

Overview of the 2016 Legislative Session

May 22, 2016

10:30 AM EST - 11:30 AM EST

www.florida-stormwater.org



Upcoming Events!

Stormwater Operator Certification Classes

http://www.florida-stormwater.org/training-center

Stormwater Operator Re-Certification Webinars

June 1, 2016

Level 1 Operator: 9am – 11am

Level 2 Operator: 2pm – 4pm

Annual Conference and Exhibits

June 15-17, 2016

Sanibel Harbour Marriott, Ft. Myers





Engineers | Scientists | Advocates

<u>Peter Owens, PE, ME – Senior Environmental Engineer</u>

- 35 years experience
- Previously Hillsborough County EPC
- Managed the Wetlands Engineering Section specializing in wetlands permitting, hydrology and agency permit delegation implementation, specifically with ACOE, FDEP, and the Tampa Port Authority

powens@appliedfl.com



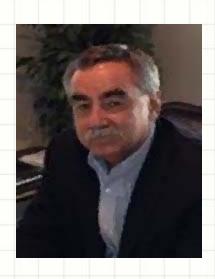
Robert Wronski, PE, MS – Project Manager

- 25 years experience
- Previously Pasco County Stormwater
- Supervised In-House Design Team and Design Consultants
- Stormwater Design and Construction Plans expertise

rwronski@appliedfl.com



Meet the Presenters



Kurt Spitzer



Kelli Hammer Levy

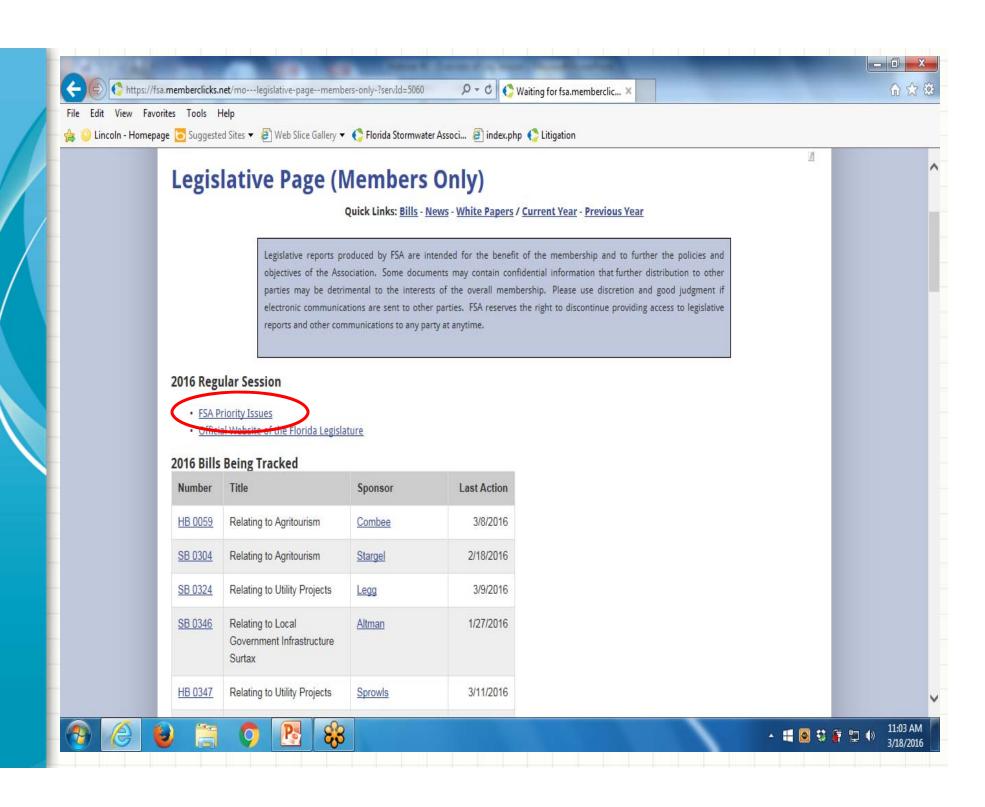
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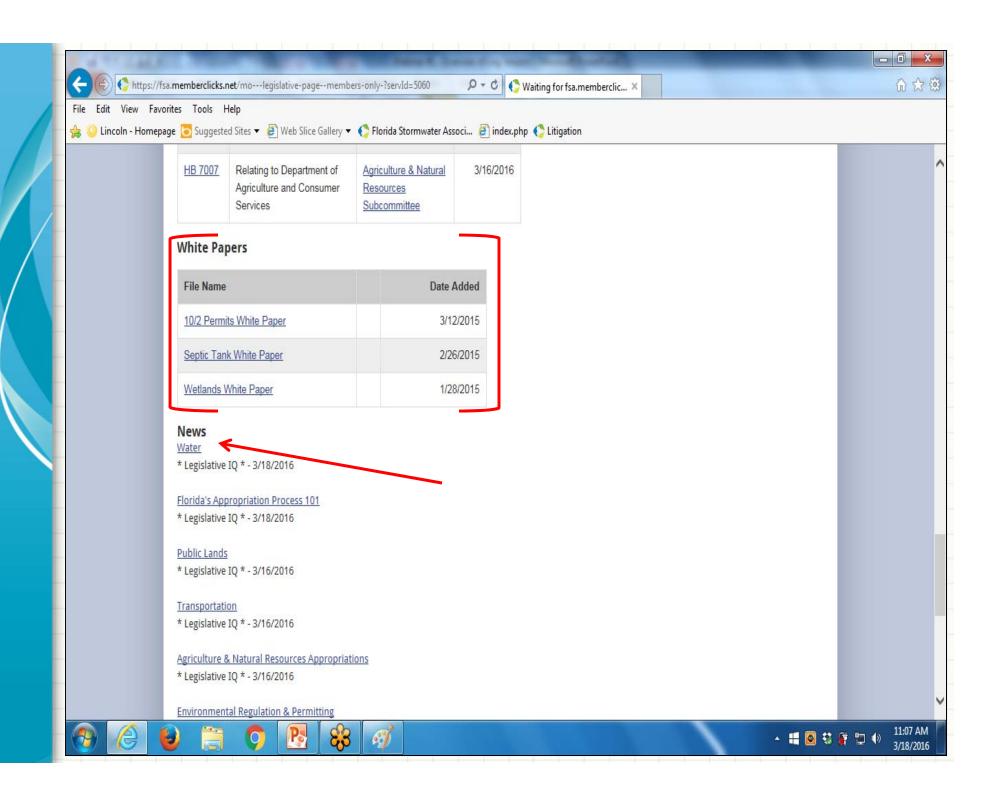


