

## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Chip Merriam, Deputy Executive Director, Water Resources

**DATE:** March 28, 2007

**SUBJECT:** Authorize publication of a Second Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapters 40E-2, and 40E-20, F.A.C., and the Basis of Review for Consumptive Use Permits, incorporated therein, to address permitting criteria applicable within the Central Florida Coordination Area, and to update references to the Basis of Review.

### **Background:**

After jointly concluding sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply demands and that there is an immediate need to develop and implement alternative water supply projects, the South Florida Water Management District ("SFWMD"), St. Johns River Water Management District, and Southwest Florida Water Management District cooperatively developed the Central Florida Coordination Area ("CFCA") Action Plan to address public water supply consumptive use permitting issues and the development of alternative water supply projects in Central Florida. In October, 2006, the governing boards of the three water management districts authorized their staffs to proceed to implement the Action Plan and authorized publication of notices of rule development to address Central Florida public water supply issues. Since that time, three rule development workshops have been conducted and two drafts of proposed rule text have been prepared revising the existing consumptive use rules of the water management districts. The notices of rule development and the first rule workshop focused entirely on public supply utility applicants.

Since the first rule development workshop, the districts have received public comments advocating that the scope of regulation in the Central Florida Coordination Area ("CFCA") rules be expanded beyond public supply utility applicants. The CFCA rulemaking teams have considered these comments and are jointly recommending that the scope be expanded to include "Other Similar Applicants". This term would be defined in the CFCA rules. In the second rule workshop drafts, the following was proposed:

Other Similar Applicant - For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area, other similar applicant means an applicant, other than a public supply utility, that proposes to withdraw groundwater in the CFCA and proposes an increase in groundwater withdrawal above the level needed to meet its demonstrated 2013 demand.

So that potentially affected applicants other than public supply utilities are advised of the CFCA rule development process, District staff recommends that publication of a second Notice of Rule Development in the Florida Administrative Weekly.

Numerous other comments were provided to the initial workshop draft and many of these comments were incorporated in the second workshop draft. Public comments have also been received on the second draft. The staffs of the three water management districts are currently working on proposed rule language changes to address these issues. The CFCA rulemaking team proposes to hold another rule development workshop on May 4, 2007, in Orlando, Florida. The second Notice of Rule Development is proposed to include the text of the February workshop draft and to announce the fourth workshop in May. District staff will post an updated version of the rule text on the web and distribute it to interested parties in advance of the May workshop.

Since the Basis of Review will be updated, the District also proposes to update those rules that reference the Basis of Review.

**How this helps meet the District's 10-year Strategic Plan:** Amending District rules will help address water supply demands and develop alternative water supply projects for water users in Central Florida.

**Funding Source:** There is no funding associated with this item.

**This Board item impacts what areas of the District, both resource areas and geography:** Both the Regulatory (Water Use Regulation) and Water Supply programs will be impacted by this item. The rules to be developed would apply to water use permit applications for withdrawals in those portions of Orange, Osceola, and Polk counties located in SFWMD.

**What concerns could this Board item raise?** Public water supply utilities and other similar applicants in the Central Florida area may be concerned about limiting their groundwater allocations to 2013 demands in the near term future.

**Why should the Governing Board approve this item?** Expanding the scope of the rule development to include other similar applicants is appropriate to address public concerns and comprehensively address both short and long term water supply issues in the Central Florida region.

**Staff Contact:** Keith Smith, Deputy Director, Water Supply Department  
Phone (561)682-6620

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### 1 **40E-2.091 Publications Incorporated by Reference.**

2 The "Basis of Review for Water Use Permit Applications within the South  
3 Florida Water Management District – \_\_\_\_\_ (effective date) \_\_\_\_\_, 2007  
4 ~~August 31, 2003,~~" is hereby published by reference and incorporated into this  
5 chapter. A current version of this document is available upon request.

