

1.4.12 Permit Renewals

Applications for permit renewal shall be made pursuant to Rule 40E-1.610, F.A.C. Permits for which renewal applications have been submitted shall remain in effect past the expiration date until final agency action on the application is taken. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date.

1.4.13 Permit Transfers

Permit transfers will be processed in accordance with Rules 40E-1.6107 and 40E-2.351, F.A.C.

1.4.14 Transport and Use of Water across County Boundaries

Sections 373.016, 373.223(3), and 373.713, F.S., govern the review of water use permit applications for the transport and use of water across county boundaries, including provision of exemptions and limitations on the application of such requirements. The following provides specific guidance as to the applicability of certain statutory exemptions and limitations within these statutes:

- A. A transport and use of groundwater across county boundaries pursuant to Section 373.223(3), F.S., does not occur when: 1) a project withdraws groundwater for use on its overlying property and the drawdowns associated the groundwater withdrawals cross county boundaries; or 2) water is withdrawn from an underground water storage unit where it has been stored pursuant to an aquifer storage and recovery project and may, in its stored state, cross county boundaries.
- B. Transport and use of water by self-suppliers of water for which the proposed water source and areas of use or application are located on contiguous private properties are exempt from review under the provisions in Section 373.223(3), F.S., including a project whose boundary straddles county borders and water from one part of the project serves another part of the same project in the neighboring county.
- C. Transport and use of water across county boundaries by water supply authorities meeting the requirements of Section 373.713(9), F.S., are exempt from Section 373.223(3), F.S.; and
- D. The transport and direct or indirect use of water within the areas encompassed by the Central and Southern Florida Flood Control Project is exempt pursuant to Sections 373.016(4)(a) and 373.223(3), F.S.

1.5 Permit Duration

1.5.1 General Duration Provision

When requested by an applicant, a consumptive use permit shall have a duration of 20 years, or as provided by Section 373.236, F.S., if 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 Chapter 40E-2, F.A.C., as applicable, and this Subsection.

1.5.2 Special Duration Factors

- A. Unless revoked or otherwise modified, the duration of a water use permit issued pursuant to Chapter 40E-2, 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 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 applicant demonstrates legal control pursuant to Subsections 2.1.1, 2.1.2, and 2.1.3;
 4. 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;
 5. 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;
 6. 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,
 7. For 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 throughout the planning area and surface water in the Interior Martin County and Northwest Loxahatchee River Water Use Basins (see Chapter 40E-21, F.A.C., and Figures 3-1 and 3-2) to the extent that withdrawals induce seepage from the North Palm Beach County/Loxahatchee River Watershed Waterbodies.
 2. Lower East Coast Regional Water Supply Planning Area: Surface water and Biscayne/Surficial Aquifer System to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project and North

APPLICANT'S HANDBOOK FOR WATER USE PERMIT APPLICATIONS JUNE 2022

Palm Beach County/Loxahatchee River Watershed Waterbodies, except when stormwater discharge or wet season discharge occurs; Lake Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the St. Lucie River/Canal.

3. Lower West Coast Regional Water Supply Planning Area: Water Table Aquifer, Lower Tamiami Aquifer, Sandstone Aquifer, mid-Hawthorn Aquifer.
- C. The following uses shall receive a 20 year permit, if:
1. For uses from sources other than those listed in Subsections 1.5.2.B. 1 through 3 above, the allocation necessary to meet the 20 year demands is consistent with Chapter 40E-2, 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
 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 Subsection 2.2.4.C.1; or,
 3. The applicant is requesting renewal of a permit from a source of limited availability identified in Subsection 1.5.2.B, above, and the following conditions are satisfied:
 - a. For all use classes, the allocation satisfies the requirements of Chapter 40E-2, 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 this Applicant's Handbook;
 - 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 Subsection 2.3.2.C.1; 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, F.A.C., as applicable, and shall not exceed the allocation in the permit being renewed.

APPLICANT'S HANDBOOK FOR WATER USE PERMIT APPLICATIONS JUNE 2022

D. Requests for Allocations in Excess of Subsection 1.5.2.C.3, Permit Modifications, or Initial Permits from Sources of Limited Availability:

The baseline duration under this Subsection 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 saline water source, consistent with the use of saline water in Subsection 3.4.1; 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.

If only a portion of the requested allocation satisfies the conditions for a permit duration of 20 years or longer, the remaining allocation shall be approved for a shorter duration, as appropriate.

E

- 1 An applicant is eligible for a permit duration of up to 30 years if the applicant proposes a water supply development or water resource development project using reclaimed water that meets the advanced waste treatment standards for total nitrogen and total phosphorous as defined in section 403.086(4)(a), F.S., as part of an application for consumptive use, provided the following conditions are met:

(a) The applicant submits sufficient data to provide reasonable assurance

that the conditions for permit issuance will be met for the duration of the permit; and

(b) The applicant demonstrates how quantifiable groundwater or surface water savings associated with the new water supply development of water resource development project either meets water demands beyond a 20-year permit duration or is completed for the purpose of meeting the requirements of an adopted recovery or prevention strategy.

(c) The specific permit duration shall be calculated based on the quantity of potable water offsets that produce significant water savings, the project implementation timeframe, and the demonstration of water demand based on projected growth, as calculated at the time of the extension request.

2 A permittee may apply to extend the permit's duration through a letter modification request for up to 10 years if the permittee proposes a water supply development or water resource development project using reclaimed water that meets the advanced waste treatment standards for total nitrogen and total phosphorous as defined in section 403.086(4)(a), F.S., during the term of its permit which results in the reduction of groundwater or surface water withdrawals or is completed to benefit a waterbody with a minimum flow or minimum water level with a recovery or prevention strategy provided the following conditions are met:

(a) The permittee is in compliance with the permittee's consumptive use permit;

(b) The permittee demonstrates how the quantifiable groundwater or surface water savings associated with the new water supply development or water resource development project either meets water demands beyond the issued permit duration or is completed for the purpose of meeting the requirements of an adopted recovery or prevention strategy;

(c) The permittee demonstrates a water demand for the permit's allocation through the term of the extension;

(d) The permittee submits a compliance report that contains sufficient data to maintain reasonable assurance that the initial conditions for permit issuance are met;

(e) The permit extension shall provide only for the modification of the duration of the permit and shall not be used to increase the quantity or change the source of the allocation;

- (f) For permits with a duration of five years or less, a permittee shall request an extension no sooner than one year prior to the original permit expiration date;
- (g) For permits with a duration more than five years, a permittee shall request an extension no sooner than five years after issuance of the original permit and be granted extensions no more frequently than every five years thereafter; and
- (h) Multiple permit extensions may be requested to reflect quantifiable potable water offsets that produce significant water savings over the term of the permit. However, in no case shall the cumulative duration of all extensions exceed 10 years from the original permit expiration date.
- (i) The specific duration of the extension, with a minimum of two years, shall be calculated based on the quantity of potable water offsets that produce significant water savings, the project implementation timeframe, and the demonstration of water demand based on projected growth, as calculated at the time of the extension request.

2.0 DEMONSTRATION OF WATER NEED, SOURCES, AND DEMAND

To receive a general or individual permit, an applicant must demonstrate that the proposed water use is a reasonable-beneficial use of water, as required by Section 373.223, F.S. In order to demonstrate that a water use is reasonable-beneficial, the applicant must show "need" for the water in the requested amount. This chapter describes the factors involved in determining whether there is need and for determining the appropriate permit allocation, or "demand," for a particular water use.