

Welcome to 40E-61 Rulemaking Workshop

Please visit our registration table and sign in, if you have not already done so...



Lake Okeechobee Pier



Mouth of Caloosahatchee River



Roosevelt Bridge St. Lucie River

Northern Everglades

Works of the District Program

Chapter 40E-61, Florida Administrative Code

Rule Development Workshop #1

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South Florida Water Management District
November 2019

Today's Agenda

- Why do Rulemaking?
- Affected Geographic Areas
- Water Quality Conditions
- Legislative History & Agency Activities
- Statutory Direction
- Considerations for Rulemaking
- Concept for Draft Rule
- Timeline and Workshop schedule
- Stakeholder Engagement



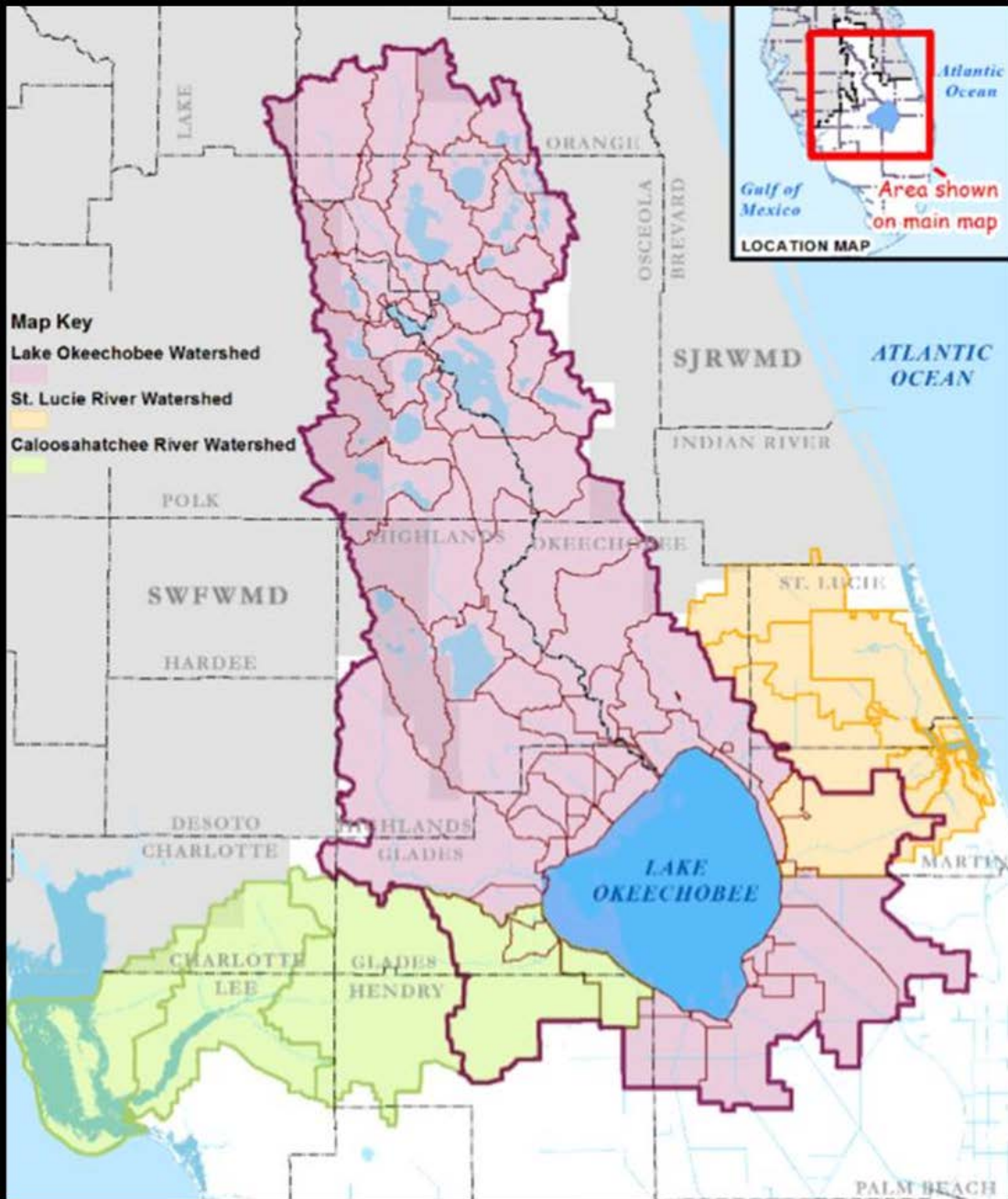
Freddy says hello

Why do Rulemaking?

