

COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENTAL PRESERVATION AND CONSERVATION

Senator Dean, Chair

Senator Oelrich, Vice Chair

MEETING DATE: Wednesday, September 21, 2011

TIME: 10:45 a.m.—12:45 p.m.

PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Dean, Chair; Senator Oelrich, Vice Chair; Senators Detert, Jones, Latvala, Rich, and Sobel

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|--|------------------|
| 1 | Presentation by the Department of Environmental Protection on the Development of Numeric Nutrient Criteria for Florida's Waters. | | Presented |
| 2 | Presentation by the Department of Environmental Protection on Water Use and Supply. | | Presented |
| 3 | Presentation by the Florida Fish and Wildlife Conservation Commission on their 2012 Legislative Proposals. | | Presented |



Florida Department of Environmental Protection

Numeric Nutrient Criteria

Update Following the 2011 Legislation Session

By: Florida Department of Environmental Protection

Drew Bartlett, Director

Division of Environmental Assessment and Restoration

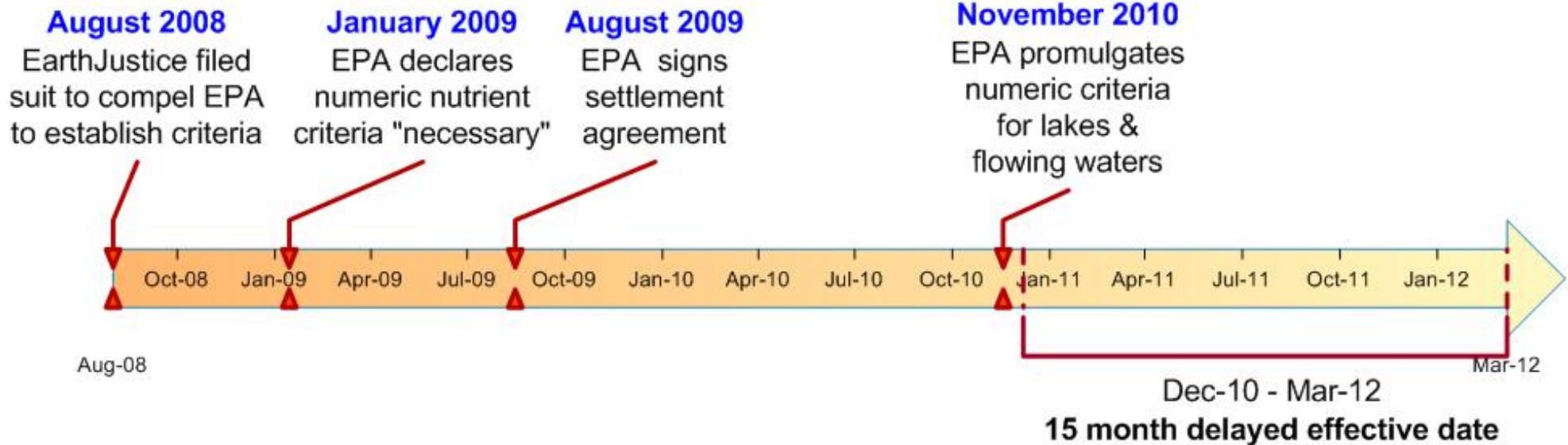
Prepared for: Senate Environmental Preservation and Conservation Committee

September 21, 2011

Chair: Senator Charlie Dean, Sr.



Timeline: EPA Numeric Nutrient Criteria



Marine Criteria
Proposal – November, 2011
Final – August, 2012





FDEP Filed Petition with EPA (April 22, 2011)

- FDEP Petitioned EPA based on Florida's performance of the eight key elements identified in EPA's Memo.
- Petition included initiation of rule development for state standards, and requested that EPA:



- Rescind the Determination to Promulgate Numeric Nutrient Criteria in Florida
 - Rescind Promulgated Criteria
- EPA's initial response (May 22, 2011) did not grant or deny.





Other Recent and Projected Events

- **June-Oct 2011** Holding Public Workshops to Discuss NNC Rule Concepts and Draft Rules
- **October 2011** *Decide Whether to Proceed*
 - Pending:
 - December 2011** – Present Rule to ERC
 - Legislative Session 2012** – Present Rule for Ratification
 - After Ratification** – Submit Rule to EPA





Three Principles of FDEP's Draft Rule

Give preference to nutrient TMDLs, SSACs, and WQBELs.

Only create nutrient reduction expectations where necessary to protect Florida waterbodies.

Eliminate unnecessary procedures that do not add to waterbody protection and restoration.





Questions?



For more information, please contact:

