

Notice of Proposed Rule

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-41.300: Central Florida Water Initiative Area, Scope of Rule

62-41.301: Central Florida Water Initiative Area, Uniform Conditions for Issuance of Permits

62-41.302: Central Florida Water Initiative Area, Supplemental Applicant's Handbook

62-41.303: Central Florida Water Initiative Area, Variances to the Uniform Rules

62-41.304: Central Florida Water Initiative Area, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations

62-41.305: Central Florida Water Initiative Area, Applicability of the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies

PURPOSE AND EFFECT:

SUMMARY:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

RULEMAKING AUTHORITY: Section 373.043, 373.0465, 373.171, F.S.

LAW IMPLEMENTED: Section 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

(OR)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christina Coger, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, 850-245-3150, Christina.G.Coger@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina Coger, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, 850-245-3150, Christina.G.Coger@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-41.300 Central Florida Water Initiative Area, Scope of Rules

(1) Rules 62-41.300 through 62-41.305, F.A.C., and the Central Florida Water Initiative Area Supplemental Applicant's Handbook (Supplemental Applicant's Handbook), incorporated by reference in Subsection 62-41.302(1), F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>) implements section 373.0465(2)(d), F.S. These rules apply to consumptive use permit applicants in the Central Florida Water Initiative (CFWI) Area as defined in section 373.0465(2)(a), F.S, and supersede those portions of Chapters 40C-2, 40D-2 and 40E-2, F.A.C., regulating the consumptive use of water in the CFWI area explicitly identified in this chapter. These rules only supersede the rules of the St. Johns River Water Management District (SJRWMD), Southwest Florida Water Management District (SWFWMD) or South Florida Water Management District (SFWMD) (collectively, the "Districts") when explicitly provided in Rules 62-41.300 through 62-41.305 or the Supplemental Applicant's Handbook.

(2) The SJRWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40C-2, F.A.C., and the SJRWMD Applicant's Handbook for the Consumptive Uses of Water, which is incorporated in paragraph 40C-2.101(1)(a), F.A.C., (<https://www.flrules.org/gateway/reference.asp?No=Ref-09818>).

(3) The SWFWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40D-2, F.A.C., and the SWFWMD Water Use Permit Applicant's

Handbook, Part B, which is incorporated in paragraph 40D-2.091(1)(a), F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-11553>).

(4) The SFWMD shall implement this chapter and the provisions of the Supplemental Applicant’s Handbook in conjunction with provisions of Chapter 40E-2, F.A.C., and the Applicant’s Handbook for Water Use Permit Applications, which is incorporated in subsection 40E-2.091(1), F.A.C., (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05791>).

(5) Paragraph 373.0465(2)(e), F.S., directs the Districts to implement these rules within the CFWI Area without the need for further rulemaking.

(6) The phrases “Consumptive Use Permit,” “Consumptive Use Permitting,” or “Consumptive Use Applicants” are synonymous with “Water Use Permit,” “Water Use Permitting,” or “Water Use Applicants,” respectively, as used by the Districts.

(7) The Central Florida Water Initiative region is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New _____.

62-41.301 Central Florida Water Initiative Area, Uniform Conditions for Issuance of Permits

For consumptive use applicants within the CFWI Area, this rule supersedes in their entirety subsections 40C-2.301(1) and (2) and subsections 40D-2.301(1) and (2); and subsection 40E-2.301(1), F.A.C.

(1) To obtain a consumptive use permit, renewal, or modification within the CFWI Area, an applicant must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:

- (a) Is a reasonable-beneficial use;
- (b) Will not interfere with any presently existing legal use of water; and
- (c) Is consistent with the public interest.

(2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

- (a) Is a quantity that is necessary for economic and efficient use;
- (b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;
- (c) Will utilize a water source that is suitable for the consumptive use;
- (d) Will utilize a water source that is capable of producing the requested amount;
- (e) Will utilize the lowest quality water source that is suitable for the purpose and is technically,

environmentally, and economically feasible, except for those agricultural uses outlined in Section 2.9 of the Central Florida Water Initiative Area Supplemental Applicant’s Handbook, incorporated in subsection 62-41.302(1), F.A.C. (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

- (f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;
- (g) Will not cause harm to the water resources of the area in any of the following ways:
 - 1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;
 - 2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;
 - 3. Will not cause harmful saline water intrusion or harmful upconing;
 - 4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters;

and

- 5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area;
- (h) Is in accordance with any minimum flow or level and implementation strategy established pursuant to sections 373.042 and 373.0421, F.S.; and
- (i) Will not use water reserved pursuant to section 373.223(4), F.S.

(3) The standards, criteria, and conditions in the Applicant’s Handbooks identified in subsections 62-41.300(2) – (4), F.A.C., and the Supplemental Applicant’s Handbook incorporated by reference in subsection 62-41.302(1), F.A.C. shall be used to determine whether the requirements of subsections (1) and (2) are met.

(4) All Consumptive Use Permits with withdrawal points within the CFWI are hereby modified to conform with this Rule, and applicable permit conditions specified in Section 5.0, of the Supplemental Applicant’s Handbook, incorporated by reference in 62-41.300 through 62-41.302, F.A.C., are incorporated into all CUPs within the CFWI.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New _____.

62-41.302: Central Florida Water Initiative Area, Supplemental Applicant's Handbook

(1) Rules 62-41.302 through 62-41.305, F.A.C., shall be used in conjunction with the Central Florida Water Initiative Area Supplemental Applicant's Handbook (Supplemental Applicant's Handbook), effective [date], which is hereby adopted and incorporated by reference herein. (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>). Materials adopted by reference in this chapter are also available from the Department of Environmental Protection's Internet Site [link], or by contacting the Office of Water Policy, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, 850-245-3150). Design Aids referenced within the Supplemental Applicant's Handbook are not incorporated by reference and are for information purposes only.

(2) Each chapter of the Supplemental Applicant's Handbook includes a statement clearly indicating what section(s) of the Districts' Applicant's Handbooks, the Supplemental Applicant's Handbook supersedes and replaces. Any section of a Districts' Applicant's Handbooks that is not explicitly superseded and replaced by the Supplemental Applicant's Handbook shall remain in full force and effect for all users within that Districts' jurisdiction, including the CFWI Area.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.303: Central Florida Water Initiative Area, Variances to the Uniform Rules

(1) Scope. Applicants may seek a variance from Rules 62-41.301 and 62-41.302, F.A.C., and the provisions of the Supplemental Applicant's Handbook if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical. A variance under this rule is as defined in Section 120.52(21), F.S. (2020) Variances under this rule shall not be granted for any requirements relating to the Southern Water Use Caution Area or the Dover/Plant City Water Use Caution Area, provisions of which are incorporated by reference in Rule 62-41.305, F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>). Nothing in this rule shall preclude a petitioner from applying for variances or other relief mechanisms under other provisions of law.

(2) Delegation. The Department hereby delegates to the South Florida, Southwest Florida, and St. Johns River Water Management Districts the authority to grant or deny variances under this section to applicants/permittees within their district. At least 15 days prior to granting a request for variance, a district must notify the Executive Director of the other two Water Management Districts and the Director of the Department's Office of Water Policy and Ecosystem Restoration that it intends to grant the variance.

(3) An applicant seeking a variance under section 373.0465, F.S., from the provisions of Rules 62-41.301 or 62-41.302, F.A.C., or the provisions of the Supplemental Applicant's Handbook must demonstrate that there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical. For the purposes of this rule, unrealistic or impractical shall mean compliance with the rule will create a substantial hardship or would violate the principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(4) Applicants for a variance may not claim that compliance with another Department or District statute or rule justifies the need for a variance. Applicants may seek variances from those statutes or rule through the applicable variance procedures.

(5) The Districts shall only grant variances when the applicant demonstrates that it has achieved or will achieve the purpose of the underlying statute by other means.

(6) Petitions for variance must include the following information:

(a) A caption, which shall read:

Petition for Variance from Rule (Citation)

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;

(d) The applicable rule or portion of the rule or handbook;

(e) The citation to the statute the rule is implementing;

(f) The type of action requested;

(g) The specific facts that demonstrate there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical;

(h) The reason why the variance requested would serve the purposes of the underlying statute; and

(i) A statement whether the variance is permanent or temporary. If the variance is temporary, the petition shall include the dates indicating the duration of the requested variance.

(7) The District shall review a petition for a variance under Section 373.0465(2)(d), F.S., within 30 days after receipt to determine if the application is complete. If the petition is incomplete, the District shall request additional information and cite the applicable paragraph or subparagraph in this rule upon which it is making such request. Within 30 days after receipt of such additional information, the District shall review the additional information and may request any other information needed to clarify the additional information or to answer new questions raised by, or directly related to, the additional information. If the petitioner asserts that any request for additional information is not authorized by law or by rule, the petitioner may direct the District to process the petition without the requested information. Upon the receipt of such direction, the District shall process the petition without the requested information.

(8) The District shall publish in the Florida Administrative Register a notice of availability of the intended agency action on the petition for a variance under section 373.0465(2)(d), F.S. The petitioner shall publish notice of intended agency action on the petition once, at his own expense, in a newspaper of general circulation (as defined in Section 50.031, F.S.) in the county or counties in which its withdrawal is located.

(9) If granted, a variance will be issued to run concurrently with the corresponding permit.

(10) Renewals of variances shall be applied for and reviewed in the same manner as the initial variance.

Rulemaking Authority 373.016, 373.043, 373.0465, 373.171 FS. Law Implemented 373.016, 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.304: Central Florida Water Initiative Area, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations

(1) Priority List. Prior to submittal to the Department for approval pursuant to section 373.042(3), F.S., each District proposing a Minimum Flow or Minimum Water Level (MFL) or Reservation in the Central Florida Water Initiative (CFWI) Area shall:

(a) Hold a meeting among staff of the Department, and the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District (the “Districts”) to discuss the CFWI waterbodies proposed for inclusion on the Priority List;

(b) Notice and hold at least one joint public workshop within the CFWI Area with the Districts to discuss each district’s proposed priority list applicable to the CFWI. Such notice shall affirmatively state that the Districts and the Department have held the meeting required by paragraph (1)(a), above.

(c) Priority Lists shall conform with the requirements set forth in section 373.042(3), F.S. and subsection 62-40.473(9), F.A.C. In addition to those requirements, if there is an impact potential across water management district boundaries from withdrawals in the CFWI, the priority list shall specifically identify the cross-boundary impact potential as being from within the CFWI.

(2) Consistent Method for Establishing MFLs.

(a) When establishing an MFL, the Districts shall comply with the requirements of sections 373.042 and 373.0421, F.S., and Rule 62-40.473, F.A.C.

(b) When establishing an MFL, the adopting District shall consider the unique characteristics of the waterbody and basin as determined using the best available information. The adopting District shall provide the technical information supporting any proposed MFL to the non-adopting Districts and the Department. Sharing of information shall take place prior to seeking independent scientific peer review or prior to publishing a Notice of Proposed Rule, whichever comes first.

(3) Status of the MFL Waterbody. When determining whether the flow(s) and/or level(s) of a specific MFL water body are below or projected to fall below the adopted MFL criteria, the District within which the MFL is located shall use the status assessment approach that includes a screening level analysis and a causation analysis, when applicable pursuant to the 62-41.304(3)(a)-(c), F.A.C.. This status assessment is independent from and not a determination of consumptive use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection.

(a) A screening level analysis, which includes the incorporation of changes in rainfall trends, must be performed

for waterbodies in the CFWI area periodically following adoption to monitor the status of an adopted MFL.

(b) If the screening level analysis shows that the MFL is being met based on the flows or levels adjusted by rainfall trends, then no further actions are required beyond continued monitoring.

(c) If the screening level analysis indicates that the MFL is not being met, or is trending toward not being met based on the flows and levels adjusted by rainfall trends, the District will conduct a causation analysis to independently evaluate the potential impacts of various stressors on the MFL water body being assessed.

1. Factors other than consumptive uses of water (e.g., long-term drought) can cause the flow or level of a surface watercourse, aquifer, surface water, or spring to drop below an adopted minimum flow or level. The factors to be considered in the determination of causation shall be based on the use of best professional judgment and include:

- a. Rainfall or other climatic variables;
- b. Consumptive use;
- c. Land use changes or development;
- d. Surface water drainage;
- e. Changes in hydrology and hydraulics
- f. Geology/hydromorphology (e.g., sinkhole formation);
- g. Water levels/flows in other appropriate water resources (e.g., nearby wells, lakes, streams, wetlands);
- h. Ecological assessment information; and,
- i. Other factors that can be reasonably shown to cause a change in the flow or level.

2. The tools used in the causation analysis shall be based on the use of best professional judgment and may include:

- a. Double-mass analyses;
- b. Statistical analysis of climate variables and flow and/or water level;
- c. Stage and/or flow duration and frequency analysis;
- d. Modeling (groundwater/surface water, ecological or water budget models);
- e. Ecological tools;
- f. Distribution of groundwater use and withdrawal rate history;
- g. Aquifer water level trend analysis; and
- h. Degree of aquifer confinement.

3. Based on the causation analysis, the District shall develop or amend a recovery or prevention strategy including any applicable rulemaking, as appropriate, consistent with the provisions of section 373.0421(2), F.S.

(4) Development of MFL Recovery and Prevention Strategies.

(a) Recovery and Prevention Strategies shall be developed when required pursuant to and consistent with Section 373.0421, F.S., and Rule 62-40.473, F.A.C.

(b) When required, Recovery and Prevention Strategies shall either be developed for individual waterbodies or regionally.

(c) Recovery and Prevention Strategies may contain regulatory and non-regulatory provisions, as appropriate.

(d) The Recovery or Prevention Strategy must address existing uses, renewals or modifications of existing uses, and new uses that may impact the subject MFL.

(5) Consistent Method to Set Reservations.

(a) Water reserved from use shall comply with the requirements of section 373.223(4), F.S., and Rule 62-40.474, F.S.

(b) A reservation adopted after the effective date of this rule shall specifically state, as applicable, whether the reservation is being used for the protection of fish and wildlife or public health and safety.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.305: Central Florida Water Initiative Area, Applicability of the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies

DRAFT September 25, 2020

(1) Pursuant to section 373.0465(d), F.S., this rule adopts existing recovery strategies within the Central Florida Water Initiative (CFWI) Area adopted before July 1, 2016. This includes only the Southern Water Use Caution Area (SWUCA) and the Dover/Plant City Water Use Caution Area (Dover/Plant City WUCA) Recovery Strategies.

(2) By adoption, the Department ensures that these recovery strategies remain in effect in the areas currently covered by these strategies within the Southwest Florida Water Management District (SWFWMD). Nothing in this rule shall be interpreted to apply these recovery strategies to other areas within the CFWI Area.

(3) The Department hereby adopts and incorporates by reference herein the following provisions of Chapter 40D-2, F.A.C., and Chapter 40D-80, F.A.C., which shall apply to all applicants located within the SWUCA or Dover/Plant City WUCA, as applicable:

(a) Paragraph 40D-2.801(3)(b), F.A.C., effective May 19, 2014, including all subparts, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(b) Paragraph 40D-2.801(3)(c), F.A.C., effective May 19, 2014, including all subparts (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>).

