



Natural Resources & Public Lands Subcommittee

January 11, 2017
3:30 PM – 5:30 PM
12 HOB

Meeting Packet



The Florida House of Representatives

Government Accountability Committee

Natural Resources & Public Lands Subcommittee

Richard Corcoran
Speaker

Holly Raschein
Chair

January 11, 2017

AGENDA
3:30 PM – 5:30 PM
12 HOB

- I. Call to Order/Roll Call
- II. Update on implementation of chapter 2016-1, Laws of Florida (CS/CS/SB 552), relating to environmental resources
 - *Drew Bartlett, Deputy Secretary for Water and Ecosystem Restoration, Department of Environmental Protection*
 - *Stan Posey, Deputy Director, Office of Agricultural Water Policy, Department of Agriculture & Consumer Services*
- III. Overview by staff on the role of the Federal Government and the State in environmental regulation
- IV. Closing/Adjourn



Florida Department of Environmental Protection

Water Bill Implementation

January 11, 2017

Drew Bartlett

Deputy Secretary for Water Policy and
Ecosystem Restoration

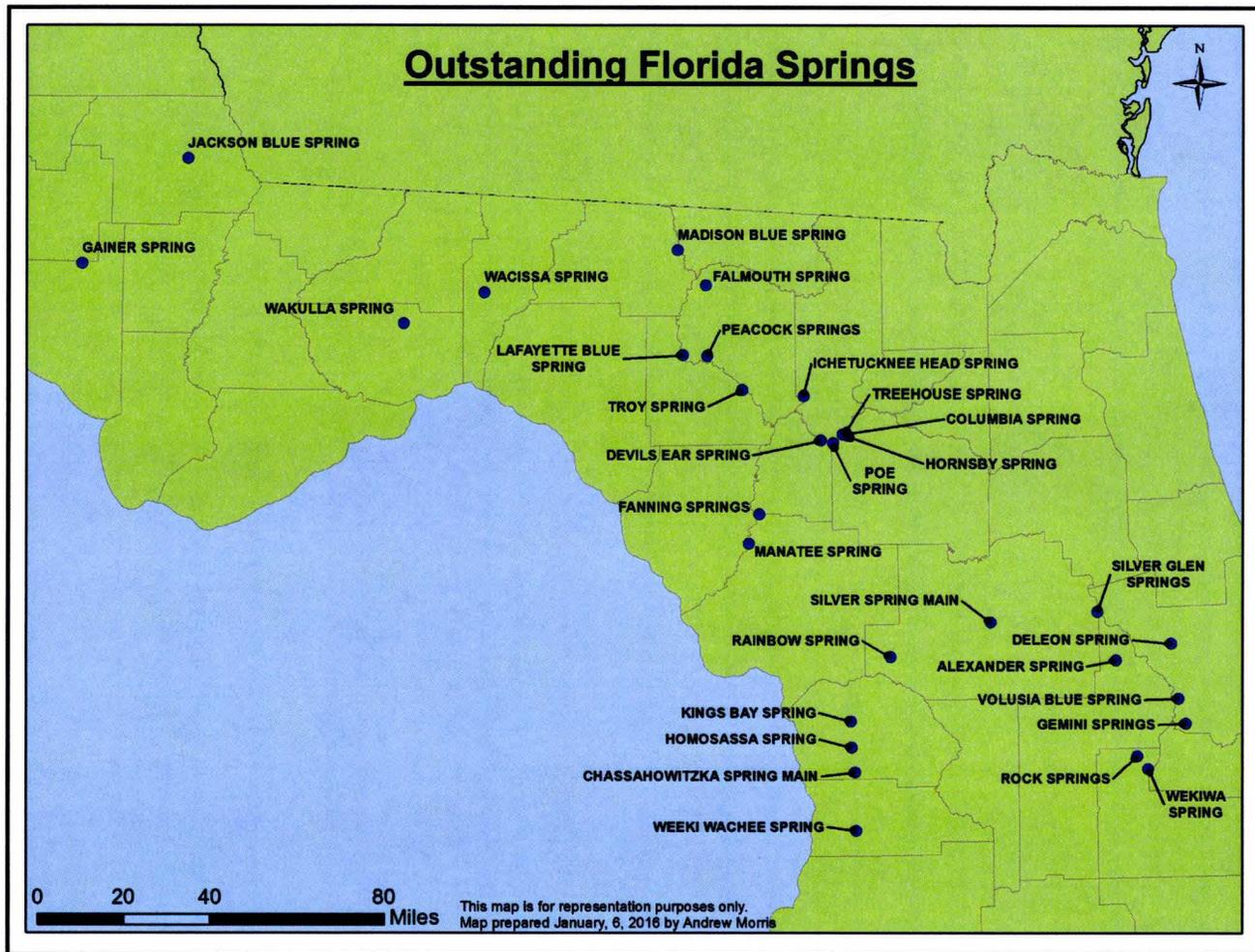




Water Bill Implementation

The Department is implementing the Water Bill as it applies to the following categories:

- Springs
- Central Florida Water Initiative
- Everglades Forever Act
- Rulemaking
- Reports





Springs and Aquifer Protection Act

Minimum Flows and Minimum Levels

• Statutory Requirement:

- ...if a minimum flow or minimum water level has not been adopted for an Outstanding Florida Spring...
- ...the District or Department must adopt by July 1, 2017...
- ...or must use emergency rulemaking to adopt by July 1, 2017...
- ...except for NFWFMD, whose date is July 1, 2026.

