



# **Central Florida Water Initiative Rule Development Workshop**

**July 9, 2020**



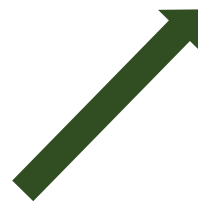


# Webinar Housekeeping

- All participants are muted
- Webinar is being recorded

## Public Comment

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



A screenshot of the GoToWebinar interface. The top part shows the audio control panel with options for "Computer audio" and "Phone call", both of which are muted. Below this, it says "Talking: Liz Davis". The bottom part shows a "Questions" section with a text input field containing "[Enter a question for staff]" and a "Send" button. The entire interface is titled "Webinar Housekeeping" with the ID "608-865-371" and the GoToWebinar logo at the bottom.



# Workshop Agenda

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

**Link to draft rules:** <https://floridadep.gov/water-policy/water-policy/content/office-water-policy-rulemaking>  
(also available via the chat)



# Legislative Direction

## (373.0465(2)(d))

**The rulemaking will provide for uniform rules for application within the CFWI on:**

- **A single, uniform definition of the term “harmful to the water resources”**
- **A single method for calculating residential per capita water use**
- **A single process for permit reviews**
- **A single, consistent process, as appropriate, to set minimum flows and minimum water levels and water reservations**
- **A goal for residential per capita water use**
- **An annual conservation goal**
- **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**





# Legislative Direction (cont).

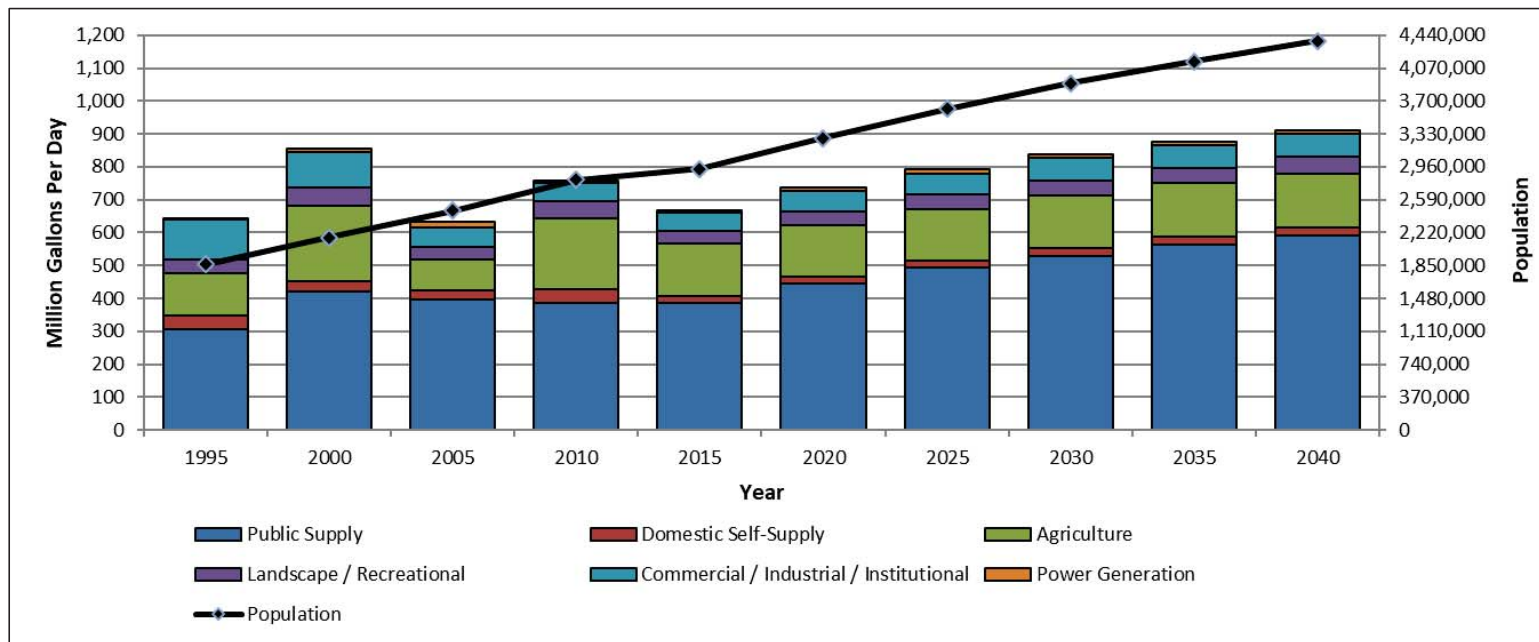
**Section 373.0465(2)(c), F.S. also requires coordination via the Regional Water Supply Planning process among DEP, the water management districts, and FDACS.**

