

Governing Board Meeting

Agenda and Meeting Information

November 19, 2019

9:00 AM

Tampa Office

7601 US Hwy. 301 • Tampa, Florida
(813) 985-7481

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

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Final Agenda GOVERNING BOARD MEETING

NOVEMBER 19, 2019

9:00 AM

Tampa Office

7601 US HWY. 301, TAMPA, FL 33637
(813) 985-7481

All meetings are open to the public.

- Viewing of the Board meeting will be available at each of the District offices and through the District's website (www.WaterMatters.org) -- follow directions to use internet streaming.
- Public input will be taken only at the meeting location.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

Unless specifically stated, scheduled items will not be heard at a time certain.

The current Governing Board agenda and minutes of previous meetings are on the District's web site: www.WaterMatters.org

Bartow Office
170 Century Boulevard
Bartow, Florida 33830
(863) 534-1448 or 1-800-492-7862 (FL only)

Sarasota Office
6750 Fruitville Road
Sarasota, Florida 34240
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office
7601 Hwy 301 N (Fort King Highway)
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. *Call to Order*
2. *Invocation and Pledge of Allegiance*
3. *Employee Recognition*
4. *Additions/Deletions to Agenda*
5. *Public Input for Issues Not Listed on the Published Agenda*

CONSENT AGENDA (TAB B)***Resource Management Committee***

6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Adopt Revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties

Finance/Outreach & Planning Committee

7. Budget Transfer Report
8. Water Supply and Water Resource Development Grant Program Budget Transfer
9. Post-Closing Occupancy Agreement Budget Transfer
10. Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management
11. Resolution to Request Disbursement of Funds from the Water Protection Sustainability Program Trust Fund for the Citrus County Sugarmill Woods Golf Course Reuse Project
12. Self-Funded Health Insurance Plan Year-To-Date Financial Update and Resolution to Amend the FY2019 Budget

Operations, Lands and Resource Monitoring Committee - None***Regulation Committee***

13. Authorize Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, Florida Administrative Code, to Amend WUP Applicant's Handbook Part B
14. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Dustin Tyler – CT No. 400751 and 400841 – Polk County, Florida
 - b. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Earl W. Pruitt – License No. 2214 – CT No. 405351 – Pinellas County
 - c. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Bruce Straubel – CT No. 395688 – Polk County, Florida
16. Rulemaking - None

Executive Director's Report

17. Approve Governing Board Minutes - October 22, 2019

RESOURCE MANAGEMENT COMMITTEE (TAB C)***Discussion***

18. Consent Item(s) Moved for Discussion
19. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Submit & File Reports

20. Proposed Reservations for Lake Hancock/Saddle Creek Prior to Independent Scientific Peer Review
21. Withlacoochee River Watershed Initiative

Routine Reports

22. Minimum Flows and Levels Status Report
23. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)**Discussion**

- 24. Consent Item(s) Moved for Discussion
- 25. 2020 Legislative Preview

Submit & File Reports - None**Routine Reports**

- 26. Treasurer's Report and Payment Register
- 27. Monthly Financial Statement
- 28. Monthly Cash Balances by Fiscal Year
- 29. Comprehensive Plan Amendment and Related Reviews Report

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)**Discussion**

- 30. Consent Item(s) Moved for Discussion
- 31. Hydrologic Conditions Report

Submit & File Reports - None**Routine Reports**

- 32. Surplus Lands Update
- 33. Structure Operations
- 34. Significant Activities

REGULATION COMMITTEE (TAB F)**Discussion**

- 35. Consent Item(s) Moved for Discussion
- 36. Denials Referred to the Governing Board
- 37. Consider Water Shortage Order(s) as Needed
- 38. Water Use Permit Allocations

Submit & File Reports - None**Routine Reports**

- 39. Dover/Plant City Water Use Caution Area Flow Meter Automatic Meter Reading Implementation Program Update
- 40. Overpumpage Report
- 41. Individual Permits Issued by District Staff

GENERAL COUNSEL'S REPORT (TAB G)**Discussion**

- 42. Consent Item(s) Moved for Discussion

Submit & File Reports - None**Routine Reports**

- 43. November 2019 Litigation Report
- 44. November 2019 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 45. Public Supply Advisory Committee
- 46. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 47. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 48. Chair's Report
- 49. Other
- 50. Employee Milestones

*** **RECESS PUBLIC HEARING** ***

ADJOURNMENT

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your name for the record. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective September 24, 2019

OFFICERS	
Chair	Mark Taylor
Vice Chair	Michelle Williamson
Secretary	Joel Schleicher
Treasurer	Kelly S. Rice

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
James G. Murphy, Chair

RESOURCE MANAGEMENT COMMITTEE
Rebecca Smith, Chair

REGULATION COMMITTEE
Joel Schleicher, Chair

FINANCE/OUTREACH AND PLANNING COMMITTEE
Kelly S. Rice, Chair

** Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Michelle Williamson
Environmental Advisory Committee	Roger Germann
Industrial Advisory Committee	James G. Murphy
Public Supply Advisory Committee	Kelly S. Rice (Temporary)
Well Drillers Advisory Committee	Mark Taylor (Temporary)

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	Joel Schleicher (Temporary)
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Rebecca Smith
Tampa Bay Regional Planning Council	Rebecca Smith (Temporary)

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2020**

Updated 10/15/19

Governing Board Meeting

October 22, 2019 – 9:00 a.m., Brooksville Office
November 19, 2019 – 9:00 a.m., Tampa Office
December 10, 2019 – 9:00 a.m., Brooksville Office
January 28, 2020 – 9:00 a.m., Tampa Office
February 25, 2020 – Time and Location TBD, Sarasota
March 24, 2020 – 9:00 a.m., Brooksville Office
April 28, 2020 – 10:00 a.m., Lake Eva Banquet Hall, Haines City
May 19, 2020 – 9:00 a.m., Tampa Office
June 23, 2020 – 9:00 a.m., Brooksville Office
July 21, 2020 – 9:00 a.m., Tampa Office
August 25, 2020 – 9:00 a.m., Brooksville Office
September 22, 2020 – 3:00 p.m., Tampa Office

Governing Board Public Budget Hearing – 5:01 p.m., Tampa Office

2020 – September 8 & 22

Agricultural & Green Industry Advisory Committee – 10:00 a.m., Tampa Office

2019 – December 3
2020 – March 10, June 9, September 15

Environmental Advisory Committee – 10:00 a.m., Tampa Office

2019 – October 8
2020 – January 14, April 14, July 14

Industrial Advisory Committee – 10:00 a.m., Tampa Office

2019 – November 5
2020 – February 11, May 12, August 11

Public Supply Advisory Committee – 1:00 p.m., Tampa Office

2019 – November 5
2020 – February 11, May 12, August 11

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office

2019 – October 9
2020 – January 8, April 8, July 8

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.

2020 – February 5 – Northern Region, Brooksville Office
2020 – February 6 – Southern Region, Location TBD
2020 – February 12 – Heartland Region, Bartow City Hall
2020 – February 13 – Tampa Bay Region, Tampa Office
2020 – April 1 – Northern Region, Brooksville Office
2020 – April 2 – Southern Region, Location TBD
2020 – April 8 – Tampa Bay Region, Tampa Office
2020 – April 9 – Heartland Region, Bartow City Hall

Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office

2019 – October 2, November 6, December 4
2020 – January 8, February 5, March 4, April 1, May 6, June 3, July 1, August 5, September 2

**Environmental Resource Permitting Advisory Group – 10:00 a.m., and
Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office**

2019 – October 30
2020 – April 29, July 22

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637
Lake Eva Banquet Hall – 799 Johns Avenue, Haines City, FL 33844
Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830

Executive Summary

Executive Summary

GOVERNING BOARD MEETING

NOVEMBER 19, 2019
9:00 a.m.

CONVENE PUBLIC HEARING & MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

CONSENT AGENDA (TAB B)

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, the item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

Resource Management Committee

6. **Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Adopt Revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties**

To request the Board initiate and approve rulemaking to amend Rule 40D-8.623, Florida Administrative Code (F.A.C.), to adopt revised Minimum Levels for 19 wetlands; remove minimum wetland levels for 7 sites; adopt new minimum wetland levels for 2 sites; correct the latitude for 1 wetland site due to a scrivener's error; update wetland names for clarification purposes; and accept the report entitled: "DRAFT report for Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands" dated September 16, 2019.

Minimum Levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Minimum Levels for District wetlands were adopted into Rule 40D-8.623, F.A.C., in 2000. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

There are 41 wetland Minimum Levels adopted in Rule 40D-8.623. In the District's 2018 Priority List and Schedule, 20 of the wetland Minimum Levels are scheduled for reevaluation in 2019 and 21 are scheduled for reevaluation in 2020. At this time 40 of the 41 wetlands have been reevaluated and are included in the "DRAFT report for Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands" dated September 16, 2019. There is one remaining wetland reevaluation that will be completed, included in an amendment to the report, and presented to the Governing Board

in the future. These reevaluations were completed using peer-reviewed methodologies, as well as up-to-date hydrologic, biologic, and survey data, to determine if any revisions are needed for currently adopted levels. The updated data resulted in the following changes as shown in the Exhibit:

- Revision of Minimum Levels for 19 wetlands
- Removal of minimum wetland levels for 7 sites
- Adoption of new minimum wetland levels for 2 sites
- Correction of the latitude for 1 wetland site
- Updating of wetland names for clarification purposes

The technical report outlining development of the proposed levels was posted on the District's website prior to a public workshop held on September 18, 2019. The workshop was held at the District's Tampa office and had 5 members of the public in attendance. District staff addressed questions and concerns at the workshop relating to the proposed Minimum Levels. A summary of the public workshop, including comments and discussion, is available upon request.

The seven wetland sites that are proposed to be removed from Rule 40D-8.623 are being removed for technical and scientific reasons. During reevaluation, it was determined that these sites do not qualify for assessment using the peer-reviewed method for setting wetland minimum levels, because they are either not isolated, not dominated by mesic soils, or do not have a reliable, reproducible Historic Normal Pool. The two proposed new sites will replace some of the removed sites.

The proposed Minimum Levels are protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule, Chapter 62-40, F.A.C., when establishing minimum flows and levels.

With approval of these changes, Rule 40D-8.623 will include Minimum Levels for 36 wetlands, 33 of which have been reevaluated, two are new sites, and one will be reevaluated in 2020. An updated assessment of status was performed on the 33 reevaluated wetlands using the proposed levels and 28 are meeting their Minimum Levels, while 5 are not. Of the proposed new wetlands to be added to the rule, both are meeting their Minimum Levels. All wetlands are included in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (40D-80.073, F.A.C.). The analyses outlined in this document for wetlands in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area will be reassessed by the District and Tampa Bay Water as part of this plan, and as part of Tampa Bay Water's Water Use Permit Recovery Assessment Plan (required by Chapter 40D-80, F.A.C. and the Consolidated Permit (No. 20011771.001)). The District plans to continue regular monitoring of water levels at each adopted wetland, and will also routinely evaluate the status of the water levels with respect to adopted Minimum Levels for the wetlands included in Chapter 40D-8, F.A.C.

Adoption of Minimum levels for these wetlands will support the District's water supply planning, Water Use Permitting, and Environmental Resource Permitting programs. A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed levels, staff will submit a notice to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Governing Board action. If substantive changes are

necessary as the result of comments received from the public or from reviewing entities such as OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff recommends the Board:

- A. Accept the report entitled, "DRAFT report for Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.623, F.A.C., to replace the previously approved Minimum Levels and wetlands with the proposed Minimum Levels and wetlands in Hillsborough, Pasco, and Pinellas Counties, as shown in the Exhibit.

Finance/Outreach & Planning Committee

7. Budget Transfer Report

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff recommends the Board approve the Budget Transfer Report covering all budget transfers for October 2019.

8. Water Supply and Water Resource Development Grant Program Budget Transfer

Request the budget transfer of \$2,674,000 from the Water Supply and Water Resource Development Grant Program funded by state appropriation to projects selected by the Department of Environmental Protection (DEP).

During the 2019 legislative session, the Florida Legislature appropriated \$39,000,000 to establish a water supply and water resource development grant program to help communities plan for and implement conservation, reuse and other water supply and water resource development projects. Priority funding was given to regional projects in the areas of greatest need and for projects that provide the greatest benefit. After reviewing the project proposals and ranking recommendations by each of the water management districts, the DEP selected two of the board approved Polk Regional Water Cooperative (PRWC) projects and one new outreach project for funding.

- PRWC - West Polk County Lower Aquifer Deep Wells (N882): \$1,000,000
- PRWC - Southeast Wellfield (N905): \$1,424,000
- Statewide Potable Reuse Outreach Program (P265): \$250,000

The FY2020 adopted budget included \$3,000,000 in state funds projected to be allocated to the District from the \$39,000,000 appropriated by Florida Legislature for the Water Supply and Water Resource Development Grant Program (H103). Since the actual amount allocated to the District for the three selected projects totals \$2,674,000, the remaining \$326,000 will lapse at the end of the fiscal year. The tables below reflect the funding for each of the selected projects as approved in the budget, and as proposed based upon application of the state appropriation. The Statewide Potable Reuse Outreach Program (P265) is a new project, and the two PRWC projects (N882 and N905) remain the same as last presented except for the updated funding shown below.

Approved Project Funding:

Project	Cooperator	Title	State	District	Cooperator	Total
N882	PRWC	West Polk County Lower Aquifer Deep Wells	\$0	\$4,470,367	\$4,470,367	\$8,940,734
N905	PRWC	Southeast Wellfield	\$0	\$5,558,958	\$5,558,958	\$11,117,916
P265		Statewide Potable Reuse Outreach Program	\$0	\$0	\$0	\$0
		Total	\$0	\$10,029,325	\$10,029,325	

Proposed Project Funding with State Appropriation:

Project	Cooperator	Title	State	District	Cooperator	Total
N882	PRWC	West Polk County Lower Aquifer Deep Wells	\$1,000,000	\$3,970,367	\$3,970,367	\$8,940,734
N905	PRWC	Southeast Wellfield	\$1,424,000	\$4,846,958	\$4,846,958	\$11,117,916
P265		Statewide Potable Reuse Outreach Program	\$250,000	\$0	\$0	\$250,000
		Total	\$2,674,000	\$8,817,325	\$8,817,325	

The selected PRWC projects are two of the four projects resulting from Governing Board Resolutions 15-07 and 18-06 in support of the Polk Partnership. District ad valorem for these projects are budgeted to the Polk Partnership (H094) and then transferred to each project upon board approval for each phase. The District and PRWC will split the \$2,424,000 state appropriation equally (50% / 50% or \$1,212,000 each) from the state for the two selected PRWC projects. The District's FY2020 budget includes the full \$2,424,000 state appropriation as the District will be reimbursing PRWC's share of the state appropriation as approved expenditures are incurred. Therefore, the amount equal to the District's share of the state appropriation (\$500,000 for N882 and \$712,000 for N905) will be transferred back to the Polk Partnership (H094) for a total of \$1,212,000 (50% of the \$2,424,000) for future phases.

The exhibit to this item includes the project evaluation for the Statewide Potable Reuse Outreach Program (P265).

Staff recommends the Board approve the transfer of funds between projects as follows:

- a) \$2,674,000 in state appropriations from Water Supply and Water Resource Development Grant Program (H103) to:
 - PRWC - West Polk County Lower Aquifer Deep Wells (N882) in the amount of \$1,000,000;
 - PRWC - Southeast Wellfield (N905) in the amount of \$1,424,000; and
 - Statewide Potable Reuse Outreach Program (P265) in the amount of \$250,000.
- b) \$500,000 in ad valorem from PRWC - West Polk County Lower Aquifer Deep Wells (N882) to the Polk Partnership (H094).
- c) \$712,000 in ad valorem from PRWC - Southeast Wellfield (N905) to the Polk Partnership (H094).

9. Post-Closing Occupancy Agreement Budget Transfer

Request Governing Board approval of a budget transfer in the amount of \$98,400 from the canceled Cooperative Funding Initiative (CFI) project N990 Zephyr Creek Drainage Improvements: Units 3 and 4 with Pasco County to pay for the Post-Closing Occupancy Agreement that provides for a stay in place lease-back of a portion of the District's former Sarasota Office that was sold November 1, 2019.

In May 2018 the Governing Board declared the Sarasota Office surplus. The property was marketed, and at the March 2019 Governing Board meeting the District approved a purchase and sale agreement with Manatee Memorial Hospital L.P. for \$4,700,000. As part of this transaction a Post-Closing Occupancy Agreement was executed which provides the District the rights to a portion of the building through March 26, 2020 at a negotiated rental rate of \$16 per square foot resulting in a monthly rental obligation of \$19,676.

On November 1, 2019, Manatee Memorial Hospital closed the purchase transaction. Net proceeds from the sale of \$4,445,817 will be credited to the Facilities Capital Improvement Fund.

Funding is available from the canceled CFI project N990 Zephyr Creek Drainage Improvements: Units 3 and 4 with Pasco County. The project has been cancelled by the County since it will not meet the benefits originally intended in the CFI application. Both County and District staff have determined that a feasibility study is necessary to 1.) evaluate periodic flooding of structures and roadways, 2.) identify potential best management practices to improve the level of service (LOS), and 3.) determine the maximum flood protection LOS that could be achieved for the project areas. The County has submitted an FY2021 CFI application for this study. Funding is needed in the amount of \$98,400 to provide operating funds to pay lease payments at the existing Sarasota Office on Fruitville Road for November 2019 through March 2020.

Staff recommends the Board approve the budget transfer in the amount of \$98,400 from the cancelled CFI project N990 Zephyr Creek Drainage Improvements to provide funding for the Post-Closing Occupancy Agreement that provides for a stay in place lease-back of a portion of the District's former Sarasota Office that was sold November 1, 2019.

10. Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Request the approval of Resolution 19-15, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

During the 2019 legislative session, the Florida Legislature appropriated \$10,237,210 to the Land Acquisition Trust Fund for the water management districts to use for land management purposes on District conservation lands. The Southwest Florida Water Management District's share was \$2,250,000, which was included in the fiscal year 2020 adopted budget for land management activities.

The Governing Board must adopt a resolution requesting advanced funding from the Land Acquisition Trust Fund. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection to advance the appropriated funds to the District for land management expenditures on District conservation lands. The exhibit to this item includes Resolution Number 19-15.

Staff recommends the Board approve Resolution 19-15, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

11. Resolution to Request Disbursement of Funds from the Water Protection Sustainability Program Trust Fund for the Citrus County Sugarmill Woods Golf Course Reuse Project

Request the approval of Resolution 19-16, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Water Protection and Sustainability Program Trust Fund for Selected Project(s).

During the 2019 legislative session, the Florida Legislature appropriated \$1,000,000 to the Water Protection and Sustainability Program Trust Fund for the water management districts to provide financial assistance to local entities to develop alternative water supplies. The Southwest Florida Water Management District's share was \$250,000, which was included in the fiscal year 2020 adopted budget for the Citrus County Sugarmill Woods Golf Course Reuse project.

The Governing Board must adopt a resolution approving the selected project(s) to receive Water Protection and Sustainability Program Trust Fund dollars. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection to reimburse the District for Citrus County Sugarmill Woods Golf Course Reuse project expenditures as they are incurred from the appropriated funds. The exhibit to this item includes Resolution Number 19-16.

Staff recommends the Board approve Resolution 19-16, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Water Protection and Sustainability Program Trust Fund for Selected Project(s).

12. Self-Funded Health Insurance Plan Year-To-Date Financial Update and Resolution to Amend the FY2019 Budget

Provide an update to the District's Self-funded Health Insurance Plan and to request the approval of Resolution 19-17, First Amendment of the Fiscal Year 2019 Annual Service Budget.

The District moved to a "self-funded" Health Insurance Plan beginning with calendar year 2016. On October 27, 2015, staff presented a recommendation to move to a self-funded Health Insurance Plan for calendar year 2016 and adopt a resolution to commit funds in the amount of \$1.7 million as a Health Insurance Reserve Fund. The Governing Board approved this action and Resolution No. 15-19.

In a self-funded plan, the insurance company estimates the amount of claims it expects from the District for the upcoming year just as in a fully funded scenario. The self-funded plan differs in that the District is responsible for paying the claims. If the claims are less than anticipated, the District has additional cash flow or savings to invest. If the claims are greater than anticipated, the District is responsible. To mitigate the risk, the District purchased stop-loss insurance that will cover higher than anticipated claims.

In addition to the \$1.7 million committed by the board for the Health Insurance Reserve Fund, the District had an additional \$4.3 million in assigned fund balance from prior year savings for a total of \$6 million in fund balance to start fiscal year (FY) 2019. The District's budgetary practice is to keep no more than the equivalent of two years of anticipated maximum risk to the District unappropriated for self-funded health insurance. Maximum risk is the delta between the District's self-funded health insurance budget and the amount the stop-loss insurance becomes effective. If the amount in fund balance exceeds the projected two years of maximum risk, funds will be utilized to offset ad valorem funding for the subsequent fiscal year's self-funded health insurance budget. If the amount in fund balance is less than two years of maximum risk, the subsequent fiscal year's self-funded health insurance budget will be fully funded by ad valorem until the fund balance reaches the projected two years of

maximum risk amount. If fund balance falls below the \$1.7 million committed for the Health Insurance Reserve Fund, the board will be requested by staff to move fund balance within the General Fund to maintain the \$1.7 million in reserves to comply with Resolution No. 15-19 and pursuant to Section 112.08, Florida Statutes.

Based on budgetary practices described above, \$3 million of the \$6 million in fund balance was appropriated for the FY2020 self-funded health insurance budget. The remaining balance of \$3 million (\$1.7 million committed; \$1.3 million assigned from prior year savings) represents the amount of reserves needed for the projected two years of maximum risk.

From FY2016 through FY2018 claims were very favorable for the District with the total fund balance for self-funded health insurance increasing to \$6 million as of September 30, 2018. However, higher than anticipated claims during FY2019 has created a deficit of \$800,000 in the self-funded health insurance budget.

Staff is requesting approval to amend the District's FY2019 budget by appropriating \$800,000 of assigned fund balance for self-funded health insurance within the General Fund due to higher than anticipated claims. A budget amendment involves any action that increases or decreases total appropriated fund amounts in the budget. The exhibit to this item includes Resolution Number 19-17.

Staff recommends the Board approve Resolution 19-17, First Amendment of the Fiscal Year 2019 Annual Service Budget, for self-funded health insurance.

Operations, Lands and Resource Monitoring Committee – None

Regulation Committee

13. Authorize Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, Florida Administrative Code, to Amend WUP Applicant's Handbook Part B

As a result of District outreach conducted by the Citrus Task Force, the District proposes the following amendments to provisions of 40D-2 Florida Administrative Code (F.A.C.), and the Water Use Permit Applicant's Handbook Part B (Applicant's Handbook).

Rule 40D-2.091, F.A.C., incorporates by reference forms and instructions that have been approved by the Governing Board and are used in District water use permitting. The District's Applicant's Handbook is incorporated by reference in Rule 40D-2.091(1)(a), F.A.C. The objective of the Applicant's Handbook is to identify the procedures and information used by District staff in permit application review. The proposed revisions to the Applicant's Handbook are as follows:

- The Applicant's Handbook Section 3.9.2.4.2 allows a permittee to carry forward any unused credits the permittee has earned through conservation efforts. The Applicant's Handbook currently states that upon renewal credits are assigned to a permit in accordance with Section 3.9.2.4.1 in addition to any carry-forward credits. The proposed amendment will allow calculation of water-conserving credits every ten years of the permit duration as well as at renewal.
- The Applicant's Handbook Section 4.1.1.2 provides requirements for installation of flow meters on certain withdrawal facilities. The Applicant's Handbook currently requires a withdrawal facility, once metered, to remain metered even if the quantities authorized in the permit later drop below metering thresholds. The proposed amendment will allow metering requirements to be removed if the quantities authorized in the permit drop below metering thresholds.

Additionally, Rule 40D-2.091(1)(a), F.A.C. must be updated to incorporate the revised version of the Applicant's Handbook.

Exhibits for the proposed amendments are included in the Governing Board's meeting materials. Upon Governing Board authorization of the initiation of rulemaking and approval of the proposed amendments, District staff will submit notice to the Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking. If substantive changes are necessary as a result of comments received from the public or from the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff recommends the Board authorize the initiation of rulemaking and approve the proposed revisions to Rule 40D-2.091(1)(a) F.A.C., and Applicant's Handbook Section 3.9.2.4.2 and Section 4.1.1.2., and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process. See Exhibits.

14. Individual Water Use Permits Referred to the Governing Board – None

General Counsel's Report

15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

a. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Dustin Tyler – CT No. 400751 and 400841 – Polk County, Florida

On September 28, 2018, the District received a complaint about a water well at 7124 Lake Hatchineha Road, Haines City, Florida 33844 (the Lake Hatchineha Property). On October 2, 2018, District staff conducted a site inspection and observed a water well that had been constructed at that address. Staff obtained a bill of sale indicating Dustin Tyler drilled the well. District staff further determined that no well construction permit had been issued for the construction of a water well and that Mr. Tyler is not a licensed water well contractor.

The Lake Hatchineha Property is located in an area of ethylene dibromide (EDB) contamination where special well construction requirements and location standards apply. District staff determined that the well Mr. Tyler drilled at the Lake Hatchineha Property fails to meet those designated special construction requirements and location standards.

Thereafter, the District became aware that Mr. Tyler also drilled a water well at 347 Tindel Camp Road, Lake Wales, Florida 33898 (the Tindel Camp Property). On October 8, 2018, District staff conducted a site visit to document the water well at that location. District staff obtained a bill of sale indicating Mr. Tyler drilled the well at the Tindel Camp Property. The property owner also informed the District that Mr. Tyler had previously drilled two other water wells on the Tindel Camp Property. Again, District staff determined that no well construction permit had been issued for the construction of a water well and that Mr. Tyler was not a licensed water well contractor. District staff further determined that the wells Mr. Tyler drilled at the Tindel Camp Property fail to meet designated special construction requirements and well location standards for water wells in an EDB designated area.

A Notice of Violation and proposed Consent Order were issued by the District on March 6, 2019, regarding the above violations. The proposed Consent Order followed the recommended amounts set forth by the Water Well Construction Disciplinary Guidelines and Citations Dictionary, June 22, 2014. The proposed Consent Order assessed an administrative fine of \$42,500 for the following violations:

- \$5,000 for each of the four above-described instances of practicing water well contracting without a license, for a total of \$20,000;
- \$500 for the first above-described instance of failure to obtain a permit prior to contracting a water well, \$1,000 for the second such above-described instance of that infraction, \$1,500 for the third, and \$1,500 for the fourth, for a total of \$4,500;
- \$1,000 for the first instance of failure to meet designated special construction criteria area requirements, such as those established by Chapter 62-524, \$2,000 for the second such instance, and \$3,000 each for the third and fourth instances; and
- \$1,000 for the first instance of failure to comply with well location standards of Chapter 62-532, \$2,000 for the second such instance, and \$3,000 each for the third and fourth instances, for a total of \$9,000.

Mr. Tyler never responded to the District's Notice of Violation and proposed Consent Order. District staff is now requesting authorization to issue an Administrative Complaint and Order pursuant to Section 373.119 and 373.333, F.S., to address the violations listed above. It should be noted that Mr. Tyler has another open compliance file, which will be pursued in the Circuit Court in Polk County along with this compliance file.

Staff recommends the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Well Contractor to obtain compliance with District rules, and seek assessment of civil penalties, including applicable fines, including the full amount of the penalty described above, as well as taxable costs and attorney's fees.
2. Authorize District staff to initiate litigation against the Well Contractor to enforce the terms of the Administrative Complaint and Order, if necessary.

b. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Earl W. Pruitt – License No. 2214 – CT No. 405351 – Pinellas County

Earl W. Pruitt is a licensed water well contractor and holds License No. 2214 (License). Mr. Pruitt is the president of Earl Pruitt's Well & Pump Service, Inc., and conducts business under that name.

On July 15, 2019, Mr. Pruitt submitted an application for a well construction permit (WCP) to construct a 1.25-inch well at a residential property in St. Petersburg. That same day, District staff received a complaint from the property owner alleging that Mr. Pruitt was contracted to construct a 4-inch well but instead constructed a 1.25-inch well on July 13, 2019 - two days prior to the submission of the WCP application. District staff inspected the property on July 17, 2019, and observed that the well had been constructed prior to the issuance of a WCP. The WCP was subsequently issued on July 18, 2019.

Mr. Pruitt has a history of non-compliance with the statutes and rules governing water well construction and water well contractors. He has entered into three consent orders with the District since 2011 to resolve similar well construction violations. The most recent consent order, rendered September 23, 2016, placed Mr. Pruitt's License on a 12-month probation with restrictions.

On August 15 and September 17, 2019, the District issued a Notice of Violation and proposed a Consent Order to Mr. Pruitt, to which he did not reply. The Consent Order provided for an administrative penalty of \$3,000.00, assessed 10 points against the License, and suspended the License for 12 months. Mr. Pruitt has not contacted the District regarding the Notice of Violation or Consent Order.

Staff recommends the Board:

1. Authorize District staff to issue an Administrative Complaint and order to Earl W. Pruitt and any other necessary party to obtain compliance, recover an administrative fine or civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

c. **Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Bruce Straubel – CT No. 395688 – Polk County, Florida**

Bruce Straubel (Straubel) is the owner of approximately 2.18 acres of vacant real property zoned for commercial use located north of 4003 Waring Road within Section 03, Township 29S, Range 23E, in Polk County, Florida (Property).

On November 6, 2017, the District received a complaint regarding dredging and filling of wetlands on the Property. District staff conducted a site inspection at the Property that confirmed approximately .40 acres of wetlands had been impacted without prior authorization. On November 28, 2017, the District issued Straubel a Notice of Unauthorized Wetland Activity letter (Notice) concerning the dredging and filling that occurred at the Property, which advised that any regulated activity undertaken without an Environmental Resource Permit (ERP) could result in a penalty and require further corrective action. Straubel responded to the Notice and advised District staff that he was not aware that the fill material was placed within wetlands and agreed to retain a consultant to complete the necessary permitting or corrective actions.

On December 15, 2017, District staff conducted a site inspection at the Property and observed that some of the fill placed within the wetlands had been removed. District staff subsequently corresponded with Straubel's retained consulting firm to discuss a plan to bring the Property into compliance but were unsuccessful in maintaining regular contact. On April 12, 2018, the District issued Straubel a final Notice of Unauthorized Wetland Activity letter concerning the dredging and filling that occurred at the Property. No response was received.

This matter was referred to the Office of General Counsel for further enforcement action on January 15, 2019. After additional investigation, District staff issued a Notice of Violation and proposed Consent Order to Straubel that included administrative penalties and enforcement costs totaling \$13,390.00 and required the submission of a proposed corrective action plan to restore the Property to its original condition. Straubel has not contacted the District regarding the Notice of Violation and proposed Consent Order, and the Property remains in noncompliance.

Staff recommends the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Straubel and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against Straubel and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

16. **Rulemaking – None**

Executive Director's Report**17. Approve Governing Board Minutes – October 22, 2019**

Staff recommends the Board approve the minutes as presented.

RESOURCE MANAGEMENT COMMITTEE (TAB C)
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Discussion**18. Consent Item(s) Moved for Discussion****19. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy**

To request approval to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy.

The District's FARMS Program is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. In 2003 the Board approved the creation of the FARMS Program in the Shell, Prairie, and Joshua Creek (SPJC) watersheds and the Upper Myakka River Watershed (UMRW) to address agricultural runoff affecting downstream waterbodies. Shell and Prairie Creeks were listed as impaired by the Florida Department of Environmental Protection (FDEP) for parameters associated with mineralized groundwater used for agricultural irrigation within these watersheds. The City of Punta Gorda's public water supply reservoir is located at the downstream end of the SPJC and was negatively affected by the agricultural runoff. Similar issues were identified within the UMRW where excess runoff entering Flatford Swamp adversely affected natural hydroperiods and led to excessive tree mortality. The reimbursement program operated under a Governing Board approved Procedure 13-9. The procedure defined the purpose of the program, the criteria for project approval and cost-share rates, and the application process.

Due to the initial success of the Program, in 2004 the Board approved the expansion of the FARMS Program to include the entire Southern Water Use Caution Area (SWUCA) to assist in meeting the goals of the SWUCA Recovery Strategy. The program was expanded again in 2005 to cover the entire District. The Governing Board approved Procedure 13-9 updates on both occasions to include the newly expanded areas.

In 2008 the Governing Board approved the FARMS Rule, Chapter 40D-26, F.A.C. after receiving input from the Joint Administrative Procedures Committee of the Florida Legislature recommending the cost-share program operate under rule pursuant to Chapter 120, Florida Statutes (F.S.). The FARMS Rule was revised in 2009 to incorporate the Model Farms Economic Study which establishes reasonable costs associated with the implementation of various BMPs covered by the program.

The FARMS Rule was revised again in 2010 to include the Dover/Plant City Water Use Caution Area (DPCWUCA) to address resource concerns associated with the use of groundwater to protect crops during a freeze event. The FARMS Rule was further revised in 2015 to include the Most Impacted Area (MIA) of the SWUCA as a priority area to address saltwater intrusion occurring in this area. The Rule was revised most recently in 2017 to include the most recent update of the Model Farms Economic Study.

In 2009, Section 373.0363, F.S., regarding the Southern Water Use Caution Area (SWUCA) Recovery Strategy, was created. The FARMS Program was included within the SWUCA Recovery Strategy as an initiative to be implemented by the District. Pursuant to the statute, the FARMS Program is not subject to the rulemaking requirements of Chapter 120, F.S.

Though the Program has remained a rule, District staff has determined that replacing the rule with a Governing Board policy will afford the District more flexibility in amending the Program.

From the inception of the FARMS Program in 2003, the total projected groundwater offset for the 203 Board approved projects is 28.5 mgd at an overall average cost-benefit of \$2.33 per thousand gallons offset. Total expenditures for these projects are \$72.2 million, with \$31.6 million (44 percent) coming from the District, \$32.1 million (44 percent) from participating agricultural producers/growers, and \$8.5 million (12 percent) coming from State appropriations and the Florida Department of Agriculture and Consumer Services (FDACS).

Staff have developed a Governing Board Policy (Policy) to replace the FARMS Rule (see exhibit). The Policy will eliminate unnecessary regulation and improve the implementation of the cost-share program. The Policy incorporates the existing FARMS operating procedures identified in the rule and also establishes several new criteria: 1) the Northern Region Springs strategic priorities and cost-share rates for those projects, 2) a reduction in the reimbursement rate for projects offsetting greater than 50% of their permitted groundwater from 75% to 50%; 3) requires FDACS BMP enrollment to participate in the FARMS Program; and 4) better defines water quality in priority areas within the District. The Policy clarifies water quality improvements in the southern region as those operations using mineralized groundwater with a specific conductance in excess of 1,000 uS/cm. In the Northern Springs Coast water quality improvements refer to nutrient reduction BMPs.

Staff will seek Governing Board input on the staff proposal to repeal the existing FARMS Program rule and replace it with a Governing Board Policy as provided in the attached exhibit. Staff will bring this item back to the Governing Board for any additional review and final approval at a future Governing Board meeting.

This item is presented for the Board's information and no action is required.

Submit & File Reports

- 20. **Proposed Reservations for Lake Hancock/Saddle Creek Prior to Independent Scientific Peer Review**
- 21. **Withlacoochee River Watershed Initiative**

Routine Reports

The following items are provided for the Committee's information, and no action is required.

- 22. **Minimum Flows and Levels Status Report**
- 23. **Significant Water Resource and Development Projects**

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

- 24. **Consent Item(s) Moved for Discussion**

- 25. **2020 Legislative Preview**

The 2020 Legislative Session begins January 14 and is scheduled to conclude March 13.

Staff will highlight several environmental bills that the District will track during session.

Government and Community Affairs staff will again provide weekly updates of pending legislation and related budget issues as they progress.

This item is for the Board information only, no action is required.

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

26. **Treasurer's Report and Payment Register**
27. **Monthly Financial Statement**
28. **Monthly Cash Balances by Fiscal Year**
29. **Comprehensive Plan Amendment and Related Reviews Report**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

30. **Consent Item(s) Moved for Discussion**

31. **Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is October, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <https://www.swfwmd.state.fl.us/resources/weather-hydrology/hydrologic-conditions-reports>

Rainfall

Provisional rainfall totals for October 1-23 indicate amounts have been at the upper-end of the normal range in the northern and southern regions of the District, while they have been above-normal in the central region. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 3.94 inches, equivalent to the 73rd percentile
- Central region rainfall averaged 5.45 inches, equivalent to the 88th percentile.
- Southern region rainfall averaged 3.87 inches, equivalent to the 71st percentile.
- District-wide, average rainfall was 4.48 inches, equivalent to the 77th percentile.

Streamflow

Provisional streamflow data (as of October 21) indicate that flow has decreased in all three regions of the District, compared to the previous month. Based on the three regional index rivers indicated below, streamflow conditions are currently within the normal range in all three regions of the District. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 50th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 49th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 28th percentile.

Groundwater Levels

Provisional groundwater data (as of October 23) indicates that levels in the Floridan/Intermediate aquifer decreased in all three regions of the District, compared to last month. Groundwater levels were above-normal in the northern region, at the upper-end of the normal range in the central region, while they were at the lower-end of the normal range in the southern region. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was at the 83rd percentile.
- The average groundwater level in the central region was at the 72nd percentile.
- The average groundwater level in the southern region was at the 32nd percentile.

Lake Levels

Provisional water level data (as of October 21) indicates that regional lake levels have decreased in all four lake regions within the District, compared to the previous month. The Northern, Tampa Bay, Polk Uplands and Lake Wales Ridge regions currently have levels above the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the northern region have decreased 0.26 foot and are 0.36 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region have decreased 0.08 foot and are 1.27 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region have decreased 0.07 foot and are 2.19 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region have decreased 0.17 feet and are 0.36 foot above the base of the annual normal range.

Issues of Significance

October is historically the first month of the 8-month dry season (October through May) and provisional rainfall totals (as of October 23) have been in the normal to above-normal range in all regions of the District. Rainfall during the first week of October was low, scattered and inhibited by a high pressure weather system over the southeast U.S., while week-two saw increased rainfall from a weak cold front system that moved across the state and week-three saw widespread rainfall throughout the District associated with Tropical Storm Nestor. The provisional District-wide 12- and 24-month cumulative rainfall totals have seen improvements during the month, showing a current surplus of approximately 4.6 and 4.7 inches, respectively, above their long-term historical averages. Analysis of the 4-month wet-season (June-September) rainfall shows District-wide totals to be about 0.13 inch below the long-term historic average.

Hydrologic indicators have been mixed during October. Groundwater levels have declined, while remaining at above-normal levels in the northern region, at the upper-end of the normal range in the central region and at the lower-end of the normal range in the southern region. Streamflow conditions have declined, although flow remains within the normal range in all three regions. Regional lake levels have declined throughout the District while remaining within their annual normal ranges.

NOAA climate forecasts (as of 10/17/2019) indicate uncertainty for rainfall during November 2019 through December 2020, predicting “equal chances” for below-normal, normal or above-normal rainfall, while also predicting above-normal temperatures for this time-period. Extended drier-than-normal rainfall conditions during this time, in combination with above-normal temperatures, would worsen overall hydrologic conditions.

Updated weather forecasts will be available in mid-November. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

This item is provided for the Board's information only, and no action is required.

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

- 32. **Surplus Lands Update**
- 33. **Structure Operations**
- 34. **Significant Activities**

REGULATION COMMITTEE (TAB F)

Discussion

35. Consent Item(s) Moved for Discussion

36. Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

37. Consider Water Shortage Order(s) as Needed

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed on November 7, 2019.

Recommendations, if any, will be presented at the Governing Board meeting on November 19, 2019 based on then-current conditions and predictions.

38. Water Use Permit Allocations

Chapter 373, Florida Statutes enables and directs the Southwest Florida Water Management District (District) to regulate the use of water within its jurisdictional boundaries. The District

has adopted rules for water use as set forth in Chapter 40D-2, Florida Administrative Code and the District Water Use Permit Applicant's Handbook. Water Use Permits in part are authorized based on whether the requested quantities are determined to be reasonable-beneficial for the specific use. Staff will provide a summary of the evaluation process provided for in District rules to establish whether the requested quantity is reasonable-beneficial for the use.

This item is presented for informational purposes and no action is required.

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

- 39. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update
- 40. Overpumpage Report
- 41. Individual Permits Issued by District Staff

GENERAL COUNSEL'S REPORT (TAB G)

Discussion

- 42. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

- 43. November 2019 Litigation Report
- 44. November 2019 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 45. Public Supply Advisory Committee
- 46. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 47. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 48. Chair's Report
- 49. Other
- 50. Employee Milestones

RECESS PUBLIC HEARING

ADJOURNMENT

**A. Public Hearing &
Meeting**

Governing Board Meeting

November 19, 2019

CONVENE MEETING OF THE GOVERNING BOARD AND PUBLIC HEARING

PUBLIC HEARING AND MEETING

1. **Call to Order**

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public hearing. Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

2. **Invocation and Pledge of Allegiance**

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

3. **Employee Recognition**

Staff that have reached 20 or more years of service at the District will be recognized.

- 25 years – Michelle Maxey, General Services Bureau Chief
- 30 years – Aileen Houck, Accountant 1
- 35 years – Michael Terry, Senior Vegetation Management Specialist

4. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

Presenter: Brian J. Armstrong, P.G., Executive Director

5. **Public Input for Issues Not Listed on the Published Agenda**

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter: Mark Taylor, Chair

B. Consent Agenda

Governing Board Meeting November 19, 2019

CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

Resource Management Committee

6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Adopt Revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties..... 6

Finance/Outreach & Planning Committee

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8. Water Supply and Water Resource Development Grant Program Budget Transfer12
9. Post-Closing Occupancy Agreement Budget Transfer15
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11. Resolution to Request Disbursement of Funds from the Water Protection Sustainability Program Trust Fund for the Citrus County Sugarmill Woods Golf Course Reuse Project21
12. Self-Funded Health Insurance Plan Year-To-Date Financial Update and Resolution to Amend the FY2019 Budget.....26

Operations, Lands and Resource Monitoring Committee – None

Regulation Committee

13. Authorize Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, Florida Administrative Code, to Amend WUP Applicant's Handbook Part B31
14. Individual Water Use Permits Referred to the Governing Board – None

General Counsel's Report

15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Dustin Tyler – CT No. 400751 and 400841 – Polk County, Florida143
 - b. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Earl W. Pruitt – License No. 2214 – CT No. 405351 – Pinellas County, Florida145
 - c. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Bruce Straubel – CT No. 395688 – Polk County, Florida146
16. Rulemaking – None

Executive Director's Report

17. Approve Governing Board Minutes – October 22, 2019147

RESOURCE MANAGEMENT COMMITTEE

November 19, 2019

Consent Agenda

Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Adopt Revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties

Purpose

To request the Board initiate and approve rulemaking to amend Rule 40D-8.623, Florida Administrative Code (F.A.C.), to adopt revised Minimum Levels for 19 wetlands; remove minimum wetland levels for 7 sites; adopt new minimum wetland levels for 2 sites; correct the latitude for 1 wetland site due to a scrivener's error; update wetland names for clarification purposes; and accept the report entitled: "DRAFT report for Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands" dated September 16, 2019.

Background/History

Minimum Levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Minimum Levels for District wetlands were adopted into Rule 40D-8.623, F.A.C., in 2000. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

There are 41 wetland Minimum Levels adopted in Rule 40D-8.623. In the District's 2018 Priority List and Schedule, 20 of the wetland Minimum Levels are scheduled for reevaluation in 2019 and 21 are scheduled for reevaluation in 2020. At this time 40 of the 41 wetlands have been reevaluated and are included in the "DRAFT report for Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands" dated September 16, 2019. There is one remaining wetland reevaluation that will be completed, included in an amendment to the report, and presented to the Governing Board in the future. These reevaluations were completed using peer-reviewed methodologies, as well as up-to-date hydrologic, biologic, and survey data, to determine if any revisions are needed for currently adopted levels. The updated data resulted in the following changes as shown in the Exhibit:

- Revision of Minimum Levels for 19 wetlands
- Removal of minimum wetland levels for 7 sites
- Adoption of new minimum wetland levels for 2 sites
- Correction of the latitude for 1 wetland site
- Updating of wetland names for clarification purposes

The technical report outlining development of the proposed levels was posted on the District's website prior to a public workshop held on September 18, 2019. The workshop was held at the District's Tampa office and had 5 members of the public in attendance. District staff addressed questions and concerns at the workshop relating to the proposed Minimum Levels. A summary of the public workshop, including comments and discussion, is available upon request.

The seven wetland sites that are proposed to be removed from Rule 40D-8.623 are being removed for technical and scientific reasons. During reevaluation, it was determined that these sites do not qualify for assessment using the peer-reviewed method for setting wetland minimum levels, because they are either not isolated, not dominated by mesic soils, or do not have a reliable, reproducible Historic Normal Pool. The two proposed new sites will replace

some of the removed sites.

The proposed Minimum Levels are protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule, Chapter 62-40, F.A.C., when establishing minimum flows and levels.

With approval of these changes, Rule 40D-8.623 will include Minimum Levels for 36 wetlands, 33 of which have been reevaluated, two are new sites, and one will be reevaluated in 2020. An updated assessment of status was performed on the 33 reevaluated wetlands using the proposed levels and 28 are meeting their Minimum Levels, while 5 are not. Of the proposed new wetlands to be added to the rule, both are meeting their Minimum Levels. All wetlands are included in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (40D-80.073, F.A.C). The analyses outlined in this document for wetlands in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area will be reassessed by the District and Tampa Bay Water as part of this plan, and as part of Tampa Bay Water's Water Use Permit Recovery Assessment Plan (required by Chapter 40D-80, F.A.C. and the Consolidated Permit (No. 20011771.001)). The District plans to continue regular monitoring of water levels at each adopted wetland, and will also routinely evaluate the status of the water levels with respect to adopted Minimum Levels for the wetlands included in Chapter 40D-8, F.A.C.

Benefits/Costs

Adoption of Minimum levels for these wetlands will support the District's water supply planning, Water Use Permitting, and Environmental Resource Permitting programs. A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed levels, staff will submit a notice to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as the result of comments received from the public or from reviewing entities such as OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

- A. Accept the report entitled, "DRAFT report for Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.623, F.A.C., to replace the previously approved Minimum Levels and wetlands with the proposed Minimum Levels and wetlands in Hillsborough, Pasco, and Pinellas Counties, as shown in the Exhibit.

Presenter: Tamera McBride, P.G., Resource Evaluation Manager

EXHIBIT

40D-8.623 Minimum Wetland Levels.

(1) through (2) No change.

(3) Minimum Wetland Levels are hereby established as set forth in the following table. Wetland water levels are deemed to be below the Minimum Wetland Level when the Long-term Current P50 is below the Minimum Wetland Level. If insufficient data exists to determine if a wetland is below its Minimum Wetland Level, the wetland can be determined to be below the Minimum Wetland Level based on a comparison with wetlands that are hydrologically or hydrogeologically similar or, located in close proximity or, in the same drainage basin or, by use of aerial photographs or evaluation of hydrologic data or Hydrologic Indicators in the subject wetland.

TABLE 8-1 Minimum Wetland Levels Adopted August 7, 2000

Wetland Site	Minimum Level (feet NGVD)	Latitude	Longitude
(a) CC W-41	73.1	28 18 44	82 22 25
(b) <u>(a) CC W-11 Cypress Creek W-11</u>	67.5 <u>67.8</u>	28 17 46	82 23 06
(c) <u>(b) CC W-12 Cypress Creek W-12</u>	62.1 <u>62.0</u>	28 17 33	82 23 39
(d) <u>(c) CC W-17 Cypress Creek W-17</u>	63.1 <u>62.8</u>	28 17 08	82 23 41
(e) <u>(d) CC Site G Cypress Creek W-56 (G)</u>	62.7	28 16 21	82 24 18
(f) STWF D	29.1	28 15 19	82 38 05
(e) <u>Starkey S-99</u>	<u>29.6</u>	<u>28 15 20</u>	<u>82 37 39</u>
(g) <u>(f) STWF Central Recorder Starkey Central</u>	43.3	28 14 40	82 35 45
(h) <u>(g) STWF Z Starkey Z</u>	40.0 <u>39.7</u>	28 14 10	82 35 07
(i) <u>(h) STWF Eastern Recorder Starkey Eastern (S-73)</u>	44.6	28 14 45	82 33 56
(j) <u>(i) STWF S-75 Starkey S-75</u>	45.4	28 15 04 <u>00</u>	82 33 46
(k) <u>(j) STWF M Starkey M (S-69)</u>	43.0 <u>43.1</u>	28 14 34	82 34 24
(l) <u>(k) STWF N Starkey N</u>	45.1 <u>45.2</u>	28 14 33	82 33 08
(m) <u>(l) MBWF Morris Bridge Entry Dome (MBR-35)</u>	33.7 <u>33.8</u>	28 06 55	82 18 24
(n) <u>(m) MBWF Morris Bridge X-4 (MBR-89)</u>	40.6 <u>40.4</u>	28 07 26	82 20 14
(o) <u>(n) MBWF Morris Bridge Clay Gully Cypress (MBR-88)</u>	39.8 <u>39.6</u>	28 07 21	82 20 45
(p) <u>(o) MBWF Morris Bridge Unnamed (MBR-16)</u>	32.2 <u>32.1</u>	28 06 20	82 20 33
(p) <u>Eldridge Wilde 5</u>	<u>27.1</u>	<u>28 09 21</u>	<u>82 39 47</u>
(q) <u>EWWF Eldridge Wilde 11 (NW-44)</u>	36.7 <u>36.4</u>	28 10 05	82 37 52
(r) <u>EWWF Salls Property Wetland 10S/10D</u>	19.8	28 10 03	82 40 58
(s) <u>(r) SPWF NW-49 South Pasco 2 (NW-49)</u>	57.4 <u>57.2</u>	28 11 00	82 30 27
(t) <u>(s) SPWF South Pasco South Cypress</u>	57.5 <u>56.9</u>	28 10 53	82 30 29
(u) <u>(t) SPWF NW-50 South Pasco 6 (NW-50)</u>	57.3 <u>57.4</u>	28 11 17	82 30 28
(v) <u>S21 WF NW-53 East</u>	51.5	28 07 16	82 30 51
(w) <u>Cosme WF Wetland</u>	39.5	28 06 02	82 35 27
(x) <u>(u) CBRWF # Cypress Bridge 16</u>	57.9 <u>58.4</u>	28 12 30	82 22 18
(y) <u>(v) CBRWF Cypress Bridge A</u>	56.9 <u>56.6</u>	28 12 24	82 22 28
(z) <u>(w) CBRWF # Cypress Bridge 25</u>	70.4 <u>70.5</u>	28 13 59	82 21 31
(aa) <u>(x) CBRWF # Cypress Bridge 32</u>	48.7	28 10 03	82 22 02
(bb) <u>(y) CBRWF # Cypress Bridge 4</u>	69.2	28 13 44	82 21 55
(cc) <u>CBRWF #20</u>	60.4	28 12 14	82 21 19
(dd) <u>CBARWF TQ-1 West</u>	73.2	28 20 37	82 29 11

(ee) <u>(z)</u> <u>CBARWF Cross Bar T-3</u>	68.8 <u>68.5</u>	28 20 52	82 29 44
(ff) <u>(aa)</u> <u>CBARWF Cross Bar Q-25 (Stop #7)</u>	72.3	28 20 37	82 28 28
(gg) <u>(bb)</u> <u>CBARWF Cross Bar Q-1</u>	72.7 <u>72.5</u>	28 20 46	82 28 11
(hh) <u>(cc)</u> <u>CR1 Cone Ranch 1</u>	86.9	28 07 57	82 07 16
(ii) <u>(dd)</u> <u>CR2 Cone Ranch 2</u>	90.5	28 07 14	82 07 11
(jj) <u>(ee)</u> <u>CR3 Cone Ranch 3</u>	95.4	28 06 39	82 07 14
(kk) <u>(ff)</u> <u>CR4 Cone Ranch 4</u>	99.0	28 06 50	82 05 54
(ll) <u>(gg)</u> <u>CR5 Cone Ranch 5</u>	105.2	28 05 53	82 04 56
(mm) <u>(hh)</u> <u>CR6 Cone Ranch 6</u>	96.0	28 07 32	82 05 57
(nn) <u>(ii)</u> <u>NPWF #3 North Pasco 3</u>	44.4	28 19 00	82 34 32
(oo) <u>(jj)</u> <u>NPWF #21 North Pasco 21</u>	44.5	28 17 23	82 34 30

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History—New 8-7-00.

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of October 2019.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for October 2019.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
October 2019

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount	
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category				
<u>Change from Original Budget Intent - FY2019</u>						
1	Water Use Permitting Other Contractual Services	Water Use Permitting Other Contractual Services	Transfer of funds originally budgeted for new meter installations under the Dover and Plant City Automatic Meter Reading Program. Expenditures for new installations were less than anticipated. The funds are needed for operation and maintenance of installed equipment under the Program in addition to the \$260,340 that was budgeted in fiscal year (FY) 2019.	\$	21,841.60	
2	Water Resources Consultant Services	Finance Advertising and Public Notices	Transfer of funds originally budgeted for consultant services to provide assistance in the development of statutorily required Statements of Estimated Regulatory Costs (SERC) for minimum flows and minimum water levels (MFL) rulemaking. Expenditures were less than anticipated due to postponement of the rulemaking. The funds are needed for additional newspaper advertising due to the continuation of the FY2020 Tentative Budget Hearing in September.		5,800.00	
Total Change from Original Budget Intent					\$	27,641.60
Total Transfers for Governing Board Ratification					\$	27,641.60

=====

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director or designee or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented for Governing Board ratification on the Consent Agenda. This Board Policy limits transfers made for a purpose other than the original budget intent to \$50,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Consent Agenda

Water Supply and Water Resource Development Grant Program Budget Transfer

Purpose

Request the budget transfer of \$2,674,000 from the Water Supply and Water Resource Development Grant Program funded by state appropriation to projects selected by the Department of Environmental Protection (DEP).

Background

During the 2019 legislative session, the Florida Legislature appropriated \$39,000,000 to establish a water supply and water resource development grant program to help communities plan for and implement conservation, reuse and other water supply and water resource development projects. Priority funding was given to regional projects in the areas of greatest need and for projects that provide the greatest benefit. After reviewing the project proposals and ranking recommendations by each of the water management districts, the DEP selected two of the board approved Polk Regional Water Cooperative (PRWC) projects and one new outreach project for funding.

- PRWC - West Polk County Lower Aquifer Deep Wells (N882): \$1,000,000
- PRWC - Southeast Wellfield (N905): \$1,424,000
- Statewide Potable Reuse Outreach Program (P265): \$250,000

Benefits/Costs

The FY2020 adopted budget included \$3,000,000 in state funds projected to be allocated to the District from the \$39,000,000 appropriated by Florida Legislature for the Water Supply and Water Resource Development Grant Program (H103). Since the actual amount allocated to the District for the three selected projects totals \$2,674,000, the remaining \$326,000 will lapse at the end of the fiscal year. The tables below reflect the funding for each of the selected projects as approved in the budget, and as proposed based upon application of the state appropriation. The Statewide Potable Reuse Outreach Program (P265) is a new project, and the two PRWC projects (N882 and N905) remain the same as last presented except for the updated funding shown below.

Approved Project Funding:

Project	Cooperator	Title	State	District	Cooperator	Total
N882	PRWC	West Polk County Lower Aquifer Deep Wells	\$0	\$4,470,367	\$4,470,367	\$8,940,734
N905	PRWC	Southeast Wellfield	\$0	\$5,558,958	\$5,558,958	\$11,117,916
P265		Statewide Potable Reuse Outreach Program	\$0	\$0	\$0	\$0
		Total	\$0	\$10,029,325	\$10,029,325	

Proposed Project Funding with State Appropriation:

Project	Cooperator	Title	State	District	Cooperator	Total
N882	PRWC	West Polk County Lower Aquifer Deep Wells	\$1,000,000	\$3,970,367	\$3,970,367	\$8,940,734
N905	PRWC	Southeast Wellfield	\$1,424,000	\$4,846,958	\$4,846,958	\$11,117,916
P265		Statewide Potable Reuse Outreach Program	\$250,000	\$0	\$0	\$250,000
		Total	\$2,674,000	\$8,817,325	\$8,817,325	

The selected PRWC projects are two of the four projects resulting from Governing Board Resolutions 15-07 and 18-06 in support of the Polk Partnership. District ad valorem for these projects are budgeted to the Polk Partnership (H094) and then transferred to each project upon board approval for each phase. The District and PRWC will split the \$2,424,000 state appropriation equally (50% / 50% or \$1,212,000 each) from the state for the two selected PRWC projects. The District's FY2020 budget includes the full \$2,424,000 state appropriation as the District will be reimbursing PRWC's share of the state appropriation as approved expenditures are incurred. Therefore, the amount equal to the District's share of the state appropriation (\$500,000 for N882 and \$712,000 for N905) will be transferred back to the Polk Partnership (H094) for a total of \$1,212,000 (50% of the \$2,424,000) for future phases.

The exhibit to this item includes the project evaluation for the Statewide Potable Reuse Outreach Program (P265).

Staff Recommendation:

Approve the transfer of funds between projects as follows:

- a. \$2,674,000 in state appropriations from Water Supply and Water Resource Development Grant Program (H103) to:
 - PRWC - West Polk County Lower Aquifer Deep Wells (N882) in the amount of \$1,000,000;
 - PRWC - Southeast Wellfield (N905) in the amount of \$1,424,000; and
 - Statewide Potable Reuse Outreach Program (P265) in the amount of \$250,000.
- b. \$500,000 in ad valorem from PRWC - West Polk County Lower Aquifer Deep Wells (N882) to the Polk Partnership (H094).
- c. \$712,000 in ad valorem from PRWC - Southeast Wellfield (N905) to the Polk Partnership (H094).

