

1-23-09 DRAFT
Consumptive Use
40E-2

1 **40E-2.051 Exemptions.**

2 (1) and (2) no change.

3 ~~(3) Water used at a single family dwelling or duplex including but not limited to home~~
4 ~~lawn and ornamental irrigation, car washing, and other incidental uses provided that~~
5 ~~water is obtained from one withdrawal facility for each single family dwelling or duplex.~~
6 *Specific Authority 373.044, 373.113, 373.171, FS. Law Implemented 373.219 FS.*
7 *History – New 9-3-81, Formerly 16K-2.025, Amended 2-24-85, 4-20-94, _____.*
8

9 **40E-2.061 No-Notice General Permit by Rule.**

10 (1) The Board hereby grants a general water use permit by rule to each person
11 within the District to use, withdraw, or divert water at a single family dwelling or duplex
12 including but not limited to home lawn and ornamental irrigation, car washing, and other
13 incidental uses provided that water is obtained from one withdrawal facility for each
14 single family dwelling or duplex.

15 (2) The filing of an application for a permit under this rule is not required.

16 (3) As a condition of this permit, each person issued pursuant to this rule shall
17 comply with Chapters 40E-21 and 40E-24, F.A.C.

18 (4) Persons using or proposing to use water in a manner that differs from the
19 conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this
20 permit pursuant to Rule 40E-2.331(4), F.A.C.

21 *Specific Authority 373.044, 373.113, 373.118, 373.171, FS. Law Implemented 373.118,*
22 *373.219, 373.223, History -- New _____.*
23

24 **40E-2.091 Publications Incorporated by Reference.**

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

29 *Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042,*
30 *373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233,*
31 *373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended*
32 *2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-*
33 *19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, _____.*
34

35 **“Basis of Review for Water Use Permit Applications Within the South Florida**
36 **Water Management District”**

37 **Section 2.6.1(A)**

38
39 All public water supply utilities applying for an individual permit are required to develop
40 and implement a water conservation plan. The water conservation elements of each
41 plan need to be identified as part of the application. A timetable outlining the
42 implementation schedule of each of the required water conservation elements will be
43 required to be submitted or shown to already exist prior to issuance or renewal of a
44 public water supply water use permit. The conservation plan shall be prepared and

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1 implemented for the service area incorporating, at a minimum, the following mandatory
2 components. For those components which require ordinance adoption, such ordinance
3 should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall
4 provide a copy of the ordinances for each of the mandatory elements for which
5 ordinances are adopted. The mandatory water conservation elements are as follows:
6

7 A. The limitation of all lawn and ornamental irrigation to the hours and days
8 specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation
9 measures pursuant to Rule 40E-24.301, F.A.C. at a minimum, of 4:00 P.M. to 10:00
10 A.M. The permit Applicant or enacting local government may adopt an ordinance which
11 includes exemptions from the irrigation hour restrictions for the following circumstances,
12 irrigation systems and/or users:

- 13 1. ~~Irrigation using a micro-irrigation system;~~
- 14 2. ~~Reclaimed water end users;~~
- 15 3. ~~Preparation for or irrigation of new landscape;~~
- 16 4. ~~Watering in of chemicals, including insecticides, pesticides,~~
17 ~~fertilizers, fungicides, and herbicides when required by law,~~
18 ~~recommended by the manufacturer, or constituting best~~
19 ~~management practices;~~
- 20 5. ~~Maintenance and repair of irrigation systems;~~
- 21 6. ~~Irrigation using low volume hand watering, including watering by~~
22 ~~one hose attended by one person, fitted with a self-canceling or~~
23 ~~automatic shutoff nozzle or both or~~
- 24 7. ~~Users irrigating with 75% or more water recovered or derived from~~
25 ~~an aquifer storage and recovery system.~~

26 B. through I. no change.
27

28 **40E-2.331 Modification of Permits.**

29 (1) through 4(a)(5). No change.

30 4(a)(6) Does not allow more cumulative days and time to conduct landscape irrigation
31 pursuant to Chapter 40E-24, F.A.C., for those permits issued pursuant to Rule 40E-
32 2.061, F.A.C., and those permits classified as landscape irrigation use.

33 (7) Demonstrates equivalent or greater water conservation than the measures set forth
34 in Rule 40E-24.201(5), F.A.C., through implementation of an advanced irrigation control
35 system or other technology that is not time-based and which limits the application of
36 water for irrigation purposes based on plant needs as determined by soil moisture,
37 measured evapotranspiration, weather conditions, and other similar factors. Such
38 systems shall be properly maintained and replaced in accordance with manufacturer
39 specifications.

40 4(b) No change.

41 Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239
42 FS. History—New 9-31-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97,
43 12-10-97, 8-1-02, 4-23-07, 2-13-08, _____.