| Conditions for Issuance | SJRWMD | SFWMD | SWFWMD |
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| (a) Is a quantity that is necessary for economic and efficient use | 2.3(a) The quantity applied for must be within acceptable standards for the designated use (see Section 2.2 for standards used in evaluation of need/allocation). All available water conservation measures must be implemented unless the applicant demonstrates that implementation is not technically, economically, or environmentally feasible. Satisfaction of the water conservation requirement may be demonstrated by implementing an approved water conservation plan as required by Section 2.2.<br><br>* Please note that Section 2.2 includes detailed provisions for demonstration of need by use class and for water conservation plans by use class. | 2.0 - generally<br><br>2.1 - legal control of site (own or rent property), withdrawal facilities (own/use agreement and access), water supply uses (agreement to supply to 3rd parties), and compatible land use (use is consistent with zoning and comp plan)<br><br>2.3 - demand criteria, general considerations & use class-specific<br><br>3.10 - ASR criteria | **2.0 DEMONSTRATION OF WATER NEED, SOURCE(S), AND DEMAND**<br><br>This section describes the factors involved in determining appropriate WUP quantities for a particular water use. The quantity of water needed is a function of demand for water, efficiency of the water treatment and distribution systems, water acquired from other sources, water sold or transferred to other entities, and conservation practices employed. The information to be provided by Applicants as described in this Chapter is required for all new WUPs and for renewal or modification of all existing WUPs with the exception that Applicants seeking to renew or modify WUPs authorizing annual average quantities of less than 100,000 gpd will not be required to submit documentation with their application if the documentation requested has previously been submitted or the information is documented in District records and the Applicant's water use needs have not changed since the previously issued WUP or its revision.<br><br>**2.3 DEMONSTRATION OF DEMAND.**<br>Demand may be estimated from historical data, comparable uses, and acceptable forecasting techniques. The proposed withdrawal of water must be supported with the information specified in Chapter 2, demonstrating that the withdrawal quantities are necessary to supply a certain reasonable need or demand. Only the portion of demand that is supported by adequate documentation will be permitted. |
| (b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest | 2.3(b) The use must be for a purpose and occur in a manner that is both reasonable and consistent with the public interest as defined in Section 3.10.<br><br>Section 3.10 provides:<br>For purposes of this section, "public interest" means those rights and claims on behalf of people in general. In determining the public interest in consumptive use permitting decisions, the District will consider whether an existing or proposed use is beneficial or detrimental to the overall collective well-being of the people or to the water resource in the area, the District and the State. | 2.0 - generally<br><br>2.3 - demand criteria, general considerations & use class-specific<br><br>1.4.4 - competing applications<br><br>1.4.14 - transport across county boundaries<br><br>2.2.2 - users with multiple sources or facilities shall submit an operational plan. Can have more than 1 configuration but each must meet the conditions for issuance and total withdrawals for each configuration may not exceed the allocation<br><br>2.2.3 - must use lowest quality water source which is acceptable for the intended use<br><br>2.2.4 - reclaimed water must be used if technically, | **2.1 DEMONSTRATION OF WATER NEED.**<br>Proper accounting for each proposed water use is essential to establish that the use is reasonable, beneficial, and in the public interest.<br>The reasonable water needs of all Applicants for new WUPs and renewals, and those for New Quantities and Self-Relocation within the SWUCA or the Dover/Plant City WUCA for crop protection will be closely evaluated by the District. For Self-Relocations in the SWUCA or the Dover/Plant City WUCA for crop protection, the evaluation period will be the previous permit term, taking into account climate variability, market conditions, and other factors that influence water uses. Permittees who have not utilized the full previous allocation because circumstances prevented full implementation of the plan on which the allocation was based will be required to demonstrate that the need for the full allocation will occur within the next WUP term. To support ~~any~~ future needs, this demonstration must include substantive documentation such as materials orders, construction plans or an operations or business analysis or plan that otherwise specifically |

