

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

CHAPTER 40C-21, F.A.C.

THE WATER SHORTAGE PLAN

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**CHAPTER 40C-21
THE WATER SHORTAGE PLAN**

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PART I GENERAL

40C-21.001 Policy and Purpose.

(1) The rules in this chapter comprise the District's water shortage plan required under section 373.246(1), F.S., and include restrictions pursuant to section 373.175, F.S.

(2) These rules apply to all water uses including those exempt from permitting pursuant to chapter 40C-2, F.A.C., with the exception of the domestic use of water as defined in section 373.019(6), F.S., and users whose sole source of water is reclaimed water or seawater.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.031 Elements of the Plan.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Repealed by Section 5, Chapter 2012-31, Laws of Florida, 5-27-12.

40C-21.051 Definitions.

When used in this chapter:

(1) “Agricultural Uses” are water uses associated with the production and freeze protection of crops, nursery products, sod, and pasture, as well as the cultivation of animals and plants associated with farming and aquacultural activities.

(2) “Commercial/Industrial/Institutional Uses” are water uses associated with the production of goods or provision of services by a commercial, industrial, or institutional establishment.

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

(4) “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.

(5) “Environmental Uses” is the use of water to avoid or mitigate environmental harm, such as, enhancing, restoring, or creating wetlands or other surface waters, or the use of water for groundwater remediation.

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

(7) “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.

(8) “Landscape Irrigation” means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way, but it does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball, and soccer fields.

(9) “Landscape/Recreation/Aesthetic Uses” are water uses associated with landscape irrigation, including water to irrigate cemeteries; the use of water associated with the creation, maintenance, and operation of recreational facilities such as golf courses, water-based recreational areas, and athletic fields; or the use of water for ornamental or decorative purposes, such as fountains and waterfalls.

(10) “Micro-Irrigation” is the frequent application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

(11) “Mining/Dewatering Uses” are the uses of water associated with the extraction of subsurface materials or to control surface water or groundwater when performing activities such as construction or excavation.

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

(13) “Other Water Uses” are all other water uses not specifically included in rule 40C-21.551, F.A.C., including augmentation of natural or man-made surface water bodies; 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.

(14) “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.

(15) “Public Supply” is water provided by any municipality, county, regional or multijurisdictional water supply authority, special district, or public or privately-owned water utility for human consumption and other purposes, including water used for maintaining and operating the supply system. For purposes of this Chapter, “Public Supply” means the same as “Water Utility.”

(16) “Source class” means the water resource from which a user is obtaining water either directly or indirectly. Source classes within the District are specified in rule 40C-21.531, F.A.C.

(17) “Use Class” means the category describing the purpose for which the user is utilizing water. Use classes used in this Chapter are specified in rule 40C-21.551, F.A.C.

(18) “Water Shortage” means a drought or other situation within all or part of a specifically defined geographic area of the District when insufficient water is or will be available to meet the present and anticipated needs of users, or when conditions are such as to require temporary reduction in total use within a particular area to protect water resources from serious harm.

(19) “Water Shortage Emergency” means a Water Shortage for which a determination has been made that water shortage procedures which can be exercised under part II of chapter 40C-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or meet the needs of commercial, industrial, agricultural, recreational or other reasonable uses.

(20) “Water Shortage Plan” or “Plan” means the Water Shortage Plan authorized in section 373.246, F.S., and contained in this chapter.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

PART II DECLARING AND IMPLEMENTING A WATER SHORTAGE

40C-21.221 Monitoring and Evaluating Water Conditions.

(1) This rule sets forth the manner in which the District will periodically evaluate water conditions within the District. Data thereby generated assists the District in determining whether and to what extent a water shortage should be declared.

(2) Monitoring data – Water 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 surface water flows and lake levels and their relationship to low normal values.
- (c) Current and recent values of the U.S. Drought Monitor for 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) 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 values for specific Drought Indicators as shown in Table 21-1.
- (b) The District will compile these comparisons and consider Drought Condition Levels as shown in Table 21-2 and the factors identified in paragraphs 40C-21.251(4)(a)-(i), F.A.C., to determine the appropriate Drought Condition Level.
- (c) This evaluation will occur on at least a monthly basis.

