

Consumptive Use Rulemaking for Central Florida Coordination Area

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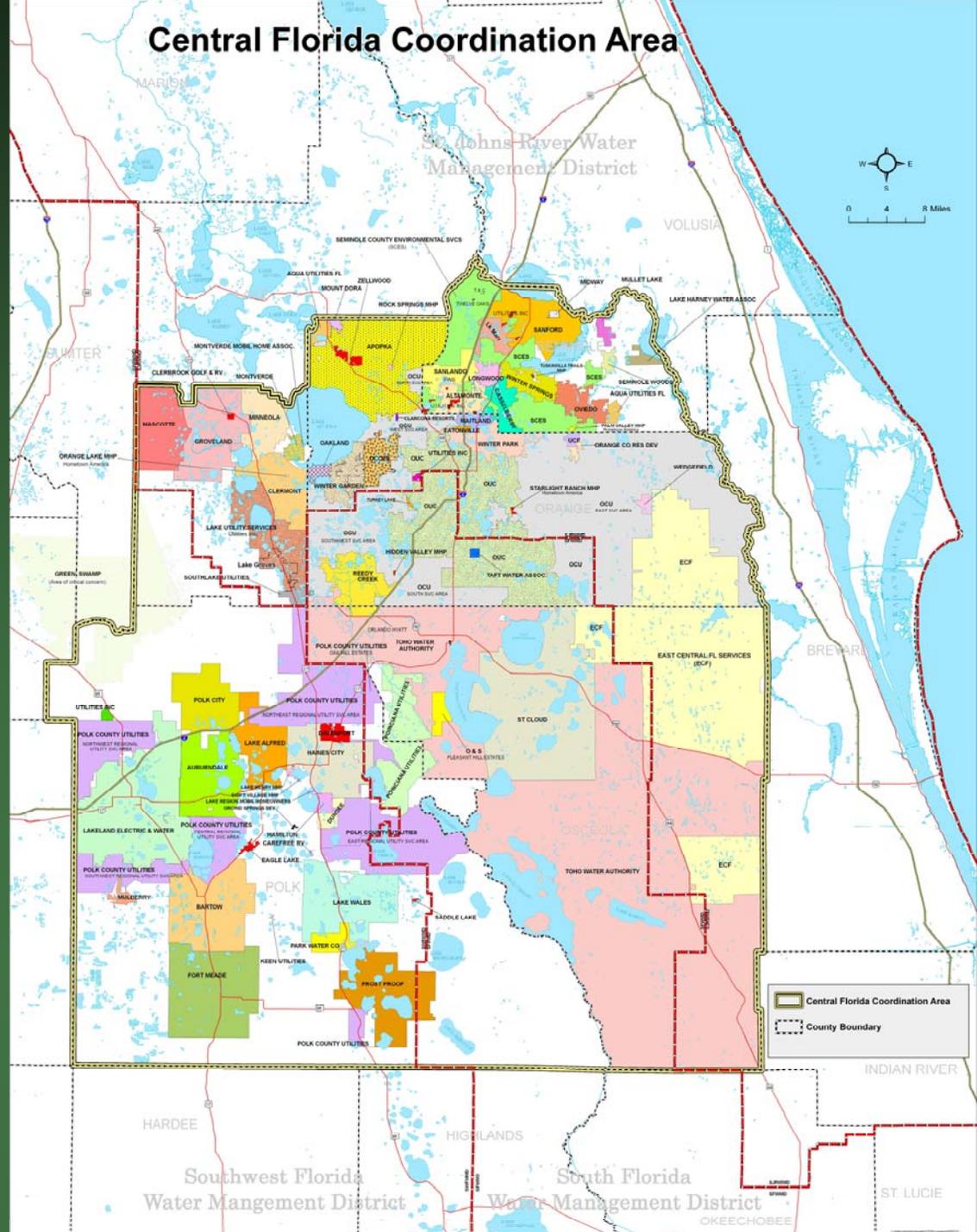


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Presentation Overview:

- **Central Florida Coordination Area Background**
- **Review of General Principles in CFCA Rulemaking**
- **Rulemaking Steps and Current Status**
- **Summary of Significant Changes in Workshop Drafts**

Central Florida Coordination Area



Background

- February 2006 – SJRWMD released staff report recommending issuance of 20-year CUP to Orange County Utilities
- Several petitions were filed (including SFWMD)
- Issues discussed at March 2006 joint WMD Governing Board meeting
- Direction given to coordinate central Florida water supply issues across 3 WMDs