Today's Overview

- General Background for 2016 Session
- Primary Water Quality Legislation
- Upcoming Regulatory Issues

www.florida-stormwater.org







General Background for 2016 Session

- Florida's Fiscal Condition continues to Improve
- Less interest in "Regulatory Streamlining" --but also less hesitation to pre-empt locals
- 3. Continued interest in water quality/supply
- 4. Improved House-Senate Relations



Florida Stormwater Association

Year	Governor	President	Speaker	Bills Filed	Bills Passed	% Passed
2001	Jeb Bush	John M. McKay	Tom Feeney	2,251	362	16%
2002	Jeb Bush	John M. McKay	Tom Feeney	2,428	403	17%
2003	Jeb Bush	James E. King	Johnnie Byrd	2,553	412	16%
2004	Jeb Bush	James E. King	Johnnie Byrd	2,691	497	18%
2005	Jeb Bush	Tom Lee	Allan Bense	2,483	393	16%
2006	Jeb Bush	Tom Lee	Allan Bense	2,482	386	16%
2007	Charlie Crist	Ken Pruitt	Marco Rubio	2,545	345	14%
2008	Charlie Crist	Ken Pruitt	Marco Rubio	2,504	313	13%
2009	Charlie Crist	Jeff Atwater	Ray Sansom	2,371	271	11%
2010	Charlie Crist	Jeff Atwater	Larry Cretul	2,478	301	12%
2011	Rick Scott	Mike Haridopoplos	Dean Cannon	2,186	295	13%
2012	Rick Scott	Mike Haridopoplos	Dean Cannon	2,052	292	14%
2013	Rick Scott	Don Gaetz	Will Weatherford	1,848	286	15%
2014	Rick Scott	Don Gaetz	Will Weatherford	1,817	264	15%
2015	Rick Scott	Andy Gardiner	Steve Crisafulli	1,754	232	13%
2016	Rick Scott	Andy Gardiner	Steve Crisafulli	1,814	279	15%



