



District Regulation Program Overview & Enhancements

**Governing Board Workshop
March 9, 2011**

**Robert M. Brown, Director
Water Resource Regulation Department**

Presentation Outline



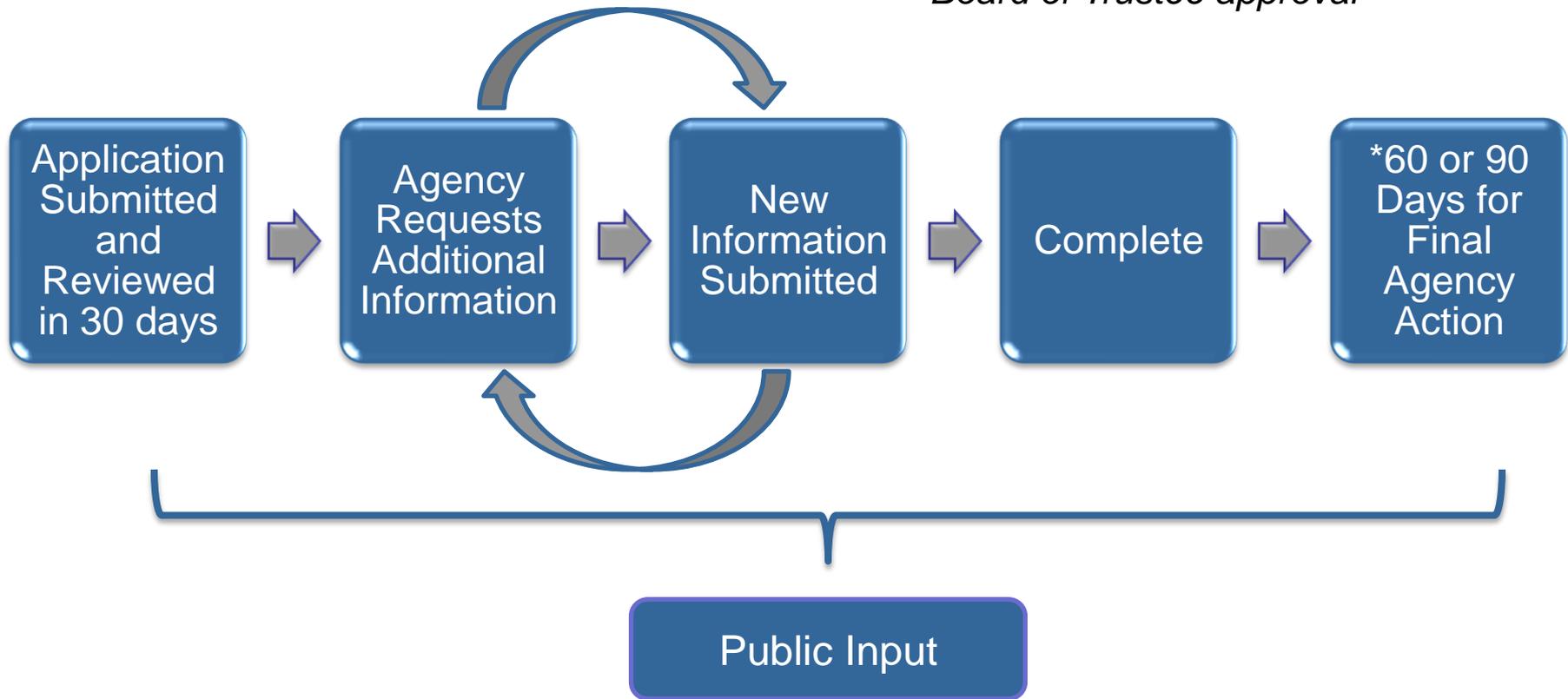
- Water Resource Regulation Overview
- Permit process and metrics
- Update on Senate Bill 2080 and Senate Bill 550
- Customer Service Enhancements
- Proposed Regulatory Enhancements