• Current status:

- 15 adopted prior to July 1, 2016
- 1 adopted since July 1, 2016
- 11 to be adopted before July 1, 2017
- 3 in NFWFMD to be adopted before July 1, 2026



Springs and Aquifer Protection Act

Basin Management Action Plans (BMAPs)

• Statutory Requirement:

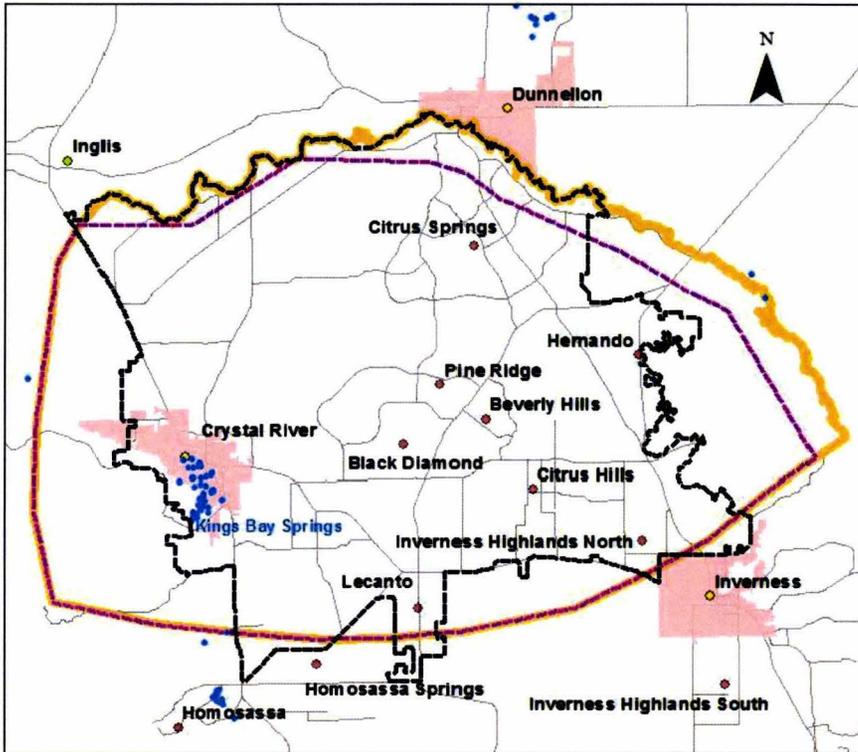
- By July 1, 2018...
- ...assess all Outstanding Florida Springs (OFS), and, if impaired...
- ...delineate a priority focus area (PFA)...
- ...and adopt BMAPs with PFAs, 5-year progress milestones, a 20-year restoration goal, and Onsite Sewage Treatment Disposal System (OSTDS) remediation plans if septic systems are a major contributor.

• Current status:

- Assessments are complete for all OFS; 24 OFS are impaired
- PFAs being developed; nitrogen source inventory proposed for 9 OFS with 7 draft and 8 to be completed
- 14 BMAPs to be adopted or updated; 10 of these BMAPs will need OSTDS remediation plans



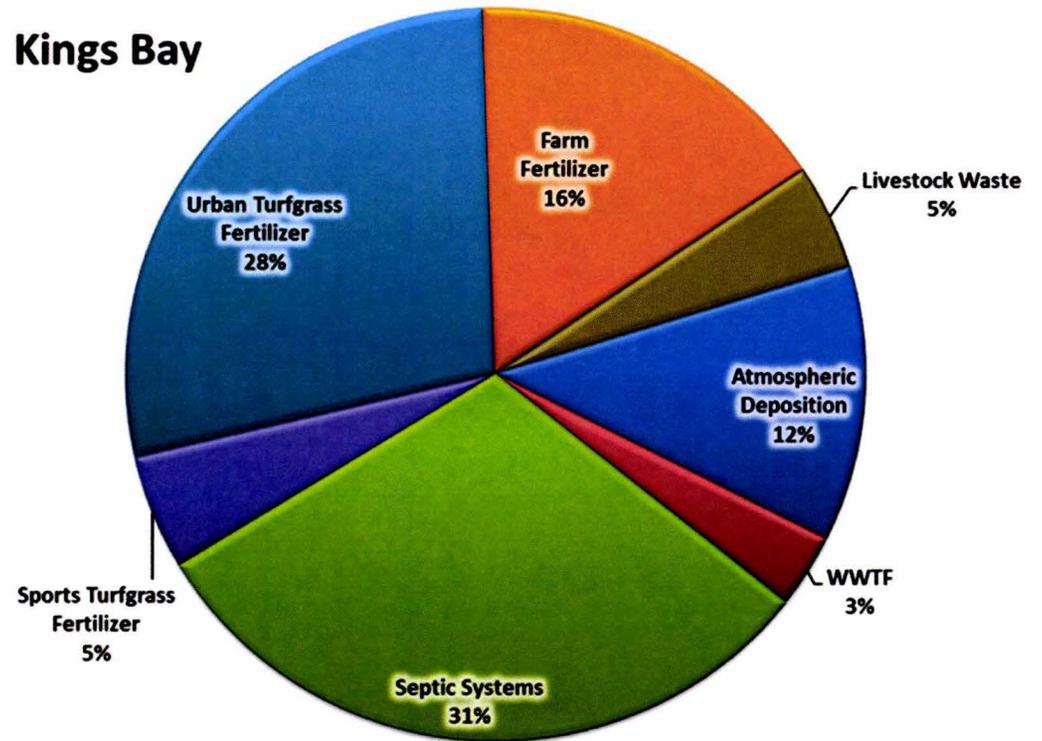
Priority Focus Area & Nitrogen Inventory



