

40D-21.631

Phase II: Severe Water Shortage.

(1) A Phase II Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have moderately abnormal values, or a local Drought Indicator for a specific public supply has a severely abnormal value, such that conditions warrant prudent actions to further assure only reasonable water uses occur in the affected area. The following shall be in effect during a Phase II Water Shortage unless otherwise provided in the order implementing a Phase II Water Shortage.

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

(3) Essential Uses.

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

1. Fire hydrant testing is allowed for the protection of human health, safety and welfare. Each hydrant testing agency, whether a local government unit or an independent entity, shall implement procedures through which it addresses inquiries about testing activity as specified in subsection 40D-21.621(3), F.A.C.

2. Fire suppression and fire prevention activities shall not be restricted. However, each fire-fighting agency shall and each local government shall direct its fire department to review and revise, as necessary, its list of primary and back-up water sources, especially in areas where potable water is not available for fire-fighting purposes.

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

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

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

a. Continued implementation of the enforcement procedures and enforcement assistance specified in paragraph 40D-21.621(3)(b), F.A.C.

b. Response, as appropriate based on the quantity and quality of details provided, to violation complaints made by concerned citizens in addition to enforcement referrals made by the District as specified in paragraph 40D-21.621(3)(b), F.A.C.

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

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

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

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

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

b. Review and refinement, as necessary, of water utility operational practices regarding water pressure and line flushing to identify and implement any opportunities which would reduce water demand without causing adverse impact to public health, welfare and safety. With regards to line flushing, this shall include taking the actions described in sub-subparagraph 40D-21.621(3)(b)3.b., F.A.C.

3. The notice specified in subsection 40D-21.275(2), F.A.C., that is sent to public supply Permittees will summarize the requirements listed in sub-subparagraphs 40D-21.631(3)(b)1.-2., F.A.C.

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

(4) Commercial and Industrial Use. The following restrictions and other required actions shall apply to all commercial and industrial activities, 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-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each user whose use is governed by a commercial or industrial Water Use Permit shall continue to comply with all permit requirements and terms.

(b) Each user whose use is not governed by a Water Use Permit shall implement the following demand management measures as appropriate:

1. Reduce off-site discharge to the extent practicable;
2. Recycle water to the extent practicable;
3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;
4. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by published industry standards;
5. Maximize the use of the least restricted Source Class to which there is access;
6. Power generation utilities are specifically requested to encourage their customers to voluntarily reduce power consumption as a means to reduce water consumption, and;
7. Water use necessary to the activity, such as that consumed in a manufacturing process, shall not be otherwise restricted.

(5) Agricultural Use. The following restrictions and other required actions shall apply to all agricultural activities, as appropriate. Whether or not a agricultural 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-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) 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 3.9.2.6.2.2.2., which is incorporated by reference in Rule 40D-2.091, F.A.C.

(b) If a use is not governed by a Water Use Permit, but the user has a valid variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, the user shall continue to follow those BMPs.

(c) All other users not governed by paragraph 40D-21.631(5)(a) or (b), F.A.C., shall implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable.
2. Recycle water to the extent practicable.
3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.
4. Reduce the washing of vehicle and other Mobile Equipment; except for health and safety needs or as otherwise required by BMPs, such to prevent the spread of plant or animal diseases.
5. Maximize the use of the lesser or least restricted Source Class to which there is access.
6. Except as otherwise noted herein, comply with the applicable provisions and exemptions in Chapter 40D-22, F.A.C. These provisions include a ban on supplemental irrigation between the hours of 10:00 a.m. and 4:00 p.m. 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.

7. Water use necessary to the activity, such as irrigation of crops or maintenance of livestock, shall not be otherwise restricted.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. The following restrictions and other required actions shall apply to all Golf Course and Driving Range athletic play area activities, 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-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. 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 by reference in Rule 40D-2.091, F.A.C.

2. If a user is not governed by a Water Use Permit, the use shall continue as specified in subparagraph 40D-22.201(5)(b)1., F.A.C.

3. All other users not governed by a Water Use Permit and not following subparagraph 40D-22.201(5)(b)1., F.A.C., shall implement the following demand management measures as applicable:

- a. Reduce off-site discharge to the extent practicable.
- b. Recycle water to the extent practicable.
- c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.
- d. Reduce the washing of vehicles and other Mobile Equipment except for health safety needs or as otherwise required by the published BMPs, such as cleaning the blades on commercial lawn mowers to prevent the spread of Turfgrass diseases between properties.
- e. Maximize the use of the least restricted Source Class to which there is access.
- f. Limited supplemental irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of midnight to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with all applicable provisions and exemptions in Chapter 40D-22, F.A.C. Exemptions include irrigation 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. The following water use restrictions and other required actions shall apply to all Athletic Play Areas, other than 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-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. 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 by reference in Rule 40D-2.091, F.A.C.

2. Users whose use is not governed by a Water Use Permit shall implement the following, as applicable:

- a. Reduce off-site discharge to the extent practicable.
- b. Recycle water on-site to the extent practicable.
- c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation or prevent damage to equipment.
- d. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise

required by the BMPs, such as to prevent the spread of Turfgrass disease.

