

**CHAPTER 40D-21
WATER SHORTAGE PLAN**

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40D-21.011 Policy and Purposes.

(1) The provisions of this chapter comprise the Southwest Florida Water Management District’s (District) Water Shortage Plan required under Section 373.246(1), F.S., and include restrictions pursuant to Section 373.175, F.S. The purposes of the plan are to protect waters of the District from serious harm; to establish procedures and responses that prevent undue hardship and ensure equitable distribution of available water resources during times of shortage and, to provide advance knowledge of the means by which water apportionments and reductions will be made during times of shortage as a means of promoting greater security for Water Use Permittees.

(2) These provisions apply to all water users, including those not subject to permitting pursuant to Chapter 40D-2, F.A.C.

(3) This chapter is designed to be an integral part of the District’s continuing effort to promote conservation of the waters of the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 11-19-84, Amended 4-9-06.

40D-21.031 Elements of the Plan.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History–New 11-19-84, Amended 4-9-06, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40D-21.051 Definitions.

(1) Except as otherwise noted below, all terms used herein shall have the same meaning as defined in Rule 40D-22.101, F.A.C.

(2) “Agricultural Uses” are water uses associated with Agriculture as defined in Rule 40D-22.101, F.A.C. This specifically includes the irrigation of vegetables, fruits and other plants grown for human consumption at a residence or community garden, provided the plants are irrigated separately from any lawn or other landscape plant material. In order for irrigation of a fruit tree at a residence or community garden to be considered an Agricultural Use, the irrigation shall not be applied to any lawn or other landscape plant material.

(3) “Commercial and Industrial Uses” are water uses integral to the production of goods and services, including power generation and cogeneration; phosphate mining and beneficiation; chemical manufacturing; limestone, sand and gravel mining; cement, concrete and other aggregate products manufacturing; perishable foods processing and packing; restaurants, hotels and other hospitality businesses; retail and wholesale establishments; and educational institutions.

(4) “Critical Water Shortage” is the alternative name for a Phase IV Water Shortage.

(5) “Drought Indicator” is a quantified assessment of the condition of a water supply or resource.

(6) “Drought Condition Level” is the level of drought or other water shortage being experienced, based on the status of Drought Indicators. There are four levels: Moderate, Severe, Extreme and Critical.

(7) “Essential Uses” is the classification category for water uses associated with maintaining public health, safety, or welfare, including the operation of public water supply systems, public waste water systems, sanitation facilities, military facilities, power generation facilities, hospitals and other medical facilities, medical equipment and fire suppression equipment.

(8) “Extreme Water Shortage” is the alternative name for a Phase III Water Shortage.

(9) “High-Use Single Family” means a single-family residential potable water customer that uses 15,000 gallons per month or more.

(10) “Indoor Uses” are water uses associated with domestic and similar non-domestic needs. Domestic needs include drinking, bathing, cooking, cleaning and necessary sanitary purposes in a household environment. Similar non-domestic needs include

drinking, bathing and necessary sanitary activities outside of the household environment, such as in customer or employee restrooms.

(11) "Landscape Uses" are water uses related to the establishment and maintenance of Turfgrass, trees and other plant material. This specifically includes all Lawns and Landscape at homes and other residences, commercial or industrial buildings, parks, recreational areas, public rights-of-way, medians and other public and private properties. Within this classification, the District maintains the subclassifications of Cemeteries, Golf Courses, Driving Ranges and Other Athletic Play Areas as defined in Rule 40D-22.101, F.A.C., to address the unique Turfgrass needs associated with these uses.

(12) "Mobile Equipment" means any public, private or commercial automobile, truck, trailer, railroad car, camper, boat, tractor, or any other type of similar equipment.

(13) "Moderate Water Shortage" is the alternative name for a Phase I Water Shortage.

(14) "Other Uses" are all other water uses not specifically included in other Use Classes, including augmentation of natural or man-made surface water bodies for aesthetic, recreational or habitat value; ornamental ponds, water fountains and other aesthetic water features; environmental restoration or enhancement; cooling and air conditioning; swimming pools and other water-based non-commercial recreation; cleaning or Pressure Washing of structures, driveways, sidewalks and other impervious surfaces; and wetting roads and other surfaces for dust control or fire suppression when required by federal, state or local standards.

(15) "Permittee" is the holder of a Water Use Permit issued pursuant to Chapter 40D-2, F.A.C.

(16) "Phase I Water Shortage" is also referred to as "Moderate Water Shortage" and is described in Rule 40D-21.621, F.A.C.

(17) "Phase II Water Shortage" is also referred to as "Severe Water Shortage" and is described in Rule 40D-21.631, F.A.C.

(18) "Phase III Water Shortage" is also referred to as "Extreme Water Shortage" and is described in Rule 40D-21.641, F.A.C.

(19) "Phase IV Water Shortage" is also referred to as "Critical Water Shortage" and is described in Rule 40D-21.651, F.A.C.

(20) "Plan" means the plan set forth in this Chapter, including restrictions and other required actions as authorized by Sections 373.246 and 373.175, F.S.

(21) "Pressure Washing" means the use of pressurized water for cleaning purposes, by means of equipment accepted by industry standards. Industry standards specifically include a self-canceling or automatic nozzle, water pressure at a minimum of 1,000 p.s.i. (pounds per square inch) and water volume at a maximum of five (5) gallons per minute. Professional-grade equipment operates at a water pressure of at least 2,900 p.s.i.

(22) "Public Supply Water System" and "public supply water system" for the purpose of this rule means either a "community water system" or a "wholesale system" as those terms are defined by Rule 62-550.200, F.A.C., whether a particular system is managed by a water supply authority, local government (municipality, county, or division or enterprise of a municipality or county) or nongovernmental entity (such as a development-specific, investor-owned, non-profit or special district facility). For the purpose of this rule, an entity which submeters a master-metered connection to a public supply water system (such as a third party submetering units in an apartment complex) is not considered to be a public supply water system.

(23) "Severe Water Shortage" is the alternative name for a Phase II Water Shortage.

(24) "Small Water Utility" and "small water utility" means a "Public Supply Water System" (defined above) or "Water Utility" (defined below) that makes no water withdrawals and receives less than 100,000 gallons per day on an annual average basis from another public supply utility, or that has a combined annual average daily water demand (withdrawals plus imports minus exports) of less than 100,000 gallons per day and is required to have a water use permit pursuant to Rule 40D-2.041, F.A.C.

(25) "Source Class" means the specified water resource from which a user is obtaining water either directly or indirectly. Source Classes within the District are identified in Rule 40D-21.531, F.A.C.

(26) "Supplemental Irrigation" is the water applied to established plant material to satisfy water needs not met by rainfall.

(27) "Use Class" means the category describing the purpose for which the user is utilizing water. Use Classes within the District are identified in Rule 40D-21.541, F.A.C.

(28) "Water Shortage" means a drought or other situation within all or part of the District, for which the Governing Board has determined that there is insufficient water to meet the present and anticipated needs of users, or conditions are such that there is a need to require temporary reduction in water use within a particular area to protect one or more Source Class or the water resource from serious harm.

(29) "Water Shortage Emergency" means a Water Shortage for which a determination has been made that the powers exercised under Part II of this Plan are not sufficient to protect the public health, safety, or welfare; the health of livestock and other animals, fish or aquatic life; or other Essential Uses.

(30) “Water Supply Authority” and “water supply authority” for the purpose of this rule is the term defined and described in Section 373.713, F.S.

(31) “Water Utility” and “water utility” for the purpose of this rule means the same thing as “Public Supply Water System” (defined above).

(32) “Water Utility Uses” are water uses associated with maintaining and operating a public water supply system, whether the system is managed by a regional water supply authority, local government agency, or private entity. These uses include water utility activities such as flushing lines and maintenance of treatment processes but do not include water distributed by the system for customer use.

(33) “Wholesale-Only System” or “wholesale-only system” for the purpose of this rule is a “wholesale system” that is not also a “community water system” as those terms are defined by Rule 62-550.200, F.A.C. In other words, it is a water supply authority or other “wholesale system” which only delivers water to another public water supply system.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 7-5-12.

PART II DECLARING AND IMPLEMENT A WATER SHORTAGE

40D-21.211 Monitoring Conditions.

(1) Purpose – This part of the chapter generally describes the data collection and analyses that the District continuously undertakes in anticipation of and during a declared Water Shortage or Water Shortage Emergency.

