



FOR IMMEDIATE RELEASE: Oct. 1, 2013

CONTACT: DEP Press Office, 850.245.2112, DEPNews@dep.state.fl.us

DEPARTMENT COMPLETES STATEWIDE RULEMAKING TO PROTECT SURFACE WATERS, WETLANDS

~One statewide rule for the Environmental Resource Permit program will improve consistency without lowering or changing environmental standards~

TALLAHASSEE – A more than yearlong rulemaking process to provide more consistency for environmental resource permitting, which affects surface waters and wetlands, go into effect today.

The Florida Department of Environmental Protection and Florida's five water management districts previously used at least five different versions of the rules, which regulate permits designed to regulate activities that affect Florida's wetlands and surface waters. An ERP is required before beginning any construction activity or operation that would affect wetlands and other surface waters or contribute to water pollution. The permit process exists to protect Florida's lakes and streams, wetlands and other surface waters from stormwater pollution, flooding and any other environmental risk factors.

"Environmental protection is everyone's responsibility and should be everyone's goal. Having a permitting process that Florida's residents can understand will help accomplish that goal," said DEP Secretary Herschel T. Vinyard, Jr. "Creating a statewide ERP rule allowed us to make long-overdue improvements to a confusing process while maintaining our stringent environmental standards."

The Department began the rulemaking process in June 2012, following legislation signed being in April by Governor Rick Scott granting the Department authority to create one statewide rule for the environmental resource permit program.

The new rule standardizes processing procedures, definitions, and forms that need to be submitted. The permit fee categories have also been standardized and the permit processing fees are now based upon the area of work activities instead of the fee being based upon the entire site or parcel of land

The Department worked with the water management districts, local governments, citizens and businesses throughout the development of the statewide rule, hosting more than 10 workshops, most via webinar and exceeding 150 participants at each webinar. For the first time, stakeholders were able to communicate, discuss, comment and make suggestions in an online open discussion forum and participate in workshops via webinar. This allowed allow

interested individuals to comment on the rule drafts and offer suggestions on rule revisions. All interested parties were able to see the comments and responses during the rulemaking process.

To assist with implementation and understanding of the new statewide rule, the Department also hosted a webinar to assist the regulated community. Over 700 landowners, environmental consultants and engineers participated. Additional training opportunities are being provided this week by the Water Management Districts and the Department's local offices.

Today, the Department is also rolling out an electronic application site where applicants will be able to apply for ERP permits by submitting the application and associated materials online instead of having to submit paper copies to the Department. This new service was developed alongside the statewide ERP rulemaking process. This will save time and money for applicants and the Department.

To access information on the rule or access e-Permitting visit <http://www.dep.state.fl.us/water/wetlands/swerp/>.

About the Florida Department of Environmental Protection

The Florida Department of Environmental Protection is the state's principal environmental agency, created to protect, conserve and manage Florida's environment and natural resources. The Department enforces federal and state environmental laws, protects Florida's air and water quality, cleans up pollution, regulates solid waste management, promotes pollution prevention and acquires environmentally-sensitive lands for preservation. The agency also maintains a statewide system of parks, trails and aquatic preserves. To view the Department's website log on to www.dep.state.fl.us.



FOR IMMEDIATE RELEASE: Sept. 30, 2013

CONTACT: DEP Press Office, 850.245.2112, DEPNews@dep.state.fl.us

U.S. EPA APPROVES DEP'S DISSOLVED OXYGEN CRITERIA TO PROTECT AQUATIC LIFE

~Criteria designed to further protect Florida's water as DEP strives to get the water right~

TALLAHASSEE - The United States Environmental Protection Agency has approved the Florida Department of Environmental Protection's water quality criteria governing the oxygen levels needed in waterways to protect the aquatic species living there. Water quality criteria are also used to determine the health of the state's waterways and appropriately guide restoration where needed, and are used to prevent pollution by establishing discharge limits in the permits issued by the Department.

In a [letter](#) sent this month, EPA provided an official Clean Water Act approval of Florida's recently adopted water quality standards addressing dissolved oxygen levels in surface waters. The approval acknowledges the Department's hard work to update criteria that until now have been based on national guidance developed using studies -- not specific to Florida -- dating back to the 1960s and 1970s.