(c) Rule 40D-80.074, F.A.C., effective May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), entitled “Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area”;

(d) Rule 40D-80.075, F.A.C., effective May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), entitled “Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area”;

(e) Paragraph 40D-2.331(2)(b), F.A.C., effective September 29, 2015, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), relating to all requests to self-relocate or to increase withdrawals that impact or are projected to impact a water body with an established Minimum Flow or Level;

(f) Rule 40D-2.621, F.A.C., effective date May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), relating to individual consumptive use permits for irrigation;

(4) The Department hereby adopts and incorporates by reference the following provisions of the Southwest Florida Water Management District’s Applicant’s Handbook, Part B, effective date **February 18, 2020**, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>), which shall apply to all applicants located within the SWUCA or Dover/Plant City WUCA, as applicable, and shall be used in addition to provisions of the Supplemental Applicant’s Handbook, incorporated by reference in Subsection 62-41.302(1), F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>) where notated:

(a) Section 2.1, relating to the demonstration of water need,

(b) Section 2.1.1.4, inclusive of all subsections, relating to Water Use Permits with alternative water supplies in the SWUCA or Dover/Plant City WUCA”;

(c) Section 2.2.4, regarding the loss of alternative water supplies;

(d) Sections 2.3.7, inclusive of all subsections and 2.4.8.4 inclusive of all subsections, relating to public supply use demand. For the purposes of implementing this Section, the Department hereby also incorporates by reference SWFWMD’s Applicant’s Handbook, Part D, effective date May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(e) Section 2.4.3.1.1 and 2.4.3.1.7., providing for the calculation of allocation. For the purposes of implementing this Section, the Department hereby also incorporates by reference SWFWMD’s Agricultural Water Allotment Form, Form No. LEG-R.042.00, effective date May 19, 2014, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>);

(f) Section 2.4.7.1.5, inclusive of all subsections, relating to golf course conservation requirements;

(g) Section 2.4.8.5, applicable to all wholesale public supply applicants located within the SWUCA;

(h) Section 3.9.2, inclusive of all subsections, providing regulatory requirements in the SWUCA;

(i) Section 3.9.4, inclusive of all subsections, providing regulatory requirements in the Dover/Plant City WUCA;

(j) Section 4.1.1, relating to water flow monitoring and calibration as applicable within the Dover/Plant City WUCA and SWUCA;

(k) Section 4.3.1, relating to groundwater level monitoring requirements within the SWUCA;

(l) Section 4.4.1, inclusive of all subsections; relating to irrigation crop reports within the SWUCA;

(m) Section 4.4.2, relating to irrigation pumpage compliance within the SWUCA; and

(n) Section 4.4.13, regarding reporting requirements for landscape/recreation irrigation water use within the SWUCA.

DRAFT September 25, 2020

(5) Application forms promulgated by the SWFWMD to implement this strategy are hereby incorporated by reference as below. These forms shall be in addition to the application and forms otherwise provided as part of a consumptive use permit application.

(a) Within the SWUCA, an Applicant shall submit the forms required by Rule 40D-2.101(5), F.A.C., effective date May 19, 2014, adopted and incorporated by reference herein, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>).

(b) Within the Dover/Plant City WUCA, an Applicant shall submit the forms required by Rule 40D-2.101(6), F.A.C., effective date May 19, 2014, adopted and incorporated by reference herein, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>).

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 30, 2016, in Vol 42, No. 252 (in compliance with 2016-1 Laws of Florida), and on March 21, 2019, in Vol. 45, No. 56 of the Florida Administrative Register.

1 **Foreword**

2 The Central Florida Water Initiative (CFWI) is a collaborative process involving the Department
3 of Environmental Protection, the St. Johns River Water Management District, the South Florida
4 Water Management District, the Southwest Florida Water Management District, the Department
5 of Agriculture and Consumer Services, regional public water supply utilities, and other
6 stakeholders. As set forth in the Central Florida Water Initiative Guiding Document of January
7 30, 2015, the initiative has developed an initial framework for a unified process to address the
8 current and long-term water supply needs of Central Florida without causing harm to the water
9 resources and associated natural systems. The “CFWI Area” is all of Orange, Osceola, Polk, and
10 Seminole Counties, and southern Lake County.

11 Section 373.0465, Florida Statutes, directs the agencies to develop a water supply planning
12 process to identify measures necessary to prevent further harm to water resources in the area.
13 Across the CFWI Area, cumulative harm on the water resources is existing and increasing
14 because of groundwater withdrawals. The CFWI’s planning process concluded that traditional
15 resources alone cannot meet future water demands or currently permitted allocations without
16 resulting in unacceptable harm to water resources and related natural systems. The public interest
17 requires protection of the water resources from harm.

18 Section 373.0465, Florida Statutes, directs the Department of Environmental Protection to adopt
19 uniform rules for application within the CFWI Area. Rules 62-41.301 through 62-41.305, F.A.C.,
20 and this Supplemental Applicant’s Handbook address the public interest by providing a uniform
21 regulatory framework to allow for the allocation of available groundwater in the area, subject to
22 avoidance and mitigation measures to prevent harm. This regulatory framework is one
23 component of a comprehensive joint water management strategy for regional water resource
24 management that also includes regional water supply planning, alternative water supply project
25 funding, and water resource investigations and analysis. These rules will apply to consumptive
26 use permit applicants in the CFWI Area and supersede portions of Chapters 40C-2, 40D-2 and
27 40E-2, F.A.C., regulating the consumptive use of water in the CFWI Area explicitly identified in
28 the chapter.

29

30 **CFWI – 1.0 General Provisions**

31

32 **CFWI - 1.1 Definitions**

33

34 The following definitions are applicable to the terms in this Central Florida Water Initiative
35 (CFWI) Supplemental Applicant’s Handbook for Consumptive Use Permitting. Where the
36 identical term is used in Section 1.1 of the St. John’s River Water Management District
37 Applicant’s Handbook for the Consumptive Uses of Water, South West Florida Water
38 Management District Water Use Permit Applicant’s Handbook, Part B, and the Applicant’s
39 Handbook for Water Use Permit Applications within the South Florida Water Management
40 District, (collectively referred to as the “Districts’ applicant’s handbooks”), the terms below shall
41 supersede and replace the corresponding term in its entirety. All other terms referenced in the
42 Districts’ applicant’s handbooks shall remain in full force and effect.

43

44 (a) **“Central Florida Water Initiative Area”** or **“CFWI Area”** is as defined in section
45 373.0465(2)(a), F.S.

46

47 (b) **“Central Florida Water Initiative (CFWI) Supplemental Applicant’s Handbook for**
48 **Consumptive Use Permitting,”** also referred to as the **“Supplemental Applicant’s Handbook”**
49 means an applicant’s handbook that supplements, and in places supersedes and replaces, the
50 Districts’ applicant’s handbooks for use within the CFWI Area and which is incorporated by
51 reference in subsection 62-41.302(1), F.A.C.

52

53 (c) Within the CFWI Area, **“harmful to the water resources,”** as used in section 373.219(1),
54 F.S., means a determination of harm to the water resources following an evaluation of the
55 conditions for issuance of permits set forth in subparagraphs 62-41.301(2)(g), F.A.C., as those
56 conditions are evaluated in the Supplemental Applicant’s Handbook.

57

58 (d) **“Endangered or threatened species”** or **“listed species”** means those animal species that are
59 identified as endangered or threatened by the US Fish and Wildlife Service, the National Marine
60 Fisheries Service, or the Florida Fish and Wildlife Conservation Commission, as well as those
61 plant species identified as endangered or threatened by the US Fish and Wildlife Service or
62 National Marine Fisheries Service, when such plants are located in a wetland or other surface
63 water.

64

65 (e) **“Area of Influence”** means:

66 1. For withdrawals from groundwater systems the area of influence is defined by the cone
67 of depression.

68 2. For withdrawals from surface water systems the area of influence is defined as the
69 extent to which the withdrawal results in an impact to surface water levels or flows
70 using the best available tools.

71

72 (f) **“Cone of Depression”** means the conical shape taken by the potentiometric surface or water
73 table showing the variation of drawdown, with distance, due to pumping from a well or wellfield.

74

75 (g) “**Demonstrated 2025 Demand**” means the quantity of water, needed to meet demands in
76 2025. Demonstrated 2025 Demand will be calculated utilizing the methodologies described in
77 Section 2.0 of the Supplemental Applicant’s Handbook.

78
79 (h) “**Existing Uses**” means those permitted consumptive uses in effect as of (effective date).

80
81 (i) “**New Uses**” means those uses permitted after (effective date).

82
83 **CFWI – 1.2 Modification of Existing Permits**

84
85 As of the effective date of this rule, each District shall modify all applicable existing
86 consumptive use or water use permits within the CFWI Area by letter modification. Notice of
87 agency action will be provided to the applicant and to persons who have requested notice as
88 required by Section 120.60, F.S. Such permit modifications of existing consumptive use or water
89 use permits within the CFWI Area will be modified to shall incorporate the applicable measures
90 and conditions described in sections 1.1 (Definitions) and 2.0 (Demonstration of Water Demand,
91 Allocations, and Source Modifications), including all subparts. Specifically,

- 92
93 A. All allocations are hereby shall be modified in accordance with the designated use
94 class of the permitted use and the corresponding method of allocation described in
95 section 2.0.
96
97 B. The permit conditions specified in Section 5.0 are shall be incorporated into all
98 existing consumptive use permits in the CFWI Area and shall be placed on all permits
99 for new uses within the area.

100
101 ~~Each District shall modify the existing permits by letter modification, using the procedures set~~
102 ~~forth in the applicable District rules. Notice of agency action will be provided to the applicant~~
103 ~~and to persons who have requested notice as required by Section 120.60, F.S.~~

104
105 **CFWI - 1.3 Environmental Resource and Consumptive Use Permitting Concurrency**

106
107 Within the CFWI Area, this section, CFWI - 1.3, shall be in addition to the SJRWMD
108 Applicant’s Handbook for the Consumptive Uses of Water and shall supersede in its entirety
109 section 1.3.5 of the SWFWMD Water Use Permit Applicant’s Handbook, Part B, subsection
110 40D-2.301(3), F.A.C., and section 1.4.6 of the Applicant’s Handbook for Water Use Permit
111 Applications within the South Florida Water Management District.

112
113 If an individual Consumptive Use Permit (CUP) application includes either of the following two
114 requests for a consumptive use of water, then the CUP application shall not be considered
115 complete until the applicant has submitted a complete application for an environmental resource
116 permit (ERP), pursuant to Chapter 62-330, F.A.C.:

- 117
118 A. Requests to irrigate golf course areas, cemeteries, nursery plants, agriculture crops, or
119 landscaped areas, which are a part of an artificially-created surface water
120 management system that requires an individual or general ERP; or

- 121
122 B. Requests to dewater for a project that requires an individual or general ERP under
123 Chapter 373, F.S.

124
125 In all other cases, the District can take final agency action on the CUP application without regard
126 for the status of the ERP application.

127
128 The requirement to submit a complete application for an ERP shall not apply to:

- 129
130 A. Requests for a consumptive use of water associated with phosphate mining with an
131 approved reclamation plan pursuant Chapter 378, F.S.;
- 132
133 B. Requests for a consumptive use of water associated with an ERP project that qualifies
134 for a general permit under Section 403.814(12), F.S.; or
- 135
136 C. A CUP application that does not meet the conditions for issuance in Rule 62-41.301,
137 F.A.C.

138
139 **CFWI - 2.0 Demonstration of Water Demand, Allocations, and Source Identification**

140
141 Within the CFWI Area, sections, CFWI - 2.0 – 2.6, inclusive of all subsections, supersedes, 2.2.
142 (excepting 2.2.2.5. through 2.2.2.5.1 B, 2.2.3.2 through 2.2.3.2.2, 2.2.5.5 through 2.2.5.5.5,
143 2.2.6.1 through 2.2.6.1.2, 2.2.8 through 2.2.8.2, 2.2.9, and 2.3(e) of the SJRWMD Applicant’s
144 Handbook; sections 2.0, 2.1.1. (excepting 2.1.1.4), 2.3 (excepting 2.3.7), 2.4.1, 2.4.3 (excepting
145 2.4.3.1.1 and 2.4.3.1.7), 2.4.4 (excepting 2.4.4.1.), 2.4.5 (excepting 2.4.5.1), 2.4.6 (excepting
146 2.4.6.1), and 2.4.7 (excepting 2.4.7.1), of the SWFWMD Applicant’s Handbook; and sections
147 2.0, 2.2.3, 2.2.4.A, 2.2.4.B, 2.3 (including Section 2.3.2.B only as to dewatering associated with
148 mining projects, and excepting D.1., E.1., F.1., G.) of the SFWMD Applicant’s Handbook.

149
150 To receive a permit, an applicant must demonstrate that the proposed water use is a reasonable-
151 beneficial use of water, as required by Section 373.223, F.S., as further explicated in the
152 conditions for issuance in Rule 62-41.301, F.A.C. The proposed withdrawal of water must be
153 supported by information that provides reasonable assurance that the withdrawal quantities are
154 necessary to supply a certain reasonable demand. Only the portion of demand for which an
155 applicant can provide such reasonable assurance will be permitted. Additional or alternative
156 provisions are required for uses within the Southern and Dover/Plant City Water Use Caution
157 Areas in accordance with Rule 62-41.305, F.A.C.

158
159 An applicant’s allocation reflects a consideration of factors including demands and, as
160 applicable, treatment losses, reclaimed water and other sources of water, conservation, and water
161 purchased, sold, or transferred, and documented historical information. When necessary to
162 prevent water resource impacts or implementing projects that add new sources of water,
163 allocations can be expressed in increments over the permit term.

164
165 In no case, however, will the allocation be greater than the total rated capacity of all existing and
166 proposed withdrawal facilities.

167
168 Each permit issued by the District shall identify the source of withdrawal, the use type, and the
169 location of the withdrawal.

170
171 **CFWI - 2.1 Allocation Expression**

172
173 Applicants shall request quantities in gallons per day (gpd) or million gallons per day (mgd) for
174 each component of demand according to the demand components listed for each use type.

175
176 **CFWI - 2.1.1 Annual Quantity**

177
178 The annual quantity is determined by calculating the total quantity of water to be withdrawn over
179 a 12-month period. A daily average is calculated by dividing the annual quantity by 365. The
180 annual average quantity must equal the quantities required by each demand component for the
181 particular use.

182
183 **CFWI - 2.1.2 Peak Month**

184
185 The peak month allocation represents the greatest quantity permitted to be used in any single
186 month. The peak month allocation is determined by dividing the month of highest water use by
187 the number of days in that month for the associated use type. For agricultural and landscape/
188 recreation use types, the peak month allocation is determined by identifying the peak month
189 demand under the 2-in-10 year drought in addition to other associated agricultural uses that are
190 not calculated based on rainfall.

191
192 **CFWI - 2.2 Public Water Supply Use Type**

193
194 **CFWI - 2.2.1 Public Water Supply Demand Calculation and Components**

195
196 Generally, public supply demand will be calculated using the average gross per capita rate for the
197 most recent five years as applied to the applicants' service areas' residential population served. See
198 section 2.2.3.2.

199
200 Alternative methodologies may be used if there is reasonable assurance that the methodology is
201 appropriate for the service area and that the withdrawal quantities requested are necessary to
202 supply the proposed demand. Examples of alternative methodologies are utility-level growth rates
203 for applicants with a large number of dwelling units occupied by non-residents or reasonable design
204 per capita for new developments.

205
206 Within the Southern Water Use Caution Area, section 2.3.7 of the SWFWMD Applicant's
207 Handbook shall be used to determine an applicant's demand; however, allocations from the
208 Upper Floridan Aquifer shall be determined using section 2.8 of the CFWI Supplemental
209 Applicant's Handbook.

