storm sewers, wastewater or stormwater force mains, and reclaimed water pipelines as described in section 62-555.314, F.A.C.
- (d) Potable water pipes shall be no closer than ten (10) feet horizontally to an OSTDS unless such water pipes are sealed with a waterproof sealant within a sleeve of similar or stronger material pipe to a distance of at least ten (10) feet from the nearest portion of the OSTDS. In no case shall the sleeved water pipe be located within twenty-four (24) inches laterally of the OSTDS. Water pipes within five (5) feet of a drainfield shall not be located at an elevation lower than the drainfield absorption surface.
- (e) Both new and replacement pipes shall be no more than 8.0% lead, and new and replacement flux or solders shall be no more than 0.2% lead.
- (6) All equipment shall be installed and operated in accordance with manufacturer's instructions and specifications. Only food or water-grade chemicals, equipment and materials shall be used. These items shall meet the standards of the U.S. Food and Drug Administration under Title 21 of the Code of Federal Regulations (CFR) Parts 170-199, April 1, 2007; or meet the National Sanitation Foundation/American National Standards Institute, NSF/ANSI Standard 60-2005, entitled *Drinking Water Treatment Chemicals - Health Effects*, and NSF/ANSI Standard 61-2007, entitled *Drinking Water System Components - Health Effects*, available from NSF International at P.O. Box 130140, Ann Arbor, Michigan, 48113-0140; or meet the standards of another ANSI accredited testing and certification organization.
- (7) The Department shall issue a permit to construct or modify a Limited Use Public Water System provided that:
- (a) All items in section (1) above have been submitted.
 - (b) All submitted plans and application materials meet the criteria listed in sections (2) through (6) above.
 - (c) The Department has performed a sanitary survey and has verified that the actual site conditions are as indicated on the submitted plans and application materials and meet the criteria listed in section (2) above.
- (8) Water system construction or modification permits are valid for eighteen (18) months. An extension of time to complete construction or modification shall be granted for a period of ninety (90) days if the Department receives a written request from the applicant prior to expiration of the construction permit and the conditions under which the original construction permit was granted have not changed.
- (9) Upon completion of water system construction or modification, the applicant shall perform a water quality clearance as follows:
- (a) Microbiological analysis of five (5) source water samples:
 - 1. One (1) source water sample shall be collected per day for five (5) days within a period of twenty-three (23) consecutive days. Collection of two (2) samples per day is permitted if collected six (6) hours apart and the pump is run at rated capacity for at least fifteen (15) minutes before each collection.
 - 2. No more than one (1) of these five (5) samples and neither of the last two of these samples shall reveal the presence of coliform bacteria.
 - (b) One (1) microbiological analysis of a remote distribution water sample per day for two (2) consecutive days.
 - (c) One (1) Lead analysis of a first draw water sample collected from an indoor tap after the water has been undisturbed in the plumbing for at least six (6) hours.
 - (d) One (1) Nitrate (Nitrate as N) analysis of a source water sample.
 - (e) Any analyses required per section 64E-8.006(4) or .007.
- The results of such analyses shall not exceed the Maximum Contaminant Levels (MCL) or Health Advisory Levels (HAL) listed in section 64E-8.006(2).
- (10) To obtain approval to place a new or modified Limited Use Public Water System into service, the applicant must submit a completed Form DH 4092A, Application for Limited Use Public Water System Operation, and obtain either an annual operating permit, or a Registration exemption as described in section 64E-8.004(5). Form DH 4092A, effective 9/07, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Environmental Health/Water Programs at: 4052 Bald Cypress Way, Bin C22, Tallahassee, Florida, 32399-1742, at www.doh.state.fl.us/environment/water/manual/encl1.htm, or from the CHD.
- (a) The Department shall then issue an annual operating permit or a Registration provided that:

1. The Department has inspected the system and has verified that it was constructed according to the approved plans, in compliance with this section, and meets the operating and maintenance standards of section 64E-8.005.
 2. Satisfactory results of the analyses listed in section (9) above have been submitted.
 3. A copy of the well completion report prepared per section 62-532.410, F.A.C. has been submitted.
- (b) If deficiencies are found, written notice shall be provided to the applicant by the Department. Deficiencies shall be corrected within ninety (90) days of the expiration date of the construction or modification permit, unless a time extension is granted in writing by the Department.
- (c) Re-inspection requests must be accompanied by a \$40 fee.

Specific Rulemaking Authority 381.006, 403.862(1)(f), FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.025, Amended 1-26-98, 1-24-00, 11-13-00, 10-7-02, 5-04-08.

