

# **Chapter 40E-61, F.A.C. Draft Rule Amendments Round 2 Workshops**

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South Florida Water Management District  
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# SFWMD Mission

- To safeguard and restore South Florida's water resources and ecosystems, protect our communities from flooding, and meet the region's water needs while connecting with the public and stakeholders.



# Today's Agenda

- Why do Rulemaking?
- Affected Geographic Areas
- Water Quality Conditions
- Legislative History & Agency Activities
- Recent Legislation
- Statutory Direction
- Impact to Existing Rules
- Round One Workshops & Comments
- Draft Rules in Two Parts
- Timeline & Stakeholder Engagement



Freddie says hello

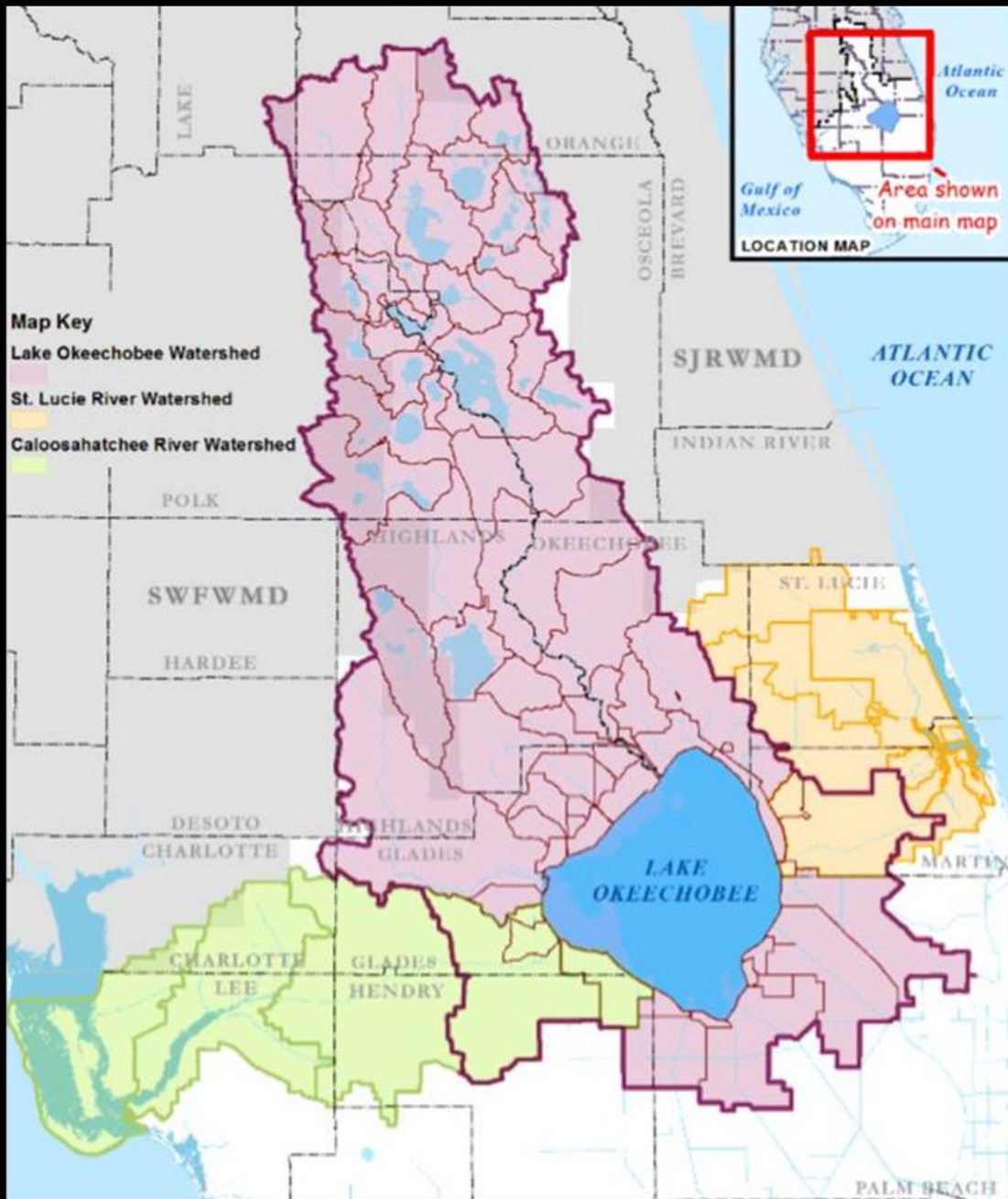


# Why do Rulemaking?

Florida Statutes Require:

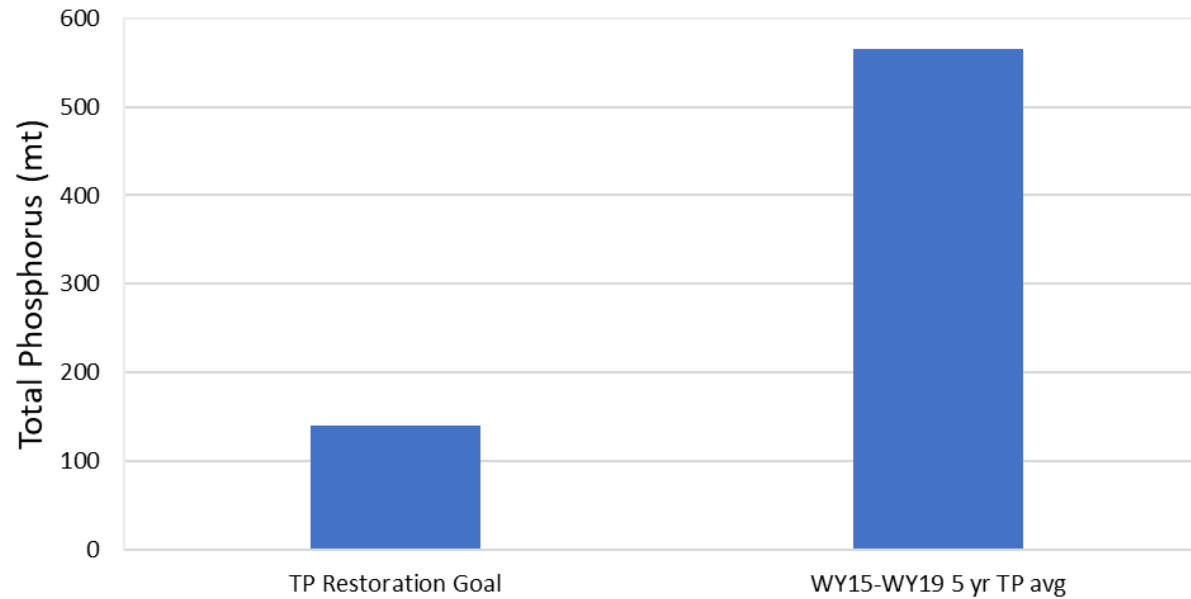
- Revisions to Chapter 40E-61, Florida Administrative Code (F.A.C.) for the Lake Okeechobee Watershed
- New rules for the St. Lucie and Caloosahatchee River Watersheds