6 *Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042,*  
7 *373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236,*  
8 *373.239 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-*  
9 *21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01,*  
10 *8-1-02, 6-9-03, 8-31-03, \_\_\_ (effective date) \_\_\_\_.*

11 **(The following represents proposed changes to the "Basis of Review for**  
12 **Water Use Permit Applications Within the South Florida Water Management**  
13 **District, August 31, 2003")**

#### 14 **1.3.2.1 Competition within the Central Florida Coordination Area**

15 The Central Florida Coordination Area regulatory framework provides a  
16 comprehensive strategy for interim allocation of available groundwater and  
17 expeditious development of CFCA alternative water supply projects to minimize  
18 competition and, thereby, provide greater certainty of outcome than competition  
19 which remains available pursuant to section 373.233, F.S., and criteria 1.3.2. If  
20 an applicant wishes to request this statutory process, it must do so in writing as  
21 part of the application.

#### 22 **1.7.2.2 Special Duration Factors**

23 A. No Change.

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1 B. Sources of Limited Availability. For purposes of the Section, the following  
2 are Sources of Limited Availability:

3 1. through 3. No Change.

4 4. Kissimmee Regional Water Supply Planning Area within the Central  
5 Florida Coordination Area: Groundwater.

6 C. The following uses shall receive a 20 year permit, if:

7 1. For uses from sources other than those listed in subparagraphs B.  
8 1., 2., and 3., above, the allocation necessary to meet the 20 year  
9 demands is consistent with Chapters 40E-2 and 40E-20, F.A.C., as  
10 applicable, provided that the demands are realized according to the  
11 schedule set forth in the permit, for the duration of the permit; or

12 2. through 3. No Change.

13 4. The applicant proposes groundwater withdrawals within the Central  
14 Florida Coordination Area to satisfy demands from that source up  
15 to its demonstrated 2013 demand and proposes to develop specific  
16 alternative water supply projects to meet demands greater than the  
17 2013 demand, or demonstrates alternative water supply projects  
18 are currently infeasible, and otherwise satisfies the requirements of  
19 Chapter 40E-2 or 40E-20, F.A.C., as applicable, for the duration of  
20 the permit.

21 D. Requests for Allocations in Excess of Subsection 1.7.2.2.C.3., Permit  
22 Modifications, or Initial Permits, from Sources of Limited Availability other  
23 than applicants governed by subsection 1.7.2.2.C.4.:

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1 The baseline duration under this Section shall be five years or as otherwise  
2 provided below. The following factors shall be considered and balanced in  
3 determining the duration of a permit:

4 1. through 3. No Change.

5 4. Whether the requested allocation is supplied by a brackish water  
6 source, consistent with the use of saline water in Section 3.4; or

7 5. Whether the modification of the permit results in no more than a de  
8 minimis increase in impact to water resources and existing legal  
9 uses, as compared to the existing permit. Consideration of this  
10 factor will lead to a duration consistent with the permit being  
11 modified; or

12 6. A public supply utility applicant or other similar applicant proposing  
13 groundwater withdrawals within the Central Florida Coordination  
14 Area and does not propose to satisfy demands greater than  
15 demonstrated 2013 demands with specific alternative water supply  
16 projects. Consideration of this factor will lead to a maximum permit  
17 duration of up to 2013.

18 E. No Change.

### 19 **1.8 Definitions**

20 ***Allocation Coefficient*** - No Change.

21 **Alternative Water Supply for purposes of the additional permitting**  
22 **provisions within the Central Florida Coordination Area ("CFCA") are**  
23 **surface water, stormwater, and salt water. Brackish groundwater sources may**

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1 be considered an alternative water supply source if it can be developed in a  
2 manner that will not cause or contribute to harmful impacts from cumulative  
3 groundwater withdrawals in the CFCA.

4 ***Aquifer through Drawdown*** - No Change.

5 ***Due Diligence*** means giving the care and attention and taking all reasonable  
6 actions to meet all schedule requirements in the permit for developing and using  
7 alternative water supply. Particular circumstances beyond the applicant's control  
8 will be considered in determining whether due diligence has been exercised.

9 ***Effluent through National Geodetic Vertical Datum (NGVD)*** - No Change.