Drew Bartlett

drew.bartlett@dep.state.fl.us

(850) 245-8446





Florida Department of Environmental Protection



Water Use & Supply

Janet G. Llewellyn, Environmental Administrator

Office of Water Policy

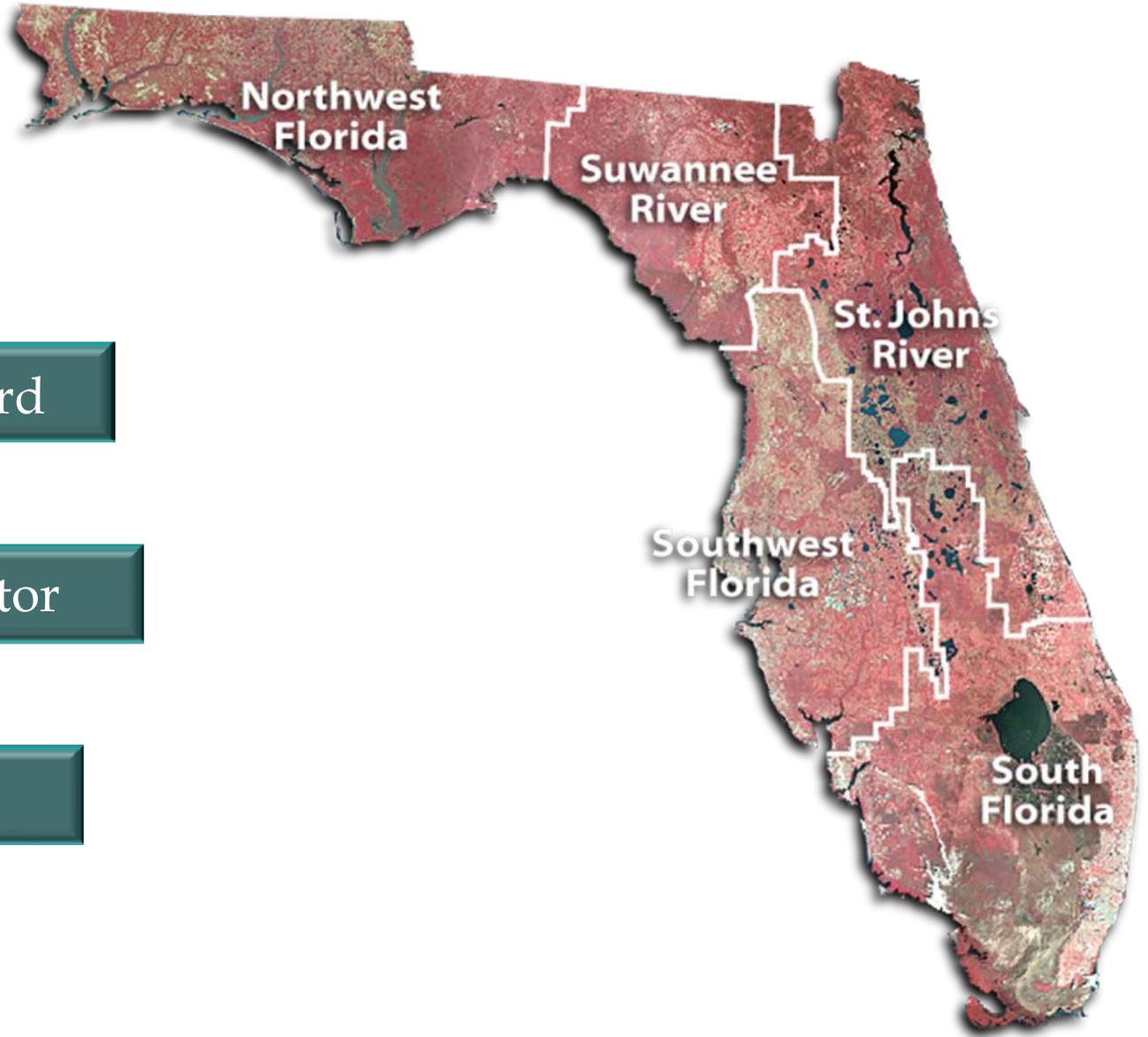
Department of Environmental Protection

SEPC Committee September 21, 2011



The Basics

- Water Management Responsibilities
- Water Supply
 - Consumptive Use Permitting
 - Regional Water Supply Planning
 - Funding
 - Minimum Flows and Levels





DEP Oversight of WMDs

- Section 373.026, F.S. – Gives DEP supervisory authority over the WMDs
- Rule 62-40, F.A.C. – Water Resource Implementation Rule – Guides the WMDs
- Enhanced emphasis on budget review, regulatory streamlining and statewide consistency





Consumptive Use Permitting





Florida Water Law

- In Florida, all water is a resource of the State
- For uses other than private wells for domestic water use, Florida requires consumptive use permits. These permits limit:
 - Duration of use
 - Type of use
 - Amount to be used





Criteria for Issuance

- Sec. 373.219, F.S.
 - Consistent with objectives of the District
 - Not harmful to the water resources
- Sec. 373.223, F.S. “Three-Prong Test”
 - Reasonable-Beneficial (s. 373.019(16), F.S.)
 - Doesn’t interfere with existing legal user
 - Consistent with the public interest





What is Reasonable-Beneficial?

“...the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.”

s. 373.019(16), F.S.





How Much Water Is Allocated?

- Demonstrate need for water
- Meet water conservation/efficiency requirements
- Specific to use type
 - Public Supply
 - Agricultural Irrigation
 - Commercial/Industrial/Institutional (self supply)
 - Recreational
 - Power Generation





Alternative Water Supplies Considered?

- Reclaimed water must be used if environmentally, technically, and economically feasible
- Lowest quality of source appropriate for use
- Special requirements in resource limited areas



Permit Duration (1) (s. 373.236, F.S.)

- Permits shall be granted for **20 years**:
 - If requested
 - If sufficient data to provide reasonable assurances for permit term
- Otherwise, permit issued for shorter duration that reflects period for which reasonable assurances can be provided.
- Duration may be based on classification system: source of supply, type of use.