Background

■ Issues

- **Traditional ground water sources not adequate to meet growing PWS demands**
- **Alternative sources must be developed to meet growing demands**
- **Water users need to be treated consistently by three WMDs**

Background

- **WMD Executive Directors and staff developed “Guiding Principles”**
 - **Increasing PWS demands**
 - **Insufficient groundwater to satisfy demands without causing harm**
 - **Need to improve tools**
 - **Need to transition to AWS to meet growth**
 - **Need to equitably distribute remaining groundwater**

Background

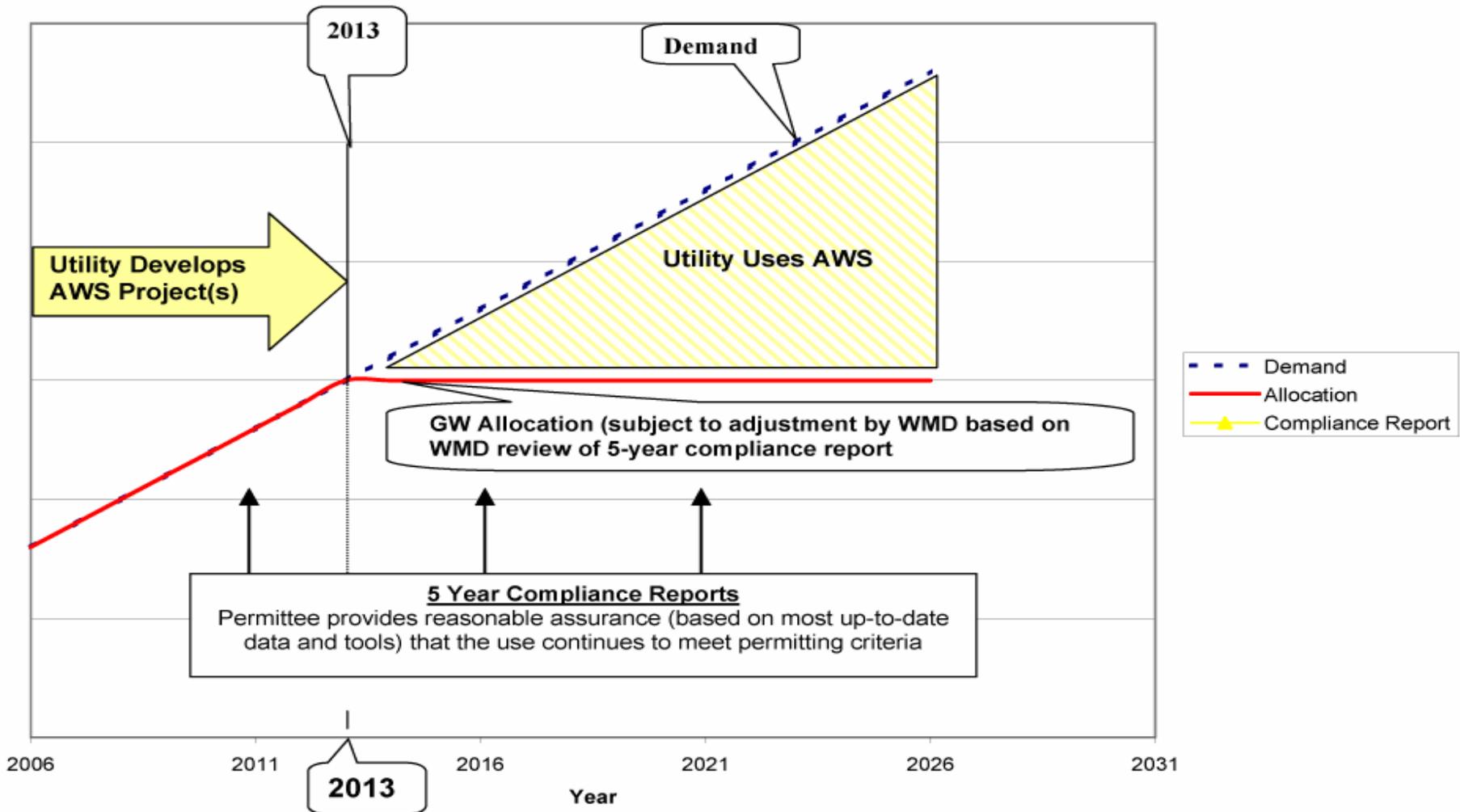
- **Developed Central Florida Coordination Area (CFCA) Action Plan based on Guiding Principles**
- **Three Components**
 - **Regulatory**
 - **Planning**
 - **Modeling and Predictive Tools**
- **Scope originally limited to PWS (growth sector)**

