

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
NOTICE OF PROPOSED RULE DEVELOPMENT

RULE NO.:	RULE TITLE:
40C-4.091	Publications Incorporated by Reference
40C-4.101	Content and Processing of the Application
40C-4.201	Permit Processing Fee
40C-4.301	Conditions for Issuance of Permits
40C-4.900	Forms and Instructions

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule amendments are to: (1) require ERP applicants under 40C-4 or 40C-40 to concurrently submit CUP applications where their proposed projects will contain irrigated landscape, golf course, or recreation areas that require a CUP; (2) require that such concurrent ERP and CUP applications will be reviewed by the District in a consolidated manner, with the ERP application not being considered complete until the CUP application is also complete and if either application fails to meet the applicable conditions for issuance then both the ERP and CUP applications will be denied; (3) create a new ERP criterion that a proposed system that will contain irrigated landscape, golf course, or recreational areas “not adversely impact the availability of water for reasonable-beneficial uses;” (4) create water conservation requirements, which satisfy the new criterion to not adversely impact the availability of water for reasonable-beneficial uses, including: (i) require an irrigation plan that meets criteria to conserve water, including requirements that no more than 60% of the pervious portion of a lot can be irrigated with high-volume sprinklers, sprinkler spacing and precipitation rate limits, prohibiting irrigation of non-vegetated areas, limiting irrigation of landscaped road medians to certain highly efficient irrigation methods unless the water source is stormwater or reclaimed water, and requiring that all in-ground irrigation systems are separately metered; (ii) require use of lower quality water sources unless the applicant demonstrates that it is not economically, environmentally, or technologically feasible; and (iii) require that the use of Florida-Friendly landscaping not be prohibited; (5) create requirements to ensure that the long-term operation and maintenance entity will enforce the water conservation plan requirements; (6) clarify that at preapplication conferences, the District will also be available to discuss consolidated review of other permits and authorizations; (7) require that when an ERP application requires a concurrent application to be submitted that the applicant must submit all required applications and all appropriate permit processing fees; (8) clarify the 40C-40 standard ERP process; (9) clarify that an ERP application may be submitted electronically via the District’s website; (10) update the nomenclature in 40C-4 that 40C-40 permits are called “standard” ERPs; (11) clarify that an applicant can request that the District begin processing an incomplete ERP application; (12) revise the ERP application form to update the contents and include the concurrent application requirements; and (13) update statutory authority.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments would: (1) create a new ERP permitting criteria; (2) require, for a system that will contain irrigated landscape, golf course, or recreational areas, a water conservation plan that includes three components: (i) irrigation plans; (ii) use of lower quality water sources; and (iii) no prohibitions on Florida-Friendly landscaping; (3) require, for a system that will contain irrigated landscape, golf course,

or recreational areas that will require a CUP, that the applicant concurrently apply for and obtain a CUP; (4) clarify application processing requirements; (5) clarify preapplication conferencing; and (6) update statutory authority.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.171, F.S.

LAW IMPLEMENTED: 369.318, 373.1131, 373.185, 373.413, 373.4141, 373.416, 373.427, F.S.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m. till 5:00 p.m., September 16, 2010.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701.

TIME AND DATE: 1:00 p.m. till 5:00 p.m., September 17, 2010.

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386) 326-3026, or [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**40C-4.041 Permits Required**

(1) Unless expressly exempt, an individual, standard, or general environmental resource permit must be obtained from the District under Chapter 40C-4, 40C-40, 40C-42, 40C-44 or 40C-400, F.A.C., prior to the construction, alteration, operation, maintenance, abandonment or removal of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works, including dredging or filling, and for the maintenance and operation of existing agricultural surface water management systems or the construction of new agricultural surface water management systems.

(2) through (4) No change.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.415, 373.418, 380.06(9) FS. Law Implemented 373.083, 373.118, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.426, 380.06(9) FS. History–New 1-31-77, Formerly 16I-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, 40C-4.0041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98, 10-11-01, \_\_\_\_\_.*

#### **40C-4.091 Publications Incorporated by Reference.**

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Description of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective (*effective date*) February 16, 2010.

(b) through (d) No change.

(2) No change.

