

Kathryn Mennella

From: Mary Ellen Winkler
Sent: Friday, April 28, 2006 4:16 PM
To: Kathryn Mennella
Cc: Timothy Smith; Karen Coffman
Subject: FW: Rockledge ASR - Proposed Well Ordinance
Importance: High
Attachments: Rockledge ASR Draft Well Ordinance (4-28-06).pdf

Kathryn -

Would you like me to handle this or should I refer it to Tim and/or Karen?

Thanks

-----Original Message-----

From: David King
Sent: Friday, April 28, 2006 3:36 PM
To: Richard Burklew; Mary Ellen Winkler
Cc: Marguerita Engel; Jim Frazee
Subject: FW: Rockledge ASR - Proposed Well Ordinance

Attached is a proposed city ordinance restricting well use and well construction. Please respond by next Friday if this is a preemption issue.

David King, Hydrologist II
SJRWMD, Department of Resource Management
Palm Bay Service Center
321-676-6623

-----Original Message-----

From: Stuart Norton [mailto:SNorton@jonesedmunds.com]
Sent: Friday, April 28, 2006 3:01 PM
To: Watroba, Duane; Deuerling, Richard; Evans, William; Heuler, George; Desai, Anil; David King
Cc: Alan Laduke; Jim McKnight; BRIAN HEPBURN; Claude Tankersley
Subject: Rockledge ASR - Proposed Well Ordinance

Everyone,

In accordance with F.A.C. Ch. 62-610.563 (6) and Ch. 62-610.466 (9) (b), the City of Rockledge is considering imposing a well ordinance limiting potable water use from the Upper Floridan aquifer (UFA) within a one (1) mile radius of the Rockledge wastewater treatment facility property boundary. A draft version of the well ordinance is attached for your review.

Please let me know if you have any questions and/or comments.

Sincerely,

Stuart Norton
Hydrogeologist
Jones, Edmunds & Associates, Inc.

5/5/2006

①

DRAFT

AN ORDINANCE OF THE CITY OF ROCKLEDGE, FLORIDA; PROHIBITING THE CONSTRUCTION OF NEW POTABLE WELLS WITHIN ONE MILE OF THE CITY OF ROCKLEDGE WASTEWATER TREATMENT FACILITY; ALSO REQUIRING THE ABANDONMENT OF EXISTING POTABLE WELLS LOCATED WITHIN ONE MILE OF THE WASTEWATER TREATMENT FACILITY, WHERE A MUNICIPAL WATER SUPPLY SYSTEM IS AVAILABLE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, potable water service is available within the City of Rockledge from an existing municipal water system; and

WHEREAS, the public health, safety and welfare of the residents of the City of Rockledge, is dependent upon both the quality of potable water and a sufficient quantity of potable water; and

WHEREAS, as an alternative to using potable water resources for irrigation, during times of high flows, reclaimed water can be stored below ground in an aquifer and recovered during the dry season for irrigation use; and

WHEREAS, the City of Rockledge has conducted technical and scientific studies of the aquifer to determine a location that would be conducive to storing water and has developed an "Aquifer Storage and Recovery" (ASR) program to store and recover reclaimed water when needed; and

WHEREAS, the conclusion of the technical and scientific studies conducted by the City of Rockledge suggest that the most suitable location for the reclaimed ASR Facility is at the City of Rockledge Wastewater Treatment Facility (WWTF).

WHEREAS, the Florida Department of Environmental Protection requires, as part of Underground Injection Control permitting, institutional controls for potable wells located within one mile of the City of Rockledge WWTF; and

WHEREAS, the availability of water in the Floridan aquifer for persons with groundwater wells may be influenced by the ASR Facility; and

WHEREAS, the quality of the water in the Floridan aquifer may be altered by the introduction of reclaimed water; and

WHEREAS, water quality in many private groundwater wells is not subject to the stringent standards of federal law; and

WHEREAS, the City of Rockledge is concerned about the public health, safety and welfare of property owners using potable water wells within one mile of the WWTF; and

WHEREAS, in order to ensure the public health, safety and welfare, the City is requiring that owners of potable wells constructed within the Upper Floridan Aquifer (UFA) located within one mile of the WWTF connect to the municipal water system.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF ROCKLEDGE, FLORIDA:

DRAFT

Section 1. Purpose

The purpose of this ordinance is to protect the public health, safety and welfare of property owners by prohibiting the construction of any new potable wells within the UFA and the abandonment of all existing potable wells constructed within the UFA located within one mile of the City of Rockledge WWTF. The specific reasons set forth in the above recital clauses are hereby incorporated by reference into this ordinance.