64E-8.003 Private and Multifamily Water System Construction

Any new or modified Multifamily Water System, any Multifamily Water System that was constructed and initially placed into service on or after January 1, 1993 that did not obtain construction approval from the Department at the time of construction, or any water system that was constructed and initially placed into service on or after January 1, 1993 that is now being converted into a Multifamily Water System, must obtain construction approval from the Department and is subject to the following requirements:

- (1) All new potable wells serving Private or Multifamily Water Systems must be constructed in accordance with section 62-532.500, F.A.C. and chapter 40A-3, B-3, C-3, D-3 or E-3, and shall be separated from major contaminant sources per section 64E-8.002(2).
 - (a) Multifamily Water Systems must also meet the criteria in sections 64E-8.002(4), (5) and (6).
 - (b) Private Water Systems must also meet the criteria in section 64E-8.002(5)(e) and (6).
- (2) To apply for Multifamily Water System construction or modification approval, an applicant must complete and submit Form DH 4092B, effective 9/07, to the Department along with:
 - (a) Two (2) copies of a site plan and two (2) copies of a construction plan. Each such plan shall be a minimum size of 8.5 x 11 inches and of sufficient clarity for reproduction.
 - (b) A \$75 processing fee.
- (3) The Department shall issue a permit to construct or modify a Multifamily Water System provided that:
 - (a) All items in section (2) above have been submitted.
 - (b) All submitted plans and application materials meet the criteria listed in section (1) above for Multifamily Water Systems.
 - (c) The Department has performed a sanitary survey and has verified that the actual site conditions are as indicated on the submitted plans and application materials and meet the criteria listed in section (1) above for Multifamily Water Systems.
- (4) Multifamily Water system construction or modification approval is valid for eighteen (18) months. An extension of time to complete construction or modification shall be granted for a period of ninety (90) days if the Department receives a written request from the applicant prior to expiration of the construction permit and the conditions under which the original construction permit was granted have not changed.
- (5) Upon completion of Multifamily Water System construction, the applicant shall perform a water quality clearance as follows:
 - (a) One (1) microbiological analysis of a source water sample per day for two (2) consecutive days.
 - (b) One (1) microbiological analysis of a remote distribution water sample.
 - (c) One (1) Lead analysis of a first draw water sample collected from an indoor tap after the water has been undisturbed in the plumbing for at least six (6) hours.
 - (d) One (1) Nitrate (Nitrate as N) analysis of a source water sample.

Such analyses shall be performed in accordance with section 64E-8.006(1) and the results of such analyses shall not exceed the MCLs listed in section 64E-8.006(2).

- (6) Upon request by the applicant, the Department shall inspect to determine if the Multifamily System has been constructed in compliance with the approved plans and with this section. Upon a satisfactory inspection by the Department, receipt of satisfactory results of the analyses listed in section (5) above, and receipt of a copy of the

well completion report prepared per section 62-532.410, F.A.C., the Department shall issue written approval to operate the Multifamily Water System.

(a) If deficiencies are found, written notice shall be provided to the applicant by the Department. Deficiencies shall be corrected within ninety (90) days of the expiration date of the construction permit, unless a time extension is granted in writing by the Department.

(b) Re-inspection requests must be accompanied by a \$40 fee.

(7) An Existing water system supplied by a domestic well that was constructed and initially placed into service prior to January 1, 1993 and that is now being converted into a Multifamily Water System, must obtain approval to operate the converted Multifamily System.

(a) Such converted Multifamily Water Systems shall meet the minimum setback distances listed in section (1) above except that a system supplied by a well constructed prior to January 1, 1972 that is greater than or equal to fifty (50) feet from an OSTDS shall be accepted without a variance.

(b) To obtain approval to operate such a converted Multifamily Water System, an applicant must complete and submit Form DH 4092B, effective 9/07, to the Department along with:

1. A site plan of minimum size of 8.5 x 11 inches and of sufficient clarity for reproduction.

2. A \$75 processing fee.

3. Satisfactory water quality results for the analyses listed in section (5) above.

(c) Upon a satisfactory inspection by the Department that verifies compliance with the minimum setback distances listed in (7)(a) above and receipt of the items listed in (7)(b) above, the Department shall issue written approval to the supplier to operate the converted Multifamily Water System.

(d) If deficiencies are found, written notice shall be provided to the applicant by the Department. Re-inspection requests must be accompanied by a \$40 fee.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.026, Amended 1-26-98, 1-24-00, 11-13-00, 10-7-02, 5-04-08.

64E-8.004 Annual Operating Permits, Existing Systems, Systems Constructed On or After 1/1/93, Annual Inspections and Registrations.

(1) Annual operating permits are required for all Limited Use Public Water Systems, except those systems Registered per section (5) below. Issuance of initial annual operating permits for modified or newly constructed and approved Limited Use Public Water Systems is described in section 64E-8.002(10). Annual operating permits are not transferable to new persons, expire on September 30 of each year, and must be renewed on an annual basis. Renewal and change of owner fees for annual operating permits are as follows:

(a) Limited use commercial water systems which serve family day care establishments as described in chapter 65C-20, F.A.C.: Annual renewal; \$30. Change of owner between October 1 and March 31; \$30. Change of owner between April 1 and September 30; \$15.

(b) All other Limited Use Public Water Systems: Annual renewal; \$90. Change of owner between October 1 and March 31; \$90. Change of owner between April 1 and September 30; \$45.

(2) Existing Limited Use Public Water Systems that were constructed and initially placed into service prior to January 1, 1993, except those systems that obtain a Registration per section (5) below, must obtain an annual operating permit from the Department.