"Department experts have invested years evaluating Florida's unique ecosystems in order to establish these fully protective water quality criteria," said Drew Bartlett, Deputy Secretary for Water Policy and Ecosystem Restoration. "The old criteria is simply out of date and does not work in Florida's waterways. The new criteria is specific to Florida's waterways and the species that live there. EPA has recognized once again that the Department's water quality standards are sound, both to prevent future pollution and to serve as the targets for restoring the waters we know need help."

The dissolved oxygen criteria being replaced have in the past resulted in some erroneous conclusions regarding whether aquatic life was appropriately protected. To establish the right criteria for Florida, the Department conducted

a comprehensive study of dissolved oxygen levels in streams, lakes and canals across the state. The Department's extensive data collection effort generated the scientific foundation for more accurate criteria.

The science was peer-reviewed and subsequently used to establish updated statewide criteria for both fresh and marine waters. The Department also used an EPA-recommended methodology to help set protective criteria for Florida's unique estuaries.

The Department held eight public workshops about the revised dissolved oxygen criteria to solicit input and promote understanding. Florida's Environmental Regulation Commission approved the criteria in April 2013 and EPA, in turn, approved them on September 9.

"We would like to commend you and your staff for your continued efforts in environmental protection for the State of Florida," wrote James D. Giattina, Director of EPA's Water Protection Division, Region 4.

A [factsheet](#) about the Department's Triennial Review of water quality standards is available on the Department's website along with a [technical support document](#) for the revised dissolved oxygen criteria, which includes an easy to understand executive summary.

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<http://content.govdelivery.com/accounts/FLDEP/bulletins/8b887e>

From: Diane Salz <disalz@yahoo.com>
To: Nancy Smith <nsmithnhs@aol.com>
Subject: Fwd: STATEMENT FROM DEP SECRETARY HERSCHEL T. VINYARD JR. REGARDING EPA ACTION TODAY ON NUMERIC NUTRIENT CRITERIA
Date: Thu, Sep 26, 2013 6:18 pm

Sent from my iPhone

Begin forwarded message:

From: Diane Salz <disalz@yahoo.com>
Date: September 26, 2013 at 6:17:56 PM EDT
To: Pat Lehman <plehman@regionalwater.org>
Subject: Fwd: STATEMENT FROM DEP SECRETARY HERSCHEL T. VINYARD JR. REGARDING EPA ACTION TODAY ON NUMERIC NUTRIENT CRITERIA

FYI.

Sent from my iPhone

Begin forwarded message:

From: "Florida Department of Environmental Protection" <FloridaDEP@public.govdelivery.com>
Date: September 26, 2013 at 6:09:16 PM EDT
To: disalz@yahoo.com
Subject: STATEMENT FROM DEP SECRETARY HERSCHEL T. VINYARD JR. REGARDING EPA ACTION TODAY ON NUMERIC NUTRIENT CRITERIA
Reply-To: FloridaDEP@public.govdelivery.com



FOR IMMEDIATE RELEASE: Sept. 26, 2013

CONTACT: DEP Press Office, 850.245.2112, DEPNews@dep.state.fl.us

STATEMENT FROM DEP SECRETARY HERSCHEL T. VINYARD JR. REGARDING EPA ACTION TODAY ON NUMERIC NUTRIENT CRITERIA

TALLAHASSEE – "Today, the U.S. Environmental Protection Agency approved the DEP's numeric nutrient criteria for numerous estuaries of Florida including those in the Panhandle, Big Bend and Springs Coast. This brings to 100 percent the Florida estuaries with protective state nutrient standards in place.

"Florida has now fulfilled its obligations under the path forward agreement reached with EPA in March 2013, eliminating the need for continued dual federal and state rulemaking and securing the foundation for a Florida-led solution to nutrient pollution in the state. Not only are the state's rules the most comprehensive standards in the nation, no other state has even come close to adopting complete nutrient standards

that cover 100 percent of lakes, rivers, streams, springs, and now 100 percent of its estuaries, as Florida has.

"The Department appreciates EPA's actions today. They mark a significant step forward in protecting and restoring water quality across Florida and serve as another example of how the environment wins when science and good public policy are chosen over costly litigation."

[Approval Letter and Decision Document](#)

Background:

On March 15, 2013, the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency reached an agreement to continue to protect Florida's waterways from nitrogen and phosphorus pollution. Fulfillment of the agreement, coupled with the previous state and federal actions summarized below, will result in Florida having numeric nutrient standards for more than 99% of its lakes, streams springs, estuaries and coastal waters.

In November 2012, EPA approved Florida's numeric nutrient criteria for lakes, rivers, streams and springs, and the estuaries from Clearwater Harbor to Biscayne Bay, including the Florida Keys. The Department had earlier adopted these criteria, which were approved by Florida's Environmental Regulation Commission in December 2011. Then, late last year, the ERC approved DEP's numeric nutrient criteria for six major Panhandle estuaries: Perdido Bay, Pensacola Bay (including Escambia Bay), Choctawhatchee Bay, St. Andrew Bay, St. Joseph Bay and Apalachicola Bay.

In June 2013, the ERC approved numeric nutrient criteria for 18 estuaries along the Springs Coast, along with 448 miles of open coastal waters. These criteria cover the Loxahatchee River, Lake Worth Lagoon, Halifax River, Guana River/Tolomato River/Matanzas River, Nassau River, Suwannee River, Waccasassa River, Withlacoochee River, and Springs Coast (Crystal River to Anclote River).

State legislation called for in the path forward agreement was passed by the Legislature this session and signed into law by Governor Rick Scott in May. The legislation requires the Department to complete its nutrient criteria rulemaking for remaining estuaries and coastal waters by December 1, 2014 and sets interim nutrient standards until that time. EPA approved this numeric nutrient criteria law, which was supplemented by the Department's August 1, 2013 report to the Governor and Florida Legislature.

Florida taxpayers have invested millions of dollars to create the nation's most comprehensive rules controlling nutrients. These rules account for the diversity and complexity of Florida's waters and afford local communities and private interests the tools essential to protecting rivers, lakes, estuaries, and springs for the future and restoring those waterbodies that do not currently meet standards.

For more information, visit <http://www.dep.state.fl.us/water/wqssp/nutrients>.

[About the Florida Department of Environmental Protection](#)

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From: Diane Salz <disalz@yahoo.com>
To: Richard Owen <richardowen@wrwsa.org>
Cc: Nancy Smith <nsmithnhs@aol.com>
Subject: Fwd: NEWS RELEASE: District Approves Millage and Budget
Date: Wed, Sep 25, 2013 1:56 pm

Sent from my iPhone

Begin forwarded message:

From: Chris Zajac <Chris.Zajac@swfwmd.state.fl.us>
Date: September 25, 2013, 1:54:37 PM EDT
Subject: NEWS RELEASE: District Approves Millage and Budget

September 24, 2013

District Approves Millage and Budget

The Southwest Florida Water Management District Governing Board Tuesday adopted its fiscal year 2013-14 (FY2013-14) millage rate and budget.

The Governing Board adopted a FY2013-14 millage rate of 0.3818 mill, which is 2.8 percent lower than the current fiscal year. This millage rate is 0.5 percent below the rolled-back millage rate, and will result in a \$2.9 million reduction in ad valorem taxes for the District's taxpayers. For the owner of a \$150,000 home with a \$50,000 homestead exemption, the FY2013-14 District tax would be \$38.18 a year, or about \$3.18 per month. The 2013-14 fiscal year will run from Oct. 1, 2013, through Sept. 30, 2014.

The total FY2013-14 budget for the District is \$170.8 million.

The budget includes \$95.8 million for capital/infrastructure and other District projects. The District's funds leveraged with its partners will result in a total investment of more than \$138 million for water resource management projects benefitting the region. The budget increase will be funded using balances available from prior years, due to cancelled projects or projects completed under budget, and re-budgeted prior year state trust funds.

Over the long term, the District has identified adequate fiscal resources to address the core mission areas of responsibility for water supply, water quality, flood protection and floodplain management, and natural systems. The District's fiscal resources supplemented with project reserves will adequately maintain a healthy investment in the economy and water resources during the next five to 10 years.

Chris Zajac

Government Affairs Program Manager

Northern Planning Region

From: Diane Salz <disalz@yahoo.com>
To: Richard Owen <richardowen@wrwsa.org>
Cc: Nancy Smith <nsmithnhs@aol.com>
Subject: Fw: NEWS RELEASE: District to Hold Public Workshop on Ranking Water Bodies
Date: Tue, Sep 24, 2013 8:02 am

----- Forwarded Message -----

From: Chris Zajac <Chris.Zajac@swfwmd.state.fl.us>
To:
Sent: Tuesday, September 24, 2013 7:29 AM
Subject: NEWS RELEASE: District to Hold Public Workshop on Ranking Water Bodies

September 23, 2013

District to Hold Public Workshop on Ranking Water Bodies

The Southwest Florida Water Management District (District) is seeking public input about the order in which minimum flows and levels (MFLs) for lakes, wetlands, rivers, streams and aquifers in the District will be determined. Legislation requires the District to review and, if necessary, revise the schedule each year.