Water Resource Regulation Overview

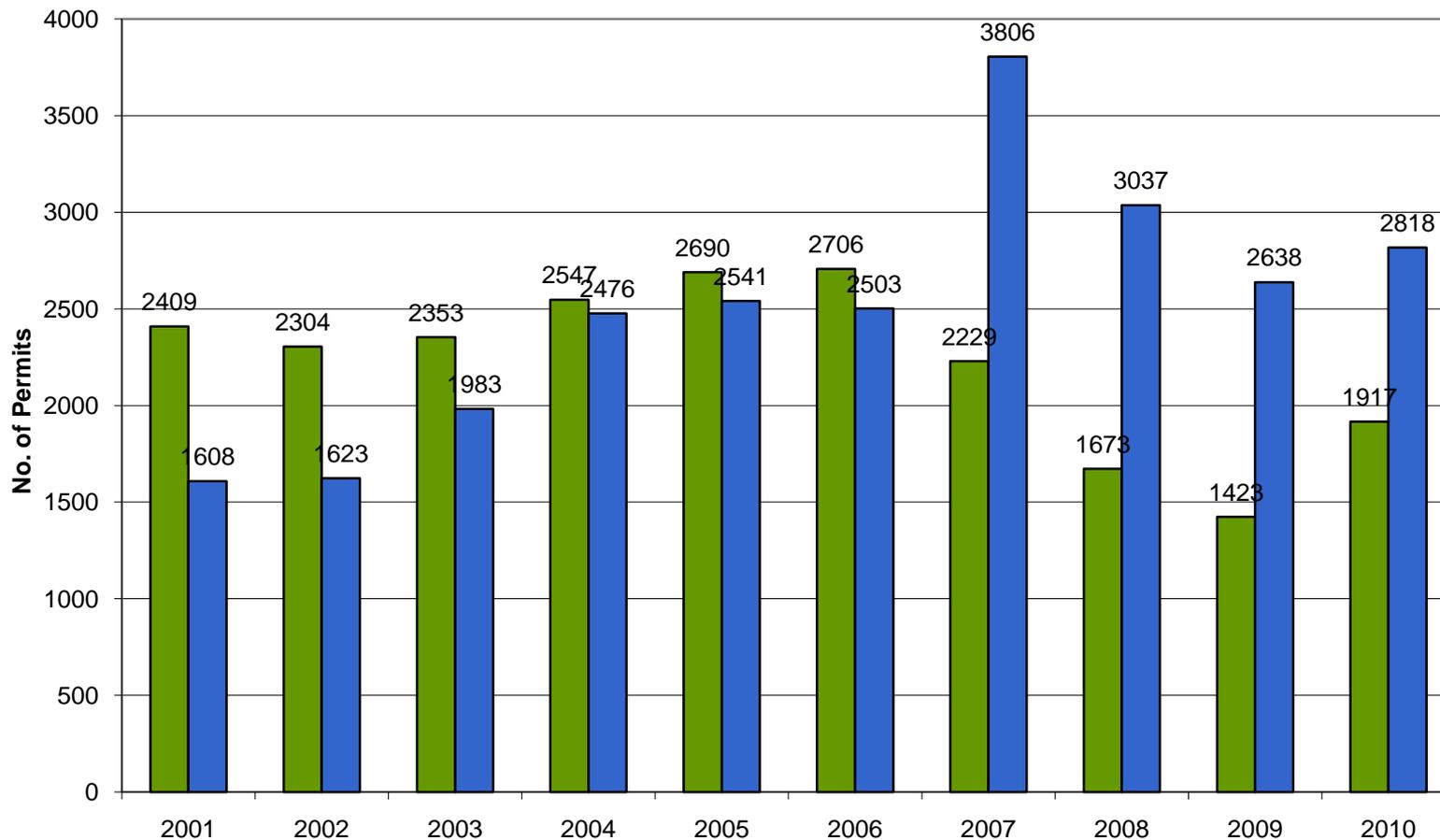
- Services: Provide fair, consistent and timely review of permit applications in accordance with the adopted rules and criteria of the District; ensure compliance with issued permits and take enforcement action where necessary
 - Consumptive Use Permitting (CUP)
 - Environmental Resource Permitting (ERP)
 - Pollutant Source Control Programs (Works of the District)
 - Best Management Practices (BMPs) for Nutrients
 - Compliance and Enforcement
 - Agricultural Teams
 - Emergency Response

