PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY AND OTHER SELECTED NATURAL RESOURCES FOR THE STATE OF FLORIDA

PREPARED FOR
COASTAL PLAINS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY CLAUDE TERRY ASSOCIATES

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INTRODUCTION

1.0 INTRODUCTION

This Guide has been produced to compile and summarize the statutes, regulations, and permitting processes of the State of Florida pertaining to environmental and land use elements. It is designed to assist government officials, administrators, business and industry, and citizens in understanding the state regulations and their application. The guide also indicates the relationship between certain state and federal regulations as well as the interrelationships between regulations and environmental/land use elements.

Table 1 is a matrix listing the state regulations and the environmental/land use elements they impact. The major area emphasized by the regulation is indicated by an X, associated areas by asterisks.

All state agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Florida; it is not intended to be a comprehensive reference to the specific requirements of each permit but to provide concise, easy-to-use information on the state regulations that govern the development of natural resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate state agency for further details.

The guide provides a thorough overview of state regulatory and permitting processes in a format that provides information in outline form, based on the major components of regulations. Table 2 describes the format and information contained.

The objective of this guide is to describe state statutes and regulations. However, many of these are based on federal regulations or guidelines. This document does not attempt to provide an exhaustive list of the federal regulations which impact the environmental/land use elements addressed. Rather, the primary federal regulations which serve as a basis or provide guidelines for state legislation are listed under the appropriate elements. When dual permits, i.e., permits required by both federal and state legislation, are necessary, it will be noted in the text. It should be recognized that other federal statutes may also affect a particular element. The main purpose of this document, however, is to describe state permitting policies and requirements.

Table 1. Applicability of State Laws and Regulations to Environmental/Land Use Elements.

State Law and Regulation \ Environmental Land Use Element	Air Quality	Water Quality	Public Water Supply	Solid Waste	Hazardous Waste	Noise	Energy Resources	Metalliferous Mining	Construction Materials	Major Facility Siting	Land Use	Floodplain Management	Coastal Protection	Endangered Species	Wetlands	Archaeological/ Historical	ACSC	Local Land Use	Substate Districts
	3.1	3.2	3.3	3.4	3.5	3.6	4.1	4.2	4.3	5.1	5.2	5.3	5.4	6.1	6.2	6.3	6.4	7.1	7.2
Florida Air and Water Pollution Control Act	X	X	*	*	*						*		*						
Florida Safe Drinking Water Act		*	X																
Florida Water Resources Act			X									*							*
Florida Resource Recovery and Management Act			*	X	*					*									
Florida Comprehensive Hazardous Waste Management Act				*	X														
Regulation of Oil and Gas Reserves		*					X												
Florida Electrical Power Plant Siting Act										X	*								*
Florida Transmission Line Siting Act										X	*								
Florida Environmental Land and Water Management Act of 1972										*	X							*	

X—Primary Applicability
*—Secondary Applicability

Table 1. Applicability of State Laws and Regulations to Environmental/Land Use Elements.

Environmental Land Use Element / State Law and Regulation	Air Quality	Water Quality	Public Water Supply	Solid Waste	Hazardous Waste	Noise	Energy Resources	Metalliferous Mining	Construction Materials	Major Facility Siting	Land Use	Floodplain Management	Coastal Protection	Endangered Species	Wetlands	Archaeological/ Historical	ACSC	Local Land Use	Substate Districts
	3.1	3.2	3.3	3.4	3.5	3.6	4.1	4.2	4.3	5.1	5.2	5.3	5.4	6.1	6.2	6.3	6.4	7.1	7.2
Beach and Shore Preservation Act		*											X		*				
Florida Pollutant Spill Prevention and Control Act		*			*		*						X						
Florida Endangered and Threatened Species Act of 1977														X					
Preservation of Native Flora of Florida Act														X					
Florida Archives and History Act										*	*					X			
The Florida Environmental Land and Water Management Act of 1972										*	*						X		
The Florida State Comprehensive Planning Act of 1972																		*	X
Local Government Comprehensive Planning Act of 1975																		X	
Florida Regional Planning Council Act																		*	X

X—Primary Applicability
*—Secondary Applicability

Table 2. Regulatory Guide Format.

INTRODUCTION

This section provides information regarding the legislative origin of particular programs along with a statement concerning the intent, purpose or policy of the program.

AUTHORIZING STATUTE(S)

I. FEDERAL
The title and numerical citation of applicable federal legislation is provided in this section.

II. STATE
The title and numerical citation of applicable state legislation is provided in this section.

TITLE OF REGULATION

Specific state regulations pertaining to a particular topic area are cited by title and administrative code number.

ADMINISTERING AGENCY

The state agency responsible for administering a particular program or implementing certain regulations is specified here. This agency will be the primary contact for applicants seeking more detailed information concerning a particular permitting program. In the case of federal/state dual permitting programs, information concerning the relevant federal agency is provided.

SUMMARY OF REGULATION

I. APPLICABILITY

This section lists the types of activities and/or localities which are subject to the general provisions of a permitting program or specific regulations.

II. REGULATORY REQUIREMENTS

The specific activities which are directly regulated by a permitting program and/or sets of regulations are summarized in this section. Included is a consideration of activities that are subject to specific criteria and standards as well as a listing of activities that are expressly prohibited by laws and regulations.

III. PERMIT REQUIREMENTS

This section details the procedures established for the granting of specific permits. Included is a discussion of:

Table 2. Continued

1. Time requirements
2. Applications/Information required
3. Agency review and processing procedures, including public hearings
4. Reporting/Monitoring requirements
5. Application fees
6. Appeal process
7. Enforcement and penalties
8. Additional procedures (variances, exemptions, emergency orders, etc.)

STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM

2.0 STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM

Two programs have been instituted within the Department of Administration that coordinate and consolidate the review of projects and programs seeking governmental funding. The federally mandated A-95 review pertains to a variety of programs which involve federal funding. The environmental impact statement (EIS) pertains to major projects which may significantly affect the quality of the human environment. Both programs are designed to assure that each agency or community potentially affected by a program or project using state/federal funding has an opportunity to review the proposal and influence the manner in which the proposal is implemented.

2.1 A-95 Review - State Clearinghouse

INTRODUCTION

The purpose of the A-95 review process is to coordinate permitting processes by providing a centralized proposal-reviewing agency. This is intended to eliminate duplication, to ensure compatibility with ongoing state programs, and to mediate interagency conflicts.

AUTHORIZING STATUTE(S)

I. FEDERAL:
The A-95 process is required by the provisions of the U.S. Office of Management and Budget Circular A-95, as promulgated through the authority of the Demonstration Cities and Metropolitan Development Act of 1966, Section 204; and Title IV of the Intergovernmental Cooperation Act of 1968.

II. STATE:
State Comprehensive Planning, Section 216.212, Florida Statutes and Part I, Chapter 23, Florida Statutes.

TITLE OF REGULATION

N/A

ADMINISTERING AGENCY

State Planning and Development Clearinghouse
Bureau of Intergovernmental Relations
Division of State Planning, Department of Administration
Room 530, Carlton Building
Tallahassee, Florida 32301
904/488-2371

SUMMARY OF REGULATION

I. APPLICABILITY

OMB Circular A-95 is divided into four parts describing four types of coverage.

Part I. Project Notification and Review System (PNRS)
The PNRS deals with the state and areawide review of proposed applications for assistance from selected federal programs. The Catalog of Domestic Federal Assistance identifies approximately 200 federal programs that are subject to the PNRS. The PNRS requires that state and areawide clearinghouses be provided an opportunity to review and comment on proposed projects before the federal agency considers funding.

Part II. Direct Federal Development
Direct Federal Development directs federal agencies undertaking federal development projects to consult with state and local governments that might be affected by the projects.

Part III. State Plan.
The State Plan provides for clearinghouse review and gubernatorial approval of state plans required under certain federal formula-grant programs. The Catalog of Domestic Federal Assistance identifies approximately 80 such programs.

Part IV. Coordinating of Planning in Multi-jurisdictional Areas.
This promotes coordination of federally assisted planning at the substate level. OMB Circular A-95 encourages governors of each state to establish multi-jurisdictional clearinghouses to coordinate A-95 reviews within their respective planning districts.

II. REGULATORY REQUIREMENTS

Section 216.212, Florida Statutes, requires all state agencies to submit all requests for federal funding to the Department of Administration for approval prior to submission to the federal agency.

III. PERMIT REQUIREMENTS

Time Requirements:
All notifications should be submitted no later than 60 days prior to the date upon which an application for federal assistance is to be submitted to a federal agency.

Application/Information Required:
Notification of Intent to apply for federal aid is to be made by submitting a completed Federal Assistance Multipurpose Factsheet (Standard Form 424). State agencies must also submit the Addendum for State Agencies when state matching funds are involved. Five copies of the completed form with addendum (when appropriate) must be submitted to the state clearinghouse. If the proposed project also has local impacts, three additional copies of Standard Form 424 with any necessary attachments must be submitted to the appropriate regional clearinghouse.

The applicant should provide a distinct and simply stated project title and description on Standard form 424 because this is used for identification purposes in processing the review. The applicant should also append any additional materials needed to clarify the impacts of a proposed project such as maps, budget summary, site plans, etc.

Review and Processing:
The State Clearinghouse will notify the applicant of receipt of its request to review the project proposal and will indicate the State Application Identifier (SAI) number assigned to the project. Any inquiries or correspondence concerning the project should refer to the assigned SAI number.

Copies of the project proposal will be circulated for review and comment to all interested state, areawide, and metropolitan clearinghouses.

In addition, two reviews are made above and beyond the normal review activities of other interested agencies. These reviews are done by the Bureau of the Budget, which checks for budgetary and procedural matters, the Bureau of Comprehensive Planning, which offers comments on the application relative to the State Comprehensive Plan.

If, in the review process, no adverse comments are received, the state clearinghouse will notify the applicant within 30 days that a formal application may be transmitted to the federal agency. Should problems arise or if more information is needed, the state clearinghouse will have the option of requesting five copies of the full application when it is completed. The clearinghouse will then have an additional 30 days after receiving the full application to complete the review and transmit comments to the applicant.

The applicant is responsible for including all letters of approval, comments or conditions that result from the reviewing process in the full application to the federal agency.

Reporting/Monitoring:

N/A

Appeal Process:

There is no formal appeals process. However, if the applicant disagrees with the comments submitted by the clearinghouse, it has several options including:

1. Requesting a conference with the reviewer for the purpose of discussing his comments;
2. Writing a response to the clearinghouse and sending copies to the federal agency along with the clearinghouse comments;
3. Revising the application in response to the comments received, which will prompt a new response by the clearinghouse; or
4. Calling upon the Southeastern Federal Regional Council to assist in mitigating problems identified during the review.

Exemptions:

Certain types of activities are exempt from A-95 review. Applicants should contact the state or appropriate regional clearinghouse for the latest listing of exempt programs.

2.2 Environmental Impact Statement (EIS) Reviews

INTRODUCTION

The purpose of the EIS process is to ensure that federal agencies consider the environmental impacts of their proposed actions prior to making a decision on whether to implement the proposed action. EIS's provide documentation of the impacts of proposed actions and are intended to ensure that the decision maker is aware of probable impacts. The process also provides affected state and local governments and the public the opportunity to comment on federal proposals.

AUTHORIZING STATUTE(S)

I. FEDERAL:
The National Environmental Policy Act of 1969 (P.L. 92-190), U.S. OMB Circular A-95

II. STATE:
The Florida State Comprehensive Planning Act of 1972 (Part I, Chapter 23, Florida Statutes)

TITLE OF REGULATION

N/A

ADMINISTERING AGENCY

Division of State Planning
Bureau of Comprehensive Planning
Room 530, Carlton Building
Tallahassee, Florida 32301
904/488-2401

SUMMARY OF REGULATION

I. APPLICABILITY

EIS's are required for all proposals for legislation and other major federal actions significantly affecting the quality of the human environment. This may include: recommendations or reports relating to legislation, including appropriation requests; new and continuing projects and program activities directly undertaken by federal agencies or supported in whole or in part by federal funding assistance; and making or modifying regulations, procedures and policy. Examples of federal actions which may require EIS's include new highways, dams, drainage projects, urban renewal projects, national forest management plans, oil import programs, channel dredging, mortgage insurance programs and energy development plans.

II. REGULATORY REQUIREMENTS

By law, EIS's must address the following:
1. Environmental impacts of the proposed action;
2. Adverse environmental effects that cannot be avoided should the proposed project be implemented;
3. Alternatives to the proposed action;

4. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long term productivity; and
5. Irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

Other guidelines for the preparation of EIS's may be found in the Federal Register, 44 FR 873, effective July 30, 1979, which contains the latest Council on Environmental Quality (CEQ) regulations.

III. PERMIT REQUIREMENTS

Time Requirements:
N/A

Review & Processing:
When a federal agency prepares an EIS, it submits draft copies to affected federal agencies, the CEQ, regional planning councils, and ten copies to the state clearinghouse. The state has 45 days to reply to the federal agency, although additional review time may be granted at the request of the state and the discretion of the federal agency.

The state clearinghouse transmits copies of the draft EIS to interested state agencies for review and comment on how the proposed action may affect matters of their responsibility. Upon the receipt of state agency comments, the state clearinghouse analyzes the comments, formulates the state's response to the EIS, and forwards the response along with all state agency comments to the federal agency.

The federal agency reviews and considers all comments on the EIS and prepares a final EIS. The final EIS is submitted to the CEQ with copies sent to the state clearinghouse. The federal agency is permitted to make a decision on the proposal 30 days following submission of the final EIS.

Reporting/Monitoring:
N/A

Fees:
N/A

Appeal Process:
N/A

ENVIRONMENTAL QUALITY MANAGEMENT

3.0 ENVIRONMENTAL QUALITY MANAGEMENT

Environmental quality management pertains primarily to air quality, water quality, and the management of soild and hazardous waste. In Florida, environmental quality management is the responsibility of the Department of Environmental Regulation (DER). This agency has adopted specific regulations and has instituted a variety of permit programs to implement environmental policies mandated by state and federal statutes.

3.1 AIR QUALITY

Florida's air quality program is administered by the Department of Environmental Regulation (DER) for the purpose of protecting and enhancing the air quality of the state of Florida. The goal of the program is to achieve levels of air quality that will ensure the well being of human life, plant or animal life, property, and economic and social development. Major responsibilities of the air quality program include planning, permitting, monitoring and enforcement.

The regulations summarized below reflect an update of the Florida air quality regulations which were approved on October 16, 1981 and will become effective on January 1, 1982.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Clean Air Act, 1977, (P.L. 95-95), as amended

II. STATE:
Florida Air and Water Pollution Control Act (Chapter 403, Florida Statutes)

TITLE OF REGULATION

Chapter 17-2, Florida Administrative Code, Air Pollution
Chapter 17-4, Florida Administrative Code, Permits

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

Also, see listing of DER regional offices in Appendix A.

SUMMARY OF REGULATION

I. APPLICABILITY.

The air quality regulations apply to all sources of air pollution in the state except open burning or the use of outdoor heating devices allowed by Chapter 17-5, Florida Administrative Code. An air pollutant is defined as the presence in the outdoor atmosphere of any one or more substances in quantities which are or may be harmful to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

II. REGULATORY REQUIREMENTS.

The air quality program establishes standards for emissions of the following pollutants:

1. Suspended particulate matter;
2. Visible emissions;

3. Sulfur dioxide;
4. Nitrogen oxides;
5. Carbon monoxide;
6. Total reduced sulfur;
7. Reduced sulfur compounds;
8. Hydrogen sulfide;
9. Sulfuric acid mist;
10. Fluorides;
11. Vinyl chloride;
12. Lead;
13. Mercury;
14. Asbestos; and
15. Beryllium.

Ambient air standards have been adopted by DER establishing maximum levels for the following pollutants:

1. Sulfur dioxide;
2. Particulates;
3. Carbon monoxide;
4. Photochemical oxidants;
5. Nitrogen dioxide; and
6. Lead.

Pursuant to the federal requirements of the Clean Air Act, Florida has adopted a program for the prevention of significant deterioration (PSD). Air quality classes and maximum allowable increases in pollutant concentrations are established in Section 17-2.06 of the Florida Administrative Code.

Permits are required for the construction, operation, modification or expansion of any stationary facility that will emit air pollutants.

Stationary facilities are divided into major and minor categories. Major facilities are defined as facilities that have the potential to emit 100 tons a year or more of any air pollutant. Minor facilities are any stationary facilities not deemed to be major facilities.

III. PERMIT REQUIREMENTS

Time Requirements:
None explicitly stated.

Application/Information Required:
A construction permit application is required for both new and existing, major and minor sources. Applicants must provide general information on the proposed project including:

1. The nature and extent of the project;
2. The construction schedule;
3. The type of pollution control equipment employed;
4. Certification of plans by a professional engineer registered in Florida if specific engineering design work is required to complete the project; and
5. Any other information deemed pertinent by DER.

New sources that are part of a major facility will also be required to

supply information concerning best available control technology (BACT) and, where applicable, prevention of significant deterioration (PSD).

A PSD determination is required for new major facilities and modifications to existing major facilities that result in a signficant net emissions increase of any regulated pollutant. There are several exceptions and special provisions. It is best to consult a DER representative concerning these requirements.

A separate operating permit is required for new and existing stationary sources. The same general information required for the construction permit is required for the operation permit, except that information on BACT and PSD is not necessary. An operation permit application for new sources should also be accompanied by a certification of construction completion by the professional engineer and information concerning final construction costs of pollution control facilities. New sources that were not in operation or under construction prior to 18 January 1972 are required to obtain a construction modification permit and an operation permit. These requirements apply to both major and minor sources.

Review and Processing:

Construction permit applications for building a new major facility or for modifying an existing major facility should be filed with DER's Tallahassee Office. Construction and modification permit applications for minor facilities should be filed with the appropriate DER regional office. All applications for operating permits should be filed with the appropriate DER regional office. (See Appendix A for a listing of DER regional offices.)

Within 30 days of receipt of an application, DER will determine the completeness of the application and notify the applicant in writing of any specific additional information needed to complete the application.

Upon receipt of a complete application for a construction permit, DER will review the application and within 30 days issue an intent to issue or to deny the permit. The notice of intent, along with a copy of the application and any proposed permit will be available for public review at the appropriate DER regional office (and the Tallahassee office for major facility construction permits) for 30 days prior to DER taking final agency action on the application. The DER may require the applicant to publish in a local newspaper a notice of DER's receipt of a completed application and the availability of DER's intent to issue or deny a permit.

Hearings may be held by the state in the following situations: (1) the DER receives comments from interested or affected parties stating substantive reasons for holding a hearing; (2) the applicant requests the state to hold a hearing.

All permit applications will be evaluated in terms of the proposed facility's impact upon the quality of the air. Each new stationary source will be reviewed in terms of the state's standards, emissions limitations specified by the Federal Clean Air Act amendments of 1977, and determinations by EPA of standards of performance.

A maximum of 90 days after the receipt of a completed application is allowed for DER to review and render a final decision concerning a permit application. The time required to hold any hearing is not counted against the 90 days allowed for processing the completed application. The final determination will be based on the DER's evaluation of all pertinent factors, including testimony from any hearing held.

An application may be approved, approved with conditions, or disapproved. A permit for operation is valid for up to five years. A construction permit will usually contain an expiration date.

Fees:

An application fee of $20 is required for all construction and operating permits.

Appeals:

The applicant or any affected party may request an administrative hearing on DER's intent to issue or deny by filing a formal request within 14 days of the receipt of the notice of intent. Any hearings will be held before an officer appointed by the Department of Administration. The hearing officer will submit a recommendation order to the Secretary of DER for final agency action. The applicant or any affected party may appeal any final agency action to the appropriate Florida District Court of Appeals.

Reporting/Monitoring:

All owners or operators of an air pollutant source as specified in Section 17.-2.08(1), Florida Administrative Code must install, calibrate, operate and maintain a continuous monitoring system for monitoring the pollutants specified in Section 17-2.08 (1) and (2), Florida Administrative Code. All recorded data must be maintained on file by the owner or operator of the source for a period of two years.

The owners or operators of facilities for which monitoring is required must submit a written report of emissions in excess of the emissions standards set forth in Chapter 17-2, Table IIE, Florida Adminstrative Code. This report should be submitted quarterly to the DER. The report should contain an explanation of the nature and causes of any excess emissions. This report does not relieve the owner or operator of the legal liability for violations.

Enforcement/Penalties.

Section 403.161(1), Florida Statutes, specifies violations which may be subject to civil or criminal liability. These violations include:

1. Causing pollution so as to harm or injure human health welfare or property, or plant, animal or aquatic life;
2. Failing to obtain necessary permits or failure to comply with the permits;
3. Knowingly making false statements in a permit; and
4. Tampering with any monitoring devices required as a condition of any permit.

Section 403.141, Florida Statutes, provides civil liabilities for any of these violations in an amount of not more than $10,000 an offense. Each day a violation occurs constitutes a separate offense. In addition, any person who commits the offenses specified in (1) and (2) above is guilty

of a first degree misdemeanor punishable by a fine of not less than $2,500 or greater than $25,000, one year in jail, or both, for each offense. Any person who commits the offenses specified in (3) or (4) above is guilty of a first degree misdemeanor punishable by a fine of not more than $10,000, or six months in jail, or by both.

3.1.1 Open Burning

INTRODUCTION

Regulation of open burning is carried out by two state agencies, the Department of Environmental Regulation (DER) and the Department of Agriculture and Consumer Services (DACS). The purpose of this program is to reduce air pollution caused by the open burning of materials and to prevent wildfires caused by such burning. The regulations require that open burning be conducted in a manner and within certain periods that will reduce the effects of air pollution caused by open burning. It is also the intent of the program to allow the use of authorized outdoor heating devices and fuels for frost protection of agricultural crops in such a manner as to protect both air quality and agriculture.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
The Florida Environmental Reorganizational Act (Chapter 7522, Laws of Florida); Forest Protection (Chapter 590, Florida Statutes) Section 403.061, Florida Statutes

TITLE OF REGULATION

Chapter 17-5, Florida Administrative Code: Open Burning and Frost Protection Fires
Chapter 5I-2, Florida Administrative Code: Forest Protection

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Rd.
Twin Towers Office Building
Tallahassee, FL 32301
904/488-0130

(See listing of DER district offices in Appendix A)

Department of Agriculture and Consumer Services:

Contact local office of State Division of Forestry (DOF)

SUMMARY OF REGULATION

I. APPLICABILITY

The regulatory program of the DER covers:
1. Fuels and heating devices used to protect agricultural crops, including citrus, against freezing; and
2. Industrial, commerical, municipal, and research open burning.