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| | | environmentally, and economically feasible. Contents of feasibility study enumerated. Provisions for reclaimed water provider to give input<br><br>3.2-3.11 - Restricted sources & resource impact criteria | justifies the requested quantities. In such cases, the WUP shall be conditioned to reduce the permitted quantities should the proposed need not develop. For water uses affected by rainfall, the demonstration may include information showing the relationship between actual effective rainfall amounts affecting demand occurring over the previous WUP term and any statistical rainfall analysis upon which the previous WUP allocation was based that contributed to the Permittee's ability to use less than the full previous allocation. This paragraph shall be construed to provide for the allocation of sufficient quantities to meet the Permittee's reasonable-beneficial needs during drought conditions as otherwise set forth in this chapter and consistent with the District's authority to address such uses during declared water shortages and emergency water shortages. |
| (c) Will utilize a water source that is suitable for the consumptive use | | .2.3 - lowest quality water source<br><br>2.2.4 - reclaimed water<br><br>3.2-3.11 - Restricted sources & resource impact criteria | **2.1.1 ALTERNATIVE WATER SUPPLIES.**<br>Applicants for WUPs with 100,000 gpd or greater annual average quantities will be required to evaluate the technical, economic and environmental feasibility of using AWS. This evaluation must determine whether alternatives are available to offset all or part of quantities obtained from any non-AWS, as well as whether an offset is only available seasonally or on a time-limited basis.<br><br>**2.1.1.1 UTILIZATION OF ALTERNATIVE WATER SUPPLIES.**<br>Applicants shall demonstrate whether AWS are available and appropriate for use and shall incorporate use of AWS to the greatest extent practicable. Use of AWS is not environmentally feasible if it interferes with recovery of a water body to its established Minimum Flow or Level or if the water body is either currently or projected to be adversely impacted. In determining whether an Applicant has demonstrated that AWS are available and appropriate for use, the District shall consider whether the AWS are economically, environmentally and technically feasible. |
| (d) Will utilize a water source that is capable of producing the requested amount | 2.3(d) This capability will be based upon records available to the District at the time of evaluation. An eight of 10 year capability will be considered acceptable. | 2.2.4 - reclaimed water<br><br>3.2-3.11 - Restricted sources & resource impact criteria | **2.1 DEMONSTRATION OF WATER NEED.**<br>Proper accounting for each proposed water use is essential to establish that the use is reasonable, beneficial, and in the public interest.<br>The reasonable water needs of all Applicants for new WUPs and renewals, and those for New Quantities and Self-Relocation within the SWUCA or the Dover/Plant City WUCA for crop protection will be closely evaluated by the District. For Self-Relocations in the SWUCA or the Dover/Plant City WUCA for crop protection, the evaluation period will be the previous permit term, taking into account climate variability, market conditions, and other factors that influence water uses. Permittees who have not utilized the full previous allocation because circumstances |

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| | | | prevented full implementation of the plan on which the allocation was based will be required to demonstrate that the need for the full allocation will occur within the next WUP term. To support ~~any~~ future needs, this demonstration must include substantive documentation such as materials orders, construction plans or an operations or business analysis or plan that otherwise specifically justifies the requested quantities. In such cases, the WUP shall be conditioned to reduce the permitted quantities should the proposed need not develop. For water uses affected by rainfall, the demonstration may include information showing the relationship between actual effective rainfall amounts affecting demand occurring over the previous WUP term and any statistical rainfall analysis upon which the previous WUP allocation was based that contributed to the Permittee's ability to use less than the full previous allocation. This paragraph shall be construed to provide for the allocation of sufficient quantities to meet the Permittee's reasonable-beneficial needs during drought conditions as otherwise set forth in this chapter and consistent with the District's authority to address such uses during declared water shortages and emergency water shortages. |
