

**BASIS OF REVIEW FOR WATER USE
PERMIT APPLICATIONS WITHIN
THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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1.0 PERMITTING PROCEDURES

1.7.2 Permit Duration

1.7.2.1 General Duration Provision

Pursuant to Section 373.236, F.S., when requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant demonstrates reasonable assurance that the proposed use meets the conditions for issuance for the requested duration; otherwise, permits may be issued for a shorter duration that reflects the time period for which such reasonable assurances can be provided. This determination shall be made pursuant to requirements in Chapters 40E-2 and 40E-20, F.A.C., as applicable, and this Section.

1.7.2.2 Special Duration Factors

- A. Unless revoked or otherwise modified, the duration of a water use permit issued pursuant to Chapter 40E-2 and Chapter 40E-20, F.A.C., is the lesser of:
 - 1. The duration established in Subsections C., D. or E., below.
 - 2. The time period for which the permit applicant demonstrates that water will be needed to meet the projected demands and during which the conditions for issuance of a permit in Rule 40E-2.301, F.A.C., will be met;
 - 3. The time period for which the permit applicant demonstrates legal control pursuant to Section 2.1;
 - 4. For irrigation uses permit applications filed before the applicable Basin Application Date in Section 1.7.3, the permit duration will be limited to the Basin Expiration Date;
 - 5. For aquifer remediations, the period shall not exceed that required to complete the operation as specified in the Remedial Action Plan approved

by the state or local agency having legal jurisdiction over such activities or 20 years, whichever is less;

6. For independent secondary use permits within a diversion and impoundment system, the duration will not exceed the expiration date of the associated diversion and impoundment permit;
7. Where the permittee must implement an action to correct noncompliance with the previous consumptive use permit, the permit duration shall be based on the time period necessary to ensure the success of the mitigative or remedial action; or
8. For minor standard general water use permits, the permit duration shall not exceed 20 years.

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

1. Upper East Coast Regional Water Supply Planning Area: Surficial Aquifer System.
2. Lower East Coast Regional Water Supply Planning Area: Biscayne/Surficial Aquifer System to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project, except when stormwater discharge or wet season discharge occurs; Lake Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the Saint Lucie River/Canal.
3. Lower West Coast Regional Water Supply Planning Area: Water Table Aquifer, Lower Tamiami Aquifer, Sandstone Aquifer, mid-Hawthorn Aquifer.
4. Kissimmee Regional Water Supply Planning Area within the Central Florida Coordination Area: Groundwater.

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

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

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2. The applicant is requesting a permit for "back-up" supplies addressing emergency or short-term interruption in service for reclaimed water end users per Section 3.2.3.3.; or,
3. The applicant is requesting renewal of a permit from a source of limited availability identified in subsection B., above, and the following conditions are satisfied:
 - a. For all use classes, the allocation satisfies the requirements of Chapter 40E-2 or Chapter 40E-20, F.A.C., as applicable, for the duration of the permit; and
 - b. For public water supply use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity necessary to meet the demands of the population existing at the time of permit renewal at the per capita rate approved under the Basis of Review;
 - c. For the irrigation use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity of water necessary to irrigate historically irrigated acreage, including documented intermittent irrigated acreage, as determined by section 2.3.2.; or,
 - d. For other use classes, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity approved under Chapter 40E-2 or Chapter 40E-20, F.A.C., as applicable, and shall not exceed the allocation in the permit being renewed; or,

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4. The applicant is a public water supply utility that proposes groundwater withdrawals within the Central Florida Coordination Area to satisfy demands from that source up to their demands in the year 2013 and proposes to develop specific alternative water supply projects to meet demands greater than the year 2013 and otherwise satisfies the requirements of Chapter 40E-2 or 40E-20, F.A.C., as applicable, for the duration of the permit.

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

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

1. Whether the permit will require the permittee to perform mitigative or remedial action for an impact caused or projected to be caused by the water use. Consideration of this factor will lead to a permit duration appropriate for ensuring the success of the mitigative or remedial action;
2. Whether the permittee is proposing to implement innovative and extraordinary water conserving measures that are beyond those generally feasible for the subject use such that the proposed demands are significantly reduced from the source of limited availability as a result of the innovative and extraordinary water conserving measures, including best management practices associated with peak or high efficiency systems. Where the permittee proposes to implement innovative and extraordinary water conservation measures, consideration of this factor will lead to a longer duration than the applicable duration as an incentive for the investment in innovative and extraordinary water conservation;
3. Whether increased impacts of the requested allocation on the source of limited availability will be offset through the implementation of an alternative source. Consideration of this factor will lead to a longer duration;
4. Whether the requested allocation is supplied by a brackish water source, consistent with the use of saline water in Section 3.4; or
5. Whether the modification of the permit results in no more than a de minimis increase in impact to water resources and existing legal uses, as compared to the existing permit. Consideration of this factor will lead to a duration consistent with the permit being modified; ~~or~~

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6. A public water supply utility proposing groundwater withdrawals within the Central Florida Coordination Area and does not propose to satisfy demands greater than that required in the year 2013 with specific alternative water supply projects. Consideration of this factor will lead to a maximum permit duration of up to 2013.

- E. Pursuant to Section 373.236, F.S., the permit duration may be up to 50 years in the case of a municipality or other governmental body, or of a public works or public service corporation, where such a period is required to provide for the retirement of bonds for the construction of waterworks and waste disposal facilities, if the applicant provides reasonable assurances of compliance with Chapters 40E-2 and 40E-20, F.A.C., as applicable.

If only a portion of the requested allocation satisfies the conditions for a 20 year duration permit, the remaining allocation may be approved for a shorter duration, as appropriate.