ERP and CUP Permit Review Process

**Potential delays in final permit action due to applicant waivers, challenges, Board of Trustee approval*



ERP and CUP Processed Applications

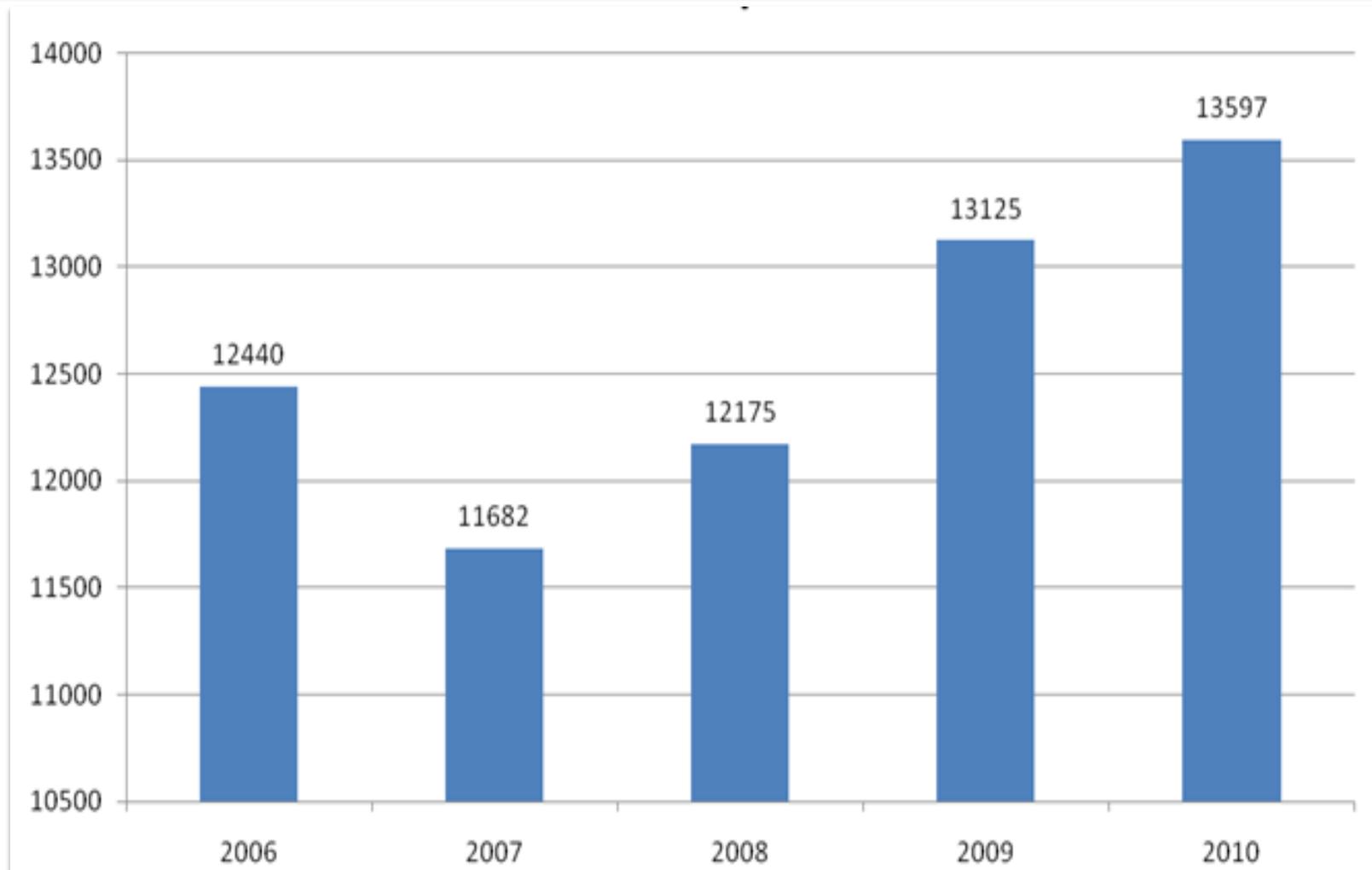


Note: Permit Types Included: Individual & General Permits, Early Works, Letter Mods, Transfers and Well Construction