Map of Affected Geographic Areas

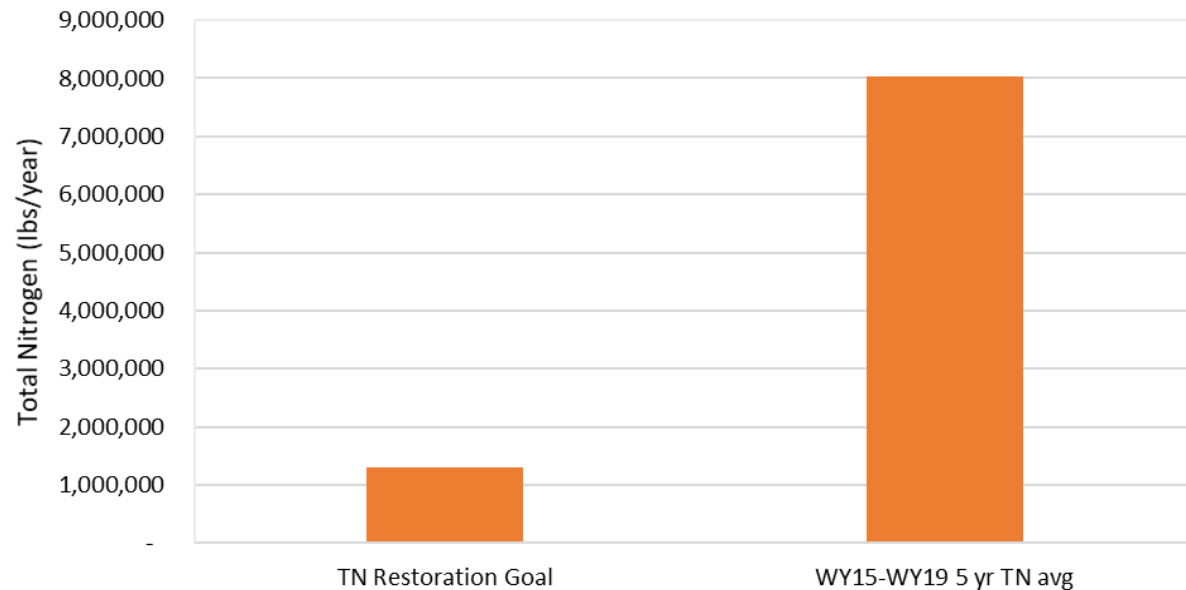


# Water Quality Conditions

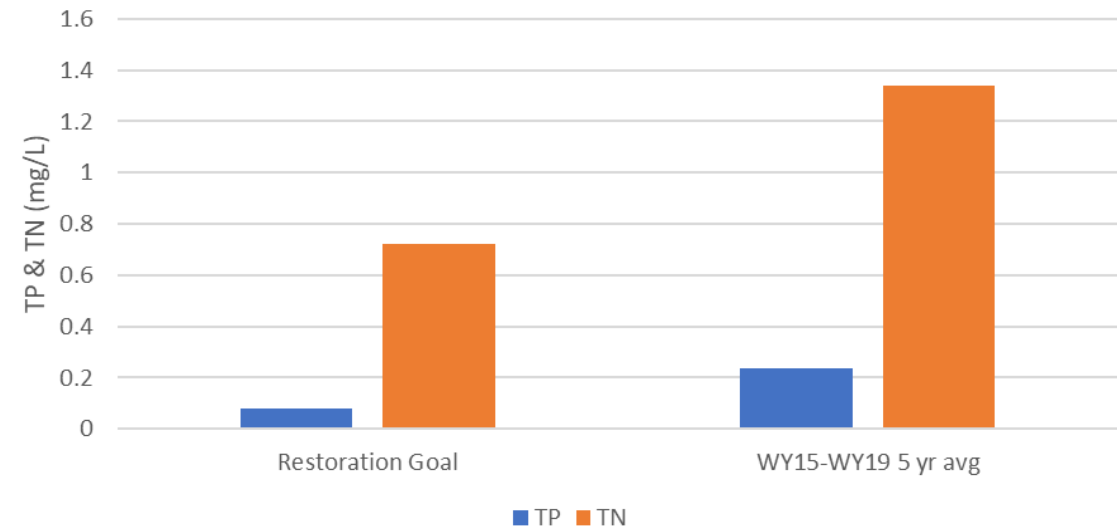
Restoration Goal & Result for Lake Okeechobee



