

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Deena Reppen, Deputy Executive Director, Regulatory and Public Affairs

**DATE:** October 15, 2009

**SUBJECT:** Proposed Year-Round Landscape Irrigation Conservation Rule

**Background:** The Governing Board has asked for rulemaking to amend and expand existing Chapter 40E-24, F.A.C., to implement District-wide mandatory year-round landscape irrigation conservation measures. The proposed mandatory measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the region's water resources, increase water use efficiency, and curtail or prevent wasteful water use practices through regulatory means for landscape irrigation.

To complement these proposed modifications, the Governing Board also authorized publication of a Notice of Rule Development in the Florida Administrative Weekly at its June 2008 Governing Board meeting to establish new Rules 40E-2.061 and 40E-24.501, and to amend Rules 40E-2.051, 40E-2.091, and 40E-20.091, F.A.C. and Section 2.6.1(A) of the Basis of Review for Water Use Applications within the South Florida Water Management District ("Basis of Review"), to create a general permit by rule for outdoor residential consumptive use of water, and amend water conservation requirements public water supply permits consistent with the ongoing rule amendments for mandatory year-round landscape irrigation conservation measures in Chapter 40E-24, F.A.C.

Eight public workshops were conducted to receive verbal comments from water users in all of the District's major market areas; four of these were web-cast to reach geographically dispersed audiences. Written comments on the proposed rule also were solicited and received. The District prepared a Statement of Estimated Regulatory Costs. In response, several lower cost regulatory alternatives were submitted. All public comments and lower cost regulatory alternatives were considered in development of the final rule.

An additional workshop is scheduled on October 7. The purpose of this workshop is to receive public comment on revised rule language incorporating the additional direction from the Governing Board over the last two months. In coordination with this rule, a special issues workshop group will be established through the District's Water Resources Advisory Commission to assist in development and implementation of a Water Conservation Partnership Plan (Partnership Plan) to further promote conservation and the efficient use of water. The special issues workshop group will review the Partnership Plan annually, evaluate the Partnership Plan's effectiveness, and update the Partnership Plan accordingly. A Joint Statement of Commitment (JSOC) has been developed for stakeholders to sign to indicate their support and intent to

participate in implementing appropriate portions of the Partnership Plan. The Partnership Plan and JSOC are attached.

**How this helps meet the District's 10-Year Strategic Plan:** The water supply program's strategic plan goal is to ensure an adequate supply of water, and to sustain water resources for future generations. Reducing unnecessary and wasteful use of water helps to advance this goal.

**Funding Source:** No funding from the District is needed to modify this rule or expand the geographic area covered by the rule. Funding to implement the Partnership Plan will budgeted as needed.

**This Board item impacts what areas of the District, both resource areas and geography:** This item has District-wide benefits. For nearly five years, the Lower West Coast has used the current version of Chapter 40E-24, F.A.C., to protect and stretch local water resources. Expansion and modification of Chapter 40E-24, F.A.C., to other regions of the District will extend these benefits to the entire SFWMD geographic area. In tandem with the proposed modifications in Chapter 40E-24, F.A.C., the proposed modifications to Chapters 40E-2 and 40E-20, F.A.C. and the Basis of Review, will also have District-wide benefits, such as reducing inefficient and wasteful uses of water.

**What concerns could this Board item raise?** The Florida Department of Environmental Protection has directed all five of the State's water management districts to achieve a high level of consistency in their respective landscape irrigation rules. St. Johns River and Southwest Florida water management districts have amended their year-round rules to allow irrigation two days a week most of the year and a one-day schedule during winter months, when drought restrictions are not in effect. The SFWMD is proposing a year-round two-day-a-week irrigation schedule, with a three-day-a-week provision for counties south of Lake Okeechobee including Martin and St. Lucie counties.

A collaborative partnership work plan has been developed to implement conservation initiatives to achieve efficient landscape irrigation and other meaningful water savings. Joint Statement of Commitments will be solicited from stakeholders showing their support and participation in implementing the work plan.

The current language in Chapter 40E-2, F.A.C., exempts outdoor use of water at single family dwellings and duplexes from the requirement that such use be reasonable-beneficial, necessitating rule development to correct discrepancies and institute provisions for a general permit by rule for outdoor residential water use. The proposed amendments to Chapter 40E-2, F.A.C., will have no discernable impact on area residents/homeowners and will not require them to seek individual permits from the District.

**Why should the Governing Board approve this item?** This item will clarify the means by which the District may regulate residential outdoor water use such as landscape irrigation by creating a general permit by rule and with certain modifications, will expand the District's current year-round landscape irrigation measures to encompass the

boundaries of the SFWMD, thereby promoting the efficient use of water for landscape irrigation purposes, reducing the wasteful use of water by an estimated five to ten percent, and helping to ensure the long-term sustainability of water resources within the District's jurisdiction.

The Governing Board is being asked to conceptually approve the JSOC and associated partnership Plan, understanding that some revisions, based on the identity of signatories, may be made.

If you have any questions, please do not hesitate to call me at ext. 6232.

DR/tb

Attachments:

1. Joint Statement of Commitment for the Development and Implementation of Water Conservation Partnership Plan
2. Water Conservation Partnership Plan