Florida Statutes Require:

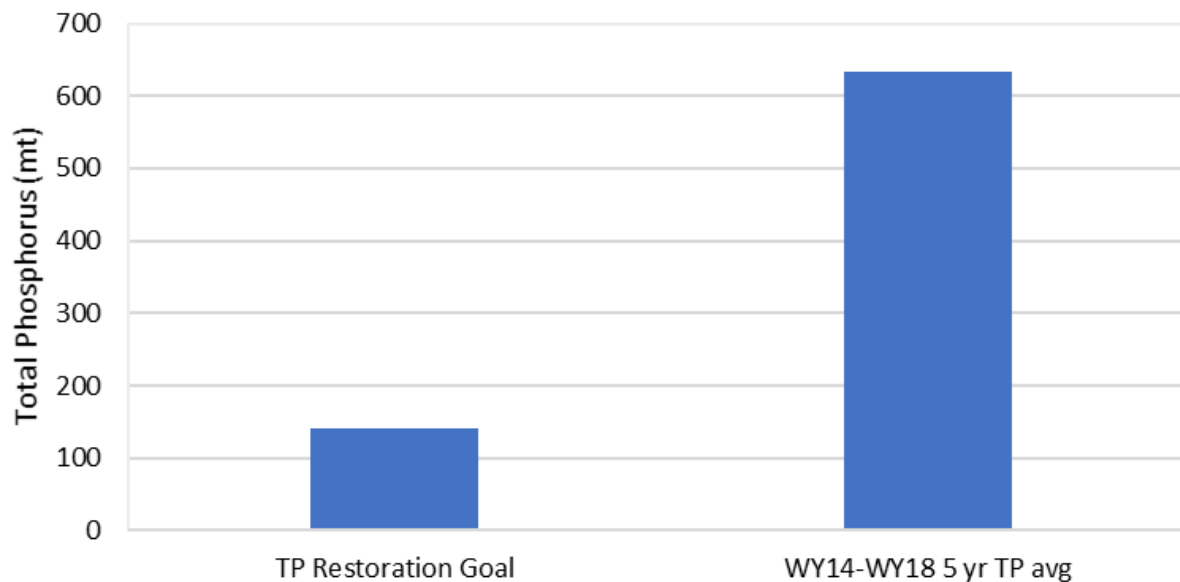
- Revisions to Chapter 40E-61, Florida Administrative Code (F.A.C.) for the Lake Okeechobee Watershed
- New rules for the St. Lucie and Caloosahatchee River Watersheds

