

Notice of Proposed Rule

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE NO: RULE TITLE

40D-3.600: Special Well Construction Standards

PURPOSE AND EFFECT: To expand the areas designated by the District as the North Dover and South Dover areas, located in the Dover-Plant City area of Hillsborough County, and for which the District has established special water well construction standards consisting of minimum well casing depths.

SUMMARY: The Dover-Plant City area located in eastern Hillsborough County is home to many farms specializing in strawberries, blueberries, row crops and citrus, which rely upon plant irrigation to provide protection from frost or freeze damage during cold events. In 2002, the District adopted Rule 40D-3.600, F.A.C., to establish a North Dover area and a South Dover area for which special well construction standards are applicable. Potable wells constructed in the North Dover area must be cased to a minimum depth of 105 feet below land surface and to 147 feet below land surface in the South Dover area. During 2010, an unprecedented period of actual or predicted freezing temperatures resulted in over 750 potable wells in and around the Dover area experiencing problems or running dry. Sinkholes also occurred because of the significant and concentrated irrigation pumping. Investigation by the District revealed that those wells that experienced failure were not constructed to the casing depths required by Rule 40D-3.600, F.A.C. Further investigation also revealed that the areas affected by large-scale cold protection irrigation in and around the Dover farming community actually extend beyond the boundaries presently designated by the District as the North and South Dover areas.

Based upon the fact that the well casing requirements for the Dover area proved effective in preventing potable wells from failing during this recent period of intense water use, the District proposes to expand the North and South Dover area boundaries to include additional surrounding areas that were affected by the cold protection pumping. The current casing depth requirements for each area will remain the same.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Individuals and entities that may be affected by the proposed rule amendments include licensed well contractors acting as agents for individuals and entities wishing to construct, repair or modify potable wells in the affected areas. Given that over the past five years, an average of 90 new potable wells were constructed and one repaired per year in the proposed expanded areas. District staff anticipate that a similar number will be constructed and repaired per year in the future. For the existing North and South Dover areas, an average of five potable wells per year have been repaired, and it is anticipated that the same number of wells will need to be repaired annually in the future and thus have to comply with the casing depth requirement. Additional well construction inspection and enforcement costs to the District will be minimal. There will be no direct implementation and enforcements costs to other agencies. There will be no impacts on state and local government revenues. In the expanded areas, approximately 24% of new potable wells constructed already meet the new casing depth criteria. Incremental costs for construction of new potable wells in the expanded areas will range from approximately \$1,000 to \$2, 200 per well. Incremental costs of repair or modification of existing potable wells will range from approximately \$2,600 to \$3,000 to extend the casing and provide an appropriate pump. Small businesses requiring construction of new or repair or modification of existing potable wells that must comply with the new requirements will incur these incremental costs but will benefit from avoidance of water supply losses and potential reductions in sales during frost/freeze or other high water use events. There are no small cities within special well construction criteria areas and Hillsborough County is not a small county. 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](#), [373.171](#), [373.308 FS](#).

LAW IMPLEMENTED: [373.308](#), [373.309 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: Dianne.Lee@watermatters.org, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2010005)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.600 Special Well Construction Standards.

To prevent impacts to water wells from periodic high water use, in addition to complying with the other construction requirements of this chapter, the construction, modification or repair of potable water wells in the area of the Dover community shall also comply with the requirements set forth below.

(1) Potable water wells constructed, modified or repaired in the North Dover Area north of Interstate 4 (North Dover), as identified in subsection (2) below, shall be cased to a minimum depth of 105 feet below land surface.

(2) The area of North Dover is as follows:

Township 27, Range 21, Sections 25 through 36;

Township 27, Range 22, Sections 26 through 35;

Township 28, Range 20, Sections 12 through 14, 23, 24 and those portions of 25 and 26 lying north of Interstate 4;

Township 28, Range 21, Sections 1 through 19 and those portions of 20 through 24 and 30 lying north of Interstate 4; and

Township 28, Range 22, Sections 2 through 10, 15 through 18 and that portion of 20, Sections 22 through 27, and Sections 34 through 36 lying north of Interstate 4.

(3) Potable water wells constructed, modified or repaired in the South Dover Area south of Interstate 4 (South Dover), as identified in subsection (4) below, shall be cased to a minimum depth of 147 feet below land surface.

(4) The area of South Dover is as follows:

Township 28, Range 20, those portions of Sections 25 and 26 lying south of Interstate 4 and Sections 35 and 36;

Township 28, Range 21, those portions of Sections 20 through 24 and 30 lying south of Interstate 4 and Sections 25 through 29 and 31 through 36;

~~Township 28, Range 22, that portion of Section 20 lying south of Interstate 4;~~

Township 29, Range 20, Sections 1, 2, 11 through 13 and 24;

Township 29, Range 21, Sections 1 through 29, and 33 through and 36; ~~and~~

Township 29, Range 22, Sections 14 through 36 ~~9 and 15 through 21;~~

Township 30, Range 21, Sections 1, 2, 11, and 12; and

Township 30, Range 22, Sections 2 through 10.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.308 FS. Law Implemented 373.308, 373.309 FS. History--New 4-9-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Regulation Well Construction Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2010