10 ***Other Similar Applicant for purposes of the additional permitting***  
11 ***provisions applicable within the CFCA***, 'Other Similar Applicant' means an  
12 applicant other than a public supply utility that proposes to withdraw groundwater  
13 in the CFCA and proposes an increase in ground water withdrawal above the  
14 level needed to meet its demonstrated demands in the year 2013.

15 ***Other Surface Waters through Potentiometric Surface*** - No Change

16 ***Public Supply Utility*** means any municipality, county, regional water supply  
17 authority, special districts, publicly or privately owned water utility, or multi-  
18 jurisdictional water supply authority, that provides water for use by the general  
19 public.

20 ***Public Water Supply through Xeriscape*** - No Change.

## 21 **3.0 WATER RESOURCE EVALUATIONS**

### 22 **3.2.1 Restricted Allocation Areas**

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1 Due to concerns regarding water availability, the following geographic areas are  
2 restricted with regard to the utilization of specific water supply sources. These  
3 areas and sources include the following:

4 A. through D. - No Change.

5 E. Groundwater Allocation in the Central Florida Coordination Area  
6 (CFCA) –

7 1. Overall Intent:

8 The Central Florida Coordination Area (“CFCA”) is located within  
9 portions of three water management districts and includes Polk,  
10 Orange, Osceola and Seminole counties, and southern Lake  
11 County. Within the South Florida Water Management District, the  
12 CFCA is the area delineated in Figure >>>. The intent of the CFCA  
13 rules is to provide an interim regulatory framework for public supply  
14 utilities and other similar applicants in the area to expeditiously  
15 implement alternative water supply projects, and, pending the  
16 implementation of alternative water supply, to provide for the  
17 allocation of available groundwater while employing avoidance and  
18 mitigation measures to prevent harm. This regulatory framework is  
19 one component of a comprehensive, joint water management  
20 district strategy for regional water resource management that also  
21 includes regional water supply planning, alternative water supply  
22 project funding, and water resource investigations and analysis.

23 2. Maximum Allocation:

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1        Public supply utility applicants and other similar applicants  
2        proposing increased withdrawals of groundwater within the CFCA,  
3        Figure >>>>, are restricted to a maximum allocation of ground  
4        water in an amount no greater than that needed to satisfy its  
5        demonstrated 2013 demand, provided the proposed use otherwise  
6        satisfies the requirements of 40E-2 or 40E-20, F.A.C., as  
7        applicable.

### 8        3.        Alternative Water Supply Project Development:

9        Any applicant seeking a permit duration extending beyond 2013  
10       and proposing an increase in water withdrawal above the level  
11       needed to meet its demonstrated 2013 demand must:

12       a.       Identify at least one specific CFCA alternative water  
13       supply project that the applicant will develop (either singly or in  
14       concert with others) and use, to meet the increase in quantity  
15       above its demonstrated 2013 demand, for the duration of the  
16       permit; and provide a project development schedule for each  
17       such identified project, with project development milestones  
18       that when followed, will result in alternative water supply being  
19       used by the applicant by the end of 2013; or

