


## MEMORANDUM

**TO:** Naomi S. Duerr, P.G., Deputy Executive Director, Water Resources Management

**FROM:** Ed Rectenwald, Staff Hydrogeologist, Water Supply Department

**THROUGH:** Kenneth G. Ammon, P.E., Director-Water Supply Division 

**DATE:** June 25, 2001

**SUBJECT:** Acceptance of Right of Entry Agreement from The City of Key West Waste Water Treatment Plant

### RECOMMENDATION

Approve the acceptance of a Right of Entry Agreement from The City of Key West Waste Water Treatment Plant, Key West, Florida, to perform monthly water level and quarterly water quality monitoring on two existing Floridan aquifer monitoring wells at this facility for hydrological modeling.

### BACKGROUND

The District is entering into this Right of Entry agreement with The City of Key West Waste Water Treatment Plant to enhance its Floridan Aquifer System (FAS) monitor well network throughout the south Florida region. This monitoring effort is intended as a long-term initiative, so that sufficient information can be obtained to reduce data gaps in the development and calibration of a regional aquifer model. The model will be used to evaluate competing uses of the FAS as a water supply source, and identify appropriate Consumptive Use Permitting (CUP) rulemaking criteria.

Enhancing the present FAS monitoring network is a direct result of the District's Water Supply Plan Initiatives. Both the Lower East Coast (LEC) and Lower West Coast (LWC) Regional Water Supply Plans recommend the Floridan Aquifer as an "alternative water supply source" through implementation of Aquifer Storage and Recovery (ASR) techniques and reverse osmosis technology. The Water Supply Plans also recommend developing a regional FAS ground water flow model using aquifer data collected from District sponsored projects, as well as individual facilities/utilities currently utilizing and monitoring the Floridan aquifer.

### STAFF RECOMMENDATION

Staff recommends the acceptance of a Right of Entry Agreement from The City of Key West Waste Water Treatment Plant, Key West Island, Florida, to perform monthly water level and quarterly water quality monitoring on two existing Floridan aquifer monitoring wells at this facility for hydrological modeling.

EER

# RIGHT OF ENTRY

## Project: FLORIDAN AQUIFER MONITORING WELL ACCESS AGREEMENT

The CITY OF KEY WEST ("Property Owner"), whose mailing address is 604 Simonton Street, Key West, Florida 33040, and SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida ("District"), whose principal office is located at 3301 Gun Club Road, West Palm Beach, Florida, hereby agrees that District, its agents, contractors, employees and assigns, are hereby granted the right to enter upon that certain real property (the "Property") owned by Property Owner, located at Trumbo Point Annex, Fleming Key [street address(es)], in Monroe County, Florida, as depicted on Exhibit "A" attached hereto (site map) and incorporated herein by reference, for the purposes described below. The location(s) of the equipment to be installed on the Property shall be mutually agreed upon by the parties hereto prior to the District exercising any of its rights under this Right of Entry.

### **Project Description**

#### **I. Purpose**

The District desires to enter into this agreement to enhance its Floridan Aquifer System (FAS) monitor well network throughout the south Florida region. This monitoring effort is intended as a long term initiative, so that sufficient information can be obtained to reduce data gaps in the development and calibration of a regional aquifer model. The model will be used to evaluate competing uses of the FAS as a water supply source, and identify appropriate Consumptive Use Permitting (CUP) rulemaking criteria.

Enhancing the present FAS monitoring network is a direct result of the District's Water Supply Plan Initiatives. Both the Lower East Coast (LEC) and Lower West Coast (LWC) Regional Water Supply Plans recommend the Floridan Aquifer as an "alternative water supply source" through implementation of Aquifer Storage and Recovery (ASR) techniques and reverse osmosis technology. The Water Supply Plans also recommend developing a regional FAS ground water flow model using aquifer data collected from District sponsored projects, as well as individual facilities/utilities currently utilizing and monitoring the Floridan aquifer.