The DACS regulatory program covers open burning in connection with:
1. Agricultural operations;

2. Silvicultural operations; and
3. Rural and non-rural land clearing.

Any open burning not specifically allowed is prohibited. Certain exempt activities are listed in Chapter 17-5, Florida Administrative Code.

II. REGULATORY REQUIREMENTS

Authorization is needed from DOF for open burning in connection with agricultural and silvicultural operations and all non-rural and rural land clearing operations. Verbal permission is required from the local office of the DOF. Open burning is allowed only after the hour of 9:00 a.m. and must be extinguished one hour before sunset. DOF allows open burning of waste generated by a land clearing operation, provided that the open burning is 200 feet or more from any occupied building and 100 feet or more from any public highway. Permission may be denied during periods of hazardous fire conditions or air pollution. The Division of Forestry may also suspend permission, after giving reasonable notice, whenever atmospheric or meterological conditions change so as to cause poor dispersion of air pollutants, thereby resulting in conditions deleterious to health and welfare or obscuring visibility of vehicular or air traffic.

Open burning at other times is allowed provided that: (1) the open burning is fifty yards or more from any occupied building or public highway and a forced draft system is used; (2) the open burning is a minimum of five hundred yards away from any occupied building or public highway, and the DOF has given permission because of reasonable assurance that atmospheric conditions in the vicinity of the burning will allow good dispersion of the air pollutants; (3) the burning is conducted under the supervison of the Department of Transportation, a forced draft is used, and visibility on roadways is not reduced to less than five hundred feet.

DOF also must be notified for any open burning of yard trash. If the burning site is adjacent to forests, marshes or grasslands, the DOF must be informed of this condition prior to any burning.

III. PERMIT REQUIREMENTS

The DER requires permits for: open burning performed in conjunction with industrial, commercial, or municipal operations or research projects;

Time Requirements:

Permits must be applied for prior to the propsoed burning except when an emergency exists that requires immediate action.

Information Required:

1. Name, address and telephone number of applicant;
2. Type of business or activity involved;
3. A description of the proposed equipment and operating practices to be used in the burning;
4. A description of the type, quantity and composition of contaminants to be released to the atmosphere;
5. The schedule of burning operations, if known;
6. The exact location of requested open burning;

7. If applicable, reason why no other method than open burning is feasible; and
8. Evidence that the proposed open burning has been approved by the appropriate fire control authority.

Review & Processing:

The DER will approve such applications only on specified conditions that protect the air from pollutants to the greatest extent and may limit the approval to a specified time.

Regardless of any approvals or permission granted by DER or DACS, no open burning will be allowed which constitutes a hazard to air traffic, artificially reduces visibility or public roadways to less than 500 feet, or which violates other laws, rules, regulations or ordinances.

Enforcement/Penalties:

The DER may revoke a permit if it finds that the permit holder submitted false information, violated permit conditions, or has refused lawful inspection. Such revocation does not become effective until after notice is served upon the permit holder and a hearing is held, if requested.

The DOF and DER may take enforcement actions for violations of any section of Chapter 17-5, F.A.C.

Any person who causes harmful pollution violates Chapter 17-5, F.A.C., or who fails to obtain the necessary permits is guilty of a first degree misdemeanor, punishable by one year in jail, a fine of not less than $2500 or more than $25,000, or by both for each offense.

Any person who knowingly makes false statements on an application is guilty of a first degree misdemeanor punishable by six months in jail, a fine of not more than $10,000, or by both, for each offense. The DER may also institute a civil action or an administrative proceeding to recover damages.

It is unlawful for any person to set fire to forests, marshes, wetlands or vegetative land clearing debris without first obtaining authorization from the Division of Forestry. Whoever willfully violates this provision is guilty of a felony of the third degree, punishable by a term of imprisonment not exceeding five years and a fine of up to $5,000. Whoever carelessly violates this provision is guilty of a second degree misdemeanor, punishable by up to sixty days in jail and a fine of up to $500. Any such person is also liable for all damages caused by the violation.

Fees:

N/A

Appeal Process:

N/A

Additional Procedures:

Frost Protection. A list of approved fuels and heating devices is contained in Section 17-5.06, F.A.C. persons wishing to add a new device or fuel to the list must petition with DER. Some fuels and

materials are specifically prohibited from use for open-burning in frost protection operations.

DER has established conditions and temperatures under which open burning for frost protection may take place. For extended periods of cold and frost, the Secretary of DER may allow the use of other fuels provided that the burning will not cause an air pollution episode.

3.2 Water Quality Standards and Regulations

INTRODUCTION

Article II, Section 7 of the Florida Constitution requires abatement of water pollution and conservation and protection of Florida's natural resources and scenic beauty. The public policy of the state is to conserve the waters of the state and to protect, maintain, and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses. It also prohibits the discharge of water into Florida waters without treatment necessary to protect those beneficial uses of the waters.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Federal Water Pollution Control Act of 1972 (P.L. 92-500)

II. STATE:
Florida Air and Water Pollution Control Act (Chapter 403, Florida Statutes) Article II, Section 7, Florida Constitution

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

3.2.1 Water Quality Standards

INTRODUCTION

The present and future most beneficial uses of all waters of the state have been designated by the Department of Environmental Regulation (DER) by means of the classification system set forth in Chapter 17-3, Florida Administrative Code. Water quality standards have been established by DER to protect these designated uses.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Federal Water Pollution Control Act (P.L. 92-500)

II. STATE:
Florida Air and Water Pollution Control Act (Chapter 403, Florida Statutes)

TITLE OF REGULATION

Chapter 17-3, Florida Administrative Code; Water Quality Standards

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY

These standards apply to all surface waters and groundwaters of the State of Florida and are uniformly enforced in both the public and private sectors.

II. REGULATORY REQUIREMENTS

Chapter 17-3 of the Florida Administrative Code details water quality standards and classifications for all waters of the state. Specifically outlined are:

1. Minimum criteria for all waters at all times and all places. These criteria specify that all state waters must be free at all times from:
   a. Domestic, industrial, agricultural or other man-induced non-thermal components of discharges which, alone or in combination with other substances:
      1) settle to form putrescent deposits or otherwise create a nuisance;
      2) float as debris, scum, oil or other matter in such amounts as to form nuisances;
      3) produce odor, color, taste, turbidity or other conditions in

such degree as to form a nuisance;
4) are acutely toxic;
5) are present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant, locally occurring wildlife or aquatic species; or
6) pose a serious danger to the public health, safety and welfare.

b. Thermal components of discharges which, alone or in combination with other discharges:
1) produce conditions so as to create a nuisance; or
2) do not comply with applicable provisions of Subsection 17-3.05(1) Florida Administrative Code, "Thermal Surface Water Criteria".

2. General Criteria for Surface Waters. This section specifies general criteria for permissible concentrations or conditions including, but not limited to: arsenic, biochemical oxygen demand (BOD); chlorides, metals, detergents, fluorides, nutrients, oils and greases, pH, phenolic compounds, radioactive substances, specific conductance, turbidity, and dissolved oxygen, for all surface waters of the state regardless of use classification.

3. Classification of Waters by Usage: All waters of the state have been classified according to designated uses as follows:

Class I-A: Potable Water Supplies - Surface Waters
Class I-B: Potable and Agricultural Water Supplies and Storage - Groundwaters
Class II: Shellfish Propagation or Harvesting - Surface Waters
Class III: Recreation, Propagation and Management of Fish and Wildlife - Surface Waters
Class IV: Agricultural Water Supplies - Surface Waters
Class V-A: Navigation, Utility, and Industrial Use - Surface Waters
Class V-B: Freshwater Storage, Utility, and Industrial Use - Groundwaters

Classification of a water body according to a designated use or uses does not preclude utilization of the water for other purposes.

4. Criteria for Each Usage Classification: Criteria applicable to a classification are designed to maintain the minimum conditions necessary to assure the suitability of water for the designated use of the classification. For each classification listed in (3) above criteria are listed for substances and conditions including, but not limited to:

a. Ammonia;
b. Aluminum;
c. Bacteriological Quality;
d. Biological Integrity;
e. Bromine and Bromates;
f. Chlorides;
g. Cyanide;
h. Dissolved gases;
i. Dissolved solids;
j. Fluorides;
k. Heavy metals;

l. Nitrates;
m. Nutrients;
n. PCB's;
o. Phthalate Esters;
p. Pesticides and herbicides;
q. Phosphates and phosphorous;
r. Turbidity;
s. pH;
t. Radioactive substances; and
u. Other unspecified toxic, color, odor or taste producing substances.

5. Thermal Surface Water Criteria: All discharges or proposed discharges of heated water into receiving bodies of water (RBW) which are controlled by the state are subject to these criteria. They are based on the temperature of the discharge; the ambient temperature of the RBW; the nature of the RBW (fresh, open, or coastal as defined in Section 17-3.05(c)); monthly and maximum temperature limits established by DER, and location of the RBW by climatological zone (Peninsular Florida or Northern Florida).

6. Special Protection of Outstanding Florida Waters: DER policy affords the highest protection to Outstanding Florida Waters as designated in section 17-3.041, Florida Administrative Code. Although individual water bodies are specified in the regulation, these include in a general sense:
   a. Waters in National Parks, Wildlife Refuge and Wilderness Areas;
   b. Waters in the State Park System and Wilderness Areas;
   c. Rivers designated under the Florida Scenic and Wild River Program or the National Wild and Scenic River Act;
   d. Waters within National Seashores, National Marine Sanctuaries, and National Monuments;
   e. Waters in Aquatic Preserves;
   f. Waters within the Big Cypress National Freshwater Preserve; and
   g. Other special waters.

7. Site Specific Alternative Criteria: Upon affirmative demonstration that, due to man-induced causes which cannot be controlled or abated with technology or management practices including zero discharge or due to natural causes, certain delineated portions of waters of the state do not meet particular water quality criteria contained in Chapter 17-3, Florida Administrative Code, the Secretary of DER may issue an order specifying an alternative ambient water quality criterion for each parameter and the portion of the waters for which such demonstration has been made.

   The petitioner or the DER must affirmatively demonstrate that those alternative criteria believed to be more appropriate to the particular waters in question are based upon relevant factors which include, but are not limited to:
   a. The extent to which biota have adopted to the background;
   b. Evidence regarding ecological stress; and
   c. Adverse impacts on adjoining waters.

III. PERMIT REQUIREMENTS

Chapter 17-3, Florida Administrative Code does not describe a permitting program. Permitting programs pertaining to water quality are detailed in the following sections.

3.2.2 Permitting Programs

INTRODUCTION

The water quality permitting programs were established for the purpose of protecting and conserving the quality of waters in the state. Florida has not received authority for implementing the National Pollutant Discharge Elimination System (NPDES). Therefore, the discharge of wastes into Florida's waters is regulated under two programs: the federal NPDES program and the state permit program. At this time, companies and municipalities wishing to construct and operate new facilities which will discharge wastes into state waters must obtain both federal and state permits. In the following discussion, attention will first focus on the federal program after which the various state permit requirements will be examined.

3.2.2.1 NPDES Permits

INTRODUCTION

The NPDES program was established for the purpose of protecting and conserving the quality of waters in the United States. The NPDES permitting program ensures that sources of pollutants to surface waters meet both state and national effluent guidelines and water quality standards.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Federal Water Pollution Control Act (P.L.-92-500)

II. STATE:
N/A

TITLE OF REGULATION

Title 40, U. S. Code of Federal Regulations, Parts 122 through 125

ADMINISTERING AGENCY

Director, Office of Program Integration and Operation
Region IV, Environmental Protection Agency
345 Courtland Street N.E.
Atlanta, Georgia 30308
404/881-4727

SUMMARY OF REGULATION

I. APPLICABILITY

The NPDES permit requirement applies to manufacturing, mining, commercial service and wholesale and retail trade activities discharging pollutants to surface waters of the United States. Federal departments and agencies are also subject to these requirements.

II. REGULATORY REQUIREMENTS

The owner or operator of any manufacturing, mining, commercial, service, wholesale or retail activity, or industrial, municipal or domestic wastewater system that discharges wastes from one or more point sources into the waters of the U.S. must obtain an NPDES permit.

III. PERMIT REQUIREMENTS

Time Requirements:
Application should be made at least 180 days prior to beginning of the proposed discharge.

Application/Information Required:
The applicant should consult with an EPA representative concerning the type of application form required for a particular project. There are two types of NPDES forms that are to be used: short forms A, B, C, and D and standard forms A and C.

Short form A is used for municipal waste treatment plants, short form B for agricultural operations, short form C for industrial discharges, and short form D for commercial operations.

Standard forms are designed for different sources of discharge: form A, for municipal wastewater systems, form C, for manufacturing, including mining and vessel discharges. The standard forms require more detailed information than the short forms, especially concerning: facility description, description of basic discharge, waste abatement procedures, construction schedules, and maps and drawings of the proposed facilities.

Other information required of the applicant varies depending on the type of application used. However, the following information is generally requested of all applicants:

1. Name, address and location of the facility producing the discharge;
2. Number of employees;
3. Nature of the business;
4. Time and duration of discharge;
5. Type of waste discharged;
6. Volume of discharge;
7. Information concerning the receiving waters;
8. Number of separate discharge points; and
9. If the facility discharges municipal wastewater, the nature of the waste received and the type of collection system.

Review and Processing:

Upon receipt of the application, the EPA will review the information provided by the applicant and notify applicant of receipt and of any additional information that may be required. The EPA will then forward a copy of the application and federal effluent limitations for that particular source to the DER office in Tallahassee. At this time, the DER will begin review for certification to determine if the proposed source will meet state water quality standards.

The EPA and the DER will issue a joint public notice in the area of the proposed project to notify residents of the project and to solicit comments. A public hearing may be held if requested by concerned parties or by the applicant.

In evaluating an application for an NPDES permit, the EPA will consider: all comments submitted by involved parties; information submitted on the application; and federal water quality standards and effluent limitations established in Section 400, Title 40 of the U. S. Code of Federal Regulations.

The DER will evaluate the application primarily in terms of Florida's water quality standards as set forth in Chapter 17-3 of the Florida Administrative Code.

The EPA cannot issue a permit before state certification is issued by DER or the right to certify is waived by the state. Certification is generally granted or denied within 90 days of receipt of the application by EPA, or 45 days after issuance of the public notice. However, the state has up to one year in which to grant, deny or waive certification. If the state denies certification, EPA cannot issue an NPDES permit.

If the DER certifies a project, the EPA will issue an NPDES permit to the applicant. The permit will include effluent limitations, state certification requirements and other conditions that must be met by the applicant in construction and operation of a facility that will discharge wastes.

Fees:

An application fee of $10 must accompany the short form; a fee of $100 must accompany the Standard form.

Appeal Process:

If the applicant is denied certification by the state, a hearing may be sought pursuant to Chapter 120, Florida Statutes. The applicant may also appeal federal permit conditions or denial through established federal procedures.

3.2.2.2 State Permit Requirements

INTRODUCTION

Chapter 17-4, Florida Administrative Code, outlines the requirements and procedures for the issuance, denial, renewal, modification, suspension, and revocation of water quality permits required by the Florida Department of Environmental Regulation (DER).

AUTHORIZING STATUTE(S)

I. FEDERAL:
Federal Water Pollution Control Act (P.L. 92-500)

II. STATE:
Florida Air and Water Pollution Control Act (Chapter 403, Florida Statutes)

TITLE OF REGULATION

Chapter 17-6, Florida Administrative Code; Wastewater Facilities
Chapter 17-4, Florida Administrative Code; Permits

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY

Any stationary installation which is reasonably expected to be a source of pollution cannot be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by DER, unless the source is exempted by department rule.

II. REGULATORY REQUIREMENTS

The permitting program applies to any source of domestic wastewater generating flows equivalent to 2,000 gallons a day average flow and to any other discharges that DER determines to be an expected source of pollution. Permits are required for: the construction and operation of domestic wastewater treatment and disposal systems; the installation of sewage collection and transmission systems; stormwater control systems; deep well injection of wastes; the discharge of wastes from animal and poultry confinement and feeding facilities; and any other potential source of pollution that will degrade the quality of water below the specified standards for the particular class of the receiving body of water.

III. PERMIT REQUIREMENTS

Application/Information Required:
Chapter 17-6, Florida Administrative Code, lists general requirements

for all DER permit applications as well as specific requirements for particular permits.

1. General Requirements: Any person desiring to obtain a permit from DER must submit completed application forms prescribed by the Department. All applications and supporting documents must be filed in quadruplicate with the Department. Except for permit applications from state agencies, all permit applications must be accompanied by a $20 non-refundable fee. And, with the exception of certain situations specifically exempted in Chapter 17-6, all applications for a DER permit must be certified by a professional engineer registered in the state of Florida.

2. Specific Permit Requirements:

a. Construction Permits: In addition to the general requirements, an application for a DER construction permit must also contain:
   1) a notice of intent by the owner(s) or owners' authorized agent;
   2) an engineering report covering:
      a) plant description and operations;
      b) types and quantities of all waste material generated;
      c) proposed waste control facilities;
      d) the treatment objectives and design criteria on which the control facilities are based; and
      e) any other information deemed relevant by the department; and
   3) owner's written guarantee to meet the design criteria as accepted by DER and to abide by Chapter 403, Florida Statutes, and the rules and regulations of the Department as to the quantities and types of materials to be discharged from the plant.

   The owner may be required to post an appropriate bond to guarantee compliance with such conditions in instances where the owners' financial resources are inadequate or proposed control facilities are experimental in nature.

b. Operation Permits for New Sources: To secure any operation permit for new sources, the applicant must submit:
   1) certification of construction completion by applicant or applicant's engineer;
   2) any deviations from permit specifications; and
   3) final construction costs of pollution control facilities.

c. Operation Permits for Water Pollution Sources: Any person intending to discharge wastes into the waters of the state must apply to the DER for a water pollution prevention operation permit. Information required includes:
   1) the daily concentration and total daily weight of each contaminant contained in the discharge;
   2) the daily temperature of the discharge; and
   3) any additional information deemed necessary by DER to evaluate the effect of such discharges upon the receiving waters.

Review and Processing:

Upon receipt of an application, the DER will assess the application and supplemental information for completeness. This preliminary assessment

will be done within three to four weeks of submission of the application. At this time, the applicant will be notified if the application is complete or if any additional information is necessary.

If the application is completed properly, then the DER will begin the evaluation process. Several factors are taken into consideration before issuance or denial of a permit, including:

1. Water quality standards established by the state must be met for each project. Chapter 17-3, Florida Administrative Code, establishes standards for each class of surface and ground water in the state. These criteria are utilized in evaluating a permit application.

2. Effluent limitations for specifically designated industries have been established by USEPA. These regulations are enforced in Florida by DER and must be complied with for permit approval.

3. Chapter 17-6, Florida Administrative Code, specifies requirements for the application of best practicable control technology (BPT) and best available technology economically achievable (BAT). Chapter 17-6 also outlines requirements for facilities needing secondary and/or advanced waste treatment. These requirements must be met before a permit is issued.

Based on an evaluation of all information provided by the applicant, the DER will issue or deny a permit. If issued, an operation permit is valid for a maximum of five years. The permit will contain:

1. Specifications for the manner, nature, volume and frequency of discharge permitted;
2. Requirements for proper operation and maintenance of pollution abatement facilities; and
3. Specifications for any additional conditions or requirements that DER finds necessary to protect the quality of the receiving waters.

Time Requirements:

The DER has a period of 60 days after receipt of a completed application to issue or deny a permit.

Appeal Process:

An applicant who has been denied a permit may request a hearing pursuant to Chapter 120, Florida Statutes. The applicant must request the hearing within ten days of notification of permit denial or it will be assumed that the right to a hearing has been waived by the applicant.

Reporting/Monitoring:

The Department may require monitoring and sampling only for those pollutants that may reasonably be expected to be generated by and contained in the permitted discharge in amounts which may reasonably be expected to violate water quality standards.

Field testing, sample collection and preservation, and laboratory testing must be in accord with methods approved by DER. Quality control and record keeping procedures are also specified by the Department. A DER representative should be consulted concerning these requirements.

Enforcement/Penalties:

The DER may suspend or revoke a permit if the permit holder or his agent:

1. Submitted false or inaccurate information in the application;
2. Has violated the law, DER orders, regulations, or permit conditions;
3. Has failed to submit operational reports or other information required by DER rules or regulations; or
4. Has refused lawful inspection.

Furthermore, it is prohibited to:

1. Cause pollution that will harm human health or welfare, animal, plant or aquatic life or property;
2. Fail to obtain a permit where required;
3. Make false statements in an application or supporting documents; or
4. Tamper with a monitoring device.

If a violation as specified in (1) or (2) occurs, the violator is guilty of a misdemeanor of the first degree, punishable by a fine of not less than $2,500 or more than $25,000, one year in jail, or both, for each offense.

A violation as specified in (3) or (4) above is also a first degree misdemeanor, punishable by a fine of up to $10,000, six months in jail, or both, for each offense.

If damage is caused to air, water or property of the state, the violator is subject to a penalty for each offense. Each day of a violation constitutes a separate offense. The offender is subject to a civil penalty up to $10,000 for each offense.

Additional Procedures:

An applicant who does not qualify for an operation permit or who has been denied such a permit may apply to DER for a temporary operating permit. This type of permit is generally granted to an existing source that does not have the technology to meet state requirements or for a source that has dropped out of compliance with state standards.

The applicant must obtain and fill out an application. Based on this application, DER must determine that:

1. The applicant has a waste for which no feasible method of treatment or disposal is known;
2. The applicant is making a bona fide effort through research and other means to discover and implement such a method;
3. The applicant needs permission to pollute the waters of the state for a period of time necessary to complete research, planning, construction, installation, or operation of an approved abatement facility or alternate waste disposal system;
4. There is no present reasonable, alternative means of disposing of the applicant's waste other than by discharging into the waters of the state;
5. The denail of a temporary operation permit would work an extreme hardship upon the applicant; and
6. Granting of the temporary permit will be in the public interest.

Other technical information concerning the nature of the discharges and of the receiving body of water is also necessary.

If the permit is issued, it will specify the nature, volume, and frequency of discharge permitted, the temporary pollution abatement facilities needed, and the monitoring needed to evaluate the effect of the discharge upon receiving waters.