(a) To obtain an initial annual operating permit for an Existing system, the following must be submitted to the Department:

1. A completed Form DH 4092A, effective 9/07.

2. A \$90 operating permit fee if between October 1 and March 31, or \$45 operating permit fee if between April 1 and September 30. Limited use commercial water systems which serve family day care establishments as described in chapter 65C-20, F.A.C., shall pay an operating permit fee of \$30 if between October 1 and March 31, or \$15 operating permit fee if between April 1 and September 30.

3. A site plan and a construction plan. Each such plan shall be a minimum size of 8.5 x 11 inches and of sufficient clarity for reproduction.

4. A well completion report, if available.

5. Satisfactory water quality analysis results for the following:

a. One (1) microbiological analysis of a source water sample per day for two (2) consecutive days.

b. One (1) microbiological analysis of a water sample from the distribution system.

- c. One (1) Lead analysis of a first draw water sample collected from an indoor tap after the water been undisturbed in the plumbing for at least six (6) hours.
 - d. One (1) Nitrate (Nitrate as N) analysis of a source water sample.
 - e. Any satisfactory analyses required per section 64E-8.006(4).
- (b) The following requirements shall apply to Existing systems:
- 1. Minimum setback distances listed in section 64E-8.002(2) shall be met except that a system supplied by a well constructed prior to January 1, 1972 that is greater than or equal to fifty (50) feet from an OSTDS, or a well constructed prior to January 1, 1993 that is greater than or equal to seventy-five (75) feet from an OSTDS, shall be accepted without a variance if the OSTDS is in compliance with chapter 64E-6, F.A.C.
 - 2. The well must meet the construction standards that were required at the time of original installation for potable wells.
 - 3. The system must maintain a minimum water pressure of twenty (20) pounds per square inch throughout the water system at all times.
 - 4. The system shall contain no cross-connections.
 - 5. The system must be equipped with a raw water source tap as described in section 64E-8.002(3)(a) or, at a minimum, an outside untreated water tap or hose bib.
 - 6. The system must meet all other operating and maintenance standards of section 64E-8.005.
 - 7. Existing systems supplied by surface water or cisterns must meet the design and treatment standards of section 64E-8.002(4)(e).
- (c) Upon receipt of satisfactory items listed in section (2)(a) above, and a satisfactory inspection by the Department that verifies compliance with section (2)(b) above, the Department shall issue an annual operating permit to the supplier.
- (d) If deficiencies are found, written notice shall be provided to the applicant by the Department. Re-inspection requests must be accompanied by a \$40 fee.
- (e) An Existing water system supplied by a domestic well that was constructed and initially placed into service prior to January 1, 1993 and that is now being converted into a Limited Use Public Water System, must obtain an annual operating permit according to the same requirements for Existing systems as listed in (2)(a) through (d) above, or a Registration exemption as described in section (5) below.
- (3) A Limited Use Public Water System that was constructed and initially placed into service on or after January 1, 1993 that did not obtain construction approval from the Department at the time of construction, or any water system that was constructed and initially placed into service on or after January 1, 1993 that is now being converted into a Limited Use Public Water System, must obtain an annual operating permit or a Registration exemption from the Department and is subject to all construction, water quality clearance and permitting requirements for new Limited Use Public Water Systems as described in section 64E-8.002.
- (4) Each year, prior to expiration and renewal of a Limited Use Public Water System's annual operating permit, the Department shall conduct an inspection of the water system and shall collect and perform one (1) microbiological analysis of a water sample from the distribution system for no additional fee. When treatment includes disinfection, one (1) microbiological source water sample shall also be collected and analyzed on the same day as the distribution water sample. The following standards shall be checked during the inspection and shall be in compliance prior to renewal of an annual operating permit:
- (a) The water pressure must be a minimum of twenty (20) pounds per square inch throughout the water system at all times;
 - (b) The water system shall contain no cross-connections;
 - (c) The system must be equipped with:
 - 1. For systems constructed after January 1, 1993: A raw water source tap as described in section 64E-8.002(3)(a), and a structurally sound concrete apron as described in section 64E-8.002(3)(c), or;
 - 2. For Existing systems: A raw water source tap as described in section 64E-8.002(3)(a), or, at a minimum, an outside untreated water tap or hose bib.
 - (d) All chemically disinfected systems shall have an aboveground check valve between the raw water source tap and the disinfectant injection point;
 - (e) Chemically disinfected systems must be in compliance with the disinfectant residual limits of section 64E-8.005(1)(d);
 - (f) The system must be in compliance with all operating and maintenance standards listed in section 64E-8.005.
 - (g) The system or system use has not been modified without prior approval by the Department.
 - (h) The supplier has submitted all required routine water quality analysis results listed in section 64E-8.006(3).

If deficiencies are found, written notice shall be provided to the supplier by the Department. All reinspections conducted by the Department to verify correction of deficiencies are subject to a reinspection fee of \$40.

(5) Suppliers of Limited Use Commercial Public Water Systems that do not make tap water available for public consumption are eligible for a Registration exemption if the system meets the water quality standards of section 64E-8.006(2) and does not require continuous disinfection to remove microbiological contamination. Registered systems are exempt from obtaining annual operating permits. If corrective treatment equipment is required to correct a chemical MCL or HAL violation, the supplier shall not be eligible for a Registration exemption and shall be required to obtain an annual operating permit, unless the treatment equipment is actively managed and maintained by the Department of Environmental Protection's Water Supply Restoration Program.