TABLE 21-1: Drought Indicators

DROUGHT INDICATOR VALUE	REGIONAL RAINFALL (12-Month Moving Sum)	REGIONAL RAINFALL (24-Month Moving Sum)	GROUND WATER LEVELS*
Moderate	12-month rainfall at or below: 40 inches	24-month rainfall at or below: 84 inches	At or below 15th percentile
Severe	12-month rainfall at or below: 35 inches	24-month rainfall at or below: 79 inches	At or below 10th percentile
Extreme	12-month rainfall at or below: 30 inches or 4-week duration of rainfall at or below the severe indicator	24-month rainfall at or below: 74 inches or 4-week duration of rainfall at or below the severe indicator	At or below 10th percentile for greater than 4 weeks
Critical	12-month rainfall at or below: 25 inches or 8-week duration of rainfall at or below severe indicator	24-month rainfall at or below: 69 inches or 8-week duration at or below severe indicator	At or below 10th percentile for greater than 8 weeks

* Calculated based on at least 30 years of historical data

TABLE 21-2: Drought Condition Levels

Drought Condition Level	Drought Indicator Values
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Moderate	At least two Drought Indicator Values are Moderate
Severe	All Drought Indicator Values are Moderate or at least one is Severe
Extreme	Two or more Drought Indicator Values are Severe or at least one is Extreme
Critical	Two or more Drought Indicator Values are Extreme or at least one is Critical

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 9-16-92, 6-7-93, 8-23-18.

40C-21.231 Declaring a Water Shortage.

(1) The Board will declare Water Shortages and issue water use restrictions and other measures as set forth in this chapter for all or part of the District. 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 may delineate all or a portion of the boundaries of the area subject to a Water Shortage declaration by reference to roads or local government jurisdictional boundaries so long as such delineation is significantly consistent with the actual affected area. When the affected source extends beyond the District’s boundaries, the District will coordinate Water Shortage declarations with the appropriate water management districts to the extent practicable.

(2) If the District determines there is a likelihood that insufficient water will be available within a source class to meet the user demands from that source, to meet the requirements of the permit system, or to protect the water resource from serious harm, the Board may declare a Water Shortage for the affected source class or classes based on the factors in subsection 40C-21.251(4), F.A.C.

(3) The District will declare a Water Shortage for a source or Source Class not presently experiencing a Water Shortage if the District determines that usage from such source or Source Class can be reasonably expected to impact the present or anticipated available water supply from the source or Source Class identified in subsection (2).

(4) The Board will declare a Water Shortage for geographic areas not presently experiencing a Water Shortage if the District determines that 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.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.251 Water Shortage Phases.

(1) This rule establishes four phases of Water Shortage severity with associated water restrictions and other measures.

(2) The following Water Shortage phases are established:

- (a) Moderate Water Shortage
- (b) Severe Water Shortage
- (c) Extreme Water Shortage
- (d) Critical Water Shortage

(3) The District will assign a specific Water Shortage phase to each Source Class for which a Water Shortage has been declared.

(4) When assigning a Water Shortage phase for a Source Class, the phase will be based on Tables 21-1 and 21-2, and consideration of the following factors:

(a) Information gathered during the monitoring and evaluation process described in rule 40C-21.221, F.A.C., and the corresponding Drought Condition Level shall serve as the basis for selecting the initial Water Shortage phase to be considered.

(b) 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.

(c) 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.

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

(e) How the District can implement phased restrictions and other measures in a manner that distributes the burden of any required reductions in water use equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage.

(f) The potential for serious harm to natural systems as a result of the Water Shortage.

- (g) The appropriate geographic scope of potential water use restrictions and other measures relative to the affected source.
- (h) The effectiveness of current and potential water use restrictions and other measures in containing or reducing water use to protect the affected source.
- (i) Any adverse impact of current and potential water use restrictions and other measures on public health, safety and welfare.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.271 General Water Use Restrictions.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Repealed 8-23-18.