Restoration Goal & Result for Caloosahatchee River



Total Phosphorus and Nitrogen Restoration Goals & Results for St. Lucie River



# Northern Everglades Legislative History

- **1987** – 373.4595 Florida Statutes (F.S.) Originally enacted as the Surface Water Improvement and Management (SWIM) Act
- **2000** – SWIM Act revised to become the Lake Okeechobee Protection Act (LOPA)
- **2005** – LOPA amended, including expanded boundaries for Lake Okeechobee Watershed; Total Maximum Daily Load (TMDL) statute (403.067 F.S.) amended to include statewide Basin Management Action Plans (BMAP) **by FDEP**
- **2007** – LOPA became the Northern Everglades and Estuaries Protection Program (NEEPP); **Further expanded to** include the St. Lucie and Caloosahatchee River Watersheds
- **2012** – FDEP adopts Caloosahatchee River Watershed BMAP
- **2013** – FDEP adopts St. Lucie River Watershed BMAP
- **2014** – FDEP adopts Lake Okeechobee Watershed BMAP
- **2016** – NEEPP amended: BMAPs are the “watershed phosphorus control component for Lake Okeechobee” and the “pollutant control program” for the estuaries; directs SFWMD to revise 40E-61
- **2020** – Section 85 of HB 5003 - May affect 40E-61 amendments



# Coordinating Agencies



# Post-2016 Coordinating Agency Activities

Northern Everglades and Estuaries Protection Program (F.S. 373.4595)

Lake Okeechobee (LO) Watershed Protection Program

Caloosahatchee River Estuary and St. Lucie River Watershed Protection Programs

LO Internal Phosphorus Management Program (SFWMD)

Watershed Protection Plans (SFWMD)

Agricultural BMPs (FDACS)

BMAPS (FDEP)

Exotic Species Control Program (Coordinating Agencies)

Research & Monitoring Program (Primarily SFWMD)

Watershed Construction Projects & Programs (SFWMD)

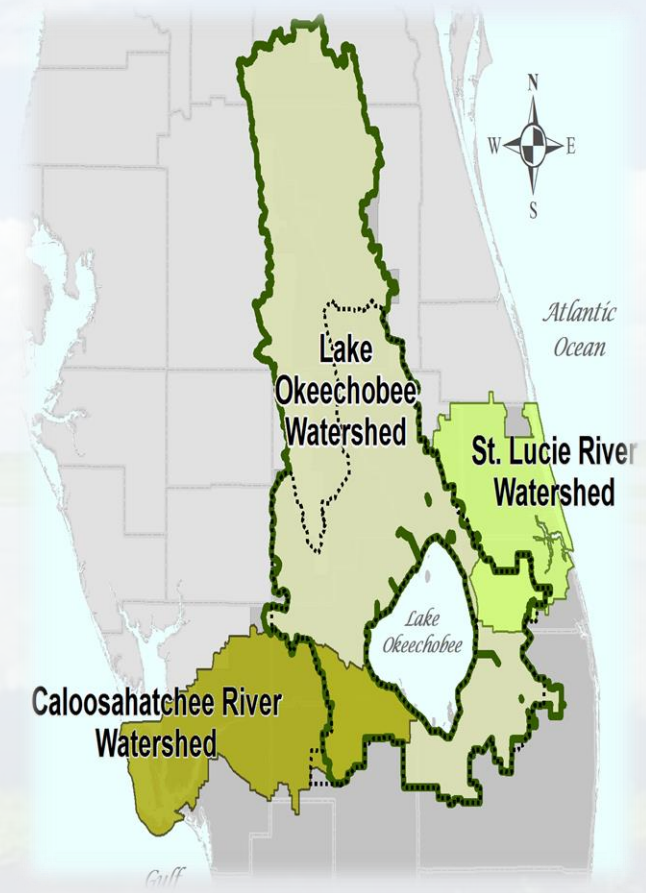
- Water storage projects
- Water treatment projects
- Wetland restoration
- Hydrologic restoration
- Cost Share programs
- **Chapter 40E-61, FAC**



