

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ ~~October 14, 2008~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229, FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08_____.

(See Proposed Rule 40E-2.091, F.A.C., for proposed amendments to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”)

40E-20.301 Conditions for Issuance of General Water Use Permits.

(1) In order to receive a general permit, permit renewal, or permit modification under this chapter, an applicant must provide reasonable assurances that the proposed water use:

(a) Will not cause harmful saline water intrusion;

(b) Will not harm offsite land uses;

(c) Will not cause harm to wetlands or other surface waters;

(d) Will not cause pollution of the water resources;

(e) Is otherwise a reasonable-beneficial use as defined in subsection 373.019(13), F.S., with consideration given to the factors set forth in subsection 62-40.401(2), F.A.C.

(f) Will not interfere with presently existing legal uses;

(g) Is in accordance with Section 373.2295, F.S., concerning interdistrict transfer of groundwater and Section 373.223(3), F.S., concerning water transport and use of groundwater or surface water across county boundaries.

(h) For uses with a recommended maximum allocation which exceeds 3 million gallons per month, makes use of a reclaimed water source in accordance with the criteria contained in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-20.091, F.A.C.

(i) Is in accordance with the established minimum flows and levels and implementation provisions in Chapter 373, F.S., Chapters 40E-2 and 40E-8, F.A.C.; and

(j) Is consistent with Sections 373.016 , 373.1501, 373.1502 and 373.036, F.S., and otherwise is consistent with the public interest as prescribed by Chapter 373, F.S., and this chapter.

(k) will not withdraw water reserved under Chapter 40E-10, F.A.C.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – April 23, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C., are met.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), ~~373.118,~~ 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470, FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, _____.

40E-20.302 Types of General Water Use Permits.

(1) Standard General Water Use Permit – The use of water, which does not exceed a recommended maximum allocation of 15 million gallons per month (MGM), except as stated below, shall qualify for a Standard General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., are met. There are two types of Standard General Water Use Permits, as follows:

(a) Minor Standard General Water Use Permit, authorizes allocations of three (3) million gallons per month or less; and

(b) Major Standard General Water Use Permit, authorizes allocations greater than three (3) million and up to fifteen (15) million gallons per month, and includes a requirement under paragraph 40E-20.301(1)(h), F.A.C., and the applicable requirements in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-20.091, F.A.C., that the permit applicant meet the requirements for use of reclaimed water. In addition the monitoring and reporting permit limiting conditions in Sections 4.0 and 5.0 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-20.091, F.A.C., are applicable.

(2) Dewatering General Water Use permit – The use of water in conjunction with short-term dewatering operations such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., and the

following requirement is met:

The proposed dewatering operation will not exceed a maximum of ten million gallons per day, with a maximum of eighteen hundred (1800) million gallons total pumpage and will not exceed a total duration of one year for the entire project.

(3) No-Notice Short-Term Dewatering General Water Use Permit – The use of water in conjunction with short-term dewatering operations, such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or aquifer performance tests; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a No-Notice Short-Term Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., and the following requirements are met:

(a) The proposed dewatering operation will not exceed a maximum of five (5) million gallons per day, with a maximum of one hundred (100) million gallons total pumpage and will not exceed a total duration of 90 days for the entire project, except for linear construction projects, such as roads, utilities, and pipelines, which may have a rolling 90-day duration in which the dewatering operation at the end of each 90-day period occurs more than 1 mile from the location at the beginning of each 90-day period; and

(b) To demonstrate compliance 40E-20.301(1)(k) all water shall be retained onsite.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07, 2-13-08, _____.

40E-20.331 Modification of General Water Use Permits.

(1) A permittee shall apply to the District for approval of any modification of an unexpired general water use permit pursuant to Section 373.239, F.S., and Rule 40E-1.609, F.A.C.

(2) Applications for modification except for modifications issued pursuant to subsection (3) shall contain the information required in Rule 40E-20.101, F.A.C., will be evaluated using the conditions and requirements specified in Rules 40E-20.301 and 40E-20.302, F.A.C., and will be subject to the limiting conditions specified in Rule 40E-20.381, F.A.C. Modifications shall be approved if the conditions and requirements in Rules 40E-20.301 and 40E-20.302, F.A.C., are met.

(3)(a) Modification of an existing general water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the

modification request:

1. Does not exceed the applicable general permit allocation limitations in Rule 40E-20.302, F.A.C.;

2. Does not result in a requested permit duration which exceeds the expiration date of the existing permit, except that when the permit duration is based upon the current lease expiration date, the permit duration may be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to subsection 40E-20.321(2), F.A.C.;

3. Does not potentially interfere with any presently existing legal use of water, cause harm to wetlands or other surface waters, harmful saltwater intrusion or pollution of the water resources, harm to offsite land uses, does not withdraw water reserved under 40E-10, F.A.C or does not otherwise raise issues requiring a Staff determination of whether harm to the water resources would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-20.091, F.A.C.;

4. Does not change the permitted withdrawal source; and

5. Does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S..

(b) The time frames set forth in Rule 40E-1.603, F.A.C., shall apply to the processing of applications for letter modifications.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03, 4-23-07, 2-13-08, _____.