



August 17, 2015

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RE: Comments of Audubon Florida on draft 2035 Water Resources Protection and Water Supply Strategies Plan

Dear Mr. Powell:

The following constitute the comments of Audubon Florida regarding the draft 2035 Water Resources Protection and Water Supply Strategies Plan.

We believe that the plan as currently drafted substantially fails to recommend measures which will achieve the advantages of regionally effective water conservation.

Most of the water conservation success measured on a per capita basis that is considered in the plan results from past regulatory actions, primarily the implementation of the state plumbing code and federal legislation mandating the installation of water conserving toilets and other end use plumbing fixtures. Monitoring of per capita use declines presented (see Figure 4, Page 18) shows a substantial decline in residential per capita use which began just after the implementation of federal requirements for 1.6 per gallon flush toilets and similar fixture standards circa 1994. The decline of per capita use essentially ceased in 2005 and has remained "flat" for the decade subsequent to that date. The failure to achieve further advancements in the reduction of per capita use since that date has occurred regardless of the fact that all three Water Management Districts have consistently "promoted" water conservation, and have established regulatory requirements that cause utilities holding Consumptive Use Permits to also "promote" water conservation.

Audubon Florida believes that the most cost effective source of potable water supplies to meet the needs of future growth is the additional reduction of per capita use through regulatory mechanisms and specifically targeted financial incentives.

Recommendations

We believe that the 2035 CFWI plan should be amended to include the following regulatory proposals:

1. Make the Florida Water StarSM water conservation certification program mandatory for any new construction in the CFWI area. Gold certification would be preferable to Silver and the use of native plants should be mandatory.
2. Require utilities, as a condition of CUP permits, to obtain certification that any building built prior to 1993 has been retrofitted with WaterSense® certified plumbing fixtures prior to the “turn on” of potable water for the new customer subsequent to a real estate sale.
3. Require, as a condition CUP permits, that utilities offer landscape replacement rebate/subsidy programs to encourage the elimination of water wasting landscapes at existing homes and businesses through the replacement landscape materials with “Florida Friendly” native plants that do not require maintenance irrigation.
4. Seek legislation to modify the State Plumbing Code to require that all new construction* must use USEPA WaterSense® certified fixtures and devices (California, Colorado, Georgia and Texas have done this already), as well as ENERGY STAR qualified appliances. (*Note- new constructon should clearly include issuance of any building permit to remodel or expand any existing structure. In the case of remodeling or expansion, all water fixtures within both existing and new portions of the structure should be compliant with WaterSense® standards.)

The pre capita reductions achieved the period covered by Figure 4, Page 18 largely resulted from the U.S. Energy Policy Act of 1992, which mandated 1.6 gallon per flush toilet fixtures in addition to other requirements. Significant reductions in water use below 1.6 gallons per flush are now available through WaterSense® certified plumbing fixtures. Further, there is a very large inventory of existing buildings constructed prior to 1994 (when the U.S. Energy Policy Act’s 1.6 GPF standard went into effect). A survey of the construction dates of currently occupied structures in Orange County, Fl. (both residential and commercial) documents that approximately 207,000 structures built prior to 1994 continue in use. Similarly large inventories of older structures with large numbers of antiquated plumbing fixtures exist in every county. It is essential that antiquated plumbing fixtures in these older buildings be replaced with water conserving fixtures. While certain utilities within the CFWI area offer rebate programs to customers encouraging the replacement of older fixtures, the impact of these voluntary programs on the existing inventory antiquated plumbing fixtures in old structures is minimal.

Numerous local jurisdictions around the nation now require certification that modern water saving plumbing fixtures are in place prior to allowing utilities to be turned on for new customers who have purchased real property. An excellent example of these regulatory programs can be found in Dekalb County, Georgia. References to the Dekalb County regulatory program can be found at:

<http://dekalbwatershed.com/PDF/plumbingFixturesReplacement.pdf>

http://www.dekalbwatershed.com/PDF/low_flow_faqs.pdf

<http://www.garealtor.com/PoliticalAdvocacy/LegislativeResources/IssuesResources/DeKalbPlumbingFixturesRetrofitPlan/tabid/225/Default.aspx>

With regard to landscape irrigation, requiring future development to utilize “Florida Friendly” landscaping and specifically plants native to Florida from the “Florida Friendly” list will eliminate most landscape irrigation needs. CFWI should utilize a variety of strategies to both require future landscaping to be sustainable without maintenance irrigation, and to encourage, through incentives, the replacement of existing “water wasting” landscape choices made in the past.

Other jurisdictions in the United States have clearly taken the lead in this regard. CFWI should include recommendations for requirements in utility CUP permits that would require Florida utilities to emulate successful programs in other jurisdictions.

In particular the programs of the Southern Nevada Water Authority, and the City Austin, Texas should be considered.

These utilities are aggressively paying homeowners and owners of commercial property to remove their lawns or reduce the size of their lawns and switch to landscape requiring little or no irrigation. The Southern Nevada Water Authority will pay up to \$1.50 per square foot, up to 5,000 square foot and \$1.00 per square foot from 5,000 square feet and up, with a \$300,000 cap per property where lawns are eliminated. These utilities are finding that these programs are cost effective, and are providing “new water” for their systems at a cost significantly lower than other options.

For information on the Southern Nevada Water Authority and City of Austin programs, see:

<http://www.snwa.com/rebates/wsl.html>

<http://austintexas.gov/department/waterwise-landscape-rebate>

In conclusion, we find the failure of the current recommendations in the CFWI 2035 Water Resources Protection and Water Supply Strategies Plan to meaningfully advance water conservation to be very disappointing.

We urge the decision makers in CFWI to correct this by incorporating substantial modifications to the plan. We hope that you will consider the specific recommendations in this letter as you develop changes in the plan responsive to public comment.

Sincerely,



Charles Lee
Director of Advocacy