

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 40C-2.042(8), F.A.C. However, this rule 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 rule, must obtain a permit pursuant to Chapter 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, cemeteries, golf courses and recreational areas such as playgrounds, football, baseball, and soccer fields, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, and provided the amount of water used is limited to only that necessary for efficient utilization. Such water use shall be subject to the following exceptions:

(a) Irrigation using a micro-spray, micro-jet, drip, or bubbler 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 newly planted, seeded or sprigged cemeteries, golf course greens, tees, fairways and primary roughs, and recreational areas such as playgrounds, football, baseball and soccer fields is allowed at any time of day for one 60-day period.

(e) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed any time of day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

(f) Irrigation systems may be operated any time of day for maintenance and repair purposes not to exceed 20 minutes per hour per irrigation zone.

(g) 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.

(h) 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.

(i) 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.

(j) 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 irrigation zone.

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

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

(m) 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 landscape irrigation occurs in accordance with the provisions of subsection 40C-2.042(2), F.A.C., and provided the amount of water used is limited to only that necessary for efficient utilization. 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, public, commercial, and industrial establishments, and public medians and rights-of-way, but it does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields. For the purpose of this rule, the terms "residential landscape irrigation" and "non-residential landscape irrigation" are defined in this paragraph (a) as follows. "Residential landscape irrigation" means the irrigation of landscape

associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes. "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way. For the purpose of this rule, "address" means the "house number" of the physical location of a specific property. This excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Services 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 letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

1. When Daylight Savings Time is in effect, landscape irrigation shall occur in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

b. Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

b. Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

3. Landscape irrigation shall be subject to the following exceptions:

a. Irrigation using a micro-spray, micro-jet, drip, or bubbler irrigation system is allowed anytime.

b. 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.

c. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

d. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per irrigation zone.

e. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

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

g. 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.

h. 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.

4. When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under subsection 40C-2.042(2), F.A.C. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection.

5. Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

(b)1. A local government is strongly encouraged to enforce paragraph 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the provisions set forth in paragraph 40C-2.042(2)(a), F.A.C.

2. Where a local government has adopted a landscape irrigation ordinance, if the strict application of the specified day of week schedule would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific day or days for landscape irrigation identified in subparagraph 40C-2.042(2)(a)1. and 2., F.A.C., 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 when Daylight Savings Time is in effect and no more than 1 day per week when Eastern Standard Time is in effect. Local governments shall not grant a variance from any other provision of this rule.

3. At least 30 days prior to the adoption of an ordinance to enforce paragraph 40C-2.042(2)(a), F.A.C., the local government shall provide a copy of the proposed ordinance to the District.

(c) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur in a manner other than that authorized in subsection 40C-2.042(2), F.A.C., may submit an application for a Standard General Consumptive Use Permit pursuant to Chapter 40C-20, F.A.C., using form 40C-2-1082-2. Standard General Consumptive Use Permit for Landscape Irrigation, form number 40C-2-1082-2, effective 3-8-09, is hereby incorporated by reference. This permit application is limited to including no more than 25 nearby properties within a common plan of development. If a development consists of more than one phase or section, the 25 properties must be located within a single phase or section. A person seeking authorization to irrigate more than 1 additional day than that authorized by subsection 40C-2.042(2), F.A.C., must apply for a Standard General Consumptive Use Permit pursuant to Chapter 40C-20, F.A.C., using form 40C-2-1082-1.

(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 provisions in paragraph 40C-2.042(2)(a), F.A.C. When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under this subsection. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection.

Specific Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 373.019(6), 373.109, 373.118, 373.219, 373.223, 373.250, 373.609, 373.62 FS. History—New 7-23-91, Amended 1-7-99, 2-15-06, 3-8-09.