

## CHAPTER 40E-1

### 40E-1.021 Definitions.

When used in this Chapter, Chapters 40E-2, 40E-3, 40E-4, ~~40E-20~~, 40E-41, and 40E-61, F.A.C.:

(1) through (6) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 668.003, 668.004, 668.50 FS. History—New 10-1-06, Amended 10-23-12, 1-19-14, \_\_\_\_\_.*

### 40E-1.602 Permits Required.

Unless expressly exempt by statute or District rule, permits must be obtained from the District prior to commencement of the following activities:

(1) A water use individual or general permit pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., must be obtained prior to use or withdrawal of water or dewatering activities;

(2) through (11) No Change.

*Rulemaking Authority 373.044, 373.113, 373.4131, 373.4135 FS. Law Implemented 120.60, 373.085, 373.106, 373.116, 373.118, 373.219, 373.171, 373.216, 373.309, 373.323, 373.413, 373.414, 373.416 ~~Chapter 373 Parts II and IV~~ FS. History—New 9-3-81, Formerly 16K-1.06, Amended 7-26-87, 5-11-93, 10-3-95, 4-1-96, 10-1-13, \_\_\_\_\_.*

### 40E-1.603 Application Procedures for Processing Permit Applications or Notices of Intent.

(1) No Change.

(a) No Change.

(b) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. ~~For individual water use permits, and standard general water use permits,~~ The applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.

(c) through (e) No Change.

(2) No Change.

(3)(a) Agency action on all other individual permits and standard permits shall occur within 90 days of receipt of a complete application, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(b) An authorization to proceed for noticed standard general water use permits in Chapter 40E-20, F.A.C., shall occur within 30 ~~60~~ days of receipt of a complete notice of intent, unless a notice that the project does not qualify for the noticed general water use permit is sent by regular United States mail or electronic mail by the District within 30 days. If notice that the proposed project does not qualify for a noticed general water use permit is sent to the applicant, the review process under subsection (1) shall be initiated or the applicant shall be required to apply for the appropriate permit. including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.4131 FS. Law Implemented 120.60, 373.085, 373.107, 373.109, 373.116, 373.118, 373.229, 373.309, 373.323, 373.4131, 373.4141, 373.417, 373.421, 373.422; ~~668.003, 668.004, 668.50~~ FS. History—New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, 10-1-06, Amended 12-1-11, 10-23-12, 10-1-13, \_\_\_\_\_.*

### 40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

(1) No Change.

(2) The District shall consider the application for a standard right of way occupancy permit at its next

regularly scheduled Governing Board meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S. If staff's recommendation is for denial, the District shall consider the application ~~for a conceptual approval, individual environmental resource, individual surface water management, or water use permit application~~ at its next available regularly scheduled Governing Board regulatory meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) In no case shall agency action be taken later than 60 days after the application for a conceptual approval or individual environmental resource permit, or later than 90 days after ~~for~~ an individual water use, water well, right of way occupancy, or works of the district permit is declared complete unless waived by the applicant or stayed by the filing of a petition for an administrative hearing. The permit applicant may voluntarily waive the timeline for governing action on the permit application in Section 120.60, F.S., in order to resolve any outstanding issues, including third party objections, regarding the project.

(4) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.60, 373.079, 373.083, ~~373.107, 373.109, 373.116, 373.4141, 668.003, 668.004, 668.50~~ FS. History—New 7-2-98, Amended 6-12-00, 10-1-06, 10-23-12, 10-1-13, \_\_\_\_\_.*

**40E-1.607 Permit Application Processing Fees.**

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit and are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)  
 PERMIT APPLICATION PROCESSING FEES FOR  
 WATER USE PERMIT APPLICATIONS  
 REVIEWED PURSUANT TO CHAPTERS 40E-2 AND ~~40E-20~~, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

<b>Category</b>	<b>Amount</b>
<u>Individual Permit, except Mining/Dewatering (applies to all durations)</u>	
<u>Maximum monthly allocation:</u>	
<u>Up to 3 million gallons per month (mgm)</u>	<u>\$350</u>
<u>Greater than 3 mgm through 15 mgm</u>	<u>\$1,000</u>
Individual Public Water Supply with a duration less than 20 years	
<u>Maximum monthly allocation:</u>	
Greater than 15 <del>million gallons per month</del> (mgm) through 30 mgm	\$2,700
Greater than 30 mgm through 300 mgm	\$5,500
Greater than 300 mgm	\$7,000

