MEMORANDUM OF AGREEMENT
BETWEEN THE
DEPARTMENT OF ENVIRONMENTAL REGULATION
AND THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING
DELEGATION OF PERMITTING AUTHORITY FOR
AQUACULTURE FACILITIES

Under Section 597.007 of the Florida Statutes, the Department of Environmental Regulation (DEPARTMENT) and the Southwest Florida Water Management District (DISTRICT) enter into this Agreement on the regulation of aquaculture facilities. This Agreement clarifies each party's understanding of the requirements of Section 597.007 of the Florida Statutes, and further defines the conceptual delegation plan presented in "A Plan for the Delegation of Permitting Authority for Aquaculture Facilities to the Water Management Districts" (PLAN) dated February 1991, submitted to the Florida Legislature.

1. Both the DEPARTMENT and the DISTRICT acknowledge that the intent of Section 597.007, Florida Statutes, is to consolidate the permitting of aquaculture facilities through delegation of appropriate DEPARTMENT aquaculture permitting authority to the water management districts.

2. As stated in the PLAN, both parties agree that the authority delegated will be limited to permitting of aquaculture facilities which require a Management and Storage of Surface Waters (MSSW) permit from the DISTRICT and meet the requirements of the general permits currently under development at the DEPARTMENT. All other aquaculture facilities shall continue to be permitted by the DEPARTMENT using the Industrial Wastewater permitting process and/or the DISTRICT using the MSSW permitting process.

3. The DISTRICT agrees to implement delegated aquaculture permitting authority using the MSSW permitting process for new aquaculture facilities or alterations to existing facilities and to incorporate DER general permit requirements into the MSSW permit requirements.

4. Because the DISTRICT will implement the general permits, the DEPARTMENT shall provide the DISTRICT continued opportunity throughout
the rulemaking process to review and comment on general permit rule language. Both parties agree to make all reasonable efforts to ensu
that general permit criteria are compatible with existing DISTRICT rule criteria so that the general permit requirements for aquacultur
can be readily incorporated into the MSSW permitting program.

5. The remaining general permit rulemaking will follow the
schedule provided as Attachment A. This schedule is the same as the
schedule originally proposed in the PLAN except that rule development
has been subdivided by type of operation. The first workshop,
scheduled for August 1991, will present the proposed rule for the
general permit for fish farms. The second workshop, scheduled for
October 1991, will address the proposed general permits for marine
bivalve nurseries and crayfish farms. Final approval of the general
permits by the Secretary is scheduled for January 1992.

6. By February 28, 1992, or the effective date of the general
permitting rules, whichever is later, the DEPARTMENT and the DISTRICT
shall execute an operating agreement to define the specific
responsibilities of each agency resulting from the planned delegation
and the final general permit development. This agreement shall
address:

(a) Procedures and responsibilities for permitting existing
aquaculture operations;

(b) Recordkeeping and interagency coordination
responsibilities of each agency; and

(c) Procedures for permitting alternative designs that do not
directly meet general permit rule criteria but meet the performance
objectives of the general permit.

7. This Agreement shall remain in effect until the execution of
the operating agreement described above or until termination as
described below, but may be revised, amended, or clarified with the
consent of both agencies. This Agreement may be terminated by either
party upon written notice of not less than sixty (60) days.
AGREED and ENTERED INTO by the Southwest Florida Water Management District on the 30th day of July, 1991, and by the Department of Environmental Regulation on the 23rd day of August, 1991.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

By: Carol M. Browner,
Secretary

Attest: Anthony Clark

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: Charles A. Black,
Chairman

Attest: Sally Thompson,
Secretary

MISC.RAH/MemoAgree
ATTACHMENT A

November 1990  Request Permission from RRC to Begin Rulemaking
                Form In-House Working Group (WG) for Rule Development

December 1990  Receive Aquaculture Effluent Data from IFAS
               Complete Clam Nursery Monitoring Program
               Begin Data Analysis and Review

January 1991  Continued Data Analysis
               Coordinate with Water Management Districts to Plan Delegation
               Draft "Plan for Delegation of General Permits"
               First WG Meeting (subsequent meetings held monthly)

February 1991  Water Management Districts Review "Plan"
                Final "Plan for Delegation of General Permits"
                (plan due to Legislature by March 1, 1991)

March 1991  Preliminary Drafts for General Permits
            Form Technical Advisory Committee (TAC) for Rule Review
            Draft Interagency Agreement for Delegation

April 1991  Complete Preliminary Drafts
            Send out drafts to TAC members
            First TAC meeting - discuss draft language
            (subsequent meetings held monthly)

May 1991  Revise General Permit Language
          Send second draft to TAC members

June 1991  Complete Preliminary draft and submit to OGC
          Finalize schedule for Rulemaking and Delegation
          (final schedule will complete "first phase" of delegation
          required by SB 1918 by July 1, 1991)
          OGC Approval of Preliminary Draft

July 1991  RRC Review of Preliminary Drafts
          Prepare Workshop Draft
          FAW Notice
          Send out Workshop Draft for Review

August 1991  Hold First Workshop
             Prepare Report on Workshop

September 1991  Prepare second Workshop Draft
                FAW Notice
                Send out Workshop Draft for Review

October 1991  Hold Second Workshop
              Prepare Report on Workshop

November 1991  RRC Reviews Workshop Draft
               Prepare Hearing Draft
ATTACHMENT A - CONTINUED

December 1991
FAW Notice Scheduled
Secretary Reviews Rule Package

January 1992
Secretary Approval (if no hearing requested)
Public Hearing (if hearing requested)

February 1992
OGC Prepares FAC Certification Package
(if no hearing requested)
Delegation Process Initiated

MISC.RAHAttachA