

MEMORANDUM

To: SEFLUC

From: Kristin Melton and Edward P. de la Parte

Date: April 23, 2014

RE: SFWMD CUPCon – Permit Extension Opportunities

As part of a statewide effort headed by the Florida Department of Environmental Protection (“DEP”), to increase consistency in the consumptive use permitting (“CUP”) and water supply-related programs, the Water Management Districts (“WMD”) are in the process of adopting consumptive use permitting rule amendments. South Florida Water Management District (“SFWMD”) proposes to amend Chapters 40E-1 and 40E-2, F.A.C., and to make non-substantive changes to Chapters 40E-3, 40E-5, 40E-8, 40E-10, and 40E-24, F.A.C. In addition, the current "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" is reorganized and renamed "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District."

In part, these changes are designed to incentivize conservation. One of the most significant conservation incentive opportunities for public water supply permittees is the ability to obtain a permit extension for quantifiable water savings attributable to conservation. In order to be eligible for a permit extension, public water supply permittees must implement a standard water conservation plan or a goal-based plan. Additionally, Section 2.3.2(F)(1)(c) of the SFWMD Applicant’s Handbook contains the following additional criteria, which must be met in order to obtain a permit extension:

1. The permittee is in compliance with the conditions of its permit.
2. The permittee demonstrates quantifiable water savings exceeding those required in the permit. Acceptable methods for quantifying water savings include reductions in residential per capita, gross per capita, per service connection use, or the use of treated potable water for outdoor irrigation. The quantification method used to establish the currently permitted allocation.
3. The permittee demonstrates a need for the conserved water to meet the projected demand for the term of the extension.
4. The permittee demonstrates water savings sufficient to qualify for at least a one-year permit extension.

5. The permit extension shall provide only for the modification of the duration of the permit and shall not be used to increase the quantity of the allocation.
6. The permittee demonstrates that increases in efficiency were achieved through water conservation and not as a result of population changes, economic or other factors unrelated to conservation. In the absence of factors unrelated to conservation, if the permittee demonstrates timely implementation of its District-approved conservation plan, then the water savings shall be attributed to implementation of the conservation plan.
7. The specific duration of the extension will be calculated based on the quantity of water saved through conservation and the demonstration of water demand based on projected growth, as calculated at the time of the extension request. A permittee may request an extension no sooner than 5 years after issuance of the original permit, and no more frequently than every 5 years thereafter.
8. For permits with a duration of 5 years or less, a permittee may request an extension no sooner than one year prior to the original permit expiration date.
9. An allocation having a duration of 5 years pursuant to Subsection 1.5.2.D shall not be granted a permit extension under this section.
10. Multiple permit extensions may be requested to reflect additional water saved over the term of the permit. However, in no case shall the cumulative duration of all extensions exceed ten years from the original permit expiration date.

Any public water suppliers meeting the above conditions may request the extension through a letter modification request. If you have any questions regarding these rule amendments or whether your utility is eligible for a permit extension, please feel free to contact Edward de la Parte by phone at 813-229-2775 or email at edelaparte@dgfirm.com.