0 2.5 5 10 Miles

- Kings Bay PFA Boundary
- Kings Bay Group Springshed
- BMAP Area Boundary

Kings Bay



Nitrogen Source Inventory Loading Tool (NSILT)



Central Florida Water Initiative

Statutory Requirement: Adopt rules on the following:

- A definition of “harmful to the water resources”
- A method for calculating residential per capita water use;
- A process for permit reviews;
- A process to set MFLs and reservations;
- A goal for residential per capita water use; and
- An annual conservation goal
- Existing recovery strategies within the CFWI adopted before July 1, 2016
- A process for granting variances

Current Status:

- DEP, the WMDs, FDACS, and stakeholders have been working to identify concepts that will provide a starting point for rule development
- December 30:
 - DEP Published Notice of Rule Development creating Rules 62-41.300-.305
- January 20:
 - Will hold rule development workshop.
 - Workshops will continue frequently to ensure progress is made



Everglades and Northern Everglades

Statutory Requirement:

- Basin management action plan updates
 - Caloosahatchee
 - St. Lucie
 - Lake Okeechobee
- Cooperating Agreement amongst the coordinating agencies (DEP, FDACS and SFWMD)
- SFWMD must submit a complete application for permit modification of the Lake Okeechobee Operating Permit to be consistent with the BMAP

Current Status

- Caloosahatchee BMAP: 5-year evaluation/update due Dec. 2017
- St. Lucie BMAP: 5-year evaluation/update due July 2018
- Lake Okeechobee: 5-year evaluation/update due January 2020
- Cooperative agreement under development
- Complete Lake Okeechobee Operating Permit modification application received on November 23, 2016



Rulemaking

Statutory Requirement:

- Adopt procedures to verify implementation of water quality monitoring in lieu of BMPs and verification of BMPs
- Adopt rules to verify non-ag nonpoint source BMPs
- Create Treated Potable Water Classification
- Establish quality assurance standards for water quality, quantity, and related data
- Adopt rule for innovative nutrient and sediment reduction and conservation pilot project program

Current Status:

- Notice of Rule Development published on Oct. 25, 2016
- Notice of Rule Development published on Oct. 25, 2016
- Approved by ERC on July 26, 2016
- Notice of Rule Development published on Sept. 12, 2016
- Notice of Rule Development published on Sept. 12, 2016



OFS Rulemaking

Statutory Requirement:

- Adopt rules for issuing permits which prevent groundwater withdrawals that are harmful to the water resources
- Adopt rule for a uniform definition of the term “harmful to the water resources” to provide water management districts with minimum standards necessary to be consistent with the overall water policy of the state

Current Status:

- Notice of Rule Development published November 1, 2016
- December 7 and 9, 2016: DEP held two rule development workshops



Reports

Due January 1, 2017

- Report evaluating the feasibility and cost of creating and maintaining a web-based, interactive map that shows the location and status of water resources in the state of Florida.
 - **Submitted December 30, 2016**
- Progress report on purchased conservation lands with public access
- Report describing percentage of conservation lands purchased by Board Of Trustees of the Internal Improvement Trust Fund that are publicly accessible and efforts to increase access.
 - **Combined report submitted December 30, 2016**



Contact



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Deputy Secretary

Ecosystem Restoration

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Best Management Practices Program Update