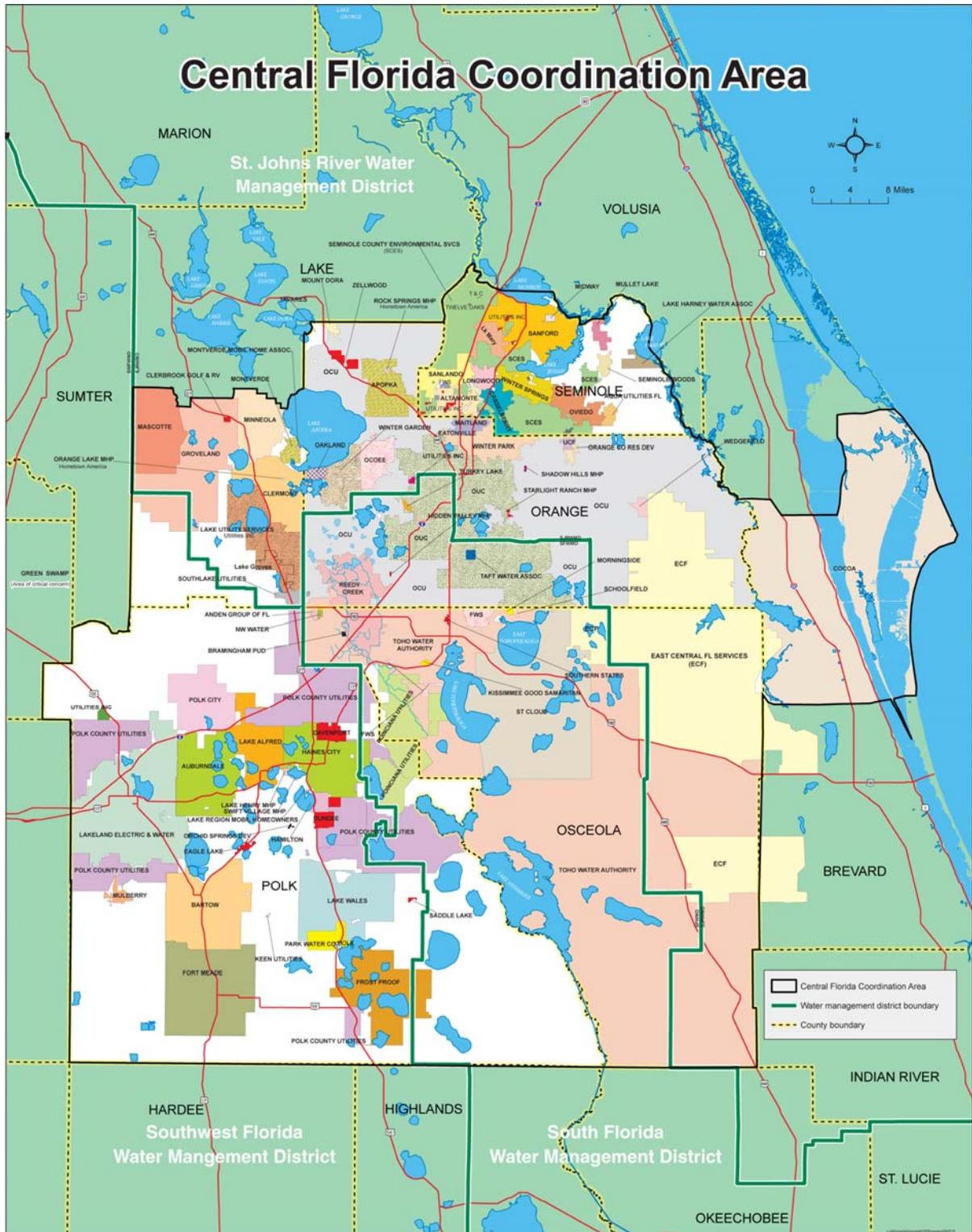
20       b.       Demonstrate that the development (either singly or in  
21       concert with others) of sufficient CFCA alternative water  
22       supply to meet all the increase in quantity above its  
23       demonstrated 2013 demand is not economically,

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1 environmentally, or technologically feasible; and must  
2 establish that it will maximize the use of CFCA alternative  
3 water supply to meet as much of the increase as is  
4 economically, environmentally, or technologically feasible and  
5 will obtain any remaining portion of the increase by using  
6 water from one or more CFCA alternative water supply  
7 projects when provided by others at a cost that is economically  
8 feasible. The impact to customers from water use rates is a  
9 consideration in evaluating economic feasibility; however, an  
10 increase in water uses rates to utility customers shall not, in  
11 itself, constitute economic infeasibility.

#### 12 4. Due Diligence:

13 A permittee lacking sufficient CFCA alternative water supplies  
14 by the end of 2013 from which to obtain the increase in  
15 quantity above its demonstrated 2013 demand can be  
16 allocated a temporary amount of groundwater to meet that  
17 increase only if it has exercised due diligence to meet all  
18 schedule requirements in the permit for developing and using  
19 CFCA alternative water supply and providing that other  
20 conditions for issuance in Rule 40E-2.301, F.A.C., and this  
21 Basis of Review are met. Any such temporary allocation shall  
22 cease when water from the CFCA alternative water supply  
23 project becomes available.



