

40D-21.641 Phase III: Extreme Water Shortage.

(1) A Phase III Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have severely abnormal values, or a local Drought Indicator for a specific public supply has an extremely abnormal value, such that conditions warrant temporary minimization of unnecessary water use and/or preparation for supply augmentation. The following measures shall be in effect during a Phase III Water Shortage unless otherwise provided in the order implementing a Phase III Water Shortage.

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

(3) Essential Uses.

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

1. Each fire hydrant testing agency, whether a local government unit or an independent entity, shall implement or continue to implement provisions of subparagraph 40D-21.631(3)(a)1., F.A.C., except that fire hydrant testing shall be limited to only activities conducted by fire service personnel, water utility personnel or vendors as authorized by Chapter 633, F.S., that the applicable fire service or water utility has approved to conduct that activity during the specific Water Shortage declaration.

2. Each fire-fighting agency shall, and each local government shall direct its fire department review and revise its list of primary and back-up sources. This review and revision process should involve, as necessary, work with District staff to proactively locate potential back-up sources, such as existing permitted supplies, especially in areas where potable water is not available for fire-fighting purposes.

(b) Water Utility Use. In addition to the requirements of the applicable Water Use Permit, the following restrictions and other required actions shall apply to all Water Utility Uses, as appropriate:

1. Plan for supplementation or replacement of primary potable water supplies, including coordination with any applicable regional water supply authority or other public water supply system and coordination with District staff to request any appropriate emergency order.

2. Each public supply water system, except wholesale-only systems, shall provide, directly or through the appropriate local agency, the following enforcement assistance:

a. Ongoing implementation of all provisions of paragraph 40D-21.631(3)(b), F.A.C., including response, as needed, to enforcement referrals made by the District and violation complaints made by members of the general public.

b. Compliance monitoring, as appropriate, in portions of the service area where violation complaints or identified High-Use Single Family accounts appear to be concentrated. At a minimum, this shall include the use of either night-time enforcement patrols on at least a once-per-week basis or automatic meter reading technology to detect extra lawn watering.

c. Issuance of a citation, without needing to first issue a warning, in response to any violation that occurs more than 14 days after the effective date of a Phase III Water Shortage order declaration. Warnings are authorized in lieu of citations if the violation is not witnessed or otherwise confirmed by the local enforcement agency's employee or authorized agent.

3. Within 30 days of the Water Shortage declaration and then each subsequent month during which the declaration remains in effect, each water utility shall provide a concise monthly system status report to the District. This report shall include the following:

a. Excluding Small Water Utilities and water supply authorities or other public supply water systems that serve only wholesale users (other water utilities), enforcement activity information required by subparagraph 40D-21.641(3)(b)2., F.A.C.

b. A quantified summary of customer communication and other water conservation efforts conducted in accordance with subparagraph 40D-21.641(3)(b)4., F.A.C.

c. Notify the District within 24 hours if the public supply water system experiences a sudden loss of its primary water supply or other significant change in system status.

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

a. Continue to provide the customer messaging specified in sub-subparagraph 40D-21.631(3)(b)2.a., F.A.C.

b. Address water pressure and line flushing as described in sub-subparagraph 40D-21.631(3)(b)2.b., F.A.C., and any other operational practices identified by the water utility which can be modified during the Water Shortage declaration to reduce water demand without causing adverse impact to public health, welfare and safety.

5. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to the public supply Permittees will summarize the requirements listed in paragraph 40D-21.641(3)(b), F.A.C.

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

(4) Commercial and Industrial Use. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all commercial and industrial use, as appropriate, including efforts that may go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

(b) Eliminate off-site discharge to the extent practicable;

(c) Recycle water to the extent practicable;

(d) Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

(e) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to meet health and safety needs or as otherwise required by published industry standards;

(f) Maximize use of the least restricted Source Class to which there is access;

(g) Eliminate unnecessary uses;

(h) Power generation utilities only: if using a water source that is affected by the Phase III declaration, encourage customers to voluntarily reduce power consumption as a means to reduce water consumption.

(i) Restaurants and other food serving establishments shall serve water only upon request.

(5) Agricultural Uses. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Agricultural Use, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

(b) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2., which is incorporated in Rule 40D-2.091, F.A.C.

(c) Eliminate off-site discharge to the extent practicable. For example, agricultural irrigation involving the use of seepage systems shall be operated in a manner that will eliminate surface runoff and loss of water through lateral

seepage to open ditches.

(d) Recycle water to the extent practicable.

(e) Suspend clean-up requiring water use, except for the minimum required to protect efficiency for the operation and prevent damage to equipment.

(f) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to protect animal or human health and safety needs, or as otherwise required by published BMPs, such as to prevent the spread of plant disease.

(g) Maximize use of the least restricted Source Class to which there is access.

(h) Eliminate unnecessary uses.

(i) Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These exemptions include: allowances for Low-Volume Irrigation technology, plant protection, testing and maintenance of irrigation systems and irrigation to water in chemicals. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and required actions shall apply to all Golf Course and Driving Range athletic play areas, including efforts that go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

2. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated in Rule 40D-2.091, F.A.C.