210

211 Demand quantities shall be based on raw water demand. Applicants shall request total water
212 quantities in gallons per day (gpd) or million gallons per day (mgd) for each demand component,
213 as defined below, in order to justify the quantities requested in the application.

214

- 215 A. Residential use shall be divided into single-family residential use (including mobile
216 homes) and multi-family residential use.
- 217 B. Non-Residential or Other Metered use shall include all uses other than residential
218 accounted for by meter.
- 219 C. Estimated Unmetered use shall include estimates of unmetered uses that are tracked
220 by the applicant.
- 221 D. Treatment losses shall include significant treatment process losses associated with
222 making the water potable, such as reject water in desalination, membrane cleaning or
223 back-flush quantities associated with sand filtration systems. Treatment losses are
224 calculated as raw water into the plant minus treated water out of the plant.
- 225 E. Water losses are equal to the total water plant input minus all accounted uses
226 described in A. through D. above. Water losses shall not exceed 10% of total
227 distribution quantities.
- 228 F. Exports / Imports shall include the quantity of water delivered to other entities
229 through agreements or contracts and the duration of the water service delivery. For
230 those utilities which purchase supplemental water from another utility, the volume of
231 water historically purchased (or contracted to be purchased for proposed uses) for an
232 average and maximum daily basis and the duration of the agreement / contract shall
233 be provided.

234

235 **CFWI - 2.2.2 Public Water Supply Population Projections for the Residential Demand** 236 **Component**

237

238 The applicant must provide population projections for those who will be served by the public
239 supply system.

240

241 To determine future population to be served, population data should be derived from the most
242 recent county-level/parcel level forecast of population based on published University of Florida,
243 Bureau of Economic and Business Research (BEBR) - Medium projections for target year(s).

244 Other accepted sources of population data that may be used to supplement BEBR medium
245 projections to evaluate the population projections include:

- 246
- 247 • The current Comprehensive Land Use Plan developed under Part II, Chapter 163, F.S.;
 - 248 • Historic growth rate at utility-level based on an average of five years of historic
249 population times the base year served dwelling unit population (estimate of total
250 residential dwelling units multiplied by the estimate of persons per household). The base
251 year would be defined as the last full year. Average of five years historic population
252 would include the base year and four years prior;
 - 253 • The current CFWI Regional Water Supply Plan; and
 - 254 • Regional Planning Council Data and Special population studies.

254

255 If an applicant proposes an adjustment to the BEBR-medium projection or utility level growth
256 rate, the applicant must provide reasonable assurance through specific data and analysis that the

257 adjustment better predicts population growth rate due to significant changes in factors affecting
258 the applicant's service area's population growth rates (either up or down) in the most recent five
259 years that would render a five-year average not representative for projecting over the requested
260 permit duration. The specific data and analysis should include an alternate five-year average
261 calculation.

262
263 Public supply entities that provide water supply for predominantly commercial uses that do not
264 support a permanent population are excluded from these calculations and demand projections
265 shall be evaluated using best available information.

266
267 For all methods, seasonal service area population may be used, if applicable, and, if used, shall
268 be estimated using methods recommended by either the Department of Economic Opportunity or
269 proposed by the utility and approved by the District. Applicants may also identify tourist
270 population, if known. In addition, the population to be served can be a mixture of permanent and
271 non-permanent population as long as it is consistently used.

272

273 **CFWI - 2.2.3 Per Capita Daily Water Use**

274

275 The per capita use rate that is the most representative of anticipated demands, considering the water
276 conservation plans required by the Districts, shall be identified and used for water demand projection
277 purposes.

278

279 **CFWI - 2.2.3.1 Uniform Method for Calculating Gross Per Capita Daily Water Use**

280

281 Gross Per Capita is defined as: $(WD + IM - EX) / RP$ Where:

282

- 283 • WD = ground water, surface water and stormwater withdrawals.
- 284 • IM = water imported/purchased from other supplier(s). Irrigation water, excluding
285 Reclaimed Water, provided to the applicant's service area by a separate utility shall be
286 counted as imported water
- 287 • EX = water exported/sold to other supplier(s)
- 288 • RP = Residential Population (for a Utility Service Area) is based upon total residential
289 dwelling units served, which include Single Family Residential, Multi-Family Residential
290 (apartments, townhomes, condos, duplexes) and Mobile Homes, multiplied by a utility-
291 specific estimate of persons per household. The applicant shall provide reasonable
292 assurance that the utility specific persons per household figure used demonstrates a
293 reasonable method for determining persons per household within its service area. Examples
294 of typically reliable data include census-based averages, BEBR persons per household
295 estimates, and utility documented surveys.

296

297 **CFWI - 2.2.3.2 Uniform Method for Calculating Residential Per Capita Daily Water Use**

298

299 Residential Per Capita is defined as Total Residential Water Use (or Water Use by Dwelling Units)
300 divided by Service Area Residential Population (RP).

301

302

303 **CFWI - 2.2.4 Defining the Public Water Supply Service Area**

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A. Public Service Commission Service Territory

If the applicant is regulated by the Public Service Commission (PSC), the service area should be that area for which the utility has obtained a certificate from the PSC that the applicant intends to serve during the requested permit duration. If the projected future service area is larger than the area certificated at the time of application, the applicant will solicit the opinion of the PSC as to the ability of the applicant to serve the area and provide the PSC’s response to the District. If the PSC determines that the applicant is capable of serving the area, the projected service area will be used in the demand calculation. If used, a special condition to the permit shall require the permittee receive a certificate from the PSC for the expansion within two years of permit issuance. If a permittee will not serve a new demand located within either the existing or proposed service area, the permitted allocation is subject to modification.

B. Local Government Franchise

If the applicant is regulated by a local government, the service territory should be that area for which the applicant has obtained a franchise that the applicant intends to serve during the requested permit duration.

If the projected future service area is larger than the area franchised at the time of application, the applicant will solicit the opinion of the local government as to the ability of the applicant to serve the area and provide the local government’s response to the District.

If the local government determines that the applicant is capable of serving the area the projected service area will be used in the demand calculation. If used, a special condition to the permit shall require the permittee receive a franchise from the local government for expansion within two years.

C. Unregulated Service Territory

If the applicant is not regulated by either local government or the PSC, the projected service area must: (1) conform to the area that the utility can reasonably serve within the permit duration; and (2) not already be within another entity’s established service area. If the applicant is claiming service areas outside of its legal boundaries or within the legal boundaries of another utility, an explanation, with supporting documentation, must be provided in the application.

D. Conflicting Service Territories

If, during review of a permit application, conflicting service area claims arise between applicants or between an applicant and public supplier permittee, the users must resolve the dispute between themselves, or seek resolution before the PSC, the local government,

349 or through a body with substantive jurisdiction to resolve the conflict, whichever is
350 applicable to the applicant. An applicant may amend its application to either remove the
351 services areas in dispute or to include an allocation based only on the non-disputed
352 portions of the projected service areas; otherwise, the District will allocate based on the
353 non-disputed portions of the projected service area.
354

355 **CFWI - 2.3 Industrial/Commercial/Institutional/Electric Power Generation (ICI) Use Type**

356 **CFWI - 2.3.1 ICI Demand Components**

357
358 Reasonable demand is based on the amount of water needed to perform an ICI process in an
359 efficient, non-wasteful and economic manner. To demonstrate the quantities applied for are
360 reasonable, applicants must identify the quantities needed for each demand component listed
361 below. Applicants shall request quantities in gallons per day (gpd) or million gallons per day
362 (mgd) for each demand component.
363

364 Applicants for ICI use must identify the demand for the following demand components:

- 365 A. Processing and manufacturing, which includes water lost in processing and
366 manufacturing where water is an input in the process.
- 367 B. Office and personnel use, which includes personal and sanitary use.
- 368 C. Landscaping and irrigation
- 369 D. Other needs. All “other needs” shall be specified in the application along with
370 supporting documentation to meet the conditions for issuance pursuant to 62-41.301,
371 F.A.C.
372

373 **CFWI - 2.3.2 ICI Demand Calculation by Demand Component**

374
375 The applicant shall calculate demands under this section by preparing a water balance for the
376 types of activities associated with the application. The water balance may be in the form of a
377 spreadsheet or flow diagram, indicating all sources and losses. An example water balance
378 diagram is provided in Design Aid 1.
379

380 **CFWI - 2.3.2.1 Processing, Manufacturing, and Power Generation**

381
382 The water balance shall include the below information.
383

- 384 A. The Applicant shall provide a written account of where water is used in
385 manufacturing or processing; where and in what quantities water is lost in
386 manufacturing or processing; and where and in what quantities water is disposed in
387 the manufacturing or processing.
 - 388 1. All water sources that input to activity must be listed – e.g., groundwater
389 from wells, groundwater from dewatering, surface water withdrawals,
390 collected rainfall, recycled or reused water.
 - 391 2. The amount of water used from all sources should equal the sum of the
392 water used, lost and disposed.
393
394

- 395 B. The Applicant shall list all uses and losses including, as applicable:
396 1. Water used to wash product.
397 2. Evaporation from settling/recirculation ponds.
398 3. Water retained and shipped with product.
399 4. Water used to separate or beneficiate the product.
400 5. Water used to transport the product (slurry).
401 6. Animal needs.
402 7. Draining or filling augmentation of ponds, pools, flumes and aquatic
403 habitats necessary for processing and manufacturing.

- 404
405 C. The Applicant shall identify the final disposal of all water including, as applicable:
406 1. Off-site discharges.
407 2. Disposal/recharge through percolation ponds.
408 3. Disposal by spray irrigation.
409 4. Water entrained in materials.
410 5. Recycling of wastewater.

411
412 **CFWI - 2.3.2.2 Personal use**

413
414 Personal water use includes water needed for personal use such as restroom facilities and for
415 drinking, bathing, cooking, sanitation, and cleaning. Based on the information provided,
416 demands for personal use shall then be calculated using gallons per employee/contractor or
417 visitor needed based on best available information from typically reliable data sources such as
418 US Department of Energy, AWWA Research Foundation, Pacific Institute, Conserve Florida on-
419 line library, or US Environmental Protection Agency.

- 420
421 A. In determining the number of employees/contractors, if applicable, the applicant shall
422 use the average number of employees/contractors per shift, number of shifts per
423 workday, and number of workdays per year.
424
425 B. If an applicant is requesting an allocation for this demand component for visitors, the
426 applicant shall use the annual average number of visitors for the most recent five
427 years. Alternative methodologies can be used if an applicant presents reasonable
428 assurance that the methodology is appropriate for the use and that the withdrawal
429 quantities requested are necessary to supply the proposed need or demand.

430
431 **CFWI - 2.3.2.3 Landscape Irrigation**

432
433 Demands for landscaping and irrigation will be calculated by providing information utilizing the
434 application of supplemental irrigation demands set forth in section 2.5.1.1.A.

435
436 **CFWI - 2.3.2.4 Other needs**

437
438 An applicant shall provide reasonable assurance that all “other needs” requested, such as outside
439 use, air conditioning, and unaccounted uses, meet the conditions for issuance pursuant to Rule
440 62-41.301, F.A.C.

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CFWI - 2.4 Mining and Mining Dewatering Use Type

CFWI - 2.4.1 Mining and Mining Dewatering Demand Components

The reasonable-beneficial need for a requested allocation must be based on the amount of water needed to extract subsurface materials or control surface water or groundwater when performing activities such as excavation or construction as well as moving, handling and processing the extracted material. Applicants must demonstrate that the quantities applied for relate to reasonable mining, processing, and mining dewatering needs.

To demonstrate the quantities applied for are reasonable, an applicant must identify the quantities needed for each demand component. Typically, requested quantities are based on historical information or comparable uses or projected future use, where available. Applicants shall request quantities in gallons per day (gpd) or million gallons per day (mgd) for each demand component.

Applicants for mining and mining dewatering use must identify the demand for the following demand components:

- A. Mining, mining dewatering, and processing
- B. Office and personnel use, including water for personal needs such as drinking, bathing, cooking, sanitation, or cleaning.
- C. Landscaping and irrigation,
- D. Other needs includes the total requested withdrawal quantity minus the quantity for the demand components identified above. All “other needs” shall be specified in the application along with supporting documentation to meet the conditions for issuance pursuant to 62-41.301, F.A.C.

CFWI - 2.4.2 Mining and Mining Dewatering Demand Calculation

The applicant must prepare a water balance to calculate the proposed demands. The water balance shall include all four demand components, if applicable, listed in 2.4.1, above. The water balance may be in the form of a spreadsheet or flow diagram indicating all sources and losses.

The water balance must identify the demand for each of the following components as applicable:

- A. Mining, mining dewatering, and processing
 - 1. Provide a written account of where water is generated and used in the mining and mining dewatering processes; where and in what quantities water is lost in the mining and mining dewatering processes; where and in what quantities water is disposed of or reused in the mining and mining dewatering processes; and where and in what quantities water is used for processing extracted materials.
 - i. All water sources that input to activity must be listed – e.g., groundwater from wells, groundwater from water table dewatering or drainage for mining, surface water withdrawals, collected rainfall, recycled or reused water.

- 486 ii. The amount of water used from all sources should equal the sum of the
- 487 water used, lost and disposed.
- 488 iii. If processing of materials is associated with the mining or mining
- 489 dewatering, a water balance diagram combining these activities is
- 490 preferred over separate water balances for each activity.
- 491 2. Uses and losses must be listed including as applicable:
- 492 i. Water used to wash the product.
- 493 ii. Evaporation from settling/recirculation ponds.
- 494 iii. Water retained and shipped with the product (product moisture).
- 495 iv. Water used to separate or beneficiate the product.
- 496 v. Water used to transport the product (slurry).
- 497 3. The final disposal of all water then must be identified. Disposals include:
- 498 i. Off-site discharges.
- 499 ii. Disposal/recharge through percolation ponds.
- 500 iii. Disposal by spray irrigation.
- 501 iv. Water entrained in materials.
- 502 v. Recycling of wastewater.

503 The amount of water withdrawn should equal the sum of the system uses, losses and
504 disposals.

- 505
- 506 B. Personal water use is water needed for personal use such as restroom facilities and for
- 507 drinking, bathing, cooking, sanitation, and cleaning office areas. Demands for
- 508 personal use shall be calculated using section 2.3.2.2 above.
- 509
- 510 C. Landscaping and irrigation. Demands for landscaping and irrigation will be calculated
- 511 as set forth in 2.5.1.1.A.
- 512
- 513 D. Other needs. An applicant shall provide assurance that all “other needs” requested,
- 514 such as outside use, air conditioning, and unaccounted uses, meet the conditions for
- 515 issuance pursuant to 62-41.301, F.A.C.
- 516

517 **CFWI - 2.5 Agricultural Use Type**

518

519 Applicants must demonstrate that the quantities applied for relate to one or more of the following
520 use categories: irrigation, livestock, aquaculture, and other agricultural water needs.

521 **CFWI - 2.5.1 Agricultural Irrigation**

522

523 For agricultural irrigation, the applicant must demonstrate that an irrigation system exists or is
524 proposed and capable of delivering the requested amount. For proposed systems, a schedule for
525 implementation of the irrigation system is required.

526

527 Within Southern Water Use Caution Area (SWUCA), sections 2.1, 2.4.3.1.1 and 2.4.3.1.7 of the
528 SWFWMD Applicant’s Handbook shall be used to determine an applicant’s demand and
529 allocation. Within the Dover/Plant City Water Use Caution Area (DPCWUCA), sections 2.1 and
530

531 3.9.4 of the SWFWMD Applicant's Handbook shall be used to determine an applicant's demand
532 and allocation.

