

3-17-74
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF INTERIOR RESOURCES

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DELEGATION OF AUTHORITY AND RESPONSIBILITY TO THE:

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT,

SUNANNEE RIVER WATER MANAGEMENT DISTRICT,

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT,

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT,

AND THE

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT,

PURSUANT TO CHAPTER 373, FLORIDA STATUTES.

Pursuant to provision contained in Chapter 373, Florida Statutes, the above named Water Management Districts and The Central and Southern Florida Flood Control District are hereby authorized to exercise all powers and authorities enumerated in Section 373.103, Florida Statutes, except, the following Sections are withheld from delegation:

373.023, 373.026, 373.029, 373.043, 373.069 (1), (2), (3), 373.106 provisional, 373.191, 373.309, 373.323, 373.326, 373.329, 373.495, 373.498, 373.501, 373.589; said Districts are also specifically authorized to administer and enforce all provisions of Chapter 16C-8, Florida Administrative Code.

It is recognized in making these delegations of authority that the Department will continue to exercise general supervisory authority over these Districts, and that the Department shall review, and may rescind or modify the policies, rules, regulations and orders of such District as provided by law to insure compliance with the provisions and purposes of the Act.

An application for an injection well as covered under Section 373.106, Florida Statutes, shall be filed by duplicate copy with the Department and the concerned Water Management District. The Application requires the approval by both organizations.

Approved by the Governor and Cabinet on August 20, 1974.

EXHIBIT 1

MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION AND THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

I. INTRODUCTION

The Declaration of Policy contained in Chapter 75-22, Laws of Florida, known as the Environmental Reorganization Act, enacted by the State of Florida in 1975, establishes the intent of the legislature "to promote the efficient, effective and economical operation of the state environmental agencies." Section 4 of the Act mandates the collocation of department district boundaries with those of the water management districts to the maximum extent practicable. The purpose of this instrument is to clearly set out the intent of the Florida Department of Environmental Regulation (hereinafter referred to as DER) and the Suwannee River Water Management District (hereinafter referred to as SRWMD) to accomplish the intent of the Reorganization Act. This agreement shall not extend or enlarge the rights of either of the parties hereto over the other party as provided under the laws of the state.

II. BOUNDARY CHANGES

DER has realigned the boundaries of the St. Johns River District to be coterminous with those of SRWMD where applicable.

III. CONSOLIDATION OF PERMITTING

The following general procedures apply only for projects requiring a DER and SRWMD permit. It is agreed that a coordinated permitting system will be developed so that DER and SRWMD can accelerate the time for processing applications. DER and SRWMD will incorporate procedures wherever appropriate so that responses can be combined and needless duplication can be eliminated. Differences in recommendations between the two agencies will be resolved to the greatest extent possible by early coordination and prior to issuance or denial of the permit.

A. A joint application form will be devised within the shortest time practicable that consists of, but not be limited to, a cover sheet clearly specifying what information is required of the applicant by both agencies and explaining the types of permits

DER-0000598

required by each agency; and, attaching information peculiar to each permit.

B. In order to expedite permit processing DER and SRWMD mutually agree to jointly develop a system whereby:

(1) The office receiving the application will mail to the other agency any portion pertaining to the other agency no later than the end of the working day following receipt of the application. Processing time for permits will commence after the relevant portion of the application has been received by the appropriate agency.

(2) Any additional information needed from the applicant will be requested separately by the agency needing the information within thirty days of receipt of the application.

(3) Each week both agencies will prepare a list for distribution of those applications received during the week immediately prior; as well as a list of those applications that have been in their respective possession for sixty days from the date of receipt of a complete application including: the applicant's name, type of project, project location and, if the application has been in hand by either agency for sixty days, whether the application is to be modified or if denial is anticipated.

(4) DER will be responsible for obtaining the appropriate information from its local programs for the coordination sheet.

(5) When a modification or possible recommendation of denial is indicated on either list, the two agencies will attempt to resolve any conflicts.

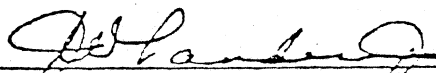
(6) Both agencies will continue to work toward adopting mutually acceptable methods of permit processing in the interest of more efficient service to the public. This effort will include examination of possible delegation of authority to consolidate various categories of permits.

C. When SRWMD conducts a hearing on a permit application, DER will be notified as early as possible in advance of the hearing in order to allow DER time to notify SRWMD, within fourteen days, of any DER applicable permitting requirements and possible problems with the project. A representative of DER will attend all SRWMD hearings on projects also requiring a DER permit. Likewise,

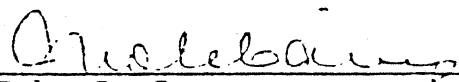
DER will notify SRWMD within fourteen days in advance of a scheduled hearing for the same purpose and SRWMD will also respond promptly. A representative of SRWMD will attend all DER hearings on projects also requiring SRWMD permits.

D. To the greatest extent possible, hearings will be held jointly or on the same day and immediately following the other when a DER hearing and SRWMD hearing are required.

Executed this 9 day of
March, 1977


Joseph W. Landers, Jr.
Secretary
Department of Environmental
Regulation

Executed this 17 day of
March, 1977


John C. Camp
Chairman
Suwannee River Water
Management District

DEPARTMENT OF NATURAL RESOURCES
Division of Interior Resources

DELEGATION OF AUTHORITY AND RESPONSIBILITY TO THE:

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT,

SUWANNEE RIVER WATER MANAGEMENT DISTRICT,

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT,

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT,

AND THE

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT,

PURSUANT TO CHAPTER 373, FLORIDA STATUTES.

Pursuant to provision contained in Chapter 373, Florida Statutes, the above named Water Management Districts and The Central and Southern Florida Flood Control District are hereby authorized to exercise all powers and authorities enumerated in Section 373.103. Florida Statutes, except, the following Sections are withheld from delegation: 373.023, 373.026, 373.029, 373.043, 373.069 (1), (2), (3), 373.106 provisional, 373.191, 373.309, 373.323, 373.326, 373.329, 373.495, 373.498, 373.501, 373.589; said Districts are also specifically authorized to administer and enforce all provisions of Chapter 16C-8, Florida Administrative Code.

It is recognized in making these delegations of authority that the Department will continue to exercise general supervisory authority over these Districts, and that the Department shall review, and may rescind or modify the policies, rules, regulations and orders of such District as provided by law to insure compliance with the provisions and purposes of the Act.)

An application for an injection well as covered under Section 373.106, Florida Statutes, shall be filed by duplicate copy with the Department and the concerned Water Management District. The Application requires the approval by both organizations.

Approved by the Governor and Cabinet on August 20, 1974.

DEPARTMENT OF NATURAL RESOURCES

Division of Interior Resources

DELEGATION OF AUTHORITY AND RESPONSIBILITY TO THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT AND THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, PURSUANT TO CHAPTER 72-299, LAWS OF FLORIDA.

Pursuant to existing laws and in contemplation of the laws to take effect July 1, 1973, the Department specifically authorizes Southwest Florida Water Management District and Central and Southern Florida Flood Control District, or its successor in title, to exercise all powers and authorities enumerated in Subsections (2), (3), (4), (5) and (6) of Section 17, Part I of the Florida Water Resources Act of 1972, Chapter 72-299, Laws of Florida; said Districts are also specifically authorized to administer and enforce all provisions of the Florida Water Resources Act of 1972 including the permit systems established in Parts II and IV of such Act.

Central and Southern Florida Flood Control District is specifically authorized to administer and enforce Sections 4, 5, 6, 9 (1), 10 and 11 of Part III of such Act.

It is recognized in making these delegations of authority that the Department will continue to exercise general supervisory authority over these Districts, and that the Department shall review, and may rescind, modify or approve the policies, rules, regulations and orders of such Districts as provided by law to insure compliance with the provisions and purposes of the Act.

An application for an injection well as covered under Section 15 of Part I of such Act shall be filed with the Department in duplicate. The Department shall forthwith forward one copy to the respective district for its concurrent consideration pursuant to said Section.