(2) Condition monitoring – Water resource data and water demand data will be obtained from any source of information needed to evaluate the following:

- (a) Drought Indicators shown in Table 21-1.
- (b) Current regional lake levels and their relationship to low normal values.
- (c) Current and recent values of the U.S. Drought Monitor from the National Drought Mitigation Center.
- (d) Current precipitation outlooks from the Climate Prediction Center of the National Oceanic and Atmospheric Administration’s National Weather Service.
- (e) Public supply storage status.

(3) Minimum monitoring standards – At a minimum, the District will monitor the Drought Indicators specified in Table 21-1.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 4-9-06, Amended 7-5-12.

40D-21.221 Evaluating Water Conditions.

(1) The District shall consider the data collected by the District as described in Rule 40D-21.211, F.A.C., in determining:

- (a) Whether a Water Shortage or Water Shortage Emergency should be declared in light of existing or projected conditions and anticipated durations thereof;
- (b) Whether the restrictions and other response mechanisms in effect are being adequately enforced; and
- (c) Whether an existing order issued pursuant to this chapter should be modified or rescinded in light of existing and/or anticipated conditions.

(2) Regional condition data may represent the entire District or any portion thereof. Individual Drought Indicators and Drought Condition Levels shall be decision-making tools, not values that will automatically trigger a District response.

(3) In evaluating whether or not a Water Shortage or Water Shortage Emergency should be declared, the following evaluation process is followed:

- (a) The District will compare current data to predetermined values for specific Drought Indicators as shown in Table 21-1.
- (b) The District will compile these comparisons to determine the appropriate Drought Condition Level. Specifically, the combination of values for regional Drought Indicators shall be assessed in relation to the matrix shown in Table 21-2;
- (c) This evaluation will occur on at least a monthly basis;
- (d) Results of this evaluation will be reported to the Board and the Executive Director as needed.

TABLE 21-1: Drought Indicators

Drought Indicator	REGIONAL RAINFALL	REGIONAL RAINFALL (24-Month	CURRENT STREAM-FLOW (7-Day	AVERAGE STREAM-FLOW (8-Week	AQUIFER RESOURCE
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Value	(12-Month Moving Sum)	Moving Sum)	Moving Average)	Moving Average)	INDICATOR
Moderately Abnormal	21st to 25th percentile	16th to 25th percentile			
Severely Abnormal	11th to 20th percentile	16th to 25th percentile for 4 weeks *or* below the 16th percentile			
Extremely Abnormal	6th to 10th percentile	Below the 16th percentile for 4 weeks			
Critically Abnormal	5th percentile or less	Below the 16th percentile for 8 weeks			

TABLE 21-2: Drought Condition Levels

Drought Condition Level	If this is true ...
Moderate	At least one Drought Indicator is Moderately Abnormal
Severe	Multiple Drought Indicators are Moderately Abnormal or one is Severely Abnormal
Extreme	Multiple Drought Indicators are Severely Abnormal or one is Extremely Abnormal
Critical	Multiple Drought Indicators are Extremely Abnormal or at least one is Critically Abnormal

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 11-19-84, Amended 4-9-06, 7-5-12.

40D-21.231 Declaring a Water Shortage.

(1) The Board will declare Water Shortages and issue water use restrictions and other required actions as set forth in this chapter. The geographic area covered by a Water Shortage declaration will include all or part of the ground or surface water basin(s) within which the affected source of water lies, as well as areas that are supplied water from the affected source. The Board will simplify the boundaries of the area subject to a Water Shortage declaration by using a major road or local government boundary so long as it is significantly consistent with the actual affected area.

(2) In considering whether to declare a Water Shortage, the Board shall consider the effect of any local responses to local water supply concerns, including: implementation of local water shortage management actions, use of any applicable system-to-system interconnection and the actions of any applicable Water Supply Authority..

(3) The Board will declare a Water Shortage for a source or Source Class not presently experiencing a Water Shortage if usage from such a source or Source Class can be reasonably expected to impact the present and anticipated available water supply from the source or Source Class currently experiencing a shortage.

(4) The Board will declare a Water Shortage for geographic areas not presently experiencing a Water Shortage if usage in such areas can be reasonably expected to impact the present and anticipated available water supply for an affected area. For example, a Water Shortage may be declared for an otherwise unaffected area that contains the alternative supply or emergency supplementation source for an affected area.

(5) When considering whether to declare a Water Shortage which would encompass a specific geographic area that includes less than all of a local government’s jurisdiction, because it is only partially within the District’s boundaries, the District will coordinate Water Shortage declarations with the applicable water management district so that, where practical, only one set of Lawn and Landscape irrigation restrictions in will be in effect within the boundaries of that local government.

(6) When considering whether to declare a Water Shortage which would be limited to either a specific geographic area or a specific water source such that local governments within a particular county or Water Supply Authority would be affected differently by the declaration, the District will consult with the applicable local governments and Water Supply Authority to the extent practical. The purpose of this consultation is to help determine whether to simplify, reduce or broaden the Water Shortage declaration boundaries in accordance with subsections 40D-21.231(1)-(4), F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 11-19-84, Amended 7-2-86, 4-9-06, 1-8-08, 7-5-12.

40D-21.251 Water Shortage Phases.

(1) This Water Shortage Plan establishes four phases of Water Shortage severity with associated water use restrictions and other required actions.

(2) The following Water Shortage phases are established in accordance with Chapter 62-40, F.A.C.:

- (a) Moderate,
- (b) Severe,
- (c) Extreme,
- (d) Critical.

(3) The District shall assign a specific Water Shortage phase to each Source Class for which a Water Shortage has been declared. A Water Shortage declaration may or may not assign the same phase to all affected Source Classes.

(4) The District shall consider the following when assigning a specific Water Shortage phase to each Source Class or combination of Source Classes:

(a) Information generated as a result of the evaluation process described in Rules 40D-21.221 and 40D-21.231, F.A.C., and the corresponding Drought Condition Level shall serve as the basis for selecting the preliminary Water Shortage phase declaration to be considered.

(b) Information collected relating to the factors described in Rule 40D-21.211, F.A.C.

(c) Seasonal characterizations of the information generated or collected, such as whether a value is being seen at the beginning of the annual dry season that is normally not expected until the end of the annual dry season.

(d) The relative impact of withdrawals used to supply various categories of water users on the affected Source Class(es) and any specific water body for which the shortage is declared.

(e) The availability and practicality of alternative sources for each category of water user.

(f) To the degree practical, how the District can implement phased restrictions and other required actions in a manner that distributes the burden of the required actions equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage.

(g) The potential for serious harm to natural systems as a result of the drought or other Water Shortage.

(h) The appropriate geographic scope of potential water use restrictions and other required actions, relative to the affected source.

(i) The effectiveness of current and potential water use restrictions and other required actions in containing or reducing water use to protect the affected source.

(j) Any adverse impact of current and potential water use restrictions and other required actions on public health, safety and welfare.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 7-5-12.

40D-21.275 Implementing a Water Shortage Declaration.

(1) Affected water users and Permittees shall be afforded the opportunity to comment to the Board concerning a proposed Water Shortage declaration, including proposed water use restrictions and other required actions, at a scheduled public hearing.

(a) At least one public hearing will be scheduled to afford the public the opportunity to comment.

(b) The public shall be allowed a reasonable opportunity to participate during the public hearing in order to present non-repetitive testimony about current conditions and impacts of a proposed Water Shortage declaration. Such participation shall be subject to the control of the Governing Board and may be limited as necessary to facilitate reasonable progress of the hearing.

(2) When a Water Shortage is initially declared, the District will issue a news release and publish an advertisement within newspapers of general circulation in the affected area. The news release and newspaper ad shall serve as notice to all users and local government officials in the affected area as to the declaration of Water Shortage, including identification of the phase and a summary of water use restrictions and other required actions. The District will issue a news release for any subsequent extension or other modification of that declaration.

(3) The District shall send a Notice of Water Shortage by regular mail to each Permittee whose permit will be affected or whose permitted water use will otherwise be restricted by the Water Shortage declaration.

(4) An order declaring a Water Shortage or modifying an existing declaration shall become effective on the day after the newspaper ad required in subsection (2) above is published or any subsequent effective date stated in the order. An order declaring a

Water Shortage or modifying an existing declaration shall remain in effect for the period of time established in the order; or, if no period of time is established, until the order is modified or rescinded by the Board.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 4-9-06, 7-5-12, 10-30-12.

40D-21.281 Modifying or Rescinding a Water Shortage Declaration.

(1) During a declared Water Shortage, the District shall continue to monitor and evaluate conditions in accordance with Rules 40D-21.211 and 40D-21.221, F.A.C.