1.8 Definitions

###. Central Florida Coordination Area (CFCA): is depicted in Figure >>> and for the purposes of the District is defined to include all areas of Orange, Osceola, and Polk Counties within the jurisdiction of the District.

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3.0 WATER RESOURCE EVALUATIONS

3.2.1 Restricted Allocation Areas

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

- A. Lake Istokpoga/Indian Prairie Canal System - No additional surface water will be allocated from District controlled surface water bodies over and above existing allocations. No increase in surface water pump capacity will be recommended.
- B. C-23, C-24 and C-25 Canal System - No additional surface water will be allocated from District canals C-23, C-24 and C-25, or any connected canal systems that derive water supply from these District canals, over and above existing allocations. No increase in surface water pump capacity will be recommended.
- C. L-1, L-2 and L-3 Canal System - No additional surface water will be allocated from District canals L-1, L-2 and L-3 over and above existing allocations. No increase in surface water pump capacity will be recommended.
- D. Pumps on Floridan Wells - No pump shall be placed on a flowing Floridan well in Martin or St. Lucie County, except under the following guidelines:
 - 1. If the pump was in place and operational prior to March 2, 1974, and is still in place or a replacement pump with a similar capacity is in place, or
 - 2. The proposed pump is installed for the purpose of increasing pressure in attached piping (e.g., drip or micro-jet irrigation systems) and not for the purpose of increasing flow over and above

that flow which naturally emanates from the well. The determination of the appropriate pump capacity must occur after well construction and measurement of the actual natural flow rate. Prior to any pump installation, the Permittee shall provide measurements of flow from each well using calibrated flow equipment. The method of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to District Staff for review and approval, or

- 3. The Applicant conducts and provides the results of a study, approved by District staff, which shows that pump installation and subsequent withdrawals will not interfere with any presently existing legal use, as defined in Section 3.7, or
- 4. The proposed pump is installed to temporarily assist in producing the permitted allocation associated with freeze protection pursuant to Section 2.3.4, or
- 5. The proposed pump is installed to temporarily assist in meeting allowable withdrawals for the duration of a water shortage declared pursuant to Chapter 40E-21, F.A.C.

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

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1. Public water supply utility applicants who propose increased withdrawals of groundwater within the CFCA, Figure >>>>, are restricted to a maximum allocation equalvalent to that needed in the year 2013, provided the proposed use otherwise satisfies the requirements of 40E-2 or 40E-20, F.A.C., as applicable.

2. However, in the event a public water supply utility permittee has exercised due diligence to meet schedule requirements stated in permit limiting conditions for alternative water supply project development, but water from the project will not be available in the year 2013, an application for interim allocation of additional groundwater in excess of that required in the year 2013 will be considered. Such interim allocations shall be eliminated or modified when the water from the alternative water supply project becomes available.

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3. In the event a public water supply utility applicant seeks a permit duration extending beyond 2013 and proposes an increase in water withdrawal after 2013 but also demonstrates the economic, environmental, or technological infeasibility of its development of (either singly or in concert with others) sufficient alternative water supplies to meet all of the increase in withdrawals above the level demonstrated to be needed in 2013, then the applicant must establish that it will meet as much of the

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increase as is feasible with alternative water supply sources and will obtain any remaining portion of the increase by using one or more alternative water supply sources when provided by others. An increase in water user rates to utility customers shall not, in itself, constitute economic infeasibility.

5.0 PERMIT CONDITIONS

5.3 Specific Region Special Conditions

- A. A "Water Rights Compact Among the Seminole Tribe of Florida, the State of Florida, and the South Florida Water Management District", which confirms tribal rights has been approved. Exercise of tribal rights in the future may impact allocations sought by the Permittee in future permit modifications and renewals.
- B. The property which is the subject of this Permit is located in the area covered by Chapter 40E-63, F.A.C, (Works of the District within the Everglades). This special condition is intended to notify the Permittee that this property may be subject to additional or new permitting or water quality requirements as specified in Chapter 40E-63, F.A.C.
- C. Permittee shall be subject to all the stipulations agreed to in any executed landowner agreement reached between the Permittee, the District and the Seminole Tribe of Florida. Such stipulations may impact allocations sought by the Permittee in future Permit modifications and renewals.
- D. Permittee and the Lake Worth Drainage District have previously entered into an interlocal agreement for mitigation of impacts. It is acknowledged and agreed by the Permittee that this modification of the permit shall be incorporated into and made part thereof the interlocal agreement.
- E. Permittee will be responsible for mitigation to domestic uses, including but not limited to those shown in the District staff report for this permit, in the event that declining water levels result in domestic uses suffering a loss of water supply and the event is confirmed by application of the following factors by District staff. Factors used in determining mitigation responsibility include, but are not limited to, water level monitoring data, local pumpages, and climatic conditions. Failure by the Permittee to mitigate any adverse impacts that occur as a result of the Permittee's withdrawals, for which mitigation responsibility has been determined, will be considered a permit violation.
- F. In addition to the general, standard and other conditions described in this part, permits for public supply utilities withdrawing groundwater in the CFCA shall include special conditions that address the following:

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- a. Implementation of a District-approved plan to monitor lake and wetland hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.
- b. Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.
- c. Implementation of a District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred.
- d. Development and use of alternative water supply sources to supply water demands greater than the allocation for 2013, with the amount of groundwater allocation being contingent on the permittee's compliance with: (1) a District-approved schedule for developing alternative water supplies or (2) a requirement to use alternative water supplies when economically, environmentally, and technically feasible, if the applicant makes a demonstration that the development and use of such supplies is not currently feasible in accordance with criterion 3.2.1.E.3.
- e. Submittal of five-year compliance reports as described in subsection 373.236(3) F.S.
- f. The reduction or other modification to the allocations in the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts, unless the harmful impacts can be mitigated by the permittee.