

**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) "Alteration" -- a change, addition or deletion of the water system capacity, water system storage, distribution, or water treatment equipment.

(3) "Construction plan" -  
- a schematic drawing of

the water system components' arrangement and connections, which specifies each component's model, brand, and capacity and the length and size of water pipes.

(4) "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.

(5) "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.

(6) "Culinary" -- of or relating to the preparation and service of food, beverages, and dishwashing.

(7) "Dermal contact" -- contact with the skin.

(8) "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.

(9) "Establishment" -- a non-residential building or premise. This term excludes residential-based businesses where there is no public consumption, or where patrons do not visit, provided that they are not staffed by non-resident employees as often as once per week.

(10) "Existing System" -- a system that was constructed and initially placed in service prior to January 1, 1993.

(11) "Rental Residence" - - a structure or part of a structure that is rented for use as a home, residence, sleeping place by one or more persons, or a mobile home rented by a tenant. This term does not apply to facilities offering transient residency such as a public lodging establishment. This term includes other facilities where residency or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.

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

(13) "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.

(14) "Site Plan" - - a plan-view drawing of the subject property and the surrounding area, which locates the water source and system, existing and proposed major contaminant sources within 1000 feet, existing and proposed minor contaminant sources within 200 feet, the slope of land between the water and contaminant sources, and the location of existing and proposed structures on the property.

(15) "Source Water" -- water as it enters the system.

(16) "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 rule, water system does not include the well or any connections after the master water meter where the water is obtained from a public water system,

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 381.0011(4),  
(13), 381.006, 381.0062(1)  
and (3)(a), 403.862(1)(f),  
FS. Law Implemented  
381.006(1) and (2),  
381.0062(1)-(3),  
403.862(1)(f), FS.  
History--New 1-1-93.  
Amended 8-20-96, Formerly  
10D-4.024, Amended 1-26-98,  
Amended 1-24-00

**64E-8.002 New Limited Use  
Public Water System  
Construction**

(1) To apply for system construction or modification approval, an applicant must complete and submit to the department Form DH 4092B, 9/97 with:

(a) Two copies of a site plan drawn to scale and two sets of a construction plan. Each drawing shall be a minimum 8.5 x 11 inches and of sufficient clarity for reproduction; and

(b) A \$75 processing fee which shall also serve as the operating permit fee for the first permitting year, or portion thereof.

(2) No person shall construct a new Limited Use System with a well as the source unless a well construction permit was issued for it from the appropriate water management district or their delegated well permitting agents, in accordance with Chapters 40A, B, C, D, or E-3, F.A.C. This requirement

shall not apply where permits are not required for these types of wells.

(a) Wells shall be located upgradient of contaminant sources, unless the department determines that sanitary or safety concerns prevent this placement.

(b) Distances between contaminant sources and all potable water supply wells shall be maintained as described below:

1. Twenty-five feet from a building foundation when the soil has been chemically treated for pests. Wells that are installed through an impervious strata of clay, hardpan, or rock and that are constructed in accordance with paragraph chapter 62-532.500(2)(f)3. and 4., F.A.C., may be placed no less than 15 feet from a chemically treated building foundation.

2. Public drinking water supply wells serving buildings or premises having total sewage flows greater than 2,000 gallons per day shall be placed no closer than 200 feet from on-site sewage treatment disposal systems (OSTDS's); public drinking water supply wells serving buildings or premises having total sewage flows of less than or equal to 2,000 gallons per day shall be placed no closer than 100 feet from OSTDS's based upon flows in Table I, rule 64E-6.008.

3. Other setback distances are established by rule chapter 62-532, F.A.C., Water Well

Permitting and Construction Requirements.

(c) Abandonment of wells is required per rules 62-532.440 and .500(4), F.A.C., and rule chapters 40A-3.531, 40B-3.531, 40C-3.531, 40D-3.531 and 40E-3.531, F.A.C.

(3) Water systems shall be equipped with:

(a) A conveniently accessible, non-threaded, downward-opening, tap, located at least 12 inches above grade, between the source and any storage or treatment equipment; and

(b) A working pressure gauge.

(4) Systems shall be sized according to this subsection and paragraph (5) below.