Primary Water Quality Legislation

- 1. Water/Springs
- 2. 10/2 General Permit Revisions
- 3. Pre-emptions
- 4. Fertilizer
- 5. Stormwater Utility Fee "Fix"
- 6. Implementation of SB 536 (2015) Reuse Study



Primary Water Legislation – all passed

- 1. Water/Springs SB 552 by Dean (Caldwell)
- Environmental Control HB 589 by Pigman (Hays)



Other Stormwater Issues - all failed

- 1. SWU Fees
 - Legislative Correction of Court Cases (FSA/FLC)
 - Legislative Ratification of Court Cases (schools)
- 2. Fertilizer Pre-emption
 - Amendment to SB 1310



SB 552 - Water/Springs Legislation by Sen. Dean

- Creates the Florida Springs and Aquifer Protection Act to protect/restore Outstanding Florida Springs
 - ✓ Provides deadlines for the restoration of OFSs through BMAP process
 - ✓ Requires the development of OSTDS remediation plans when septic systems contribute significantly to area pollution
 - ✓ Prohibits certain activities within a priority focus area for an OFS



SB 552 - Water/Springs Legislation by Sen. Dean

- Updates the Northern Everglades and Estuaries Protection Program
- 3. Revises provisions relating to Consumptive Use Permits
- 4. Sets deadlines for the WMDs to adopt minimum flows and levels



SB 552 - Water/Springs Legislation by Sen. Dean

- Requires WMDs to adopt recovery/prevention strategies for waterway not meeting an MFL
- Requires DEP to adopt specific surface water classification rule for surface waters used for treated potable water supply
- 7. Codifies the Central Florida Water Initiative



HB 589 – Environmental Control by Rep. Pigman

- 1. Revises the licensure requirements for water well contractors
- 2. Allows the use of land set-asides/land use modifications to generate water quality credits for trading
- 3. Expands the use of funds in the solid waste landfill closure account
- 4. 10/2 General Permit Revisions

403.814 General permits; delegation.—

(12) A general permit is granted for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres meeting the criteria of this subsection. Such When the stormwater management systems must be system is designed, operated, and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373.—There is a rebuttable presumption that the discharge from for such systems complies system will comply with state water quality standards. The construction of such a system may proceed without any further agency action by the department or water management district if, before within 30 days after construction begins, an electronic selfcertification is submitted to the department or water management district which that certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system will to meet the following additional requirements:



HB 589 - Environmental Control by Rep. Pigman

Next Steps...

- Clarify ERP rules and Applicant's Handbook Chapter 62-330, FAC
 - Procedure for 10/2 self-certifications remains unchanged
 - Permit Conditions and WQ protections of ERP regulations now prevail



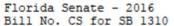
3. Pre-emptions

- HB 59 Regulations banning Agritourism passed
- HB 181 Regulations requiring public contractors to pay "living wage" failed
- HB 191 Oil and gas hydraulic fracturing failed
- HB 509 Vehicle safety inspections for rideshare services failed
- HB 1439 Stops Hillsborough County from banning Uber and other car-hail companies failed



3. Pre-emptions

- HB 7007 Foam polystyrene plates passed
- HB 7059 Election dates for municipal elections failed
- SB 168 Red light cameras for traffic enforcement failed
- SB 1310 (amendment) Use of consumer fertilizer during summer rainy season failed