CFCA Regulatory Component

Short Term – Key Concepts in Current Rulemaking

- **Modify 3 WMDs' CUP rules to:**
 - **Limit groundwater allocations to the maximum needed to meet 2013 demands**
 - **Utilities proposing specific AWS projects qualify for 20-year duration for 2013 demand**
 - **Utilities constructing AWS projects but do not complete by 2013 can seek additional groundwater on a temporary basis (due diligence)**

CFCA Regulatory Work Plan Permit Framework for 20-year Permit



Note: 2013 Allocation Limit Constant Regardless of Permit Issuance date

Key Aspects of Permitting That Are Not Changed

- 2013 demand must be reasonable (efficient utilization, conservation program, reuse of reclaimed water)
- Avoidance, minimization, and/or mitigation of harm required
- Allocation and limiting conditions subject to revision based on five year compliance reports

Rulemaking Steps

- **Rule Development Workshops:**
 - **November 29, 2006 at FAWWA Conference/Orlando**
 - **December 19, 2006 in Haines City**
 - **February 20, 2007 at Orange County Utilities office**
 - **April 13, 2007, at Orange County Commission Chambers (if needed)**

Summary of Revisions based on Comments Received

- **New Definitions added (AWS, due diligence, other similar applicant, public supply utility)**
- **New intent language**
- **Refinement of Amendments**
- **Competing Applications**
- **Topics to be Addressed by Permit Conditions**

New Definitions

CFCA Alternative Water Supply – For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area, CFCA alternative water supply surface water, stormwater, and salt water. Brackish groundwater may be considered a CFCA alternative water supply if it can be developed in a manner that will not cause or contribute to harmful impacts from cumulative groundwater withdrawals in the Central Florida Coordination Area.

New Definitions

Due Diligence – Giving the care and attention and taking all reasonable actions to meet schedule requirements in the permit for developing and using alternative water supply. Particular circumstances beyond the permittee's control will be considered in determining whether due diligence has been exercised.

New Definitions

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.

New Definitions

Public Water Supply – A municipality, county, regional water supply authority, special district, public or privately owned water utility, or multi-jurisdictional water supply authority, that provided water for use by the general public.

New Intent Language

The intent of the CFCA rule is to provide an interim regulatory framework for public water supply utilities and other similar applicants in the area to expeditiously implement CFCA AWS projects, and pending the implementation of AWS projects, to provide for allocation of available groundwater while employing avoidance and mitigation measures to prevent harm.

New Intent Language (continued)

This regulatory framework is one component of a comprehensive joint water management district strategy for regional water resource management that also includes regional water supply planning, AWS project funding, and water resource investigations and analysis.

Refinement of Amendments

- **CFCA provisions broadened to apply to “other similar applicants”**
- **Economic Feasibility**
 - **Requirement to use AWS when provided by others at a cost that is economically feasible**
 - **Impact on user rates is a consideration in evaluating economic feasibility, but an increase in rates does not, by itself, constitute economic infeasibility**

Refinement of Amendments

- Permittee lacking sufficient AWS by the end of 2013 can obtain a temporary allocation of additional groundwater when needed, only if:
 - It has exercised due diligence to meet all schedule requirements in the permit for developing and using AWS
 - Other conditions for issuance are met
- Any such temporary allocations cease when water from an AWS project becomes available

New Provision of Competing Applications

The CFCFA regulatory framework provides a comprehensive strategy for interim allocation of available groundwater and expeditious development of AWS projects to minimize competition and thereby provide greater certainty of outcome than competition, which remains available pursuant to subsection 373.223, F.S. If an applicant wishes to request this statutory process, it must do so as part of the application.

Permit Conditions

- **AWS condition is described in a more general manner**
- **Observed or projected harmful impacts as a result of the permitted use *underlined language added for clarification in several places throughout the proposed rule language***

Next Steps

- **April 13 Workshop (if necessary)**
- **Finalization of proposed rule language**
- **May/June Presentation to Governing Boards for approval to publish Notice of Rulemaking**

Central Florida Coordination Area

Questions?