(2) When the data and evaluations set forth in Rules 40D-21.211, 40D-21.221 and 40D-21.251, F.A.C., indicate that conditions have changed sufficiently to warrant the declaration and implementation of a different set of water use restrictions and other required actions, an order amending or superseding an existing Water Shortage declaration shall be issued and implemented in accordance with Rules 40D-21.231, 40D-21.251, and 40D-21.275, F.A.C.

(3) When, after considering the data and factors described in Rules 40D-21.221 and 40D-21.231, F.A.C., conditions have changed sufficiently to no longer warrant the existence of a specific Water Shortage declaration, an order amending or rescinding the declaration shall be issued with the notification of the order being the same as specified in Rules 40D-21.231 and 40D-21.275, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 4-9-06, Amended 7-5-12.

PART III EMERGENCY PROVISIONS

40D-21.331 Declaring a Water Shortage Emergency.

(1) Purpose – This part of the chapter sets forth the steps the District will take to evaluate conditions within the District to determine whether a Water Shortage Emergency exists.

(2) The District shall monitor and evaluate conditions as provided in Rules 40D-21.211 and 40D-21.221, F.A.C.

(3) If the monitoring and evaluation process indicates that conditions are rapidly deteriorating, or if the District receives a request for emergency assistance related to an ongoing drought or other Water Shortage event, District staff shall ascertain whether the provisions of Part II of this rule are sufficient to protect public health, safety or welfare and Essential Uses, or the health of livestock and other animals, fish or aquatic life in the affected area. This shall be accomplished by considering the following:

(a) Factors related to the present and anticipated water supply for affected users, including:

1. Pertinent factors listed in subsection 40D-21.251(4), F.A.C.;
2. The ability of affected users to obtain water from other users on a temporary basis;
3. The ability of affected users to obtain water from another Source Class on a temporary basis; and
4. Other factors affecting the present and anticipated water supply, such as the availability of temporary treatment equipment that would allow affected users to obtain suitable water quality from an otherwise unsuitable source.

(b) Factors related to the potential adverse impacts on public health, safety, or welfare or Essential Uses; health of livestock and other animals, fish, or aquatic life; including:

1. Pertinent factors listed in subsection 40D-21.251(4), F.A.C.;
2. The extent to which potential adverse impacts can be reduced by imposing additional water use restrictions and other required actions upon other users obtaining water from the same source class;
3. The extent to which imposing additional water use restrictions and other required actions upon other users obtaining water from the same source class will create additional, unintended adverse impacts; and
4. Other factors relating to potential adverse impacts, such as the availability of state or federal emergency resources to ameliorate these impacts.

(c) Information and requests from a local government in the affected area.

(4) If it is ascertained that the provisions of Part II are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses, the Executive Director, with the concurrence of the Board, may declare a Water Shortage Emergency.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 1-8-08, 7-5-12.

40D-21.371 Actions During a Water Shortage Emergency.

(1) When a Water Shortage Emergency has been declared, the Executive Director will issue orders containing water use restrictions and other required or authorized actions deemed necessary to address the emergency. Examples of the required or allowed actions include: authorizations to temporarily withdraw from a permitted source in a manner or for a purpose not expressly granted by the applicable Water Use Permit; authorizations to temporarily augment a public water supply system with water from an unpermitted source; and restrictions that involve apportioning, rotating, limiting, or prohibiting the use of water.

(2) All actions required or authorized pursuant to the declaration of a Water Shortage Emergency shall be in addition to, and enforced in combination with, any and all restrictions and other actions imposed under Part II of this Chapter 40D-21, F.A.C., unless specifically stated otherwise within a Water Shortage Order. If there is a conflict between Part II and a Water Shortage Emergency order, the more restrictive provision shall apply.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 4-9-06, 7-5-12.

40D-21.391 Implementing a Water Shortage Emergency Declaration.

(1) When a Water Shortage Emergency has been declared pursuant to subsection 40D-21.331(5), F.A.C., the Executive Director shall issue orders pursuant to the emergency provision of Section 373.119, F.S. Prior notice is not required for issuance of Water Shortage Emergency orders.

(a) Water Shortage Emergency orders shall recite information related to the existence of such an emergency and identify water use restrictions and other required or allowed actions deemed necessary by the Executive Director, with the subsequent concurrence of the Board, to address the emergency.

(b) All users, local governments, water utilities, Water Supply Authorities and other parties to whom an emergency order is directed shall comply immediately, but may petition the Board for a hearing as set forth in Section 373.119, F.S.

(2) The District shall inform all users, local governments, water utilities, Water Supply Authorities and other parties to whom an emergency order is directed of the existence of such order, and all associated water use restrictions and other required or authorized actions, by the best practical means available under the circumstances of the specific Water Shortage Emergency.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 4-9-06, 7-5-12.

PART IV ENFORCEMENT

40D-21.421 Enforcement.

(1) It is the policy of the District to seek the cooperation and assistance of state, county and municipal governmental officials, law enforcement officials, and police officers in accordance with Section 373.609, F.S., to facilitate the enforcement of this chapter and any order issued pursuant to this chapter, including any variance or waiver from this chapter. This cooperation and assistance is generally sought for violations of this chapter which do not directly involve a Permittee.

(2) Counties and municipalities throughout the jurisdiction of the District are authorized and encouraged to adopt ordinances, which provide specific local processes for local enforcement of the provisions of this chapter and any order or variance or waiver issued pursuant thereto. A “sample ordinance” is available from the District and will be provided for use by local governments, upon request.

(3) In enforcing the provisions of this Chapter, any order issued pursuant to this chapter or Chapter 40D-1, F.A.C., or any variance or waiver approved by the District pursuant to provisions of this Chapter, the District will utilize any of the enforcement remedies available pursuant to Chapter 120 or 373, F.S., or Chapter 40D-1, F.A.C., as appropriate. District enforcement will focus on violations which directly involve a Permittee.

(4) Enforcement may be initiated by the District as provided in Section 373.603, F.S.

(5) The Executive Director may assign District personnel for the purpose of initiating enforcement pursuant to Section 373.603, F.S.

(6) The Executive Director may take appropriate action pursuant to Sections 373.119 and 373.246(7), F.S., and Rule 40D-21.331, F.A.C., to enforce the provisions of this chapter and any order or variance or waiver issued pursuant thereto, or pursuant to Chapter 40D-1, F.A.C., or to alleviate any emergency conditions which might occur.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.129, 373.136, 373.603, 373.609 FS. History—New 11-19-84, Amended 7-2-86, 5-4-87, 4-9-06, 7-5-12.

40D-21.441 Public Supply Water Shortage Mitigation Plans.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 4-9-06, Amended 1-8-08, , Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

PART V THE CLASSIFICATION SYSTEM

40D-21.511 General.

Purpose – This part of the chapter establishes the basis for distinguishing among different users of the water resource according to major classes. Under this system, each water user may be classified according to source, use and method of withdrawal. Each of these classes is described herein.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 4-9-06.

40D-21.531 Source Classifications.

Each water user may be classified according to one or more of the following sources of water:

- (1) Groundwater sources.
 - (a) Water table aquifers;
 - (b) Confined and semi-confined aquifers.
- (2) Surface water sources.
 - (a) Streams or other watercourses;
 - (b) Lakes or other impoundments.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 5-4-87.

40D-21.541 Use Classifications.

Each water user may be classified according to one or more of the following uses of water, as defined in Part I of this rule:

- (1) Indoor Uses.
- (2) Essential Uses, including a subclassification for Water Utility Use.
- (3) Commercial and Industrial Uses.
- (4) Agricultural Uses.
- (5) Landscape Uses is further classified as set forth below. Within each of the Landscape Use subclassifications there is a further subclassification of Existing or New Plant Material:
 - (a) Lawn and Landscaping.
 - (b) Cemeteries.
 - (c) Golf Courses.
 - (d) Driving Ranges.
 - (e) Other Athletic Play Areas.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-4-87, 4-9-06.

40D-21.571 Method of Withdrawal Classifications.

Each water user may be classified by one or more of the following methods of withdrawal classes:

- (1) Surface Waters:
 - (a) Pump,
 - (b) Gravity Flow;
- (2) Ground Waters:
 - (a) Artesian Well,
 - (b) Pumped Well.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 5-4-87, 4-9-06.

PART VI SPECIFIC RESTRICTIONS AND OTHER REQUIRED ACTIONS

40D-21.601 General.

(1) Purpose – this Part sets forth specific water use restrictions and other required actions available to the District for implementation upon a declaration of a Water Shortage or Water Shortage Emergency.

(2) The water use restrictions and other required actions specified within this Plan may be modified by the Board or Executive Director to address the specific Water Shortage or Water Shortage Emergency event. The selected combination of water use restrictions and other required actions shall be summarized in the notice(s) of the water shortage declaration, as specified above in Rule 40D-21.275, F.A.C.