(a) Calculate peak demand as follows:

$$PD = (GPD/T) \times 0.1 + IF$$

where:

PD is Peak Demand in Gallons Per Minute (GPM);

GPD is projected Gallons Per Day from rule 64E-6.008 Table I;

T is daily Time of system operation in hours:

(Use 16 hours for facilities open 10 hours per day and 8 hours for other facilities;

IF is the Irrigation Flow factor (Use 5 for irrigation if site has lawn or landscaping; use 0 if site has none).

(b) Calculate storage tank size as follows:

1. A hydropneumatic tank shall be at least ten 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 =  $PD \times 10$

Drawdown volume, bladder tank = PD

2. Where disinfection is required,

a. The effective contact tank volume for groundwater supplied systems shall be fifteen times the PD, and

b. The effective contact tank volume for surface water supplied systems shall be 120 times the PD.

c. Effective volume for hydropneumatic tanks shall be no more than 50% of gross tank volume. Therefore:

Gross Hydropneumatic Tank Volume, ground water disinfection =  $PD \times 15/0.5$ .

Gross Hydropneumatic Tank Volume, surface water disinfection =  $PD \times 20/0.5$ .

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

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

f. 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.

(5) Piping.

(a) Use Table I to determine minimum inside pipe diameter based on the larger size required for either length or flow.

Table 1

Minimum Water System Pipe  
 Sizing Criteria

For GPM <sup>1</sup> up to,	Or Length <sup>2</sup> up to	Use pipe size
6	50'	½
10	100'	¾
15	200'	1
25	300'	1 ¼
35	400'	1 ½
60	600'	2

Table I Notes:

These figures prevent water velocity from exceeding six feet per second (6 fps), and pressure loss from exceeding 20 psi per 100' 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 rule 64E-8.002(4).
- 2 Distribution pipe lengths shall be summed to find the length factor in column two.

(b) Water pipes shall be no closer than ten (10) feet horizontally, nor less than eighteen (18) inches above, sewer pipes unless such 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 sewer, to a distance of at least ten feet from the sewer line and the water pipe sleeve is sealed with waterproof sealant. In no case shall the sleeved water pipe be located within twenty-four (24) inches laterally of the OSTDS, nor shall the sleeved water pipe be

installed above or below any part of the OSTDS.

(c) Potable water pipes shall be placed no closer than five feet horizontally measured center to center or three feet outside edge to outside edge from any reclaimed water pipe as required by rule 62-610.470(3), F.A.C.

(d) 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 Chapter 21, Code of Federal Regulations, Parts 170 through 199, and pertinent Federal Registers; or meet the American National Standards Institute (ANSI)/National Sanitation Foundation, International (NSF) Standard 60-1988 entitled Drinking Water Treatment Chemicals -- Health Effects, and Standard 61-1991 entitled Drinking Water System Components, hereby incorporated by reference; or meet the standards of another ANSI accredited testing and certification organization.

(7) If approval is denied, specific deficiencies shall be identified in the department's written denial to the applicant.

(8) Construction approval is valid for twelve months. Extension shall be granted if the county health department receives a written request prior to expiration and all conditions remain unchanged.

(9) Upon completion of construction, the applicant shall:

(a) Have the water analyzed per rule 64E-8.006(1)(a), (2)(a) and (2)(d) and provide a copy of the results to the county health department; the results shall not exceed the Maximum Contaminant Levels (MCLs) in section 64E-8.006; and

(b) Provide a copy of the well completion report prepared per rule 62-532.410, F.A.C, to the county health department.

(10) The department shall inspect to determine if the system complies with the approved plans and documents. Written notice of deficiencies shall be forwarded to the applicant. Deficiencies shall be corrected within 90 days of the expiration date of the construction permit, unless a shorter time is specified in this rule, or unless this deadline is extended in writing by the department. Re-inspection requests must be accompanied by a \$40 fee.

(11) Upon a satisfactory sanitary survey and documentation listed in rule 64E-8.002(9), the department shall authorize operation on form DH 4093.

Specific Rulemaking  
Authority 381,0011(4,13),

381.006, 381.0062(1) and (3)(a), 403.862(1)(f), FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1-2), 381.0062(1-3), 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.025, Amended 1-26-98, Amended 1-24-00, Amended 11-13-00, Amended 10-7-02.

### **64E-8.003 New Private and Multi-family Water System Construction**

(1) All potable wells serving private water systems and multi-family water systems, shall be separated from major contaminant sources per rules 64E-8.001(4) and rules 64E-8.002(2)(a), (b)1. and 3., and shall be constructed at least 75 feet from any OSTDS. Rules 64E-8.002(2)(c) shall also apply to wells serving private and multi-family systems.