A minimum flow or level is the limit at which further water withdrawals will cause significant harm to the water resources or environment. The District Governing Board sets these limits as part of achieving the balance between meeting human water needs and those of Florida's natural systems.

A public workshop will be held from 6 p.m. to 8 p.m. September 30 at the District's Tampa Service Office, located at 7601 U.S. Highway 301.

The meeting will provide an important opportunity for local governments, residents and others to be part of the scheduling of minimum flows and levels for priority water bodies. The revised schedule will be considered for adoption at the Governing Board's regularly scheduled meeting in October.

The adopted Minimum Flows and Levels Priority List and Schedule for 2013 is available on the District's website at <http://www.swfwmd.state.fl.us/projects/mfl/FY2013-MFL-Priority-List-Board-Approved.pdf>. The draft 2014 list will be made available on the site as soon as possible following the Governing Board's September 24 meeting.

Written comments on the draft Priority List and Schedule may be submitted to Doug Leeper, chief environmental scientist, at doug.leeper@watermatters.org or to 2379 Broad Street, Brooksville, Florida, 34604-6899 no later than October 16.

For more information, please contact Doug Leeper at 1-800-423-1476, ext. 4272.

Chris Zajac
Government Affairs Program Manager
Northern Planning Region
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604

(352) 796-7211 ext. 4413
Cell # (352) 299-5538
chris.zajac@swfwmd.state.fl.us

From: Diane Salz <salz.govconsultant@gmail.com>
To: WRWSA <richardowen@wrwsa.org>
Cc: Nancy Smith <nsmithnhs@aol.com>
Subject: Fwd: Federal Water Quality Rules
Date: Tue, Sep 24, 2013 8:01 am

----- Forwarded message -----

From: Diane Salz <salz.govconsultant@gmail.com>
Date: Tue, Sep 24, 2013 at 8:00 AM
Subject: Federal Water Quality Rules
To: Diane Salz <disalz@yahoo.com>

Federal court hearing on water rules set for Tuesday as Putnam calls for 'victory lap'
Bruce Ritchie, 09/23/2013 - 04:04 PM

Agriculture Commissioner Adam Putnam says Floridians should enjoy a "victory lap" on the issue of federal water quality, but an attorney representing environmental groups suggests the state has nothing to celebrate.

U.S. District Judge Robert H. Hinkle on Tuesday is scheduled to consider a request by environmental groups asking him to enforce a 2009 court agreement requiring the **U.S. Environmental Protection Agency** to set phosphorus and nitrogen limits in Florida waterways.

Environmentalists have been battling industry groups and state officials since the court agreement with federal officials was signed four years ago. However, federal officials earlier this year reached an agreement with the state that calls for Florida officials to set those pollution limits under a plan favored by industry groups.

"Before we get into the challenges we face moving forward I want to start with a victory lap that everybody in this room deserves to participate in," Putnam told the **Florida Water Forum** on Friday in Orlando before receiving applause. "And that's the win on numeric nutrient criteria."

On June 27, the EPA filed a motion in federal court asking Hinkle to modify the 2009 agreement requiring the federal agency to set nitrogen and phosphorus limits for Florida waterways. The EPA said it is now backing Florida's plan to establish limits called numeric nutrient criteria and that federal limits are not necessary or warranted under federal law.

In a response Monday to Putnam's comments, **Earthjustice** attorney **David Guest** said EPA is not complying with the 2009 consent decree, which his firm will be asking the court to enforce on Tuesday.

"EPA simply caved to the polluting industries in the state in proposing to get out of complying with large fractions of their obligations under it," Guest said. "A substantial part of the state rule that EPA approved does not comport with the consent decree at all."

An EPA spokeswoman did not respond to a request for comment. A DEP spokesman said EPA conducted a detailed review of the state's rules and found them to be consistent with the federal **Clean Water Act**.

Putnam said the issue shows how federal agencies "are looking for creative ways to impose their view on the world without going through the process that all of us learned about in the eighth grade about how a bill is supposed to become law."

But Guest said the EPA must set pollution limits because states have shown they are unable to do so because of the influence of polluting industries.

He said the ecological collapse at Indian River Lagoon and manatee and dolphin deaths point out the problems with state regulations.