**These agencies shall:**

- “1. Consider limitations on groundwater use together with opportunities for new, increased, or redistributed groundwater uses that are consistent with...s. 373.223, F.S.” and**
- “2. Establish a coordinated process for the identification of water resources requiring new or revised conditions. Any new or revised condition must be consistent with s. 373.223, F.S.”**



# Resource Concerns



Source: 2020 CFWI Regional Water Supply Plan (draft)





# 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 (draft)



# Rule Development Timeline

- 2010 – 2016:** Central Florida Water Initiative Regulatory Team collaboratively worked to address regulatory issues in the region
- July 1, 2016:** Chapter 373.0465, F.S., became effective
- Dec 30, 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
- Summer 2020:** Rule development workshops and combined draft rules





# 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**

### **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**

### **2.5 Agricultural Use Type**

### **2.6 Landscape/Recreation Use Type**





# **CFWI Supplemental Applicant's Handbook Outline (cont.)**

**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**

**3.1 Harmful water quality impacts to the water source resulting from the withdrawal or diversion**

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

**3.3 Harmful saline water intrusion or harmful upconing resulting from water withdrawals**

**3.4 Harmful hydrologic alterations to natural systems, including wetlands or other surface waters**

**4.0 Harm to Existing Offsite Land Uses**

**5.0 Permit Conditions**





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





# Sections 2.1 – 2.6

- **Overall, sections 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**



# **Agricultural Water Use – Supplemental Irrigation (Crops)**

- **Allocated at average year (5-in-10) and drought year (2-in-10) conditions**
- **Site-specific information is still utilized for calculation of supplemental irrigation**
- **Provides additional quantities for heat stress, freeze protection, crop establishment, etc.**
- **Includes efficiency standards based on irrigation system type, with special provisions for nurseries and citrus**





# Section 2.7

# Annual Conservation Goal





# Annual Conservation Goal

## What is an annual conservation goal under the draft language?

- **For all uses except Public Supply, develop and implement an Annual Conservation Goal Implementation Plan (ACGIP)**
- **For Public Supply greater than 100,000 gpd:**
  - **Compliance Per Capita (gross per capita)**
  - **Residential Per Capita Goal**





# Annual Conservation Goal

## 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

## ACGIP (cont.)

- **Recognizes that single year implementation has multi-year benefit**
- **Plan contains goals, person responsible for implementation goal, and record of whether goal was met**
- **Can be amended any time without modification of permit**
  - **Record of all changes must be kept, signed and dated**
- **Can be evaluated at 10-year compliance report or modification/renewal**





# Annual Conservation Goal

## Public Supply

### Compliance Per Capita

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



# Annual Conservation Goal

## Public Supply (cont.)

### Compliance Per Capita

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

### What if you do not meet the 100 per capita figure by then?

- **You have 15 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 100 gpcd goal**





# Annual Conservation Goal

## Compliance Per Capita Reporting

- **Annual Report due by April 1**
- **Similar to PSAR (SWFWMD)**
- **Example template provided**



# Residential Per Capita Water Use Goal

## Public Supply

### Uniform method for calculating:

$$\text{Residential Per Capita} = \frac{\text{Water Use by Dwelling Units (or Total Residential Water Use)}}{\text{Service Area Residential Population}}$$

### Residential Per Capita Goal

- End-of-permit
- Associated with projected demand and allocation
- Must track progress towards achieving goal
- Must report annually





# **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)**
- **Public supply, ICI, power and mining limited to Demonstrated 2025 Demand**
- **Any reductions needed would come from Upper Floridan aquifer**
  - **No reductions from alternative water supplies**





# 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**
  - **Conservation**



# **Demonstrated 2025 Demand (cont.)**

- **Allows Districts to consider conservation and AWS projects that have been developed since December 2015**
- **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**





# Lowest Quality Water Source

**An applicant shall demonstrate that the use:**

- ~~Except when the use is for human food preparation or direct human consumption, [W]ill 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...~~





# **Section 3.0**

# **Harm to the Water Resources**

# **of the Area**





# Uniform Definition of Harm

## **A withdrawal or diversion cannot cause:**

- **Harmful water quality impacts to the water source**
- **Harmful water quality impacts to the receiving water from a dewatering discharge**
- **Harmful saline water intrusion or harmful upconing**
- **Harmful hydrologic alterations to natural systems (wetlands, surface waters)**





