

MEMORANDUM

TO: Governing Board Members

FROM: Deena Reppen, Deputy Executive Director, Regulatory and Public Affairs

DATE: March 11, 2010

SUBJECT: Memorandum of Agreement with U.S. Environmental Protection Agency

Background

Representatives for the U.S. Environmental Protection Agency ("EPA") contacted the South Florida Water Management District ("District") staff seeking entry into a Memorandum of Agreement ("MOA") whereby the District would prohibit the construction of water wells located in close proximity to Superfund sites. District staff worked with the EPA to develop a MOA which is consistent with the criteria set forth in Chapters 40E-2, 40E-3, and 40E-20, F.A.C. With the execution of the MOA, the EPA will provide the District with detailed information as to the location and extent of pollution plumes associated with Superfund sites.

How this helps meet the District's 10-year Strategic Plan:

The water supply program's strategic plan goal is to ensure an adequate supply of water, and to sustain water resources for future generations. This MOA fosters partnership and coordination with federal environmental agencies and provides the District with an additional tool when undertaking its review of water use permits applications.

Funding Source:

No funding from the District is needed to fulfill the District's obligations under the MOA.

This Board item impacts what areas of the District, both resource areas and geography:

This item impacts those water use applications that may be submitted to this District that fall within a specified distance from a Superfund site. It affects activities within the Water Use Regulation Division in the Water Supply Management Department of the Regulatory and Public Affairs Resource Area.

What concerns could this Board item raise?

The District has executed various agreements delegating the water well construction permitting program to county health departments, or other appropriate agencies. In the MOA, the District has agreed to inform the delegated agencies of the location of Superfund sites and to request their assistance. However, the delegated agencies are not parties to the MOA; therefore, the District cannot bind the delegated agencies to the terms of the MOA.

Why should the Governing Board approve this item?

The Governing Board should approve this item because it will provide the District with additional information in order to ensure that the water resources are protected from pollutants. Currently, District staff reviews various agencies' databases to determine if pollution exists at or near the proposed withdrawal of water. The databases often show a pollution site as a single point. None of the databases indicate the spatial extent of the contamination. The information provided by the EPA will allow District staff to more fully analyze a water use permit application's potential effect on pollution plumes associated with Superfund sites.

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DR/jh