



# **Central Florida Water Initiative Rulemaking Presentation**

**December 11, 2020**



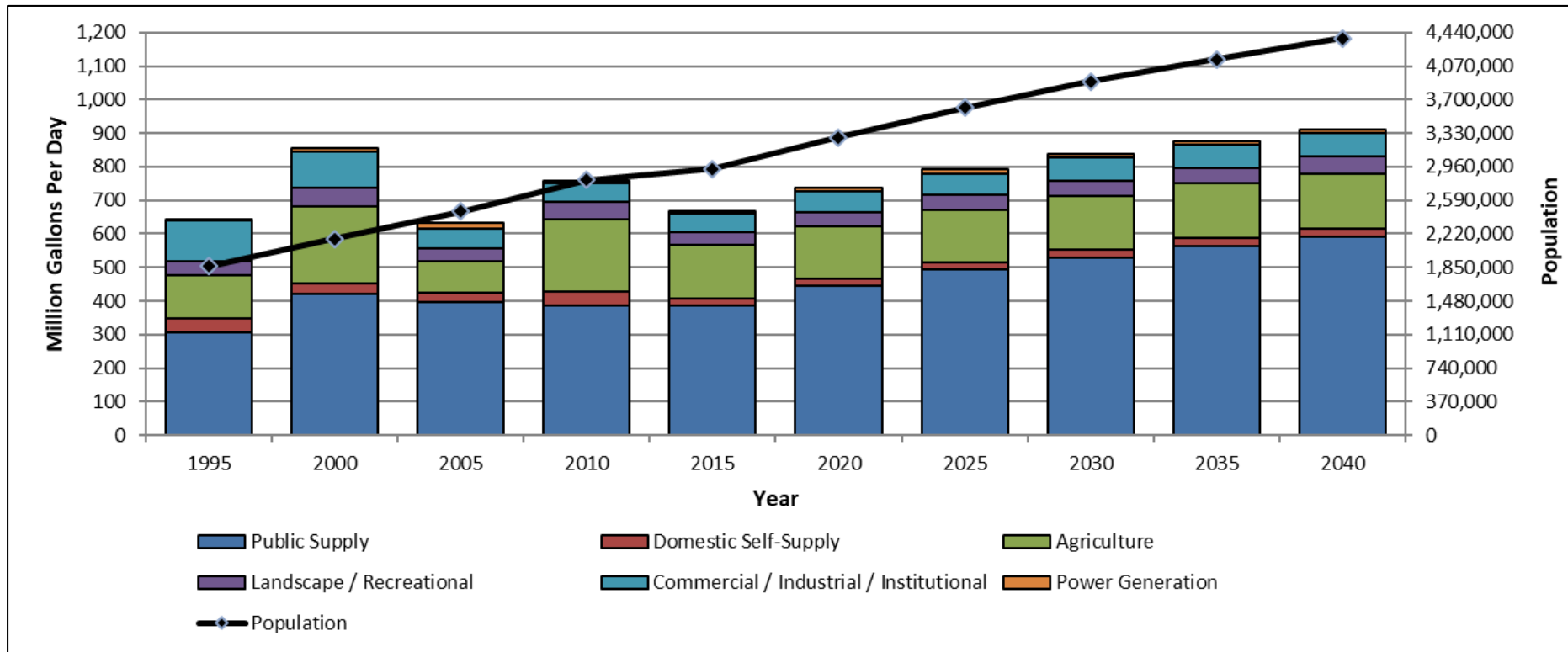
# Legislative Direction

**Section 373.0465 provides for uniform rules for application within the CFWI on:**

- **Defining “harmful to the water resources”**
- **Setting similar processes for permit reviews and the MFLs**
- **Setting an annual conservation goal for all users, a goal for residential per capita use, and a single method for calculating residential per capita water use**
- **A variance process**
- **Adoption of existing recovery strategies within the CFWI adopted before July 1, 2016**
  - **Includes only the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies**



# Resource Concerns



Source: 2020 CFWI Regional Water Supply Plan



# Resource Concerns (cont.)

Model Scenarios	Environmental Measures		
	MFLs and MFL-related (39 criteria)	Plains Wetlands (139,000 acres)	Ridge Wetlands (50,000 acres)
2014 (~620 mgd)	11 Not Met	16,700 ac	18,700 ac
2025 (~760 mgd)	11 Not Met	17,400 ac	19,200 – 21,400 ac
2030 (~800 mgd)	13 Not Met	17,700 ac	19,400 – 22,200 ac
2040 (~860 mgd)	15 Not Met	18,100 ac	19,700 – 23,400 ac

Source: 2020 CFWI Regional Water Supply Plan



# Rule Development Timeline

- July 2016:** Section 373.0465, F.S., 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 were developed
- July 2020:** Rule development workshop with combined draft rules
- August 2020:** Rule development workshop
- Sept. 2020:** Rule development workshop
- Nov. 2020:** Notice of Proposed Rule published (11-19-20)
- Dec. 2020:** Rulemaking Hearing