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

2562 EXECUTIVE CENTER CIRCLE, EAST
MONTGOMERY BUILDING
TALLAHASSEE, FLORIDA 32301

REUBIN O'D. ASKEW
GOVERNOR

May 10, 1977

JOSEPH W. LANDERS, JR.
SECRETARY

Mr. Robert Clark, Jr., Chairman
South Florida Water Management
District
1575 Ponce de Leon Boulevard
Fort Lauderdale, Florida 33316

Dear Mr. Clark:

RE: Specific Delegation of Authority to South
Florida Water Management District under
Section 403.812, Florida Statutes

Our Department has carefully reviewed Sections 16K-4.021 and 16K-4.035, Florida Administrative Code, which have been proposed for adoption by the governing board of the South Florida Water Management District ("District"). A copy of these proposed rules is attached as Exhibit A.

This proposed rule, in part, provides for the issuance of permits by the District to persons who construct and operate works which drain or discharge waters into waters of the State. Applicants for such permits must apply management principles and techniques which will protect the water resources of the District from harm, and assure, inter alia, that water quality standards, contained in Chapter 17-3, Florida Administrative Code, will be met.

It appears that, in most cases, the construction and operation of these works, within the coverage of your rule, would also require permits from this Department under Sections 403.087 and 403.088, Florida Statutes. However, within the boundaries of the District, the Department is not currently requiring permits for such drainage activities subject to your rule. As we have discussed, it would appear appropriate and in the best interests of the citizens of the District for the Department to delegate to your District the necessary Chapter 403, Florida Statutes, authority for the full and proper

Mr. Robert Clark, Jr.
May 10, 1977
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adoption and implementation of the proposed rule as it relates to water quality considerations primarily relegated to that Chapter.

DELEGATION OF AUTHORITY

As head of the State of Florida Department of Environmental Regulation, and pursuant to the statutory authority contained in Section 403.812, Florida Statutes, I have determined that the District presently has the necessary financial and technical capabilities to carry out the Department water quality functions as set forth in the proposed rule.

Accordingly, on behalf of the Department, I hereby delegate statutory authority contained in Chapter 403, Florida Statutes, concerning, but not limited to, the issuance and enforcement of permits based on water quality considerations, and the requiring of discharge compliance monitoring, as necessary to properly adopt and fully carry out the water quality functions set forth in the proposed rules.

This delegation is conditioned upon and limited by the following:

- A. The Department may periodically review the implementation of the proposed rules, as set forth in Exhibit A, for the purpose of determining the effectiveness and adequacy of this delegation, and whether it should continue in effect.
- B. The District will fully cooperate with any reviews undertaken by the Department pursuant to paragraph A. above, and provide any necessary information, reports, or documents required by the Department for the purpose of facilitating its review.
- C. This delegation is revokable, at the discretion of the Secretary, as head of the Department of Environmental Regulation,

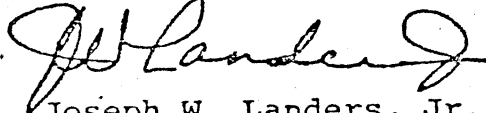
Mr. Robert Clark, Jr.
May 10, 1977
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after thirty (30) days written notice
to the District.

- D. Should the proposed rules, as set forth
in Exhibit A, be changed upon adoption by
the governing board of the District, such
changes shall be subject to final approval
by the Department prior to their becoming
effective.

Finally, I wish to commend the District for developing
these important rule revisions, which should substantially
benefit the quality of the waters of the State within the
District. In the future, the Department plans to promulgate
rules, on a statewide basis, directly addressing discharges
of drainage systems and canals into waters of the State. Your
leadership in this area will be a valuable source of experience
and information.

Sincerely,



Joseph W. Landers, Jr.
Secretary

JWL/lb

Attachment

CC: John R. Maloy
James R. Brindell
Phillip R. Edwards
Warren G. Strahm
R. L. Caleen, Jr.
John C. Bottcher
Chuck Littlejohn
Water Management Districts: Chairmen and
Executive Directors

16K-4.021 General Permit for Construction, Alteration or Operation of Works.

