



## Public Hearing

### Year-Round Landscape Irrigation Rule

Public Hearing on Proposed Amendments to  
Chapters 40E-24 & 40E-2, 40E-20, F.A.C. & Basis of  
Review for Water Use Applications

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*February 12, 2009*

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## Proposed District-wide Year-Round Landscape Irrigation Rule

# Open the Public Hearing



## Proposed District-wide Year-Round Landscape Irrigation Rule

**June 2007 – Rule development initiated**

- *expand existing LWC rule to entire District*
- *3 days /week; no limits on reclaimed*
- *significant opposition from utilities*

**Dec. 2007 - Water Conservation Summit & public stakeholder process to develop Comprehensive Water Conservation Plan**  
**May 2008**

**April 2008 - Rule development initiated (new notice)**

- *2 days/ week irrigation*
- *no reclaimed irrigation on Fridays or between 10:00 a.m. – 4:00 p.m.*

**April – Jan 2009**

**8 Public Rulemaking Workshops**



## Proposed District-wide Year-Round Landscape Irrigation Rule

- **Board direction at September Meeting:**
  - *2 days/week irrigation District-wide*
  - *Use of reclaimed water allowed up to 7 days, subject to 10am-4pm daytime irrigation ban*
- **October:**
  - *Board authorized publication of Notice of Rulemaking*
  - *“Statement of Estimated Regulatory Costs” (SERC) made available to public*
- **November/December:**
  - *Notices of Rulemaking and Public Hearing published*
  - *Several “lower-cost regulatory alternatives” & other public comments submitted*



## Entities submitting “Lower Cost Regulatory Alternatives” and/or Public Comment

- Seacoast Utility Authority & 2 of its customers
- Collier County
- Palm Beach County
- Southeast Florida Utilities Council, Palm Beach County, Boca Raton, Delray Beach, Highland Beach, Ft. Lauderdale, & Florida Nursery Growers & Landscape Association
- North Miami Beach
- Florida League of Cities
- Florida Association of Counties
- Florida Water Environment Association Utility Council



## Summary of “lower cost alternatives” submitted

- **No action (i.e. no rule)**
- 3 days per week irrigation
- **No regulation of reclaimed water**
- Implement C-51 Reservoir Project
- Implement updated stormwater permitting rules
- Implement Florida Friendly design standards
- Implement goal-based conservation
- Additional consideration for AWS systems



## Proposed Lower Cost Regulatory Alternatives &/or Public Comment as of 12/01/08

	No Action	3 Days/Week Watering	No Regulation of Reclaimed Water	Implement C-51 Reservoir	Implement Updated Stormwater Permitting Rules	Implement Landscape Irrigation & Florida Friendly Design Standards	Implement Goal-Based Conservation Approach	Additional Consideration for Alternative Water Supplies
Seacoast Util. Authority	✓	✓						
Collier County	✓		✓					
Palm Beach County	✓		✓	✓	✓			
Southeast Florida Utilities Council	✓		✓	✓				
Boca Raton, Delray Beach, Highland Beach, Ft. Lauderdale, FNGLA	✓	✓	✓	✓		✓	✓	✓
North Miami Beach								✓
Florida Association of Counties			✓					
FWEA Utility Council			✓					

## “Lower cost regulatory alternatives”

- If a lower cost alternative is submitted, the SERC must be revised.
- District response options:
  - 1) adopt the alternative; or,
  - 2) state why the alternative was rejected
- Revised SERC must be available to public prior to filing rule with Dept. of State
- Rule cannot be declared invalid because it imposes costs which could be reduced by adoption of a less costly alternative



# Proposed District-wide Year-Round Landscape Irrigation Rule

- **Board direction at December Meeting:**
  - *Revise proposed rule to reflect several suggested lower-cost regulatory alternatives*
  - *Revise SERC to address suggested lower-cost regulatory alternatives*



## Proposed Rule Revised, Public Workshop on January 23<sup>rd</sup>

- Reclaimed or supplemented reclaimed water: irrigation allowed any day of the week
  - *Removed 10 a.m. - 4 p.m. time limitation*
- Irrigation from rain barrels, cisterns & other rain-harvesting systems allowed anytime
- Added provision for “letter modifications” to address need for minor changes on a case-by-case basis
  - *Example: change in watering days from Wed/Sat to Thurs/Sun;*
  - *Example: Demonstrable water savings via implementation of highly efficient, new technologies*



## Proposed Rule Revised, Public Workshop on January 23<sup>rd</sup>

- **Alternative for utilities to recoup investment in brackish water supplies & transition to two days per week irrigation over time**
  - *Option for local governments served by utilities with at least 20% brackish AWS*
  - *Adopt ordinance allowing 3 days/week irrigation for utility water users*
  - *Ordinance must include provisions for enforcement of 2 days/week watering schedules for self-supplied/traditional source users*
  - *By no later than the 2019 deadline, transition to 2 days/per week watering*



## Public Comments & January 23<sup>rd</sup> Public Workshop

- **Local Govt. Option - 3 day/transition to 2 day should be expanded from brackish water AWS & include utilities investing in reclaimed water**
- **10 year transition date (2019) is not sufficient to recoup capital investments**
- **Local Govt. Option is too complex & will be confusing to the public – neighbor to neighbor issues; hard to enforce**
- **Existing utility infrastructure designed for 7 days a week flow; utilities expect flushing & water quality problems**



## Public Comments & January 23<sup>rd</sup> Public Workshop

- **Wrong conservation message for the public – use less water, but will have to pay more due to high rate increases to offset revenue losses**
- **3 days/week irrigation needed - sandy soils & subtropic environment increases irrigation demand in south Florida; science lacking**
- **Southeast Florida Utilities Council submitted economic analyses of two proposed alternatives**



## Staff Recommendation:

- **Staff to continue work on rule language**
- **Continue the Public Hearing to March 12, 2009**



# Questions & Comments

**Thank You**

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