40C-21.291 Implementing or Modifying a Water Shortage Declaration.

(1) When a Water Shortage is initially declared, the District will publish an advertisement of the declaration in newspapers of general circulation in the areas affected. In addition, the District will inform the public of the restrictions in effect and the sources of supply which are affected. The newspaper advertisement shall serve as notice to all users and local government officials in the affected area as to the Water Shortage declaration, including identification of the phase and a summary of water use restrictions and other measures.

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

(3) 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.

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

(5) Except as set forth in any Water Shortage order or Water Shortage Emergency order, lawn and landscape irrigation and other uses of water remain subject to applicable consumptive use permit conditions and/or the provisions of rule 40C-2.042, F.A.C. (the District's Year-Round Water Conservation Measures), and any variances from the year-round water conservation measures for landscape irrigation issued by the District or applicable local government.

(6) When, after considering the data, evaluations, and factors set forth in rules 40C-21.221, 40C-21.231, and 40C-21.251, F.A.C., it is determined that conditions have changed sufficiently to warrant the declaration and implementation of a different set of water use restrictions and other measures or that conditions no longer warrant the existence of a specific Water Shortage declaration, an order amending or rescinding an existing Water Shortage declaration shall be issued and implemented in accordance with rules 40C-21.231, 40C-21.251, and 40C-21.291, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

PART III EMERGENCY PROVISIONS

40C-21.331 Declaring a Water Shortage Emergency.

(1) This rule sets forth the steps the District will take to evaluate water conditions within the District in order to determine whether a Water Shortage Emergency exists.

(2) The District will monitor the condition of the water resources of the District and the needs of the users as provided in Rule 40C-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, the District will ascertain whether the provisions of part II of this chapter are sufficient to protect the public health, safety or welfare, or the health of animals, fish or aquatic life, a public water supply, or meet the minimum needs of commercial, industrial, agricultural, recreational, or other reasonable beneficial uses in the affected area. This will be accomplished by considering the following:

- (a) The present and anticipated water supply available to affected users including:
 1. Those factors listed in subsection 40C-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.
 4. Other factors affecting the present and anticipated available water supply.

(b) Factors related to the potential for adverse impacts on the public health, safety or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable beneficial uses including:

1. Those factors listed in subsection 40C-21.251(4), F.A.C.
2. The extent to which adverse impacts can be reduced by imposing additional water use restrictions and other measures upon other users obtaining water from from the same Source Class.
3. The extent to which imposing additional water use restrictions and other measures upon other users obtaining water from the same Source Class will create additional, unintended adverse impacts.
4. Other factors relating to potential adverse impacts to public health, safety and welfare.

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

(4) If, in the opinion of the Executive Director, the provisions in 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, then the Executive Director, with the concurrence of the Board, may declare a water shortage emergency for the affected users.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History—New 1-1-84, Amended 11-11-03, 8-23-18.

40C-21.371 Water Use Restrictions in a Water Shortage Emergency.

When the District's evaluation of the water resources indicates the existence of a Water Shortage Emergency, the Executive Director may issue orders imposing water use restrictions and other required or authorized actions deemed necessary to meet the emergency. Such restrictions may include, but are not limited to, apportioning, rotating, limiting, or prohibiting the use of the water resources of the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.391 Implementing a Water Shortage Emergency.

(1) When a Water Shortage Emergency has been declared pursuant to rule 40C-21.331, F.A.C., the Executive Director will issue orders pursuant to the emergency provisions of section 373.119, F.S. Prior notice is not required for issuance of Water Shortage Emergency orders.

(a) Such orders will identify the water use restrictions and other required or authorized actions deemed necessary by the Executive Director, with the concurrence of the Board, to meet the emergency.

(b) All users to whom an emergency order is directed will comply immediately, but may petition the Board for a hearing as set forth in section 373.119, F.S.

(2) The District will inform all users to whom an emergency order is directed, local governments, law enforcement officials, and other parties of the existence of such order, and all associated restrictions, by the best practicable means available under the circumstances.

