

**RULE ADOPTION HEARING
FOR SFWMD RULES TO BE
ADOPTED IN CONJUNCTION
WITH THE STATEWIDE
ENVIRONMENTAL RESOURCE
PERMIT RULES**

**Susan Roeder Martin
Office of Counsel
June 13, 2013**

Request

- **Adopt amendments or repeal provisions in Chapters 40E-0, 40E-1, 40E-4 and 40E-41, F.A.C., repeal Chapters, 40E-40 and 40E-400, F.A.C., and amend and rename the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District.**
- **Authorize staff to publish a notice of change to address comments from the Joint Administrative Procedures Committee and a statewide clarification suggested by DEP.**

Background

- In 2012, the Legislature directed DEP, in coordination with the 5 water management districts, to adopt consistent statewide ERP rules.
- DEP and the 5 water management districts worked together, along with the public, over the last year on language for a statewide rule to be set forth in Chapter 62-330, F.A.C.
- DEP is adopting the rule today, with a August 1, 2013 effective date.

Rule Basis

Chapter 62-330, F.A.C., relies primarily on the existing rules of the water management districts and DEP, except:

- **Differences were reconciled to achieve consistency; and**
- **Measures were incorporated to promote streamlining and reduce regulatory burdens.**

Application of 62-330, F.A.C.

This rule is considered a rule of each of the water management districts, without the need for each district to individually adopt the rule.

Amendments to SFWMD ERP Rules are Required

- The statewide rule addresses many issues that were previously addressed in the rules of each water management district.
- Therefore, the amendments are necessary to SFWMD ERP rules to assure consistency and eliminate redundancy.

Water Quality and Quantity

- The water management districts are maintaining their current individual rules on water quality and quantity.
- These rules are beyond the scope of the legislative rule making directive.
- These rules are restated in a new Applicant's Handbook II, which is before you for adoption today.
- Water quality will be addressed in upcoming rulemaking.

Timing

SFWMD rules are scheduled to be effective when the statewide ERP rules become effective.

The scheduled effective date is August 1, 2013.

Recommended Action

Adopt amendments or repeal provisions in Chapters 40E-0, 40E-1, 40E-4 and 40E-41, F.A.C., repeal Chapters, 40E-40 and 40E-400, F.A.C., and amend and rename the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District.

Staff Requests Authority to Publish Changes

To address comments received from the Joint Administrative Procedures Committee and to accommodate a statewide clarification requested by DEP.

Acknowledgements

Thank you to the District rulemaking team:

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