

40D-21.601 General.

(1) Purpose – this Part sets forth specific water use restrictions and other required actions available to the District for implementation upon a declaration of a Water Shortage or Water Shortage Emergency.

(2) The water use restrictions and other required actions specified within this Plan may be modified by the Board or Executive Director to address the specific Water Shortage or Water Shortage Emergency event. The selected combination of water use restrictions and other required actions shall be summarized in the notice(s) of the water shortage declaration, as specified above in Rule 40D-21.275, F.A.C.

(3) Water use restrictions and other required actions may be established for each Use Class and various subcategories, as appropriate. All water users have a duty to keep informed about the water use restrictions and other required actions applicable to them.

(4) In addition to the restrictions specified in this part, all wasteful and unnecessary water use is prohibited regardless of the phase of Water Shortage. Wasteful and unnecessary water use includes the water use activities listed in subsection 40D-22.201(2), F.A.C., and any of the following:

- (a) Allowing water to be dispersed without any practical purpose to the water user;
- (b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and
- (c) Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods without water use.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 7-5-12.

40D-21.621 Phase I: Moderate Water Shortage.

(1) A Phase I Water Shortage is a hydrologic or climatic condition in which at least one regional or local Drought Indicator has a moderately abnormal value, such that conditions warrant the District alerting the general public and the District ordering water utilities and other water users to review and implement internal procedures needed to fully implement restrictions and other required actions during a Phase II, Phase III, Phase IV or emergency declaration. The following measures shall remain in effect during a Phase I Water Shortage unless otherwise provided in an order implementing a Phase I Water Shortage. Except as set forth in this Rule 40D-21.621, F.A.C., lawn irrigation and other uses of water remain subject to applicable provisions of Chapter 40D-22, F.A.C. (the District's Year-Round Water Conservation Measures) and any applicable variances thereto issued by the District.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing shall not be restricted. Each fire hydrant testing agency, whether a local government unit or other entity, shall review and update existing procedures or develop procedures through which it can address inquiries from the District and citizens about specific testing activity. At a minimum, these procedures shall include either the use of an on-site sign containing the name and telephone number of the hydrant testing agency or the establishment and promotion of a telephone number of a hotline that the District and citizens can call to question testing activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

2. Fire suppression and fire prevention activities shall not be restricted. Each fire fighting agency shall, and each local government shall direct its fire department to, review and revise as necessary its inventory for primary and back-up water sources.

3. Maintenance of fire fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles and other emergency Mobile Equipment. This maintenance specifically requires the use of a trigger (self-canceling) nozzle when a garden-type hose is used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

(b) Water Utility Use. The following water use restrictions or other required actions shall apply to all Water Utility Uses, as indicated.

1. Each public supply water system with residential, commercial, industrial, or irrigation customers, working with local code enforcement and local law enforcement agencies as necessary, shall review and update or develop, then implement, local enforcement procedures for year-round water conservation measures and Water Shortage restrictions, including but not limited to mechanisms to provide the enforcement assistance required by subparagraph 40D-21.621(3)(b)2., F.A.C., in accordance with Section 373.609, F.S. These procedures shall also specifically include an ability to issue a citation without first needing to issue a warning, should the District declare a Phase III or Phase IV water shortage. If the water utility is a nongovernmental entity, or if a governmental agency other than the water utility has responsibility for enforcement of year-round water conservation measures and the District's Water Shortage orders, the procedures shall, at a minimum, include a mechanism for the public supply water system to coordinate with the applicable local enforcement agency to provide the required assistance.

2. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency, the following enforcement assistance to the District:

a. Immediate information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

b. Response, as appropriate based on the quantity and quality of details provided to the water utility, to enforcement referrals made by the District regarding address-specific or location specific violation complaints. This shall involve, where necessary, a site investigation on the day of week and at the time of day indicated for each referral. This shall also include having the legal mechanisms necessary to issue warnings, citations, and post-citation proceedings to recover unpaid penalties and associated costs.

c. Excluding Small Water Utilities, monthly transmittal of enforcement activity data, including the number of warnings and citations issued, and as specified in the water shortage order in a reporting format provided by District.

d. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

3. Each public supply water system shall institute or accelerate other water conservation efforts which can help manage demand during the Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities), informing those customers about the current Water Shortage declaration, describing how the water utility's primary and back-up water supplies are affected, and promoting any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that will assist customers in their efforts to immediately reduce water consumption. If a water supply authority or other public supply water system serves only wholesale users (other water utilities), then communication with all wholesale users satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Water utility operational practices. At a minimum, these practices shall address line flushing and disinfection. Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall not be restricted. However, each water utility shall develop and implement procedures through which it can address inquiries from the District and citizens about specific flushing and disinfection activity. At a minimum, these procedures shall include the use of either an on-site sign containing the name and telephone number of the agency conducting the flushing activity or establishment and promotion of a telephone hotline that customers and other concerned citizens can call to question activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a sign. If the water utility is also responsible for fire hydrant testing, these processes will also satisfy the requirement in paragraph 40D-21.621(3)(a), F.A.C.

4. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to public supply Permittees will summarize the requirements listed above.

(c) Medical and Health Use. The use of water for medical purposes and protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. In addition to the requirements of any applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Commercial and Industrial Use, as appropriate:

(a) All commercial and industrial Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(b) Commercial and industrial use shall continue to be restricted by any applicable Water Use Permit.

(5) Agricultural Use.

(a) All Agricultural Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply, as appropriate:

1. Agriculture shall comply with the allowable watering hours, exemptions from those hours and other provisions specified in Chapter 40D-22, F.A.C. These provisions expressly include exemptions for irrigation needed for plant protection, including prevention of frost and freeze or heat damage and to water-in chemicals. Additionally, any Agricultural water user with a variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, shall continue to comply with the variance. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

2. Agricultural Use shall continue to be restricted by any applicable Water Use Permit.

(6) Landscape Use.

(a) All Permittees authorized to use water for Landscape Use shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) Lawn and Landscaping, Golf Course, Driving Range and Other Athletic Play Area use shall continue to comply with all applicable provisions of Chapter 40D-22, F.A.C. These provisions include an establishment period of allowable extra water applications for new plant material and a separate day-of-week exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

(c) Each property owner or manager shall voluntarily reduce water use and prepare for possible worsening conditions.

(d) An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed above.

(7) Other Uses.

(a) All Permittees authorized to use water for purposes not described above shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply to each other water use activity, as appropriate:

1. Lawn and Landscaping Use associated with any activity shall comply with applicable provisions of Chapter 40D-22, F.A.C. This specifically includes an allowance for the operation of an irrigation system during otherwise restricted days or hours for the discharge of water from air conditioning units or similar water-dependent devices.

2. Recycling or secondary use of water shall occur, to the maximum extent practicable. For example, a child's water slide or other recreational water device can be positioned so that it discharges onto a turfgrass area that requires irrigation.

3. Water use necessary to the activity, such as rinsing as part of the process of Mobile Equipment cleaning is restricted only as provided in Rule 40D-21.601, F.A.C. For example, this means that rinsing is allowed if done with the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History--New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12.