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### 1 5.0 PERMIT CONDITIONS

#### 2 5.3 Specific Region Special Conditions

3 A. through E. - No Change.

4 F. In addition to the general, standard and other conditions described in this  
5 part, permits for public supply utilities and other similar applicants  
6 withdrawing groundwater in the CFCA shall include special conditions that  
7 address the following:

- 8 a. Implementation of a District-approved plan to monitor hydrology,  
9 ecology, and water quality in areas subject to impacts from the  
10 permitted withdrawal, with at least annual data reporting and  
11 analysis.
- 12 b. Implementation of specific District-approved measures to mitigate  
13 or avoid harm that would otherwise occur as a result of the  
14 permitted allocation.
- 15 c. Implementation of a District-approved mitigation or avoidance  
16 actions to address any unanticipated harm, if the District finds that  
17 harm will occur or has occurred as a result of the permitted  
18 allocation.
- 19 d. Expeditious development and use of CFCA alternative water  
20 supply to meet water demands.
- 21 e. Submittal of five-year compliance reports for 20 year duration  
22 permits as described in subsection 373.236(4), F.S.

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1 f. The reduction in allocation or other modification to the permit,  
2 after review of each five-year compliance report or at any other  
3 time during the term of the permit, if needed to abate observed or  
4 projected harmful impacts, unless the harmful impacts can be  
5 mitigated by the permittee.

6 **40E-2.301 Conditions for Issuance of Permits.**

7 (1) (a) through (g) No Change.

8 (h) Makes use of a reclaimed water source in accordance with the  
9 criteria contained in the “Basis of Review for Water Use Permit Applications  
10 within the South Florida Water Management District - \_\_\_\_\_, 2007” .  
11 incorporated by reference in Rule 40E-2.091, F.A.C.

12 (1)(i) through (j) No Change.

13 (2) In order to satisfy the conditions for permit issuance in subsection  
14 (1), the permit applicant must provide reasonable assurances that the criteria in  
15 the “Basis of Review for Water Use Permit Applications within the South Florida  
16 Water Management District - \_\_\_\_\_, 2007”, incorporated by reference  
17 in Rule 40E-2.091, F.A.C., are met.

18 *Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023,*  
19 *373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.236, 373.250 FS.*  
20 *History—New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94,*  
21 *7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 8-31-03, \_\_\_\_\_.*

22 **40E-2.321 Duration of Permit.**

23 General Duration Provision. When requested by an applicant, a

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1 consumptive use permit shall have a duration of 20 years provided the applicant  
2 provides sufficient data to demonstrate reasonable assurance that the proposed  
3 use meets the conditions for issuance for the requested 20 year permit duration;  
4 or otherwise, permits may be issued for a shorter duration that reflects the period  
5 for which such reasonable assurances can be provided. This determination will  
6 be made pursuant to requirements in Rule 40E-2.301, F.A.C., and the “Basis of  
7 Review for Water Use Permit Applications within the South Florida Water  
8 Management District - \_\_\_\_\_, 2007”, incorporated by reference in Rule  
9 40E-2.091, F.A.C.

10 *Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS.*  
11 *History—New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 8-31-03, \_\_\_\_\_.*

### 12 **40E-2.331 Modification of Permits.**

13 (1) through (3) No Change.

14 (4)(a) through (4)(a)2. No Change.

15 3. Does not potentially interfere with any presently existing legal use  
16 of water, cause environmental harm, saltwater intrusion, pollution of the water  
17 resources, harm to offsite land uses, or does not otherwise raise issues requiring  
18 a Staff determination of whether such impacts would occur pursuant to the “Basis  
19 of Review for Water Use Permit Applications within the South Florida Water  
20 Management District - \_\_\_\_\_, 2007”, incorporated by reference  
21 in Rule 40E-2.091, F.A.C.; and

22 4. through 5. No Change.

23 (b) No Change.