**Florida Department of Agriculture and Consumer Services
Office of Agricultural Water Policy**

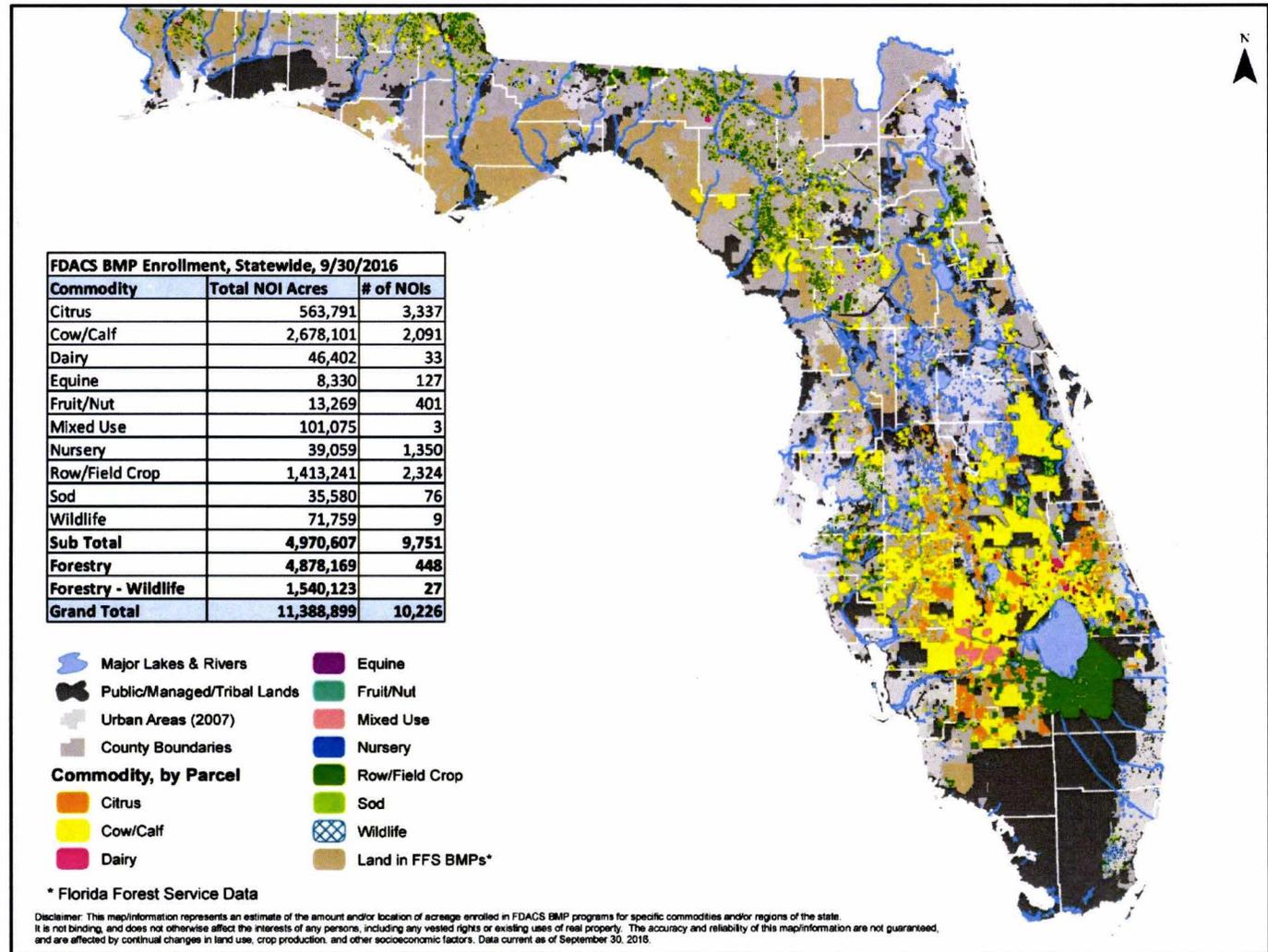
**House Natural Resources and Public Lands Subcommittee
January 11, 2017
Rep. Holly Merrill Raschein, Chair**



Florida Department of Agriculture and Consumer Services

Statewide BMP Enrollment

- 9 BMP Manuals
- Approaching 10,000 enrollments covering more than 50 percent of ag land
- 40,000+ Discrete Parcels



Best Management Practices Manuals

Manual		Adoption	Rule Reference	Next Review
Cow/Calf	UNDER REVIEW	2009	5M-11	2016
Sod	UNDER REVIEW	2008	5M-9	2016
Specialty Fruit & Nut		2011	5M-13	2017
Equine		2012	5M-14	2017
Citrus		2013	5M-16	2018
Nursery		2014	5M-6	2018
Vegetable & Agronomic Crops		2015	5M-8	2020
Dairies		2016	5M-17	2021
Poultry		2016	5M-19	2021
Small Farms	IN DEVELOPMENT	2017		



Office of Agricultural Water Policy

Initiatives Responding to Chapter 2016-1 LOF

- Program to Verify Implementation of Best Management Practices
 - Rulemaking initiated in December 2016
 - Developing a data collection and management system
 - System will be designed to document implementation status at both the BMAP level and for the individual producer
- Focused Research
- Participation in CFWI