Presenters: John J. Campbell, Division Director, Management Services,
Jennette M. Seachrist, P.E., Division Director, Resource Management, and
Michael Molligan, Division Director, Employee and External Relations

Project No: P265	Statewide Potable Reuse Outreach Program			
Region: Districtwide	Project Category: Water Resource Education			
Areas of Responsibility:	Water Supply: <input checked="" type="checkbox"/>	Water Quality: <input type="checkbox"/>	Natural Systems: <input type="checkbox"/>	Flood Protection: <input type="checkbox"/>
Description				
Description:	This outreach program educates targeted stakeholders and the public about the need for and safety of potable reuse in Florida.			
Benefit:	The need to plan for and diversify alternative water sources is paramount to meet projected demands and to respond to natural occurrences such as drought. This program will create a statewide educational campaign to share factual information about the need for and safety of potable reuse in Florida. The program will conduct public perception research and use the research to create educational materials and public service advertising to reach a wide audience. Ultimately, the program aims to increase acceptance of potable reuse as a future water source in Florida by reducing the stigma surrounding potable reuse, developing trust in the potable reuse process and product, and building partnerships that support the use of potable reuse.			
Cost:	Total Project Cost: \$250,000 State Appropriation: \$250,000			
Evaluation				
Resource Benefit:	By increasing public acceptance of potable reuse as an alternative water supply, the District can further reduce the region's dependency on groundwater and maximize the beneficial use of recycled water.			
Cost Effectiveness:	The cost effectiveness of this statewide program is acceptable when compared to past Districtwide educational campaigns and more recent regional campaigns.			
Project Readiness:	The program is ready to begin.			
Strategic Goals				
Strategic Initiatives:	- Alternative Water Supplies			
Regional Priorities:	- Northern: Ensure long-term sustainable water supply. - Tampa Bay: Implement MFLs Recovery Strategies. - Heartland: Implement SWUCA Recovery Strategy. - Southern: Implement SWUCA Recovery Strategy.			
Additional Information				
Additional Information:	This District is collaborating on this program with the Department of Environmental Protection and the other water management districts.			
Funding				
Funding Source	Prior	FY2020 Requested	Future	Total
State Appropriation	\$0	\$250,000	\$0	\$250,000
Total	\$0	\$250,000	\$0	\$250,000

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Consent Agenda

Post-Closing Occupancy Agreement Budget Transfer

Purpose

Request Governing Board approval of a budget transfer in the amount of \$98,400 from the canceled Cooperative Funding Initiative (CFI) project N990 Zephyr Creek Drainage Improvements: Units 3 and 4 with Pasco County to pay for the Post-Closing Occupancy Agreement that provides for a stay in place lease-back of a portion of the District's former Sarasota Office that was sold November 1, 2019.

Background and History

In May 2018 the Governing Board declared the Sarasota Office surplus. The property was marketed, and at the March 2019 Governing Board meeting the District approved a purchase and sale agreement with Manatee Memorial Hospital L.P. for \$4,700,000. As part of this transaction a Post-Closing Occupancy Agreement was executed which provides the District the rights to a portion of the building through March 26, 2020 at a negotiated rental rate of \$16 per square foot resulting in a monthly rental obligation of \$19,676.

On November 1, 2019, Manatee Memorial Hospital closed the purchase transaction. Net proceeds from the sale of \$4,445,817 will be credited to the Facilities Capital Improvement Fund.

Funding

Funding is available from the canceled CFI project N990 Zephyr Creek Drainage Improvements: Units 3 and 4 with Pasco County. The project has been cancelled by the County since it will not meet the benefits originally intended in the CFI application. Both County and District staff have determined that a feasibility study is necessary to 1.) evaluate periodic flooding of structures and roadways, 2.) identify potential best management practices to improve the level of service (LOS), and 3.) determine the maximum flood protection LOS that could be achieved for the project areas. The County has submitted an FY2021 CFI application for this study. Funding is needed in the amount of \$98,400 to provide operating funds to pay lease payments at the existing Sarasota Office on Fruitville Road for November 2019 through March 2020.

Staff Recommendation:

Approve the budget transfer in the amount of \$98,400 from the cancelled CFI project N990 Zephyr Creek Drainage Improvements to provide funding for the Post-Closing Occupancy Agreement that provides for a stay in place lease-back of a portion of the District's former Sarasota Office that was sold November 1, 2019.

Presenter: John J. Campbell, Division Director, Management Services

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Consent Agenda

Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Purpose

Request the approval of Resolution 19-15, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

Background

During the 2019 legislative session, the Florida Legislature appropriated \$10,237,210 to the Land Acquisition Trust Fund for the water management districts to use for land management purposes on District conservation lands. The Southwest Florida Water Management District's share was \$2,250,000, which was included in the fiscal year 2020 adopted budget for land management activities.

The Governing Board must adopt a resolution requesting advanced funding from the Land Acquisition Trust Fund. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection to advance the appropriated funds to the District for land management expenditures on District conservation lands. The exhibit to this item includes Resolution Number 19-15.

Staff Recommendation:

Approve Resolution 19-15, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

Presenters: John J. Campbell, Division Director, Management Services, and
Jerry Mallams, P.G., Operations and Land Management Bureau Chief

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 19-15

**REQUEST TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR DISBURSEMENT OF FUNDS FROM THE LAND ACQUISITION TRUST FUND
FOR LAND MANAGEMENT**

WHEREAS, pursuant to Chapter 373, Florida Statutes (F.S.), the Governing Board of the Southwest Florida Water Management District (District) has the duty and responsibility to develop plans, projects and programs for regional water supply planning, water resource development, water supply development, land acquisition, surface water improvement and management, and water restoration initiatives within its boundaries; and

WHEREAS, through Specific Appropriation 1628 under the General Appropriations Act, Chapter 2019-115, Laws of Florida, for the annual period beginning July 1, 2019 and ending June 30, 2020 (Fiscal Year 2019-2020), the Legislature specifically appropriated to the District a total of two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund of the State of Florida for land management purposes on District conservation lands; and

WHEREAS, in its Fiscal Year 2019-2020, the District has budgeted two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund to be used for land management purposes on District conservation lands; and

WHEREAS, Section 373.501(2), F.S., prescribes a process for disbursing funds appropriated by the Legislature to the water management districts upon receipt by the Secretary of the State of Florida's Department of Environmental Protection of a resolution adopted by the Governing Board requesting such funds; and

THEREFORE, BE IT RESOLVED, that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Department of Environmental Protection to release from the Land Acquisition Trust Fund of the State of Florida the sum of two million two hundred fifty thousand dollars (\$2,250,000) for the activities described in the land management spending plan, attached hereto as Exhibit "A" and incorporated herein by this reference, pursuant to Section 373.501(2), F.S., and Specific Appropriation 1628 in the General Appropriations Act, Chapter 2019-115, Laws of Florida; and

BE IT FURTHER RESOLVED that a warrant be issued by the State of Florida's Chief Financial Officer in accordance with Section 17.52, F.S., to the Southwest Florida Water Management District for that amount available, or as may become available, from the Land Acquisition Trust Fund; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 215.97, F.S., the Florida Single Audit Act. The Catalog of State Financial Assistance (CSFA) Number for these activities identified herein is CSFA 37.022 and the CSFA Title for these activities is "Water Management Districts – Land Acquisition and Improvement"; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 216.347, F.S. (Grants and Lobbying Restriction); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Florida Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Chair of the Governing Board is hereby authorized to affix his signature to this resolution on behalf of the Board and attested by its Secretary.

APPROVED AND ADOPTED in Tampa, Hillsborough County, Florida on this nineteenth day of November 2019.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chair

Attest:

Joel Schleicher, Secretary

EXHIBIT

Exhibit A
Land Management Spending Plan

The specific appropriation funding in the amount of two million two hundred fifty thousand dollars (\$2,250,000) will be used for expenditures in support of land management activities within the Southwest Florida Water Management District. These include, but are not limited to, the following:

Operational Maintenance and Restoration Activities on District Conservation Lands

- Repair and maintenance of roads and bridges, including the purchase and hauling of aggregates.
- Roller chopping and hydro-axing as required for restoration, brush and fuel management purposes.
- Prescribed burning.
- Control of feral hogs.
- Security, law enforcement and maintenance services for public use facilities.
- Road, pasture and restoration mowing.
- Recreational mowing such as public parking areas, campgrounds and trails for public use facilities.
- Removal and construction of fencing.
- Replacement of culverts.
- Treatment of cogon grass, Old World climbing fern, Brazilian pepper, tropical soda apple and other invasive plant species.
- Rearing, release and monitoring of bio-control agents for Old World climbing fern.
- Contractual land management services.

CERTIFICATE AS TO RESOLUTION NO. 19-15

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the nineteenth day of November 2019, at a duly called and properly held hearing of the Governing Board of the Southwest Florida Water Management District, at the Tampa Office, 7601 US Highway 301 North, Tampa, Hillsborough County, Florida, at which hearing a majority of the members of the Governing Board were present in person or via communications media technology, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that hearing.

Dated at Tampa, Florida, this nineteenth day of November 2019.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chair

Attest:

Joel Schleicher, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing document was acknowledged before me this nineteenth day of November 2019, by Mark Taylor and Joel Schleicher, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this nineteenth day of November 2019.

Notary Public
State of Florida at Large
My Commission Expires:

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Consent Agenda

Resolution to Request Disbursement of Funds from the Water Protection Sustainability Program Trust Fund for the Citrus County Sugarmill Woods Golf Course Reuse Project

Purpose

Request the approval of Resolution 19-16, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Water Protection and Sustainability Program Trust Fund for Selected Project(s).

Background

During the 2019 legislative session, the Florida Legislature appropriated \$1,000,000 to the Water Protection and Sustainability Program Trust Fund for the water management districts to provide financial assistance to local entities to develop alternative water supplies. The Southwest Florida Water Management District's share was \$250,000, which was included in the fiscal year 2020 adopted budget for the Citrus County Sugarmill Woods Golf Course Reuse project.

The Governing Board must adopt a resolution approving the selected project(s) to receive Water Protection and Sustainability Program Trust Fund dollars. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection to reimburse the District for Citrus County Sugarmill Woods Golf Course Reuse project expenditures as they are incurred from the appropriated funds. The exhibit to this item includes Resolution Number 19-16.

Staff Recommendation:

Approve Resolution 19-16, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Water Protection and Sustainability Program Trust Fund for Selected Project(s).

Presenters: John J. Campbell, Division Director, Management Services, and
Jennette M. Seachrist, P.E., Division Director, Resource Management

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 19-16

**REQUEST TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR DISBURSEMENT OF FUNDS FROM THE WATER PROTECTION AND SUSTAINABILITY
PROGRAM TRUST FUND FOR SELECTED PROJECT(S)**

WHEREAS, pursuant to Chapter 373, Florida Statutes (F.S.), the Governing Board of the Southwest Florida Water Management District (District) has the duty and responsibility to develop plans, projects and programs for regional water supply planning, water resource development, water supply development, land acquisition, surface water improvement and management, and water restoration initiatives within its boundaries; and

WHEREAS, the Water Protection and Sustainability Program Trust Fund was established by the 2005 Florida Legislature as an annual program to provide funding assistance for the development of alternative water supplies; and

WHEREAS, Section 373.707(8)(a), F.S., requires a percentage of Water Protection and Sustainability Program Trust Fund allocated each year to water management districts to be shared with water providers and users, including local governments, water, wastewater, and reuse utilities, municipal, special district, industrial and agricultural water users, and other public and private water users, to be used to supplement other funding sources in the development of alternative water supplies and conservation projects that result in quantifiable water savings; and

WHEREAS, Section 373.707(8)(c), F.S., requires that the Governing Board of the District determine the projects selected for financial assistance as part of the Water Protection and Sustainability Program Trust Fund; and

WHEREAS, through Specific Appropriation 1642 under the General Appropriations Act, Chapter 2019-115, Laws of Florida, for the annual period beginning July 1, 2019 and ending June 30, 2020 (Fiscal Year 2019-2020), the Legislature specifically appropriated one million dollars (\$1,000,000) to the Water Protection and Sustainability Program Trust Fund of which two hundred fifty thousand dollars (\$250,000) shall be distributed to the Southwest Florida Water Management District according to Section 373.707(8)(b), F.S.; and

WHEREAS, after careful evaluation, District staff determined that the Citrus County Sugarmill Woods Golf Course Reuse project met all of the requirements for the use of the Water Protection and Sustainability Program Trust Fund according to Section 373.707(8)(f) and (g), F.S., and the criteria of the District's Cooperative Funding Initiative; and

WHEREAS, in its Fiscal Year 2019-2020, the District has budgeted two hundred fifty thousand dollars (\$250,000) from the Water Protection and Sustainability Program Trust Fund to be used for the Citrus County Sugarmill Woods Golf Course Reuse project; and

WHEREAS, Section 373.501(2), F.S., prescribes a process for disbursing funds appropriated by the Legislature to the water management districts upon receipt by the Secretary of the State of Florida's Department of Environmental Protection of a resolution adopted by the Governing Board requesting such funds.

THEREFORE, BE IT RESOLVED, that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Department of Environmental Protection to approve that the Citrus County Sugarmill Woods Golf Course Reuse project, attached hereto as Exhibit "A" and incorporated herein by this reference, receive the sum of two hundred fifty thousand dollars (\$250,000) from the Water Protection and Sustainability Program Trust Fund, pursuant to Section 373.501(2), F.S., and Specific Appropriation 1642 in the General Appropriations Act, Chapter 2019-115, Laws of Florida; and

BE IT FURTHER RESOLVED that a warrant be issued by the State of Florida's Chief Financial Officer in accordance with Section 17.52, F.S., to the Southwest Florida Water Management District for that amount available, or as may become available, from the Water Protection and Sustainability Program Trust Fund; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 215.97, F.S., the Florida Single Audit Act. The Catalog of State Financial Assistance (CSFA) Number for the program identified herein is CSFA 37.100 and the CSFA Title for the program is "Alternative Water Supply"; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 216.347, F.S. (Grants and Lobbying Restriction); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Florida Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Chair of the Governing Board is hereby authorized to affix his signature to this resolution on behalf of the Board and attested by its Secretary.

APPROVED and ADOPTED in Tampa, Hillsborough County, Florida on this nineteenth day of November 2019.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chair

Attest:

Joel Schleicher, Secretary

Water Protection and Sustainability Program Trust Fund - Alternative Water Supply
Project List and Allocation of State Funding - Approved Project Allocations for FY2020

Activity	Project Name	Total Projected Project Costs			Proposed Project Allocations For FY2020				Benefit Supply or Offset (MGD)
		Design	Construction	Total	State	District	Cooperator	Total	
Q105	Citrus County Sugarmill Woods Golf Course Reuse	\$150,000	\$3,768,000	\$3,918,000	\$250,000	\$1,834,000	\$1,834,000	\$3,918,000	0.50
		\$150,000	\$3,768,000	\$3,918,000	\$250,000	\$1,834,000	\$1,834,000	\$3,918,000	0.50

Exhibit A

CERTIFICATE AS TO RESOLUTION NO. 19-16

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the nineteenth day of November 2019, at a duly called and properly held hearing of the Governing Board of the Southwest Florida Water Management District, at the Tampa Office, 7601 US Highway 301 North, Tampa, Hillsborough County, Florida, at which hearing a majority of the members of the Governing Board were present in person or via communications media technology, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that hearing.

Dated at Tampa, Florida, this nineteenth day of November 2019.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____

Mark Taylor, Chair

Attest:

Joel Schleicher, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing document was acknowledged before me this nineteenth day of November 2019, by Mark Taylor and Joel Schleicher, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this nineteenth day of November 2019.

Notary Public
State of Florida at Large
My Commission Expires:

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Consent Agenda

Self-Funded Health Insurance Plan Year-To-Date Financial Update and Resolution to Amend the FY2019 Budget

Purpose

Provide an update to the District's Self-funded Health Insurance Plan and to request the approval of Resolution 19-17, First Amendment of the Fiscal Year 2019 Annual Service Budget.

Background

The District moved to a "self-funded" Health Insurance Plan beginning with calendar year 2016. On October 27, 2015, staff presented a recommendation to move to a self-funded Health Insurance Plan for calendar year 2016 and adopt a resolution to commit funds in the amount of \$1.7 million as a Health Insurance Reserve Fund. The Governing Board approved this action and Resolution No. 15-19.

In a self-funded plan, the insurance company estimates the amount of claims it expects from the District for the upcoming year just as in a fully funded scenario. The self-funded plan differs in that the District is responsible for paying the claims. If the claims are less than anticipated, the District has additional cash flow or savings to invest. If the claims are greater than anticipated, the District is responsible. To mitigate the risk, the District purchased stop-loss insurance that will cover higher than anticipated claims.

In addition to the \$1.7 million committed by the board for the Health Insurance Reserve Fund, the District had an additional \$4.3 million in assigned fund balance from prior year savings for a total of \$6 million in fund balance to start fiscal year (FY) 2019. The District's budgetary practice is to keep no more than the equivalent of two years of anticipated maximum risk to the District unappropriated for self-funded health insurance. Maximum risk is the delta between the District's self-funded health insurance budget and the amount the stop-loss insurance becomes effective. If the amount in fund balance exceeds the projected two years of maximum risk, funds will be utilized to offset ad valorem funding for the subsequent fiscal year's self-funded health insurance budget. If the amount in fund balance is less than two years of maximum risk, the subsequent fiscal year's self-funded health insurance budget will be fully funded by ad valorem until the fund balance reaches the projected two years of maximum risk amount. If fund balance falls below the \$1.7 million committed for the Health Insurance Reserve Fund, the board will be requested by staff to move fund balance within the General Fund to maintain the \$1.7 million in reserves to comply with Resolution No. 15-19 and pursuant to Section 112.08, Florida Statutes.

Based on budgetary practices described above, \$3 million of the \$6 million in fund balance was appropriated for the FY2020 self-funded health insurance budget. The remaining balance of \$3 million (\$1.7 million committed; \$1.3 million assigned from prior year savings) represents the amount of reserves needed for the projected two years of maximum risk.

Benefits/Costs

From FY2016 through FY2018 claims were very favorable for the District with the total fund

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balance for self-funded health insurance increasing to \$6 million as of September 30, 2018. However, higher than anticipated claims during FY2019 has created a deficit of \$800,000 in the self-funded health insurance budget.

Staff is requesting approval to amend the District's FY2019 budget by appropriating \$800,000 of assigned fund balance for self-funded health insurance within the General Fund due to higher than anticipated claims. A budget amendment involves any action that increases or decreases total appropriated fund amounts in the budget. The exhibit to this item includes Resolution Number 19-17.

Staff Recommendation:

Approve Resolution 19-17, First Amendment of the Fiscal Year 2019 Annual Service Budget, for self-funded health insurance.

Presenter: John J. Campbell, Division Director, Management Services

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 19-17

**FIRST AMENDMENT OF THE FISCAL YEAR 2019
ANNUAL SERVICE BUDGET**

WHEREAS, the Governing Board of the Southwest Florida Water Management District (District), as required by Chapters 200 and 373, Florida Statutes (F.S.), as amended, and Chapter 61-691, Laws of Florida, approved Resolution No. 18-14 adopting the fiscal year (FY) 2019 total budget of \$176,337,640 on September 25, 2018; and

WHEREAS, the Governing Board reappropriated and incorporated into the final FY2019 budget funds committed under contract for goods and services which remained uncompleted as of September 30, 2018, funds carried forward as designated by the Governing Board as of September 30, 2018, and funds carried forward as designated by management in accordance with the Governing Board Fund Balance Policy as of September 30, 2018; totaling \$186,605,210, for a total original modified budget of \$362,942,850; and

WHEREAS, the Governing Board of the District is authorized to amend the budget pursuant to Section 373.536(4), F.S.; and

WHEREAS, the District has complied with the notice requirement and all other requirements of Section 373.536(4), F.S.; and

WHEREAS, the District will post the adopted amendment on its official website within five days after its adoption in accordance with Section 189.016(7), F.S.; and

WHEREAS, the District will appropriate assigned fund balance for self-funded health insurance in the amount of \$800,000 increasing the General Fund's modified budget from \$341,380,622 to \$342,180,622.

THEREFORE, BE IT RESOLVED, by the Governing Board of the Southwest Florida Water Management District that the District's combined FY2019 modified budget is amended by an increase of \$800,000 from \$362,942,850 to \$363,742,850, as attached hereto as Exhibit "A".

APPROVED and ADOPTED in Tampa, Hillsborough County, Florida on this nineteenth day of November 2019.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chair

Attest:

Joel Schleicher, Secretary

Southwest Florida Water Management District
Proposed Fiscal Year 2019 First Budget Amendment

FY2019 budget amendment to increase the General Fund by \$800,000 for the District's Self-funded Health Insurance due to higher than anticipated claims during the fiscal year.

The proposed budget amendment will not impact the District's millage rate or ad valorem property taxes.

	FY2019 Adopted Budget	Prior Year Encumbrances Re-appropriated for FY2019	FY2019 Original Modified Budget	Proposed First Budget Amendment	FY2019 Proposed Modified Budget As Amended November 19, 2019
Revenues:					
General Fund	\$156,079,380	\$185,301,242	\$341,380,622	\$800,000	\$342,180,622
Special Revenue Funds					
FDOT Mitigation	\$1,502,260	\$848,733	\$2,350,993	\$0	\$2,350,993
Total Special Revenue Funds	\$1,502,260	\$848,733	\$2,350,993	\$0	\$2,350,993
Capital Projects Funds					
Facilities Fund	\$2,701,000	\$441,585	\$3,142,585	\$0	\$3,142,585
Structures Fund	955,000	0	955,000	0	955,000
Florida Forever Fund	15,100,000	13,650	15,113,650	0	15,113,650
Total Capital Projects Funds	\$18,756,000	\$455,235	\$19,211,235	\$0	\$19,211,235
Total Revenues	\$176,337,640	\$186,605,210	\$362,942,850	\$800,000	\$363,742,850
Expenditures:					
General Fund	\$156,079,380	\$185,301,242	\$341,380,622	\$800,000	\$342,180,622
Special Revenue Funds					
FDOT Mitigation	\$1,502,260	\$848,733	\$2,350,993	\$0	\$2,350,993
Total Special Revenue Funds	\$1,502,260	\$848,733	\$2,350,993	\$0	\$2,350,993
Capital Projects Funds					
Facilities Fund	\$2,701,000	\$441,585	\$3,142,585	\$0	\$3,142,585
Structures Fund	955,000	0	955,000	0	955,000
Florida Forever Fund	15,100,000	13,650	15,113,650	0	15,113,650
Total Capital Projects Funds	\$18,756,000	\$455,235	\$19,211,235	\$0	\$19,211,235
Total Expenditures	\$176,337,640	\$186,605,210	\$362,942,850	\$800,000	\$363,742,850

Exhibit A

CERTIFICATE AS TO RESOLUTION NO. 19-17

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the nineteenth day of November 2019, at a duly called and properly held hearing of the Governing Board of the Southwest Florida Water Management District, at the Tampa Office, 7601 US Highway 301 North, Tampa, Hillsborough County, Florida, at which hearing a majority of the members of the Governing Board were present in person or via communications media technology, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that hearing.

Dated at Tampa, Florida, this nineteenth day of November 2019.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chair

Attest:

Joel Schleicher, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing document was acknowledged before me this nineteenth day of November 2019, by Mark Taylor and Joel Schleicher, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this nineteenth day of November 2019.

Notary Public
State of Florida at Large
My Commission Expires:

REGULATION COMMITTEE

November 19, 2019

Consent Agenda

Authorize Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, Florida Administrative Code, to Amend WUP Applicant's Handbook Part B

As a result of District outreach conducted by the Citrus Task Force, the District proposes the following amendments to provisions of 40D-2 Florida Administrative Code (F.A.C.), and the Water Use Permit Applicant's Handbook Part B (Applicant's Handbook).

Rule 40D-2.091, F.A.C., incorporates by reference forms and instructions that have been approved by the Governing Board and are used in District water use permitting. The District's Applicant's Handbook is incorporated by reference in Rule 40D-2.091(1)(a), F.A.C. The objective of the Applicant's Handbook is to identify the procedures and information used by District staff in permit application review. The proposed revisions to the Applicant's Handbook are as follows:

- The Applicant's Handbook Section 3.9.2.4.2 allows a permittee to carry forward any unused credits the permittee has earned through conservation efforts. The Applicant's Handbook currently states that upon renewal credits are assigned to a permit in accordance with Section 3.9.2.4.1 in addition to any carry-forward credits. The proposed amendment will allow calculation of water-conserving credits every ten years of the permit duration as well as at renewal.
- The Applicant's Handbook Section 4.1.1.2 provides requirements for installation of flow meters on certain withdrawal facilities. The Applicant's Handbook currently requires a withdrawal facility, once metered, to remain metered even if the quantities authorized in the permit later drop below metering thresholds. The proposed amendment will allow metering requirements to be removed if the quantities authorized in the permit drop below metering thresholds.

Additionally, Rule 40D-2.091(1)(a), F.A.C. must be updated to incorporate the revised version of the Applicant's Handbook.

Exhibits for the proposed amendments are included in the Governing Board's meeting materials. Upon Governing Board authorization of the initiation of rulemaking and approval of the proposed amendments, District staff will submit notice to the Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking. If substantive changes are necessary as a result of comments received from the public or from the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

Authorize the initiation of rulemaking and approve the proposed revisions to Rule 40D-2.091(1)(a) F.A.C., and Applicant's Handbook Section 3.9.2.4.2 and Section 4.1.1.2., and

Item 13

authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process. See Exhibits.

Presenters: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau, and
Elizabeth M. Fernandez, Staff Attorney

EXHIBIT A

Proposed Amendment to Rule 40D-2.091, Florida Administrative Code, to revise Water Use Permit Applicant's Handbook Part B

40D-2.091 Publications and Forms Incorporated by Reference.

(1) No change.

(a) Water Use Permit Applicant's Handbook Part B (also referred to as the WUP Applicant's Handbook) (rev. 10/15 11/19), (<https://www.flrules.org> ~~https://www.flrules.org/Gateway/reference.asp?No=Ref 05856~~).

(b) No change.

(2)(a)-(n) No change.

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, 6-16-11, 12-12-11, 10-14-12, 2-7-13, 2-18-13, 5-19-14, 9-29-15,_____.

EXHIBIT B

Southwest Florida Water Management District

WATER USE PERMIT

APPLICANT'S HANDBOOK

Part B

2020~~October 2015~~

September 2015
Revised – January

Attachment: Nov19 Prop Rule Lang Exhibit B - 003 CODED Applicant's Handbook (4726 : Amend Rule 40D-2.091 F.A.C. to Amend WUP

**Consumptive Use Permit
Applicant's Handbook**

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1.0 GENERAL PROVISIONS

1.1 DEFINITIONS.

- (a) annual average quantities – the total quantity authorized by the District from water sources in one year, divided by 365 days and expressed in gpd.
- (b) aquifer – geologic materials that contain ground water in pore spaces and which are permeable enough to yield useful quantities of this groundwater to wells and to natural springs.
- (c) augmentation – the transfer of water from one water source to another for the purpose of maintaining or raising the water level of a surface water body.
- (d) cone of depression – the vertical drawdown of the water table and/or the potentiometric surface of aquifers that develops around a well which is being pumped (U.S.G.S, August, 1989).
- (e) confining unit – a hydrogeologic unit which is composed of impermeable or distinctly less permeable geologic material than that of the aquifer it is either above or below.
- (f) conservation – the beneficial reduction of water use through voluntary or mandatory altering of water use practices, reduction of distribution losses, or installation and maintenance of low water use systems, fixtures, or devices.
- (g) constant drawdown – the practice of pumping a ground-water well at a constant rate for sufficient duration so that the head in the source unit is reduced to a new static level.
- (h) consumptive use – any use of fresh or saline water that reduces the supply from which it is used, withdrawn or diverted. Also known as withdrawal, withdrawals or water use.
- (i) desalination – a physical process where salts and other dissolved solids, in saline water or salt water, are removed.
- (j) drawdown – a relative term to describe the vertical distance that the elevation of the water table in the surficial aquifer, or the pressure head of the potentiometric surface of a confined aquifer, is lowered due to the removal of water from that hydrologic system.
- (k) drought – a condition of lower than normal rainfall within a specific time period in a defined area:
 - two-in-ten drought: (2-in-10) the severity of drought which statistically occurs on the average of twice in a given ten-year period.
 - five-in-ten drought: (5-in-10) the severity of drought statistically occurs on the average one-half of a given ten-year period. Also known as 5-in-10 rainfall or average rainfall.
- (l) effluent, treated wastewater – the product of secondary treatment of a waste liquid at a wastewater treatment plant for removal of various components of sewage material. Also known as treated effluent or treated sewage effluent.
- (m) elevation – height in feet relative to the National Geodetic Vertical Datum (NGVD), land surface, or some other point of reference. The point of reference must be stated. Used synonymously with "altitude" when referring to water levels.

- (n) evapotranspiration – a combined rate of removal of water from land and water surfaces by evaporation into the atmosphere, and transpiration from plants.
- (o) existing legal use – permitted current use of the water resource in accordance with Rule 40D-2.041, F.A.C., permitting thresholds, and Rule 40D-2.051, F.A.C., exemptions.
- (p) fresh water – water that contains less than 3,000 milligrams per liter (mg/l) of total dissolved solids (TDS). Also, water having a TDS concentration between 1,000 mg/l and 3,000 mg/l can be termed slightly saline fresh water; and, generally, water having a TDS concentration greater than 500 mg/l TDS is undesirable for drinking and many industrial uses.
- (q) groundwater well – any artificial excavation into the ground for the purpose of locating, acquiring or withdrawing, developing, or artificially recharging groundwater from or to a confined, semi-confined, or unconfined aquifer.
- (r) harm – when a use, diversion or withdrawal causes adverse impact to an existing legal use of water, offsite land use, water resource or environmental feature associated with the water resource. Also known as harmful, harmful changes, adverse impact or adverse impacts.
- (s) hydraulic conductivity – the rate at which water can move through rock or earth measured perpendicular to the direction of movement. This rate is usually expressed as feet per day (ft/d). (See transmissivity.)
- (t) hydroperiod – the frequency and duration during which there is free standing water in a wetland or other depression in the ground.
- (u) impoundment – an artificial reservoir used to gather or impound water from a flowing watercourse for temporary or permanent containment.
- (v) impact offset – is defined in Section 373.250, F.S.
- (w) irrigated acre – the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. Also known as acre.
- (x) irrigation facility – the facilities used to withdraw water from one source, transport the water to a destination and apply the water to a plant or a crop.
- (y) mine plan – a drawing to scale which depicts an applicant's or Permittee's property boundaries, and which identifies the approximate time frame by month and year for areas to be mined or dewatered.
- (z) mitigate, mitigation – to make or become less severe or intense. With respect to Water Use Permitting, mitigation includes the measures and actions provided to offset, lessen, rectify or prevent adverse impacts to the environment, water resources, existing land use, or legal users of the water resources.
- (aa) NGVD – National Geodetic Vertical Datum: a datum that was derived by using the average sea level over a period of many years from 26 tidal stations along the Atlantic and Pacific Oceans and the Gulf of Mexico. It does not necessarily represent local mean sea level at any one location. It was formerly referred to as the "Sea Level Datum of 1929".
- (bb) peak month quantities – the total quantity authorized by the District during the month of highest water use, divided by the number of days in that month and expressed in gpd.

- (cc) permitted facilities – any groundwater well, surface water intake system, or other artificial water diversion facility which is used to withdraw or divert water from one location. Also known as facility or permitted facility.
- (dd) plume – the volume of surface water or ground water that contains chemical constituents in excess of the Florida Department of Environmental Protection water quality standards or criteria, or which contains significantly higher concentrations of chemical constituents than ambient conditions, and is delineated by the Florida Department of Environmental Protection, the Environmental Protection Agency, or the District.
- (ee) pollutant – any chemical substance, especially waste matter, which when introduced into the air, water or soil contaminates them by producing conditions unfit or harmful to living things.
- (ff) potable water – water suitable for human consumption as set by the State Safe Drinking Water Act.
- (gg) potentiometric surface – a surface defined by the level to which water rises in an open pipe that is constructed into or all the way through an artesian aquifer. This is measured in feet relative to NGVD or sea level. The level to which water rises inside this open pipe is a function of the pressures on the water in the artesian aquifer.
- (hh) reuse – the deliberate application of reclaimed water, in compliance with the Florida Department of Environmental Protection and District rules, for a beneficial purpose (Chapter 62-610.200(452), F.A.C.).
- (ii) runoff – surface water that leaves the property on which it was either deposited as rainfall, or from which it was derived via a groundwater well or surface water body withdrawal facility.
- (jj) safe yield – the amount of water that can be withdrawn from a hydrologic system without causing adverse impacts.
- (kk) saline water – water that generally is considered unsuitable for human consumption or for irrigation because of its high content of dissolved solids. Commonly expressed as milligrams per liter (mg/l) of dissolved solids, with moderately saline as 3,000-10,000 mg/l; very saline as 10,000-35,000 mg/l, and brine as more than 35,000 mg/l (U.S.G.S., August, 1989).
- (ll) saline water interface – any plane or surface within the transition zone between fresh water and saline water that is defined by a specific concentration of total dissolved solids.
- (mm) saline water intrusion – the movement of more saline water laterally inland into a fresher water aquifer from coastal areas, or the movement of more saline water vertically upward into a fresher water aquifer. Also, any movement of more saline surface or ground water into a fresher-water surface water body.
- (nn) seasonal high water level – the maximum elevation to which the ground-water or surface water can be expected to rise due to the rainfall occurring in a normal wet season.
- (oo) seawater – water in any sea, gulf, bay, or ocean having a total dissolved solids concentration greater than or equal to 10,000 milligrams per liter (mg/l) (very saline). Also, the component of very saline water in a surface body of water or an aquifer that is continuously open to a sea, gulf, bay, or ocean that has a total dissolved solids concentration of greater than or equal to 10,000 mg/l.
- (pp) semi – confined aquifer-a fully saturated aquifer that underlies a confining unit that is leaky. It may or may not overlie a leaky confining unit.
- (qq) service area – for a public supply water use permit, it is the area to which potable water is supplied by a utility or water supply authority.

(rr) serviced area – a geographical region that is not owned by a water use Permittee, but is supplied with water from the water use Permittee's water withdrawal facilities.

(ss) staff report – a written District document that permits and describes a water use, which lists limiting conditions for the continued use of the water. Also known as "Water Use Permit," and "Final Agency Action."

(tt) staged drawdown – in dewatering systems, the practice of pumping the source unit to discrete, incremental levels.

(uu) stream – any river, creek, slough, or other natural water course (Rule 40D-1.102, F.A.C.)

(vv) substitution credit – the use of reclaimed water to replace all or a portion of an existing permitted use of resource-limited surface water or groundwater, allowing a different user or use to initiate a withdrawal or increase its withdrawal from the same resource-limited surface water or groundwater source provided that the withdrawal creates no net adverse impact on the limited water resource or creates a net positive impact if required by district rule as part of a strategy to protect or recover a water resource.

(ww) system efficiency/assigned irrigation efficiency – the ratio of the volume of irrigation water available for actual crop use to the volume delivered from the irrigation system. This ratio is always less than 1.0 because of losses due to evaporation, wind drift, deep percolation, lateral seepage and runoff which may occur during irrigation.

(xx) unconfined aquifer – an aquifer that is not fully saturated with water and that has a free water table open to the atmosphere. The portion of the aquifer that does not have all its pore space filled with water is the unsaturated zone; the portion that has all of its pore space filled with water is the saturated zone. The top of the saturated zone is the water table. An impermeable rock or clayey sediments often underlies unconfined aquifers.

(yy) upconing – process by which saline water, which underlies fresh water in the same or different aquifers, rises up into the fresh water zone as a result of pumping water from the fresh water zone (U.S.G.S., August 1989).

(zz) watercourse – the bed or channel of a waterway; a continuously or intermittently flowing body of water.

(aaa) water table – the surface of water in an unconfined aquifer where that aquifer becomes fully saturated with water, and at which the pressure is equal to one atmosphere.

(bbb) Water Use Caution Area – a geographic region within the District that exhibits resource problems, or is predicted to exhibit resource problems, and for which special regulations are enacted by the Governing Board.

(ccc) wellfield – an area of multiple ground-water wells under one water use permit for one use type category. The wells may or may not be located on contiguous land parcels.

(ddd) wetland is defined in Section 373.019(27), F.S.

1.2 ACRONYMS AND ABBREVIATIONS.

AGMOD	Agricultural Model
Applicant's Handbook	Southwest Florida Water Management District Water Use Permit Applicant's Handbook Part B
APT	aquifer performance test
ASR	aquifer storage and recovery
AWS	alternative water supplies
BEBR	University of Florida Bureau of Economics and Business Research
COM	commercial
DEO	Florida Department of Economic Opportunity
DEP	Florida Department of Environmental Protection
District	Southwest Florida Water Management District
EM	environmental mitigation
EPA	U.S. Environmental Protection Agency
ERP	environmental resource permit
ET	evapotranspiration
F.A.C.	Florida Administrative Code
FGS	Florida Geological Society
FP	Functional population
F.S.	Florida Statutes
gal/day/ft ²	gallons per day per square foot
GC	golf course
gpcd	gallons per capita per day
gpd	gallons per day
gpm	gallons per minute
IND	industrial
IFAS	University of Florida's Institute of Food and Agricultural Sciences

K	hydraulic conductivity
MALPZ	Minimum Aquifer Level Protection Zone
MIA	Most Impacted Area
MFL	minimum flow and level
MG	million gallons
MGD	million gallons per day
mg/L	milligrams per liter
MGY	million gallons per year
MSL	mean sea level
MSSW	management and storage of surface water
NAVD	North American Vertical Datum (1988)
NGVD	National Geodetic Vertical Datum (1929)
NRCS	Natural Resources Conservation Service
NTBWUCA	Northern Tampa Bay Water Use Caution Area
NTU	Nephelometric Turbidity Unit
NWI	National Wetland Inventory
OFW	Outstanding Florida Water
PERMPPH	permanent resident persons-per-household
pph	persons per household
PPSC	Power Plant Siting Certificate
PSC	Public Service Commission
RPC	Regional Planning Council
RW	reclaimed water
SCS	U.S. Soil Conservation Service
SEASPPH	census year seasonal persons-per-household
ST	stormwater
SU	significant uses

SWM	surface water management
SWUCA	Southern Water Use Caution Area
TDS	total dissolved solids
USDA	U.S. Department of Agriculture
USGS	U.S. Geological Survey
WAFR	wastewater facility regulation
WD	withdrawals
WUCA	water use caution area
WUP	water use permit

1.3 WATER USE PERMIT PROGRAM OVERVIEW, OBJECTIVES, AND AUTHORIZATIONS.

1.3.1 OBJECTIVES.

Chapter 373, F.S., enables and directs the Southwest Florida Water Management District to regulate the use of water within its jurisdictional boundaries. The District has adopted rules for the consumptive use of water, which are set forth in Chapter 40D-2, F.A.C. The objective of this Applicant's Handbook is to identify the usual procedures and information used by District staff in permit application review. The purpose of the Water Use Permit Program is to ensure that those water uses permitted by the District are reasonable-beneficial, will not interfere with any presently existing legal use of water, and are consistent with the public interest.

1.3.2 PERMITS REQUIRED.

Permits are required in accordance with the thresholds identified in Rule 40D-2.041, F.A.C., for the use of fresh and saline, ground and surface water sources. The use of seawater and treated wastewater effluent does not require a WUP.

1.3.3 OTHER AUTHORIZATIONS.

Issuance of a WUP by the District does not relieve the Applicant of the responsibility to obtain all necessary federal, state, local, or other District permits or authorizations.

1.3.4 PHASED PROJECTS.

Applicants for projects that are to be developed in phases should consider their water needs for all future phases of the proposed project. The District evaluates permit applications based on demonstrated needs for the term of the permit.

1.3.5 WATER USE INTEGRATED WITH A SURFACE WATER MANAGEMENT SYSTEM.

1. For projects that require both an ERP and a WUP, Rule 40D-2.301(3), F.A.C., shall apply. This requirement is based on the fact that design changes may occur during the Surface Water Permit evaluation process that may impact the water use aspects of the project. The impact of withdrawals on the Applicant's existing or conceptually permitted surface water management system must be evaluated and submitted with the WUP Application. This evaluation shall include an assessment of the impacts of withdrawals and discharges on the surface water management system design in terms of percolation rates, storage volumes, and design discharge.

2. Where a project requires a complete ERP pursuant to Rule 40D-2.301(3), the Permittee shall be required to re-evaluate water demands and sources at the submittal of any General or Individual ERP applications pertaining to the project. If the re-evaluation indicates sources or demands have changed from those presented in the original WUP application, or that required water conservation elements have not been achieved, the shall be

modified to take into account the updated information and assure that all conditions for issuance of a WUP are met.

1.4 PERMITTING PROCEDURES.

1.4.1 PRE-APPLICATION CONSIDERATIONS.

If the application is for a project that involves complex issues or if an Applicant requires assistance in completing an application, a pre-application meeting between the Applicant and District staff may be useful to the Applicant and may prevent delays in processing the application.

1.4.2 APPLICATION FORMS.

An Applicant shall submit the appropriate WUP application form and any additional forms as provided in Rule 40D-2.101(1), F.A.C. An Applicant requesting modification of its permit pursuant to Rule 40D-2.331(2)(b), F.A.C. shall submit the Modification Short Form Application, incorporated by reference in Rule 40D-2.331(2)(b), F.A.C.

1.4.2.1 SOUTHERN WATER USE CAUTION AREA APPLICATION FORMS.

In addition to the application and form(s) required in Section 1.4.2, an Applicant in the SWUCA shall submit the forms required by Rule 40D-2.101(5), F.A.C.

1.4.2.2 DOVER/PLANT CITY WATER USE CAUTION AREA APPLICATION FORMS.

In addition to the application and form(s) required in Section 1.4.2, an Applicant in the Dover/Plant City WUCA shall submit the forms required by Rule 40D-2.101(6), F.A.C.

1.4.5 APPLICATION SUPPORT INFORMATION.

The District may require detailed site-specific information in support of the application. The supporting information may include an aquifer test program, water quality surveys, well inventories, well construction details, and environmental assessments. The need for supporting information will be based on the size of the proposed withdrawal, aquifer characteristics in the region, sensitivity of the environment, density of nearby existing withdrawals, and existing data. Applicants proposing to construct new wells may want to submit as part of their application a completed Proposed Well Construction Location and Design Form, Form No. LEG-R.006.01 (4/09), incorporated by reference in Rule 40D-2.101(4), F.A.C, to provide information concerning the proposed well design.

1.4.6 APPLICATION REVIEW PROCESS.

District staff will work with the Applicant to obtain all information necessary to support the application. It is the Applicant's responsibility to provide the information requested. District staff will review the permit application and appropriate forms following their submission in accordance with Rule 40D-1.6051, F.A.C.

1.4.7 POTENTIALLY AFFECTED PARTIES.

Upon receipt of an individual WUP application with annual average quantities of 500,000 gpd or greater or a modification of such permit, the District will require the Applicant to publish notice in a newspaper of general circulation in accordance with Rule 40D-1.603, F.A.C. Upon receipt of an individual WUP application with annual average quantities of less than 500,000 gpd or a modification of such permit, the District will post notice of receipt of the application pursuant to Rule 40D-1.603(2), F.A.C. Interested persons, including county or city governments, may request to be provided notice of receipt of a WUP application and notice of agency action on a permit application. The District will provide a notice of receipt of a WUP application and a notice of agency action on each permit to those interested persons who have requested to be notified of agency action pursuant to Rule 40D-1.603(5), F.A.C., as well as the Applicant.

1.4.8 EXISTING UNPERMITTED USE.

Any unpermitted use of water will be evaluated as a new use, including existing unpermitted uses and permitted uses that have expired. Facilities that are already constructed will not receive preference in favor of issuance of a WUP.

1.4.9 TRANSFER OF WUPS.

1. Total Transfers.

a. Where a WUP has been issued to a party whose ownership or legal control of the permitted facilities subsequently terminates, the party that subsequently owns or legally controls the permitted facilities must apply to transfer the WUP within 30 days of taking ownership or control, notwithstanding the provisions of Rule 40D-1.6105, F.A.C. The District will transfer the WUP if the source, use, and quantity remain the same. All terms and conditions of the permit shall become binding on the transferee. If the transferee has an existing WUP serving contiguous land at the time of acquiring the transferred WUP, the Applicant shall apply to combine the WUPs by submitting a Modification Short Form Application unless the separate properties have existing individual permits that require metering for all withdrawals or the water user requests a permit modification to the permits to require metering for all withdrawals. If the transferee proposes a change in the terms or conditions of the WUP, or a change in the water use classification, the transferee must request a modification through formal application.

b. The party who subsequently owns or legally controls the permitted facilities will be in violation of these rules for using any permitted quantity without the required WUP until the transfer is approved.

2. Partial Transfers.

a. Where a WUP that has been issued to a party who owns or legally controls a portion of the permitted facilities subsequently terminates, the party that subsequently owns or controls the permitted facilities must apply to transfer the WUP in part within 30 days of taking ownership or control, notwithstanding the provisions of Rule 40D-1.6105, F.A.C. The District will transfer that portion of the WUP quantity relating to the conveyed permitted water withdrawal facility or conveyed land if the use remains the same, provided the transferee submits an Application for Transfer. All relevant WUP conditions of the transferor's WUP shall apply to the transferee's WUP. The District shall modify and decrease the transferor's WUP by the quantities transferred to the transferee's permit. If the transferee proposes any change other than ownership or legal control, the transferee must apply for a modification simultaneously to submitting an Application for Transfer. If the transferee proposes a change in the water use classification, the transferee must apply for a new WUP. If the transferee has an existing water use permit serving contiguous land at the time of acquiring the partially transferred permit, the District shall modify the transferee's existing permit to reflect the transfer unless the separate properties have existing individual permits that require metering for all withdrawals or the water user requests a permit modification to the permits to require metering for all withdrawals. The amount to be transferred shall be proportionate to the permitted use and acreage unless an agreement is submitted by the transferor and transferee providing for a different allocation.

b. Until a portion of the permit is transferred, the party that subsequently owns or legally controls a portion of the permitted water withdrawal facilities or a portion of the land on which the facilities are located, will be in violation of these rules for making any withdrawals without the required permit.

1.4.10 RENEWAL OF WUPS.

Applications for permit renewal may be made at any time within 1 year prior to permit expiration, except as provided in Section 1.4.11. Permits for which renewal applications have been timely submitted, and are under evaluation by the District shall remain in force past the expiration in accordance with Rule 40D-1.603(10), F.A.C.

1.4.11 MODIFICATION OF WUPS.

There are two types of modifications, Formal Modification and Letter Modification.

1. Formal Modification is a modification of any term or condition of a WUP pursuant to Rule 40D-2.331, excluding Letter Modifications as provided in Rule 40D-2.331, F.A.C. Formal Modification requires submittal of an application for modification and only the modified aspects of the permit will be addressed in the evaluation of the application for modification. The original expiration date will remain on a modified WUP unless the modification is deemed to be substantial by the District, as described in the paragraph below, and the Applicant requests that it be addressed as a renewal application with modification. An Applicant that wishes to change a portion of their current WUP may submit an application for modification or the District may require modification

of a permit to address a problem with the existing WUP. An application to modify a WUP shall be deemed by the District to be substantial if the amount of effort, time and materials required to be submitted to complete the application and the amount of effort, time and documentation required of District staff to evaluate the submission are similar to that required for a renewal application for the same permit. Upon request by the Applicant, the District shall process the application for modification as a renewal application with modification notwithstanding that it is submitted prior to one year before the permit expiration date.

2. There is no limit to the number of Letter Modifications that can be requested during the WUP term, provided that the sum total of modification of the annual average quantities does not exceed the criteria presented in Rule 40D-2.331, F.A.C. If the District determines that a Letter Modification does not meet the qualifications of Rule 40D-2.331, F.A.C., the Applicant will be informed that the desired changes must be made through the formal modification process, and the request will be converted to a Formal Modification and the Applicant shall submit all necessary information and fees as required by the District.

1.4.12 REVOCATION AND CANCELLATION OF WUPS.

A WUP may be revoked, following notice and hearing, in accordance with Rule 40D-2.341(1) and (2), F.A.C.:

The District may administratively cancel a WUP in accordance with Rule 40D-2.341(3), F.A.C.

The Permittee requesting cancellation shall ensure that all groundwater wells have been either properly capped or plugged and abandoned according to Rule 40D-3.531, F.A.C., and all surface water withdrawal points have been dismantled.

Prior to an administrative cancellation, District staff shall perform a site visit to confirm these requirements have been met. In the case where the well has been abandoned, all groundwater wells must be plugged and abandoned according to Rule 40D-3.531, F.A.C., by the Permittee.

1.4.13 CONTROL OF PROPERTY AND ACTIVITIES.

1. Applicants must demonstrate ownership or legal control of all property on which pumps, wells, diversions or other permitted facilities are or will be located. Applicants seeking renewal or modification of a WUP authorizing less than 100,000 gpd annual average quantities will not be required to demonstrate continued ownership, provided current property appraiser records confirm that there is no change in property ownership from what is documented in District records for the WUP to be renewed or modified.

Except for Self-Relocations as described below, applications for leased property, except property that is (a) leased from the District; or (b) leased from the Board of Trustees of the Internal Improvement Trust Fund to a local government when such leasehold extends through the water use permit term, must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s). If there are multiple property owners, all owners must sign the application form or sign an attachment to the application form indicating their joinder in the application, and all property owners will be Permittees on the WUP when issued. In the case of an application for Self-Relocation, a WUP may be issued solely to the lessee if the lessee and the Permittee on the permit to be Self-Relocated are identical.

2. A governmental entity that owns the land on which the pumps, wells, diversions or other permitted facilities for public water supply are or will be located need not be an Applicant or a Permittee, notwithstanding paragraph 1: above, provided that: a) it is not a distributor of the water, b) it does not receive any financial benefit from the water withdrawals or the Applicant's use of the land or facilities, c) it agrees in writing to the issuance of a WUP for a permitted facility on its land, and d) another entity is the Applicant and will operate the permitted facilities. In these instances, the entity that is operating the permitted facilities shall be the Applicant and the Permittee on the WUP.

3. Public agencies with the power of eminent domain shall be considered to have legal control of property on which pumps, wells, diversions or other permitted facilities are or will be located as described in the permit application. When a public agency relies on its power of eminent domain for legal control of property, if all other conditions for issuance have been met, the District shall recommend issuance of the WUP with a condition requiring the public agency to acquire ownership or legal control of the property within 1 year after the WUP issuance. If the public agency has not acquired all of the property described in the permit application within 1 year, the applicable portions of the WUP shall be deemed abandoned and shall become void. Notwithstanding, if

the public agency does not acquire the property within 1 year after WUP issuance due to extreme hardship caused by factors beyond its control, the District may grant an extension of time to the agency. 4. A Permittee shall obtain one WUP for all withdrawals that are intended to serve contiguous property unless the properties have existing individual permits that require metering for all withdrawals. For example, an agricultural operation that has four wells should apply for one permit. However, public water suppliers may obtain a separate WUP for each wellfield or other source, even though the wellfields may serve contiguous property. Applicants with multiple non-contiguous parcels in the same locale under their control may apply for one permit for water use encompassing all such parcels.

5. For local government Applicants, WUPs will be issued to the county or municipality and not to an individual administrative department within the government.

6. In no case shall issuance of a WUP convey any property rights to the Applicant.

1.4.14 PROFESSIONAL CERTIFICATION OF SUPPORTING DOCUMENTS.

Analysis, plans and designs that require certification by a registered Florida Professional Engineer or a Florida Professional Geologist pursuant to Chapters 471 or 492, F.S., shall be signed and sealed as provided by law.

1.4.15 PUBLIC WATER SUPPLY SERVICE AREA.

Public water supply Applicants and their wholesale customers that operate “community water systems” defined as serving at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents, shall be considered public water supply “utilities.” An entity that submeters a master-metered connection to a utility and bills for the metered water use is not considered a public water supply utility.

Public water supply Applicants, including Wholesale Public Supply Applicants, shall define the entire area for which they have the ability and legal right to distribute water directly to their customers during the term of the WUP. Although a public water supply Applicant may have separate, discrete service areas, if water is routinely transferred between service areas, the service areas shall be considered one. Applicants that have a public water supply WUP and have interconnected service areas and that receive annual average quantities of 100,000 gpd or greater from another Permittee are not required to obtain a separate Wholesale Public Supply WUP, but shall include these quantities as imported quantities in the application. An Applicant’s public supply service area is composed of the following, unless the applicant demonstrates that factors unique to its utility make one or more of these situations inapplicable to the determination of the applicant’s service area:

1. The current and projected geographic retail service area for which a public water supply utility intends to provide potable water.
2. The current and projected geographical retail areas of a public water supply utility that is not required to have a Wholesale Public Supply WUP but which purchases water wholesale from the Applicant regardless of whether the wholesale water recipient bills its customers.

The area for which a Wholesale Public Supply Permittee distributes potable water, whether or not the Wholesale Public Supply Permittee bills customers for that water, is not included in the wholesale supplier’s service area.

Public water supply Applicants with a defined service area must submit an up-to-date map of the service area with clearly marked, identifiable boundaries at the time of application for a new WUP, WUP modification (only Formal Modifications) or WUP renewal. The map submitted must clearly show any changes to the service area relative to the service area depicted in the District’s electronic public supply area boundary map. The map must clearly delineate the current area served from any proposed service area(s) if the current and proposed areas are not the same, and the Applicant is applying for quantities for the proposed service area. A new service area must be delineated relative to service areas depicted in the District’s electronic public supply service area boundary map maintained in the District’s Mapping and GIS system and shall not overlap other service areas. The map may be paper or District compatible electronic file format. During the term of the WUP, if the service area is changed, an up-to-date service area map shall be provided in the next Annual Report. With each service area map submittal, the following information must be included:

1. A current general utility contact person name, title, email address and phone number.
2. A current contact person name, title, email address and phone number whom District staff may call concerning the service area map.

3. The metadata for the map if the map is submitted as an electronic file that is compatible with the District's format.

4. The District WUP numbers and FDEP Public Water Supply Identifier numbers and area designation names for each service area or sub-service area, as applicable.

5. An indication of routine water transfer interconnections between service areas and other utilities or wholesale suppliers or recipients.

6. The name, contact person, phone number, and District permit number(s) of each utility that purchases water from the Permittee on a routine basis and the quantity purchased for the previous calendar year in millions of gallons per day (MGD).

7. The name, contact person, phone number, and District WUP number(s) of each utility that the permittee purchases water from on a routine basis and the quantity purchased for the previous calendar year in MGD.

Definable areas within a service area that are served by domestic potable wells shall be delineated and designated by the Permittee as non-served areas unless documentation such as a capital improvement plan is provided that demonstrates that the area will be supplied by the applicant within the term of the WUP. Quantities shall not be permitted for overlapping service areas or service areas that are in dispute.

1.4.16 PUBLIC SERVICE COMMISSION TERRITORY.

Public water supply Applicants regulated by the PSC must submit with their application a copy of the PSC certification describing the service area. If the Applicant proposes to add a new area not contained in its existing PSC certification, a permit condition will require that PSC certification for the expansion be acquired within 2 years of the permit's issuance, or the applicable portions of the WUP shall be deemed abandoned and shall become void.

1.4.17 ELECTRICAL POWER PLANT SITING CERTIFICATES.

The Electrical Power Plant Siting Act is implemented through Chapter 62-17, F.A.C. As part of the certification process, the District reviews the proposal to ensure that the project meets all District permitting criteria set forth in Chapter 40D-2, F.A.C. Applicants may request a separate meeting with District staff to discuss issues regarding surface water and consumptive use.

1.5 PERMIT DURATIONS.

Permit durations are provided for in Rule 40D-2.321, F.A.C.

2.0 DEMONSTRATION OF WATER NEED, SOURCE(S), AND DEMAND

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.

2.1 DEMONSTRATION OF WATER NEED.

Proper accounting for each proposed water use is essential to establish that the use is reasonable, beneficial, and in the public interest.

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 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.

2.1.1 ALTERNATIVE WATER SUPPLIES.

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.

2.1.1.1 UTILIZATION OF ALTERNATIVE WATER SUPPLIES.

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.

2.1.1.2 REUSE FEASIBILITY EVALUATION.

Section 373.250, F.S., requires permit applicants to undertake an evaluation of the environmental, economic, and technical feasibility of the use of reclaimed water to meet all or a portion of their needs. The use of reclaimed water (reuse) shall be required unless it is demonstrated by the applicant that its use is not environmentally, economically, or technically feasible. The feasibility evaluation shall include the location of reclaimed water sources relative to the location of use, the quantity and timing of reclaimed water availability, costs associated with obtaining the reclaimed water, the suitability of reclaimed water for the intended use, and an implementation schedule for reclaimed water availability.

The District will publish and maintain a map on its website, which can be accessed at <http://ww8.swfwmd.state.fl.us/ReclaimedWaterMapView>, of areas in which reclaimed water is available or proposed to become available within a five (5) year period. Applications for withdrawals located in an area in which reclaimed water is or may become available within five (5) years from the date of application shall include written documentation from the reuse utility serving the area indicating whether reclaimed water is available or proposed to become available within the requested permit term. The reuse utility shall also provide the following information to be used by the applicant in its feasibility evaluation:

- 1) The location of the nearest reclaimed water distribution line connection point relative to the applicant's property boundary,
 - a) If there is no reclaimed water distribution line connection point adjacent to the property boundary, then:
 - i) An estimate of the distance in feet from the applicant's property boundary to the nearest potential reclaimed water distribution line connection point.
 - ii) An estimate of the date the reuse utility anticipates the reclaimed water distribution line connection will be available at the applicant's property boundary.
 - b) If reclaimed water is available at the property boundary, then:
 - i) The minimum daily quantity in gallons of reclaimed water supply available from the nearest potential reclaimed water distribution line connection point, as well as expected average monthly supply quantities.

ii) The reliability of the potential reclaimed water supply quantities (i.e., on-demand 24/7, or bulk interruptible diurnal or seasonal, length of supply agreement, or other basis).

iii) The typical operating pressures at which the reuse utility will provide reclaimed water at the nearest reclaimed water distribution line connection point to the applicant's property, including any typical seasonal or other fluctuations in the operating pressure.

iv) The water quality parameters of the reclaimed water for the constituents that the applicant has identified as pertinent to the intended use.