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1 *Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229,*  
2 *373.239 FS. History–New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-*  
3 *11-96, 4-9-97, 12-10-97, 8-1-02, \_\_\_\_\_.*

### **40E-2.381 Limiting Conditions.**

5       The Board shall impose on any permit granted under this chapter such  
6 reasonable standard and special permit conditions as are necessary to assure  
7 that the permitted use or withdrawal will be consistent with the overall objectives  
8 of the District, will not be harmful to the water resources of the District, is  
9 reasonable-beneficial, will not interfere with any presently existing legal uses,  
10 and is consistent with the public interest. Standard permit conditions in Section  
11 5.1 of the “Basis of Review for Water Use Permit Applications within the South  
12 Florida Water Management District - \_\_\_\_\_, 2007”, incorporated by  
13 reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special  
14 permit conditions, including those specified in Section 5.2 of the “Basis of Review  
15 for Water Use Permit Applications within the South Florida Water Management  
16 District - \_\_\_\_\_, 2007”, shall be set forth in the permit.

17 *Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042,*  
18 *373.0421, 373.219(1) FS. History–New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-*  
19 *94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, \_\_\_\_\_.*

### **40E-20.011 Policy and Purpose.**

21       (1) No Change.

22       (2) District staff shall take ~~final~~ agency action on applications submitted  
23 under this rule pursuant to Section 373.118, F.S., and this chapter. If an

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1 application for any proposed water use does not meet the provisions of this  
2 chapter, the District will provide the permit applicant with the option to either  
3 withdraw the general permit application, or supply the additional information and  
4 fee required for an individual permit. In the event one of these options is not  
5 selected, staff will recommend that the Governing Board deny the general permit  
6 application. Where applicable, criteria in the “Basis of Review for Water Use  
7 Permit Applications within the South Florida Water Management District –  
8 \_\_\_\_\_, 2007” incorporated by reference in Rule 40E-20.091, F.A.C.,  
9 will be utilized to determine whether the conditions for issuance in Rule 40E-  
10 20.301, F.A.C., are satisfied.

11 *Specific Authority 373.044, 373.083, 373.113, 373.118 FS. Law Implemented*  
12 *373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219 FS. History–New 9-*  
13 *3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97,*  
14 *12-10-97, 11-4-01, 8-14-02, 8-31-03, \_\_\_\_\_.*

### 15 **40E-20.091 Publications Incorporated by Reference.**

16 The “Basis of Review for Water Use Permit Applications within the South  
17 Florida Water Management District – \_\_\_\_\_, 2007 ~~August 31, 2003~~”,  
18 is hereby published by reference and incorporated into this chapter. A current  
19 version of this document is available upon request.

20 *Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042,*  
21 *373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02,*  
22 *Amended 8-31-03, \_\_\_\_\_*

23 *(Note: The proposed amendments to the "Basis of review for Water Use Permit*

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1 *Applications Within the South Florida Water Management District, August 31,*  
2 *2003" are provided in the Notice of Proposed Rule for Chapter 40E-2, F.A.C.,*  
3 *published within this edition of the Florida Administrative Weekly.)*

### 4 **40E-20.301 Conditions for Issuance of General Water Use Permits.**

5 (1)(a) through (g) No Change.

6 (h) For uses with a recommended maximum allocation which exceeds 3  
7 million gallons per month, makes use of a reclaimed water source in accordance  
8 with the criteria contained in the "Basis of Review for Water Use Permit  
9 Applications within the South Florida Water Management District - \_\_\_\_\_,  
10 2007" incorporated by reference in Rule 40E-20.091, F.A.C.

11 (i) through (j) No Change.

12 (2) In order to satisfy the conditions for permit issuance in subsection (1),  
13 the permit applicant must provide reasonable assurances that the criteria in the  
14 "Basis of Review for Water Use Permit Applications within the South Florida  
15 Water Management District \_\_\_\_\_, 2007", incorporated by reference  
16 in Rule 40E-20.091, F.A.C., are met.

