

Notice of Proposed Rule

WATER MANAGEMENT DISTRICTS South Florida Water Management District

RULE NO: RULE TITLE

[40E-400.315](#): No Notice General Permit for Activities in Uplands

PURPOSE AND EFFECT: To delete partial delegation to Collier County for projects less than 40 acres total land area.

SUMMARY: Collier County has requested to relinquish its delegated authority for all projects less than 40 acres. This delegation was approved on September 17, 1980. Permit applicants in Collier County will now need to submit an application to the South Florida Water Management District for projects less than 40 acres which do not qualify for a No Notice General Permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed revision to relinquish Collier County's delegation authority for projects less than 40 acres with a surface water management system in Collier County has in the past impacted fewer than 10 applicants per year. Applicants can be individual, business, agricultural interest, or local and/or state government. Only minimal additional staff time will be required to review/approve these permit applications.

Permit application processing fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance, and as a result, the District's total projected revenue is expected to increase by up to \$2,000.00 per application submitted. The application fees currently used by Collier County for processing applications pursuant to paragraph 40E-400.315(2)(c), F.A.C., are not directly equivalent to the application fees assessed by the District. The proposed rule will impose no new capital and equipment or operating and maintenance costs, nor will it require hiring of new employees or contractors. Individual and Entities, including local governments, could potentially be required to pay an application fee of up to \$2,000.00 to submit the application to the District. However, some of the projects that previously qualified for the No Notice provision of paragraph 40E-400.315(2)(c), F.A.C., will also qualify for a No Notice General Permit under subsection 40E-400.315(1), F.A.C., and thus would not incur additional costs.

It is anticipated that the proposed rule revision will have a minimal affect on small businesses and small cities, since any of those entities that qualified for the existing No Notice General Permit likely would have needed to apply to the County for their various local government authorizations. Those who do not qualify will be required to pay \$2,000 per application submitted to the District.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [373.044](#), [373.113](#), [373.118](#), [373.171](#), [403.813](#), [403.814 FS](#).

LAW IMPLEMENTED: [373.118](#), [373.413](#), [373.416](#), [373.426 FS](#).

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 13, 2009, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 6080 or (561)682-6080. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anita R. Bain, Director, Environmental Resource Permitting Division, Environmental Resource Regulation Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Senior Paralegal, Office of Counsel, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-400.315 No Notice General Permit for Activities in Uplands.

(1) No change.

(2) through (2)(b) No change.

~~(c) Thresholds and Additional Conditions Within Collier County:~~

~~1. The project must have less than 40 acres total land area.~~

~~2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

~~Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 4-14-03,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Director, Environmental

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008