3.2.3 Wastewater Facilities

INTRODUCTION

Chapter 17-6 of the Florida Administrative Code establishes treatment requirements for industrial and domestic wastewater pursuant to the Federal Water Pollution Control Act of 1972 (FWPCA). The U. S. Environmental Protection Agency (EPA) has promulgated effluent guidelines and standards for industrial point sources and new sources of water pollution. These guidelines have been published as final regulations in Title 40 of the U. S. Code of Federal Regulations. The Florida Department of Environmental Regulation (DER) has reviewed and evaluated the EPA effluent guidelines, and except where expressly supplemented and modified, has incorporated these standards as the state regulations. In addition, DER has recently established treatment requirements and effluent limitations for domestic wastewater treatment. These requirements became effective as of January 1, 1981.

AUTHORIZING STATUTE(S)

I. FEDERAL:
The Federal Water Pollution Control Act of 1972, (P.L. 92-500)

II. STATE:
The Florida Air and Water Pollution Control Act, (Chapter 403, Florida Statutes)

TITLE OF REGULATION

Chapter 17-6, Florida Administrative Code; Wastewater Facilities

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY

Separate wastewater treatment regulations have been established for industrial and domestic discharges. The industrial waste treatment regulations apply to all plants and installations which discharge industrial wastewater into the waters of the state. The recently promulgated domestic wastewater treatment regulations are applicable only to new domestic wastewater facilities for which construction approval is granted after January 1, 1982. Requirements for bringing existing facilities into compliance are also specified. Generally, the applicability of the new requirements to existing facilities will be reviewed on a case-by-case basis when such facilities are to be modified.

II. REGULATORY REQUIREMENTS

1. Industrial Waste Treatment Requirements. For industrial sources, two types of effluent limitations are described: those that are based on available technology and those that are based on water quality standards.

   a. Technology Based Effluent Limitations: Section 301 of the FWPCA requires all existing point source discharge of pollutants to meet uniform technology-based limitations as a minimum. Two levels of effluent limitations are established. The first level is defined as "best practical control technology currently available" (BPT). Dischargers are required to apply BPT as defined by specific effluent limitations issued by EPA no later than July 1, 1977. The second level is defined as "best available technology economically achievable" (BAT). Dischargers are required to apply BAT as defined by specific effluent limitations issued by EPA no later than July 1, 1983.

   The specific effluent limitations referred to above are contained in Title 40, U. S. Code of Federal Regulations and are incorporated by reference into the Florida regulations. Potential dischargers are advised to obtain a copy of the federal regulations, which are available from EPA by written request.

   Section 306 of the FWPCA authorizes EPA to promulgate performance standards for new sources of water pollution. As of November 1, 1981 these standards have not been formulated. When these standards are formulated, they will be applied to new source operations.

   Section 307 of the FWPCA authorizes EPA to establish effluent limitations for toxic pollutants and pretreatment standards for introduction of pollutants into publicly owned sewage treatment facilities. These requirements have not yet been formulated, but they will be applicable to the Florida regulations when they are adopted.

   All sources of industrial waste reasonably expected to be sources of water pollution which are not contained in any classes or categories listed above must apply a minimum of secondary waste treatment, as defined in Section 17-6.06(1)(a), Florida Administrative Code, to their effluents.

   The effluent guidelines, standards, and limitations referred to above represent minimum levels of treatment based upon available technology and not upon the quality of the receiving waters. More stringent effluent limitations may be required by DER to meet any applicable water quality standards.

   b. Water Quality Based Effluent Limitations: The DER has adopted water quality standards contained in Chapter 17-3, Florida Administrative Code, which have subsequently been approved by EPA. These standards contain criteria applicable to each classification of receiving waters. Sections 301 and 302 of the FWPCA provide that all dischargers of industrial wastes may be required to meet, in addition to technology based effluent limitations, more stringent limitations

required to implement applicable state water quality standards.

Pursuant to Sections 403.087 and 403.088, Florida Statutes, no wastes shall be discharged into waters of the state that will violate applicable state water quality standards or reduce the quality of the receiving waters below the criteria established for its respective classification contained in Chapter 17-3, Florida Administrative Code.

Effluent limitations based on water quality standards are determined by application of accepted scientific methods based upon, but not limited to, consideration of: the condition of the receiving body of water, including present and future flow conditions and present and future sources of pollutants; and the nature, volume, and frequency of the proposed discharge of waste including any possible synergistic effects with other pollutants which may be present in the receiving body of water.

2. Domestic Wastewater Facilities. Rules and regulations for domestic wastewater facilities have been recently promulgated by DER and will become effective on January 1, 1982. These regulations establish a general prohibition against discharging of water without first applying the degree of treatment necessary to protect the beneficial uses of the waters of the state. These regulations also detail requirements for design/performance criteria, operation/maintenance procedures, and compliance monitoring. These requirements are too detailed to be reproduced fully here. However, a summary of the major regulated areas is presented. Persons desiring more detailed information should refer directly to Chapter 17-6, Florida Administrative Code, or consult with a DER representative.

   a. Design/Performance Considerations
      1) general technical guidance. Section 17-6.04(4) lists nineteen standard manuals and technical publications used as reference works by DER in evaluating permit applications;
      2) collection/transmission systems;
      3) effluent limitations;
      4) treatment plants;
      5) effluent disposal; and
      6) sludge management.

   b Operation/Maintenance Procedures
      1) collection/transmission systems;
      2) effluent treatment and disposal systems;
      3) sludge management; and
      4) abnormal events.

   c. Compliance monitoring
      1) permits required;
      2) project documentation;
      3) compliance procedures for existing facilities;
      4) variations from requirements; and
      5) enforcement procedures.

III. PERMIT REQUIREMENTS

Refer to section 3.2.2.2.

3.3 Public Water Supply

INTRODUCTION

The public water supply program was established to assure a constant availability of safe drinking water for all state residents and visitors. To assure that public water systems supply drinking water that meets certain minimum requirements, regulations are promulgated which implement the requirements of the Florida Safe Drinking Water Act. These regulations adopt the national primary and secondary drinking water regulations of the federal government where possible, and otherwise create additional regulations fulfilling state and federal requirements.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Safe Drinking Water Act (P.L. 93-523)

II. STATE:
Florida Safe Drinking Water Act (Sections 403.850-403.864, Florida Statutes)

TITLE OF REGULATION

Chapter 17-22, Florida Administrative Code; Public Drinking Water Systems
Chapter 17-21, Florida Administrative Code, Water Wells

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all public water systems in the state except those systems that meet all of the following criteria:

1. The system consists of distribution and storage facilities only and does not have any collection or treatment facilities;
2. The system obtains all of its water from, but is not owned and operated by, a public water system to which the regulations do apply;
3. Water from the system is not sold to any person; and
4. The system is not a carrier which conveys passengers in interstate commerce.

Systems that meet all of the criteria above are subject to regulations of the Department of Health and Rehabilitative Service (DHRS) which are covered in Section 3.3.1.

II. REGULATORY REQUIREMENTS

The regulations cover four main areas:

1. Quality Standards;
2. Analytical Methods and Sampling;
3. Construction, Operation, and Maintenance; and
4. Permitting.

1. Quality Standards: Maximum contaminant levels (MCL) are specified for a variety of substances and conditions. Contaminants are classified into primary and secondary groupings: Primary contaminants include:
   a. inorganic chemicals (e.g., arsenic, lead, mercury, nitrates);
   b. organic chemicals (e.g., pesticides, herbicides);
   c. turbidity;
   d. microbiological-coliform bacteria;
   e. radionuclides; and
   f. trihalomethanes.

   Secondary contaminants include:
   a. chlorides;
   b. copper;
   c. foaming agents;
   d. iron;
   e. manganese;
   f. sulfates and zinc; and
   f. conditions such as color, corrosivity, odor, pH, and total dissolved solids.

If an MCL is exceeded, appropriate action acceptable to DER, including water treatment plant additions and modifications, must be taken to provide water in which the MCL is not exceeded.

2. Analytical Methods and Sampling: Section (17-22.105) details prescribed techniques for measuring all of the contaminants mentioned in the quality standards section. It also provides technical references for techniques that are not explicitly described.

   This section also outlines methods and schedules to be used in taking water samples for analysis. These requirements are very detailed. Therefore, it is advisable to contact a DER representative or designated county health department with any questions concerning these regulations.

3. Construction, Operation and Maintenance: Section (17-22.106) provides guidelines for the construction, operation and maintenance of public drinking water supply systems. Specifically included are guidelines for:
   a. well drilling and construction (including approved construction materials);
   b. well cleaning;
   c. initial well water sampling;
   d. well abandonment procedures;
   e. water treatment specifications including chlorination and fluoridation;
   f. pumping and metering capability;
   g. quality assurance testing;
   h. cleaning and disinfection of equipment;
   i. operation and maintenance of equipment;
   j. operations personnel requirements; and
   k. cross-connection and back flow controls.

4. Permitting: A public water supply permit is needed for the construction, installation, extension, or modification of a public drinking water supply system. The requirement for a permit applies to construction or alteration of any component of a water supply system, including collection, treatment, storage, and distribution facilities. A separate permit is required for the construction of a water supply well.

III. PERMIT REQUIREMENTS

1. Public Water Supply Well Construction Permit

Time Requirement:

Prior to constructing a public water supply well, the licensed well drilling contractor must apply to the appropriate water management district (WMD) or DER district office for a permit. (The DER has delegated well permit to certain Florida WMD's. See Section 17-22.108, Florida Administrative Code, and Chapter 7.2.1 of this Guide for details).

Application/Information Required:

Information required for the permit application includes :

a. Well design features including:
   1) type of construction;
   2) casing material;
   3) proposed depth and diameter,
   4) proposed type of casing seat;
   5) required yield; and
   6) nature of the place to be supplied by the well water.
b. A plat showing the location of the proposed well relative to existing physical features. The location of potential sources of contamination must also be shown.

Review and Processing:

Upon receipt of the application, the DER or WMD will, within 30 days, evaluate the application for completeness. Additional information may be requested as necessary.

The DER or WMD will evaluate each application for a water supply well permit for compliance with Section 17-22.106 (2), Florida Administrative Code. The DER or WMD will act upon an application within 90 days of receipt of a completed application.

The DER or WMD will either issue or deny a permit. If approved, one complete set of plans will be returned to the applicant. A permit is valid for six months unless specified otherwise.

Reporting/Monitoring:

N/A

Fees:

A permit fee is generally required. The amount varies according to the responsible permitting authority. Contact the appropriate WMD or DER regional office for details.

Appeals Process:

If the state intends to deny or does deny a permit, the applicant can request an administrative hearing pursuant to Section 120.57, Florida Statutes. An applicant aggrieved by any action of the DER may seek appropriate judicial review. The Environmental Regulation Commission functions as the adjudicatory appeal body for final actions taken by DER. Notice of appeal must be filed with the Secretary of DER within 30 days of notification of the final agency action.

2. Drinking Water System Plant Permit

Time Requirements:

Prior to constructing or altering a public drinking water supply system a person or person's authorized agent must apply to the appropriate DER regional office or designated county health department with a sanitary engineering staff for a Water Plant System Construction and Alteration Permit.

Application/Information Required:

Information required on the application includes:

a. Certification that the plans for the project have been approved by the governing body of the applicant (e.g., city commissioners, county board, etc.);
b. Comprehensive engineering report describing the project, basis of design, including design data and other pertinent data within the scope of the project and state requirements (Ch. 17-22, Florida Administrative Code) to give an accurate understanding of the work to be undertaken;
c. Prints or drawings of the project in sufficient detail to allow the DER to appraise the work to be undertaken (prints should be a minimum of 18" x 25", maximum of 36" x 42", with a scale suitable for microfilm); and
d. Complete specifications of the project necessary to supplement the prints submitted.

All applications and plans must be submitted in quadruplicate.

Review and Processing:

The same as for the Public Water Supply Well Construction Permit except: The DER will evaluate each application for public water supply permits for the following:

a. compliance with all water quality standards contained in Section 17-22.104, Florida Administrative Code; and
b. adequate engineering design that conforms to acceptable engineering practices as established in Section 17-22.106, Florida Administrative Code.

Reporting/Monitoring:

As provided for in Sections 17-22.105 and 17-22.111, Florida Administrative Code. These requirements are too detailed to be summarized here.

Fees:

An application fee of $20 is required.

Appeals:
The same as for the Public Water Supply Well Construction Permit.

Additional Procedures

1. Consecutive Water Systems: When one public water system receives water from another public water system, the recipient system is termed a consecutive public water system. Anyone who creates a consecutive public water system by adding a water conditioning device to another public water system is not required to obtain permits, but must submit a sketch of the consecutive public water system and a complete technical description of the water conditioning device to the DER. Consecutive public water systems should provide microbiological and chlorine monitoring. Additional monitoring of primary and secondary contaminants may be required as determined by DER. This decision will be made in accordance with Section 17-22.105 (5). Written notice of this decision will be provided to the person who had the water conditioning device installed.

2. Variances: A variance pertains to non-compliance with a primary MCL due to the inability to meet the MCL even when a treatment method generally available at reasonable cost to a larger system has been applied to the raw water source. The non-compliance is due to the quality of the raw water.

   Any written request for a variance should contain the following information:
   a. The nature and duration of the variance requested;
   b. Relevant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the requirements of the state primary drinking water regulations;
   c. For any request for variance from an MCL:
      1) explanation in full and evidence of the best available treatment technology and techniques;
      2) economic and legal factors relevant to ability to comply;
      3) analytical results of raw water quality relevant to the variance request;
      4) a proposed compliance schedule, including the date each step toward compliance will be achieved;
      5) a plan for the provision of safe drinking water in the case of an excessive rise in the contaminant level for which the variance is requested; and
      6) a plan for interim control measures during the effective period of variance;
   d. For any request for variance from a treatment technique, a statement that the system will perform monitoring and other reasonable requirements prescribed by the DER as a condition to the variance;
   e. Other information if any, believed to be pertinent by the applicant; and
   f. Such other information as the DER may require.

3. Exemptions: An exemption pertains to non-compliance with a primary MCL due to inability for reasons other than failure of a generally available treatment method to meet contaminant limits. The DER may grant an exemption with the understanding that the applicant will achieve full compliance as soon as possible.

Any written request for an exemption should include:

a. The nature and duration of the exemption requested;
b. Relevant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the requirements of the state primary drinking water regulations;
c. Explanation of the compelling factors, such as time or economic factors, which prevent the system from achieving compliance;
d. Other information, if any, believed by the the applicant to be pertinent to the application;
e. A proposed compliance schedule, including the date when each step toward compliance will be achieved; and
f. Such other information as the DER may require.

4. Waivers: Under certain conditions, waivers may be granted for release from the chlorination requirements and the certified operator requirement. These waivers are only applicable to non-community water systems. Information required for waivers requests is in Section 17-22.100, Florida Administrative Code.

5. Records and Reporting: Sections 17-22.110 and 17-22.111 outline the surveillance, reporting and record keeping requirements for public water systems.

6. Public Notification: The owner or operator of a public water supply system must, as soon as practicable, notify local health departments, the DER and the communications media in the service area of the system whenever:

   a. It is not in compliance with the state primary drinking water regulations;
   b. It fails to perform monitoring required by DER;
   c. It is subject to a variance granted for an inability to meet an MCL;
   d. It is subject to an exemption; or
   e. It fails to comply with the requirements of a variance or exemption.

   The notification must describe the extent, nature, and possible health effects of such a condition. Notice must also be given by the owner or operator of the system by publication in a newspaper of general circulation within the service area of the system at least once every three months as long as the MCL violation, variance, or exemption continues. Notice must also be given with the water bills of the system as long as the monitoring or MCL violation, variance or exemption continues.

Enforcement and Penalties:

The following acts constitute violations:

1. Failure by a supplier of water to comply with the requirements of public notification, or dissemination by the supplier of false or misleading information with respect to required public notices;
2. Failure by a supplier of water to comply with established water standards or with conditions for variances or exemptions;
3. Failure by any person to comply with any order issued by the DER pursuant to the Florida Safe Water Drinking Act.
4. Failure by a supplier of water to allow any duly authorized inspections;

5. Submission by any person of any false statement or representation in any application, record, report, plan or other document filed; and
6. Failure by a supplier of water to comply with any approval or condition to the approval of plans and specifications issued by the DER.

A fine not to exceed $5,000 for each day in which a violation occurs may be imposed by a court of competent jurisdiction on any person who commits the violations specified above.

3.3.1 Private Water Systems and Public Water Systems

INTRODUCTION

The Department of Health and Rehabilitative Services (DHRS) administers regulatory programs dealing with private water systems and all public water supply systems not regulated by the Department of Environmental Regulation (DER).

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Section 381.261, Florida Statutes; Section 403.862, Florida Statutes

TITLE OF REGULATION

Chapter 17-22, Florida Administrative Code, Water Supplies

ADMINISTERING AGENCY

Department of Health and Rehabilitative Services
1317 Winewood Blvd., Building 1
Tallahassee, Florida 32301
904/576-1211

SUMMARY OF REGULATION

I. APPLICABILITY

The DHRS supervises and controls public water systems that meet all of the following criteria:

1. System consists of distribution and storage facilities only and does not have any collection or treatment facilities;
2. System obtains all its water from, but is not owned and operated by a public water system to which the regulations (Chapter 17-22, Florida Administrative Code) apply;
3. System does not sell water to anyone; and
4. System is not a carrier that conveys passengers in interstate commerce.

All private water systems and public water systems excluded in Chapter 17-22, Florida Administrative Code, are also regulated by the DHRS.

II. REGULATORY REQUIREMENTS

The DHRS does not issue permits to water supply systems within their jurisdiction. Instead, they regulate by setting water quality standards to be met by any such water supply system.

The individual should contact the local or county health department in their area for information regarding standards and regulations for water supply systems.

Exemptions and variances are available. Consult the local health department for further information.

III. PERMIT REQUIREMENTS:
N/A

3.3.2 Water Well Use and Drilling

INTRODUCTION

The Department of Environmental Regulation (DER) is responsible for administering all the regulatory programs for water well use and drilling in the state. The regional water management districts (WMD's) also have the authority to regulate the drilling and use of water wells. This section will define the regulatory process of the DER, while the regulatory program of the WMD's is examined in Chapter 7.2.1.

These regulations have been adopted to establish minimum water well construction standards designed to control, preserve, and protect the groundwater resources of the state.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Chapter 373, Florida Statutes, Water Resources

TITLE OF REGULATION

Chapter 17-21, Florida Administrative Code, Rules and Regulations Governing Water Wells in Florida
Chapter 17-22, Florida Administrative Code, Public Drinking Water Systems

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all well construction, repair, and abandonment activities carried on in regions of the state that are not covered by the regulatory program for a regional WMD.

A water well is defined as any excavation that is drilled, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, evaluation, acquisition, development, or artificial recharge of groundwater, or the intentional introduction of water into any underground formation.

This definition does not include and these regulations do not apply to:
1. Public drinking water supply wells;
2. Sand-point wells or any other well constructed for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying;

3. Wells for inserting media to dispose of oil brines, or to repressure oil or natural gas bearing formations; and
4. Wells for storing petroleum or natural gas. However, permits for these types of wells may be necessary from other agencies (see Chapter 4.1).

Also, these regulations do not apply to dewatering operations and wells used on a temporary basis during construction activities

II. REGULATORY REQUIREMENTS

Chapter 17-21, Florida Administrative Code, establishes minimum water well construction standards. Included are:
1. Casing and liner pipe requirements;
2. Well construction methods;
3. Well cover requirements; and
4. Methods for plugging abandoned wells.

This chapter also outlines permitting requirements for water wells. A permit is required for the construction, repair, or abandonment of a water well. A permit is also required for the construction and use of wells intended for use in artificial recharge of groundwater or for the introduction of water (sewer, surface water, other wastewater) into an underground formation.

III. PERMIT REQUIREMENTS

Time Requirements:
Prior to beginning any construction or repair of any water well.

Application/Information Required:
The applicant must supply the information deemed necessary by the DER. Such information may include but is not limited to:
1. Location of the well;
2. Use of the well;
3. Geophyiscal logs;
4. Geologic samples and logs;
5. A list of proposed construction methods;
6. A description of proposed injection or pumping tests;
7. A description of the proposed water quality monitoring system; and
8. A description of the proposed total monitoring system.

Applications for drilling and use of drainage or injection wells should also be accompanied by the following information:

1. A completed report of inspection by the county or regional engineer;
2. Location and depth of well and depth of casing of all water supply wells within a one-mile radius of the proposed well;
3. The nature of the waters to be discharged into the proposed drainage well and an analysis of the water;
4. If transmittal ditches or depressions are used to facilitate the flow of surface waters to the well; a complete drawing of the drained area; and
5. Except for wells to receive condenser cooling waters or where the receiving aquifer contains 1,500 parts per million or more of chlorides, a bacteriological examination of water from all water supply wells within a one mile radius that are drilled to the approximate

depth of the proposed drainage well.

All applications must be signed by the well drilling contractor and the owner of the well. Four copies of each form and accompanying information will be necessary.

Review and Processing:

Upon receipt of an application and accompanying information, the DER will assess the application for completeness. Additional information may be requested at this time.

The DER will evaluate the application in terms of the standards and regulations established by the state. A permit may not be issued if the proposed well is expected to be a source of water pollution.

The DER will, by means of written notice, issue or deny a permit application. An approved permit will generally include a set of conditions to be met and will often include special conditions prescribing how the proposed work should be carried out. Each permit is valid for six months and may be extended upon written request.

The DER must render a final decision upon an application within 90 days of receipt of the completed permit request form.

Reporting/Monitoring:

Suring the construction, repair, or abandonment of any well, the DER may make periodic inspections as deemed necessary to insure conformity with applicable standards. Upon inspection, the DER representative may issue written notice concerning which rules, regulations, or standards are not being complied with and may order that necessary corrective action be taken within a reasonable time period. Any such order shall become final unless the persons cited request by written petition an administrative hearing pursuant to Chapter 120, Florida Statutes, within 14 days of issuance of the order. Failure to act in accordance with any such order constitutes grounds for revocation of the well permit.

Enforcement/Penalties:

Any person violating state regulations pertaining to water wells is guilty of a misdemeanor of the second degree. Continuing the violation after notice is served constitutes a separate violation for each day the violation continues. Violations are punishable by a jail term of up to 60 days, a fine not exceeding $500, or both for each violation.

Additional Procedures:

1. Emergency Permits: Permission to begin construction or repair of a well may be granted by telephone when serious and unforseen circumstances or emergency conditions exist which justify such a request. However, this does not apply to recharge wells or to any other well introducing water into an underground formation.

2. Well Completion Reports: A written report must be filed within 30 days after the completion of construction or repair of any well. Forms are available in the regional offices of the DER.