2) All costs associated with the Applicant's use of reclaimed water:

a) The reclaimed water rate(s) 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.

b) The reclaimed water availability charges the reuse utility would charge the applicant in lieu of connection to the reclaimed water distribution system.

c) Other one-time charges for the connection to the reclaimed water distribution system.

d) Whether the reuse utility provides funding assistance to offset the costs to connect to the reclaimed water distribution system or assists potential customers in converting their operations to use reclaimed water.

3) Any additional information the reuse utility considers necessary for the applicant to complete its feasibility evaluation.

Reuse utilities shall provide a written response to requests for documentation by permit applicants no later than thirty (30) days after receipt of the request. If a reuse utility fails to respond to a request for documentation within thirty (30) days, the Applicant shall furnish the District with a copy of its request, proof of receipt by the reuse utility, and a statement attesting that the reuse utility failed to provide the requested information. Upon the failure of a reuse utility to respond to a request for documentation, the Applicant shall complete the feasibility evaluation utilizing the best available information.

For those Applicants and Permittees also required to undertake reuse feasibility studies pursuant to Section 403.064, F.S., such study shall be submitted to the District. A Reuse feasibility study under this section is not required to be conducted by either an Applicant or Permittee whose reclaimed water is 100% beneficially reused, or whose water use is 100% reclaimed water, and those Permittees with a reuse plan already accepted by the District.

2.1.1.3 USE OF RECLAIMED WATER FOR GOLF COURSE COMMUNITIES.

If a proposed golf course is linked with a residential development with its own domestic wastewater treatment plant, estimates of wastewater generation with the availability schedule must be submitted. A permit condition to implement a phased conversion to reclaimed water when sufficient quantity is available will be required. When use of AWS is implemented, the primary water sources will be permitted for standby purposes.

2.1.1.4 WUPS WITH AWS IN THE SWUCA OR DOVER/PLANT CITY WUCA .

2.1.1.4.1 New WUPs.

If an application includes the use of AWS to supply all or a portion of the requested demand, and the Applicant demonstrates that, through no fault of the Applicant, the AWS are vulnerable to becoming unavailable, insufficient or unsuitable for the authorized use, upon request by the Applicant, a WUP will be issued that puts use of the non-alternative source on standby status, provided the withdrawal and use of the non-alternative water supply source meets all the conditions for issuance. The standby quantities will be for an amount equal to the quantity offset by the AWS. This standby quantity is to be used only when, for reasons outside the Permittee's control, the AWS become unavailable, insufficient or unsuitable; or economically, technically or environmentally infeasible for the authorized use. In no case will the standby quantities exceed the permitted quantities that would be permitted without the AWS.

2.1.1.4.2 Existing WUPs.

Where AWS provide all or a portion of permitted quantities, and if requested by the Applicant, the permit will be modified to provide for the use of the water source on standby status, in an amount equal to the quantity offset by the AWS. This standby permit is to be used only when, for reasons outside the Permittee's control, the AWS become unavailable, insufficient or unsuitable for the authorized use; or economically, technically or environmentally infeasible. In no case will the standby quantities exceed the permitted quantities that would be permitted without the AWS.

2.2 SOURCE IDENTIFICATION.

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.

2.2.1 TREATMENT EFFECT.

Some water treatment technologies, such as desalination or sand filtration, may cause significant portions of the withdrawn water to be unusable. In such cases, the Applicant may be required to indicate the quantities or imported quantities treated, the percent product (usable) water, the percent reject (unusable) water, and the manner in which the reject water will be disposed.

2.2.2 MULTIPLE WATER SUPPLY SOURCES.

Where an Applicant or Permittee has non-AWS and AWS, the AWS shall be used in lieu of non-AWS to the greatest extent practical, based on economic, environmental and technical feasibility.

2.2.3 BENEFICIAL REUSE.

The following uses shall be considered beneficial reuse of treated domestic wastewater:

1. Landscape irrigation.
2. Agricultural irrigation.
3. Ground water recharge where such recharge results in environmental or water supply benefit.
4. Industrial uses for cooling water, process water and wash waters.
5. Wetlands restoration.
6. Fire protection.
7. Environmental enhancement, including discharges to surface waters to replace withdrawals.
8. Other useful purposes accepted by the District or allowed under a DEP permit pursuant to Chapter 62-610, F.A.C.

2.2.4 LOSS OF ALTERNATIVE WATER SUPPLIES.

Where a Permittee is to use an AWS in lieu of a non-AWS and the AWS becomes temporarily (exceeding 30 days) insufficient or unsuitable, the Permittee shall notify the District in writing within 15 days of the event. Such notification shall be submitted monthly for each subsequent 30 days, for up to one year from the date of first loss, while the supply of AWS remains insufficient or unsuitable for the authorized use. During this time, the withdrawal of standby quantities is allowed to meet the authorized use up to the maximum amount of the permitted standby quantities. If the loss of the AWS exceeds one year, the Applicant shall submit a Modification Short Form Application, subject to all requirements of Rule 40D-2.331(2), F.A.C., to modify the non-AWS quantities that may be withdrawn. If the standby permit is for a withdrawal within the SWUCA or the Dover/Plant City WUCA, the Applicant shall submit a Modification Short Form Application to modify the quantities even if the quantities to be withdrawn exceed the quantity thresholds included in Rule 40D-2.331(2), F.A.C.

2.3 DEMONSTRATION OF DEMAND.

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.

2.3.1 SALES OR TRANSFERS OF WATER.

Applicants who sell or transfer water must identify the quantity transferred and the receiving entity. The Applicant providing the water must account for the receiving entities' demand. Applicants who acquire water from other entities must identify the quantities and the provider. Since the providing entity will account for the demand in its WUP, the receiving entity must not. If the sale or transfer is arranged after the WUP is issued, the providing Applicant must notify the District of the sale or transfer. Both the provider's WUP and the receiver's WUP may require modification.

2.3.2 CONSERVATION.

Water savings expected to result from the implementation of water conservation measures must be estimated and accounted for when calculating demand projections. Applicants must identify the components of demand affected by each conservation measure and reflect the estimated savings in demand for each year projected. Where historical data are used to support the calculation of projected demand and peak month coefficients and conservation measures were implemented for only part of the historical data period, the Applicant should use data only from the period in which the conservation measures were in effect. If the Applicant is able to estimate and extrapolate the water savings to the data period prior to implementation, then historical data from the past period may also be used.

2.3.3 PERMITTED WITHDRAWAL QUANTITIES.

Applicants must identify the quantities needed for each component of demand in order to justify the quantities requested in the application. Typically, requested quantities are based on historical information. Applicants shall request quantities in gpd for each component of demand according to the terms listed below. The District will evaluate the quantities requested and identify the following quantities allocated in gpd on each WUP.

1. Annual Average Quantities (gpd)
2. Peak Month Quantities (gpd)
3. Maximum Quantities (gpd)

The annual average quantities place a limit on total yearly withdrawals. The peak month quantities place a limit on total withdrawals in any one month. Maximum quantities may be permitted for certain needs on a case-by-case basis. (e.g. public supply Permittees that record daily pumpage and agricultural Permittees that require water for crop protection). Compliance with permitted annual average quantities is determined based on a 12 month moving average.

Applicants may identify quantities on a monthly basis. Monthly calculations facilitate documentation of seasonal requirements and the design of effective conservation measures to reduce peak demands. Average daily quantities may then be calculated by dividing the total period by the number of days.

EXAMPLE: Peak Month Quantities

Total pumpage for June = 9,000,000

9,000,000 divided by 30 days = 300,000 gpd

2.3.4 ANNUAL AVERAGE QUANTITIES.

The annual average quantities is determined by calculating the total quantity of water to be withdrawn over a 1-year period, divided by 365 days, which results in a gpd quantity. Each Applicant must determine the annual average quantities by adding the quantities required by each component of demand for the particular use. The total demand is then considered along with other factors affecting withdrawals such as treatment losses; other sources of water; conservation and water purchased, sold, or transferred to determine the annual average quantities.

2.3.5 PEAK MONTH QUANTITIES.

Peak month quantities represents the greatest quantity permitted to be used in any single month. Although it is based on an entire month's pumpage, the monthly quantity is converted to average daily units, by dividing by the number of days in the month, so that all the permitted quantities have consistent units. Peak month quantities is determined by identifying average monthly use in gpd from use records or documentation for each calendar month. The 31 consecutive days or the month with the greatest use in each year is determined and identified as the peak month quantities (in gpd). Peak month quantities is then divided by the recorded annual average quantities for that year. This division results in the peak month coefficient. The most appropriate peak month coefficient, based on the years reviewed, is then used as a multiplier to determine proposed peak month quantities.

Proposed peak month quantities is determined by calculating the proposed annual average quantities, based on demand projections, and multiplying it by the peak month coefficient to result in the projected peak month quantity.

EXAMPLE: Peak month quantities based on calendar month method:

YEAR 1

Historical data:

Month:	J	F	M	A	M	J	J	A	S	O	N	D
MGD:	12	12	19	20	27	17	10	6	7	8	13	13

Recorded Peak month: May-27 MGD

Recorded Annual average: 14 MGD

Peak month coefficient: 27 divided by 14 = 1.9

PROJECTED QUANTITIES NEEDED

Projected annual average: 15 MGD

Peak month coefficient: 1.9

Projected peak month quantity: 15 x 1.9 = 28.5 MGD

For new or existing non-agricultural uses without previous data to review for determining the peak month coefficient, the Applicant may use data from the District or other appropriate methods.

For agriculture uses, the District will determine the peak month quantity using the agricultural water use calculation based on AGMOD or other appropriate methods.

2.3.6 MAXIMUM QUANTITIES.

Maximum quantities is permitted for certain needs where daily use is recorded. Typically, this quantity is permitted for crop protection or for public supply uses where daily pumpage is recorded. This quantity may be used in other appropriate circumstances. The demand information required for each Applicant's usage is addressed in this Chapter.

2.3.7 PUBLIC SUPPLY USE DEMAND.

Applicants for public supply use must identify the demand for the following components:

1. Residential use shall be divided into single-family residential use and multi-family residential use in accordance with local government zoning policies.
2. Other metered uses shall include all uses other than residential accounted for by meter.
3. Treatment losses – significant treatment process losses associated with making the water potable, such as reject water in desalination, membrane cleaning or back-flush quantities associated with sand filtration systems. Treatment losses are calculated as raw water into the plant minus treated water out of the plant. This component is identified in the water treatment plant specifications per finished gallon times the annual average gpd output. In addition, no more than 1% of treated water volume delivered to the distribution system for flushing distribution lines for potability may be deducted.

4. Water losses are equal to the total water plant output minus all accounted uses described in 1. and 2. above. Water losses include leaks, illegal connections, greater than 1% loss of plant output due to flushing of distribution lines for potability, unmeasured flows associated with fire suppression, unmetered system testing, under-registration of meters, and other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts specified in 1. and 2. above. (Rather than water loss, the Permittee may include unmetered emergency losses in the category "Fire and Other Accounted Uses" using Form B of the Public Supply Annual Report For Permits 100,000 gpd or greater annual average quantities, Form No. LEG-R.103.00 (5/14), when the cause of the loss is fixed as soon as practicable and the quantity of water lost is estimated using pipe diameter, pressure and time.) Water losses shall not exceed 10% of total distribution quantities. Greater than 10% water losses will not be considered in allocation of permitted quantities.

2.3.7.1 PERMIT APPLICATION DATA PROJECTIONS.

2.3.7.1.1 PROJECTED PER CAPITA USE.

Per Capita is generally considered to be population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. Projected Per Capita use is calculated by adding the quantities identified for the uses shown in Section 2.3.7, except for treatment losses, and then dividing by the permanent or temporally adjusted population of the service area.

2.3.7.1.2 SERVICE AREA POPULATION PROJECTION DATA.

Population data are available from the following sources: the District, Bureau of the Census, University of Florida Bureau of Economics and Business Research (BEBR), Regional Planning Council (RPC), County Planning Departments and the Comprehensive Land Use Plan. Use of population data or methods other than those provided by the District shall be considered if thoroughly documented. Counties and municipalities are required to estimate seasonal population as part of the comprehensive planning process. If such data are not available, seasonal service area population may be estimated using methods recommended by the DEO. Applicants may also identify tourist population, if known.

2.3.7.1.3 PERMANENT POPULATION PROJECTION ESTIMATES.

In service areas without significant seasonal population fluctuations, the use of permanent population estimates is appropriate. Permanent and seasonal (if applicable) population growth must be projected, on a yearly basis, for the area served by the application for the proposed term of the permit.

When population estimates are required for years in between those estimates with published or referenced estimates, the Applicant must interpolate the data. The Applicant may assume that population increases in equal increments in the years between established estimates.

2.3.7.1.4 CALCULATION OF SEASONALLY ADJUSTED POPULATION PROJECTIONS.

In service areas where there are significant seasonal population changes, it may be to the advantage of the Applicant to estimate the seasonal population for use in conjunction with permanent population in the calculation of per capita daily water demand. If significant seasonal population fluctuations are not included, per capita water daily water use may be over-estimated. Seasonally adjusted population is a weighted population that takes into account seasonal fluctuations. Applicants are encouraged to use monthly seasonal population data where available, in its calculations of population. Where available, the Applicant can request Functional Population (FP) projections that include seasonal resident population fluctuations from the District. An example of how to calculate a seasonally adjusted population for a service area that has a winter influx of residents follows.

Permanent population = 100,000 persons for eight months. The population increases during the four winter months as shown below:

November	110,000
December	110,000
January	120,000
February	120,000
	460,000
Permanent Population (100,000 x 8 months):	800,000

(Seasonal Population):	+ 460,000
	1,260,000

1,260,000 ÷ 12 months = 105,000 seasonally adjusted population

2.3.7.1.5 CALCULATION OF TOURIST-ADJUSTED POPULATION PROJECTIONS.

Where projected short-term tourist population data are available, the Applicant may choose to include tourist population data in seasonally adjusted population estimates. For example, if November for a given year is projected to have a permanent population of 100,000, a seasonal influx of 10,000 residents, and an influx of 15,000 tourists, the November population to be used in the seasonally adjusted population calculation would be 100,000 + 10,000 + (15,000) = 125,000. Where available, the Applicant can obtain projected tourist population from the District.

2.3.7.2 CALCULATION OF PROJECTED PERMITTED QUANTITIES.

2.3.7.2.1 NEW APPLICANTS.

New Applicants for public supply use shall be allocated annual average quantities based on a projected compliance Per Capita Rate no greater than 150 gpd, minus imports, plus a quantity that is equal to the allowable deductions and adjustments included in the calculation of a compliance per capita.

2.3.7.2.2 EXISTING PERMITTEES.

For this paragraph, a Five Year Compliance Per Capita Rate shall be calculated as the average of the compliance per capita rate reported in the Annual Report for 2009 and the four years prior.

A. Permittees With A Five Year Compliance Per Capita Rate No Greater Than 150 gpd as of 2009. Upon renewal or modification to address permitted quantities, annual average quantity allocations shall be based on the following:

1. If the projected compliance per capita rate is less than the five year compliance per capita rate, the allocation shall be based on the five year compliance per capita rate; however, the Permittee shall have a compliance per capita at the end of the permit that is no greater than the projected compliance per capita rule.

2. A compliance per capita rate that is the lesser of 150 gpd or the given year compliance per capita rates, unless the Applicant demonstrates factors (e.g., there are changes in the customer classes served) that justify that a compliance Per Capita Rate higher than the most recent five year average, but less than 150 gpd, be used, plus, a quantity that is equal to the allowable deductions and adjustments included in the calculation of the compliance per capita, minus imports.

B. Permittees With A Five Year Compliance Per Capita Rate Greater Than 150 gpd as of 2009.

In the event that the provisions of this paragraph B conflict with the provisions of a permit or consent order existing as of January 20, 2009, the terms of the permit or consent order shall supersede this paragraph B. However, a Permittee may request a modification of the permit condition or consent order in order to apply this paragraph B. in lieu of the applicable permit condition or consent order provision.

1. Upon renewal or modification to address permitted quantities, annual average quantity allocations shall be based on:

- (a) A compliance per capita rate that is based on a year of interest allowable per capita determined pursuant to the provisions in Section 2.4.8.4.1,

- (b) Plus, a quantity that is equal to the allowable deductions and adjustments included in the calculation of the compliance per capita minus imports.

The 2009 five year compliance per capita rate shall be calculated as the average of the compliance per capita rate reported in the Annual Report for 2009 and the four years prior.

2. Interpolating Per Capita.

- (a) For purposes of calculating a projected permitted quantity for years between 2009 and 2014, the per capita rate utilized in determining annual quantities shall be based on a linear interpolation between the five year average compliance per capita rate calculated as of 2009 and the per capita rate that is 50% of the difference between that value and the per capita rate of 150 gpd as set forth in in Section 2.4.8.4.1.

- (b) For purposes of calculating a projected permitted quantity for years between 2014 and 2019,

the per capita rate utilized in determining annual quantities shall be based on a linear interpolation between the 2014 per capita value and the per capita rate of 150 gpd.

3. Low or No Growth In Population.

Where, based on the provisions of paragraph B, above, if the quantity calculated for the last year of the proposed permit term, or ten years from January 20, 2019, whichever is earlier, is less than the quantity that is permitted as of 2009, or the most recent five year average compliance per capita rate upon renewal or modification, and the applicant's service area will have low or no growth in population, the proposed quantity shall be calculated as follows to avoid permit quantity non-compliance at the time of permit issuance or modification pursuant to the provisions of this paragraph B. The proposed permitted quantity shall be equal to the proposed FP for the year of interest times the five year average compliance per capita rate for 2009. Permit quantity compliance shall be based on per capita reductions in accordance with Section 2.4.8.4.1. The compliance per capita rate for years between 2009 and 2014 and between 2014 and 2019 shall be based on a linear interpolation plus allowable deductions. On January 1, 2020, the permitted quantities shall adjust to equal the lesser of the projected FP for the last year of the permit times a per capita rate of 150 gpd, or, if less, the most recent five year average compliance per capita rate, plus a quantity equal to the allowable deductions, minus imports and adjustments included in the calculation of a compliance per capita.

2.3.7.2.3 CALCULATION OF ANNUAL AVERAGE QUANTITIES.

It is in the interest of the Permittee to identify and document existing and projected allowable deductions from the per capita compliance formulas in the provisions titled "PER CAPITA DAILY WATER USE," above. If not accurately identified and documented, sufficient permitted quantities may not be permitted. All water quantities in the below calculations are in average gpd.

The acronyms for the variables in the following method are the same as defined in Section 2.4.8.4.

The annual average quantity allowable withdrawal (WD) shall be calculated using the following equations to calculate WD, TL and then an adjusted WD that includes TL:

2.3.7.2.4 YEAR OF INTEREST ALLOWABLE WITHDRAWAL.

Using the terms in 2.4.8.4, projected FP x allowable per capita rate as determined above

- Projected IM

+ Projected EX

+ Projected SU

+ Projected GC

+ Projected EM

+ Projected ST

+ Projected RW

= Subtotal Withdrawals

+ Subtotal Withdrawals x (Projected Treatment Loss Percentage) + (no more than 1% of the treated water volume for flushing distribution lines for potability)

= Total Allowable Withdrawals

2.3.7.2.5 LOW PERSONS PER HOUSEHOLD ADJUSTMENT TO FUNCTIONAL POPULATION.

If the permanent resident persons-per-household (PERMPPH) as calculated in Part D of the Applicant's Handbook for an existing service area or the projected persons per household (pph) for a new service area is less than 2.01 pph, the projected FP may be adjusted upward to reflect a pph of 2.01 if a projected compliance per capita rate of 150 gpd or less cannot otherwise be achieved. The following adjustments may not be applied to non-residential populations such as tourists or net commuters. Documentation of the adjustment is required. The Permittee shall submit two sets of required population estimation spreadsheets A-I, set forth in Part D of the WUP Applicant's Handbook, as applicable, with one set to document FP using PERMPPH and SEASPPH, and the other set to document FP using 2.01 instead of PERMPPH and SEASPPH.

2.3.7.2.5.1 PROJECTED POPULATION BASED METHODS.

If the population projection methodology isolates the residential population, then that portion of the projected population may be increased by the ratio of 2.01/PERMPPH for existing service areas or 2.01/projected pph for new service areas.

2.3.7.2.5.2 PROJECTED DWELLING UNIT METHODS.

If the population projection methodology is based on multiplying the projected number of dwelling units times a pph, a pph of 2.01 may be used in calculating the projected residential population.

2.4 REASONABLE – BENEFICIAL CRITERIA.

2.4.1 UTILIZATION OF LOWEST QUALITY WATER FOR PROPOSED USE.

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 water or stormwater that can be produced or used relative to the cost.

2.4.2 WATER CONSERVATION REQUIREMENTS.

All Applicants, except those requesting a Letter Modification, must demonstrate that environmentally, technically and economically feasible water conservation measures applicable to the proposed use have been or will be employed. Applicants shall address relevant water conservation practices, recycling, and water conserving technologies applicable to the proposed water uses. Conservation measures and requirements appropriate to each Use Type are described in the remainder of this Chapter. Applicants shall demonstrate that any economically and practicably feasible water conservation activities related to their use have been or will be implemented. Water conservation measures that have been approved by the Governing Board by rule or a water shortage order shall be implemented. Where specific water conservation elements have been developed for specific use types, such as water conservation plans for public supply use or best water management practices for agricultural uses these elements shall be incorporated into the permit.

2.4.3 AGRICULTURE.

Applicants must demonstrate that the quantities applied for relate to reasonable irrigation, livestock, aquaculture, and other agricultural water needs. This demonstration is typically accomplished by providing information on the types and acreage of crops to be irrigated, the crop growing season, the irrigation systems used, crop establishment, application of chemicals and fertilizers, crop protection, the type and number of livestock and seasonal herd size fluctuations, and other specific use information. The reasonable demand for agricultural water use is generally composed of one or more demand components, depending on the specific agricultural use.

2.4.3.1 IRRIGATION.

The four major categories of irrigation-related water use are: 1) supplemental irrigation (the water delivered to satisfy the evapotranspirational need of the crop or plant); 2) field preparation/crop or plant establishment (the water delivered for tilling, bedding, fumigation, and planting); 3) other water uses (i.e. heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts from the root zone); and 4) crop protection. Applicant's Handbook Part C, Design Aid 4, describes in detail a methodology for calculating allocated acre-inches per acre per season for supplemental irrigation (supplemental irrigation requirements divided by the assigned efficiency standard) and the allocated acre-inches per acre per season for field preparation/crop or plant establishment (field preparation/crop or plant establishment irrigation). Other information and methods may be considered as supported by the facts in individual cases. Applicants intending to

grow various crops over the term of their WUP should submit an application representing the most water-intensive crop scenario intended, considering both annual average and peak month quantities needed. The Permittee may then change crop types during the WUP term without modification of the WUP, provided that: a) the crop actually irrigated uses no more water than the most water-intensive crop permitted, and b) no more than the quantity that the District permits for the acreage and plant or crop actually irrigated is used.

2.4.3.1.1 IRRIGATION WATER USE ALLOCATIONS.

The District allocates irrigation-related water use based on AGMOD and other methods as described below. For each individual crop or plant type, the Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season. Allocated acre-inches per irrigated acre per season are determined separately for three major categories of water use (supplemental, field preparation/crop or plant establishment, and other water uses), and their sum equals the total allocated inches per irrigated acre per season. Acreage submitted with applications or crop reports shall be based on area measurements rather than other measurements such as rolls of plastic. Other non-irrigation related water uses shall be permitted in accordance with this Applicant's Handbook.

2.4.3.1.2 SUPPLEMENTAL CROP REQUIREMENT.

The supplemental crop requirement is the amount of water needed for a particular crop beyond the amount of water provided by effective rainfall. There are several ways to determine this amount:

In most cases, the supplemental crop requirement is determined using the agricultural water use calculation based on AGMOD or other appropriate methods. This procedure identifies the amount of water lost to evapotranspiration and determines the supplemental crop requirement using soil type, rainfall, and other variables. In most cases, the supplemental irrigation requirement is determined for a 2-in-10 year drought condition.

2.4.3.1.3 SYSTEM EFFICIENCY.

Permit conditions for issuance identified in Rule 40D-2.301, F.A.C., include the requirements that the use shall incorporate water conservation measures, not cause water waste and not cause harm to the water resource. The District may consider these criteria in relation to the system efficiency and the quantities permitted. Applicants shall use the most efficient system practices for irrigation needs based on the efficiencies provided in Table 2-1, or other appropriate information provided by the manufacturer or other source.

Compliance with allocated quantities and the assigned efficiency standards shall be determined by comparing actual use to the calculated quantities for each individual crop or plant and acreage on a per season basis. Seasonal crops will be compared on a seasonal basis (e.g. spring tomato requirements based on the calculated inches per season), and perennial crops will be compared on an annual basis (e.g. citrus requirements based on the calculated inches per year).

Table 2-1. Irrigation Application Efficiencies Used to Determine Supplemental Irrigation		
System	Percent Method	Efficiency(%)⁺⁺
Micro-Irrigation	Drip	85
	Spray Jet, Spinners	80
Sprinkler Irrigation	Sprinkler(overhead, undertree)	75
	Traveling Gun	70
	Portable Gun	65
Surface	Semi-Closed Ditch	50
*Efficiency percentages assume proper management of the irrigation system.		
+Add 10% for tailwater recovery systems.		

2.4.3.1.4 CROP ESTABLISHMENT AND FIELD PREPARATION.

Crop establishment and field preparation quantities may be identified for water needs above the supplemental crop requirements. Crop establishment and field preparation quantities shall be identified by the District for water needs above the supplemental crop requirements. These quantities will be based on plant cooling and filling soil voids if necessary.

2.4.3.1.5 CHEMICAL AND FERTILIZER.

Chemical and fertilizer application water needs may be identified.

2.4.3.1.6 CROP PROTECTION.

Crop protection quantities shall be identified based on the number of acres to be protected, the crop grown, the irrigation system used, and the hours of pumpage required. If the number of hours is not known, the maximum quantity will be based on the best available data for crop protection recurrence and duration. Alternate calculations will be considered, but they must be thoroughly documented.

The District allows irrigation for crop protection provided that: 1) the maximum quantities listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) Permittees whose maximum daily permitted water use is equal to or exceeds 1,000,000 gpd shall document and report the beginning and ending hours and dates on the monthly pumpage report.

Crop protection quantities will be determined as set forth in Section 3.9.4.2.2 of the Applicant's Handbook, for permits within the Dover/Plant City WUCA and for any permit with crop protection quantities authorized to be used or withdrawn from any combination of sources that if withdrawn from groundwater alone would have the potential to impact the Minimum Aquifer Level Protection Zone established for the Dover/Plant City WUCA.

2.4.3.1.7 CALCULATION OF ALLOCATION.

An Applicant or Permittee may obtain the total allocated acre-inches per acre per season for its crops, plants, soil types, planting dates, and length of growing season by utilizing procedures described in Applicant's Handbook, Part C, Design Aid 4, or complete the Agricultural Water Allotment Form, Form No. LEG-R.042.00 (4/09), and submit it to the District. The District will complete and return the form calculating total allocated acre-inches and, if within SWUCA, the water-conserving credit per acre per season per crop based on the information provided. An Applicant or Permittee may use alternative methods for calculating water use needs subject to District review and written approval.

2.4.3.1.8 IRRIGATION WATER USE EFFICIENCY STANDARDS.

For irrigated crops or plants, a key component in calculating total allocated acre-inches per acre per season is the assigned "irrigation water use efficiency," hereafter referred to as "efficiency". The District determines the quantity of water that will be permitted based in part on the efficiency. This efficiency is the ratio of the volume of water beneficially used for supplemental irrigation to the volume delivered from the irrigation system. Beneficial use for crops or plants is considered to be the calculated evapotranspirational losses. The efficiency standards used in developing acre-inch per acre allocations are set forth in Table 2-1.

2.4.3.1.9 COMPLIANCE WITH EFFICIENCY STANDARDS.

Permit conditions for issuance identified in Rule 40D-2.301, F.A.C. include the requirements that the use shall incorporate water conservation measures, not cause water waste and not cause harm to the water resource. The District shall consider these criteria in relation to the quantities permitted. If the Permittee uses no more than the quantity that the District permits for the acreage and plant or crop actually irrigated, then it will be presumed that the Permittee is in compliance with the efficiency standards set forth in Table 2.1.

2.4.3.1.10 OTHER IRRIGATION WATER USES.

These uses are permitted on an individual basis as follows: Chemigation, irrigation system flushing and maintenance, and leaching of salts. The total allocated acre-inches per acre per season for these uses is equal to 10% of the allocated acre-inches per acre per season of the supplemental irrigation requirement.

2.4.3.1.11 PASTURE IRRIGATION.

Applications for the irrigation of unimproved pasture will not be approved. Authorization of water use for improved pasture may be given only for the period needed if the Applicant documents that an irrigation system exists (or is proposed) and is capable of delivering the requested amount. For proposed systems, a schedule for implementation of the irrigation system is required, and the permit will be conditioned so that the pasture irrigation quantities are invalidated if not used within the time specified.

2.4.3.2 CONSERVATION REQUIREMENTS.

2.4.3.2.1 INDIVIDUAL WUPS FOR AGRICULTURAL USE, EXCLUDING AQUACULTURE.

2.4.3.2.1.1 NEW APPLICANTS.

Applicants for new WUPs for annual average quantities of 100,000 gpd or greater for agriculture water use, excluding aquaculture, shall submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices. At a minimum, the Applicant shall include a description of how each water conservation practice listed below is addressed and indicate those that will be implemented, including an implementation schedule, those that are not applicable for the product being produced, or those that are not environmentally, technically or economically feasible, including documentation of infeasibility. The plan shall include a description of each water conservation practice and its expected implementation date. Progress reports shall be due based on the implementation schedule.

2.4.3.2.1.2 EXISTING PERMITTEES.

In addition to the requirements for new Applicants, above, an Application to renew or to modify (except applications for Letter Modifications) an existing permit for 100,000 gpd or greater annual average quantities for agriculture use shall include a report on water conservation practices not listed below that have been implemented. The Applicant shall specifically address the water conservation practices listed below, indicating those that have been implemented. For each relevant water conservation practice from the list below that has been implemented, the report shall describe the achievements in water savings that have been realized from each practice. The report shall also include when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures. An implementation schedule shall be included for each proposed conservation measure, and progress reports shall be required based upon the implementation schedule.

2.4.3.2.1.3 WATER CONSERVATION PRACTICES FOR AGRICULTURAL USE.

The Applicant's plan shall address the following water conservation practices for agricultural use:

- A. Conduct an ongoing maintenance and repair program on the irrigation system, including a system-wide survey conducted at least once per season that includes monitoring flow rates and system pressures to detect leaks and clogs; routine cleaning system components (nozzles, valves, filters, meters, etc.); checking controllers or timers for accurate operation; and monitoring meters for unusually high or low readings.
- B. Conduct an ongoing analysis of the irrigation system efficiency, including conveyance, distribution, and application, and if storage ponds or reservoirs are used, an analysis of storage efficiencies. The analysis shall include periodic testing for application and distribution uniformity and system maintenance to irrigate efficiently.
- C. Evaluate the feasibility of improving the efficiency of the current irrigation system, converting to a more efficient irrigation system, or installing tailwater recovery or stormwater ponds. Implement the improvements, conversion, and/or installation when it is determined to be operationally and economically feasible.
- D. Implement an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This practice shall include the use of tools to determine when and how much irrigation water is needed. Example of these tools include soil moisture sensors, weather stations or other climatic measuring devices, and piezometers to monitor the water table elevation.
- E. Avoid daytime irrigation, aeration or other activities which involve spraying water into the air to the greatest extent practicable to minimize water losses from evaporation and the wind. This does not apply to daytime use of water for control of heat stress, frost and freeze protection, plant establishment, field bedding, erosion control, system maintenance or other necessary non-irrigation uses.

F. Reduce or eliminate irrigation runoff by monitoring irrigation duration so that only the water necessary for optimum plant growth is used, avoiding irrigation of non-crop areas, and collecting irrigation tailwater for reuse.

2.4.3.2.1.4 INDIVIDUAL WUPS FOR QUANTITIES LESS THAN 100,000 GPD ANNUAL AVERAGE QUANTITIES FOR AGRICULTURAL USE.

All Applicants for agricultural use, excluding aquaculture, shall implement all water conservation measures that are economically, technically, and environmentally feasible, including:

1. Incorporation of water conservation practices.
2. Limiting daytime irrigation to the greatest extent practicable to reduce water losses.
3. Implementation of a leak detection and repair program as part of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per season.
4. Evaluation of the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.
5. Implementation of an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This practice shall include the use of tools to determine when and how much irrigation water is needed. Examples of these tools include soil moisture sensors, weather/climatic measuring devices, or piezometers to monitor the water table elevation.

2.4.3.3 INDIVIDUAL WUPS FOR AQUACULTURAL USE.

The reasonable need for aquaculture use is determined by the number and volume of ponds and tanks and their filling and recirculation requirements.

2.4.3.3.1 NEW APPLICANT.

Applicants for new WUPs for annual average quantities of 100,000 gpd or greater for aquaculture use shall submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices. At a minimum, the Applicant shall include a description of how each water conservation practice listed below is addressed and indicate those that will be implemented (including an implementation schedule) those that are not applicable for the product being produced, or those that are not environmentally, technically or economically feasible (including documentation of infeasibility). The plan shall include a description of each water conservation practice and its expected implementation date. Progress reports shall be due based on the implementation schedule.

2.4.3.3.2 EXISTING PERMITTEES.

In addition to the requirements for new Applicants, above, all Applicants to renew or to modify (except applications for Letter Modifications) an existing WUP for 100,000 gpd or greater annual average quantities for aquaculture use shall include a report on water conservation practices not listed below that have been implemented. The Applicant shall specifically address the water conservation practices listed below, indicating those that have been implemented. For each relevant water conservation practice from the list below that has been implemented, the report shall describe the achievements in water savings that have been realized from each practice. The report shall also include when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures. An implementation schedule shall be included for each proposed conservation measure, and progress reports shall be required based upon the implementation schedule.

2.4.3.3.3 WATER CONSERVATION PRACTICES FOR AQUACULTURE USES.

The Applicant's plan shall address the following water conservation practices for aquaculture use:

1. Reduce offsite discharge by converting flow through systems to recirculation systems; designing new facilities with recirculation systems and design new ponds without discharge outlets; retaining and treating production water on site; utilizing reclaimed water and other alternate water sources; and incorporating water reuse practices in standard operation and management practices to reduce the quantity of water pumped or discharged.

2. Reduce water loss from ponds due to excess seepage by maintaining proper free board levels and using perimeter ditches, and reduce water loss from outdoor containments by the use of shade facilities where practicable.

3. Avoid daytime aeration or other activities which involve spraying water into the air to the greatest extent practicable to minimize water losses from evaporation and the wind. This does not apply to daytime use of water for control of heat stress or cold protection.

4. Conduct routine and ongoing maintenance and repair programs on levees, dikes and banks surrounding ponds, check for leaks from tanks, vats or raceways, and check for proper performance of perimeter ditches, filter strips, detention ponds or other facilities designed for treatment of product water treatment.

5. Conduct a system-wide survey at least once per season that includes monitoring flow rates and system pressures to detect leaks and clogs; routine cleaning system components (valves, filters, meters, etc.); checking controllers or timers for accurate operation; and monitoring flow meters for unusually high or low readings.

6. Utilize other conservation practices as identified by the IFAS's Department of Fisheries and Aquatic Sciences publication "Regulations Pertaining to Non-native Fish in Florida Aquaculture (FA121)," incorporated by reference in paragraph 40D-1.659 (ff).

2.4.3.3.4 INDIVIDUAL WUPS FOR QUANTITIES LESS THAN 100,000 GPD ANNUAL AVERAGE QUANTITIES FOR AQUACULTURE USE.

All Applicants for new permits or renewals for aquaculture use shall agree that they are required by the Florida Department of Agriculture and Consumer Services to implement all appropriate water conservation and reuse practices. The Applicant shall undertake any feasible measures that can be implemented immediately and implement other feasible measures as soon as practicable, as well as implement any feasible interim measures.

2.4.3.4 LIVESTOCK.

The reasonable need for livestock use is determined by multiplying the estimated total number of animals by gallons needed per day per animal as estimated by IFAS. Unless the Applicant can demonstrate that a different gallons needed per day per animal is appropriate for the particular needs, the livestock water use will be determined using the gallons needed per day per animal identified in Table 2-2.

Table 2-2. Livestock Water Needs			
	Animal	Use per Animal (gpd)	
	Beef Cattle	12	
	Chickens	0.06	
	Dairy Cattle	40	Drinking
	Dairy Cattle	130	Flushing
	Goats	2	
	Hogs	4	
	Horses	12	
	Rabbits	0.05	
	Sheep	2	
	Turkeys	1	

2.4.3.5 OTHER AGRICULTURAL WATER NEEDS.

The reasonable need for other agricultural uses, such as cooling of animals or product, is determined based on documentation provided by the Applicant.

2.4.3.6 DRAINAGE DISTRICTS.

Applicants who are supplied water by a Drainage or Water Control District will not be permitted separately for supplemental quantities greater than the recommended total quantity determined by the Water Management District.

2.4.4 INDUSTRIAL/COMMERCIAL.

Applicants must demonstrate that the quantities applied for relate to reasonable office, processing and manufacturing needs including, but not limited to, water parks, theme parks, aquariums, zoos, and attractions. Needs are generally demonstrated by providing information on the water balance for the operation, including all sources and uses of water as well as all losses and reuses of water in production and commercial processes, personal/sanitary needs, landscape irrigation, office, treatment losses, and unaccounted uses.

Applicants for Industrial/Commercial use must identify the demand for each of the following components:

A. Personal/sanitary use – water for personal needs such as drinking, bathing, cooking, sanitation, or cleaning spaces. For offices and work areas, the calculation should take into consideration: the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days. Coefficients used in the calculation, such as gallons per employee or visitor, must be identified and the Applicant shall reference the standard source for such data. Examples of standard data sources may be found at the U.S. Department of Energy, the AWWA Research Foundation, the Pacific Institute, the Conserve Florida on-line library and the EPA.

B. Process requirements-water lost in processing and manufacturing where water is an input in the process. This quantity is determined through the calculation of a water balance. (See Figure 2-1) The water balance demonstrates where water is generated and in what quantities, where water is used in manufacturing or processing and the associated losses, and where and in what quantities water is disposed of or reused. The balance may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses. All sources of water that input to the activity must be listed. Sources may include, but are not limited to:

1. Groundwater from wells.
2. Groundwater from water table dewatering or drainage.
3. Surface water withdrawals.
4. Collected rainfall.
5. Recycled or reused water.

The uses of these water inputs are quantified, and the amount used and lost during each stage of the activity is calculated. All uses and losses must be listed. Uses and losses may include, but are not limited to:

1. Water used to wash the product.
2. Evaporation from settling/recirculation ponds.
3. Water retained and shipped with the product (product moisture).
4. Water used to separate or beneficiate the product.
5. Water used to transport the product (slurry).
6. Animal Needs
7. The scheduled draining, filling and augmentation of ponds, pools, flumes and aquatic habitats.

The final disposal of all water then must be identified. Disposals may include, but are not limited to:

1. Off-site discharges.
2. Disposal/recharge through percolation ponds.
3. Disposal by spray irrigation.
4. Water entrained in clay materials.
5. Recycling of wastewater.

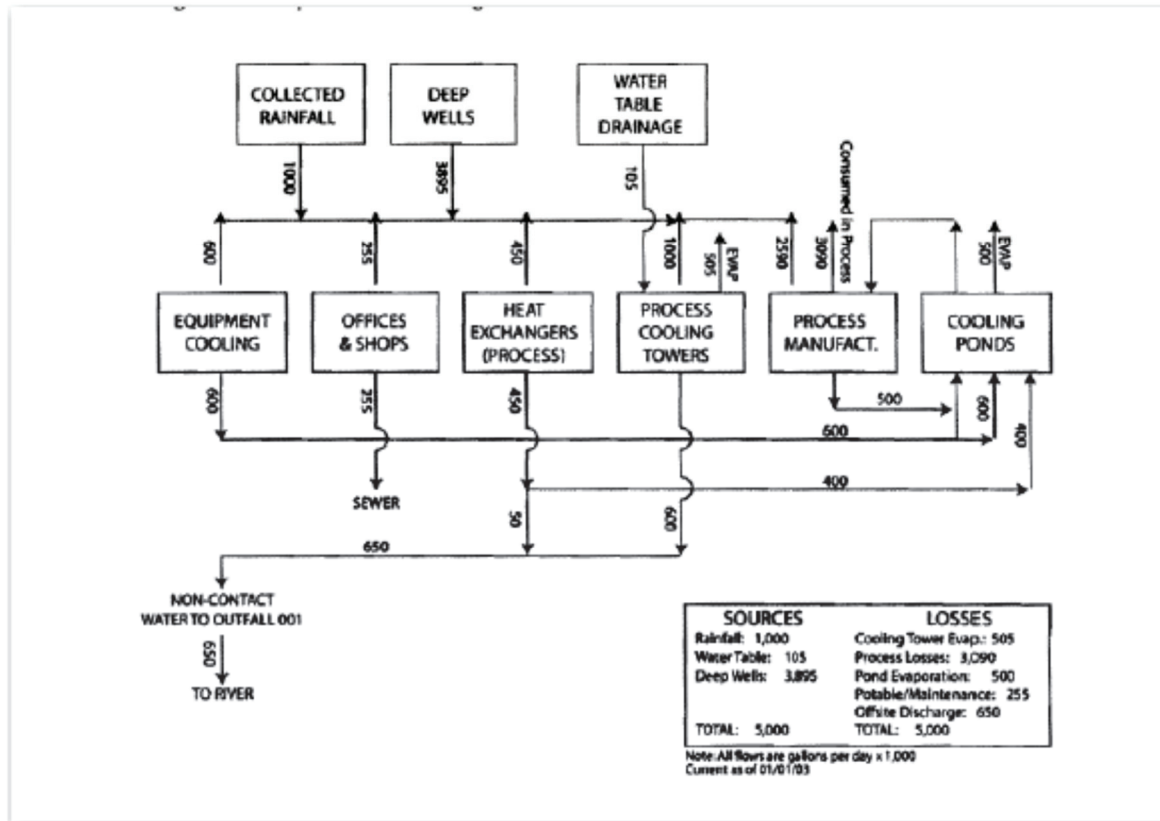
The amount of water sources used should equal the sum of the water used, lost and disposed.

C. Animal use – water for the watering and washing of animals. This use may also include the augmentation and other water requirements of aquatic habitats, where applicable. If the water needs of a particular or comparable type of animal are not addressed in Table 2-2, the Applicant may submit documented requirements.

D. Water-based recreation use – water used for public or private swimming and wading pools, including water flumes and slides. Calculations should take into consideration filling and draining schedules, water change, showers, and other specific requirements.

E. Other uses-determined by calculating the total withdrawal quantity minus the quantity for the uses identified above. Other uses may include lawn and landscape irrigation, outside use, air conditioning and cooling, fire fighting, water lost through leaks, and unaccounted uses. Other uses should generally not exceed 15% of total withdrawals. Applicants with other uses in excess of 15% may be required to address the reduction of such use through identification of specific uses or the reduction of system losses.

Figure 2-1 Example Water Balance Diagram



2.4.4.1 CONSERVATION REQUIREMENTS.

2.4.4.1.1 INDIVIDUAL WUPS FOR INDUSTRIAL/COMMERCIAL USE.

2.4.4.1.1.1 NEW APPLICANTS.

All Applicants for a new WUP for 100,000 gpd or greater annual average quantities for industrial /commercial use shall submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices relevant to the industry or place of commerce will be employed. At a minimum, the Applicant shall include a description of how each water conservation practice listed below is addressed and indicate those that will be implemented (including an implementation schedule) those that are not applicable for the activity, or those that are not environmentally, technically or economically feasible (including documentation of infeasibility). The plan shall include a description of each water conservation practice and its expected implementation date. Progress reports shall be due based on the implementation schedule.

2.4.4.1.1.2 EXISTING PERMITTEES.

In addition to the requirements for new Applicants, above, all Applicants to renew or to modify (except applications for Letter Modifications) existing WUP for 100,000 gpd or greater annual average quantities for industrial/commercial use shall contain a report on all water conservation practices that have been implemented including water conservation practices not listed below that have been implemented. The Applicant shall specifically address the water conservation practices listed below relevant to the institution, industry or place of commerce, indicating those that have been implemented. For each relevant water conservation practice from the list below that has been implemented, the report shall describe the achievements in water savings that have been realized from each practice. The report shall also include when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures. An implementation schedule shall be included

for each proposed conservation measure, and progress reports shall be required based upon the implementation schedule.

2.4.4.1.1.3 WATER CONSERVATION PRACTICES FOR INDUSTRIAL/COMMERCIAL USE.

The Applicant's plan shall address the following water conservation practices for Industrial/Commercial use, if relevant to the industry or place of commerce:

A. Recycle brine from RO or filter backwash for cooling, reuse process water, install a recycling and filtering system to reuse carwash water; reuse water used to wash products; reuse water created via processing; reuse water from settling ponds.

B. Monitor and maintain water-using equipment and valves on water lines; install automatic-close valves in equipment when not in use; check pressure and install pressure-reducing valves to match equipment needs; conduct regular checks for leakage; use shut-off nozzles on hoses; use a closed loop system for equipment cooling.

C. Retrofit power generation systems to use water-conserving fuel types and reduce water needed for emission control; utilize seawater or non-fresh water for once-through cooling; utilize continuous-flow, closed-loop cooling when possible.

D. Install water meters in various work areas and read monthly to identify leaks as well as monitor conservation efforts.

E. Install or retrofit to low volume showerheads and toilets, install waterless urinals, install low-volume faucet aerators or faucet motion sensors; retrofit flush valves to 1 gpm; repair leaks and drips immediately.

F. Replace continuous flow equipment in kitchens, bars and cafeterias; install low flow dishwashers and only wash full loads; use automatic shut-off faucets; presoak dishes and utensils in basins or retrofit to low-volume pre-rinse sprayers; thaw frozen products using swivel aerator instead of running water, monitor/replace ice dispensers to reduce waste, and serve water in bars and restaurants only upon request.

G. Avoid excessive blowdown by adjusting boiler and cooling tower blowdown rate to maintain total dissolved solids at manufacturer's specifications; capture and reuse steam condensate as boiler feed or cooling tower make-up; use ozone as a cooling tower treatment to reduce make-up water; shut off water-cooled air conditioning units when not needed; replace water-cooled equipment with air-cooled systems; connect heating/cooling equipment to a closed-loop system rather than using a municipal supply.

H. Use full loads in sanitizers, dishwashers, sterilizers and laundry washing machines; retro-fit steam and autoclave sterilizers with water reclamation and automatic shut-off devices; evaluate the wash formula and number of machine cycles for efficiency; use water-efficient horizontal-axis or continuous batch-reclamation washing machines; use "dry," powder methods for carpet cleaning when possible; clean windows as required rather than on a set schedule, clean work space and outdoor walkways with water brooms instead of hoses.

I. Irrigate outdoor areas early in the morning or in the evening using low-volume irrigation systems; adjust nozzles to avoid overspray, install an irrigation meter to monitor water use and possible leaks; use automatic rain shut-off devices; reduce irrigation schedule for cooler weather and the rainy season; use mulch around low-maintenance landscape plants that require minimal supplemental irrigation; reuse industrial waste water or process water for irrigation if possible, utilize reclaimed water when feasible.

J. Lower swimming pool and spa water levels to avoid splash-out; reduce the water used to back-flush pool filters; use a pool cover to reduce evaporation and heat loss when the pool is not being used.

K. Create water conservation suggestion boxes for employees; install signs in restrooms and cafeterias that encourage water conservation; assign an employee to evaluate water conservation opportunities and effectiveness; train staff on water efficient use of machines and equipment.

2.4.4.1.1.4 INDIVIDUAL WUPS FOR QUANTITIES LESS THAN 100,000 GPD FOR INDUSTRIAL/COMMERCIAL USE.

The Applicant for a WUP for less than 100,000 gpd annual average quantities for Industrial/Commercial use shall utilize the most water conserving practices in all processes and components of water use that are environmentally, technically and economically feasible for the activity, including reducing water losses, recycling and reuse, and utilization of water-efficient irrigation practices on drought-tolerant landscaping.

2.4.5 INSTITUTIONAL.

Applicants must demonstrate that the quantities applied for relate to reasonable institutional needs. Needs are generally demonstrated by providing information on the water balance for the operation, including all sources and uses of water as well as all losses and reuses of water in institutional activities, production and commercial processes, personal/sanitary needs, landscape irrigation, office, treatment losses, and unaccounted uses.

Applicants for Institutional use must identify the demand for each of the following components:

A. Personal/sanitary use – water for personal needs such as drinking, bathing, cooking, sanitation, or cleaning spaces. For offices and work areas, the calculation should take into consideration: the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days. Coefficients used in the calculation, such as gallons per employee or visitor, must be identified and the Applicant shall reference the standard source for such data. Examples of standard data sources may be found at the U.S. Department of Energy, the AWWA Research Foundation, the Pacific Institute, Conserve Florida, and the U.S. EPA.

B. Process requirements-water lost in processing and manufacturing where water is an input in the process. This quantity is determined through the calculation of a water balance. (See Figure 2-1) The water balance demonstrates where water is generated and in what quantities, where water is used in manufacturing or processing and the associated losses, and where and in what quantities water is disposed of or reused. The balance may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses. All sources of water that input to the activity must be listed. Sources may include, but are not limited to:

1. Groundwater from wells.
2. Groundwater from water table dewatering or drainage.
3. Surface water withdrawals.
4. Collected rainfall.
5. Recycled or reused water.

The uses of these water inputs are quantified, and the amount used and lost during each stage of the activity is calculated. All uses and losses must be listed. Uses and losses may include, but are not limited to:

1. Water used to wash the product.
2. Evaporation from settling/recirculation ponds.
3. Water retained and shipped with the product (product moisture).
4. Water used to separate or beneficiate the product.
5. Water used to transport the product (slurry).
6. Activities Associated with Institutional Purpose.

The final disposal of all water then must be identified. Disposals may include, but are not limited to:

1. Off-site discharges.
2. Disposal/recharge through percolation ponds.
3. Disposal by spray irrigation.
4. Water entrained in clay materials.
5. Recycling of wastewater.

The amount of water withdrawn should equal the sum of the system losses and disposals.

C. Other uses-determined by calculating the total withdrawal quantity minus the quantity for the uses identified above. Other uses may include lawn and landscape irrigation, outside use, air conditioning and cooling, fire fighting, water lost through leaks, and unaccounted uses. Other uses should generally not exceed 15% of total withdrawals. Applicants with other uses in excess of 15% may be required to address the reduction of such use through identification of specific uses or the reduction of system losses.

2.4.5.1 CONSERVATION REQUIREMENTS

2.4.5.1.1 INDIVIDUAL WUPS FOR 100,000 GPD OR GREATER ANNUAL AVERAGE QUANTITIES FOR INSTITUTIONAL USE.

2.4.5.1.1.1 NEW APPLICANTS.

All Applicants for a new WUP for 100,000 gpd or greater annual average quantities for institutional use shall submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices relevant to the institution, industry or place of commerce will be employed. The water conservation plan shall include the relevant water conservation practices listed below and describe where and when water savings can be reasonably achieved. The plan shall specifically address reducing water use and loss, including the components in the water balance where applicable, by implementing or increasing recycling and reuse, and by limiting landscape plants to those that do not require supplemental irrigation or by utilizing water-efficient irrigation practices on landscaping that only requires minimal supplemental irrigation. An implementation schedule shall be included for each proposed conservation practice, and progress reports shall be required based upon the implementation schedule.

2.4.5.1.1.2 EXISTING PERMITTEES.

In addition to the requirements for new Applicants, above, all Applicants to renew or modify (except applications for Letter Modifications) an existing WUP for 100,000 gpd or greater annual average quantities and for institutional use shall contain a report on all water conservation practices that have been implemented including water conservation practices not listed below that have been implemented. The Applicant shall specifically address the water conservation practices listed below, if relevant to the institution, indicating those that have been implemented. For each relevant water conservation practice from the list below that has been implemented, the report shall describe the achievements in water savings that have been realized from each practice. The report shall also include when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures. An implementation schedule shall be included for each proposed conservation measure, and progress reports shall be required based upon the implementation schedule.

2.4.5.1.1.3 WATER CONSERVATION PRACTICES FOR INSTITUTIONAL USE.

The Applicant's plan shall address the following water conservation practices for Institutional use, if relevant to the institution:

A. Recycle brine from RO or filter backwash for cooling, reuse process water, install a recycling and filtering system to reuse carwash water; reuse water used to wash products; reuse water created via processing; reuse water from settling ponds.

B. Monitor and maintain water-using equipment and valves on water lines; install automatic-close valves in equipment when not in use; check pressure and install pressure-reducing valves to match equipment needs; conduct regular checks for leakage; use shut-off nozzles on hoses; use closed loop system for equipment cooling.

C. Retrofit power generation systems to use water-conserving fuel types and reduce water needed for emission control; utilize seawater or non-fresh water for once-through cooling; utilize continuous-flow, closed-loop cooling when possible.

D. Install water meters in various work areas and read monthly to identify leaks as well as monitor conservation efforts.

E. Install or retrofit to low volume showerheads and toilets, install waterless urinals; install low-volume faucet aerators or faucet motion sensors; retrofit flush valves to 1 gpm; repair leaks and drips immediately.

F. Replace continuous flow equipment in kitchens, bars and cafeterias; install low flow dishwashers and only wash full loads; use automatic shut-off faucets; presoak dishes and utensils in basins or retrofit to low-volume pre-rinse sprayers; thaw frozen products using swivel aerator instead of running water, monitor/replace ice dispensers to reduce waste, serve water in bars and restaurants only upon request.

G. Avoid excessive blowdown by adjusting boiler and cooling tower blowdown rate to maintain total dissolved solids at manufacturer's specifications; capture and reuse steam condensate as boiler feed or cooling tower make-up; use ozone as a cooling tower treatment to reduce make-up water; shut off water-cooled air conditioning units when not needed; replace water-cooled equipment with air-cooled systems; connect heating/cooling equipment to a closed-loop system rather than using a municipal supply.

H. Use full loads in sanitizers, dishwashers, sterilizers and laundry washing machines; retro-fit steam and autoclave sterilizers with water reclamation and automatic shut-off devices; evaluate the wash formula and number of machine cycles for efficiency; use water-efficient horizontal-axis or continuous batch-reclamation

washing machines; use “dry,” powder methods for carpet cleaning when possible; clean windows as required rather than on a set schedule, clean work space and outdoor walkways with water brooms instead of hoses.

I. Irrigate outdoor areas early in the morning or in the evening using low-volume irrigation systems; adjust nozzles to avoid overspray, install an irrigation meter to monitor water use and possible leaks; use automatic rain shut-off devices; reduce irrigation schedule for cooler weather and the rainy season; use mulch around low-maintenance landscape plants that require minimal supplemental irrigation; reuse industrial waste water or process water for irrigation if possible, utilize reclaimed water when feasible.

J. Lower swimming pool and spa water levels to avoid splash-out; reduce the water used to back-flush pool filters; use a pool cover to reduce evaporation and heat loss when the pool is not being used.

K. Create water conservation suggestion boxes for employees; install signs in restrooms and cafeterias that encourage water conservation; assign an employee to evaluate water conservation opportunities and effectiveness; train staff on water efficient use of machines and equipment.

2.4.5.1.1.4 INDIVIDUAL WUPS FOR QUANTITIES LESS THAN 100,000 GPD ANNUAL AVERAGE QUANTITIES FOR INSTITUTIONAL USE.

The Applicant for a WUP for less than 100,000 gpd annual average quantities for Institutional use shall utilize the most water conserving practices in all processes and components of water use that are environmentally, technically and economically feasible for the activity, including reducing water losses, recycling and reuse, and utilization of water-efficient irrigation practices on drought-tolerant landscaping.

2.4.6 MINING OR DEWATERING.

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.

Applicants for mining and dewatering uses must identify the demand for each of the following components:

A. Personal/sanitary use - water for personal needs such as drinking, bathing, cooking, sanitation, or cleaning spaces. For offices and work areas, the calculation should take into consideration: the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days. Coefficients used in the calculation, such as gallons per employee or visitor, must be identified and the Applicant shall reference standard source for such data. Examples of standard data sources may include but are not limited to standard data sources found at the U.S. Department of Energy, the AWWA Research Foundation, the Pacific Institute, Conserve Florida, and the U.S. EPA.

B. Process requirements-water lost in the actual mining, processing, and dewatering processes. This quantity is determined through the creation of a water balance. (See Figure 2-2) The water balance demonstrates where water is generated and in what quantities, where water is used in mining and the associated losses, and where and in what quantities water is disposed of or reused. If processing of materials is associated with the mining or dewatering, a water balance diagram combining these activities is preferred (to separate water balances for each activity). The balance may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses. All sources of water that input to the activity must be accounted for. Sources may include, but are not limited to:

1. Groundwater from wells.
2. Groundwater from water table dewatering or drainage.
3. Surface water withdrawals.
4. Collected rainfall.
5. Recycled or reused water.