#### **II. Activities**

District activities conducted on the Property will focus exclusively on obtaining water-level and water-quality data. All monitoring will be passive in nature and will be conducted in a manner so as to minimize disruption to normal facility operations.

The major activities proposed at each monitoring site consist of: (a) equipment installation, and (b) data collection. It is agreed that the District shall incur all costs associated with installation, including without limitation well-head modifications and any associated minor permit modification fees, and collection activities as described herein.

**II. Activities** – continued

The District shall also be responsible for the maintenance of any and all equipment installed on the Property pursuant to this Right of Entry.

*a. Equipment installation.* Staff from the District's Electronic Support and Data Acquisition (ESDA) Division, or an approved contractor will install data-logger housings, and automated electronic water-level recording equipment on selected wells. All monitor well pads will be surveyed to National Geodetic Vertical Datum (NGVD) by District staff.

*b. Data collection.* Water-level data from the monitor wells will be collected digitally in real-time or downloaded periodically by District staff or an approved contractor for archiving. Typically, one to two field technicians using a portable computer will download the electronic data-loggers monthly as well as perform routine maintenance on the equipment. During the first few months following installation, data-loggers may be downloaded twice per month to troubleshoot equipment problems and ensure that all installations are performing as intended. Separate site visits may be scheduled during the course of the year to maintain, repair or upgrade equipment as deemed necessary. Access to the Property during these trips will be coordinated with the Facility/Utility Director.

On a quarterly basis, District staff or an approved contractor will collect a groundwater sample for chemical analysis from selected wells. To ensure a representative sample from the monitor zone of interest, it will be necessary to purge the well before obtaining the water sample. As a result (and to minimize any inconvenience), the District/contractor will notify the Facility/Utility Director before sampling to assure proper facility protocols are met. The District-operated laboratory will analyze the Floridan aquifer samples for chloride and total dissolved solid concentrations.

The Property Owner and the District hereby agree as follows:

1. The Property Owner hereby acknowledges that (i) any equipment or physical structure (i.e. water well) placed on the Property by the District shall remain the property of the District, and (ii) all such equipment shall be removed from the Property, and any wells returned to substantially the same condition that they were in on the date hereof, normal wear and tear excepted, by the District on or before the termination of this Right of Entry.
2. The District agrees that upon completion of the activities proposed in this Right of Entry, any portion of the Property which is damaged as a result of activities conducted by the District pursuant to this Right of Entry will be returned to substantially the same condition that it was in on the date hereof.

3. This Right of Entry shall automatically expire after five (5) years unless extended as per paragraph 9 below. Furthermore, this Right of Entry may be terminated at any time by either party, upon 30 days written notice to the other party.
4. The Property Owner shall allow all authorized representatives of the District, their vehicles and equipment access to the Property on reasonable notice in order to implement and carryout the activities described herein.
5. This Right of Entry does not convey any property rights or equipment to the Property Owner nor any rights and privileges, other than those specified herein.
6. Entry into this Right of Entry does not relieve the Property Owner's need to comply with other federal, state or local laws, regulations or ordinances, or the requirements of District issued water-use permit(s).
7. This Right of Entry may be modified only upon the mutual consent of both parties, submitted in writing.
8. Prior to any sale, transfer or conveyance of the Property, the District requests notification so that alternative agreements or arrangements may be made, if necessary.
9. Provided this Right of Entry has not otherwise been terminated by either party, the term of this Right of Entry shall automatically be extended for up to five (5) successive renewal terms of five (5) years each. All terms, conditions, covenants and provisions of this Right of Entry shall apply during all renewal terms, if any.