COMMITTEE AMENDMENT

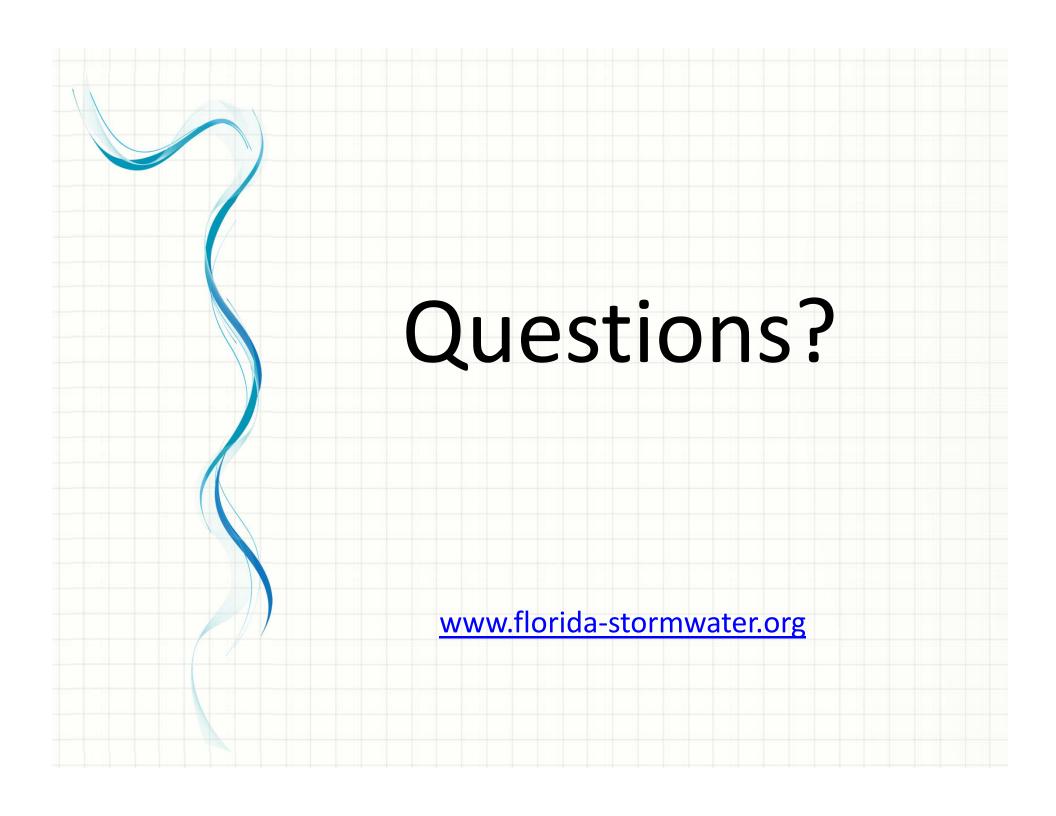


fertilizer application to urban landscapes, the department shall establish a limited certification for urban landscape commercial 13 fertilizer application. In order to keep turf and root structure healthy enough to prevent erosion and runoff in the summer 15 growing season, a local government may not prohibit an 16 individual certified under this section, or a company that 17 employees individuals certified under this section, from 18 applying two limited applications of nitrogen-containing 19 fertilizer to an individual lawn or a contiguous parcel of turf 20 between May 1 and September 30 of any calendar year. The limited applications authorized under this subsection may contain no 22 more than 1 pound of nitrogen per 1,000 square feet and must be 23 formulated to use at least 50 percent slow-release nitrogen. An 24 applicator may not apply fertilizers containing nitrogen or phosphorous to turf when the National Weather Service has issued 26 any of the following advisories or forecasts for any part of the 27 county: 28 (a) An active severe thunderstorm warning or watch, a flood 29 warning or watch, a tropical storm warning or watch, or a 30 hurricane warning or watch. 31 (b) A forecasted rainfall of greater than or equal to 2 32 inches within the next 24-hour period. 33 34 ======= T I T L E A M E N D M E N T ========= 35 And the title is amended as follows: 36 Delete line 10 37 and insert: 38 are replanted in citrus; amending 482.1562, F.S.; 39 specifying that persons holding limited certification



5. SWU Fee Corrections - no action

- FSA/FLC position: Correct lower court decisions to be in-line with Florida Supreme Court in <u>Gainesville v. FDOT</u>
- Schools/Agency position: Codify decisions of lower courts into Florida Statutes to negate Florida Supreme Court in <u>Gainesville v. FDOT</u>





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http://www.florida-stormwater.org/regulatory

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1. Implementation of SB 536 Report (2014 Session)

Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater and Excess Surface Water (Senate Bill 536)