| (e) Except when the use is for human food preparation or direct human consumption, will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible | 2.3(e) Except when the use is for human food preparation or direct human consumption, the lowest acceptable quality water source must be utilized that is suitable for the purpose and is technically, economically, and environmentally feasible. To use a higher quality water source an applicant must demonstrate that the use of all lower quality water sources will either (1) not be suitable for the purpose, or (2) not be technically, economically, or environmentally feasible. If the applicant demonstrates that use of a lower quality water source would result in adverse environmental impacts that outweigh water savings, a higher quality source may be utilized. This criterion shall not be used to require the use of lower quality sources for direct human consumption or human food preparation. Entities using water for these purposes and also for other purposes, such as irrigation, must evaluate the feasibility of using lower quality sources for such other purposes. However, it is possible that the unavailability of higher quality sources may necessitate the development of lower quality sources in order to meet projected demands, including the demands resulting from direct human consumption and human food preparation needs.<br><br>When an applicant proposes to use surface water or groundwater and reclaimed water is readily available, reclaimed water must be used in place of higher quality water sources unless the applicant demonstrates that its use is economically, environmentally, or technologically infeasible. | 2.2.3 - lowest quality water source<br><br>2.2.4 - reclaimed water<br><br>3.4 - saline water intrusion | **2.2 SOURCE IDENTIFICATION.**<br>Applicants must identify the quantities obtained from sources other than the primary source of supply. These sources may include reclamation facilities or desalinated seawater. If a source is not reliable throughout the year, the Applicant may request standby quantities from the main source of supply, which may be used when the supply from other sources is not available. The WUP will identify these standby quantities, when they likely will be required, and for what length of time. The Permittee may request that the District extend the period of time on the permit during which ~~a~~ standby quantities may be used if the need arises.<br><br>**2.4.1 UTILIZATION OF LOWEST QUALITY WATER FOR PROPOSED USE.**<br>Consideration must be given to the lowest quality water available, which is acceptable for the proposed use. If a lower quality of water is available and is environmentally, technically and economically feasible for all or a portion of an Applicant's use, this lower quality water must be used. Use of a lower quality of water is not environmentally feasible if it interferes with recovery of a water body to its established minimum flow or level or the water body is either currently or projected to be adversely impacted, unless the use will provide a Net Benefit. Such lower quality water may be in the form of surface water, reclaimed water, recovered agricultural tailwater, collected stormwater, saline water, or other sources. In determining the economic feasibility of using reclaimed water or stormwater, the consideration shall include the costs and benefits of using the reclaimed water or stormwater, including the amount of reclaimed |

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| | In determining whether reclaimed water is readily available, the District will consider the following factors:<br><br>(1) Whether a suitable source of reclaimed water exists;<br>(2) Whether the source is offered to or controlled by the applicant;<br>(3) Whether the applicant is capable of accessing the source; and<br>(4) Any other relevant information, including the documentation required in paragraph 5 immediately below.<br>(5) Applicants for withdrawals to be located within an area that is or may be served with reclaimed water by a reuse utility within five years from the date of application shall provide written documentation from the applicable reuse utility, addressing the availability of reclaimed water. The applicant shall request the reuse utility to provide a letter stating that reclaimed service is not available, or providing the following information:<br><br>1) Whether a reclaimed water distribution line is at the applicant's property boundary. If not, provide the following:<br>(a) An estimate of the distance in feet from the applicant's property to the nearest potential connection point to a reuse line.<br>(b) The date the reuse utility anticipates bringing the connection to the applicant's property boundary.<br><br>2) If reclaimed water is available at the property boundary:<br>(a) The peak, minimum, and annual average daily quantity in gallons per day of reclaimed water supply available from the nearest potential connection point, as well as expected average monthly quantities.<br>(b) The reliability of the potential reclaimed water supply (i.e., on-demand 24/7, or bulk-interruptible diurnal or seasonal, length of supply agreement, or other basis).<br>(c) The typical operating pressures at which the reuse utility will provide reclaimed water at the nearest connection point to the applicant's property, including any typical seasonal or other fluctuations in the operating pressure.<br><br>3) All costs associated with the applicant's use of reclaimed water:<br>(a) The reclaimed water rate or rates the reuse utility would charge the applicant (e.g., the cost per 1000 gallons) and any other periodic fixed or minimum charges for use of reclaimed water by the applicant.<br>(b) Any other one-time charges for the connection to the reuse.<br>(c) Whether the reuse utility helps fund potential reclaimed customers' costs to connect to the reclaimed line or convert its | | water or stormwater that can be produced or used relative to the cost. |

