



Central Florida Water Initiative Rule Development Workshop

September 30, 2020

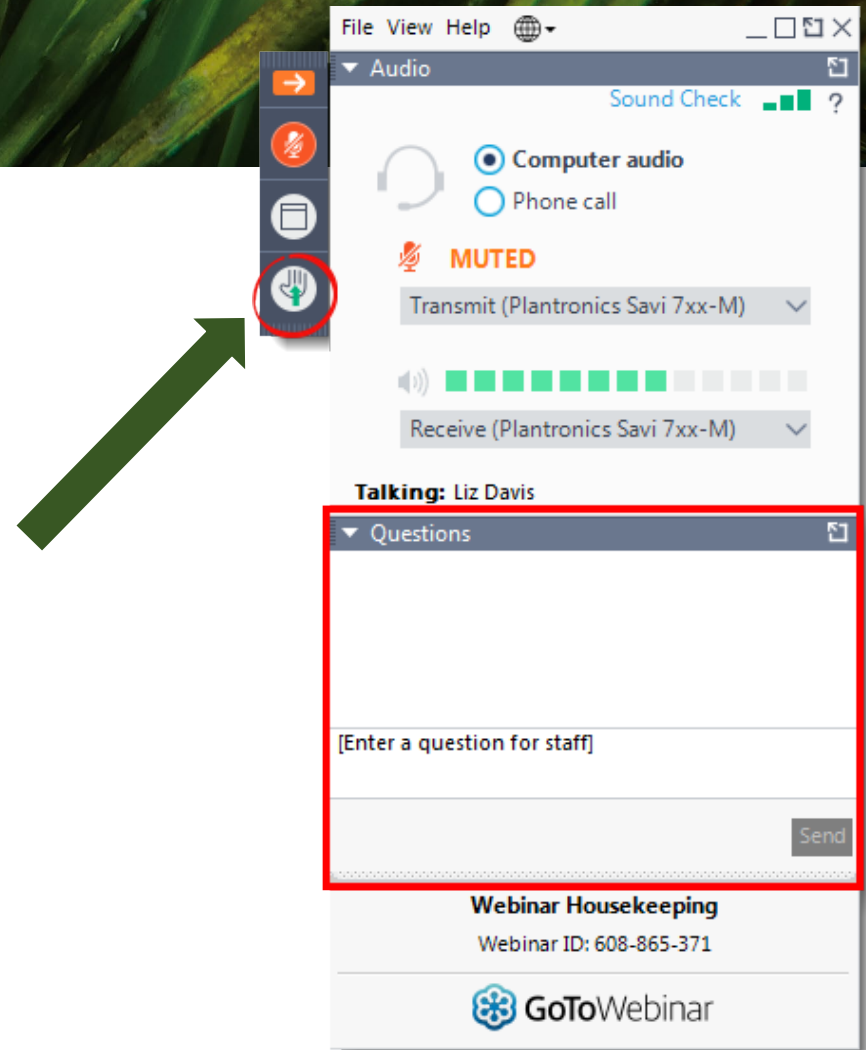


Webinar Housekeeping

- All participants are muted
- Webinar is being recorded

Public Comment

- *6 to mute/unmute phone
- *Raise hand on the control panel





Workshop Agenda

- 1. Welcome**
- 2. Background and Timeline**
- 3. Draft Rule and Handbook Revisions**
- 4. Next Steps**
- 5. Public Comment**

Link to CFWI Rulemaking:

<https://floridadep.gov/water-policy/water-policy/content/office-water-policy-rulemaking>



Rule Development Timeline

July 2016:	<u>Section 373.0465, F.S.</u>, became effective
Dec. 2016:	DEP issued notice of rule development
2017 – 2019:	DEP hosted five rule development workshops for different portions of the rule as they are developed with the WMDs, FDACS, and stakeholders
July 2020:	Rule development workshop with combined draft rules
August 2020:	Rule development workshop, noting changes from July 24 comment period
Sept. 2020:	Rule Development workshop, noting changes since August 12 workshop