(3) Water use restrictions and other required actions may be established for each Use Class and various subcategories, as appropriate. All water users have a duty to keep informed about the water use restrictions and other required actions applicable to them.

(4) In addition to the restrictions specified in this part, all wasteful and unnecessary water use is prohibited regardless of the phase of Water Shortage. Wasteful and unnecessary water use includes the water use activities listed in Rule 40D-22.201(2), F.A.C., and any of the following:

- (a) Allowing water to be dispersed without any practical purpose to the water user;
- (b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and
- (c) Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods without water use.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 7-5-12.

40D-21.621 Phase I: Moderate Water Shortage.

(1) A Phase I Water Shortage is a hydrologic or climatic condition in which at least one regional or local Drought Indicator has a moderately abnormal value, such that conditions warrant the District alerting the general public and the District ordering water utilities and other water users to review and implement internal procedures needed to fully implement restrictions and other required actions during a Phase II, Phase III, Phase IV or emergency declaration. The following measures shall remain in effect during a Phase I Water Shortage unless otherwise provided in an order implementing a Phase I Water Shortage. Except as set forth in this Rule 40D-21.621, F.A.C., lawn irrigation and other uses of water remain subject to applicable provisions of Chapter 40D-22, F.A.C. (the District's Year-Round Water Conservation Measures) and any applicable variances thereto issued by the District.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing shall not be restricted. Each fire hydrant testing agency, whether a local government unit or other entity, shall review and update existing procedures or develop procedures through which it can address inquiries from the District and citizens about specific testing activity. At a minimum, these procedures shall include either the use of an on-site sign containing the name and telephone number of the hydrant testing agency or the establishment and promotion of a telephone number of a hotline that the District and citizens can call to question testing activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

2. Fire suppression and fire prevention activities shall not be restricted. Each fire fighting agency shall, and each local government shall direct its fire department to, review and revise as necessary its inventory for primary and back-up water sources.

3. Maintenance of fire fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles and other emergency Mobile Equipment. This maintenance specifically requires the use of a trigger (self-canceling) nozzle when a garden-type hose is used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

(b) Water Utility Use. The following water use restrictions or other required actions shall apply to all Water Utility Uses, as indicated.

1. Each public supply water system with residential, commercial, industrial, or irrigation customers, working with local code enforcement and local law enforcement agencies as necessary, shall review and update or develop, then implement, local enforcement procedures for year-round water conservation measures and Water Shortage restrictions, including but not limited to mechanisms to provide the enforcement assistance required by subparagraph 40D-21.621(3)(b)2., F.A.C., in accordance with

Section 373.609, F.S. These procedures shall also specifically include an ability to issue a citation without first needing to issue a warning, should the District declare a Phase III or Phase IV water shortage. If the water utility is a nongovernmental entity, or if a governmental agency other than the water utility has responsibility for enforcement of year-round water conservation measures and the District's Water Shortage orders, the procedures shall, at a minimum, include a mechanism for the public supply water system to coordinate with the applicable local enforcement agency to provide the required assistance.

2. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency, the following enforcement assistance to the District:

a. Immediate information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

b. Response, as appropriate based on the quantity and quality of details provided to the water utility, to enforcement referrals made by the District regarding address-specific or location specific violation complaints. This shall involve, where necessary, a site investigation on the day of week and at the time of day indicated for each referral. This shall also include having the legal mechanisms necessary to issue warnings, citations, and post-citation proceedings to recover unpaid penalties and associated costs.

c. Excluding Small Water Utilities, monthly transmittal of enforcement activity data, including the number of warnings and citations issued, and as specified in the water shortage order in a reporting format provided by District.

d. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

3. Each public supply water system shall institute or accelerate other water conservation efforts which can help manage demand during the Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities), informing those customers about the current Water Shortage declaration, describing how the water utility's primary and back-up water supplies are affected, and promoting any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that will assist customers in their efforts to immediately reduce water consumption. If a water supply authority or other public supply water system serves only wholesale users (other water utilities), then communication with all wholesale users satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Water utility operational practices. At a minimum, these practices shall address line flushing and disinfection. Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall not be restricted. However, each water utility shall develop and implement procedures through which it can address inquiries from the District and citizens about specific flushing and disinfection activity. At a minimum, these procedures shall include the use of either an on-site sign containing the name and telephone number of the agency conducting the flushing activity or establishment and promotion of a telephone hotline that customers and other concerned citizens can call to question activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a sign. If the water utility is also responsible for fire hydrant testing, these processes will also satisfy the requirement in paragraph 40D-21.621(3)(a), F.A.C.

4. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to public supply Permittees will summarize the requirements listed above.

(c) Medical and Health Use. The use of water for medical purposes and protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. In addition to the requirements of any applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Commercial and Industrial Use, as appropriate:

(a) All commercial and industrial Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(b) Commercial and industrial use shall continue to be restricted by any applicable Water Use Permit.

(5) Agricultural Use.

(a) All Agricultural Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply, as appropriate:

1. Agriculture shall comply with the allowable watering hours, exemptions from those hours and other provisions specified in

Chapter 40D-22, F.A.C. These provisions expressly include exemptions for irrigation needed for plant protection, including prevention of frost and freeze or heat damage and to water-in chemicals. Additionally, any Agricultural water user with a variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, shall continue to comply with the variance. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

2. Agricultural Use shall continue to be restricted by any applicable Water Use Permit.

(6) Landscape Use.

(a) All Permittees authorized to use water for Landscape Use shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) Lawn and Landscaping, Golf Course, Driving Range and Other Athletic Play Area use shall continue to comply with all applicable provisions of Chapter 40D-22, F.A.C. These provisions include an establishment period of allowable extra water applications for new plant material and a separate day-of-week exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

(c) Each property owner or manager shall voluntarily reduce water use and prepare for possible worsening conditions.

(d) An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed above.

(7) Other Uses.

(a) All Permittees authorized to use water for purposes not described above shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply to each other water use activity, as appropriate:

1. Lawn and Landscaping Use associated with any activity shall comply with applicable provisions of Chapter 40D-22, F.A.C. This specifically includes an allowance for the operation of an irrigation system during otherwise restricted days or hours for the discharge of water from air conditioning units or similar water-dependent devices.

2. Recycling or secondary use of water shall occur, to the maximum extent practicable. For example, a child's water slide or other recreational water device can be positioned so that it discharges onto a turfgrass area that requires irrigation.

3. Water use necessary to the activity, such as rinsing as part of the process of Mobile Equipment cleaning is restricted only as provided in Rule 40D-21.601, F.A.C. For example, this means that rinsing is allowed if done with the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12.

40D-21.631 Phase II: Severe Water Shortage.

(1) A Phase II Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have moderately abnormal values, or a local Drought Indicator for a specific public supply has a severely abnormal value, such that conditions warrant prudent actions to further assure only reasonable water uses occur in the affected area. The following shall be in effect during a Phase II Water Shortage unless otherwise provided in the order implementing a Phase II Water Shortage.

(2) Indoor Use. Indoor uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing is allowed for the protection of human health, safety and welfare. Each hydrant testing agency, whether a local government unit or an independent entity, shall implement procedures through which it addresses inquiries about testing activity as specified in subsection 40D-21.621(3), F.A.C.

2. Fire suppression and fire prevention activities shall not be restricted. However, each fire-fighting agency shall and each local government shall direct its fire department to review and revise, as necessary, its list of primary and back-up water sources, especially in areas where potable water is not available for fire-fighting purposes.

3. Maintenance of fire-fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles and other emergency Mobile Equipment. This maintenance specifically requires the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

(b) Water Utility Use. The following water use restrictions and other required actions shall apply to all Water Utility Uses, as indicated:

1. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency:

a. Continued implementation of the enforcement procedures and enforcement assistance specified in paragraph 40D-21.621(3)(b), F.A.C.

b. Response, as appropriate based on the quantity and quality of details provided, to violation complaints made by concerned citizens in addition to enforcement referrals made by the District as specified in paragraph 40D-21.621(3)(b), F.A.C.

c. Information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

d. Excluding Small Water Utilities, monthly transmittal of local enforcement data, including the number of warnings and citations issued, and as specified in the water shortage order in a report format provided by the District.

e. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

2. Each public supply water system shall institute or accelerate system-level water conservation measures which can help manage demand during a Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities). This messaging shall inform customers about the current Water Shortage declaration, describe how the water utility's primary and back-up water supplies are affected by the declaration and the resource or supply conditions that lead to the declaration, and promote any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that would assist customers in their efforts to immediately reduce water consumption. If a public water supply system is a wholesale-only system, then communication with all of its wholesale users (other water utilities) satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Review and refinement, as necessary, of water utility operational practices regarding water pressure and line flushing to identify and implement any opportunities which would reduce water demand without causing adverse impact to public health, welfare and safety. With regards to line flushing, this shall include taking the actions described in sub-subparagraph 40D-21.621(3)(b)3.b., F.A.C.