(1) All persons constructing, altering or operating works which would otherwise require a permit pursuant to Rule 16K-4.03 or Rule 16K-4.07 for said construction, alteration or operation and whose works serve projects that

(a) have less than ten acres total land area,
(b) have less than two acres of impervious area,
(c) require a discharge facility no greater than the equivalent of one 24-inch pipe gravity discharge,

(d) are located wholly on lands which may be classified as uplands as defined in Chapter 17-4, Florida Administrative Code, and

(e) are located within a local jurisdiction which has adopted subdivision regulations,

are hereby granted a general permit to construct, alter, or operate said works.

(2) The general permit authorized in subsection (1) shall be subject to the following conditions:

(a) The permittee shall include in the design of the works, techniques for storm water runoff quality control. Said techniques may include but are not limited to those specified in the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District - May 1977" which has been adopted by the Governing Board. To determine the effects of the works on the water resources of the District, submission of water quality data for the water discharged from the permittee's property may be required. Parameters of interest include, but are not necessarily limited to: nitrates as N, nitrites as N, ammonia as N, total kjeldahl nitrogen as N, ortho-phosphorus as P, total phosphorus as P, total suspended solids, 5 day 20°C. BOD, turbidity, conductivity, dissolved oxygen, and pH.

(b) The permittee shall prosecute the work authorized by this

EXHIBIT A

rule in a manner so as to minimize any degradation of water quality and shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters, and to minimize any adverse impact of the works on fish, wildlife and natural environmental values.

(c) The permittee shall design the works to comply with all applicable local subdivision regulations and other local requirements. In addition the permittee shall obtain all necessary Federal, State, local and special District authorizations prior to the start of any construction or alteration of works authorized in subsection (1). The permittee must obtain a Right-of-Way Occupancy Permit from the District for any works which propose to connect with, place structures in or across or otherwise make use of works or lands of the District prior to the start of any construction or alteration of works authorized in subsection (1).

(d) The permittee shall permit the authorized representative(s) of the District to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed in this rule.

(e) This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified in this rule, nor relieve the permittee from complying with any law, regulation or requirement affecting the right of other bodies or agencies.

(3)(a) At least 30 days prior to the commencement of any construction or alteration of works authorized in subsection (1), the permittee shall file with the District, in writing, a Notice of Intent to Construct Works pursuant to General Permit. The notice shall include the following information:

- (1) the name of the permittee,
- (2) the name of the proposed project,
- (3) the location of the project

(4) a brief description of the works to be constructed or altered,
(5) a brief statement of facts which show why the proposed works qualify for a general permit, and

(6) the date on which construction or alteration is expected to commence.

(b) Failure to properly file the notice required in subsection (3)(a) may result in the District requiring that said works be individually permitted pursuant to Rule 16K-4.03.

(c) The notice required in subsection (3)(a) is intended to provide the District with information concerning the types of projects which are being constructed or altered pursuant to this general permit. Nothing in this rule is intended to imply acceptance or approval by the District of any works constructed or altered pursuant to this rule.

(4) Notwithstanding the provisions of this section and pursuant to the provisions of Chapter 120, upon a finding that any works permitted under this rule may be harmful to the water resources of the District or may interfere with the legal rights of others or may be inconsistent with the overall objectives of the District, or may otherwise be contrary to the public interest, the District may require that said works be individually permitted pursuant to rule 16K-4.03 or rule 16K-4.07.

(5) All activities identified and authorized in subsection (1) shall be consistent with the terms and conditions of this permit, and any activities not specifically identified and authorized by this rule or not otherwise authorized by District permit shall constitute a violation of the terms and conditions of this permit which may result in the revocation, modification or suspension of this permit in whole or part, in accordance with the provisions of Section 373.429 Florida Statutes and Chapter 120 Florida Statutes.

Specific authority 373.113 F.S. Law Implemented 373.413(1), 373.416, 373.429 F.S.
History: New

16X-4.035 Basis of Review of Applications for Construction of Works

(1) General and specific criteria and procedures governing construction of works which will serve projects with two or more acres of impervious area are specified in the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District - May 1977". This document has been adopted by the Governing Board of the District and is available from the District's main office upon request.

(2) All applications for permit for construction of works serving projects with two or more acres of impervious area received pursuant to rule 16X-4.03 F.A.C. shall be reviewed in accordance with the provisions of the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District - May 1977" which is hereby published by reference.

Specific Authority 373.113 F.S. Law Implemented 373.413 F.S.

History - New