■ Total ERP

■ Total Water Use

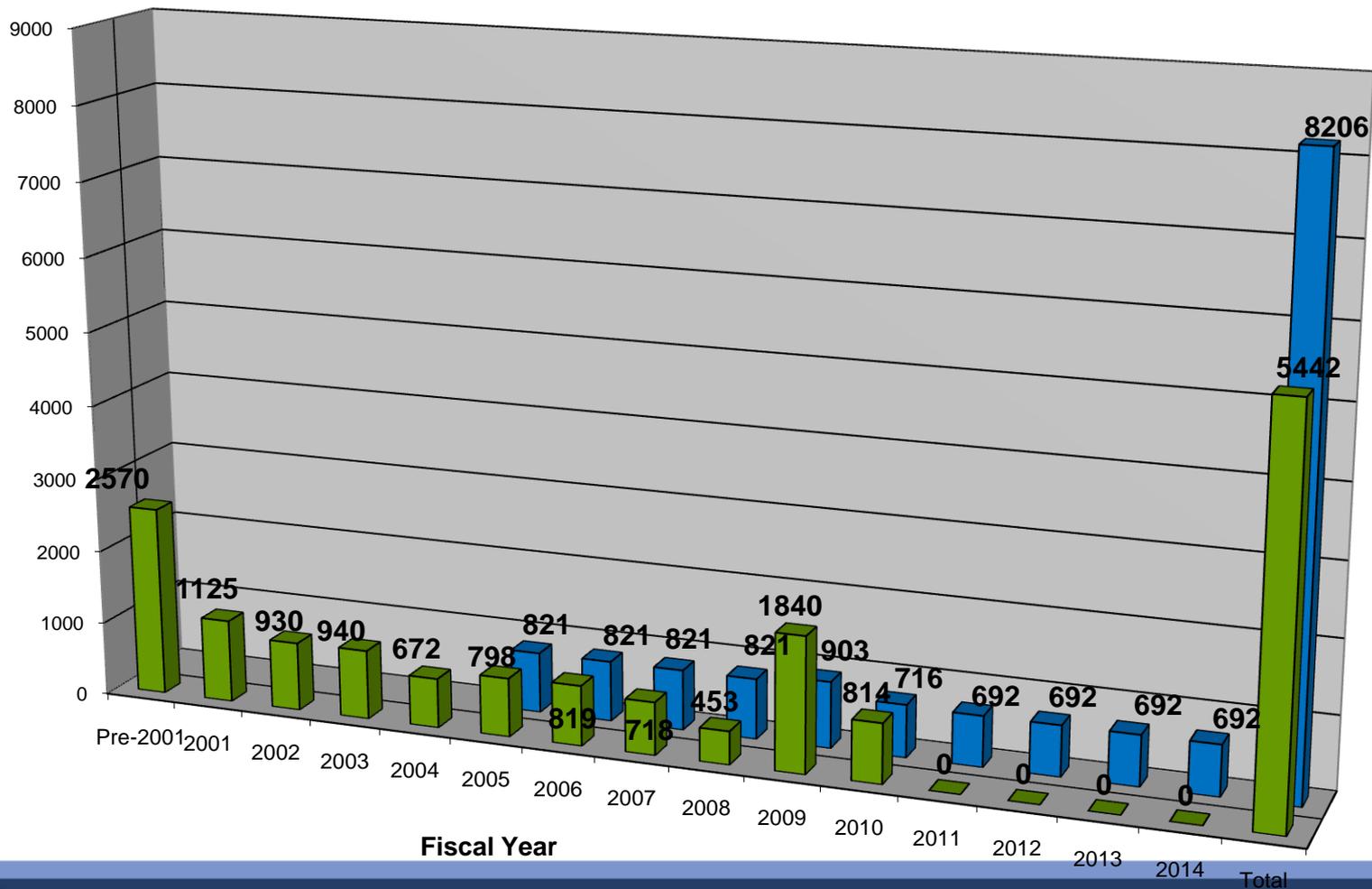
Environmental Resource Regulation Compliance Inspections