3. The notice specified in subsection 40D-21.275(2), F.A.C., that is sent to public supply Permittees will summarize the requirements listed in sub-subparagraphs 40D-21.631(3)(b)1.-2., F.A.C.

(c) Medical and Health Use. The use of water for medical purposes and protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. The following restrictions and other required actions shall apply to all commercial and industrial activities, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each user whose use is governed by a commercial or industrial Water Use Permit shall continue to comply with all permit requirements and terms.

(b) Each user whose use is not governed by a Water Use Permit shall implement the following demand management measures as appropriate:

1. Reduce off-site discharge to the extent practicable;

2. Recycle water to the extent practicable;

3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;

4. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by

published industry standards;

5. Maximize the use of the least restricted Source Class to which there is access;

6. Power generation utilities are specifically requested to encourage their customers to voluntarily reduce power consumption as a means to reduce water consumption, and;

7. Water use necessary to the activity, such as that consumed in a manufacturing process, shall not be otherwise restricted.

(5) Agricultural Use. The following restrictions and other required actions shall apply to all agricultural activities, as appropriate. Whether or not a agricultural water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

(b) If a use is not governed by a Water Use Permit, but the user has a valid variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, the user shall continue to follow those BMPs.

(c) All other users not governed by paragraph 40D-21.631(5)(a) or (b), F.A.C., shall implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable;

2. Recycle water to the extent practicable;

3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;

4. Reduce the washing of vehicle and other Mobile Equipment; except for health and safety needs or as otherwise required by BMPs, such to prevent the spread of plant or animal diseases;

5. Maximize the use of the lesser or least restricted Source Class to which there is access;

6. Except as otherwise noted herein, comply with the applicable provisions and exemptions in Chapter 40D-22, F.A.C. These provisions include a ban on supplemental irrigation between the hours of 10:00 a.m. and 4:00 p.m. These exemptions include allowances for Low-Volume Irrigation technology, plant protection, testing and maintenance of irrigation systems and irrigation to water in chemicals. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

7. Water use necessary to the activity, such as irrigation of crops or maintenance of livestock, shall not be otherwise restricted.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. The following restrictions and other required actions shall apply to all Golf Course and Driving Range athletic play area activities, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. If a user is not governed by a Water Use Permit, the use shall continue as specified in subparagraph 40D-22.201(5)(b)1., F.A.C.

3. All other users not governed by a Water Use Permit and not following subparagraph 40D-22.201(5)(b)1., F.A.C., shall implement the following demand management measures as applicable:

a. Reduce off-site discharge to the extent practicable;

b. Recycle water to the extent practicable;

c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to

equipment;

d. Reduce the washing of vehicles and other Mobile Equipment except for health safety needs or as otherwise required by the published BMPs, such as cleaning the blades on commercial lawn mowers to prevent the spread of Turfgrass diseases between properties;

e. Maximize the use of the least restricted Source Class to which there is access;

f. Limited supplemental irrigation to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.;

g. Except as otherwise noted herein, continue to comply with all applicable provisions and exemptions in Chapter 40D-22, F.A.C. Exemptions include irrigation allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas. The following water use restrictions and other required actions shall apply to all Athletic Play Areas, other than Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which Basis of Review is incorporated by reference in Rule 40D-2.091, F.A.C.

2. Users whose use is not governed by a Water Use Permit shall implement the following, as applicable:

a. Reduce off-site discharge to the extent practicable;

b. Recycle water on-site to the extent practicable;

c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation or prevent damage to equipment;

d. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by the BMPs, such as to prevent the spread of Turfgrass disease;

e. Maximize the use of the least restricted Source Class to which there is access;

f. Limit supplemental irrigation to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These specifically include allowances for plant protection of Turfgrass athletic fields, wetting clay tennis courts and similar surfaces immediately prior to play, one extra irrigation application immediately after heavy league play and the ability to have a special watering schedule under some circumstances without applying for a variance.

(c) Lawns and Landscaping Use, including Cemeteries. The following restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section which is incorporated in Rule 40D-2.091, F.A.C.

2. All Lawn and Landscaping use shall comply with the following demand management measures, as applicable:

a. Limit Supplemental Irrigation to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones **shall use only one of the two available watering times.**

b. During the months of March through November, limit Supplemental Irrigation applications to a maximum of two applications per week, in accordance with the schedule provided in subsection 40D-22.201(4), F.A.C. However, during the months of December, January and February, limit Supplemental Irrigation to a maximum of one application per week in accordance with the following schedule:

i. Addresses ending in 0 or 1 shall only water on Monday.

ii. Addresses ending with a 2 or 3, on Tuesday.

- iii. Addresses ending with a 4 or 5, on Wednesday.
- iv. Addresses ending with a 6 or 7, on Thursday.
- v. Addresses ending with an 8 or 9 and locations with a mix of addresses or for which an address cannot be determined (such as common areas associated with a subdivision), on Friday.
- vi. Cemeteries and other properties greater than two acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or pursuant to a valid variance from Chapter 40D-22, F.A.C., shall only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a “Tuesday and/or Friday” schedule shall only water on Tuesday.
 - c. Reduce off-site discharge to the extent practicable.
 - d. Recycle water to the extent practicable.
 - e. Maximize the use of the least restricted Source Class to which there is access.
 - f. If core aerification or Vertical Mowing (also sometimes referred to as verticutting) as defined in Rule 40D-22.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(f), F.A.C.
 - g. If Spot Treatment as defined in Rule 40D-21.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(e), F.A.C., during the months of March through November. During these nine months, the extra watering may occur on any day of the week. However, during the other three months of the year (December, January and February), this extra watering shall be limited to only the three specified days of the week. The three allowable days of the week for Even addresses are Tuesday, Thursday and Sunday. The three allowable days of the week for Odd addresses are Monday, Wednesday and Saturday. The three allowable days of the week for rights-of-way, common areas and other locations without any discernable address are Sunday, Tuesday and Friday. Cemeteries or other properties two acres in size or larger may instead maintain a written log of when this extra watering occurs. Regardless of the month involved, Spot Treatment shall only be accomplished during the allowable irrigation hours specified by the Water Shortage declaration.
 - h. Except as otherwise noted herein, comply with all applicable provisions and exemptions of Chapter 40D-22, F.A.C., including partial exemptions for testing of irrigation systems and irrigation to water-in chemicals. These provisions also specifically include an establishment period exemption providing extra water applications for new plant material and a separate exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.
 - i. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the new plant establishment period or other claimed exemption or allowance.

(7) Other Uses.

(a) Except as provided below, all users engaging in Other Use shall comply with applicable provisions of Chapter 40D-22, F.A.C., and implement the following demand management measures, as appropriate:

- 1. Reduce off-site discharge to the extent practicable;
- 2. Recycle water to the extent practicable;
- 3. Maximize the use of the least restricted Source Class to which there is access;
- 4. Reduce unnecessary uses to the extent practicable.

(b) Aesthetic Use (fountains, waterfalls and other artistic water features).

- 1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.
- 2. If an aesthetic use involves a pond or other catchment area with a volume of 100 gallons or less or meets one of the following criteria, it may be operated as necessary:
 - a. The feature provides necessary aeration for pet fish, such as in a koi pond.
 - b. The feature is an integral part of the circulation system for a swimming pool.
 - c. The feature is in a pond or other catchment area augmented exclusively by reclaimed water, seawater, brackish bay or intracoastal water, air conditioning condensate or other byproducts of an allowable activity.
- 3. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. Water slides and other

portable devices, other than those operated by commercial or institutional users, may only be used on an allowable watering day for the location involved.

4. All other aesthetic uses shall be limited to eight hours a day, and the user shall select and post the normal hours of operation.

(c) Recreation Area Use.

1. All pools shall be maintained in a manner that minimizes the need for make-up water. This shall include the prompt repair of leaks, optimum scheduling of backwash filtration and the use of shade or covers to reduce evaporation.

2. Commercial and institutional uses of water for recreational purposes shall comply with subsection 40D-21.631(4), F.A.C.