(2) No person shall construct or alter a multi-family water system without approval on Form DH 4093, 8/97; an applicant must complete and submit Form DH 4092B, 9/97 to the county health department with:

(a) Two sets of site plan drawn to scale and two sets of a construction plan, each drawing must be a minimum 8.5 x 11 inches and of sufficient clarity for reproduction; and

(b) A \$40 processing fee.

(3) Construction approval will be granted if the system meets the criteria in rules 64E-8.002(4), (5) and (6) and 64E-8.003(1).

(4) The applicant shall analyze the water per rule 64E-8.006(2)(d) and (e) and

provide a copy of the results to the department. These results shall not exceed the MCLs in rule 64E-8.006.

(5) The department shall inspect to determine that the system has been constructed in compliance with the approved plans. Re-inspection requests must be accompanied by a \$25 fee.

(6) If the inspection and laboratory results are satisfactory, the department shall authorize operation using Form DH 4093.

Specific Rulemaking  
Authority 403.862(1)(f),  
381.0011(4,13), 381.006,  
381.0062(1) and (3)(a), FS.  
Law Implemented 381.0012,  
381.0061, 381.0067,  
381.006(1-2), 381.0062(1-3),  
403.862(1)(f), FS.  
History--New 1-1-93.  
Amended 8-20-96, Formerly  
10D-4.026, Amended 1-26-98,  
Amended 1-24-00, Amended  
11-13-00, Amended 10-7-02.

**64E-8.004 Limited Use  
System Operating Permits**

(1) Annual permits are required for all limited use systems, except those systems registered per s. 64E-8.004(6). Annual operating permits expire September 30.

(2) By September 1st each year, the owner of a non-registered Limited Use System shall submit the following items to the county health department:

(a) A completed Form DH 4092A, 9/97, for a new water system or a water system modified since the previous permit was issued;

(b) A \$75 operating permit application fee the first year, and then a \$70 annual operating permit fee each year thereafter. The initial operating permit fee for a system put into operation after March 31st is \$35.

(c) Limited use commercial water systems which serve family day care establishments as described in Chapter 65C-20, F.A.C., shall pay an annual operating permit fee of \$25. The initial operating permit fee for a family day care establishment's water system put into operation after March 31st is \$15.

(d) For the initial permit, evidence that the water meets rule 64E - 8.006(1)(a) chemical MCLs and a recent, satisfactory two consecutive day source water microbiological survey.

(e) For the initial permit, a minimum size 8.5 X 11 inch site plan of sufficient clarity to be reproduced.

(f) For the initial permit, the capacity/size, model, and brand of all system components; and

(g) A well completion report the first year, if available, and then any time a well is replaced.

(3) Upon receipt of satisfactory items in rule 64E-8.004(2) and a satisfactory sanitary survey, the department shall issue authorization on Form DH 4093 to operate the system.

(4) A satisfactory sanitary survey conducted by the department in the

last twelve months shall assure that:

(a) Setbacks in rule 64E-8.002 are met, except that a system supplied by a well constructed prior to January 1, 1993 that is between 50 and 100 feet from an OSTDS shall be permitted without a variance if:

1. the well was constructed and approved as a potable water well,

2. both the well and the OSTDS were permitted and approved at the time of construction for the proposed and existing use, and the OSTDS is otherwise in compliance with rule chapter 64E-6, F.A.C.;

(b) The pressure is twenty pounds per square inch throughout the system at all times;

(c) The system contains no cross connections;

(d) A finished water microbiological sample (and if disinfected, a source water sample) is collected by department staff, for no additional fee;

(e) A raw water source tap complying with rule 64E-8.002(3)(a) is provided.

(f) All chemically disinfected systems shall have an aboveground check valve between the raw water source tap and the disinfectant injection point;

(g) All systems which are required to be chemically disinfected maintain a minimum 15 minute disinfectant contact time at peak demand flow;

(h) The system or system use has not been modified

without prior approval by the department.

(5) Mandated corrective actions must be completed within 120 days of permit denial.

(6) Suppliers of Limited Use Commercial Public Water Systems that do not make tap water available for public consumption are exempt from obtaining annual operating permits, provided they have

(a) registered the system by submitting a \$15 registration fee and a completed registration application Form DH 4095 to the county health department.