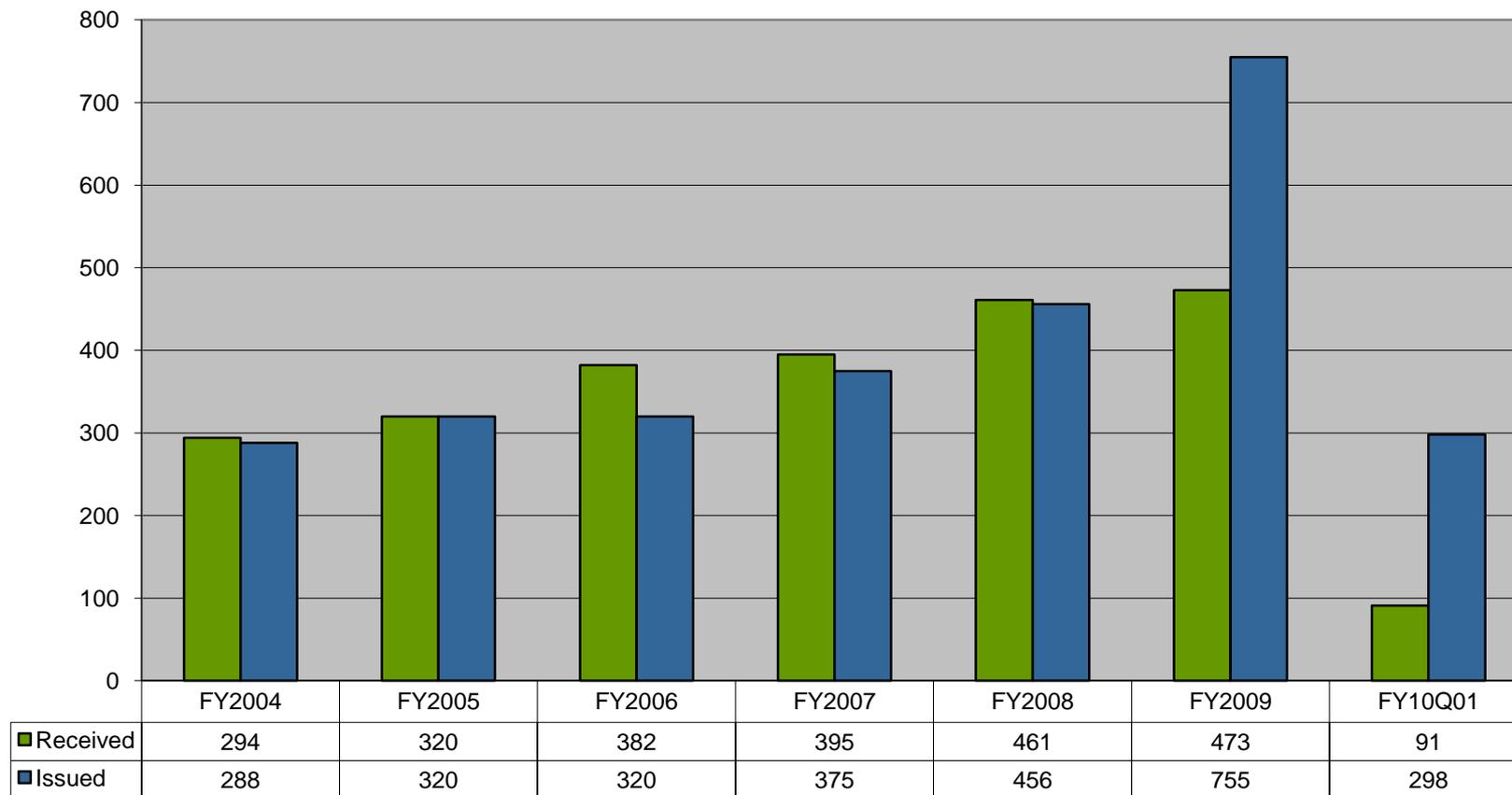
Environmental Resource Regulation Construction Completion Certification Backlog

**Backlog CCCs
All Service Centers**

■ All Service Centers - Reduction ■ All Service Centers - Goal



Environmental Resource Regulation Permit Conversions





**Senate Bill 2080 / Senate Bill 550
Permit Delegation**

SB2080 / SB550 Background

Permit Delegation



- Contained specific provisions regarding delegation of permitting authority from governing board to executive director
- Governing board voted to delegate approval of Chapter 373, Parts II and IV permits and all approvals of variances or waivers to the executive director
- Denials still go to governing board

Post - SB2080

Public Involvement and Communication

- ✓ District's website modified
- ✓ Monthly public meetings held to discuss regulatory matters (20 held to date)
- ✓ Application specific public meetings held for projects generating increased public interest (3 to date)
- ✓ Separate process created for those projects determined to be of Heightened Public Concern
- ✓ Added a public comment item to monthly governing board agenda for regulatory policy issues
- ✓ Added executive director's regulatory report to update governing board

Pre- and Post- SB2080 Individual Application Processing

Environmental Resource Permits

DAYS FROM COMPLETE TO ISSUE (NOT INCLUDING WAIVERS)	PRIOR TO SB2080	FY10	FY11Q1
</= 90 DAYS	100%	100%	100%
</= 75 DAYS	63%	89%	79%
</= 60 DAYS	25%	73%	53%

Consumptive Use Permits

DAYS FROM COMPLETE TO ISSUE (NOT INCLUDING WAIVERS)	PRIOR TO SB2080	FY10	FY11Q1
</= 90 DAYS	100%	100%	100%
</= 75 DAYS	54%	38%	63%
</= 60 DAYS	24%	13%	31%



Senate Bill 550

Water Use Compliance Reporting

SB 550 Background

Water Use Compliance Reporting

- **Original Section 373.236, F.S.**
 - 20 year Consumptive Use Permits
 - District authorized to require 5 year compliance reports with sufficient data to assure conditions for issuance are met
 - Governing Board authorized, after review of report, to modify a permit to ensure water use meets conditions of issuance
- **SB550 Amendment to 373.236, F.S.**
 - Time period for compliance reports changed from 5 years to 10 years
 - Existing CUP permits will have their limiting condition modified to reflect new reporting frequency
 - Future CUP permits will be issued with 10 year compliance report condition

Water Use Compliance Reporting

SB 550 Implementation

- Proactively set and met aggressive deadline to identify and modify existing permits
 - ✓ Identified more than 1,000 permittees with 5 year compliance report conditions due in 2010 or later
 - ✓ Sent notification of proposed change to Limiting Condition extending due date of report submittal by 5 years; completed November 2010
 - ✓ Issued Letter Modifications; completed December 2010



