

**ERP-CUP Consolidation Rules of SJRWMD, SFWMD, and SWFWMD**

SJRWMD	SFWMD	SWFWMD	Proposed CFWI Uniform Rule
<p>None currently. Note §369.318(3)(b), F.S.</p>	<p><b>1.4.6 Environmental Resource Concurrence</b>                      For individual permit applications, if the proposed water use is associated with a project for which a modification to an existing surface water management system is required or for which a new surface water management system is required, the water use permit application will not be considered complete until the surface water management (construction) or environmental resource (construction) permit application is deemed complete. If a new or modified surface water management (construction) or environmental resource (construction) permit is required in conjunction with the proposed water use, the individual water use permit may only be issued concurrently with the applicable surface water management (construction) or environmental resource (construction) permit or permit modification. An individual water use permit will not be issued in conjunction with a surface water management or environmental resource conceptual permit without a required construction permit.</p> <p><b>In §2.3.2B.2:</b>                      Individual dewatering applications will be reviewed concurrently with ERP or SWM construction permit applications, and the dewatering application will not be considered complete until both applications are complete. An applicant may request that the dewatering permit include a later “start” date to coincide with the actual start of dewatering activities at the project. Staff will recommend a permit expiration date, based on the proposed “start” date. Any temporary dewatering water holding areas must be constructed and operated using sound engineering practices to protect public health, safety, and welfare and, as necessary, dewatering activities must meet all applicable ERP or SWM criteria.</p>	<p><b>40D-2.101(2):</b>                      (2) For projects that require both a WUP and an environmental resource permit (ERP) pursuant to District rules, the Applicant must demonstrate that a completed ERP application has been submitted. If the District determines that a permit application involves an area where the WUP may not be granted because of water resource problems, the requirement for a complete ERP application may be waived by the District.</p> <p><b>40D-2.301(3):</b>                      (3) For projects that require both an ERP and an individual WUP, an application for an ERP must be deemed complete prior to issuance of the individual WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. If the District determines that a permit application involves an area where there are water resource problems and due to the quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP application shall be waived by the District. Where such waivers are granted, and if a WUP is issued, it shall specify that a well construction permit will not be issued and that withdrawals cannot commence until the appropriate ERP is issued.</p> <p><b>1.3.5 WATER USE INTEGRATED WITH A SURFACE WATER MANAGEMENT SYSTEM.</b>                      1. For projects that require both an ERP and a WUP, Rule 40D-2.301(3), F.A.C., shall apply. This requirement is based on the fact that design changes may occur during the Surface Water Permit evaluation process that may impact the water use aspects of the project. The impact of withdrawals on the Applicant’s existing or conceptually permitted surface water management system must be evaluated and submitted with the WUP Application. This evaluation shall include an assessment of the impacts of withdrawals and discharges on</p>	<p>A.H. Section X.X.X</p> <p><u>For individual permit applications, if the proposed consumptive use of water is associated with projects that require both an environmental resource permit (ERP) under Part IV of Chapter 373, Florida Statutes (2017), and an individual CWUP, an application for an ERP must be deemed complete prior to issuance of the individual CWUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands.</u></p> <p><u>The impact of withdrawals on the Applicant’s existing or conceptually permitted surface water management system must be evaluated and submitted with the CWUP Application. This evaluation shall include an assessment of the impacts of withdrawals and discharges on the surface water management system design in terms of percolation rates, storage volumes, and design discharge.</u></p> <p><u>An applicant may submit an application for a Conceptual ERP to satisfy this section requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP.</u></p> <p><u>When an individual CUP application <del>Where a project requires a complete ERP pursuant to this section Rule 40D-2.301(3), the applicant or Permittee shall be required to re-evaluate water demands and sources upon at</del> the submittal of any General or Individual ERP applications for lands within the original ERP project area that will either need more water for irrigation or will impede or divert new flows of water <del>pertaining to the project.</del> If the re-evaluation indicates sources or demands have changed from those presented in the original CWUP application, or that required water conservation elements have not been achieved, the applicant or Permittee shall modify the CUP application <del>shall be modified to</del> take into account the updated information and demonstrate <del>assure</del> that all conditions for issuance of a CWUP are met. <u>For those applications that require submittal of a complete ERP application to meet this section, a special permit condition will be attached that prohibits new consumptive uses of water (for lands within the original ERP project area), which are needed due to a modified ERP project, until the modified ERP is issued.</u></u></p>

**Commented [TM1]:** For internal review purposes, the concept language is color coded for convenience:  
 Blue Text = SFWMD Handbook language  
 Purple Text = SJRWMD Handbook language  
 Red Text = SWFWMD Handbook language  
 Stricken text will appear in the WMD’s color. Underlined black text represents new language that varies from one of the above.

the surface water management system design in terms of percolation rates, storage volumes, and design discharge.  
2. Where a project requires a complete ERP pursuant to Rule 40D-2.301(3), the Permittee shall be required to re-evaluate water demands and sources at the submittal of any General or Individual ERP applications pertaining to the project. If the re-evaluation indicates sources or demands have changed from those presented in the original WUP application, or that required water conservation elements have not been achieved, the shall be modified to take into account the updated information and assure that all conditions for issuance of a WUP are met.

**Phosphate mining projects that are required to obtain a permit under Chapter 378, Florida Statutes (2017), are not required to have complete ERPs prior to CWUP issuance.**

~~For individual dewatering applications, will be reviewed concurrently with ERP or SWM construction permit applications, and the dewatering application will not be considered complete until both applications are complete. An an applicant may request that the dewatering permit include a later "start" date to coincide with the actual start of dewatering activities at the ERP project. Staff shall will recommend a permit expiration date, based on the proposed "start" date.~~

**Alternate Concept**

If an individual CUP application includes either of the following two requests for a consumptive use of water, then the CUP application shall not be considered complete until the applicant has submitted a complete application for an individual or general environmental resource permit (ERP):

- (a) Requests to irrigate golf course areas, cemeteries, nursery plants, agriculture crops, or landscaped areas, which are a part of an artificially-created surface water management system that requires an individual or general ERP; or
- (b) Requests to dewater for a project that requires an individual or general ERP under Chapter 373, Florida Statutes.

This requirement shall not apply to requests for a consumptive use of water associated with phosphate mining authorized under Chapter 378, Florida Statutes (2017), or associated with an ERP project that qualifies for a general permit under Section 403.814(12), Florida Statutes (2017).