(b) performed a satisfactory, two consecutive day, coliform bacteria analysis of the source water. The department shall waive this requirement upon conversion from a permitted to a registered system if all untreated distribution sample analyses have been satisfactory for the previous calendar year,

(c) performed within the last five years,

1. a satisfactory nitrate analysis of water representative of the source and any satisfactory analysis required per rule 64E-8.006(2)(d), and

2. a satisfactory lead analysis of first-flush, indoor tap water which has been undisturbed in the plumbing for at least six hours,

(d) performed one satisfactory, coliform bacteria analysis of water from the distribution system, and

(e) provided satisfactory analyses reports as required in this section within 60 days of notification by the department.

(f) Re-registration, including a \$15 fee and monitoring, shall be required prior to changing business activity and upon changing system ownership.

(g) In order to retain their potable water status as is required by the Federal Occupational Health and Safety Administration rule 29 CFR 1910.141 and the Florida Plumbing Code, limited use commercial registered systems as described within this paragraph must, conduct annual testing for bacteria in the form of one satisfactory microbiological sample per calendar year.

(h) Upon receipt of satisfactory items in rule (a) through (f) above, the department shall issue authorization to operate the registered system.

Specific Rulemaking  
Authority 403.862(1)(f),  
381.0011(4,13), 381.006,  
381.0062(1),(3)(a),(6), FS.  
Law Implemented 381.0012,  
381.0061, 381.0067,  
381.006(1-2), 381.0062,  
403.862(1)(f), FS.  
History--New 1-1-93.  
Amended 8-20-96, Formerly  
10D-4.027, Amended 1-26-98,  
Amended 1-24-00, Amended  
11-13-00, Amended 10-7-02.

**64E-8.005 Operation and Maintenance**

(1) The following operating standards shall

apply to permitted Limited Use 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.

(c) The supplier shall alert the county health department 24 hours in advance where possible, but no later than the next business day after any shutdown or treatment failure.

(d) Disinfection equipment shall maintain a free available chlorine residual between 0.2 milligrams per liter (mg/L) and 4.0 mg/L free available chlorine residual or 5.0 mg/L total chlorine residual throughout the entire system, or the equivalent of these limits as determined by the department. A functional disinfectant concentration test kit shall be kept on site at all times.

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, or a portable spectrophotometer test kit and post the results in a log kept on premises. 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.

(2) The following maintenance standards apply to all permitted systems:

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

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

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

(d) If an emergency alteration occurs, the supplier must submit a completed Form DH 4092B to the department the next business day.

(e) The supplier shall post maintenance/repair dates and type 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 25 feet of the well head unless the chemical container is in an additional, above-ground

containment structure capable of containing the full volume of the chemical.

#### Specific Rulemaking

Authority 403.862(1)(f), 381.0011(4,13), 381.006, 381.0062(1) and (3)(a), FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1-2), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.028, Amended 1-26-98, Amended 10-7-02.

#### **64E-8.006 Water Quality Standards and Monitoring**

(1) Samples collected for compliance with this rule, except chlorine residuals, shall be analyzed by a laboratory certified for the contaminant by the department using a department-certified method for analyzing drinking water samples, in accordance with the referenced methods required in Chapter 64E-1, F.A.C., Clinical and Water Testing Laboratories.

(a) Chemical MCL (Maximum Contaminant Level)

1. Lead - 0.015 milligrams per liter (mg/L). One liter first flush sample collected from an indoor tap after water has been in plumbing for at least six hours.

2. Nitrate as N - 10.0 mg/L. Sample shall be representative of the water being consumed.

(b) Microbiological 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 *Escherichia coli* test reveals the presence of fecal coliform bacteria or *E. coli* in any compliance or repeat sample, providing the repeat test also reveals the presence of 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.

(2) Monitoring requirements - Initial survey and routine analyses shall be conducted by the supplier for all contaminants per rules 64E-8.006 and 64E-8.004(2)(c).

(a) Microbiological survey for newly constructed Limited Use Systems:

1. The supplier shall collect and have analyzed one source water sample for five days within 23 consecutive days.

a. Collection of two samples per day is permitted if collected six hours apart and the pump is run at rated capacity 15 minutes before each collection.

b. No more than one of these five samples and neither of the last two of these samples shall reveal the presence of coliform bacteria.

2. Upon completing system construction and disinfection, the supplier shall clear all residual disinfectant from the system and collect, and have analyzed one satisfactory, remote distribution microbiological sample per day for two consecutive days.