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A. The four major categories of agricultural irrigation-related water use are:

1. Supplemental Irrigation: The supplemental irrigation requirement for agricultural uses is calculated as specified in Subsection 2.5.1.1. For improved pasture irrigation, see Section 2.5.1.2.
2. Field Preparation, Crop Establishment, And Heat Stress: If an allocation is requested for the purposes of field preparation, crop establishment, and heat stress, quantities shall be calculated for water demands above the supplemental irrigation crop requirements. These quantities will be based on a demonstrated demand, such as plant cooling and soil saturation for bed preparation.
Quantities for heat stress protection shall be calculated based on the number of acres to be protected, the crop grown, the irrigation system used, and the hours of crop protection required. If the number of hours is not known, the peak quantity will be based on the best available data for crop protection recurrence and duration. The applicant may propose to use alternative factors if the factors described above are not applicable due to issues associated with the particular crop. In such a case, the applicant must provide reasonable assurance supporting the use of alternative factors. Typically reliable sources of information include information provided by the manufacturer of the system, or University of Florida Institute of Food and Agricultural Sciences (UF IFAS), Natural Resources Conservation Service (NRCS-USDA) and Florida Department of Agriculture and Consumer Services (FDACS) publications.
3. Other Water Uses: If an allocation is requested for chemigation and leaching of salts from the root zone, the total allocated inches per irrigated acre per season for these uses shall be no more than 10% (for low volume irrigation systems) and 5% (for overhead irrigation systems) of the requested supplemental irrigation requirement. Allocations requested must be specific to the crops grown.
4. Freeze Protection: Where freeze protection quantities are necessary, the quantities shall be calculated based on the system design capacity (pump capacity, number of acres, the planting density, the number of emitters, and the capacity of the emitters in gallons per minute) or other appropriate value, the crop to be protected, and the type of freeze protection utilized. The freeze protection allocation will be made based on a 24-hour maximum daily requirement per freeze event. In no case will the freeze protection allocation be greater than the total rated capacity of all existing and proposed withdrawal

575 facilities. The applicant must provide reasonable assurance supporting freeze
576 protection values (mgd/acre) for its crop type(s). Typically reliable sources of
577 information include UF IFAS, NRCS-USDA and FDACS publications.

578

579 B. Uses and Irrigation Allocation Rate

580

581 Applicants intending to grow annual crops over the permit term shall submit an
582 application representing the most water-intensive crop scenario intended, considering
583 both annual average and peak month quantities needed. A permittee may then change
584 crop types during the permit term without modification, provided that (a) the crop
585 actually irrigated uses no more water than the most water-intensive crop permitted,
586 and (b) the quantity that the District permits for the acreage and crop actually
587 irrigated is not exceeded.

588

589 Acreage submitted to the District shall be based on area measurements rather than
590 other measurements such as rolls of plastic.

591

592 Other non-irrigation system related water uses shall be permitted in accordance with the
593 appropriate use type set forth in this Supplemental Applicant's Handbook.

594

595 **CFWI - 2.5.1.1 Irrigation Demand Calculation**

596

597 The reasonable demand for supplemental irrigation will be calculated as described in this section.
598 Factors in determining the supplemental irrigation requirement include crop type, planted
599 acreage, irrigation method, soil type, planting dates, precipitation, evapotranspiration, and
600 duration of growing season.

601

602 A. Supplemental Irrigation

603

604 The supplemental irrigation requirement is the amount of water needed for a particular
605 crop beyond the amount of water provided by effective rainfall.

606

607 In determining reasonable need, the District will determine the supplemental irrigation
608 requirements for both drought and average annual conditions. Drought allocation will be
609 considered the amount of supplemental irrigation required during a two in ten year
610 rainfall condition. Average annual allocation will be considered the amount of
611 supplemental irrigation required during a five in ten year rainfall condition. This quantity
612 does not include crop protection.

613

614 The method used to develop supplemental irrigation requirements must provide
615 reasonable assurance supporting the requested quantity for the supplemental irrigation
616 requirement for its crop type(s). The applicant must demonstrate that the proposed
617 method accurately determines supplemental irrigation water use needs based on site-
618 specific conditions, exemplified by the type of crop grown, the irrigation method
619 employed, the season in which the water is used to grow the crop, general crop location
620 including soil type, historical pumping data of permittee, historical pumping data of a

particular crop type, and associated atmospheric conditions. Typically reliable sources of information and supplemental irrigation models include UF IFAS, NRCS-USDA, FDACS and Water Management District publications as well as [Agricultural Field Scale Irrigation Simulation, GIS-Based Water Resources Agricultural Permitting and Planning System](#), AGMOD, and the Modified Blaney Criddle Method. Individual Water Management District Supplemental Applicant’s Handbook Design Aids and associated supplemental irrigation requirement tools may also be used to determine supplemental irrigation requirements for all crop types.

B. System Efficiency

Applicants shall use efficient practices for the irrigation system selected. Accepted system efficiency is provided in Table 2-1. The applicant may use an alternative method to determine system efficiency if the system efficiencies in Table 2-1 are not applicable due to factors associated with the particular irrigation system. Only factors that are permanent and maintainable for the entire permit duration may be considered. In such a case, the applicant must provide reasonable assurance supporting an alternative system efficiency. Typical reliable sources of information include information provided by the manufacturer of the system or UF IFAS, NRCS-USDA and FDACS publications.

Table 2-1. Irrigation Application Efficiencies Used to Determine the Supplemental Irrigation Requirement

System	Method	Efficiency (%)	Multiplier (=100/Efficiency)
Micro, Drip	Micro-irrigation Drip, Overhead Drip, Low Volume, Drip -With Plastic, Drip-Without Plastic, Drip Irrigation (Surface and Subsurface), Drip Tape	85%	1.18
Micro, Spray	Spray Jet Spinners, Low Volume Spray, Micro Sprinkler, Sprinkler (Under Tree)	80%	1.25
Center Pivot with drip hoses	Center Pivot with drip hoses	80%	1.25
Center Pivot/Linear Move with Sprinkler Irrigation	Center Pivot/Linear Move with Sprinkler Irrigation	75%	1.33
Sprinkler*	Overhead Sprinkler, Overhead (multiple sprinkler), Sprinkler (Over Plant), Impact Sprinkler, High Center Rotary Action Sprinkler (Example - Wobblers Brand)	75%	1.33
Volume Gun or Traveling Gun System	Traveling Gun, Walking Gun, Large Gun Sprinkler, Volume Gun, Portable Gun, End Gun	70%	1.43

Seepage Fully Enclosed	Fully	Seepage Fully Enclosed	75%	1.33
Perforated Systems	Drain	Perforated Pipe (Example - Irridrain Brand), Perforated Drain Tiles	75%	1.33
Seepage		Semi-Closed Ditch, Semi-Closed Furrow, Seepage/Furrow, Sub-irrigation, Semi-closed Flow-Through, Flood/Seepage, Seepage – Existing Citrus, Hay, Pasture, Seepage – With Plastic, Seepage – Without Plastic, Crown Flood Seepage	50%	2.00

*System efficiency requirements for container nursery with overhead sprinklers are identified in 2.5.1.1.D

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C. Citrus Irrigation System Efficiency

The accepted standard irrigation system efficiency will be required of all initial applicants whose irrigation systems are not constructed. Upon permit renewal or when acreage is added to a permit during modification, the standard irrigation system for citrus will be required for new acreage. New acreage includes: (1) acres not previously proposed for irrigation and (2) acres previously proposed for irrigation and still proposed for irrigation, but for which the permittee did not construct irrigation system under its current permit.

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The accepted irrigation system efficiency for citrus projects is 80% or higher. The allocation shall reflect this system efficiency even if the system itself has a lower efficiency.

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D. Container Nursery System Efficiency

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The optimal irrigation methodology for nursery container projects is a micro-irrigation system, overspray irrigation tailwater recovery system, or other specific design elements capable achieving the equivalent efficiency of overhead irrigation system to the extent economically, environmentally, and technically feasible. A different efficiency standard may apply on a case by case basis taking into consideration the container sizes and quantity thereof and when all irrigation system optimization efforts have been applied.

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CFWI - 2.5.1.2 Improved Pasture Irrigation

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For improved pasture irrigation, the applicant shall demonstrate that an irrigation system exists or is proposed and is capable of delivering the requested amount. For proposed systems, a schedule for implementation of the irrigation system is required. The applicant shall provide reasonable assurance of the amount of improved pasture acreage reasonably expected to be irrigated in any given growing season as the basis for the net irrigated acreage. In determining the reasonable irrigation allocation for improved pasture, the following requirements shall apply:

- 677 A. Overhead sprinkler irrigation: The allocation will be based on the number of acres of
 678 pasture grass that will be irrigated, and the irrigation equipment efficiency associated
 679 with overhead sprinklers (Table 2-1).
 680
- 681 B. Subirrigation: The allocation will be based on the amount of water needed to maintain
 682 water levels of the irrigation canals that comprise the water delivery system. The
 683 applicant shall calculate the demands based on the number of acres of pasture grass
 684 that will be irrigated and supplemental irrigation demands as described in section
 685 2.5.1.1 The irrigated acreage shall be determined from the extent to which the water
 686 is distributed to the root zone of the pasture grass.
 687

688 Irrigation systems constructed with lateral ditch spacing of 400 feet or less are considered to
 689 provide irrigation to all the acreage incorporated within the system. For irrigation systems where
 690 lateral ditch spacing is greater than 400 feet, the applicant must provide site specific information
 691 that supports adequate water table management required for the irrigation allocation requested. For
 692 an existing system, site specific information is not required and are considered to have adequate
 693 water table management required for the irrigation allocation requested unless documentation
 694 demonstrates otherwise. For irrigation systems that consist of main ditches without laterals, or
 695 laterals with a spacing greater than is sufficient to provide irrigation to all the pasture grass, the
 696 irrigated acreage will be calculated by multiplying the length of the ditches by the effective
 697 irrigation area as determined by soil and pasture grass type. If the above lateral ditch spacing is
 698 not applicable due to soil and pasture grass type, the applicant must provide reasonable assurance
 699 supporting lateral ditch spacing greater than 400 feet. Applications to irrigate unimproved pasture
 700 will not be approved.

701
 702 **CFWI - 2.5.2 Livestock**
 703

704 The reasonable demand for livestock use will be derived by multiplying the estimated total
 705 number of animals by gallons needed per day per animal. The livestock water use will be
 706 determined using the gallons needed per day per animal identified in Table 2-2.
 707

708 **Table 2-2. Livestock Water Demands**

Animal	Use per animal (gpd)
Beef Cattle	12
Chickens	0.10
Dairy Cattle (Milking)	150
Dairy Cattle (Dry)	20
Goats	2
Hogs	2
Horses	12
Rabbits	.05
Sheep	2
Turkeys	1

709

710 If the above livestock water use values are not applicable due to the proposed livestock
711 operations, or for livestock other than those listed above, the applicant must provide reasonable
712 assurance supporting its values (gpd/animal) for its livestock. Typically reliable sources of
713 information include UF IFAS, NRCS-USDA or FDACS publications.

714

715 **CFWI - 2.5.3 Aquaculture**

716

717 The reasonable demand for aquaculture is determined by the number and volume of ponds and
718 tanks and their filling and recirculation requirements and other factors that may contribute to
719 maintaining necessary water levels or water quality. In instances where there are discernable
720 water sources and losses, applicants should rely on a water balance method for demonstrating
721 reasonable demand. All water sources that input to the activity must be listed in the water
722 balance. The amount of water used from all sources should equal the sum of the water used, lost,
723 and disposed.

724

725 **CFWI - 2.5.4 Other Agricultural Water Demands**

726

727 The reasonable demand for other agricultural uses, such as crop washing and processing for
728 distribution, cooling of animals or product, spray tanks, non-potable shop needs, or disease
729 control spray stations, is determined based on supporting information provided by the applicant.
730 The applicant must provide reasonable assurance supporting the requested allocation in order to
731 demonstrate that it is a reasonable-beneficial use. Typically reliable sources of information
732 include UF IFAS, NRCS-USDA or FDACS publications.

733

734 **CFWI – 2.5.5 Irrigation Pumpage Compliance**

735

736 If the ~~Permittee exceeds the~~ allocated supplemental irrigation quantities are exceeded, upon
737 request by the District, the Permittee must submit a report that includes reasons why the
738 allocated quantities were exceeded, measures taken to meet the allocated quantities, and a plan to
739 bring the permit into compliance. The District will evaluate information submitted by Permittees
740 who exceed their allocated quantities to determine whether there is good cause for the
741 exceedance. Permittees may justify an exceedance by documenting unusual water needs, such as
742 weather conditions creating greater irrigation needs than normal. However, even with such
743 documentation, phased reductions in water use will be required unless the District determines
744 that water usage was reasonable under the circumstances reported and that further reductions are
745 not feasible. ~~The permittee must seek~~ A permit modification if it desires is required to
746 implement any increase in allocated quantities.

747

748 **CFWI - 2.6 Landscape/Recreation Use Type**

749

750 Landscape Irrigation includes the outside watering of shrubbery, trees, lawns, grass, ground
751 covers, vines, gardens and other such flora, not intended for resale, which are planted and are
752 situated in such diverse locations as residential and recreation areas, cemeteries, public,
753 commercial and industrial establishments, ballfields, and public medians and rights of way.

754
755 The reasonable need for a recreational or landscape irrigation use is based on the amount of
756 water needed to supply the supplemental irrigation requirements of the type of turf or landscape
757 grown. In determining reasonable need, the District will determine the supplemental irrigation
758 requirements for both drought and average annual conditions. Drought allocation will be
759 considered the amount of supplemental irrigation required during a two in ten year rainfall
760 condition. Average annual allocation will be considered the amount of supplemental irrigation
761 required during a five in ten year rainfall condition.

762
763 The supplemental irrigation requirement for landscape and recreation irrigation projects,
764 including golf courses, shall be calculated pursuant to 2.5.1.1.A and B.

765
766 Non-irrigation recreational demands shall be calculated pursuant to 2.3.

767
768 **CFWI - 2.7 Annual Conservation Goal Within the CFWI**

769
770 As part of an application for renewal of an existing consumptive use permit, a modification of an
771 existing consumptive use permit with an increased allocation, or an application for a new
772 consumptive use permit, the permit applicant shall provide an annual conservation goal that is
773 consistent with the Central Florida Water Initiative regional water supply plan. These annual
774 conservation goal requirements are separate and distinct from any other conservation requirements
775 of the permit and do not supersede any sections of the Districts applicants' handbooks, except that
776 section 2.7.2 of the CFWI Supplemental Applicant's Handbook shall supersede sections 2.4.8.2,
777 4.4.4.2, and 4.4.5 of the SWFWMD Applicant's Handbook. Nonetheless, annual conservation
778 goals should not be inconsistent with the conservation requirements of the permit. An annual
779 conservation goal is consistent with the CFWI regional water supply plan if it includes activities
780 or actions that prevent or reduce unnecessary uses and improve and/or maintain already achieved
781 efficiencies of use. For all use types except public supply permits with an annual average daily
782 quantity of 100,000 gpd or greater, the annual conservation goal shall be met by developing and
783 implementing an Annual Conservation Goal Implementation Plan as set forth in section 2.7.1. The
784 annual conservation goal for public supply permittees is set forth in section 2.7.2.