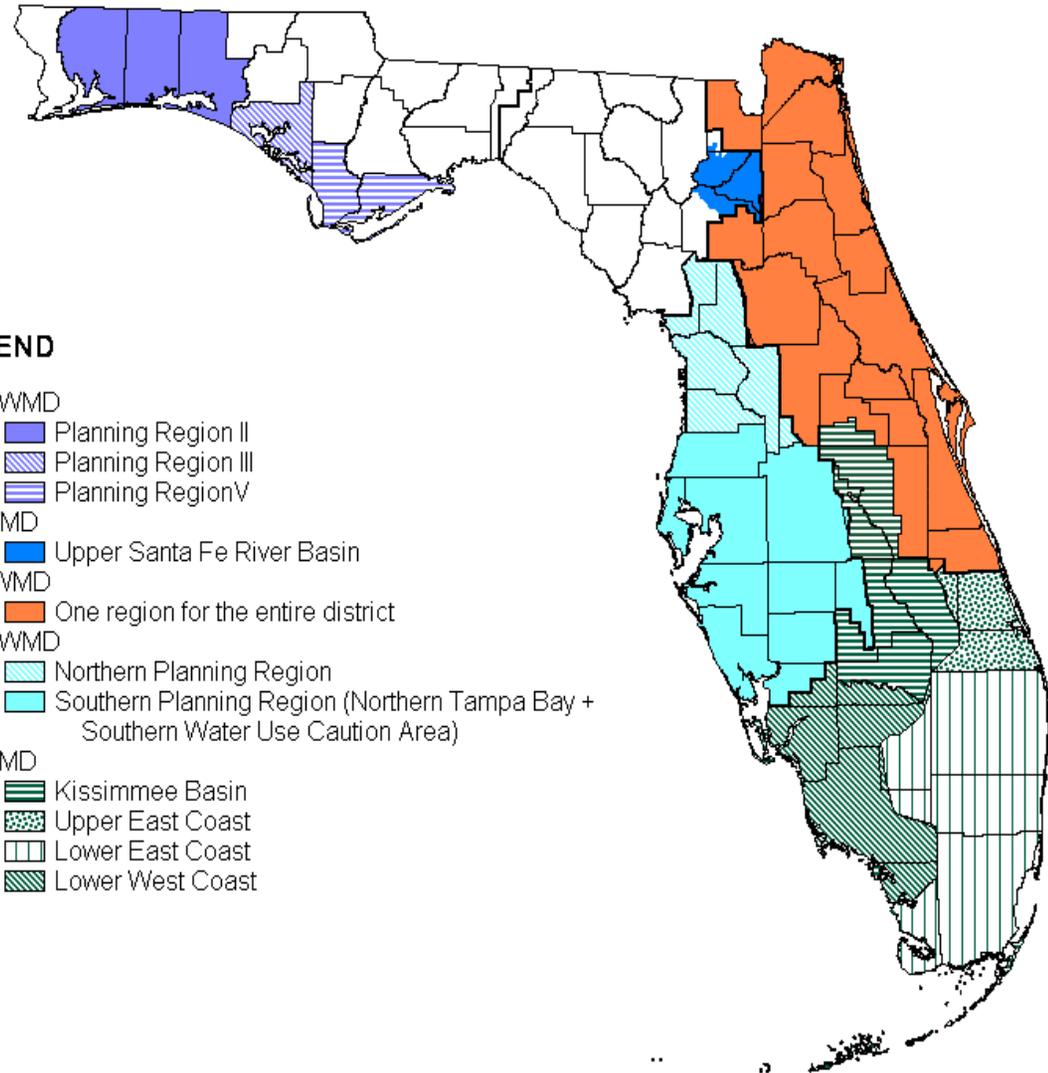


Permit Duration (2) (s. 373.236, F.S.)

- Governmental body or Public Service Corporation may receive **up to 50 year** duration where required for retirement of bonds for facility construction.
- Alternative water supplies shall receive a permit of **at least 20 years**.



Regional Water Supply Planning

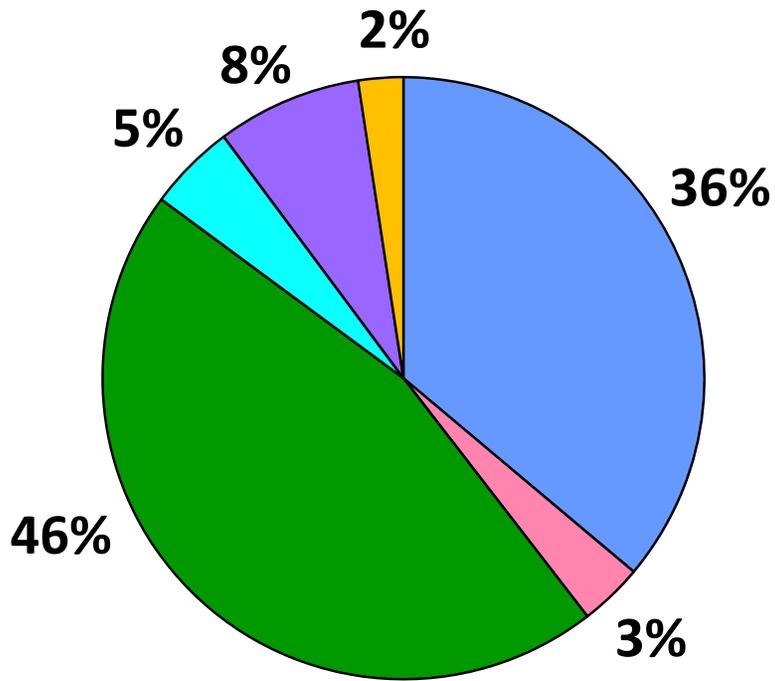


Planning Regions in Florida



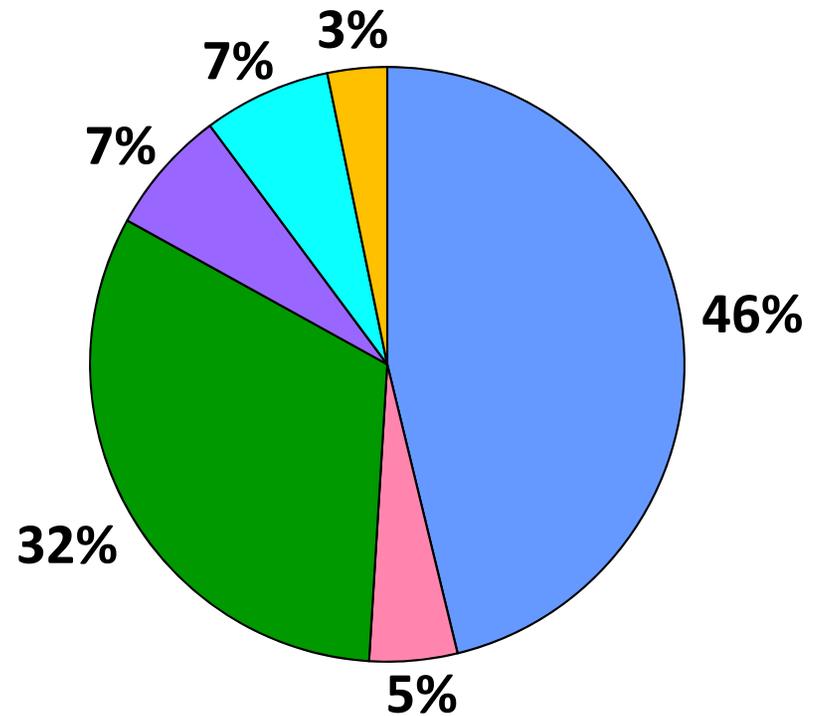


Fresh Water Demand & Use



2005 = 6.6 bgd

- Public Water Supply
- Agricultural Irrigation
- Commercial/Industrial/ Institutional



