

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 ensure that general permit criteria are compatible with existing DISTRICT rule criteria so that the general permit requirements for aquaculture 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 23 day of August, 1991.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
REGULATION

By: Carol M. Browner
Carol M. Browner,
Secretary

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: Charles A. Black
Charles A. Black,
Chairman

Attest: Fred C. Carter
Agency Clerk

Attest: Sally Thompson
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.RAH\AttachA