

Staff Review:

Pursuant to rule 40B-2.361(2), Florida Administrative Code (F.A.C.), permit renewal applications shall contain reasonable assurances that the proposed water use meets all of the conditions for issuance in Rule 40B-2.301, F.A.C., and the Water Use Permit Applicant's Handbook (Handbook). Sections 2.3.4.1(a) through (k) of the Handbook set forth the factors that will be considered in determining whether a proposed beverage processing use is reasonable-beneficial and consistent with the public interest.

Section 2.3.4.1(i) requires the District to consider the contractual obligation to provide water for beverage processing. The applicant declined to provide a copy of its contract with NRNA and, instead, provided a memorandum of this contract. This memorandum does not show that applicant is obligated to provide any or all of the requested allocation to NRNA. Therefore, the required reasonable assurance has not been provided.

Section 2.3.4.1(j) requires the District to consider evidence of the physical and financial ability to process the requested amount of water. The applicant has requested an allocation of 1.1520 mgd. As part of the application, the applicant reported the actual use of water at the facility for the years 1995 through 2019. The highest reported actual use of water at the facility was for 2006, which showed an average annual water use of 0.3874 mgd (page 63 of the January 14, 2020 RAI response). As the highest reported actual use of water in the facility was significantly less than the requested allocation, the previous use does not provide evidence of the physical ability to process the requested allocation. The applicant has asserted that the facility is being renovated to have the physical ability to process the requested allocation. But the applicant has failed to provide sufficient evidence showing that such renovations will create the necessary physical ability. Therefore, the required reasonable assurance has not been provided.

Section 2.3.4.1(c) through (f) and (h) require the District to consider certain matters concerning the beverage processing facility or facilities where the use will occur. The applicant has only provided information for the High Springs facility, but has provided no reasonable assurance that the High Springs facility is the only beverage processing facility where the use of the requested allocation will occur. Therefore, the required reasonable assurance has not been provided.