

62-40.416 Water Reuse and Recycling.

(7) An applicant may propose an impact offset derived from the use of reclaimed water as part of a permit application.

(a) The portion of a surface water or groundwater allocation made available by an impact offset will be based on the beneficial water resource impact provided by the impact offset project. In evaluating the impact offset proposed and supported by analyses provided by the applicant, the District shall consider the degree to which the reclaimed water offsets harmful impacts otherwise caused by the withdrawal, including:

1. Saltwater intrusion;
2. Wetland or other surface water impacts;
3. Groundwater impacts;
4. Impacts to existing legal uses;
5. Harm to existing offsite land uses;
6. Other water resource impacts.

(b) If an applicant meets the conditions for permit issuance after consideration of the impact offset, the District shall incorporate the impact offset into the permit. The duration of an impact offset shall be limited to the duration of the consumptive use permit in which it is incorporated.

(c) For permits containing an impact offset, if a permittee proposes to decrease the amount of reclaimed water provided, change the location of the reclaimed water use, or change the location or amount of the surface water or groundwater withdrawal, the permittee shall apply for a permit modification for review by the District to determine the resource impacts associated with the change and determine if the conditions for permit issuance are met.

(d) When reviewing an application for renewal of a consumptive use permit containing an impact offset, the District shall renew the allocation based on the continuation of the impact offset, provided the conditions for permit issuance are met.

(e) Impact offsets shall not be granted for past actions or actions taken under existing permits unless the offsets are already authorized in a permit. This limitation shall not restrict the district's consideration of the effect of past actions when considering the potential impacts of a permit application, or consideration of a permittee's request to modify an existing permit to quantify the portion of the surface or groundwater allocation made and remaining available by an impact offset.

(8) In areas where withdrawals are unable to meet the conditions for permit issuance due to resource limitations, an applicant may propose the use of a substitution credit derived from the use of reclaimed water as part of a permit application. Such resource-limited areas include, but are not limited to, areas where a District has adopted rules limiting withdrawals from a specified water resource within a geographic area, and areas where withdrawals are limited by an adopted minimum flow or level or the associated recovery or prevention strategy.

(a) The proposed withdrawal, after application of the substitution credit, must result in no net adverse impact on the limited water resource or create a net positive impact if required by District rule as part of a strategy to protect or recover a water resource.

(b) The amount of the substitution credit may be the same as, more than, or less than the permitted withdrawal to be terminated, and is dependent on the following factors:

1. The specific timing, location, and amount of the existing permitted withdrawal to be terminated;
2. The specific timing and location of the desired withdrawal by the applicant;
3. The particular hydrogeology of the area; and
4. Whether the District's rule establishes a requirement for no net adverse impact or a net positive impact on the water resource.

(c) If an applicant meets the conditions for permit issuance after consideration of the substitution credit, the District shall incorporate the substitution credit into the permit. The duration of a substitution credit shall be limited to the duration of the consumptive use permit in which it is incorporated.

(d) The benefit of a substitution credit, or a portion thereof, shall accrue to the reuse utility providing the reclaimed water, or one or more entities designated by the reuse utility, provided the reuse utility or designated entity demonstrates a demand for the water and meets the conditions for permit issuance. If the reuse utility or designated entity cannot demonstrate a demand for all of the water made available by the reduction in the permitted withdrawal, any remaining water shall be available for use in accordance with District rules.

(e) For permits containing a substitution credit, if a permittee proposes to decrease the amount of reclaimed water provided, change the location of the reclaimed water use, or change the location or amount of the surface water or groundwater withdrawal,

the permittee shall apply for a permit modification for review by the District to determine the resource impacts associated with the change and determine if the conditions for permit issuance are met.

(f) When reviewing an application for renewal of a consumptive use permit containing a substitution credit, the District shall renew the allocation based on the continuation of the substitution credit provided the conditions for permit issuance are met.

(g) Substitution credits shall not be granted for past actions or actions taken under existing permits, unless the credits are already authorized in a permit. This limitation shall not restrict the District's consideration of the effect of past actions when considering the potential impacts of a permit application, or consideration of a permittee's request to modify an existing permit to quantify the amount of any substitution credit remaining available.

(h) Substitution credits recognized in a consumptive use permit cannot be transferred to other users, except in the same manner as the permit itself and in compliance with applicable water management district rules.

Rulemaking Authority 373.016, 373.019, 373.026(7), 373.036, 373.043, 373.171, 373.223, 373.236 FS. Law Implemented 373.016, 373.019, 373.023, 373.026, 373.036, 373.039, 373.042, 373.0421, 373.103, 373.171, 373.175, 373.223, 373.233, 373.236, 373.246, 373.250, 373.413, 373.414, 373.416, 373.418, 373.703, 403.0615(3), 403.064, 403.0891 FS. History—New 7-20-95, Amended 1-7-97, 5-7-05, 5-6-13.