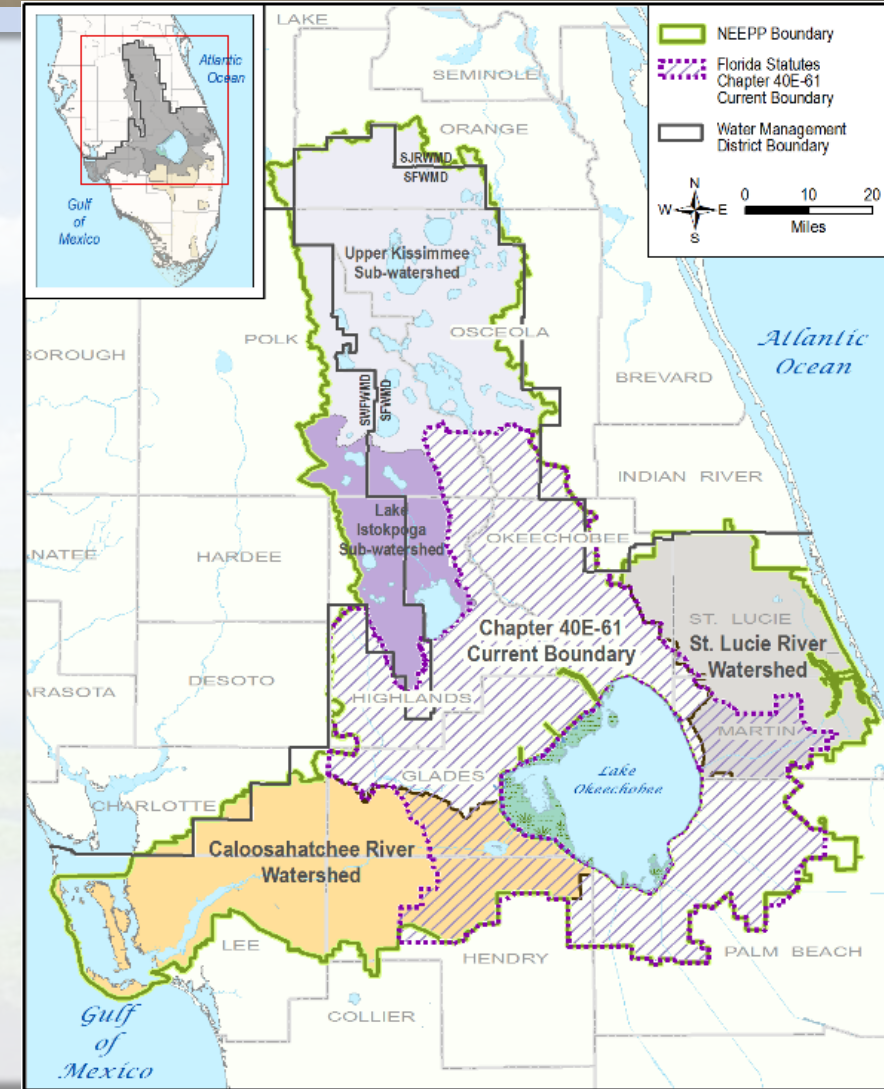
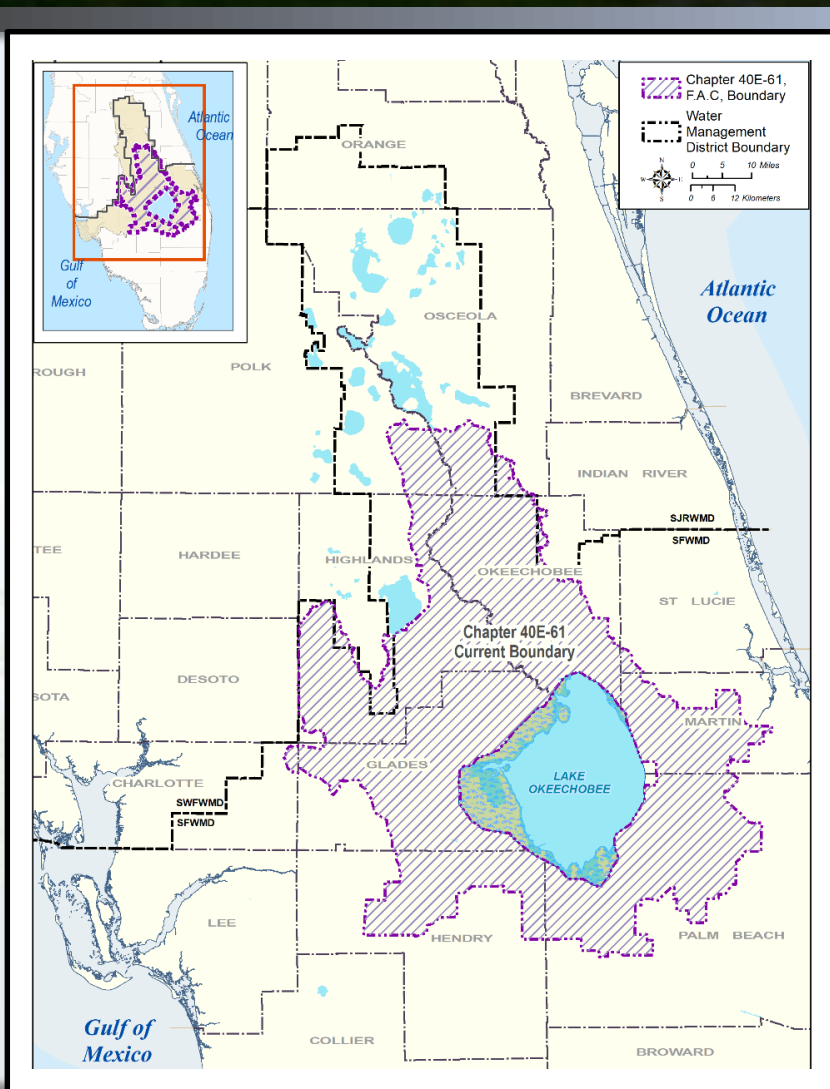
# Northern Everglades Statutory Direction