(a) The supplier of a newly constructed and approved Limited Use Commercial Public Water System as described in section 64E-8.002(10) may apply for a Registration exemption by submitting a completed Form DH 4095, Application for Limited Use Commercial Water System Registration, along with a \$15 application fee to the Department. Form DH 4095, effective 9/07, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Environmental Health/Water Programs at: 4052 Bald Cypress Way, Bin C22, Tallahassee, Florida, 32399-1742, at www.doh.state.fl.us/environment/water/manual/encl1.htm, or from the CHD. Upon receipt of these items and an inspection by the Department that verifies compliance with the above criteria for Registration, the Department shall issue written authorization to operate the Registered system.

(b) Eligible system owners of Existing systems may apply for a Registration exemption by submitting the following to the Department:

1. A completed Form DH 4092A, Application for Limited Use Public Water System Operation, along with a \$90 application fee. The Department shall waive this requirement upon conversion from a current annually permitted system to a Registered system.
2. A completed Form DH 4095, Application for Limited Use Commercial Water System Registration, along with a \$15 application fee.
3. A site plan and a construction plan. Each drawing shall be a minimum size of 8.5 x 11 inches and of sufficient clarity for reproduction.
4. A well completion report, if available.
5. Satisfactory water quality analysis results for the following:
 - a. One (1) microbiological analysis of a source water sample per day for two (2) consecutive days and one (1) microbiological analysis of a water sample from the distribution system. The Department shall waive these microbiological sampling requirements if the system classification is being changed from a current annually permitted system to a Registered system, or if the supplier is applying for re-registration due to changes in business activity or ownership per section (5)(f) below, provided that all previously required microbiological sample analyses have been satisfactory for the previous calendar year and the system has not been modified without prior approval from the Department.
 - b. One (1) Lead analysis of a first draw water sample collected from an indoor tap after the water been undisturbed in the plumbing for at least six (6) hours, performed within the last five (5) years;
 - c. One (1) Nitrate (Nitrate as N) analysis of a distribution water sample, performed within the last five (5) years.
 - d. Any satisfactory analysis required per section 64E-8.006(4).

(c) Upon receipt of satisfactory items listed in (5)(b) above and a satisfactory inspection by the Department that verifies compliance with section (2)(b)1 through 6 above, the Department shall issue written authorization to operate the Registered system.

(d) If deficiencies are found, written notice shall be provided to the applicant by the Department. Re-inspection requests must be accompanied by a \$40 fee.

(e) In order to retain their potable water status as is required by the Federal Occupational Health and Safety Administration under 29 CFR 1910.141, July 1, 2007, and the Florida Plumbing Code, 2004, suppliers of Registered systems as described within this section must perform annual testing for bacteria in the form of one (1) satisfactory microbiological sample per year. Such analyses shall be performed no more than twelve (12) months apart and the results shall be provided to the Department no later than fifteen (15) days after the time period in which the sample was required. If this annual testing is not performed, the Department may revoke the Registration exemption and require the supplier to either obtain an annual operating permit per section (1) above, or reapply for Registration by submitting the items listed in section (5)(b)2 through 5 above.

(f) Re-registration of eligible water systems is required prior to any change in business activity or upon change of system ownership. To re-register, the supplier shall submit the items listed in section (5)(b)1 through 5 above.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.027, Amended 1-26-98, 1-24-00, 11-13-00, 10-7-02, 5-04-08.

64E-8.005 Operation and Maintenance

(1) The following operating standards shall apply to all Limited Use Public Water Systems:

(a) All components shall function properly at all times.

(b) Should the system shut down, the supplier shall take steps to restore it immediately. The supplier shall alert all users in advance of maintenance that will cause pressure loss or water quality change. The supplier shall follow the standards outlined in the *Guidelines for the Issuance of Precautionary Boil Water Notices*, 12/11/06 revision, available from the Department of Health, Division of Environmental Health/Water Programs at: 4052 Bald Cypress Way, Bin C22, Tallahassee, FL, 32399-1742, or www.doh.state.fl.us/environment/water/manual/boilnew.htm.

(c) The supplier shall alert the CHD twenty-four (24) hours in advance where possible, but no later than the next business day after any shutdown or treatment failure, or within twenty-four (24) hours after discovering sabotage or vandalism to the water system.

(d) Where continuous disinfection is required to remove confirmed microbiological contamination, disinfection equipment shall maintain the free available chlorine residual and total chlorine residual between 0.2 milligrams per liter (mg/L) and 4.0 mg/L throughout the entire system, or the equivalent of these limits as determined by the Department.

1. Where continuous disinfection is required, the supplier shall test the chlorine residual daily by using a N, N-Diethyl-p-Phenylenediamine (DPD) color comparison test kit, or a portable spectrophotometer test kit and post the results in a log kept on premises. The test kit shall be functional and kept on site at all times. The Department shall specify tests for alternative disinfectants upon construction approval.