The uses of these water inputs are quantified, and the amount used and lost during each stage of the activity is calculated. All uses and losses must be listed. Uses and losses may include, but are not limited to:

1. Water used to wash the product.
 2. Evaporation from settling/recirculation ponds.
 3. Water retained and shipped with the product (product moisture).
 4. Water used to separate or beneficiate the product.
 5. Water used to transport the product (slurry).
- The final disposal of all water then must be identified. Disposals may include, but are not limited to:
1. Off-site discharges.
 2. Disposal/recharge through percolation ponds.
 3. Disposal by spray irrigation.
 4. Water entrained in clay materials.
 5. Recycling of wastewater.

The amount of water withdrawn should equal the sum of the system losses and disposals.

C. Other uses-determined by calculating the total withdrawal quantity minus the quantity for the uses identified above. Other uses may include lawn and landscape irrigation, outside use, air conditioning and cooling, fire fighting, water lost through leaks, and unaccounted uses. Other uses should generally not exceed 15% of total withdrawals. Applicants with other uses in excess of 15% may be required to address the reduction of such use through identification of specific uses or the reduction of system losses.

2.4.6.1 CONSERVATION REQUIREMENTS.

2.4.6.1.1 NEW APPLICANTS.

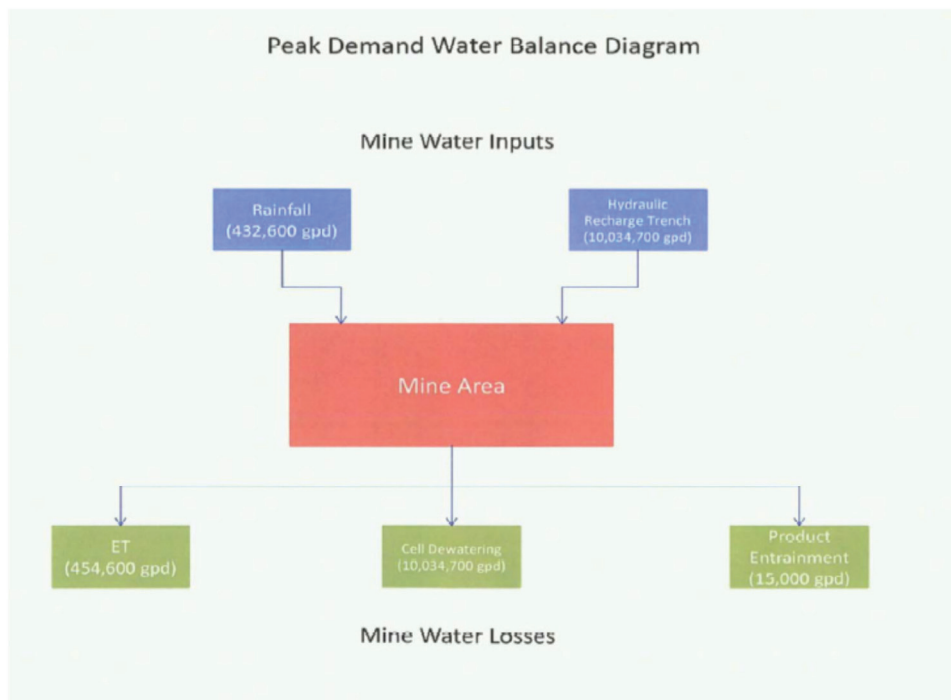
All Applicants for mining or dewatering uses are required to submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation measures. The plan shall include water conservation practices and utilization of water conserving technologies applicable to all components of demand and loss including recycling, reuse, and utilization of water-efficient irrigation practices on drought-tolerant landscaping. An implementation schedule shall be included for each water conservation measure anticipated, and progress reports shall be required based upon the implementation schedule.

2.4.6.1.2 EXISTING PERMITTEES.

In addition to the requirements for new Applicants, above, the water conservation plan for renewal or modification (except applications for Letter Modifications) of a mining or dewatering water use permit shall describe and quantify where and when water savings have been achieved by existing practices and identify where, when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures. An implementation schedule shall be included for each proposed conservation measure, and progress reports shall be required based upon the implementation schedule. The report shall also include when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures. An implementation schedule shall be included for each proposed conservation measure, and progress reports shall be required based upon the implementation schedule.

Figure 2-2

Example Water Balance Diagram



2.4.7 LANDSCAPE/RECREATION.

Applicants for landscape/recreation use including, but not limited to irrigation requirements for golf courses, cemeteries, sports fields, stadiums, arenas, lawn and landscape areas and common areas must demonstrate that the quantities applied for are reasonable quantities for the activity and use. This demonstration is typically accomplished by providing information on:

- A. The population to be served.
- B. The type and amount of turf and plants to be irrigated.
- C. The timing and the method of irrigation used.
- D. The scheduled draining, filling and augmentation of ponds and pools.
- E. Other specific water uses.

Applicants for landscape/recreation use must identify the demand for each of the following components:

A. Personal/sanitary use –water for personal needs such as drinking, bathing, cooking, sanitation, or cleaning spaces. For offices and work areas, the calculation should take into consideration: the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days. Coefficients used in the calculation, such as gallons per employee or visitor, must be identified and the Applicant shall reference standard source for such data. Examples of standard data sources may be found at the U.S. Department of Energy, the AWWA Research Foundation, the Pacific Institute, Conserve Florida, and the U.S. EPA.

B. Irrigation use – water for the irrigation of lawns and landscapes, intensive recreational areas such as golf courses, playgrounds, football, baseball, and soccer fields. If exotic or high-value plants having special irrigation needs not met by the standard efficiency requirements are irrigated, separate documentation of such needs should be submitted.

C. Water-based recreation use – water used for public or private swimming and wading pools. Calculations should take into consideration filling and draining schedules, water change, showers, and other specific requirements.

- D. Other specific use – all other use not included in items A. Through D. above

2.4.7.1 CONSERVATION REQUIREMENTS.

2.4.7.1.1 INDIVIDUAL WUPS FOR LANDSCAPE/RECREATION USE.

2.4.7.1.1.1 NEW APPLICANTS.

Applicants for new WUPs for 100,000 gpd or greater annual average quantities for landscape/recreation use shall submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices applicable to the activity. At a minimum, the Applicant shall include a description of how each water conservation practice listed below is addressed and indicate those that will be implemented (including an implementation schedule), those that are not applicable for the activity, or those that are not environmentally, technically or economically feasible (including documentation of infeasibility). The plan shall include a description of each water conservation practice and its expected implementation date. Progress reports shall be due based on the implementation schedule.

2.4.7.1.1.2 EXISTING PERMITTEES.

In addition to the conservation plan requirements for new Applicants, above, all Applicants to renew or to modify (except applications for Letter Modifications) an existing WUP for 100,000 gpd or greater annual average quantities for landscape/recreation use shall include in the plan a report on the water conservation practices not listed below that have been implemented. The Applicant shall specifically address the water conservation practices listed below, indicating those that have been implemented. For each relevant water conservation practice from the list below that has been implemented, the report shall describe the achievements in water savings that have been realized from each practice. The report shall also include when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures. An implementation schedule shall be included for each proposed conservation measure, and progress reports shall be required based upon the implementation schedule.

2.4.7.1.2 WATER CONSERVATION PRACTICES FOR LANDSCAPE/RECREATION USE.

The Applicant's plan shall address the following water conservation practices for Landscape/Recreation use:

A. Conduct an ongoing analysis of the irrigation system efficiency, including conveyance, distribution, and application, and if storage ponds or reservoirs are used, an analysis of storage efficiencies. The analysis shall include periodic testing for application and distribution uniformity, and system maintenance to irrigate efficiently.

B. Avoid daytime irrigation, aeration or other activities which involve spraying water into the air to the greatest extent practicable to minimize water losses from evaporation and the wind. This does not apply to daytime use of water for system maintenance or other necessary non-irrigation uses.

C. Conduct an ongoing maintenance and repair program on the water distribution and irrigation systems, including a system-wide survey conducted at least once per year that includes monitoring flow rates and system pressures to detect leaks and clogs; routine cleaning of system components (nozzles, valves, filters, meters, etc.); checking controllers or timers for accurate operation; and monitoring meters for unusually high or low readings.

D. Evaluate the feasibility of improving the efficiency of the current water distribution and irrigation system, converting to a more efficient system, or installing stormwater ponds to provide an alternative water supply source. Implement the improvements, conversion, and/or installation when it is determined to be operationally and economically feasible.

E. Implement an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This includes varying the irrigation schedule (time and duration) to accommodate rainy and dry seasons, adjustments for rainy versus dry and normal rainfall years, use of rain sensors, and reducing irrigation during dormant months.

F. Monitor ambient conditions and soil profile using appropriate tools to determine when and how much irrigation water is needed. Examples of these tools include soil moisture sensors, weather stations or other climatic measuring devices, and piezometers to monitor the water table elevation.

G. Use frequent mowing practices to keep turf at an optimum constant height to provide a dense canopy to retain soil moisture by shading.

H. Reduce or eliminate irrigation runoff by monitoring irrigation duration so that only the water necessary for plant growth is used and avoiding irrigation of paved areas.

I. Use Florida-friendly landscape principles and components consistent with Section 373.185, F.S.

J. Applicants for residential irrigation where potable supply for the development is supplied by another Permittee, the following conservation plan requirements are in addition to those above:

(1) minimization of lawn and landscape irrigation with supplies other than reclaimed water.

(2) use of microirrigation on planting beds and other non-turf areas where irrigation is required, and minimize the acreage of irrigated lawn area.

(3) properly installed, and maintained and operational rain or soil moisture sensor shutoff devices or an evapotranspiration controller plus rain sensors and an active data subscription. Irrigation systems shall be properly maintained and incorporate the standards developed pursuant to Section 373.228(4), F.S.

(4) deed restrictions or covenants shall not:

a. require a certain percentage of lots, if applicable, or other areas, to be turfgrass.

b. require specific types of turfgrasses to be utilized.

c. require lawns, if applicable, or other areas, to be maintained at a specific color, and shall not prohibit browning during periods of dormancy or drought.

d. require resodding of turf during drought periods.

(5) for irrigation quantities that are supplied via a conveyance system that is separate from the indoor potable supply, installation of individual use metering and a water conserving rate structure for irrigation quantities.

K. Use of AWS for irrigation.

2.4.7.1.3 INDIVIDUAL WUPS FOR LESS THAN 100,000 GPD ANNUAL AVERAGE QUANTITIES FOR LANDSCAPE/RECREATION USES.

All Applicants for a WUP for quantities less than 100,000 gpd for landscape/recreation use shall agree to implement all water conservation measures that are economically, technically, and environmentally feasible, including:

A. Limiting daytime irrigation to the greatest extent practicable to reduce water losses.

B. Implementation of a leak detection and repair program as part of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per season.

C. Evaluation of the feasibility of improving the efficiency of the current water distribution and irrigation system or converting to a more efficient system. This includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.

D. Implementation of an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This practice shall include the use of tools to determine when and how much irrigation water is needed. Examples of these tools include soil moisture sensors, weather/climatic measuring devices, or piezometers to monitor the water table elevation.

2.4.7.1.4 COMMON AREAS DEVELOPED BY NON-GOVERNMENTAL ENTITIES.

Non-governmental Applicants for a WUP for 100,000 gpd or greater annual average quantities for landscape/recreational use for a residential development shall identify existing and proposed acreage of common areas on the application and demonstrate the following:

A. AWS shall be used to the maximum extent that is technically, environmentally and economically feasible to irrigate Common Areas.

B. Irrigation of Common Areas is, or will be, minimized through minimization of the acreage to be irrigated and the use of vegetation that requires minimal supplemental irrigation, where practical.

C. The Applicant will implement Florida-friendly landscaping consistent with Section 373.185, F.S.

D. Irrigation systems are limited to high efficiency systems with properly installed, maintained and operational rain or soil moisture sensor shutoff devices, or evapotranspiration controller with a rainfall shutoff device and an active data subscription as applicable. Irrigation systems shall be properly maintained and incorporate the standards developed pursuant to Section 373.228(4), F.S.

2.4.7.1.5 GOLF COURSE CONSERVATION-ADDITIONAL REQUIREMENTS.

2.4.7.1.5.1 IRRIGATION OF ROUGHS.

Roughs are areas outside of the designated play area (fairway, tees, greens). Quantities will not be allocated for irrigation of roughs for golf courses. However, at the option of the Permittee, roughs may be irrigated using quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus AWS applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways. An Applicant may request prior approval from the District to use roughs as wet weather reclaimed water disposal sites. However, approval by the District shall be required if the Applicant does not plan on offsetting ground or surface water quantities for tees, greens and fairways.

2.4.7.1.5.2 CONSERVATION PLANS.

In addition to the Water Conservation Practices For Landscape/Recreation Use listed above, Applicants for new or renewal of permits 100,000 gpd or greater for golf course irrigation shall address the following items in their water conservation plan:

A. Conversion to an irrigation system that utilizes a low application rate (30 gallons per hour or less) for non-turf areas.

B. Limiting frequent irrigation to water-critical areas, and limiting irrigation of other areas.

C. Reduction of irrigated areas, such as reducing the size of landing areas.

Progress reports shall be due based on the implementation schedule for these practices.

The District publishes a document titled Golf Course Conservation Guidelines that may be consulted in order to prepare the conservation plan required by this provision.

2.4.8 PUBLIC WATER SUPPLY.

2.4.8.1 PUBLIC WATER SUPPLY.

Applicants for public water supply use must identify the need for each of the uses listed in this section. Per Capita is used to measure the reasonable withdrawal request of Applicants for Public Water Supply use and is described in Section 2.4.8.4.1. Examples of the information required to demonstrate reasonable need for each component include the number, type, and size of service connections; past monthly pumpage records by use type; projected permanent and temporal population data for the service area; data on the specific uses; development projections; and data specific to the forecasting models used. Quantities shall be based on quantities required by end-use customers, not withdrawal quantities. The quantities must be expressed in average annual gpd for each component of demand.

Where metering, billing, or other record-keeping methods do not provide accurate use estimates, the Applicant must provide the best estimates for each use type and must document the estimation method used.

In applications where a portion of the need is derived from wholesale customers (e.g., a county utility sells water to a municipality), the Applicant must obtain and report demand information from each wholesale customer. Where the wholesale customer is required to obtain a Wholesale Public Supply Permit, the Applicant shall include those wholesale quantities as exports. This information is required to demonstrate that the quantities applied for are supported by reasonable demand. Per Capita use and water conservation provisions apply to wholesale customers as well as the Applicant. For non-governmental applicants for water supply for residential developments where all or a portion of the indoor and outdoor use is supplied by another entity (imported), the quantity allocated for irrigation shall not exceed the quantity that, in combination with the imported quantity, is within the allowable per capita limitation for public supply use for that development.

2.4.8.2 CUSTOMER BILLING, METER READING, RATE STRUCTURE AND USAGE INFORMATION

Permittees for 100,000 gpd or greater annual average quantities for public supply use shall comply with the following requirements:

1. Customer billing period usage shall be placed on each utility-metered customer's bill.
2. Meters shall be read and customers shall be billed no less frequently than bi-monthly.

3. The following information, as applicable to the customer, shall be provided at least once each calendar year. If billing units are not in gallons, a means to convert the units to gallons must be provided. The information shall be provided by postal mailings, bill inserts, online notices, on the bill, or by other means that must be described in the Permittee's Water Use Annual Report:

a. To each utility-metered customer in each customer class – Information describing the rate structure shall include any applicable:

- i. Fixed and variable charges.
- ii. Minimum charges and the quantity of water covered by such charges.
- iii. Price block quantity thresholds and prices.
- iv. Seasonal rate information and the months to which they apply.
- v. Usage surcharges.

b. Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:

- i. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
- ii. A means to calculate an efficient billing period use based on the customer's characteristics.
- iii. A means to calculate an efficient billing period use based on the service area's characteristics.

2.4.8.3 SIGNIFICANT USE (SU).

Public supply utilities often supply water for non-residential customers. If this non-residential use complies with any of the following criteria (listed below), the use may be termed a significant use by the applicant and be deducted from the utility's gross total water use prior to calculating their Adjusted Gross Per Capita Use. Whether or not any single SU described below is deducted for Adjusted Gross Per Capita calculation, all single SU must be reported in the Annual Report. Golf course and multi-family residential use (whether classified by the utility as commercial customer or not) do not qualify as SU.

2.4.8.3.1 SINGLE SIGNIFICANT USES.

A single significant use is an Industrial/Commercial facility or other non-residential, non-governmental facility (which may consist of one or more buildings under common ownership, maintenance and management control at a single site or campus) that is supplied with greater than or equal to 25,000 gpd of water on an annual average basis (calculated for a calendar year), or whose water use comprises more than 5% of the utility's annual water use (calculated for a calendar year). Facilities that are not related under common ownership, maintenance and management control shall not be combined to meet a single significant use threshold. For reporting purposes, each single SU shall be identified in the Public Supply Annual Report For Permits for 100,000 gpd or greater Annual Average Quantities, Form No. LEG-R.103.00 (5/14), incorporated by reference in Rule 40D-2.091(1)(g), F.A.C., by customer name and the annual gpd supplied to that customer. If the 25,000 gpd criteria is used for a facility, the 5% criteria may not also be used, and vice-versa.

This significant use deduction can be used in conjunction with the significant use deductions associated with regional government, higher education, and regional health care facilities as described in Sections 2.4.8.3.3 and 2.4.8.3.4 below. All of the water provided to businesses where water itself is the primary ingredient in the product can be added to these deductions. Such businesses are described in Section 2.4.8.3.5 below.

This single significant use deduction shall not be used if the Permittee:

1. Uses the District-Wide Percent Industrial/Commercial Use method described below, or
2. Includes net commuter population estimates in their service area population estimates.

2.4.8.3.2 DISTRICT-WIDE PERCENT INDUSTRIAL/COMMERCIAL USE.

Utilities with a large number of Industrial/Commercial accounts, which fall below the 25,000 gpd single significant use threshold or the 5% of total utility use threshold may combine these smaller uses and deduct the percent of their I/C use that is greater than the District-wide three-year average percent I/C use which will be available annually from the District. Documentation for this method shall include completion and submittal to the District of the I/C worksheet included in the Public Supply Annual Report for Permits for 100,000 gpd or greater

Annual Average Quantities, Form No. LEG-R.103.00 (5/14), incorporated by reference in Rule 40D-2.091(1)(g), F.A.C. The deduction shall be calculated as follows:

1. Sum the total actual use for these accounts and divide by the total Gross Water Use of Part A of the Public Supply Annual Report (supplied by the District) to determine the utility's percent I/C use.
2. From the Public Supply residential water use tables in the District's three most recently published Estimated Water Use reports, add the total for each of the three year's Public Supply District Gross Use and add each of the three year's District I/C Use.
3. Divide the summed I/C Use by the summed Gross Use to derive the District-wide three-year average percent I/C use (to be referred to as the District-Wide Percent I/C Use).
4. Compare the Permittee's percent I/C Use to the District-Wide Percent I/C Use. If the Permittees' percent is equal to or less than the District-Wide Percent I/C Use, no deduction may be taken. If the Permittee's percent I/C use is higher, subtract the District-wide Percent I/C Use from the Permittee's percent I/C use to find the difference in percentages.
5. Multiply the Permittee's Gross Use by the difference in percentages.

Example:

1. A Permittee's Gross Use is 5 MGD, and their combined I/C Use is 1.5 MGD. Their percent I/C Use is $(1.5 \text{ MGD} / 5 \text{ MGD}) = 30\%$.
2. The sum of all Public Supply Permittees' Gross Use for 2000, 2001, and 2002, as published in the District's 2000, 2001, and 2002 Estimated Water Use Reports, is 1,218 MGD, and the sum of all Public Supply Permittees' I/C Use for the same three years is 283 MGD.
3. The District-wide Percent I/C Use is $(283 \text{ MGD} / 1,218 \text{ MGD}) = 23.2\%$.
4. The Permittee's percent is higher, so $30\% - 23.2\% = 6.8\%$
5. $6.8\% \text{ times } 5 \text{ MGD} = 0.340 \text{ MGD}$.

The Permittee may deduct 340,000 gpd from their total gross water use when calculating the adjusted gross per capita water use.

This method of significant use calculation may not be used if the Permittee:

1. Uses any other significant use deduction method, or
2. Includes net commuter population in its estimate of service area FP.

2.4.8.3.3 COMBINED REGIONAL GOVERNMENT AND HIGHER EDUCATION FACILITIES.

Some of the water provided to regional governmental or higher educational facilities (which may consist of one or more buildings under common ownership, maintenance and management) that are located inside the utility's service area but also serve persons who live outside of the utility's service area may be deducted. The name and use for each facility deducted must be provided. The deduction shall be calculated as follows:

1. Add the gpd of water provided to all of these facilities.
2. Using the most recent U.S. Census for the county, determine the percent of the permanent county population not living in the utility's service area.
3. Multiply the percent of county residents who do not live within the utility's service area times the combined use of the facilities. The amount calculated can be deducted.

Note: City parks, recreation centers, public and private K-12 schools, city or town governmental facilities, local vocational-technological schools and other facilities which generally only serve the service area population shall be excluded. However, water use for K-12 schools that do not serve any of the service area population may be deducted by the applicant. The following are examples of facilities for which the water provided may be partially deducted:

- a. Community colleges, colleges and universities (public or private), and
- b. County, state, and federal regional administrative and maintenance facilities.

The water use of these facilities may not be deducted under the provisions of this section if the Permittee:

1. Uses the District-Wide Percent I/C Use method, or
2. Includes net commuter population estimates in service area population estimates.

2.4.8.3.4 INDIVIDUAL REGIONAL HEALTH FACILITIES.

Some of the water provided to health care facilities such as regional hospitals or specialty clinics (which may consist of one or more buildings at a single site or campus under common ownership, maintenance and management) that are inside the utility's service area but also serve persons living outside the utility service area boundaries may be deducted. The allowable deduction is calculated individually for each health care facility. It is the ratio of annual admissions with patient zip codes outside the service area to the total number of annual admissions times the water provided to the health care facility. The name and water use for each facility must be provided.

The water use of these facilities may not be deducted as an individual significant use under the provisions of this section if the Permittee:

1. Uses the District-Wide Percent I/C Use method.
2. Includes commuter population estimates in service area population estimates.

2.4.8.3.5 INDIVIDUAL INDUSTRIAL/COMMERCIAL FACILITIES WHERE WATER IS THE PRIMARY INGREDIENT OF THE FINAL PRODUCT.

Individual facilities such as brewers, soft-drink bottlers, and juice reconstitution plants (which may consist of one or more buildings at a single site or campus under common ownership, maintenance and management) where water is the primary ingredient of the final product may deduct 100% of the water in the product.

The Permittee may choose to also take single significant use deductions described in Section 2.4.8.3.1 above or use commuter population in its estimate of the FP, but not both.

The water use of such facilities cannot be deducted if the Permittee uses the District-Wide Percent I/C Use method.

2.4.8.4 ANNUAL REPORT CALCULATIONS.

2.4.8.4.1 PER CAPITA DAILY WATER USE.

PER CAPITA USE RATE.

Public supply Permittees shall have a per capita rate of no greater than 150 gpd whether it is calculated as an unadjusted gross per capita (see Section 2.4.8.4.1.1), an adjusted gross per capita (see 2.4.8.4.1.2 in this section below), or a compliance per capita (see 2.4.8.4.1.3 in this section below). A phased reduction in per capita (see Section 2.4.8.4.1.4) shall be implemented by Permittees that do not achieve the compliance per capita rate of no greater than 150 gpd. Compliance with the per capita rate shall be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for permits for 100,000 gpd or greater. (See provisions below titled "Documentation of Per Capita Daily Water Use Calculations for the Annual Report").

Increased allocations for existing permits and allocations for public supply permits with an annual average daily quantity less than 100,000 gpd shall be based on a per capita use rate no greater than 150 gpd, plus allowable deductions and adjustments documented as set forth in Section 4.4.5.

2.4.8.4.1.1 UNADJUSTED GROSS PER CAPITA WATER USE.

All Permittees required to submit Annual Reports must report unadjusted gross per capita defined as:

$$\frac{WD + IM - EX - TL}{FP}$$

Where:

WD = ground water, surface water and stormwater withdrawals.

IM = water imported/purchased from other supplier(s). Irrigation water, excluding RW (see Section 2.4.8.4.1.3 Compliance Per Capita below), provided to the applicant's service area by a separate utility shall be counted as imported water

EX = water exported/sold to other supplier(s)

TL = treatment loss (typically R/O or sand filtration) and no more than 1% of the treated water volume for flushing distribution lines for potability

FP = functional population is the served permanent population as adjusted by the seasonal resident, tourist, group quarters and net commuter population within a utility's service area as determined in accordance with "Requirements for the Estimation of Permanent and Temporal Service Area Populations," dated January 20, 2009, as set forth in Part D of the Applicant's Handbook. See Section 4.4.7 for further information.

2.4.8.4.1.2 ADJUSTED GROSS PER CAPITA WATER USE.

Permittees with significant uses (SU), or who provide permitted quantities for golf course irrigation, or who must provide quantities for environmental mitigation as a permit condition may calculate an adjusted gross per capita. Regardless of whether a significant use is deducted, all must be reported as provided in the "SU" section of Section 4.4.5. Adjusted gross per capita water use is defined as:

$$\frac{(WD + IM - EX - TL - SU - GC - EM)}{FP}$$

Where:

WD, IM, EX, TL and FP are as defined in A. above.

SU = Significant Use as described below in the provisions titled "Significant Use".

GC = Separately metered golf course irrigation quantities from ground water, surface water, reclaimed water or stormwater provided to golf courses inside the service area. The quantities provided may be deducted only if they are included in the permitted quantities for the service area and reported as WD in the Annual Report. The GC withdrawal quantities deducted shall not exceed those actually provided, or those that would be permitted for use by the District, whichever is less.

EM = Quantities permitted and used for environmental mitigation as a condition of the water use permit.

2.4.8.4.1.3 COMPLIANCE PER CAPITA WATER USE.

A. Reclaimed Water or Stormwater Deductions-Some Permittees may provide reclaimed water or stormwater to entities that are not customers of their potable water system such that the supply does not reduce the public supply utility Permittee's unadjusted gross or adjusted gross per capita rates. For purposes of compliance with the per capita rate of 150 gpd, such Permittees may submit a compliance per capita that is defined as:

$$\frac{(WD + IM - EX - TL - SU - GC - EM - ST - RW)}{FP}$$

Where:

WD, IM, EX, TL, SU, GC, EM, and FP are defined as above.

This deduction shall not be taken if the GC deduction is taken based on reclaimed water or stormwater in calculating an adjusted gross per capita rate.

ST = Separately metered and reported stormwater quantities captured by the Permittee that are included in the utility's permitted quantities for uses inside the service area other than for golf course irrigation. The stormwater withdrawal quantities deducted shall not exceed the quantities actually provided, or those that would be permitted for the use by the District, whichever is less. Stormwater quantities deducted as GC use above may not be included in this deduction for stormwater. The surface withdrawal points from the stormwater catchments shall be permitted on the provider's water use permit and must be reported as WD in the Annual Report to be deducted. The stormwater deduction shall not be taken where the quality of the ground water source to be permitted or replaced is of lower water quality but is suitable for the intended use, unless the use of the stormwater in such cases reduces adverse impact to the water resources.

RW = 50% of reclaimed water that has received at least secondary treatment and is provided as reclaimed water for a beneficial purpose as set forth in this Chapter 2. To be deducted, it must be provided to:

1. any metered use located outside the utility potable service area boundary.
2. any single-site separately-metered use within the utility potable service area boundary that uses 25,000 gpd or more on an annual average basis during the per capita reporting period, except that no deduction shall be taken for quantities used for:

a. residential irrigation (single family, multi-family or mobile home), or
 b. common area irrigation, including entranceways, parking lots, irrigated areas within roadway right-of ways (e.g., road and sidewalk medians), open spaces, community areas, and public parks.
 This deduction shall not be taken if the reclaimed water replaces existing demand on the Permittee's potable system.

B. Low Persons Per Household Adjustment-After completing the calculations above, if the per capita rate is still greater than 150 gpd and the service area Census PPH is below 2.01 (calculated as PERMPPH in Part D of the Applicant's Handbook), then the applicant may adjust the PPH to a value of 2.01. Then, the Permittee may adjust the PERMPPH and SEASPPH to 2.01 and recalculate the FP and the compliance per capita.

2.4.8.4.1.4 PHASE-IN WHERE A PER CAPITA RATE OF 150 GPD IS EXCEEDED AS OF DECEMBER 31, 2009.

Existing Permittees with a five year compliance per capita rate greater than 150 gpd as of December 31, 2009 shall achieve a compliance per capita rate of 150 gpd as set forth below, or earlier if the Permittee deems it feasible. The 2009 five year compliance per capita shall be calculated as the average of Annual Report compliance per capitas for 2009 and the four years prior. In the event that the provisions of this section conflict with the provisions of a permit or consent order existing as of January 20, 2009, the terms of the permit or consent order shall supersede this section. However, a Permittee may request a modification of the permit condition or consent order in order to comply with this section in lieu of the applicable permit condition or consent order provision.

A. By December 31, 2014, the Permittee shall achieve a per capita rate not greater than the midpoint between the five year average compliance per capita rate calculated as of 2009 and 150 gpd.

B. By December 31, 2019, the Permittee shall achieve a per capita rate that is not greater than 150 gpd.

C. A Permittee that does not achieve a compliance per capita rate that is less than or equal to 150 gpd by December 31, 2019, may submit to the District a petition for a variance from the requirement to achieve a per capita rate of 150 gpd.

D. During the phase-in period pursuant to this section, per capita compliance will be evaluated at year five based on the per capita rate described in paragraph A, above, and evaluated at year 10 and thereafter based on 150 gpcd.

2.4.8.5 WHOLESALE PUBLIC SUPPLY WUP REQUIREMENTS.

Wholesale Public Supply Permits are required to be obtained by those public water supply utilities that receive all water from other public supply Permittees that the utility then distributes to its own customers. As of November 15, 1990 in the Highlands Ridge WUCA and Eastern Tampa Bay WUCA, March 1, 1991 in the original Northern Tampa Bay WUCA (NTB WUCA), July 1, 2008 in the expanded NTB WUCA, and January 1, 2003 in the SWUCA, wholesale public water supply utilities that received 100,000 gpd or more annual average quantities were required to obtain a separate wholesale permit to effectuate conservation requirements in this Chapter 2. On or before December 31, 2010, all wholesale public supply utilities that receive a combined total of 100,000 gpd or more annual average quantities from other Permittees and that have not obtained a Wholesale Public Supply Permit or other Water Use Permit shall apply for a separate Wholesale Public Supply Permit to effectuate the requirements set forth in this Applicant's Handbook.

Wholesale customers that receive less than 100,000 gpd annual average quantities from another public supply utility shall not be required to obtain a Wholesale Public Supply Permit but shall utilize all water conservation measures that are economically, environmentally, and technically feasible.

Permittees that are wholesale water suppliers must provide the District with a written agreement from those that purchase less than 100,000 gpd on an annual average basis from the wholesale supplier to abide by the water conservation conditions of the wholesale supplier's permit and to provide water demand and water use data needed for the wholesale supplier to comply with reporting conditions.

2.4.8.6 CONSERVATION PLAN REQUIREMENTS.

In addition to per capita requirements described in the Applicant's Handbook and any required conservation measures pursuant to an applicable adopted minimum flow and level recovery or prevention strategy, all public water supply Applicants shall implement a standard water conservation plan, as described in Section 2.4.8.6.A, or a goal-based water conservation plan, as described in Section 2.4.8.6.B. The proposed water conservation plan shall allow no reduction in, and increase where possible, overall utility-specific water conservation effectiveness. The Applicant may use publications and materials from Conserve Florida, the Alliance for Water Efficiency, and other similar industry guidance to assist in developing and supporting the selection of measures in its conservation plan and in demonstrating that increases in water use efficiency were achieved through water conservation.

The elements and implementation schedule for the water conservation plan shall be developed by the Applicant. The District shall review and approve the plan submitted by the Applicant as part of the public water supply permit. In reviewing the Applicant's proposed plan for sufficiency, the District will consider whether the elements and sub-elements proposed to be implemented in the plan, taken as a whole, will promote effective conservation. The water conservation plan shall be subject to the schedule and reporting requirements specified in the permit. If implementation of the plan fails to demonstrate progress toward increasing water use efficiency, the permittee shall request a permit modification, if necessary, to revise the plan to address the deficiency.

A. Standard Water Conservation Plan.

The Applicant shall implement each of the following five elements as necessary to achieve efficient water use to the extent economically, environmentally, and technically feasible. The Applicant will explain how its proposed plan will effectively promote water conservation.

1. A water conservation public education program. A program shall consist of one or more sub-elements. The Applicant will consider education sub-elements such as those listed below. Implementation of sub-elements may be achieved through collaboration with other entities, including the District. For each educational sub-element included in the applicant's program, the applicant shall identify the frequency, duration, and implementation schedule for the sub-element.
 - a. Water conservation public service announcements.
 - b. Water conservation speakers, posters, literature, videos, and/or other information provided to schools and community organizations.
 - c. Public water conservation exhibits.
 - d. Water conservation articles and/or reports provided to local news media.
 - e. A water audit customer assistance program to address indoor and outdoor water use.
 - f. Water conservation information provided to customers regarding year-round landscape irrigation conservation measures.
 - g. Water conservation information posted on the supplier's website.
 - h. The construction, maintenance, and publication of water efficient landscape demonstration projects.
 - i. Water conservation information provided in customer bills or separate mailings.
 - j. Other means of communication proposed by the applicant.
2. An outdoor water use reduction program. The Applicant shall consider the following sub-elements.
 - a. The adoption of an ordinance limiting lawn and landscape irrigation that is approved by the District, or is consistent with any irrigation restrictions adopted by the District.
 - b. The adoption of an ordinance requiring the use of Florida-Friendly landscaping principles, Florida Water Star, or other generally accepted water conservation programs, guidelines, or criteria that address outdoor water conservation.
 - c. The adoption of an ordinance consistent with Section 373.62, F.S., relating to automatic landscape irrigation systems.
 - d. The provision of a landscape irrigation audit program for businesses and residents, including the provision of information to assist customers in implementing the recommendations of the audit. The applicant shall provide a description of the program including implementation details and the content of the audits to be provided.
 - e. An education element focusing on outdoor conservation as part of the water conservation public

education program required by paragraph A.(1) of this section.

f. Any other conservation measures or programs proposed by the Applicant designed to reduce outdoor water use.

3. The selection of a rate structure designed to promote the efficient use of water by providing economic incentives. The rate structure may include but is not limited to increasing block rates, seasonal rates, quantity based surcharges, and/or time of day pricing as a means of reducing demands. The District shall afford a utility wide latitude in adopting a rate structure in accordance with section 373.227(3), F.S.

4. A water loss reduction program, if water losses exceed 10%. Water loss shall be determined as described in section 2.3.7.

5. An indoor water conservation program. The applicant will consider indoor conservation sub-elements such as those listed below. Implementation of these sub-elements may be achieved through collaboration with other entities, including the District. For each indoor conservation sub-element included in the applicant's program, the applicant shall provide the frequency, duration, and implementation schedule for the sub-element.

a. Plumbing retrofit rebates.

b. Faucet aerator and showerhead giveaways.

c. An education element focusing on indoor conservation as part of the water conservation public education program required by paragraph A.(1) of this section.

d. Other indoor conservation measures proposed by the applicant.

B. Goal-Based Water Conservation Plan.

A public water supply Applicant may propose a goal-based water conservation plan in lieu of a standard water conservation plan. A goal-based plan allows the applicant to demonstrate effective water conservation by selecting plan elements that are different from those in the standard water conservation plan, but which are appropriate to the Applicant's service area. A permittee operating under a standard conservation plan pursuant to this rule, or conservation plan required by a permit issued prior to this rule's effective date, may request to convert its current conservation plan to a goal-based plan through a letter modification.

A goal-based water conservation plan prepared pursuant to s. 373.227(4), F.S., shall contain the following:

1. A description of water conservation measures selected for implementation and an implementation schedule for each measure; and

2. An explanation of why the alternative elements included in the goal-based plan are appropriate to achieve effective water conservation in the applicant's service area if any of the five elements of the standard water conservation plan are not selected for inclusion in the goal-based plan.

If a public water supply utility provides reasonable assurance that the goal-based plan will achieve efficient water use by meeting the above criteria, the District shall consider the goal based plan to achieve effective water conservation at least as well as a standard water conservation plan.

2.4.8.7 PUBLIC SUPPLY PERMIT EXTENSION.

In order to promote significant water savings beyond that required to achieve efficient water use in the permit, a public water supply permittee implementing a standard water conservation plan or a goal-based water conservation plan shall receive a permit extension for quantifiable water savings attributable to water conservation when the following conditions are met:

(a) The permittee must be in compliance with the conditions of its permit.

(b) The permittee must demonstrate quantifiable water savings exceeding those required in the permit, including per capita requirements as described in the Applicant's Handbook. Acceptable methods for quantifying water savings include reductions in residential per capita, gross per capita, per service connection use, or the use of treated potable water for outdoor irrigation. The quantification method used must be consistent with the calculation of demand used to establish the currently permitted allocation.

(c) The permittee must demonstrate a need for the conserved water to meet the projected demand through the term of the extension.

(d) The permittee demonstrates water savings sufficient to qualify for at least a one-year permit extension.

(e) The permit extension shall provide only for the modification of the duration of the permit and shall not be used to increase the quantity of the allocation.

(f) The permittee must demonstrate that water savings were achieved through water conservation and not as a result of population changes, economic or other factors unrelated to conservation. In the absence of factors unrelated to conservation, if the permittee demonstrates timely implementation of its District-approved conservation plan, then the water savings shall be attributed to implementation of the conservation plan.

(g) The specific duration of the extension will be calculated based on the quantity of water saved through conservation and the demonstration of water demand based on projected growth, as calculated at the time of the extension request. A permittee may request an extension no sooner than five years after issuance of the original permit, and no more frequently than every five years thereafter.

(h) For permits with a duration of five years or less, a permittee may request an extension no sooner than one year prior to the original permit expiration date.

(i) Multiple permit extensions may be requested to reflect additional water saved over the term of the permit. However, in no case shall the cumulative duration of all extensions exceed ten years from the original permit expiration date.

(j) Wholesale public supply permits shall not be granted a permit extension under this section that exceeds the expiration date of the supplier's permit that provides the majority of the supply to the wholesale public supply permit pursuant to 40D-2.321(6), F.A.C.

(k) A permit having a duration of 10 years pursuant to 40D-2.321(2), F.A.C., shall not be granted a permit extension under this section.

The permittee may request the extension through a letter modification request.

2.4.9 WASTE.

Water withdrawals must not result in the waste of water, as defined in Section 373.203(4), F.A.C. Waste is the causing of excess water to run into a surface water system, unless the water is thereafter put to beneficial use.

2.4.9.1 RUNOFF.

Water use activities that result in runoff will be required to reduce or eliminate such runoff. For existing permits, a reasonable time to implement a reduction or elimination of runoff may be allowed by permit condition. New permits or modifications of existing permits that include significant runoff will not be recommended for approval.

2.4.9.2 AUGMENTATION.

Augmentation for aesthetic purposes is a non-essential use and has a lower value compared to other reasonable/beneficial uses. The following criteria apply to augmentation applications:

a. Augmentation for aesthetic purposes is limited to less than 100,000 gpd. Aesthetic augmentation is allowed only into impoundments that connect to the water table, at least at the seasonal high level, or the impoundment must be lined to prevent infiltration. Liners should have a permeability of 10^{-3} gal/day/ft² or less.

b. Augmentation for uses other than aesthetic is limited to the quantity needed for the use. Where there is a subsequent withdrawal from or use of the augmented body, the augmentation quantity is limited to the quantity needed for that use. This applies to such uses as cattle-watering, golf course irrigation, etc.

c. Seasonal fluctuation schedules may be required, which includes the amount of fluctuation based on the characteristics of the impoundment. Installation and monitoring of staff gauges and unaffected (background) water-table monitor wells may be required to demonstrate the fluctuation. Fluctuation should be sufficient to expose one half of the littoral zone each year and to allow for extreme exposure approximately every 5 years to an elevation at least 3 ft below normal water level.

d. Allowing water withdrawn from an aquifer to routinely exit the augmented impoundment as discharge is prohibited. Sufficient freeboard must be maintained between the maximum augmented level and the invert of the outfall structure so that only water received from rainfall events is discharged. The augmented impoundment shall be designed to hold, at a minimum, one inch of runoff from the entire contributing basin, above the augmentation level.

e. Augmentation of surface water management systems must not impair their designed function. Applicants intending to augment surface water management systems are required to supply the ERP or application number. Augmentation of surface water retention/detention ponds can be permitted providing the Applicant demonstrates that the function of the system is not impaired.

f. Levels may be set on the augmented water body beyond which augmentation is disallowed. Installation of a float-gauge mechanism to automatically cease withdrawals may be required, as well as reporting of water levels and pumpage.

g. Back-flow prevention measures must be incorporated into the augmentation system, either through the installation of back-flow prevention devices, or by system design.

Discharges allowed-The District shall allow those discharges:

- a. Required to ensure the integrity of an impoundment to protect the public health and safety;
- b. Utilized for maintenance of environmental features; or
- c. The Applicant demonstrates that any economically and technically feasible water conservation measures have been or will be implemented.

3.0 WATER RESOURCE IMPACT

The following is intended to ensure that each WUP application is based on consistent, reliable technical evaluations conducted using accepted industry or professional standards. These assurances can be provided through applicable historic monitoring data or modeling data, as defined below.

If an Applicant has a surface water management system, the impact of water withdrawals on the Applicant's surface water management system must be evaluated and submitted with the WUP application. The cumulative withdrawals as a result of the quantities requested must be evaluated.

3.1 DATA COLLECTION, EVALUATION AND MODELING.

Applicants shall submit monitoring data and modeling, as applicable, in support of an application for a WUP.

3.1.1 MONITOR DATA.

Monitor data in support of a WUP application shall be accurate and verifiable, and collected at the represented withdrawal rates requested in the application. Water level and quality data collected pursuant to conditions in a WUP must provide a sufficient basis to determine if conditions for permit issuance will be met.

The use of historic monitor data to provide reasonable assurance that the conditions for issuance are met may be applied to WUP renewals and to that portion of a modification that represents the historic use that was monitored. Additional assurances will be required in cases where a modification renders the historic data non-representative.

Other relevant information regarding the actual use of water or impact of the actual use of water will be considered. Such information could include identification of irrigated acreage that occurred over time, wellfield operations, and the use of a state approved functional assessment of wetland or other surface waters, to determine impacts of prior uses.

3.1.2 MODELING DATA.

Applicable modeling data may consist of basic analytic impact assessments or calibrated numeric system simulation models.

Applicants proposing an impact offset in accordance with Rule 62-40.416(7), F.A.C., incorporated by reference in rule 40D-2.091(3), F.A.C., or substitution credit in accordance with Rule 62-40.416(8), F.A.C., incorporated by reference in rule 40D-2.091(3), F.A.C., must demonstrate that the conditions for permit issuance are met, in part, through the submittal of assessments described within this Chapter 3.

It is recommended that the Applicant and their support personnel schedule a pre-application meeting with the District to discuss groundwater impact analysis relative to the proposed application. An Applicant submitting a groundwater flow model may utilize MODFLOW 2000 (or current version) or an accepted surfacewater flow model and MODFLOW groundwater flow model. Any non-integrated groundwater flow model to be provided in support of a WUP application should be fully adaptable and functional for use with Ground Water Vistas software. Additionally, in some cases analytical models may be appropriate.

3.2 SOURCE SPECIFIC CRITERIA.

3.2.1 RESTRICTED ALLOCATION AREAS.

Due to concerns regarding water availability, the following geographic areas have additional requirements and restrictions, which are provided in Section 3.9:

- A. NTBWUCA.
- B. SWUCA.
- C. Dover/Plant City WUCA.

3.3 EVALUATION OF IMPACTS TO WATER RESOURCES.

The withdrawal of water must not cause adverse impacts to environmental features. Where appropriate, District staff will review the Applicant's submittal and identify the environmental features that are directly related to the water resources of the District and evaluate the impact of the Applicant's withdrawal, combined with other withdrawals, on those environmental features.

District staff may inspect the site to delineate environmental features and evaluate the effects of withdrawal. If withdrawals are determined by the District to have impacted or anticipated to impact environmental features, an Applicant shall supply additional information regarding the existing status and condition of associated environmental features. This information may consist of aerial photographs, topographic maps, hydrologic data, environmental assessments or other relevant information. Baseline hydrologic and/or environmental data collected prior to permit application shall be provided if available and requested by the District.

Environmental features that will be evaluated by District staff when determining impacts include:

1. Surface water bodies such as lakes, ponds, impoundments, sinks, springs, streams, canals, estuaries, or other watercourses.
2. Wetland habitats.
3. On-site environmental features and their relationship to local and regional landscape patterns.
4. Habitat for threatened or endangered species.
5. Other environmental features which are dependent upon the water resources of the District.

Potential environmental impacts will be evaluated by comparing the existing natural system to the predicted post withdrawal conditions. Previous physical alterations to environmental features, such as drainage systems or water control structures will be considered. The District's objective is to achieve a reasonable degree of protection for environmental features consistent with the overall protection of the water resources of the District.

Listed below are the performance standards District staff will use to ensure that adverse impacts to environmental features do not occur. Impacts to canals, springs, and estuaries are considered under the streams criteria. Impacts to ponds, sinks, and impoundments are considered under the lakes criteria.

Compliance with the performance standards shall be addressed as specified in Rule 40D-80.073, F.A.C. for Permittees encompassed within the Comprehensive Plan.

3.3.1 WETLANDS AND OTHER SURFACE WATERS.

3.3.1.1 WETLANDS.

3.3.1.1.1 WETLANDS EVALUATED.

In reviewing an application for a WUP, the District evaluates impacts to wetlands that are predicted to occur as a result of water withdrawals for those wetlands defined in section 373.019(27), F.S. and Rule 62-340, F.A.C.

3.3.1.1.2 WETLANDS NOT EVALUATED.

The District will not consider impacts to isolated wetlands less than 0.5 acres, unless:

- a. A wetland is used by endangered or threatened species designated in Rules 68A-27.003 and 68A-27.005, F.A.C. The District considers that a wetland is used by designated endangered or threatened species if reasonable scientific judgment indicates that the wetland provides a habitat function including, but not limited to, nesting, reproduction, food source, or cover for such species.
- b. A wetland is located in an area of critical state concern designated pursuant to Chapter 380, F.S.

c. Two or more wetlands regardless of property boundaries have a combined area greater than 0.5 acre and are connected by standing or flowing surface water during average wet season high water levels. This connection can be established by water elevation indicators such as lichens, adventitious roots, water stains, soil profiles, aerial photos or other acceptable measures.

3.3.1.1.3 WETLANDS AFFECTED BY MINING ACTIVITIES.

Certain mining activities in wetlands are reviewed by the FDEP for wetlands impacts, wetlands reclamation, or by various reviewing agencies under the Development of Regional Impact (DRI) process. Mining/Dewatering use for Applicants whose wetland activities are reviewed under any of these processes must submit to the District a mine plan which corresponds to the term of the permit identifying the items listed below. The Permittee shall provide an updated mine plan to the District prior to any water use or dewatering activities that would impact wetlands because of changes to the previously submitted mine plan. For Mining/Dewatering use applications, the District will consider withdrawal impacts only to off-site wetlands and:

- a. Wetlands to be preserved under applications and plans approved by DEP, or under a Development Order.
- b. Wetlands created or required to be created as part of a reclamation plan or a mitigation plan approved by DEP.
- c. Any other on-site wetlands that will not be mined.

Wetlands to be preserved shall be subject to mitigation options similar to those that apply along the property boundaries for dewatering activities. These mitigation options include a setback, a recharge ditch, or other methods to avoid unacceptable drawdowns in the area to be protected. Applicants for mining/dewatering use that are not subject to DEP review for wetlands impacts or review for wetlands reclamation must submit for District approval a mine plan identifying all on-site wetlands.

3.3.1.1.4 PERFORMANCE STANDARDS.

- a. Wet season water levels shall not deviate from their normal range.
- b. Wetland hydroperiods shall not deviate from their normal range and duration to the extent that wetlands plant species composition and community zonation are adversely impacted.
- c. Wetland habitat functions, such as providing cover, breeding, and feeding areas for obligate and facultative wetland animals shall be temporally and spatially maintained, and not adversely impacted as a result of withdrawals.
- d. Habitat for threatened or endangered species shall not be altered to the extent that utilization by those species is impaired.

3.3.1.2 LAKES PERFORMANCE STANDARDS.

Water levels in lakes shall not deviate from the normal rate and range of fluctuation, to the extent that:

- a. Water quality, vegetation, or animal populations are adversely impacted;
- b. Flows to downgradient watercourses are adversely impacted; and/or
- c. Recreational use or aesthetic qualities of the water resource are adversely impacted.

3.3.1.3 STREAMS PERFORMANCE STANDARDS.

- a. Flow rates shall not deviate from the normal rate and range of fluctuation to the extent that water quality, vegetation, and animal populations are adversely impacted in streams and estuaries.
- b. Flow rates shall not be reduced from the existing level of flow to the extent that salinity distributions in tidal streams and estuaries are significantly altered as a result of withdrawals.
- c. Flow rates shall not deviate from the normal rate and range of fluctuation to the extent that recreational use or aesthetic qualities of the water resource are adversely impacted.

3.4 SALINE WATER INTRUSION.

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.

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.

3.5 POLLUTION OF THE WATER RESOURCES.

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:

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.

B. Whether the withdrawal would increase the potential for harm to the public health and safety.

3.6 EXISTING OFFSITE LAND USES.

Reserved.

3.7 INTERFERENCE WITH EXISTING LEGAL USERS.

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.

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.

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 continuation of Tampa Bay Water's Well Mitigation Policy set forth in Rule 49B-3.005, F.A.C., dated December 21, 2004.

3.8 OTHERWISE HARMFUL.

The issuance of a WUP may be denied if the withdrawal or use of water would otherwise be harmful to the water resources.

3.9 MINIMUM FLOWS AND LEVELS.

The District has adopted Minimum Flows and Levels for certain waters within the District. Those Minimum Flows and Levels are set forth in Chapter 40D-8, F.A.C. Through implementation in Rule 40D-2.301, F.A.C., and this section, those Minimum Flows and Levels are one criterion used by the District in evaluating applications for WUPs under Chapter 40D-2, F.A.C. Rule 40D-2.301, F.A.C., this section and Chapter 40D-80, F.A.C., govern

the manner in which this one criterion is utilized in evaluating a WUP. Accordingly, Applicants shall demonstrate compliance with established Minimum Flows, Minimum Wetland Levels, Minimum Lake Levels and Salt Water Intrusion Minimum Aquifer Levels (hereinafter sometimes collectively called Minimum Flows and Levels) set forth in Chapter 40D-8, F.A.C., as provided below.

For areas not subject to NTBWUCA, SWUCA and Dover/Plant City WUCA, water use must not cause:

1. Lake levels to be reduced below the applicable Minimum Level established in Chapter 40D-8, F.A.C.
2. Streamflow to be reduced below the Minimum Flow as established in Chapter 40D-8, F.A.C.
3. Potentiometric surface or water-table levels to be reduced below the Minimum Level established in Chapter 40D-8, F.A.C.

3.9.1 WATER USE CAUTION AREAS.

3.9.2 SWUCA.

These portions of the Applicant's Handbook for the Southern WUCA are intended to supplement the other provisions of the Applicant's Handbook and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall apply. The area designated is shown in Figure 3-1; the legal description is provided in Rule 40D-2.801(3)(b), F.A.C.

3.9.2.1 DROUGHT AND STANDARD ANNUAL AVERAGE QUANTITIES WITHIN SWUCA.

The drought annual average quantities is a statistical drought irrigation quantity that is the maximum annual irrigation amount permitted by the District, annualized over 365 days. For pasture, the District uses a 60% statistical rainfall probability to calculate the drought annual average quantities and for plastic mulched seasonal crops, the District calculates the drought annual average quantities assuming zero effective rainfall. For crops, other than pasture, that can utilize effective rainfall, the District uses a 2-in-10 chance that there will be less rainfall to calculate drought annual average quantities. This quantity does not include crop protection. Drought annual average quantities is equivalent to annual average quantities outside the SWUCA.

The standard annual average quantities is a statistical irrigation quantity that is the maximum annual irrigation amount permitted by the District, annualized over 365 days. The District calculates standard annual average quantities assuming effective rainfall. For crops that can utilize effective rainfall, the District uses 5-in-10 chance that there will be less rainfall to calculate standard annual average quantities. This quantity does not include crop protection.

3.9.2.2 RAINFALL BASES WITHIN THE SWUCA.

The District uses the rainfall bases set forth in Table 3-1 in determining the Water Use Allocation.

Table 3-1. Efficiency Standards and Rainfall Bases for Irrigation Permits Located in the SWUCA. Effective 1-1-2003, Except Pasture Effective Upon Adoption, Credits Begin 1-1-2003.

Crop/Plant	Supplemental Allocation Efficiency	Credit Calculation Efficiency	Supplemental Allocation Effective Rainfall Basis	Credit Calculation Drought Basis
Citrus ¹	75%	75% at 2003	Annual, 5 in 10	Annual, 2 in 10
Row Crops With Mulch	75%	N/A	Zero	N/A

Row Crops w/o Mulch	75%	75% at 2003	Seasonal, 5 in 10	Seasonal, 2 in 10
Nursery- Container	75%	75% at 2003	Annual, 5 in 10	Annual, 2 in 10
Nursery- Field Grown	75%	75% at 2003	Annual, 5 in 10	Annual, 2 in 10
Pasture	75%	N/A	3 months ² , 6 in 10	N/A
Sod/Turf	75%	75% at 2003	Annual, 5 in 10	Annual, 2 in 10
Field Crops	75%	75% at 2003	Seasonal, 5 in 10	Seasonal, 2 in 10
Golf Courses, Playing Fields, Cemeteries	75%	75% at 2003	Annual, 5 in 10	Annual, 2 in 10

¹ Based on 74% shaded area, equivalent to 89.4% of gross acreage once lateral movement of applied water is accounted for.

² Three Driest Months in County.

3.9.2.3 PASTURE IRRIGATION WITHIN THE SWUCA.

Authorization of water use for improved pasture shall be given based on the three driest months of the year if the Applicant documents that an operable irrigation system exists or is proposed, and is capable of delivering the requested amount. Permitted quantities for pasture irrigation will be based on the assigned efficiency standards set forth in Table 3-1 or historical irrigation quantities or schedules, whichever is less.

For proposed systems, a schedule for implementation of the irrigation system is required, and the WUP will be conditioned so that the pasture irrigation quantities are invalidated if not used within the time specified.

3.9.2.4 WATER-CONSERVING CREDITS WITHIN THE SWUCA.

3.9.2.4.1 INITIAL CREDITS.

To encourage conservation and to account for severe climatic conditions for certain crops and plants, the District has designed a water-conserving credit system for "carrying forward" any unused permitted irrigation quantities, which may then be used as needed in subsequent years at the site for which they were earned or assigned. All crops and plants will qualify for water-conserving credits except improved pasture and crops that are grown on mulch. Crops grown on mulch do not receive or earn credits because they are assigned permitted quantities assuming zero effective rainfall, and therefore the permitted quantities are sufficient for the plants' water needs under any rainfall condition. For each qualifying crop or plant, an initial credit allocation is assigned to each WUP by the District. The quantity of this initial assigned credit is equal to twice the difference between the estimated water requirements under the irrigation efficiency standards and rainfall conditions given in columns 3 and 5 of Table 3-1, and the supplementary permitted water quantity discussed above. For example, if a citrus grove is permitted for 17 inches, and the irrigation requirements for a 2-in-10 year is 19 inches, the initial credit is $2 \times 2 \text{ inches} = 4 \text{ inches}$. The water-conserving credit may be drawn upon at any time as long as the total withdrawal does not exceed the crop or plant allocation for the planted acreage under the credit rainfall condition and is not wasteful.

3.9.2.4.2 CARRY-FORWARD OF CREDITS.

Upon WUP renewal, both assigned and earned credits that are unused can be carried forward for use during the term of the renewed permit. In addition, every 10 years after permit issuance and upon renewal of the WUP, initial credits shall be calculated and assigned to the WUP pursuant to section 3.9.2.4.1 in addition to any carry-forward credits.

3.9.2.4.3 EARNED CREDITS.

Additional credits may be earned by the Permittee, if less water than the amount permitted is applied to actual, planted acreage as reported in the reports submitted to the District. The earned credit is equal to the difference between the amount permitted pursuant to this Chapter for the planted acreage and the metered amount applied. There is no limit to the credit amount that can be accumulated during the term of the WUP. To receive the earned Water-Conserving Credits, a Permittee must submit documentation between July 1 through August 31 for the previous July 1 through June 30 period to verify that the credits are in fact earned. This documentation shall substantiate the number of acres planted, the crop or plant types grown, the planting dates, the crop season length, and the amount of water applied.

