



# 62-41.400 - 403, F.A.C. Outstanding Florida Springs Rule Development Workshop

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Office of Water Policy and Ecosystems Restoration  
Florida Department of Environmental Protection

Aug. 28, 2023



# 62-41.400-403, F.A.C. RULEMAKING WORKSHOP

## AGENDA

1. Rule development overview.
2. Draft rules.
3. Public comment.
4. Next steps.
5. Adjourn.

For more information on rulemaking for Outstanding Florida Springs (OFS), please visit our webpage: [FloridaDEP.gov/Water-Policy/Water-Policy/Content/Outstanding-Florida-Springs-OFS](https://FloridaDEP.gov/Water-Policy/Water-Policy/Content/Outstanding-Florida-Springs-OFS).





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## RULE DEVELOPMENT OVERVIEW

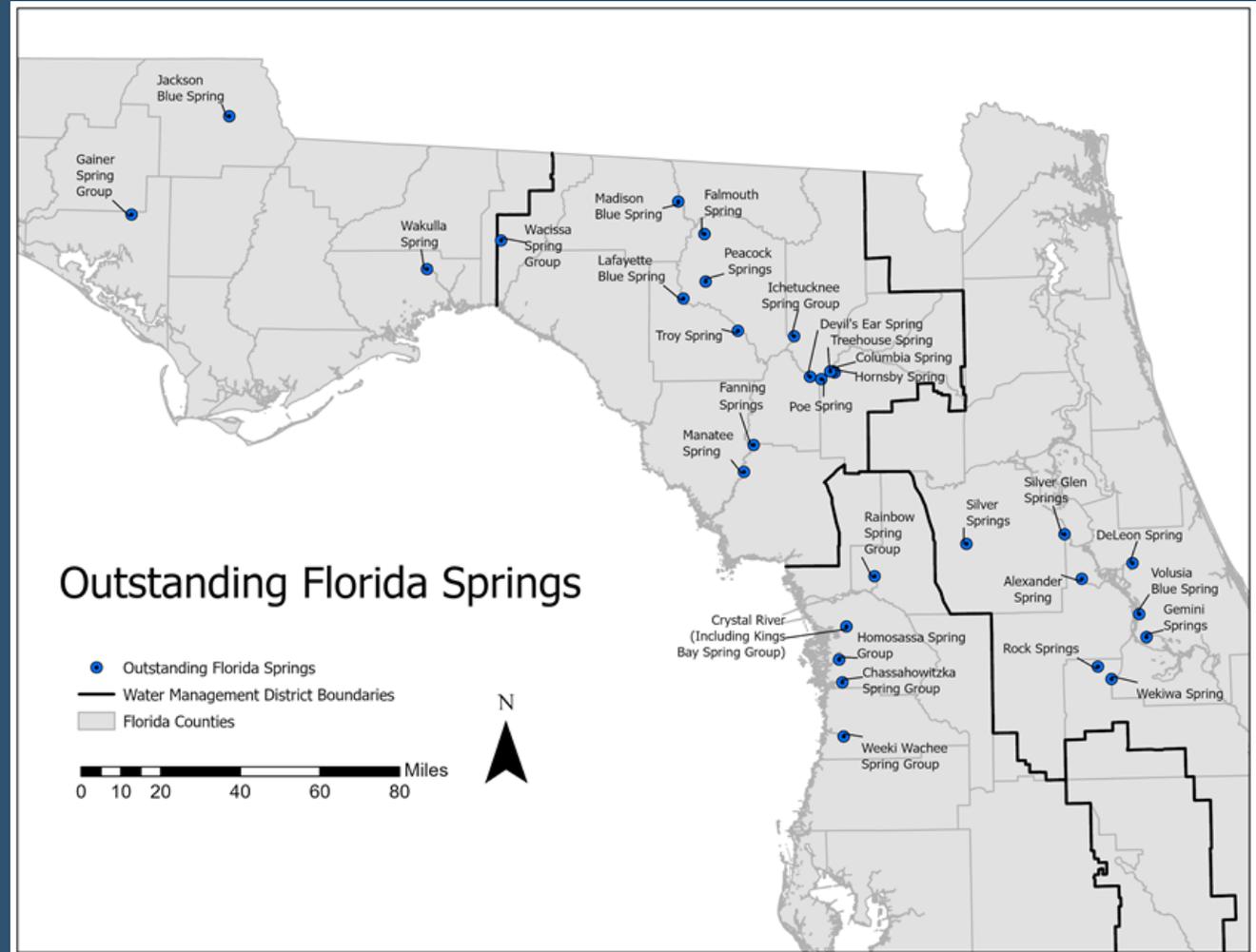
- **For Outstanding Florida Springs, Section 373.219(3), Florida Statutes (F.S.), requires DEP to adopt:**
  - Uniform rules for issuing permits which prevent groundwater withdrawals that are harmful to the water resources.
  - A uniform definition of the term “harmful to the water resources” to provide water management districts with minimum standards necessary to be consistent with the overall water policy of the state.
- **Water management districts may also adopt a definition that is more protective of the water resources consistent with local or regional conditions and objectives.**



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## 62-41.400 – SCOPE OF RULES

Regulates consumptive uses “to ensure they are not harmful” to an OFS or its spring run as defined in Sections 373.802(4) and 373.802(7), F.S.





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## 62-41.401: UNIFORM DEFINITION OF HARMFUL TO WATER RESOURCES

**62-41.401(1) defines “harmful to the water resources” as a consumptive use that adversely impacts the OFS or its spring run by:**

- Causing harmful water quality impacts...from the withdrawal or diversion.
- Causing harmful water quality impacts from dewatering discharge.
- Causing harmful saline water intrusion or harmful upconing.
- Causing harmful hydrologic alterations to natural systems, including wetlands or other surface waters.
- Otherwise causing harmful hydrologic alterations.



