

The following activities are currently exempt from permitting requirements:

- agricultural fields;
- ditches and canals;
- livestock waste lagoons; and
- stormwater facilities (special limitations apply).

When discharges from these bodies (e.g. canals, lagoons) reach common waters (e.g. rivers, lakes, groundwater) the standards increase for pesticide residues and other contaminants. This rule requires the revocation of the exemption and the issuance of a permit when an activity causes pollution. Also, contaminating common waters can result in both criminal and civil penalties. The farmer may gain the best results by following Best Management Practices in order to alleviate these problems.

## **How does the federal government regulate discharge into groundwater?**

Federal regulation of groundwater consists of a variety of statutory directives administered by a host of administrative agencies. Over 16 pieces of federal legislation have some effect on groundwater or have the potential of effecting activities and programs relevant to its use.

**Clean Water Act**-The most important piece of federal legislation is the Clean Water Act (discussed in The Clean Water Act Section). The chief purpose of the Act is the elimination of point source pollution to surface water. Groundwater is directly implicated due to the natural linkage of surface and groundwater resources. When a party pollutes the surface water, the hydrologic water cycle makes it more likely than not that groundwater is simultaneously being contaminated.

**National Pollutant Discharge Elimination System (NPDES)**- places flow limitations on point sources (a recognizable origin of pollution, for example, a pipe, well, or leaking container) of water pollution. Currently, the EPA administers the program. If Florida were to adopt the NPDES program, the DER would be the sole agency issuing the NPDES permits, except for stormwater discharge permitting which is the responsibility of WMDs.

**Safe Drinking Water Act**- establishes maximum contamination levels for drinking water and serves to protect "sole source" aquifers (aquifers whose main use is to provide drinking water). Perhaps most significantly, the Act monitors the underground injection of contaminants into groundwater used for the public drinking water supply. The Underground Injection Control (UIC) program is the vehicle used to protect underground sources of drinking water. The UIC program is delegated to Florida by the EPA.

## **VIII. State Regulated Activities**

### **Water Wells**

#### **Who regulates water wells?**

Federal law does not directly regulate the construction of wells. However, because there is potential for groundwater pollution and other environmental damage through well structures, some of the broad federal environmental protection statutes might come into play. For example, seepage of hazardous waste from a polluted well which contaminated one of Florida's many aquifers would come under CERCLA clean-up provisions.

The DER has delegated most of its statutory authority to regulate water wells to the individual Water Management Districts (WMDs), and therefore the appropriate WMD should always be contacted before taking any action involving water wells. The statutes and rules are