2. Where continuous disinfection is required for a Limited Use Community System and a chemical disinfectant is used, the supplier shall assure a state certified water treatment plant operator services the system weekly.

3. Where continuous disinfection was initially required prior to the effective date of this rule, the effective water contact volume for groundwater supplied systems shall be 15 times the PD, and the effective water contact volume for surface water supplied systems shall be 120 times the PD (in order to achieve a minimum water contact time of 15 or 120 minutes, respectively, with the disinfectant at peak demand flow).

4. Where continuous disinfection was initially required for a groundwater supplied system on or after the effective date of this rule, the system must maintain the minimum required water contact time and free chlorine residual based on the water temperature exiting the contact tank according to Table 1, or designed in accordance with Chapters 3 and 4 of the U.S. EPA *Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources*, March 1991 Edition.

5. Where disinfection equipment is installed on a Limited Use Public Water System but is not required, the free available chlorine residual and total chlorine residual shall not exceed 4.0 mg/L throughout the entire system.

(e) The system shall maintain a minimum water pressure of twenty (20) pounds per square inch throughout the water system at all times.

(f) The water system shall contain no cross-connections.

(2) The following maintenance standards shall apply to all Limited Use Public Water Systems:

(a) All components shall be in good repair and used as intended.

(b) Replacement of components shall be with new or like-new products, approved per section 64E-8.002(6) and equal to those originally approved.

(c) The vicinity within five (5) feet of the water system and well shall be free of vegetation, debris and hazards which could prevent or hinder inspection.

- (d) If an emergency modification is performed, the supplier must apply to the Department for system modification per section 64E-8.002 on the next business day.
- (e) The supplier shall record the date and type of all maintenance and repairs performed on the system in a log kept on the premises.
- (f) Systems vulnerable to vandalism shall be secured, but any enclosure shall not restrict visibility or authorized access for inspection.
- (g) The upper end of the well casing shall be watertight except for vents which shall be directed downward and protected with 20-mesh screen.
- (h) Any chemical which could contaminate the water supply shall not be stored within twenty-five (25) feet of the well head unless the chemical container is in an additional, aboveground containment structure capable of containing the full volume of the chemical.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.028, Amended 1-26-98, 10-7-02, 5-04-08.

64E-8.006 Water Quality Standards and Monitoring for Limited Use Public Water Systems

- (1) Water quality samples collected for compliance with this chapter, except chlorine residuals, shall be analyzed by a laboratory certified for the contaminant by the Department in accordance with chapter 64E-1, F.A.C., and shall be analyzed using a Department-certified method for analyzing drinking water samples. Approved methods for analyzing drinking water compliance samples are available at the U.S. EPA Office of Groundwater and Drinking Water website at www.epa.gov/safewater/methods/methods.html. Microbiological analyses shall be in accordance with those methods specified in 40 CFR 141.21(f), July 1, 2007. Chemical analyses shall be in accordance with those methods specified in 40 CFR 141.23(k), July 1, 2007.
- (2) Analysis results of water quality samples collected for compliance with this chapter shall not exceed the following standards:
 - (a) Chemical Maximum Contaminant Levels (MCL) and Health Advisory Levels (HAL):
 - 1. Lead - 0.015 milligrams per liter (mg/L).
 - 2. Nitrate as N - 10.0 mg/L.
 - 3. Other primary drinking water contaminant MCLs listed in section 62-550.310, F.A.C.
 - 4. Drinking water HALs as defined in section 64E-8.001(8).
 - (b) Microbiological Maximum Contaminant Levels (MCL):
 - 1. A total coliform MCL violation occurs when a total coliform test reveals the presence of total coliform bacteria in any compliance and repeat sample.
 - 2. A fecal coliform MCL violation occurs when a fecal coliform or *E. coli* test reveals the presence of fecal coliform or *E. coli* in any compliance or repeat sample, provided the repeat test is positive for total coliform bacteria.
 - 3. The supplier shall collect a repeat sample on the first business day following notification that coliform bacteria were present in the previous sample. Failure to provide a repeat sample to the laboratory by the deadline specified by the Department will result in use of the previous sample's results as if they were the repeat sample's results.
 - 4. Unless coliform bacteria are present, a result of too numerous to count (TNTC), confluent or turbid with the absence of gas or acid, is invalid and the supplier shall collect a replacement sample on the next business day after notification of the invalid results.
- (3) The following monitoring schedule applies to annually permitted Limited Use Public Water Systems:
 - (a) Analysis of water samples for Lead and Nitrate per section 64E-8.002(9)(c) and (d) is required once every thirty-six (36) months for Limited Use Community Systems, or once every sixty (60) months for Limited Use Commercial Systems. Such analyses shall be performed no more than 36 months or 60 months apart, respectively. The Department shall require more frequent chemical monitoring if analysis results indicate the presence of contaminants which may pose a threat to public health.
 - (b) One (1) microbiological analysis of a water sample from the distribution system is required once every calendar quarter (one sample during each of the following periods: January through March; April through June; July through September; October through December). Whenever possible, each quarterly sample shall be collected during the middle month of each period (February, May, August and November) in order to allow time for laboratory analysis and reporting of results.

