



Jonathan P. Steverson
Executive Director

Northwest Florida Water Management District

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(U.S. Highway 90, 10 miles west of Tallahassee)

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June 30, 2014

Mr. Kenneth J. Plante
Coordinator
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: NFWMD Regulatory Plan for July 1, 2014 – June 30, 2015

Dear Mr. Plante:

Attached, pursuant to section 120.74(3), Florida Statutes, is the Northwest Florida Water Management District's Regulatory Plan for July 1, 2014, to June 30, 2015. Chapters 40A-1, 40A-2, and 40A-3, Florida Administrative Code, will be undergoing rulemaking during the next year. If the District determines other rulemaking efforts will be necessary in the coming year, we will request authorization before proceeding.

Sincerely,

A handwritten signature in black ink that reads "Amanda Bedenbaugh".

Amanda Bedenbaugh
Accountability and Regulatory Affairs Officer

Attachment

Cc: The Honorable Don Gaetz, President of the Senate
The Honorable Will Weatherford, Speaker of the House of Representatives
Ms. Patricia Nelson, Deputy Director, Office of Fiscal Accountability and Regulatory Reform

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN ALTER
Malone

GUS ANDREWS
DeFuniak Springs

STEPHANIE BLOYD
Panama City Beach

GARY CLARK
Chipley

JON COSTELLO
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port Saint Joe

Office of Fiscal Accountability and Regulatory Reform
Northwest Florida Water Management District
Annual Regulatory Plan Supplement
2014-2015

To: Patricia Nelson, Deputy Director

Submitted By: Amanda Bedenbaugh, Accountability and Regulatory Affairs Officer
Northwest Florida Water Management District
(850) 539-5999

Recurring Rulemaking 2014-2015

Please list all rulemaking activity from the 2013-2014 Annual Regulatory Plan that is recurring in the 2014-2015 Annual Regulatory Plan. Please give a detailed explanation or summary as to why the rulemaking activity will be continued in 2014-2015. These can be grouped by chapter for convenience.

Rule Chapter or Number	Rule Title	Detailed Explanation
None		

Northwest Florida Water Management District
2014-2015 Annual Regulatory Plan

Rule Number	Rule Title	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking	Economic Impact	Highly Technical or Complicated
40A-1.203(3)	Permit Application Procedure	Rule Amendment	Update Rule (Explain)	Referenced subsections changed during rulemaking when sections 40A-1.203(3) through (12) were renumbered as 40A-1.203(4) through (13)	Procedures to request Notice of Proposed Agency Action by interested parties.	... pursuant to subsection (2) (3)- shall constitute...	None	No
40A-1.203(5)	Permit Application Procedure	Rule Amendment	Update Rule (Explain)	Referenced subsections changed during rulemaking when sections 40A-1.203(3) through (12) were renumbered as 40A-1.203(4) through (13)	Application considered amended due to RAI response resulting in material changes.	... for completeness under subsection (4) (5) above.	None	No
40A-1.203(6)	Permit Application Procedure	Rule Amendment	Update Rule (Explain)	Referenced subsections changed during rulemaking when sections 40A-1.203(3) through (12) were renumbered as 40A-1.203(4) through (13)	Notification of Application complete Notice of Proposed Agency Action requirements.	... written requests pursuant to subsection (2) (4). The Notice shall...	None	No
40A-1.203(11)	Permit Application Procedure	Rule Amendment	Update Rule (Explain)	Referenced subsections changed during rulemaking when sections 40A-1.203(3) through (12) were renumbered as 40A-1.203(4) through (13)	Notice of Final Agency Action resulting from changes by the Board which differs from Notice of Proposed Agency Action.	... Part V of these rules in accordance with subsection (2) (8).	None	No
40A-2.061(1)(b)	General Water Use Permits by Rule	Rule Amendment	Update Rule (Explain)	Minor language change to be consistent with rest of the rule.	Identifies criteria for granting a General Water Use Permit, including limitations and conditions.	... and is hereby incorporated by reference...	None	No
40A-2.021(11)	Definitions	Rule Amendment	Update Rule (Explain)	No cooperative agreement between NWFWMWD and FDOH	Defines disapproved facility.	... District, or Department of Florida Department of Health.	None	No
40A-2.061(2)(a)	General Water Use Permit by Rule	Rule Amendment	Other (Explain)	Contradictory to lake drawdown for construction or repair as outlined in the section. Lakes have freshwater wetlands.	Describes criteria for General Water Use Permits by Rule for Short-Term Projects.	8--Will not occur within 1,000-feet-of-a-freshwater-wetland.	None	No
40A-2.101	Content of Application	Rule Amendment	Update Rule (Explain)	To reflect current DEP statewide regulations.	Outlines requirements for application content.	8--Applicants proposing using water for supplementation must provide substantiating materials to show that what they are proposing meets the criteria of subsection 62-40.416(9), F.A.C., effective May 3, 2014. (http://www.flrules.org/Gateway/reference.asp?No=Ref-04144) which is hereby incorporated by reference and can be obtained from the District's website (nwywater.com) or from District offices upon request.	None	No