3. Local Approval: If more stringent rules and regulations concerning construction standards for water wells are promulgated by local

permitting authorities, those standards will apply. It is the applicant's responsibility to determine whether any local authorizations are required for the proposed activity.

3.4 Solid Waste Management

INTRODUCTION

Regulations concerning solid waste implement the provisions of the Florida Resource Recovery and Management Act. This act directs the Department of Environmental Regulation to plan for and regulate the storage, collection, transportation, separation, processing, recycling, and disposal of solid wastes to protect the public safety, health, and welfare, to enhance the environment, to recover resources which have the potential for futher use, and to assure that the final irreducible residue is disposed in a manner which is environmentally acceptable.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Resource Conservation and Recovery Act (P.L. 94-580, as amended)

II. STATE:
Florida Resource Recovery and Management Act (Section 403.061 and Sections 403.701 through 403.713, Florida Statutes)

TITLE OF REGULATION:

Chapter 17-7, Florida Administrative Code; Resource Recovery and Management.

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY

Part I and Part III of these regulations apply to all facilities, privately and publicly owned, that store, collect, transport, separate, process, recycle, or dispose of solid wastes. Part II of these regulations applies to certain designated counties within the state.

II. REGULATORY REQUIREMENTS

Part I of Chapter 17-7, Florida Administrative Code establishes permit requirements and physical and operational criteria for solid waste facilities. Specifically included are:

1. Bonding Requirements: All persons engaged in the operation of sanitary landfills other than counties, municipalities, other governmental agencies or persons operating local agency facilities under contract, must post a performance bond or other approved security with the local agency within the jurisdiction that the site is located. The amount is to be determined by the local agency, but it will be consistent with the estimated costs of properly closing the site in accordance with Section 17-7.07, Florida Administrative Code.

2. Permits: Permits are required for the construction, expansion, modification, operation or maintenance of any site which receives solid wastes. This includes landfills, volume reduction plants (e.g., incinerators, compactors, shredding and baling plants), and transfer stations. However, this does not apply to:
   a) normal farming operations;
   b) solid waste disposal areas limited to the disposal of construction or demolition debris; or
   c) disposal by persons of solid wastes resulting from their own activities on their own property. Specific details will be explained in the section dealing with permit requirements.
3. Prohibitions: This section outlines solid waste disposal practices that are expressly forbidden. For details, refer to Section 17-7.04, Florida Administrative Code.

4. Sanitary Landfill Criteria: This section pertains to physical specifications and operating practices of sanitary landfills. Included in this section are regulations for:
   a. Classification of Sanitary Landfills: Sanitary landfills are classified into three different classes based on the amount and type of wastes received. Subsequently, there are requirements for specifications and operations depending upon the class of landfill. These classes are:
      1) Class I landfills are those which receive a monthly average of 20 tons a day or more of solid waste (if weighed by scales) or 50 cubic yards a day or more (if measured in place after covering);
      2) Class II landfills are those which receive a monthly average of less than 20 tons per day or less than 50 cubic yards per day of solid waste; and
      3) Class III landfills are those which receive only trash or yard trash. Yard trash is defined as vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees, and tree stumps.

      Trash means combination of yard trash and construction or demolition debris along with other debris such as paper, cardboard, cloth, glass, white goods (e.g., refrigerators, stoves, etc.) street sweepings, and other such matter.

   b. Location Requirements: Certain requirements must be met before a site can receive solid wastes. These include:
      1) a soil survey using the USDA Soil Conservation Service taxonomy. The soil survey is not required for Class III sites;
      2) a hydrogeological survey of the site. For Class I sites the hydrogeological survey must include the determination of the depth of the water table, direction of groundwater flow, and soil characterisitics. For all other sites the best available information from water management districts, U. S. Geological Survey (USGS), Florida Bureau of Geology, or other acceptable sources are required;
      3) Site Requirements: the land disposal site must:
         a) be easily accessible by collection vehicles, automobiles, and, where applicable, transfer vehicles;
         b) safegaurd against water pollution, originating from the disposal of solid waste;

c) have an adequate quantity of earth cover available. The cover material must be easily workable and compactable; and
d) conform with the proper zoning.

c. Operational Plans: This includes maps, aerial photographs, site plans, operational plans and contingency plans. For specific details concerning these requirements, see the subsequent section on Permit Requirements.

d. Operations: This section specifies requirements that must be met during the operation of a sanitary landfill including:
1) monitoring wells. Requirements for the number of monitoring wells at Class I and Class II sites as well as sampling procedures for water quality monitoring are specified.
2) operational design features including:
a) an effective barrier for preventing unauthorized access and dumping into the landfill site;
b) an all-weather access road to the site;
c) signs indicating the name of the operating authority, hours of operation and charges for disposal (if any);
d) scales for weighing solid waste received at the landfill;
e) dust control methods such as approved chemicals, oils, or a water spray;
f) litter control devices; and
g) fire protection and firefighting facilities.

e) Personnel and Facilities: During hours of operation, an attendant is required at Class I sites. The DER may require an attendant at Class II or Class III sites if the Department affirmatively demonstrates that such a requirement is necessary to prevent unlawful fires, unauthorized dumping or littering of nearby property. Also, communication facilities are required for use in emergencies at Class I sites.

f) Equipment: To insure adequate operation, the following equipment is required:
1) equipment sufficient for excavating, spreading, compacting, and covering operations and other transportation or earthmoving needs;
2) sufficient reserve equipment, or arrangements to provide alternate equipment within 24 hours following equipment breakdown;
3) safety devices on equipment to shield and protect the operators from potential hazards during operation; and
4) other equipment including toilet facilities, first aid equipment, and employee shelters are recommended but not required.

g) Surface Runoff and Leachates: Provisions for the collection, control, and treatment of surface runoff and leachates must be made. These wastes must be treated as necessary to comply with Chapters 17-3 and 17-4, Florida Administrative Code, before they may be discharged into any receiving waters at the boundary of the site.

h) Gas Control: All sanitary landfills where gas generated by decomposition of wastes is not readily dispensed to the atmosphere must be provided with a gas control system.

i) Pesticides: Pesticides used to control rodents, flies and other insects are specified by the Florida Department of Agriculture and Consumer Services according to Chapter 5E-2, Florida Administrative Code.

j) Compaction, Grading, and Cover: Details concerning thickness of waste layers, initial and final earth cover layers, frequency of soil cover applications, grading of waste piles, and planting of cover vegetation are specified.

k) Special Waste Handling: Provisions for the handling of certain wastes are specified. These wastes include:
   1) waste sludges, including septic tank contents;
   2) abandoned vehicles;
   3) large volumes of debris generated by a natural disaster; and
   4) milled solid wastes.

l) Closing Procedures: Provisions for closing landfill and dump sites are specified. All land disposal sites must be closed in accordance with the following criteria:
   1) an effective barrier to prevent unauthorized access to the site must be provided;
   2) information signs at the site and on roads leading to the site regarding alternate disposal sites and penalties for unauthorized dumping must be supplied;
   3) final cover and re-vegetation requirements must be met;
   4) maintenance and monitoring of the site must be provided until the site has stabilized; and
   5) a responsible person must be assigned to supervise the closing procedures on a full time basis during closing operations.

m) Supervision and Inspection: Provisions for supervision and inspection are outlined. These provisions specify that:
   1) supervision of the operation shall be the responsibility of a qualified person experienced in the operation of a resource recovery and management facility;
   2) routine inspections and evaluations of facility operations will be made by the DER; and
   3) inpsection of a completed sanitary landfill must be made by the DER before the earthmoving equipment is removed from the site.

n) Volume Reduction Plants and Transfer Stations: Specifications for operations, equipment, and nuisance control are outlined. These requirements are generally similar to those required of landfill operations. Refer to Sections 17-7.09 through 7.091 for details.

Part II of Chapter 17-7, Florida Administrative Code, establishes guidelines for the State Resource Recovery and Management Program. Pursuant to Sections 403.705 and 403.706, Florida Statutes, counties and municipalities in areas designated in Section 17-7.24 (1) must adopt a local resource recovery and management program. Sections 17-7.21, 17-7.24, 17-7.25 and 17-7.26, Florida Administrative Code, outline state and local agency responsibilities and detail criteria for the establishment of such programs. Persons who desire to construct or operate solid waste handling facilities should be aware that, in certain localities, local rules which are more stringent than the state rules may be in effect. Contact appropriate

regional DER office for details.

Part II of Chapter 17-7, Florida Administrative Code also establishes guidelines for the handling of hazardous wastes. These guidelines will be covered in detail in a subsequent section.

Part III of Chapter 17-7, Florida Administrative Code, deals with the examination and certification of resource recovery equipment for the purpose of implementing certain tax exemptions provided for by Section 212.08 (7)(p), Florida Statutes. This system reflects the legislative mandate to encourage recycling pursuant to Section 403.702(1)(e), Florida Statutes. Part III of Chapter 17-7 establishes procedures for the preliminary and final examinations of resource recovery equipment and the criteria used to evaluate such equipment.

III. PERMIT REQUIREMENTS

Time Requirements:

A permit must be obtained prior to the construction or operation of any resource recovery and management facility.

Application/Information Required:

Appropriate application forms must be obtained from a DER regional office. Each application must be filled out completely. In addition, the applicant must supply the following information:

1. A map or aerial photograph of the area showing land use and zoning within 1/4 mile of the solid waste disposal site;
2. Plot plan of the site showing dimensions, location of soil borings, proposed trenching plan and original elevation, cover stock piles and fencing. The scale of the plot plan should not be greater than 200 feet to the inch. The plot plan is not required for Class III sites;
3. One or more topographic maps at a scale of not over 200 feet to the inch with five-foot contour intervals. These maps must show: the proposed fill area, any borrow area, access roads, grades required for proper drainage, special drainage devices if necessary, fencing, equipment facilities, and any other pertinent information; and
4. A report must accompany the plans which indicates:
   a. area to be served by the proposed site and the population of the area;
   b. anticipated type and source of waste, and annual quantity of waste expressed in tons or cubic yards of compacted materials;
   c. anticipated life of the site;
   d. geological formations and groundwater elevations to a depth of at least ten feet below proposed excavations and lowest elevation of the site (this information is not required for Class III sites);
   e. soil map, interpretive guide sheets, and a report indicating the suitability of the site for such an operation;
   f. source and characteristics of cover material;
   g. contingency plan, indicating alternate waste handling and disposal methods, in case of an emergency such as equipment failure or natural disaster;
   h. names of persons responsible for actual operation and maintenance of the site and intended operating procedures;
   i. a plan for gas control if gas generation from the site is expected;
   j. operational plans to direct and control use of the site;

k. plan for controlling the type of waste received at the site; (plan must specify inspection procedures, number and location of spotters, and procedures to be followed if prohibited types of waste are discovered); and
l. an engineering plan prepared by a professional engineer registered in Florida. This requirement may be waived if a state county or local public officer estimates the initial construction costs of the proposed facility is less than $10,000.

All applications and supplementary information must be submitted in quadruplicate.

Review and Processing:

Upon receipt of an application, the DER will determine within 15 days if the information provided is sufficient to process the application. At this time, the applicant will be notified of the need for any additional information.

After the completed application has been received by the DER, the applicant must give public notice of this application in a local newspaper for a two week period. The DER must wait 30 days from the initial public notice before acting upon the permit application.

Hearings on the application may be held by the state in the following situations: the DER receives requests from interested parties stating substantive reasons for holding a hearing, or the state is requested by the applicant or an affected third party to hold a hearing pursuant to Section 120.57, Florida Statutes and Chapter 28, Florida Administrative Code. Following the public notice and hearing, the DER will advise the applicant of its intention to deny or approve the permit.

All permit applications will be evaluated in terms of their potential impact upon the air and waters of the state. Information regarding soils, geology, and hydrology will be utilized in the evaluations.

The final decision regarding permit approval or denial will be based on DER's evaluation of all pertinent factors including testimony from any public hearing. An approved permit is generally accompanied by a standard set of conditions to be met and will often include special conditions prescribing how the proposed work should be carried out. Once the facility has been constructed, it must be inspected by DER officials to ensure that standards have been met before an operation permit can be issued.

A construction permit is generally valid for a reasonable period of time in which to construct a facility. An operation permit can be valid for up to five years.

A maximum of 90 days after receipt of the completed application is allowed for the DER to review a permit application and render a final decision.

Reporting/Monitoring:

Provisions for monitoring wells and water sampling are outlined in Section 17-7.05 (4). Routine inspections of facility operations and final inspections of completed landfill sites are carried out under

Section 17-7.08, Florida Administrative Code.

Fees:

An application fee of $20 is required for both construction and operation permits.

Appeals Processes:

If the state denies a permit, the applicant may request a hearing pursuant to Section 120.57, Florida Statutes. An applicant aggrieved by any action of the DER may seek appropriate judicial review. The Environmental Regulatory Commission functions as the adjudicatory appeal body for final actions taken by the DER. Notice of appeal by the applicant must be filed with the Secretary of the DER within 15 days of the DER's final action.

Penalties:

Civil and criminal liabilities are provided for the following violations:

1. causing pollution so as to harm or injure human health, welfare or property, or animal, plant, or aquatic life;
2. failing to obtain necessary permits or failing to comply with any permit granted; or
3. knowingly making false statements in a permit or tampering with any required monitoring devices.

For any of the violations specified above, a civil penalty in an amount of not more than $10,000 may be assessed for each violation. Each day a violation occurs constitutes a separate offense.

In addition, any person who commits the offenses specified in (1) or (2) above is guilty of a first degree misdemeanor punishable by a fine of not less than $2,500 or more than $25,000, one year in jail, or both for each offense. Any person who commits an offense as specified in (3) above is guilty of a first degree misdemeanor punishable by a fine of not more than $10,000 or six months in jail, or by both, for each offense.

3.5 Hazardous Waste Management

INTRODUCTION

The regulation of hazardous wastes in Florida is currently in a state of transition as the state prepares to seek federal authorization for its own hazardous waste program. The following information was extracted from a memo published by the Solid Waste Section of the Florida Department of Environmental Regulation (DER).

The 1980 Florida Legislature passed a comprehensive state hazardous waste management act. The act, Chapter 80-302, Laws of Florida, conforms to the requirements established by the United States Environmental Protection Agency (EPA) and the Resource Conservation and Recovery Act of 1976 (RCRA, Public Law 94-580). The effective date of the legislation was October 1, 1980.

Florida's hazardous waste management legislation amends Part IV of Chapter 403, Florida Statutes, and commits the Department of Environmental Regulation to a comprehensive hazardous waste management program. The law adopts the federal definition of hazardous waste and provides for its regulation from generation through final disposition. The law establishes a manifest system to track hazardous waste, requires all who deal with hazardous waste to notify the Department, and requires permits for all treaters, storers, and disposers of hazardous waste. The law also creates a trust fund to provide for the clean-up of hazardous waste spills and dumps, establishes an advisory council of thirteen people to advise the Department on the development of a hazardous waste management program, provides a procedure for the siting of hazardous waste disposal facilities, and increases fines and penalities levied against violators of the law.

It is the intent of the DER to design and operate a hazardous waste management program at the state level which will be as stringent as and equivalent to the federal program. For Florida to be eligible for authorization to administer the federal hazardous waste program, the EPA requires states to regulate the same universe of hazardous wastes as is regulated under the federal program.

DER has begun adopting rules for the development of a state hazardous waste management program. Chapter 17-30 Florida Administrative Code (FAC), Parts I and II, were adopted by the Secretary of DER on April 9, 1981 under the authority of Chapter 80-66 Laws of Florida (403.8051 FS). This law grants the Secretary the power to adopt state rules substantively identical to regulations adopted in the Federal Register. These rules became effective May 28, 1981.

AUTHORIZING STATUTE

I. FEDERAL:
Resource Conservation and Recovery Act (P.L. 94-580, as amended)

II. STATE:
Florida Comprehensive Hazardous Waste Management Act (Chapter 80-302, Laws of Florida)
Florida Resource Recovery and Management Act (Section 403.701-403.73, Florida Statutes)

TITLE OF REGULATION

Chapter 17-30, Florida Administrative Code; Hazardous Waste Rule
Chapter 17-7, Florida Administrative Code; Resource Recovery and Mangagement

ADMINISTERING AGENCY

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all facilities, privately and publicly owned, that store, collect, transport, separate, process, recycle or dispose of hazardous wastes.

II. REGULATORY REQUIREMENTS

Rules are being developed to implement the regulatory program managing hazardous waste from generation through final disposition. It is the current opinion within the DER to adopt the federal regulations as state rules. Accordingly, state law directs the DER to adopt no rule more stringent than federal regulations unless the Environmental Regulation Commission (ERC) finds a compelling need to adopt a stricter standard with Governor and Cabinet concurrence. It is anticipated that the adopted rules will be revised to conform to any future EPA regulatory amendments.

Florida has not been authorized by the EPA to administer a hazardous waste management program in lieu of the federal program. The federal regulations are in effect and being implemented in the State. At this time, Florida has not applied for Interim Authorization in accordance with 40 CFR Part 123 F, but rather has entered into a cooperative arrangement with the EPA for Federal Fiscal Year 1981. Florida will again enter into a cooperative arrangement for FFY 1982.

This arrangement is intended to serve as an effective integration of administrative, inspection, and enforcement efforts under the federal hazardous waste management program and the laws of the State of Florida. The cooperative arrangement was developed to assure efficient allocation of public funds, to minimize duplication of effort, to avoid confusion in the regulated community, and to expedite the federal hazardous waste management system under RCRA.

In accordance with the conditions of the cooperative arrangement, EPA retains full and ultimate responsibility for the administration and enforcement of the federal hazardous waste management program in Florida. The State's participation is intended to maximize the efficient implementation of RCRA and to speed the State's receipt of interim and/or final authorization. It is tentatively proposed that Florida will apply for Interim Authorization during 1982.

3.6 Noise Regulations

INTRODUCTION

Noise control is recognized as a valid state function in the Florida Constitution. In response to the recognized noise problem, the state has enacted the Motor Vehicle Noise Prevention and Control Act which establishes specific regulations concerning motor vehicle noise levels. However, most noise control regulations in Florida have been enacted at the local level. The Department of Environmental Regulation (DER) has established a noise control program designed to offer technical assistance to local governments. A model noise ordinance has been prepared by DER in conformance with EPA noise regulations and to date, over 130 municipal and county noise ordinances have been adopted.

Interested persons should contact the appropriate local or county government for detailed information concerning noise control regulations.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Federal Noise Control Act of 1972 (P.L. 92-574, as amended by P.L. 94-301 and P.L. 95-609)

II. STATE:
Florida Motor Vehicle Noise Prevention and Control Act of 1974 (Section 403.415, Florida Statutes); Article II, Section 7, Florida Constitution.

TITLE OF REGULATION

Various municipal and county noise control ordinances have been adopted throughout the state.

ADMINISTERING AGENCY

Director, Noise Control Program
Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

RESOURCE EXTRACTION

4.0 RESOURCE EXTRACTION

Resource extraction refers to the development of oil and gas resources as well as the mining of various hard minerals. In Florida, the regulation of mineral resource extraction and development is the responsibility of the Department of Natural Resources (DNR).

A state statute and several chapters of regulations have been enacted to regulate oil and gas production. Permits are required for exploratory drilling, plugging/abandoning wells, and transporting oil or gas through pipelines.

Currently, there are no regulations relating directly to hard mineral mining other than local ordinances and state severence taxes. However, a major mining project may require a Development of Regional Impact (DRI) procedure.

Laws, regulatory and permit programs related to resource extraction are discussed in greater detail in the following chapters.

4.1 Energy Resources Development

INTRODUCTION

The administering agency for energy resources development is the Department of Natural Resources (DNR). Energy resources refers to activities involving oil and gas production, and regulations address drilling, wells, pipelines, and spills. Coal extraction, which is also energy related, does not occur in Florida and, therefore, regulations have not been adopted to comply with the 1977 Surface Mining Control and Reclamation Act. It should be noted that Chapters 16C-1 through 16C-S have been modified and should be adopted during 1981. Several permits emanate from these regulations but will be discussed together since they deal with the related aspects of oil and gas production. Time requirements and application/information requirements will be discussed separately for each permit required.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Regulation of Oil and Gas Reserves, Chapter 377, Florida Statutes.

TITLE OF REGULATION

Chapter 16C-1, Florida Administrative Code, Oil and Gas
Chapter 16C-2, Florida Administrative Code, Drilling-Production
Chapter 16C-3, Florida Administrative Code, Oil
Chapter 16C-4, Florida Administrative Code, Gas
Chapter 16C-5, Florida Administrative Code, Production

ADMINISTERING AGENCY

Department of Natural Resources
3900 Commonwealth Boulevard
Tallahassee, Florida 32303
904/488-3177

SUMMARY OF REGULATION

I. APPLICABILITY

Chapters 16C-1 through 16C-5 list the procedures which must be followed to obtain a permit for drilling for oil or gas. A permit must be obtained before drilling can begin. Leases must be obtained to extract anything from state lands. Specifically designated lands such as aquatic preserves or state wilderness require slant drilling. The intent of the regulations are to protect specially designated areas, roads and utilities, and wildlife and fish.

Permits are required for the following activities associated with oil and gas production:

1. Exploratory drilling;
2. Cementing and casing of wells;
3. plugging and abandoning wells;

4. Transport authorization (pipeline compliance); and
5. Pipeline approval (transmission line).

Other areas where the DNR has jurisdiction but permits are not required include: establishment of allowable volume of oil; approval of waste disposal methods at well site; monthly reports from producers, transporters, handlers or refiners of oil and gas; and drilling in specially designated areas such as Big Cypress Swamp.

II. REGULATORY REQUIREMENTS

These are best described by summarizing the content of each Chapter of the Florida Administrative Code identified above.

Chapter 16C-1 - Establishment of authority, definitions.

Chapter 16C-2 - Defines numerous standards and guidelines pertaining to drilling and production. These address: location of roads and utilities, slush and reserve pits, spacing of wells, well logs, safety requirements, casing, control of wells (e.g., to prevent blowouts), tubing, fire walls, reports, and exploration in submerged lands other than inland waters.

Chapter 16C-3 - Establishes requirements for oil measurement, and plant-project hearings, and sets gas-oil ratio.

Chapter 16C-4 - Addresses deliverability, measurement, and utilization of gas.

Chapter 16C-5 - Establishes guidelines for production of wells and associated impacts and activities.

III. PERMIT REQUIREMENTS

NOTE: Time requirements and application/information requirements differ for all permits. However, procedures for review and processing, reporting/monitoring, and enforcement are the same for all permits.