Map of Affected Geographic Areas

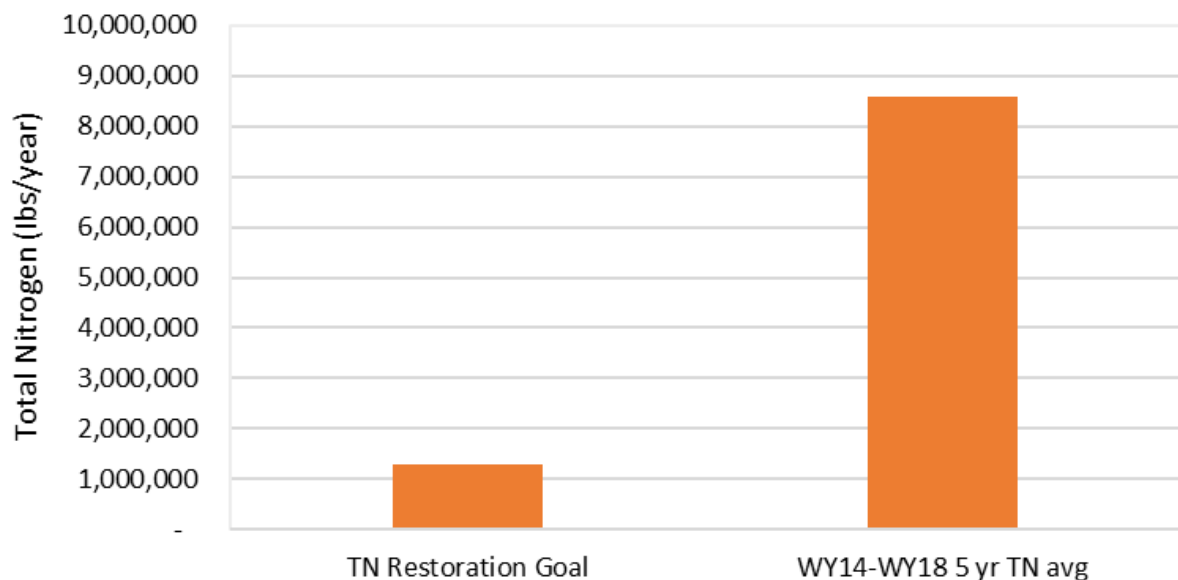


Water Quality Conditions

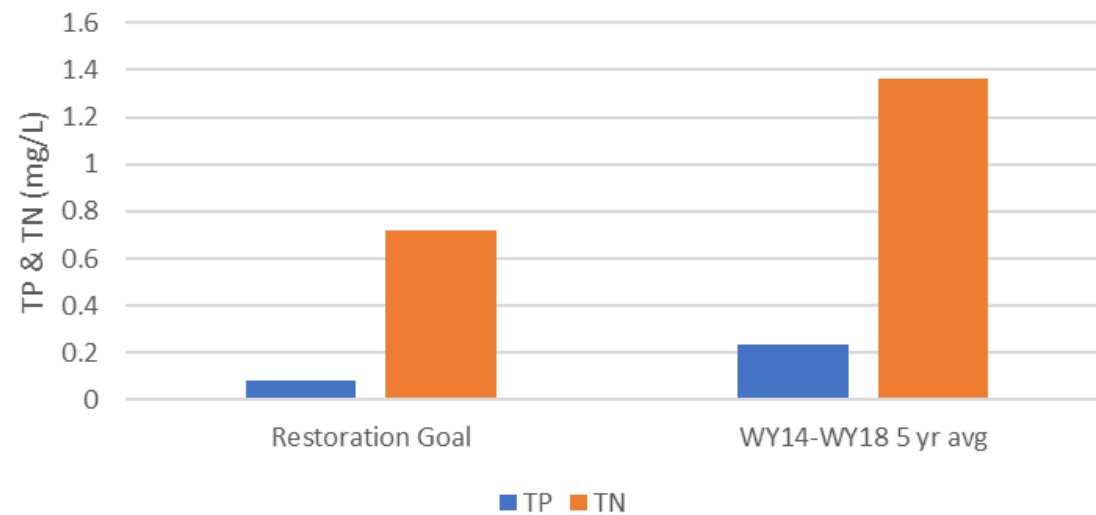
Restoration Goal & Result for Lake Okeechobee



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- **1987** – 373.4595 Florida Statutes (F.S.) Originally enacted as the Surface Water Improvement and Management (SWIM) Act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

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 (LO: Coordinating Agencies) (Rivers: SFWMD)

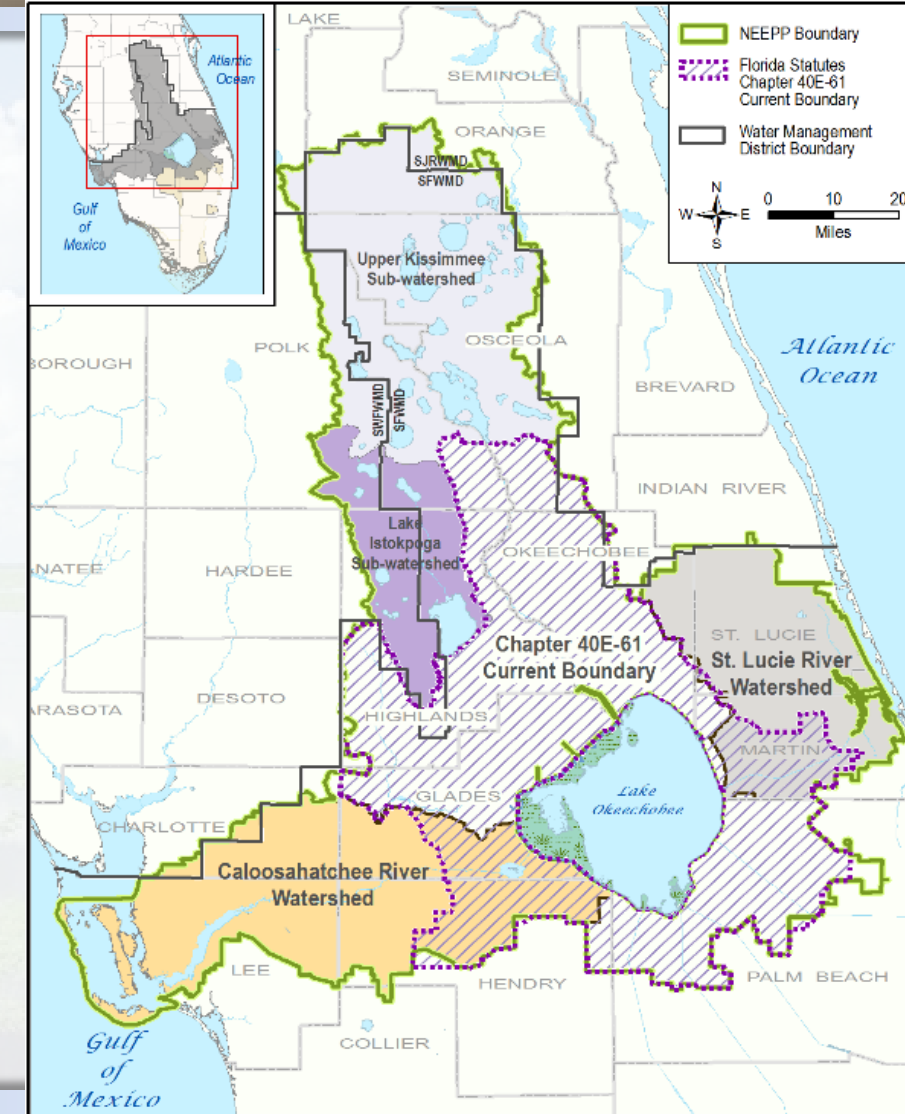
Watershed Construction Projects (SFWMD)