The one mile radius around the WWTF, is shown on Exhibit A.

This ordinance may be cited as the ASR Well Ordinance.

Section 2. Definitions.

For the purposes of this ordinance, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Aquifer means a geographic formation, group of formations, or a part of a formation capable of yielding a significant amount of groundwater to wells, springs or surface water.

Upper Floridan Aquifer (UFA) means the uppermost segment of the Floridan Aquifer system. An aquifer consisting of Ocala and Avon Park Limestones, the top of which is bound by the Hawthorn Group.

Aquifer Storage and Recovery (ASR) means the process where water is pumped through a well into an aquifer for storage and then later withdrawn for use.

Irrigation Well means a well that supplies water solely for irrigation purposes.

Municipal Water System means water suitable for drinking that has been treated by a system that is regulated by the Safe Drinking Water Act.

Potable Well means a groundwater well that supplies water for drinking water use.

Wastewater Treatment Facility means the facility located at 1700 Jack Oates Boulevard which receives and treats domestic wastewater for the City of Rockledge.

Reclaimed Water means water that has received tertiary treatment and is reused for irrigation purposes after flowing out of a wastewater treatment facility.

Section 3. Potable wells. Owners of potable wells constructed within the UFA, which lie within one mile of the WWTF property boundary, shall be required to connect to the available municipal potable water system within 30 (thirty) days of written notification by the City of Rockledge.

Section 4. New potable wells prohibited within one mile of City of Rockledge WWTF. No new UFA potable wells shall be constructed within one mile of the WWTF.

Section 5. Irrigation wells. Irrigation wells and other non-potable use wells may continue to be used within one mile of the WWTF.

Section 6. That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

Section 7. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 8. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE,
FLORIDA, ON _____

ATTEST:

DRAFT

CHAIRMAN, CITY COUNCIL

CITY CLERK

APPROVED BY:

_____, MAYOR

PREPARED AND APPROVED
AS TO FORM BY:

ASSISTANT CITY ATTORNEY



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

May 18, 2006

Joseph Miniclier, Esquire
1970 Michigan Ave., Bldg. E
Cocoa, Florida 32922

RE: Proposed ASR Well Ordinance

Dear Mr. Miniclier:

The St. Johns River Water Management District has reviewed Rockledge's proposed ASR Well Ordinance and provides the following comments.

While the District certainly supports local government water conservation programs and, in fact, the District has provided funds to Rockledge to assist in the development of the ASR program, the core of the proposed ordinance conflicts with the sole and exclusive statutory authority of the Department of Environmental Protection (DEP) and the District to regulate the consumptive use of water. Section 4 of the proposed ordinance prohibits future potable water uses from being exercised, including domestic water uses. This proposed provision would regulate the consumptive use of water contrary to Florida law. Additionally, section 4 of the ordinance proposes to regulate domestic water uses which are explicitly protected from regulation under Florida law. §§ 373.019(6); 373.219(1), Fla. Stat.

The legislature enacted Chapter 373, Florida Statutes, to institute a statewide approach to water use regulation through regional water management districts supervised on the state level by DEP. To achieve that goal, the legislature enacted section 373.217, Florida Statutes, creating an express statutory preemption of authority to the water management districts to ensure the State's water resources are managed on a state-wide and regional basis, rather than on a local basis, with the intent of avoiding parochial water supply conflicts which historically preceded the statute's enactment. The statutory preemption acknowledges that it is critical that Florida's water use policy and decision-making reside in a neutral appointed governing board having the regional technical knowledge and expertise to assess water availability and regional water resource impacts and to best achieve the full beneficial use of the waters. For that reason, the Legislature expressly vested the DEP and five water management districts with the sole responsibility of regulating the consumptive use of water. See City of Cocoa Beach v. Holland Properties, Inc., 625 So.2d 17 (Fla. 5th DCA 1993) (the water districts are the sole agencies empowered to grant consumptive use permits);