Individual Public Water Supply with a duration of <u>at least</u> 20 years	
Maximum monthly allocation:	
Greater than 15 <del>million gallons per month</del> (mgm) through 30 mgm	\$4,200
Greater than 30 mgm through 300 mgm	\$8,500
Greater than 300 mgm	\$11,500
Individual Irrigation with a duration less than 20 years	\$1,000
Maximum monthly allocation:	
Greater than 15 mgm	<u>\$1,000</u>
Individual Irrigation with a duration of <u>at least</u> 20 years	
Maximum monthly allocation:	
Greater than 15 mgm through 30 mgm	\$1,600
Greater than 30 mgm through 300 mgm	\$3,400
Greater than 300 mgm	\$5,600
Individual Mining / (Dewatering)	
<del>Maximum monthly allocation</del>	
<u>Standard Individual Permit for up to one year</u> <del>Greater than 15 mgm through 30 mgm</del>	<u>\$500</u>
	\$1,800
<u>Standard Individual Permit greater than one year</u> <del>Greater than 30 mgm through 300 mgm</del>	<u>\$1,800</u>
	\$3,250
<u>Master Individual Permit</u> <del>Greater than 300 mgm</del>	<u>\$4,000</u>
Individual <u>Commercial/Industrial</u> with a duration less than 20 years	
Maximum monthly allocation:	
Greater than 15 mgm through 30 mgm	\$1,400
Greater than 30 mgm through 300 mgm	\$2,750
Greater than 300 mgm	\$3,500
Individual <u>Commercial/Industrial</u> with a duration of <u>at least</u> 20 years	
Maximum monthly allocation:	
Greater than 15 mgm through 30 mgm	\$2,000
Greater than 30 mgm through 300 mgm	\$3,650
Greater than 300 mgm	\$5,600
Individual Diversion and Impoundment with a duration less than 20 years <del>Maximum monthly allocation</del>	
<u>Maximum monthly allocation:</u>	
Greater than 15 mgm through 30 mgm	\$1,400
Greater than 30 mgm through 300 mgm	\$2,750
Greater than 300 mgm	\$3,500
Individual Diversion and Impoundment with a duration of <u>at least</u> 20 years	
Maximum monthly allocation:	
Greater than 15 mgm through 30 mgm	\$2,000

Greater than 30 mgm through 300 mgm	\$3,950
Greater than 300 mgm	\$6,200

Independent Secondary User of a Diversion and Impoundment (applies to all durations) ~~with a duration of 20 years~~

Maximum monthly allocation:	
Greater than 15 mgm through 30 mgm	\$1,000
Greater than 30 mgm through 300 mgm	\$2,000
Greater than 300 mgm	\$3,200

Noticed General Standard Water Use Permit

Applications filed electronically at <a href="http://www.sfwmd.gov/ePermitting">www.sfwmd.gov/ePermitting</a> through Aquifer Storage and Recovery	Maximum monthly allocation \$100
Application filed by other means Less than 3 million gallons per month (mgm) (Minor)	\$350
Greater than 3 mgm through 15 mgm (Major)	\$1,000
Short-term Dewatering	\$500

Aquifer Storage and Recovery: (cost added to the applicable use type listed above) \$1,000

Permit Transfer to Another Entity Pursuant to Rules 40E-0.107 and 40E-2.351, F.A.C. \$300

Letter Modification to ~~Individual Permit~~ no fee  
Letter Modification to ~~General Permit~~ no fee

General Permit by Rule no fee  
(2) through (7) No Change.

*Rulemaking Authority 373.044, 373.109, 373.113, 373.171, 373.421(2), 373.421(6)(b), 373.4131 FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History–New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, 10-1-13, \_\_\_\_\_.*

**40E-1.6107 Transfer of Environmental Resource, Surface Water Management, ~~or~~ Water Use, or Wetland Resource Permit.**

(1) The procedures for the transfer of environmental resource permits are set forth in Rule 62-330.310, F.A.C. To transfer a surface water management, water use, or wetland resource permit, the permittee, in addition to satisfying the applicable provisions in Rules 40E-2.351 ~~and 40E-20.351~~, F.A.C., must submit Form No. 0483, (October 1, 2013), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02753>, Request for Surface Water Management, Water Use, or Wetland Resource Permit Transfer, incorporated by reference herein. Form No. 0483 is also available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561) 682-6436.

(2) through (5) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083, 373.171, 373.219, 373.309, 373.413, 373.414, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History–New 5-11-93, Amended 10-3-95, 10-1-06, 10-23-12, 10-1-13, \_\_\_\_\_.*

**40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.**

(1) No Change.

(2) The following coordinated agency review procedures apply to projects which are eligible for exemptions from District environmental resource and water use permitting requirements:

(a) No permit and no coordinated agency review participation by the District is required for the water uses exempted by Rule 40E-2.051 (Exemptions), F.A.C., or identified in Rule 40E-2.061, F.A.C.

(b) No Change.

(3) The following coordinated agency review procedures apply to projects which require permits pursuant to Chapters 40E-2 ~~or 40E-20~~ (Consumptive Use), 62-330 and 40E-4; (Environmental Resource), F.A.C.:

(a) through (f) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.4131, 380.051 FS. Law Implemented 373.4131, 380.051, 668.003, 668.004, 668.50 FS. History–New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11, 10-23-12, 10-1-13, \_\_\_\_\_.*

**40E-1.659 Forms and Instructions.**

The following forms and instructions are incorporated by reference throughout the District’s rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 373.4131, (800) 432-2045, ext. 6436, or (561) 682-6436:

