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THROUGH: Herschel T. Vinyard Jr. *HTV*
Secretary

FROM: Greg Munson *gm*
Deputy Secretary for Water Policy and Ecosystem Restoration

DATE: March 23, 2012

SUBJECT: Guidance on Groundwater Augmentation of Surface Waters

Groundwater and surface water remain critical water supply sources for Floridians. Balancing the use of these sources to provide water supply without imperiling our natural systems is critical. This balance becomes particularly important when using groundwater to augment surface water that has been or could be impacted by withdrawals. This memo provides guidance to address that balance.

The Department recently conducted stakeholder sessions around the state with water users and environmental interests seeking input on ways to improve the consistency and effectiveness of the consumptive use permitting program. The stakeholders identified a need for additional consistency across the Water Management Districts (Districts) on the use of groundwater to augment surface waters.

Guidance related to the augmentation of surface waters with pumped groundwater is provided in Rule 62-40.410(7), Florida Administrative Code (F.A.C.) (Attachment 1). That section states, in part:

In implementing consumptive use permitting programs, the Department and Districts shall strive to prevent harm to natural systems without the need for artificial maintenance of natural systems by pumped groundwater augmentation.

The rule further provides factors that the Districts should consider in the adoption and implementation of consumptive use permitting rules regarding the use of pumped groundwater to artificially maintain natural systems that otherwise would be adversely affected by an applicant's proposed withdrawal for water supply.

These same principles should be applied in the development and implementation of recovery and prevention strategies for minimum flows and levels. Development of long-term recovery solutions that are self sustaining and do not involve ongoing operation and maintenance costs, should be the goal of plan development. Long-term augmentation of wetlands or other surface waters with pumped groundwater should be avoided. When long-term augmentation is the only feasible alternative, augmentation with the use of reclaimed water or recycled stormwater is encouraged, as provided in Rule 62-40.410(7)(b), F.A.C., when consistent with water quality standards. Further, when long-term augmentation is the only feasible alternative, short-term pilot projects using groundwater to test the efficacy of augmentation may be allowable, but should be limited in duration.

The use of groundwater for augmentation of small aesthetic or recreational surface water bodies may be requested by homeowners or other entities, unrelated to any request by the applicant for water supply withdrawals. Such uses need to be reviewed on an individual basis to determine if the use meets the conditions of issuance for a consumptive use permit. It is anticipated that such a use would only rarely meet the conditions of issuance. Further, the use of groundwater during times of drought or normal climactic variability to augment surface waters is generally not consistent with the public interest.

This memo is not applicable to the use of pumped groundwater to be discharged to surface waters for purposes other than those described above, such as augmentation of aquaculture ponds or for mixing with other waters for salinity adjustment. Such proposed uses should be reviewed on a case by case basis for compliance with the conditions for permit issuance.

If there are any questions or concerns regarding a proposal to use pumped groundwater to augment a surface water body, the District should contact the Office of Water Policy to discuss the proposed augmentation.

HTV/GM/as

Attachment

cc: Ann B. Shortelle, Ph.D., Director, Office of Water Policy, FDEP

Attachment 1

Rule 62-40.410(7), F.A.C

(7) In implementing consumptive use permitting programs, the Department and Districts shall strive to prevent harm to natural systems without the need for artificial maintenance of natural systems by pumped groundwater augmentation. If groundwater augmentation is authorized, reasonable assurance must be provided that such augmentation will not cause harm to natural systems.

(a) In the adoption and implementation of consumptive use permitting rules regarding use of pumped ground water to artificially maintain natural systems that otherwise would be adversely affected by withdrawals for water supply, consideration shall be given to the following factors:

1. Whether there are other economically, environmentally, and technically feasible means to avoid the impacts, including the use of alternative water sources, that would reduce or eliminate the impact. In determining economic feasibility, the Department and Districts shall consider costs and benefits;
2. The current condition of the natural system, and whether the system would be enhanced over the current condition through augmentation;
3. The geographic extent of the system to be augmented; and
4. The amount of water made available for water supply compared to the amount required for augmentation.

(b) The use of reclaimed water and recycled stormwater is encouraged in situations when the augmentation of wetlands is conducted, where practical and consistent with water quality protection.

(c) This paragraph is not intended to exclude other means to avoid or mitigate adverse impacts to natural systems.