

40E-1.607 Permit Application Processing Fees.

Introductory paragraph (No Change)

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)

PERMIT APPLICATION PROCESSING FEES FOR WATER USE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTER 40E-2, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

Individual Permit, except Mining/Dewatering (applies to all durations) through Individual Irrigation with a duration of at least 20 years – No Change	Amount
Individual Mining/Dewatering.	
Standard Individual Permit <u>with a total project duration of for</u> up to one year.	\$ 500
Standard Individual Permit <u>with a total project duration of</u> greater than one year.	\$1,800
Master Individual Permit.	\$4,000
Individual Commercial/Industrial with a duration less than 20 years through General Permit by Rule – No Change.	

(2) through (7) No Change.

Rulemaking Authority 373.044, 373.109, 373.113, 373.171, 373.421(2), 373.421(6)(b), 373.4131 FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History–New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, 10-1-13, 7-31-14, _____.

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District's rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 682-6436:

Form No.	Date	Title
0186	09-12	State of Florida Water Well Contractor's Application, incorporated by reference in subsection 40E-3.038(3), F.A.C.
0483	10-01	Request for Surface Water Management, Water Use or Wetland Resource Permit Transfer, incorporated by reference in subsection 40E-1.6107(1), F.A.C.
0779	01-01	Application for a Works of the District Permit, incorporated by reference in subsection 40E-63.091(9), F.A.C.
0889	12-11	Certification of Waiver of Permit Application Processing Fee, incorporated by reference in paragraph 40E-1.607(6)(b), F.A.C.
1045	11-10	Application for a C-139 Basin Works of the District Permit,

		incorporated by reference in subsection 40E- 63.430(2), F.A.C.
1376	7-14	Report of Planting and Harvest of Seasonal Crops Form, incorporated by reference in paragraph 40E-2.091(2)(a), F.A.C.
1377	7-14	Water Quality Report Form, incorporated by reference in paragraph 40E-2.091(2)(b), F.A.C.
1378	7-14	Water Use Pumpage Report Form, incorporated by reference in paragraph 40E-2.091(2)(c), F.A.C.
1379	7-14	Water Use Permit Application, incorporated by reference in subsection 40E-2.101(3), F.A.C.
1380	7-14	Water Use Permit Application Supplemental Form A – Agricultural Use, incorporated by reference in paragraph 40E-2.101(3)(a), F.A.C.
1381	7-14	Water Use Permit Application Supplemental Form B – Commercial/Industrial Use, incorporated by reference in paragraph 40E-2.101(3)(b), F.A.C.
1382	7-14	Water Use Permit Application Supplemental Form C – Landscape/Recreation Use, incorporated by reference in paragraph 40E-2.101(3)(c), F.A.C.
1383	7-14	Water Use Permit Application Supplemental Form D – Dewatering Use, incorporated by reference in paragraph 40E-2.101(3)(d), F.A.C.
1384	7-14	Water Use Permit Application Supplemental Form E – Public Supply Use, incorporated by reference in paragraph 40E-2.101(3)(e), F.A.C.
1386	7-14	Water Use Permit Application Supplemental Form F – Diversion and Impoundment Use, incorporated by reference in paragraph 40E-2.101(3)(f), F.A.C.
1387	7-14	Flow Meter Accuracy Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(d), F.A.C.
1388	7-14	Alternative Method Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(e), F.A.C.
1389	7-14	Crop (Freeze) Protection Form, incorporated by reference in paragraph 40E-2.091(2)(f), F.A.C.
1391	7-14	Notice of Intent to Use a Water Use Noticed General Permit, incorporated by reference in subsection 40E-2.101(4), F.A.C.
Subsection 62-532.900(1), F.A.C.	10-10	State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, incorporated by reference in subsection 40E-3.101(1), F.A.C.
Subsection 62-532.900(2), F.A.C.	10-10	State of Florida Well Completion Report, incorporated by reference in subsection 40E-3.411(1), F.A.C.
DEP Form 3	6-14	<u>Application for Continuing Education Coursework Approval, Florida Water Well Contractor Continuing Education Program</u>
DEP Form 4	6-14	<u>Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program</u>

Rulemaking Authority 218.075, 373.044, 373.113, 373.171, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History–New

9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12, 10-1-13, 7-14-14, _____.