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| | operation to use reclaimed water.<br><br>4) The water quality parameters of the reclaimed water for the constituents that the applicant identifies as pertinent to the intended use.<br><br>5) Any additional information the reuse utility thinks the applicant should consider in evaluating the economic, environmental, or technical feasibility of its using reclaimed water, including any reclaimed water availability charges the reuse utility would impose if the applicant chose not to connect to the reclaimed water system.<br><br>If the reuse utility fails to respond or does not provide the information within 30 days after receipt of the applicant's request, the applicant shall provide the District a copy of the applicant's written request and a statement that the utility failed to provide the requested information. If the reuse utility provides a partial response, the applicant shall also provide that to the District. | | |
| (f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations | 2.3(f) The use must not cause harm to existing off-site land uses resulting from hydrologic alterations. A proposed use will be denied as not reasonable-beneficial if the use would cause adverse flooding or lower the water table or surface water level and cause an unmitigated adverse impact on an existing off-site land use.<br><br>Adverse impacts to existing off-site land uses are exemplified by, but not limited to:<br>1. Significant reduction in water levels in a surface water body;<br>2. Significant potential for land collapse or subsidence caused by a reduction in water levels;<br>3. Damage to crops, wetlands, or other types of vegetation; and<br>4. Adverse flooding.<br><br>Methods for avoiding harm include: reducing the amount of water withdrawn, modifying the method or schedule of withdrawal, mitigating the damages caused, or not increasing the potential for flooding. An applicant may accept adverse flooding impacts on land owned by the applicant or land for which the applicant has demonstrated sufficient legal authority to accept such flooding impacts. In all cases, it is the applicant's responsibility to mitigate adverse impacts caused by the use, including wetland impacts and impacts on off-site land uses which existed at the time of permit application. Under Section 2.3(g)4. below, an applicant must also avoid or mitigate impacts to wetlands or other surface waters | 3.6 - offsite land uses are those with a reasonable expectation that water will continue to exist on or under the land. Factors to consider when determining whether there is a reasonable expectation. Only land uses existing before the consumptive use started or existing when the consumptive use is modified are protected. Types of impacts: 1) reduction in water levels affects the defined function of the waterbody and related surface water improvements; 2) damage to agriculture because of a reduction in soil moisture; or 3) land collapse/subsidence. Only impacts due to consumptive uses will be protected under this criterion. Mitigation plan may need to be submitted | **3.6 EXISTING OFFSITE LAND USES.**<br>*Reserved.* |

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| | wherever they are located. | | |
| (g)1. The use must not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion. | | SF condition = may not cause pollution of the water resource.<br><br>3.5 - withdrawals may not cause significant degradation of surface or groundwater quality by inducing pollutant to move into a water resource that is not polluted.<br><br>District looks at FDEP and county databases for potential pollution sites. | **3.5 POLLUTION OF THE WATER RESOURCES.**<br>A WUP application shall be denied if a water withdrawal would cause harmful water quality impacts to the water sources resulting from the withdrawal or diversion, causing pollutants to migrate in the aquifer. Generally, movement of a contamination plume is considered harmful if the withdrawal would cause violations to water quality standards in areas that previously would have been unaffected. In evaluating this criterion, the District will consider:<br>A. Whether the withdrawal would alter the rate or direction of movement of a plume (horizontally or vertically) that has been defined by the DEP or the EPA.<br>B. Whether the withdrawal would increase the potential for harm to the public health and safety. |