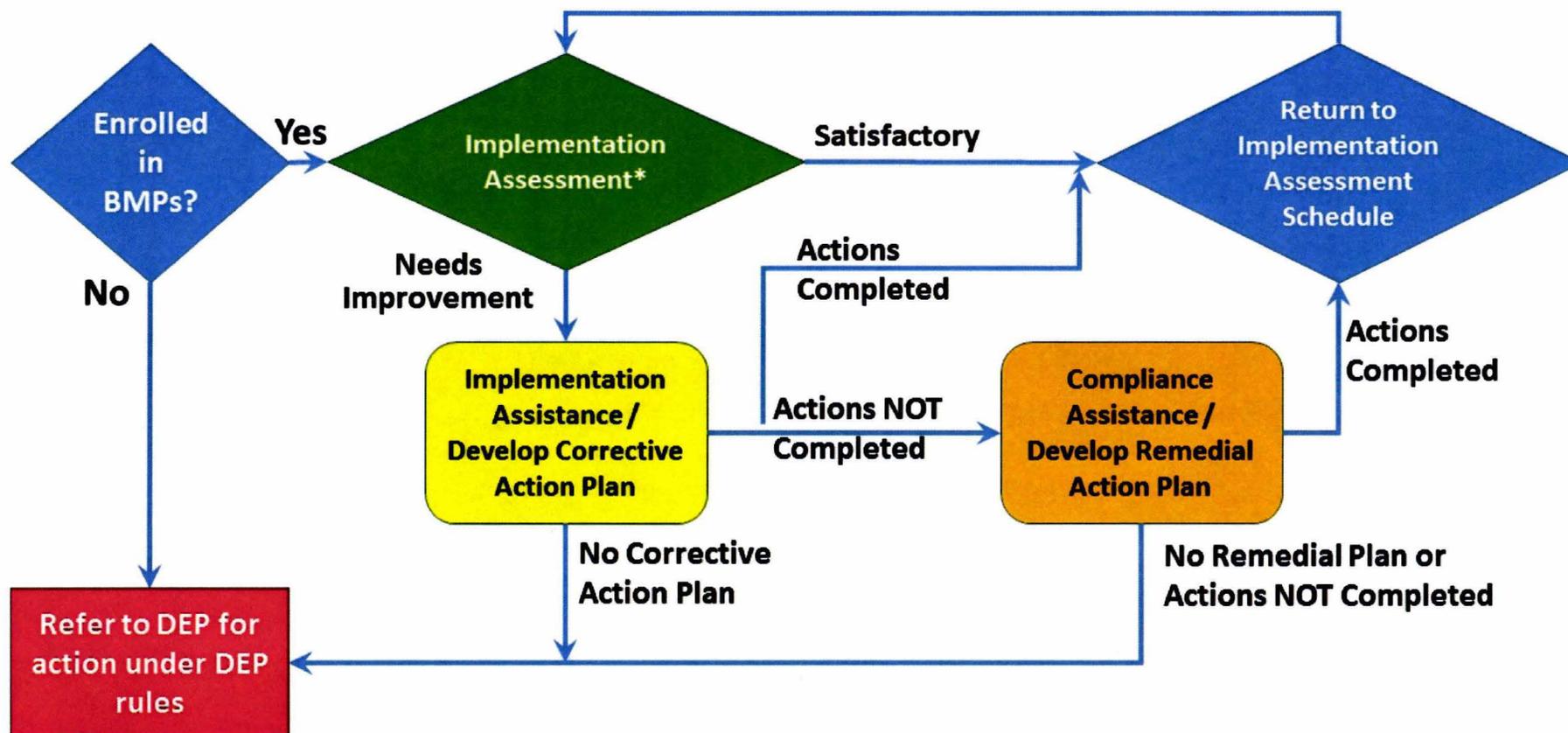
Implementation Verification Key Elements

- Electronic data management system under development
- Assessment of implementation performed:
 - At the time of enrollment
 - Producer self-verification
 - OAWP field staff assistance and site visits
 - WMD and DEP permit compliance
- Intensive effort by OAWP to assist producers to full implementation



Implementation Verification Program Concept

Implementation Verification Process for Producers in BMAP Areas



* Assessment can be by producer self-verification, OAWP staff-assisted verification, OAWP site visit, WMD permit compliance, or certain 3rd party