40E-2.061 General Permits by Rule.

(1) No Change.

(2) through (2)(a)2. No Change.

3. Will not dewater to a depth below 0.0 feet NGVD (or equivalent NAVD) within 1,000 feet of saline water, except when dewatering water with a chloride concentration of greater than 1,000 milligrams per liter;

4. through 6. No Change.

(b) No Change.

(c) Linear projects, such as roads, utilities, or pipelines, may qualify for multiple general permits by rule. The dewatering activity for these projects may have a rolling one-year duration, in which the dewatering operation at the end of each one year period occurs ~~no~~ more than one mile from the location at the beginning of each one year period.

(3) No Change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 3-15-10, Amended 7-14-14, _____.

40E-2.071 Noticed General Permits and Individual Permits.

(1) and (1)(a) No Change.

1. Surface water from the C-23, C-24 or C-25 Canals, or any connected canal systems that derive water supply from these District canals;

2. through 6. No Change.

(b) through (e) No Change.

(2) No Change.

Figures 2-1, 2-2, and 2-3 No Change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 7-14-14, Amended _____

40E-2.091 Publications Incorporated by Reference.

(1) The “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District – _____, 2015 ~~July 16, 2014,~~” [<https://www.flrules.org/gateway/reference.asp?NO=Ref-04401>], is incorporated by reference herein.

(2) The following forms and materials are referenced in the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District – _____ ~~July 14, 2014~~” and are incorporated herein:

(a) through (f) No Change.

(g) Subsections of the Environmental Resource Permit Applicant’s Handbook, Volume I (General and Environmental), referenced in Section 3.3.6, as follows:

1. Subsection 10.2.2.3 regarding Assessment of Impacts;

2. Subsection 10.3.1 regarding Types of Mitigation, specifically Subsections 10.3.1.1, 10.3.1.3, and 10.3.1.8;

3. Subsection 10.3.2 regarding Guidelines for the Amount of Mitigation;
4. Subsection 10.3.3 regarding Mitigation Proposals;
5. Subsection 10.3.4 regarding Monitoring Requirements for Mitigation Areas;
6. Subsection 10.3.5 regarding Protection of Mitigation Areas;
7. Subsection 10.3.6 regarding Mitigation Success;
8. Subsection 10.3.7 regarding Financial Responsibility for Mitigation; and,
9. Figure 10.2.8-5.

(3) and (4) No Change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, 7-21-13, 7-14-14, 7-16-14, _____.

40E-5.011 Policy and Purpose.

(1) This Chapter implements Sections 373.106, F.S., which authorizes the District to issue permits for projects involving artificial recharge or the intentional introduction of water into any underground formation, except activities under Chapter 377, F.S. Projects that inject waters into aquifers that contain a total dissolved solids concentration greater than 10,000 mg/L~~4~~ or for the purpose of disposal are not regulated under this Chapter.

(2) through (4) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Amended 8-14-03, 7-14-14, _____.

40E-5.021 Definitions.

When used in this chapter:

(1) and (2) No Change.

(3) “Heat exchange” means a well or combination of wells that remove groundwater ~~ground water~~ associated with cooling or heating systems where the water withdrawn is returned to an aquifer.

(4) No Change.

(5) No Change.

(a) Supplies drinking water for human consumption; is classified by Rule 62-520.410, F.A.C., as Class G-I or G-II ground waters; or, contains a total dissolved solids concentration of less than 10,000 mg/L~~4~~; and

(b) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106 FS. History—New 9-3-81, Formerly 16K-1.05(2), (9), Amended 8-14-03, _____.

40E-5.041 Permits Required.

(1) No Change.

