

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
WATER CONSERVATION/LANDSCAPE IRRIGATION

RULE 40C-2.042, F.A.C.

40C-2.042 General Permit by Rule. A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsection (8). However, this section shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this section, must obtain a permit pursuant to Chapters 40C-2, 40C-20, or 40C-22, F.A.C.

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water to irrigate agricultural crops, nursery plants, golf courses and recreational areas, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. Such water use shall be subject to the following exceptions:

(a) Irrigation using a micro-irrigation system is allowed anytime.

(b) The use of water for irrigation from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.

(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(d) Irrigation is allowed at any time of day for one 30 day period following planting of agricultural crops or nursery stock, provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment. Irrigation of new recreational areas and newly seeded or sprigged golf course areas is allowed at any time of day for one 60 day period.

(e) Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.

(f) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.

(g) Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.

(h) Irrigation of agricultural crops by seepage systems which regulate off-site discharges through the use of water control structures is allowed anytime, provided the discharge does not overtop the control structure by more than one-half inch, there is no discharge between 1:00 p.m. and 7:00 p.m. unless associated with a storm event, and the structure is well maintained.

(i) The use of water to protect agricultural crops and nursery plants, except ferns, from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.

(j) The use of water to protect ferns from frost or freeze damage is allowed when the "wet bulb" temperature, as measured by a "wet bulb" thermometer at the site of

application, is 34 degrees Fahrenheit or less. Freeze protection must cease when temperatures rise above 40 degrees Fahrenheit.

(k) The use of water to protect agricultural crops, nursery plants and golf course turf from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone or one twenty minute period per day, whichever is applicable.

(l) Irrigation of agricultural crops by traveling volume guns which require manual repositioning is allowed anytime.

(m) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime.

(n) Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system is not limited by this permit.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water for landscape irrigation, provided the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. An irrigator may select the two irrigation days unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). A contiguous property may be divided into different zones and each zone may be irrigated on different days than other zones of the property unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). However, no single zone may be irrigated more than 2 days a week. Additionally, any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred. For the

purpose of this rule, “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, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. For the purpose of this rule, “landscape irrigation” does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, football, baseball and soccer fields. Landscape irrigation shall be subject to the following exceptions:

1. Irrigation using a micro-irrigation system is allowed anytime.
2. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.
4. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.
5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime.
6. Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system is not limited by this permit.

7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

8. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(b)1. A local government may enforce paragraph (2)(a) within its jurisdiction by adopting an ordinance incorporating these provisions. If the local government chooses to identify specific days on which landscape irrigation will occur, then the schedule within the ordinance shall be:

a. Landscape irrigation at odd numbered addresses must only occur on Wednesday and Saturday; and

b. Landscape irrigation at even numbered addresses or no address must only occur on Thursday and Sunday.

c. Non-residential landscape irrigation may be designated on two alternative days other than those combinations in subparagraphs 1. or 2. above to address utility system-related demands.

2. For the purpose of this rule, “address” means the “house number” of a physical location of a specific property. This includes “rural route” numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. An “even numbered address” means an address ending in the numbers

0, 2, 4, 6, 8 or the letters A-M. An “odd numbered address” means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

3. Local governments with a jurisdiction divided between the St. Johns River Water Management District and another water management district may propose an alternative schedule of days from (b) above, when necessary for the local government to achieve a uniform schedule within its jurisdiction. The local government shall submit its proposed alternative schedule for this District's review and approval prior to introducing the ordinance for adoption.

4. If the strict application of the uniformly required schedule for specified “day of week” limitations would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific days for landscape irrigation identified in subparagraph (2)(b)1., provided that the applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days a week.

5. At least thirty (30) days prior to the adoption of an ordinance to enforce paragraph (2)(a), the local government shall provide a copy of the proposed ordinance to the District.

(c) All variances for landscape irrigation from Water Shortage Order F.O.R. 2000-62 that have not expired as of the effective date of this rule shall be automatically

extended for a 2-year time period in accordance with the terms and conditions of the variance. No other changes to the terms and conditions of the variances shall be allowed. Landscape irrigation activities not authorized pursuant to a variance extension or elsewhere in this rule will require a standard general permit.

(d) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur on three days per week may submit an application for a Standard General Consumptive Use Permit for Landscape Irrigation Three Days Per Week pursuant to Chapter 40C-20, F.A.C. This application is limited to including no more than twenty-five (25) nearby properties within a common plan of development. If a development consists of more than one phase or section, the twenty-five (25) properties must be located within a single phase or section.

(3) The Board hereby grants a general permit for all aquacultural consumptive uses of water located within the District provided the containment or impoundment facility utilized to cultivate the aquacultural product has no off-site surface water discharge and an aerator is used to add oxygen to the facility when necessary. Such water use is limited to the amount necessary to accomplish average expected production. The use of reclaimed water within an aquacultural facility shall not be subject to these restrictions provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use.

(4) The Board hereby grants a general permit for all existing and proposed ornamental and aerating fountains within the District, provided the same water is recirculated, there is no off-site discharge and the fountain is properly installed, maintained and operated to ensure that a minimal amount of water is used. Non-recirculating fountains

in existence on 7-23-91 shall be retrofitted to meet the requirements of this subsection by 7-23-93.

(5) The Board hereby grants a general permit to each person located within the District to use water to create a containment or impoundment facility solely for aesthetic purposes, provided the containment or impoundment facility is not augmented thereafter from any ground or off-site surface water source.

(6) The Board hereby grants a general permit to each person located within the District to use water for the augmentation of any pond which is 1/2 acre or smaller in size, provided the following conditions are met:

(a) The water for augmentation shall be withdrawn from a well with an inside diameter of the largest permanent water bearing casing of no more than 2 inches;

(b) Augmentation of the water level must not occur if the pond is discharging offsite, except that augmentation may occur to flush the pond no more than two times per year; and

(c) Augmentation of the water level in the pond must not occur above the average water table condition for the site.

(7) The Board hereby grants a General Permit to each person located within the District to withdraw or divert water for uses other than those identified in subsections (1) - (6) provided the amount is limited to only that necessary for efficient utilization.

(8) The Board hereby grants a general permit to each person located within the District to withdraw groundwater from a well solely to irrigate a total of one acre or less of landscape on contiguous property, provided the withdrawal does not meet or exceed any thresholds of paragraphs 40C-2.041(1)(a)-(c), F.A.C. This permit is subject

to all the requirements in paragraph (2)(a) and the exceptions in subparagraphs (2)(a)1. -
8.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118,
373.219, 373.223, 373.250, 373.609 FS. History--New 7-23-91, Amended 1-7-99, _____
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