(b) The following monitoring schedule applies to Limited Use Systems:

1. Analysis for the chemicals listed in this section every 36 months for Limited Use Community Systems, or every 60 months for Limited Use Commercial Systems,

a. The department shall require continued annual or more frequent chemical monitoring if analysis results indicate the presence of contaminants which may pose a threat to public health as determined by the department, and

2. Microbiological analysis of a minimum of one remote sample of finished water every calendar quarter.

a. When treatment includes disinfection, a source water microbiological sample must also be collected on the same

day as the finished water sample.

b. The department shall increase microbiological monitoring frequency to monthly for one year if the supply or system has a recent history of intermittent, unsatisfactory microbiological analyses.

(c) All system owners shall report analysis results, except for daily chlorine residuals, to the department within five days of receipt.

(d) Additional analyses for contaminants not listed in this rule shall be required for all systems if the well is:

1. Located within a delineated area regulated under the Department of Environmental Protection's rule chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas, or

2. Within 1000 feet of a contaminated well or a known contaminant source.

(e) Multi-family Water Systems shall be sampled for one distribution microbiological test, a two-consecutive day source water microbiological test, and tested for the chemicals in this section one time upon completion of construction.

(f) Any chemicals or pathogens detected in concentrations which exceed a published or calculated health advisory level shall be reported to the department and removed by corrective actions taken by the supplier per rule 64E-8.007.

(3) Laboratory Methods

(a) Microbiological analyses shall be in accordance with those methods specified in the Code of Federal Regulations (CFR) Parts 141.21(f)(3), (4) and (5), hereby incorporated by reference.

(b) Fees charged to the supplier when samples are submitted by or through the department shall include:

1. Laboratory analysis costs of \$10 for each lead and nitrate sample analyzed in the initial survey, for routine monitoring, or for non-public health concerns; and

2. Laboratory analysis costs of \$10 for each microbiological sample analyzed for routine monitoring, for a new distribution line clearance, for an initial well survey, or for non-public health concerns.

(4) Department Monitoring. Department staff may collect monitoring compliance samples upon a supplier's request for a fee of \$40 per micro-biological sampling site visit, \$50 per chemical sampling site visit, or \$55 per combined chemical and microbiological sampling site visit, plus any locally mandated fees, laboratory analysis fees, and shipping fees.

(5) Monitoring by Supplier - Rule chapter 62-524, F.A.C., precludes all persons, except department staff, from sampling water systems for initial compliance with delineated area listed chemical MCLs within DEP delineated areas. For initial

clearance, the department shall charge the supplier \$50 for each delineated area chemical sampling site visit, \$50 for delineated area clearance processing, and each laboratory analysis fee required for the particular contaminant(s).

Specific Rulemaking Authority 403.862(1)(f), 381.0011(4,13), 373.309, 381.006, 381.0062(1) and (3)(a), 381.0202(3), FS Law Implemented 381.0012, 381.0061, 381.0067, 373.309(1)(e)6, 381.006(1-2), 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, Amended 1-24-00, Amended 11-13-00.

#### **64E-8.007 Corrective Actions**

This section applies to all water systems subject to this rule.

(1) For chemical MCL violations, the supplier shall conduct a confirmation sample analysis within 30 days of receipt of the initial results.

(a) If an MCL is exceeded again, the supplier shall

1. Apply to the department for system alteration on Form DH 4092B within 30 days of receipt of the confirmation test results. The corrective water treatment equipment shall be functional within 90 days after the permit is issued; or

2. Construct a new well within 90 days of

permitting and conduct repeat water quality tests for the contaminants immediately after system alteration and once per year for three years.

(2) When a chemical or fecal coliform MCL violation occurs, immediate action by the supplier shall be taken to prevent consumer exposure, to include:

(a) 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, and

(b) Written public notice to consumers that alerts them of the acute or chronic health risk and the supplier's corrective actions per rule 64E-8.008.

(3) For coliform MCL violations in the well, the supplier shall:

(a) Disinfect the well and system per rule 64E-8.007(5)(b), then conduct a five sample microbiological well survey and, if the results are unsatisfactory per rule 64E-8.006(2)(a), then:

(b) Apply for system alteration on Form DH 4092B within ten days of receipt of the confirmation test results. Corrective water treatment equipment shall be functional within ten days of the permit issuance. Complete a satisfactory two consecutive day system microbiological survey after equipment installation.