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## 62-41.401: UNIFORM DEFINITION OF HARMFUL TO WATER RESOURCES

**62-41.401(2) states that applicants shall provide “reasonable assurance” that there are no adverse impacts caused by the withdrawal on an individual or cumulative basis, to the extent that:**

- The withdrawal does not induce movement or alter the rate or direction of the movement of a contamination plume.
- Dewatering discharges do not cause harmful water quality impacts.
  - Applicants who have obtained and are in-compliance with their NPDES or ERP permit for dewatering shall be considered to not cause harmful water quality impacts.
- Withdrawals do not cause an increase in total dissolved solids (TDS) or chloride concentrations.
- Hydrologic alterations to the spring resulting from withdrawals do not cause adverse impacts to the aquatic or wetland dependent flora or fauna in the spring or its spring run.



# 62-41.400-403, F.A.C. RULEMAKING WORKSHOP

## 62-41.401: UNIFORM DEFINITION OF HARMFUL TO WATER RESOURCES

**62-41.401(3) details the information that shall be submitted as reasonable assurance that harm to the water resources will not occur due to the proposed water withdrawal or diversion. This information includes:**

- A comparison of the existing pre- and post-withdrawal conditions of the system inclusive of any predicted hydrologic alterations (including any predicted changes in aquatic or wetland flora or fauna) to an OFS or its spring run.
- A summary of any monitoring or modeling analysis performed and electronic copies of any modeling files.
- Any additional materials utilized in the analysis to provide reasonable assurance, including aerial photographs, topographic maps, hydrologic data, environmental assessments or other relevant information.



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## 62-41.402: UNIFORM CONDITIONS FOR ISSUANCE OF PERMITS

- **No permit ... shall authorize groundwater withdrawals that are harmful to the water resources as provided in paragraph (3)(g), and each permittee shall meet the criteria established in section 62-41.401, F.A.C.**
- **For withdrawals that influence an OFS, permittees must provide reasonable assurance that the conditions of issuance are met.**
- **Permits must be consistent with the Central Florida Water Initiative Conditions for Issuance.**



# 62-41.400-403, F.A.C. RULEMAKING WORKSHOP

## 62-41.403: ADDITIONAL PROTECTIONS CONSISTENT WITH LOCAL AND REGIONAL CONDITIONS AND OBJECTIVES

**62-41.403(1) states that nothing in these rules shall prevent agencies from adopting a definition of “harmful to the water resources” that is more protective.**

- Includes the adoption of a Restricted Allocation Area as a measure that may be necessary.

**62-41.403(2) defines Restricted Allocation Area:**

- Geographic area where “[e]xisting sources of water are not adequate to supply water...for the 20-year planning period”; and
- Where “[r]egional action is necessary to address cumulative water withdrawals which are causing or are reasonably anticipated within the next 20 years to cause adverse impacts” to the OFS or its spring run.



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## 62-41.403: ADDITIONAL PROTECTIONS CONSISTENT WITH LOCAL AND REGIONAL CONDITIONS AND OBJECTIVES

**62-41.403(3) lists evaluation factors that the water management districts shall consider in determining whether regional action is necessary, including:**

- Adverse trends in discharge from the OFS vent or applicable gages.
- Reductions in potentiometric surface throughout the planning region.
- Projected reductions in potentiometric surface throughout the planning region due to projected growth in the next 20 years.
- Whether the OFS is below, or expected within 20 years to fall below, its adopted Minimum Flow or Minimum Water Level (i.e., be in recovery or prevention).



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## 62-41.403: ADDITIONAL PROTECTIONS CONSISTENT WITH LOCAL AND REGIONAL CONDITIONS AND OBJECTIVES

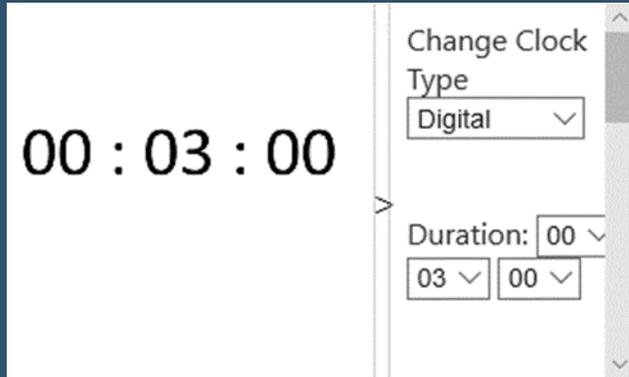
### **62-41.403(4) list implementation factors for the water management districts, such as:**

- Consideration of whether an Upper Floridan Aquifer limit is needed.
- Identification of alternative water supply options.
- Consideration of conservation criteria and reporting requirements.



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## PUBLIC COMMENT PERIOD



### ORAL COMMENTS

- Fill out a speaker card and return it to a DEP staff member in the room.
- Participants will be given **three minutes** to make their comments.

### WRITTEN COMMENTS

- Submit written comments concerning today's workshop by **Sept. 11, 2023**, to [OWP\\_rulemaking@floridadep.gov](mailto:OWP_rulemaking@floridadep.gov).



# 62-41.400-403, F.A.C. RULEMAKING WORKSHOP

## NEXT STEPS

- **Review and consider all comments received through September 11, 2023.**
- **Revise draft rule language as needed based on comments.**
- **Move to the Notice of Proposed Rule.**



# THANK YOU

**Pamela Flores**

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