1. Exploratory Drilling/Casing of Wells

Time Requirements:
Before any drilling for oil or gas commences. Once a permit is obtained, the applicant has 180 days to commence drilling or the permit becomes invalid.

Application/Information Required:
A Division of Resource Management Form No. 2 must be filed with $50 and a map locating the anticipated drilling area. Three major criteria need to be addressed: the nature and location of the lands involved, ownership of the land, and likelihood of oil and/or gas being present. There are several restrictions, particularly relating to submerged lands which may be explored. A surety bond is required before drilling can commence ($10,000 for one well less than 6000 feet, $25,000 for multiple wells.) Also, the proposed casing program must be indicated. A permit is required before a casing is pulled from an abandoned well. See the next section on Plugging/Replugging and Abandoning Wells. Special

certification is required before drilling in Big Cypress Swamp.

2. Plugging/Replugging and Abandoning Wells

Time Requirements:
Necessary before a well can be replugged or abandoned.

Application/Information Required:
Completion of Form No. 5 is necessary to either replug or abandon a well. If a casing is pulled from an abandoned well, a schedule for replugging must be filed, accompanied with a $15 fee. The same form and processing must be submitted to obtain a permit for abandoning a well. After approval for abandonment has been obtained, the well must be plugged promptly and a Form No. 13 must be submitted to the Bureau of Geology within 30 days, describing the plugging method used.

3. Transport Authorization (Pipeline Compliance)

Time Requirements:
Mandatory before a pipeline is connected to an oil or gas well.

Application/Information Required:
This permit is necessary to certify the state conservation laws are being met, is called the certification of compliance. Form No. 11 is the appropriate form. Once connected, permission must be obtained to disconnect a pipeline.

4. Pipeline Approval

Time Requirements:
Necessary before laying and construction of pipeline begins.

Application/Information Required:
No special form is mandated but the application must contain specified information and be filed in duplicate. Information required includes: map showing survey; a schematic drawing showing pipeline safety equipment; information concerning the pipeline (such as length, size, corrosivity, size and location of pumps); and a completion report when pipeline is installed (indicating location of line and results of hydrostatic pressure tests. Chapter 16C-5 should be reviewed for specific criteria to be addressed by the application for pipeline approval.

Review and Processing:
DNR reviews applications with reference to the guidelines and restrictions included in Chapters 16C-1 through 16C-5. These pertain to the protection of existing structures, wildlife and fish, and the environment in general.

Reporting and Monitoring:
After receiving a permit and drilling has begun, a record of drilling operations must be maintained (using Form No. 9) until completion of drilling. This record must be provided to the Bureau of Geology within 30 days after completion. A record of electrical logging must be submitted to the Bureau of Geology within 90 days after completion of drilling. Likewise, cores and samples collected during drilling

operations must be correlated with depth, recorded and submitted within 90 days.

Enforcement/Penalties:

The Department of Natural Resources, Department of Legal Affairs, or affected citizens may bring suit (if departments do not act within ten days) against violators of the regulations of this program. Any person making false or incomplete reports is guilty of a misdemeanor and subject to a fine. Violators of the regulations of this program are liable for fines up to $500 for every day the violation occurs. Drillers or operators are also responsible for any pollution to waters of the state.

Additional Procedures:

Any interested party may invoke a hearing by submitting a written request to the DNR. Public notice of at least 14 days is required before the hearing. Thereafter, action on results of the hearing must be taken within 30 days.

Aggrieved parties may file suit in a court of law.

4.2 Metalliferous Mining

INTRODUCTION

Metalliferous mining in Florida addresses a broad variety of products, including limerock (limestone and dolomite), clays, heavy minerals, and phosphates. Uranium is extracted as a by-product of phosphate mining. Currently, there are no regulations relating directly to mining activities other than local ordinances and state severence taxes. However, legislation controlling mining operations has been proposed and is being developed. Further, a major mining project would require a Development of Regional Impact (DRI) procedure before mining activities could begin. Although this area primarily falls under the jurisdiction of the Department of Natural Resources (DNR), the Department of Environmental Regulation (DER) does enforce a rule relating to construction of dikes to contain slime ponds for phosphate mining and clay settling ponds. DNR's role relates primarily to reclamation rather than other mining operations.

If state lands are being considered, leases must be obtained before other agencies may grant a permit and extraction activities can begin. Areas such as aquatic preserves, state wilderness, and national estuarine and marine sanctuaries are not eligible for extraction activities.

TITLE OF REGULATION

Chapters 16C-16, 16B-33, 16Q-18, 16Q-20, Florida Administrative Code

ADMINISTERING AGENCY

Department of Natural Resources
3900 Commonwealth Boulevard
Tallahassee, Florida 32303
904/488-3177

SUMMARY OF REGULATION

I. APPLICABILITY

The Severence Tax requires reclamation for mining products sold out of state. If sales tax is paid on a product, i.e., the product stays in the state, reclamation is not required.

The Severence Tax law has been revised and adopted and new rules should be available soon.

4.3 Construction Materials

INTRODUCTION

Regulations governing extraction of construction materials do not exist for materials other than those discussed in Chapter 4.2. However, any such activity would need to comply with water and air quality regulations and go through the Development of Regional Impact (DRI) procedure.

LAND USE REGULATION

5.0 LAND USE REGULATION

At the state level, there are several statutes which address the planning and management of land use. Specifically, Florida has enacted legislation and regulations which affect:

1. Electrical power plant and transmission line siting (5.1, 5.1.1, 5.1.2, 5.1.3)
2. Developments of regional impact (5.2)
3. Coastal protection and preservation (5.4, 5.4.1, 5.4.2, 5.4.3)

These laws and regulations will be explained in greater detail in the following chapters.

In addition, state enabling legislation has granted authority for land use regulation to local governments and substrate management districts. These laws and regulations are detailed in Section 7.0.

5.1 Major Facility Siting

INTRODUCTION

The state of Florida regulates the siting of electrical power plants and associated transmission line corridors and has instituted a site planning review process for electric utilities. The Florida Electrical Power Plant Siting Act requires a certificate from the Department of Environmental Regulation before the construction or expansion of most electrical power plants. The Florida Transmission Line Siting Act, also administered by the Department of Environmental Regulation, regulates the location of transmission line corridors through a similar certification procedure. In addition, most major electric utilities are required to submit annually a Ten-Year Site Plan to the Department of Veteran and Community Affairs to aid the state in their land planning and certification duties and to insure long-range coordinated planning of major electric facilities.

These certification programs and electric facility siting requirements are discussed in greater detail in the following sections.

5.1.1 Power Plant Siting

INTRODUCTION

The Florida Electrical Power Plant Siting Act establishes a certification program to insure that the siting of power plants is in accordance with sound environmental principles and in the best interest of the general public. The Department of Environmental Regulation (DER) is responsible for administering the provisions of the act and coordinating the one-stop certification process.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Florida Electrical Power Plant Siting Act (Sections 403.501 through 403.517, Florida Statutes)

TITLE OF REGULATION

Chapter 17-17, Part I, Florida Administrative Code; Electrical Power Plant Siting

ADMINISTERING AGENCY

Administrator, Power Plant Siting
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY:

Rules for Electrical Power Plant Siting apply to the construction of any new electrical power plant or expansion in generating capacity of any existing electrical power plant. An electrical power plant is defined to mean any steam or solar electrical generating facility using any process or fuel, including nuclear materials, and includes associated facilities and those directly associated transmission lines required to connect the power plant to an existing transmission network. Hydroelectric generation and power plants less than 50 megawatts in size are exempted from the regulations, although utilities with plants less than 50 megawatts in size may utilize the Act if they so wish.

II. REGULATORY REQUIREMENTS

Certification is required from the DER before the construction or expansion of any electrical power plants to which the laws and rules of Florida apply. In addition, a Determination of Need for the power plant must be obtained from the Public Service Commission. Detailed impact reports, prepared in response to the application for certification, must be obtained from the Department of Veteran and Community Affairs, the Public Service

Commission, the appropriate water management districts, the Game and Freshwater Fish Commission, and any other concerned agency. The DER must also conduct or contract with outside agencies or consultants for studies to aid in the evaluation of the site. Such studies will consider criteria such as: cooling system requirements, construction and operational safeguards, proximity to transportation systems, soil and foundation conditions, impacts on suitable present and projected water supplies for this and other competing uses, impact on surrounding land uses, accessibility to transmission corridors, and environmental impacts.

The rules also provide detailed procedures and requirements for the needed public notice and hearings, including the land use hearing, zoning appeal hearing (if necessary), completeness and sufficiency hearings (if needed), certification hearing, and the hearing on supplemental applications.

III. PERMIT REQUIREMENTS

Application:

Applications for certification shall follow the format and shall be supported by information and technical studies as prescribed by DER Form 17-1.122(72), as amended. The applicant may substitute the U.S. Nuclear Regulatory Commission's format for an application for a nuclear power plant. A separate application shall be made for each expansion in steam or solar electrical generating capacity or new electrical power plant site. Thirtyfive copies of the certification application or supplemental application must be submitted to DER. To expedite the processing of the application which may be filed subsequently, the applicant for a proposed power plant may file a Notice of Intent to file an application with DER.

Information Required:

The applicant's document should discuss the conditions of the proposed plant site prior to construction, the expected changes in these conditions resulting from construction, and the expected effects of normal and maximum plant operating practices. These discussions should be supported by information from reliable sources and by technical studies.

The applicant should obtain a copy of DER Form No. 17-1.122 (72), "Application for Certification of Proposed Electrical Power Generating Plant Site," which explains the preparation of an application.

Review and Processing:

The application for power plant certification makes use of a coordinated, one-stop permitting process. Applications are submitted to DER and subsequently forwarded to other concerned agencies. DER coordinates the application review and hearing process with the Division of Administrative Hearings, the Public Service Commission, other interested agencies, and the applicant.

After the required hearings and studies have been completed, DER prepares a written analysis incorporating the information obtained and stating the recommendation concerning the disposition of the application and any proposed conditions of certification. Following the preparation of the DER analysis, a certification hearing is held and a final recommendation is forwarded to the Governor and Cabinet. The Governor and

Cabinet may approve the application in whole, approve with modification, or deny the issuance of certification.

Detailed review and processing procedures can be obtained from the text of the rules and the Electrical Power Plant Siting Act or from the Power Plant Siting Section of the DER.

Fee:

A fee of $2,500 must be submitted with a Notice of Intent. This fee shall be a credit toward the standard application fee. A processing fee must be submitted with the application, scaled according to the generating capacity and type of power plant. The range is from $10,000 to $50,000 for initial applications and from $5,000 to $25,000 for supplementary applications (an application for certification for the construction and operation of an additional power plant at a site that has been previously certified for an ultimate site capacity.) Any sum remaining after payment of authorized costs will be refunded to the applicant.

Time Requirement:

The certification hearing must be held no later than ten months after receipt of the complete application. The final recommendation following the certification hearing must be issued no later than 12 months after filing of the complete application. Review by the Governor and Cabinet must be within 60 days following issuance of the final recommendation. Total processing time is approximately 14 months.

Appeal Process:

Appeal may be made in accordance with the Florida Administrative Procedures Act (Chapter 12, Florida Statutes).

5.1.2 Transmission Line Siting

INTRODUCTION

The Florida Transmission Line Siting Act was established to insure, through a centrally coordinated review and permit procedure, that the location of transmission line corridors, construction of transmission lines, and maintenance of the right-of-way will produce minimal adverse effects on human health and the environment. The act and corresponding regulations are administered by the Department of Environmental Regulation (DER).

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Florida Transmission Line Siting Act (Sections 403.520 - 403.535, Florida Statutes)

TITLE OF REGULATION

Chapter 17-17, Part II, Florida Administrative Code; Transmission Line Siting

ADMINISTERING AGENCY

Administrator, Power Plant Siting
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32301
904/488-0130

SUMMARY OF REGULATION

I. APPLICABILITY:

The provision of the act and the corresponding regulations apply to the construction of new transmission lines of 230 V size or larger which cross a county line. These regulations apply throughout the state of Florida.

II. REGULATORY REQUIREMENTS:

Certification is required from the DER before the construction of certain high-voltage transmission lines. Prior to certification a Determination of Need must be obtained from the Public Service Commission. Detailed impact reports, prepared in response to the application for certification, must be obtained from the Department of Veteran and Community Affairs, the Public Service Commission, the Game and Freshwater Fish Commission, the Department of Natural Resources and the appropriate water management district. DER must also conduct or contract for studies to aid in the site evaluation, considering such criteria as impact on surrounding land uses and neighboring populations, impact on water quality and surface drainage patterns, electromagnetic effects, and impacts on previously undisturbed areas.

III. PERMIT REQUIREMENTS

Application:

Applications for transmission line certification shall follow the format and shall be supported by information and technical studies, as prescribed by DER form 17-1.122 (118) FAC. Forty copies of the application must be submitted to DER.

Information Required:

The applicant's document should discuss the conditions of the corridor prior to construction, the expected changes in these conditions resulting from construction, and the expected effects of right-of-way maintenance. These discussions should be supported by information from reliable sources and by technical studies. In addition, other information and studies may be requested by the DER or other statutory review agencies. In general, however, the content of the application will be agreed to in writing prior to application submittal, as based upon the DER's transmission line siting application form. The applicant should obtain a copy of DER Form No. 17-1.122 (118), "Application for Certification of Proposed Electrical Transmission Line Corridor," which explains the preparation of an application.

Review and Processing:

Basically, the processing for certification of transmission lines follows the same procedure as certification of power plants. Applications submitted to DER are circulated to other interested agencies and the required reports and studies are prepared by DER other state agencies, and outside consultants. Based on the assembled information, DER will prepare a written analysis stating the recommendation concerning the disposition of the application and any proposed conditions of certification. Following preparation of the DER analysis, a certification hearing is held and a final recommendation is forwarded to the Governor and Cabinet. The Governor and Cabinet may approve the application in whole, approve with modification, or deny the issuance of a certificate.

Detailed review and processing procedures can be obtained from the text of the rules and the Transmission Line Siting Act or from the Power Plant Siting Section of the Department of Environmental Regulation.

Fee:

A fee must be submitted with the application. The processing fee which is scaled according to the length of the corridor, ranges from $6,000 to $15,000. Any sum remaining after payment of authorized costs will be refunded to the applicant.

Time Requirement:

The certification hearing must be held no later than four months after the filing of an application. The final recommendation following the certification hearing must be issued no later than five months after receipt of the complete application. Review by the Governor and Cabinet must be within 30 days following issuance of the final recommendation. Total processing time is approximately 6 months.

Appeal Process:

Appeal may be made in accordance with the Florida Administrative Procedures Act (Chapter 12, Florida Statutes).

5.1.3 Ten-Year Site Plans

INTRODUCTION

The Ten-Year Site Plan is a companion program to the Power Plant Site Certification. It is not, however, a permitting program as is site certification; rather, it is a review process providing tentative information for planning purposes. By providing an intermediate-range look at power plant siting alternatives and providing state agencies with an opportunity to comment on potential sites, it (1) provides guidance to electric utilities for their planning, (2) assists the Department of Environmental Regulation in its certification of power plant sites, (3) assists the Department of Veteran and Community Affairs (DVCA) in its role as the primary land-planning agency of the state, and (4) coordinates interagency communication and cooperation.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Florida State Comprehensive Planning Act of 1972 (Section 23.0191, Florida Statutes)

TITLE OF REGULATION

Chapter 22E-2, Part II, Florida Administrative Code; Submission of Ten-Year Site Plans

ADMINISTERING AGENCY

Bureau of Land and Water Management
Department of Veteran and Community Affairs
Carlton Building, Room 530
Tallahassee, Florida 32301
904/488-4925

SUMMARY OF REGULATION

I. APPLICABILITY

Any electric utility with a winter net generating capability of 250 megawatts or more must submit a Ten-Year Site Plan annually, regardless of its expansion plans. If an electric utility with less than 250 megawatts generating capacity has no plans to expand its existing facilities, or if it serves only as a distributor of power purchased from other utilities, it is not required to submit a Ten-Year Site Plan. An electric utility, for the purposes of this program, means cities and towns, counties, public utility districts, regulated electric companies, electric cooperatives, and joint operating agencies engaged in or authorized to engage in the business of generating, transmitting, and distributing electric energy.

II. REGULATORY REQUIREMENTS

Ten-Year Site Plans must be submitted annually on April 1. If a nonreport-

ing utility (less than 250 megawatts generating capacity or distributor) elects to construct additional generating facilities exceeding 50 megawatts generating capacity, it must submit a plan in the year the decision is made or at least three years prior to application for certification, and every year thereafter until the facility becomes fully operational.

It is recognized that ten-year plans are based on tentative information, and consequently are subject to change at any time. The findings of the DVCA and the classification of specific plans as suitable or unsuitable are to be considered as advisory statements providing guidance to the utilities. Initial findings regarding the suitability of proposed plans are subject to modifications as additional information is made available.

III. PERMIT REQUIREMENTS

Application:

Ten-Year Site Plans must be submitted to the Department of Veteran and Community Affairs for review.

Information Required:

The Ten-Year Site Plan must contain, as appropriate to the filing utility, the following information:

1. Description of existing generation and transmission facilities;
2. Forecast of electric power demand;
3. Forecast of facilities requirements;
4. Description of proposed sites and facilities; and
5. Preliminary assessment of environmental effects of proposed facility siting.

Detailed instructions on the preparation of a Ten-Year Site Plan is contained in the Department document "Forms and Instructions for Preparation of Ten-Year Site Plans for Electrical Generating Facilities and Associated Transmission Facilities (January, 1977)."

Review and Processing Procedures:

The DVCA coordinates the review of Ten-Year Site Plans among several state agencies, including:

1. Department of Environmental Regulation;
2. Public Service Commission;
3. Office of the Public Counsel;
4. Department of Natural Resources;
5. Department of Transportation;
6. Department of Agriculture and Consumer Services;
7. Governor's Energy Office;
8. Department of Health and Rehabilitative Services; and
9. Game and Freshwater Fish Commission.

In addition, the DVCA may ask for review and comment from other appropriate state, federal, regional, and local agencies and public interest groups.

Fee:

The applicant is required to pay a study fee with each ten-year plan submitted. The fee schedule, based on megawatt hours of electricity sold annually, is:

Greater than 500,000 MWH	-	$1,000
100,000 to 500,000 MWH	-	500
less than 100,000 MWH	-	250

Time Requirement:

Within nine months of the receipt of the proposed plan, the DVCA shall prepare a study of the plan and classify it as suitable or unsuitable.

Appeal Process:

N/A.

5.2 Land Use: Developments of Regional Impact

INTRODUCTION

The State of Florida is actively involved in land use regulation through the requirement of local comprehensive plans and the adoption of an official state comprehensive plan. The Florida Environmental Land and Water Management Act of 1972 establishes various requirements which directly and indirectly control land use in certain areas. One such requirement is the review process that has been established for Developments of Regional Impact (DRI). A DRI is defined as a development which, because of its character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of citizens of more than one county. Local governments, regional planning councils, developers, and state officials work together in the review of DRI's in order to facilitate orderly and well-planned development in the state.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Florida Environmental Land and Water Management Act of 1972 (Sections 380.06 and 380.07, Florida Statutes)

TITLE OF REGULATION

(Chapter 22 F-1, Part II, and Chapter 22 F-2, Part II, Florida Administrative Code); Developments of Regional Impact. Regional Planning Councils have their own rules governing their review procedures.

ADMINISTERING AGENCY

Bureau of Land and Water Management
Department of Veteran and Community Affairs
Carlton Building, Room 530
Tallahassee, Florida 32301
904/488-4925

SUMMARY OF REGULATION

I. APPLICABILITY

The DRI review process applies to the entire state of Florida. Any type of land in the state could be covered by this process depending on the location, character, and magnitude of development proposed. In general, the qreater the sensitivity of the site in relation to regional resources, the greater the probability of the development having substantial regional impact. The type and amount of surrounding development is also considered. The criteria used to determine whether a residental development is presumed to be a DRI vary from county to county, depending on the county population. The criteria for determining whether 11 other types of development are presumed to be DRI's are uniform throughout the state.

II. REGULATORY REQUIREMENTS

The Florida Administrative Code establishes a list of specific types of development and various threshold criteria to determine whether these developments can be considered developments of regional impact.

These categories of developments include:

1. Airports;
2. Attractions and recreation facilities;
3. Electrical generating facilities and transmission lines;
4. Hospitals;
5. Industrial plants and industrial parks;
6. Office parks;
7. Petroleum storage facilities;
8. Port facilities;
9. Residential developments;
10. Schools; and
11. Shopping centers

Specific application procedures and requirements have been established for developments which are located in regulated jurisdictions (areas governed by a zoning ordinance or subdivision regulations), developments located in unregulated jurisdictions, and developments located within an area of critical state concern.

III. REVIEW PROCEDURES

If a developer is in doubt whether a proposed development would be a DRI, he should request a binding letter of determination of DRI status. If a developer desires to know if a development has vested rights, he should apply for a binding letter of determination of vested rights from the Bureau of Land and Water Management. In cases where a DRI has vested rights and the developer wishes to make a modification to the project, he should request a binding letter of interpretation for modification to a DRI with vested rights.

Within 15 days of receiving an application for a binding letter of interpretation or a supplement to a pending application, the Bureau determines whether or not the application is sufficient. Within 30 days of acknowledging receipt of a suficient application or receiving notice that the requested information will not be provided, the Bureau must issue a binding letter of interpretation with respect to the proposed development. Specific procedures insure that the applicant, the local government, the regional planning agency, and others receive information pertaining to the binding letter application.

Following the Bureau's binding determination, the applicant has 30 days in which to request an opportunity to present additional evidence for reconsideration.

If a proposed DRI does not have vested rights and will be located in the jurisdiction of a local government that does not have zoning or subdivision regulations, then the developer must submit written notice to the Bureau and to local governments having jurisdiction. Ninety days after submission of this form the developer may proceed, unless the local government has

enacted zoning or subdivision regulations, in which case the developer is subject to Chapter 380.06, Florida Statutes, relating to DRI review.

An Application for Development Approval (ADA) must be prepared and filed for proposed DRIs with no vested rights in areas with zoning or subdivision regulations. A project with vested and unvested lands may still be reviewed as a DRI if the unvested portion itself has regional impact. The vested portion of such a project still retains its vested rights.

Before filing an ADA, the developer is required to contact the regional planning agency with jurisdiction to arrange a preapplication conference. Upon request of the developer or the regional planning agency, other affected state or regional agencies are required to participate in the conference. The ADA must utilize the standard form, which can be obtained from the Bureau or from the regional planning agency. Copies of an ADA must be filed with the local government, the regional planning agency, and the Bureau.

Within 30 days of receipt of an ADA, the regional planning agency must determine whether the application contains sufficient information and must notify the applicant in the event that additional information is needed. The applicant must then notify the regional planning agency and the local government within five working days whether or not he will provide the additional information requested. When the application is sufficient or if the applicant will not provide the requested information, the regional planning agency will give notice to the local government to schedule a public hearing. Public notice will then be published at least 60 days in advance of the public hearing.

Regional planning agencies have 50 days to review the ADA and submit a report with recommendations on the DRI to the local government.

Within 30 days of the public hearing (unless an extension is requested by the applicant), the local government will issue a development order which will either approve, deny, or approve with conditions the ADA.

Within 45 days after the development order is rendered, the owner, developer, regional planning agency, or the state land planning agency may appeal the development order to the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission.

Any substantial modification to an approved DRI will initiate a new review of the project. Local government determines whether a proposed plan change is a substantial modification of the approved DRI.

Prospective developers who are not extremely familiar with the DRI process are strongly encouraged to contact the Bureau of Land and Water Management or the appropriate regional planning agency at the beginning of the planning stage of a development. Past experience indicates that substantial savings of time are possible with good preapplication contacts.

5.3 Floodplain Management

The Florida Water Resources Act (Chapter 373, Florida Statutes) authorizes the Florida Water Management Districts to regulate certain activities in floodplain areas. Each of the five Water Management Districts has its own set of standards and regulations pertaining to the areas within that district's jurisdiction. Each district may issue permits for developments related to natural and artificial surface water courses, lakes, impoundments, levees, dikes, dams, floodways, pumping stations, bridges, highways, and flood-prone areas. Additional information concerning the Florida Water Management Districts can be found in chapter 7.2.1.

Regulations administered by the Department of Environmental Regulation and the Department of Natural Resources pertaining to the coastal zone may also affect coastal flood-prone areas. Refer to chapter 5.4 for details concerning coastal zone regulations in Florida.

5.4 Coastal Zone Regulations

In Florida, there are a variety of statutes and regulations designed to protect coastal resources. Specifically, there are laws pertaining to dredge and fill operations, coastal construction activities and the prevention and/or cleanup of oil and chemical spills. The laws, regulations and permitting programs pertaining to coastal resource protection are detailed in the following sections.

5.4.1 Dredge and Fill Permits

INTRODUCTION

The state of Florida requires a permit for most dredge and fill activities involving state waters. The permit program is administered by the Department of Environmental Regulation (DER). Certain activities may also require approval from the Department of Natural Resources (DNR). Dredge and fill activities involving navigable waters or wetlands will further require a permit from the U.S. Army Corps of Engineers. A joint application program has been established to coordinate the permit review procedures of those three agencies. Certain dredge and fill projects will require permits from a regional water management district and local governments.

Generally, the purpose of the DER permitting program that regulates dredge and fill and related activities is to maintain and, where appropriate, improve the quality of waters in the state. The primary purposes of the DNR permitting programs are to manage and protect state lands and to control beach erosion. The primary purposes of the permitting programs of the Corps are to restore and maintain the integrity of the nation's waters, to maintain the navigability of waterways, and to protect ocean waters from pollutants dumped by vessels.

In instances where a project requires a permit from the Corps, a state permit will serve as certification as required by Section 401 of the Federal Clean Water Act.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Rivers and Harbors Act of 1899; Federal Clean Water Act (P.L. 92-500); Marine Protection, Research and Sanctuaries Act (P.L. 532)

II. STATE:
Beach and Shore Preservation Act (Chapter 161, Florida Statutes); State Land Trust Fund (Chapter 253, Florida Statutes); State Parks and Preserves (Chapter 258, Florida Statutes); Florida Air and Water Pollution Control Act (Chapter 403, Florida Statutes)

TITLE OF REGULATION

Chapters 17-3, 17-4 and 16B-24, Florida Administrative Code

ADMINISTERING AGENCIES

Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301
904/488-0130

Department of Natural Resources
3900 Commonwealth Boulevard
Tallahassee, Florida 32303
904/488-3180

SUMMARY OF REGULATION

I. APPLICABILITY

Unless specifically exempted, all dredging and filling activities in or connected directly by way of an excavated body to certain waters of the state require state and federal permits. The term "waters of the state" encompasses the following: rivers, streams, and their natural tributaries; bays, bayous, sounds, estuaries, and their natural tributaries; most natural lakes; and the Atlantic Ocean and Gulf of Mexico out to the seaward limit of the state's territorial boundaries. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Because of tidal and seasonal variation in water level, it may be difficult to establish the natural border of certain water bodies. Therefore, the DER has developed vegetation indices to serve as a guide in establishing the natural border (see Section 17-4.02, Florida Administrative Code). The intention is to include, within the border, areas that are customarily submerged and that exchange waters with a recognizable water body.

II. REGULATORY REQUIREMENTS

The regulations pertaining to dredge and fill permits detail activities requiring permits, activities exempted from the permit requirement, and activities which may only require submission of a short-form application. Activities requiring a permit include, but are not limited to, the following:

1. The construction or emplacement of piers, wharfs, docks, dolphins, mooring pilings, riprap and revetments, retaining walls, groins, breakwaters, jetties, beach restoration, levees, wires or cables over or under the water, pipes and tunnels under the water, artificial fishing reefs, channels and upland canals, intake and outfall pipes or structures, navigational aids, platforms, ramps, signs, and fences;
2. Excavation, clearing, and commercial sand and gravel dredging;
3. Filling or disposal of dredged material; and
4. Transportation and deposition of dredged material in open water. Detailed information concerning exemptions and short-form eligibility can be obtained from Chapter 17-4, Florida Administrative Code.

Applications for groin or jetty construction, beach restoration, or other activities regulated by the Beach and Shore Preservation Act must receive permit approval from DNR. For activities involving state-owned land, the applicant must receive consent of use from DNR. Such consent must be obtained before the DER will issue a dredge and fill permit.

Fill activities in navigable waters also require local approval pursuant to Chapter 253, Florida Statutes, for fill placed waterward of the mean high water mark. Any private person, firm, or corporation conducting fill activities in the unincorporated area of any county bordering on or in the navigable waters of the state must receive a permit from the appropriate board of county commissioners. Within the territory of any municipality, such application for a construction or fill permit shall be made to the governing body of such municipality. Written application shall be accompanied by a plan or drawing showing the proposed construction. Local permits are subject to the approval of the DER.

III. PERMIT REQUIREMENTS

Application:

Since most dredge and fill activities require a federal permit from the U. S. Army Corps of Engineers, a joint permit application process has been established between DNR, DER and the Corps. Applicants for dredge and fill permits must send to DER two copies of the joint application form and ten copies of the detailed plans of the project. For projects which also require a permit from DNR, the applicant is responsible for submitting an application form to DNR. Permit applications will be circulated to the Corps by DER.

Information Required:

The applicant will be responsible for all information necessary to complete the required application form and must also provide detailed site plans and construction plans of proposed project.

Review and Processing:

Following receipt of a complete application and required plans, a joint public notice (usually extending for a 30-day period) is issued to all known interested individuals, groups, and government agencies. Substantive comments received in response to the public notice are furnished to the applicant to afford him an opportunity to comment on or rebut the comments or objections.

A public hearing will be held if the proposed project lies within the boundaries of the Biscayne Bay Aquatic Preserve. The Corps may also hold a public hearing, if requested, for projects requiring Corps approval. In appropriate circumstances, a joint hearing may be held by the DER and the Corps. The DER may also hold an administrative hearing.

Following the hearing (if one is held), the DER advises the applicant of its intention to approve or deny the permit and, after an administrative hearing, if requested, places the application before the Governnor and Cabinet. After their judgement, DNR initiates its final action.

The decisions by the DER, DNR, and the Corps on permit approval are based on their evaluations of all pertinent factors, including the public hearing. The final actions will be either approval or denial of the permit. An approved permit carries with it a standard set of conditions and often several special conditions. Denial of a state permit will usually mean denial of the federal permit.

Fee:

Applications to DER must be accompanied by a processing fee of $200 for the standard form or $20 for the short form.

Time Requirements:

The DER and/or DNR will review the application, notify the applicant of any errors or omissions, and request any additional information within 30 days of their receipt of an application. DER permit applications must be approved or denied within 90 days of receipt (after DNR approval) of the original application or of additional requested information. An exception to this 90-day time limit is made if a Chapter 120 administrative hearing is requested.

Usually a permit can be issued within 60 to 90 days after the receipt of a completed application (after DNR approval). If, however, the Corps is required to hold a public hearing or prepare an environmental impact statement, or if the proposed work is controversial, the processing of a federal application could take a year or more.

Appeal Process:

Applicants denied a permit can request an administrative hearing in accordance with the Administrative Procedures Act. For DNR permits, appeal can be made to the Governor and Cabinet within 15 days of permit denial. An applicant aggrieved by the final decision of the DER may seek appropriate judicial review.

5.4.2 Coastal Construction Permits

INTRODUCTION

The Department of Natural Resources (DNR) in Florida administers permit programs pertaining to construction in the coastal zone. The intent of the coastal construction permit program is to regulate erosion control construction projects that might have an effect on natural shoreline processes. The coastal construction control line (CCCL) and permit programs are intended to define the portion of the beach-dune system that is subject to significant fluctuations caused by wind, wave, and tide and thereby define the area within which special structural design consideration is necessary in order to insure protection of the beach-dune system, any proposed structure, and adjacent properties.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Florida Beach and Shore Preservation Act (Chapter 161, Florida Statutes)

TITLE OF REGULATION

Chapter 16B-24, Florida Administrative Code; Coastal Construction Permits.
Chapter 16B-33, Florida Administrative Code; Coastal Construction and Excavation

ADMINISTERING AGENCY

Bureau of Beaches and Shores
Department of Natural Resources
3900 Commonwealth Boulevard
Tallahassee, Florida 32303
904/488-3180

SUMMARY OF REGULATION

I. APPLICABILITY

Regulations administered by DNR pertain to coastal construction and excavation on state sovereignty lands, which are here taken to mean lands below the mean high water line of any tidal water of the state. The CCCL regulations apply to areas upland of the mean high water line.

II. REGULATORY REQUIREMENTS

The coastal construction permit program covers any coastal construction, reconstruction, or change of existing structures, and any construction or physical activity undertaken specifically for shore protection purposes. Specifically included are such structures as groins, jetties, moles, breakwaters, seawalls, and revetmets, and such physical activities as artificial nourishment, inlet sediment bypassing, excavation or maintenance dredging of inlet channels, and other deposition or removal of beach material or construction of other structures, if of a solid or highly impermeable design.

Permits are needed from the DNR for all excavation, except as noted, and construction of any dwelling, hotel, motel, apartment building, seawall, revetment, or other structure incidental to or related to such structures, if any such structure is to be located seaward of the established coastal construction control line on any nonvegetated shoreline fronting the Gulf of Mexico or the Atlantic Ocean. Also, no person may drive a vehicle across or otherwise damage any sand dune or dune vegetation seaward of the control line. Control lines are established in a county through a process that includes a comprehensive study of the area's natural coastal processes, its existing manmade structures, erosion trends, local topography, vegetation line, etc., and a public hearing. Dade and Broward Counties are the only counties that have not yet established coastal construction control lines. For these two counties, the setback line is taken to be a line 50 feet above the mean high water line or an established erosion control line, whichever is more landward.

III. PERMIT REQUIREMENTS

1. Coastal Construction Permit

Application/Information Required:

Applicants for a coastal construction permit must submit an application on the forms prescribed by DNR.

Information Required:

Coastal construction permit applications must contain statements describing the proposed erosion control structure, the problem, its causes, and the expected effect of the proposed erosion control structure on the problem and on adjacent property. The application must be accompanied by the following information:

a. Location map;
b. Evidence of property ownership and legal description (or statement from property owner authorizing construction);
c. Estimated construction starting and completion dates;
d. Construction plans and specifications certified by a professional engineer; and
e. List of names and addresses of owners of all riparian property within 1,000 feet of the proposed construction.

Review and Processing:

Applications submitted to DNR are reviewed by the staff for completeness and appropriateness. If necessary, bureau personnel will make an on-site inspection of the project area. If a proposed project is found to be acceptable, DNR must provide written public notice to owners of riparian property within 1,000 feet of the project and to other interested persons. Thirty days are allowed for response to the public notice.

Permit applicants and interested parties will be notified by mail of the DNR Executive Director's recommendation to the Governor and Cabinet and the date when the recommendation will be made to that body. The applicant and other interested persons can appear at that time and make their positions known.

If an application for either permit is not acceptable to the Bureau, the

applicant will be notified, by notice of intent to deny, and given an opportunity to modify his plans to make them acceptable. If the applicant cannot or will not change his plans, his application will be placed before the Governor and Cabinet with recommended denial.

If approved by the Governor and Cabinet, the formal permit will be issued by the DNR. Acceptance of either permit carries with it the acceptance of several conditions which relate to the nature and manner of carrying out the work or activity applied for. The applicant for a coastal construction permit may be required to provide the DNR with a surety bond to ensure the adjustment or removal of the structure should that become necessary. The DNR will specify the period of time the bond must be in effect. The DNR may waive this requirement.

Fee:
Applications must include a fee of $100, except those from government applicants.

Time Requirements:
Average review and processing time is approximately 90 days.

Appeal Process:
Appeals must be filed with the Governor and Cabinet within 15 days of the final action.

2. Construction Control Line Permit

Application/Information Required:
Applicants for a permit to construct seaward of a coastal construction control line or variance to the 50-foot setback must submit an application to DNR on the prescribed forms.

The application must include the following information:
a. Name and address of the property owner;
b. Evidence of property ownership and legal description of the property (or statement from property owner authorizing construction);
c. Certification from the appropriate local governmental agency that the proposed activity does not contravene local setback requirements or zoning or building codes;
d. Statement giving specific reasons why the applicant feels the permit should be approved and why the proposed construction is necessary for the reasonable use of the property;
e. Dimensional site plan;
f. Dimensional cross-sectional drawing;
g. Detailed site, grading, drainage and structural plan and specifications; and
h. Two copies of a topographic survey of the property.

Review and Processing:
Same as for coastal construction permits.

Fee:
None

Time Requirement:
Average review and processing time is approximately 90 days.

Appeal Process:
Appeals must be filed with the Governor and Cabinet within 15 days of the final action.

5.4.3 Transfer of Pollutants and Oil Spills

INTRODUCTION

The Florida Pollutant Spill Prevention and Control Act establishes a regulatory program administered by the Department of Natural Resources (DNR). The legislative intent of this program proceeds from an initial declaration that the highest and best use of the sea coast is as a source of public and private recreation. The legislature recognized that, to preserve this use, it is necessary to preserve the natural conditions of the seacoast as much as is feasible. It also recognized that the transfer, storage, and transportation of pollutants pose a hazard to these natural conditions. Therefore, the DNR was given the power to deal with the threats of damage resulting from such transfers, to require the prompt containment and removal of pollution occasioned thereby, and to establish a fund to provide for the inspection and supervision of such activities and guarantee the prompt payment of reasonable damage claims resulting from such activities.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Federal Water Pollution Control Act (P.L. 92-500, as amended)

II. STATE:
Florida Pollutant Spill Prevention and Control Act (Chapter 376, Florida Statutes)

TITLE OF REGULATION

Chapter 16N-16, Florida Administrative Code; Pollutant Discharge Act.

ADMINISTERING AGENCY

Department of Natural Resources
3900 Commonwealth Blvd.
Tallahassee, Florida 32303
904/488-1992

SUMMARY OF REGULATION

I. APPLICABILITY

The Florida Pollutant Spill Prevention and Control Program regulates the transfer, storage, and transportation of pollutants, terminal facilities and associated vessels, and the cleanup of pollutant discharges. Pollutants are defined as oil of any kind, gasoline, pesticides, ammonia, chlorine, and their derivatives. A terminal facility is defined as any waterfront or offshore facility including directly associated pipelines.

II. REGULATORY REQUIREMENTS

The regulatory program is based upon the certification process. All operators of transfer facilities must obtain certificates of registration from the DNR. Obtaining a certificate depends upon the operator demonstrating his implementation of measures to prevent, control, and abate pollutant dis-

charges. Retaining certification depends upon the operator following all the regulations set forth in the act or promulgated in the administrative rules of the DNR. To cover the costs of cleaning up a pollutant discharge, a nonlapsing revolving fund is created through excise taxes paid by operators, based on the amount of liquid pollutants transferred. The program establishes liabilities, enforcement, and penalties.

Operators of facilities may join together to form discharge cleanup organizations. Cleanup organizations must be approved by the DNR. The group of owners or operators of terminal facilities composing the cleanup organization must send an application to the DNR containing information about membership, financial standing, discharge potential of members, available expertise in containment and removal of discharges, inventory of containment and removal equipment, and so forth. The DNR evaluates cleanup organizations for approval or disapproval according to the following criteria:

1. Membership, size, and quality of cleanup organizations already approved for the area;
2. Nature of the membership in the present and proposed cleanup organizations; and
3. Ability of the area to properly support the proposed cleanup organization.

Registration certificates are issued subject to the terms and conditions set forth in the act and the administrative rules. These terms and conditions include the following:

1. Creation and maintenance of a contingency plan for handling emergency cleanup operations. Such plans are filed with the Governor and all Coast Guard stations and Coast Guard captains of the port having responsibility for enforcement of federal pollution laws. Contingency plans are prepared by a state response team created by the DNR through contract or administrative action.
2. Requirements that containment gear approved by the DNR be on hand and maintained by terminal facilities and refineries.
3. Requirements that any person discharging pollutants into coastal waters or upon adjacent lands must immediately undertake to contain and remove the discharge to the satisfaction of the DNR. No state funds shall be expended for the removal of a coastal pollutant spill until federal funds have been used to the maximum extent possible, or until federal authorities have declined to expend federal funds in a cleanup effort.

III. PERMIT REQUIREMENTS

Application/Information Required:

Applicants for terminal facility certification must submit an application on the prescribed forms to the Division of Law Enforcement, Department of Natural Resources.

The application for certification must contain the following information:

1. The barrel (or other measurement) capacity of the terminal facility;
2. A description of all prevention and removal equipment to which the facility has access; and
3. The terms of agreement and operation plan of any discharge cleanup organization to which the owner or operator of the facility belongs.

Review and Processing:

Applications for terminal facility certification are reviewed by the DNR without public hearing or notice. The DNR issues a registration certificate upon a showing by the applicant of satisfactory containment and cleanup (of pollutant discharges) capability. Certificates expire December 31st of each year and must be renewed annually. The DNR will inspect each registrant's facility at least once a year.

Fee:

The application must be accompanied by the payment of a processing fee to the DNR. The fee schedule is based upon liquid storage capacity of the terminal facility in barrels:

0 - 60 barrels	$ 10 fee
61 - 100 barrels	$ 40 fee
101 - 200 barrels	$ 70 fee
201 - 500 barrels	$150 fee
501 - and over	$250 fee

In addition to the processing fee, each operator or owner of a terminal facility must pay an excise tax based upon the volume of liquid pollutants transferred at the facility. The tax is noramlly two cents a barrel, but can vary from 0 to 10 cents depending on the financial condition of the fund so created.

The fund, called the Florida Coastal Protection Trust Fund, is a nonlapsing revolving fund to which are credited all excise taxes, registration fees, penalities, and other charges assessed in this program. Payments are made monthly to the Department of Revenue on the basis of transfer records certified to that agency and the DNR, except that registrants with a facility storage capacity of 250 barrels or less may pay every six months.

Appeal Process:

Appeal can be made by requesting a formal administrative hearing in conformance with the Administrative Procedures Act.

ECOLOGICAL/SOCIAL PRESERVATION

6.0 ECOLOGICAL/SOCIAL PRESERVATION

Unique ecological and cultural features enhance the quality of life and are often the focus of special legislation. The federal government and many states have enacted laws specifically designed to protect special resources and features such as endangered species, wetlands, and archeological and historical resources. Florida has also recognized the importance of these special resources and has enacted several laws to help preserve these resources.

Rare and endangered species receive special attention through several state laws. Archeological and historical resources are protected by both federal and state programs. Wetlands and other sensitive areas are given special consideration through the Areas of Critical State Concern (ACSC) program.

These laws, regulations and programs are detailed in the following chapters.

6.1 Rare and Endangered Species

INTRODUCTION

The state of Florida has enacted several statutes pertaining to rare and endangered species. Specific statutes apply to the Florida panther, manatees, and native plants. The Florida Game and Freshwater Fish Commission has adopted detailed regulations which specifically regulate activities concerning endangered species, threatened species, and species of special concern.

AUTHORIZING STATUTE(S)

I. FEDERAL:
Endangered Species Act of 1973 (P.L. 93-205)

II. STATE:
Florida Endangered and Threatened Species Act of 1977; Preservation of Native Flora of Florida Act; Florida Manatee Sanctuary Act; Florida Panther Act.

TITLE OF REGULATION

Chapter 39-27, Florida Administrative Code; Endangered or Threatened Species

ADMINISTERING AGENCY

Florida Game and Freshwater Fish Commission
620 S. Meridian St.
Tallahassee, Florida 32301
904/488-6661

SUMMARY OF REGULATION

I. APPLICABILITY

The rules relating to endangered or threatened species apply to all species of animals designated as belonging to any of the following categories:

1. Endangered Species. A species, subspecies, or isolated population which is resident in Florida during a substantial portion of its life cycle and is so few or depleted in number or so restricted in range or habitat due to any manmade or natural factors that it is in immediate danger of extinction or extirpation from the state. This classification also applies to migratory species occasional to Florida that are included on the U. S. Endangered and Threatened Species List.
2. Threatened Species: A species, subspecies, or isolated population which is resident in Florida during a substantial portion of its life cycle and which is acutely vulnerable to environmental alteration, is declining in number at a rapid rate, or whose range or habitat is declining in area at a rapid rate due to any manmade or natural factors and as a consequence is destined or very likely to become an endangered species in the forseeable future. This classification also applies to migratory species occasional to Florida that are included on the U.S. Endangered and Threatened Species List.
3. Species of Special Concern: A species, subspecies, or isolated popula-

tion which warrants special protection, recognition or consideration because:

a. It occurs disjunctly or continuously in Florida and has a unique and significant vulnerability to habitat disturbance or substantial human exploitation which, in the forseeable future, may result in its becoming a threatened species;
b. It may already meet certain criteria for consideration as a threatened species but conclusive data are limited or nonexistent;
c. It may occupy such an unusually vital and essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a serious degree; or
d. It has not sufficiently recovered from past population depletion.

Chapter 39-27, Florida Administrative Code, contains a complete listing of animals currently considered to be endangered, threatened, or of special concern. A listing of endangered and threatened plants is contained in Section 581.185, Florida Statutes.

Section 370.12, subsection 2, Florida Statutes, the Florida Manatee Sanctuary Act, declares the entire state of Florida to be a manatee sanctuary, although specific waterways are singled out for special protective measures.

II. REGULATORY REQUIREMENTS

1. Animals. For all animals classified as endangered, threatened or of special concern there is a general prohibition which states that no person shall hunt, shoot, wound, kill, trap, capture, harm, pursue, harass, collect, possess, transport, sell, or attempt to engage in any such activities with any animals listed, except as authorized by the Florida Game and Freshwater Fish Commission.

   In the case of endangered species, specific permits from the executive director of the Commission will be issued only when the permitted activity will clearly enhance the survival potential of the species in question. For threatened species, specific permits will be issued only if the permitted activity is clearly not detrimental to the survival of the species in question.

   Activities involving species of special concern may be allowed by specific Commission regulations or by a specific permit from the executive director. In either case, any activities allowed or permitted must clearly not be detrimental to the survival potential of the species in question.

2. Plants. With respect to both endangered and threatened plants, it is prohibited for any person to willfully harvest, collect, pick, remove, injure, or destroy any such plant without written permission of a private landowner or public land superintendent, as the case may warrant. It is also prohibited to transport, carry, or convey on any public road or highway or to sell or offer for sale any plant collected without proper permission.

   Permitting requirements for harvesting or moving plants are imposed to encourage the propagation of endangered or depleted species of flora and to provide for an orderly and controlled procedure for restricting har-

vesting of native flora from the wilds. Permits are issued according to rules adopted by the Department of Agriculture and Consumer Services (DACS).

3. Manatee Sanctuary Act. Under this act, it is prohibited to annoy, molest, harass, injure, capture, collect, pursue, hunt, wound, or kill a manatee. To protect manatees from harmful collision with motorboats, the Department of Natural Resources (DNR) is allowed to regulate the speed of motorboat traffic in certain waterways between the dates of November 15 and March 31. These waterways are mostly associated with electric power plants and other facilities which discharge large amounts of warm water that tend to attract concentrations of manatees during the winter and early spring. Also, the act makes provisions for the confiscation of any vessels or equipment used in the process of hunting or otherwise harassing manatees.

   In certain cases involving scientific research, a permit will be granted to allow for the capture and possession of a specified number of manatees.

4. Florida Panther Act. Under this act, it is prohibited to kill a Florida panther. Any person convicted of unlawfully killing a Florida panther is guilty of a third degree felony.

III. PERMIT REQUIREMENTS

Detailed permit requirements concerning harvesting of endangered species and other specific regulations can be obtained from the Florida Game and Freshwater Fish Commission.

6.2 Wetlands

The Department of Environmental Regulation (DER) and the Department of Natural Resources (DNR) are responsible for the management of coastal areas, including tidal wetlands. The permitting programs administered by these agencies can be used to regulate development of coastal wetlands (see Sections 5.4.1 and 5.4.2).

The DNR is also responsible for ensuring the protection of the state's wildlife. Developments significantly affecting wetland areas which provide critical habitats for fish and wildlife may be subject to evaluation.

In addition, certain areas of the state identified as Areas of Critical State Concern (ACSC) may include wetlands. This ACSC designation affords such areas particular state and local protection (see Chapter 6.4).

Projects located in wetland areas are also subject to the requirements of the Federal 404 permit program administered by the U.S. Army Corps of Engineers (dredge and fill permits). Before the federal permit can be issued, DER must certify that state water quality standards will be met.

6.3 Archaeological and Historical Preservation

INTRODUCTION

The Florida Archives and History Act declares that it is the public policy of the State to protect and preserve historic sites and properties, artifacts, treasure-trove, fossil deposits, Indian habitations, and objects of antiquity that have historical value or are of interest to the public. This act assigns to the Division of Archives, History and Records Management, title for all archaeological and historical resources abandoned on state owned lands and state sovereignty submerged lands. This act also assigns the Division with the responsibility for locating, acquiring, and preserving historic sites and properties and for developing a comprehensive statewide historic preservation plan.

For lands not owned by the state, the authority for the Division's role in the regulation of land development is derived primarily from the federal statute, orders and regulations cited below, as well as through regulations promulgated by other state agencies, such as the historic preservation component of the power plant and power line certification process and in the Application for Development Approval for Developments of Regional Impact. Federal agencies are required to institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of both federally and non-federally owned sites, structures and objects of historical, archaeological or architectural significance. To implement these procedures on the state level, each state has an individual designated as the State Historic Preservaton Officer (SHPO), who is responsible for reviewing and commenting on projects involving federal properties, funding, licensing or permitting. In Florida, the SHPO is the Director of the Division.

AUTHORIZING STATUTE(S)

I. FEDERAL:
The National Historic Preservation Act of 1966, as amended (P.L. 89-655)

II. STATE:
Florida Archives and History Act (Chapter 267, Florida Statutes)

TITLE OF REGULATION

Chapter 1A-31, Florida Administrative Code; Procedures for Securing and Protecting Antiquities on State Lands. Chapter 1A-32, Florida Administrative Code: Research Permits for Archaeological Sites of Significance. Series 36, Code of Federal Regulations, Part 800.

ADMINISTERING AGENCY

Department of State
Division of Archives, History and Records Management
Bureau of Historic Sites and Properties
The Capitol
Tallahassee, Florida 32301
904/487-2333

SUMMARY OF REGULATION

I. APPLICABILITY

This program applies to all significant historical, architectural or archaeological sites, structures or objects (hereafter referred to as "significant sites") in the state. Significant sites are defined as those of sufficient quality to be eligible for inclusion on the National Register of Historic Places.

II. REGULATORY REQUIREMENTS

The Division performs three major functions in regard to the enhancement and preservation of significant sites.

1. Significant Site Inventory and Assessment. The Division's Bureau of Historic Sites and Properties maintains the Florida Master Site File, the state's central inventory of archaeological and historic site data.

   Under Florida's Historic Preservation Program, the Bureau serves as the office of the SHPO, who is charged with determining the effect of federally involved projects on significant sites. Furthermore, pursuant to Chapter 267, Florida Statutes, the Division holds title to all significant sites on state owned and state sovereignty submerged lands, so projects involving the lease, transfer, or sale of state lands or requiring a permit to dredge, fill, or otherwise disturb sovereignty submerged lands are also subject to review by the Bureau.

   Government agencies and/or private applicants are requested to supply the following information when applying for such a review:
   a. Purpose of request;
   b. Funding source for proposed project;
   c. Ownership of site of proposed project;
   d. Licenses or permits required;
   e. Project location and size description;
   f. Map and/or aerial photograph of project area;
   g. Project area description;
   h. Project activity impact (buildings and other structures);
   i. Proximity to any National Register of Historic Places properties;
   j. Archaeological and/or historic site assessment survey results, if applicable;
   k. Proposed preservation/mitigation procedures, if applicable;
   l. Names of contact persons; and
   m. Names and addresses of individuals or agencies requiring copies of Bureau comments, if applicable.

   After such a request is made, the Bureau checks the Master Site File for the presence of any known sites on the property in question and whether the subject tract has been previously surveyed for significant sites. The Bureau then assesses the likelihood that there are unknown significant sites on the property.

   If a review of the known site distribution within the general area of the proposed project indicates that the potential for site occurrence is low, or if there is documentation of extensive landfill or ground

disturbing activities that would have significantly altered any existing sites, the Bureau will issue an opinion that there is little likelihood of the proposed project affecting any significant sites, and the proposed project may proceed without further involvement of the Division.

If, however, there are known sites on the property in question or in its judgement, the Bureau believes the likelihood of the existence of currently unknown sites is high within a previously unsurveyed tract, then the Bureau will recommend that a site assessment survey be made. The purpose of any such survey will be to provide sufficient data to the SHPO to allow him to render an opinion on the probability of proposed project activities affecting significant sites.

If the survey discovers any sites deemed by the SHPO to be eligible for listing in the National Register of Historic Places, a recommendation will be made that project plans be altered to allow for preservation of the site.

If project alteration is not acceptable to the applicant and there is no feasible and prudent alternative to site alteration, then SHPO will recommend an archaeological salvage/documentation project to recover information and artifacts contained within the affected site(s).

However, applicants should be informed that because preservation of significant sites is the preferred alternative, issuance of a federal permit or license frequently will depend on the applicant's agreeing to preserve any significant sites on the project property. This does not mean that an applicant will be prohibited from using a parcel of land on which a significant site is located. Rather, the applicant may be encouraged to place the site in a greenbelt, nature preserve, passive recreation area or other similar use which will not disturb the ground immediately surrounding a significant site. The applicant should be aware that federal grants are available to help preserve or restore a site eligible for listing on the National Register of Historic Places. Additionally, the applicant may also be able to obtain a tax reduction by preserving a significant site.

2. Procedures for Acquiring and Protecting Antiquities on State Lands. Chapter 1A-31, Florida Administrative Code, authorizes the Division to enter into contracts for exploration and contracts for salvage of given areas of state owned submerged lands for treasure-trove, including precious metals and jewelry, antique articles, and other artifacts of historical and archaeological value. This chapter also details the nature and conditions of such contracts including equipment used, inspection of sites and supervision of operations. Any and all unauthorized exploration and salvage on state sovereignty submerged lands is prohibited.

3. Research Permits for Archaeological Sites of Significance. Chapter 1A-32, Florida Administrative Code, details requirements for the granting of research permits for archaeological exploration. The following criteria are established to insure that research upon archaeological sites is done in a professional manner:
   a. Only reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies will be

considered as valid research applicants.

b. Applicants must possess or will secure professional archaeological expertise necessary for the performance of professional quality archaeological field research, comprehensive analysis and interpretation in the form of publishable reports and monographs.
c. Applicants must possess or will secure sufficient artifactual conservation and storage capabilities to insure artifactual preservation during the research period.
d. No research request will be considered, exclusive of reconnaissance survey requests, unless:
   1) a degree of endangerment to the archaeological resources is present in the proposed research area (e.g., severe erosion);
   2) the proposed research area forms an integral part of a well designed research plan; and
   3) the research is part of a planned interpretive reconstruction or restoration project.
e. Adequate funding capability must be available to fully implement the proposed research plan, including field work, laboratory analysis, processing, and manuscript preparation.

III. PERMIT REQUIREMENTS

Time Requirements:

Written notification must be made to the Division prior to scheduled project initiation.

Application/Information Required:

The notification must contain all of the following information:

1. Name and address of the requesting institution;
2. Date of notification;
3. Specific location(s) of the proposed research area, including site names and numbers where applicable;
4. Aims, character and purpose of the proposed research;
5. Specific threats or endangerment of archaeological sites within the proposed project area, if applicable;
6. Name of the individual in direct charge of the field research;
7. Total number of project personnel;
8. Initiation and termination dates of the research;
9. Proposed publication source and date of the completed manuscript;
10. Total research funds to be expended on the project; and
11. Signature of the requesting official.

In addition, non-accredited institutions (those without permanent professional archaeological staff) must supply the following information:

1. Name, address and official status of person to be in general charge of the project and a resume of person's previous experience pertinent to archaeological research;
2. Nature, status, and scientific affiliations of applicant organization;
3. Names and qualifications of additional research participants who will exercise any supervisory authority during the proposed research project; and
4. Total fiscal resources available for publication requirements.

Review and Processing:

The Division will respond to the requesting institution within 15 days after receipt of the written notification. The Division will either approve or disapprove the project. If additional information is needed, the Division will request clarification of the needed items. In the event of a request for clarification, the 15-day response obligation will take effect upon receipt of the additional information by the Division.

Report/Monitoring:

None

Fees:

None

Appeals:

None

Enforcement and Penalties:

Any person who conducts field investigations on state lands without proper authorization or who appropriates, defaces, destroys, or alters significant sites without first observing procedures established by the Division may be found guilty of a misdemeanor punishable by a fine not exceeding $500, up to six months in jail, or by both. The same penalties also apply to persons who sell items illegally obtained from significant sites or who make reproductions of such items and sell them under the pretense of authenticity. In addition, persons found guilty of any of the offenses mentioned above must forfeit to the state all specimens, objects, and materials collected, together with all photographs and records relating to such material.

For projects with federal involvement, failure to have a recommended site assessment survey to provide information for SHPO review could result in a long delay and ultimate denial of the permit, license, or funding sought by the applicant.

Additional Procedures:

Chapter 872, Florida Statutes, titled "Offenses Concerning Dead Bodies and Graves", prohibits anyone from destroying, defacing, or removing any tomb, monument, gravestone, or other objects intended for the protection and ornamentation of any tomb. Anyone committing such an action is guilty of a misdemeanor punishable by a fine of up to $1,000, up to a year in jail, or by both.

The applicant should be advised that some county and local governments have historic preservation ordinances which may affect proposed land development activities. Consultation with local authorities prior to any construction is strongly recommended.

6.4 Areas of Critical State Concern

INTRODUCTION

The Florida Environmental Land and Water Management Act of 1972 establishes a program for the designation of certain regions as Areas of Critical State Concern (ASCS). This program is intended to protect areas of the state in which unsuitable land development would endanger resources of regional and statewide significance and to insure orderly and well planned growth of the state through the regulation of development.

An ACSC may be designated for:

1. An area containing or having a significant impact upon environmental or natural resources of regional or statewide importance;
2. An area containing or having a significant impact upon archaeological or historical resources of regional or statewide importance; or
3. An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment.

More detailed criteria are given in Section 380.05(2) Florida Statutes.

ACSC's are established in the following manner:

Each regional planning agency (RPA) solicits local governments within its jurisdiction for suggestions as to areas which should be considered for ACSC designation. Suggestions are also accepted from public agencies, private organizations and individuals. Based on these suggestions, the RPA may forward a recommendation to the Department of Veteran and Community Affairs (DVCA) for ACSC designation of a particular area.

When a critical area recommendation is received, the Bureau of Land and Water Management reviews the proposal and determines the feasibility of applying the critical area process to it. If it is deemed feasible, DVCA may recommend that a Resource Planning and Management (RPM) committee for the proposed area be formed by the Governor.

The objective of an RPM committee is to determine whether a voluntary cooperative resource management program can be established to protect the resources of the area in question without ACSC designation. The RPM committee must prepare a report within six months stating whether voluntary compliance will be possible. If resource protection measures cannot be met voluntarily, DVCA may recommend to the Administration Commission that all or part of the study area be designated on ACSC. This recommendation will contain among other items, specific principles for guiding development of the area.

Within 45 days of receipt of the DVCA recommendation, the Administration Commission must either reject the recommendation or adopt it with or without modifications.

If the recommendation is adopted, the Administration Commission will designate by rule the ACSC and principles for guiding development of the area. Any such rule will be reviewed by the legislature.

Within 180 days of the designation of an ACSC, local governments having jurisdiction in the area may submit proposed land development regulations for the area to the DVCA for review. This review will check local ordinances for compliance with the principles for guiding development in the ACSC. If local ordinances are in compliance with the principles, they will be approved and go into effect. However, if the local ordinances do not comply with the principles established for the ACSC, DVCA may substitute its own regulations, subject to the approval of the Administration Commission. Any regulations so approved will then supersede the local ordinances.

An ACSC designation is not intended to be of permanent duration. Rather, it is a temporary status conferred on critical areas to allow for study of the area and the creation of land development regulations for guiding future development of the area.

The designation of an ACSC is to be repealed by the Administrative Commission no earlier than 12 months and no later than 36 months after the adoption of land development regulations for the ACSC. This repeal is contingent upon:

1. Approval by DVCA of local land development regulations;
2. Such regulations being effective for 12 months; and
3. Adoption or modification of a local government comprehensive plan that conforms to the principles for guiding development in the ACSC.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Section 380.05; Florida Statutes; The Florida Environmental Land and Water Management Act of 1972

TITLE OF REGULATION

All regulations cited are from the Florida Administrative Code: Chapter 22 F-3, Boundary and Regulations for Big Cypress ACSC; Chapter 22 F-5, Boundary and Principles for Guiding Development for the Green Swamp ACSC; Chapter 22 F-6, Boundary and Regulations for the Green Swamp ACSC, Polk County; Chapter 22 F-7, Boundary and Regulations for the Green Swamp ACSC, Lake County; Chapter 22 F-8, Boundary and Principles for Guiding Development for the Florida Keys ACSC; Chapter 22 F-9, Regulations for the Florida Keys ACSC, Monroe County; Chapter 22 F-10, Regulations for the Florida Keys ACSC, City of Key Colony Beach; Chapter 22 F-11, Regulations for the Florida Keys ACSC, City of Layton; Chapter 22 F-12, Regulations for the Florida Keys ACSC, City of Key West; Chapter 22 F-13 Regulations for the Florida Keys ACSC, City of North Key Largo Beach.

ADMINISTERING AGENCY

Department of Veteran and Community Affairs
Division of Local Resource Management
Bureau of Land and Water Management
Room 530 Carlton Building
Tallahassee, Florida 32301
904/488-4925

SUMMARY OF REGULATION

I. APPLICABILITY

At the present time, there are three designated ACSC's in the state:

1. Big Cypress Swamp in Collier, Dade and Monroe counties;
2. Green Swamp in Lake and Polk counties; and
3. Florida Keys in Monroe county.

The regulations for these ACSC's pertain to various aspects of land development with the following exceptions:

1. Work by a highway or road agency or railroad company for maintenance and improvement of existing right-of-way;
2. Work by utilities for the purpose of construction or repair of facilities on existng right-of-way;
3. Interior renovation and external decoration of structures;
4. Agricultural and silvicultural operations;
5. The creation or termination of rights of access, riparian rights, easements or covenants concerning land development; and
6. Any development undertaken with proper authorization prior to the adoption of ACSC rules.

II. REGULATORY REQUIREMENTS

ACSC designations and ensuing development regulations are based upon study and analysis of the characteristics, problems, and needs of individual areas. Consequently, the types of development activities and manner in which they are regulated may vary from one ACSC to another and, as is the case with the Florida Keys, within an ACSC.

The following summary does not attempt to detail all of the various ACSC requirements. Rather, it lists the areas regulated by each ACSC to provide an overview of regulatory requirements in each ACSC. Persons interested in pursuing land development in an ACSC are advised to consult the regulations sited in the beginning of this chapter and the DVCA.

1. Big Cypress ACSC: Specific standards exist for:
   a. Site alterations;
   b. Drainage facilities; and
   c. Transportation facility construction/

2. Green Swamp ACSC: Specific standards exist for:
   a. Principles for guiding development;
   b. Master land use plans; and
   c. Performance criteria for land developments.

3. Florida Keys ACSC: The Florida Keys ACSC is divided into five sections each with its own regulatory requirements. These subdivisions and their standards are as follows:

   a. Monroe County:
      1) development orders and public facilities coordination;
      2) special zoning districts;
      3) Community Impact Assessment Statement;

4) Land Clearing Permit;
5) Tropical hammock vegetation protection;
6) Revegetation and landscaping;
7) Shoreline protection;
8) Waste treatment and disposal;
9) Modification of subdivision regulations;
10) Plumbing code;
11) Overseas highway protection; and
12) Protection of waste treatment sites.

b. City of Key Colony Beach:
1) Coordination of development orders with public facilities;
2) Community Impact Assessment Statement; and
3) Landscaping of closed sites.

c. City of Layton:
1) Land use regulations.

d. City of Key West:
1) Plan and policy statement;
2) Coordination of development orders;
3) Airport zoning district;
4) Community Impact Assessment Statement;
5) Landscaping of closed sites;
6) Waste collection and disposal;
7) Plumbing code; and
8) Historical resource protection.

e. City of North Key Largo Beach:
1) Shoreline and mangrove protection; and
2) Site clearing and tree protection.

III. PERMIT REQUIREMENTS

Any permits required are administered at the local level, thus, requirements will vary. Consult the appropriate local jurisdiction for details.

IV. ENFORCEMENT

The local government must notify the DVCA of any application for a development permit in an ACSC. Whenever any local government issues an order on a development permit in an ACSC, copies of the order must be sent to the DVCA and the developer. Within 45 days of the issuance of such an order, the DVCA, the regional planning agency, or the developer may appeal to the Florida Land and Water Adjudicatory Commission. The filing of any such notice stays the effectiveness of the order until after completion of the appeals process. After an appeal hearing, the Commission will issue a decision granting or denying permission to develop.

The DVCA, all state attorneys and all local governments are authorized to bring an action for injunctive relief against any person found to be in violation of the provisions of the Act, or any applicable rules, regulations, or orders. If the DVCA determines that the administration of the ACSC, regulations is inadequate to protect the state or regional interest, it may institute appropriate judicial proceedings to compel proper enforcement of the ACSC regulations.

LOCAL REGULATORY POLICY

7.0 LOCAL REGULATORY POLICY

Traditionally, land use control and zoning have been matters of concern for local governments. In Florida, this is reflected in state enabling legislation which provides for the establishment of local planning organizations. (Chapter 7.1)

In addition to local controls, the Florida legislature has also recognized that problems of land and water use are often regional in nature. To meet these problems, substate water management districts (WMD's) and regional planning councils (RPC's) have been established. The roles of these organizations are discussed in Chapter 7.2 and 7.3 respectively.

7.1 Local Government Land Use Enabling Laws

INTRODUCTION

The Local Government Comprehensive Planning Act (LGCPA) of 1975 requires that all counties and municipalities in the state develop and adopt comprehensive plans by no later than July 1, 1981.

The purpose of this act is to utilize and strengthen the role of local governments in the comprehensive planning process and to protect human, environmental, social and economic resources by maintaining the character and stability of land use through orderly growth and development. It is also the intent of this act that adopted comprehensive plans will have legal status such that no public or private development will be permitted unless it is in accordance with such adopted comprehensive plans.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Local Government Comprehensive Planning Act of 1975 (Sections 163.3161 through 163.3211 Florida Statutes)

TITLE OF REGULATION

N/A

ADMINISTERING AGENCY

Department of Veteran and Community Affairs
Division of Local Resource Management
Room 530, Carlton Building
Tallahassee, Florida 32301
904/488-4925

SUMMARY OF REGULATION

I. APPLICABILITY

The provisions of the LGCPA apply to all counties, municipalities and special districts which exercise regulatory authority and/or grant land development permits.

II. REGULATORY REQUIREMENTS

The LGCPA requires all counties, municipalities, and special districts (e.g., water management districts) to prepare and adopt comprehensive plans for land and community development by July 1, 1981. The Act also specifies provisions and procedures to be followed in the preparation of such plans including:

1. Areal coverage of plans. Section 163.3171, Florida Statutes, defines the scope of authority to be exercised by counties and municipalities in establishing planning district boundaries.

2. Establishment of local planning agencies. Local governing bodies, individually or in combination, are required to designate and establish local planning agencies which will be responsible for the preparation of the comprehensive plan. Section 163.3174, Florida Statutes, authorizes local governments to pass the enabling legislation for establishment of a local planning agency.

3. Required and optional elements of Plans. Section 163.3177, Florida Statutes, details elements which are to be addressed in a comprehensive plan. Required topics include:
   a. Statement of principles, guidelines, and standards for development;
   b. Policy statements indicating the relationship of a proposed plan to that of surrounding municipalities or counties;
   c. Policy recommendations for implementation of the comprehensive plan;
   d. Future land use;
   e. Traffic circulation;
   f. Sewers, potable water, drainage, and solid waste facilities;
   g. Conservation of natural resources;
   h. Recreation and open space;
   i. Housing;
   j. Coastal zone protection where applicable;
   k. Intergovernmental coordination; and
   l. Utilities.

   Optional topics include:
   a. Mass transit;
   b. Ports and aviation facilities;
   c. Pedestrian traffic;
   d. Off street parking;
   e. Public buildings and services;
   f. Community design;
   g. Redevelopment of blighted areas;
   h. Public safety and disaster preparedness;
   i. Historic/Scenic preservation; and
   j. Economic development.

   Note: Optional topics (a), (b) and (c) must be addressed by local governments whose jurisdictions have a population greater than 50,000.

4. Public participation. Local governments and agencies are directed to adopt procedures designed to effect public participation in the comprehensive planning process to the fullest extent possible, and to provide owners of real property with notice of all official actions which will regulate the use of their property.

5. Adoption of comprehensive plans. Section 163.3184, Florida Statutes, details procedures for interagency reviews and public hearings which must be carried out prior to the adoption of any comprehensive plan.

6. Amendment, evaluation, and appraisal of comprehensive plans. Section 163.3187, Florida Statutes, outlines procedures for amending an adopted comprehensive plan. Section 163.3191, Florida Statutes, states that the planning programs established by LGCPA are intended to be continuous and ongoing projects. Provisions for evaluation and appraisal reports and updates of comprehensive plans are detailed in section 163.3191.

7. Legal status of comprehensive plans. It is the intent of the LGCPA that adopted comprehensive plans be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area covered by such a plan. All land development regulations enacted must be consistent with the comprehensive plan or elements thereof, and all existing regulations must be brought into conformity with the plan within a reasonable period. Sections 163.3177(2) and 163.3194 through 163.3201 further detail the intended legal status of local comprehensive plans adopted under the LGCPA.

III. PERMIT REQUIREMENTS

N/A. Not a permitting program

7.2 Water Management Districts

INTRODUCTION

The Florida Water Resource Act of 1972 declares that it is the policy of the state to preserve and protect the water resources of the state. Under the Act, the Department of Environmental Regulation (DER) is charged with the responsibility to conserve, protect, manage, and control the waters of the state. The Act also establishes five water management districts (WMDs) to help manage water resources at the sub-state level and to deal with water related problems of regional significance.

The regulatory structure involving DER and the various WMDs is complex. The DER has the power to delegate various management functions to the respective WMDs. To receive any such powers the WMD must first adopt procedural rules acceptable to the DER covering the area of authority in question (e.g., water well permitting, consumptive use permitting). If these proposed rules are acceptable to DER, it will delegate the applicable powers to the WMD. If the proposed rules are not acceptable, or if the WMD does not attempt to draft any rules, then the authority remains with the DER. Thus, some WMDs have more autonomy and control over regional water resources than other WMDs.

In addition, since all WMDs draft and adopt rules designed to fit the needs of their respective regions, regulatory requirements and permitting procedures will vary among WMDs. Some WMDs are also divided into sub-districts, each with differing rules and regulations.

Given this intricate situation, this subchapter will not attempt to detail all the separate regulatory requirements and permitting procedures of each WMD. Rather, this subchapter will present an overview of the areas that are regulated and permitted by each WMD. Information concerning procedural details is best obtained from a representative of the WMD in question.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Florida Water Resources Act of 1972, Chapter 373, Florida Statutes

TITLE OF REGULATIONS:

All chapters cited are from the Florida Administrative Code (F.A.C.)

Northwest Florida WMD:

Chapter F.A.C.	Title
40 A-3	Regulation of Wells
40 A-4	Management and Storage of Surface Waters
40 A-5	Regulation of Artifical Recharge Facilities
40 A-6	Works of the District

Suwannee River WMD:

Chapter F.A.C.	Title
16 H-1	Creation, Description, Organization and Procedures of the District
16 H-3	
40 B-3	Rules and Regulations Governing Water Wells
40 B-5	Permitting of Artificial Recharge Systems

St. Johns River WMD:

Chapter F.A.C.	Title
40 C-1	General and Procedural Rules
40 C-2	Permitting of Uses of Water
40 C-3	Regulation of Wells
40 C-4	Management and Storage of Surface Waters
40 C-5	Works of the District

Southwest Florida WMD:

Chapter F.A.C.	Title
40 D-1	Procedural Rules
40 D-2	Consumptive Use of Water
40 D-3	Regulation of Water Wells
40 D-4	Management and Storage of Surface Waters
40 D-6	Works of the District

South Florida WMD:

Chapter F.A.C.	Title
16 K-1	General and Procedural Rules
16 K-2	Permitting of Uses of Water
16 K-4	Management and Storage of Surface Waters
16 K-5	Use of Works of the District

ADMINISTERING AGENCY

Northwest Florida Water Management District
Rt. 1, Box 3100
Havana, Florida 32333
904/487-1770

Suwannee River Water Management District
Rt. 3, Box 64
Live Oak, Florida 32060
904/362-1001

St. Johns River Water Management District
P.O. Box 1425
Palatka, Florida 32077
904/796-7211

Southwest Florida Water Management District
5600 U.S. Highway 41 South
Brooksville, Florida 33512
904/796-7211

South Florida Water Management District
P.O. Box V
West Palm Beach, Florida 33402
305/686-8800

SUMMARY OF REGULATIONS

There are five major areas which may be covered by WMD permitting programs. These areas are:

1. Consumptive use of water;
2. Management and storage of surface waters;
3. Regulation of wells;
4. Artificial recharge systems; and
5. Works of the district.

If, in a particular WMD, one of these areas is not covered by a WMD permitting program, then jurisdiction for the area in question is held by the DER.

Also, it should be noted that while the names of permitting programs may be the same for different WMDs, the rules and requirements involved will differ for each WMD. For example, the granting of a consumptive use permit in the St. Johns River WMD involves a different procedure than obtaining a consumptive use permit in the South Florida WMD.

The following section briefly summarizes the permitting programs of each WMD:

1. Northwest Florida WMD: Permitting programs exist for:

   a. Regulation of wells;
   b. Management and storage of surface waters;
   c. Regulation of artificial recharge facilities; and
   d. Works of the district.

2. Suwannee River WMD: Permitting programs exist for

   a. Regulation of wells; and
   b. Regulation of artificial recharge facilities.

3. St. Johns River WMD: Permitting programs exist for:

   a. Consumptive use of water;
   b. Regulation of wells;
   c. Management and storage of surface waters; and
   d. Works of the district.

4. Southwest Florida WMD: Permitting programs exist for:

   a. consumptive use of water;
   b. regulation of wells;
   c. management and storage of surface waters; and
   d. works of the district.

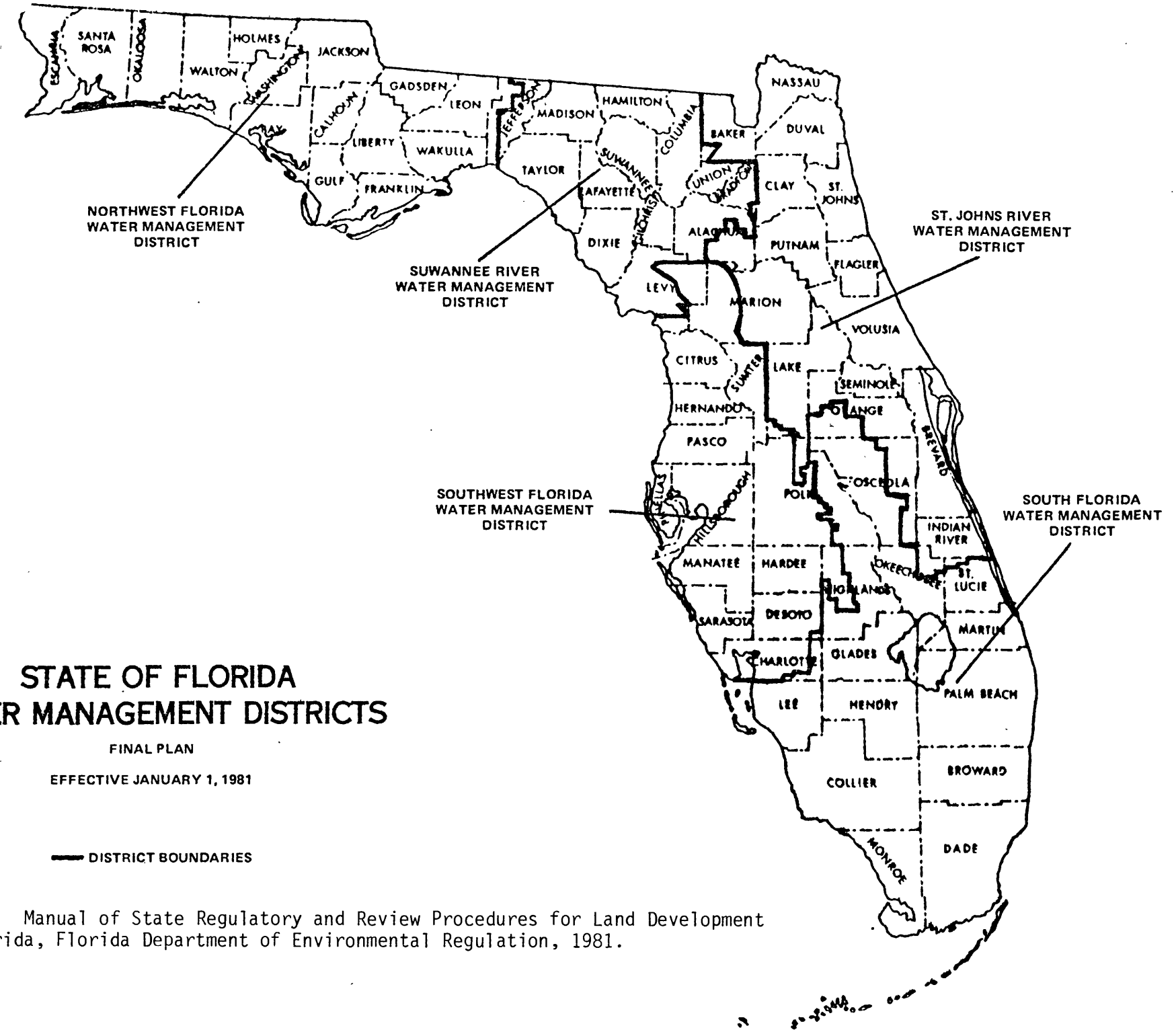
5. South Florida WMD: Permitting programs exist for:

   a. consumptive use of water;
   b. management and storage of surface waters;
   c. regulation of artificial recharge facilities; and
   d. works of the district.

Review and processing procedures differ for each WMD. Appeals pertaining to permit denials are heard before the governing board of the WMD according to rules described in Chapter 120, Florida Statutes.

Violations of permit conditions or other applicable rules may incur suspension or revocation of a permit.

The state, counties, or muncipalities may also require additional permits besides any granted by a WMD.



STATE OF FLORIDA
WATER MANAGEMENT DISTRICTS

FINAL PLAN

EFFECTIVE JANUARY 1, 1981

DISTRICT BOUNDARIES

Source: Manual of State Regulatory and Review Procedures for Land Development in Florida, Florida Department of Environmental Regulation, 1981.

7.3 Regional Planning Councils

INTRODUCTION

In the Florida Regional Planning Council Act the state legislature finds and declares that the problems of growth and development often transcend the units of local governments such that no single unit can formulate plans or implement policies without affecting other units in their geographic area. The legislature also declares the need for regional planning agencies to assist local governments in resolving common problems.

Therefore, the purpose of the Act is to establish a common system of regional planning councils (RPCs) to assist in planning, policy guidance, and coordination of activities between local, state, and federal governments.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Florida Regional Planning Council Act, Chapter 160, Florida Statutes

TITLE OF REGULATION

Chapter 22 E-1, Florida Administrative Code; Establishing the Boundaries for Comprehensive Planning Districts

ADMINISTERING AGENCIES

West Florida Regional Planning Council
P.O. Box 486
Pensacola, Florida 32593
904/478-5870

Apalachee Regional Planning Council
P.O. Box 428
Blountstown, Florida 32424
904/674-4571

North Central Florida Regional Planning Council
2002 N.W. 13th St.
Gainesville, Florida 32601
904/376-3344

Northeast Florida Regional Planning Council
8641 Baypine Road, Suite 9
Jacksonville, Florida 32216
904/737-7311

Withlacoochee Regional Planning Council
1241 S.W. 10th St.
Ocala, Florida 32670
904/732-3307

East Central Florida Regional Planning Council
1011 Wymore Road
Winter Park, Florida 32789
305/645-3339

Central Florida Regional Planning Commission
P.O. Drawer 2089
Bartow, Florida 33830
813/533-4146

Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Florida 33702
813/577-5151

Southwest Florida Regional Planning Council
2121 West First Street
Ft. Myers, Florida 33902
813/334-7382

Treasure Coast Regional Planning Council
P.O. Box 2395
Stuart, Florida 33494
305/286-3313

South Florida Regional Planning Council
1515 Northwest 167th St., Suite 429
Miami, Florida 33169
305/621-5871

SUMMARY OF REGIONAL PLANNING COUNCIL FUNCTIONS

Regional planning councils (RPCs) function mainly as advisory and administrative bodies.

The designated functions of RPCs include:

1. Providing a liason between federal and state governments in the administration of various federal and state programs;
2. Conducting studies of regional resources;
3. Preparing comprehensive regional policy plans;
4. Acting in an advisory capacity to the constituent local governments in regional, metropolitan, county and municipal planning matters;
5. Reviewing and commenting on environmental impact statements, development of regional impact proposals and other permit proposals; and
6. Other administrative functions which are detailed in sections 160.02, Florida Statutes.

Appendix A: Department of Environmental Regulation District Offices

As mentioned previously in this volume, many permitting programs in Florida are administered by the district offices of the Department of Environmental Regulation (DER). The following list and map are provided to direct applicants to the proper DER district office.

Northwest District
160 Governmental Center
Pensacola, Florida 32561
904/436-8300

Northwest District Branch Office
217 E. 23rd St.
Suite B
Panama City, Florida 32405
904/769-3576

Northwest District Branch Office
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301
904/488-3704

St. Johns River District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803
305/423-6380

St. Johns River Subdistrict
3426 Bills road
Jacksonville, Florida 32207
904/396-6959

St. Johns River Subdistrict Branch Office
825 Northwest 23rd Ave., Suite G
Gainesville, Florida 32601
904/377-7528

Southwest District
7601 Highway 301 North
Tampa, Florida 33610
813/985-7402

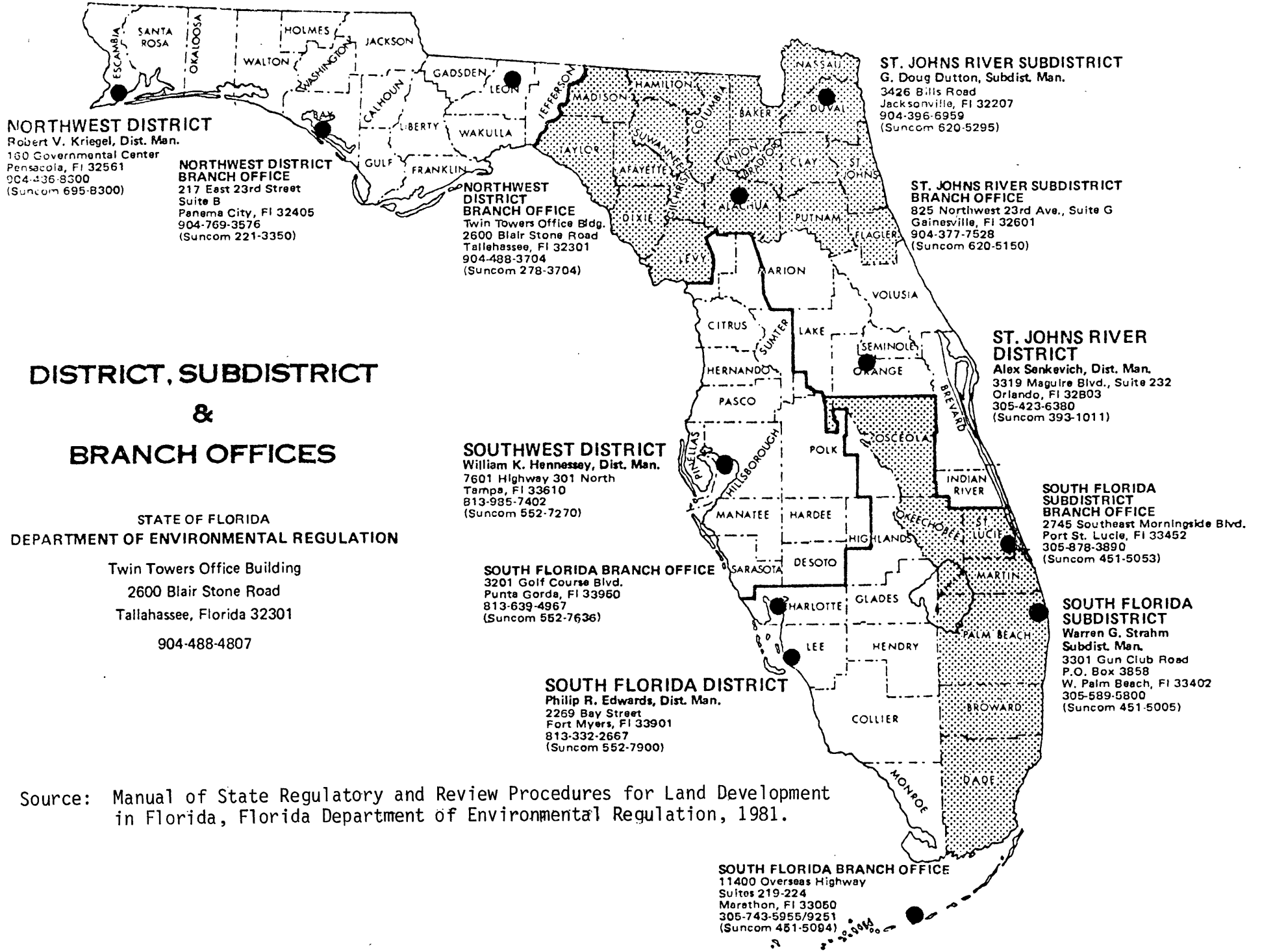
South Florida District
2269 Bay Street
Fort Myers, Florida 33901
813/332-2667

South Florida Branch Office
3201 Golf Course Blvd.
Punta Gorda, Florida 33950
813/639-4967

South Florida Branch Office
11400 Overseas Highway
Suites 219-224
Marathon, Florida 33050
305/743-5955 or 9251

South Florida Subdistrict
3301 Gun Club Road
P.O. Box 3858
West Palm Beach, Florida 33402
305/689-5800

South Florida Subdistrict Branch Office
2745 Southeast Morningside Blvd.
Port St. Lucie, Florida 33452
305/878-3890



DISTRICT, SUBDISTRICT & BRANCH OFFICES

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

904-488-4807

NORTHWEST DISTRICT
Robert V. Kriegel, Dist. Man.
160 Governmental Center
Pensacola, Fl 32561
904-436-8300
(Suncom 695-8300)

NORTHWEST DISTRICT BRANCH OFFICE
217 East 23rd Street
Suite B
Panama City, Fl 32405
904-769-3576
(Suncom 221-3350)

NORTHWEST DISTRICT BRANCH OFFICE
Twin Towers Office Bldg.
2600 Blair Stone Road
Tallahassee, Fl 32301
904-488-3704
(Suncom 278-3704)

ST. JOHNS RIVER SUBDISTRICT
G. Doug Dutton, Subdist. Man.
3426 Bills Road
Jacksonville, Fl 32207
904-396-6959
(Suncom 620-5295)

ST. JOHNS RIVER SUBDISTRICT BRANCH OFFICE
825 Northwest 23rd Ave., Suite G
Gainesville, Fl 32601
904-377-7528
(Suncom 620-5150)

ST. JOHNS RIVER DISTRICT
Alex Senkevich, Dist. Man.
3319 Maguire Blvd., Suite 232
Orlando, Fl 32803
305-423-6380
(Suncom 393-1011)

SOUTHWEST DISTRICT
William K. Hennessey, Dist. Man.
7601 Highway 301 North
Tampa, Fl 33610
813-985-7402
(Suncom 552-7270)

SOUTH FLORIDA BRANCH OFFICE
3201 Golf Course Blvd.
Punta Gorda, Fl 33950
813-639-4967
(Suncom 552-7636)

SOUTH FLORIDA SUBDISTRICT BRANCH OFFICE
2745 Southeast Morningside Blvd.
Port St. Lucie, Fl 33452
305-878-3890
(Suncom 451-5053)

SOUTH FLORIDA SUBDISTRICT
Warren G. Strahm
Subdist. Man.
3301 Gun Club Road
P.O. Box 3858
W. Palm Beach, Fl 33402
305-589-5800
(Suncom 451-5005)

SOUTH FLORIDA DISTRICT
Philip R. Edwards, Dist. Man.
2269 Bay Street
Fort Myers, Fl 33901
813-332-2667
(Suncom 552-7900)

SOUTH FLORIDA BRANCH OFFICE
11400 Overseas Highway
Suites 219-224
Marathon, Fl 33050
305-743-5955/9251
(Suncom 451-5094)

Source: Manual of State Regulatory and Review Procedures for Land Development in Florida, Florida Department of Environmental Regulation, 1981.