3. Residential and other non-commercial uses of water for recreational purposes shall be reduced to the maximum extent practicable. For example:

a. Use of a sprinkler or sprinkler-like device on a Lawn for recreational purposes shall be restricted to the watering day(s), watering times and horticulturally necessary amounts for the address involved.

b. Use of a wading pool, water slide, or other child-oriented recreation device shall include discharge or emptying onto a Lawn or Landscape area that requires irrigation.

(d) Water Body Augmentation. Augmentation of a pond or other water body shall be limited to the following circumstances:

1. As required by a Water Use Permit or Environmental Resource Permit, typically for environmental mitigation purposes.

2. The minimum necessary to maintain and preserve the structural integrity of a newly constructed or recently altered pond.

3. The minimum needed to maintain and preserve habitat for native fish and wildlife.

4. Where lake levels are below the lowest minimum level or guidance level, as applicable, established for that lake by the District.

(e) Washing or cleaning of buildings, structures and outdoor impervious surfaces:

1. Annual Pressure Washing for aesthetic purposes is allowed.

2. Pressure Washing of buildings or other structures in preparation for painting, sealing or other necessary maintenance and as a construction practice is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

3. Pressure Washing driveways, sidewalks and other impervious surfaces is allowed for necessary maintenance, such as to either maintain a warranty or remove mold, mildew and other potentially hazardous material that cannot be removed by mechanical means (such as a broom or leaf blower) and as a construction practice (such as cleaning a concrete surface prior to painting or sealing). Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

4. Washing or cleaning streets in preparation of, or immediately after, a parade or other public event is allowed.

5. Washing or other water-based cleaning of streets or other impervious surfaces, other than that described above, shall be prohibited, except to meet federal, state, or local health or safety standards. These standards specifically allow for required dust control.

(f) Mobile Equipment Washing.

1. Commercial car washes, hand-detailing operations and similar establishments shall comply with subsection 40D-21.631(4), F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are allowable, provided participants use water in an efficient manner. This specifically includes the use of a trigger (self-canceling) nozzle on any garden-type hose used.

3. Washing of fire trucks and other emergency vehicles, including ambulances and law enforcement vehicles, shall comply with subparagraph 40D-21.631(3)(a)3., F.A.C.

4. Rinsing boats and flushing boat engines is allowed after each use, as necessary, to remove salt water or to prevent the transportation of exotic plant or animal material.

5. Cleaning agricultural vehicles in accordance with canker abatement procedures, animal husbandry practices and other activities endorsed by the University of Florida's Institute of Food and Agricultural Sciences or United States Department of Agriculture is allowed, as necessary.

6. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. This one washing a week shall only occur on the allowable watering day for the address at which the activity occurs.

(g) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12.

40D-21.641 Phase III: Extreme Water Shortage.

(1) A Phase III Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have severely abnormal values, or a local Drought Indicator for a specific public supply has an extremely abnormal value, such that conditions warrant temporary minimization of unnecessary water use and/or preparation for supply augmentation. The following measures shall be in effect during a Phase III Water Shortage unless otherwise provided in the order implementing a Phase III Water Shortage.

(2) Indoor Use. Indoor Uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Each fire hydrant testing agency, whether a local government unit or an independent entity, shall implement or continue to implement provisions of subparagraph 40D-21.631(3)(a)1., F.A.C., except that fire hydrant testing shall be limited to only activities conducted by fire service personnel, water utility personnel or vendors as authorized by Chapter 633, F.S., that the applicable fire service or water utility has approved to conduct that activity during the specific Water Shortage declaration.

2. Each fire-fighting agency shall, and each local government shall direct its fire department review and revise its list of primary and back-up sources. This review and revision process should involve, as necessary, work with District staff to proactively locate potential back-up sources, such as existing permitted supplies, especially in areas where potable water is not available for fire-fighting purposes.

(b) Water Utility Use. In addition to the requirements of the applicable Water Use Permit, the following restrictions and other required actions shall apply to all Water Utility Uses, as appropriate:

1. Plan for supplementation or replacement of primary potable water supplies, including coordination with any applicable regional water supply authority or other public water supply system and coordination with District staff to request any appropriate emergency order.

2. Each public supply water system, except wholesale-only systems, shall provide, directly or through the appropriate local agency, the following enforcement assistance:

a. Ongoing implementation of all provisions of paragraph 40D-21.631(3)(b), F.A.C., including response, as needed, to enforcement referrals made by the District and violation complaints made by members of the general public.

b. Compliance monitoring, as appropriate, in portions of the service area where violation complaints or identified High-Use Single Family accounts appear to be concentrated. At a minimum, this shall include the use of either night-time enforcement patrols on at least a once-per-week basis or automatic meter reading technology to detect extra lawn watering.

c. Issuance of a citation, without needing to first issue a warning, in response to any violation that occurs more than 14 days after the effective date of a Phase III Water Shortage order declaration. Warnings are authorized in lieu of citations if the violation is not witnessed or otherwise confirmed by the local enforcement agency's employee or authorized agent.

3. Within 30 days of the Water Shortage declaration and then each subsequent month during which the declaration remains in effect, each water utility shall provide a concise monthly system status report to the District. This report shall include the following:

a. Excluding Small Water Utilities and water supply authorities or other public supply water systems that serve only wholesale users (other water utilities), enforcement activity information required by subparagraph 40D-21.641(3)(b)2., F.A.C.

b. A quantified summary of customer communication and other water conservation efforts conducted in accordance with subparagraph 40D-21.641(3)(b)4., F.A.C.

c. Notify the District within 24 hours if the public supply water system experiences a sudden loss of its primary water supply or other significant change in system status.

4. Each public supply water system shall institute or accelerate system-level water conservation measures which can help manage demand during the Water Shortage declaration. These efforts shall include:

- a. Continue to provide the customer messaging specified in sub-subparagraph 40D-21.631(3)(b)2.a., F.A.C.
- b. Address water pressure and line flushing as described in sub-subparagraph 40D-21.631(3)(b)2.b., F.A.C., and any other operational practices identified by the water utility which can be modified during the Water Shortage declaration to reduce water demand without causing adverse impact to public health, welfare and safety.

5. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to the public supply Permittees will summarize the requirements listed in paragraph 40D-21.641(3)(b), F.A.C.

(c) Medical and Health Use. The use of water for medical purposes or the protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all commercial and industrial use, as appropriate, including efforts that may go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

(b) Eliminate off-site discharge to the extent practicable;

(c) Recycle water to the extent practicable;

(d) Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

(e) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to meet health and safety needs or as otherwise required by published industry standards;

(f) Maximize use of the least restricted Source Class to which there is access;

(g) Eliminate unnecessary uses;

(h) Power generation utilities only: if using a water source that is affected by the Phase III declaration, encourage customers to voluntarily reduce power consumption as a means to reduce water consumption.

(i) Restaurants and other food serving establishments shall serve water only upon request.

(5) Agricultural Uses. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Agricultural Use, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens;

(b) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.;

(c) Eliminate off-site discharge to the extent practicable. For example, agricultural irrigation involving the use of seepage systems shall be operated in a manner that will eliminate surface runoff and loss of water through lateral seepage to open ditches;

(d) Recycle water to the extent practicable;

(e) Suspend clean-up requiring water use, except for the minimum required to protect efficiency for the operation and prevent damage to equipment;

(f) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to protect animal or human health and safety needs, or as otherwise required by published BMPs, such as to prevent the spread of plant disease;

(g) Maximize use of the least restricted Source Class to which there is access;

(h) Eliminate unnecessary uses;

(i) Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22. These exemptions include: allowances for Low-Volume Irrigation technology, plant protection, testing and maintenance of irrigation systems and irrigation to water in chemicals. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and required actions shall apply to all Golf Course and Driving Range athletic play areas, including efforts that go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

2. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.

3. Eliminate off-site discharge to the extent practicable;

4. Recycle water to the extent practicable;

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.

6. Suspend the washing of golf carts, lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease;

7. Maximize use of the least restricted Source Class to which there is access;

8. Eliminate unnecessary uses and take appropriate actions to avoid water use increases. This shall include the following, as appropriate:

a. Reducing wear on fairways by restricting cart traffic to designated paths only.

b. Modifying nutritional, soil amendment and mowing practices to minimize water stress.

c. Limiting overseeding to tees and greens only.

d. Providing information to golfers and guests about the current Water Shortage declaration, the steps that the facility is taking to reduce water use and how golfers and guests can conserve water while visiting the facility.

9. Limit Supplemental Irrigation ("normal watering") to the allowable hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

10. Tees, golf course greens and practice greens shall receive supplemental irrigation no more than three times per week. Upon specific request by the District, a course may be required to maintain a log documenting when this irrigation occurs.

