

2021 Handbook of Florida Water Regulation: Federal Groundwater Discharge Regulations¹

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Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal federal and state (Florida) laws that directly or indirectly relate to agriculture. This handbook provides a basic overview of the many rights and responsibilities that farmers and farmland owners have under both federal and state laws as well as the appropriate contact information to obtain more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time. Several details of cited laws are also left out due to space limitations. This handbook is provided as an educational text for those interested in water use and water resource issues in Florida.

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Groundwater Discharge Overview

Federal regulation of groundwater consists of a variety of statutory directives (administered by a host of administrative agencies) that affects or has the potential to affect groundwater. Two important federal regulations in groundwater discharges are the Clean Water Act (CWA) and Safe Drinking Water Act (SDWA).

What is CWA?

The most important federal legislation affecting groundwater and surface water is the Clean Water Act (CWA), which was passed in 1972. The chief purpose of CWA, which is the control of pollution loading to surface water, also applies to groundwater as of 2020. For more information on the CWA, see Florida Water Regulations Handbook publication FE582.

What is NPDES?

The National Pollutant Discharge Elimination System (NPDES) places limitations on point sources of water pollution (i.e., recognizable origins of pollution such as

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a pipe, well, or leaking container). According to CWA, discharge to waters of the United States through a point source is prohibited unless the operator of the point source has an NPDES permit. The permit includes limits on discharge, monitoring and reporting requirements, and other provisions.

NPDES permits place two types of limitations on point-source polluters:

1. *Technology-Based Effluent Limitations*. Limits placed to control the discharge of pollutants based on the best technology available to control the pollutant.
2. *Water-Quality-Based Effluent Limitations*. These limits depend on the standards established for the quality of the water body (including groundwater bodies) into which the discharge takes place (cases are viewed on a case-by-case basis).

What is SDWA?

Most of the public water supply in Florida relies on groundwater, and therefore, drinking water policies and regulations have implications for groundwater management.

The United States Congress passed the federal Safe Drinking Water Act (SDWA) in 1974, and it has been amended several times to expand both its breadth and the United States Environmental Protection Agency's (EPA) power to enforce it. SDWA's primary purpose is to stop contaminants from entering drinking water systems. This purpose is accomplished by doing the following:

- Establishing quality standards for drinking water
- Monitoring public water systems
- Guarding against groundwater contamination from injection wells

SDWA aims to eliminate the pollution in drinking water by protecting water quality from the source to the tap. Threats to drinking water such as animal wastes, pesticides, and wrongfully disposed chemicals could contaminate water at its source. SDWA provides provisions for operator training and funding for water system improvements to ensure that water containing any threats is properly treated or disinfected.

SDWA establishes primary and secondary drinking water quality standards for larger types of public water systems that serve at least 15 service connections, or serve 25 or more people, 60 days or more out of the year. Under SDWA, public water systems must notify the public when the

contaminant levels in the local water exceed water quality maximum contaminant levels. SDWA further mandates enforcement action when drinking water is not treated properly, exceeds water quality standards, or imposes any undue risk to the public's health.

For more information on SDWA see the EPA website: <https://www.epa.gov/laws-regulations/summary-safe-drinking-water-act>

Also, for a better understanding of SDWA, see Florida Water Regulations Handbook publication FE587.

Sources

Federal Water Pollution Control Act ("Clean Water Act"), 33 USCA, Section 1251 to 1387 Safe Drinking Water Act, 42 USCA, Section 300f

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