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

f. Limit supplemental irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of midnight to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These specifically include allowances for plant protection of Turfgrass athletic fields, wetting clay tennis courts and similar surfaces immediately prior to play, one extra irrigation application immediately after heavy league play and the ability to have a special watering schedule under some circumstances without applying for a variance.

(c) Lawns and Landscaping Use, including Cemeteries. The following restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. 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.

2. All Lawn and Landscaping use shall comply with the following demand management measures, as applicable:

a. Limit Supplemental Irrigation 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.

b. During the months of March through November, limit Supplemental Irrigation applications to a maximum of two applications per week, in accordance with the schedule provided in subsection 40D-22.201(4), F.A.C. However, during the months of December, January and February, limit Supplemental Irrigation to a maximum of one application per week in accordance with the following schedule:

(I) Addresses ending in 0 or 1 shall only water on Monday.

(II) Addresses ending with a 2 or 3, on Tuesday.

(III) Addresses ending with a 4 or 5, on Wednesday.

(IV) Addresses ending with a 6 or 7, on Thursday.

(V) 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.

(VI) Cemeteries and other properties greater than two acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or pursuant to a valid 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 "Tuesday and/or Friday" schedule shall only water on Tuesday.

c. Reduce off-site discharge to the extent practicable.

d. Recycle water to the extent practicable.

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

f. If core aeration or Vertical Mowing (also sometimes referred to as verticutting) as defined in Rule 40D-22.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(f), F.A.C.

g. If Spot Treatment as defined in Rule 40D-21.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(e), F.A.C., during the months of March through November. During these nine months, the extra watering may occur on any day of the week. However, during the other three months of the year (December, January and February), this extra watering shall be limited to only the three specified days of the week. The three allowable days of the week for Even addresses are Tuesday, Thursday and Sunday. The three allowable days of the week for Odd addresses are Monday, Wednesday and Saturday. The three allowable days of the week for rights-of-way, common areas and other locations without any discernable address are Sunday, Tuesday and Friday. Cemeteries or other properties two acres in size or larger may instead maintain a written log of when this extra watering occurs. Regardless of the month involved, Spot Treatment shall only be accomplished during the allowable irrigation hours specified by the Water Shortage declaration.

h. Except as otherwise noted herein, comply with all applicable provisions and exemptions of Chapter 40D-22, F.A.C., including partial exemptions for testing of irrigation systems and irrigation to water-in chemicals. These provisions also specifically include an establishment period exemption providing extra water applications for new plant material and a separate exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

i. 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 or allowance.

(7) Other Uses.

(a) Except as provided below, all users engaging in Other Use shall comply with applicable provisions of Chapter 40D-22, F.A.C., and implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable;
2. Recycle water to the extent practicable;
3. Maximize the use of the least restricted Source Class to which there is access;
4. Reduce unnecessary uses to the extent practicable.

(b) Aesthetic Use (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 involves a pond or other catchment area with a volume of 100 gallons or less 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 intracoastal 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 eight hours a day, and the user shall select and post the normal hours of operation.

(c) Recreation Area Use.

1. All pools shall be maintained in a manner that minimizes the need for make-up water. This shall include the prompt repair of leaks, optimum scheduling of backwash filtration and the use of shade or covers to reduce evaporation.

2. Commercial and institutional uses of water for recreational purposes shall comply with subsection 40D-21.631(4), F.A.C.

3. Residential and other non-commercial uses of water for recreational purposes shall be reduced to the maximum extent practicable. For example:

a. Use of a sprinkler or sprinkler-like device on a Lawn for recreational purposes shall be restricted to the watering day(s), watering times and horticulturally necessary amounts for the address involved.

b. Use of a wading pool, water slide, or other child-oriented recreation device shall include discharge or emptying onto a Lawn or Landscape area that requires irrigation.

(d) Water Body Augmentation. Augmentation of a pond or other water body shall be limited to the following circumstances:

1. As required by a Water Use Permit or Environmental Resource Permit, typically for environmental mitigation purposes.

2. The minimum necessary to maintain and preserve the structural integrity of a newly constructed or recently

altered pond.

3. The minimum needed to maintain and preserve habitat for native fish and wildlife.

4. Where lake levels are below the lowest minimum level or guidance level, as applicable, established for that lake by the District.

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

1. Annual Pressure Washing for aesthetic purposes is allowed.

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 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. Washing or cleaning streets in preparation of, or immediately after, a parade or other public event is allowed.

5. Washing or other water-based cleaning of streets or other impervious surfaces, other than that described above, 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-21.631(4), F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are allowable, provided participants use water in an efficient manner. This specifically includes the use of a trigger (self-canceling) nozzle on any garden-type hose used.

3. Washing of fire trucks and other emergency vehicles, including ambulances and law enforcement vehicles, shall comply with subparagraph 40D-21.631(3)(a)3., F.A.C.

4. Rinsing boats and flushing boat engines is allowed after each use, as necessary, 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 or United States Department of Agriculture is allowed, as necessary.

6. 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 watering day for 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.

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