| (g)2. The use must not cause harmful water quality impacts from dewatering discharge to receiving waters. | 2.3(g)2. Applicants who have obtained and are in compliance with a National Pollutant Discharge Elimination System (NPDES) or Environmental Resource Permit for dewatering shall be considered to not cause harmful water quality impacts from dewatering discharge to receiving waters. | For dewatering use class only.<br><br>2.3.2.B - Dewatering water to remain onsite unless applicant shows it is not feasible. If offsite discharge is requested, applicant to provide: 1) NPDES or ERP permit; 2) operational plan that shows discharge will meet all applicable state water quality standards prior to discharge; 3) operational plan that shows discharge to wetlands will contain turbidity levels < 29 NTU; 4) monitoring plan; and 5) contingency plan | **2.4.6 MINING OR DEWATERING.**<br>Applicants must demonstrate that the quantities applied for relate to reasonable mining, processing, and dewatering needs. Needs are generally demonstrated by providing information on the water balance for the operation, including all sources and losses of water utilized in the mining and/or dewatering process, the personal/ sanitary needs of employees and customers, the type and amount of lawn and landscape to be irrigated, the schedule of irrigation, the type of irrigation system to be used, and other specific uses. The water balance should also account for changes in water needs caused by variability in the ore body, production schedules and market conditions. Applicants who have obtained and are in compliance with a National Pollutant Discharge Elimination System (NPDES) or Environmental Resource Permit for dewatering shall be found to not cause harmful water quality impacts from dewatering discharge to receiving waters. |
| (g)3. The use must not cause harmful saline water intrusion or harmful upconing. | 2.3(g)3. Harmful saline water intrusion or harmful upconing is defined as saline water encroachment which detrimentally affects the applicant or other existing legal users of water, or is otherwise detrimental to the public interest as defined in Section 3.10. The District shall consider the following factors for determining whether saline water intrusion or upconing is harmful:<br><br>a. Movement of a particular saline water interface to a greater distance inland or towards a wellfield than has historically occurred as a consequence of seasonal fluctuations or drought. A saline water interface is defined as a zone of dispersion between two geochemical types of groundwater or a zone of change between areas of groundwater with significantly different chloride concentrations.<br><br>b. The amount and rate of increase from background levels in | 3.4 - definition of lateral and vertical saline water intrusion. Equation for maximum pumpage for upconing. Applicant must demonstrate 1) a groundwater divide greater than 1 foot higher than the potentiometric head at the saline water source between the withdrawal point and the saline source is maintained; 2) or a hydrologic analysis shows not further net inflow of groundwater from the saline source to the withdrawal point; or 3) other evidence saline water intrusion will not harm the wellfield or resource. Use of saline water source is encouraged but can render the resource unusable by other permittees or harm the resource. Conditions for saline water coming into contact with freshwater. | **3.4 SALINE WATER INTRUSION.**<br>A WUP application shall be denied if the application requests quantities that would cause harmful saline water intrusion, or harmful upconing. Harmful saline water intrusion occurs if the Applicant's withdrawals are projected to cause movement of the saline water interface, or upconing that adversely affects, or is predicted to adversely affect, other existing legal uses of water; the Applicant; or the public health, safety, and general welfare.<br>Compliance with the performance standards for Permittees encompassed within the Comprehensive Plan set forth in Rule 40D-80.073, F.A.C., shall be addressed in such Rule. |

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| | chloride concentrations at the base of the aquifer or producing zone within the area of influence of the well field. Background levels are the chloride concentrations that existed before withdrawals commenced.<br><br>c. Whether there has been a detrimental change in the geochemistry of the groundwater at the base of the aquifer or producing zone within the area of influence of the wellfield towards a saline water composition. An example of such a change in geochemistry is where a newly constructed well may yield a bicarbonate type water initially, but after withdrawals begin the well (or nearby wells) yield a sodium chloride type water. This change is an indication that intrusion of saline water or upconing has taken place during the withdrawal of water.<br>In each situation, the determination of harmful saline water intrusion or harmful upconing will be made on a case-by-case basis. | | |
