

MEMORANDUM

TO: Governing Board Members

FROM: Melissa Meeker, Executive Director, Executive Office

DATE: June 21, 2012

SUBJECT: Denial of Water Use Permit Application 990129-8 for a project known as Mirasol Recharge Pump Facility (Palm Beach County)

Recommendation:

Deny Water Use Permit Application 990129-8 for diversion and impoundment of water from the C-18 Canal into the Mirasol (f/k/a Golf Digest) development for the purpose of recharging the Seacoast Utility Hood Road wellfield. The applicant has not provided reasonable assurance that the project meets the Conditions for Issuance of Permits listed in Rule 40E-2.301, Florida Administrative Code and Sections 3.2.1.E and 3.9.1.B of the Basis of Review for Water Use (BOR).

Background:

Water Use Permit Application 990129-8 for the Golf Digest Recharge Pump Station was submitted on January 29, 1999, requesting to withdraw 10.4 million gallons per day (MGD) from the C-18 Canal for the purpose of providing recharge to the Seacoast Utility Hood Road wellfield. The operating plan for the recharge pump was revised in February 2000 to allow pumping from the C-18 Canal when the water level fell below 14 feet National Geodetic Vertical Datum (NGVD). Existing gravity recharge flow into Mirasol would cease when the water level in the C-18 Canal fell below 14' NGVD. Subsequent RAI's were sent on February 15, 2000, April 7, 2000 and August 30, 2000 requesting an operational plan for the recharge pump that would limit pumpage to historical volumes and an evaluation of the feasibility of using reclaimed water for this purpose.

Subsequent to the submittal of the Water Use application, the Loxahatchee River Minimum Flow and Level (MFL) Rule was adopted in 2003, the Loxahatchee River Restoration Plan was approved in 2006, and the Regional Water Availability Rule was adopted for the Loxahatchee River Waterbodies in 2007. On June 16, 2006, the applicant was informed by letter that the request does not meet the Minimum Flow and Level recovery strategy for the Northwest Fork of the Loxahatchee River. Withdrawals of surface water from the C-18 canal as proposed by Mirasol would exacerbate existing violations of the minimum flow and level. A letter was submitted by the applicant on April 13, 2010 requesting that the District deem the application complete based on the information previously provided as a part of the application. Since that time the applicant has waived the right to have the District approve or deny the permit application within the 90 day timeframe prescribed by Section 120.60(1), Fla. Stat. and

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Rule 40E-1.603(3), Florida Administrative Code (F.A.C.).

The Applicant has not met the criteria set forth in Section 3.2.1.E or Section 3.9 of the Basis of Review. Staff recommends technical denial of the application, pursuant to Rule 40E-1.603 F.A.C.

**Staff Contact: Karin Smith, Section Leader, Water Use Bureau, Regulation
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