

Florida Section American Water Works Association Utility Council Legislative Policies for 2006

Alternative Water Supply Funding

- The Utility Council recognizes the following legislative accomplishments:
 - Passing of *Senate Bills 444 & 360*, which identified a dedicated source of state funding and water management district funding for an alternative water supply development grant program; and that Water Management Districts (WMDs) should provide Consumptive Use Permits for durations that are consistent with project bonding, in accordance with Section 373.236(2);
- The Utility Council recommends the following:
 - Continuation of partnerships between the state, WMDs and utilities to fund alternative water supply development; and
 - Grants under this program must be of sufficient scale to motivate water suppliers to research and develop alternative water supply. This will help to ensure that the requirements of Section 373.083(2) (a) are implemented.
- The Utility Council **supports** the following:
 - Enhanced funding and continuing the alternative water supply development cost-share grant program using dedicated state and WMD funding sources. It is imperative that the WMDs match the state contribution for this program;
 - A grant program match should consist of combined state and WMD dollars that are at least fifty percent of the contribution, unless a WMD decides to supplement at a higher percentage; and
 - A constitutional amendment to increase Northwest Florida WMD's millage to one mil.

Water Resource Development and Alternative Water Supply Development

- The Utility Council recognizes the following legislative accomplishments:
 - Passing of *House Bill 293* in 2004; which created a statewide water conservation program framework.
 - Passing of *Senate Bill 444* in 2005, which stipulated that the WMDs must identify how each proposed water resource development project would produce additional water available for consumptive uses. And that they should be required to identify and quantify these amounts in their annual budgetary report to the Governor's office
- The Utility Council recommends the following:
 - Expanding the definition of water resource development in Chapter 373.019(1) to include desalination and regional water facilities;
 - Water conservation programming should be defined as an alternative water supply;
 - Amend state water law to encourage incentive-based programs for reuse implementation when feasible and cost effective without intrusive regulations;
 - Reclaimed wastewater use should only be implemented where economically, technically and environmentally feasible. Technical and

environmental feasibility should address public health risks, safety and risks to the environment;

- WMDs need to allow utilities to amend the Districts Regional Water Supply Plan on an annual basis so that they can present new alternative water supply projects for funding consideration;
- Legislation that would not penalize a rural utility for not partnering with another utility because the distance between them would make it financially impractical (reference 373.1961 (f)(7)); and
- Reinstate the Alternative Water Supplies Grants Advisory Committee process for selecting alternative water supply projects.

- The Utility Council **supports** the following:
 - Encourage the WMDs to continue implementing water resource development projects as expeditiously as possible in areas subject to regional water supply plans.
 - Current state water law and the existing framework of regional water supply management;
- The Utility Council **opposes** the following:
 - Creation of a statewide water commission which redefines the water supply relationship among the state, water management districts and local governments;
 - Penalizing a utility under criteria for alternative water supply projects that transfers some of its revenues to local governments general funds; and
 - Florida Public Service Commission (FPSC) oversight of public utilities.

Water Conservation

- The Utility Council continues to recognize that water conservation must have a significant role in each local public utility's water supply plan. Therefore, FSAWWA supports the implementation of the elements of *House Bill 293*, which mandates that the Florida Department of Environmental Protection develop and implement a statewide comprehensive "goal-based" water conservation program. Development of this program is a continuation of the cooperative effort involving the following agencies: Florida Department of Environmental Protection, Water Management Districts, Florida Public Service Commission, Florida Section American Water Works Association Utility Council, Florida Water Environment Association, and the Florida Rural Water Association.
- The Utility Council recognizes the following accomplishments:
 - Cooperative efforts put forth by the various agencies associated with Conserve Florida – a Statewide Comprehensive Water Conservation Program;
 - Funding for the development of the guidance document as required by *House Bill 293*, which passed in 2005; and
 - Adoption of a water conservation rate structure as one of many water conservation measures a utility can elect to pursue. If a utility elects to adopt a

water conservation rate structure, the nature and charges included in that structure should be determined by the utility.

- The Utility Council recommends the following:
 - A six month extension (December 2006) to complete the Water Conservation Guidance Document for Public Water Supplies to ensure adequate development by all stakeholders; and
 - Identify a dedicated source of funding for the start-up and on-going maintenance of the Water Conservation Clearinghouse which would incorporate a local user fee.
- The Utility Council **supports** the following:
 - State water law recognizes that public utilities have the responsibility and right of establish rates and rate structures for their services.
 - Conservation or demand side management programming as an important element of alternative water supply development in Florida. Therefore, water conservation programming should be defined as an alternative water supply;

Water Reservation

- The Utility Council recommends the following:
 - Section 373.223(4), F.S., should be amended to provide that the water management districts may reserve water from use only (i) if needed to prevent significant harm to fish and wildlife, (ii) if needed to protect public health and safety, or (iii) if needed to fulfill the mandates of the Comprehensive Everglades Restoration Plan (Section 601, Title VI, of the Water Resources Development Act of 2000) Pub. L. no. 106-541, section 601, 114 Stat. 2572. Protection of public health and safety should be deemed equally important to preventing significant harm to fish and wildlife. Protecting public health and safety may include reserving water for potable supply.
 - All ways in which water is set aside for natural systems and made available for existing and future reasonable-beneficial uses should be fully integrated into Florida's water resource management programs. This includes water resources planning, consumptive use permitting, minimum flows and levels, water reservations, water shortage provisions, operation protocols, changes in water control infrastructure and source control (as expressed in Section 373.036, F.S.). Both water supply development and environmental restoration should take place in a timely manner to support public health, safety, and the environment.
 - Because reservations of water can have the same effect on consumptive uses as establishing minimum flows and levels (MFLs), establishing reservations of water should be subject to the same procedural safeguards as exist for the establishment of MFLs. To this end, the reservations of water should be subject to the following:

a) Reservations of water must be adopted by administrative rule (Chapter 120, F.S.), and must meet the requirements of a consumptive

use permit and must be consistent with all relevant comprehensive plans.

- b) The WMDs must establish a priority list of water bodies for which water will be reserved, including a timetable for when each reservation will be accomplished. This priority list must be published in the Florida Administrative Weekly.
- c) If requested by any substantially affected entity, the water reservation, as well as the methodology used to establish the reservation, must be subject to independent scientific peer review.
- d) Any WMD rule adopting a water reservation must clearly indicate how all presently existing legal uses of water will be protected. Reservations of water made to satisfy the mandates of the Water Resource Development Act of 2000 must also identify how sources of water existing as of December 11, 2000 will be protected.
- e) If a water reservation is projected to affect an existing legal use of water in the future, or if the water reservation will limit the use of water which a district's regional water supply plan estimates will be obtained from the water body subject to the reservation, then the WMD must implement a water supply protection strategy to provide for adequate and affordable water supplies for all existing and projected reasonable and beneficial uses affected by the reservation. This water supply protection strategy must include development of additional water resource or water supply projects.

- The Utility Council **supports** the following:
 - Any legislation on this issue should reflect the general components outlined in the Water Reservation Policy; and
 - The concept of a shared adversity for beneficial uses as well as for the environment in a time of declared water shortages.

Linking Water Supply and Growth

- The Utility Council recognizes the following accomplishments:
 - The passage of Senate Bill 360 in 2005, which made significant advances in linking water supply and growth; such as amending concurrency to include "adequate water supplies", and the comprehensive regional water supply plan requirements.;
- The Utility Council **supports** the following:
 - A monitoring of the recently passed legislation to determine if it is sufficient as a growth management tool.