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40A-2.331(3)(b)9	Modification of Permits	Rule Amendment	Update Rule (Explain)	Subsection 40A-2.321(4), F.A.C., does not exist in rule.	Describes qualifications for a letter modification.	... subsection 40A-2.321(4), F.A.C. ...	None	No
40A-2.331(3)(b)10	Modification of Permits	Rule Amendment	Other (Explain)	Amend rule to provide for use of letter modifications for well replacements in the same area.	Describes well replacement criteria for qualification of letter modification.	... be located within 2,640 300 feet of the original well, be located at least 1,000 feet from wetlands, lakes, and springs, and have a pumping capacity less than or equal to the original well.	None	No
40A-2.361(1)	Renewal of Permits	Rule Amendment	Update Rule (Explain)	Delete unnecessary wording.	Describes criteria for permit renewals.	... is timely only if actually received by the District...	None	No
40A-2.901(1)(k)	Forms	Rule Amendment	Update Rule (Explain)	Delete unnecessary zeros.	Periodic Water Use Reporting Form	Delete unnecessary zeros.	None	No
40A-2.901(2)	Forms	Rule Amendment	Update Rule (Explain)	Subsection 40A-2.019(12), F.A.C., does not exist in rule.	Identifies form locations.	... from the District offices listed in subsection 40A-2.019(12)(13), F.A.C.	None	No
40A-2.902	Areal Boundary Maps for Water Use Permitting	Rule Amendment	Update Rule (Explain)	To remove erroneous, duplicative text.	Describes areal boundaries for Water Use Permitting.	Resource Areas and Areas of Resource Centers are established for the implementation of water-use permitting pursuant to this Chapter and are indicated in Figure 2-1. These boundaries are depicted in specific detail for each county on general county highway maps. These maps are hereby incorporated by reference, and can be obtained from the District's website (www.water.com) of from District offices.	None	No
40A-2.904	Areal Boundary Maps for Water Resource Caution Areas	Rule Amendment	Update Rule (Explain)	Mislabeled title of map.	Describes areal boundaries for Water Resource Caution Areas.	Delete "Within Region II" in Title of GIS Map.	None	No
Applicant's Handbook	Applicant's Handbook	Rule Amendment	Update/Add Incorporated Material	To reflect current DEP statewide regulations and update sections to reflect other changes to the rule as outlined in this document.	Supplemental material to the rule.	To reflect current DEP statewide regulations and update sections to reflect other changes to the rule as outlined in this document.	None	No
40A-3.011	Policy and Purpose	Rule Amendment	Update Rule (Explain)	Simplifies and clarifies rule language	Aids public by stating purpose of the Chapter and the program areas addressed under Chapter.	Eliminates repetitive language addressed in Table of Contents.	None	No
40A-3.021	Definitions	Rule Amendment	Update Rule (Explain)	Alphabetizes and clarifies existing definitions and adds new definitions to make rule consistent with current industry and current DEP statewide well regulations.	Provides definitions of terms necessary to understand and apply rules of this Chapter.	Alphabetizes and clarifies existing definitions and adds new definitions to make rule consistent with current industry standards and current DEP statewide well regulations.	None	No
40A-3.033	Governing Board Delegations	New Rule	Other (Explain)	Codifies delegations enacted by the District's Governing Board.	New	Codifies Governing Board Delegations to aid public understanding of permitting process.	None	No
40A-3.035	Rules and Publications Incorporated by Reference	New Rule	Other (Explain)	Assists public by listing all rules and publications incorporated into rules of this Chapter.	New	Lists out all rules and publications incorporated through the Chapter to assist public with identifying necessary documents.	None	No
40A-3.037	Water Well Contractor Licensing	Rule Amendment	Update Rule (Explain)	Rule update addressing changes in DEP's statewide licensing regulations, adds language addressing unlicensed persons.	Adopts DEP Water Well Contractor Licensing rule	Adopts new state-wide permit application form, updates Rule's adoption of State-wide licensing, addresses issue with continuing education credits.	None	No
40A-3.041	Permits Required	Rule Amendment	Update Rule (Explain)	Adopts DEP's statewide rule, clarify language and make provision for a general permit by rule.	Enumerates circumstances in which a permit is required.	Adopts State-wide rule; clarifies permitting of test wells; and provides for general permit by rule.	None	No
40A-3.042	Multiple Wells under a Single Permit	New Rule	Other (Explain)	Provides for the issuance of a single permit for multiple wells in specific situations; and consistent regulation of earth-coupled geothermal wells.	New	New language allowing permitting of multiple wells under a single permit within specified constraints.	None	No