Customer Service Enhancements

Customer Service Enhancements Organizational Efficiencies



- Combined within a single organizational unit all environmental resource and consumptive use regulatory activities to:
 - Significantly improve workflow, efficiency, reduce process
 - Enhance level of service for regulated community
 - Ensure protection of regional water resources through regulatory consistency, fair and balanced customer service
 - Resolve backlog of completed water use permit applications; reduce occurrence of associated waivers

Enhanced Coordination & Communication Utilities and Agriculture



- Regularly scheduled meetings with regional utility councils and agriculture groups to discuss regional water supply and permitting issues
- Training offered to all permit reviewers and planners to build understanding of diverse operational challenges
 - Approximately 65 staff attended roundtable training sessions and participated in tours; ongoing

Enhanced Coordination & Communication Regional Workshops on Key Policy Issues

- Past Wetland Harm
 - ✓ Three workshops held - August 13 in West Palm Beach; August 19 in Kissimmee; September 16 in Fort Myers
 - Policy recommendations to be presented to WRAC in May; final Governing Board direction in June
- 10-Year Compliance Reports
 - ✓ Three workshops held - October 22 in St. Cloud; November 2 in West Palm Beach; December 1 in Fort Myers
 - Policy recommendations to be presented to WRAC and Governing Board in Fall 2011
- Permitting Multiple Sources
 - To be scheduled Fall 2011

Customer Service Enhancements Business Friendly Practices

- Implementation of Agricultural Teams to serve as a regulatory, planning and technical outreach
- Pre-application meetings and guidance for businesses and growers
- Enhanced communication with Peer Groups



Enhanced Online Access to Permitting Information



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WATER MANAGEMENT DISTRICT

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ePermitting Improves Business Efficiency

Apply for online water resource permitting

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LAKE OKEECHOBEE LEVEL

LAKE ISTOKPOGA LEVEL

Feb 21, 2011

12.29 ft.

Feb 21, 2011

38.95 ft.



Permitting Services



Protecting our Water Supply



Water Shortage Watch



Restoring the Everglades

In the News

Enhanced Online Access to Permitting Information

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Home >> Businesses >> **PERMITS**

Permits

RELATED LINKS

- ePermitting (apply for new or search existing permits)
- ePermitting Help
- Consumptive Water Use Permits
- Environmental Resource Permits
- Everglades Works of the District
- Lake Okeechobee Works of the District
- Key Permit Access
- Regulatory Guidance
- Rules, Statutes and Criteria
- Regulatory Meetings
- Right of Way
- Well Construction
- Permit Compliance
- Archives - Historical Permit Manuals/Chapters
- Inter-District Permitting Portal

Environmental Resource Permits

Regulatory programs help us to better manage and protect our natural water resources. The resources include wetlands, rivers, lakes and estuaries as well as groundwater supplies. The South Florida Water Management District's regulatory responsibilities are shared with the Florida Department of Environmental Protection and other state and local governments.

An Environmental Resource Permit (ERP) is required before beginning any land use or construction activity that could affect wetlands, alter surface water flows or contribute to water pollution. The South Florida Water Management District regulates residential and commercial developments, while the Florida Department of Environmental Protection oversees power plants, wastewater treatment plants and single-family home projects.

An ERP covers activities such as dredging and filling in wetlands, constructing flood protection facilities, providing stormwater containment and treatment, site grading, building dams or reservoirs and other activities affecting state waters. The ERP process is streamlined by combining wetland resources permitting with management and storage of surface waters permitting into a single permit.

Everglades Works of the District (EWOD) Permits

These permits are required as part of Everglades Restoration Plans to reduce phosphorus flowing from the Everglades Agricultural Area or the C-139 Basin into the Everglades. Each permit outlines targeted reductions in phosphorus as well as monitoring and reporting requirements and Best Management Practices (BMPs) for private and public landowners in these basins.

Lake Okeechobee Works of the District (WOD) Permits

These permits are required as part of the Lake Okeechobee Surface Water Improvement and Management (SWIM) Plan to reduce phosphorus flowing into the lake. Each permit outlines target reductions in phosphorus as well as monitoring and reporting requirements and Best Management Practices (BMPs) for private and public landowners in tributary basins of Lake Okeechobee.

Consumptive Water Use Permits

These permits allow the holder to withdraw a large but specified amount of water, either from the ground, a canal, a lake or a river. The water can be used for a public water supply, to irrigate crops, nursery plants or golf courses, or for industrial processes. Individual homeowners do not need Consumptive Water Use Permits.