GOVERNING BOARD

David G. Graham, CHAIRMAN JACKSONVILLE	John G. Sowinski, VICE CHAIRMAN ORLANDO	Ann T. Moore, SECRETARY BUNNELL	Duane L. Otenstroer, TREASURER JACKSONVILLE
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			W. Leonard Wood FERNANDINA BEACH

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Southwest Fla. Water Mgmt. Dist. v. Charlotte County, 774 So.2d 903 (Fla. 2d DCA 2001) (the regulation of the consumptive use of water in part II of chapter 373 controls over conflicting State law or local ordinance); Thomas v. Southwest Fla. Water Mgmt. Dist., 864 So.2d 455 (Fla. 5th DCA 2003) (section 373.217 expressly preempts other statutes that attempt to limit or qualify the water management districts' regulation of consumptive water uses).

Therefore, section 4 of the proposed ordinance not only proposes to regulate the consumptive use of water preempted from regulation by local governments, but proposes to regulate domestic water uses which cannot even be regulated by DEP or the water management districts under Florida law. The express preemption language in section 373.217 therefore precludes a municipality from regulating the field of consumptive use of water. City of Ocala v. Nye, 608 So.2d 15 (Fla. 1992) (under home rule powers a municipality can exercise any power for a municipal purpose "except when expressly prohibited by law").

The District would welcome the opportunity to discuss potential revisions to the draft ordinance so that the goals of Rockledge's ASR program could be achieved in a manner that is compatible with the division of statutory authority expressed herein. If you would like to discuss this issue further, please contact Mary Ellen Winkler, Assistant General Counsel, at (386) 312-2340 or me at (386) 329-4215.

Sincerely,



Kathryn Mennella
General Counsel

KLM/mew

cc: Hal Wilkening – Palatka
Dwight Jenkins – Palatka
Richard Burklew – Palm Bay
David King – Palm Bay
Mary Ellen Winkler, Esquire - Palatka

Jim McKnight, City Manager
City of Rockledge
1700 Jack Oates Blvd.
Rockledge, Florida 32955

Stuart Norton
Jones, Edmunds & Associates, Inc.
730 NE Waldo Rd
Gainesville, Florida 32641

Anil Desai
Florida Dept. of Environmental Protection
UIC Program
3319 Maguire Blvd, Suite 232
Orlando, Florida 32803-3767

Dr. David York
Florida Dept. of Environmental Protection
Water Reuse Program
2600 Blair Stone Road, Mail Station 3540
Tallahassee, Florida 32399-2400

Cynthia Christen, Esquire
Florida Dept. of Environmental Protection
3900 Commonwealth Blvd
Douglas Bldg MS 35
Tallahassee, Florida 32399-3000

Kristi Cushman

From: Stuart Norton [SNorton@jonesedmunds.com]
Sent: Tuesday, June 13, 2006 8:18 AM
To: Kristi Cushman
Subject: FW: Rockledge ASR - Municipal Water Ordinance
Attachments: Rockledge ASR - Municipal Water Ordinance.pdf

Kristy,
Sorry for the delay. Please see attached and below for revised ordinance and the original message.

Thanks again,

Stuart Norton
Hydrogeologist
Jones, Edmunds & Associates, Inc.
(352) 377-5821

-----Original Message-----

From: Stuart Norton
Sent: Thursday, June 08, 2006 3:36 PM
To: 'kushman@sjrwmd.com'
Cc: 'Jim Mcknight'; 'Alan Laduke'; Claude Tankersley; 'BSmith'
Subject: Rockledge ASR - Municipal Water Ordinance

Christy,
As we discussed, based on the District's letter date May 18, 2006, the City is revising the Rockledge ASR Well Ordinance. As presented in the revised ordinance (see attached), we propose that the well ordinance be changed to regulate municipal water connections within one-mile of the wastewater treatment facility.