# Harmful Saline Water Intrusion

**To determine harm from a withdrawal or diversion, consider whether:**

- **There is a sustained increase of TDS or chlorides**
- **There is a movement of saline water inland/towards withdrawal**
- **There are detrimental effects on applicant or existing legal users**
- **There is other evidence that documents intrusion/upconing**
- **If there is potential for intrusion, applicant may do further analysis to see if it can be avoided**
- **Will not be harmful if saline water intrusion is due to drought or seasonal fluctuations**



# Harmful Saline Water Intrusion

## Technical assistance

- **Provides for a design aid with an upcoming equation**
  - **Equation may be useful in some locations**
- **Encourages small agriculture uses to seek technical assistance from the districts**





# Harmful Hydrologic Alterations to Natural Systems

- **Provides direction for the identification of wetlands to be evaluated, including wetland exclusions**
- **Describes types of information needed to make impact evaluation**
- **Defines harm to wetlands, flowing systems (rivers, springs), and lakes**
- **Requires applicant to avoid or eliminate their contribution of harm**





# Additional Handbook and Rule Provisions





# Additional Handbook Provisions

- **1.3 ERP/CUP Concurrency – allows Districts to take final agency action rather than wait for the ERP (streamlining)**
- **4.0 Harm to Existing Offsite Land Uses (standard)**
- **5.0 Special Permit Conditions**
  - **All permits: Plan for needs beyond Demonstrated 2025 Demand**
  - **Public supply: compliance per capita provisions**



# Consistent Process for Permit Reviews

## Standard Conditions for Issuance

- **Reasonable-beneficial, will not cause interference, consistent with public interest**

## Reasonable-beneficial requirements mostly unchanged

- **Removed automatic exemption for applicants of direct human consumption uses to submit technical, environmental and economic feasibility requirement**





# Consistent Process to Set Minimum Flows and Levels

## Priority Lists

- **Provides for a workshop and discussions between Districts**

## Status of the Waterbody

- **Screening level analysis**
- **Causation analysis (if not meeting MFL)**
  - **Outlines several factors, such as rainfall, consumptive water use, changes in hydrology, etc. and tools (e.g. modeling)**



# Variations

- **Provides method for applicants seeking a variance from the rules**
- **Must show “unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical”**
- **Similar process to Chapter 120, F.S.**





# Miscellaneous Provisions

- **Establishes the CFWI as a Water Resource Caution Area**
- **Incorporates CFWI Supplemental Applicant's Handbook**
- **Includes existing recovery and prevention strategies**
  - **SWUCA and Dover/Plant City (SWFWMD)**



# Next Steps

- **Next Rule Development Workshop:**  
**August 12, 2020, 9:00 – 11:00 am, ET**
  - Will include changes since this workshop
- **Submit Public Comments:**
  - By Friday, July 24, 2020 to be reviewed prior to the August workshop
  - Final public comments accepted through Thursday, August 27, 2020
- **Finalize draft and publish Notice of Proposed Rule by September 2020**





## DESIGN AID X: Annual Conservation Goal Implementation Plan

*The following pages reflect a sample of the Annual Conservation Goal Implementation Plan that may be used by water users in their complete discretion.*

GENERAL INFORMATION	
Permittee Name	
CUP Number	
Person(s)/Position(s) Responsible for ACGIP	
Last Updated Date	
Signature of Responsible Person	

ACGIP Term, if applicable	<i>Enter the years the ACGIP is applicable for. It must be at least 5 years (current year plus 4 additional years) or for the term of the permit, whichever is less.</i>
Annual Conservation Goal Type	<input type="checkbox"/> Conservation BMPs & Conservation Programs <input type="checkbox"/> Other Metrics

CONSERVATION BMPs AND CONSERVATION PROGRAMS				
Time Period	BMP or Conservation Program	Strategy Associated with the Goal	Achieved/ Not Achieved	Estimated Water Savings (optional)
<i>Enter the year or years you intend to implement the listed BMP/Program</i>	<i>Briefly state the BMP or conservation program (e.g., toilet rebates).</i>	<i>Briefly describe the strategy associated with the BMP or conservation program (e.g., 600 toilet rebates are made available and will be promoted via social media targeting residential houses built before 1994.)</i>	<i>State whether the goal was achieved or not achieved</i>	<i>Option to include the estimated water savings associated with implementing the BMP or conservation program.</i>

*\*Add additional rows for each BMP.*

OTHER METRIC			
Time Period	Metric	Achieved/ Not Achieved	Estimated Water Savings (optional)
<i>Enter the year or years you intend to implement the listed BMP/Program</i>	<i>Briefly state the metric (e.g., achieving a set per capita reduction; achieving and maintaining an efficiency for a system) and how it will be measured annually.</i>	<i>State whether the goal was achieved or not achieved</i>	<i>Option to include the estimated water savings associated with achieving the metric.</i>