# Rules Outline

**62-41.300 CFWI Area, Scope of Rule**

**62-41.301 CFWI Area, Uniform Conditions for Issuance of Permits**

**62-41.302 CFWI Area, Supplemental Applicant's Handbook**

**62-41.303 CFWI Area, Variances to the Uniform Rules**

**62-41.304 CFWI Area, Uniform Process for Setting MFLs and Water Reservations**

**62-41.305 CFWI Area, Applicability of Existing MFL Recovery and Prevention Strategies**



# **CFWI Supplemental Applicant's Handbook Outline**

**1.0 General Provisions**

**2.0 Demonstration of Water Demand, Allocations, and Source Identification**

**3.0 Harm to the Water Resources of the Area**

**4.0 Harm to Existing Offsite Land Uses**

**5.0 Special Limiting Permit Conditions**



# **62-41, F.A.C. Rule Overview**





# 62-41.300 -305, F.A.C Overview

- **Outlines who administers the rule and who will be regulated**
- **Establishes the process for all existing permits to be modified to incorporate these new provisions**
- **Outlines uniform conditions for issuance of consumptive use permits**
- **Outlines consistent method for establishing MFLs and Reservations within the CFWI area**
- **Creates a new process for variances from the CFWI Rules**
- **Incorporates the CFWI Supplemental Applicant's Handbook**
- **Incorporates the Dover/Plant City and SWUCA Recovery Strategies**



# **CFWI Supplemental Applicant's Handbook Overview**



# Sections 1.0 – General Provisions

## 1.1 Definitions

## 1.2 Modification of Existing Permits

- Existing permits shall be letter modified pursuant to applicable District Rules to implement section 2.8 and add special permit conditions in section 5.0

## 1.3 ERP Concurrency

- Streamlines administrative process for CUP applications when an ERP is also required



# Section 2.0 – Water Use Demand, Allocation, and Source

- Overall, sections 2.1 – 2.6 are similar to current District handbooks in requirements and methodologies
- Provide consistency with calculations and approaches
- Still allow for District-specific water resource characteristics to be considered in individual permit reviews



# **Section 2.0 – Water Use Demand, Allocation, and Source (cont.)**

- **Public Supply demand calculations use standard method for calculating Gross Per Capita Daily Water Use/Residential Per Capita Daily Water Use**
- **ICI, Mining and Mining Dewatering must submit a water balance including specific demand components**
- **Agricultural and Landscape Irrigation allocated to both a 2-in-10 and 5-in-10 year drought scenarios and updated efficiency standards**



# Section 2.7 Annual Conservation Goal



# Annual Conservation Goal

## Establishes an annual conservation goal

- For all uses except Public Supply, develop and implement an Annual Conservation Goal Implementation Plan (ACGIP)
- For Public Supply greater than 100,000 gpd:
  - End of Permit Residential Per Capita Goal Required
  - Gross or Functional Per Capita Goal Required
    - 115 gross per capita goal and 100 functional per capita goal



# Annual Conservation Goal (cont.)

## ACGIP

- Sets goal(s): conservation BMPs and conservation programs, (including device replacements, maintenance, etc.) or other metrics
  - Must state a strategy for their implementation
- Is iterative and adaptable to maximize conservation practices by use type (i.e. agricultural BMPs, industry equipment upgrades, etc.)





# Annual Conservation Goal (cont.)

## Public Supply

### Gross or Functional Per Capita

- Target: 115 gpd gross per capita or 100 gpd functional per capita
- Three progressive methods to achieve goal:
  - Standard Gross Per Capita
  - Adjusted Gross Per Capita (provides deductions for non-residential water use)
  - Alternative Per Capita (provides additional deductions for certain alternative water supplies)



# **Section 2.8**

# **Allocations from the Upper**

# **Floridan Aquifer**



# Demonstrated 2025 Demand

- Agriculture, recreation and landscape irrigation limited to modified permitted allocations (2-in-10 & 5-in-10)
- ICI, power, and mining limited to current permitted allocation
- Public supply limited to Demonstrated 2025 Demand
  - Any reductions needed will come from Upper Floridan aquifer allocation only
  - Allows Districts to consider conservation and AWS projects developed since December 2015



# Demonstrated 2025 Demand (cont.)

- **If needs exceed 2025 Demand:**
  - **Submit future water use plan by December 2023**
  - **Remedies: temporary allocations, offsets, credits and land use transitions, alternative water supplies**
- **Exceptions to restrictions on groundwater allocations for aquifer storage and recovery, injection wells, and recharge projects**
- **Also applies to new uses following effective date of rule**



# Section 2.9 - Lowest Quality Water Source

An applicant shall demonstrate that the use:

- Will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible.

➤ **Exceptions:**

- Water used for washing hands during and after harvest activities
- Water that is applied in a manner that directly contacts produce during or after harvest activities
- Water used to make ice that directly contacts produce during or after harvest activities



# Section 3.0 – Harm to the Water Resources of the Area

**Creates a uniform method for determining harm to the water resources**

- Provides evaluation criteria for water quality impacts from withdrawals, including saline water intrusion
- Provides evaluation criteria for wetlands, flowing systems, lakes, or other surface waters
- Provides criteria for identifying wetlands
- Describes types of information needed to make harm evaluation



# Section 4.0 – Harm to Offsite Land Uses

- **Defines harm to existing offsite land uses**
  - **E.g. Significant reduction in water levels in surface water body, adverse flooding, etc.**
- **Details the criteria used to determine harm to offsite land uses**
- **Limits consideration of harm evaluation to only those impacts resulting from the proposed withdrawal or diversion**



# Section 5.0 – Special Limiting Permitting Conditions

- **Public Supply permittees required per capita goal**
- **All other permittees required to submit an ACGIP**
- **Agriculture, landscape and recreation permits revised dual allocation and compliance criteria**
- **All permittees (except agriculture, landscape, and recreation users) required to submit a plan to address any water use above that outlined in section 2.8**