Please forward the proposed ordinance to Kathryn Mannella for review, keeping in mind that the attached document is in draft form and that further revisions may be forthcoming.

We understand that, based on Kathryn's response to the revised ordinance, a meeting with the District may be necessary. We have tentatively scheduled the meeting for June 14 (Wednesday) at 10:00 AM.

Please let me know if you have any questions.

Sincerely,

Stuart Norton
Hydrogeologist
Jones, Edmunds & Associates, Inc.
(352) 377-5821

6/13/2006

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DRAFT

**AN ORDINANCE OF THE CITY OF ROCKLEDGE, FLORIDA;
AMENDING THE CODE OF ORDINANCES BY ADDING A NEW
CHAPTER TO BE NUMBERED _____, PROVIDING FOR
MANDATORY WATER CONNECTIONS WITHIN ONE MILE
OF THE CITY OF ROCKLEDGE WASTEWATER TREATMENT
FACILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES
IN CONFLICT HEREWITH; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, potable water service is readily available within the City of Rockledge from an existing municipal water system; and

WHEREAS, the public health, safety and welfare of the residents of the City of Rockledge, is dependent upon both the quality of potable water and a sufficient quantity of potable water; and

WHEREAS, as an alternative to using potable water resources for irrigation, during times of high flows, reclaimed water can be stored below ground in an aquifer and recovered during the dry season for irrigation use; and

WHEREAS, the City of Rockledge has conducted technical and scientific studies of the aquifer to determine a location that would be conducive to storing water and has developed an "Aquifer Storage and Recovery" (ASR) program to store and recover reclaimed water when needed; and

WHEREAS, the conclusion of the technical and scientific studies conducted by the City of Rockledge suggest that the most suitable location for the reclaimed ASR Facility is at the City of Rockledge Wastewater Treatment Facility (WWTF).

WHEREAS, the Florida Department of Environmental Protection requires, as part of Underground Injection Control permitting, institutional controls for potable wells located within one mile of the City of Rockledge WWTF; and

WHEREAS, the availability of water in the Floridan aquifer for persons with groundwater wells may be influenced by the ASR Facility; and

WHEREAS, the quality of the water in the Floridan aquifer may be altered by the introduction of reclaimed water; and

WHEREAS, water quality in many private groundwater wells is not subject to the stringent standards of federal law; and

WHEREAS, the City of Rockledge is concerned about the public health, safety and welfare of property owners using potable water wells within one mile of the WWTF; and

WHEREAS, in order to ensure the public health, safety and welfare, the City is requiring that all potable well owners within one mile of the City of Rockledge WWTF be required to connect to the municipal water system.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF ROCKLEDGE, FLORIDA:

DRAFT

Section 1. Purpose

The purpose of this ordinance is to protect the public health, safety and welfare of the community by requiring all potable well owners within one mile of the City of Rockledge WWTF to connect to the municipal water system. The specific reasons set forth in the above recital clauses are hereby incorporated by reference into this ordinance.

The one mile radius around the WWTF, is shown on Exhibit A.

This ordinance may be cited as the Rockledge Municipal Water Ordinance.

Section 2. Definitions.

For the purposes of this ordinance, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Aquifer means a geographic formation, group of formations, or a part of a formation capable of yielding a significant amount of groundwater to wells, springs or surface water.

Floridan Aquifer means an aquifer consisting of Ocala and Avon Park Limestones, the top of which is bound by the Hawthorn Group.

Aquifer Storage and Recovery (ASR) means the process where water is pumped through a well into an aquifer for storage and then later withdrawn for use.

Irrigation Well means a well that supplies water solely for irrigation purposes.

Municipal Water System means water suitable for drinking that has been treated by a system that is regulated by the Safe Drinking Water Act.

Potable Well means a groundwater well that supplies water for drinking water use.

Wastewater Treatment Facility means the facility located at 1700 Jack Oates Boulevard which receives and treats domestic wastewater for the City of Rockledge.

Reclaimed Water means water that has received tertiary treatment at a wastewater treatment facility and may be reused for irrigation purposes.

DRAFT

Section 3. Potable wells.

