

members to the governing board of each WMD. In the second and third years the governor shall appoint two members to the governing board of each WMD, except for SWFWMD, where he or she shall appoint three members the SWFWMD board. In the fourth year the governor shall appoint two members of the governing board in each WMD, including SWFWMD.

CS/HB 715, et al also requires WMD Basin Boards to prepare post audits, and it requires each WMD to provide: 1) the tentative budget, 2) the adopted budget, 3) the past year's expenditures, and 4) the post audit to the governor, speaker of the house, president of the Senate, chairs of the legislative committees with substantive or appropriations jurisdiction, the secretary of DEP, and to each county in which it has jurisdiction.

Duration of WUPs:

CS/HB 715, et al requires WUPs be issued for 20 years if there is sufficient information to provide reasonable assurance that permit conditions will be met. The bill allows the WMDs to require a 5-year compliance report when it is necessary to maintain reasonable assurance that the conditions of the permit can continue to be met.

The WMD may modify the permit after receipt of the compliance report. Permit modifications based on the 5-year compliance report shall not subject the permit to competition from other uses, if there is no increase in water allocation or permit duration and no change in water source other than a change requested by a WMD. The bill also clarifies that these changes shall not be construed to limit the WMDs' or DEP's existing authority to modify or revoke WUPs.

Use of public lands:

CS/HB 715, et al would allow lands acquired under the CARL and SOR programs to be used for permissible water resource and water supply development projects if the following conditions are met:

- MFLs have been established for priority water bodies on the land;
- the project complies with consump-

tive use permitting criteria; and

- the project is compatible with the purposes for which the lands were acquired.

Water Resource and Supply Development:

CS/HB 715, et al defines "water resource development" as the formulation and implementation by the WMDs of regional water resource management strategies that range from data collection to construction of groundwater storage systems. Water resource development is declared to be the responsibility of the WMDs.

Also defined is "water supply development," which is the planning, design, construction, operation and maintenance of public or private facilities for water collection, treatment, transmission or distribution for sale, resale or end use.

Water supply development is declared to be the responsibility of local governments and of government- and privately-owned utilities, although the bill provides circumstances under which DEP and the WMDs can assist in such development.

The bill also clarifies existing water planning language and forges stronger links among the Florida Water Plan (currently called the state water use plan), the WMD district water management plans and the regional water supply plans.

The WMDs are directed to plan on a 20-year time frame the development, management and protection of water resources needed to meet the existing and reasonably projected future uses. When planning to meet these needs, the WMDs are directed to assure that water would be available to meet these needs during a 1-in-10 year drought.

WMDs are directed to initiate water resource development to ensure water is available for all existing and future reasonable-beneficial uses and the environment, and participate in the following activities:

- formulate and implement regional water resources development strategies and programs;
- collect data and conduct research to improve the use of surface and groundwater resources for water supply pur-

poses;

- implement nonstructural programs to protect and manage water resources;
- provide for the construction, operation and maintenance of major public works facilities for replenishment, recapture, storage and enhancement of surface and groundwater resources;
- encourage and promote the development of new technology to maximize the reasonable-beneficial use of surface and groundwater resources;
- cooperate with and assist public and private utilities, regional water supply authorities and public service corporations in the development of water supply delivery systems.



Key 1997 water Legislative action

State water policy revised in 81 pages

BY TOM BENEFIELD, CGCS

FTGA Director

1997 saw a major effort in the legislature of our state government to attempt to come to grips with the water needs of the state and its citizens. House bill 715 is a cumbersome, awkward and somewhat meddlesome 81-page revision on state water policy.

It is at best an attempt to reign in so-called rogue water management districts and set standards to protect our water supply, and at worst a lost opportunity to curtail the unmanageable development of the state. For it is clearly evident that only a moratorium in new housing developments in certain areas of the state will allow for resolution of water deficits and creation of new supplies upon which future development could depend.