The South Florida Water Management District issues two types of Consumptive Water Use Permits: general and individual. The following issues are addressed when evaluating an application:

- Is the proposed use reasonable and beneficial as defined in Section 373.019 of the Florida Statutes?
- Will it interfere with other water users in the vicinity?
- Is it consistent with the public interest?
- Will the withdrawal harm the environment?

Well Construction Permits

Permits

- RELATED LINKS**
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 - Key Permit Access
 - Regulatory Guidance
 - Rules, Statutes and Criteria

Permit Reports

- Weekly list of individual applications complete (pdf)
- Weekly list of individual applications processed (pdf)
- List of individual permits issued for previous month (pdf)
- Definition of a Heightened Public Concern (HPC) Project (pdf)

ePermitting

- Online permitting system allows customers to:
 - Search for applications/permits
 - Submit applications and additional information
 - Submit payment for application fees
 - Transfer a permit
 - Submit compliance data
 - Subscribe to receive customized application-specific notices

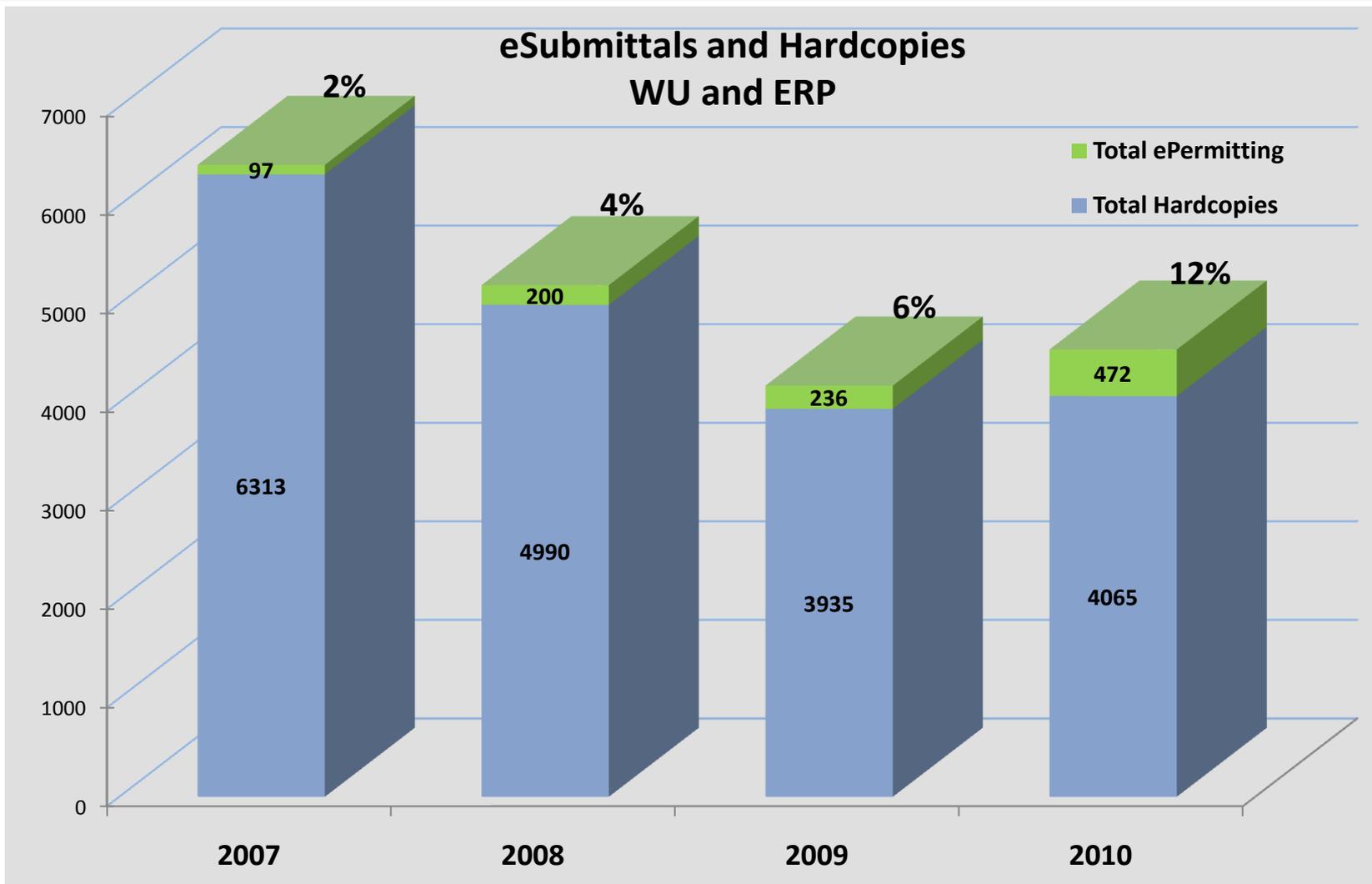


ePermitting Benefits

- Improved business efficiency through:
 - Cost savings – reduction in applicant paperwork requirements and postage
 - Improved timelines – reduction in administrative permit processing time and faster routing to permit review staff
 - Enhanced open government – immediate posting and anytime access to permit application information
- *Environmentally-friendly!*