Owners of potable wells which lie within one mile of the WWTF property boundary, shall be required to connect to the available municipal potable water system within 30 (thirty) days of written notification by the City of Rockledge.

Section 4. Irrigation wells.

Owners of
Irrigation wells and other non-potable use wells, unless otherwise prohibited, may continue to be used within one mile of the WWTF.

within one mile of the WWTF prop. boundary shall not be affected by this ordinance

Section 5. Legal Declarations

That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

Section 6. Conflicts

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 7. Effective Date

That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, ON _____

ATTEST:

CHAIRMAN, CITY COUNCIL

CITY CLERK

APPROVED BY:

_____, MAYOR

PREPARED AND APPROVED
AS TO FORM BY:

ASSISTANT CITY ATTORNEY

Kristi Cushman

From: Kristi Cushman
Sent: Tuesday, June 13, 2006 11:29 AM
To: 'Stuart Norton'
Cc: Hal Wilkening; Dwight Jenkins; David King
Subject: Rockledge ASR - Municipal Water Ordinance

Attachments: Rockledge ASR - Municipal Water Ordinance.doc



Rockledge ASR -
Municipal Wate...

I have reviewed the revised Rockledge ordinance in which the prior section 4 entitled "New potable wells prohibited within one mile of City of Rockledge WWTF" has been deleted and the renumbered section 4 entitled "Irrigation wells" has been revised. These changes have been discussed with Hal Wilkening and Dwight Jenkins. Attached is a proposed amendment to Section 4 of the revised ordinance. If this further revision is made, the District's objection would be resolved and there would be no need for tomorrow's meeting. Should you have any questions please contact me at (386) 329-4215. Also, please advise as to whether you wish to meet tomorrow.

Kristi L. Cushman
Business Resource Specialist III
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street
Palatka FL 32177-2529
(386) 329-4308

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DRAFT

**AN ORDINANCE OF THE CITY OF ROCKLEDGE, FLORIDA;
AMENDING THE CODE OF ORDINANCES BY ADDING A NEW
CHAPTER TO BE NUMBERED _____, PROVIDING FOR
MANDATORY WATER CONNECTIONS WITHIN ONE MILE OF
THE CITY OF ROCKLEDGE WASTEWATER TREATMENT
FACILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES
IN CONFLICT HEREWITH; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, potable water service is readily available within the City of Rockledge from an existing municipal water system; and

WHEREAS, the public health, safety and welfare of the residents of the City of Rockledge, is dependent upon both the quality of potable water and a sufficient quantity of potable water; and

WHEREAS, as an alternative to using potable water resources for irrigation, during times of high flows, reclaimed water can be stored below ground in an aquifer and recovered during the dry season for irrigation use; and

WHEREAS, the City of Rockledge has conducted technical and scientific studies of the aquifer to determine a location that would be conducive to storing water and has developed an "Aquifer Storage and Recovery" (ASR) program to store and recover reclaimed water when needed; and

WHEREAS, the conclusion of the technical and scientific studies conducted by the City of Rockledge suggest that the most suitable location for the reclaimed ASR Facility is at the City of Rockledge Wastewater Treatment Facility (WWTF).

WHEREAS, the Florida Department of Environmental Protection requires, as part of Underground Injection Control permitting, institutional controls for potable wells located within one mile of the City of Rockledge WWTF; and

WHEREAS, the availability of water in the Floridan aquifer for persons with groundwater wells may be influenced by the ASR Facility; and

WHEREAS, the quality of the water in the Floridan aquifer may be altered by the introduction of reclaimed water; and

WHEREAS, water quality in many private groundwater wells is not *subject* to the stringent standards of federal law; and

WHEREAS, the City of Rockledge is concerned about the public health, safety and welfare of property owners using potable water wells within one mile of the WWTF; and

(6a)

WHEREAS, in order to ensure the public health, safety and welfare, the City is requiring that all potable well owners within one mile of the City of Rockledge WWTF be required to connect to the municipal water system.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF ROCKLEDGE, FLORIDA:

DRAFT

Section 1. Purpose

The purpose of this ordinance is to protect the public health, safety and welfare of the community by requiring all potable well owners within one mile of the City of Rockledge WWTF to connect to the municipal water system. The specific reasons set forth in the above recital clauses are hereby incorporated by reference into this ordinance.