1. When treatment includes disinfection, one (1) microbiological source water sample must also be collected on the same day as the distribution water sample.
 2. The Department may increase microbiological analysis frequency to a monthly basis for a period of one (1) year or more if the water source or water system has a history of intermittent unsatisfactory microbiological analysis results.
- (4) Additional analyses for contaminants shall be required for a system if:
- (a) The well is located within a Department of Environmental Protection (DEP) delineated area under chapter 62-524, F.A.C.
 - (b) The well is within one-thousand (1000) feet of a contaminated well or a known contaminant source.
 - (c) The analyses are required per section 64E-8.007.
- (5) All Limited Use Public Water System suppliers shall report water sample analysis results to the Department within five days of receipt of the results. Analysis results for chemical samples required by section (3)(a) above must be submitted no later than thirty (30) days after the time period in which the sample was required. Analysis results for microbiological samples required by section (3)(b) above must be submitted no later than fifteen (15) days after the time period in which the sample was required. These reporting deadlines in no way change the compliance sampling time periods in which sample analysis is required to be performed by the supplier.
- (a) Any chemicals or pathogens detected in concentrations that exceed a published MCL or HAL shall be reported by the supplier to the Department and removed by corrective actions taken by the supplier per section 64E-8.007.
 - (b) Laboratories must report to the supplier and to the Department all positive microbiological water sample analysis results and any water sample analysis results that exceed a published MCL or HAL no later than the end of the next business day after the result was determined, by telephone, facsimile, or e-mail. Positive fecal coliform or *E. coli* results must be reported to the supplier and to the Department as soon as possible, but no later than the end of the day in which the result was determined in accordance with section 64E-1.005(2), F.A.C.
- (6) Fees charged to the supplier when samples are submitted by or through the Department for routine monitoring, for a well or water system clearance or for a private request shall include laboratory analysis costs for each sample analyzed, any locally mandated fees and shipping fees.
- (7) Department staff may collect compliance samples upon a supplier's request for a fee of \$50 per microbiological sampling site visit, \$60 per chemical sampling site visit, or \$70 per combined chemical and microbiological sampling site visit, plus any locally mandated fees, laboratory analysis fees and shipping fees.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented ,381.006(1), 381.0062, 403.862(1)(f), 381.0202(3), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.029, Amended 1-26-98, 1-24-00, 11-13-00, 5-04-08.

64E-8.007 Corrective Actions

Sections (1) through (7) below apply to all Limited Use Public Water Systems. Chemical and microbiological MCLs and HALs are listed in 64E-8.006(2). Disinfection of a water system as required by sections (3) or (4) below to remove bacteriological contamination shall be accomplished by interrupting service and maintaining a minimum 50 mg/L solution of free available chlorine or its equivalent throughout the system for a minimum of three hours, then reducing the concentration to less than or equal to 4.0 mg/L prior to service being restored.

- (1) When a microbiological sample analysis reveals the presence of coliform bacteria, the supplier must perform repeat testing within one (1) business day following notification as described in section 64E-8.006(2)(b)3.
- (2) An acute risk to health exists when a chemical MCL or HAL violation occurs, or when a fecal coliform MCL violation occurs. Upon occurrence of such an acute risk, immediate action shall be taken by the supplier to prevent consumer exposure, and shall include:
 - (a) Written public notice to consumers per section 64E-8.008.
 - (b) For chemical MCL or HAL violations, provision of temporary access to an approved alternative source of water, or provision of one gallon per day per person of a state permitted brand of bottled water to consumers until a permanent solution is completed per section (5) below.