(3) Except as set forth in any Water Shortage Emergency order, lawn and landscape irrigation and other uses of water remain subject to applicable consumptive use permit conditions and/or the provisions of rule 40C-2.042, F.A.C. (the District's Year-Round Water Conservation Measures), and any variances from the year-round water conservation measures for landscape irrigation issued by the District or applicable local government.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History—New 1-1-84, Amended 11-11-03, 8-23-18.

PART IV ENFORCEMENT

40C-21.401 Monitoring.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.026, 373.103, 373.175, 373.246 FS. History—New 1-1-84, Repealed 8-23-18.

40C-21.421 Enforcement.

(1) The District will seek the cooperation and assistance of state, county and municipal government officials, including law enforcement agencies, in accordance with section 373.609, F.S., to facilitate the enforcement of any order issued pursuant to this

chapter. Counties and municipalities in an area affected by a Water Shortage order are authorized and encouraged to adopt ordinances which provide for local enforcement of such order.

(2) In enforcing the provisions of any water shortage order issued pursuant to this chapter, the District may utilize any of the enforcement remedies available pursuant to chapter 120 or 373, F.S. or chapter 40C-1, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

PART V THE CLASSIFICATION SYSTEM

40C-21.511 Classification System.

This rule establishes the basis for distinguishing among different uses of the water resource according to Source Classes and Use Classes. Under this system, each water use may be classified according to the source or use types listed herein.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.531 Source Classes.

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

- (1) Rivers, creeks, or other water courses;
- (2) Lakes, ponds, or other impoundments;
- (3) Aquifers.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.551 Use Classes.

Each water use will be assigned to one or more of the following Use Classes as defined in part I of this chapter:

- (1) Essential Uses.
- (2) Indoor Uses.
- (3) Public Supply Uses.
- (4) Commercial/Industrial/Institutional Uses.
- (5) Agricultural Uses.
- (6) Landscape/Recreation/Aesthetic Uses.
- (7) Environmental Uses.
- (8) Mining/Dewatering Uses.
- (9) Other Uses.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.571 Method of Extraction or Diversion Classes.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Repealed 8-23-18.

PART VI SPECIFIC RESTRICTIONS

40C-21.601 Water Use Restrictions and Other Measures.

(1) This Part sets forth specific water use restrictions and other measures available to the District for implementation upon declaration of a Water Shortage or a Water Shortage Emergency. Upon declaration of a Water Shortage or Water Shortage Emergency, use of water in a manner inconsistent with the restrictions specified in the Water Shortage order or Water Shortage Emergency order is prohibited. It is the duty of each water user to stay informed as to the applicable restrictions.

(2) In addition to the restrictions specified in this Part and Part II, wasteful and unnecessary water use is prohibited regardless of the phase of water shortage. Such wasteful and unnecessary water use includes, but is not limited to:

- (a) Allowing water to be dispersed without any practical purpose to the water user, regardless of the type of water use.
- (b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use.
- (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 of significantly less water use.

(3) The water use restrictions and other measures specified within this chapter for a particular phase may be modified by the Board or the Executive Director to address the specific Water Shortage or Water Shortage Emergency event. The selected combination of water use restrictions and other measures shall be summarized in the notice(s) of the Water Shortage declaration, as specified above in rule 40C-21.291, F.A.C.

(4) Water use restrictions and other measures may be imposed by Use Class and/or Source Class, as appropriate.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.621 Phase I Moderate Water Shortage.

A Phase I Moderate Water Shortage is a Water Shortage where at least two Drought Indicators have a moderate value. The following measures shall be in effect when the District declares a Phase I Water Shortage, unless otherwise provided in the implementing order.

(1) Essential Uses.

(a) The use of water for firefighting and health or medical purposes will not be restricted.

(b) Fire hydrant testing will not be restricted.

(c) The use of water for maintenance of fire fighting facilities and emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles, and other emergency Mobile Equipment.

(d) The use of water for medical purposes and protection of public health, safety, and welfare will not be restricted.