(4) For coliform MCL violations in the system, the supplier shall verify the water quality of the system by collecting one source water sample and one repeat sample within the system at the same location that revealed the bacteria; then, if the system still contains water violating the coliform MCL:

(a) Immediately disinfect the system per rule 64E-8.007(5)(b) and conduct another two consecutive day microbiological survey, then, if the system cannot be cleared:

(b) Apply for system alteration on Form DH 4092B within ten days of receipt of the test results;

1. Install corrective water treatment equipment within ten days of permit issuance and then

2. Complete a satisfactory two consecutive day microbiological system survey.

(5) An acute risk to health exists when a fecal coliform or *Escherichia coli* MCL is violated. The supplier shall immediately prevent consumer exposure to the water, and

(a) Take those actions required under rules 64E-8.007 (2) and either (3) or (4) above, and

(b) Interrupt service and maintain a 50 mg/L solution of free available chlorine, or its equivalent, throughout the system for three hours; and reduce the concentration to 4.0 mg/L prior to service being restored.

Specific Rulemaking Authority 403.862(1)(f), 381.0011(4,13), 381.006, 381.0062(1) and (3)(a), FS. Law Implemented 381.0011(8), 381.0012, 381.0061, 381.0067, 381.006(1-2), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.030, Amended 1-26-98.

#### **64E-8.008 Public Notification**

The supplier shall provide public notification as required in rules 64E-4.007(2)(b) and (5)(a) to consumers as follows:

(1) Notices shall caution consumers not to consume the water, explain the violation and describe, in non-technical terms, the supplier's corrective actions.

(2) Notices shall be neatly printed in large type and the supplier shall provide a copy to the county health department.

(3) The supplier shall deliver notices to consumers served by a Limited Use Community or Private System within 24 hours of being notified of the violation.

(4) The supplier shall post notices at water outlets in Limited Use Commercial Systems within 12 hours of being notified of the violation.

(5) The supplier shall take special actions where consumers are not capable of reading, such as verbal notification and disabling water outlets.

(6) Upon departmental release of the system, the supplier shall provide a

notice to consumers that rescinds the original notice, in the same manner as required in rules 64E-8.008(1)-(5).

Specific Rulemaking  
Authority 403.862(1)(f),  
381.0011(4,13), 381.006,  
381.0062(1) and (3)(a), FS.  
Law Implemented  
381.0011(8), 381.0012,  
381.0061, 381.0067,  
381.006(1-2), 381.0062,  
403.862(1)(f), FS.  
History--New: 1-1-93.  
Amended 8-20-96, Formerly  
10D-4.031, Amended 1-26-98,  
.

#### **64E-8.009 Variances**

(1) The supplier may request a variance by completing Form DH 4094 and submitting a statement regarding hardship, any other information necessary for rendering a decision and all information required by subsection 64E-8.009(3). The burden of presenting pertinent and supportive facts shall be the responsibility of the applicant.

(2) Upon consideration of each application, and the recommendations of the water management district and the county health department, the Deputy State Health Officer or his designee has the authority to grant a variance, grant a provisional variance or deny the variance request. The Deputy State Health Officer or his designee 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. In making its decision, the department shall consider the factors in rule 64E-8.003(4).

Variances on new wells are not transferable to other persons and expire one year after approval unless a system or well construction permit has been reissued. Special consideration shall be given to lots platted prior to 1972 or granted a variance under rule chapter 64E-6, F.A.C.

(3) For variances involving private water system replacement wells, except those which are less than 50 feet from an OSTDS or less than 25 feet from a building foundation which has been chemically treated for pests and contains no impervious strata below the ground surface, the applicable county health department administrator has the authority to grant a variance, grant a provisional variance or deny the variance request. The county health department administrator will grant a variance to prevent excessive hardship based on the same criteria specified in 64E-8.009(2).

(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 these standards.

(e) Type and degree of consumer exposure.

(f) Economic hardship.

(g) Alternative potable water availability.

Specific Rulemaking Authority 403.862(1)(f), 381.0011(4,13), 381.006, 381.0062(1), (3)(a), (6)(a), FS. Law Implemented 381.006(1-2), 381.0062, 403.862(1)(f), FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.032, Amended 1-26-98, Amended 1-24-00.