- (c) For fecal coliform MCL violations, issuance of a boil water notice according to the *Guidelines for the Issuance of Precautionary Boil Water Notices* as referenced in section 64E-8.005(1)(b). In addition, the supplier shall take those actions required in section (3) or (4) below.
- (3) For total and fecal coliform MCL violations in the well, the supplier shall:
- (a) Disinfect the system within twenty-four (24) hours of notification of the MCL violation, then within twenty-four (24) hours of disinfection, perform a five (5) sample microbiological well survey as described in section 64E-8.002(9)(a). If the results are still unsatisfactory per section 64E-8.002(9)(a)2., then;
 - (b) Within ten (10) days of receipt of the test results, apply to the Department for a system modification permit per section 64E-8.002 for installation of continuous disinfection treatment equipment or construction of a new well. Then;
 1. Install treatment equipment within fourteen (14) days of issuance of the modification permit, then within seven (7) days of equipment installation, perform a satisfactory two (2) consecutive day distribution system microbiological clearance, or;
 2. Construct a new well within fourteen (14) days of issuance of the modification permit, then within seven (7) days of well installation, begin a satisfactory five (5) sample microbiological well survey as described in section 64E-8.002(9)(a) and a two (2) consecutive day distribution system microbiological clearance.
- (4) For total and fecal coliform MCL violations in the system, the supplier, within twenty-four (24) hours of notification of the MCL violation, shall verify the water quality of the system by collecting one (1) source water sample and one (1) repeat sample within the system at the same location that revealed the bacteria, then, if only the system still contains water violating the coliform MCL;
- (a) Disinfect the system within twenty-four (24) hours of receipt of the confirmation test results, then within twenty-four (24) hours of disinfection, perform a two (2) consecutive day distribution system microbiological clearance. If the results are still unsatisfactory, then;
 - (b) Within ten (10) days of receipt of the test results, apply to the Department for a system modification permit per section 64E-8.002 for installation of continuous disinfection treatment equipment. Then;
 1. Install treatment equipment within fourteen (14) days of issuance of the modification permit, then;
 2. Within seven (7) days of equipment installation, perform a satisfactory two (2) consecutive day distribution system microbiological clearance.
- (5) When a water sample analysis result for any chemical or contaminant listed in section 64E-8.006(2)(a) exceeds a published MCL or HAL, the supplier shall:
- (a) Perform a confirmation water sample analysis within fourteen (14) days of notification of the initial results, then if the MCL or HAL is exceeded again:
 - (b) Within thirty (30) days of receipt of the confirmation test results, apply to the Department for a system modification permit per section 64E-8.002 for installation of corrective treatment equipment or construction of a new well. Then;
 1. Install treatment equipment within thirty (30) days of issuance of the modification permit. Then, if the treatment equipment is not actively managed and maintained by the Department of Environmental Protection's Water Supply Restoration Program, perform an analysis of the raw and treated water within seven (7) days after equipment installation and once every twelve (12) months thereafter. Or;
 2. Construct a new well within thirty (30) days of issuance of the modification permit, then perform an analysis of the raw water within seven (7) days after well installation and once every twelve (12) months thereafter.
- (6) All modifications performed under this section must be inspected by the Department to verify compliance with the approved plans and with this chapter. Re-inspection requests must be accompanied by a \$40 fee.
- (7) When corrective water treatment equipment is installed by the supplier of a Limited Use Public Water System as a result of chemical or coliform MCL violations, the owner may remove such equipment, provided that the Department is notified prior to its removal and has confirmed that all required quarterly analyses of the raw water for the past twenty-four (24) months or monthly analyses of the raw water for the past twelve (12) months have been satisfactory.
- (8) When water main breaks or other planned or unplanned disruptions of water service occur after the master meter within a Consecutive Public Water System that is excluded from coverage under the Florida Safe Drinking Water Act as defined in sections 62-550.102(2) and 62-550.200(18), the Department shall be notified by the supplier within twenty-four (24) hours of the disruption and corrective actions including disinfection, microbiological monitoring, public notification, and precautionary boil water notices shall be performed as described in section 62-555.340, F.A.C.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented 381.0067, 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.030, Amended 1-26-98, 5-04-08.

64E-8.008 Public Notification

When an acute health risk exists, the supplier shall provide public notification as required in section 64E-8.007(2) as follows:

- (1) Notices shall caution consumers not to consume the water, explain the alternative as described in section 64E-8.007(2)(b) or (c) based on the type of water quality violation, and describe in non-technical terms, the nature of the violation and the supplier's corrective actions. Notices shall include a contact name and phone number, and be neatly printed in large type.
- (2) The supplier shall provide a copy of the printed notice to the Department within twenty-four (24) hours of notification of the water quality violation.
- (3) The supplier shall deliver notices to consumers served by a Limited Use Community Public Water System within four (4) hours of notification of the water quality violation.
- (4) The supplier shall post notices at water outlets in Limited Use Commercial Systems within four (4) hours of notification of the water quality violation.
- (5) The supplier shall take special actions where consumers are not capable of reading printed material, such as verbal notification and disabling of water outlets. Where non-English speaking persons consume the water, the notice shall be translated into the prevalent languages of the consumers.
- (6) After all violations have been corrected per section 64E-8.007, the supplier shall provide a notice to consumers that rescinds the original notice, in the same manner as required in section (1) through (5) above.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New: 1-1-93. Amended 8-20-96, Formerly 10D-4.031, Amended 1-26-98, 5-04-08.

64E-8.009 Variances

(1) The supplier of any Limited Use Public, Multifamily or Private Water System may request a variance from the requirements of this chapter by submitting the following to the CHD:

- (a) A completed Form DH 4094 (Section I only), Application for Variance from Chapter 64E-8, F.A.C. Form DH 4094, effective 9/07, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Environmental Health/Water Programs at: 4052 Bald Cypress Way, Bin C22, Tallahassee, Florida, 32399-1742, at www.doh.state.fl.us/environment/water/manual/encl1.htm, or from the CHD.
- (b) A statement of hardship.
- (c) A site plan. The plan shall be a minimum size of 8.5 x 11 inches and of sufficient clarity for reproduction.
- (d) Any applicable well completion reports.
- (e) Any applicable water quality analysis results.
- (f) Any other information necessary for rendering a decision including information pertaining to the items listed in section (4) below. The burden of presenting pertinent and supportive facts shall be the responsibility of the applicant.

Upon receipt of all application materials, the CHD shall review such variance applications, make a recommendation to the Department by completing Section II of Form DH 4094, 9/07, and forward all application materials to the Division of Environmental Health/Bureau of Water Programs.