17 *Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(4),*  
18 *373.118, 373.223, 373.229 FS. History—New 8-14-02, Amended 8-31-03, \_\_\_\_\_.*

### 19 **40E-20.302 Types of General Water Use Permits.**

20 (1) through (1)(a) No Change.

21 (b) Major Standard General Water Use Permit, authorizes allocations  
22 greater than three (3) million and up to fifteen (15) million gallons per month, and  
23 includes a requirement under paragraph 40E-20.301(1)(h), F.A.C., and the

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1 applicable requirements in the “Basis of Review for Water Use Permit  
2 Applications within the South Florida Water Management District - \_\_\_\_\_,  
3 2007” incorporated by reference in Rule 40E-20.091, F.A.C., that the permit  
4 applicant meet the requirements for use of reclaimed water. In addition the  
5 monitoring and reporting permit limiting conditions in Sections 4.0 and 5.0 of the  
6 “Basis of Review for Water Use Permit Applications within the South Florida  
7 Water Management District - \_\_\_\_\_, 2007” incorporated by reference in Rule  
8 40E-20.091, F.A.C., are applicable.

9 (2) through (3) No Change.

10 *Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042,*  
11 *373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History—New 9-3-81,*  
12 *Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85,*  
13 *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,*  
14 *\_\_\_\_\_.*

### 15 **40E-20.321 Duration of General Water Use Permits.**

16 (1) through (2)(a) No Change.

17 (b) For uses with a maximum monthly allocation greater than 3 mgm (up  
18 to 15 mgm), authorized by a Major Standard General Water Use Permit, the  
19 period shall not exceed the basin expiration date as specified in the document  
20 described in Rule 40E-20.091, F.A.C., as applicable to the location of the project;  
21 or, for Major Standard General Water Use Permits issued, renewed or modified  
22 after the applicable basin expiration date, the period shall be based on the  
23 provisions in Rule 40E-2.321, F.A.C., and the applicable provisions in the “Basis

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1 of Review for Water Use Permit Applications within the South Florida Water  
2 Management District - \_\_\_\_\_, 2007” incorporated by reference in Rule 40E-  
3 20.091, F.A.C.

4 (3) through (6) No Change.

5 *Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118,*  
6 *373.236 FS. History–New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d),*  
7 *Amended 7-26-87, 4-20-94, 8-14-02, 8-31-03, \_\_\_\_\_.*

### 8 **40E-20.331 Modification of General Water Use Permits.**

9 (1) through (3)(a)2. No Change.

10 3. Does not potentially interfere with any presently existing legal use  
11 of water, cause harm to wetlands or other surface waters, harmful saltwater  
12 intrusion or pollution of the water resources, harm to offsite land uses, or does  
13 not otherwise raise issues requiring a Staff determination of whether harm to the  
14 water resources would occur pursuant to the “Basis of Review for Water Use  
15 Permit Applications within the South Florida Water Management District -  
16 \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C.;

17 4. through 5. No Change.

18 (b) No Change.

19 *Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229,*  
20 *373.239 FS. History–New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02,*  
21 *8-31-03, \_\_\_\_\_.*

### 22 **40E-20.381 Limiting Conditions.**

23 Staff shall impose on any permit granted under this chapter such

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1 reasonable standard and special conditions as are necessary to assure that the  
2 permitted use or withdrawal will be consistent with the overall objectives of the  
3 District, will not be harmful to the water resources of the District, is reasonable-  
4 beneficial, will not interfere with any presently existing legal uses, and is  
5 consistent with the public interest. Standard permit conditions in Section 5.1 of  
6 the “Basis of Review for Water Use Permit Applications within the South Florida  
7 Water Management District - \_\_\_\_\_, 2007” incorporated by reference in  
8 subsection 40E-20.091(1), F.A.C., shall be in the permit. Special permit  
9 conditions, including those specified in Section 5.2 of the “Basis of Review for  
10 Water Use Permit Applications within the South Florida Water Management  
11 District - \_\_\_\_\_, 2007 ” shall be in the permit.

12 *Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042,*  
13 *373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81,*  
14 *Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-*  
15 *96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, \_\_\_\_\_.*

16