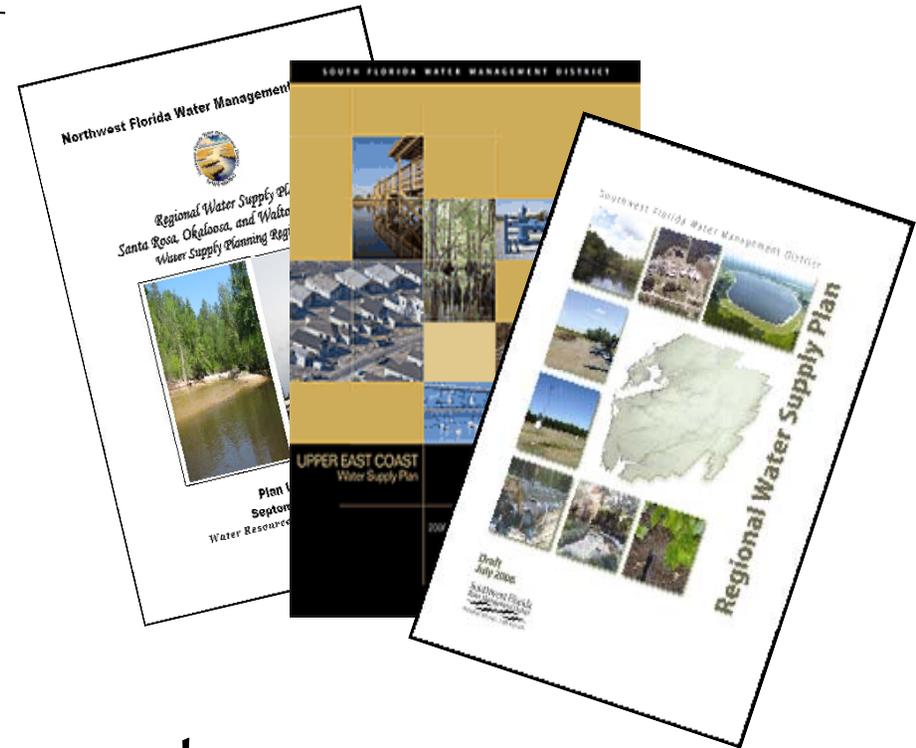
2030 = 8.2 bgd

- Domestic and Small Public Supply
- Recreational Irrigation
- Power Generation



Regional Water Supply Plans (RWSP)

- WMDs assess adequacy of water supplies while sustaining water resources and related natural systems.
- For regions that do not have sufficient water sources to meet demand in 20 years, RWSPs are required.
- Plans identify specific projects to meet anticipated demand.
- Plans updated every 5 years.





How to Meet Future Demand?

- Develop more water supplies
 - Reclaimed water
 - Surface water supplies
 - Treatment of brackish groundwater/sea water
 - Increase storage (reservoirs and ASR)
- Conservation
 - Increased water use efficiency
 - Delays the need for water supply development





Water Protection & Sustainability Program





Water Protection & Sustainability Program

- Program established by the legislature to fund:
 - *Alternative Water Supply Projects*
 - Surface Water Improvement and Management (SWIM)
 - Total Maximum Daily Loads (TMDLs)
 - Disadvantaged Small Community Wastewater Program



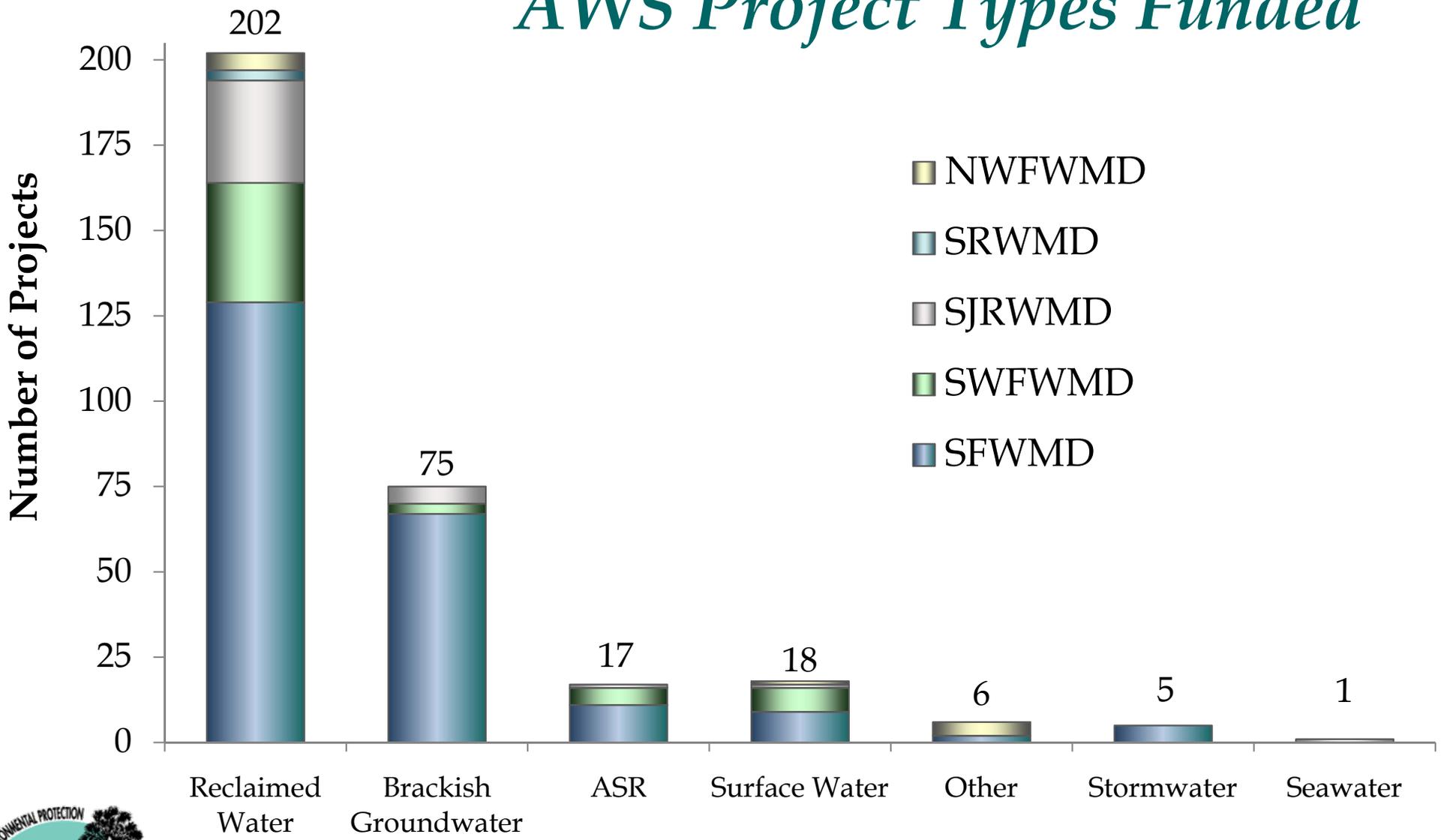


Alternative Water Supply Funding

| WMD | FY 2005-2006 Funds | FY 2006-2007 Funds | FY 2007-2008 Funds | FY 2007-2008 Funds |
|------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| South Florida | \$30 million | \$18 million | \$15.6 million | \$4.25 million |
| Southwest Florida | \$25 million | \$15 million | \$13 million | \$ 0.75 million |
| St. Johns River | \$25 million | \$15 million | \$13 million | 0 |
| Suwannee River | \$10 million | \$6 million | \$5.2 million | \$ 0.27 million |
| Northwest Florida | \$10 million | \$6 million | \$5.2 million | \$ 0.27 million |
| Total | \$100 million | \$60 million | \$52 million | \$5.54 million |