Draft Rules and Handbook Revisions Summary

Today's Discussion

- **18 written comments and several stakeholder meetings**
- **Incorporates changes since August workshop**
- **Resulted in revised draft rules posted to website on September 25, 2020**

Additional Changes Planned

- **19 written comments received through September 24, 2020**
- **Public comment period extended through September 30, 2020**
- **Additional stakeholder meetings and feedback**



Draft Handbook Revisions

- **Added Foreword (includes background)**

1.0 General Provisions

1.1 Definitions

1.2 Modification of Existing Permits

1.3 Environmental Resource and Consumptive Use Permitting Concurrency

2.0 Demonstration of Water Demand, Allocations, and Source Identification

2.1 Allocation Expression

2.2 Public Supply Use Type

2.3 Industrial/Commercial/Institutional (ICI)/Power Generation Use Types

2.4 Mining and Mining Dewatering Use Type



Draft Rule and Handbook Revisions (cont.)

2.5 Agricultural Use Type

2.6 Landscape/Recreation Use Type

2.7 Annual Conservation Goal Within the CFWI ****

2.8 Allocations from the Upper Floridan Aquifer

2.9 Use of Lowest Quality Water Source

3.0 Harm to the Water Resources of the Area

4.0 Harm to Existing Offsite Land Uses

5.0 Permit Conditions



Handbook Updates



Foreword and Section 1.2

- **New foreword section (excerpt below)**
“Section 373.0465, Florida Statutes, directs the Department of Environmental Protection to adopt uniform rules for application within the CFWI Area. Rules 62-41.301 through 62-41.305, F.A.C., and this Supplemental Applicant’s Handbook address the public interest by providing a uniform regulatory framework to allow for the allocation of available groundwater in the area...”
- **Reorganized Section 1.2 – Modification of Existing Permits to improve readability**



Section 2.1 – Allocation Expression and Section 2.5 – Agricultural Water Use



Peak Month and Agricultural Uses

- Section 2.1.2: *“For agricultural and landscape/recreation use types, the peak month allocation is determined by identifying the peak month demand under the 2-in-10 year drought **in addition to other associated agricultural uses that are not calculated based on rainfall.**”*
- Section 2.5 – minor edits for clarity



Section 2.7

Annual Conservation Goal



Section 2.7, A.H. - Annual Conservation Goal – Public Supply

- **Added option to use functional population and revised goals**
 - **Option 1: Gross Per Capita Goal – 115 gpcd**
 - **Option 2: Functional Per Capita Goal – 100 gpcd**
- Provides flexibility to account for large tourist or seasonal populations
- Both options include progressive calculations with deductions
- Note the annual reporting and progress tracking will continue to address the residential per capita goal requirement (i.e. no changes)



Section 2.7, A.H. - Annual Conservation Goal – Public Supply

- **Option 1: Gross Per Capita Goal – 115 gpcd**
 - Gross Per Capita Water Use Rate
 - Adjusted Gross Per Capita Water Use Rate
 - Includes optional deductions for certain ICI, irrigation and environmental uses
 - **Alternative** (~~Compliance~~) Gross Per Capita Water Use Rate
 - Includes optional deductions for certain stormwater and reclaimed water uses



Section 2.7, A.H. - Annual Conservation Goal – Public Supply

- **Option 2: Functional Per Capita Goal – 100 gpcd**
 - **Functional Per Capita Water Use Rate**
 - Where functional population = the served permanent population as adjusted by the seasonal resident, tourist, group quarters and net commuter population within a utility's service area.
 - **Adjusted Functional Per Capita Water Use Rate**
 - Includes optional deductions for certain ICI, irrigation and environmental uses
 - **Alternative (~~Compliance~~) Functional Per Capita Water Use Rate**
 - Includes optional deductions for certain stormwater and reclaimed water¹⁵ uses



Section 2.7, A.H. - Annual Conservation Goal – Public Supply

Both Per Capita Conservation Goals

- Phase-in period: Meet by December 31, 2023

What if you do not meet the 115 gross per capita or 100 functional per capita by then?

