

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-41.400: Outstanding Florida Springs, Scope of Rules

62-41.401: Outstanding Florida Springs, Uniform Conditions for Issuance of Permits

62-41.402: Outstanding Florida Springs, Uniform Definition of Harmful to the Water Resources

62-41.400 Outstanding Florida Springs, Scope of Rules

(1) Rules 62-41.400 through 62-41.402, F.A.C., implement section 373.219(3), F.S. These rules regulate consumptive uses of water that impact an Outstanding Florida Spring springshed as defined in section 373.802(4), F.S.

(2) The phrases “Consumptive Use Permit,” “Consumptive Use Permitting,” or “Consumptive Use Applicants” are synonymous with “Water Use Permit,” “Water Use Permitting,” or “Water Use Applicants,” respectively, as used by the Districts.

Rulemaking Authority: 373.026, 373.219, 373.813, FS. Law Implemented: 373.219, 373.802, FS.

62-41.401 Outstanding Florida Springs, Uniform Conditions for Issuance of Permits

(1) To obtain a consumptive use permit, renewal, or modification, an applicant whose withdrawal influences, an Outstanding Florida Spring (OFS) must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:

(a) Is a reasonable-beneficial use;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

(a) Is a quantity that is necessary for economic and efficient use;

(b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;

(c) Will utilize a water source that is suitable for the consumptive use;

(d) Will utilize a water source that is capable of producing the requested amount;

(e) Will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible, except for the following agricultural water uses;

1. Water used for washing hands during and after harvest activities;

2. Water that is applied in any manner that directly contacts produce during or after harvest activities (for example, water applied for washing or cooling); and

3. Water used to make ice that directly contacts produce during or after harvest activities.

(f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;

(g) Will not cause harm to the water resources of the area in any of the following ways:

1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;

2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;

3. Will not cause harmful saline water intrusion or harmful upconing;

4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters;

and

5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area;

(h) Is in accordance with any minimum flow or level and implementation strategy established pursuant to sections 373.042 and 373.0421, F.S.; and

(i) Will not use water reserved pursuant to section 373.223(4), F.S.

Rulemaking Authority: 373.026, 373.219, 373.813, FS. Law Implemented: 373.219, 373.223, FS.

62-41.402 Outstanding Florida Springs, Uniform Definition of Harmful to the Water Resources

(1) Harmful to the Water Resources for Outstanding Florida Springs (OFS) means adversely impacting an OFS in one or more of the ways prohibited in paragraph 62-41.401(2)(g), F.A.C.

(2) In applying that definition, the district shall consider, using the best available information, impacts caused by the withdrawal or diversion, on an individual or cumulative basis, to the extent that: