

## Notice of Proposed Rule

### **WATER MANAGEMENT DISTRICTS** **South Florida Water Management District**

RULE NO.: RULE TITLE:

[40E-5.041](#): Permits Required

[40E-5.101](#): Content of Application

PURPOSE AND EFFECT: The District proposes to amend these rules in accordance with the biennial review contemplated by Section 120.74(1), Fla. Stat., to identify and correct deficiencies in its rules; clarify and simplify its rules; delete obsolete or unnecessary rules or delete rules that are redundant of statutes.

SUMMARY: The proposed amendments abbreviate the underground injection and control program since it is abbreviated earlier in the chapter, and update the reference to an obsolete water use application form.

#### **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed amendments are not substantive in nature and have no additional adverse impact on small business and no increase in regulatory costs.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.229(1), F.S.

LAW IMPLEMENTED: 373.106(1), F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kellie Madison, Section Leader, Technical Services, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, toll free: (800) 432-2045, ext. 6906, direct: (561) 682-6906, email: [kmadison@sfwmd.gov](mailto:kmadison@sfwmd.gov), or Jennifer Brown, Senior Attorney, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, toll free: (800) 432-2045, ext. 2258, direct: (561) 682-2258, email: [jebrown@sfwmd.gov](mailto:jebrown@sfwmd.gov). For

procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, toll free: (800) 432-2045, ext. 6299, direct: (561) 682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

**40E-5.041 Permits Required.**

(1) No Change.

(3) Nothing herein relieves the applicant from complying with the requirements of the ~~underground injection and control (UIC)~~ program including the acquisition of and compliance with permits issued pursuant to Chapter 62-528, F.A.C.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(1), Amended 8-14-03, 7-14-14,\_\_\_\_\_.*

**40E-5.101 Content of Application.**

(1) Applications for permits required by this chapter shall be filed electronically at [www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting), or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are available online at [www.sfwmd.gov](http://www.sfwmd.gov), "Locations." Water Use Permit Application, Form No. 1379 or 1391 ~~0645-W-01~~, which is incorporated by reference in subsection 40E-2.101(24), F.A.C., shall contain:

(a) The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.; and,

(b) The information required in Section 373.229(1), F.S.; and,

(c) No Change.

(2) No Change.

*Rulemaking Authority 373.044, 373.113, 373.229 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(2), Amended 5-30-82, 8-14-03, 10-23-12,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria C. Clemente, Bureau Chief,  
Water Use Bureau

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida  
Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 20,  
2015