

Notice of Proposed Rule

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO: RULE TITLE

40D-3.037: Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference a revised appendix to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District, to add the Southern Solvents Superfund Site located in Hillsborough County to the list of sites under the agreement.

SUMMARY: The Memorandum of Agreement (MOA) Between the U.S. Environmental Protection Agency, Region IV, Superfund Division, and the District outlines a cooperative relationship and protocol for sharing information when the District is reviewing permit applications for activity near selected Superfund sites. The MOA enables each agency to implement its respective regulatory practices in a manner that helps prevent additional ground water contamination impacts in areas near selected sites. For the District, this is typically addressed by taking into account the identified contamination and buffer zones when reviewing well construction and other permit applications. Persons considering a District permit for activities located near the selected sites may view the affected areas on the District's website and thereby avoid activities that could potentially cause contaminants to spread. The MOA appendix will be revised to add Southern Solvents, located on W. Linebaugh Ave. near Gunn Highway in Tampa, to the list of Superfund Sites in the District covered under the MOA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared for this rulemaking, which determined that individuals and entities potentially affected by addition of the Southern Solvents site to the EPA-District MOA would not incur additional costs that would not otherwise be incurred due to the existence of groundwater contamination in and around the Southern Solvents area. Because there is an active trichlorethylene (TCE) contamination plume detected in groundwater wells in the vicinity of the site, permit applications for well construction or groundwater use in the area will be scrutinized by the District to address this contamination. Any permits, if issued, may require special conditions such as minimum well grouting and casing requirements or water use limits, in order to prevent any further harm to public health, safety or welfare and avoid spreading contamination. There are approximately 63 parcels of property located in or partially in the proposed contamination zone, and some 93 parcels located in or partially in the surrounding buffer zone. The mostly commercial area has municipal water supply, and continued use of well water is expected to decrease. State or local government agencies will not be affected by this rulemaking. The District anticipates only minimal costs to implement the MOA. While additional costs attributed to this rulemaking are not expected, potentially affected persons including small businesses should be able to minimize any costs associated with contaminated groundwater supply or migration of groundwater contaminants through avoidance of regulated activities within the identified contamination and buffer zones surrounding the Southern Solvents site.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [373.044](#), [373.113](#), [373.309 FS](#).

LAW IMPLEMENTED: [373.046](#), [373.103](#), [373.308](#), [373.309](#), [373.323](#), [373.324](#), [373.333 FS](#).

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.037 Rules, Publications and Agreements Incorporated by Reference.

(1) through (3) No change.

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV,

Superfund Division and the Southwest Florida Water Management District (August 2008) and Appendix dated March 2010 ~~July 2009~~ are incorporated by reference.
Rulemaking Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09, 8-30-09, 11-2-09,_____.

Memorandum of Agreement Between
The U.S. Environmental Protection Agency, Region 4, Superfund Division and
The Southwest Florida Water Management District

APPENDIX 1

March 2010 ~~July 2009~~

1. No change.
2. No change.
3. Southern Solvents Superfund Site, EPA No. FLD0001209840, Tampa, Hillsborough County (March 2010).

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Well Construction Regulation Manager
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010