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

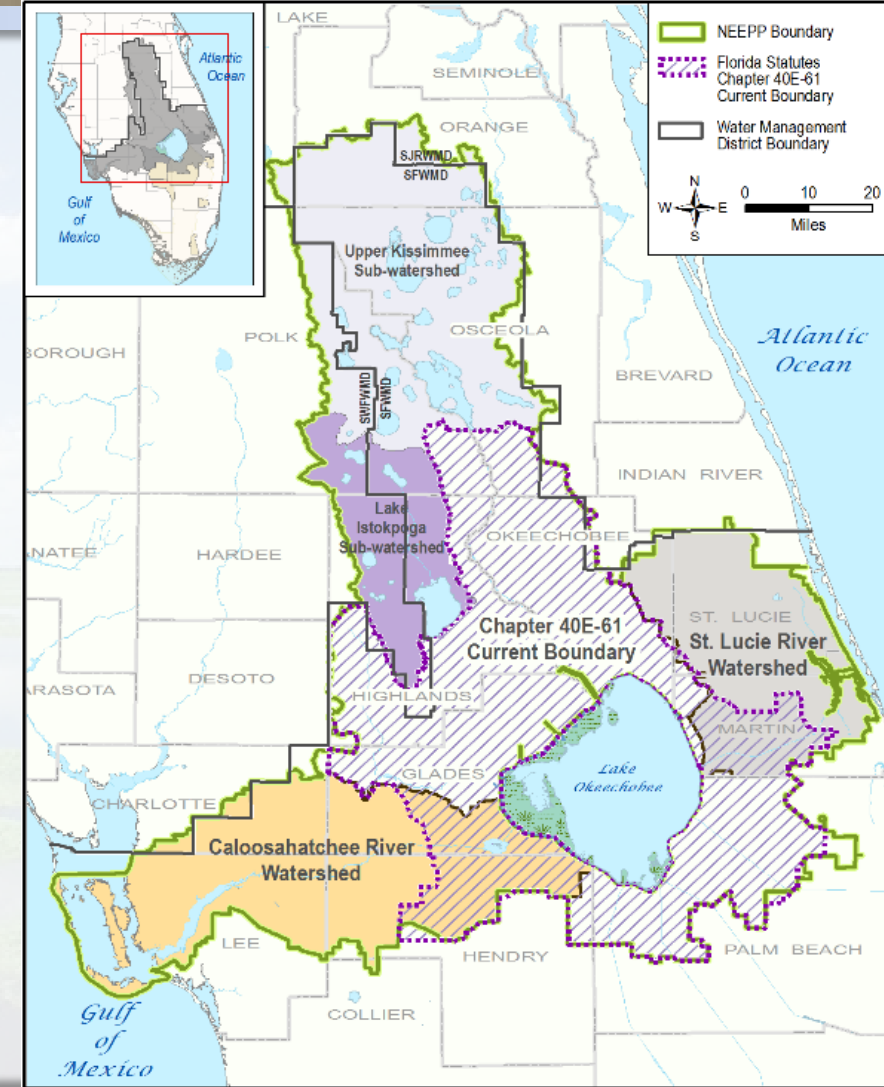
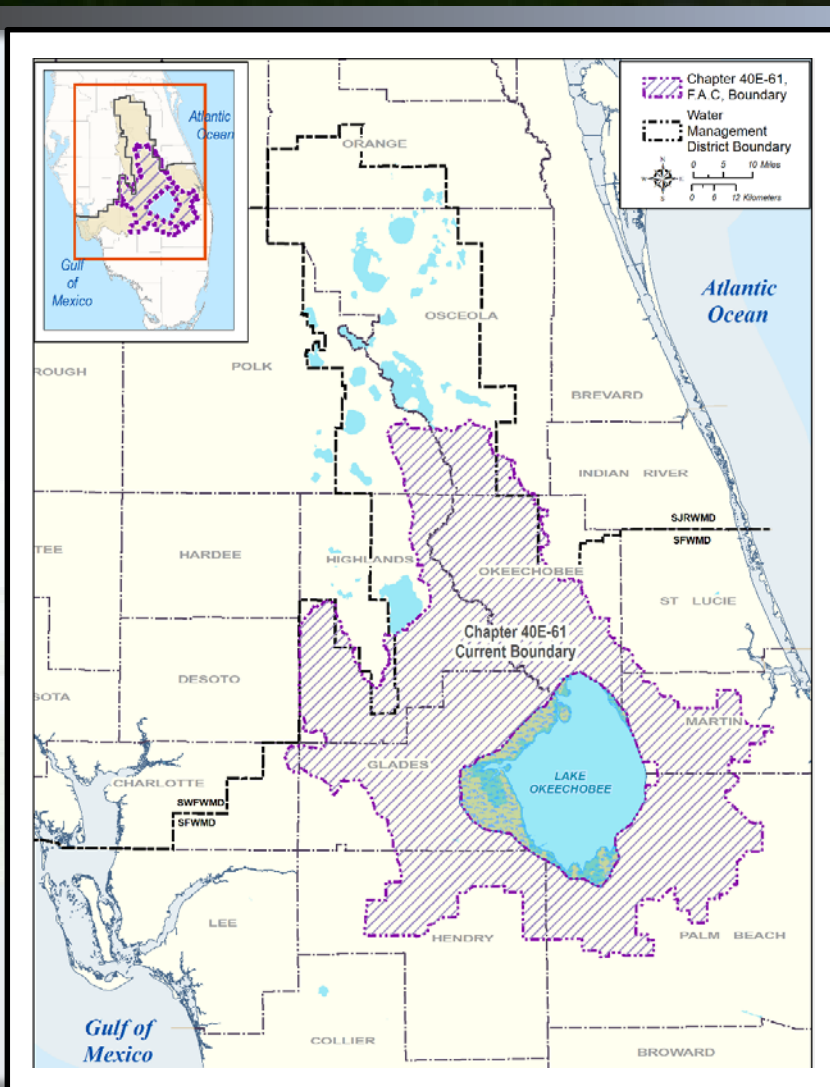
Northern Everglades Statutory Direction

2016 Northern Everglades and Estuaries Protection Program (NEEPP) requires:

- Revise 40E-61, F.A.C., for Lake Okeechobee Watershed
- New rules for Caloosahatchee and St. Lucie River Watersheds
- Consistency with NEEPP and 403.067, F.S.
- A monitoring program for Non-point Source dischargers required to monitor
- Research and Water Quality Monitoring Program



Existing 40E-61 and NEEPP Boundaries



Considerations for Rulemaking

- Statutory Directives
- Water Quality Conditions
- Other Regulatory Programs
- Conceptual Framework
- Stakeholder Input



Agriculture



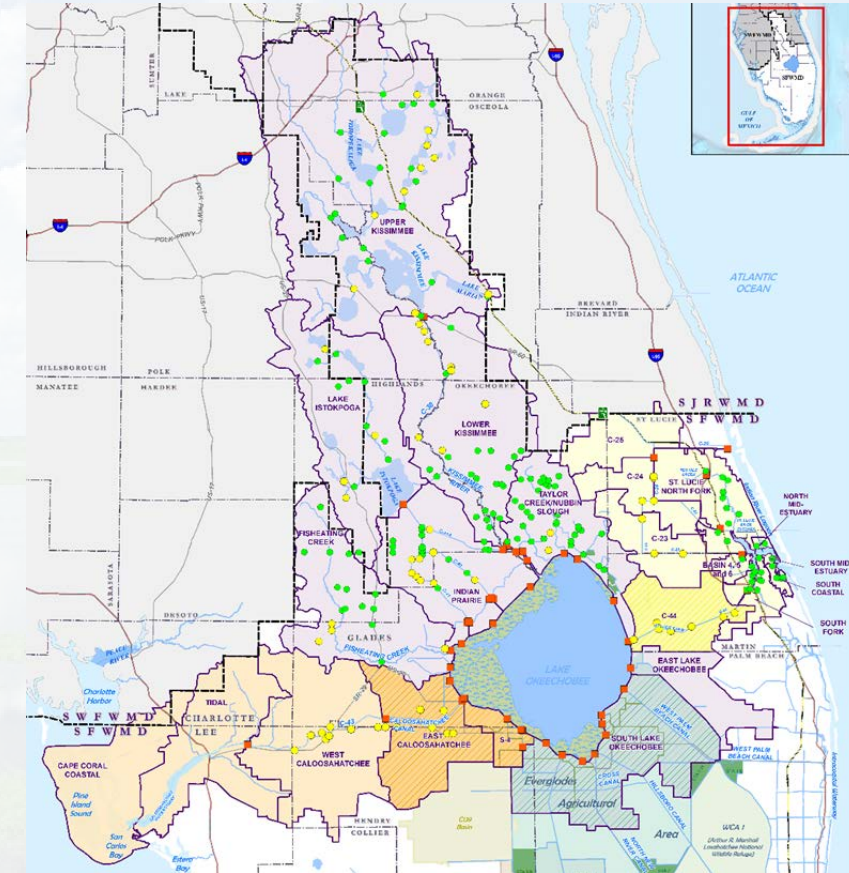
Urban



Public Meetings with Stakeholders

40E-61 Draft Concept

- Monitoring Component consisting of;
 - Provide requirements for monitoring in lieu of BMPs
 - Using monitoring network to
 - Represent nutrient levels in contributing areas
 - Support research
 - Evaluate effectiveness of nutrient reduction technologies and projects
 - Inform decisions on actions
- Establish methods to evaluate and assess data to track progress
- Define conditions for taking action and identify actions



Seeking Feedback and Input to Draft Rules

Seeking Input for Rules that will:

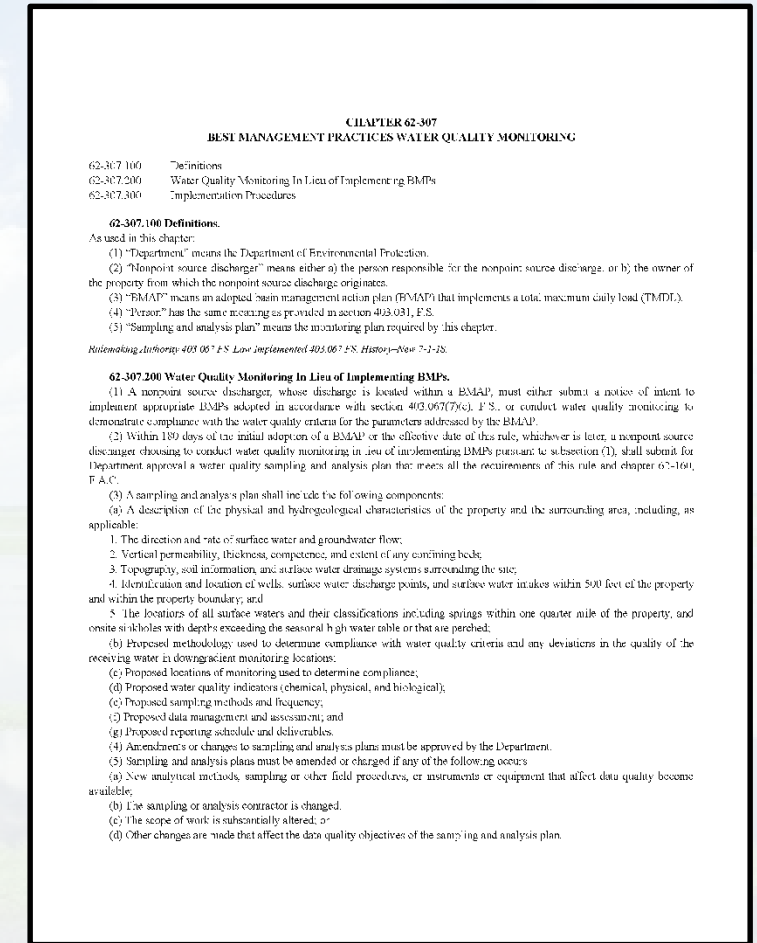
- Assist in Achieving Restoration Goals
- Be Within Statutory Authorities
- Be Reasonable
- Be Implementable



Draft Concept - Monitoring Component

Monitoring in Lieu of Implementing BMPs

- Consistent with FDEP Statewide Requirements
- Should specification be considered?
 - Nutrients
 - Sample frequency
 - Flow monitoring
- What is Practical?
- Other Components?