*\*Add additional rows for each metric.*



## 20\_\_ Public Supply Annual Report For Individual Permits Over 100,000 GPD Annual Average Quantities

### PART A. Per Capita Water Use Rate

Please submit water use information for January 1 – December 31, 20\_\_ . The information included in this Design Aid is required to be submitted as a condition on your Water Use Permit. Requirements are given in detail in Section 2.7.3 of the Central Florida Water Initiative Supplemental Applicant's Handbook.

<b>WUP No(s):</b>		<b>Reporting period (mo/yr-mo/yr):</b>
<b>Issue Date (of the most recent revision of the WUP):</b>		<b>Contact Phone #:</b>
<b>Permittee Name:</b>		<b>Contact Name:</b>
<b>Address:</b>		<b>County:</b>
Equation Component	WATER USE CATEGORY	Annual Average Quantity
1	<b>WD</b> <b>Total Withdrawals</b> ground water, surface water, and stormwater. Attach meter readings and pumpage from 1/1/____ through 12/31/____.	gpd
2	<b>IM</b> <b>Imported Water</b> Supply itemized list of quantities per supplier. If applicable, include the WUP number (CUP No.) of each supplier listed.	gpd
3	<b>EX</b> <b>Exported Water</b> Supply itemized list of quantities per receiver. If applicable, include the WUP number (CUP No.) of each receiver listed.	gpd
4	<b>Gross Water Use: WD + IM – EX</b>	<b>gpd</b>
5	<b>RP</b> <b>Residential Population Served</b> (Supply supporting calculations, see instructions.)	# people
6	<b>Gross Per Capita = (WD + IM – EX)/RP</b>	<b>gpcd</b>
7	<b>TL</b> <b>Water Treatment Loss</b> (Provide documentation of each type claimed.)	gpd
8	<b>SU</b> <b>Significant Uses</b> Provide documentation of deductions as required in the Supplemental Applicant's Handbook and include a separate report summarizing significant uses.	gpd
9	<b>GC</b> <b>Golf Course Deduction</b> (See definitions for requirements and limitations.)	gpd
10	<b>EM</b> <b>Environmental Mitigation</b> if required by the District per your water use permit (attach documentation of quantities used).	gpd
11	<b>Adjusted Gross Per Capita = (WD + IM – EX – TL – SU – GC – EM)/RP</b>	<b>gpcd</b>
12	<b>ST</b> <b>Stormwater Deduction</b> (See definitions for requirements and limitations.)	gpd
13	<b>RW</b> <b>Reclaimed Water Deduction</b> (See definitions for requirements and limitations.)	gpd
14	<b>Compliance Per Capita = (WD + IM – EX – TL – SU – GC – EM – ST – RW)/RP</b>	<b>gpcd</b>
15	<b>Per Capita Noncompliance Report:</b> A report explaining why a utility had a Compliance Per Capita rate greater than 100 gpd. The report shall include an explanation detailing why the per capita water use rate was not achieved, measures taken to comply with the 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.	[ ] Attached [ ] N/A
16	<b>Service Area Map:</b> Submit a map or file showing the current utility service area. Any changes to the utility service area relative to the existing boundaries in the District's Geographic Information System (GIS) layer must be identified and documented.	[ ] Attached [ ] Unchanged





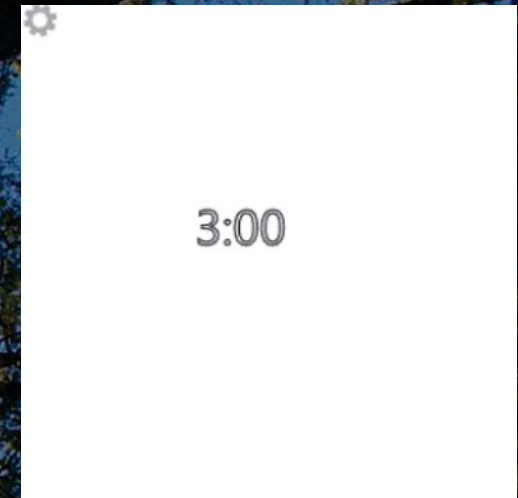
# Public Comment

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- \*9 Raises Hand
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**Submit Comments to:**  
**[OWP\\_rulemaking@floridadep.gov](mailto:OWP_rulemaking@floridadep.gov)**  
**By July 24, 2020**