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Protecting Florida's Clean Water Environment
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Tools for Promoting the Efficient & Effective Reuse of Reclaimed Water

The Florida Department of Environmental Protection, the water management districts, and FWEA Utility Council members all share the goal of promoting the efficient and effective reuse of reclaimed water. Reclaimed water is a valuable resource, and only through thoughtful deliberation and cooperative policy development can we realize its full potential.

The action steps and concepts discussed below promote the goals of expanding the availability of reclaimed water for reuse; adding new agricultural, industrial, commercial, and residential reclaimed water customers; and promoting the efficient reuse of reclaimed water to decrease stress on Florida's potable water supplies. The proposal seeks to accomplish these goals while avoiding policies that erode a utility's ability to make local operational decisions. Some proposed actions can be taken now, while other key concepts will require further development. FWEA Utility Council members are confident that the goals we share can be achieved through developing and implementing the following policies.

Action We Can Take Now

Increase Utility-Water Management District Coordination. Policies should be in place to ensure that when a reclaimed water provider makes reclaimed water available, the applicable water management district will direct consumptive use permit applicants to use that reclaimed water.

> **Action:** Existing water management district rules state that if reclaimed water is "readily available," reclaimed water must be used in place of higher quality water when economically, environmentally, and technically feasible. District rules and policies should provide procedures to ensure that when considering a consumptive use permit application, district staff will communicate with the local reclaimed water provider to determine whether reclaimed water is available. Specifically, each water management district should allow the reclaimed water provider to provide information to the district identifying the locations and quantities of reclaimed water that is available. If such information has been provided, the district should be required to consider that information when evaluating the ability to use reclaimed water as part of the review of a consumptive use permit application. If the consumptive use permit applicant provides analysis concluding that using reclaimed water is not feasible, then that analysis must be transmitted to the reclaimed water provider for comment. If the District ultimately determines that reclaimed water cannot be used, then the staff report for the permit application to the governing board must explain that decision and provide a copy of the explanation to the reclaimed water provider for review and comment. Any comments from the reclaimed water provider should be presented to the Governing Board.

Mandatory Reclaimed Water Zones. Local governments need enhanced authority to direct water users away from traditional water supplies to available reclaimed water supplies. For instance, private wells used for irrigation are appropriate in some areas, such as locations not served by a water utility or areas where the ground water supply is not high quality and is not recharging a potable aquifer. Private wells, however, are occasionally utilized in areas where reclaimed water is readily available and is environmentally, economically, and technically feasible, and these wells may create an impediment to expanding reuse and cause cumulative environmental harm.

> **Action:** Local governments should be able to designate mandatory reclaimed water zones in areas where the reclaimed water provider has committed to provide reclaimed water for applicable nonpotable water uses. In such areas, water management districts should direct consumptive use permit applicants to use that reclaimed water, absent an affirmative demonstration by the permit applicant that reclaimed water is not appropriate for their proposed water use. Water management districts should also limit exemptions or general permits for private wells in mandatory reclaimed water zones.

Education. Ordinances and rules restricting residential irrigation are difficult to enforce, and the public is less likely to follow good irrigation practices if the value of these practices is not understood. Public education is paramount in ensuring that the public efficiently and effectively uses reclaimed water as well as other valuable water resources.

> **Action**: DEP, the water management districts, and reclaimed water providers should expand coordinated efforts to educate the public that all water resources have value and should be used efficiently and effectively. A consistent message from state, regional, and local government entities can reduce per capita water use in Florida. Such an education initiative should include explaining the water supply challenges facing many areas of our state, the benefits of using Florida-friendly landscapes, and what it means to "irrigate efficiently." Also, regulatory agencies and utilities should consider increasing funds for currently underfunded initiatives, such as the Mobile Irrigation Labs program.