3. Eliminate off-site discharge to the extent practicable.

4. Recycle water to the extent practicable.

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.

6. Suspend the washing of golf carts, lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease.

7. Maximize use of the least restricted Source Class to which there is access.

8. Eliminate unnecessary uses and take appropriate actions to avoid water use increases. This shall include the following, as appropriate:

a. Reducing wear on fairways by restricting cart traffic to designated paths only.

b. Modifying nutritional, soil amendment and mowing practices to minimize water stress.

c. Limiting overseeding to tees and greens only.

d. Providing information to golfers and guests about the current Water Shortage declaration, the steps that the facility is taking to reduce water use and how golfers and guests can conserve water while visiting the facility.

9. Limit Supplemental Irrigation ("normal watering") to the allowable hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

10. Tees, golf course greens and practice greens shall receive supplemental irrigation no more than three times per week. Upon specific request by the District, a course may be required to maintain a log documenting when this irrigation occurs.

11. Fairways and driving range greens shall be irrigated no more than once per week during all months that the Water Shortage declaration is in effect. Upon specific request by the District, a course may be required to maintain a log documenting when this irrigation occurs.

12. Roughs shall not be irrigated, except that irrigation may occur when used for the disposal of excess reclaimed water (i.e., wet weather disposal).

13. Limit New Plant Establishment as follows:

a. A 60-day establishment period is applicable as set forth in sub-subparagraphs b.-d. below.

b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.

c. On days 31-60, irrigation of the New Plant Material shall occur only on three days a week. Maintain a written schedule of establishment period watering.

d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.

14. Except as otherwise provided herein, all irrigation and Other Uses shall comply with the applicable exemptions in Chapter 40D-22, F.A.C. Exemptions include allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Athletic Play Areas, except Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for the Phase III declaration.

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in the water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about the primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

2. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated in Rule 40D-2.091, F.A.C.

3. Eliminate off-site discharge to the extent practicable.

4. Recycle water to the extent practicable.

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.

6. Suspend the washing of lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease.

7. Users having access to more than one Source Class shall maximize use of the least restricted Source Class to which there is access.

8. Eliminate unnecessary uses and take appropriate actions to avoid water use increases. This includes the following, as appropriate:

a. Reducing wear on athletic fields as practical.

b. Modifying nutritional, soil amendment and mowing practices to minimize water stress.

c. Providing information to players and guests about the current Water Shortage declaration, the steps that the facility is taking to reduce water use and how players and guests can conserve water while visiting the facility.

9. Limit Supplemental Irrigation ("normal watering") to the allowable hours of midnight to 8:00 a.m. or 6:00 p.m.

to 11:59 p.m.

10. Turfgrass fields shall be irrigated no more than once per week during all months that the Water Shortage declaration is in effect. A facility that cannot accomplish its normally scheduled supplement irrigation on the Lawn and Landscape watering day designated by paragraph 40D-21.641(6)(c), F.A.C., may submit its alternative irrigation schedule to the District as a petition for variance from the order declaring the current Water Shortage.

11. Limit New Plant Establishment as follows:

a. A 60-day establishment period is applicable as set forth in sub-subparagraphs b.-d. below.

b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.

c. On days 31-60, irrigation of the New Plant Material shall occur only on three days a week. Maintain a written schedule of establishment period watering.

d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.

12. Except as otherwise provided herein, all irrigation and Other Uses shall comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These exemptions continue to specifically include allowances for: plant protection of Turfgrass athletic fields, wetting of clay tennis courts and similar surfaces immediately prior to play, and one extra irrigation application immediately after heavy play to encourage athletic field Turfgrass repair.

(c) Lawn and Landscaping Use, including Cemeteries. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated in Rule 40D-2.091, F.A.C.

2. Eliminate off-site discharge to the extent practicable.

3. Recycle water to the extent practicable.

4. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.

5. Suspend the washing of lawn mowers and other mobile equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as the spread of Turfgrass disease.

6. Maximize the use of the least restricted Source Class to which there is access.

7. Eliminate unnecessary uses and take appropriate actions to avoid water use increases.

8. Limit New Plant Establishment as follows:

a. A 60-day establishment period is applicable as set for in sub-subparagraphs b.-d. below.

b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.

c. On days 31-60, irrigation of the New Plant material shall occur only on three days a week. During this portation of the "establishment period":

(I) Even Addresses shall only water New Plant Material on Tuesdays, Thursday and/or Sunday

(II) Odd Addresses shall only water New Plant Material on Monday, Wednesday and/or Saturday.

(III) Rights-of-way, common areas and other locations without discernable addresses shall only water New Plant Material on Sunday, Tuesday and/or Friday.

(IV) Cemeteries and other properties two acres in size or larger may instead maintain a written schedule of establishment period watering.

d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.

e. The irrigation of any non-lawn plant material which requires frequent irrigation beyond the establishment period exemption provided in sub-subparagraphs a.-d. above shall employ Low-Volume Irrigation technology.

9. Limit Supplemental Irrigation ("normal watering") to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones shall use only one of the two available watering times.