- You have 6 months to submit a plan
- You have 10 years (December 2033) to reach your midpoint target
- You have 20 years (December 2043) to ultimately meet the 115/100 per capita goal
- If not met after 20 years, applicant shall provide information explaining why



Section 2.8

Allocations from the Upper

Floridan Aquifer



Section 2.8.2 Demonstrated 2025 Demand Changes

- **Added clarity and specificity in application**
 - **Public Supply**
 - For allocations solely from the Upper Floridan, an applicant is restricted to a maximum allocation no greater than the Demonstrated 2025 Demand
 - For allocations from multiple sources, the Upper Floridan portion of the Demonstrated 2025 Demand is restricted.
 - **Industrial/ Commercial/ Institutional/ Mining/ Mining Dewatering**
 - The Demonstrated 2025 Demand is the existing permitted allocation



Section 2.8.3 Allocations above the Demonstrated 2025 Demand

If needs exceed 2025 Demand:

- **Temporary Allocations**

~~“Temporary allocations are not available to new uses of the Upper Floridan aquifer. Temporary allocations from the Upper Floridan aquifer are only available for existing permitted uses while the necessary offsets or alternative water supplies are being developed and implemented.”~~



Section 5.0

Special Limiting Conditions



Section 5.0 Changes

- **Public Supply**

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

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

- **Agricultural/Landscape/Recreation**

- Clarified how rainfall will be accounted for when evaluating compliance with the average-year and drought-year allocations



Next Steps

- Review and consider all comments received through September 24
- Continue to meet with stakeholders
- Update the CFWI Steering Committee in October 2020
- Finalize draft and publish Notice of Proposed Rule



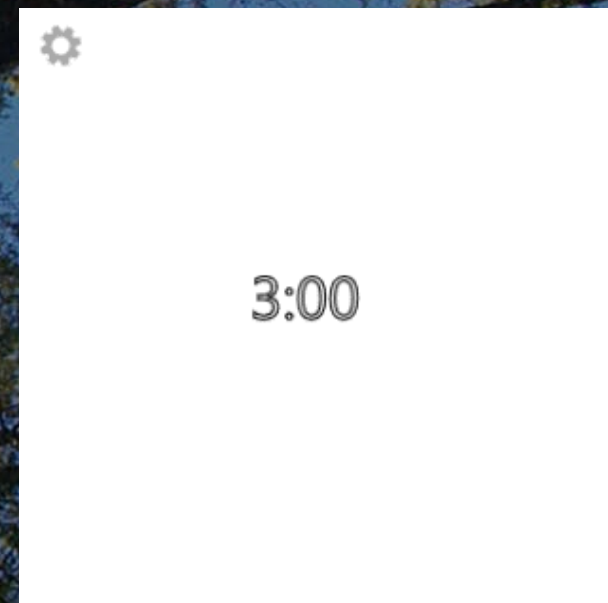
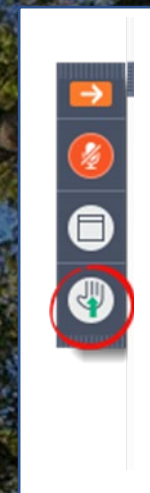
Public Comment

If you're participating via GoToWebinar:

- Use the Raise Hand feature

If you're participating via phone:

- *9 Raises Hand
- *6 Mutes/Unmutes



www.floridadep.gov/water-policy

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CFWI Rule Development Workshop

The workshop has ended but will remain open until the advertised meeting time of 3:00 pm. If you have any questions, please use the meeting chat. Thank you!

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