Offsets Using Reclaimed Water. In some areas, overtaxed ground water and surface water resources have led to the establishment of water reservations, minimum flows and levels, and other regulatory programs that limit new or additional water withdrawals. In such areas, a regulatory program should also be in place to promote the use of reclaimed water as a replacement for existing water uses (for example, to directly replace an existing groundwater withdrawal with reclaimed water) and as a mitigation tool (for example, to recharge the aquifer or provide a saltwater barrier to allow for additional groundwater withdrawals). Such a regulatory program would facilitate the efficient and effective use of reclaimed water as well as promote smart growth in water restricted areas. At the September 16, 2008, reclaimed water policy workshop, DEP staff, representatives from all of the water management districts, and stakeholders agreed that district rules should provide for the use of offsets to promote the efficient and effective use of reclaimed water.

> **Action:** Having already agreed that offsets are an appropriate regulatory tool to expand the efficient and effective use of reclaimed water, the time is now for creating a regulatory program that puts the concept into action. FWEA Utility Council members believe that a successful offset program should have the following attributes: (1) a statewide regulatory framework is needed to promote consistency among the districts and provide regulatory certainty to reclaimed water providers; (2) the entity creating the reduction or mitigation should get the credit for the offset; and (3) the offset credit to the utility should be irrevocable. We

recommend that rule development workshops to establish an offset regulatory program begin in Spring 2009 with the goal of having offset rules in place by December 2009.

Goal-Based Water Conservation Plans. Wastewater treatment utilities and reclaimed water providers should be encouraged to adopt progressive policies and utilize flexible innovative tools to promote the efficient and effective reuse of reclaimed water. These policies must be crafted in a manner that recognizes reuse system maturity, customer base attributes, and other local conditions.

> **Action**: Update the Conserve Florida program. In 2004, the Florida Legislature enacted § 373.227, F.S., which empowers public water supply utilities to "propose a goal-based water conservation plan that is tailored to its individual circumstances." This program should be updated to recognize actions designed to increase the efficient and effective use of reclaimed water, including reclaimed water irrigation restrictions, volumetric metering, efficient augmentation, and other proposed beneficial actions.
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> Additionally, the underlying statute should be revised to facilitate the use of goal-based water conservation plans. Specifically, DEP, the water management districts, and stakeholders should explore potential revisions to the statutory requirement that the "utility must provide reasonable assurance that the [goal-based] plan will achieve effective water conservation at least as well as the water conservation requirements adopted by the water management district." § 373.227(4), F.S. This well-intended statutory requirement has served as a significant impediment to the use of goal-based plans, because a utility often simply cannot satisfy water management district staff that an innovative goal-based plan would work as well as a standard conservation plan due to the inability to make a comparison between the two programs. Thus far, only one local government utility has successfully sought and received approval for a goal-based water conservation plan. Water conservation planning policies should be revised to remove unnecessary hurdles to using innovative goal-based plans and promote actions that provide for the efficient and effective reuse of reclaimed water.

Concepts We Should Explore

Augmentation. Augmentation of reclaimed water with traditional or alternative water supplies is an integral tool in expanding the reuse of reclaimed water and facilitating the efficient reuse of reclaimed water.

> **Concept**: Develop regulatory tools and incentives that facilitate augmentation as a tool to expand reclaimed water customer bases and promote the efficient reuse of reclaimed water. Specifically, regulatory agencies and should explore opportunities to promote the use of efficient augmentation in the water conservation planning process.

Diversification of Reuse Options for Reclaimed Water. When considering reuse options for reclaimed water, a wastewater treatment utility must analyze various factors, including local geography and geology, population trends, attributes of potential residential, industrial, and commercial customers, and delivery system requirements. These considerations limit reuse options, and state policy should support utilities with limited reuse opportunities by supporting diverse reuse options, including ground water recharge.

> **Concept**: State policies regarding the reuse of reclaimed water should ensure that diverse beneficial uses are supported, including innovative and recharge uses.

Streamline Permitting for the Implementation of Reclaimed Water Projects. Occasionally, the implementation of a reuse project faces substantial regulatory hurdles and administrative delays. For instance, establishing a reclaimed water distribution system may require permits from DEP, a water management district, and regional entities, such as drainage districts. Required authorizations may include NPDES permits or permit amendments for stormwater pond storage, well permits, and utility easement amendments.

> **Concept**: Facilitate permitting approval processes by improving coordination between regulatory agencies in multiple jurisdiction projects and tightening time clocks for issuing necessary regulatory authorizations associated with reclaimed water reuse projects.