(2) Upon consideration of each application and the recommendations of the Water Management District and the CHD, the Department's Division of Environmental Health/Bureau of Water Programs has the authority to grant a variance, grant a provisional variance or deny the variance request. The Department will consider granting a variance to prevent excessive hardship in cases involving minor deviation from established standards, when the hardship was not caused intentionally by the applicant, where no reasonable alternative exists and where proper use of the system will not adversely affect public health. Special consideration shall be given to lots platted prior to 1972 or granted a variance under chapter 64E-6, F.A.C.

- (a) When approving a variance request, the Department may require provisos including, but not limited to:

1. Minimum well casing depth to achieve a satisfactory vertical separation from sanitary hazards, based on the depth and location of confining layers or other geological features.
 2. Rotary well construction with full grouting of the well casing with neat cement or driven well construction with grouting of the top twenty (20) feet and bottom five (5) feet with neat cement, per 62-532.500(2)(f)3 or 4, F.A.C.
 3. Satisfactory water quality analysis for total coliform, Nitrate, or other likely contaminants of concern.
 4. Increased water quality monitoring frequency for Limited Use Public Water Systems.
 5. Installation of water treatment equipment.
 6. Connection to a municipal public water system if one eventually becomes available.
- (b) Variances for proposed water system construction expire eighteen (18) months after approval. The expiration date may be extended if necessary to coincide with the expiration date of the associated water system construction permit or well construction permit issued by the Water Management District or delegate agency.
- (c) Emergency approval of variance requests may be granted by the Department's Division of Environmental Health/Bureau of Water Programs in cases of extreme hardship.
- (3) For variance requests for private water system replacement wells only, for separations between fifty (50) and seventy-five (75) feet from a septic system or sanitary hazard as defined in section 62-532.400(7), Table 1, the CHD has the authority to grant a variance, grant a provisional variance or deny the variance request based on the same criteria specified in sections (2) above and (4) below.
- (4) In granting or denying a variance, the Department shall consider:
- (a) Historical water quality.
 - (b) Age and condition of system components and the likelihood it will continue to provide potable water.
 - (c) Size of cone of influence and protection of source from contamination.
 - (d) Amount of deviation from the standards.
 - (e) Type and degree of consumer exposure.
 - (f) Economic hardship.
 - (g) Alternative potable water availability.
 - (h) Geological characteristics of the well.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.032, Amended 1-26-98, 1-24-00, 5-04-08.

64E-8.010 Prohibited Acts

The following are prohibited:

- (1) Failure to conduct required sampling or testing, or falsification of results.
- (2) Intentionally or otherwise introducing a contaminant determined to pose a health hazard into a Limited Use, Multifamily, or Private Water System or its source.
- (3) Failure to meet schedules for compliance or corrective actions.
- (4) Failure to conduct required public notification or corrective action.
- (5) Impersonating a Department employee.

Specific Rulemaking Authority 403.862(1)(f), 381.006, FS. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.033, Amended 1-26-98, 11-13-00, 5-04-08.

64E-8.011 Services Provided. (Repealed)

Specific Authority 381.0011(13), 381.0202, 403.862 FS. Law Implemented 381.0202, 403.862 FS. History--New 1-1-95, Formerly 10D-4.100, Amended 11-13-00, Repealed 5-04-08.

64E-8.012 Schedule of Fines

The following maximum fines shall be imposed for violations of chapter 64E-8. Each day that a violation occurs shall be considered a separate violation:

- (1) Failure to obtain a Limited Use Public Water System construction permit [a violation of section 64E-8.002(1)], \$500.
- (2) Failure to obtain a Multifamily Water System construction permit (a violation of section 64E-8.003), \$250.
- (3) Failure to obtain a Limited Use Public Water System operating permit (a violation of section 64E-8.004), \$500.
- (4) Failure to obtain a Limited Use Commercial Public Water System Registration [a violation of section 64E-8.004(5)], \$250.
- (5) Failure to maintain required chlorine residual levels [a violation of section 64E-8.005(1)(d)], \$100.
- (6) Failure to comply with water quality monitoring requirements [a violation of section 64E-8.006(3)], \$250.
- (7) Failure to take corrective actions when an MCL or HAL is exceeded (a violation of section 64E-8.007), \$500.
- (8) Failure to provide public notification when an MCL or HAL is exceeded (a violation of section 64E-8.007), \$500.

Specific Rulemaking Authority 381.006, 403.862(1)(f), FS. Law Implemented 381.0061, 381.0062, FS. History--New 1-1-95, Formerly 10D-4.101, Amended 1-24-00, 5-04-08.

64E-8.013 Cross-Connection Control

- (1) Cross-connections as defined in 64E-8.001(4) are prohibited.
- (2) Any cross-connection involving a Limited Use Public, Multifamily, or Private Water System shall be corrected using the methods established in the *Recommended Practice for Backflow Prevention and Cross-Connection Control*, American Water Works Association Manual M14, Third Edition, 2004, available from the American Water Works Association at 6666 West Quincy Avenue, Denver, CO, 80235.

Specific Rulemaking Authority 381.006, 403.862(1)(f), F.S. Law Implemented 381.006(1), 381.0062, 403.862(1)(f), F.S. History New: January 26, 1998, Amended 11-13-00, 5-04-08.