



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

TO: George Roberts, Chair, NFWWMD
Jon P. Steverson, Executive Director, NFWWMD
Donald J. Quincy, Chair, SRWMD
Ann Shortelle, Executive Director, SRWMD
Lad Daniels, Chair, SJRWMD
Hans G. Tanzler III, Executive Director, SJRWMD
Carlos Beruff, Chair, SWFWMD
Robert Beltran, Executive Director, SWFWMD
Daniel O'Keefe, Chair, SFWMD
Blake Guillory, Executive Director, SFWMD

THROUGH: Herschel T. Vinyard Jr.
Secretary

FROM: Drew Bartlett
Deputy Secretary, Water Policy and Ecosystem Restoration

SUBJECT: Guidance relating to Water Resource Caution Areas

DATE: November 8, 2013

Increasing our beneficial use of reclaimed water is a critical component in meeting the future water supply needs of the state while protecting natural resources. We commend the water management districts for their role in making Florida the national leader in reuse of reclaimed water. Due in large part to the districts' efforts, Florida reused, in 2012, 725 million gallons a day of reclaimed water, or about 45% of total wastewater flow.

The Department and the water management districts must continue to coordinate on water supply planning and wastewater issues, including the designation of water resource caution areas (WRCAs), to ensure that the feasibility of using reclaimed water to meet water supply needs is carefully evaluated. In doing so, we will build upon our past successes and identify additional areas where more reclaimed water can be put to beneficial use.

The purpose of this memo is to provide guidance on the District designation of WRCAs and to lay out a process for District staff to provide notice of the designation of these areas to the Department. WRCAs are established pursuant to the following rules and statutes:

- Rule 62-40.210(39), F.A.C., defines WRCAs as: "... a geographic area identified by a District as having existing water resource problems or an area in which water resource problems are projected to develop during the next twenty years."

- Rule 62-40.520(2), F.A.C., states that: “Within one year of the determination that a regional water supply plan is needed for a water supply planning region, the region shall also be designated as a water resource caution area. Domestic wastewater treatment facilities which are located within, or serve a population located within, or discharge within water resource caution areas shall be subject to the reuse requirements of Section 403.064, F.S.”
- Section 403.064 (2), F.S., pertaining to reuse of reclaimed water, specifies that: “All applicants for permits to construct or operate a domestic wastewater treatment facility located within, serving a population located within, or discharging within a water resource caution area shall prepare a reuse feasibility study as part of their application for the permit.”

The Department uses the District designation of WRCAs in administering the permitting requirements of section 403.064, F.S. For that purpose, it is necessary that the Department’s wastewater staff have accurate boundary information for WRCAs within the Districts. Further, since the designation triggers an additional wastewater permitting requirement, affected parties must be made aware of their right to challenge the designation under section 120.569, F.S.

Neither the statute nor the rule provides direction on the mechanism for designating WRCAs. In some Districts they have been designated by rule and in other Districts they are not. Additionally, in some Districts, WRCAs are utilized as part of the consumptive use permitting program, while in other Districts they are not. This guidance memo provides two alternate means of designating WRCAs, both of which provide a necessary entry point for challenges by affected parties.

- For Districts that rely on a WRCA designation in consumptive use permitting, the WRCA must be explicitly designated in rule. The areas must be identified by rule as “Water Resource Caution Areas.”
- For Districts that do not use the WRCA designation in consumptive use permitting, the WRCA may be designated in rule or in the Regional Water Supply Plan. If designated in the plan, the plan shall include the following language: “The water supply planning region identified in this plan shall be considered a Water Resource Caution Area for the purposes of section 403.064, F.S., and affected parties may challenge the designation pursuant to section 120.569, F.S.”

There is also no formal process for conveying WRCA boundary information to Department staff who use it in the wastewater permitting program. This guidance memo serves to formalize the method of communicating WRCA designations to Department staff. The Department will create a publicly available statewide GIS layer of WRCAs.

- In Districts where only portions of the District are designated as WRCAs, the District will, as soon as practical, provide a GIS data layer of the currently designated WRCAs to the Department’s Director of the Office of Water Policy at 3900 Commonwealth Blvd.,

MS 46, Tallahassee, Florida 32399-3000, or will submit the information electronically as arranged with the Director. The information should be identified as Water Resource Caution Area boundary maps for implementation of section 403.064, F.S. Future updates of WRCA boundaries should be timely submitted in the same manner.

- In Districts where the entire District is designated as a WRCA, the District shall notify the Director as indicated above, but need not provide any further information to the Department describing the boundaries of the WRCA.

If you have any questions regarding this guidance memo, please contact the Department's Office of Water Policy at (850) 245-3166.

HTV/DB/TB/JL/dt

cc: Tom Beck, Ph.D., Director, Office of Water Policy, FDEP
Mark Thomasson, Director, Division of Water Resource Management, FDEP
Sharon Sawicki, Domestic Wastewater Program Administrator, FDEP