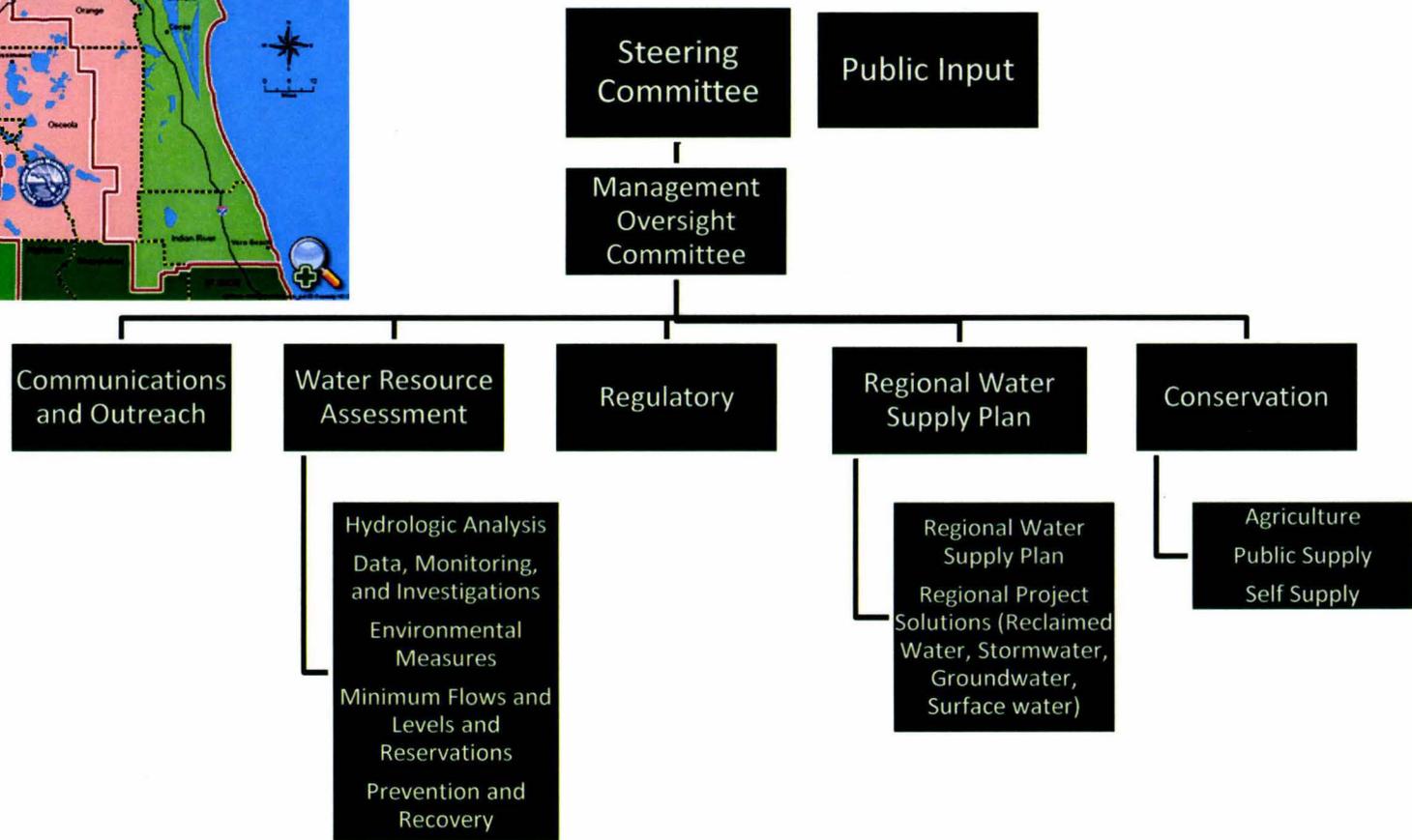
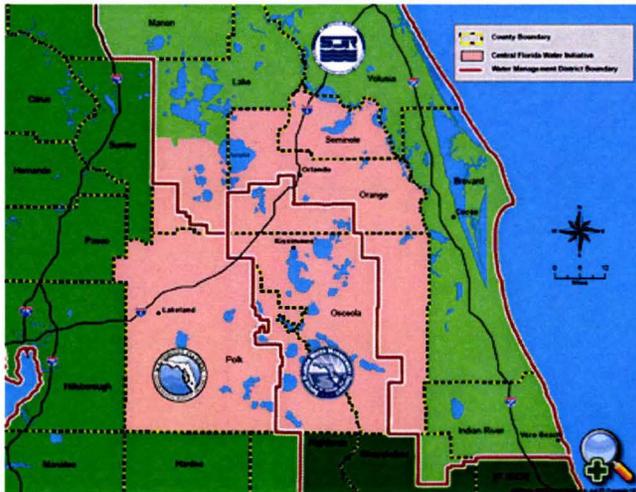


Focused Research and Development

- Restructured approach to research
 - Re-established a Research Coordinating Committee with IFAS, producers, and public; published research priorities
 - Emphasis on BMP effectiveness
 - Funding research on controlled release fertilizer
- BMP Evaluation
 - BMPs are established and reviewed based on sound scientific research
 - Currently in the review process on the Cow/Calf (Cattle Ops) BMPs
 - Beginning the review process on the Sod BMPs; steering committee meeting in January
 - Initiating work on Small Farms BMPs



Participation in the CFWI



Thank You!

<http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy>

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Overview of the Role of the Federal Government and the State in Environmental Regulation