(2) Indoor Uses.

(a) All Indoor Water Use should be voluntarily reduced.

(b) Indoor use in commercial, industrial, or institutional establishments should be voluntarily reduced.

(3) Public Supply Uses.

(a) All Public Supply water use should be voluntarily reduced and each Public Supply consumptive use permittee shall review its current water conservation plan to ensure that the plan elements have been fully implemented in accordance with the permit conditions and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(b) Each Public Supply water utility should institute or accelerate other water conservation efforts which can help manage demand during the Water Shortage declaration. These efforts should include:

1. Customer messaging for all customers that informs customers about the current Water Shortage declaration, describes how the water utility's primary and back-up water supplies are affected by the declaration and the resource or supply conditions that led to the declaration, and promotes any ongoing water conservation projects offered by the water utility that would assist customers in their efforts to immediately reduce water consumption.

2. Review and refinement, as necessary, of water utility operational practices regarding water pressure and line flushing to identify and implement any opportunities that would reduce water demand without causing adverse impacts to public health, welfare, and safety.

(4) Commercial/Industrial/Institutional Uses.

All Commercial/Industrial/Institutional water use should be voluntarily reduced and each Commercial, Industrial, and Institutional consumptive use permittee shall review its current water conservation plan to ensure that the plan elements have been fully implemented in accordance with the permit conditions and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(5) Agriculture Uses. All Agricultural water use should be voluntarily reduced and each Consumptive Use Permittee shall review its current water conservation plan to ensure that the plan elements have been fully implemented in accordance with the permit conditions and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(6) Landscape/Recreation/Aesthetic Uses.

(a) All Landscape/Recreation/Aesthetic water use should be voluntarily reduced and each consumptive use permittee shall review its current water conservation plan to ensure that the plan elements have been fully implemented in accordance with the permit conditions and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(b) All Landscape Irrigation, should be voluntarily reduced and each property owner or manager should prepare for possible

worsening conditions.

(c) All cemetery, golf course, athletic field, water-based recreational area, and aesthetic water use should be voluntarily reduced and each property owner or manager should prepare for possible worsening conditions.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.631 Phase II Severe Water Shortage.

A Phase II Severe Water Shortage is a Water Shortage where all Drought Indicators are moderate, or one Drought Indicator has a severe value. In addition to the measures in Water Shortage Phase I, the following restrictions shall apply when a Phase II Water Shortage is declared by the District, unless otherwise provided in the implementing order.

(1) Essential Uses.

(a) The use of water for maintenance of fire fighting facilities and emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles, and other emergency Mobile Equipment.

(b) Each fire fighting agency and each local government shall direct its fire department to review and revise, as necessary, its inventory for primary and back-up water sources.

(2) Public Supply Uses. All Public Supply water consumptive use permittees should institute or accelerate system-level water conservation measures which can help manage demand during a Water Shortage declaration.

(3) Commercial/Industrial/Institutional Uses. The following restrictions and other measures shall apply to all commercial, industrial, and institutional activities, as appropriate. Whether or not a commercial, industrial, or institutional water use activity with associated Landscape Irrigation is authorized by a Consumptive Use Permit, the Landscape Irrigation is separately regulated for the purpose of this chapter and is subject to the Landscape Irrigation restrictions and other measures of the applicable Water Shortage declaration. Paragraph 40C-21.631(5)(a), F.A.C., contains the Landscape Irrigation restrictions and other measures for a Phase II declaration.

(a) All Commercial/Industrial/Institutional water use should be voluntarily reduced.

(b) For all Commercial/Industrial/Institutional water use, the following demand management measures should be implemented as applicable:

1. Reduce off-site discharge to the extent economically, environmentally, and technically feasible.
2. Recycle water to the extent economically, environmentally, and technically feasible.
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 should encourage their customers to voluntarily reduce power consumption as a means to reduce water consumption.