3.9.2.5 EVALUATION OF IMPACTS TO WATER RESOURCES.

3.9.2.5.1 LAKE IMPACTS WITHIN THE SWUCA.

a. Stressed Lake Definition-A stressed condition for a lake within the SWUCA is based on continuous monthly data for the most recent five-year period, with the latest readings being within the past 12 months, and two-thirds of the values are at or below the adopted minimum low management level. For those lakes within the SWUCA without established management levels, stressed conditions shall be determined on a case-by-case basis through site investigation by District staff. The District maintains a list of lakes within the District that have been determined to be stressed. Lakes that have been classified as stressed will be evaluated for a recovered classification two years after the lake is determined to be stressed.

b. Recovered Lake Definition-Once a lake within the SWUCA is classified as stressed it will be taken out of that classification only when it is classified as recovered. A lake is recovered if it has fluctuated above its minimum low management level 60% of the time during the previous five-year period and has reached its maximum desirable stage during three of the previous five years, with an average duration of three months per year.

c. Stressed Lakes, New Withdrawals-Due to the cumulative impacts of groundwater and surface water withdrawals, new withdrawals that affect stressed lakes within the SWUCA shall be permitted only if all the conditions for issuance are met and the WUP contains a condition restricting withdrawals to those times when the lake is at or above the High Minimum Level or High Guidance Level, whichever is appropriate.

d. Stressed Lakes, Existing Withdrawals-Existing permitted surface withdrawals from stressed lakes within the SWUCA shall be abandoned or replaced with AWS within three years from January 1, 2003, if the withdrawal was not previously located within the Highlands Ridge Water Use Caution Area. Existing permitted withdrawals from lakes that are determined by the District to be stressed shall be abandoned or replaced with AWS within three years of the notice to the Permittees of the designation of the lake as stressed unless the Permittee requests a modification of the WUP to restrict withdrawals to those times when the lake is at or above the High Minimum Level or High Guidance Level, whichever is appropriate.

3.9.2.6 WITHDRAWALS THAT AFFECT WATER BODIES FOR WHICH MINIMUM FLOWS AND LEVELS HAVE BEEN ADOPTED.

In establishing Minimum Flows and Levels within the SWUCA as required by Section 373.042, F.S., and which are set forth in Chapter 40D-8, F.A.C., the District has determined that the actual flows and water levels for most of the water bodies for which Minimum Flows and Levels have been established are below the Minimum Flow and Level. The District is implementing a recovery strategy for the SWUCA in keeping with the District's legislative mandates pursuant to Chapter 373, Florida Statutes. The SWUCA provisions of Chapter 40D-2, F.A.C., the Applicant's Handbook, and Chapter 40D-80, F.A.C., set forth the regulatory portion of the recovery strategy for the SWUCA. The District will conduct an annual assessment of water resource criteria and cumulative impacts, and evaluate the status of the recovery strategy every five years prior to 2025, as provided in Rule 40D-

80.074, F.A.C. Based on the annual assessment and five year evaluation, the District will revise this section in accordance with Rule 40D-80.074, F.A.C. Compliance with this section does not, by itself, satisfy the requirements of Chapter 40D-2, F.A.C., for applications requesting new withdrawals submitted on or after January 1, 2007.

As of January 1, 2007, within the SWUCA the District has established a Salt Water Intrusion Minimum Aquifer Level (SWIMAL) in the Most Impacted Area (MIA) as set forth in Rule 40D-8.626, F.A.C., Minimum Flows on the Peace River as set forth in Rule 40D-8.041, F.A.C., and Minimum Lake Levels as set forth in Rule 40D-8.624, F.A.C. In accordance with the District's Minimum Flows and Levels priority list additional Minimum Flows and Levels will be established. These minimum flows and levels and the rules in Chapter 40D-2, F.A.C., that implement recovery are intended to manage those withdrawals that can have a direct effect on the Minimum Flows and Levels. Therefore, the effect of these Minimum Flows and Levels on applications for New Quantities will vary depending upon the impact of the withdrawal on a water body with an established Minimum Flow or Level. The District's evaluation of the potential impact of a proposed withdrawal will be based on factors such as the proximity of withdrawal to a Minimum Flow or Level water body, the volume of the withdrawal, the number of withdrawal points, and whether the withdrawal is from the upper Floridan, intermediate or surficial aquifer or is a direct surface water withdrawal.

3.9.2.6.1 COMPLIANCE WITH RELATED PROVISIONS.

Satisfying the conditions of this section shall also fulfill the provisions of section 3.4 of this Applicant's Handbook with respect to saline water intrusion.

3.9.2.6.2 APPLICATIONS FOR NEW QUANTITIES OF WATER SUBMITTED ON OR AFTER JANUARY 1, 2007.

3.9.2.6.2.1 WHERE ABOVE MINIMUM FLOW OR LEVEL.

For water bodies that are predicted to be impacted by the proposed use and where the actual flow or level is at or above a Minimum Flow or Level, uses shall be limited to that quantity, as may be further limited by other provisions of 40D-2.301, F.A.C., and this Applicant's Handbook, that does not cause the actual flow or level to fall below the Minimum Flow on a Long-Term average basis, or as compliance may be otherwise described in Chapter 40D-8, F.A.C. For purposes of this section, "long-term" means a period which spans the range of hydrologic conditions which can be expected to occur based upon historical records, ranging from high water levels to low water levels. In the context of a predictive model simulation, a long-term simulation will be insensitive to temporal fluctuations in withdrawal rates and hydrologic conditions, so as to simulate steady-state average conditions. In the context of an average water level, the average will reflect the expected range and frequency of levels based upon historic conditions. This period will vary because reasonable scientific judgment is necessary to establish the factors to be used in the assessment of each application depending on the geology and climate of the area of withdrawal, the depth of and number of wells and the quantity to be withdrawn.

3.9.2.6.2.2 WHERE BELOW MINIMUM FLOW OR LEVEL.

3.9.2.6.2.2.1 EXISTING WUPS WITHIN THE SWUCA.

Applications for the renewal or modification of a WUP with no proposed increase in permitted quantities or change in Use Type will be evaluated to determine compliance with Rule 40D-2.301, F.A.C., and this Applicant's Handbook. When evaluating the reasonable-beneficial use of the water, emphasis will be given to reasonable water need, water conservation and use of AWS. However, the existing impacts of permitted quantities on an MFL water body will not be a basis for permit denial because the SWUCA Recovery Strategy taken as a whole is intended to achieve recovery to the established minimum flows and levels as soon as practicable.

3.9.2.6.2.2.2 SELF-RELOCATION.

The quantities potentially available to Self-Relocate include all of the used and unused reasonable-beneficial permitted quantity. The use of the quantities at the new location(s) can not increase impacts to Minimum Flow and Level water bodies and must meet all other applicable permitting criteria included in Chapter 40D-2, F.A.C., and this Applicant's Handbook. If the Self-Relocation involves uses eligible for water conserving credits, the

credit balance at the time of the Self-Relocation will be maintained only at the site in which the conserving credits were earned. Crop rotation, by planting and irrigating non-contiguous properties within the same locale in a structured, revolving fashion, is allowed under a single permit and is not considered Self-Relocation.

3.9.2.6.2.2.3 APPLICATIONS FOR NEW GROUNDWATER QUANTITIES SUBMITTED ON OR AFTER JANUARY 1, 2007.

The District will evaluate applications for New Quantities of groundwater to determine compliance with this section and all other Chapter 40D-2, F.A.C., rule criteria. Any application for a change to a Use Type not authorized in the WUP shall be required to provide a Net Benefit. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the WUP prior to mining, such activity does not constitute a change in Use Type or New Quantity and a Net Benefit will not be required.

A. Salt Water Intrusion Minimum Aquifer Level (SWIMAL)-All applications shall be evaluated for the impact on the SWIMAL described in 40D-8.626(2)(a), F.A.C, utilizing a cumulative assessment based upon best available information. A proposed withdrawal is determined to impact the SWIMAL if it causes any lowering (>0.0 foot) of the Floridan aquifer potentiometric surface within the MIA including the boundary of the MIA. If the evaluation indicates that a proposed withdrawal will result in increased impacts to the SWIMAL, the District will approve the application only if the Applicant proposes to implement a Net Benefit as described in Section 3.9.2.6.2.2.4.

B. Upper Peace River-All applications shall be evaluated to determine whether the proposed withdrawal impacts (> 0.0 foot draw down of the Floridan Aquifer potentiometric surface) groundwater levels below the upper Peace River as defined in Rule 40D-2.021, F.A.C. Where such an impact occurs, the proposed withdrawal is determined not to cumulatively impact upper Peace River flows if the current 10-year moving average monthly water level in the area is above 53.3 feet, NGVD, with the initial median for the 10-year moving average monthly water level of available information during the period 1990 to 1999, and the proposed withdrawal individually meets the conditions for issuance in Rule 40D-2.301, F.A.C., and Applicant's Handbook Section 3.3.1.3. If the above conditions are not met, the withdrawal can be authorized only if the Applicant proposes to implement a Net Benefit as described in Section 3.9.2.6.2.2.4. However, the Applicant has the option to reduce or redistribute the withdrawals to achieve no impact, in which case the withdrawal can be authorized. The current 10-year moving average groundwater level will be calculated based upon District groundwater monitoring stations in the groundwater basin which best represent (adjustments for extraordinary local impacts on a well can be considered as to well location or water level effect) Long-Term trends in groundwater levels affecting the upper Peace River, including ROMP 60, ROMP 59, ROMP 45, ROMP 30 and ROMP 31.

C. Ridge Lakes-All applications shall be evaluated to determine whether the proposed withdrawal impacts ground-water levels below Ridge Lakes as defined in paragraph 40D-2.021, F.A.C. Where such an impact occurs (> 0.0 foot draw down of the Floridan Aquifer potentiometric surface), the withdrawal is determined not to cumulatively impact Ridge Lakes levels if the current 10-year moving average monthly water level for the area encompassing the Ridge Lakes is above 91.5 feet, NGVD, within the initial median for the 10-year moving average monthly water level of available information during the period 1990 to 1999, and the proposed withdrawal individually meets the Conditions for issuance in Rule 40D-2.301, F.A.C., and Applicant's Handbook Section 3.3.1.2. If the above conditions are not met, the withdrawal shall be authorized only if the Applicant proposes to implement a Net Benefit as described in Section 3.9.2.6.2.2.4. However, the Applicant has the option to reduce or redistribute the withdrawals to achieve no impact, in which case the withdrawal can be authorized. The current 10-year moving average groundwater level will be calculated based on District groundwater monitoring stations in the ground water basin which best represent (adjustments for extraordinary local impacts on a well can be considered as to well location or water level effect) Long-Term trends in Floridan groundwater levels affecting the Ridge Lakes including Lake Alfred Deep, ROMP 28X, ROMP 57, ROMP 43XX and Coley Deep.

D. No Impact to Salt Water Intrusion Minimum Aquifer Level, Upper Peace River and Ridge Lakes-If the proposed withdrawal is determined to comply with Rule 40D-2, F.A.C., and this Applicant's Handbook, the withdrawal shall be authorized.

3.9.2.6.2.2.4 NET BENEFIT.

If an Applicant must implement a Net Benefit to obtain the WUP, a WUP shall be issued if the Applicant provides reasonable assurance that implementation of its proposed Net Benefit will mitigate the predicted impacts by one or more of the options listed below. In order to provide a Net Benefit, the measures proposed by the Applicant must offset the predicted impact of the proposed withdrawal and also provide an additional positive effect on the water body equal to or exceeding 10% of the predicted impact. For example, if the predicted impact on a water body is 1.0 foot, the mitigation must offset the 1.0 foot impact and provide another 0.1 foot (i.e., 10% of 1.0 foot) of positive effect. There are three forms of Net Benefit, including 1) mitigation plus recovery, 2) use of quantities created by District water resource development projects, and 3) Groundwater Replacement Credits, as described below. In addition to the requirements in Rule 62-40.416, F.A.C., incorporated by reference in rule 40D-2.091(3), F.A.C., this section provides additional requirements on the use of substitution credits and impact offsets to achieve a Net Benefit within SWUCA.

A. Mitigation Plus Recovery-Mitigation plus recovery involves one or more of the following:

(1) Permanently retiring from use the reasonable-beneficial, historically used quantity associated with one or more WUPs within the SWUCA that impacts the same Minimum Flow and Level water body. Used quantities are those permitted quantities of water that the District determines have been deemed reasonable-beneficial and historically used by a Permittee, but not including Water Conserving Credits obtained pursuant to Rule 40D-2.621, F.A.C. Used quantities are determined based on documentation previously submitted by a Permittee and available crosschecks. The types of documentation submitted by Permittees include seasonal/annual crop reports, metered data, and other information. Crosschecks include aerial photography, receipts for supplies, equipment, and services, property appraiser's records and other methods. For WUPs below thresholds for crop reporting and metering, aerial photography and other methods will be used to determine quantities, or

(2) Recharging the aquifer and withdrawing water such that there remains a net positive impact on the Floridan aquifer potentiometric surface at least 10% greater than the impact of the proposed withdrawal, or

(3) Undertaking other actions to offset the proposed impact of the withdrawal plus 10%. Mitigation plus recovery must be in reference to the MFL waterbody that would be impacted by the proposed withdrawals, and must either precede or be coincident with any new permitted withdrawals.

B. Use of Quantities Created by District Water Resource Development Projects as a Net Benefit.

The District anticipates that its water resource development projects may result in the development of new quantities above and beyond the quantities needed to achieve recovery to Minimum Flows and Levels. All or a portion of these new quantities that are not reserved or otherwise designated for recovery will be made available to permit applicants and used as a Net Benefit to offset proposed withdrawals that would impact an MFL water body. If an Applicant is required to provide a Net Benefit and has contributed to a District water resource development project, the Applicant may apply for quantities made available through a District water resource development project as a Net Benefit, provided the applicant demonstrates that:

(1) The proposed withdrawal affects the same MFL water body source associated with the water resource development project;

(2) The quantity developed in excess of the quantity reserved or otherwise designated for the Minimum Flow or Level has been determined.

(3) The proposed Net Benefit quantities will not interfere with quantities reserved or otherwise designate by the District for water resource development.

C. Groundwater Replacement Credit in the SWUCA.

To reduce groundwater withdrawals, a Groundwater Replacement Credit is proposed as an incentive for water users to provide Permittees with alternative supplies. The holder of a Groundwater Replacement Credit can use the Groundwater Replacement Credits to provide a Net Benefit in order to withdraw New Quantities. The process to obtain a Groundwater Replacement Credit is set forth below:

(1) A Groundwater Replacement Credit is created when an entity (Supplier) provides an alternative water supply, not previously delivered to another user to offset groundwater withdrawals that offsets actual withdrawals by an existing WUP holder (Receiver) that impact a Minimum Flow or Level water body. A Groundwater Replacement Credit will be available in accordance with Rule 62-40.416(8)(d), F.A.C., incorporated by reference in rule 40D-2.091(3), F.A.C.

(2) A Groundwater Replacement Credit will be issued for an amount equal to a specified percent of the amount that is offset that was reasonable-beneficial and historically used. For those offsets made prior to January 1, 2000, but within the Applicant's current permit term, the Groundwater Replacement Credit will be equal to 50% of the offset. For those offsets made after January 1, 2000, the Groundwater Replacement Credit will be equal to 90% of the offset.

(3) The Supplier and Receiver shall apply to the District for the Groundwater Replacement Credit and indicate to the District which entity should obtain the credit quantity, or whether it will be divided between them or assigned to a third party.

(4) The District will, upon request by the Receiver, modify the Receiver's WUP to place the groundwater quantities that are discontinued as a result of the offset by AWS on standby to allow withdrawal of all or a portion of such quantities in the event that the AWS is interrupted, becomes unsuitable or is decreased.

(5) The Groundwater Replacement Credit will exist for as long as the Receiver maintains its use of the AWS. The Groundwater Replacement Credit will remain available if the Receiver transfers its WUP to a new owner at the same site who continues the same water use with the AWS.

(6) Only withdrawals that meet the permitting criteria of Chapter 40D-2, F.A.C., and this Applicant's Handbook, including Minimum Flows and Levels criteria, may be made pursuant to a Groundwater Replacement Credit.

(7) Reclaimed water suppliers shall not be eligible for a Groundwater Replacement Credit when they redirect reclaimed water from existing reclaimed water users, to other reclaimed water users and such redirection causes an existing reclaimed water user to reinstate permitted standby groundwater withdrawals, unless the reclaimed water provider can demonstrate that the cumulative effect of such redirection will be a greater reduction in groundwater withdrawals and will contribute more to the recovery of MFL waterbodies in the SWUCA than would otherwise occur absent of the redirection or the redirection was due to the Receiver Requesting to no longer receive Reclaimed Water from the supplier.

3.9.2.6.2.2.5 SURFACE WATER WITHDRAWALS WITHIN THE SWUCA.

The District will not issue WUPs for surface-water withdrawals from streams or lakes where the Minimum Flow or Level is not achieved unless the Applicant demonstrates that:

- a. The withdrawal will not adversely affect the Minimum Flow or Level.
- b. A Net Benefit, as described in Section 3.9.2.6.2.2.3 above, can be implemented.

3.9.2.7 WASTE.

Water withdrawals may not result in the waste of water pursuant to Section 2.4.9 of this Applicant's Handbook.

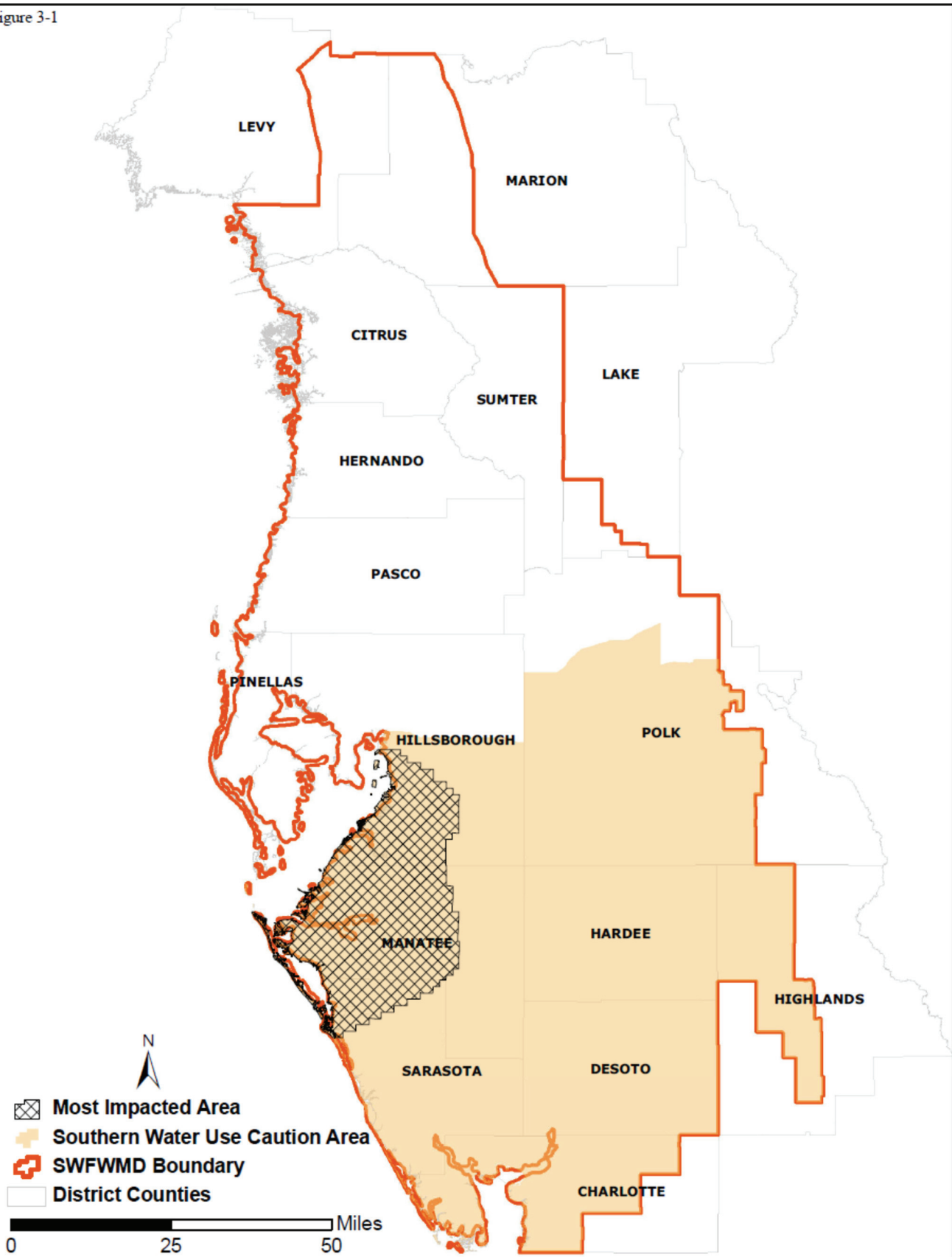
3.9.2.7.1 AUGMENTATION WITHIN THE SWUCA.

Augmentation may be required by the District to mitigate the impacts of withdrawals within the SWUCA, or it may be requested by an Applicant who wishes to raise surface water levels. Within the SWUCA, augmentation is permissible provided that the benefits outweigh any adverse impacts to ground or surface water resources, depending on the specific situation.

Augmentation for maintenance of lake and wetland natural habitat within the SWUCA can be permitted as long as no adverse impacts result from the withdrawal. Augmentation may be allowed provided that 1) alternative solutions have been addressed, 2) the need for such augmentation has been established, 3) withdrawals for augmentation do not cause adverse impacts, and 4) measures are taken to allow the surface water level to fluctuate seasonally as described in Section 2.4.9.2.c. of the Applicant's Handbook. Augmentation above District-established applicable minimum water levels is prohibited. Maximum groundwater augmentation levels for lakes within the SWUCA currently below established minimum water levels will be based on recent historical levels.

Augmentation for purely aesthetic purposes, such as for creating and maintaining water levels in constructed ponds, shall not be permitted within the SWUCA. Existing permits that include aesthetic augmentation may be renewed only if the criteria of Section 2.4.9.2.b through g. are implemented. Reuse of water through tailwater recovery ponds in efficiently managed systems is encouraged and is not considered augmentation.

Figure 3-1



3.9.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA.

These portions of the Applicant's Handbook for the Northern Tampa Bay WUCA are intended to supplement the other provisions of the Applicant's Handbook and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall prevail.

The Governing Board originally declared portions of Hillsborough and Pasco Counties, and all of Pinellas County a Water Use Caution Area (WUCA) on June 28, 1989. The Governing Board approved expansion of the boundaries of the WUCA in June 2007. The area designated is shown in Figure 3-2; the legal description is provided in Rule 40D-2.801(3)(a), F.A.C. Existing WUPs within those portions of the WUCA added in 2007 shall have until July 1, 2008 to comply with the provisions of this rule. Applicable permit conditions, as specified below, are incorporated into all existing WUPs in the WUCA and shall be placed on new WUPs issued located within the NTB WUCA.

3.9.3.1 USES THAT AFFECT WATER BODIES FOR WHICH MINIMUM FLOWS AND LEVELS HAVE BEEN ADOPTED.

In establishing Minimum Flows and Levels within the NTB WUCA, the District has determined that the actual water levels in many of the water bodies for which Minimum Flows and Levels have been established are below the Minimum Flow and Level. The District is implementing a recovery strategy to address water bodies that are below their Minimum Flows and Levels. The recovery strategy, and associated mitigation plan, referred to as the Comprehensive Plan, is described in Rule 40D-80.073, F.A.C. The requirements of sections 3.9.3.1.1 through 3.9.3.4.1.4 effectuate part of the Comprehensive Plan and shall be effective only through December 31, 2020. Compliance with this section does not, by itself, satisfy the other conditions for issuance of Chapter 40D-2, F.A.C., including Rule 40D-2.301, F.A.C.

3.9.3.1.1 FOR NEW WITHDRAWALS PROPOSED AFTER AUGUST 3, 2000.

3.9.3.1.1.1 WHERE ABOVE MINIMUM FLOW OR LEVEL.

For water bodies that are predicted to be impacted by the proposed withdrawal and where the actual flow or level is at or above a Minimum Flow or Level, withdrawals shall be limited to that quantity, as may be further limited by other provisions of Rule 40D-2.301, F.A.C., and this Applicant's Handbook, that does not cause the actual flow to fall below the Minimum Flow, nor cause the actual level to fall below the Minimum Level on a long-term average basis (the "Baseline Quantity"). For purposes of this section, "long-term" means a period which spans the range of hydrologic conditions which can be expected to occur based upon historical records, ranging from high water levels to low water levels. In the context of a predictive model simulation, a long-term simulation will be insensitive to temporal fluctuations in withdrawal rates and hydrologic conditions, so as to simulate steady-state average conditions. In the context of an average water level, the average will reflect the expected range and frequency of levels based upon historic conditions. This period will vary because reasonable scientific judgment is necessary to establish the factors to be used in the assessment of each application depending on the geology and climate of the area of withdrawal, the depth of and number of wells and the quantity to be withdrawn.

A. If the withdrawal of the requested quantity of water does not meet the requirements in this section, the Applicant shall identify the Baseline Quantity, and the District shall consider, as may be further limited by other provisions of Rule 40D-2.301, F.A.C., and this Applicant's Handbook, the authorization of the additional quantity of water to be withdrawn where the Applicant:

(1) Demonstrates that there are no reasonable means to modify the proposed withdrawal to meet the conditions in this section, including the use of alternative supplies, to reduce or replace the amount of the requested quantity exceeding the Baseline Quantity. Cost shall not be the sole basis for determining whether the means are reasonable.

(2) Provides reasonable assurance that significant harm will be prevented to the wetlands and surface water bodies that could be affected by the proposed withdrawal if the requested quantity is withdrawn.

(3) Demonstrates that any measures used to provide the reasonable assurance specified in Section 3.9.3.1.1.1A(2) above will not cause a violation of any of the criteria listed in Rules 40D-2.301, 40D-4.301, or 40D-4.302, F.A.C., as applicable.

B. To support whether the Applicant has provided reasonable assurance pursuant to Section 3.9.3.1.1.1A(2), the Applicant must submit an environmental management plan (EMP) for approval by the District

describing the measures to be used to prevent significant harm from withdrawal of the requested quantity. The EMP must include a monitoring program for early detection of impacts to wetlands and surface water bodies that could be affected by the proposed withdrawal and an implementation scheme for corrective actions to prevent adverse impacts. The EMP shall include provisions to evaluate changes in water quality, water levels, vegetation, and fish and wildlife. The EMP shall also include clear thresholds as to when the implementation scheme will be initiated. The implementation scheme shall include details as to how the proposed measures will be effected, the methods to be followed in order to functionally replicate the natural hydrologic regime of affected water bodies, and efforts to be undertaken to minimize the effects of changes in water chemistry. The implementation scheme shall also require reduction of pumping to the Baseline Quantity as a corrective action if no other measures, including augmentation, are successful in preventing unacceptable adverse impacts to wetlands and surface water bodies due to withdrawals. An approved EMP shall be incorporated as a special condition to any permit issued.

(1) The measures proposed may include augmentation of affected water bodies or modification of existing drainage structures to prevent significant harm to affected water bodies, provided that the measures within the EMP minimize the need for augmentations to the greatest extent practical.

(2) If augmentation is proposed, the Applicant will be required to identify in the application and monitor a representative number of wetlands in the vicinity of the withdrawal. The monitored wetlands shall include a representative number of MFL or MFL surrogate wetlands not receiving augmentation. An MFL surrogate wetland is the nearest wetland site of the same type and condition to the proposed withdrawal that is not anticipated to require augmentation. The monitored wetlands shall also include, where available, non-MFL wetlands not receiving augmentation as well as MFL and non-MFL wetlands proposed for augmentation.

(3) A representative number of wetlands is a number of a particular type or types of wetlands, in the vicinity of the withdrawal, sufficient to adequately determine the hydrologic response of the wetlands and surface water bodies that could be affected by the proposed withdrawal to rainfall and water withdrawals.

(4) If augmentation is proposed to rehydrate lakes or wetlands, in order for a water use permit authorizing the requested quantity to be issued, the Applicant shall demonstrate that:

(a) The measures within the proposed EMP minimize the quantity of water required for augmentation by raising water levels by filling or blocking ditches, removing culverts or outflows, or other alterations, where practical and feasible, and whether such alterations will achieve the applicable minimum level. If the measures proposed by the application identify the need for specific ERPs, such permits must be obtained prior to withdrawal of the requested quantities.

(b) The Applicant has proposed use of the lowest quality of water for augmentation which is scientifically, technically and environmentally feasible to prevent adverse impacts;

(c) Measures within the proposed EMP minimize the need for groundwater augmentation to the greatest extent practical based on the quantity, frequency and duration of the anticipated use.

(d) The measures within the proposed EMP minimize or avoid the potential for adverse impacts to water quality or fish and wildlife in the wetland or surface water body receiving supplemental hydration, and, if such a potential exists, the EMP contains adequate measures to detect impacts at an early stage and to prevent adverse impacts in an expeditious manner;

(e) The measures within the proposed EMP minimize or avoid the potential for the establishment or spread of undesirable aquatic vegetation in the wetland or surface water body receiving augmentation and, if such a potential exists, the EMP contains adequate measures to detect vegetative changes at an early stage and to prevent undesirable vegetative changes in an expeditious manner.

(f) The quantity of water needed for augmentation is outweighed by the quantity of water made available for other uses.

(g) The quantity of water needed for augmentation is reasonable compared to the adverse impacts to be prevented.

(h) The adverse impact to be prevented by augmentation results in benefits that outweigh the potential for impacts caused by the additional withdrawal; and

(i) The quantity of the water used for augmentation is reasonable considering the proportion expected to percolate into the aquifer.

C. Wetlands or other surface water bodies receiving augmentation must have flow meters to measure the quantity of augmentation water used at each site. This information shall be reported to the District as required by permit condition.

D. Pursuant to Chapter 373, F.S., and Chapter 40D-2, F.A.C., permits may be conditioned to include aquifer regulatory levels intended to achieve compliance with one or more of the Chapter 40D-2, F.A.C., conditions for issuance, including Rule 40D-2.301, F.A.C., Minimum Flows and Levels criteria. The aquifer regulatory level that will be appropriate for any particular permit, considering all conditions for issuance, is the level that results from the more stringent condition. If augmentation with ground water is proposed pursuant to sections 3.9.3.1.1.1A and 3.9.3.1.1.1B, the Applicant will be required to propose a Floridan aquifer regulatory level for each of the MFL wetlands or MFL surrogate wetlands not receiving augmentation in the vicinity of the proposed water use permit. The aquifer regulatory level for each MFL wetland or MFL surrogate wetland not receiving augmentation with groundwater shall be the Floridan aquifer level that does not cause the Minimum Level to be exceeded on a long-term basis, based solely on withdrawal management. The aquifer regulatory level for MFL wetlands receiving augmentation with groundwater shall be the Floridan aquifer level taking into account the benefits of the augmentation. The procedures described below are those applicable to the determination of an aquifer regulatory level relating to Rule 40D-2.301(2)(h), F.A.C., where the District authorizes a quantity of Upper Floridan aquifer groundwater pursuant to section 3.9.3.1.1.1A when an Applicant proposes prevention measures, that are specified in any permit issued as follows:

(1) The aquifer regulatory level is the long-term average potentiometric level that will not result in significant harm to a water body for which a Minimum Flow or Level has been established in Chapter 40D-8, F.A.C., taking into account the effects of prevention measures such as augmentation on the impacted Minimum Flow or Level. The aquifer regulatory level for the Upper Floridan aquifer shall be proposed by the Applicant, as needed, and if approved by the District shall be included within the WUP issued. The aquifer regulatory level will be used to determine the annual average quantities for the WUP that does not result in significant harm to water resources taking into account prevention measures such as augmentation. The aquifer regulatory level is one of several long-term compliance tools that are evaluated by the District, but is not a mechanism to control withdrawals on a short term basis. The aquifer regulatory level and the quantities granted based on this level shall be adjusted if data indicate that significant harm is occurring because of the withdrawals or if data indicates that additional withdrawals can be permitted without causing significant harm.

(2) The aquifer regulatory level for the Upper Floridan aquifer shall be calculated based on the relationship between the potentiometric level of the Upper Floridan aquifer and water levels in the surficial aquifer system and associated wetlands and lakes, taking into account the measures proposed by the applicant to prevent the significantly harmful impacts of withdrawals. The Floridan aquifer regulatory levels associated with MFL wetlands or MFL surrogate wetlands not receiving augmentation, shall be equal to the Floridan aquifer level that does not cause the Minimum Level to be exceeded on a long-term basis, based solely on withdrawal management. The Floridan aquifer regulatory level associated with MFL wetlands that receive augmentation shall be determined according to the following guidelines:

(a) Determine the historic average Upper Floridan aquifer potentiometric level in the vicinity of the MFL wetland or MFL lake. The historic average potentiometric level is estimated for each site as follows:

(i) If an Upper Floridan aquifer monitor well is located in the vicinity, and if the available pre-withdrawal potentiometric level data are sufficient to capture the expected long-term range of pre-withdrawal potentiometric levels, then the historic average potentiometric level is calculated by taking the average of the pre-withdrawal potentiometric level data.

(ii) If an Upper Floridan aquifer monitor well is located in the vicinity, and if the available pre-withdrawal potentiometric level data are not sufficient to capture the expected long-term range of pre-withdrawal potentiometric levels, then the historic average potentiometric level shall be estimated using best available data and methods. Methods may include correlation of the available pre-withdrawal potentiometric level data to historic potentiometric data in other areas of the region and estimating the historic average potentiometric level at the site in question using statistical analysis.

(iii) If no pre-withdrawal potentiometric level data for an existing Upper Floridan aquifer monitor well in the vicinity are available, then the historic average potentiometric level is determined by adding the absolute value of the estimated current average cumulative drawdown at the well to the current average potentiometric level of the well.

(iv) If no Upper Floridan aquifer monitor well exists in the vicinity of each MFL lake or MFL wetland, the historic average potentiometric level can be determined based on an evaluation of regional aquifer potentiometric level data, including potentiometric surface maps.

(b) Estimate the resulting cumulative Upper Floridan aquifer potentiometric level drawdown at the location of the MFL wetland or MFL lake utilizing acceptable ground water flow models or analytical techniques, resulting from the proposed and existing withdrawals, taking into account the effect of the prevention measures proposed by the WUP Applicant such that the drawdown together with the prevention measures will not cause significant harm to the MFL wetland or MFL lake (hereinafter referred to as the “Resulting Drawdown”).

(c) Subtract the Resulting Drawdown from the historic average potentiometric level to calculate the aquifer regulatory level.

(d) The Resulting Drawdown shall be determined using industry-standard ground water flow models or analytical techniques, based on best available aquifer-characteristic information, simulating long-term average water use and hydrologic conditions.

(e) If the District determines that reasonable assurances have been provided pursuant to section 3.9.3.1.1.1A, the District shall authorize the additional quantity of water to be withdrawn.

3.9.3.1.1.2 FOR NEW QUANTITIES THAT AFFECT A WATER BODY THAT IS BELOW MINIMUM FLOW OR LEVEL.

Requests for withdrawals of new quantities of water that are projected to impact a water body which is below its minimum flow or level shall not be approved unless the new quantities are used solely for furthering the attainment of the objective set forth in the Comprehensive Plan in Rule 40D-80.073, F.A.C.

3.9.3.1.2 QUANTITIES AUTHORIZED TO BE WITHDRAWN AS OF AUGUST 3, 2000.

3.9.3.1.2.1 WHERE ABOVE MINIMUM FLOW OR LEVEL.

For water bodies that are affected by withdrawals and where the actual flow or level is at or above a Minimum Flow or Level, withdrawals, including those from the Tampa Bay Water Central System Facilities, shall be evaluated pursuant to Section 3.9.3.1.1.1A.

3.9.3.1.2.2 WHERE BELOW MINIMUM FLOW OR LEVEL.

For water bodies that are affected by the withdrawal and where the actual flow or level is below a Minimum Flow or Level.

A. Tampa Bay Water Central System Facilities.

Compliance with established Minimum Flows and Levels for water bodies that are adversely impacted by withdrawals from the Tampa Bay Water Central System Facilities shall be addressed as specified in this Applicant’s Handbook and Rule 40D-80.073, F.A.C.

B. Other Existing Permittees as of August 3, 2000.

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 as specified in Rule 40D-80.073, F.A.C.

3.9.3.2 AGRICULTURE.

As a guide for WUP Applicants and Permittees, total allocated inches per acre per season for citrus in the Northern Tampa Bay WUCA are provided in the Applicant’s Handbook Part C. For crops, soil types, planting dates, and length of growing season not listed in those tables, an Applicant or Permittee may obtain the total allocated inches per acre per season or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre per season per crop based on the information provided. An Applicant or Permittee may use alternative methods for calculating water use needs subject to District approval. The District will use the Management Periods to evaluate future efficiency standards and goals as part of the recovery strategy for the WUCA.

3.9.3.2.1 MANAGEMENT PERIOD.

The allocated inches per acre per season per crop for supplemental and field preparation/crop establishment for the January 1, 1993, management period will be based on the following minimum assigned efficiency standards. These standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency standard goals for future management periods.

These requirements shall be implemented by applying the following permit conditions to all agricultural permits, as applicable:

Effective January 1, 1993, the Permittee shall not exceed the quantities allocated for each crop type.

Allocated inches per irrigated acre per season are determined separately for three major categories of water use: field preparation/crop establishment; supplemental irrigation; and, other uses (i.e., frost/freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts). Once these three separate quantities are calculated, they are added and the sum equals the total allocated inches per irrigated acre per season, for each individual crop type.

These allocated inches per acre per season per crop for field preparation/crop establishment and supplemental irrigation (excluding nurseries, which are permitted on a case-by-case basis) are based on the minimum assigned efficiency standards listed in Table 3-2 below. These minimum standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency goals for future management periods.

Table 3-2 Minimum Assigned Efficiency Standards and Goals.

Crop Type	Supplemental Irrigation				Field Preparation/ Crop Establishment			
	Eff. Req.	Efficiency Goals			Eff. Req.	Efficiency Goals		
	1993	1997	2001	2011	1993	1997	2001	2011
Citrus								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Strawberries								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Row Crops (with drip or unmulched, non-seepage irrigated)								
Existing Permits	75%	80%	85%	85%	60%	60%	60%	60%
New Permits	80%	80%	85%	85%	60%	60%	60%	60%
Other Crops								
Existing Permits	60%	65%	70%	70%	60%	60%	60%	60%
New Permits	70%	70%	70%	70%	60%	60%	60%	60%

3.9.3.2.1.1 JANUARY 1, 1993 MANAGEMENT PERIOD.

Citrus-the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 75%.

Strawberries-the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 75%.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system-the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60% and 75% for supplemental irrigation requirements.

Nurseries-the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops-the total allocated inches per acre per season for both field preparation/crop establishment and supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 60%.

These minimum assigned efficiencies shall remain in effect until modified by rule.

3.9.3.2.1.2 JANUARY 1, 1997 MANAGEMENT PERIOD.

Based on information collected for the period 1990-1992, different efficiency standards may be developed for the January 1, 1997 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus-the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 80%.

Strawberries-the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 80%.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system-the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60% and 80% for supplemental irrigation requirements.

Nurseries-the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops-the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60%, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 65%.

3.9.3.2.1.3 JANUARY 1, 2001 MANAGEMENT PERIOD.

Based on information collected for the period 1993-1996, different efficiency standards may be developed for the January 1, 2001 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus-the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85%.

Strawberries-the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85%.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system-the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60% and 85% for supplemental irrigation requirements.

Nurseries-the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops-the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60%, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70%.

3.9.3.2.1.4 JANUARY 1, 2011 MANAGEMENT PERIOD.

Based on information collected for the period 1996-2005, different efficiency standards may be developed for the January 1, 2011 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus-the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 80%.

Strawberries-the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 80%.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system-the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60% and 80% for supplemental irrigation requirements.

Nurseries-the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops-the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60%, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 65%.

3.9.3.2.2 MONITORING REQUIREMENTS FOR AGRICULTURAL WATER USE.

To ensure compliance with the total allocated inches per acre per season per crop, the District requires the crop reports to be submitted.

Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. All Permittees with permits for 100,000 gpd or greater annual average quantities shall submit the Annual Crop Summary Report Form No. LEG-R.102.00 (5/14).

Additionally, quantities for crop protection shall be documented on the Crop Protection Report Form LEG-R.104.00 (5/14) within 60 days following the crop season.

3.9.3.3 AUGMENTATION.

Augmentation may be required by the District to mitigate the impacts of withdrawals, or it may be requested by an Applicant who wishes to raise surface-water levels. Augmentation is permissible provided that the benefits outweigh any adverse impacts to ground or surface water resources, depending on the specific situation.

Augmentation for maintenance of lake and wetland natural habitat can be permitted as long as no adverse impacts result from the withdrawal. Augmentation may be allowed provided that 1) alternative solutions have been addressed, 2) the need for such augmentation has been established, 3) withdrawals for augmentation do not cause adverse impacts, and 4) measures are taken to allow the surface water level to fluctuate seasonally as described in Section 2.4.9.2C of the Applicant's Handbook. Augmentation above District-established applicable minimum water levels is prohibited. Maximum groundwater augmentation levels for lakes currently below established minimum water levels will be based on recent historical levels.

Augmentation for purely aesthetic purposes, such as for creating and maintaining water levels in constructed ponds shall not be permitted. Existing permits that include aesthetic augmentation may be renewed only if the criteria of Section 2.4.9.2b through g are implemented. Reuse of water through tail-water recovery ponds in efficiently managed systems is encouraged and is not considered augmentation.

3.9.3.4 LAKE IMPACTS.

A stressed condition for a lake is defined to be chronic fluctuation below the normal range of lake level fluctuations. For lakes with District-established management levels, a stressed condition is a chronic fluctuation below the minimum low management level. For those lakes without established management levels, stressed conditions shall be determined on a case-by-case basis through site investigation by District staff during the permit evaluation process. The District maintains a list of lakes within the WUCA which have been determined to be stressed.

3.3.9.3.4.1 STRESSED LAKES-NEW WITHDRAWALS.

Due to cumulative groundwater and surface water use impacts, new use from stressed lakes shall not be permitted.

3.9.3.4.1.2 STRESSED LAKES-EXISTING WITHDRAWALS.

Existing permitted surfacewater withdrawals from stressed lakes shall be abandoned or replaced with an alternate source by September 30, 1993. Existing and new permitted withdrawals from lakes that are determined by the District to be stressed following the implementation of the WUCA Rule shall abandon or replace these withdrawals with alternate sources within three years of the designation of the stressed lake. This requirement shall be implemented for all existing WUPs that include surface water withdrawals from stressed lakes by applying the following permit condition:

All existing surface water withdrawals from stressed lakes shall be abandoned or replaced with a surficial or Floridan aquifer ground water source, or a reuse source, by September 30, 1993. Such replacement shall require a modification of the Water Use Permit.

The following requirement shall be implemented for all existing and new permits that include surface water withdrawals from lakes that may be designated stressed in the future by applying the following permit condition to all permits within the WUCA which have surface water withdrawals from lakes:

Within 3 years from notification by the District that the lake from which the Permittee is withdrawing is stressed, all surface water withdrawals from this lake shall be abandoned or replaced with a surficial or Floridan aquifer groundwater source, or a reuse source. Such replacement shall require a modification of the WUP.

Water users with existing surface withdrawals on stressed lakes shall be allowed some impact on the lake from the proposed replacement well as long as the quantities withdrawn do not increase.

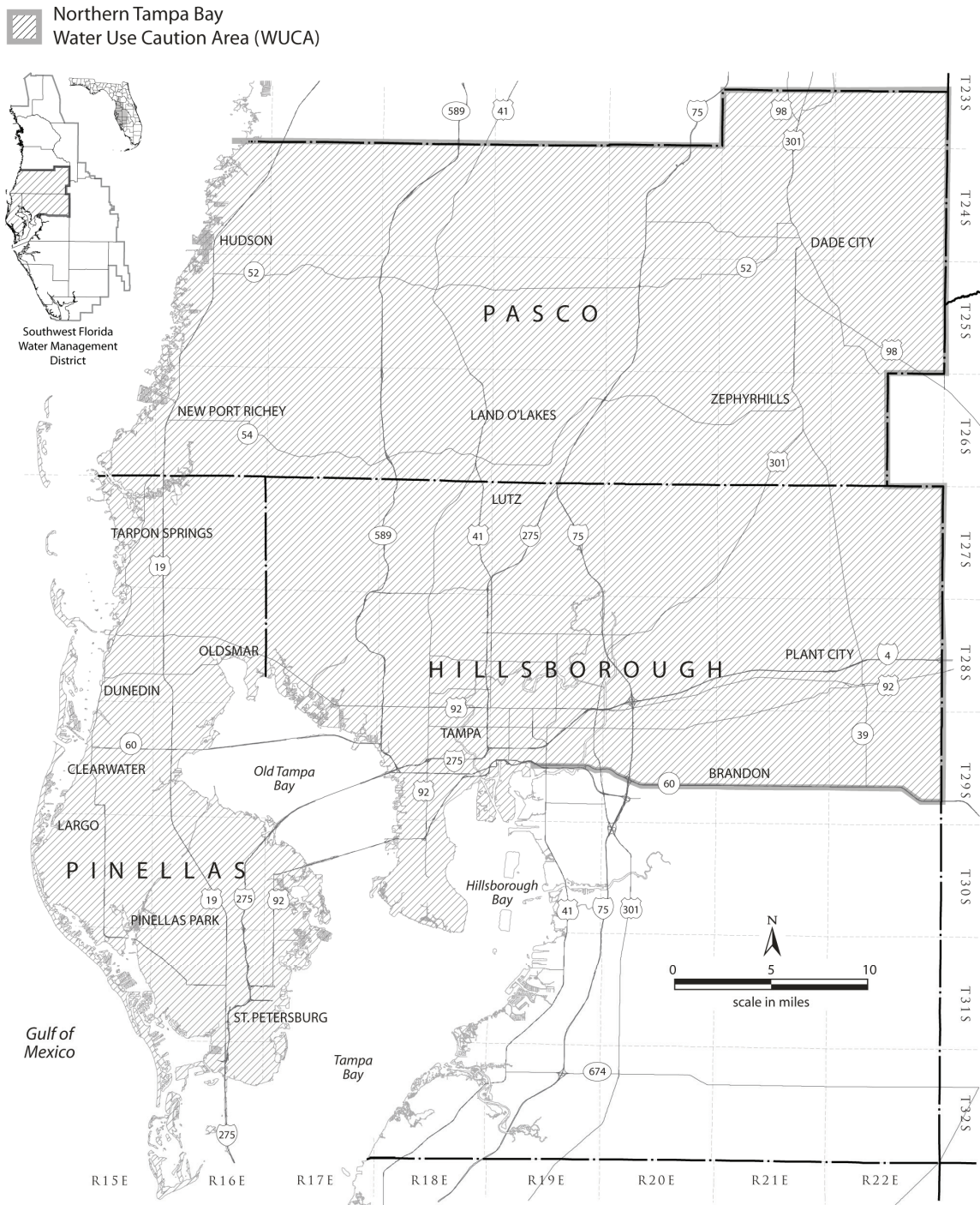
3.9.3.4.1.3 STRESSED LAKES-NEW GROUND WITHDRAWALS.

New groundwater withdrawals that adversely impact stressed lakes, or which would cause a lake to become stressed, shall not be permitted.

3.9.3.4.1.4 COMPLIANCE WITH THE COMPREHENSIVE PLAN.

Compliance by Permittees with the standard permitting criteria for wetlands, lakes, streams, springs and aquifer levels set forth in Sections 3.3, 3.9 and 3.4 of Applicant's Handbook shall be as specified in the Comprehensive Plan set forth in Rule 40D-80.073, F.A.C. In all other respects, Permittees shall be governed by the criteria set forth in Rule 40D-2.301, F.A.C.

Figure 3.2



3.9.4 DOVER/PLANT CITY WATER USE CAUTION AREA.

The Governing Board has declared a portion of Hillsborough and Polk counties the Dover/Plant City Water Use Caution Area (Dover/Plant City WUCA) effective June 16, 2011. The area designated is shown in Figure 3-3; the legal description is set forth in Rule 40D-2.801(3)(c), F.A.C. As of June 16, 2011, all existing WUPs within the WUCA are modified to incorporate the applicable measures and conditions described below. Valid WUPs, legally in effect as of June 16, 2011, are hereafter referred to as existing WUPs. Additional or alternative permitting criteria and permit conditions are applicable to those new, renewal, or modified WUP specified in Rule 40D-2.801(3)(c), F.A.C.

Portions of the area within the Dover/Plant City WUCA are also included within the Northern Tampa Bay WUCA and SWUCA, and rules pertaining to those areas remain in force within those areas. This section of the Applicant's Handbook for the Dover/Plant City WUCA is intended to supplement the provisions in other sections of the Applicant's Handbook and are not intended to supersede or replace them, except as specified in the Applicant's Handbook, including this Section, or in Rule 40D-2.801(3)(a), F.A.C. If there is a conflict between requirements, the more restrictive provision shall prevail.

3.9.4.1 WITHDRAWALS THAT AFFECT THE MINIMUM AQUIFER LEVEL ESTABLISHED WITHIN DOVER/PLANT CITY WATER USE CAUTION AREA.

A Minimum Aquifer Level has been established in Rule 40D-8.626(3), F.A.C., for Well DV-1 that is located within the Dover/Plant City WUCA, as shown in Figure 3-3 in the Application's Handbook, described in Rule 40D-2.091. The Minimum Aquifer Level is affected by local and regional groundwater withdrawals. In order to compensate for the variable hydrogeologic factors within the region, a MALPZ is established based on the 30 ft. drawdown contour for the January 2010 frost/ freeze event as shown in Figure 3-3. In establishing the Minimum Aquifer Level, the District has determined that the actual water level is below the Minimum Aquifer Level. The District is implementing a Recovery Strategy for the Minimum Aquifer Level. The Dover/Plant City WUCA provisions of the Applicant's Handbook incorporated by reference in Rule 40D-2.091, F.A.C., and Chapters 40D-2, 40D-8 and 40D-80, F.A.C., set forth the regulatory portion of the recovery strategy for the Minimum Aquifer Level. Compliance with the Minimum Aquifer Level and the MALPZ by applicants with withdrawals for crop protection within or proposed to be within the Dover/Plant City WUCA and all other Applicants for withdrawals for crop protection that have the potential to impact the Minimum Aquifer Level and the MALPZ will be addressed as specified in this Section. Compliance with this Section does not, by itself, satisfy the requirements of Chapter 40D-2, F.A.C., for applications submitted on or after June 16, 2011.

3.9.4.2 GENERAL.

A Minimum Aquifer Level has been established for District Well DV-1 Suwannee in Rule 40D-8.626(3), F.A.C., the location of which is depicted on Figure 3-3. In order to address the effects of local and regional groundwater withdrawals and the variable hydrogeologic factors within the region, a Minimum Aquifer Level Protection Zone is defined as the area within the boundary of the 30 ft. drawdown contour for the January 2010 frost/freezing event (See Figure 3-3). In establishing the Minimum Aquifer Level, the District has determined that the actual water level is below the Minimum Aquifer Level when certain pumping and climatic conditions occur. As required by law, the District is implementing a Recovery Strategy for the Minimum Aquifer Level. The Dover/Plant City WUCA provisions of the Applicant's Handbook, and Chapters 40D-2, 40D-8 and 40D-80, F.A.C., set forth the regulatory portion of the recovery strategy for the Minimum Aquifer Level. Compliance with this section does not, by itself, satisfy the requirements of Chapter 40D-2, F.A.C., for applications submitted on or after June 16, 2011.

3.9.4.2.1 NEW APPLICATIONS.

All applications for New Quantities, and applications located outside the Dover/Plant City WUCA whose requested withdrawals have the potential to impact the MALPZ, will be evaluated to determine whether the proposed withdrawal for crop protection will impact the Dover/Plant City WUCA MALPZ. However, the Applicant has the option to reduce or redistribute the withdrawals to eliminate any impacts so that the withdrawal can be permitted. In addition to the other requirements of Rule 40D-2.301, F.A.C., and the Applicant's Handbook, the following requirements apply to New Quantities and applications located outside the Dover/Plant City WUCA

whose requested withdrawals for frost/freeze protection have the potential to impact the Minimum Aquifer Level Protection Zone:

Crop Protection –Applications for New Quantities for crop protection shall be evaluated based on a crop protection design event of 21 hours of irrigation, followed consecutively by 6 hours of non-irrigation, 13 hours of irrigation, 11 hours of non-irrigation and by 14 hours of irrigation. For New Quantities, the resulting drawdown shall not exceed 0.0 ft. within or at the boundary of the MALPZ, in addition to meeting the requirements of Rule 40D-2.301, F.A.C., and the Applicant's Handbook. Existing permitted groundwater withdrawals for crop protection within the Dover/Plant City WUCA are addressed below in sections titled "Investigation of Crop Protection Withdrawal-Related Well Complaints" and the permit conditions for mitigation of impacts to existing legal uses.

3.9.4.2.2 EXISTING WUPS.

Applications for the renewal or modification of a WUP with no proposed increase in permitted crop protection quantities or change in Use Type associated with crop protection will be evaluated to determine compliance with the conditions for issuance of a permit set forth in Rule 40D-2.301, F.A.C., and the Applicant's Handbook, described in Rule 40D-2.091, F.A.C., in its entirety. When evaluating the reasonable-beneficial use of the water, emphasis will be given to reasonable water need, water conservation, use of AWS, and use of alternative crop protection methods. However, the existing impacts of permitted quantities on the Minimum Aquifer Level Protection Zone, or the Minimum Aquifer Level, will not be a basis for permit denial because the Dover/Plant City WUCA Recovery Strategy taken as a whole is intended to achieve recovery to the established minimum level as soon as practicable. Existing groundwater withdrawal impacts for crop protection shall be evaluated at renewal or modification based on a frost/freeze design event of 21 hours of irrigation, followed consecutively by 6 hours of non-irrigation, 13 hours of irrigation, 11 hours of non-irrigation and by 14 hours of irrigation.

3.9.4.2.3 SELF-RELOCATION.

A Permittee with existing permitted impacts on the Minimum Aquifer Level Protection Zone as of June 16, 2011 may modify its WUP to relocate to a different property all or a portion of the used and unused reasonable-beneficial permitted quantity. When relocated, the withdrawal of the quantities cannot increase impacts to the Minimum Aquifer Level Protection Zone and must meet all other applicable permitting criteria included in Rule 40D-2, F.A.C., and this Applicant's Handbook. A Self-Relocation cannot include any change in ownership, control, Use Type or increase in quantities. Crop rotation, by planting and irrigating non-contiguous properties within the same locale in a structured, revolving fashion, is allowed under a single permit and is not considered Self-Relocation.

3.9.4.2.4 TRANSFER.

A permit may be transferred to another person or entity provided there is no change in permitted water use activities.

3.9.4.2.5 APPLICATIONS FOR NEW QUANTITIES.

For applications including New Quantities for crop protection located within the Dover/Plant City WUCA and applications for permits for crop protection outside the Dover/Plant City WUCA but with the potential to impact the Minimum Aquifer Level Protection Zone, the District will evaluate the applications to determine impacts to the Minimum Aquifer Level Protection Zone, and all other Rule 40D-2, F.A.C., rule criteria. The proposed use shall only be permitted if the proposed ground water withdrawals do not impact the Minimum Aquifer Level Protection Zone. Metering of wells and any alternative sources shall be required as provided below to assure that the alternatives are used when alternative crop protection methods are proposed for protection.

3.9.4.2.6 NET BENEFIT.

In the case where an Applicant for New Quantities and applications located outside the Dover/Plant City WUCA whose requested withdrawals are constrained by impacts to the Minimum Aquifer Level Protection Zone, the Applicant may choose to provide reasonable assurance by implementation of one or more of the Net Benefit options listed below in order to mitigate the predicted impacts. In order to provide a Net Benefit, the measures proposed by the Applicant must offset the predicted negative impact of the proposed withdrawal and also provide

an additional positive effect within or at the boundary of the Minimum Aquifer Level Protection Zone equal to or exceeding 20% of the predicted negative impact. For example, if the predicted drawdown is 1.0 ft., the mitigation must offset the 1.0 ft. drawdown and provide another 0.2 ft. (i.e., 20% of 1.0 ft.) of positive effect so that the result is a net improvement of 0.2 ft. There are two forms of Net Benefit, including Mitigation plus Recovery (includes Land Use Transitions), and Groundwater Replacement Credits, as described below. In addition to the requirements in Rule 62-40.416, F.A.C., incorporated by reference in rule 40D-2.091(3), F.A.C., this section provides additional requirements on the use of substitution credits and impact offsets to achieve a Net Benefit within the Dover/Plant City WUCA.

A. Mitigation Plus Recovery – This Net Benefit provision consists of retiring from use the historically used groundwater quantity associated with one or more permits that impacts the Minimum Aquifer Level Protection Zone. Mitigation plus recovery must either precede or be coincident with any new permitted withdrawals. Historically used quantities are those permitted quantities that the District determines have been deemed reasonable-beneficial and were used by a Permittee. These quantities are determined based on documentation previously submitted by a Permittee and other methods available to the District to verify the quantities being retired. The types of documentation submitted by Permittees include seasonal/annual crop reports, metered data, and other information. Other methods of verification include aerial photography, receipts for supplies, equipment, and services, property appraiser records and other methods. For WUPs below thresholds for crop reporting and metering, aerial photography and other methods will be used to determine quantities.

1. Land Use Transitions.

(a) Where historically used groundwater quantity associated with one or more WUPs that impact the Minimum Aquifer Level Protection Zone is permanently retired, 80% of the quantity associated with the impact of the retired quantity is available to be applied as a Net Benefit.

(b) Where an existing Permittee replaces groundwater that was historically used for crop protection with water from tailwater recovery systems or other alternative crop protection methods, 35% of the groundwater quantity shall remain in the permit for use as tailwater pond makeup supply or emergency standby use. The amount available for use as a Net Benefit will be 80% of the remaining 65% of the historically used groundwater quantity.

(c) Where the historically used groundwater quantities are used to provide a Net Benefit for another Permittee but the donor Permittee wishes to maintain a standby permit, the donor Permittee's standby quantity shall be 80% of this quantity, allowing 80% of the remaining 20% to be available as a Net Benefit.