10. Supplemental irrigation accomplished by microirrigation, handwatering or other low volume technology shall only occur during the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

11. Limit Supplemental Irrigation (“normal watering”) to a maximum of only one application per week during all months that the Water Shortage declaration is in effect. This watering shall be in accordance with the following schedule:

- a. Addresses ending in 0 or 1 may water on Monday.
- b. Addresses ending with a 2 or 3, on Tuesday.
- c. Addresses ending with a 4 or 5, on Wednesday.
- d. Addresses ending with a 6 or 7, on Thursday.
- e. Addresses ending with an 8 or 9 and locations with a mix of addresses, or for which an address cannot be determined (such as common areas associated with a subdivision), on Friday.
- f. Cemeteries and other properties greater than 2 acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or properties regardless of size that have a special irrigation schedule pursuant to provisions of a variance from Chapter 40D-22, F.A.C., shall only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a “Monday and Thursday” schedule shall only water on Monday.
- g. This one application per week limitation does not apply to the use of microirrigation, handwatering or other low volume technology when used to water flower beds, shrubs or other non-turfgrass plant material.

12. If core aeration or Vertical Mowing (also sometimes referred to as verticutting) is conducted, follow the applicable watering schedule. The extra watering allowance for such activity normally provided in paragraph 40D-22.201(3)(f), F.A.C., is not applicable.

13. If Spot Treatment or Syringing is conducted, follow the applicable water schedule. The extra watering allowance normally provided for in paragraph 40D-22.201(3)(e), F.A.C., is not applicable.

14. Except as otherwise noted herein, all applicable exemptions and other provisions of Chapter 40D-22, F.A.C., shall be in effect.

15. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the New Plant Establishment period or other claimed exemption.

(7) Other Uses.

(a) In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all other use, as appropriate:

1. Eliminate off-site discharge to the extent practicable;
2. Recycle water on-site to the extent practicable;
3. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;
4. Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to meet health and safety needs or as otherwise required by published BMPs;
5. Maximize the use of the least restricted Source Class to which there is access;
6. Eliminate unnecessary uses and take appropriate actions to avoid water use increases.

(b) Aesthetic use. Aesthetic use includes the use of water in fountains, waterfalls and other artistic water features:

1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.
2. If an aesthetic use either involves a pond or other catchment area with a volume of less than 100 gallons or meets one of the following criteria, it may be operated as necessary:
 - a. The feature provides necessary aeration for pet fish, such as in a koi pond.
 - b. The feature is an integral part of the circulation system for a swimming pool.
 - c. The feature is in a pond or other catchment area augmented exclusively by reclaimed water, seawater, brackish bay or intercoastal water, air conditioning condensate or other byproducts of an allowable activity.
3. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-

21.631(7)(c), F.A.C., In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. Water slides and other portable devices, other than those operated by commercial or institutional users, may only be used on an allowable watering day for the location involved.

4. All other aesthetic uses shall be limited to four hours a day, and the user shall select and post the normal hours of operation.

(c) Recreation use shall comply with subsection 40D-21.631(7), F.A.C.

(d) Water Body Augmentation:

1. Augmentation shall be limited to those circumstances indicated in subsection 40D-21.631(7), F.A.C.

2. Other augmentation, including augmentation of those water bodies for which the District has established minimum levels or guidance levels, is prohibited unless part of a District-authorized minimum flow or level recovery strategy.

(e) Washing or cleaning of buildings, structures and outdoor impervious surfaces:

1. Annual Pressure Washing for aesthetic purposes is prohibited.

2. Pressure Washing of buildings or other structures in preparation for painting, sealing or other necessary maintenance and as a construction practice is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

3. Pressure Washing of driveways, sidewalks and other impervious surfaces is allowed for necessary maintenance, such as to either maintain a warranty or remove mold, mildew and other potentially hazardous material that cannot be removed by mechanical means (such as a broom or leaf blower), and as a construction practice (such as cleaning a concrete surface prior to painting or sealing). Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

4. All other washing or cleaning of impervious surfaces or structures shall be prohibited, except to meet federal, state or local health or safety standards. These standards specifically allow for required dust control.

(f) Mobile Equipment Washing:

1. Commercial car washes, hand detailing operations and similar establishments shall comply with subsection 40D-21.641(4), F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are prohibited, except for one-day events that were scheduled prior to the date of the Phase III Water Shortage declaration.

3. Washing of fire trucks and other emergency vehicles is allowed in accordance with paragraph 40D-21.641(3)(a), F.A.C.

4. Rinsing of boats and flushing of boat engines is allowed after each use when needed to remove salt water or to prevent the transportation of exotic plant or animal material.

5. Cleaning agricultural vehicles in accordance with canker abatement procedures, animal husbandry practices and other activities endorsed by the University of Florida's Institute of Food and Agricultural Sciences and the United States Department of Agriculture is allowed, as necessary.

6. The washing of fire engines and other emergency Mobile Equipment, such as ambulances and law enforcement vehicles, remains subject to subparagraph 40D-21.631(3)(a)3., F.A.C.

7. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. This one washing a week shall only occur on the allowable lawn watering day associated with the address at which the activity occurs.

(g) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.