785
786 Agricultural users shall meet the requirements of an annual conservation goal by developing and
787 implementing an Annual Conservation Goal Implementation Plan (ACGIP) as set forth in section
788 2.7.1. and report in accordance with that section. In lieu of an ACGIP, agricultural users with a
789 total allocation less than 100,000 gallons per day may enroll in an adopted FDACS BMP program
790 applicable to their commodity and implement the BMPs annually. Agricultural users that utilize
791 the FDACS BMPs as their annual conservation goal shall maintain documentation supporting the
792 enrollment and implementation of selected BMPs. The permittee shall report to the District its
793 progress toward achieving the conservation goals in any compliance report required pursuant to
794 Section 373.236, F.S., or, if a compliance report is not required pursuant to Section 373.236, F.S.,
795 as part of any application to renew or modify the permit.

796
797 **CFWI - 2.7.1 Annual Conservation Goal Implementation Plan**

798

799 An Annual Conservation Goal Implementation Plan (ACGIP) must be developed and submitted
800 as part of the application for a renewal of an existing consumptive use permit, a modification of
801 an existing consumptive use permit with an increased allocation, or an application for a new
802 consumptive use permit. The ACGIP must contain annual conservation goals for at least five years
803 (current year plus four additional years) or through the end of the permit, whichever is shorter;
804 identify the person(s) or positions(s) responsible for overseeing implementation of the goal(s); and
805 contain an annual record of whether each listed annual goal was met. An ACGIP is iterative and
806 may be modified by the permittee without the need to modify the permit; however, all versions of
807 the ACGIP must be kept up to date, and must be signed and dated and maintained at the permittee's
808 principal place of business through the term of the permit (inclusive of any extension).

809
810 The permittee shall report to the District its progress toward achieving the conservation goals
811 within the ACGIP in any compliance report required pursuant to Section 373.236, F.S., or, if a
812 compliance report is not required pursuant to Section 373.236, F.S., as part of any application to
813 renew or modify the permit.

814
815 For many conservation efforts, a single year's conservation implementation results in multi-year
816 annual water savings with proper maintenance and operation that may extend beyond the permit
817 term. Facility design, certain device or irrigation infrastructure replacement, and similar
818 conservation activities typically do not occur on an annual basis. However, these designs and
819 activities will produce benefits over multiple years and may produce benefits over multiple permit
820 terms. In such a situation, the annual conservation goal shall not be interpreted to require the
821 applicant/permittee to implement new practices in each year. Rather, the applicant/permittee may
822 fulfill the requirements of this rule and the ACGIP by maintaining such practices.

823
824 In its sole discretion, an applicant may incorporate the ACGIP as part of the conservation plan
825 within its permit. In such a case, any changes to the ACGIP would require modification of the
826 permit.

827
828 The annual conservation goals in an ACGIP must include either of the following:

829
830 A. Conservation Best Management Practices (BMPs) and conservation programs. The
831 applicant/permittee shall list any applicable practice(s), measure(s), program(s),
832 device replacement(s), or other actions that improve or maintain expected water use
833 efficiency that it intends to implement for each year included in the ACGIP. The
834 applicant shall propose to maintain and operate installed water conserving designs or
835 features as part of this approach.

836
837 For each conservation BMP and conservation program listed, the applicant must
838 include a brief statement of the applicant's implementation strategy. Examples of brief
839 statements include, but need not be limited to, FDACS BMP program being
840 implemented, geographic target areas, use sectors targeting (residential, commercial,
841 irrigation customers, etc.), media strategies, and other similar factors in developing a
842 conservation BMP. If devices are proposed as a BMP (such as rain sensors, toilet
843 rebates, etc.), the number expected to be funded should be included as part of the
844 strategy.

845
846 For each conservation BMP and conservation program, the applicant must list
847 components of the permittee's implementation strategy for the BMP or program. The
848 applicant shall include an estimated water savings, where applicable, based on best
849 available information from appropriate data sources.

850
851 B. Other metrics. Alternatively, the applicant/permittee shall identify other annual
852 measurable conservation benefits that demonstrate an improvement or maintenance of
853 the applicant/permittee's projected water use efficiency due to the
854 applicant/permittee's conservation program. This may include benefits associated with
855 facility or manufacturing designs that improve or maintain the permittee's water use
856 efficiency.

857
858 An example ACGIP template is provided as Design Aid 2. This template is not incorporated by
859 reference in Chapter 62-41, F.A.C., and applicants are not required to use it.

860
861 **CFWI - 2.7.2 Residential Per Capita Water Use Goal**

862 For public supply use only, an applicant must implement an end-of-permit residential per capita
863 water use goal. Residential per capita water use goal shall be calculated using the following
864 formula:

865 Total Residential Water Use (or Water Use by Dwelling Units) divided by Service Area
866 Residential Population.

867 A public supply permittee with an annual average daily quantity of 100,000 gpd or greater shall
868 track its progress toward achieving the end-of-permit residential per capita water as a distinct
869 metric within an annual report outlined in Section 2.7.3.1.A. All other public supply permittees
870 shall address the residential per capita water use goal in their ACGIP.

871
872 **CFWI - 2.7.3 Public Supply Use Type Annual Conservation Goal**

873
874 Public supply permittees with an annual average daily quantity of 100,000 gpd or greater shall
875 meet the requirements of the annual conservation goal by demonstrating yearly progress toward
876 an end-of-permit gross per capita daily water use rate of no greater than ~~115,400~~ gpd or a functional
877 population per capita daily water use rate of no greater than 100 gpd. The per capita daily water
878 use rate may be calculated using one of the following methods ~~progressive formulas~~:

879
880 **A. Gross Per Capita Method**

881 **1.** Gross Per Capita Water Use Rate, as defined in Section 2.2.3.1.

882
883 **2.** Adjusted Gross Per Capita Water Use Rate

884
885
$$\frac{(WD + IM - EX - TL - SU - GC - EM)}{RP}$$

886
887 Where:

- 888 • WD, IM, EX, and RP are defined in Section 2.2.3.1., and TL is defined in
889 Section 2.2.1.
- 890 • SU = Significant uses associated with an Industrial/Commercial facility or
891 other non-residential, non-governmental facility that is supplied with
892 25,000 gpd or more of water on an annual average basis (calculated for a
893 calendar year), or whose water use comprises more than 5% of the utility's
894 annual water use (calculated for a calendar year). If a facility consists of one
895 or more buildings under common ownership, maintenance, and
896 management control at a single site or campus, individual components of
897 the facility may be combined to meet the significant use threshold.
898 However, facilities that are not related under common ownership,
899 maintenance, and management control shall not be combined to meet the
900 significant use threshold.
- 901 • GC = Separately metered golf course irrigation quantities from ground
902 water, surface water, reclaimed water or stormwater provided to golf
903 courses inside the service area. The quantities provided may be deducted
904 only if they are included in the permitted quantities for the service area and
905 reported as WD in the Annual Report described below. The GC withdrawal
906 quantities deducted shall not exceed those actually provided, or those that
907 would be permitted for use, whichever is less.
- 908 • EM = Quantities permitted and used for environmental mitigation as a
909 condition of the permit, provided that such quantities are separately metered
910 and reported as WD in the Annual Report described below.

911
912 3. Alternative Gross Compliance Per Capita Water Use Rate

913
914
$$\frac{(WD + IM - EX - TL - SU - GC - EM - ST - RW)}{RP}$$

915
916
917 Where:

- 918 • WD, IM, EX, TL, SU, GC, EM, and RP are defined above.
- 919 • ST = Separately metered and reported stormwater quantities captured by the
920 Permittee that are included in the utility's permitted quantities for uses
921 inside the service area other than for golf course irrigation. The stormwater
922 withdrawal quantities deducted shall not exceed the quantities actually
923 provided, or those that would be permitted for the use by the District,
924 whichever is less. Stormwater quantities deducted as GC use above may not
925 be included in this deduction for stormwater. The surface withdrawal points
926 from the stormwater catchments shall be permitted on the provider's water
927 use permit and must be reported as WD in the Annual Report described
928 below to be deducted. The stormwater deduction shall not be taken where
929 the quality of the ground water source to be permitted or replaced is of lower
930 water quality but is suitable for the intended use, unless the use of the
931 stormwater in such cases reduces adverse impact to the water resources.
- 932 • RW = Standard deduction of 50%, or if the Applicant chooses, up to the
933 limit of the actual amount of reclaimed water that has received at least

secondary treatment and is provided to directly replace an existing or potential use of higher quality water. To be deducted, it must first be provided to any metered use located outside the utility potable service area boundary and then to any single-site separately-metered use within the utility potable service area boundary that uses 25,000 gpd or more on an annual average basis during the per capita reporting period, except that no deduction shall be taken for quantities used for:

- Residential irrigation (single family, multi-family or mobile home), or
- Common area irrigation, including entranceways, parking lots, irrigated areas within roadway rights-of-ways (e.g., road and sidewalk medians), open spaces, community areas, and public parks.

This deduction shall not be taken if the reclaimed water replaces existing demand on the Permittee’s potable system. Any deduction over the standard 50% reclaimed water per capita credit must be substantiated with verifiable and corresponding reductions in the supplied WUP pumpage (all deductions subject to District approval).

B. Functional Population Per Capita Method

1. Functional Gross Per Capita Water Use Rate

$$\frac{(WD + IM - EX)}{FP}$$

Where

- WD, IM, and EX are defined in Section 2.7.3.A.1
- FP = functional population is the served permanent population as adjusted by the seasonal resident, tourist, group quarters and net commuter population within a utility’s service area.

2. Adjusted Functional Per Capita Water Use Rate

$$\frac{(WD + IM - EX - TL - SU - GC - EM)}{FP}$$

Where

- TL, SU, GC, and EM are defined in Section 2.7.3.A.2
- WD, IM, EX, and FP is defined above

3. Alternative Functional Per Capita Water Use Rate

$$\frac{(WD + IM - EX - TL - SU - GC - EM - ST - RW)}{FP}$$

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Where

- ST and RW are defined in Section 2.7.3.A.3
- WD, IM, EX, TL, SU, GC, EM, and FP are defined above

CFWI - 2.7.3.1 Compliance with Per Capita Daily Water Use Rate

A. Annual Report

For all public supply permits with an annual average daily quantity of 100,000 gpd or greater, compliance with the Residential Per Capita Water Use Goal and the Public Supply Annual Conservation Goal shall be monitored via an Annual Report that each Permittee must submit to the district by April 1 of each year.

For the Public Supply Annual Conservation Goal, quantities included in the calculation ~~for the of~~ Gross Per Capita Water Use method or the Functional Population Per Capita Water Use method, Adjusted Per Capita Water Use, and Compliance Per Capita Water Use in Section 2.7.3 shall be documented and reported by the Permittee in the Annual Report for the reporting period included in the permit as follows:

1. WD (Withdrawals) – Documentation shall consist of pumpage records in annual average gpd as metered at the well head(s), wellfield departure point, surface water intake facility, stormwater facility or reclaimed water lines. The pumpage records shall be totaled for a total withdrawal quantity for the reporting period.
2. IM (Imported Water) – Documentation shall consist of a summary report of the water purchased or otherwise obtained in bulk from another utility for potable use in the service area in annual average gpd, and the supplier's WUP number(s), or consumptive use permit number if the supplier is in another water management district. Quantities shall be determined at the departure point from the supplier's service area. Irrigation water imported into the service area from another utility must be documented separately according to the use type (for example, commercial, residential, recreational/aesthetic).
3. EX (Exported Water) – Documentation shall consist of annual average gpd transferred in bulk quantities to another utility, and the recipient's WUP number(s), or permit number if the recipient is in another water management district. Quantities shall be determined at the departure point from the exporting Permittee's service area. Water supplied to wholesale public supply customers that are not required to obtain a Wholesale Public Supply Water Use Permit that are included in this category shall be identified by customer name and quantity.
4. TL (Treatment Losses) – Documentation shall consist of the annual average gpd lost in routine treatment for potability. Examples of treatment losses types

1022 are desalination reject, membrane cleaning and sand filtration backwash.
1023 Treatment losses are calculated as raw water into the plant minus treated water
1024 out of the plant. Treated water volume delivered to the distribution system
1025 includes water from withdrawals plus imports, minus exports, minus treatment
1026 losses. Treatment loss and line flushing quantities shall be separately
1027 calculated and documented.

- 1028
- 1029 5. SU (Significant Uses) – Documentation shall consist of:
- 1030 i. the type of Industrial/Commercial use.
 - 1031 ii. the customer's name and mailing address.
 - 1032 iii. the customer's contact person's name, email address and telephone
1033 number.
 - 1034 iv. annual average daily quantities provided.
 - 1035 v. supporting meter readings or bills.
 - 1036 vi. a conservation plan that describes the Permittee's specific water
1037 conservation programs for significant users.
 - 1038 vii. a water audit that documents the type(s) of water uses that occur
1039 within the significant user's facility, quantities used per type, and leak
1040 detection and other water conservation activities undertaken by the
1041 user.
- 1042
- 1043 6. GC (Golf Courses) – Documentation shall include a report on the permitted and
1044 separately metered quantities from ground water, surface water, reclaimed and
1045 stormwater sources used for golf course irrigation. To deduct these quantities,
1046 the quantities must be authorized for golf course irrigation in the permit for
1047 which per capita is being calculated.
- 1048
- 1049 7. EM (Environmental Mitigation) – Documentation shall include a report on the
1050 permitted and used quantities for the reporting period in gpd for environmental
1051 mitigation as required by the permit for which per capita is being calculated.
- 1052
- 1053 8. ST (Stormwater) – Documentation shall include a report on the separately
1054 metered stormwater quantities generated and used in the service area that are
1055 included in the utility's permit for the service area for uses other than golf course
1056 irrigation. If the stormwater quantities are not reported as WD, they may not be
1057 deducted. The report shall include the number of connections by use type (e.g.,
1058 residential, commercial, recreation aesthetic, etc.)
- 1059
- 1060 9. RW (Reclaimed Water Credit) – Documentation shall include a report on
1061 separately metered reclaimed water quantities generated by:
- 1062 i. Name of the customer;
 - 1063 ii. Account number;
 - 1064 iii. Customer service address;
 - 1065 iv. Quantities provided during the reporting period in average gpd;
 - 1066 v. Claimed deduction during the reporting period in average gpd;
 - 1067 vi. Meter size;

- vii. Whether the use is inside or outside of the potable service area boundary; and
- viii. Description of the use (may not include residential or common area irrigation as described in Section 2.7.3).

An example Annual Report template is provided as Design Aid 3. This template is not incorporated by reference in Chapter 62-41, F.A.C., and applicants are not required to use it.

B. Documentation of Per Capita Daily Water Use Calculations for the Annual Report

If the Permittee achieves the ~~100~~ 115 gpd gross per capita water use rate goal or the 100 gpd functional population per capita water use rate goal using ~~any of~~ the methods set forth in Section 2.7.3, they will be deemed in compliance with the per capita requirement.

The District will evaluate the information submitted by Permittees, including those operating under a Goal-based Water Conservation Plan, who have an ~~Alternative Compliance~~ Per Capita Water Use Rate greater than ~~100~~115 gpd gross or 100 gpd functional. Permittees may justify lack of achievement by documenting any unusual water needs, such as unusual plant establishment needs. However, justification for non-compliance does not constitute a waiver of the District’s authority to enforce the terms and conditions of the Permit. Phased reductions in water use shall be required unless the applicant demonstrates that water usage was reasonable under the circumstances reported and that further reductions are not technically, environmentally, or economically feasible, or a variance has been granted from the Public Supply Annual Conservation Goal. For such Permittees, individual water conservation requirements shall be developed on a case-by-case basis.