## 2016 Northern Everglades and Estuaries Protection Program (NEEPP) directs SFWMD to:

- Amend existing rules for Lake Okeechobee Watershed
- Develop new rules for Caloosahatchee and St. Lucie River Watersheds
- Provide for a monitoring program for non-point source dischargers required to monitor
- Develop and update Watershed Protection Plans
  - Nutrient Reduction and Storage Projects and Programs
  - Research and Water Quality Monitoring Program



# Existing 40E-61 and NEEPP Boundaries





# Round One Workshops Input on Draft Concepts

## Concept components:

- Monitoring
  - Watershed Monitoring Networks
  - Individual Monitoring Requirements
- Assessing Watershed Data
  - Evaluate data to characterize pollutant sources
  - Recommend and expedite tailored nutrient reduction activities
- Triggering Action where needed
  - Enhanced Source Controls
  - New or enhanced projects





# Workshop Round 1 Comments

- Concern about scope of proposed rules
- Questions and suggestions on monitoring locations
- Questions on dealing with hot spots
- Request to study nutrients in soils and canal conveyance systems
- Comments regarding a desire for cost-share programs

City	Date	Time	Address
Okeechobee	Nov. 5, 2019 ✓	10:00 AM	Indian River State College Dixon-Hendry Campus Williamson Conference & Education Center Building C - Room 112 2229 NW 9th Avenue Okeechobee, FL 34972
Ft. Myers	Nov. 15, 2019 ✓	10:00 AM	Fort Myers Regional Library South Building Meeting Room AB 1651 Lee Street Ft. Myers, FL 33901
Kissimmee	Nov. 18, 2019 ✓	10:30 AM	UF/IFAS Extension Osceola County 1921 Kissimmee Valley Lane Kissimmee, FL 34744-6107
Stuart	Nov. 19, 2019 ✓	4:00 PM	Indian River State College Chastain Campus Clare & Gladys Wolf High-Technology Center 2400 S.E. Salerno Road Stuart, FL 34997
West Palm Beach	Nov. 20, 2019* ✓	10:00 AM	South Florida Water Management District B1 Auditorium 3301 Gun Club Road West Palm Beach, FL 33406