(3) Nothing herein relieves the applicant from complying with the ~~requirements of the underground injection and control (UIC)~~ program including the acquisition of and compliance with permits issued pursuant to Chapter 62-528, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(1), Amended 8-14-03, 7-14-14,_____.

40E-5.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are available online at www.sfwmd.gov, "Locations." Water Use Permit Application, Form No. 1379 or 1391 ~~0645-W-01~~, which is incorporated by reference in subsection 40E-2.101(24), F.A.C., shall contain:

(a) The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.; and,

(b) The information required in Section 373.229(1), F.S.; and,

(c) No Change.

(2) No Change.

Rulemaking Authority 373.044, 373.113, 373.229 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(2), Amended 5-30-82, 8-14-03, 10-23-12,_____.

40E-8.021 Definitions.

(1) through (25) No Change.

(26) Regional Water Supply Plan – means a plan approved by the District pursuant to Section 373.709 ~~373.0361~~, F.S.

(27) through (31) No Change.

Rulemaking Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, ~~373.0361~~, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246, 373.709, FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06, 10-23-12, _____.

40E-8.421 Prevention and Recovery Strategies.

(1) (a) through (e) No Change.

(f) In order to ensure that the actual and projected performance of prevention and recovery strategies approved in the regional waters supply plans is sufficient to meet water resource needs, including MFLs, and the existing and projected reasonable-beneficial uses, the District will update recovery and prevention strategies on a periodic basis, based on new information and system performance. The performance of the recovery and prevention strategies in comparison to the performance projected in the regional water supply plans, will be assessed by the District for each recovery or prevention strategy phase. Based on the actual performance and new information obtained regarding the water resources, the District will review and revise, if necessary, recovery and prevention strategies through the regional water supply plan update process every five years, or sooner, as required by Section 373.709 ~~373.0361~~, F.S. At that time, the governing board will determine if rule modifications to the MFL or recovery and prevention strategies are necessary to continue to meet the requirements of Sections 373.042 and 373.0421, F.S.

Figure 1 No Change.

(2) (a) through (d) No Change.

(e) Lake Okeechobee. Under implementation of the Water Supply and Environment (~~WSE~~) lake regulation schedule assumptions, the Lake Okeechobee MFL was not projected to be violated and an MFL prevention strategy was adopted. However, due to changes in the Lake Okeechobee Regulation Schedule (~~LORS~~), which received final approval in April 2008, the Lake MFL is projected to be violated and an MFL recovery strategy is necessary. This recovery strategy will remain in effect until the MFL criteria is met pursuant to Section 373.0421, F.S. The Lake Okeechobee MFL recovery strategy shall consist of four components, as fully described in the LEC Regional Water Supply Plan, Appendix H, as updated in October 2008. These components consist of:

1. through 4. No Change.

(3)(a) through (e) No Change.

(4) (a) through (d) No Change.

(5) No Change.

(6) No Change.

(a) The Northwest Fork of the Loxahatchee River is currently not meeting the MFL and requires implementation of a recovery strategy to achieve the MFL as soon as practicable, consistent with Section 373.0421, F.S. The recovery strategy consists of projects contained within the following approved plans: the ~~Lower East Coast Regional Water Supply Plan (LEC Plan)~~, the ~~Comprehensive Everglades Restoration Plan (CERP)~~, and the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP). Four phases of recovery are identified in the Technical Documentation to Support Development of Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River, November 2002, which are projected to increase flows to meet the MFL for the Northwest Fork of the Loxahatchee River. As part of the recovery strategy, as provided in this rule, the consumptive use permitting and water shortage requirements in this Chapter and Chapters 40E-2 and 40E-21, F.A.C., and the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., including Subsection 3.2.1.E. regarding Restricted Allocation Areas for Lower East Coast Everglades Waterbodies and North Palm Beach County/Loxahatchee River Watershed Waterbodies, shall apply to consumptive use direct and indirect withdrawals from surface and groundwater sources from the Northwest Fork of the Loxahatchee River and those areas directly tributary to the Northwest Fork.