The one mile radius around the WWTF, is shown on Exhibit A.

This ordinance may be cited as the Rockledge Municipal Water Ordinance.

Section 2. Definitions.

For the purposes of this ordinance, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Aquifer means a geographic formation, group of formations, or a part of a formation capable of yielding a significant amount of groundwater to wells, springs or surface water.

Floridan Aquifer means an aquifer consisting of Ocala and Avon Park Limestones, the top of which is bound by the Hawthorn Group.

Aquifer Storage and Recovery (ASR) means the process where water is pumped through a well into an aquifer for storage and then later withdrawn for use.

Irrigation Well means a well that supplies water solely for irrigation purposes.

Municipal Water System means water suitable for drinking that has been treated by a system that is regulated by the Safe Drinking Water Act.

Potable Well means a groundwater well that supplies water for drinking water use.

Wastewater Treatment Facility means the facility located at 1700 Jack Oates Boulevard which receives and treats domestic wastewater for the City of Rockledge.

Reclaimed Water means water that has received tertiary treatment at a wastewater treatment facility and may be reused for irrigation purposes.

DRAFT

Section 3. Potable wells.

Owners of potable wells which lie within one mile of the WWTF property boundary, shall be required to connect to the available municipal potable water system within 30 (thirty) days of written notification by the City of Rockledge.

Section 4. Irrigation wells.

Owners of irrigation wells and other non-potable use wells within one mile of the WWTF property boundary shall not be affected by this ordinance. ~~unless otherwise prohibited, may continue to be used within one mile of the WWTF.~~

Section 5. Legal Declarations

That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

Section 6. Conflicts

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 7, Effective Date

That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE,
FLORIDA, ON _____

ATTEST:

CHAIRMAN, CITY COUNCIL

CITY CLERK

APPROVED BY:

MAYOR

PREPARED AND APPROVED
AS TO FORM BY:

ASSISTANT CITY ATTORNEY

60

Kathryn Mennella

From: Kristi Cushman
Sent: Tuesday, June 13, 2006 12:57 PM
To: 'Stuart Norton'
Cc: Kathryn Mennella
Subject: RE: Rockledge ASR - Municipal Water Ordinance

We have cancelled the meeting.

From: Stuart Norton [mailto:SNorton@jonesedmunds.com]
Sent: Tuesday, June 13, 2006 11:40 AM
To: Kristi Cushman
Cc: Hal Wilkening; Dwight Jenkins; David King
Subject: RE: Rockledge ASR - Municipal Water Ordinance

Kristi,
The proposed amendment to Section 4 is acceptable. Given this, I suggest we can cancel tomorrows meeting.

Thanks for your assistance with this matter.

Take care,

Stuart Norton
Hydrogeologist
Jones, Edmunds & Associates, Inc.
(352) 377-5821

-----Original Message-----

From: Kristi Cushman [mailto:kcushman@sjrwmd.com]
Sent: Tuesday, June 13, 2006 11:29 AM
To: Stuart Norton
Cc: Hal Wilkening; Dwight Jenkins; David King
Subject: Rockledge ASR - Municipal Water Ordinance

<<Rockledge ASR - Municipal Water Ordinance.doc>>

I have reviewed the revised Rockledge ordinance in which the prior section 4 entitled "New potable wells prohibited within one mile of City of Rockledge WWTF" has been deleted and the renumbered section 4 entitled "Irrigation wells" has been revised. These changes have been discussed with Hal Wilkening and Dwight Jenkins. Attached is a proposed amendment to Section 4 of the revised ordinance. If this further revision is made, the District's objection would be resolved and there would be no need for tomorrow's meeting. Should you have any questions please contact me at (386) 329-4215. Also, please advise as to whether you wish to meet tomorrow.

Kristi L. Cushman
Business Resource Specialist III
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street

Kristi Cushman

From: David King
Sent: Friday, July 07, 2006 4:47 PM
To: Kathryn Mennella
Subject: FW: Rockledge ASR well ordinance.