Some of the highlights of House Bill 715 are as follows:

- The water management district governing board has power to identify specific uses on designated bodies of water as "undesirable" and can deny permits requesting those uses. Translation: Lake Okeechobee water can now go to the Everglades instead of east coast well fields or drainage ditches.

- The WMD's governing boards can designate uses as enhancing certain water bodies and can prefer those uses over other uses in the event of competing permit applications for that water body. Translation: First step in establishing minimum flows and levels (MFL).

- Requires the WMDs to consider the public recreation requirements and the protection and procreation of fish and wildlife in determining an applicant's request of water and allows the governing boards to restrict or stop those future uses if they are inconsistent with these objectives. Translation: Second step or effect of MFL and Pinellas County probably won't be able to suck Weeki Wachee Springs dry for its water source.

- By Nov. 15 of each year, requires the WMDs to submit to DEP their priority list and schedule for establishing MFLs. The list has to state which water bodies the districts plan on doing independent scientific peer review with. Translation: MFLs are a new player to water allocation. Their priority and quantity of allocation even subjected to independent scientific peer review will change forever the way water is permitted.

- Provides detailed criteria to be used in establishing MFLs. In the event the existing flow or level is below or projected to fall below an established MFL, the WMD is required to implement a recovery or prevention strategy that will provide sufficient water supplies for all existing and projected users. Translation: WMDs will become water supply developers, to create water where there is none available, a daunting task which most certainly will lead to a tripling of the ad valorem tax rate.

These are just a few of the items discussed in House Bill 715. All of the above information is true and factual except possibly for the translations which may be true and certainly are worth considering. I will examine other parts of this bill in future issues. I would like to thank the staff of our water consultants, McVicar, Federico and Lamb for their help in this process. They have worked tirelessly on our industry's behalf, and we are proud to be associated with them.

Now for a look at the issue near and

It is at best an attempt to reign in so-called rogue water management districts and set standards to protect our water supply, and at worst a lost opportunity to curtail the unmanageable development of the state

dear to my heart – “potty” water. There are new rules on the books relating to reclaimed water usage, permitting, allocation and cost. So let's review highlights of FS 373.250.

The encouragement and promotion of water conservation and reuse of reclaimed water as defined by the DEP are state objectives and considered to be in the public interest. The Legislature finds that the use of reclaimed water provided by domestic wastewater treatment plants permitted and operated under a reuse program approved by the DEP is environmentally acceptable and not a threat to public health and safety.

Reclaimed water may be presumed to be available to a consumptive use permit applicant when a utility which provides reclaimed water, which has uncommitted reclaim water capacity and which has distribution facilities which are initially provided by the utility at its cost, to the site of the affected applicant's proposed use.

The WMDs in conjunction with the DEP will adopt rules to implement increased reclaim water usage. Such rules may include but be limited to the following.

1. Provisions to permit use of water from other sources in emergency situations or if reclaimed water becomes unavailable for the duration of the emergency or if reclaimed water becomes unavailable for the future.

2. These provisions shall also specify the method for establishing the quantity

of water to be set aside for use in emergencies or when it becomes unavailable.

3. The methodology shall take into account: the risk that reclaimed water may not be available in the future; the risk that other sources may be fully allocated to other uses in the future; the nature of uses served by reclaimed water; the extent to which the applicant relies on reclaimed water; and the extent of economic harm which may result if other sources are not available to replace reclaimed water use.

4. It is the intent of this chapter to ensure that users of reclaimed water have the same access to ground or surface water and will otherwise be treated in the same manner as other users of the same class not relying on reclaimed water.

It is clear that the state wishes to promote reuse of reclaimed water. In so doing they have kept an eye on the future to that time when reclaimed water may need to serve other purposes than those at present. They have therefore authorized by law the WMDs to set aside allocations of groundwater for permit holders who convert or have converted to using reclaimed water.

Allocations for the full allotment, not just temporary emergencies. You would do well to protect your facility and investigate this subject through consumptive use permitting. The methods used, the mechanics to implement and gain access to abandoned resources must be explored at this time to ensure your rights.