Form No.	Date	Title
0186	09-12	State of Florida Water Well Contractor’s Application, incorporated by reference in subsection 40E-3.038(3), F.A.C.
0188-QMQ	10-12	<del>Quarterly Report of Withdrawals, incorporated by reference in subsection 40E-2.091(1), F.A.C.</del>
0188-QASR	10-12	<del>Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, incorporated by reference in subsection 40E-2.091(2), F.A.C.</del>
0188-QMON	10-12	<del>Quarterly Report of Monitoring Requirements, incorporated by reference in subsection 40E-2.091(5), F.A.C.</del>
0188-QMQF	10-12	<del>Quarterly Report of Withdrawals from Wells and Surface Water Pumps, incorporated by reference in subsection 40E-2.091(3), F.A.C.</del>
0188-QCROP	10-12	<del>Report of Planting and Harvest of Seasonal Crops, incorporated by reference in subsection 40E-2.091(6), F.A.C.</del>
0188-QBWDR	10-12	<del>Quarterly Report of Bulk Water Delivered and Received, incorporated by reference in subsection 40E-2.091(4), F.A.C.</del>
0445	10-12	<del>Mining/Dewatering Permit Application, incorporated by reference in subsection 40E-2.101(3), F.A.C.</del>
0483	10-01	Request for Surface Water Management, Water Use or Wetland Resource Permit Transfer, incorporated by reference in subsection 40E-1.6107(1), F.A.C.
0645-W01	10-12	<del>Water Use Permit Application Form, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</del>
0645-G60	10-12	<del>Table A Descriptions of Wells, incorporated by reference in paragraph 40E-2.101(1)(b), F.A.C.</del>

0645-G61-1 10-12 ~~Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E-2.101(1)(e), F.A.C.~~

0645-G61-2 10-12 ~~Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(d), F.A.C.~~

0645-G65 10-12 ~~Table D Crop Information, incorporated by reference in paragraph 40E-2.101(1)(e), F.A.C.~~

0645-G74 10-12 ~~Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E-2.101(1)(f), F.A.C.~~

0645-G69 10-12 ~~Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(g), F.A.C.~~

0645-G70 10-12 ~~Table H Projected Water Use (For Per Capita Greater than 200 GPD), incorporated by reference in paragraph 40E-2.101(1)(h), F.A.C.~~

0645-G71 10-12 ~~Table I Water Treatment Method and Losses, incorporated by reference in paragraph 40E-2.101(1)(i), F.A.C.~~

0645-G72 10-12 ~~Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E-2.101(1)(j), F.A.C.~~

0645-G73 10-12 ~~Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E-2.101(1)(k), F.A.C.~~

0779 01-01 Application for a Works of the District Permit, incorporated by reference in subsection 40E-63.091(9), F.A.C.

0889 12-11 Certification of Waiver of Permit Application Processing Fee, incorporated by reference in paragraph 40E-1.607(6)(b), F.A.C.

1045 11-10 Application for a C-139 Basin Works of the District Permit, incorporated by reference in subsection 40E-63.430(2), F.A.C.

1376 Report of Planting and Harvest of Seasonal Crops Form, incorporated by refernece in paragraph 40E-2.091(2)(a), F.A.C.

1377 Water Quality Report Form, incorporated by refernece in paragraph 40E-2.091(2)(b), F.A.C.

1378 Water Use Pumpage Report Form, incorporated by reference in paragraph 40E-2.091(2)(c), F.A.C.

1379 Water Use Permit Application, incorporated by reference in subsection 40E-2.101(3), F.A.C.

1380 Water Use Permit Application Supplemental Form A – Agricultural Use, incorporated by reference in paragraph 40E-2.101(3)(a), F.A.C.

1381 Water Use Permit Application Supplemental Form B – Commercial/Industrial Use, incorporated by reference in paragraph 40E-2.101(3)(b), F.A.C.

1382 Water Use Permit Application Supplemental Form C – Landscape/Recreation Use, incorporated by reference in paragraph 40E-2.101(3)(c), F.A.C.

1383 Water Use Permit Application Supplemental Form D – Dewatering Use, incorporated by reference in paragraph 40E-2.101(3)(d), F.A.C.

1384 Water Use Permit Application Supplemental Form E – Public Supply Use, incorporated by reference in paragraph 40E-2.101(3)(e), F.A.C.

1386 Water Use Permit Application Supplemental Form F – Diversion and Impoundment Use, incorporated by reference in paragraph 40E-2.101(3)(f), F.A.C.

1387 Flow Meter Accuracy Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(d), F.A.C.

- 1388                    Alternative Method Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(e), F.A.C.
- 1389                    Crop (Freeze) Protection Form, incorporated by reference in paragraph 40E-2.091(2)(f), F.A.C.
- 1391                    Notice of Intent to Use a Water Use Noticed General Permit, incorporated by reference in subsection 40E-2.101(4), F.A.C.
- 62-                    10-10 State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, incorporated by reference in subsection 40E-3.101(1), F.A.C.
- 532.900(1)
- 62-                    10-10 State of Florida Well Completion Report, incorporated by reference in subsection 40E-3.411(1), F.A.C.
- 532.900(2)

*Rulemaking Authority 218.075, 373.044, 373.113, 373.171, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12, 10-1-13, \_\_\_\_\_.*