*Rulemaking Authority* 369.318, 373.044, 373.046(4), 373.113, 373.171, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 375.461 FS. *Law Implemented* 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.1131, 373.146(1), 373.185, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.427, 373.461(3), 380.06(9), 403.813(2) FS. *History—New* 12-7-83, *Amended* 10-14-84, *Formerly* 40C-4.091, *Amended* 5-17-87, *Formerly* 40C-4.0091, *Amended* 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10, \_\_\_\_\_.

#### **40C-4.101 Content and Processing of the Application.**

(1) No change.

(2)(a) Each application for an individual, standard, general, or conceptual approval environmental resource permit shall be filed upon District form 40C-4.900(1) . The applicant shall submit five copies of the application package (which package includes the signed application form, construction plans, and any supporting documents describing the proposed system). The requirement to submit five copies shall not apply when the application package is received electronically via the District’s E-Permitting website at [floridaswater.com](http://floridaswater.com) [www.sjrwmd.com](http://www.sjrwmd.com). For any application to construct a surface water management system under Chapter 40C-4 or 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the applicant must also concurrently submit an application for a consumptive use permit.

(b) Each application for an individual, standard, or general environmental resource permit or a conceptual approval environmental resource permit which seeks authorization to alter, abandon, or remove a system, or a portion of a system, which is exempt from permitting under the provisions of subsection 40C-4.051(2), shall contain the plans and information required by paragraph 40C-4.101(2)(a), F.A.C., for the system as it was originally constructed, as it exists on the date of the permit application, and as it is proposed to be modified.

(3) A complete application for an individual, standard, or general environmental resource permit shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341. Issuance of the permit shall constitute certification of compliance with water quality standards, unless the permit is issued pursuant to the net improvement provision in paragraph 373.414(1)(b), F.S., or the permit specifically states otherwise.

(4) through (6) No change.

*Rulemaking Authority 369.318, 373.044, 373.113, 373.171 FS. Law Implemented 369.318, 373.1131, 373.146, 373.413, 373.416, 373.417, 373.427 FS. History--New 1-31-77, Formerly 16I-4.10 and 40C-4.10, Amended 2-3-81, 12-7-83. Formerly 40C-4.101, 40C-4.0101. Amended 8-1-89, 2-27-94, 10-3-95, 1-4-96, 2-1-05, \_\_\_\_\_.*

#### **40C-4.201 Permit Processing Fee.**

There shall be a non-refundable permit processing fee as specified by rule 40C-1.603. F.A.C., payable to the District at the time that an application for a general, standard, or individual permit or for a conceptual approval permit is submitted.

*Rulemaking Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109, 373.413, 373.416, 373.426 FS. History--New 1-31-77, Formerly 16I-4.10 and 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89, \_\_\_\_\_.*

#### **40C-4.301 Conditions for Issuance of Permits.**

(1) In order to obtain a standard, individual, or conceptual approval permit under this chapter or Chapter 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

(a) through (i) No change.

(j) Will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; ~~and~~

(k) Will comply with any applicable special basin or geographic area criteria established in Chapter 40C-41, F.A.C.; and

(l) Will not adversely impact the availability of water for reasonable-beneficial uses.

(2) and (3) No change.

*Rulemaking Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, 373.1131, 373.185, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History--New 1-31-77, Formerly 16I-4.10 and 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.030,. Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01, 12-3-06, \_\_\_\_\_.*

#### **40C-4.900 Forms and Instructions.**

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), adopted (effective date) ~~12-3-06~~.

(2) through (10) No change.  
*Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.1131, 373.116, 373.117, 373.118, 373.185, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421 373.426, 373.461, 403.0877 FS. History--New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05, 12-3-06, \_\_\_\_\_.*

## APPLICANT'S HANDBOOK SECTION:

### **4.0 Application Preparation**

#### **4.1 Preapplication Conference**

**4.1.1** At the applicant's request, District staff will arrange for and participate in a preapplication conference. At a preapplication conference the staff will be prepared to discuss with the applicant such information as:

- (a) application completion, processing and evaluation procedures;
- (b) information which will be required for evaluation of the application;
- (c) information regarding surface water data which is known to be available at that time;
- (d) the criteria which will be utilized in evaluation of the application; ~~and~~
- (e) consolidated review of any related consumptive use permit application or proprietary authorization to use submerged lands (if applicable); and
- (fe) other hydrologic, environmental or water quality data.