Witness our hands and seals this 5 day of July, 2001.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

By: *Naomi S. Duerr*

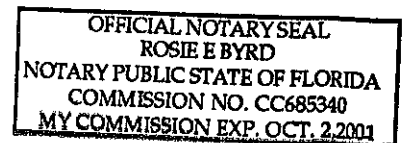
Naomi S. Duerr, P.G., Deputy Executive Director, Water Resources Management

*The foregoing was signed before me by Naomi S. Duerr who is personally known to me on July 5, 2001. State of Florida County of Palm Beach  
Rosie E Byrd*

**PROPERTY OWNER**

Facility: *City of Key West WWTP*

By: *E. David Fernandez*

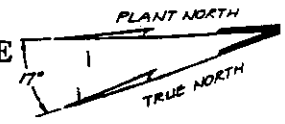


Print Name: E David Fernandez

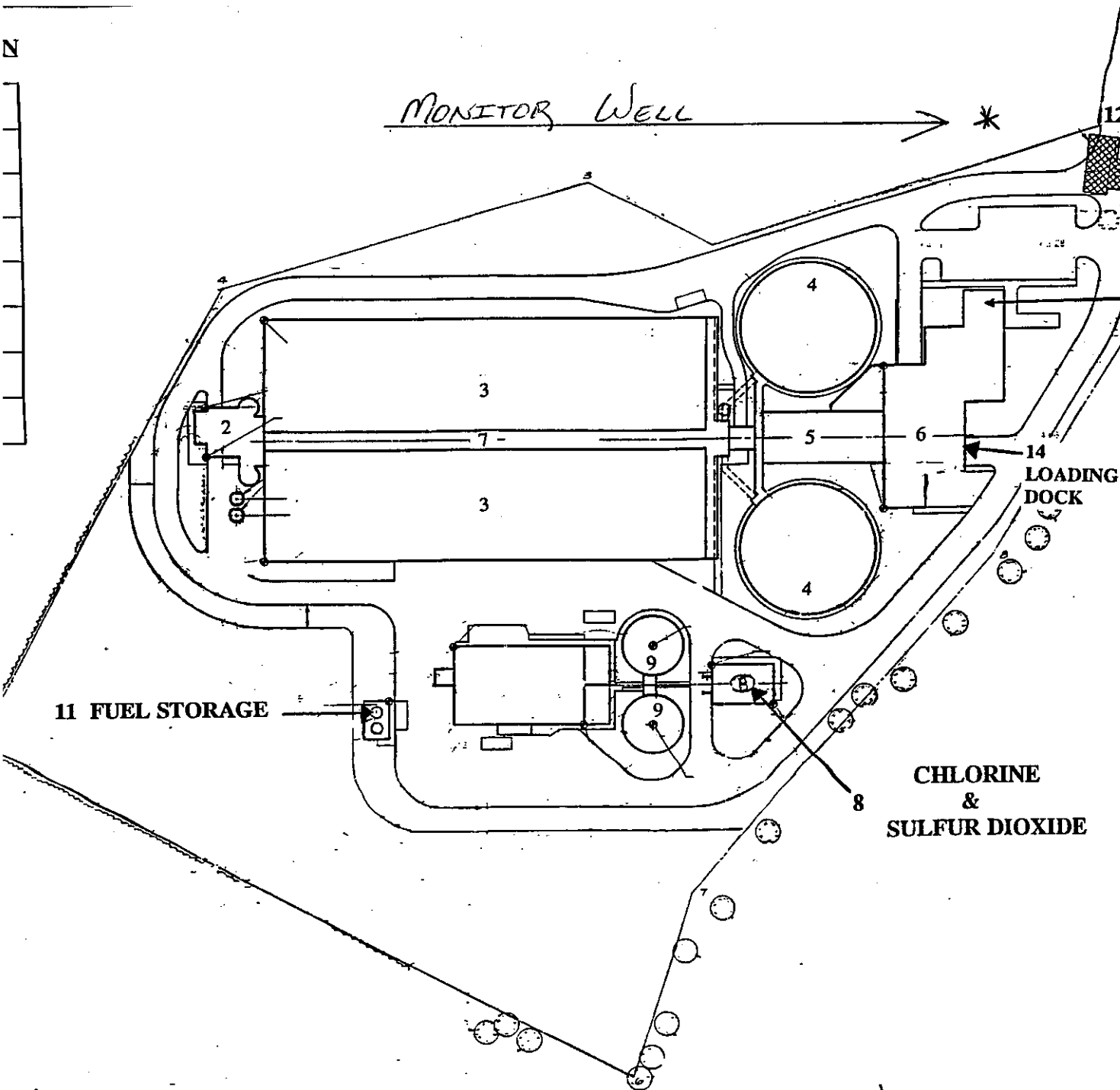
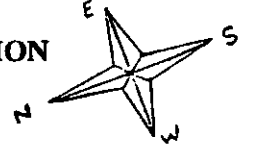
Title: Utilities Director