\*Also broadcast online at [SFWMD.gov](http://SFWMD.gov) and [YouTube.com/SFWMDTV](http://YouTube.com/SFWMDTV)

# Draft Rule Structure

- Build-out Draft Concepts
- Part I: Assessments for Watershed Protection Plan Updates
- Part II: Individual Landowner Requirements





# Part I: Watershed Monitoring Networks

- Objective: Describe processes for collecting and assessing data to identify activities to improve the quality, quantity, timing, and distribution of surface water in the Northern Everglades watersheds
- District-collected data to represent
  - Nutrient concentrations
  - Flow
  - Different scales
- Other sources of data be
  - Collected with same QA/QC procedures
  - Parameters and frequency needed





# Part I: Comprehensive Assessment of Targeted Areas

- Evaluate water quality data
- Characterize pollutant sources at different scales and their relative contributions
- Evaluate completed projects, effectiveness of rule-adopted BMPs, and nutrient reduction technologies
- Consider water management practices
- Identify gaps and research necessary
- Identify areas that need more targeted resources and evaluation

# Part I: Assessment Findings

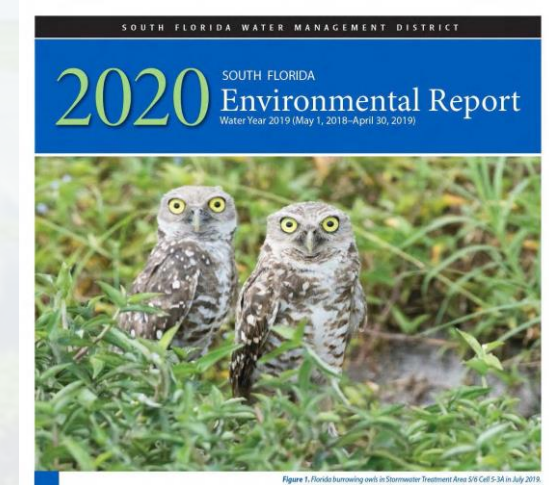
- The District will identify areas where the following may be needed:
  - Enhancements to existing projects
  - New projects
  - Enhanced source controls
  - Reevaluation of BMPs





# Part I: Reporting and Accountability

- Annually
  - Publish assessment findings
  - Public meeting to engage stakeholders and discuss progress
  - Update webpage
- As Needed
  - Coordinating Agency Public meetings





# Part II: Individual Monitoring Requirements

- Objective: To provide for a monitoring program for those not implementing BMPs. The program will require landowners to:
- Apply for permit to implement an approved monitoring plan
- Report monitoring data
- Take action if state water quality standards are not achieved, including implementing the appropriate BMP program



# Current Rulemaking Timeline

Process	Completed Tasks and Current Schedule
Governing Board approval of Notice of Rule Development	Completed - October 2019
Round 1 - Public Workshops in 5 regions: Stuart, Kissimmee, Ft. Myers, Okeechobee, West Palm	Concepts only: Completed - November 2019
Legislative Change	March 2020
Update to Governing Board	Completed - March 2020
Publish Draft Rule Text on website	Completed - April 2020
Round 2 - Zoom Workshops	With Draft Rule Text: Scheduled for May 2020 - June 2020
Complete Economic Analysis	June - September 2020
Revise Draft Rule Text	June - September 2020
Governing Board approval Publish Notice of Proposed Rule Publish Statement of Economic Regulatory Costs if needed File Proposed Rule with JAPC	October 2020
File with the Legislature for Ratification if needed	December 2020
Legislative Ratification, if needed	April 2021

# Next Steps

- Complete Zoom Workshops
- Review public comments
- Adjust draft rule text as needed