eSubmittals Trends



ePermitting

- Launched in 2005; more than 8,000 user accounts
- Completed the addition of more than 30 years of permit information; converted more than 280,000 microfiche containing 9.1 million documents
- Ongoing enhancements
- Training sessions offered beginning late March 2011



Proposed Regulation Enhancements

Permit Processing Streamlining Proposals

- Commit to faster permit review time for applicants who participate in pre-application meetings and provide certain application information (e.g. Informal/Formal Wetland JD, checklist items)
- Incentives for complete ePermitting submittals

Environmental Resource Permitting Streamlining Proposals

- Self certification implementation through ePermitting for:
 - Exemptions
 - No Notice General Permits
 - All works entirely in uplands
 - Projects with less than 10 acres of total land area and less than two acres of impervious area
 - Road grading and resurfacing with no change in road elevation

Environmental Resource Permitting Streamlining Proposals

- Additional/Revised Noticed General Permits to specifically authorize:
 - Geotech soil borings in wetlands
 - Boardwalks/Recreation trails
 - Small parking lot/public access on large properties requiring minimal water management system on recreational lands; no other impervious areas proposed
 - Local government environmental restoration projects

Environmental Resource Permitting Streamlining Proposals

- Revised threshold for:
 - Standard Permits
 - Marinas up to 25 boat slips
 - Reconfiguration of existing marinas with same number of slips
 - <10 acres of wetland impacts
 - Conceptual Permits
 - If acreage is under the current Individual acreage threshold could be Standard Permit

Executive Order 11-01

- Pursuant to Governor Scott's Executive Order issued on January 4:
 - Rulemaking immediately suspended for all state agencies
 - Office of Fiscal Accountability and Regulatory Reform (OFARR) established to review all rules prior to promulgation and to review agency practices and contracts
 - 90-day suspension imposed on execution of any contracts with a value in excess of \$1 million, without prior promulgating rules unless they obtain prior approval from the Office
 - Agencies prohibited from promulgating rules unless they obtain prior approval from the Office
 - Comprehensive review of existing rules and regulation required to determine whether any are duplicative or unnecessarily burdensome

Executive Order 11-01

District Rule Review

- 467 existing rules; approximately 80% associated with Environmental Resource, Water Use and Works of the District permitting
- Comprehensive rule review underway by Regulatory managers and Office of Counsel
- Coordinating with Department of Environmental Protection and other water management districts
- Deadline to complete rule review and submit recommendations to Office of Fiscal Accountability and Regulatory Reform is April 4, 2011



Questions

Consumptive Water Use Permitting

Permit Types

- General Permit
 - Minor General – three million gallons per month or less
 - Major General – greater than three million gallons per month up to 15 million gallons
 - Authorized by staff
- Individual Permit
 - Projects requesting in excess of 15 million gallons per month
 - Authorized by executive director

Environmental Resource Permitting

Permit Types

- **No Notice General Permit**
 - All works entirely in uplands
 - Projects with less than 10 acres of total land area and less than two acres of impervious area
 - Road grading and resurfacing with no change in road elevation
 - Authorized by Rule/reviewed by staff

Environmental Resource Permitting

Permit Types

- **Noticed General Permit**
 - 19 types specified by rule
 - Activities that have minimal adverse impacts to the water resources of the District
 - Minor activities for piling supported structures of less than 1,000 square feet in non-Outstanding Florida Water (OFW) and 500 square feet in an OFW
 - Mitigation is neither necessary or required
 - Authorized by Rule/reviewed by staff

Environmental Resource Permitting

Permit Types

- **Standard Permit**
 - Project less than 100 acres
 - Less than 10 boat slips proposed
 - Less than one acre of wetland impact
 - Incidental site activities (early work)
 - Must issue within 60 days of complete submittal
 - Authorized by staff

Environmental Resource Permitting

Permit Types

- **Individual Permit**
 - Project 100 acres or more in size
 - One acre or more of wetland impact
 - More than nine boat slips
 - Up to 90 days to issue after deeming complete
 - Authorized by Executive Director