2. Recharging the aquifer and withdrawing water such that there remains a net positive impact on the Floridan aquifer potentiometric surface at least 20% greater than the impact of the proposed withdrawal.

3. Undertaking other actions to offset the proposed impact of the withdrawal plus 20% recovery.

B. Groundwater Replacement Credit.

To reduce groundwater withdrawals, a Groundwater Replacement Credit can be obtained as an incentive to Permittees to offset groundwater withdrawals with alternative water supplies (AWS). The holder of a Groundwater Replacement Credit can use the Credit to provide a Net Benefit where required. The process to obtain a Groundwater Replacement Credit is as follows:

1. A Groundwater Replacement Credit is created when a person or entity (Supplier) provides a quantity of water from an AWS to offset an existing WUP holder's (Receiver's) groundwater withdrawals when those withdrawals impact the Minimum Aquifer Level Protection Zone. A Groundwater Replacement Credit will be available in accordance with Rule 62-40.416(8)(d), F.A.C., incorporated by reference in rule 40D-2.091(3), F.A.C.

2. A Groundwater Replacement Credit will be issued for an amount equal to 80 percent of the reasonable-beneficial quantity that has been historically used.

3. The Supplier and Receiver shall apply to the District for the credit and indicate to the District which entity should obtain the credit quantity, or whether the credit quantity will be divided between them.

4. The District will set aside the groundwater quantities that are discontinued as a result of the offset by AWS in a standby permit that will be issued to the Receiver to allow withdrawal of all or a portion of such quantities in the event that the alternative water supply is interrupted, discontinued, becomes unsuitable or is decreased.

5. The Groundwater Replacement Credit will exist for only so long as the Receiver maintains its use of the AWS, unless all groundwater use at the Receiver site ceases, in which case the Credit shall remain in effect

and available to the holder of the Credit. The Credit will also remain available if the Receiver transfers the standby permit to a new owner at the same site who continues the same water use with the AWS.

6. The only withdrawals that may be considered for a Groundwater Replacement Credit are those that meet the permitting criteria of Chapter 40D-2, F.A.C., and this Applicant's Handbook.

7. Reclaimed water suppliers shall not be eligible for a Groundwater Replacement Credit when reclaimed water is directed from existing reclaimed water users to other reclaimed water users and such redirection causes an existing reclaimed water user to reinstate permitted standby ground water withdrawals. In such a case the credit shall be applicable if the reclaimed water provider can demonstrate that the cumulative effect of such redirection will achieve more recovery of the Minimum Aquifer Level than would otherwise occur absent of the redirection.

3.9.4.3 CROP PROTECTION.

3.9.4.3.1 CROP PROTECTION.

Maximum Day allocations for crop protection shall be allocated based on a 21 hour event. Quantity allocations shall be as follows:

- (a) Blueberries, Nursery, and Strawberries shall be based on 6,788 gallons per hour per acre.
- (b) Citrus shall be based on 3,000 gallons per hour per acre.

3.9.4.3.2 AQUACULTURE CROP PROTECTION.

Maximum Day allocation for crop protection for aquaculture shall be based on the type of fish and the volume of water replaced in the Applicant's vats, ponds and tanks.

3.9.4.3.3 ALTERNATIVE CROP PROTECTION.

All applicants for WUPs for 100,000 gpd annual average quantities or greater that include an activity that typically uses crop protection and that have or propose to have a groundwater withdrawal with the potential to impact the Minimum Aquifer Level Protection Zone, shall investigate the technical, economic and environmental feasibility of using alternatives to groundwater for crop protection. If it is determined that alternatives to groundwater are not feasible, applications for New Quantities that impact the Minimum Aquifer level Protection Zone will not be permitted without a Net Benefit. However, in evaluating renewal applications for permits in effect as of June 16, 2011, a determination that alternatives to groundwater are not feasible shall not be a basis for denial of the renewal application.

Examples of alternatives to using groundwater to provide crop protection are tailwater recovery systems, stormwater systems, tunnels, covers, foam and heaters. Alternative methods can also include methods supported by documentation from the IFAS. The evaluation required in this section shall determine whether alternatives are available to use in lieu of groundwater for all or part of crop protection including investigation of participation in the FARMS program set forth in Chapter 40D-26, F.A.C. Infeasibility shall be supported with a detailed explanation, including a description of the investigation of participation in the FARMS program. Use of alternatives to groundwater for crop protection shall be required where technically, economically, and environmentally feasible.

3.9.4.4 WITHDRAWAL MONITORING AND REPORTING.

3.9.4.4.1 METERING.

In addition to the meters required by Section 4.1 of the Applicant's Handbook, new and existing Permittees shall meter withdrawal quantities from each facility, including backup and standby facilities, and provide meter readings as set forth below when:

1. Issued a WUP with crop protection quantities to be withdrawn from groundwater within the Dover/Plant City WUCA.
2. Issued a WUP for 100,000 gpd annual average quantities or greater from groundwater within the Dover/Plant City WUCA.
3. Issued a WUP within the Dover/Plant City WUCA for groundwater quantities to provide crop protection quantities authorized to be used or withdrawn from any combination of sources that if withdrawn from

groundwater alone would have the potential to impact the Minimum Aquifer Level Protection Zone established for the Dover/Plant City WUCA.

4. Issued a WUP within the Dover/Plant City WUCA for groundwater quantities to provide supplemental irrigation for a use that typically requires crop protection and where such protection could be achieved through groundwater withdrawals but alternative protection methods are proposed.

3.9.4.4.2 WUP CONDITIONS.

1. Metering – when required to meter pursuant to Section 3.9.4.4.1, existing WUPs and new WUPs shall include, the following conditions as applicable:

(a) All facilities, including backup and standby facilities, shall be metered. All alternative water supply (AWS) quantities received, self-generated and used from each alternative water supply inflow line (line coming onto the property from an off-site source), any imported water source, each on-site stormwater catchment facility, each tailwater recovery or rainfall pond system, and each AWS re-pump surface water facility from any storage facility (the above sources collectively hereinafter referred to as “AWS Points”) shall also be metered. Facilities that are required to be metered shall be metered within 90 days after construction of the facility is completed.

(b) The following condition is added to WUPs existing as of June 16, 2011, and WUPs issued pursuant to an application submitted prior to June 16, 2011, that are located within the Dover/Plant City WUCA and required to be metered pursuant to Section 3.9.4.4.1 above:

The District will provide for flow meters and their installation on operational facilities, inflow lines, catchment facilities, tailwater recovery or rainfall capture pond and storage facilities in existence prior to June 16, 2011 that are not equipped with and not required by District rule as of June 16, 2011 to have an inline, non-resettable, totalizing flow meter that, when installed, provides plus or minus 5% accuracy and an output for an automatic meter reading device. The Permittee shall coordinate with the District’s program for the provision of meters upon notification from the District of the month(s) and year window scheduled for the Permittee’s meter(s) installation. The Permittee shall own any meter provided by the District. The Permittee at its expense shall equip any existing facility that is capped, plugged or dismantled if it is reactivated after June 16, 2011.

(c) Permittees shall submit the Flow Meter Pre-Installation Information Work Sheet, Form No. LEG-R.052.00 (9/12), incorporated by reference in paragraph 40D-2.091(2)(n), F.A.C., prior to the installation of a flow meter pursuant to the above permit condition. To receive reimbursement for the installation of a flow meter pursuant to the above permit condition, the permittee shall submit the Flow Meter Post-Installation Reimbursement Form, Form No. LEG-R.053.00 (9/12), incorporated by reference in paragraph 40D-2.091(2)(o), F.A.C.

(d) The cost of operation and maintenance and replacement of all meters shall be the responsibility of the Permittee.

(e) Upon request of the District, Permittees required to meter facilities shall provide the District an opportunity to perform measurements of flow during system operation.

2. Automatic Meter Reading Devices – Add the following condition to existing and future WUPS required to be metered pursuant to paragraphs 1., 3. or 4. of Section 3.9.4.4.1 above:

The District will provide and install automatic meter reading devices on each meter on each facility, that is not already so equipped. The District shall include these devices in the District’s data collection and reporting service subscription at no cost to the Permittee. When automatic meter reading devices are required the Permittee shall coordinate with the District’s program for the provision of an automatic meter reading device upon notification from the District of the month(s) and year window scheduled for the Permittee’s automatic meter reading device(s) installation. The maintenance, repair, and replacement of all automatic meter reading devices shall be the responsibility of the District.

3.9.4.5 INVESTIGATION OF CROP PROTECTION WITHDRAWAL-RELATED WELL COMPLAINTS BY PERMITTEES WITHIN THE DOVER/PLANT CITY WUCA.

3.9.4.5.1 ASSIGNMENT OF RESPONSIBILITY – CROP PROTECTION IMPACTS.

The responsibility of existing and new Permittees with a facility within the Dover/Plant City WUCA to investigate and resolve crop protection withdrawal-related well complaints shall be determined as follows:

1. Floridan Aquifer Drawdown Contribution - Annually, the District shall determine the Floridan aquifer drawdown resulting from each Permittee's permitted groundwater crop protection quantities through groundwater computer modeling simulation. The modeling shall account for each Permittee's groundwater crop protection quantities, the specific location of the withdrawal site and include the duration of the design event as specified in Section 3.9.4.2.2, above.
2. Allocation Ratio – The District shall determine an allocation ratio for each Permittee with groundwater crop protection quantities. The District shall determine each Permittee's percent of the total of crop protection quantities permitted within the Dover/Plant City WUCA. The percent is then converted into an allocation ratio. For example, a Permittee who is permitted 2% of the overall groundwater crop protection quantities in an area would have a ratio of 1:50 and would only be eligible to be assigned one well complaint for every 50 received.
3. Legal Existing Use Date - The District shall determine each Permittee's existing legal use date based on when the permit was issued with the current crop protection water use quantities.
4. Impact Location - As each well complaint is received, the coordinates for the impacted well shall be entered into the model to determine the aquifer drawdown caused by each Permittee at those coordinates.
5. Assignment of Responsibility - The responsibility to investigate and resolve the complaint is then assigned to the Permittee that caused the greatest drawdown at a particular site, except:
 - (a) If the Permittee's existing legal use date precedes that of the complainant's well.
 - (b) If the Permittee has already been assigned all the complaints it is responsible for based on its allocation ratio.
 - (c) If the Permittee is determined not to have been withdrawing groundwater.

If (a), (b), or (c) above applies, then the process in this Section 3.9.4.5.1 is repeated for the Permittee who has the next greatest drawdown at the complainant's site.

3.9.4.5.2 ASSIGNMENT OF RESPONSIBILITY – CROP ESTABLISHMENT IMPACTS.

The responsibility of existing and new Permittees with a facility within the Dover/Plant City WUCA to investigate and resolve crop establishment withdrawal-related well complaints shall be determined as follows:

1. Floridan Aquifer Drawdown Contribution - Annually, the District shall determine the Floridan aquifer drawdown resulting from permitted crop establishment groundwater withdrawals for strawberry production (predominant crop establishment use) through groundwater computer modeling simulation. The modeling shall account for each of the Permittee's groundwater crop establishment quantities and the specific location of the withdrawal site(s).
2. Allocation Ratio – The District shall determine an allocation ratio that shall be established for each Permittee with crop establishment groundwater quantities. The District shall determine each Permittee's percent of the total crop establishment groundwater quantities permitted within the Dover/Plant City WUCA. The percent is then converted into an allocation ratio. For example, a Permittee who is permitted 2% of the overall groundwater crop establishment quantities in an area would have a ratio of 1:50 and would only be eligible to be assigned one well complaint for every 50 received.
3. Legal Existing Use Date - The District shall determine each Permittee's existing legal use date based on when the permit was issued with the current water use quantities.
4. Impact Location - As each well complaint is received, the coordinates for the impacted well shall be entered into the model to determine the aquifer drawdown caused by each Permittee at those coordinates.
5. Assignment of Responsibility - The responsibility to investigate and resolve the complaint is then assigned to the Permittee that caused the greatest drawdown at a particular site, except:
 - (a) If the Permittee's existing legal use date precedes that of the complainant's well.
 - (b) If the Permittee has already been assigned all the complaints it is responsible for based on its allocation ratio.
 - (c) If the Permittee is determined not to have been withdrawing groundwater.

If (a), (b), or (c) applies, then the process in this paragraph Section 3.9.4.5.2 is repeated for the Permittee who has the next greatest drawdown at the complainant's site.

3.9.4.5.3 WELL CONSTRUCTION STANDARDS.

The District adopted Rule 40D-3.600, F.A.C., effective April 9, 2002, that established well construction standards to ensure that wells built after the effective date within portions of the Dover/Plant City WUCA ("Original Dover Area") would not be impacted as a result of aquifer drawdown caused by pumping by another legal water use. Effective August 17, 2010, the District amended Rule 40D-3.600, F.A.C. to expand the well construction standards to a larger area ("Expanded Dover Area"). If the complainant's well was constructed after April 9, 2002, or subsequently repaired in the Original Dover Area or constructed or repaired after August 17, 2010, in the Expanded Dover Area, the complaint will not be assigned to a Permittee for investigation.

3.9.4.6 INVESTIGATION OF CROP PROTECTION AND CROP ESTABLISHMENT WITHDRAWAL-RELATED WELL COMPLAINTS BY PERMITTEES WITHIN THE DOVER/PLANT CITY WUCA.

Permits in effect as of June 16, 2011 with a withdrawal within the Dover/Plant City WUCA shall have any permit conditions requiring investigation of frost/freeze, crop protection, crop establishment withdrawal-related well complaints or agricultural withdrawal-related complaints within a specified area or distance removed and replaced with the following permit condition. Permits issued for uses permitted prior to June 16, 2011 that include crop protection or crop establishment, and that do not have a specific condition requiring complaint investigations shall also include this permit condition.

Crop Protection and Crop Establishment Withdrawal-Related Well Complaints.

A. Well Evaluation and Temporary Supply.

After the District receives a well complaint and determines that there is a responsible Permittee, as provided in Section 3.9.4.5, the District will then notify the responsible Permittee of the complaint. It will also inform the complainant of the responsible Permittee.

(1) Estimates of Repairs:

(a) The Permittee shall arrange with the complainant for the evaluation and preparation of an estimate for restoration of water service to the complainant. The evaluation shall occur within 24 hours of the receipt of the complaint by the Permittee, unless the complainant agrees to a longer time period. The Permittee shall notify the District of the date and time for the evaluation of the complainant's well. Selection of a water well contractor to undertake either the repair or replacement of the complainant's well is at the discretion of the Permittee, as long as the water well contractor has a license in good standing issued by a water management district. If only a pump repair is required, the person doing the repair shall have the appropriate occupational license.

(b) Alternatively, the complainant and the Permittee can jointly arrange for the evaluation and preparation of an estimate to address the well complaint. If this option is chosen, then the evaluation must occur within 24 hours of the receipt of the complaint by the Permittee, unless the complainant agrees to a longer time period.

(c) The Permittee shall provide a temporary water supply to the complainant within five hours of the completion of the well evaluation and continue to provide the temporary water supply until water service is restored to the complainant's well as long as the complainant cooperates with the Permittee in the repair of the complainant's well.

(2) Restoration of Water Supply

(a) If the evaluation indicates that groundwater pumping for crop protection resulted in loss of the complainant's water service, the Permittee shall pay for the work necessary to restore water service to the complainant.

(b) If the well evaluation does not occur within 24 hours or within a longer time period agreed to by the complainant, or a temporary water supply is not provided within five hours of the well evaluation, the complainant may arrange for the evaluation and repair or replacement of the well as necessary to restore water supply and a temporary water supply if needed. Once the complainant provides a detailed accounting of well repair or replacement expenditures, and expenses for a temporary water supply if applicable, to the District and the Permittee, the Permittee shall reimburse the complainant within 30 business days of Permittee's receipt of

the detailed accounting for the well repair or replacement expenditures, as well as the expenses for a temporary water supply if applicable, or provide a report to the District within five days of the receipt by the Permittee of disputed costs. This report shall detail why the Permittee is not responsible for reimbursing all of the funds expended by the complainant for the well repair or replacement, and a temporary water supply if applicable. The Permittee shall provide a copy of this report to the complainant. The District will review the report and determine the appropriate reimbursement based on the cause of the well complaint and the appropriate remedy.

B. Pre-Complaint Repairs.

If a complainant has expended funds for a well repair or replacement before submitting a well complaint to the District, and upon filing the complaint within 14 days of the water use Permittee's pumping that resulted in interference, the District determines that there is a responsible Permittee as provided in Section 3.9.4.5 described above, if the complainant provides a detailed accounting of expenditures for well repair or replacement, and for a temporary water supply if applicable, then the responsible Permittee shall reimburse the complainant for its actual expenditures, not to exceed \$1,500 within 30 days of Permittee's receipt of the detailed accounting of the expenditures or provide a report to the District within seven days of the receipt by the Permittee of disputed costs. This report shall detail why the Permittee is not responsible for reimbursing all of the funds expended by the complainant for the well repair or replacement, and temporary water supply if applicable. The Permittee shall provide a copy of this report to the complainant. The District will review the report and determine the appropriate reimbursement based on the cause of the well complaint and the appropriate remedy.

C. Permittee's Mitigation Activities and Report.

(1) The Permittee shall inform the District as to how the Permittee intends to proceed to mitigate the complaint within one business day after notice of responsibility to mitigate the complaint is delivered by the District to the Permittee via electronic mail, phone call or message, or facsimile transmission, or within three business days after depositing a letter to Permittee in the U.S. Mail.

(2) If the Permittee informs the District that it has determined that it is not responsible for mitigation of the complaint, then the Permittee must provide a full explanation for its position. If, after the District has reviewed the Permittee's response, the District determines that the Permittee is still responsible for mitigating the complaint, the Permittee shall proceed with full mitigation of the complaint as set forth in this condition.

(3) All well complaints shall be fully mitigated by the Permittee as soon as is practicable. Full mitigation of the well complaint shall be restoration of the complainant's well to pre-impact condition or better, including the pressure levels, discharge quantity, and water quality. Full mitigation of the well complaint necessitates the construction of a new well for the complainant if the existing well cannot be restored to pre-impact condition.

(4) Within three business days after the complaint is fully mitigated, the Permittee shall provide a report to the District in which the Permittee details the activities undertaken by either the complainant or the Permittee to mitigate the complaint as well as any reimbursements made by the Permittee to the complainant. The Permittee shall provide a copy of this report to the complainant. The District will review the report submitted by the Permittee and shall require additional action by the Permittee if the District determines that the complaint has not been fully mitigated.

(5) If the Permittee makes a good-faith effort to comply with the response process set forth above but is unable to repair or replace the well because of the lack of cooperation of the complainant, the Permittee may request that the District deem the Permittee to have satisfied this permit condition.

(6) Time is of the essence for ~~of~~ this permit condition and each of its provisions. For example, the full mitigation of a complaint does not excuse the failure to timely comply with each of the provisions of this condition.

3.9.4.7 ADDITIONAL PERMIT CONDITIONS.

3.9.4.7.1 Notice of Recovery Strategy – The following condition is included in all new, renewal and existing WUPs located in the Dover/Plant City WUCA, or that are determined to impact the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone, both with or without providing a Net Benefit, as of June 16, 2011:

This permit is located within the Dover/Plant City WUCA or potentially impacts the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone for the Dover/Plant City WUCA. Pursuant to Section 373.0421, F.S., the Dover/Plant City WUCA is subject to a minimum levels recovery strategy that became effective on June 16,

2011. As set forth in Rule 40D-80.075, F.A.C., the recovery strategy, including water use permitting rules, is subject to change based on, among other criteria, the Governing Board's periodic assessment of water resource criteria and cumulative water withdrawal impacts as described in Chapter 40D-80, F.A.C. This permit is subject to modification to comply with new rules.

3.9.4.7.2 Adverse Impacts.

(a) The following condition is removed from all existing permits located within the Dover/Plant City WUCA, or that are determined to impact the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone, both with or without providing a Net Benefit, as of June 16, 2011:

The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses.
2. Sinkholes or subsidence caused by reduction in water levels.
3. Damage to crops and other vegetation causing financial harm to the owner.
4. Damage to the habitat of endangered or threatened species.

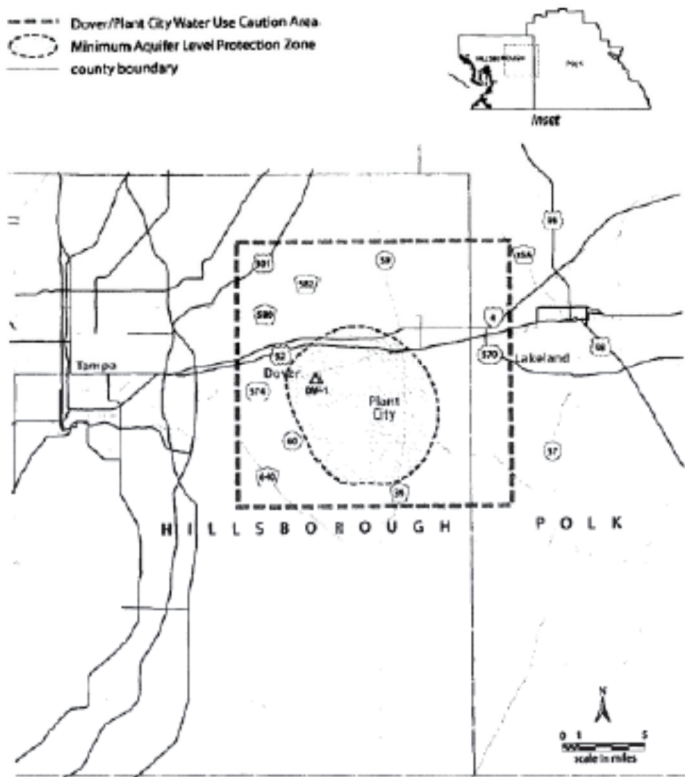
(b) The following condition is included in all new, renewal and existing WUPs located in the Dover/Plant City WUCA, or that are determined to impact the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone, both with or without providing a Net Benefit, as of June 16, 2011 the following condition:

The Permittee shall mitigate any unacceptable adverse impact resulting from withdrawals to environmental features, Minimum Flows or Minimum Levels, or offsite land uses, as specified in Rule 40D-2.301, F.A.C., and the Applicant's Handbook. Should unanticipated or unmitigated unacceptable adverse impacts occur, the Permittee shall be required to expeditiously mitigate the impacts.

3.9.4.8 AVAILABILITY OF MITIGATION PROCESS FOR IMPACTS TO EXISTING LEGAL USES.

Persons who believe that groundwater pumping by a water use Permittee for crop establishment or protection has interfered with the person's existing legal use of groundwater may seek mitigation based upon the process set forth in Section 3.9.4.6. An example of interference with the person's existing legal use of groundwater is that the person's well pump no longer operates. In order to seek mitigation through this process, such persons must provide the District with their name, address, phone number and the location of their affected groundwater well within 14 days of the water use Permittee's pumping that resulted in the interference.

Figure 3-3



3.10 Aquifer Storage and Recovery Systems.

RESERVED

3.11 Water Reservations.

A Permittee may not impact a water reservation in Rule 40D-2.302, F.A.C., adopted pursuant to Section 373.223(4), F.S.

4.0 MONITORING REQUIREMENTS

Issuance of a WUP requires that 1) the withdrawals will not cause any unmitigated adverse impacts on the water resources and existing legal users, and 2) the use continues to be in the public interest. To ensure that these criteria continue to be met after a WUP is issued, monitoring and reporting activities may be required as conditions of the WUP. Where appropriate, the District's monitoring requirements may be satisfied using monitoring data required by other agencies.

4.1 WITHDRAWAL QUANTITY.

4.1.1 WATER FLOW MONITORING AND CALIBRATION.

Metering of actual pumpage provides a means to develop historical records in order to accurately project future reasonable demand, assess impacts to the resource and existing water and land uses, and ensure that quantities withdrawn do not exceed permitted pumpage. Permittees shall use direct flow measuring devices unless the District determines direct methods are inappropriate for the particular water use system.

Permittees shall meter withdrawal quantities from each facility and provide meter readings to the District at a frequency to be prescribed by permit conditions when:

1. Issued an individual WUP for 500,000 gpd or greater annual average quantities;
2. Issued an individual water use permit for public supply use of 100,000 gpd or greater annual average quantities;
3. Issued an individual WUP of 100,000 gpd or greater annual average quantities and one or more of the facilities is located within the SWUCA or Northern Tampa Bay WUCA;
4. The District determines that there is a potential for harm to the resource or potential for adverse impacts to existing legal users; or
5. In accordance with Section 3.9.4, Dover/Plant City WUCA, of the Applicant's Handbook.

Where automatic reading devices are installed and withdrawal data is provided to the District via this device the Permittee shall no longer be required to independently submit quantities used except in the case of device failure. The cost of operation and maintenance of all meters and reporting of data shall be the responsibility of the Permittee unless otherwise provided.

Monitored Permittees shall, upon request of the District, provide the District an opportunity to perform measurements of flow during system operation. The District will ensure that the measurements are made in a manner that does not interfere with the Permittee's water use activities.

Ordinarily, quantities used shall be totaled on a monthly basis and reported to the District pursuant to their permit condition. However, for intense uses such as crop protection, or for stream withdrawals, a Permittee may be required to totalize pumpage on a daily basis from each facility and report its daily withdrawal quantities to the District within two weeks.

4.1.1.1 ALTERNATIVE WATER SUPPLIES.

New and renewal Permittees shall meter AWS supplied to the Permittee if the annual average quantities or drought annual average quantities that would be permitted without the AWS would be 100,000 gpd or more. Receipt and use of AWS, including tailwater recovery or rainfall capture systems, metering, and reporting requirements will be as set forth in Section 3.9.4 of the Applicant's Handbook incorporated in Rule 40D-2.091, F.A.C., for any permit with crop protection quantities within the Dover/Plant City WUCA or any permit with crop protection quantities authorized to be used or withdrawn from any combination of sources that if withdrawn from groundwater alone would have the potential to impact the Minimum Aquifer Level Protection Zone established for the Dover/Plant City WUCA.

4.1.1.2 FLOW METER INSTALLATION.

New facilities that are required to be metered shall be metered within 90 days after construction of the facility is completed. Existing facilities within the SWUCA not previously required to be metered were required to be metered by January 1, 2003. Once a facility is required to be metered, it shall remain so, and pumpage shall continue to be reported, even if the facility is later associated with a permit below metering thresholds. However, a permittee may submit an application for a Letter Modification to remove the metering requirement for any facility required to be metered after January 1, 2020, provided that the facility's permitted withdrawals are also reduced below metering thresholds. Typically, individual facilities permitted for less than 10,000 gpd are not required to be metered.

4.1.1.3 FLOW METER SPECIFICATIONS.

All meters shall adhere to the following requirements and shall be installed and maintained as follows:

1. All meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months' permitted quantities. If other measuring devices or alternative accounting methods are proposed, prior to installation, the Permittee shall submit documentation that the other measuring devices or accounting methods meet the accuracy requirement provided below. If the alternative accounting method involves a flow meter belonging to another entity or to an AWS provider, the Permittee shall submit documentation from the owner/supplier that the meter readings conform to these meter requirements. Approval for other measuring devices or accounting methods must be obtained in writing from the WUP Bureau Chief or as subsequently renamed.

a. The flow meter(s) or other approved flow-measuring device(s) shall have and maintain an accuracy within 5% of the actual flow as installed.

b. Accuracy testing requirements:

i. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.

ii. The flow meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of the permit.

iii. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.

iv. The test will be accepted by the District only if performed by a person certified on the test equipment used as described in the section entitled Flow Meter Verification, below.

v. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

2. The flow meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line. Existing systems that would require retrofitting to achieve the above standards will not be required to retrofit provided it is documented on the Flow Meter Accuracy Report Form, Form No. LEG-R.101.00(5/14), that the flow meter is accurately and reliably measuring flow over different flow ranges or for the permanent operating flow.

3. If a metered facility, AWS inflow line or re-pump withdrawal point is not utilized during a given month, the meter report shall be submitted to the District showing the same meter reading that was submitted the previous month.

4. Broken or malfunctioning meter:

If the meter or other flow-measuring device malfunctions or breaks, the Permittee shall:

a. Notify the District within 15 days of discovering the malfunction or breakage.

b. Replace the broken or malfunctioning flow meter with a repaired or new meter, subject to the specifications given above, within 30 days of the discovery.

c. Submit estimates of their pumpage as described below.

If the flow meter is removed from the facility for any other reason, it shall be replaced with another flow meter having the same specifications given above, or the flow meter shall be reinstalled within 30 days of its removal from the facility. In either event, the facility shall not lack a fully functioning flow meter for more than 60 consecutive days.

5. While the flow meter is not functioning correctly, the Permittee shall document the total amount of time in minutes that the facility was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. The reason for the necessity to estimate pumpage shall be reported with the estimate.

6. In the event a new flow meter is installed to replace a broken flow meter, the meter and its installation shall meet the specifications of this Chapter. The Permittee shall notify the District of the replacement with the first submittal of flow meter readings from the new meter.

4.1.1.4 FLOW METER VERIFICATION.

The following requirements pertain to the required flow meter testing:

1. The Flow Meter Accuracy Report Form, Form No. LEG-R.101.00 (5/14) shall be completed and provided to the District for each flow meter tested. If the test equipment provides a printout of data that was input, this shall be submitted with the worksheet. The equipment's water temperature shall be set to 72° F for ground water, and for other water sources the measured water temperature shall be used.

2. Permittees shall demonstrate that the results of the meter testing are accurate. This demonstration may be met by submitting documentation with the Flow Meter Accuracy Form under the heading "Flow Meters" that:

a. The manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing.

b. Includes a date of calibration of the testing equipment within the previous twelve months, and the test lab's National Institute of Standards and Testing traceability reference number.

3. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

4. A picture(s) of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

5. A minimum of two separate timed tests shall be performed for each flow meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained. If the installed flow meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four-or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

6. Flow meters that fail to meet the District's accuracy requirements must be repaired or replaced within 30 days. These meters shall be retested after the repair and the results submitted to the District within 30 days of the test.

7. Flow meters shall be tested in place for accuracy at a minimum of once every five years beginning from the flow meter's date of installation or from the date of initial issuance of the permit containing the metering condition with an accuracy-test requirement for existing meters, unless the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted. Results of the flow meter accuracy testing shall be reported to the District on the Flow Meter Accuracy Report Form, Form No. LEG-R.101.00 (5/14), and shall be submitted no later than the end of the month indicated below for the county in which the permitted withdrawal facility or a majority of the permitted withdrawal facilities are located:

- | | |
|--------------|--|
| a. January | Hillsborough. |
| b. February | Manatee, Pasco. |
| c. March | Polk – Permits ending in odd base number. |
| d. April | Polk – Permits ending in even base number. |
| e. May | Highlands. |
| f. June | Hardee, Charlotte. |
| g. September | DeSoto, Sarasota. |
| h. October | Citrus, Levy, Lake. |
| i. November | Hernando, Sumter, Marion. |
| j. December | Pinellas. |

4.1.2 WATER LOSS.

In some circumstances, not all water that is withdrawn is actually used. This circumstance may be a result of losses in the system during distribution, or because the water must undergo a treatment process before it is usable.

4.1.2.1 DISTRIBUTION EFFICIENCY.

The amount of water lost from the system during distribution may occur because of leakage or because a system has been developed with a certain design efficiency. In either case, Applicants may be asked to identify the amount of water lost during distribution.

4.2 WATER QUALITY.

4.2.1 SALINE WATER MONITORING.

The purpose of saline water monitoring is to ensure that saline water intrusion, whether lateral from a seawater source, vertical from an aquifer containing lower quality water, or a combination of both, does not degrade the aquifer. Saline water monitoring provides a means to establish historical trends in saline water movement. The District can then use that information in evaluating present and future withdrawals and determining when corrective action should be taken if sustained saline water movement is detected. Typically, saline water monitoring may be accomplished by proper sampling of production wells. However, in some cases (e.g., large withdrawals in saline water prone areas), separate monitor wells shall be installed expressly for the purpose of saline water intrusion monitoring. The chemical constituents typically sampled include chloride, sulfate, and total dissolved solids (TDS). Frequency of sampling may be monthly, quarterly, or otherwise, as appropriate.

Permittees shall implement a saline water monitoring program when:

1. The annual average withdrawal is greater than or equal to 500,000 gpd annual average quantities and the withdrawal point is located within the Saline Water Zone, based on the 500 mg/L TDS line for the Floridan aquifer, as shown in Figures 4-1 through 4-3.
2. There is a history of increasing saline water concentrations for either groundwater or surface water in the vicinity of the point of withdrawal.
3. The District staff determines that, at projected withdrawal rates, saline water intrusion is likely to occur.
4. The withdrawals are from a groundwater source with high saline water concentrations.
5. The District has determined that the Permittee's well(s) are potentially at risk to saline water intrusion within the SWUCA.

Figure 4-1 Saline Water Monitoring Zone

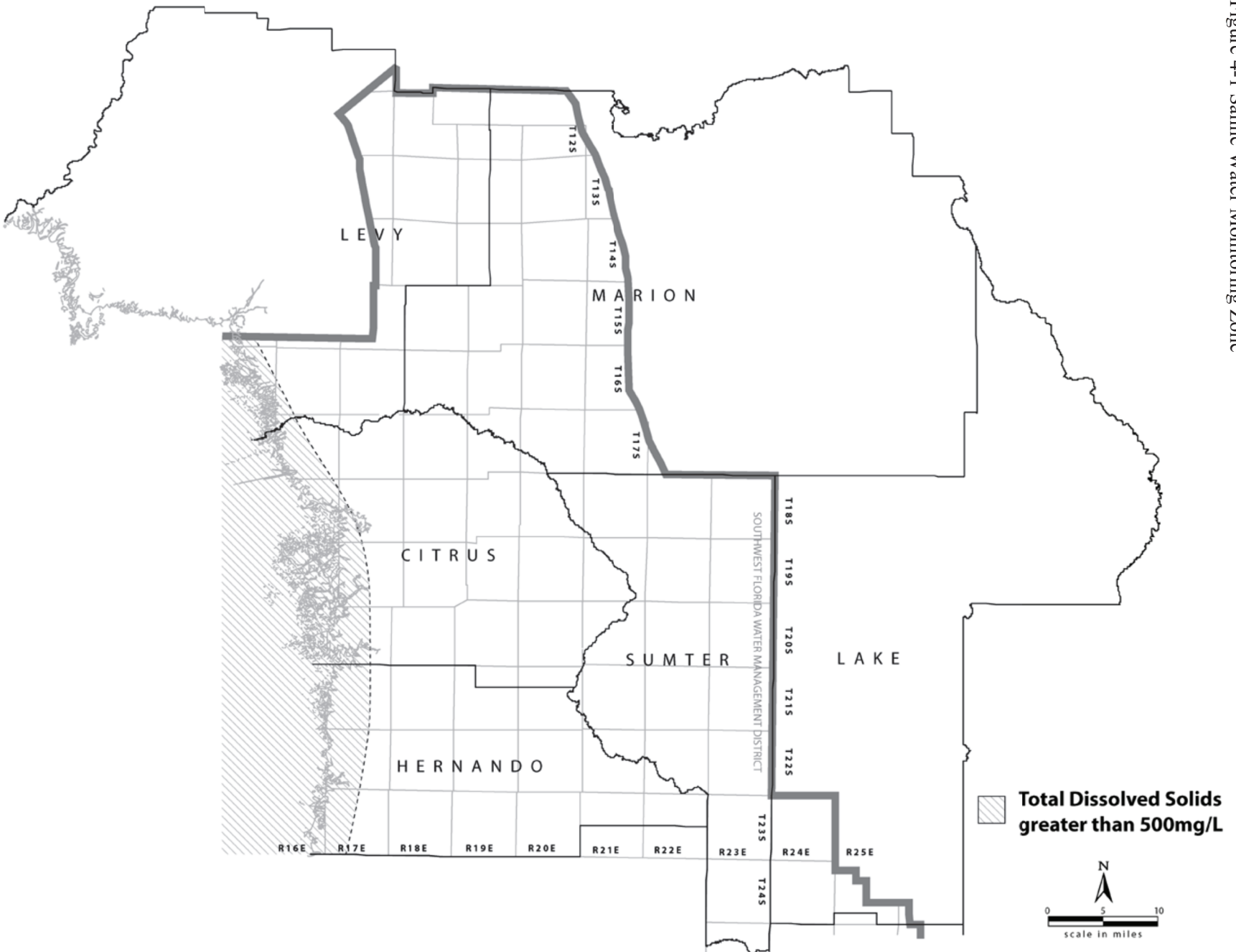


Figure 4-2 Saline Water Monitoring Zone

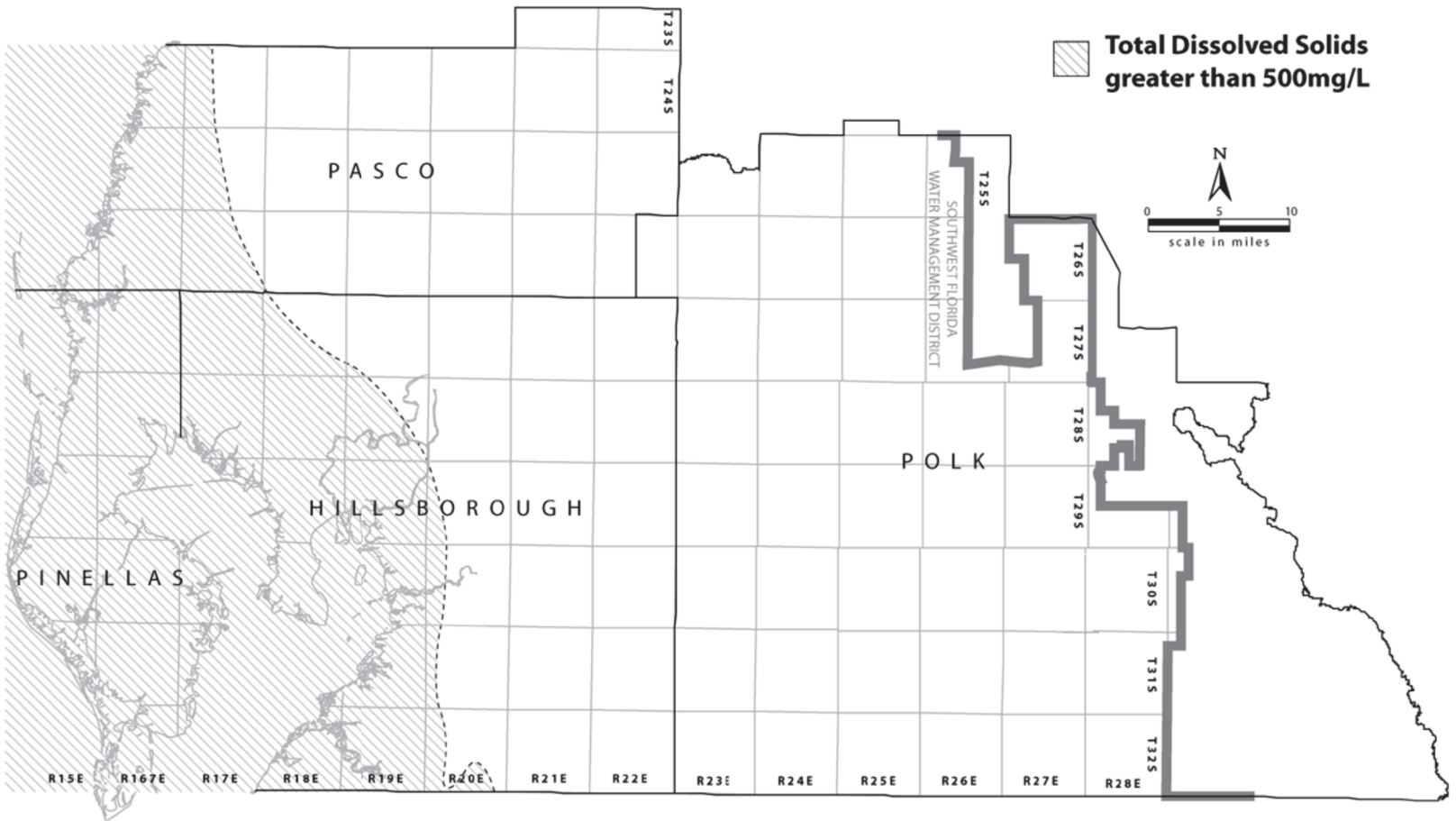
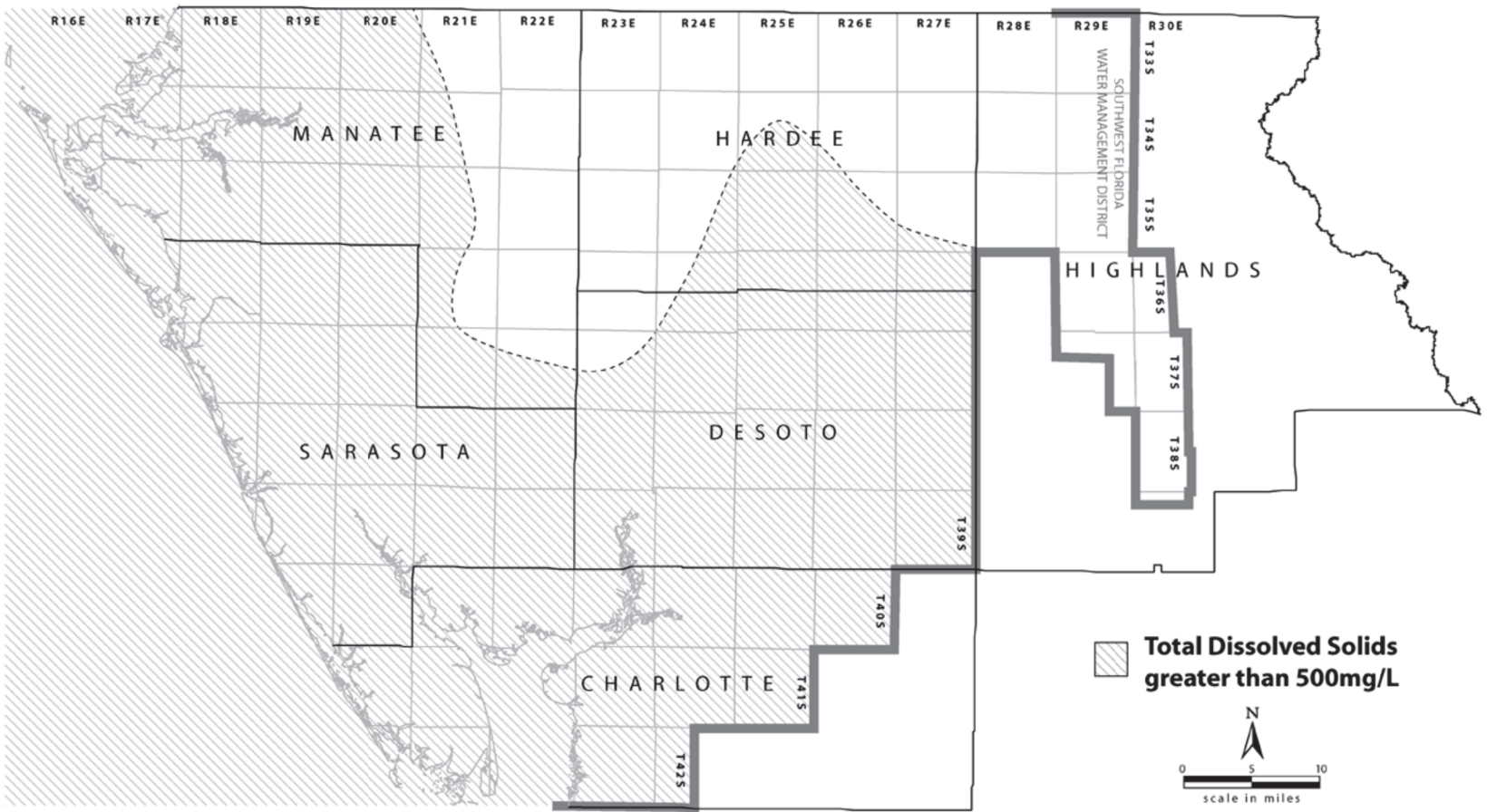


Figure 4-3 Saline Water Monitoring Zone



Guidelines for establishing a saline water monitoring program, as well as sampling, sample handling, and analysis guidelines, are described in Part C of this Manual.

4.2.2 POLLUTION SOURCE MONITORING.

The purpose of pollution source monitoring is to ensure that withdrawals do not cause movement of undesirable constituents that would result in degradation of the water resources to the extent that existing legal users are adversely impacted or the public interest is otherwise detrimentally affected. A Permittee may be required to monitor existing wells or install separate monitor wells to evaluate withdrawal movement of pollution.

4.3 HYDROLOGIC AND ECOLOGIC CONDITIONS.

4.3.1 GROUND WATER LEVELS.

The purpose of groundwater level monitoring is to ensure that existing legal uses, off-site land use, water resources, and associated environmental features are not adversely impacted by withdrawals. A groundwater level monitoring program may include watertable levels, potentiometric surface levels, or both.

Permittees may be required to implement a groundwater level monitoring program when:

1. Saline water monitoring is required;
2. Pollution source monitoring is required;
3. Environmental monitoring is required;
4. The withdrawal is for the purpose of dewatering activities;
5. Insufficient data exist to define the cone of depression of the withdrawal, and there is reasonable cause to expect adverse impacts to existing legal use, off-site land uses, the water resources, or associated environmental features; or
6. Withdrawals are made from the Floridan Aquifer and such withdrawal is located in SWUCA where minimum levels for the Floridan Aquifer have been established in Chapter 40D-8, F.A.C.

4.3.2 SURFACE WATER LEVELS AND FLOWS.

Monitoring of surface water levels and flows may be required to ensure that unacceptable adverse impacts to the existing legal uses, water resources and associated environmental features do not occur.

Permittees may be required to monitor surface water levels and flows in the following circumstances:

1. For WUPs involving withdrawals from rivers, streams, or other flowing bodies of water, the Permittee may be required to monitor flow rates upstream and/or downstream of the point of withdrawal.
2. For WUPs involving withdrawals from groundwater sources that may impact surface water levels or rates of flow in nearby water bodies, the Permittee may be required to monitor surface water levels or flows.
3. For WUPs involving lake withdrawals, the Permittee may be required to monitor lake levels.
4. For WUPs involving withdrawals that may cause adverse impacts to water-level-dependent vegetation or animal life in wetlands, Permittees may be required to monitor surface water levels.
5. For WUPs involving augmentation, Permittees may be required to monitor water levels or flows of the augmented body.

4.3.3 SURFACE WATER QUALITY.

WUPs involving withdrawals that may cause adverse environmental impacts to surface water bodies, including wetlands, may be required to monitor surface water quality. The specific water quality parameters required to be monitored will depend on the type of water body and may include but are not limited to: temperature, dissolved oxygen, specific conductance, pH, alkalinity, acidity, turbidity, color, suspended solids, nutrients, major cations and anions, and man-made pollutants.

4.3.4 RAINFALL.

Permittees may be required to monitor rainfall, evaporation, evapotranspiration, or other climatic variables for use in the assessment of the impact of withdrawals on the water resources. The necessity for rainfall monitoring will be determined on a case-by-case basis. Data generally will be recorded on a daily basis and reported to the District monthly.

4.3.5 ENVIRONMENTAL ASSESSMENT AND MONITORING.

Environmental monitoring shall be required for permits with potential for adverse impacts to environmental features associated with the water resources of the District. Monitoring to document environmental impacts may consist of various types of data collection, including but not limited to, groundwater and surface water levels, surface water quality, biological parameters, ground and aerial photography, and land cover assessments.

As specified in Section 3.3, the Permittee may be required to provide to the District information on the environmental features associated with the project site, including baseline hydrologic and biological data. During the term of the permit, the District may investigate the site or implement its own monitoring program to assess impacts associated with the withdrawal.

The types of data associated with monitoring water-dependent environmental features in the District are described in Part C of the Applicant's Handbook. Details of environmental monitoring programs shall be identified during the application process.

For Mining and Dewatering permits, environmental monitoring will be limited to those environmental features described in Section 3.3 that are affected by mine dewatering or well withdrawals. However, Applicants may be required to monitor selected control sites in unaffected areas and provide comparative hydrologic and environmental data. Typically, monitoring will be required for at least two years prior to dewatering activities in the vicinity of protected wetlands. If the Permittee provides reasonable assurance that historical water table elevations will be maintained in the protected area during mining, other environmental monitoring will not be required.

4.4 COMPLIANCE MONITORING.

4.4.1 IRRIGATION CROP REPORTS WITHIN SWUCA.

4.4.1.1 All Permittees with WUPs for 100,000 gpd or greater annual average quantities shall record for each metered facility the following information on the applicable Irrigation Water Use Form incorporated by reference in Rule 40D-2.091(2), F.A.C., according to crop type. Applicable forms are: Irrigation Water Use Form – Annual Crops, SWUCA, Form No. LEG-R.017.01 (9/12), Irrigation Water Use Form – Summer/Fall Seasonal, SWUCA, Form No. LEG-R.019.01 (9/12), and Irrigation Water Use Form – Winter/Spring Seasonal, SWUCA, Form No. LEG-R.020.01 (9/12). Permittees who irrigate seasonal crops (examples: vegetables or other row crops) shall provide items 1. through 7. Permittees who irrigate annual crops and plants (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture) may omit items 6. and 7.:

1. Crop type.
2. Irrigated acres per crop for seasonal crops; annual irrigated acres for annual crops.
3. The dominant soil type or acres by dominant soil type.
4. Irrigation method(s).
5. Use or non-use of plastic mulch.
6. Planting dates.
7. Season length.

Additionally, use of the facility for crop protection shall be documented separately. The Permittee shall note whether tailwater recovery is used. This information shall be submitted to the District on the District-supplied Irrigation Water Use Form or online by March 1 for annual crops, February 1 for summer and fall crops, and September 1 for winter and spring crops (including strawberries).

4.4.1.2 REPORTING.

Quantities for other uses not related to irrigation demand shall be documented separately. Such uses may include filling of spray tanks, livestock needs, and cleaning equipment and facilities.

4.4.2 IRRIGATION PUMPAGE COMPLIANCE WITHIN THE SWUCA.

Permittees who exceed the allocated quantities, which include standard and drought quantities as applicable, shall submit a report to the District which shall include reasons why the allocated quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Reports from Permittees exceeding the allocated quantities are subject to District approval.

The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. Permittees may justify lack of achievement by documenting unusual water needs, such as unusual soil or weather conditions creating greater irrigation needs than normal. However, even with such documented justification, phased reductions in water use shall be required unless the District determines that water usage was reasonable under the circumstances reported and that further reductions are not feasible. For such Permittees, on a case-by-case basis, individual efficiency criteria may be developed for each management period. Justification for the exceedance does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit. A permit modification is required to implement any increase in allocated quantities.

4.4.3 PUBLIC SUPPLY.

4.4.3.1 COMPLIANCE WITH PER CAPITA DAILY WATER USE.

If the Permittee achieves the 150 gpd per person per capita limit set forth in the provisions titled "PER CAPITA DAILY WATER USE" above, using the unadjusted gross per capita calculation, they will be deemed in compliance and do not have to submit data for nor calculate the adjusted gross or compliance per capita in the Annual Report. If the Permittee achieves the 150 gpd per person per capita limit using the adjusted gross per capita calculation, they will be deemed in compliance and do not have to submit data for nor calculate the compliance per capita in the Annual Report. If the Permittee achieves the 150 per person per capita limit using the compliance per capita calculation, they will be deemed in compliance. After January 1, 2020, if the Permittee cannot achieve a compliance per capita rate of 150 gpd, the Permittee shall document in the Annual Report why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

The District will evaluate the information submitted by Permittees, including those operating under a Goal-based Water Conservation Plan, who have a compliance per capita rate greater than 150 gpd. Permittees may justify lack of achievement by documenting any unusual water needs, such as unusual plant establishment needs. However, justification for non-compliance does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit. Phased reductions in water use shall be required unless the District determines that water usage was reasonable under the circumstances reported and that further reductions are not feasible, or a variance has been granted from the compliance per capita rate of 150 gpd. For such Permittees, individual water conservation requirements shall be developed on a case-by-case basis.

4.4.4 ANNUAL REPORTS.

4.4.4.1 WATER RATE AND BILLING.

By October 1 of each year, Permittees for public supply shall submit to the District the following, current as of October 1:

1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
2. Description of the current customer billing and meter reading practices and any proposed changes to these practices.

4.4.4.2 PUBLIC SUPPLY ANNUAL REPORT FOR PERMITS FOR 100,000 GPD OR GREATER ANNUAL AVERAGE QUANTITIES.

The Public Supply Annual Report for permits for 100,000 gpd or greater annual average quantities shall be submitted annually by April 1 and shall consist of the following components described in A.-G., below. Permittees that have interconnected service areas shall provide the information for the entirety of the interconnected system even if the water supply for the system is provided from multiple WUPs or is imported.

A. PER CAPITA USE RATE.

The per capita use rate shall be calculated as set forth in the section of this Chapter and in accordance with the directives included in the section of this Chapter entitled, "DOCUMENTATION OF PER CAPITA DAILY

WATER USE CALCULATION FOR THE WATER USE ANNUAL REPORT” below. If a compliance per capita rate of 150 gpd or less is not achieved, the Permittee shall comply with the requirements in Section 4.4.3.1.

B. RESIDENTIAL USE.

Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted. If mobile homes are included in the Permittee’s multi-family unit category, the information for them does not have to be separated. The information for each category shall include all of the following:

1. Number of dwelling units per category.
2. Number of domestic metered connections per category.
3. Number of metered irrigation connections.
4. Annual average quantities in gallons per day provided to each category.
5. Percentage of the total residential water use provided apportioned to each category.

C. NON-RESIDENTIAL USE.

Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1. Through 6. below, the number of metered connections shall be provided. These non-residential use categories are:

1. Industrial/Commercial uses, including associated lawn and landscape irrigation use.
2. Agricultural uses (e.g., irrigation for a nursery).
3. Landscape/Recreation Uses, excluding golf course irrigation (e.g., irrigation of common areas, stadiums and school yards).
4. Golf course irrigation.
5. Fire fighting, system testing and other accounted uses.
6. Water loss as defined in Section 2.3.7.

D. CONSERVATION.

The conservation portion of the Public Supply Annual Report For Individual Permits shall consist of the following:

1. Description of any ongoing audit program of the water treatment plant and water distribution systems to address reductions in water losses. If the current water loss rate, as determined in Part B of the Public Supply Water Use Annual Report, is greater than 10% of the total distribution quantities, a water audit as described in this Section shall be conducted, and the results shall be submitted by the following October 1.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittee’s implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, and which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide and provide the projected costs of the measures and programs and the projected water savings.

E. ALTERNATIVE WATER SUPPLIED OTHER THAN RECLAIMED WATER.

Permittees that provide AWS other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following:

1. Description of the type of AWS provided.
2. County where service is provided.
3. Customer name and contact information.
4. Customer’s Water Use Permit number (if any).
5. Customer’s meter location connection latitude and longitude.

6. Meter ownership information.
7. General customer use category.
8. Proposed and actual flows in annual average gpd per customer.
9. Customer cost per 1,000 gallons or flat rate information.
10. Delivery mode (e.g., pressurized or non-pressurized).
11. Interruptible Service Agreement (Y/N).
12. Month/year service began.
13. Totals of monthly quantities supplied.
14. A map depicting the area of alternative water use service. This map should include any areas projected to be added within the next year.

F. SUPPLIERS OF RECLAIMED WATER.

This section does not apply to Permittees that have a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd. Instead, those Permittees shall submit the SWFWMD Annual Reclaimed Water Supplier Report.

Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd shall have the option to submit the following information as a component of the Annual Report, or to complete the "SWFWMD Annual Reclaimed Water Supplier Report. Those that opt to complete this section as a component of the Annual Report shall include all of the following information:

1. Bulk customer information:
 - a. Name, address, telephone number.
 - b. WUP number (if any).
 - c. General use category (residential, commercial, recreational, agricultural irrigation, mining).
 - d. Month/year first served.
 - e. Line size.
 - f. Meter information.
 - g. Delivery mode (pressurized or non-pressurized).
2. Monthly flow in gallons per bulk customer.
3. Total gpd provided for metered residential irrigation.
4. Disposal information:
 - a. Site name and location (latitude and longitude or as a reference to the service area map).
 - b. Contact name and telephone.
 - c. Disposal method.
 - d. Annual average gpd disposed.

G. UPDATED SERVICE AREA MAP.

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system.

4.4.5 DOCUMENTATION OF PER CAPITA DAILY WATER USE CALCULATIONS FOR THE ANNUAL REPORT.

Those quantities included in the calculation of unadjusted gross, adjusted gross and compliance per capita daily water use described above shall be documented and reported as set forth below by the Permittee for the reporting period included in its permit.

WD (Withdrawals) – Documentation shall consist of pumpage records in annual average gpd as metered at the well head(s), wellfield departure point, surface water intake facility, stormwater facility or reclaimed water lines. The pumpage records shall be totaled for a total withdrawal quantity for the reporting period.

IM (Imported Water) – Documentation shall consist of a summary report of the water purchased or otherwise obtained in bulk from another utility for potable use in the service area in annual average gpd, and the supplier's WUP number(s), or consumptive use permit number if the supplier is in another water management district. Quantities shall be determined at the departure point from the supplier's service area. Irrigation water imported into the service area from another utility must be documented separately according to the use type (for example, commercial, residential, recreational/aesthetic).

EX (Exported Water) – Documentation shall consist of annual average gpd transferred in bulk quantities to another utility, and the recipients's WUP number(s), or permit number if the recipient is in another water management district. Quantities shall be determined at the departure point from the exporting Permittee's service area. Water supplied to wholesale public supply customers that are not required to obtain a Wholesale Public Supply Water Use Permit that are included in this category shall be identified by customer name and quantity.