11. Fairways and driving range greens shall be irrigated no more than once per week during all months that the Water Shortage declaration is in effect. Upon specific request by the District, a course may be required to maintain a log documenting when this irrigation occurs.

12. Roughs shall not be irrigated, except that irrigation may occur when used for the disposal of excess reclaimed water (i.e., wet weather disposal).

13. Limit New Plant Establishment as follows:

- a. A 60-day establishment period is applicable as set forth in sub-subparagraphs b.-d. below.
- b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.
- c. On days 31-60, irrigation of the New Plant Material shall occur only on three days a week. Maintain a written schedule of establishment period watering.
- d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.

14. Except as otherwise provided herein, all irrigation and Other Uses shall comply with the applicable exemptions in Chapter 40D-22, F.A.C. Exemptions include allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Athletic Play Areas, except Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for the Phase III declaration.

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in the water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about the primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens;

2. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.;

3. Eliminate off-site discharge to the extent practicable;

4. Recycle water to the extent practicable;

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

6. Suspend the washing of lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease;

7. Users having access to more than one Source Class shall maximize use of the least restricted Source Class to which there is access;

8. Eliminate unnecessary uses and take appropriate actions to avoid water use increases. This includes the following, as appropriate:

a. Reducing wear on athletic fields as practical.

b. Modifying nutritional, soil amendment and mowing practices to minimize water stress.

c. Providing information to players and guests about the current Water Shortage declaration, the steps that the facility is taking to reduce water use and how players and guests can conserve water while visiting the facility;

9. Limit Supplemental Irrigation ("normal watering") to the allowable hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.;

10. Turfgrass fields shall be irrigated no more than once per week during all months that the Water Shortage declaration is in effect. A facility that cannot accomplish its normally scheduled supplement irrigation on the Lawn and Landscape watering day designated by paragraph 40D-21.641(6)(c), F.A.C., may submit its alternative irrigation schedule to the District as a petition for variance from the order declaring the current Water Shortage.

11. Limit New Plant Establishment as follows:

a. A 60-day establishment period is applicable as set forth in sub-subparagraphs b.-d. below.

b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.

c. On days 31-60, irrigation of the New Plant Material shall occur only on three days a week. Maintain a written schedule of

establishment period watering.

d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.

12. Except as otherwise provided herein, all irrigation and Other Uses shall comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These exemptions continue to specifically include allowances for: plant protection of Turfgrass athletic fields, wetting of clay tennis courts and similar surfaces immediately prior to play, and one extra irrigation application immediately after heavy play to encourage athletic field Turfgrass repair.

(c) Lawn and Landscaping Use, including Cemeteries. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.

2. Eliminate off-site discharge to the extent practicable.

3. Recycle water to the extent practicable.

4. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.

5. Suspend the washing of lawn mowers and other mobile equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as the spread of Turfgrass disease.

6. Maximize the use of the least restricted Source Class to which there is access.

7. Eliminate unnecessary uses and take appropriate actions to avoid water use increases.

8. Limit New Plant Establishment as follows:

a. A 60-day establishment period is applicable as set for in sub-subparagraphs b.-d. below.

b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.

c. On days 31-60, irrigation of the New Plant material shall occur only on three days a week. During this portation of the "establishment period":

i. Even Addresses shall only water New Plant Material on Tuesdays, Thursday and/or Sunday

ii. Odd Addresses shall only water New Plant Material on Monday, Wednesday and/or Saturday.

iii. Rights-of-way, common areas and other locations without discernable addresses shall only water New Plant Material on Sunday, Tuesday and/or Friday.

iv. Cemeteries and other properties two acres in size or larger may instead maintain a written schedule of establishment period watering.

d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.

e. The irrigation of any non-lawn plant material which requires frequent irrigation beyond the establishment period exemption provided in sub-subparagraphs a.-d. above shall employ Low-Volume Irrigation technology.

9. Limit Supplemental Irrigation ("normal watering") to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones **shall use only one of the two available watering times.**

10. Supplemental irrigation accomplished by microirrigation, handwatering or other low volume technology shall only occur during the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

11. Limit Supplemental Irrigation ("normal watering") to a maximum of only one application per week during all months that the Water Shortage declaration is in effect. This watering shall be in accordance with the following schedule:

a. Addresses ending in 0 or 1 may water on Monday.

b. Addresses ending with a 2 or 3, on Tuesday.

c. Addresses ending with a 4 or 5, on Wednesday.

d. Addresses ending with a 6 or 7, on Thursday.

e. Addresses ending with an 8 or 9 and locations with a mix of addresses, or for which an address cannot be determined (such as common areas associated with a subdivision), on Friday.

f. Cemeteries and other properties greater than 2 acres in size that have a special irrigation schedule in accordance with

paragraph 40D-22.201(4)(c), F.A.C., or properties regardless of size that have a special irrigation schedule pursuant to provisions of a variance from Chapter 40D-22, F.A.C., shall only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a "Monday and Thursday" schedule shall only water on Monday.

g. This one application per week limitation does not apply to the use of microirrigation, handwatering or other low volume technology when used to water flower beds, shrubs or other non-turfgrass plant material.

12. If core aerification or Vertical Mowing (also sometimes referred to as verticutting) is conducted, follow the applicable watering schedule. The extra watering allowance for such activity normally provided in paragraph 40D-22.201(3)(f), F.A.C., is not applicable.

13. If Spot Treatment or Syringing is conducted, follow the applicable water schedule. The extra watering allowance normally provided for in paragraph 40D-22.201(3)(e), F.A.C., is not applicable.

14. Except as otherwise noted herein, all applicable exemptions and other provisions of Chapter 40D-22, F.A.C., shall be in effect.

15. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the New Plant Establishment period or other claimed exemption.

(7) Other Uses.

(a) In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all other use, as appropriate:

1. Eliminate off-site discharge to the extent practicable;
2. Recycle water on-site to the extent practicable;
3. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

4. Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to meet health and safety needs or as otherwise required by published BMPs;

5. Maximize the use of the least restricted Source Class to which there is access;

6. Eliminate unnecessary uses and take appropriate actions to avoid water use increases.

(b) Aesthetic use. Aesthetic use includes the use of water in fountains, waterfalls and other artistic water features:

1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.

2. If an aesthetic use either involves a pond or other catchment area with a volume of less than 100 gallons or meets one of the following criteria, it may be operated as necessary:

- a. The feature provides necessary aeration for pet fish, such as in a koi pond.
- b. The feature is an integral part of the circulation system for a swimming pool.
- c. The feature is in a pond or other catchment area augmented exclusively by reclaimed water, seawater, brackish bay or intercoastal water, air conditioning condensate or other byproducts of an allowable activity.

3. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C.,. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. Water slides and other portable devices, other than those operated by commercial or institutional users, may only be used on an allowable watering day for the location involved.

4. All other aesthetic uses shall be limited to four hours a day, and the user shall select and post the normal hours of operation.

(c) Recreation use shall comply with subsection 40D-21.631(7), F.A.C.

(d) Water Body Augmentation:

1. Augmentation shall be limited to those circumstances indicated in subsection 40D-21.631(7), F.A.C.

2. Other augmentation, including augmentation of those water bodies for which the District has established minimum levels or guidance levels, is prohibited unless part of a District-authorized minimum flow or level recovery strategy.

(e) Washing or cleaning of buildings, structures and outdoor impervious surfaces:

1. Annual Pressure Washing for aesthetic purposes is prohibited.

2. Pressure Washing of buildings or other structures in preparation for painting, sealing or other necessary maintenance and as a

construction practice is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

3. Pressure Washing of driveways, sidewalks and other impervious surfaces is allowed for necessary maintenance, such as to either maintain a warranty or remove mold, mildew and other potentially hazardous material that cannot be removed by mechanical means (such as a broom or leaf blower), and as a construction practice (such as cleaning a concrete surface prior to painting or sealing). Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

4. All other washing or cleaning of impervious surfaces or structures shall be prohibited, except to meet federal, state or local health or safety standards. These standards specifically allow for required dust control.

(f) Mobile Equipment Washing:

1. Commercial car washes, hand detailing operations and similar establishments shall comply with subsection 40D-21.641(4), F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are prohibited, except for one-day events that were scheduled prior to the date of the Phase III Water Shortage declaration.

3. Washing of fire trucks and other emergency vehicles is allowed in accordance with paragraph 40D-21.641(3)(a), F.A.C.

4. Rinsing of boats and flushing of boat engines is allowed after each use when needed to remove salt water or to prevent the transportation of exotic plant or animal material.