#### **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, Multi-family, 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), 381.0011(4,13), 381.006, 381.0062(1) and (3)(a), FS. Law Implemented 381.0012, 381.0025, 381.0061, 381.0067, 381.006(1)-(2), 381.0062, 403.862(1)(f),

FS. History--New 1-1-93. Amended 8-20-96, Formerly 10D-4.033, Amended 1-26-98, Amended 11-13-00.

#### **64E-8.011 Services Provided.**

(1) Any person who submits to the Department of Health water, soil, air and other samples for chemical, microbiological, and radiochemical analyses for compliance with federal, state and local regulations shall pay to the department the fee required for such analysis. Fees shall be paid in advance to the state laboratory(ies).

(2) Samples submitted for microbiological and chemical analyses shall be accompanied by a completed laboratory submission sheet on DH Forms 641 (Jan 92), 655 (Feb 92), 1125 (May 90) and 1754 (Sep 88) prepared by the sample provider. Samples for microbiological and chemical analyses shall be submitted to the Jacksonville Central Laboratory, 1217 Pearl Street, Jacksonville, Florida 32202. Samples for microbiological analysis may also be submitted to the Tampa Branch Laboratory, 3952 W. Martin Luther King, Jr., Blvd., Tampa, FL 33614-8404; the Miami Branch Laboratory, 1325 N. W. 14th Street, Miami, FL 33125; West Palm Beach Branch Laboratory, A. G. Holley Complex, East End, Lantana Road, Lantana, FL 33462; or the Pensacola Branch Laboratory, 50 West Maxwell Street, Pensacola, FL 32501. Water samples submitted for radiological

testing shall be mailed to the Department of Health and Rehabilitative Services, Office of Radiation Control, P.O. Box 680069, Orlando, FL 32868-0069 or delivered to the Department of Health and Rehabilitative Services, Office of Radiation Control, Building 18, Pine Hills Service Center, 7500 Silver Star Road, Orlando, FL 32818 and shall be accompanied by a completed DH Form 1909 (Jun 1994), prepared by the sample provider. The edition of the DH forms identified in this rule are incorporated by reference herein and can be obtained from the department.

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.

**64E-8.012 Schedule of Fines.**

The department shall impose fines or pursue other enforcement action authorized by s. 381.0012 and 381.0062, F.S. The following maximum fines shall be imposed for violations of 64E-8, each day that a violation occurs shall be considered as a separate violation:

(1) Failure to obtain a new Limited Use Public Water System construction permit [a violation of rule 64E-8.002(2)], \$500.

(2) Failure to obtain a new multi-family Water System construction permit

[a violation of rule 64E-8.003(2)], \$250.

(3) Failure to obtain a Limited Use Commercial or Limited Community Public Water System operating permit [a violation of rule 64E-8.004(1)], \$500.

(4) Failure to obtain a Limited Use Commercial Public Water System registration [a violation of rule 64E-8.004(6)], \$250.

(5) Failure to maintain required chlorine residual levels [a violation of rule 64E-8.005(1)(d)], \$100.

(6) Failure to comply with water system monitoring requirements [a violation of rule 64E-8.006(2)], \$250.

(7) Failure to take corrective actions when MCLs are exceeded (a violation of rule 64E-8.007), \$500.

(8) Failure to provide public notification when MCLs are exceeded (a violation of rule 64E-8.007), \$500.

Specific Authority,  
381.0061(1), FS. Law Implemented 381.0061, FS.  
History New--New 1-1-95,  
Formerly 10D-4.101, Amended  
1-24-00.

**64E-8.013 Cross-Connection Control**

(1) Cross-connections as defined in 64E-8.001(5) are prohibited.

(2) Any cross-connection involving a limited use, multi-family, or private water system shall be corrected using the methods established within Recommended Practice for Backflow Prevention and Cross-Connection Control,

**File Date: 9/17/02**  
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**Posted: 11/6/02**

American Water Works  
Association Manual M14,  
Second Edition, 1990,  
American Water Works  
Association, 6666 West  
Quincy Avenue, hereby  
incorporated by reference.

Specific Rulemaking  
Authority, 381.0011(4,13),  
381.006, 381.0062(1) and  
(3)(a), 403.862(1)(f), F.S.  
Law Implemented 381.0012,  
381.0061, 381.0067,  
381.006(1-2), 381.0062(1)-  
(3), 403.862(1)(f), F.S.  
History New: January 26,  
1998, Amended 11-13-00.