MONITOR Well → \*



0 50 100  
SCALE IN FEET



**FACILITY LEGEND**

2	PRELIMINARY TREATMENT	9	SLUDGE STORAGE
3	AERATION BASIN	10	SOLIDS BUILDING
4	SECONDARY CLARIFIERS	11	FUEL OIL STORAGE (O)
5	CHLORINE CONTACT BASINS	12	PLANT ENTRANCE
6	OPERATIONS BUILDING	13	ADMINISTRATION BUILDING
7	UTILIDOCK	14	LOADING DOCK - "B"
8	CHLORINE BUILDING		

11 FUEL STORAGE

8  
CHLORINE  
&  
SULFUR DIOXIDE

POINT	USCGS COORDINATE SYSTEM SEE NOTE 1		PLANT COORDINATE SYSTEM SEE NOTE 3		ELEVATION
	N	E	N	E	
1	85,817.2924	233,253.7121	5,731.76	2,378.57	3.52
2	86,187.0648	235,255.7495	6,094.95	2,185.57	5.46
3	86,279.9389	235,336.6503	6,111	2,220.72	5.74
4	86,594.8136	235,339.7424	6,499.58	2,128.75	5.32
5	86,806.5419	235,030.0626	6,707.43	1,742.41	5.39
6	86,489.4703	234,568.6742	6,180.41	1,448.10	3.71
7	86,377.5145	234,728.5944	6,113.39	1,806.79	4.47
8	86,055.8151	234,931.0144	5,865.02	1,896.39	NOT AVAILABLE
9	85,892.0031	235,079.5876	5,751.71	2,088.40	2.85

1 PROPERTY LINE BEARINGS BASED ON TRUE NORTH.

DESIGN	W. WAGNER
DRAWN	L. MCCALL
CHECKED	B. HAAS
APPROVED	BY DATE
BY	DATE

NO.	DATE	REVISION	BY	APPROVED

**REUSE OF DOCUMENTS**  
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**VERIFY SCALES**  
BAR IS ONE INCH ON ORIGINAL DRAWING.  
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

KEY WEST WASTEWATER TREATMENT PLANT  
KEY WEST, FLORIDA

*W. Wagner*  
1/7/86  
CIVIL  
SITE PLAN



Jeb Bush  
Governor

# Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, Florida 33902-2549

David B. Struhs  
Secretary

June 5, 2001

Mr. Gerald Boyce  
Operations Supervisor  
OMI, Inc.  
P.O. Box 4998  
Key West, FL 33041-4998

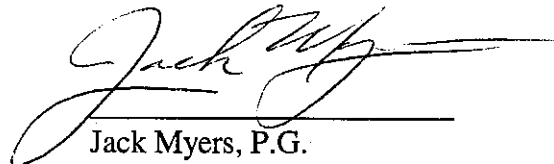
Re: Monroe County – UIC/DW  
FDEP File No. 63207-029-UC  
City of Key West IW-1  
Class V Injection Well  
Request for monitoring data

Dear Mr. Boyce:

The Department has received your March 15, 2001 letter regarding SFWMD's request to collect data from the monitoring well at the above referenced site. The Department has no objections to the monitoring as described in your letter, but obviously all activities must be fully coordinated with the permittee.

If you have any further questions, please call me at 941-332-6975, ext. 125.

Sincerely,



Jack Myers, P.G.  
Water Facilities

JBM/cap

Copies:

Randy Grau – FDEP – Marathon  
E. David Fernandez – City of Key West  
Joe Haberfeld – FDEP - Tallahassee

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