"That is the fruit of the state regulatory system," Guest said. "That is what happens when you let the state regulate. This argument is a continuation of that. It comes at a good time the real effects of state regulation are clear in those places."

Drew Bartlett, deputy secretary at the **Florida Department of Environmental Protection**, told the water forum on Friday that if all goes well in court this week that may be the last presentation on water quality participants will have to endure. He said the federal rules were more costly than the state rules and failed to recognize restoration efforts already underway. The department has developed limits for estuaries across the state in advance of a Sept. 30 deadline as provided in a plan with EPA approved in **SB 1808** in 2013.

"In the department's opinion, they (EPA officials) can act on that package and exit the state," Bartlett said.

Tampa Bay Times

Florida activists devise water use protest: applying for 'virtual wells'



Craig Pittman, Times Staff Writer

Thursday, September 19, 2013 6:07pm

Three Citrus County environmental activists have filed applications with the state for each of them to pump 99,999 gallons of water a day out of the aquifer.

But they really don't want to pump any of it. Their goal is to block anyone else — particularly big farming operations or developers — from taking it. They'd rather let nature keep using it.

"We're drilling virtual wells," explained Tracy Colson, 51, a Crystal River native who runs Nature Coast Kayak Tours and is a devoted manatee advocate. "We'll just leave it where it is."

The idea came from Steve Kingery, 58, a semiretired air conditioning contractor from Crystal River. He calls the permit ploy "a fancy protest" of the way the state's five water management districts hand out big water-use permits. Then he recruited Colson and Matt Clemons, 59, a former state biologist and now owner of Aardvark's Florida Kayak Co. to follow suit.

Clemons says he expects the application to expose inequities in the state's water policies. "If we can't get permits to use the water ... and yet you can get permits to use it to sell bottled water, that makes no sense," he said.

They picked the amount of 99,999 gallons because that meant their 10-year permit from the Southwest Florida Water Management District, more commonly known as Swiftmud, would cost just \$50. Greater quantities require far higher fees.

Swiftmud is one of five water districts in the state that regulate water use and wetlands destruction. The permit applications sent in by Colson, Kingery and Clemons reflect a growing distrust of the way the districts and the state Department of Environmental Protection have allowed widespread pumping of millions of gallons a day from the aquifer.

As of 2011, the most recent year with data, Swiftmud had 7,745 water use permits allowing people in 16 counties to pump more than 1 billion gallons of water a day out of the ground. About 37 percent was for agriculture, and about



50 percent was to be used by residents and businesses. The rest goes toward such uses as mining and bottled water.

DEP and the water districts are setting what are known as "minimum flows and levels" for Florida's major waterways. The idea is to figure out how much more those rivers, springs and lakes can be drained for water supply purposes before causing environmental problems.

The Legislature has said that the levels must avoid causing "significant harm" — not all harm, just significant harm.

In an interview two years ago, a Southwest Florida Water Management District official conceded that the law provides no guard against gradual damage from increased pumping: "You're either significantly harmed or you're not."

To Kingery, that makes the minimum flow process "useless."

At a legal hearing in Brooksville last week, St. Petersburg attorney John Thomas, representing the Save the Manatee Club and two other groups, argued that it's worse than that — that the minimum flows and levels being set now by the agency commonly known as Swiftmud are illegal.

Thomas contended they violate standards that are intended to protect against the degradation of the water supply. The damage caused by the reduction in the aquifer is most evident in the decline of Florida's springs, he said, a point that Clemons and the other activists make as well.

Thomas said he had not heard about the permit applications sent in by Colson, Kingery and Clemons, but he thinks "folks should petition the government for relief in any form allowed by law."

However, Thomas and former Swiftmud executive director Emilio "Sonny" Vergara said the activists' goal of getting a permit for water they're not actually going to use might be too similar to the practice of "water-banking," which is against state law.

"Remember, a water permit is not to have water but to use it," Vergara said. "That's why you have to justify the permit. If you can't justify the use, you don't get the water."

So far, Swiftmud officials have not rejected the applications, just asked for more information.

"Anyone can apply for a water use permit, and it will go through the process," Swiftmud spokeswoman Susanna Martinez Tarokh said in an e-mail to the *Tampa Bay Times*. "Not every application is approved."

Kingery said the activists understand that the odds are not in their favor. "There is a very slight chance we can force them to give us the permits," he said. "But we might get some specific answers out of them."

Craig Pittman can be reached at craig@tampabay.com.

Florida activists devise water use protest: applying for 'virtual wells' 09/19/13

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