Importance: High

Attachments: revised well ordinance 6-06.tif



revised well
ordinance 6-06.ti...

David King, Hydrologist II
SJRWMD, Department of Resource Management Palm Bay Service Center
321-676-6623

-----Original Message-----

From: David King
Sent: Thursday, June 29, 2006 4:45 PM
To: Mary Ellen Winkler
Cc: Richard Burklew
Subject: FW: Rockledge ASR well ordinance.
Importance: High

Mary Ellen,
Not sure if you or Kathryn were working with the City on the well ordinance, but FDEP would like to know our legal opinion of the revised ordinance. Attached is the revised ordinance.

David King, Hydrologist II
SJRWMD, Department of Resource Management
Palm Bay Service Center
321-676-6623

-----Original Message-----

From: Watroba, Duane [mailto:Duane.Watroba@dep.state.fl.us]
Sent: Thursday, June 29, 2006 4:04 PM
To: David King
Subject: Rockledge ASR well ordinance.
Importance: High

Ok. I looked at it. I see no overt changes from the old one to the new one. The property rights issue remains as far as I can tell. The ordinance does not even address who is paying for what. The City is on poor legal footing as far as I can tell, however, I am not a lawyer and not qualified to say. I will attempt to call you upon transmittal hereof. Your OGC response will be critical.

me



June 21, 2006

Christianne C. Ferraro, P.E.
Program Administrator, Water Facilities
Florida Department of Environmental Protection
Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

RE: Class V, Group 3 Injection Well Construction Permit Application
City of Rockledge Reclaimed Water Aquifer Storage Recovery
UIC Permit Number 05-0195980-001
Response to Request for Information
Project No.: 08802-034-02-4000

Dear Ms. Ferraro:

We have revised our response to the Florida Department of Environmental Protection request for information recently submitted to you on May 18, 2006, based on comments received from St. Johns River Water Management District (District) referencing the proposed well ordinance. Based on the District's comments the proposed ordinance has been revised and the District has approved of the revisions. Therefore, we are submitting a revised RFI response letter and updated attachments to you under this cover letter.

To address the changes in the RFI document please do the following:

- Remove and replace Part I—FDEP RFI Response with the revised letter.
- Remove and replace Attachment 2—Historical Water Quality Data Summary with the revised tables. Note the bi-monthly water quality data summary is also included in this attachment.
- Remove and replace Attachment 6—Revised Tables 8 and 9 with the revised tables.
- Remove and replace Attachment 8—Draft Well Ordinance with the revised ordinance.

RECEIVED

JUN 22 2006

Palm Bay

105846-1

RAE

730 NE Waldo Rd
Gainesville, FL 32641

352.377.5821 Phone
352.377.3166 Fax
www.jonesedmunds.com

fa

Christianne C. Ferraro, P.E.
June 21, 2006
Page 2 of 2

Also included is a CD that should replace the previous version submitted.

Please give me a call to discuss any questions that you may have. We look forward to working with you to provide the City with a Reclaimed ASR facility.

Sincerely,



Stuart B. Norton, Project Manager

Enclosures

xc: Duane Watroba, Florida Department of Environmental Protection
Anil Desai, Florida Department of Environmental Protection
George Heuler, Florida Department of Environmental Protection
David York (letter only), Florida Department of Environmental Protection
David King, St. Johns River Water Management District
Rich Burklew (letter only), St. Johns River Water Management District
Alan LaDuke, City of Rockledge
Jim McKnight, City of Rockledge
Mike Knapp, HydroDesign, Inc.
Brian Hepburn, Jones Edmunds & Associates, Inc.