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40A-3-051	Exemptions	Rule Amendment	Update Rule (Explain)	Adds language clarifying when a well contractor is not required to construct a well. Codifies geographic area where the District prohibits certain types of well construction due to ground water contamination issues in order to protect the resource and the public health.	Identifies statutorily exempted wells and provides hardship clause for Chapter rules	Adds inconsistencies with Statute, clarifies when a permit is required to repair a well.	None	No
40A-3-055	Well Construction Prohibitions	New Rule	Other (Explain)	Revises rule to include fees for certain geothermal wells, reduced fees for multi-well permitting Updates language to be more consistent with current DEP statewide well regulations.	New	Codifies geographic areas with well construction prohibitions due to threat to health and groundwater resource due to contamination. Addresses permit fees for closed loop geothermal wells and multi-well permits.	None	No
40A-3-201	Permit Application Fees	Rule Amendment	Update Rule (Explain)	Establishes processing fees for well permits	Establishes processing fees for application review and permit issuance.	Updates and clarifies rule language. Provides language addressing when and how permits may be transferred geographically, from one owner to another, and from one contractor to another.	None	No
40A-3-301	Conditions for Issuance of Permits	Rule Amendment	Update Rule (Explain)	Clarifies language to be more consistent with current DEP statewide well regulations.	Clarifies language on duration of permits, how to extend permits, and expiration of permits.	Clarification of language in Rule.	None	No
40A-3-310	Conditions for Transfer of Permit	New Rule	Other (Explain)	Codifies and clarifies how and when well permits can be transferred for other well owners, other contractors, other locations.	New	Clarifies language on duration of permits, how to extend permits, and expiration of permits.	None	No
40A-3-321	Duration of Permits	Rule Amendment	Update Rule (Explain)	Clarification and expansion of methods to extend.	Specifies duration of well permits.	Clarification of language in Rule.	None	No
40A-3-341	Disapproval of Wells	Rule Amendment	Update Rule (Explain)	Clarifies language	Identifies situations for which wells can be disapproved.	Clarification of language in Rule.	None	No
40A-3-342	Permit Denial	Rule Amendment	Update Rule (Explain)	Clarifies language	Sets steps required to deny an application for permit	Update and clarify language in Rule.	None	No

