

RESOLUTION 31-11-09

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF REPRESENTATIVE RON SAUNDERS AND SENATOR LARCENIA BULLARD TO AMEND 1999 FLA. LAWS CH. 395 REGARDING WASTEWATER DISPOSAL WELLS

WHEREAS, the Key Largo Wastewater Treatment District (“District”) is in the process of completing a wastewater management system consisting of a treatment plant, transmission line, and collection systems serving the properties located on the Island of Key Largo; and

WHEREAS, In 1999, the Florida Legislature enacted 1999 Fla. Laws ch. 395 (hereinafter “99-395”), which requires that the water to be produced from the District’s regional treatment plant will meet very high standards of purity, to wit: biochemical oxygen demand (CBOD5) of 5 mg/l; suspended solids of 5 mg/l; total nitrogen, expressed as N, of 3 mg/l; and total phosphorus, expressed as P, of 1 mg/l; and

WHEREAS, 99-395 further requires that the primary disposal well used to dispose of such treated wastewater be cased to a depth of at least 2,000 feet, and the Florida Department of Environmental Protection (hereinafter “FDEP”) interprets the 2,000-foot requirement to apply also to temporary disposal wells, for brief periods of maintenance every five years, and service interruptions; and

WHEREAS, if the 2,000-foot requirement is not changed, the District and its residents will be forced to expend millions of dollars to construct a deep well for occasional, temporary use, with little or no environmental benefit; and

WHEREAS, the District desires the assistance of Representative Ron Saunders in amending 99-395 to provide a secondary disposal well from a large wastewater treatment plant need be cased to not less than 90 feet or such greater depth as may be required by FDEP rule;

NOW, THEREFORE, the Key Largo Wastewater Treatment District respectfully requests the assistance of Representative Ron Saunders and Senator Larcenia Bullard in amending the Act, substantially as attached hereto as Exhibit A:

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The foregoing RESOLUTION NO. 31-11-09 was offered by Commissioner Tobin, who moved its approval. The motion was seconded by Commissioner Higgins and being put to a vote the result was as follows:

	A YE	NAY
Chairman Susan Hammaker	<u>Y</u>	___
Commissioner Charles Brooks	<u>X</u>	___
Commissioner Norman Higgins	<u>X</u>	___
Commissioner Robby Majeska	<u>X</u>	___
Commissioner Andrew Tobin	<u>Y</u>	___

The Chairman thereupon declared Resolution No. 31-11-09 duly passed and adopted the 3rd day of November, 2009.

**KEY LARGO WASTEWATER TREATMENT
DISTRICT BOARD OF COMMISSIONERS**

By [Signature]
Chairman, Susan Hammaker

Attest:

Approved as to form and content:

By [Signature]
Carol Walker, District Clerk

By [Signature]
District Counsel



Exhibit A

A bill to be entitled

An act relating to injection wells; amending s. 6, ch.99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

(7) Class V injection wells, as defined by Department of Environmental Protection or Department of Health rule, shall meet the following requirements and shall otherwise comply with Department of Environmental Protection or Department of Health rules, as applicable:

(a) If the design capacity of the facility is less than 1,000,000 gallons per day, the injection well shall be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule.

(b) Except as provided in paragraph (c) for backup wells, if the design capacity of the facility is equal to or greater than 1,000,000 gallons per day, the injection well shall be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by Department of Environmental Protection rule.

c) If the injection well is used as a backup to a primary injection well, the following conditions apply:

1. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;

2. The backup well may not be used for a total of more than 500 hours during any 5-year period, unless specifically authorized in writing by the Department of Environmental Protection;

3. The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by rule of the Department of Environmental Protection; and

4. Fluid injected into the backup well shall meet the requirements of subsections (5) and (6).

Section 2. This act shall take effect July 1, 2010.