

## 2) Regulatory/Legislative/Events Update - Lisa Wilson-Davis, City of Boca Raton

### a) Legislative Update

- i) EPA Allows Electronic Distribution of Consumer Confidence Reports – EPA issued guidance memo allowing for “direct” electronic delivery of CCRs.
- ii) 2013 Legislation
  - (1) **HB 109** - Relating to Consumptive Use Permits for Development of Alternative Water Supplies – 2013 (Young) – AWS projects – allows for 30 or 37 year permits.
  - (2) **SB 84** – Public-Private Partnerships (Diaz de la Portilla) – (Also HB 85 and SB 238) – “P3 Bill”. To allow public entities to solicit for, or receive unsolicited proposals for, building, operating or financing public projects from private entities or a consortium of private entities.
  - (3) **HB 7** Relating to Water Management Districts, Water Reservations, and Minimum Flows and Levels (Porter) – Requires annual priority lists prepared by the water management district containing their schedule to adopt minimum flows and levels also include a schedule for adoption of an reservations of water – DEP may adopt to apply across water management district boundaries without specific WMD incorporating into their rules.
  - (4) **S. 3626** - Water Infrastructure Finance and Innovation Act – Authorizes Administrator of FEMA to make direct loan, including a subordinated loan, or a loan guarantee to an eligible entity to carry out activities for an eligible project.
  - (5) **The Floridan Aquifer System Sustainability Act of 2013** – effort to restore Floridan Aquifer to pre-development (1980) levels. – Need to ensure it is amended to clarify application to freshwater portions of the aquifer.

### b) Regulatory Update

- i) **Numeric Nutrient Criteria** – Comment period for streams related ends Feb. 1, 2013, for marine, estuary and South Florida canal criteria ends Feb. 19, 2013. Members are encouraged to resubmit comments, request comment period extension and support EPA’s proposal to withdraw its proposed downstream protection values for SF canals and all other Florida waters as well request EPA approval of existing TMDL’s, not to promulgate any additional rules, and not to apply federal criteria to stormwater conveyances, ditches, or tidally influenced streams.
- ii) FDEP Regulations
  - (1) **62-699** - Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems. – “Administrative/Clarification” changes only.
  - (2) **62-40** Consumptive Use Permitting Stakeholders: the Department published a notice of proposed rule for amendments to Chapter 62-40, F.A.C., which you may view at: [https://www.flrules.org/gateway/View\\_Notice.asp?id=12373725](https://www.flrules.org/gateway/View_Notice.asp?id=12373725). During August and November 2012, the Department held public workshops to discuss the proposed amendments. Some SEFLUC comments were incorporated, specifically one allowing permit holders to request a permit modification to “quantify” offset or impact credits in existing permits. Workshop in Tallahassee on January 23, 2013.
  - (3) **62-302 & 62-303** – Triennial Review – DEP is working with EPA on methodology to establish Human Health Based Criteria, DO, and Mercury. Expecting new rules/criteria to be published shortly, members are encouraged review the criteria to determine compliance/issues.

**(4) UIC**

- As of April 1, 2013 all Class I or Major Class V (i.e. ASR, Test wells) Injection Well related issues will go to Tallahassee, not West Palm Beach. This includes Interim and 5-Year MIT Plans and Reports as well as Operation Permit Renewals and New Construction Applications.
- Pre-application meetings should be scheduled either in Tallahassee or via Teleconference with Tallahassee
- Compliance will still be administered out of the West Palm Beach office, but Tallahassee will be the Permit point of contact
- Monthly operating reports should be sent to both the West Palm Beach and Tallahassee offices as normal
- FDEP prefers electronic submittals (PDF) via email or CD