Natural Resources and Public Lands Subcommittee

Kim Shugar

January 11, 1017

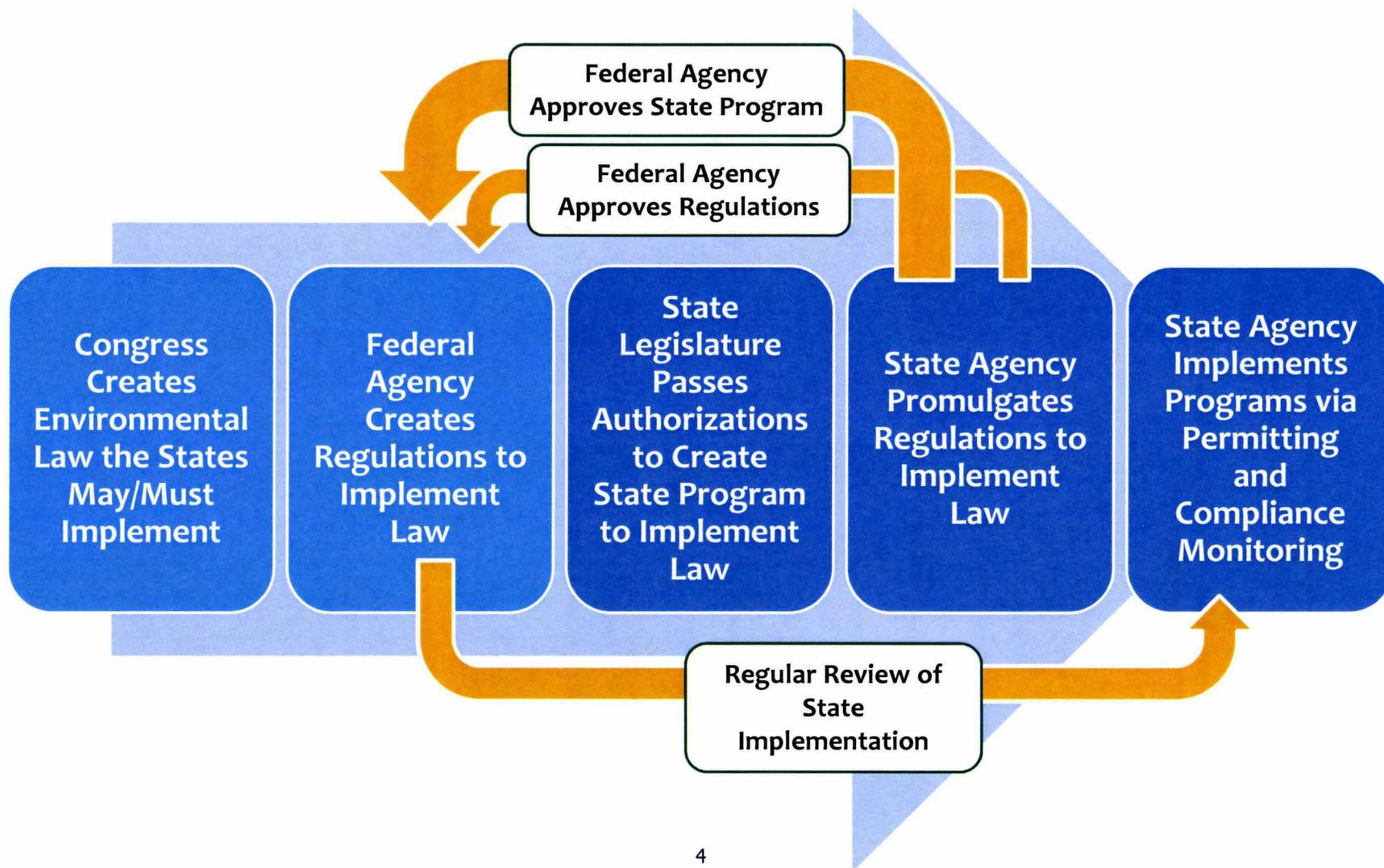
History of Environmental Laws and Regulations

- Prior to 1970, states and local governments traditionally held the power to regulate environmental pollution and environmental health
- During the 1970s and 1980s, Congress passed environmental laws to control pollution using Commerce Clause Power
 - Inadequate statutory law controlling environmental pollution
 - Interstate air or water pollution problems
 - Economic competition among states

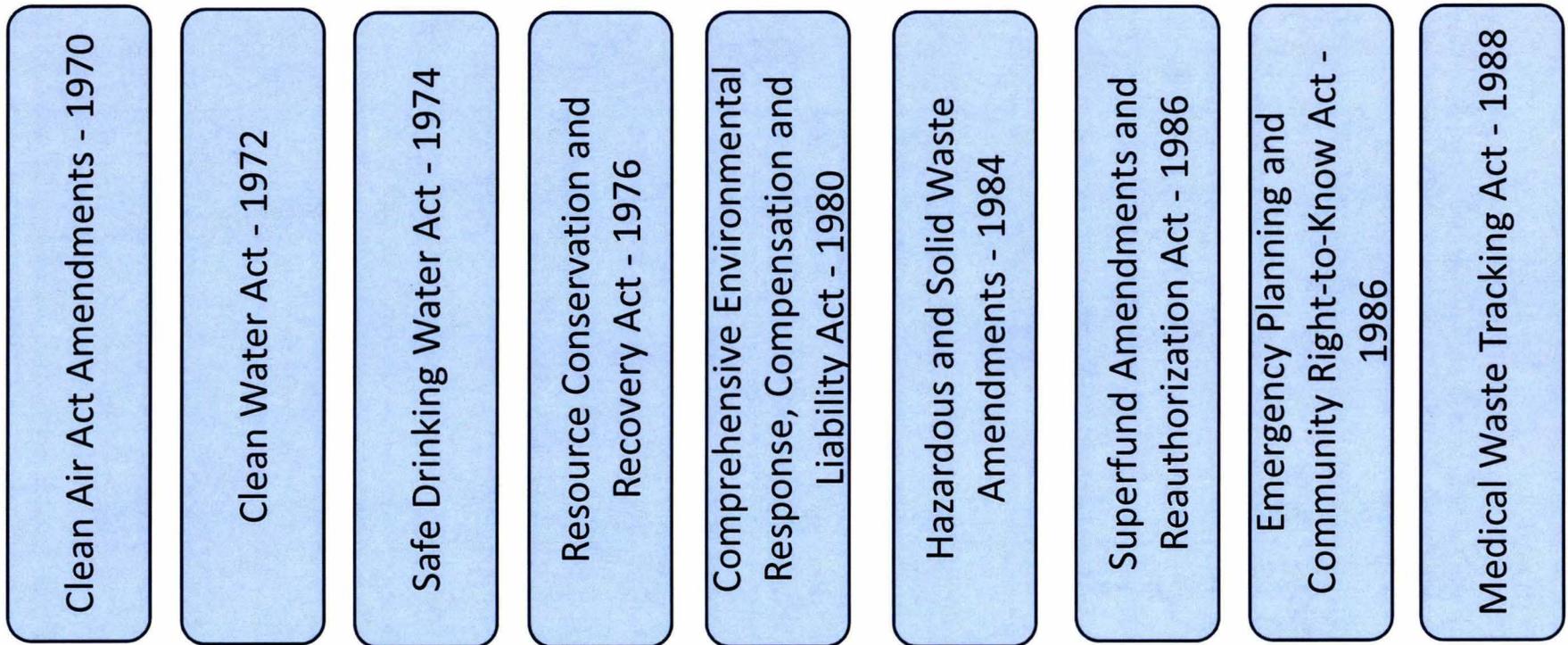
History of Environmental Laws and Regulations