(b) In addition to implementation of this MFL recovery strategy, the District commits to restore freshwater flows to the Northwest Fork of the Loxahatchee River above the MFL through Chapter 373, F.S., and the ~~CERP Comprehensive Everglades Restoration Plan~~ and its associated authorities. The District will continue to partner with the ~~DEP Florida Department of Environmental Protection~~ in establishing a practical restoration goal and plan for the Loxahatchee River watershed. Recognizing that natural seasonal fluctuations in water flows are necessary to ensure that the functions of the Loxahatchee River are protected, this restoration goal and plan will include a more complete set of seasonally managed flow criteria for the river that are driven primarily by natural rainfall and runoff patterns within the watershed.

(c) and (d) No Change.

(e) It is the District’s intent to implement, along with other partners, projects to meet the practical restoration goal developed according to paragraph (b). Projects contained in the ~~CERP Comprehensive Everglades Restoration Plan~~, the LEC Plan and the NPBCCWMP will provide increased storage and conveyance within the basin with a goal of providing more water for restoration of the Northwest Fork of the Loxahatchee River.

(f) and (g) No Change
Map 1 - No Change
(7) and (8) No Change.

Map 2 – No Change.

Rulemaking Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, ~~373.0361~~, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246, 373.709, FS. History–New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06, 4-23-07, 10-14-08, 10-23-12, 7-14-14, _____.

40E-8.431 Consumptive Use Permits.

(1) Consumptive use permit applications that propose to withdraw water directly or indirectly from a MFL water body, that meet the conditions for permit issuance in Part II of Chapter 373, F.S.; (including implementing rules in this chapter, Chapter 40E-2, F.A.C., and the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., as applicable), and are consistent with the approved recovery and prevention strategies under Section 373.0421, F.S., will be permitted. Consumptive use permit applications will be reviewed based on the recovery and prevention strategy approved at the time of permit application review.

(2) and (3) No Change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, ~~373.0361~~, 373.042, 373.0421, 373.709, FS. History–New 9-10-01, Amended 7-14-14, _____.

40E-10.011 Policy and Purpose.

The purpose of this chapter is to define the quantity, location and timing of waters reserved from allocation for the protection of fish and wildlife pursuant to Section 373.223(4), F.S., for specified waterbodies ~~water bodies~~. Water reservations are implemented in the water use program pursuant to Chapter 40E-2, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 7-14-14, _____.

40E-10.021 Definitions.

(1) No Change.

(2) *Picayune Strand* – The area located southwest of the Florida Panther National Wildlife Refuge, north of the Ten Thousand Islands NWR, east of the South Belle Meade State Conservation and Recreation Lands (~~CARL~~) Project, west of the Fakahatchee Strand Preserve State Park, and northeast of Collier-Seminole State Park as depicted in Figure 1-2 Picayune Strand. The legal description of the Picayune Strand is contained in Appendix 1.

(3) through (6) No Change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, 7-21-13, 7-16-14, _____.

40E-10.041 Water Reservation Areas: Lower West Coast Planning Area.

(1)(a) No change.

1. All surface water contained within the Picayune Strand is ~~are~~ reserved from allocation (see Figure 1).

2. No Change.

(b) No Change.

(2) and (3) No Change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, 7-21-13, 7-16-14, _____.

Appendix 1 and Figures 1-1 through 1-13 No Change.

Appendix 2: UPPER EAST COAST PLANNING AREA

2-1 Upper East Coast Reservation Waterbodies ~~Water Bodies~~

Figure 2-1 and 2-2 No Change

Appendix 3: LOWER EAST COAST PLANNING AREA

Figure 3-1 Nearshore Central Biscayne Bay Reservation Waterbody ~~Water Body~~ and Protected Canal Reaches – No Change to Figure other than to correct legend to reflect “waterbodies” as one word

Figure 3-2 through 3-4.B No Change.