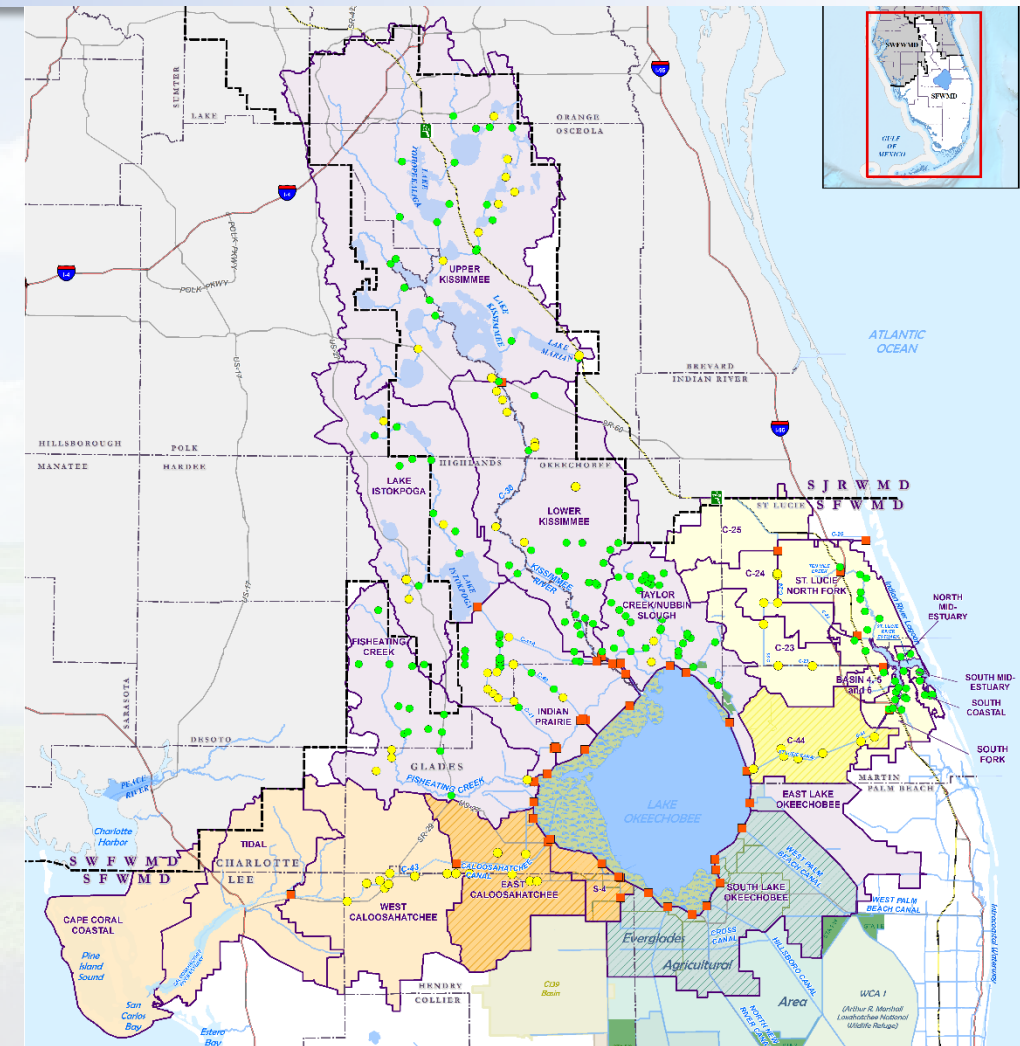
FDEP Statewide Monitoring Rule

Draft Concept - Monitoring Component

Establish Monitoring Network

- Review Existing and Proposed Network
- Are Other Types of Monitoring Needed?
- Other Components?