TL (Treatment Losses) – Documentation shall consist of the annual average gpd lost in routine treatment for potability. Examples of treatment losses types are desalination reject, membrane cleaning and sand filtration backwash. Treatment losses are calculated as raw water into the plant minus treated water out of the plant. In addition, no more than 1% of treated water volume delivered to the distribution system for flushing distribution lines for potability may be deducted. Treated water volume delivered to the distribution system includes water from withdrawals plus imports, minus exports, minus treatment losses. Treatment loss and line flushing quantities shall be separately calculated and documented.

FP (Functional Population) – Documentation of the calculation of FPs shall include Worksheets A through I (given in Appendix C of Part D of the Applicant's Handbook), as applicable, and supporting documentation for survey data used in accordance with Part D. Permittees adjusting FP based on low pph shall submit two sets of required population estimation spreadsheets A through I, set forth in Part D. of the Applicant's Handbook, as applicable, one set to document FP using PERMPPH and the other set to document the FP using 2.01. Served dwelling unit counts shall be calculated by adding the number of units served in January and December and dividing by two (2) for a reporting period of a calendar year. Those Permittees that choose not to, prior to being required to, report a FP pursuant Part D of the Applicant's Handbook as provided in the subsection below titled "Service Area Functional Population Estimates-For Current Year, Year of Interest And Annual Reports" shall document in the Annual Report the method and data used to calculate the population served within the Permittee's service area that is reported in the Annual Report. The data and methodology for calculating the FP numbers supplied in the Annual Report shall be included with the Annual Report.

SU (Significant Uses) – Whether or not a Single Significant Use described in A. below is deducted, all must be reported with documentation of quantities provided, identity of the recipient, and identification of the type of use (A through E below). For SU that are deducted, the documentation shall include as follows:

A. SINGLE SIGNIFICANT USES.

1. Single uses for which 25,000 gpd or more is provided:
 - a. the type of Industrial/Commercial use.
 - b. the customer's name and mailing address.
 - c. the customer's contact person's name, email address and telephone number.
 - d. annual average daily quantities provided.
 - e. supporting meter readings or bills.
 - f. a conservation plan that describes the Permittee's specific water conservation programs for that significant user.
 - g. a water audit that documents the type(s) of water uses that occur within the significant user's facility, quantities used per type, leak detection and other water conservation activities undertaken by the user.
2. Single water uses that each comprise more than 5% of the utility's calendar annual use:
 - a. the type of Industrial/Commercial use.
 - b. the customer's name and mailing address.
 - c. the customer's contact person's name, email address and telephone number.
 - d. annual average daily quantities provided.
 - e. supporting meter readings or bills.
 - f. a conservation plan that describes the Permittee's specific water conservation programs for that significant user.
 - g. a water audit that documents the type(s) of water uses that occur within the significant user's facility, quantities used per type, leak detection and other water conservation activities undertaken by the user.

B. DISTRICT-WIDE PERCENT INDUSTRIAL/COMMERCIAL USE.

Documentation shall include, by meter size, the number of Industrial/Commercial connections and use in average gpd, the total unadjusted gross use (gpd) and the District three-year average Industrial/Commercial %

used. A water conservation plan specific to each business type deducted (e.g., offices, restaurants, retail/wholesale, etc.) shall be provided in lieu of a water conservation plan for each individual Industrial/Commercial customer.

C. COMBINED REGIONAL GOVERNMENT AND HIGHER EDUCATION FACILITIES.

Documentation shall include for each facility included in the deduction calculation, the facility name, the facility's contact person's name, email address and telephone number, quantity provided in gpd and, from the most recent Census, the percent of the county total population not living in the utility service area. A water conservation plan specific to each group type (regional government and or qualifying education facilities) shall be provided in lieu of a water conservation plan for each individual customer deducted.

D. INDIVIDUAL REGIONAL HEALTH FACILITIES.

Documentation shall include for each facility included in the deduction:

- a. the name of the facility.
- b. the facility's contact person's name, email address and telephone number.
- c. the types of water use and the gpd provided for each type of use.
- d. the total number of patients during the reporting period.
- e. the number of patients with postal zip codes outside the service area.
- f. a conservation plan that describes the Permittee's specific water conservation programs for that significant user.
- g. a water audit that documents the type(s) of water uses that occur within the significant user's facility, quantities used per type, leak detection and other water conservation activities undertaken by the user.

E. INDIVIDUAL INDUSTRIAL/COMMERCIAL FACILITIES WHERE WATER IS THE PRIMARY INGREDIENT OF THE PRODUCT.

Documentation shall include all of the following information for each facility:

- a. the name of the facility.
- b. the type of facility.
- c. the facility's contact person's name, email address and telephone number.
- d. the average gpd provided during the reporting period.
- e. the percent of the final product that is water.
- f. a conservation plan that describes the Permittee's specific water conservation programs for that significant user.
- g. a water audit that documents the type(s) of water uses that occur within the significant user's facility, quantities used per type, leak detection and other water conservation activities undertaken by the user.

GC (Golf Courses) – Documentation shall include a report on the permitted and separately metered quantities from ground water, surface water, reclaimed and stormwater sources used for golf course irrigation. To deduct these quantities, the quantities must be authorized for golf course irrigation in the permit for which per capita is being calculated.

EM (Environmental Mitigation) – Documentation shall include a report on the permitted and used quantities for the reporting period in gpd for environmental mitigation as required by the permit for which per capita is being calculated.

ST (Stormwater) – Documentation shall include a report on the separately metered stormwater quantities generated and used in the service area that are included in the utility's permit for the service area for uses other than golf course irrigation. If the stormwater quantities are not reported as WD, they may not be deducted. The report shall include the number of connections by use type (e.g., residential, commercial, recreation aesthetic, etc.)

RW (Reclaimed Water Credit) – Documentation shall include a report on separately metered reclaimed water quantities generated by:

- a. Name of the customer.
- b. Account number.
- c. Customer service address.
- d. Quantities provided during the reporting period in average gpd.
- e. Claimed deduction during the reporting period in average gpd.
- f. Meter size.

g. Whether the use is inside or outside of the potable service area boundary.

h. Description of the use (may not include residential or common area irrigation as described in the provisions titled Per Capita Daily Water Use, above).

4.4.6 SWFWMD ANNUAL RECLAIMED WATER SUPPLIER REPORT.

Permittees that have a wastewater treatment facility with an annual average design capacity for 100,000 gpd or more shall submit the SWFWMD Annual Reclaimed Water Supplier Report incorporated by reference in rule 40D-2.091(1)(h), F.A.C. for a fiscal year (October 1 to September 30) on or before April 1 of the following year. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report. Appendix A provides the instructions and definitions for the Annual Reclaimed Water Supplier Report.

4.4.7 SERVICE AREA FUNCTIONAL POPULATION ESTIMATES – FOR CURRENT YEAR, YEAR OF INTEREST AND ANNUAL REPORTS.

Permittees required to submit service area FP estimates shall estimate permanent resident, temporal resident, and group quarter populations. Service area tourist and net commuter population may be estimated as well. All estimates must be prepared in accordance with "Requirements for the Estimation of Permanent and Temporal Service Area Populations," dated January 1, 2007, as set forth in Part D of the Applicant's Handbook incorporated by reference in rule 40D-2.091(1)(b), F.A.C.. Permittees for public supplies whose permit requires the submittal of pumpage data shall submit the applicable Worksheets from Part D and supporting documentation for calculations of per capita rates utilizing this standardized methodology.

4.4.8 WATER AUDITS.

If the Public Supply Water Use Annual Report reflects that greater than 10% of the total water plant output minus all accounted uses is water loss, the Permittee must complete a water audit by the following July 1, and the results shall be submitted by October 1 of the same year. The water audit report shall (1) evaluate possible sources for the water losses, and (2) include a schedule for a remedial actions plan to reduce the water losses to below 10%.

4.4.9 EXEMPTIONS FROM WATER CONSERVATION REQUIREMENTS.

Permittees with less than 100,000 gpd annual average quantities are exempted from the Annual Report, water conserving rate structure, customer billing and meter reading criteria, and water audit requirements.

4.4.10 ANNUAL RECLAIMED WATER SUPPLIER REPORT.

Permittees with a WUP for 100,000 gpd or greater annual average quantities and that generate treated wastewater effluent (reclaimed water) at their own wastewater treatment facility having a reclaimed water design capacity of 100,000 gpd or more on an annual average basis and a FDEP Wastewater Facility Regulation (WAFR) identification number shall submit the SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.026.00 (09/09), incorporated by reference in Rule 40D-2.091, F.A.C. Appendix A to this Chapter 4 includes definitions and instructions for reporting this information.

Permittees having a wastewater treatment facility with a design capacity less than 100,000 gpd on an annual average basis shall have the option to use the SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.026.00 (09/09) described above or to submit Part F of the Public Supply Annual Report, "Suppliers of Reclaimed Water Report", described in "ANNUAL REPORTS", below.

4.4.11 ALTERNATIVE WATER SUPPLY RECEIVERS.

All Permittees with a WUP for 100,000 gpd or greater annual average quantities and that receive reclaimed water, stormwater or other AWS to meet all or a part of their combined water (e.g. golf courses, industrial/commercial uses, agricultural uses, etc.) shall be required to meter, record and report the meter readings on a monthly basis. These Permittees shall also meter, record and report the quantity of AWS beneficially used on a monthly basis. These Permittees shall include in their initial report the AWS supplier's name, address, telephone number, email address, and contact person's name, water use permit number (if any), and contracted or agreed-upon annual average quantities of AWS to be supplied, and thereafter report changes to this information.

4.4.12 NON-POTABLE ALTERNATIVE WATER SUPPLY PROVIDERS – OTHER THAN RECLAIMED WATER.

All Permittees with a permit for 100,000 gpd or greater annual average quantities and that generate non-potable AWS, as defined in Rule 40D-2.021, F.A.C., other than suppliers of reclaimed water from a public supply wastewater treatment plant, shall submit an annual Alternative Water Suppliers report. The report shall provide all of the following information on quantities supplied to bulk customers for non-potable use:

1. Description of the type of AWS provided.
2. County where service is provided.
3. Customer name and contact information.
4. Customer's Water Use Permit number (if any).
5. Customer's meter location connection or latitude and longitude.
6. Meter ownership information.
7. General customer use category.
8. Proposed and actual flows in annual average gpd per customer.
9. Customer cost per 1,000 gallons or flat rate information.
10. Delivery mode (e.g., pressurized or non-pressurized).
11. Interruptible Service Agreement (Y/N).
12. Month/year service began.
13. Totals of monthly quantities supplied.
14. A map depicting the area of alternative water use service. This map should include any areas projected to be added within the next year.

4.4.13 REPORTING REQUIREMENTS FOR LANDSCAPE/RECREATION IRRIGATION WATER USE WITHIN THE SWUCA.

To ensure compliance with the total allocated acre-inches per acre and the assigned efficiency standards, the District requires the following data to be submitted by all Permittees with 100,000 gpd, annual average quantities or greater for Landscape/Recreation use on the Irrigation Water Use Form-Annual Landscape/Recreation, SWUCA, Form No. LEG-R.018.02 (5/14) incorporated by reference in paragraph 40D-2.091(2)(c), F.A.C.:

- A. Irrigated plant type (golf course turf, lawn and landscape, sports field);
- B. Total acres per plant type;
- C. Acres shrubs and/or trees.
- D. Number of acres of tees and greens.
- E. The dominant soil type or acres by dominant soil type.

APPENDIX A
ANNUAL RECLAIMED WATER SUPPLIER REPORT
INSTRUCTIONS AND DEFINITIONS

The District is committed to optimizing the efficient use of reclaimed water throughout its 16-county region. Development and maintenance of a thorough monitoring program of its reclaimed water distribution network and customer's end use enables public water supply Permittees to track and maximize the reasonable-beneficial use of this resource.

The enclosed excel spreadsheet is provided to assist the Permittee in meeting reclaimed water reporting requirements of the Annual Reclaimed Water Supplier Report required in Section 4.4.10 of the WUP Applicant's Handbook Part B. Entries are intended to be line-item.

Page 1 of the spreadsheet is designed to allow the Permittee to complete one form for multiple annual reporting requirements for the District as well as for the FDEP. Use of a common format can serve as a valuable worksheet for preparing the FDEP report while assuring that data submitted to FDEP corresponds to data provided to the District. In addition to District reporting requirements, the information requested in the spreadsheet covers the majority of data necessary for the reporting requirements associated with the following:

1. FDEP Annual Reuse Report.
2. FDEP Water Protection Sustainability Trust Fund, and
3. SWFWMD Cooperative Funding Initiative Agreement Special Conditions contained in Exhibit A

The list of items below (as well as each column in the excel spreadsheet) is annotated to indicate the report for which the information is required:

1. Required: Required for the "SWFWMD Annual Reclaimed Water Supplier Report."
2. Optional: Not required for any of the reports but helpful to the District in alternative source planning programs, the regulatory report, and not required if not pertinent to the wastewater treatment facility or customer under Cooperative Funding.
3. CF Required: Contractually required for Cooperatively Funded Projects.
4. FDEP Required: Required as a component of the FDEP Annual Reuse Report or FDEP Water Protection Sustainability Trust Fund.

The reporting period of October 1 to the following September 30 is changed to coincide with the reporting period for the Annual FDEP Reuse Report. However, the due date for submittal to the District remains April 1 even though the FDEP due date remains December 31st each year.

Explanations and definitions for each of the various data elements (given as column headings) comprising this report are given below as well as briefly when you click in cells below the column headings. The input FORMAT or DOMAIN CODES are given after the explanation below. Text is case-sensitive and dropdowns are available for DOMAIN CODES.

Page 2 of the spreadsheet is formatted for input of monthly deliveries of reclaimed water (total gallons per month) to bulk customers or to categories of reclaimed water use.

PAGE 1

Column 1 – Water Year

Required

The water year (October 1 – September 30) for this report. For example, the period of time for October 1, 2008 – September 2009 is water year 2009.

FORMAT = yyyy

Column 2 – County

Required

The county in which the utility provides reclaimed water for the named customers. If more than one county is supplied, enter the amounts supplied for each county separately.

DOMAIN CODES: Charlotte, Citrus, Desoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter. (Dropdown available.)

Column 3 – Permittee – Wastewater Treatment Plant

Required

The name of the utility as it appears on its Water Use Permit and the name of the wastewater treatment plant if different from that of the utility.

FORMAT: 24 text characters.

Column 4 – Permittee Water Use Permit (WUP) Number

Required

The SWFWMD water use permit number or numbers issued to the utility. Typically, the Permittee will be the potable water utility.

FORMAT: 12 digit number. For instance, 20012345.006.

Column 5 – Bulk Customer Name

Required

The name of the individual customer receiving reclaimed water (golf course, hospital, commercial facility, industrial plant, etc.). Residential customers can be categorized according to any distinct areas on the utilities reclaimed system (e.g., NE Service Area, etc.). Disposal and Natural System Restoration projects do not have to have a name.

FORMAT: 25 – text characters.

Column 6 – Customer Category or Use for Reclaimed Water

Required

Identify the customer category or general intended use of the reclaimed water as follows:

- RES-residential irrigation.
- AGR-agricultural irrigation.
- IND-industrial/commercial process use.
- RAC-recreation, aesthetic, and commercial irrigation.
- GC-golf course irrigation.
- NSR – natural systems restoration.
- SPRAY – sprayfield disposal
- RIB – Rapid Infiltration Basin disposal
- SWD – Surface Water Disposal
- DWD – Deep Well Disposal
- ASR – Aquifer Storage (not used this year)
- RSV – Reservoir Stored (not used this year)

DOMAIN CODES: RES, AGR, IND, RAC, GC, NSR, SPRAY, RIB, SWD, DWD, ASR, RSV (Dropdown available.)

Column 7 – Customer WUP Number

Required

The SWFWMD water use permit number issued to this customer for withdrawal of water from a traditional source of water that will be replaced with reclaimed water. If the customer's WUP number is 20012345.001, input 2012345. Input "None" if the customer does not have a WUP.

FORMAT: 10 digit number with 3 digit extension after the decimal.

Column 8 – Customer WUP – First Issue Date

Optional

The year the District first issued the customer the water use permit input in the previous column. Leave blank, if the customer does not have a WUP.

FORMAT: yyyy (valid range 1970-2010).

Columns 9 & 10 – Customer Location – Latitude/Longitude

Required

Data entry in these two columns define the single point of latitude and longitude for the interconnect between the utility's transmission main and the customer's reclaimed water system. Input degrees-minutes-seconds

FORMAT: 9–digit number. Format = ##*##'##"

Column 11 – Section, Township, Range

Required

Section, Township, Range where of the customer's interconnection is located.

FORMAT: ## – ##S – ##E

Column 12 – Meter

Optional

“Yes” or “No” entry if the utility has installed a reclaimed water meter at a facility having a water use permit. NOTE: Subdivisions are not included unless they are a community development corporation with a water use permit.

DOMAIN CODES: Yes, No (Dropdown available.)

Column 13 – Meter Size

Optional

Meter size determines peak flow rate, or upper limit of water use in gpm. Enter meter size (or use dropdown) in inches. If no meter, leave blank. 6 characters maximum.

DOMAIN CODES: 3/4", 5/8", 1", 1-1/2", 2", 3", 4", 5", 6", 7", 8", 9", 10", 11", 12", etc. (Dropdown available.)

Column 14 – Meter Type

Optional

The type of flow meter the utility has installed at the customer’s location. Acceptable entries are “D” for digital flow meters or “A” for analog flow meters.

DOMAIN CODES: D, A, None (Dropdown available.)

Column 15 – Meter Serial Number

Optional

The serial number for the flow meter installed by the utility at the customer’s location. Please leave blank if there is no meter.

FORMAT: 12–digit number.

Column 16 – SWFWMD Project Number

CF Required

The project number associated with each project that received or is receiving District cooperative funding support. Project numbers are a single uppercase letter followed by three numbers such as K055, L051, K468. The summary report will be organized by District project numbers for those certain portions of the system that received or are receiving cooperative funding from the District. Those portions of the system not receiving such funding should enter N/A in this column.

FORMAT: 5 characters numbers and text.

Column 17 – Number of Service Boxes

CF Required

The number of reclaimed water service boxes or connections that have been installed within the service area covered by the customer’s contract with the utility regardless of whether or not a meter has been installed. For example, give the total number of reclaimed water service boxes installed at all residences within a subdivision where each residence is capable of receiving reclaimed water service, whether the residence is using reclaimed water or not.

FORMAT: 6 – digit number.

Column 18 – Number of Active Customers

FDEP Required and CF Required

The number of accounts (or service boxes) that are actually connected and actively using reclaimed water in the service area during the reporting period. For example, if a subdivision with 1,000 accounts (residences) has installed service boxes at each account, but only 500 accounts actually receive AND use reclaimed water, the entry in this field is “500” while entry for the previous field would be “1,000.”

FORMAT: 6 – digit number.

Column 19 – Proposed or Contracted Reclaimed Water to the Customer or Use (gpd)

CF Required

The planned delivery volume, in gpd, of the reclaimed water system that was or is being constructed under the terms of the cooperative funding agreement for the customer named in Column 5 or the Use listed in Column 6. Typically, this flow should reflect the volume required to meet the negotiated contract(s) between the utility and the reclaimed water customer. NOTE: This is not the total capacity of the system nor is it the build out volume ultimately planned for the system.

FORMAT: 8 – digit number.

Column 20 – Actual Reclaimed Water Disposal Quantity (gpd)

Required

The annualized (for the water year) actual quantity of reclaimed water that was disposed of via Rapid Infiltration Basins (RIBs), deep well injection, surface water disposal or spray fields during the reporting period. Please note: Spray fields, RIBs, surface water disposal and deep well injection are included on this form (as they can be reported to FDEP).

FORMAT: 8 digit number.

Column 21 – Actual Reclaimed Water Flow (gpd)

Required

The actual reclaimed water flow, in gpd, that was delivered during the reporting period to reclaimed water customers or customer categories.

FORMAT: 8 – digit number.

Column 22 – Project Proposed Offset (gpd)

CF Required

The volume of potable-quality water, in gpd, that was projected to be offset (or saved) by the reclaimed water projected to be provided through this project.

FORMAT: 8 – digit number.

Column 23 – Actual Public Supply Offset (gpd)

CF Required

The actual potable – quality water from the public water supply system, in gpd, that was offset by the actual amount of reclaimed water supplied to this customer or service area during the reporting period.

FORMAT: 8 – digit number.

Column 24 – Actual Private Supply Offset (gpd)

CF Required

The actual self-supplied potable-quality groundwater or surface water that customers discontinued using, in gpd, because they received reclaimed water during the reporting period.

FORMAT: 8 – digit number.

Column 25 – Offset Calculation Method

CF Required

Indicate whether the flow data previously provided in this reporting was metered (Meter) flows or estimated (Est.) values derived from master meters, plant pumpage, or similar indirect measurement procedures.

DOMAIN CODES: Meter, Est.

Column 26 – Acreage Irrigated with Reclaimed Water

FDEP Required

The measured, calculated, or estimated acreage, by customer type, that is irrigated by reclaimed water made available through this project. Spray fields and RIBs are not considered irrigation.

FORMAT: 5 – digit number.

Column 27 – Reclaimed Water Rate/1,000 Gallons

CF Required

Provide the rate or rates charged, if the service is based on a block rate structure, per 1,000 gallons (\$/Kgal) within the respective reclaimed water service areas. Data in this column should not include any fixed fees for wastewater service, initial reclaimed water connection, price of meters, base fees, or related fixed costs. If the utility does not base its charge on 1,000 gallon blocks, then leave blank.

FORMAT: US Currency, 5 digits \$####.## or Blank

Column 28 – Reclaimed Water Flat Rate Per Month

CF Required

The flat rate charged by the utility for reclaimed water service. This should not include any fixed fees for wastewater service, initial reclaimed connection, price of meters, base fees, or related fixed costs. If the utility does not charge a flat monthly fee, then leave blank.

FORMAT: US Currency, 6 digits \$#,####.## (Do not enter the comma.)

Column 29 – Reclaimed Water Contracted Delivery Quantity (gpd)

CF Required

The volume of reclaimed water, in gpd, that the customer has agreed to take from the utility to the end of the contract term stipulated in Column 31. For those Permittees co-funded through the District, this number should be the same as the volume specified in their Cooperative Funding agreement with the District.

FORMAT: 8 – digit number.

Column 30 – Reclaimed Water Contract Start Date

CF Required

The date specified in the contract as the beginning date of service for reclaimed water.

FORMAT: mm/yyyy (valid year range 1975-2010).

Column 31 – Reclaimed Water Contract End Date

CF Required

The date specified in the contract between the utility and the reclaimed water customer and stipulates when reclaimed service will terminate.

FORMAT: mm/yyyy (valid year range 1975-2050).

Column 32 – Reclaimed Water Delivery Mode

Required

A code entry showing how the reclaimed water is supplied for reuse. The codes are:

- “P” which identifies reclaimed water delivered under sufficient pressure for immediate use by the reclaimed water customer.
- “S” which identifies reclaimed water delivered under pressure for delivery into on-site storage for later use by the reuse customer.

DOMAIN CODES: P, S (Dropdown available.)

Column 33 – Interruptible Service Agreement

CF Required

Enter “Yes” or “No” signifying that service to this customer is through an agreed-upon interruptible basis. Specifically, if reclaimed water availability is insufficient for overall system demand, this customer can have its service interrupted (suspended) until sufficient reclaimed water supply is again available. The customer would have to activate standby quantities from the water source used prior to becoming a reclaimed water customer if the customer’s water use permit provides for reinstatement of these previously permitted quantities if they lost reclaimed water through no fault of their own. Note: Does not include emergency interruptions.

DOMAIN CODES: Yes, No

Column 34 – Month & Year Reuse First On-Line

CF Required

The month and year that reclaimed water was actually first used by this customer whether as part of the reclaimed water contract or prior to execution of a reclaimed water contract.

FORMAT: mm/yyyy (valid year range 1975-2010)

Column 35 – Customer’s Location in a WUCA

Optional

Identifies if the customer is located in a SWFWMD water use caution area (WUCA), and if so, which one. This is a code entry using the following codes:

- SWUCA is the Southern Water Use Caution Area
- NTB is the Northern Tampa Bay Water Use Caution Area
- N/A if they are not in a Water Use Caution Area (do not leave this column blank).

DOMAIN CODES: SWUCA, NTB or N/A (Dropdown available.)

Column 36 – Traditional Source

Optional

The water source(s) identified in the water use permit for each of the reclaimed water customers. This source is represented by a code entry using the following codes:

- FL is the Floridan Aquifer
- IA is the Intermediate Aquifer
- SA is the Surficial Aquifer
- SW is surface water withdrawal
- DES for desalination
- PRMRWSA for the Peace River Manasota Water Supply Authority
- TBW for Tampa Bay Water

DOMAIN CODES: FL, IA, SA, SW, DES, PRMRWSA, TBW (Dropdown available.) For multiple sources, direct entry of the codes, separated by commas, are allowed in this column. (Do not use the dropdown for multiple source entry)

Column 37 – Basin

Optional

Identifies in which basin the customer is located in. This is a code entry using the following codes:

- ALA – Alafia River
- WITH – Withlacoochee River
- COASTCoastal Rivers
- P-A – Pinellas Anclote River
- NW HILLS – Northwest Hillsborough River
- HILLS – Hillsborough River
- MANManasota
- PR Peace River

DOMAIN CODES: WITH, COAST, P-A, NW HILLS, HILLS, MAN, PR (Dropdown available.)

Column 38 – WAFR ID

FDEP Required

Wastewater Facility Regulation Identification Number. If more than one treatment plant supplies the reclaimed water system, only the WAFR ID is necessary for the wastewater facility that supplies the most reclaimed water to this customer.

FORMAT: 9 – character input: 3 text + 6 – digit number or 9 – digit number

Column 39 – WWTP Treatment Level

FDEP Required

Identify the level of treatment (using FDEP coding) at all the wastewater treatment plant (WWTP) for the WAFR ID Number given in column 38.

- AWT – Sufficient for surface water discharge.
- HI – Sufficient for public access reclaimed water.
- BA – Not sufficient for public access reclaimed water

DOMAIN CODES: AWT, HI, BA (Dropdown available.)

Column 40 – Reclaimed Water Storage Type

Required

Identify the type of reclaimed water storage facility used at the WWTP identified by the WAFR ID number in Column 38.

- POND = Surface water impoundment
- TANK = above ground or in-ground tank
- ASR = stored in an aquifer

DOMAIN CODES: POND, TANK, ASR (Dropdown available)

Column 41 – Reclaimed Water Storage Volume (Million Gallons)

Required

Provide the total storage volume in million gallons per storage type at the WWTP identified by the WAFR ID number in Column 38.

FORMAT: numeric up to 10 characters

Column 42 – Comments

Optional

Unlimited entry because this column is formatted to wrap text.

PAGE 2

The Permittee shall input total gallons delivered to all bulk customers (column 5 on Page 1) or to all reclaimed water use categories (column 6 on Page 1) for the months of October through September of the following year.

5.0 PERMIT CONDITIONS

Water use permits shall be conditioned, as necessary, to ensure that the permitted consumptive use continues to meet the conditions for issuance in Rule 40D-2.301, F.A.C. There are two categories of permit conditions that will be applied to WUPs. Standard conditions contain general information and operational constraints that generally apply to all water uses unless waived or modified by the District upon a determination that the conditions are inapplicable to the use authorized by the permit. Special conditions vary among use classes, source classes, and geographic locations, and may be project-specific.

5.1 STANDARD CONDITIONS.

The following conditions are placed on all WUPs:

(a) All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained.

(b) This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data is found to be untrue and inaccurate, the use is not reasonable and beneficial, or in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

(c) A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.

(d) Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.

(e) With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.

(f) This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

(g) The Permittee shall cease or reduce surface water withdrawal as necessary to comply with any prevention or recovery strategy adopted for MFL compliance as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

(h) The Permittee shall cease or reduce withdrawal as necessary to comply with any prevention or recovery strategy adopted for MFL compliance as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

(i) The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

(j) The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.

(k) The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When

adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:

1. A reduction in water levels that impairs the ability of a well to produce water;
2. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses that impacts a surface water withdrawal; or
3. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

(l) The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:

1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
2. Damage to crops and other vegetation causing financial harm to the owner; or
3. Damage to the habitat of endangered or threatened species.

(m) When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

(n) A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.

(o) Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and/or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system/project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.

(p) All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

(q) Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District, upon reasonable notice to the Permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the Permittee to resolve or mitigate the change or impact or to request a hearing.

GENERAL COUNSEL'S REPORT

November 19, 2019

Consent Agenda

Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Dustin Tyler – CT No. 400751 and 400841 – Polk County, Florida

On September 28, 2018, the District received a complaint about a water well at 7124 Lake Hatchineha Road, Haines City, Florida 33844 (the Lake Hatchineha Property). On October 2, 2018, District staff conducted a site inspection and observed a water well that had been constructed at that address. Staff obtained a bill of sale indicating Dustin Tyler drilled the well. District staff further determined that no well construction permit had been issued for the construction of a water well and that Mr. Tyler is not a licensed water well contractor.

The Lake Hatchineha Property is located in an area of ethylene dibromide (EDB) contamination where special well construction requirements and location standards apply. District staff determined that the well Mr. Tyler drilled at the Lake Hatchineha Property fails to meet those designated special construction requirements and location standards.

Thereafter, the District became aware that Mr. Tyler also drilled a water well at 347 Tindel Camp Road, Lake Wales, Florida 33898 (the Tindel Camp Property). On October 8, 2018, District staff conducted a site visit to document the water well at that location. District staff obtained a bill of sale indicating Mr. Tyler drilled the well at the Tindel Camp Property. The property owner also informed the District that Mr. Tyler had previously drilled two other water wells on the Tindel Camp Property. Again, District staff determined that no well construction permit had been issued for the construction of a water well and that Mr. Tyler was not a licensed water well contractor. District staff further determined that the wells Mr. Tyler drilled at the Tindel Camp Property fail to meet designated special construction requirements and well location standards for water wells in an EDB designated area.

A Notice of Violation and proposed Consent Order were issued by the District on March 6, 2019, regarding the above violations. The proposed Consent Order followed the recommended amounts set forth by the Water Well Construction Disciplinary Guidelines and Citations Dictionary, June 22, 2014. The proposed Consent Order assessed an administrative fine of \$42,500 for the following violations:

- \$5,000 for each of the four above-described instances of practicing water well contracting without a license, for a total of \$20,000;
- \$500 for the first above-described instance of failure to obtain a permit prior to contracting a water well, \$1,000 for the second such above-described instance of that infraction, \$1,500 for the third, and \$1,500 for the fourth, for a total of \$4,500;
- \$1,000 for the first instance of failure to meet designated special construction criteria area requirements, such as those established by Chapter 62-524, \$2,000 for the second such instance, and \$3,000 each for the third and fourth instances; and

Item 14a

- \$1,000 for the first instance of failure to comply with well location standards of Chapter 62-532, \$2,000 for the second such instance, and \$3,000 each for the third and fourth instances, for a total of \$9,000.

Mr. Tyler never responded to the District's Notice of Violation and proposed Consent Order. District staff is now requesting authorization to issue an Administrative Complaint and Order pursuant to Section 373.119 and 373.333, F.S., to address the violations listed above. It should be noted that Mr. Tyler has another open compliance file, which will be pursued in the Circuit Court in Polk County along with this compliance file.

Staff Recommendation:

- (1) Authorize District staff to issue an Administrative Complaint and Order to the Well Contractor to obtain compliance with District rules, and seek assessment of civil penalties, including applicable fines, including the full amount of the penalty described above, as well as taxable costs and attorney's fees.
- (2) Authorize District staff to initiate litigation against the Well Contractor to enforce the terms of the Administrative Complaint and Order, if necessary.

Presenter: Michael Bray, Assistant General Counsel

GENERAL COUNSEL'S REPORT

November 19, 2019

Consent Agenda

Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Earl W. Pruitt – License No. 2214 – CT No. 405351 – Pinellas County

Earl W. Pruitt is a licensed water well contractor and holds License No. 2214 (License). Mr. Pruitt is the president of Earl Pruitt's Well & Pump Service, Inc., and conducts business under that name.

On July 15, 2019, Mr. Pruitt submitted an application for a well construction permit (WCP) to construct a 1.25-inch well at a residential property in St. Petersburg. That same day, District staff received a complaint from the property owner alleging that Mr. Pruitt was contracted to construct a 4-inch well but instead constructed a 1.25-inch well on July 13, 2019 - two days prior to the submission of the WCP application. District staff inspected the property on July 17, 2019, and observed that the well had been constructed prior to the issuance of a WCP. The WCP was subsequently issued on July 18, 2019.

Mr. Pruitt has a history of non-compliance with the statutes and rules governing water well construction and water well contractors. He has entered into three consent orders with the District since 2011 to resolve similar well construction violations. The most recent consent order, rendered September 23, 2016, placed Mr. Pruitt's License on a 12-month probation with restrictions.

On August 15 and September 17, 2019, the District issued a Notice of Violation and proposed a Consent Order to Mr. Pruitt, to which he did not reply. The Consent Order provided for an administrative penalty of \$3,000.00, assessed 10 points against the License, and suspended the License for 12 months. Mr. Pruitt has not contacted the District regarding the Notice of Violation or Consent Order.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and order to Earl W. Pruitt and any other necessary party to obtain compliance, recover an administrative fine or civil penalty penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

Presenter: James B. Fussell, Jr., Staff Attorney

GENERAL COUNSEL'S REPORT

November 19, 2019

Consent Agenda

Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Bruce Straubel – CT No. 395688 – Polk County, Florida

Bruce Straubel (Straubel) is the owner of approximately 2.18 acres of vacant real property zoned for commercial use located north of 4003 Waring Road within Section 03, Township 29S, Range 23E, in Polk County, Florida (Property).

On November 6, 2017, the District received a complaint regarding dredging and filling of wetlands on the Property. District staff conducted a site inspection at the Property that confirmed approximately .40 acres of wetlands had been impacted without prior authorization. On November 28, 2017, the District issued Straubel a Notice of Unauthorized Wetland Activity letter (Notice) concerning the dredging and filling that occurred at the Property, which advised that any regulated activity undertaken without an Environmental Resource Permit (ERP) could result in a penalty and require further corrective action. Straubel responded to the Notice and advised District staff that he was not aware that the fill material was placed within wetlands and agreed to retain a consultant to complete the necessary permitting or corrective actions.

On December 15, 2017, District staff conducted a site inspection at the Property and observed that some of the fill placed within the wetlands had been removed. District staff subsequently corresponded with Straubel's retained consulting firm to discuss a plan to bring the Property into compliance but were unsuccessful in maintaining regular contact. On April 12, 2018, the District issued Straubel a final Notice of Unauthorized Wetland Activity letter concerning the dredging and filling that occurred at the Property. No response was received.

This matter was referred to the Office of General Counsel for further enforcement action on January 15, 2019. After additional investigation, District staff issued a Notice of Violation and proposed Consent Order to Straubel that included administrative penalties and enforcement costs totaling \$13,390.00 and required the submission of a proposed corrective action plan to restore the Property to its original condition. Straubel has not contacted the District regarding the Notice of Violation and proposed Consent Order, and the Property remains in noncompliance.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to Straubel and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against Straubel and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

Presenter: Christopher A. Tumminia, Deputy General Counsel

EXECUTIVE DIRECTOR'S REPORT

November 19, 2019

Consent Agenda

Approve Governing Board Minutes - October 22, 2019

Staff Recommendation:

Staff recommends the Board approve the minutes as presented.

Presenter: Brian J. Armstrong, P.G., Executive Director

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

OCTOBER 22, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on October 22, 2019, at the District's Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary
Kelly S. Rice, Treasurer
Rebecca Smith, Ph.D., Member*Via Phone
James G. Murphy, Member
Roger Germann, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Brian Werthmiller, Inspector General
John J. Campbell, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

Caroline Browning, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

A list of others in attendance, who signed the attendance roster, is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING (00:00)

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing. Secretary Schleicher stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Murphy offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Taylor introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Taylor stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Taylor stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. Employee Recognition

Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Carol Daleo, Amy Poxson, Jim Catarouch and Tacey Bartlett.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated there were no additions or deletions to the agenda.

Chair Taylor stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

5. Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes spoke against the use of reclaimed water.

Ms. Dianne Silliman spoke regarding flooding issues associated with Johnson Point subdivision.

Mr. Richard Diaz spoke regarding flooding issues associated with Johnson Point subdivision.

Ms. Michelle Hopkins, Regulation director, provided an update to the Board and addressed staff concerns.

Consent Agenda

Resource Management Committee

6. Approve Use of the Lower Coastal Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Pasco County (L842)

Staff recommended the Governing Board approve use of the Lower Coastal Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Pasco County.

7. Minimum Flows and Minimum Water Levels Priority List and Schedule Update

Staff recommended the Governing Board approve the Southwest Florida Water Management District 2019 Priority List and Schedule for submission to DEP for review and approval as required by Chapter 373, F.S.

8. Channel 1A2 Stormwater Quality Improvements - Scope Change (W300)

Staff recommended the Governing Board:

1. Approve the scope revision to increase the drainage area treated from 20 acres to 23.3 acres, which is the measurable benefit in the cooperative funding agreement.
2. Approve the scope revision to increase the TSS removal from 8,126 lbs./yr. to 9,300 lbs./yr. and reduce the TN removed from 223 lbs./yr. to 89 lbs./yr., which are the resource benefits in the cooperative funding agreement.
3. Approve the increase in project cost from \$808,800 to \$846,000, with the District share remaining \$403,900 and the PPWMD's share increasing from \$403,900 to \$442,100.

Finance/Outreach & Planning Committee

9. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for September 2019.

10. Cigna Employee Wellness Program Budget Transfer

Staff recommended the Governing Board approve the budget transfer of \$165,000 in FY2019 funds from District Lake and Wetland MFLs Criteria Review consultant services (P084) to the fully reimbursable Employee Wellness Program (Z078) provided by Cigna.

11. Inspector General Performance Measures

Staff recommended the Governing Board approve the Office of Inspector General performance measures.

Operations, Lands & Resource Monitoring Committee - None

Regulation Committee

12. Partial Release of Conservation Easement for Old Florida Mitigation Bank - ERP No. 43041425.001 - Pasco County

Staff recommended the Governing Board approve, accept, and execute the attached Partial Release of Conservation Easement and Quit Claim Deed for the Old Florida Mitigation Bank.

13. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20020687.00 - Southeast Wildwood Water Conservation Authority (Sumter County)

Staff recommended the Governing Board approve the proposed permit.

General Counsel's Report

14. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

a. Initiation of Litigation – Breach of Contract – Jacobs Engineering Group, Inc. – Weeki Wachee State Park Canoe Launch Improvements

Staff recommended the Board provide concurrence with the authorization of the Executive Director, the Governing Board Chair and the General Counsel to file a lawsuit against Jacobs Engineering Group, Inc. on September 27, 2019, in accordance with Board Policy 160-1.

15. Rulemaking - None

Executive Director's Report

16. Approve Fiscal Year 2020 Final Budget Hearing Minutes – September 24, 2019

Staff recommended the Board approve the minutes as presented.

17. Approve Governing Board Minutes - September 24, 2019

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (Video - 00:19:40)

Chair Taylor asked the Resource Management Committee Chair Smith, if she preferred that he chair her committee since she was attending by telephone. Committee Chair Smith responded in the affirmative. Chair Taylor called the meeting to order. (Video – 00:19:58)

Resource Management Committee

Discussion

18. Consent Item(s) Moved for Discussion – None

19. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for the Chassahowitzka and Homosassa River Systems and Accept Reports

Ms. Jennette Seachrist, Resource Management director, provided an information that outlined the support of setting Minimum Flows and Levels (MFLs) for protection of the natural systems and waterbodies.

Dr. Gabe Herrick, Ph.D., lead environmental scientist, provided a presentation. He defined MFLs and outlined statutory requirements. Dr. Herrick reviewed the timeline that requires re-evaluation of the MFLs, and the outreach associated with it. He outlined District tools that are utilized to protect springs.

Dr. Herrick explained that the re-evaluation assessment consists of six years of additional data in addition to the original data. He outlined the various methods and surveys that the District utilized to obtain data. Dr. Herrick provided an overview of the models that interpret that data. He stated that the District also partners with the United States Geological Survey (USGS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) for additional data.

Mr. Ron Basso, chief hydrogeologist, provided a presentation that outlined the groundwater withdrawal impacts to the Chassahowitzka and Homosassa spring systems. He explained that once MFLs are set, staff must determine if MFLs are being met with the current withdrawals and predict future impacts. Mr. Basso stated that the geology and relatively low groundwater use have led to small flow changes of one to two percent. He stated that the current groundwater use trend has been flat for the last eight to ten years due to conservation, increased use of reclaimed water and slower population growth. Mr. Basso outlined the impact that rainfall has on the flows of the springs. He provided graphs outlining the rainfall trends and groundwater withdrawals associated with these systems.

Mr. Basso provided an overview of the Northern District Model that was used to interpret data and explained the model is also utilized by St. Johns River Water Management District (SJRWMD), Marion county and the Withlacoochee River Water Supply Authority (WRWSA). He also stated this model has been peer reviewed by outside experts. Mr. Basso provided an overview of the flow change and groundwater withdrawals for both springs systems from 2010 through 2040.

Dr. Herrick and Mr. Basso responded to questions from the Board.

Chair Taylor stated Request to Speak cards were received.

Ms. Katherine Spratt spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Don Clark spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Dennis Dutcher spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Ben Berauer spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Jessica Bibza spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Brad Rimbey spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems. He also provided a presentation.

Mr. Frank Kapocsi spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Harriet Heywood spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Maxine Conner spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Natalie Sheaffer Zinsser spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. DeeVon Quirolo spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Katie Johnson spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Jere Hooker spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Richard Owen spoke in support of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Captain Jodi Spalding spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Keith Rogers spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Dan Hilliard spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Lesia Bennett spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Mark Bohler spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Theresa Waldron spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Art Jones spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Ed Jones spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Shellie Mitchell spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Tessie Gourlie completed a Request to Speak card to speak in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems but declined to speak.

Ms. Shellie Mitchell completed a Request to Speak card to speak in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems but declined to speak.

Staff recommended the Board:

1. Accept the reports entitled "Reevaluation of Minimum Flows for the Chassahowitzka River System, Final Draft" and "Reevaluation of Minimum Flows for the Homosassa River System, Final Draft"

2. Authorize the initiation of rulemaking and approve the proposed rule language for the adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish a minimum flow for the Chassahowitzka River and Homosassa River Systems.
3. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video – 02:21:53)

20. Project Schedule Adjustments Associated with Governing Board Resolution 18-06 (Amended) – Polk Regional Water Cooperative

Mr. Eric DeHaven, Resource Management Division assistant director, provided a presentation requesting the Board excuse two project schedule milestone exceedances for the Polk Regional Water Cooperative (PRWC).

Mr. DeHaven provided an overview of the PRWC resolution, amendments and milestones required. He outlined the West Polk Lower Floridan Aquifer project (N882) and Peace River/Land Use Transition Treatment Facility and Reservoir (Q133) and the reasons associated with the delays in milestones for these projects. Mr. DeHaven requested the Board to excuse an anticipated schedule milestone exceedance for conducting third-party reviews for projects by April 30, 2020, as identified in Governing Board Resolution 18-06.

Mr. DeHaven responded to questions from the Board.

Staff recommended the Board:

1. Excuse the schedule delay in the cooperative funding agreement project plan task 2.2 - Well Construction and task 2.3 Aquifer Performance Testing for the West Polk Lower Floridan Aquifer Deep Wells Project (N882);
2. Excuse the schedule delay for the completion of third-party reviews associated with three cooperative funding projects (N882, N928, Q133).

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. (Video – 02:36:16)

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information and no action was required.

21. Minimum Flows and Levels Status Report

22. Significant Water Resource and Development Projects

Chair Taylor relinquished the gavel to the Finance/Outreach & Planning Committee Chair Rice, who called the meeting to order. (Video - 02:36:51)

**Finance/Outreach & Planning Committee
Discussion**

23. Consent Item(s) Moved for Discussion - None

24. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from July 1, 2019 through September 30, 2019. This presentation provided information on the United States Gross Domestic Product, federal interest rate information, an economic update and yield curve analysis. He provided a graph that displayed the federal funds rate hike current cycle and Federal Open Market Committee (FOMC) rate projections. Mr. Grady stated the Districts aggregate portfolio weighted average book yield has remained at a fairly consistent level at 2.08

percent. Mr. Grady stated the District aggregate portfolios duration increased approximately 43 percent to 1.14 years since Fiscal Year (FY) 2018.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended September 30, 2019.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video - 02:44:45)

25. Annual Review and Approval of the District's Investment Policy

Mr. John Campbell, Management Services director, provided a presentation. He stated that policy requires a review of the District's Investment Policy within sixty (60) days following the end of each fiscal year and approval of any modifications made.

Mr. Campbell stated the purpose of the District's Investment Policy is to set forth the investment objectives and parameters for the management of District funds. He explained that the policy is designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

Staff recommended the Board approve and accept the recommendation for no modifications to Board Policy, Investments.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video – 02:47:14)

26. Development of Preliminary Budget for Fiscal Year 2021

Mr. John Campbell, Management Services director, provided a presentation. Mr. Campbell stated that pursuant to Section 373.535, Florida Statutes, the water management districts are required to submit a preliminary budget for the next fiscal year (FY) to the Florida Legislature for review by January 15. Mr. Campbell provided a schedule for the FY2021 budget development, budget metrics, preliminary operating budget assumptions and revenue budget assumptions.

Staff recommended the Board approve the general budget assumptions as outlined in the October 22, 2019 budget presentation for the development of the preliminary budget for FY2021.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video - 02:56:03)

Submit & File Reports

27. Inspector General Quarterly Update – July 1, 2019 to September 30, 2019

Routine Reports

The following items were provided for the Committee's information and no action was required.

28. Treasurer's Report and Payment Register

29. Monthly Financial Statement

30. Monthly Cash Balances by Fiscal Year

31. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair Murphy, who called the meeting to order. (Video - 02:56:23)

**Operations, Lands & Resource Monitoring Committee
Discussion**

32. Consent Item(s) Moved for Discussion - None

33. Agreement with the City of Temple Terrace for Voluntary Annexation of Portions of District Property – Tampa Bypass Canal – SWF Parcel No. 13-004-318X

Mr. Jerry Mallams, Operations & Land Management bureau chief, provided a presentation. He stated the City of Temple Terrace has requested to annex portions of District-owned property within the Tampa Bypass Canal into the municipal boundaries of the City of Temple Terrace. Mr. Mallams provided background information and outlined the benefits associated with this proposed annexation.

Mr. Amir Anisi, representing the City of Temple Terrace, was in attendance to respond to any questions from the Board.

This item was provided for the Board's information only and no action was required.

Submit & File Reports

34. Hydrologic Conditions Report

35. Exchange Agreement with Tampa Port Authority for the Expansion of Railroad Lines for Port Services – Schulz Preserve - SWF Parcel Numbers 11-709-154 and 11-709-155S

Routine Reports

The following items were provided for the Committee's information and no action was required.

36. Surplus Lands Update

37. Structure Operations

38. Significant Activities

Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Schleicher, who called the meeting to order. (Video - 03:03:42)

Regulation Committee

Discussion

39. Consent Item(s) Moved for Discussion - None

40. Denials Referred to the Governing Board

No denials were presented.

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information and no action was required.

41. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading Equipment Implementation

42. Overpumpage Report

43. Individual Permits Issued by District Staff

Committee Chair Schleicher relinquished the gavel to Chair Taylor. (Video - 03:04:10)

General Counsel's Report

Discussion

44. Consent Item(s) Moved for Discussion - None

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information and no action was required.

45. October 2019 Litigation Report

46. October 2019 Rulemaking Update

Committee/Liaison Reports

47. Environmental Advisory Committee

Board Member Germann stated that the Committee passed a motion that the District provide support for the Blue-Green algae Task Force that has been set up by Governor DeSantis.

A written summary of the October 8, 2019 meeting was provided.

48. Other Committee/Liaison Reports

A written summary of the October 9, 2019 Well Driller Advisory meeting was provided.

Executive Director's Report

49. Executive Director's Report

Mr. Brian Armstrong, executive director, provided the Board with a copy of his goals for FY2020.

Chair's Report

50. 2019 Employee Evaluation and 2020 Performance Goals for the Executive Director and Inspector General

Chair Taylor stated that the Board Members were provided with the 2019 employee evaluation and FY2020 goals for the executive director and the inspector general. He stated that final recommended scores were provided based upon the individual scores received from Board.

A motion was made to approve the recommended merit increases for the Executive Director and the Inspector General. The motion was seconded and carried unanimously.
(Video - 03:10:31)

51. Chair's Report

Chair Taylor thanked the Board and staff for the attention that was provided to the discussion regarding item 19 during the Board meeting.

52. Other

53. Employee Milestones

The meeting was adjourned at 12:15 p.m.

Attest:

Chair

Secretary

**Governing Board Meeting
November 19, 2019**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

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Submit & File Reports

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Routine Reports

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RESOURCE MANAGEMENT COMMITTEE

November 19, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Jennette M. Seachrist, P.E., Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE

November 19, 2019

Discussion Item

Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Purpose

To request approval to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy.

Background/History

The District's FARMS Program is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. In 2003 the Board approved the creation of the FARMS Program in the Shell, Prairie, and Joshua Creek (SPJC) watersheds and the Upper Myakka River Watershed (UMRW) to address agricultural runoff affecting downstream waterbodies. Shell and Prairie Creeks were listed as impaired by the Florida Department of Environmental Protection (FDEP) for parameters associated with mineralized groundwater used for agricultural irrigation within these watersheds. The City of Punta Gorda's public water supply reservoir is located at the downstream end of the SPJC and was negatively affected by the agricultural runoff. Similar issues were identified within the UMRW where excess runoff entering Flatford Swamp adversely affected natural hydroperiods and led to excessive tree mortality. The reimbursement program operated under a Governing Board approved Procedure 13-9. The procedure defined the purpose of the program, the criteria for project approval and cost-share rates, and the application process.

Due to the initial success of the Program, in 2004 the Board approved the expansion of the FARMS Program to include the entire Southern Water Use Caution Area (SWUCA) to assist in meeting the goals of the SWUCA Recovery Strategy. The program was expanded again in 2005 to cover the entire District. The Governing Board approved Procedure 13-9 updates on both occasions to include the newly expanded areas.

In 2008 the Governing Board approved the FARMS Rule, Chapter 40D-26, F.A.C. after receiving input from the Joint Administrative Procedures Committee of the Florida Legislature recommending the cost-share program operate under rule pursuant to Chapter 120, Florida Statutes (F.S.). The FARMS Rule was revised in 2009 to incorporate the Model Farms Economic Study which establishes reasonable costs associated with the implementation of various BMPs covered by the program.

The FARMS Rule was revised again in 2010 to include the Dover/Plant City Water Use Caution Area (DPCWUCA) to address resource concerns associated with the use of groundwater to protect crops during a freeze event. The FARMS Rule was further revised in 2015 to include the Most Impacted Area (MIA) of the SWUCA as a priority area to address saltwater intrusion occurring in this area. The Rule was revised most recently in 2017 to include the most recent update of the Model Farms Economic Study.

In 2009, Section 373.0363, F.S., regarding the Southern Water Use Caution Area (SWUCA) Recovery Strategy, was created. The FARMS Program was included within the SWUCA

Recovery Strategy as an initiative to be implemented by the District. Pursuant to the statute, the FARMS Program is not subject to the rulemaking requirements of Chapter 120, F.S. Though the Program has remained a rule, District staff has determined that replacing the rule with a Governing Board policy will afford the District more flexibility in amending the Program.

Benefits/Costs

From the inception of the FARMS Program in 2003, the total projected groundwater offset for the 203 Board approved projects is 28.5 mgd at an overall average cost-benefit of \$2.33 per thousand gallons offset. Total expenditures for these projects are \$72.2 million, with \$31.6 million (44 percent) coming from the District, \$32.1 million (44 percent) from participating agricultural producers/growers, and \$8.5 million (12 percent) coming from State appropriations and the Florida Department of Agriculture and Consumer Services (FDACS).

Staff have developed a Governing Board Policy (Policy) to replace the FARMS Rule (see exhibit). The Policy will eliminate unnecessary regulation and improve the implementation of the cost-share program. The Policy incorporates the existing FARMS operating procedures identified in the rule and also establishes several new criteria: 1) the Northern Region Springs strategic priorities and cost-share rates for those projects, 2) a reduction in the reimbursement rate for projects offsetting greater than 50% of their permitted groundwater from 75% to 50%; 3) requires FDACS BMP enrollment to participate in the FARMS Program; and 4) better defines water quality in priority areas within the District. The Policy clarifies water quality improvements in the southern region as those operations using mineralized groundwater with a specific conductance in excess of 1,000 uS/cm. In the Northern Springs Coast water quality improvements refer to nutrient reduction BMPs.

Staff will seek Governing Board input on the staff proposal to repeal the existing FARMS Program rule and replace it with a Governing Board Policy as provided in the attached exhibit. Staff will bring this item back to the Governing Board for any additional review and final approval at a future Governing Board meeting.

Staff Recommendation:

This item is presented for the Board's information and no action is required.

Presenter: Chris Zajac, FARMS Program Manager, Natural Systems and Restoration

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Facilitating Agricultural Resource Management Systems (FARMS) Program

Document Owner: Randy Smith, PMP, Natural Systems and
Restoration Bureau Chief

Approved By: Mark Taylor, Chair

Effective Date: MM/DD/YYYY

Last Review Date: MM/DD/YYYY

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PURPOSE

This policy establishes procedures for implementing the Facilitating Agricultural Resource Management Systems (FARMS) Program and the requirements for obtaining funding assistance.

The FARMS Program is a public/private cost-share reimbursement program. The Program expedites water resource development and alternative water supply projects on agricultural properties by providing funding assistance to implement production-scale Best Management Practices (BMPs). The resource benefits anticipated include reduced Upper Floridan aquifer (UFA) withdrawals, water quality improvements in ground and surface water, conservation, restoration, and augmentation of the area's water resources and natural systems. The District's mission to protect water resources is reflected in the Program's five goals:

1. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, and Joshua Creek (SPJC) or Horse Creek watersheds;

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2. Conserve, restore or augment the water resources and natural systems in the Upper Myakka River Watershed (UMRW);
3. Reduce groundwater use in the Southern Water Use Caution Area (SWUCA);
4. Reduce groundwater use for Frost/Freeze Protection within the Dover/Plant City Water Use Caution Area (DPCWUCA);
5. Reduce Upper Floridan aquifer groundwater use and nutrient loading in the Northern District.

SCOPE

This policy applies to FARMS Program cost-share projects that are presented to the Governing Board for approval.

AUTHORITY

The FARMS Program is authorized by Section 373.705(3), Florida Statutes (F.S.), which states the District “shall fund and implement water resource development as defined in Section 373.019, F.S.”

Water resource development, in pertinent part, is “the formulation and implementation of regional water resource management strategies, including structural and nonstructural programs to protect and manage water resources, [and] the development of regional water resource implementation programs.” Section 373.019(24), F.S.

Additionally, the Governing Board is authorized to contract with private organizations and other entities pursuant to Section 373.083(1), F.S.

The FARMS Program is consistent with the District’s Regional Water Supply Plan as approved by the Governing Board pursuant to Section 373.036(1), F.S. Furthermore, the FARMS Program is a key management action in a number of other Governing Board-approved documents including: 1) *Shell, Prairie, and Joshua Creek Watershed Management Plan - Reasonable Assurance Documentation*; 2) *Dover/Plant City Water Use Caution Area Recovery Strategy*; and 3) *Southern Water Use Caution Area Recovery Strategy*.

DEFINITIONS

(1) “Agriculture” means the science and art of production of plants and animals and includes aquaculture, horticulture, floriculture, viticulture, forestry, nurseries, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(2) “Best Management Practice” means a practice or combination of practices based on research, field-testing, and expert review, to be the most practicable on-location means, including economic and technological considerations, for improving water conservation and quality in agricultural discharges. BMPs for agricultural discharges shall reflect a balance between water resource improvements and agricultural productivity.

(3) “District” means the Southwest Florida Water Management District.

(4) “Eligible Costs” means the costs for equipment procured in accordance with the terms of the contractual agreement between the applicant and the District which are eligible for reimbursement.

(5) “Equipment” means the tangible items and components of a project including software and internet services for the first year of a project’s operation.

(6) “Model Farms Costs” means those estimated costs developed to identify reasonable costs

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associated with implementing various water conservation methods by a variety of agricultural operations as set forth in Tables 2-9 through 2-11 of the Facilitating Agricultural Resource Management Systems (FARMS) Program Model Farms Economic Study – Final Report, March 2016.

(7) “Program” means the Facilitating Agricultural Resource Management Systems Program.

(8) “Project Area” means the land upon which the components of the BMPs are located and includes the land to be served by a project.

POLICY

The following guidelines apply to all FARMS projects.

FARMS PROJECT ELIGIBILITY CRITERIA

1. BMPs commonly implemented in eligible projects include, but are not limited to, internal surface water control, tailwater recovery, alternative source utilization, improved irrigation management decision support tools, frost-freeze protection alternatives, and precision nutrient application technology/management decision support tools. FARMS Program funding is available to agricultural operations that:
 - a. Are located within the jurisdictional boundaries of the District;
 - b. Are in compliance with all applicable federal, state, and local laws, rules, and regulations and all District-issued permits. A project shall not be eligible for funding if the project components are required by permit;
 - c. Have a District-issued water use permit;
 - d. Are consistent with the FARMS Program goals, as applicable, as listed above and further defined as follows:
 - i. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, Joshua, or Horse Creek watersheds. These projects must result in specific conductance water quality improvements for those agricultural operations currently using mineralized groundwater (defined as having a specific conductance in excess of 1000 uS/cm).
 - ii. Conserve, restore, or augment the water resources and natural systems in the UMRW. These projects must be located within the UMRW and propose improvements to natural systems and wetland functions with impacts from groundwater withdrawals.
 - iii. Reduce groundwater use in the SWUCA by implementing BMPs that result in a reduction in annual average daily UFA groundwater withdrawals within the District. No more than 5% of frost/freeze protection quantities authorized by a District Water Use Permit shall be used in calculating the amount of water no longer withdrawn from the UFA outside the DPCWUCA.
 - iv. Implement BMPs that result in a reduction in frost-freeze protection and/or annual average daily UFA groundwater withdrawals within the DPCWUCA.