C. Phase-In Where a Gross Per Capita Daily Water Use Rate of 115 gpd or a Functional Population Per Capita Daily Water Use Rate of 100 GPD is Exceeded as of December 31, 2023

Existing Permittees with a three-year ~~Alternative Compliance~~ Per Capita Water Use Rate greater than ~~100 gpd their per capita goal~~ as of December 31, 2023 shall achieve ~~thea~~ Alternative Compliance Per Capita Water Use Rate ~~goal of 100 gpd~~ as set forth below, or earlier if the Permittee deems it feasible. The three-year ~~Alternative Compliance~~ Per Capita Water Use Rate shall be calculated as the average of the ~~Alternative Compliance~~ Per Capita Water Use Rates documented in the Annual Report for 2023 and the two years prior.

1. By July 1, 2024, the Permittee shall submit to the district a plan that identifies conservation or water supply project(s) that will be developed and implemented to achieve the per capita goal. ~~Compliance Per Capita Water Use Rate of 100 gpd.~~
2. By December 31, 2033, the Permittee shall achieve a per capita rate not greater than the midpoint between the three-year average

1109 Alternative Compliance Per Capita Water Use Rate calculated as of 2023 and
1110 their per capita goal 100 gpd.

- 1111
- 1112 3. By December 31, 2043, the Permittee shall achieve an Alternative Compliance
1113 Per Capita Water Use Rate that is not greater than their per capita goal 100
1114 gpd.
- 1115
- 1116 4. The timeframes set forth in this section may be adjusted downward
1117 proportional to the permit duration for permits less than 20 years.
- 1118
- 1119 5. A Permittee that does not achieve a Alternative Compliance Per Capita Water
1120 Use Rate that is less than or equal to 100 115 gpd gross or 100 gpd functional
1121 by December 31, 2043, may shall submit documentation upon request from to
1122 the District that demonstrates that water usage was reasonable under the
1123 circumstances reported and that further reductions are not technically,
1124 environmentally or economically feasible, or a variance has been granted from
1125 the Public Supply Annual Conservation Goal.
- 1126

1127 **CFWI - 2.8 Allocations from the Upper Floridan Aquifer**

1128

1129 The following requirements shall apply to all applicants proposing to withdraw water from
1130 the Upper Floridan aquifer. Withdrawals from wells that are open to both the Upper and Lower
1131 Floridan aquifers shall be treated as an Upper Floridan aquifer withdrawal and will also be
1132 subject to these requirements.

1133

1134 **CFWI - 2.8.1 Agricultural, Recreational, or Landscape Irrigation**

1135

1136 Self-supplied agricultural, recreational, or landscape irrigation uses whose allocation is based on
1137 the amount of water needed to supply the supplemental irrigation requirements of the type of
1138 crop, turf or landscape grown are limited to the quantity of water from the Upper Floridan
1139 aquifer as calculated in Sections 2.5 and 2.6.

1140

1141 **CFWI - 2.8.2 All Other Use Types**

1142

1143 For all other Public Supply use types, an applicant or permittee shall be restricted to a maximum
1144 allocation from the Upper Floridan aquifer in an amount no greater than its Demonstrated 2025
1145 Demand. For public supply use types with an allocation from multiple sources, aAny reductions
1146 in current allocations necessary to meet this limitation shall be made from a permittee's current
1147 allocation from the Upper Floridan aquifer. Allocations for withdrawals from alternative water
1148 supplies will not be reduced. Permit durations shall not be affected for allocations limited to the
1149 Demonstrated 2025 Demand. In determining allocations from the Upper Floridan aquifer, the
1150 limitations within this subsection shall not restrict the District's consideration of any
1151 conservation, water resource or water supply development projects completed by an applicant or
1152 permittee after December 31, 2015.

1153

1154

1155 For Industrial/ Commercial/ Institutional and Mining/ Mining Dewatering use types, the
1156 Demonstrated 2025 Demand is the existing permitted allocation, as of [rule effective date].

1157
1158 Permit durations shall not be affected for allocations limited to the Demonstrated 2025 Demand.
1159

1160 If additional water use from a lower quality source or alternative water supply is needed to meet
1161 current or future demands as calculated in Sections 2.2, 2.3, or 2.4, the applicant shall provide a
1162 plan pursuant to Section 2.8.3 to ensure reasonable assurance the conditions for issuance are met
1163 for those additional quantities.

1164 ~~In determining allocations from the Upper Floridan aquifer, the limitations within this subsection~~
1165 ~~shall not restrict the District's consideration of any conservation, water resource or water supply~~
1166 ~~development projects completed by an applicant or permittee after December 31, 2015.~~

1167
1168 **CFWI - 2.8.2.1 Exceptions:**

1169 The restrictions in subsections 2.8.1 and 2.8.2 on groundwater allocations shall not limit permitted
1170 groundwater withdrawals from:

- 1171 A. Aquifer storage and recovery wells that receive only surface water, stormwater, or
1172 reclaimed water, when the volume of water withdrawn does not exceed the volume of
1173 water injected; or
1174
1175 B. An injection/recovery wellfield that injects surface water, stormwater, or reclaimed
1176 water that is not required under District rules to be provided to other uses, through
1177 one or more wells for storage within an aquifer zone and subsequently recovers it
1178 through wells from the same aquifer zone and in the same wellfield, when the volume
1179 of water withdrawn does not exceed the volume of water injected; or
1180
1181 C. A recharge/recovery project that receives only surface water, stormwater, or
1182 reclaimed water that is not provided to users in accordance with District rules, when
1183 the volume of water recovered does not exceed the volume of water recharged, and
1184 the drawdown due to recovery of water from the Upper Floridan aquifer will be offset
1185 in the:
1186 1. surficial aquifer by recharge from the project, and
1187 2. Floridan aquifer by recharge from the project, except immediately adjacent to
1188 the recovery well(s).
1189

1190 **CFWI - 2.8.3 Allocations from the Upper Floridan Aquifer Above the Demonstrated 2025**
1191 **Demand**
1192

1193 By December 31, 2023, any permittee or applicant seeking a permit duration extending beyond
1194 2025 whose projected water demand will exceed its Demonstrated 2025 Demand shall submit a
1195 plan to the District describing how the remainder of their demand will be met (e.g., impact offsets,
1196 substitution credits, alternative water supply development). The plan shall propose projects and
1197 identify a schedule for implementation. Annual updates detailing progress shall be provided to the

1198 District. The annual status reports shall include work completed to date, expenditures, and any
1199 anticipated changes in timelines.

1200 An applicant may obtain an allocation for additional water from the Upper Floridan aquifer over
1201 the applicant’s Demonstrated 2025 Demand, as identified below:

1202

1203 **CFWI - 2.8.3.1 Temporary Allocations**

1204

1205 A “temporary allocation” is water temporarily required to meet the applicant’s reasonable
1206 demands while implementing an offset (see subsection 2.8.3.2 below), a substitution credit or
1207 land use transition (see subsection 2.8.3.3, below), or an alternative water supply (See subsection
1208 2.8.3.4, below). ~~Temporary allocations are not available to new uses of the Upper Floridan~~
1209 ~~aquifer. Temporary allocations from the Upper Floridan aquifer are only available for existing~~
1210 ~~permitted uses while the necessary offsets or alternative water supplies are being developed and~~
1211 ~~implemented.~~ The permit will be conditioned with dates and milestones for development of the
1212 alternative water supply or offset. A temporary allocation shall be reduced to be consistent with
1213 this subsection when the alternative source is projected to be available, consistent with permit
1214 conditions.

1215

1216 The permit conditions governing the quantity and duration for the temporary allocation shall be
1217 based on expected due diligence of the applicant, as determined by applying the factors in A
1218 through C, below, to implement the project in an expeditious manner, not to exceed five years
1219 unless specifically approved by the Governing Board. The duration shall be determined
1220 considering the following factors:

1221

1222 A. The projected time period for design, receipt of necessary authorizations, and
1223 construction of the alternative supply or offset;

1224

1225 B. The timing of demands to be met from the alternative supply or offset;

1226

1227 C. Other factors that indicate the reasonable period required to develop the alternative
1228 supply or offset.

1229

1230 **CFWI - 2.8.3.2 Implementation of Offsets**

1231

1232 The applicant may propose the implementation of offsets. In the applicant selects this option, the
1233 applicant shall propose, identify a schedule for implementation, and construct and operate
1234 adequate offsets to eliminate the projected increase in ~~impacts from the volume~~ of withdrawals
1235 from the Upper Floridan aquifer beyond the applicant’s Demonstrated 2025 Demand. An offset
1236 will be approved if the applicant’s modeling shows the offset prevents an increase in ~~impacts~~
1237 ~~volume of groundwater withdrawn~~ from the Upper Floridan aquifer ~~withdrawal~~ over the
1238 applicant’s Demonstrated 2025 Demand. Offsets include the use of impact offsets [Subsection
1239 62-40.416(7), F.A.C.], recharge systems and seepage barriers.

1240

1241 **CFWI - 2.8.3.3 Substitution Credits or Land Use Transitions**

1242

1243 The applicant may propose the implementation of substitution credits or retirement of existing
1244 consumptive use permits. If the applicant selects this option, the applicant shall identify legal
1245 existing use allocations to be terminated or reduced CUP allocations as stated below. The request
1246 will be approved if the applicant’s modeling demonstrates that the requested allocation does not
1247 cause an increase in volume of withdrawals from the Upper Florida aquifer over the applicant’s
1248 Demonstrated 2025 Demand due to the reduction or elimination of other CUPs that existed on
1249 [rule effective date]. The applicant must demonstrate that water is available by providing
1250 documentation of the implementation of a substitution credit [Subsection 62-40.416(8), F.A.C.]
1251 or other modification or retirement of the historic consumptive use permit before issuance of the
1252 proposed permit under this rule.

1253
1254 For agricultural, recreational, and landscape irrigation uses, the retired quantity will be based on
1255 the average annual allocation which is the amount of supplemental irrigation required during a
1256 five in ten rainfall condition. For all other use types, the retired quantity will be based on the
1257 Demonstrated 2025 Demand, ~~or~~ actual permitted allocation, or the average of the last five years
1258 of use, whichever is less.

1259
1260 **CFWI - 2.8.4 Development of Alternative Water Supplies**

1261 To meet projected water demands in excess of an applicant’s Demonstrated 2025 Demand, the
1262 applicant may propose an alternative water supply. If the applicant selects this option, the
1263 applicant shall propose, identify a schedule for implementation, and construct and operate
1264 alternative water supplies, as defined in Section 373.019(1), F.S. To the extent Aan alternative
1265 water supply requires District approval, it will be approved if it is adequate to meet the
1266 reasonable increased demands and modeling demonstrates it will not cause an increased volume
1267 of the withdrawal from the Upper Floridan aquifer over the Demonstrated 2025 Demand.

1268
1269 **CFWI - 2.8.5 Conservation**

1270 In determining the amount of offsets that must be developed as set forth in subsection 2.8.3.2 and
1271 2.8.3.3 above, the applicant may subtract the portion of its demand that the applicant
1272 demonstrates will be satisfied by water conservation.

1273 **CFWI - 2.8.6 New Uses**

1274
1275 In addition to meeting the conditions for issuance, applications for new uses that request the use of
1276 groundwater from the Upper Floridan aquifer for a duration beyond 2025 shall be met from the
1277 implementation of the methods described subsections 2.8.3.2, 2.8.3.3 and 2.8.4. This provision does
1278 not apply to self-supplied agricultural, recreational, or landscape irrigation uses whose allocation is
1279 based on the amount of water needed to supply the supplemental irrigation requirements of the type
1280 of crop, turf, or landscape grown.

1281
1282 **CFWI - 2.8.7 Competing Applications**

1283 In adopting these rules, the agencies acknowledge the increasing stress on the water resources in the
1284 CFWI and the mandate of the legislature to foster the development of additional water supplies and
1285 avoid the adverse effects of competition. However, these rules do not abrogate the rights of the
1286 Governing Board or of any other person under Section 373.233, F.S. The CFWI regulatory

1287 framework provides a comprehensive strategy for allocations of available groundwater and
1288 expeditious development of supplemental water supply projects to minimize competition and
1289 thereby provide greater certainty of outcome than competition.

1290 **CFWI - 2.9 Use of Lowest Quality Water Source**

1291
1292 Except when the use is for those activities described below, applicants must provide reasonable
1293 assurance that the proposed use (or portion of the proposed use) will be met with the lowest
1294 quality water source that is suitable for the purpose and is technically, economically, and
1295 environmentally feasible.

1296
1297 The following uses are exempt from this section: water used for washing hands during and after
1298 harvest activities; water that is applied in any manner that directly contacts produce during or
1299 after harvest activities (for example, water that is applied to produce for washing or cooling
1300 activities, and water that is applied to harvest crops to prevent dehydration before cooling); and
1301 water used to make ice that directly contacts produce during or after harvest activities.

1302
1303 It is possible that the unavailability of higher quality sources may necessitate the development of
1304 lowest quality sources and appropriate treatment to meet projected demands, including the
1305 demands resulting from the activities listed above. Nothing in this section shall prohibit an
1306 applicant from applying to use a lowest quality water source for those listed above.

1307

1308 **CFWI - 2.9.1 Technical Feasibility**

1309

1310 The applicant shall submit the following information for use in evaluating the technical
1311 feasibility for any lowest quality water source, as applicable:

1312

1313 A. Whether a lowest quality water source exists and is available at the project site.

1314 B. Whether the source is offered to or controlled by the applicant;

1315 C. Whether the applicant is capable of accessing the source;

1316 D. Whether the use of the lowest quality source is consistent with existing state or
1317 federal law,

1318 E. The quality, quantity, and reliability of the lowest quality water source,

1319 F. The crop/turf type being irrigated, including factors such as saline sensitivity.

1320 Typically reliable sources of information include the UF IFAS and FDACS
1321 publications; and

1322 G. Any other relevant information, which may include market criteria, including foreign
1323 market requirements, provided by the applicant.

1324

1325 For reclaimed water, the following additional information shall also be used, as applicable:

1326

1327 H. The type of reuse system and level of treatment afforded by the applicable reuse
1328 utility.

1329 I. Whether the Department has permitted the reuse facility that will provide the
1330 reclaimed water supply and/or has permitted the use or discharge of the reclaimed
1331 water to the receiving waterbody, if applicable.

- 1332 J. The water quality parameters of the reclaimed water for the constituents that are
- 1333 pertinent to the intended use.
- 1334 K. Whether the proposed use is located within a mandatory reuse zone.
- 1335 L. Whether the proposed use is in an area that is or may be served with reclaimed water
- 1336 by a reuse utility within five years from the date of application. To demonstrate this
- 1337 criterion, the applicant shall provide written documentation from the applicable reuse
- 1338 utility addressing the availability of reclaimed water. The applicant shall request from
- 1339 the reuse utility a letter stating that reclaimed service is not available, or providing the
- 1340 following information:
 - 1341 1. If reclaimed water is not available at the property boundary, the applicant
 - 1342 shall provide the following:
 - 1343 i. An estimate of the distance in feet from the applicant's property
 - 1344 boundary to the nearest potential connection point to a reuse line.
 - 1345 ii. The date the reuse utility anticipates bringing the connection to the
 - 1346 applicant's property boundary.
 - 1347 2. If reclaimed water is available at the property boundary, the applicant shall
 - 1348 provide:
 - 1349 i. The peak, minimum, and annual average daily quantity in gallons per
 - 1350 day of reclaimed water supply available from the nearest potential
 - 1351 connection point, as well as expected average monthly quantities.
 - 1352 ii. The reliability of the potential reclaimed water supply (i.e., on-demand
 - 1353 24/7, or bulk-interruptible diurnal or seasonal, length of supply
 - 1354 agreement).
 - 1355 iii. The typical operating pressures at which the reuse utility will provide
 - 1356 reclaimed water at the nearest connection point to the applicant's
 - 1357 property boundary, including any typical seasonal or other fluctuations
 - 1358 in the operating pressure.