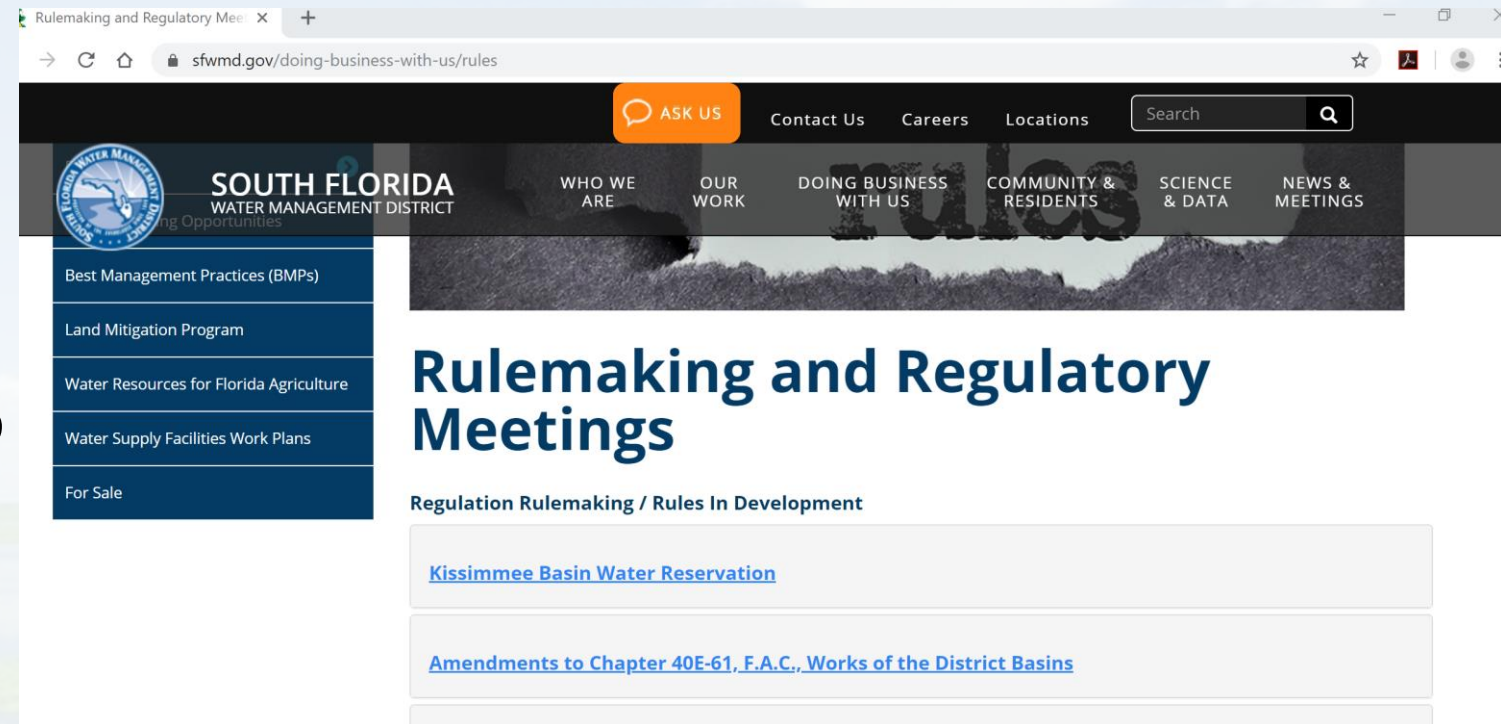
# SFWMD Rulemaking Web Board

## ➤ Interactive Web Board

- Draft Rule Text
- Round 1 Workshop videos
- Status of rule amendments
- Link to request to be added to stakeholder list
- Link to leave a comment

## ➤ Link

- <https://www.sfwmd.gov/doing-business-with-us/rules>



# Questions

Have a question?

- Please remember to first state your name and who you are representing for the record.
- Zoom audio/microphone
  - If you're participating via zoom – use the Raise Hand feature
- Phone
  - If you're participating via you phone –
  - \*9 Raises Hand
  - \*6 Mutes/Unmutes your phone





# Public Comment

Want to comment?

- Each speaker will have 3 minutes complete their comment
- Please remember to first state your name and who you are representing for the record.
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