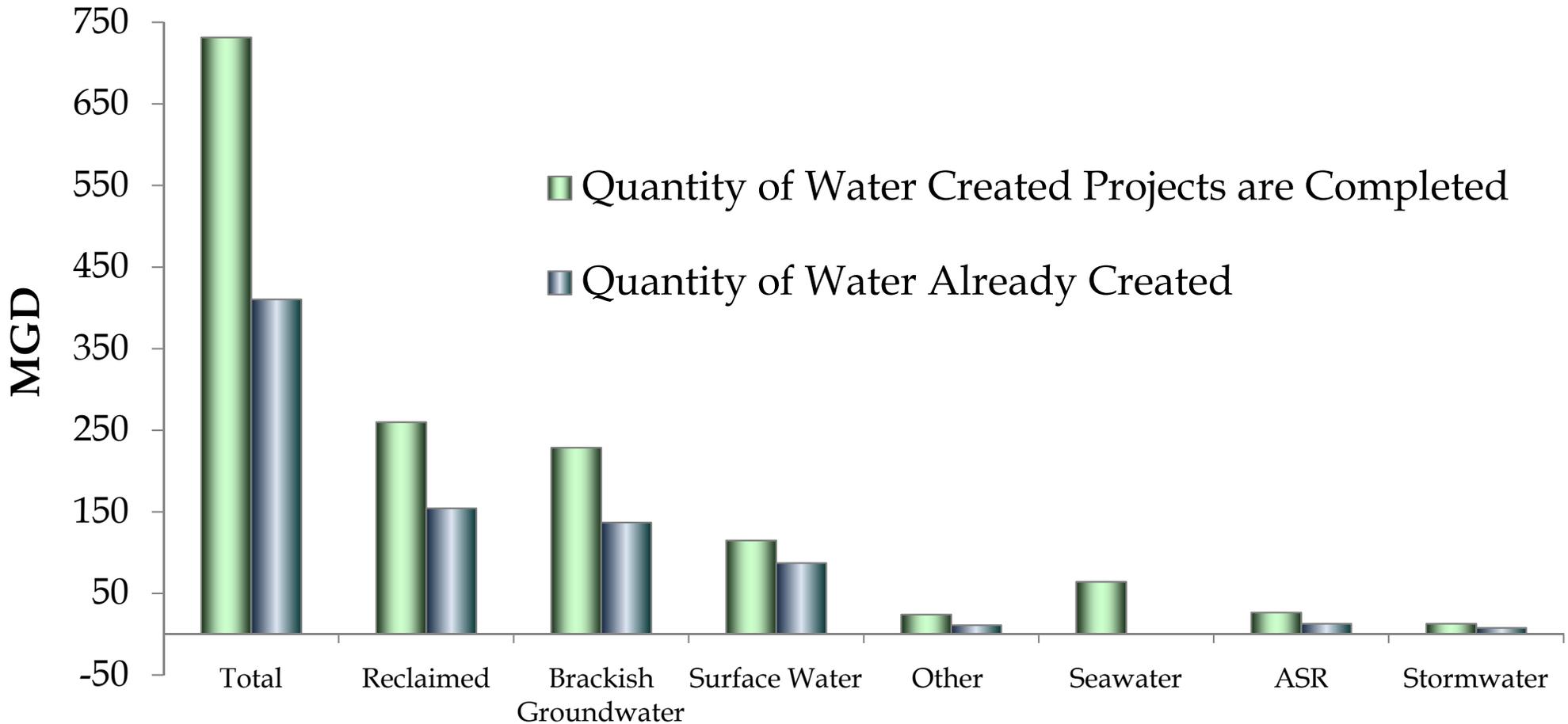


AWS Project Types Funded



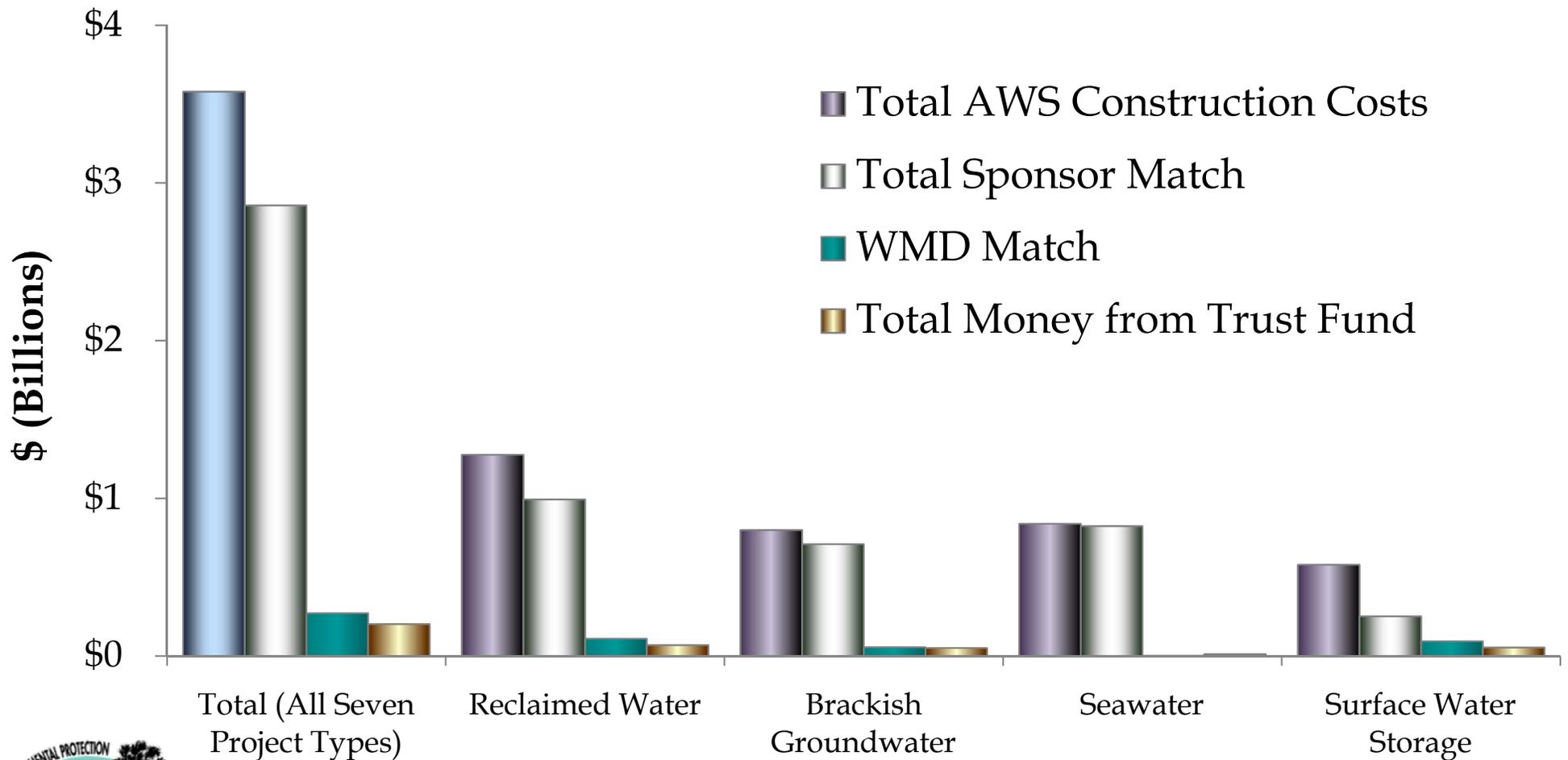


How Much Water Will Projects Provide?



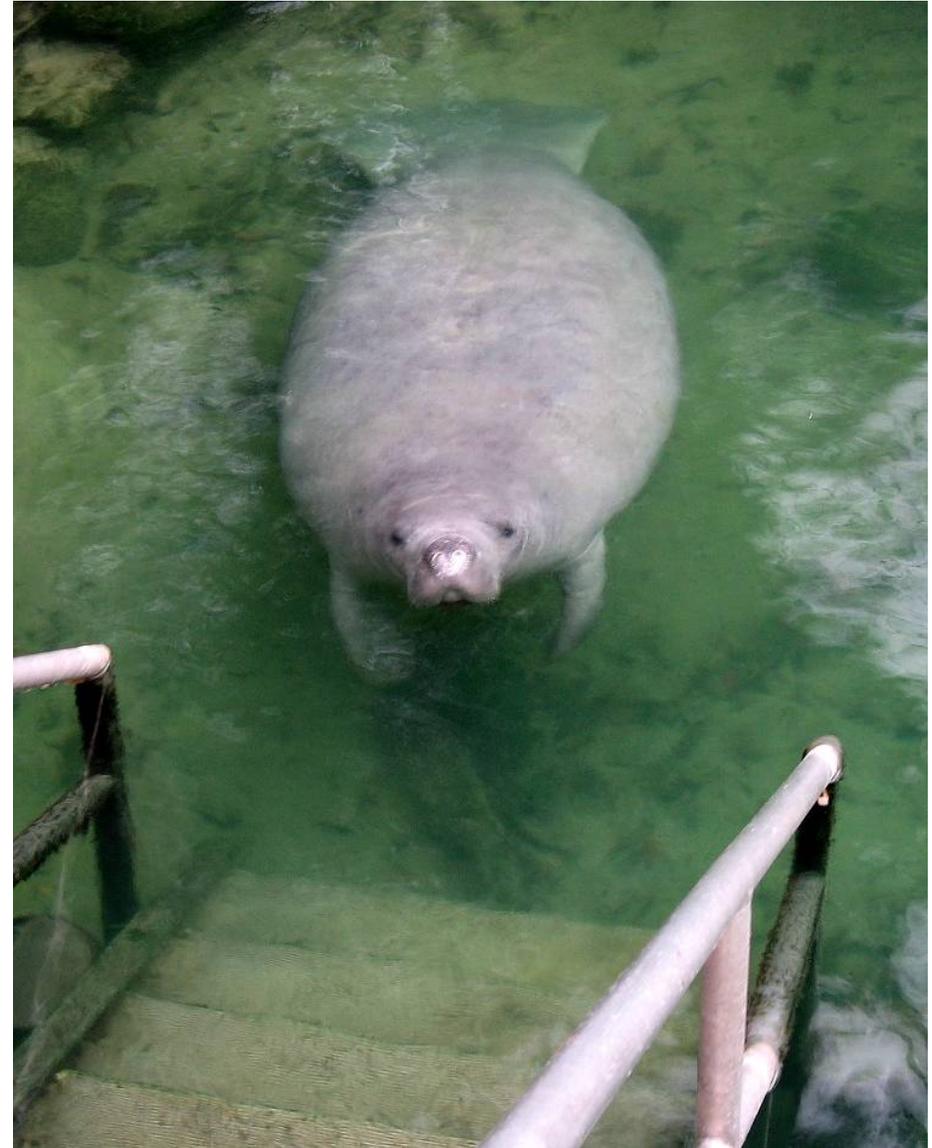


How Much Will the Projects Cost?