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40A-3.411	Completion Reports	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Sets requirements for completion report submittal.	Adopts new state-wide completion report form.	None	No
40A-3.451	Emergency Authorization	Rule Amendment	Update Rule (Explain)	Clarifies when an emergency permit is required and how to submit required documents.	Identifies when and how to obtain an emergency permit.	Updates and clarifies language and addresses emergency wells requiring an individual water use permit.	None	No
40A-3.461	Inspections	Rule Amendment	Update Rule (Explain)	Revises notification process and updates language for consistency with the statute. Repeals rule due to redundancy with Florida Statutes and Florida Administrative Code.	Codifies statutory authorization to inspect wells as it applies to Chapter 40A-3 rule.	Updates language to address procedures for notifying the district for grout and start of work inspections, and updates language for consistency with 373, Part III, F.S.	None	No
40A-3.492	Violations of Permits	Rule Repeal	Other (Explain)	Updates to reflect current DEP statewide well regulations.	Describes specific permit violations.	Repeals rule and adopts DEP Rule and Statutory language.	None	No
40A-3.502	Construction Methods	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Detailed description of well setbacks applicable in the District.	Adopt less stringent state-wide setback distances, clarify language as to setback hazards.	None	No
40A-3.504	Location	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Specifies types of casing and pipe that can be used in well construction.	Adopt DEP standards; address issues with the use of PVC casing.	None	No
40A-3.507	Casing and Liner Pipe Standards	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Specifies minimum well construction standards of the District.	Modify rule to be more consistent with DEP rule, provide for specific instances of below grade completion exemption by rule.	None	No
40A-3.512	Standard Well Construction Methods	Rule Amendment	Update Rule (Explain)	Updates rule to be more consistent with DEP statewide well regulations.	Specifies grouting requirements for well construction.	Modify rule to be more consistent with the DEP grouting rule.	None	No
40A-3.517	Grouting and Sealing	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Describes temporary and permanent well seals.	Adopt DEP Rule.	SEFC	No
40A-3.521	Well Seals	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Disallows use of explosives in well construction. Establishes responsibility for maintaining flowing wells.	Adopt DEP Rule	None	No
40A-3.525	Explosives	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Establishes responsibility for and the manner in which wells are plugged and abandoned.	Provide for use of alternate materials to ease cost of well abandonment.	None	No
40A-3.529	Flowing Wells	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Lists violations of construction Standards	Adopt DEP Rule and Statute	None	No
40A-3.531	Abandoned Well Plugging	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Lists forms used with this rule.	Update to provide a comprehensive listing of forms used by this rule and to adopt DEP Permit Application and DEP Completion Report forms.	None	No
40A-3.550	Violations of Construction Standards	Rule Repeal	Other (Explain)	Repeals rule due to redundancy with Florida Statutes and Florida Administrative Code.	Cites delegation of authority to suspend or revoke licenses.	Adopt DEP Rule and Statute.	None	No
40A-3.901	Forms and Instructions Introduction [Suspension and Revocation of Water Well Licenses]	Rule Amendment	Update Rule (Explain)	Updates to reflect current DEP statewide well regulations.	Defines violations for license holders.	Adopt DEP Rule and Statute.	None	No
40A-3.951	Violations Enforcement and Penalties	Rule Repeal	Other (Explain)	Repeals rule due to redundancy with Florida Statutes and Florida Administrative Code.	Cites authority to enforce rules.	Adopt DEP Rule and Statute.	None	No
40A-3.952	Violations Enforcement and Penalties	Rule Repeal	Other (Explain)	Repeals rule to reflect current DEP statewide well regulations.	Describes line across district differentiating grouting zones.	Repeal to provide for state-wide consistency.	None	No
Appendix I	Grout Line Application to Construct, Repair, Modify, or Abandon a Well Form	Rule Repeal	Other (Explain)	Repeals rule to reflect current DEP statewide well regulations.	Permit Application form.	Repeal and adopt DEP form.	None	No
Appendix II	Well Completion Report Form	Rule Repeal	Other (Explain)	Repeals rule to provide for statewide consistency.	Completion Report form.	Repeal and adopt DEP form.	None	No
Appendix III		Rule Repeal	Other (Explain)	Repeals rule to provide for statewide consistency.	Completion Report form.	Repeal and adopt DEP form.	None	No