| Will not interfere with any presently existing legal use of water | 3.6 The use of water must not cause an interference with a legal use of water which existed at the time of the application for the initial consumptive use permit.<br>Interference with a legal use of water is defined as a decrease in the withdrawal capability of any individual withdrawal facility of a legal use of water which was existing at the time of the application for the initial permit such that the existing user experiences economic, health, or other type of hardship. A proposed use must not cause the water table level or aquifer potentiometric surface level to be lowered so as to cause interference to an existing legal use of water.<br>An interference occurs when the withdrawal capability of any individual withdrawal facility of a presently existing legal use of water experiences a 10% or greater reduction in withdrawal capability or when the existing user experiences economic, health, or other type of hardship as a result of the new use.<br>The percentage reduction in withdrawal capability is calculated in the following way:<br>(withdrawal capability prior to impact (gpm) - withdrawal capability after impact (gpm)) X 100<br>% Reduction = withdrawal capability prior to impact<br><br>If presently existing legal uses rely on wells fitted with centrifugal pumps, then the evaluation of interference will be made assuming that the length of the drop pipe is equal to the lift capability of the centrifugal pump affixed to the well. | 3.7 - existing legal use = permitted and those exempt under Part II, Ch. 373. Description of the ELU protection during modifications and renewals. Interference= 1) unable to withdraw water consistent with the permit; 2) change in primary drinking water standards such that source can no longer be used; 3) unable to meet demands without over-pumping; 4) ASR condition. May need to submit mitigation plan, which can include pumpage reduction, replacement of equipment, relocation of wells, change in source, etc. | **3.7 INTERFERENCE WITH EXISTING LEGAL USERS.**<br>A WUP application shall be denied if the withdrawal of water together with other withdrawals would cause an unmitigated adverse impact on a legal water withdrawal existing at the time of the application. An adverse impact is considered to occur when the requested withdrawal would impair the withdrawal capability of an existing legal withdrawal to a degree that the existing withdrawal would require modification or replacement to obtain the water it was originally designed to obtain. If withdrawal locations remain the same but quantities are increased, only the increased amount would be considered in addressing the impacts to existing users. If a WUP is modified following other legal uses coming into existence after the WUP issuance, District staff will only evaluate the impact of the modified quantities on the subsequent legal uses.<br>The evaluation of impacts will be made taking into account the type(s) of pumping equipment installed and water-level fluctuations. A WUP application shall be denied if the requested quantity will cause adverse impact to existing legal uses of water unless the adverse impact is mitigated by the Applicant. Mitigation may include mitigation prior or post withdrawals. It is the Applicant's responsibility to investigate and mitigate adverse impacts on presently existing legal withdrawals of water. Mitigation may include pumpage reduction, replacement of the impacted individual's equipment to enable greater withdrawals, or placement of wells farther away from the impacted well.<br>Service areas are not considered to be under the control of the Applicant in terms of consideration of off-site impacts. Where there is a potential for adverse impacts to existing legal uses due to the Applicant's withdrawals, regardless of whether it's within the Applicant's service area, the Applicant shall submit a plan by which the potential impacts shall be monitored and mitigated if such impacts should occur. Nothing in this provision shall affect |

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| | If presently existing legal uses rely on wells fitted with non-centrifugal pumps, or on centrifugal pumps other than described in the aforementioned cases, the District will evaluate adverse impacts on a case-by-case basis.<br><br>If the requested allocation will not cause an interference with legal uses of water which existed at the time of permit application, and it also meets all other conditions for issuance, then this will be the amount allocated. If the requested volume causes an interference, then staff will calculate the allocation that will not interfere with legal uses of water that existed at the time of permit application and recommend this amount as a maximum allocation unless the interference is eliminated by the applicant. | | continuation of Tampa Bay Water's Well Mitigation Policy set forth in Rule 49B-3.005, F.A.C., dated December 21, 2004. |