M:\08802-Rockledge\034-02 ASR Phase II\UIC Permit RAI\RFI Response Revisions (June 2006)\2006.06.21.LTR.CFerraro.RAI.CoverLetter.doc

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ATTACHMENT 8
DRAFT WELL ORDINANCE

4c

DRAFT

**AN ORDINANCE OF THE CITY OF ROCKLEDGE, FLORIDA;
AMENDING THE CODE OF ORDINANCES BY ADDING A NEW
CHAPTER TO BE NUMBERED _____, PROVIDING FOR
MANDATORY WATER CONNECTIONS WITHIN ONE MILE OF
THE CITY OF ROCKLEDGE WASTEWATER TREATMENT
FACILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES
IN CONFLICT HEREWITH; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, potable water service is readily available within the City of Rockledge from an existing municipal water system; and

WHEREAS, the public health, safety and welfare of the residents of the City of Rockledge, is dependent upon both the quality of potable water and a sufficient quantity of potable water; and

WHEREAS, as an alternative to using potable water resources for irrigation, during times of high flows, reclaimed water can be stored below ground in an aquifer and recovered during the dry season for irrigation use; and

WHEREAS, the City of Rockledge has conducted technical and scientific studies of the aquifer to determine a location that would be conducive to storing water and has developed an "Aquifer Storage and Recovery" (ASR) program to store and recover reclaimed water when needed; and

WHEREAS, the conclusion of the technical and scientific studies conducted by the City of Rockledge suggest that the most suitable location for the reclaimed ASR Facility is at the City of Rockledge Wastewater Treatment Facility (WWTF).

WHEREAS, the Florida Department of Environmental Protection requires, as part of Underground Injection Control permitting, institutional controls for potable wells located within one mile of the City of Rockledge WWTF; and

WHEREAS, the availability of water in the Floridan aquifer for persons with groundwater wells may be influenced by the ASR Facility; and

WHEREAS, the quality of the water in the Floridan aquifer may be altered by the introduction of reclaimed water; and

WHEREAS, water quality in many private groundwater wells is not *subject* to the stringent standards of federal law; and

WHEREAS, the City of Rockledge is concerned about the public health, safety and welfare of property owners using potable water wells within one mile of the WWTF; and

(8d)

WHEREAS, in order to ensure the public health, safety and welfare, the City is requiring that all potable well owners within one mile of the City of Rockledge WWTF be required to connect to the

municipal water system.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF ROCKLEDGE, FLORIDA:

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Section 1. Purpose

The purpose of this ordinance is to protect the public health, safety and welfare of the community by requiring all potable well owners within one mile of the City of Rockledge WWTF to connect to the municipal water system. The specific reasons set forth in the above recital clauses are hereby incorporated by reference into this ordinance.

The one mile radius around the WWTF, is shown on Exhibit A.

This ordinance may be cited as the Rockledge Municipal Water Ordinance.

Section 2. Definitions.

For the purposes of this ordinance, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Aquifer means a geographic formation, group of formations, or a part of a formation capable of yielding a significant amount of groundwater to wells, springs or surface water.

Floridan Aquifer means an aquifer consisting of Ocala and Avon Park Limestones, the top of which is bound by the Hawthorn Group.

Aquifer Storage and Recovery (ASR) means the process where water is pumped through a well into an aquifer for storage and then later withdrawn for use.

Irrigation Well means a well that supplies water solely for irrigation purposes.

Municipal Water System means water suitable for drinking that has been treated by a system that is regulated by the Safe Drinking Water Act.

Potable Well means a groundwater well that supplies water for drinking water use.

Wastewater Treatment Facility means the facility located at 1700 Jack Oates Boulevard which receives and treats domestic wastewater for the City of Rockledge.

Reclaimed Water means water that has received tertiary treatment at a wastewater treatment facility and may be reused for irrigation purposes.

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Section 3. Potable wells.

Owners of potable wells which lie within one mile of the WWTF property boundary, shall be required to connect to the available municipal potable water system within 30 (thirty) days of written notification by the City of Rockledge.

Section 4. Irrigation wells.

Owners of irrigation wells and other non-potable use wells within one mile of the WWTF property boundary shall not be affected by this ordinance.

Section 5. Legal Declarations

That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

Section 6. Conflicts

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 7, Effective Date

That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE,
FLORIDA, ON _____

ATTEST:

CHAIRMAN, CITY COUNCIL

CITY CLERK

APPROVED BY:

MAYOR

PREPARED AND APPROVED
AS TO FORM BY:

ASSISTANT CITY ATTORNEY