- Federal laws divide responsibilities for environmental regulatory programs between the state and federal government
- Approved state programs
 - States have primary responsibility and authority
 - U.S. Environmental Protection Agency (EPA) has primary responsibility and authority
 - EPA approves or authorizes state plans with joint federal-state enforcement

Relationship Between the Federal Government and the States - Environmental Laws and Regulations



Federal Enforcement Role



Federal Enforcement Role Increases

Federal Enforcement Role Decreases

Air

- Clean Air Act required EPA to establish National Ambient Air Quality Standards for air pollutants
- Each State must develop state implementation plans (SIP)
- Federal enforcement of an approved SIP only occurs if a violation of a SIP occurs for more than 30 days after EPA notifies the violator and the state
- Department of Environmental Protection (DEP) implements Florida's clean air program
 - Permits major and minor sources of air pollution
 - Monitors ambient air quality
 - Takes compliance and enforcement action against individuals who violate air quality statutes and rules
 - Administers Florida's asbestos removal program

Water

- National Pollutant Discharge Elimination System (NPDES) – primary regulatory mechanism
- Almost all facilities that discharge pollutants into a waterbody must have NPDES permit
 - Contains a series of discharge limits based on best available technology
- Water Quality Standards
- Section 404 – Dredge and Fill Permitting

Drinking Water

- Safe Drinking Water Act – regulates public drinking water supplies
 - Quality of drinking water
 - Underground injection of contaminants
- EPA administrator is authorized to initiate enforcement action whenever EPA determines the presence of a contaminant presents an imminent hazard
- EPA delegated the program to DEP

Water Supply

- Regional Water Supply Planning
 - Plans are required by water management districts (WMDs) where water sources were determined to not be adequate to meet future needs
- Consumptive Use Permitting
 - Implemented by WMDs to ensure that water use is not harmful to the water resources of the area, is reasonable-beneficial, does not interfere with existing legal uses and is consistent with the public interest
- Well Construction Permitting
 - DEP and WMDs share responsibilities for permitting of the construction, repair, or abandonment of water wells
 - Licensing of water well contractors

Hazardous Waste

- Resource Conservation and Recovery Act – hazardous waste regulatory program
 - Federal rules that regulate the generation, storage, transportation, treatment, and disposal of hazardous waste
 - State rules must be equivalent to federal regulations
- Comprehensive Environmental Response, Compensation and Liability Act
 - Focuses on the cleanup of hazardous waste disposal sites – establishes liability standards and a federal fund (Superfund) for cleanups
 - National Priority List

Hazardous and Solid Waste

- Hazardous and Solid Waste Amendments of 1984 – established new program to regulate underground storage tanks
 - Requires owners to take corrective action for petroleum releases
 - Mandates regulations for tank performance standards and requirements for leak detection, record keeping, and tank closures
- Enforcement relies with the state
- 1985 - DEP authorized to administer hazardous waste management and regulatory program

Environmental Review

- National Environmental Policy Act (NEPA)
- Coastal Zone Management Act
 - Florida Coastal Management Program – Approved by the US Department of Commerce National Oceanic and Atmospheric Administration (NOAA) and gives states authority
 - Permits under Outer Continental Shelf Lands Act for offshore minerals exploration and development
 - Federally funded activities
 - Activities on behalf of a federal government agency

Species Management

- Endangered Species Act of 1973
 - Federal program maintains a list of endangered and threatened species that must be protected
 - Florida – Fish and Wildlife Conservation Commission (FWC) also has a procedure for designating state threatened and endangered species
 - Florida - Marine Turtle Protection Act
 - Species of Special Concern
 - Imperiled Species
- Nonnative and invasive species

Hunting & Fishing

- Hunting and Fishing Regulations
 - Waterfowl and migratory birds are protected under Migratory Bird Treaty Act
 - Federal and state agencies have regulations respective to lands they own
- FWC has authority to create rules for licenses, permits, hunting seasons and locations, and commercial fishing

Public Lands

- Trustees of the Internal Improvement Trust Fund – agency created by the state to manage state-owned lands
- State rules:
 - Land acquisition procedures
 - Florida Forever Act
 - Use of state-owned lands
 - Uplands and sovereign submerged lands
 - Various agencies manage and adopt rules depending on the use
 - Disposition of state-owned lands and facilities