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- v. Reduce Upper Floridan aquifer (UFA) groundwater use and nutrient loading in the Northern District by implementing nutrient water quality improvements in the Northern District watersheds. Proposed nutrient reduction BMPs must be supported by accepted research-based water quality improvement investigations associated with each BMP measure.
 - e. Result in a quantifiable, measurable water resource benefit that will be determined cooperatively between the applicant and District;
 - f. Implement BMPs that have a cost-benefit that equals or is less than currently accepted Model Farms Costs. The Model Farms Costs are designed to identify reasonable costs associated with implementing BMPs by a typical agricultural operation;
 - g. Have had funding assistance deferred by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS), Environmental Quality Incentives Program (EQIP) or similar program, if implementing irrigation system retrofits, conversions, or system upgrades. Only those water savings resulting from a decrease in inch-application rates for these types of projects will be used in the cost-benefit analysis. Irrigation retrofits will only be considered for the same crop type;
 - h. Applicant agrees to provide a minimum 25 percent funding contribution of total project costs for District funded FARMS projects. Thereby, a project that received or will receive funding assistance from other funding sources, including but not limited to the USDA-NRCS, EQIP or the Florida Department of Agriculture and Consumer Services (FDACS), must not exceed more than 75 percent of the total project cost reimbursed by all combined funding sources;
 - i. Utilize the Mobile Irrigation lab (MIL) services for FARMS projects that propose improved irrigation management decision support tools and for those projects proposing irrigation system retrofitting, conversions, or system upgrades. In the alternative, documentation must be provided to the District to demonstrate efficient irrigation water delivery in the existing system prior to the FARMS application being deemed complete. Although not required on all projects, participants are encouraged to receive an MIL evaluation prior to a FARMS application submittal in order to ascertain current operating conditions;
 - j. Enroll in the FDACS adopted agricultural BMPs program, through a Notice of Intent (NOI);
2. A project shall not be eligible for funding if the applicant previously received FARMS Program funds and construction of the funded project has not commenced.

COST SHARE FUNDING RATES

1. Program funding will be authorized by the Governing Board on a yearly basis, with no guarantee of funding availability. Consultant services, earthwork activities, labor, other non-hardware costs, and other costs as determined by the District are not eligible for

reimbursement; however, these costs may be used as an applicant's match in total project costs.

2. Those projects that meet all required criteria and have been determined to provide the highest water resource benefits will be recommended for Board approval, on a first-come, first-served basis until funding is exhausted. When funding levels are such that projects must be prioritized, District staff will consider the following:
 - a. Whether the project is located within a Water Use Caution Area or other area that has been identified as a priority by the District.
 - b. The effectiveness of the project in terms of total reductions in groundwater withdrawals (including the UFA), water quality benefits as a result of reductions in groundwater withdrawals where the use of mineralized water or Springs Coast nutrient loads are being reduced, or improvements in natural system function in the UMRW.
 - c. Cost-benefit analysis.
3. The amount of funding to be provided for approved projects will be determined as follows:
 - d. Fifty percent (50%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. Reducing groundwater withdrawals from the UFA;
 - ii. An existing irrigation system upgrade or retrofit that reduces groundwater withdrawals;
 - iii. An improvement to ground or surface water quality impacted by mineralized groundwater withdrawals from any aquifer system;
 - iv. An improvement to natural system functions in the UMRW;
 - v. A reduction in nutrient loading to the Northern District springsheds;
 - vi. A reduction in UFA groundwater withdrawals over the project area through the use of reclaimed water;
 - vii. Reducing withdrawals from any combination of ground, surface, or reclaimed water resources.
 - e. Seventy five percent (75%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. A reduction in groundwater withdrawals from the UFA and the improvement of water quality in surface water impacted by mineralized ground water;
 - ii. A reduction in groundwater withdrawals and the improvement of natural systems in the UMRW;
 - iii. A reduction in UFA frost/freeze protection withdrawals authorized by a District Water Use Permit from the UFA within the DPCWUCA;
 - iv. A reduction in groundwater withdrawals from the UFA and a reduction in nutrient loading to the Northern District.

APPLICATION PROCEDURE

1. The District will provide a FARMS Funding Application to all interested persons and entities within the District.
2. As a part of the application process, the District Project Manager and other appropriate representatives will conduct a site visit to discuss project feasibility with the applicant.
3. Applicants will submit a complete FARMS Funding Application signed by the property owner or authorized agent to the FARMS Program Manager. Applications for leased property shall be a joint application signed by the lessee and property owner (or authorized agents). If there are multiple owners, all owners (or authorized agents) shall sign the application or sign an affidavit indicating that they join in the application. In the case of a lessee applicant, a copy of a signed and executed lease agreement between the lessee and the property owner shall be submitted with the application that shows a lease term longer than the combined construction and operational time frames expected under the FARMS "Cooperative Funding Agreement".
4. Applications will be accepted any time during the fiscal year; however, funding is limited and complete applications for projects will be recommended only as long as funding is available and as is subject pursuant to "Cost Share Funding and Rates", conditions above.
5. The assigned District Project Manager will evaluate each application and recommendations may be provided to an applicant to enhance a project's effectiveness. Applications which cannot be directly implemented by the applicant generating the request or their agent, or proposals which do not significantly, or cost effectively benefit water resource goals (as defined above) will not be approved.
6. The final decision regarding the funding of specific FARMS projects is the exclusive authority of the Governing Board. All requests for FARMS cost-share funding will be reviewed by the Governing Board.
7. Following Governing Board approval, applicants will be required to sign a cooperative funding agreement with the District, approved by the District's Office of General Counsel, which sets forth, at a minimum, the scope of work, contract duration, performance measures, Water Use Permit implications, operational and maintenance responsibilities, indemnification, and funding amount. The cooperative funding agreement will be executed by all property owners and, if applicable, all lessees.

CONTRACTUAL REQUIREMENTS

1. A current template of the FARMS "Cooperative Funding Agreement" will be provided to the applicant during the application process.
2. All approved applicants will be required to enter into a FARMS "Cooperative Funding Agreement" with the District. A draft of the project specific FARMS "Cooperative Funding Agreement" will be provided to the applicant at such time the application is deemed complete for approval.
3. The FARMS Program applicant will be required to modify their Water Use Permit to reflect the project as provided for in the contract.

4. The applicant is required to fulfill the obligations under the terms and conditions agreed to in an executed "Cooperative Funding Agreement" between the District and applicant.

EXCEPTIONS TO PROCEDURE

Exceptions to this procedure may be reviewed by the Executive Director and presented to the Governing Board for approval on a project specific basis. The Governing Board has sole authority to approve an exception to this procedure.

DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REFERENCES

FARMS Program Funding Application – District Form LEG-R.022.02 (8/10)
Cooperative Funding Agreement Template
Model Farms Economic Study – Final Report, March 2016

REVIEW PERIOD

This policy will be reviewed every two (2) years by the Executive Director or designee and updated for Governing Board approval if needed to implement policy revisions. The Policy will be reviewed by the Governing Board every six (6) years.

DOCUMENT DETAILS

Document Name	Facilitating Agricultural Resource Management Systems (FARMS) Program
Formerly Known As	Chapter 40D-26 Facilitating Agricultural Resource Management Systems Program
Document Type	Policy
Author(s)	Chris Zajac
Reviewing Stakeholder(s)	
Document Owner Name	Randy Smith, PMP
Document Owner Title	Natural Systems and Restoration Bureau Chief
Review Period (in days)	730
Span of Control	Governing Board
Supersedes Date	06/28/2017
Effective Date	

APPROVAL

Mark Taylor
Chairman

Date

RESOURCE MANAGEMENT COMMITTEE**November 19, 2019*****Submit and File Report*****Proposed Reservations for Lake Hancock/Saddle Creek Prior to Independent Scientific Peer Review*****Purpose***

The submit and file report for the Lake Hancock Reservation provides, for information only: 1) the recommended reservation for water stored in Lake Hancock and released to Saddle Creek and 2) an analysis of the effects of the proposed reservation on Lake Hancock outflows, minimum flows and levels established for the Peace River and Lake Hancock, withdrawals from the Lower Peace River by an existing legal user, and flows to the Charlotte Harbor estuary. A summary of plans for peer review, and ongoing and planned stakeholder outreach activities concerning the reservation are also provided.

Background/History

The Florida Statutes and Water Resource Implementation Rule provide a legal framework for establishing and implementing reservations. A reservation sets aside a defined quantity of water from consumptive use (i.e., from being included in a permitted withdrawal) for the protection of fish and wildlife or the public health and safety. The state water management district governing boards and Department of Environmental Protection are specifically authorized to reserve water from use by permit applicants that in its judgment may be required for the protection of fish and wildlife, or the public health and safety.

Rule 40D-2.302(2), F.A.C., provides that the District's Governing Board anticipates reserving from use water necessary to recover to, and protect the minimum flows and levels established for the Southern Water Use Caution Area (SWUCA). These reservations will be adopted on a case-by-case basis to address water that is developed through water resource development projects designed to achieve and maintain minimum flows and levels.

The Lake Hancock Lake Level Modification Project, completed in 2013, is one such water resource development project. The project involved replacing the P-11 water control structure at the outlet of Lake Hancock and increasing the control elevation of the structure by 1.5 feet to store additional water in the lake during the wet season for release to Saddle Creek and delivery to the Upper Peace River during the dry season to support recovery of minimum flows in the Upper Peace River. The Upper Peace River is contained within the SWUCA. Adoption of a rule reserving the water stored in Lake Hancock and released to Saddle Creek for minimum flow recovery in the Upper Peace River is scheduled for 2020 in the District's Minimum Flows and Levels Priority List and Schedule.

Purpose/Approach

District staff developed and used a water budget model to evaluate potential effects of the operation of the P-11 structure in accordance with the proposed reservation for water stored in Lake Hancock for subsequent release to Saddle Creek. Based on projections associated with historical hydrologic data for a 38-year period, model results indicated the magnitude of outflows from the lake is not affected by operations associated with the reservation, but as expected the timing of outflows is influenced by wet-season storage of water in the lake and its release during

the dry season. This storage and release in accordance with the proposed reservation resulted in substantial improvements in the number of days and the number of years minimum flows in the Upper Peace River were met during the model simulation period.

Model results also provided information concerning storage and release needs associated with compensating for previously documented sink losses from the river that occur between Bartow and Fort Meade. In addition, simulations indicated that the increased water levels associated with storage of reserved water in Lake Hancock would support achievement of minimum levels established for the lake. Structure operations associated with the reservation and supporting minimum flow recovery in the Upper Peace River were also shown to not adversely affect the status of minimum flows established for the Middle and Lower Peace River, withdrawals from the Lower Peace River by the Peace River Manasota Regional Water Supply Authority, and flows to the Charlotte Harbor estuary.

The data, methods and models used to support development of the proposed reservation are summarized in greater detail in a technical report "Proposed Lake Hancock Reservation, Polk County, Florida," which is provided under separate cover.

Benefits/Costs

The proposed reservation was developed to ensure that water stored in Lake Hancock and released to Saddle Creek for the protection of fish and wildlife through recovery of minimum flows in the Upper Peace River is reserved from use by permit applicants. Upon adoption the reservation rule will support the SWUCA Recovery Strategy and District water supply planning, water use permitting, and environmental resource permitting programs.

Ongoing and Follow-Up Activities

Staff have met and will continue to meet with representatives of the Polk Regional Water Cooperative, Peace River Manasota Regional Water Supply Authority and Polk County for discussion of the proposed reservation.

In addition, a panel has been convened to conduct an independent, scientific peer review of the analyses supporting the proposed reservation. The review is being conducted in accordance with Florida's Government-in-the-Sunshine Law and includes opportunities for stakeholder input on the review process. Findings from the peer review and staff response to the review will be reported to the Governing Board at a future meeting.

Staff will continue to facilitate other opportunities for stakeholder input, including the hosting of a public workshop or workshops for sharing information concerning the proposed reservation.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter: Lei Yang, Ph.D., Chief Professional Engineer, Environmental Flows and Assessments

RESOURCE MANAGEMENT COMMITTEE

November 19, 2019

Submit and File Report

Withlacoochee River Watershed Initiative

Response to Mr. Bradshaw's Public Comment at September Governing Board Meeting

Purpose

To provide a response to information provided by Mr. Chester Bradshaw at the September 24, 2019 Governing Board Meeting.

Background/History

At the September Board Meeting, Mr. Bradshaw provided information and comments related to historic flows from the Green Swamp to the Withlacoochee and Hillsborough Rivers. Staff reviewed these comments and have concluded that Mr. Bradshaw did not provide any new information. Mr. Bradshaw's comments have been fully evaluated by previous modeling and studies in this region. No additional action is needed.

Staff Recommendation:

This item is for the Committee's information only, and no action is required.

Presenter: Mark Fulkerson, Ph.D., P.E., Engineering & Watershed Management Section

RESOURCE MANAGEMENT COMMITTEE

November 19, 2019

Routine Report

Minimum Flows and Levels Status Report

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and minimum water levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs adoption by December 2019 is summarized below. Data collection and analyses for priority water bodies scheduled for MFLs adoption in 2020 through 2027 is also ongoing, but is not summarized in this current status report.

MFLs Development Tasks

- Draft MFLs reports are completed for stakeholder review, and in some cases are subjected to independent scientific peer review.
- Independent, scientific peer review is voluntarily initiated and completed for draft reports addressing river, spring and aquifer MFLs. Draft reports for lake and wetland MFLs are not typically subjected to voluntary peer review. The methods used to establish lake and wetland MFLs were, however, peer reviewed prior to those methods being adopted in rule. Voluntary peer review for individual lakes and wetlands may be conducted based on requests from affected stakeholders or by District decision.
- Public workshops are completed to provide opportunities for stakeholders to learn about and provide input on proposed MFLs.
- Final MFLs reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs and any necessary MFLs prevention or recovery strategies is approved by the Governing Board, initiated through legal noticing of proposed rules, and completed with adoption and incorporation of effective MFLs and necessary strategies into District rules.

Status for Water Bodies Scheduled for MFLs Establishment by December 2019 (Recent Status Changes Highlighted)

Water Body	Draft MFLs Report	Independent , Scientific Peer Review	Public Workshop	Final MFLs Report	Rulemaking
Allen, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Brant Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Dosson, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Harvey, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed

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Sunshine, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Virginia, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Pierce, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Calm Lake	Completed	Completed ^b	Completed		
Charles, Lake	Completed	Completed ^b	Completed		
Church Lake	Completed	Completed ^b	Completed		
Echo Lake	Completed	Completed ^b	Completed		
Linda, Lake	Completed	Completed ^b	Completed		
Pasco Lake		Completed ^b			
Sapphire, Lake	Completed	Completed ^b	Completed		
20 Northern Tampa Bay Wetlands	Completed	Completed ^b	Completed		
Chassahowitzka River	Completed	Completed	Completed	Approved	Approved
Chassahowitzka Spring Group	Completed	Completed	Completed	Approved	Approved
Blind Spring	Completed	Completed	Completed	Approved	Approved
Homosassa River	Completed	Completed	Completed	Approved	Approved
Homosassa spring Group	Completed	Completed	Completed	Approved	Approved
Rainbow River	Completed	Completed	Completed	Approved	Initiated
Rainbow Spring Group	Completed	Completed	Completed	Approved	Initiated

^a Scheduled for completion in 2018.

^b Peer review completed for lake and wetland MFLs methods.

Staff Recommendation:

This item is for the Board's information only; no action is required.

Presenter: Doug Leeper, MFLs Program Lead, Environmental Flows and Assessments Section

RESOURCE MANAGEMENT COMMITTEE**November 19, 2019*****Routine Report*****Significant Water Resource and Development Projects**

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013 but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates (JEA) team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. Rowe Drilling requested and was approved to drill on a 24-hour, five days a week schedule to bring the drilling back on schedule. Rowe had to drill deeper than originally estimated to fully characterized the Upper Floridan Aquifer. The permit submittal for final recharge well casing depths has been approved by FDEP based on information from the completed Phase 1 tasks. The recharge well and monitor wells are complete. Rowe Drilling is demobilizing the site. Jones Edmunds and Associates (JEA) continues work on the design and permitting of the diversion infrastructure. Rowe has demobilized from the site. The drilling is complete. The project received its FDEP Environmental Resource Permit and is waiting on the US Army Corps of Engineers on permit review for the diversion infrastructure. Procurement is working on draft request for bid for construction of the diversion infrastructure. The Project Team continues to develop the recharge testing project plan. ***New Activities Since Last Meeting:*** Staff continues to work with USACE to get the Nationwide permit for the construction of the diversion infrastructure. ***Project Manager:*** Lisann Morris

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help

meet the minimum flows. Projects planned or completed under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. All projects are constructed and are operating except for the Morris Bridge Sink project. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing associated with the Tampa Augmentation Project (TAP). In addition, the COT, with District co-funding, has completed the LHR Dam Control Gate Facilities (N492) project which constructed a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In December 2017 the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. The COT has received Water Use Permit (WUP) No. 20020802 from the District for the operation of these pump stations. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, LHR Dam Control Gate Facilities, and the TBC as recovery flow sources, and results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The District and the COT continue to work cooperatively to determine how the MFL will be impacted through the proposed COT TAP. The COT has met with District staff and is pursuing additional coordination regarding minimum flow requirements to support the updating of their minimum flow operating procedures. The biological and water quality sampling data collected in association with WUP No. 20020574 for MBS were submitted in June 2019. Vegetation and wildlife monitoring required for WUP No. 20020574 was conducted in June 2019, and the report was submitted to the District in July 2019. The City of Tampa submitted the final quarterly status report in July 2019. The annual LHR recovery strategy update was provided to the Governing Board in August 2019. District staff are coordinating with stakeholders for the draft five-year assessment report required by rule. ***New Activities Since Last Meeting:*** No changes since last meeting. ***Project Managers:*** Danielle Rogers

Aquifer Recharge Projects

City of Clearwater - Groundwater Replenishment Project - Phase 3

This ongoing project is temporarily on hold. Work was previously completed on an advanced water purification pilot plant test and one groundwater recharge injection site. Results from the water purification plant pilot tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges; and improving groundwater levels in the Northern Tampa Bay Water Use Caution Area. Phase 3 of this project is the design, third-party review, permitting and construction of the full-scale water purification plant and the injection and monitor well systems to recharge the Upper Floridan aquifer with 2.4 mgd annual average of purified recycled water at Clearwater's Northeast Water Reclamation Facility. Public outreach is also a critical function throughout the design and construction of this project. The original CFI contract with the City for this project was executed in January 2016. An increase in the total project cost from \$28,680,000 to \$32,716,000, was requested at the District's September 27, 2016 Governing Board Meeting based on results of a 30 percent design and third-party review. The Board approved the City's request to move forward with final design and construction and authorized a contract amendment for the project (current budget of \$32,716,000 with the District funding a total of \$16,358,000). This contract amendment was executed on March 6, 2017. Of the District's contribution, \$1,554,000 was approved in FY2015, \$2,131,600 was approved in FY2016, and \$8,000,000 was approved in FY2018. The remaining \$4,672,400 is to be requested in future funding applications. The final design is complete. Three public meetings were conducted by the City between November 2016 and May 2017. The Florida Department of Environmental

Protection (FDEP) permits for the advanced water purification plant and recharge and concentrate injection wells were issued on March 30, 2018 and August 17, 2018, respectively. Site development permits, including the FDEP Environmental Resource Permit, Florida Department of Transportation permit, City and County permits are also complete and issued except for naming the chosen general construction contract engineer. This process can only be completed following completion of the project bidding procedures. The City requested a delay to complete a master water plan to assess their existing and potential future water system and supply. This analysis will provide options for improving treatment efficiencies and cost-effective measures to maintain future drinking-water supplies. To release the budgeted construction funds and to allow the City the necessary time to complete their master water plan evaluation, it was decided that the current CFI Agreement would need to be amended. On May 21, 2019, the Governing Board approved the District staff recommendation of reducing the project scope to only include 30 percent design, third-party review, final design, permitting and public outreach at a total project cost of \$2,989,819 and a District share of \$1,494,909 by deleting construction related tasks and associated funds. District staff are currently developing and executing the contract amendment. **New Activities Since Last Meeting:** The City of Clearwater submitted the amended contract to their City Council for final approval at their November 7 meeting. *Project Manager: Robert Peterson*

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possible slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** Recharge testing and monitoring continued during the months of September and October at an average recharge rate of 2.4 mgd. Estimated injection volume for October was not available at the time this update was prepared. Total recharge volume through September is approximately 3161.5 MG gallons since the beginning of the project. *Project Manager: Don Ellison*

City of Tampa, Tampa Augmentation Project (TAP)

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant (HFCAWTP). The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L Tippen Water Treatment Plant. The City has developed their stakeholder outreach plan, completed their route and regulatory/institutional analysis memorandums. The City is

currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared. Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City withdrew their underground injection control permit for the entire TAP project and will continue discussions with FDEP on permitting aspects of the overall project. In the interim, the City plans to move forward and develop a permit application for the Rome Avenue site for testing with potable water. The City decided to fund 30 percent design activities for some of the TAP infrastructure. The Phase I Feasibility Study is complete and closed. Phase 2 Feasibility Study kick-off meeting was held on January 30, 2019. The Memorandum of Understanding with Tampa Bay Water was tabled until June 2020 when the Phase 2 TAP Feasibility Study is anticipated to have additional answers. Meanwhile, the City initiated recovery at the TAP-1 well collecting water quality samples. The City is working through the Rome Avenue Underground Injection Control permit with Florida Department of Environmental Protection that will use potable water in the test. A kick-off meeting was held on the Rome Avenue test well site on July 17, 2019. Testing will be done with potable water with data inputting into the SEAWAT model to predict disposition of the reclaimed water injection. The City's consultant continues to work on the test well and the source reduction plans. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Lisann Morris*

Water Incentives Supporting Efficiency (WISE) Program

This is a cost-share program that supports and promotes water conservation with non-agricultural water users. It will provide a streamlined project implementation/application process and reach cooperators that might not otherwise implement smaller conservation projects. The program was presented to the Governing Board on November 13, 2018 and officially launched December 1, 2018. Funds are still available, and outreach is ongoing. **New Activities Since Last Meeting:** To date, a total of six projects have been funded. All \$50,000 budgeted for FY2019 has been committed to conservation projects. Total estimated water savings for all the FY2019 projects was approximately 10,400 gpd. Nearly \$100,000 is currently available for projects in FY2020. There are an additional five applications under review that are awaiting additional information and inspection. The program handbook is going to have minor updates/clarification for use in FY2020. *Project Manager: Josh Madden*

Polk County Regional Water Cooperative Southeast Wellfield Project

Polk County lies within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI) where traditional water sources are nearing their sustainable limits and alternative water sources need to be developed to meet the projected demands. As a result, Polk County and the municipalities within Polk County, with the District's encouragement, have created a regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The Southeast Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources. The project consists of the development of a wellfield to supply brackish groundwater from the Lower Floridan aquifer (LFA), a reverse osmosis water treatment facility with capacity expandable to 30 mgd, and a regional transmission system to serve multiple municipalities in Polk County. The current CFI Agreement with the Polk Regional Water Cooperative (PRWC) includes the following tasks: an LFA test well study including exploratory drilling and groundwater modeling for anticipated aquifer yield and water quality, the conceptual designs of the water treatment facility and regional transmission system, a District-led third-party review of the test well study and conceptual designs, pilot water treatment testing, preliminary

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(30 percent) designs of the treatment facility and regional transmission system, a second District-led third-party review of the preliminary designs, and a preliminary water rate analysis for PRWC member customers. The preliminary designs and water rate analysis will assist the District and PRWC in determining member participation in the final design and construction, as well as developing funding plans and timelines for implementation. The CFI Agreement was executed in April 2017 with a total cost of \$11,800,000. The District's 50 percent share was provided by a transfer from funds reserved by Governing Board Resolution 15-07. In April 2019, the Governing Board approved reducing the project cost to \$11,117,916 to utilize savings from the testing program to transfer fund to the PRWC Peace River/Land Use Transition study. The exploratory drilling was conducted on a county-owned land parcel approximately 10 miles east of Lake Wales and was substantially completed in April 2019. The parcel is proposed as the future site for the water treatment facility. The water treatment facility and wellfield conceptual design was developed with a 7.5 mgd production capacity in its initial phase and six incremental expansions up to a total of 30 mgd, based on projected customer needs and practical components for the facility. The regional transmission conceptual design evaluated multiple routes to ten customer service areas by cost and nine other criteria. The report drafts from the testing program and the conceptual designs of the water treatment facility and regional transmission system were received in July 2019. The District's third-party review of the groundwater testing and conceptual designs was presented to the Governing Board at the September 2019 meeting, and the continuance with the preliminary design phase was approved. ***New Activities Since Last Meeting:*** No changes since last meeting. *Project Manager: John Ferguson*

Staff Recommendation:

This item is provided for the Committee's information, and no action is required.

Presenter: Jennette M. Seachrist, P.E., Division Director, Resource Management

**Governing Board Meeting
November 19, 2019**

FINANCE/OUTREACH & PLANNING COMMITTEE
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Discussion Items

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Submit & File Reports - None

Routine Reports

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FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Discussion Item

2020 Legislative Preview

Purpose

Provide a preview of the upcoming legislative session.

Discussion

The 2020 Legislative Session begins January 14 and is scheduled to conclude March 13.

Staff will highlight several environmental bills that the District will track during session.

Government and Community Affairs staff will again provide weekly updates of pending legislation and related budget issues as they progress.

Staff Recommendation:

This item is for the Board information only, no action is required.

Presenter: Cara Martin, Office Chief, Government and Community Affairs

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Routine Report

Treasurer's Report and Payment Register

Purpose

Presentation of the Treasurer's Report and Payment Register.

Background

In accordance with the *District's Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of October 31, 2019, reflects total cash and investments.

In accordance with Board Policy, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

Exhibit will be provided under separate cover.

Staff Recommendation:

Presentation of the Treasurer's Report and Payment Register.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Routine Report

Monthly Financial Statement

Purpose

Presentation of the October 31, 2019, monthly financial statement.

Background

In accordance with Sections 373.536(4)(e) and 215.985(11), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the One Month Ended October 31, 2019."

Exhibit will be provided under separate cover.

Staff Recommendation:

This item is presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Routine Report

Monthly Cash Balances by Fiscal Year

Purpose

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of October 31, 2019.

Background

This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Exhibit will be provided under separate cover.

Staff Recommendation:

This item is presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

November 19, 2019

Routine Report

Comprehensive Plan Amendment and Related Reviews Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

Background/History

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

Benefits/Costs

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Cara Martin, Government and Community Affairs Office Chief

Local Government Comprehensive Plan Amendment and Related Reviews Report

As of October 28, 2019

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Avon Park 19-1	ESR	9/12/2019	10/9/2019	Comments addressed statutory requirements for water supply planning and encouraged a preapplication meeting with ERP staff.	<input type="checkbox"/>
Avon Park 19-2	ESR	9/12/2019	10/9/2019	No substantive comments.	<input type="checkbox"/>
Charlotte 19-2	WSFWP	10/10/2019	10/9/2019	Comments addressed conservation measures, excessive system losses, missing reclaimed water map and need for language requiring updates within 18 months of RWSP updates.	<input checked="" type="checkbox"/>
Charlotte 19-3	ESR	10/15/2019		Map and text amendments.	<input type="checkbox"/>
DeSoto 19-2	ESR	9/2/2019	9/23/2019	No substantive comments.	<input type="checkbox"/>
Hillsborough 19-3	ESR	8/20/2019	9/24/2019	Comments addressed the need for the statutorily-required water supply analysis, water conservation, flood prone areas and encouraged scheduling a preapplication with ERP staff.	<input type="checkbox"/>
Lake 19-5	ESR	8/14/2019	9/6/2019	Advised amendment within SJRWMD.	<input type="checkbox"/>
Lake Hamilton 19-1	EAR-based	8/13/2019	9/3/2019	No substantive comments.	<input type="checkbox"/>
Lake Hamilton 19-2	ESR	8/14/2019	9/3/2019	No substantive comments.	<input type="checkbox"/>
Lake Hamilton 19-3	ESR	8/13/2019	9/6/2019	Comments addressed statutory requirements for water supply planning, reuse, conservation, existing water use permit/wells, existing District data collection site and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Manatee 19-3	ESR	10/7/2019		Map and text amendments.	<input type="checkbox"/>
Pasco 19-13	ESR	8/12/2019	9/11/2019	No substantive comments.	<input type="checkbox"/>
Pasco 19-15	ESR	9/10/2019	10/15/2019	Comments addressed statutory requirements for water supply planning, conservation and reuse, wetlands, flood prone areas and encouraged scheduling a preapplication meeting with staff for the ERP issuance.	<input type="checkbox"/>
Pinellas 19-2	ESR	8/5/2019	9/6/2019	No substantive comments.	<input type="checkbox"/>
Polk 19-8	ESR	8/7/2019	9/3/2019	No substantive comments.	<input type="checkbox"/>

Attachment: CPARR (4748 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Polk 19-9	ESR	9/26/2019	10/24/2019	Comments addressed statutory requirements for verification of potable water availability, wetlands, existing wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Polk City 19-2	ESR	9/12/2019	10/9/2019	Comments addressed statutory requirement for density and intensity standards for new mixed-use land use category. Noted that, without such standards, development could exceed water supply availability.	<input type="checkbox"/>
Safety Harbor 19-1	ESR	8/19/2019	8/29/2019	No substantive comments.	<input type="checkbox"/>
Sarasota City 19-1	ESR	9/6/2019	10/2/2019	Comments addressed statutory requirements for water supply planning, conservation, reuse, stormwater retrofits for redevelopment areas and coastal high hazard area planning.	<input type="checkbox"/>
St. Pete 19-3	ESR	9/9/2019	10/16/2019	No substantive comments.	<input type="checkbox"/>
Wildwood 19-4	ESR	8/12/2019	9/13/2019	Comments addressed statutory requirements for water supply planning, conservation and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Wildwood 19-5	ESR	8/12/2019	9/18/2019	No substantive comments.	<input type="checkbox"/>
Wildwood 19-6	ESR	8/12/2019	9/13/2019	Comments addressed flood hazard areas and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Winter Haven 19-2	ESR	8/21/2019	9/19/2019	Comments addressed reuse, conservation, wetlands, existing wells and encouraged scheduling a preapplication with ERP staff.	<input type="checkbox"/>
Winter Haven 19-3	ESR	10/11/2019		Map amendment.	<input type="checkbox"/>

Abbreviations:

ESR Expedited State Review
EAR Evaluation and Appraisal Report
ESR Expedited State Review
WSFWP Water Supply Facilities Work Plan

**E. Operations,
Lands & Resource
Monitoring**

**Governing Board Meeting
November 19, 2019**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE
--

Discussion Items

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31. Hydrologic Conditions Report	187

Submit & File Reports - None

Routine Reports

32. Surplus Lands Update	190
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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

November 19, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Brian S. Starford, P.G., Division Director, Operations, Lands, and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**November 19, 2019*****Discussion Item*****Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is October, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <https://www.swfwmd.state.fl.us/resources/weather-hydrology/hydrologic-conditions-reports>

Rainfall

Provisional rainfall totals for October 1-23 indicate amounts have been at the upper-end of the normal range in the northern and southern regions of the District, while they have been above-normal in the central region. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 3.94 inches, equivalent to the 73rd percentile
- Central region rainfall averaged 5.45 inches, equivalent to the 88th percentile.
- Southern region rainfall averaged 3.87 inches, equivalent to the 71st percentile.
- District-wide, average rainfall was 4.48 inches, equivalent to the 77th percentile.

Streamflow

Provisional streamflow data (as of October 21) indicate that flow has decreased in all three regions of the District, compared to the previous month. Based on the three regional index rivers indicated below, streamflow conditions are currently within the normal range in all three regions of the District. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 50th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 49th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 28th percentile.

Groundwater Levels

Provisional groundwater data (as of October 23) indicates that levels in the Floridan/Intermediate aquifer decreased in all three regions of the District, compared to last month. Groundwater levels were above-normal in the northern region, at the upper-end of the

normal range in the central region, while they were at the lower-end of the normal range in the southern region. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was at the 83rd percentile.
- The average groundwater level in the central region was at the 72nd percentile.
- The average groundwater level in the southern region was at the 32nd percentile.

Lake Levels

Provisional water level data (as of October 21) indicates that regional lake levels have decreased in all four lake regions within the District, compared to the previous month. The Northern, Tampa Bay, Polk Uplands and Lake Wales Ridge regions currently have levels above the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the northern region have decreased 0.26 foot and are 0.36 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region have decreased 0.08 foot and are 1.27 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region have decreased 0.07 foot and are 2.19 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region have decreased 0.17 feet and are 0.36 foot above the base of the annual normal range.

Issues of Significance

October is historically the first month of the 8-month dry season (October through May) and provisional rainfall totals (as of October 23) have been in the normal to above-normal range in all regions of the District. Rainfall during the first week of October was low, scattered and inhibited by a high pressure weather system over the southeast U.S., while week-two saw increased rainfall from a weak cold front system that moved across the state and week-three saw widespread rainfall throughout the District associated with Tropical Storm Nestor. The provisional District-wide 12- and 24-month cumulative rainfall totals have seen improvements during the month, showing a current surplus of approximately 4.6 and 4.7 inches, respectively, above their long-term historical averages. Analysis of the 4-month wet-season (June-September) rainfall shows District-wide totals to be about 0.13 inch below the long-term historic average.

Hydrologic indicators have been mixed during October. Groundwater levels have declined, while remaining at above-normal levels in the northern region, at the upper-end of the normal range in the central region and at the lower-end of the normal range in the southern region. Streamflow conditions have declined, although flow remains within the normal range in all three regions. Regional lake levels have declined throughout the District while remaining within their annual normal ranges.

NOAA climate forecasts (as of 10/17/2019) indicate uncertainty for rainfall during November 2019 through December 2020, predicting “equal chances” for below-normal, normal or above-normal rainfall, while also predicting above-normal temperatures for this time-period. Extended drier-than-normal rainfall conditions during this time, in combination with above-normal temperatures, would worsen overall hydrologic conditions.

Item 31

Updated weather forecasts will be available in mid-November. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

Staff Recommendation:

This item is provided for the Board's information only, and no action is required.

Presenter: Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

November 19, 2019

Routine Report

Surplus Lands Update

Purpose

This report provides a status on the District's surplus lands program. Information is through October 7, 2019.

Background

In 2011, at the direction of the Governing Board, the District began a regular surplus lands assessment and sales of surplus lands program. The table below shows the status of the parcels declared surplus by the Governing Board.

Surplus Lands Status	Acres	Compensation
Sold, Exchanged or Transferred	1,756	\$8,698,708
Closing Pending	1	\$9,010
Marketed by District (Annutteliga Hammock lots)	37	
Marketed by Broker	968	
Not Marketed	2,251	
Total	5,013	\$8,707,718

Sold from 9/16/19 to 10/7/19				
SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
15-228-1398S	10/3/2019	.46	\$4,500	\$4,000
15-228-1408S	9/30/2019	1.01	\$10,000	\$8,800
Total		1.47	\$14,500	\$12,800

Staff Recommendation:

This item is provided for the Board's information only, and no action is required.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

November 19, 2019

Routine Report

Structure Operations

Summary of gate status and water levels for select water control structures on October 15, 2019. Refer to Exhibit A for District Structure Sites Location Map.

Tampa Bypass Canal

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hillsborough River	S-155	22.97	38.0	21.0	Open
Upper Pool	S-159	24.62	38.0	21.0	Closed
Middle Pool	S-161	13.40	15.0	12.0	Closed
Lower Pool	S-160	9.73	11.0	9.0	Closed

*Elevations above referenced to NGVD29 datum

Hillsborough River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Thonotosassa	Flint Creek	35.56	36.1	33.6	Closed

Lake June-in-Winter

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
June-in-Winter	G-90	72.88	74.4	72.1	Closed

North Winter Haven Chain of Lakes

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Smart	P-6	127.59	127.75	123.50	Closed
Lake Henry	P-5	124.90	125.50	123.00	Closed
Lake Fannie	P-7	124.43	124.75	122.50	Closed
Lake Hamilton	P-8	119.87	120.50	118.00	Closed

Peace River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Hancock	P-11	99.44	102.1	96.6	Closed

Alafia River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Medard Reservoir	Medard	57.45	58.2	56.6	Closed

Rocky Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Pretty	Pretty	43.22	43.50	41.00	Open
Lake Armistead	Armistead	41.17	43.20	39.70	Open

Brooker Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Tarpon	S-155	2.60	3.10	1.50	Closed

Sawgrass Lake

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Sawgrass Lake	Sawgrass	3.23	3.20	3.00	Closed

Withlacoochee River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Rousseau	Inglis Main	26.69	27.10	25.60	Open
Lake Rousseau	Inglis Bypass	26.69	27.10	25.60	Open

Tsala-Apopka Chain of Lakes

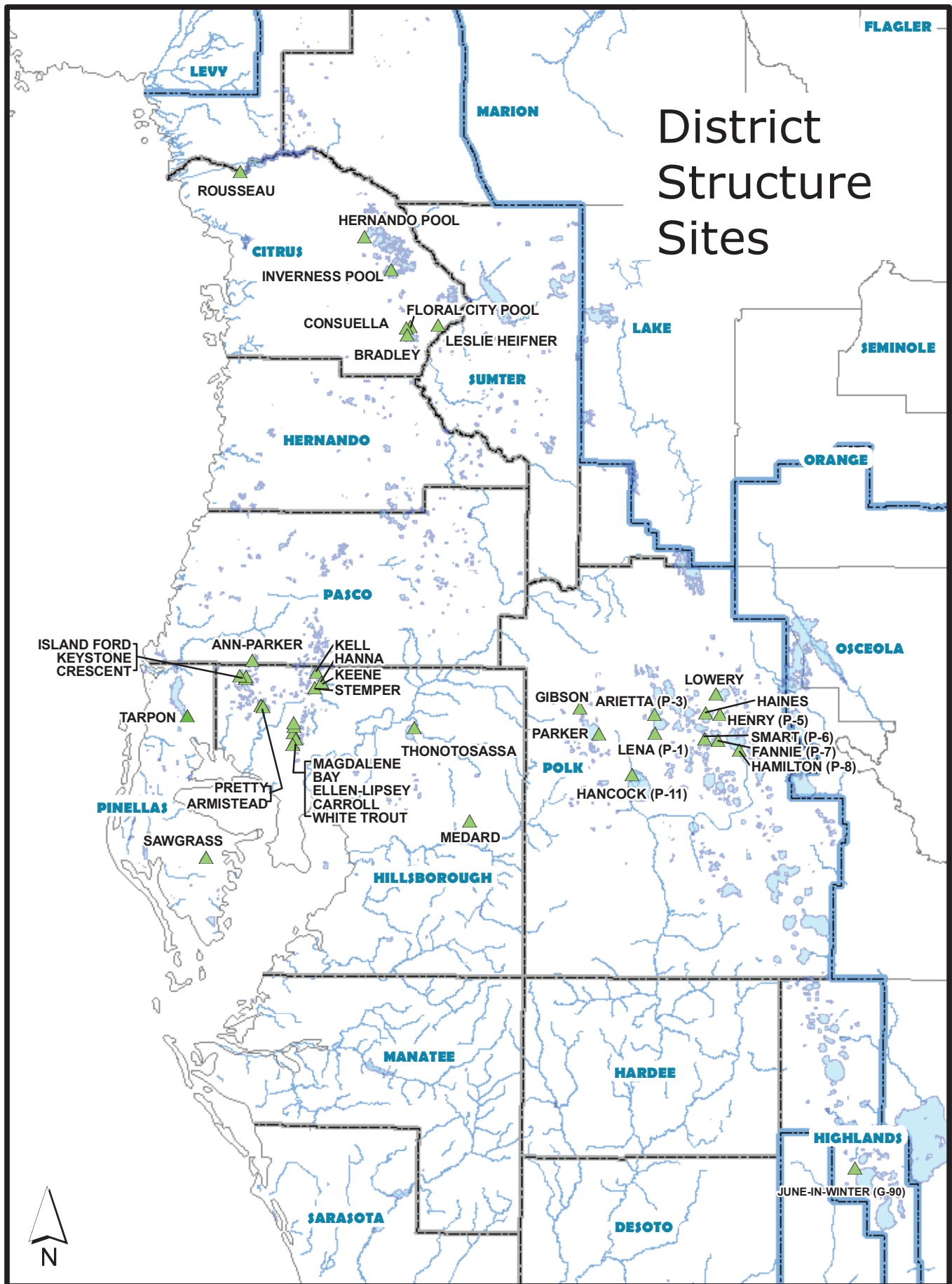
Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hernando Pool	S-353	37.28	38.10	36.40	Closed

*Elevations above referenced to NAVD88 datum

Staff Recommendation:

This item is provided for the Board's information only, and no action is required.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

November 19, 2019

Routine Report

Significant Activities

Staff Recommendation:

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Operations, Lands and Resource Monitoring Committee

November 19, 2019

Significant Activities

This report provides monthly information through October 15, 2019 on significant Operations and Land Management projects and programs. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

Land Management

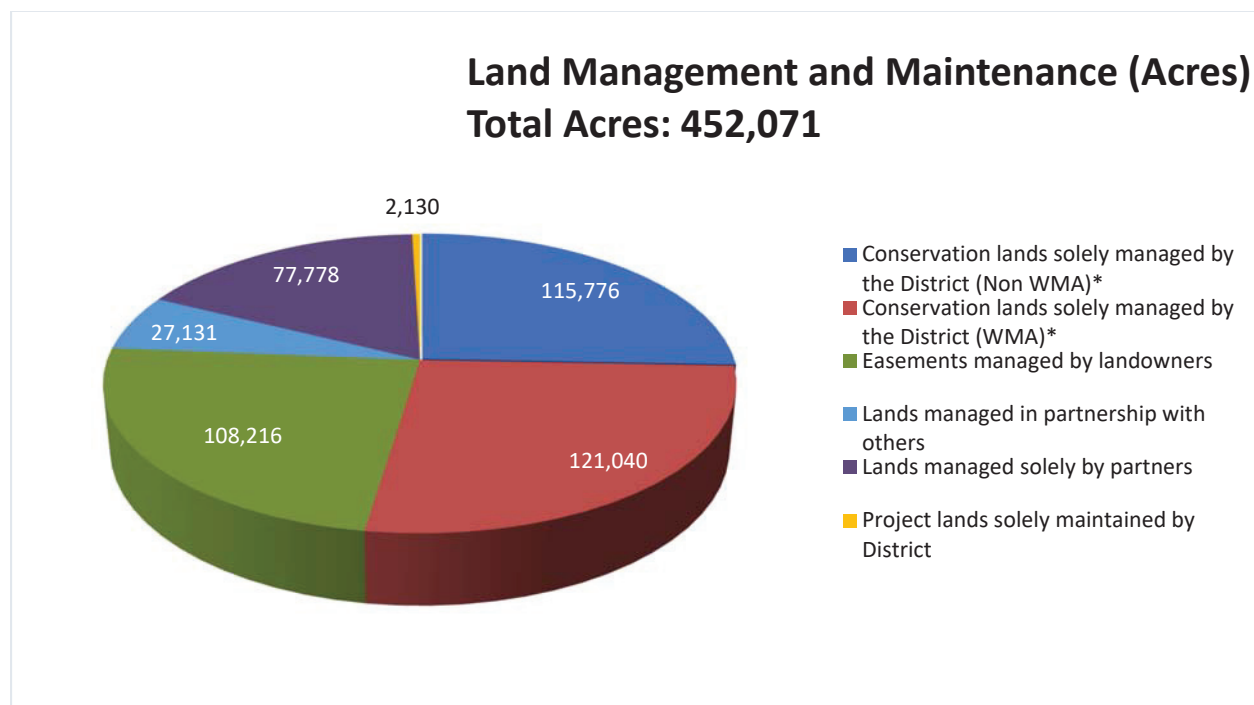
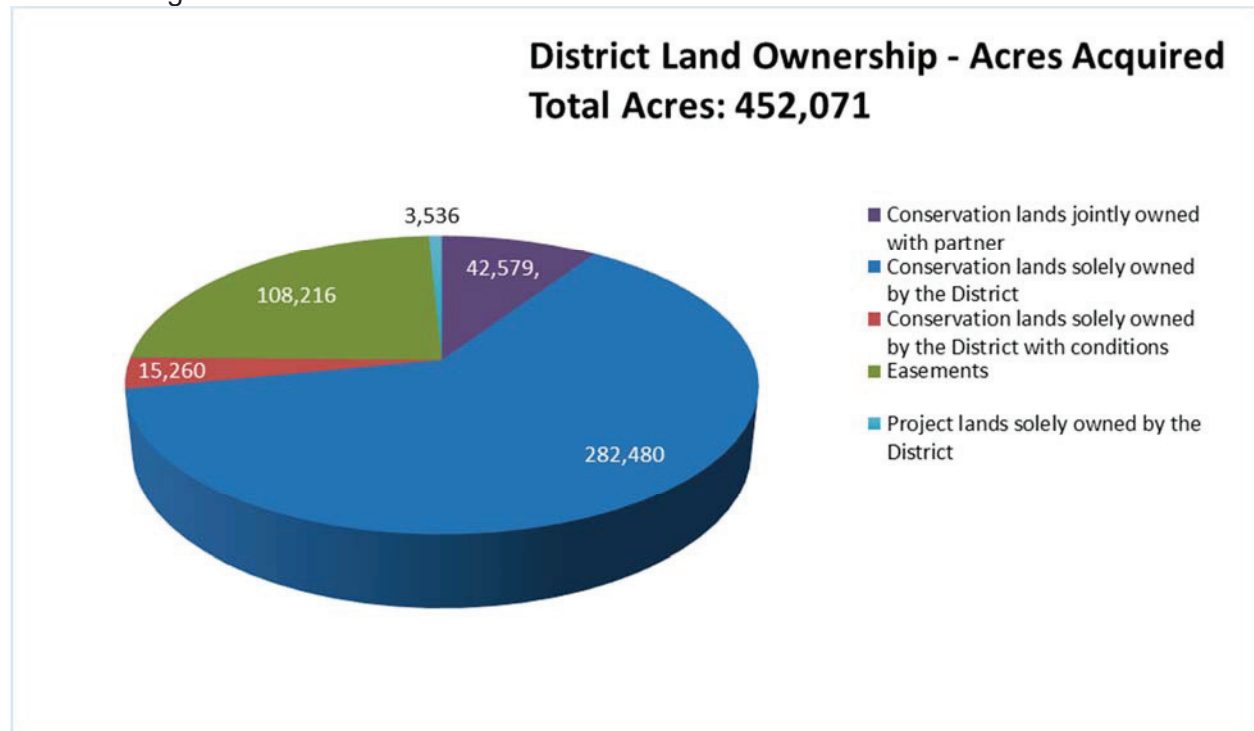
- Staff applied prescribed fire to 21,028 acres of conservation lands during FY2019.
- Staff removed 876 feral hogs from District lands during FY2019.
- Vegetation Management staff treated invasive exotic vegetation on 30,460 acres on District lands during FY2019.
- Land resource-based revenue totaled \$159,462 during FY2019.

Land Resources/Land Use and Protection

Issued Special Use Authorization to the following:

- University of South Florida - Army ROTC for vehicle access to Lower Hillsborough Wilderness Preserve – Jefferson Equestrian Area for up to 60 participants to conduct land navigation training.
- Tampa Audubon Society for vehicle access for up to 12 participants to conduct a quarterly bird survey at the Rock Ponds.
- Friends of the Weekiwachee Preserve for vehicle access for up to 20 participants to conduct a volunteer clean-up day.
- FDOT and authorized contractors to conduct land and pedestrian surveys for natural, physical, and cultural resources in connection with planned infrastructure improvements involving an added roadway project between the Polk Parkway and US 17 at Lake Hancock.
- American Disability Adventures for vehicle access and use of Upper Hillsborough Preserve–Alston Tract, Starkey Wilderness Preserve–Serenova Tract, and Green Swamp Wilderness Preserve–Hampton Tract to conduct six deer, turkey, hog hunts and camping events.
- Volunteers provided 43.5 hours of service at a value of approximately \$1,024.86 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 246 requests and provided 825 camping opportunities on District lands.

The following is a breakdown of District land interests:



Staff Recommendation:

This item is presented for the Board's information only, no action is required.

F. Regulation

Governing Board Meeting November 19, 2019

REGULATION COMMITTEE

Discussion Items

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38. Water Use Permit Allocations.....	201

Submit & File Reports – None

Routine Reports

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40. Overpumpage Report	203
41. Individual Permits Issued by District Staff	204

REGULATION COMMITTEE

November 19, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

November 19, 2019

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

November 19, 2019

Discussion Item

Consider Water Shortage Order(s) as Needed

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed on November 7, 2019.

Staff Recommendation:

Recommendations, if any, will be presented at the Governing Board meeting on November 19, 2019 based on then-current conditions and predictions.

Presenter: Darrin Herbst, P.G. Water Use Permit Bureau Chief

REGULATION COMMITTEE

November 19, 2019

Discussion Item

Water Use Permit Allocations

Background

Chapter 373, Florida Statutes enables and directs the Southwest Florida Water Management District (District) to regulate the use of water within its jurisdictional boundaries. The District has adopted rules for water use as set forth in Chapter 40D-2, Florida Administrative Code and the District Water Use Permit Applicant's Handbook. Water Use Permits in part are authorized based on whether the requested quantities are determined to be reasonable-beneficial for the specific use. Staff will provide a summary of the evaluation process provided for in District rules to establish whether the requested quantity is reasonable-beneficial for the use.

Staff Recommendation:

This item is presented for informational purposes and no action is required.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

REGULATION COMMITTEE**November 19, 2019*****Routine Report*****Dover/Plant City Water Use Caution Area Flow Meter Automatic Meter Reading Implementation Program Update**

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of May 1, 2019 estimated a program total of 540 flow meters and 870 AMR devices. This revised assessment is due to expired permits, use change, deletion of withdrawals not required to be metered and have AMR devices and the completion of the Flow Meter Reimbursement Program. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The current contract was executed on November 14, 2013 and will be completed December 31, 2019. An extension was made to the current contract to extend the current contract date of September 30, 2019 to December 31, 2019 to allow for the replacement of 457 modems that will no longer be supported by Verizon by December 31, 2019. The modem replacements are to be completed by December 31, 2019. The second phase of work for ongoing maintenance and limited AMR installations will begin on October 1, 2019 and run concurrent with the current AMR program contract.

New Activities Since Last Meeting: As of November 1, 2019, a total of 538 flow meters have been installed (100 percent complete and ending the meter reimbursement program) and 849 AMR units have been installed (97 percent complete). As of November 1, 2019, a total of 457 modems are required to be replaced by December 31, 2019, 415 modems have been replaced to date (91 percent complete). *Project Manager: Talia M. Paolillo*

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

REGULATION COMMITTEE

November 19, 2019

Routine Report

Overpumpage Report

Data for this routine report was not available for inclusion in the Board Packet; the report will be provided in the December Board Packet.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

REGULATION COMMITTEE

November 19, 2019

Routine Report

Individual Permits Issued by District Staff

Data for this routine report was not available for inclusion in the Board Packet; the report will be provided in the December Board Packet.

Staff Recommendation:

This item is for the Committee's information and no action is required.

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

**G. General
Counsel's Report**

**Governing Board Meeting
November 19, 2019**

GENERAL COUNSEL'S REPORT

Discussion Items

42. Consent Item(s) Moved for Discussion	205
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Submit & File Reports – None

Routine Reports

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44. November 2019 Rulemaking Update	209

GENERAL COUNSEL'S REPORT

November 19, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

November 19, 2019

Routine Report

November 2019 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT
November 2019

OPEN ENFORCEMENT CASES
68 Cases as of October 24, 2019

Case Style	Court/Case No.	Attorney	Description	Date Opened	Date Closed
Enforcement Cases in Active Litigation					
SWFWMD v. Fufuns Holdings, LLC	DOAH 19-2812	J. Fussell M. Bray	Challenge to Administrative Complaint and Order	05/10/19	
Permit/Agency Action Challenges					
Long Bar Pointe, LLP v. Lake Flores I, LLC, & SWFWMD	DOAH 17-005609	C. Tumminia J. Fussell	Administrative Challenge – ERP	09/29/2017	
Rainbow River Conservation, Inc., et al. v. SWFWMD	DOAH 19-2517RP	A. Vining C. Tumminia M. Bray	Rule Challenge	05/17/19	
Denlinger v. Summit View, LLC, and SWFWMD	N/A	J. Fussell A. Witherup	Administrative Challenge – ERP	08/20/19	Dismissed with Prejudice 9/6/19
Circuit Court Litigation					
Uranowski v. SWFWMD	Hernando County Case No. 16-CA-976	T. Gonzalez (outside counsel)	Employment Discrimination	09/30/16	
Thomas v. North Port Gateway Ass'n & SWFWMD	Charlotte County Case No. 16-1505-CA	G. Mackinnon (outside counsel)	Negligence (automobile accident)	08/18/16	
Denlinger v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	05/18/18	Awaiting Order – Action Partially Dismissed
Heritage Lake Park CDD v. SWFWMD, et al.	Charlotte County Case NO. 18-CA-1191	C. Tumminia	Foreclosure (delinquent ad valorem taxes)	12/21/18	
Valdez v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	01/30/19	Awaiting Order- Action Partially Dismissed

Cow Hammock, LLC v. Suggs & SWFWMD	Sumter County Case No. 19-CA-142	C. Tumminia	Quiet Title	04/22/19	
Gilberti v. DeSantis, SWFWMD, et al.	U.S. Middle Dist. Fl. 2:19-282-FtM	E. Fernandez C. Tumminia	R.I.C.O.	05/28/19	
SWFWMD v. Jacobs Engineering Group, Inc.	Hernando County Case No. 2019-CA-001105	M. McNeil	Complaint for Damages (Contracts and Indebtedness and professional malpractice)	09/27/19	
SWFWMD v. B&G Family Partnership, LLLP	Levy County Case No. 2019-CA-000746	E. Fernandez	Petition for Enforcement and Complaint for Civil Remedies	9/27/19	
SWFWMD v. The Links at River Ridge	Pasco County Case No. 2019-CA-003331	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies	10/8/19	
SWFWMD v. Kelly Family Holdings, LLC	Charlotte County Case No. 19001087CA	C. Tumminia	Petition for Enforcement and Civil Remedies	10/15/19	
Appeals					
Gilberti v. Federal Reserve, SWFWMD, et al.	U.S. Federal Cir.	E. Fernandez C. Tumminia	R.I.C.O.	06/18/19	
Harry and Janet Denlinger v. SWFWMD	Second District Court of Appeal Case No. 2D19-3835	M. Bray J. Fussell A. Witherup	Appeal of Final Order of Dismissal with Prejudice	10/4/19	
Delegated Consent Orders					
NONE					

GENERAL COUNSEL'S REPORT

November 19, 2019

Routine Report

November 2019 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
NOVEMBER 2019
PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C., to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	Effective Approx. January 2020	June 2017
3. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lakes Church and Echo in Hillsborough County	September 2019	Effective Approx. December 2019	September 2019
4. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Charles in Hillsborough County	September 2019	Effective Approx. December 2019	September 2019
5. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Calm in Hillsborough County	September 2019	Effective Approx. December 2019	September 2019
6. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Linda in Pasco County	August 2019	Effective Approx. December 2019	August 2019
7. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Sapphire Lake in Hillsborough County	September 2019	Effective Approx. December 2020	September 2019
8. Initiation and Approval of Rulemaking to Amend Rule 8.623, F.A.C. to Adopt revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties	November 2019	November 2019	November 2019

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
9. Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to amend WUP Applicant's Handbook Part B	November 2019	November 2019	November 2019

COMMITTEE/LIAISON REPORTS

November 19, 2019

Discussion Item

Public Supply Advisory Committee

Staff Recommendation:

Presenter: Kelly S. Rice, Board Member

COMMITTEE/LIAISON REPORTS

November 19, 2019

Discussion Item

Other Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

November 19, 2019

Discussion Item

Executive Director's Report

Staff Recommendation:

Presenter: Brian J. Armstrong, P.G., Executive Director

J. Chair's Report

CHAIR'S REPORT

November 19, 2019

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

November 19, 2019

Discussion Item

Other

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

November 19, 2019

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Mark Taylor, Chair

2019-11 Milestones

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	11/10/2014	Eryn Worthington	Business Analyst 3	Brooksville	Regulatory Support	2019	11/10/2019
10	11/30/2009	Carmen Sanders	Land Use Program Specialist	Brooksville	Operations and Land Management	2019	11/30/2019
15	11/22/2004	Mike Cacioppo	Budget Manager	Brooksville	Finance	2019	11/22/2019
15	11/29/2004	Danielle Sailler	Regulatory Support Manager	Brooksville	Regulatory Support	2019	11/29/2019
15	11/29/2004	James Ferrell	Senior Hydrologic Data Technician	Brooksville	Data Collection	2019	11/29/2019
25	11/07/1994	Michelle Maxey	General Services Bureau Chief	Brooksville	General Services	2019	11/07/2019
30	11/26/1989	Aileen Houck	Accountant 1	Brooksville	Finance	2019	11/26/2019
35	11/03/1984	Michael Terry	Senior Vegetation Management Specialist	Brooksville	Operations and Land Management	2019	11/03/2019