(4) Agriculture Uses. The following water restrictions and other measures shall apply to all agricultural activities, as appropriate. Whether or not an agricultural use activity with associated Landscape Use is authorized by a Consumptive Use Permit, the Landscape Use is separately regulated for the purpose of this chapter and is subject to the Landscape Use restrictions and other measures of the applicable Water Shortage declaration. Paragraph 40C-21.631(5)(d), F.A.C., contains the Landscape Use restrictions and other measures for a Phase II declaration. The following demand management measures should be implemented, as applicable:

(a) Reduce off-site discharge to the extent economically, environmentally, and technically feasible. 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.

(b) Recycle water to the extent economically, environmentally, and technically feasible.

(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 or safety needs, such as to prevent the spread of plant or animal diseases.

(e) Maximize the use of the lesser or least restricted Source Class to which there is access.

(5) Landscape/Recreation/Aesthetic Uses.

(a) All Landscape Irrigation should be voluntarily reduced and each property owner or manager should prepare for possible worsening conditions.

(b) Golf Courses. The following water use measures shall apply to all Golf Courses:

1. All Golf Course Water use should be voluntarily reduced.
2. The following demand management measures should be implemented, as applicable:
 - a. Reduce off-site discharge to the extent economically, environmentally, and technically feasible.
 - b. Recycle water to the extent economically, environmentally, and technically feasible.
 - 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 or safety needs, 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. Supplemental irrigation is prohibited between the hours of 8:00 a.m. and 6:00 p.m. for properties less than two acres in size and between the hours of 10:00 a.m. and 4:00 p.m. for properties two acres or larger.

(c) Recreational Areas. The following water use measures shall apply to all recreational areas, other than golf courses, such as playgrounds, football, baseball and soccer fields.

1. All Recreational Area water use should be voluntarily reduced.
2. The following demand management measures shall be implemented as applicable:
 - a. Reduce off-site discharge to the extent economically, environmentally, and technically feasible.
 - b. Recycle water on-site to the extent economically, environmentally, and technically feasible.
 - 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 or safety needs, 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. Supplemental irrigation is prohibited between the hours 8:00 a.m. and 6:00 p.m. for properties less than two acres in size and between the hours of 10:00 a.m. and 4:00 p.m. for properties two acres or larger.
3. Applications of fertilizers, herbicides and pesticides should be coordinated with irrigation schedules.

(d) Landscape Uses. The following restrictions and other measures shall apply to all Landscape Uses, as applicable:

1. All Landscape Use should be voluntarily reduced.
2. All of the following demand management measures shall be implemented, as applicable:
 - a. Reduce off-site discharge to the extent economically, environmentally, and technically feasible.
 - b. Recycle water to the extent economically, environmentally, and technically feasible.
 - c. Maximize the use of the least restricted Source Class to which there is access.

(e) Water-Based Recreation.

1. All pools shall be maintained in a manner that minimizes the need for make-up water. Examples of such actions include, but are not limited to 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 40C-21.631(3), F.A.C.

(f) Aesthetic Uses.

1. Outside Aesthetic Use of water is prohibited.
2. Inside Aesthetic Use of water should be voluntarily reduced.

(7) Other Uses.

(a) Except as provided below, all Other Uses of water should be voluntarily reduced and the following demand management measures shall be implemented, as applicable:

1. Reduce off-site discharge to the extent economically, environmentally, and technically feasible.
2. Recycle water to the extent economically, environmentally, and technically feasible.
3. Maximize the use of the least restricted Source Class to which there is access.

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

1. Pressure Washing of buildings or other structures in preparation for painting, sealing, or as a construction practice is allowed.
2. 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 materials 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.

(c) Mobile Equipment Washing.

1. Commercial car washes, hand-detailing operations, and similar establishments shall comply with subsection 40C-21.631(3), F.A.C.

2. Washing of fire trucks and other emergency vehicles, including ambulances and law enforcement vehicles, is only allowed in accordance with paragraph 40C-21.631(1)(a), F.A.C.

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

4. Cleaning agricultural vehicles is only allowed in accordance with BMPs for canker and other disease abatement procedures, animal husbandry practices and other associated activities to protect animal or human health or safety, such as to prevent the spread of plant or animal diseases. Examples of such BMPs are published by the University of Florida's Institute of Food and Agricultural Sciences and the United States Department of Agriculture.