The District staff may advise the applicant regarding information requested on the application form referenced in paragraph 40C-4.101(2)(a), F.A.C., which is not applicable to the applicant's proposed project.

#### **4.2 Forms and Instructions**

**4.2.1** The application form including the required site and system design information for an individual and standard environmental resource permit under chapters 40C-4 and 40C-40, F.A.C., respectively, has been adopted as a rule in subsections 40C-4.900(1), and 40C-40.900, F.A.C. A copy of this application form is included in Appendix B of this Handbook. This form must be used to apply for a permit to construct, maintain, alter, remove, or abandon a system pursuant to these respective chapters. An

application to operate a system is made automatically with an application for construction, maintenance, removal, or alteration. Information regarding operation of the system must be included in the permit application submittal.

**4.2.2** For any application to construct a surface water management system that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the applicant must also concurrently submit an application for a consumptive use permit, with the required permit processing fees and all supporting documentation needed to demonstrate that the consumptive use of water meets the permitting criteria in chapter 40C-2, F.A.C.

Renumber 4.2.2 and 4.2.3 to 4.2.3 and 4.2.4 No change.

## **5.0 Procedures for Processing Individual Environmental Resource Permits**

### **5.2 Initial Receipt**

**5.2.1** When the permit application form is completed and signed, it must either be submitted electronically via the District’s website at [floridaswater.com](http://floridaswater.com) or delivered to the District headquarters or to the nearest address indicated on the form. (See section 1.3 of this Handbook for the addresses and phone numbers of these offices). In order to be processed in a timely manner, the application must include any other permit application required to be submitted concurrently, supporting documentation, and all the appropriate permit processing fees.

**5.2.2** An applicant must submit a concurrent application when any part of the proposed surface water management system:

- (a) will require concurrent review under section 373.427, F.S., for proprietary authorization under chapter 253 or 258, F.S., to use submerged lands; or
- (b) will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1) F.A.C.

Renumber 5.2.2 as 5.2.3 No change.

### **5.3 Request for Additional Information**

**5.3.1** The first step of this review process is to determine if all the technical data required on the application form have been provided. In those cases where

the information provided is not complete, the District staff will request that the additional information be supplied, and will inform the applicant as to the reason that such information is required.

When an environmental resource permit applicant must submit a concurrent consumptive use permit, the review of these two applications will be consolidated and the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application.

- 5.3.2** If the application is determined to be incomplete, the District will request the necessary additional information within 30 days after the receipt of the application. The District will take action on the application within 90 days after the requested information has been received or upon a written request by the applicant to process the application pursuant to section 373.4141, F.S. Such requests for additional information will be accompanied by citation to a specific rule pursuant to section 373.417, F.S.

5.3.3 and 5.3.4 No change.

## **5.4 Staff Evaluation**

- 5.4.1** When the application is complete, the staff will commence the technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

- 5.4.2** All review will be completed and the application will be presented to the Board for action within 90 days after the complete application is received.

- 5.4.3** The goal of the permit evaluation procedure is to assure that the proposed design is consistent with the standards and criteria for evaluation. If the reviewer determines that the design as submitted in the application is inconsistent with the standards and criteria, the District staff will endeavor to assist the applicant in submission of changes in design that will correct the deficiencies in the original application where possible. The responsibility for changing the permit application and designing corrections remains that of the applicant.

- 5.4.4** When an environmental resource permit applicant is required to submit a concurrent consumptive use permit, the review of these applications is consolidated and the District will not issue the environmental resource permit unless the permitting criteria applicable to the consumptive use permit application are also satisfied. If the applicant fails to meet the criteria for either the environmental resource permit or the consumptive use permit, then both permit applications will be denied.

Renumber 5.4.4 as 5.4.5 No change.

## **6.0 Procedures for Processing Standard and Noticed General Environmental Resource Permits**

### **6.2 Standard Permits**

~~6.2.1~~ District standard permits differ from individual permits in that they are granted by rule to all systems which meet certain requirements.