1359 Reuse utilities shall provide a written response to requests for documentation by
1360 permit applicants no later than thirty (30) days after receipt of the request. If a reuse
1361 utility fails to respond to a request for documentation within thirty (30) days, the
1362 applicant shall furnish the District with a copy of its request, proof of receipt by the
1363 reuse utility, and a statement attesting that the reuse utility failed to provide the
1364 requested information. Upon the failure of a reuse utility to respond to a request for
1365 documentation, the applicant shall complete the feasibility evaluation utilizing the
1366 best available information.

1367
1368 **CFWI - 2.9.2 Environmental Feasibility**

1369
1370 The environmental feasibility of using a lowest quality water source shall be evaluated based on
1371 whether the use of a lowest quality water source would result in adverse environmental impacts.
1372 For example, the use of a lowest quality water source must be consistent with the recovery or
1373 prevention strategy of a waterbody with an established Minimum Flow or Minimum Water
1374 Level.

1375
1376 **CFWI - 2.9.3 Economic Feasibility**

1377

1378 An applicant must provide an assessment of the economic feasibility if the lowest quality water
1379 source is technically and environmentally feasible and the applicant asserts the use of the lowest
1380 quality water source is not economically feasible. The applicant shall submit the following
1381 information for the Districts to consider in evaluating the economic feasibility of using a lowest
1382 quality water source, as applicable:

- 1383
- 1384 A. The costs and benefits of using the lowest quality water source as compared to the
 - 1385 higher quality water source, including the amount of lowest quality source water that
 - 1386 can be produced or used relative to the cost;
 - 1387 B. Impact on rates or charges associated with the applicant's operation to account for
 - 1388 costs associated with using the lowest quality water source; and
 - 1389 C. Other factors affecting the economic feasibility of using the lowest quality water
 - 1390 source given the applicant's particular situation.
- 1391

1392 For reclaimed water, the applicant shall obtain from the applicable reuse utility and provide the
1393 following additional information, as applicable:

- 1394
- 1395 D. The reclaimed water rate(s) the reuse utility would charge the applicant (e.g., the cost
 - 1396 per/1000 gallons) and any other periodic, fixed, or minimum charges for use of
 - 1397 reclaimed water by the applicant;
 - 1398 E. The reclaimed water availability charges the reuse utility would charge the applicant
 - 1399 in lieu of connection to the reclaimed water distribution system;
 - 1400 F. Other one-time charges for the connection to the reclaimed water distribution system
 - 1401 and
 - 1402 G. Whether the reuse utility provides funding assistance to offset the costs to connect to
 - 1403 the reclaimed water distribution system or assists potential customers in converting
 - 1404 their operations to use reclaimed water.
- 1405

1406 The Supplemental Applicant's Handbook Design Aid 4, titled, "Guidelines for Preparation of
1407 Reuse Feasibility Studies for Consumptive Use Permit applicants" and dated November 1996 is
1408 available solely to provide applicants with useful tools and suggestions that may assist in the
1409 preparation of reuse feasibility studies for consumptive use permits under Chapter 62-41, F.A.C.
1410 The Design Aid is not incorporated by reference in Chapter 62-41, F.A.C., and applicants are not
1411 required to use the tools or suggestions of this Design Aid when preparing a reuse feasibility
1412 study.

1413 **CFWI – 3.0 Harm to the Water Resources of the Area**

1414

1415 Only within the CFWI Area, this section, CFWI – 3.1. through 3.5., supersedes in its entirety
1416 sections 2.3(g), 3.4, and 3.7 of the SJRWMD Applicant's Handbook, sections 3.3, 3.4, 3.5, and
1417 3.8 of the SWFWMD Applicant's Handbook; and sections 2.3.2.B.2.d.i, 3.3 3.4, 3.5, and 3.8 of
1418 the SFWMD Applicant's Handbooks.

1419

1420 To provide reasonable assurance of compliance with the conditions for issuance in Rule 62-
1421 41.301(2)(g)2., F.A.C., an applicant must demonstrate that the use will meet the requirements of
1422 this section. The District will utilize the conditions for issuance in Rule 62-41.301(2)(g), F.A.C.,

1423 and sections 3.1 through 3.5 of this Handbook, to determine whether a use will cause harm to the
1424 water resources of the area.
1425

1426 **CFWI – 3.1 Harmful water quality impacts to the water source resulting from the**
1427 **withdrawal or diversion**

1428
1429 A CUP application will be denied if the water withdrawal(s) would cause harmful water quality
1430 impacts to the water source resulting from the withdrawal or diversion. For example, (a) the
1431 induced movement of a contamination plume; or (b) the alteration of the rate or direction of the
1432 movement of a contamination plume, as evidenced by the predicted influence the water
1433 withdrawals would have on inducing movement of the contamination plume or as indicated by a
1434 sustained increase in background levels in contaminant concentrations.
1435

1436 **CFWI – 3.2 Harmful water quality impacts from dewatering discharge to receiving waters**

1437
1438 The use must not cause harmful water quality impacts from dewatering discharge to receiving
1439 waters. Dewatering water must be retained onsite unless the applicant demonstrates it is not
1440 technically feasible to retain the dewatering water onsite. If offsite discharge is requested, the
1441 applicant shall provide documentation authorizing the applicant to discharge directly into the
1442 receiving waterbody or adjacent lands and a demonstration that the receiving waterbody or
1443 adjacent lands are capable of accepting the dewatering discharge. Applicants who have obtained
1444 and are in compliance with a National Pollutant Discharge Elimination System (NPDES) or
1445 Environmental Resource Permit for dewatering shall be considered to not cause harmful water
1446 quality impacts from dewatering discharge to receiving waters.
1447

1448 **CFWI – 3.3 Harmful saline water intrusion or harmful upconing resulting from water**
1449 **withdrawals**

1450
1451 The purpose of this section is to determine whether saline water intrusion or upconing is harmful
1452 to the water resources of the area. Saline water intrusion can cause harm not only to fresh water
1453 resources, but also water resources with higher chloride concentrations and total dissolved solids
1454 concentrations (e.g., brackish water).
1455

1456 “Saline water intrusion” means the movement of water caused by withdrawals resulting in
1457 increases in total dissolved solids (TDS) or chloride concentrations. “Saline water intrusion” as
1458 used in the CFWI is not limited to the intrusion of water defined as “saline” by a water
1459 management district or other publication, but includes an increase in TDS or chloride
1460 concentrations from that existing prior to the proposed withdrawal. Saline water intrusion can
1461 occur laterally or vertically (the latter of which is termed “upconing”). Saline water intrusion is
1462 harmful when the increase in total dissolved solids or chloride concentrations detrimentally
1463 effects the applicant or other existing legal users of water, or is otherwise detrimental to the
1464 public interest.
1465

1466 The District will not consider saline water intrusion as harmful if it is the result of seasonal
1467 fluctuations; climatic conditions; or operation of the Central and Southern Flood Control Project,
1468 secondary canals or stormwater systems.

1469

1470 Nothing in this section shall be used to determine whether a source qualifies as an alternative
1471 water supply, as defined in section 373.019, F.S, or qualifies for funding by a District.

1472

1473 To satisfy the requirements of this section, an applicant shall provide reasonable assurance that
1474 the applicant’s proposed use will not cause harmful saline water intrusion or upconing. As part of
1475 the consideration of whether the use will cause harmful saline water intrusion or upconing, the
1476 following factors must be considered as applicable:

1477

1478 A. Whether there is movement of more saline water to a greater distance inland or
1479 towards a withdrawal point than from that existing prior to the proposed withdrawal
1480 and not as a result of seasonal fluctuations or climatic conditions;

1481

1482 B. Whether there is a sustained amount and rate of increase of TDS or chloride
1483 concentrations at the base of the aquifer(s) or producing zone(s) from that existing
1484 prior to the proposed withdrawal;

1485

1486 C. Whether there would be adverse impacts to values or functions of wetlands or other
1487 surface waters, including springs;

1488

1489 D. Whether a higher quality water source would be adversely impacted by the
1490 withdrawal;

1491

1492 E. Whether the anticipated increase in TDS or chloride concentrations can be monitored
1493 and treated by the applicant for its intended purpose; and

1494

1495 F. The geographic extent of any increase in TDS or chloride concentrations.

1496

1497 **CFWI - 3.3.1 Technical Assistance**

1498

1499 A. The Supplemental Applicant’s Handbook Design Aid 5, titled “Calculation of the
1500 Maximum Safe Yield of Well for the Prevention of Upconing”, is available solely to
1501 provide applicants with useful tools that may assist in presenting reasonable
1502 assurance that the withdrawal will not cause harmful upconing under the proposed
1503 consumptive use permit applications evaluated under Chapter 62-41, F.A.C. This
1504 calculation may not be appropriate in all location for every well – applicants should
1505 consult Design Aid 5 for more information. The Design Aid is not incorporated by
1506 reference in Chapter 62-41, F.A.C., and applicants are not required to use the tools of
1507 this Design Aid when preparing its reasonable assurance nor is the district required to
1508 rely on its submittal as reasonable assurance.

1509

1510 B. Applicants under 100,000 gpd are encouraged to seek technical assistance from the
1511 Districts.

1512

1513 **CFWI – 3.4 Harmful hydrologic alterations to natural systems, including wetlands or other**
1514 **surface waters**

1515
1516 This Section establishes the standards for evaluating impacts to natural systems, including
1517 wetlands or other surface waters, pursuant to the conditions for permit issuance in Rule 62-
1518 41.301, F.A.C. These standards apply to all water withdrawals, including applications for the
1519 initial use of water, modifications, and renewals of consumptive use permits, and authorized
1520 water uses, herein referred to as the “water use.” In its evaluation of the applicant’s water use,
1521 the extent of hydrologic alterations caused by the applicant’s water use shall be considered,
1522 except as otherwise provided herein.

1523
1524 Districts shall not consider impacts to wetlands and other surface waters not caused by the water
1525 use, including, but not limited to, impacts caused by existing surface water management
1526 activities, drainage, water table lowering, roads, levees and adjacent land uses.

1527
1528 **CFWI – 3.4.1 Identification of Wetlands and Other Surface Waters**

1529
1530 Wetlands and other surface waters as delineated pursuant to Chapter 62-340, F.A.C. or identified
1531 using alternative methods outlined below, that are within the area of influence of a water
1532 withdrawal, are subject to section 3.4 through subsection 3.4.7, except as provided by the
1533 exclusions in subsection 3.4.2.

1534
1535 Reasonable scientific judgment shall be used to evaluate the existence and extent of a wetland or
1536 other surface water, including all reliable information, such as visual site inspection and aerial
1537 photointerpretation. In addition, relevant information submitted pursuant to Chapters 62-330 or
1538 62-340, F.A.C, in support of an ERP/SWM Permit shall be considered.

1539
1540 In determining the location of wetlands and other surface waters, the applicant may consult staff
1541 reports of previously issued ERP and SWM Permits for the site and adjacent sites, NWI Maps,
1542 Land Use/Land Cover maps, NRCS-USDA soils maps, formal and informal wetland
1543 determinations issued by the District or Department, and other similarly reliable sources of
1544 information. District staff will attempt to locate the landward extent of wetlands or other surface
1545 waters visually by: onsite inspection, aerial photointerpretation, or photointerpretation in
1546 combination with ground truthing, without quantitative sampling. The methodology shall not be
1547 used to delineate areas which are not wetlands as defined in subsection 62-340.200(19), F.A.C.

1548
1549 **CFWI – 3.4.2 Exclusions of Certain Wetlands and Other Surface Waters**

1550
1551 The District will not consider the following impacts as harmful to natural systems, including
1552 wetlands or other surface waters.

1553
1554 A. For the purposes of this subparagraph 1 only, “isolated wetland” means any area that
1555 is determined to be a wetland in accordance with Chapter 62-340, F.A.C., but that
1556 does not have any connection via wetlands or other surface waters as determined
1557 using Rule 62-340.600, F.A.C. The District will not consider impacts to isolated
1558 wetlands one half (0.5) acre or less in size unless:

1559 1. The wetland is used by endangered or threatened species;

- 1560 2. The wetland is in an area of critical state concern designated pursuant to
- 1561 Chapter 380, F.S.;
- 1562 3. The wetland is connected by standing or flowing surface water at seasonal
- 1563 high water level to one or more wetlands, and the combined wetland acreage
- 1564 so connected is greater than one half (0.5) acre. Wetland connection is
- 1565 determined by the delineation methods for surface waters set forth in Chapter
- 1566 62-340, F.A.C.; or
- 1567 4. The District establishes that the wetland to be impacted is, or several such
- 1568 isolated wetlands to be impacted are, cumulatively, of more than minimal
- 1569 value to fish and wildlife.

1570
1571 B. Wetlands or other surface waters which were either authorized to be impacted
1572 through a permit issued under Part IV of Chapter 373, F.S., or Part VIII of Chapter
1573 403, F.S. (1984 Supp.) as amended, or allowed by an exemption under those statutes
1574 (or rules promulgated thereunder).

- 1575
1576 C. Ponds constructed in uplands and less than one acre in area and drainage ditches that
1577 were constructed in uplands, so long as:
- 1578 1. Such ponds or ditches are not part of a permitted wetland creation,
 - 1579 preservation, restoration or enhancement program; and
 - 1580 2. Such ponds or ditches do not provide significant habitat for endangered or
 - 1581 threatened species.

1582
1583 However, consideration of such systems shall be subject to all other conditions of
1584 permit issuance.

1585
1586 D. Wetlands or other surface waters to the extent they have been specifically authorized
1587 to be impacted or mitigated pursuant to a previously issues consumptive use permit,
1588 unless the applicant proposes additional impacts. In such case, the District will only
1589 consider the proposed additional impacts to wetlands or other surface waters.

1590
1591
1592 **CFWI - 3.4.3 Evaluation of Harm to Natural Systems**

1593
1594 Harm to the water resources will be evaluated by comparing the existing natural system to the
1595 predicted post withdrawal conditions. Previously permitted or exempt physical alterations to
1596 environmental features, such as drainage systems or water control structures, will be considered
1597 as the existing condition. However, areas impacted by activities in violation of a District or
1598 Department rule, order, or permit adopted or issued pursuant to Chapter 373, F.S., or Part VIII of
1599 Chapter 403, F.S. (1984 Supp.) as amended, will be evaluated as if the activity had not occurred.

1600
1601 The evaluation of wetlands and other surface waters will consider their hydrologic characteristics
1602 and susceptibility to harm resulting from hydrologic alterations attributed to the proposed water
1603 withdrawals individually and cumulatively. The assessment of impacts expected due to the water
1604 use will be based on the best available information. An applicant shall only be required to

1605 address its relative contribution of harm to the wetlands and other surface waters from its water
1606 use.