(d) No person or entity, for example, a homeowners association or property manager, shall enforce any deed restrictions or other community standards that would cause a violation of a Water Shortage order or Water Shortage Emergency Order.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.641 Phase III Extreme Water Shortage.

A Phase III Extreme Water Shortage is a Water Shortage where two or more Drought Indicators have severe values, or one Drought Indicator has an extreme value. In addition to the measures in Water Shortage Phases I and II, whichever are more stringent, the following restrictions will apply when a Phase III shortage is declared by the District, unless otherwise provided in the implementing order.

- (1) Essential Uses. Each fire-fighting agency and each local government should direct its fire department to review and revise its list of primary and back-up water sources, and to work with District staff to proactively locate additional potential back-up water sources, such as existing permitted supplies, especially in areas where potable water is not available for fire-fighting purposes

- (2) Public Supply Uses. All Public Supply water utilities shall:

- (a) Plan for the supplementation or replacement of their primary potable water supplies, including coordinating with any applicable regional water supply authority or other public water supply system and coordinating with the District regarding the potential for the District to issue a Water Shortage Emergency order.

- (b) 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.

- (c) Institute or accelerate any other operational practices identified by the water utility that can be modified during the Water Shortage declaration to reduce water demand without causing adverse impacts to the public health, welfare, and safety.

- (3) Commercial/Industrial/Institutional Uses. All Commercial/Industrial/Institutional Consumptive use permittees shall:

- (a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each permittee should, 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 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) Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.

- (c) 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.

- (d) Restaurants and other food-serving establishments should serve water only upon request.

- (4) Agriculture Uses. All Agriculture users of water shall:

- (a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee should,

within 14 days of receipt of the District's declaration notice and when any major change in water supply status occurs, notify the District regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation, and any planned strategies for supply supplementation if the Water Shortage continues or worsens.

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

(c) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to protect animal or human health or safety needs, such as to prevent the spread of plant or animal diseases.

(5) Landscape/Recreation/Aesthetic Uses.

(a) All residential Landscape Irrigation is limited to one-day a week in accordance with the schedule set forth in subparagraph 40C-2.042(2)(a)2., F.A.C. (Eastern Standard Time one-day a week irrigation schedule), regardless of the time of year.

(b) Golf Courses. All Golf Course water users shall:

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each water user 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 regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and any planned strategies for supply supplementation in the event that the Water Shortage continues or worsens.

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

3. Suspend the washing of golf carts, lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health or safety needs, such as to prevent the spread of turfgrass disease.

4. Take appropriate actions to avoid water use increases. Examples of such actions include, but are not limited to:

- a. Reducing wear on fairways by restricting cart traffic to designated paths only.
- b. Modifying nutritional, soil amendment, and mowing practices to minimize heat stress.
- c. 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.

5. Reduce irrigation of fairways and driving range greens to no more than once per week.

6. Eliminate irrigation of roughs.

7. 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.

(c) Recreation Areas. The following water use measures shall apply to all playgrounds, football, baseball, and soccer fields. All Recreation Area water users shall:

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each water user 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 regarding any water well failures, quantity or quality concerns about the primary water supplies, any anticipated need for supply supplementation and any planned strategies for supply supplementation in the event that the Water Shortage continues or worsens.

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

3. Suspend the washing of lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health or safety needs, such as to prevent the spread of turfgrass disease.

4. Take appropriate actions to avoid water use increases. Examples of such actions include, but are not limited to:

- a. Reducing wear on athletic fields as practicable.
- b. Modifying nutritional, soil amendment, and mowing practices to minimize heat 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.

(d) Landscape Uses. The following restrictions and other measures shall apply to all Landscape Uses, as applicable:

1. Landscape Use irrigation is limited to one-day a week in accordance with the schedule set forth in subparagraph 40C-2.042(2)(a)2., F.A.C. (Eastern Standard Time one-day a week irrigation schedule), regardless of the time of year.

