

Regulatory Team

The Regulatory Team was formed to build upon the results of the CFWI technical analysis and planning process as well as accomplish additional responsibilities to support the Solutions Planning Team. The Regulatory Team collaboratively shared ideas, information, alternatives, and responsibilities under the guidance of the Steering Committee (SC), Management Oversight Committee (MOC), and Solutions Planning team (SPT) to fulfill the Guiding Principles of the CFWI. Team membership was comprised of regulatory staff from South, Southwest, and St. John's River Water Management Districts (WMDs); Florida Department of Environmental Protection (FDEP), Florida Department of Agriculture and Consumer Services (FDACS); public water supply utility; and environmental group representatives. The Regulatory Team interacted with the other CFWI technical teams to evaluate regulatory options identified for ensuring sustainable water supplies.

Team Work Products

Interim Consumptive Use Permitting within the CFWI Area

To address the interim between the selection of specific projects and development of strategies to provide the additional water needed for users and for resource recovery, the Regulatory Team developed options for SC approval on how the water management districts should continue to perform their statutory responsibility to review and process consumptive use permit applications under applicable statutory and rule provisions. The result is a FDEP Guidance Memo on Interim Consumptive Use Permitting with the CFWI area:

http://www.dep.state.fl.us/secretary/watman/files/021_cup_cfw.pdf

This memo provided guidance to the districts in implementing the CUP program during this interim time period and specifically addresses coordination on pending applications, permit duration, water conservation, proposed agency action documentation, and permit conditions.

Regulatory Review of Selected Projects for the CFWI Plan

In a memorandum dated March 23, 2012, FDEP provided for improved linkage between regional water supply plans and the consumptive use permitting process:

http://www.dep.state.fl.us/secretary/watman/files/012_guidance_improved_linkage_rws.pdf

The memo finds, "Regional Water Supply Planning is a critical tool for ensuring that existing and future water needs of the state are met while also protecting our valuable natural systems." In addition, The Department calls for better coordination amongst district staff, water providers, water users, other stakeholders, and potential permit applicants who should have confidence that water supply development projects identified in a regional water supply plan have "undergone initial screening for feasibility and ha[ve] a likelihood of being permittable."

The Regulatory Team was tasked with providing initial screening for projects as selected by the SPT. Findings on the likelihood of being permittable are found within Table XXX.

Other topics addressed by the Regulatory Team are summarized below.

Pending Permit Applications

Monthly reports of pending consumptive use permit applications were compiled by the Regulatory Team and posted on www.cfwiwater.com.

Per Capita

Appendix X features a compilation of per capita and population methodology used across water management districts by program area. In May 2014, FDEP issued a Fact Sheet that explains various per capita measurements and how each uniquely supports different programmatic goals:

<https://www.google.com/url?q=http://www.dep.state.fl.us/water/waterpolicy/docs/factsheets/wrfss-per-capita-water-use.pdf&sa=U&ei=JoiIVL-PNKWMMmwWb2IGYBg&ved=0CAUQFjAA&client=internal-uds-cse&usg=AFQjCNHgXyhaEeUu7p26EUmSPqP8fTVi4g>

Water Shortage

Appendix X features a compilation of existing, adopted water shortage program criteria across water management districts. Concepts include the policy and purpose, how conditions are monitored, shortage declarations and phasing, region-specific water shortage plans, links to federal project operations, variances, and enforcement.

Aquifer Recharge & Impact Offsets

Appendix X features a compilation of selected, existing programs and applicable criteria that regulate aquifer recharge as implemented by FDEP and water management districts. Impact offset programs are those that work in conjunction with augmentation projects or mitigation that provide environmental benefits and allow for allocations of water. Concepts covered include source water, project sponsors, and water quality considerations.

Resource Redistribution

Appendix X features a compilation of selected, existing programs and applicable criteria that regulate the reallocation of water as implemented by FDEP and water management districts. Circumstances considered include land use transitions, terminated or reduced allocations, optimization, and development of alternative water supplies. See Appendix X.

Caution Areas

Appendix X features a compilation of selected, existing programs and applicable criteria that restrict the allocation of water based on resource considerations as implemented the water management districts. Program components highlighted include goals, linkage to regional water supply planning, relation to minimum flows and levels, regulatory implementation, and alternative water supply programs.

Interdistrict Transfers

Appendix X features an overview of existing statutes governing interdistrict transfers of groundwater as well as rule considerations for transfers of surface waters across district boundaries.

Public Interest

Appendix X features a summary of existing statutes that address public interest considerations.

Permitting Thresholds / Domestic Self Supply

At the request of the SC, the Regulatory Team provided information on the regulation of well construction and consumptive use permitting including domestic self-supply (DSS). Appendix X features a compilation of criteria describing the types of consumptive use permits issued by the water management districts. Criteria include facility intake diameter, average daily use, withdrawal capacity, regional restrictions, and approval authority.

Conservation

At the request of the Conservation Subteam, the Regulatory Team provided collective guidance on proposals to promote water conservation. Proposals included regulatory mandates, best management practices, incentives, and other programmatic tools. The Regulatory Team's assistance is reflected in the Conservation Subteam's findings within this document.

Future Direction

The Regulatory Team will continue to collaborate on long-term issues that could not be brought to closure at this time such as conjunctive use and future DSS concerns. Conjunctive uses are generally those that include allocations from multiple sources used on a variable or seasonal basis. As to DSS, even though they represent a small portion of demands within the CFWI region, the Team will investigate areas where DSS withdrawals are concentrated in relation to a CFWI constraint as well as the possibility of future conversions to DSS driven by higher cost water alternatives such as potable and reclaimed water.