5. Cleaning agricultural vehicles in accordance with canker abatement procedures, animal husbandry practices and other activities endorsed by the University of Florida's Institute of Food and Agricultural Sciences and the United States Department of Agriculture is allowed, as necessary.

6. The washing of fire engines and other emergency Mobile Equipment, such as ambulances and law enforcement vehicles, remains subject to subparagraph 40D-21.631(3)(a)3., F.A.C.

7. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. This one washing a week shall only occur on the allowable lawn watering day associated with the address at which the activity occurs.

(g) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12.

40D-21.651 Phase IV: Critical Water Shortage.

(1) A Phase IV Water Shortage is a hydrologic or climatic condition where multiple regional Drought Indicators have extremely abnormal values, or the local Drought Indicator for a specific public supply has a critically abnormal value, such that conditions warrant the temporary suspension of nonessential use and/or initiation of supply augmentation. The following measures shall be in effect during a Phase IV declaration unless otherwise provided in the order implementing a Phase IV Water Shortage.

(2) Indoor Use. Indoor Uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting, Other First-Responder Activities, Health and Medical water uses shall be subject to paragraphs 40D-21.641(3)(a) and (c), F.A.C.

(b) Water Utility Use. Water Utility Uses shall be subject to paragraph 40D-21.641(3)(b), F.A.C., with the following modifications:

1. If specifically Ordered by District, increase the frequency of system status reports or transmittal of demand data.

2. Immediately notify the District's applicable Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

3. Identify, based on the water utility's customer demographics and system characteristics, and implement additional means by which the water utility will temporarily maintain or reduce system demand during the Water Shortage declaration. This requirement shall include listing and qualifying the implementation of these additional means on each system status report.

4. Except for wholesale-only systems, take the following additional enforcement assistance steps:

a. Place temporary limits on potable water service in response to a location-specific request from the District to remedy a violation of this chapter that the District has determined is causing, or is likely to cause, a public health hazard or property damage. These limits do not necessarily involve suspension of service; however, at a minimum, such limits shall involve constraining the user to the amount of water necessary for reasonable Indoor Uses. One example of such a limitation is the assessment of a surcharge for any amount of water utilized beyond that necessary for reasonable Indoor Uses. The applicable public supply water utility shall determine the limitation method and consider any mitigating circumstances when determining what constitutes reasonable Indoor Uses for a specific customer, such as the number of persons in the household or medical needs.

b. Coordinate with local code enforcement officials to advocate temporary.

(4) Commercial and Industrial Use. The water use restrictions and other required actions specified in subsection 40D-21.641(4), F.A.C., shall apply, with the following modifications:

(a) Users that are Permittees shall promptly notify the District's Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

(b) Users shall, if specifically Ordered by the District, cease all uses of water that are not essential to public health, safety and welfare.

(5) Agricultural Uses. The water use restrictions and other required actions specified in subsection 40D-21.641(5), F.A.C., shall apply, with the following modifications:

(a) Users that are Permittees shall promptly notify the District's Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

(b) Users shall, if specifically Ordered by the District, cease all crop related uses of water that are not essential to public health, safety and welfare.

(6) Landscape Use and Driving Ranges.

(a) Golf Courses. The water use restrictions and other required actions specified in paragraph 40D-21.641(6)(a), F.A.C., shall apply, with the following modifications:

1. Watering roughs and non-play native or naturalized areas shall be prohibited.

2. Users that are Permittees shall promptly notify the District's Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

3. The establishment period for New Plant Materials shall be reduced to "15/30/15." This means that the material can be watered on any day for a 15-day period starting the day it is installed, then up to three days a week during the next 30 day period, then only two days a week during the final 15-day period.

4. Users shall, if specifically Ordered by the District, cease all uses of water that are not essential to public health, safety and welfare.

(b) Other Athletic Play Areas. The water use restrictions and other required actions specified in paragraph 40D-21.641(6)(b), F.A.C., shall continue to apply, with the following modifications:

1. Supplemental irrigation of Turfgrass shall only be allowed once a week, regardless of the month.

2. Users that are Permittees shall promptly notify the District's Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

3. The establishment period for New Plant Materials shall be reduced to "15/30/15." This means that the material can be watered on any day for a 15-day period starting the day it is installed, then up to three days a week during the next 30 day period, then only two days a week during the final 15-day period.

4. Users shall, if specifically Ordered by the District, cease all uses of water that are not essential to public health, safety and welfare.

(c) Lawn and Landscaping Use, including Cemeteries:

1. **All Lawn and Landscaping Use**, including Cemeteries, shall continue to comply with applicable provisions of paragraph 40D-21.641(6)(c), F.A.C., with the following modifications:

a. The establishment period for New Plant Materials shall be reduced to "15/30/15." This means that the material can be watered on any day for a 15-day period starting the day it is installed, then up to three days a week during the next 30-day period, then only two days a week during the final 15-day period as follows:

i. When "three days a week" establishment period watering is allowed, Even Addresses shall only water on Tuesday, Thursday

and Sunday; Odd Addresses shall only water on Monday, Wednesday and Saturday; and Rights-of-way, common areas and other locations without discernable addresses shall only water on Sunday, Tuesday and/or Friday.

ii. When “two days a week” establishment period watering is allowed on properties less than one acre in size, Even Addresses shall only water on Thursday and Sunday, Odd Addresses shall only water on Wednesday and Saturday; and Rights-of-way, common areas and other locations without discernable addresses shall only water on Tuesday and/or Friday.

iii. When “three days a week” or “two days a week” establishment period watering is allowed in cemeteries or on other properties one acre in size or larger, each property may instead maintain a written schedule of its establishment period watering.

iv. Establishment period irrigation shall be applicable once for any specific area of lawn or landscape while the Water Shortage declaration is in effect.

v. Users shall, upon the specific request of the District, provide receipts or other proof of installation date.

vi. Users shall, upon the specific request of the District, cease all establishment period irrigation.

b. Supplemental Irrigation for properties with an in-ground system shall only occur during the hours of 12:01 a.m. to 4:00 a.m.

c. Supplemental Irrigation accomplished by microirrigation, handwatering or other Low-Volume technology, or by manual means only (such as an oscillating sprinkler supplied by garden hose) shall only occur during the hours of 4:00 a.m. to 8:00 a.m. or 6:00 p.m. to 10:00 p.m.

d. Users shall, if specifically Ordered by the District, cease all Supplemental Irrigation, except as otherwise provided in accordance with subparagraph 40D-21.651(6)(c)1., F.A.C.

e. Supplemental Irrigation of landscaping beds and other non-Lawn plant material, when accomplished by handwatering, microirrigation and other Low-Volume Irrigation methods, shall be limited to the hours specified in sub-subparagraph 40D-21.651.(6)(c)1.c., F.A.C., but may continue to occur on any day of the week, if needed.

f. If core aerification, Vertical Mowing (verticutting) and Spot Treatment or Syringing activities are conducted, follow the applicable water schedule. The extra watering allowances normally provided for in paragraphs 40D-22.201(3)(e)-(f), F.A.C., for such activities is not applicable.

2. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the New Plant establishment period or other claimed exemption.

(7) Other Uses.

(a) The water use restrictions and other required actions specified in subsection 40D-21.641(7), F.A.C., shall apply, with the following modifications:

1. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. However, water slides and other portable devices which are not operated by commercial or institutional users are prohibited.

2. Other aesthetic use as described in subparagraph 40D-21.641(7)(b)3., F.A.C., is prohibited. In public spaces, the owner or manager of such features shall use signs, when practical, to indicate that this action was taken in compliance with current Water Shortage restrictions.

3. Washing or cleaning of buildings, structures and impervious surfaces (such as driveways and sidewalks) is prohibited, except:

a. Pressure Washing conducted with professional-grade equipment is allowed for necessary maintenance. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

b. Dust control is allowed if required by federal, state or local health or safety standards.

4. Mobile Equipment Washing:

a. Washing of cars or trucks, other than professional car washes or mobile detailing businesses, is prohibited. This means that car wash fundraisers are prohibited. However, the washing of fire engines and other emergency Mobile Equipment (such as ambulances and law enforcement vehicles) is allowable, subject to subparagraph 40D-21.631(3)(a)3., F.A.C.

b. The following specific activities are allowed: rinsing of boats after use, flushing of boat motors after use, necessary cleaning of Lawn and maintenance and agricultural vehicles, rinsing of any vehicle after exposure to saltwater or sewage and washing of any vehicle immediately prior to sale, rent or lease (including lease termination, but excluding daily car or truck rentals).

5. Users shall, if specifically Ordered by the District, cease all uses of water that are not essential to public health, safety and welfare.

(b) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 4-9-06, 7-5-12.