~~6.2.12~~ These requirements for a standard permit are:

- (a) The systems must meet certain threshold requirements (see section 40C-40.302 , F.A.C., and section 3.3 of this Handbook); and
- (b) The systems must be designed, constructed, and operated in accordance with District design criteria (see sections 40C-4.301, 40C-4.302, 40C-40.302, and 40C-41.063, F.A.C., and Part II of this Handbook); ~~and~~
- (c) The person who seeks a standard permit must submit a complete permit application at least 30 days prior to undertaking the activity which would otherwise require an individual permit and must receive District authorization prior to proceeding; and
- (d) When the person who seeks a standard environmental resource permit must also submit a concurrent consumptive use permit application, the consumptive use must meet the permitting criteria in chapter 40C-2, F.A.C. (See sections 4.2.1 and 6.3.2(b) of this Handbook).

Renumber 6.2.3 and 6.2.4 to 6.2.2 and 6.2.3 No change.

### **6.3 Initial Receipt of a Standard Permit Application**

**6.3.1** When the application for a standard permit is completed and signed, it must be delivered to the District headquarters or to one of the District offices indicated on the form. In order to be processed in a timely manner, the application must include any other permit application required to be concurrently submitted, all supporting documentation, and all the appropriate permit processing fees.

**6.3.2** An applicant must submit a concurrent application when any part of the proposed surface water management system

- (a) will require concurrent review under section 373.427, F.S., for proprietary authorization under chapter 253 and 258, F.S., to use submerged lands; or

- (b) will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C.

Renumber 6.3.2 as 6.3.3 No change.

## **6.4 Request for Additional Information Regarding a Standard Permit**

- 6.4.1** The first step of this review process is to determine whether all the technical data needed for a complete review of the application has been provided. In those cases where the information contained in the submitted application for a standard permit is not complete, the District staff will request that the additional information be supplied and will inform the permittee as to the reason that such information is required. Such requests for additional information will be accompanied by citation to a specific rule pursuant to section 373.417, F.S.

When an application is submitted for a surface water management system that will contain irrigated landscape, golf course, or recreational areas, and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the District will conduct a consolidated review of both applications and the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application.

- 6.4.2** If the standard permit application is determined to be incomplete, the District will request the necessary additional technical information within 30 days after the receipt of the application. The District will take action on the application within 30 days after the requested information has been received or upon a written request by the applicant to process the application pursuant to section 373.4141, F.S.

6.4.3 and 6.4.4 No change.

## **7.0 Permits**

### **7.1 Operation Permits**

- 7.1.1** No change.

- 7.1.2** Profit or non-profit corporations such as homeowners associations, property owners associations, condominium owners associations or master associations are acceptable operation and maintenance entities only if the corporation has the financial, legal, and administrative capability to provide for the long term operation and routine custodial maintenance of the surface water management system and enforcement of the water conservation plan approved by the District including the

regulation of the design, installation, and operation of in-ground irrigation systems within the development.

- (a) If a homeowner, property owner, condominium or master association is proposed, the applicant must submit draft Articles of Incorporation, Declaration, Restrictive Covenants, Deed Restrictions or other organizational or operation documents, or draft amendments thereto, that:
1. affirmatively assign responsibility for the operation or routine custodial maintenance of the surface water management system and enforcement of the water conservation plan approved by the District; and
  2. affirmatively state that there is no prohibition of the use of Florida Friendly landscaping.

These documents must be submitted to the District as part of the permit application.

- (b) The association must have sufficient powers reflected in its organizational or operational documents to:
1. operate and perform routine custodial maintenance of the surface water management system as exempted or permitted by the District,
  2. enforce the water conservation plan approved by the District including the regulation of the design, installation, and operation of in-ground irrigation systems within the development,
  3. establish rules and regulations,
  4. assess members for the cost of operating and maintaining the system, and enforce the collection of such assessments,
  5. contract for services to provide for operation and routine custodial maintenance (if the association contemplates employing a maintenance company), and
  6. exist in perpetuity; the articles of incorporation must provide that if the association is dissolved, the system shall be transferred to and maintained by an entity described in paragraphs 7.1.1(a) through (e) prior to the association's dissolution.

#### **7.4 Related Permits**

7.4.1 through 7.4.3 No change.

**7.4.4** Application to construct a surface water management system that will contain irrigated landscape, golf course, or recreational areas where such irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., must also include the required consumptive use permit application. Please refer to chapter 40C-2, F.A.C.