1607
1608 To evaluate the conditions below, the applicant must provide the following supporting information
1609 as applicable to assist in the impact evaluation:

- 1610
- 1611 A. Scaled map and recent aerial photographs that identify the:
 - 1612 1. Area of influence of the individual and cumulative effects of the proposed
 - 1613 water use;
 - 1614 2. The locations of all wetlands and other surface waters that occur within the
 - 1615 area of influence of the individual and cumulative effects of the proposed
 - 1616 water use, including wetlands and other surface waters located outside the
 - 1617 applicant's property boundaries; and
 - 1618 3. Locations of existing and proposed withdrawal facilities.
 - 1619
 - 1620 B. Information about the hydrology and current conditions of the wetlands and other
 - 1621 surface waters.
 - 1622
 - 1623 C. Information regarding the potential impact of the individual and cumulative effects of
 - 1624 the proposed water use on the wetland or other surface water in its current condition.
 - 1625
 - 1626 D. A summary report of any modeling performed and electronic copies of any modeling
 - 1627 files for District staff to review.
 - 1628
 - 1629 E. Site specific information shall be submitted by the applicant, if requested by the District
 - 1630 or if otherwise deemed relevant by the applicant, for determining whether the narrative
 - 1631 standards, set forth below, have been met. The applicant shall provide site specific
 - 1632 information on the local hydrology, geology, actual water use or unique seasonality of
 - 1633 water use, including:
 - 1634 1. Consideration of site specific hydrologic or geologic features that affect the
 - 1635 projected drawdown, including the existence and extent of confining layers
 - 1636 that impede the vertical movement of water under the wetland, preferential
 - 1637 flow paths, seepage face wetlands that receive high rates of inflow, or the
 - 1638 effects of soil depth and type on moisture retention, to the degree that actual
 - 1639 field data support how these factors affect the potential for impacts of the
 - 1640 water use on the wetland or other surface water.
 - 1641 2. If the applicant asserts that the actual water use has not caused harm to
 - 1642 wetlands or other surface waters, site specific information on the condition of
 - 1643 the wetlands or other surface waters in question must be provided in
 - 1644 conjunction with pumpage records or other relevant evidence of actual water
 - 1645 use to substantiate the assertion. Applicable monitoring data and historic
 - 1646 photography shall be submitted, if available.
 - 1647 3. Other relevant factors or information in assessing the potential for harm to
 - 1648 wetlands and other surface waters, such as the condition, size, depth,
 - 1649 uniqueness, location, and fish and wildlife utilization, including listed species,
 - of the wetland or other surface water.

- 1650 F. Where there is potential for harm, information required to determine whether the harm
1651 can be eliminated pursuant to Section 3.6 below.
1652
- 1653 G. A monitoring plan to assess the effects of the water use, if required. A monitoring plan
1654 shall be required when necessary to provide continued verification that no harm is
1655 occurring due to the water use.
- 1656 H. If the applicant asserts the exclusions in Subsections 3.4.2, above, apply to wetlands or
1657 other surface waters within the area of influence of the proposed water use, the
1658 applicant must provide appropriate information supporting this assertion, including
1659 relevant information from the permit file.

1660 **CFWI - 3.4.4 Harm to Wetlands**

1661
1662 Harm to wetlands is:

- 1663
- 1664 A. Changes in wetland hydroperiods and wet season water levels from the withdrawal or
1665 diversion that cause wetlands plant species composition or community zonation to be
1666 adversely impacted.
1667
- 1668 B. Changes in hydrology from the withdrawal or diversion that adversely impact wetland
1669 habitat functions for aquatic or wetland dependent flora or fauna either temporally or
1670 spatially. Wetland habitat functions include, but are not limited to, providing cover
1671 and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife
1672 movement; food chain support; and natural water storage, natural flow attenuation, and
1673 water quality improvement, which enhances fish, wildlife, and endangered and
1674 threatened species utilization.
1675
- 1676 C. Changes in hydrology from the withdrawal or diversion that alter habitat for
1677 endangered or threatened species to the extent that utilization by those species is
1678 impaired.
1679

1680 **CFWI - 3.4.5 Harm to Flowing Systems**

1681
1682 Harm to flowing systems is:

- 1683
- 1684 A. Changes in flow rates from the withdrawal or diversion that cause adverse impacts to
1685 aquatic or wetland dependent flora or fauna in springs, including those classified as
1686 Outstanding Florida Springs, streams, rivers or estuaries.
1687
- 1688 B. Changes in flow rates from the withdrawal or diversion that cause downgradient
1689 watercourses to experience changes to flow rates that cause adverse impacts to aquatic
1690 or wetland dependent flora or fauna.
1691

1692 **CFWI - 3.4.6 Harm to Lakes**

1693
1694 Harm to lakes is:

- 1695
1696 A. Changes in water levels from the withdrawal or diversion that cause adverse impacts
1697 to aquatic or wetland dependent flora or fauna.
1698
1699 B. Changes in water levels from the withdrawal or diversion that cause flows to
1700 downgradient watercourses to experience changes to flow rates that cause adverse
1701 impacts to aquatic or wetland dependent flora or fauna.
1702
1703

1704 **CFWI – 3.5 Otherwise Harmful to the Water Resources of the Area**

1705
1706 The issuance of a permit shall be denied if the withdrawal or use of water would otherwise be
1707 harmful to the water resources.

1708
1709 **CFWI - 3.6 Eliminating Harm**

1710
1711 To the extent that harm is determined, the applicant shall modify the project design or water use
1712 to eliminate harm to protected wetlands and other surface waters. Changes to the project design
1713 or water use include developing alternative water supply sources, reducing proposed
1714 withdrawals, implementation of wellfield optimization plan, relocation of withdrawal facilities,
1715 implementation of water conservation measures and creation of hydrologic barriers.

1716
1717 Where a permittee requires time to complete changes to the project design or water use changes
1718 and a stepped allocation has been authorization, the project design or water use changes shall be
1719 completed in accordance with a timeframe set forth in the permit, as appropriate.
1720

1721 **CFWI – 4.0 Harm to Existing Offsite Land Uses**

1722
1723 Within the CFWI Area, this section, CFWI - 4.0, supersedes section 3.6 of the SFWMD and
1724 SFWMD Applicant’s Handbooks; and section 2.3(f) of the SJRWMD Applicant’s Handbook.
1725

1726 This section describes how an applicant establishes reasonable assurance with the conditions for
1727 issuance set forth in Rule 62-41.301(2)(f), F.A.C.

1728
1729 This Section does not establish a property right in water, but prohibits harm from a water use to
1730 certain land uses that are dependent upon water being on or under the land surface.
1731

1732 Adverse impacts to existing off-site land uses are exemplified by, but not limited to:

- 1733 A. Significant reduction in water levels in a surface water body;
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1735 B. Damage to agriculture, including damage resulting from reduction in soil moisture
1736 resulting from water use;
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1738 C. Adverse flooding; and
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1740 D. Adverse impacts to recreational uses.

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In addition, for uses of water associated with dewatering, an applicant must demonstrate that the proposed consumptive use will not cause harm to existing offsite land uses due to the discharge of water associated with dewatering activities, as defined in this Section.

Whether an existing offsite land use is considered under this Section depends on whether there is a reasonable expectation that water will continue to exist on or under the land surface to support that offsite land use. When determining whether there is a reasonable expectation in the occurrence of water for an existing offsite land use, the District will consider:

- A. Only those offsite land uses existing at the time of the current application;
- B. The historic natural and artificial hydrologic variations on the offsite property;
- C. The design function of the offsite property;
- D. The purpose and nature of the water or water source on the offsite property, such as surface water management or water quality treatment; and
- E. Hydrologic variations that have occurred or are expected to occur as a result of authorized consumptive use withdrawals.

To be considered under this rule, the impact on an existing offsite land use must be the result of a withdrawal associated with a proposed consumptive use. Impacts to land uses can be caused by many different activities, such as drainage activities, reduced rainfall, regional trends, and other non-consumptive use related influences. Impacts from these non-consumptive use influences will not be considered or mitigated for under this Section.

The applicant must identify those existing land uses that are potentially impacted by the withdrawal associated with their consumptive use, such as seepage irrigated crops and surface water management systems. The applicant must demonstrate that the resulting change in water levels related to the proposed withdrawal will not cause harm, as described in this section above. Methods for avoiding harm to existing offsite land uses include: reducing the amount of water withdrawn, modifying the method or schedule of withdrawal, mitigating the damages caused, or, in the case of dewatering discharges, taking other actions to avoid increasing the potential for flooding. However, an applicant may accept adverse flooding impacts, for example, on land owned by the applicant or land for which the applicant has demonstrated sufficient legal authority to accept such flooding impacts.

The District shall include as a condition in any applicable permit the requirement that the permittee mitigate harm to existing offsite land uses caused in whole or in part by the permittee's consumptive use. The permit condition shall require the permittee to submit a mitigation plan for approval by the District that identifies actions necessary to mitigate unanticipated harm to existing offsite land uses. Such actions must be sufficient to restore the land use that existed prior to the impact and may require a permit modification. A mitigation plan may include replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or

1787 other means. The mitigation plan will require a permittee to mitigate immediately or upon the
1788 actual occurrence of harm.

1789

1790 **CFWI – 5.0 Special Limiting Permit Conditions**

1791 In addition to the Standard Limiting Conditions of the Districts, the following special conditions
1792 shall be added, as identified below to existing permits and permits for new uses within the CFWI
1793 Area.

1794 A. For all use types, except agricultural and landscape/recreation, the following special
1795 permit conditions shall be added:

1796 By December 31, 2023, any permittee or applicant seeking a permit duration extending
1797 beyond 2025 whose projected water demand will exceed its Demonstrated 2025
1798 Demand shall submit a plan to the District describing how the remainder of its demand
1799 will be met (e.g., impact offsets, substitution credits, alternative water supply
1800 development). The plan shall propose projects and identify a schedule for
1801 implementation. Annual updates shall be due on December 31 of each subsequent year
1802 detailing progress shall be provided to the District. The annual status reports shall
1803 include work completed to date, expenditures, and any anticipated changes in timelines.

1804

1805 B. For all public supply permits with an annual average daily quantity of 100,000 gpd or
1806 greater, the following special permit conditions shall be added:

1807 1. The quantities included in the permit are based on an average per capita rate
1808 of XXX. ~~In accordance with Section 2.7.3 of the CFWI Supplemental~~
1809 ~~Applicant's Handbook, the Permittee's per capita water use rate in any given~~
1810 ~~year shall not exceed 100 gpd.~~

1811

1812 2. The Permittee's per capita water use rate shall be monitored via the Annual
1813 Report that is required to be submitted by April 1 of each year for the term of
1814 the permit. Permittees within the CFWI may use the "Public Supply Annual
1815 Report," referred to in Section 2.7.3.1 of the CFWI Supplemental Applicant's
1816 Handbook as Design Aid 3, to assist with properly documenting the
1817 information that must be included in the Annual Report. At a minimum, the
1818 Annual Report must contain the following information:

1819 i. Calculation of the ~~Alternative Compliance~~ Per Capita Water Use Rate
1820 pursuant to Section 2.7.3. All components of the
1821 ~~Alternative Compliance~~ Per Capita Water Use Rate equation are
1822 subject to the requirements set forth in Section 2.7.3.1(A) of the CFWI
1823 Supplemental Applicant's Handbook.

1824 ii. Documentation of each component of the ~~Alternative Compliance~~ Per
1825 Capita Water Use Rate equation, as applicable, pursuant to Section
1826 2.7.3.1(A) of the CFWI Supplemental Applicant's Handbook.

1827 iii. A service area map or file showing the current utility service area. Any
1828 changes to the utility service area relative to the existing boundaries in
1829 the District's Geographic Information System (GIS) layer must be
1830 identified and documented.

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- iv. Residential water use, which consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
 - a) Number of dwelling units per category;
 - b) Number of domestic metered connections per category;
 - c) Number of metered irrigation connections;
 - d) Annual average quantities in gallons per day provided to each category; and
 - e) Percentage of the total residential water use provided apportioned to each category.
 - v. Non-residential water use, which consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided, the percent of total non-residential use quantities provided, and the number of metered connections:
 - a) Industrial/commercial/Institutional uses, including those associated lawn and landscape irrigation use;
 - b) Agricultural uses (e.g., irrigation of a nursery);
 - c) Recreation/Aesthetic, including irrigation (excluding golf courses) of common areas, stadiums, and school yards;
 - d) Golf course irrigation;
 - e) Firefighting, system testing and other accounted uses;
 - f) K-through-12 schools that do not serve any of the service area population; and
 - g) Water loss, defined as the difference between the output from the treatment plant and accounted residential water use (iv above) and the listed non-residential uses in this section.
 - vi. A water audit report, if water losses are greater than 10% of the total distribution quantities. The water audit shall include:
 - a) Evaluation of:
 - (1) leakage associated with transmission and distribution mains;
 - (2) overflow and leakage from storage tanks;
 - (3) leakage near service connections;
 - (4) illegal connections;
 - (5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability;

- (6) fire suppression;
- (7) un-metered system testing;
- (8) under-registration of meter; and
- (9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts 4 and 5 above, and

b) A schedule for a remedial action-plan to reduce water losses below 10%.

vii. If the Permittee cannot achieve the Public Supply Use Type Annual Conservation Goal ~~a per capita water use rate of 100 gpd~~ according to the time frames included in Section 2.7.3.1.C, the Annual Report shall include an explanation detailing why the per capita water use rate was not achieved; and measures taken to comply with the Annual Conservation Goal ~~per capita water use rate of 100 gpd, and a plan that identifies conservation or water supply project(s) that will be developed and implemented to achieve the per capita water use rate of 100 gpd.~~

3. In addition to the Annual Report required by Section 2.7.3.1 of the CFWI Supplemental Applicant’s Handbook, Permittees in the Southern Water Use Caution Area and the Dover/Plant City Water Use Caution Area shall submit Parts D through E of the “Public Supply Annual Report For Individual Permits Over 100,000 GPD Annual Average Quantities Form” (Form No. LEG-R.103.00 (5/14)), and all required attachments, including the Public Supply Service Area General Information Form, by April 1 of each year.

C. For self-supplied agricultural, recreational, or landscape irrigation uses whose allocation is based on the amount of water needed to supply the supplemental irrigation requirements of the type of crop, turf or landscape grown, the following special permit conditions shall be added:

1. Total annual allocation is _____ million gallons (_____ mgd) for a 2-in-10 year drought condition. This allocation represents the amount of water required to meet the water demands as a result of a rainfall deficit during a drought with the probability of recurring twice every ten years. The Permittee shall not exceed this allocation in hydrologic conditions less than a 2-in-10 year drought event. Compliance with this annual allocation is based on the quantity withdrawn over a rolling average of the previous 12-month time period.
2. Total annual allocation is _____ million gallons (_____ mgd) for a 5-in-10 year condition. This allocation represents the amount of water required to meet average annual water demands. Compliance with this annual allocation is based on the quantity withdrawn over a rolling average of the previous 12-month time period.

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3. Total peak monthly allocation is _____ million gallons. Compliance with the peak monthly allocation is based on the greatest quantity withdrawn in any single month.

4. If the rainfall deficit is more severe than the drought conditions serving as the basis for the allocations that expected to recur twice every ten years, the withdrawals shall not exceed that amount necessary to continue to meet the reasonable-beneficial demands, provided no harm to the water resources occur and:
 - i. All other conditions of the permit are met; and
 - ii. The withdrawal is otherwise consistent with any applicable declared Water Shortage Order in effect.

5. If the Permittee exceeds the allocated supplemental irrigation quantities, upon request by the District, the Permittee must submit a report that includes reasons why the allocated quantities were exceeded, measures taken to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether there is good cause for the exceedance. Permittees may justify an exceedance by documenting unusual water needs, such as weather conditions creating greater irrigation needs than normal. However, even with such documentation, phased reductions in water use will be required unless the District determines that water usage was reasonable under the circumstances reported and that further reductions are not feasible. The permittee must seek a permit modification if it desires to implement any increase in allocated quantities.