Minimum Flows & Levels





Why Do We Need MFLs?

- Environmental Effects of Excessive Water Use
 - “Drying out” wetlands and lakes = loss of habitat
 - Salt Water Intrusion = degrade water quality
 - Changes in salinity of estuary = loss of oysters and grass beds
 - Reduced spring and river flows = loss of fish and wildlife habitat and diminished recreational values





Wetlands Damaged by Excessive Water Use in Southwest Florida



Photo credit: Southwest Florida Water Management District





How are MFLs Used to Manage Water Resources?

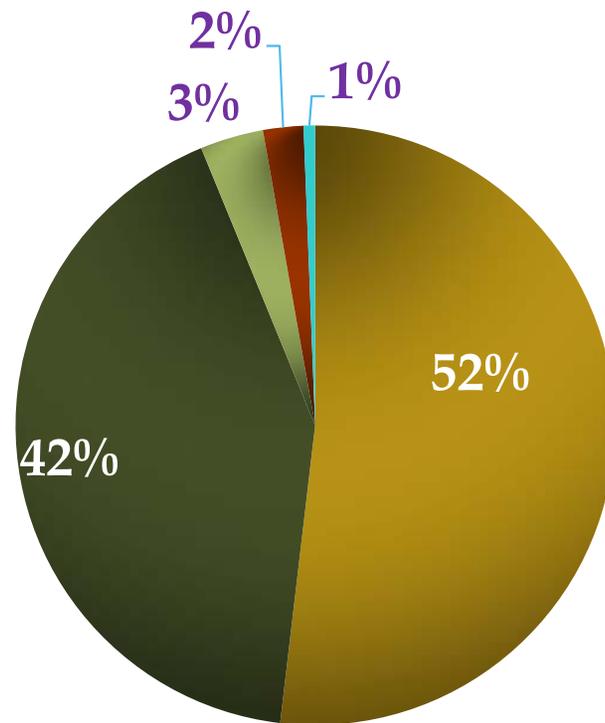
- Planning
 - Identify regional impacts of existing and future withdrawals
 - Determine when a regional water supply plan is needed
 - Developing the recommendations of a regional water supply plan
- Permitting
 - Identify site specific impacts of proposed withdrawal





Number of MFLs Adopted by Water Management District

Total MFLs or Reservations adopted since 1992 = 322



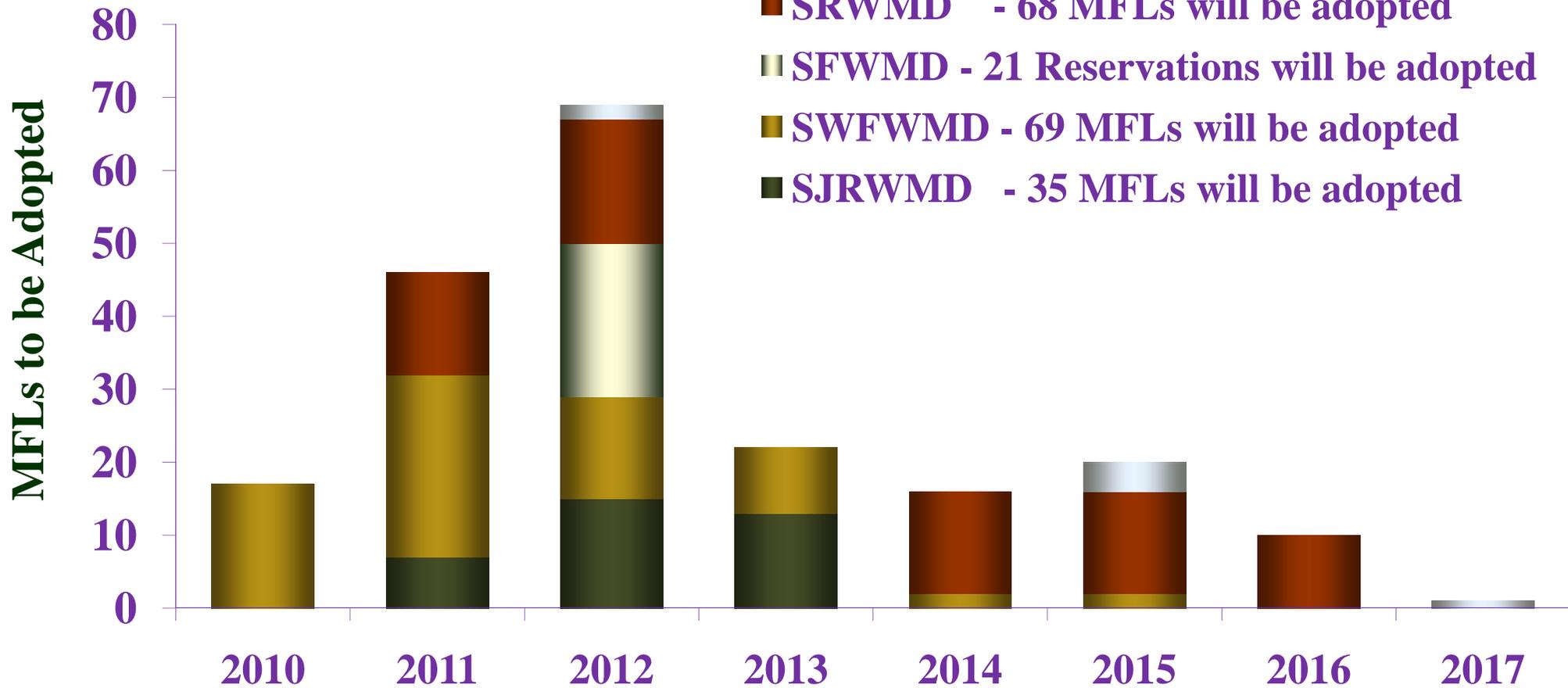
- SWFWMD = 167 Adopted
- SJRWMD = 135 Adopted
- SFWMD = 9 MFLs and 2 Reservations Adopted
- SRWMD = 7 Adopted
- NFWWMD = 2 Reservations Adopted