Office of Water Policy
Florida Department of Environmental Protection
December 1, 2015

http://dep.state.fl.us/water/reuse/study.htm



2. Waters of the United States

- August 28, 2015 EPA/ACOE WOTUS Rules Effective
- October 9, 2015 Nationwide stay issued by 6th Circuit Court
- October 26, 2015 FSA and others file petition in 6th Circuit Court
- November 30, 2015 FSA and others file complaint in 1st DCA (Fla)
- February 22, 2016 Three-judge Panel of Sixth Circuit rules they have jurisdiction
- March 22, 2016 At least three petitions field for en banc review of Panel's decision by (full) 6th Circuit Court



3. EPA Phase II Rules

"Remand Rules" from 2003 Court Decision

- ➤ NOI process of Phase II permitting program needs to be improved
- EPA Draft rules issued December 2015
- FSA Comments delivered March 21, 2016
- EPA Final Rules to be issued November 2016



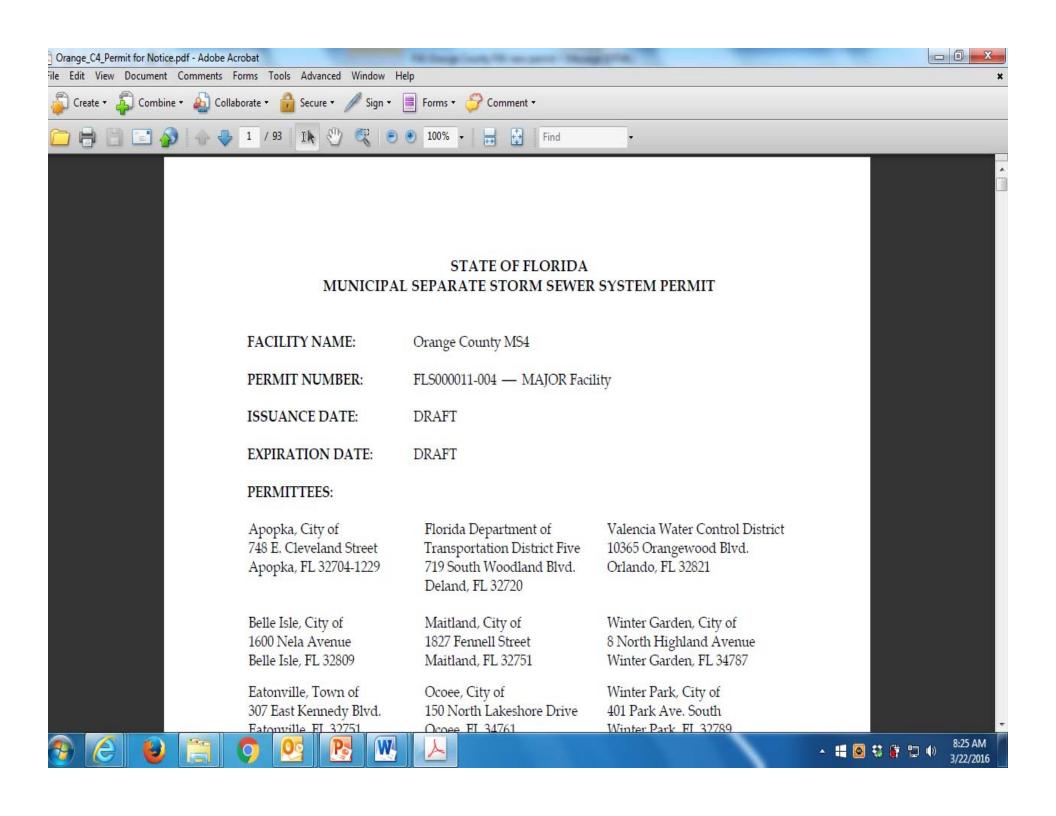
4. FDEP Phase 2 program revisions

- Update of Phase 2 permit program in Florida by FDEP
- Independent of EPA Rule Revisions



5. FDEP Phase 1 permit revisions

- Beginning of new permit cycle for Phase I Large MS4 permits
- Sets precedent for other Phase I permit-holders









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THANK YOU FOR JOINING US!

WWW.FLORIDA-STORMWATER.ORG/WEBINARS

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