**7.4.5** Application to construct a surface water management system that will require proprietary authorization under chapter 253 or 258, F.S., to use submerged lands must include a request for such authorization pursuant to section 373.427, F.S.

## **9.0 Conditions for Issuance of Permits**

### **9.1 Section 40C-4.301, F.A.C., Conditions**

**9.1.1** In order to obtain an individual, standard, or conceptual environmental resource permit under Chapter 40C-4 or 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of a surface water management system:

(a) through (i) No change.

(j) Will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; ~~and~~

(k) Will comply with any applicable special basin or geographic area criteria established in chapter 40C-41, F.A.C.; and

(l) Will not adversely impact the availability of water for reasonable-beneficial uses.

### **10.2 Harm to the Water Resources and Objectives of the District Criteria**

**10.2.1** No change.

**10.2.2** Compliance with the following criteria shall constitute reasonable assurance that a proposed system meets the requirements of paragraphs 9.1.1 (d), (e), (f), (j), ~~and~~ (k), and (l) and 10.1.1 (a) through (d):

(a) No change.

(b) The applicant must establish financial responsibility and provide for an operation and maintenance entity, as set forth in subsections 10.~~9~~8 through 10.~~9~~8.3.

(c) and (d) No change.

- (e) The water conservation requirements set forth in subsections 10.8 through 10.8.2 must be met.

10.2.3 and 10.2.4 No change.

## **10.8 Water Conservation**

### **10.8.1 Water Conservation Plans**

An applicant proposing to construct a surface water management system pursuant to chapters 40C-4 or 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas, must submit and implement a water conservation plan that includes the following:

#### **(a) Irrigation Plan**

The environmental resource permit application must include an irrigation plan that meets the following criteria:

1. The plan must identify all landscape, golf course, and recreational areas to be irrigated.
2. The plan must delineate all irrigation zones and be designed such that turf and non-turf areas are irrigated on separate zones.
3. The plan must identify the location of all zones that will utilize high-volume irrigation. A high volume irrigation zone is defined as a zone of an irrigation system that utilizes sprinklers with a capacity of greater than 30 gallons per hour. The plan must indicate the location and type of all sprinklers within zones that will utilize high-volume irrigation. Sprinkler spacing must not exceed 50 percent of each sprinkler's diameter of coverage within these zones. The precipitation rates for sprinklers in the same zone must be matched.
4. For each residential or commercial lot, the irrigation system must be designed such that high-volume irrigation zones are not used to irrigate more than 60% of the pervious portion of the lot.
5. The irrigation system must be designed to prevent the direct irrigation of non-vegetated areas.
6. Irrigation systems serving landscaped road medians must be designed to utilize only micro-spray, micro-jet, drip, or bubbler irrigation unless the source of water is stormwater or reclaimed water.

7. The system must be designed such that all in-ground irrigation systems are separately metered to allow for irrigation water use monitoring.

**(b) Use of Lower Quality Water Sources**

The environmental resource permit application must identify all irrigated landscape, golf course, and recreational areas and for each area indicate the source of water that will be used for irrigation purposes. The irrigation system must be designed to use lower quality water sources, including reclaimed water and stormwater, and must be operated using such sources, unless the applicant demonstrates that it is not economically, environmentally, or technologically feasible.

The following shall also apply where wet detention is proposed as part of the system:

1. When wet detention is utilized for stormwater treatment, use of water from wet detention ponds is technologically feasible.
2. To establish how much water from a wet detention pond is environmentally feasible as a lower quality water source for irrigation, the applicant shall submit an analysis demonstrating that withdrawals from wet detention ponds will not adversely impact wetlands or other surface water levels or water quality.
3. To the extent feasible, applicants must locate wet detention ponds within the project plan to minimize drawdown impacts to wetlands or other surface waters due to reuse of stormwater from ponds.

**(c) Florida Friendly Landscaping**

The use of Florida-Friendly landscaping shall not be prohibited by any association covenants and restrictions or deed restrictions.

**10.8.2 Concurrent Applications for Consumptive Use of Water**

When an application is submitted for a surface water management system that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application. If the applicant fails to meet the criteria for either the environmental resources permit or the consumptive use permit, then both permit applications will be denied.

10.8 through 10.8.3 Renumber as 10.9 through 10.9.3 No change.