Number of Additional MFLs or Reservations to be Adopted by Each WMD

- NFWWMD - 7 MFLs will be adopted
- SRWMD - 68 MFLs will be adopted
- SFWWMD - 21 Reservations will be adopted
- SWFWMD - 69 MFLs will be adopted
- SJRWMD - 35 MFLs will be adopted



Additional MFLs or Reservations to be Adopted by 2014 = 200





Reclaimed Water & CUP Policy





Reclaimed Water Is:

- Regulated by DEP under NPDES program to ensure proper domestic wastewater treatment and disposal
- Regulated by the WMDs as a potential water source
- Viewed by reclaimed water utilities as both a disposal method and a commodity for sale



Players

- DEP
- WMDs
- Florida Water Environment Association – Utility Council
- American Water Works Association
- League of Cities
- Association of Counties
- Individual Utilities





Reclaimed Water Working Group

OBJECTIVE:

To optimize the use and continued development of reclaimed water as an alternative water supply to the extent environmentally, technically, and economically feasible in order to meet water supply demands



Working toward Consensus

- Regulatory authority
- Impact offsets and substitution credits
- Mandatory Reuse Zones



Regulatory Authority

- Balance needed between operational flexibility and need to meet future water needs
- WMD shall:
 - Require use of reclaimed water when feasible



Regulatory Authority (2)

- WMD shall not:
 - Require a permit for reclaimed water (may include reuse-related conditions on ground or surface water permit)
 - Specify which user a utility must provide reclaimed water
 - Restrict the use of reclaimed water



Impact Offsets & Substitution Credits

Use of reclaimed water to allow additional ground or surface water allocation

- Impact Offset - prevents impact that would otherwise occur
- Substitution Credit - In “capped” area replace traditional source with reclaimed water





Mandatory Reuse Zones

- Adopted by local ordinance
- Consistent treatment in WMD CUP process
- If technically and environmentally feasible, presumed economically feasible



Contact

Janet G. Llewellyn

Environmental Administrator

janet.llewellyn@dep.state.fl.us

850.245.8677



**Fish and Wildlife Conservation Commission
2012 Session Legislative Proposals
presentation to**

**Senate Environmental Preservation and Conservation
Committee**



Jackie Fauls, Legislative Affairs Director
September 21, 2011

Blue Crab Soft Shell Endorsement Fee Reduction

- Reduce fee for commercial blue crab soft shell endorsement by half, from \$250 to \$125
- Would make the fee for endorsements for all trap fisheries \$125
- 83 blue crab soft shell endorsements issued for the 2011-2012 license year
- Reduction in revenue of \$10,375
- Blue Crab Advisory Board and industry representatives support



Florida Wildlife Magazine

- **Current law requires a printed publication of Florida Wildlife magazine and creation of Florida Wildlife Magazine Advisory Council**
- **During the 2011 Session, the budget for *Florida Wildlife* magazine was permanently cut (\$240,000)**
- **In the 2011 Session implementing bill, suspension of printing the magazine and the Council was authorized for 2011-2012 Fiscal Year**
- **Proposal would permanently repeal the law requiring a printed version of the magazine and the Council**
- **Proposal is necessary because the funding was permanently cut**



Landowner Liability

Current law:

- **Authorizes a limitation on liability for landowners who “lease” their lands to the State for outdoor recreation purposes**
- **Authorizes a limitation on liability for landowners who provide the “public” with outdoor recreational opportunities on their lands**
- **Limitation on liability does not apply if the landowner charges a fee or makes a profit for use of the land**
- **Limitation on liability does not apply for deliberate, willful, or malicious injury to person or property**



Landowner Liability

Proposed modifications:

- **Extend limitation on liability to private property owners who enter into “written agreements” with State agencies to provide outdoor recreational opportunities for the public**
- **Extend limitation on liability to private landowners/lessees who make their lands available to “any person” for the purpose of hunting, fishing, or wildlife viewing**
 - **The landowner must inform the person of the limitation on liability**



Swamp Buggies

- **Would exempt swamp buggies from motor vehicle registration and certain equipment requirements (seatbelts, turn signals, windshields, etc.) when operated off-road**
- **Would prohibit swamp buggies on public roads unless authorized by appropriate government**
- **Would define swamp buggies in statute as an off-road vehicle designed to travel over swampy terrain**
- **Proposal was introduced during the 2011 Legislative Session**
 - **Passed all committees, but died on the final day of Session for reasons unrelated to the swamp buggy issue**



FWC Legislative Proposals – 2012 Session

Questions?



THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

SEPT 22, 2011

Date

Bill Number

Barcode

Name JOE BOURASSA

Phone 386-253-9857

Address 801 LEWIS DRIVE

E-mail JOE-BOURASSA

Street

DAYTONA BEACH

Job Title @AT.NET

City

State

Zip

Speaking: For Against Information

Appearing at request of Chair

Subject TAB 1 & TAB 2

Representing SELF

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

9/21/11

Date

Bill Number

Barcode

Name

Drew Bartlett

Phone

850 245 8446

Address

drew.bartlett@dep.state.fl.us

E-mail

Street

City

State

Zip

Job Title

Speaking:

For

Against

Information

Appearing at request of Chair

Subject

Numeric Nutrient Criteria

Representing

FDEP

Lobbyist registered with Legislature:

Yes

No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee:

Time:

from

.m.

to

.m.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

9/21/11
Date

Bill Number

Name Janet Llewellyn

Phone 850/245-3139

Address 2900 Commonwealth Blvd.

E-mail

Street

Tallahassee

Job Title Environmental Administrator, Office of Water Policy

City

State

Zip

Speaking: For Against Information

Appearing at request of Chair

Subject

Representing FL DEP

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

Sept. 21, 2011
Date

Name Jackie Fauls
Address 620 S. Meridian Street
Street

City

State

Zip

Bill Number _____
Barcode _____
Phone 487-3795
E-mail jackie.fauls@myfwc.com
Job Title Legislative Affairs Director

Speaking: For Against Information
Subject FWC's 2012 legislative proposals
Representing Fish & Wildlife Conservation Commission
Appearing at request of Chair

Lobbyist registered with Legislature: Yes No

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