

**JULY 2011 REGULATORY PLAN
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

I. ONGOING RULEMAKING PROCEEDINGS: NOTICE OF RULEMAKING PUBLISHED PRIOR TO JANUARY 2011

Rule Chapter & Title	Notes	Legislative Ratification Required	Tentative Date for Submission to Board & OFARR
40E-4 Environmental Resource Permits	"Glitch Rule" to correct and update rules pursuant to the S. 120.74, F.S., biennial review. Rule development is ministerial in nature and was completed in September 2010. The rule is ready for adoption.	No	July-Sept. 2011
40E-10 Water Reservations	In June 2008, the SFWMD initiated a water reservation pursuant to Chapter 373.223(4), F.S., to protect water for the Kissimmee River, its flood plain and the Chain of Lakes. This action is consistent with State's declaration that Kissimmee River Restoration has been deemed in the public interest, for a public purpose, and necessary for public health and welfare (Section 373.1501(3), F.S.). This water reservation will protect the water needed to ensure the project achieves its objectives and the public realizes the full benefits from the investments made in the project to date (\$400,000,000). The Kissimmee reservation rule was an agenda item at twelve publically noticed meetings, including four rule workshops and two independent scientific peer review meetings.	Yes	To be determined by future Board direction based on need and timing for Central Florida area
40E-10 Water Reservations	In December 2009, the SFWMD initiated a water reservation pursuant to Chapter 373.223(4), F.S., to protect water made available by the CERP C-43 West Basin Reservoir project. This is necessary to execute a cost-share agreement with the federal government to construct the reservoir project, to comply with state and federal requirements, and to realize the full benefits from the investments made in the project to date (\$100,000,000). Because the technical analysis is ongoing, no public workshops have been held.	Dependant on scope	To be determined by future Board direction based on project schedule
40E-2 Consumptive Use (Basis of Review)	In December 2010, the SFWMD initiated a restricted area allocation rule pursuant to Chapter 373.223(1), F.S., to protect water made available by the CERP Biscayne Bay Coastal Wetlands project. This is necessary to execute a cost-share agreement with the federal government to construct the project, to comply with state and federal requirements, and to realize the full benefits from the investments made in the project to date (\$100,000,000). No public workshops have been held.	Dependant on scope	To be determined by future Board direction based on project schedule

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II. COMPLIANCE WITH APRIL 2011 OFARR RULE REVIEW: RULE REPEALS*

Rule Chapter & Title	Notes	Legislative Ratification Required	Tentative Date for Submission to Board & OFARR
40E-0 Exceptions to Uniform Rules	Seven sections are outdated or no longer necessary.	No	January 2012
40E-1 General and Procedural	Fourteen sections are outdated or no longer necessary.	No	January 2012
40E-2 Consumptive Use	One rule contains information covered by statute.	No	January 2012
40E-3 Water Wells	One rule is no longer necessary.	No	January 2012
40E-7 Miscellaneous Provisions	Four rules are no longer necessary.	No	January 2012
40E-20 General Water Use Permits	Three rules are no longer necessary.	No	January 2012
40E-21 Water Shortage Plan	Three rules are no longer necessary.	No	January 2012
40E-22 Regional Water Shortage Plans	Six rules are no longer necessary.	No	January 2012
40E-23 Critical Water Supply Problem Areas	Rule Chapter is no longer necessary. Substance covered in Ch. 40E-2, F.A.C.	No	January 2012
40E-30 General Permits for Water Wells	Rule Chapter is no longer necessary. Substance to be covered in Ch. 40E-3, F.A.C.	No	January 2012
40E-63 Everglades Program	Statute no longer requires rules to implement 373.4592(4)(b)3 (BMP make-up water).	No	January 2012

*See attached chart entitled "Rule Review Pursuant to Executive Order 11-01" for additional information about rule subsections.

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III. COMPLIANCE WITH APRIL 2011 OFARR RULE REVIEW: RULE AMENDMENTS*

Rule Chapter & Title	Notes	Legislative Ratification Required	Tentative Date for Submission to Board & OFARR
40E-1 General and Procedural	1. Update post employment restrictions. 2. Update permit application procedures.	No	January 2012
40E-3 Water Wells	Amend four rules for consistency with the Florida Department of Environmental Protection's revised water well rules and include a permit by rule for certain agricultural wells.	No	January 2012
40E-4 Environmental Resource Permits	1. Revise thresholds to streamline permitting process. 2. Update permit application filing procedures to reduce costs. 3. Update forms and instructions to streamline rules. 4. Extend permit durations, which would reduce potential regulatory costs. 5. Incorporate substantive portions of 40E-40 to streamline rules and reduce duplication.	No	January 2012**
40E-20 General Water Use Permits	Update to reflect Governing Board delegation of authority pertaining to general water use permits.	No	January 2012
40E-40 General Environmental Resource Standard Permits	Amendments to streamline rules and to ensure maximum coordination with 40E-4.	No	January 2012**
40E-62 Works and Lands of the District Management Plans	Incorporate substantive portions of the management plan for the C-18 (Loxahatchee River Wild and Scenic River) into 40E-6 and repeal this rule chapter.	No	January 2012

*See attached chart entitled "Rule Review Pursuant to Executive Order 11-01" for additional information about rule subsections.

**May be submitted at an earlier date after coordination with the Florida Department of Environmental Protection and the other water management districts

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IV. PROPOSED NEW RULES TO REDUCE COSTS OR UPDATE RULE LANGUAGE OR CRITERIA

Rule Chapter & Title	Notes	Legislative Ratification Required	Tentative Date for Submission to Board & OFARR
40E-2 Consumptive Use 40E-20 General Water Use Permits (Basis of Review)	1. Amend reclaimed water technical feasibility evaluation to reflect amendments to S. 373.250, F.S. 2. Amend references to xeriscape to reflect amendments to S. 373.185, F.S. 3. Amend reference to compliance reports to reflect amendments to S. 373.236, F.S. 4. Repeal basin expiration section and other “glitch” clarifications. 5. Change eligibility criteria for No Notice Dewatering Permits and correct “glitches.” 6. Other rules identified to reduce regulatory burdens, provide additional efficiencies or address implications of judicial or administrative decisions.	No	1: July-Sept. 2011 2-6: March-June 2012*
40E-4 Environmental Resource Permitting	1. Reduce number of listed species for consistency with Florida Fish and Wildlife Conservation Commission rules. 2. Other rules identified to reduce regulatory burdens, provide additional efficiencies or address implications of judicial or administrative decisions.	No	1. July-Sept. 2011* 2. January 2011*
40E-6 Works or Lands of the District	Update citations and clarify criteria, in addition to incorporating the provisions of 40E-62, F.A.C., pursuant to the OFARR rule review.	No	January 2012
40E-7, Part V Miscellaneous Provisions	1. Repeal portions of the public use rules restricting the possession of firearms on District lands open to the public that will be null and void when HB 45 goes into effect on October 1, 2011. 2. Update and clarification amendments.	No	1: July-Sept. 2012 2. March-June 2012
40E-400 No Notice and Noticed General Environmental Resource Permits (NGP)	To streamline the regulatory process, add NGP categories for: restoration projects by government entities; geotechnical work or soil remediation; boardwalks and recreational paths; certain phases of conceptually approved projects; certain piers and associated structures; installation of fences; and to increase or revise thresholds or other provisions to reduce regulatory burdens.	No	Sept.-Dec. 2012*

*May be submitted at an earlier date after coordination with the Florida Department of Environmental Protection and the other water management districts