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

3. Suspend the washing of lawn mowers and other mobile equipment, except for the minimum necessary to meet health or safety needs, such as the spread of Turfgrass disease.

4. 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.

(e) Aesthetic Use of water is prohibited.

(6) Mining/Dewatering Uses. Discharge of fresh water offsite or to tide from dewatering shall be reduced to the extent economically, environmentally, and technically feasible.

(7) Other Uses.

(a) Except as provided below, all Other Uses of water shall comply with the applicable provisions of chapter 40C-2, F.A.C., and shall implement the following demand management measures, as applicable:

(b) Washing or cleaning streets is only allowed in preparation of, or immediately after, a parade or other public event.

(c) Water Body Augmentation. All water body augmentation shall be limited to the following circumstances:

1. As authorized by a Consumptive 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 stormwater 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 established for that lake by the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.

40C-21.651 Phase IV Critical Water Shortage.

A Phase IV Critical Water Shortage is a Water Shortage where two or more Drought Indicators have extreme values, or at least one Drought Indicator has a critical value. In addition to the measures in Water Shortage Phases I, II, and III, whichever are more stringent, the following restrictions will apply when a Phase IV shortage is declared by the District, unless otherwise provided in the implementing order.

(1) Essential Uses. Essential Uses of water shall be subject to subsection 40C-21.641(1), F.A.C.

(2) Indoor Uses. Indoor Use in commercial, industrial, and institutional establishments should be voluntarily reduced to the minimum levels necessary to preserve public health and safety.

(3) Public Supply Uses. All Public Supply water utilities should:

(a) Immediately notify the District about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

(b) Identify, based on customer demographics and system characteristics, and implement additional measures by which the water utility will temporarily maintain or reduce system demand during the Water Shortage declaration. The utility should include a list of the additional resources implemented on each system status report submitted to the District.

(c) Public Supply water utilities are encouraged to institute additional conservation measures such as reclaiming of backwash water, improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(4) Commercial/Industrial/Institutional Uses.

(a) If ordered by the District, Commercial/Industrial/Institutional Users shall promptly notify the District about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

(b) If ordered by the District, Commercial/Industrial/Institutional Users shall cease all uses of water that are not essential to public health, safety and welfare.

(5) Agricultural Uses.

(a) The District will evaluate the supply capabilities of the affected Source Class, the supply capabilities of other Source Classes available in the area, the needs of agriculture and all other users in the affected area, and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural use allocation available to each user

will be based on a prioritization of crops the District establishes based on economic loss and equity considerations and the acreage and quantity of withdrawals of the permitted consumptive use.

(b) The water use restrictions and other measures specified in subsection 40C-21.641(5), F.A.C., shall apply.

(6) Landscape/Recreation/Aesthetic Uses.

(a) Landscape Uses. The water use restrictions and other measures specified in paragraphs 40C-21.641(5)(a) and (d), F.A.C., shall apply.

(b) Golf Course Uses. The water use restrictions and other measures specified in paragraph 40C-21.641(5)(b), F.A.C., shall apply, with the following modifications:

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

2. Consumptive Use Permittees shall promptly notify the District about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

(c) Water Based Recreation Uses. Water Based Recreation water use is restricted as follows:

1. Draining of facilities into sewers or onto impervious surfaces is prohibited.

2. Filling of new or existing facilities is prohibited.

3. Use of makeup water is prohibited.

(7) Mining/Dewatering Uses. Discharge offsite of fresh water or to tide from dewatering is prohibited.

(8) Other Uses.

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

1. Pressure washing or cleaning of buildings, structures, streets, driveways, sidewalks or other impervious areas is prohibited, except:

a. Pressure Washing conducted with professional-grade equipment is allowed for necessary maintenance such as to either maintain a warranty or remove mold, mildew and other potentially hazardous materials 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.

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

2. 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 allowed, pursuant to paragraph 40C-21.631(1)(a), F.A.C.

3. 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.

4. If ordered by the District, water users shall 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.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Amended 8-23-18.