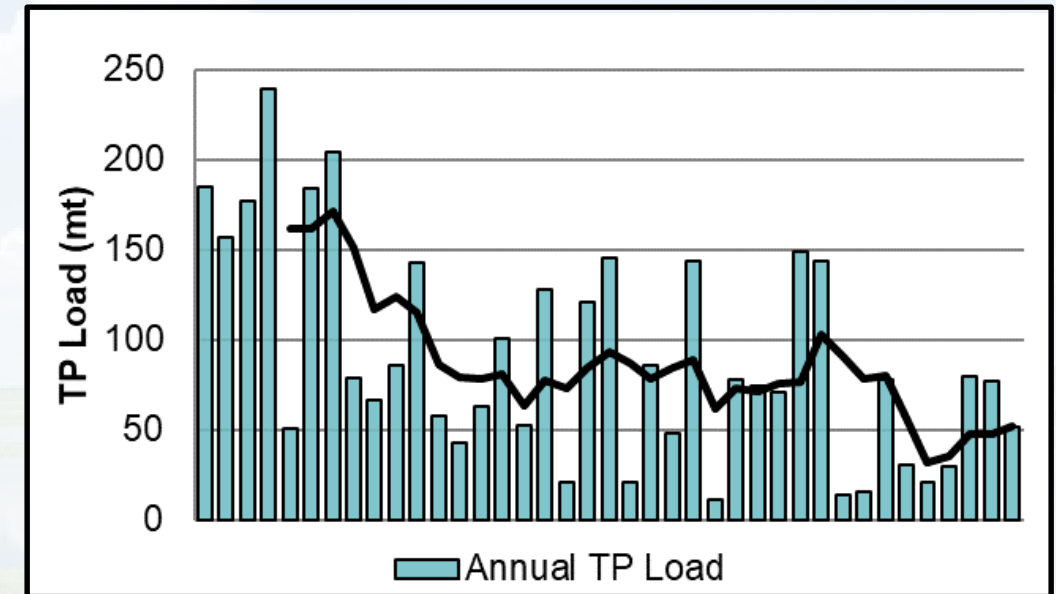
Elements	Basin Level	Upstream Level
# of sites	47	211
Frequency	Bi-weekly or Weekly	Biweekly
Monitored parameters	TP, OPO4, TN, NH4, NOx, pH, Temperature, Dissolved Oxygen, Conductivity	



Draft Concept - Monitoring Assessment

Ideas to Consider for Data Assessment

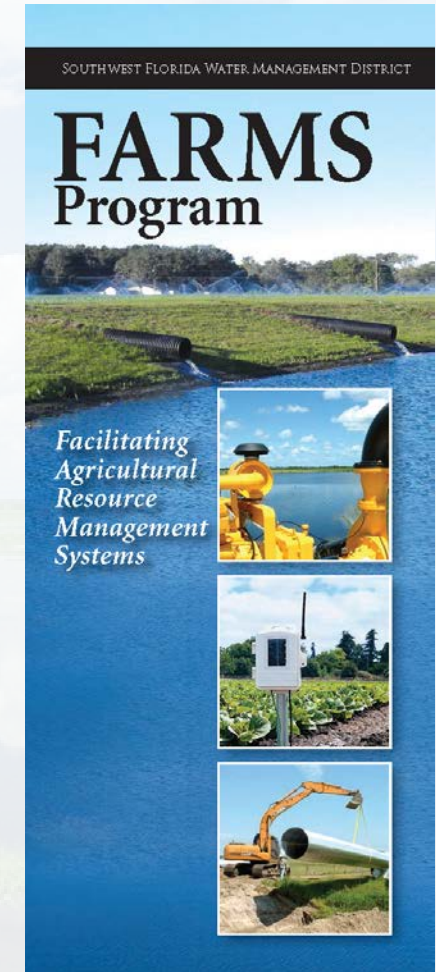
- Identify Existing Long-Term Historic Nutrient Trends
- Identify Statistical Tests
- Combination of Factors and Context
- Other ideas?



Draft Concept - Actions

Examples of Types of Actions

- Communicate Findings to FDEP and FDACS for BMP Re-evaluation
- Conduct Additional Water Quality Investigations
- Implement Additional Regional Projects
- Improved Water Management Systems
- Other ideas?



Rulemaking Timeline

Process	Conceptual Schedule
Workshops for public participation	Without new text: November 2019 - February 2020
	With new text: January 2020 - September 2020
Updates to Governing Board on workshops	March 2020 October 2020
Governing Board approval/Publish Notice of Proposed Rule/Publish Statement of Economic Regulatory Costs/File Proposed Rule with JAPC	November 2020
File proposed rule with the Legislature for Ratification	December 2020
Legislative Ratification	April 2021

Public Workshop #1 Schedule

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. 19, 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 and YouTube.com/SFWMDTV

How Can Stakeholders stay engaged?

➤ Workshop participation

➤ Website



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

Questions and Comments

Please remember to state your name and who you are representing for the record before providing your comment or question.

