

## CHAPTER 62-113 DELEGATIONS

- 62-113.100 Purpose.  
62-113.200 Delegation of Authority by Secretary.

### 62-113.100 Purpose.

This rule chapter lists the delegation agreements which have been entered into by the Department with another state agency, political subdivision or water management district, and which delegate any of the Department's duties and responsibilities under Chapters 253, 373, 376 and 403, Florida Statutes, and Title 62, F.A.C. This rule chapter additionally lists the agreements with water management districts which specify that the Department is exercising any of its independent regulatory authorities pursuant to Chapter 373, F.S. For purposes of Title 62, F.A.C., wherever the term "Department" appears, it shall mean the Florida Department of Environmental Protection or its delegatee as provided in the agreements listed in Chapter 62-113, F.A.C. These delegation agreements are hereby incorporated by reference and are available for public inspection and copying during normal business hours at the Department's Office of General Counsel, 2600 Blairstone Road, Tallahassee, Florida.

#### (1) Delegations to state agencies.

(a) #74-2: Interagency Agreement between Dept. of Pollution Control and Dept. of Agriculture and Consumer Services delegating permitting and enforcement authority relating to open burning and frost protection fires to administer Chapter 62-5, F.A.C., January 31, 1974.

(b) #81-21: Interagency Agreement between Department of Environmental Protection and Department of Agriculture and Consumer Services delegating enforcement and permitting of open burning rules. October 12, 1981.

(c) #74-1: Interagency Agreement between Dept. of Pollution Control and Florida Game and Freshwater Fish Commission to delegate Chapter 403 enforcement duties to the Commission. December, 1973.

(d) #92-1: Interagency Agreement between Department of Environmental Protection and Department of Health and Rehabilitative Services for Implementation of the Florida Safe Drinking Water Act. – delegates to the County Public Health Units of Lee, Broward, Dade, Duval, Hillsborough, Manatee, Palm Beach, Pinellas, Polk and Sarasota counties the authority pursuant to Section 403.862(1)(c), F.S., to administer the public water system program. February 28, 1992.

#### (2) Delegations to political subdivisions.

(a) #76-4: Local program delegation to Broward County – Delegates Department of Environmental Protection permitting to Broward County for domestic waste, solid waste, industrial waste, and air pollution (excludes Power Plant Siting), and enforcement/compliance monitoring duties. June 18, 1976.

(b) #81-1: Delegation to Broward County Environmental Quality Control Board to issue permits for domestic waste, and general permits for certain dredge and fill and solid waste and domestic waste facilities. January 10, 1984.

(c) #84-2: Operating Agreement with Broward County Environmental Quality Control Board to issue certain permits for sewage collection systems, domestic waste facilities, and certain dredge and fill general permits. March 1, 1984.

(d) #86-10: Agreement between Collier County and Department of Environmental Protection – delegates inspections of certain package sewage treatment plants to Collier County. April 29, 1986.

(e) #83-9: Delegation to Dade County Department of Environmental Resources Management to issue domestic wastewater/sewage system construction and certain general permits. May 26, 1983.

(f) #86-14: Delegation to Duval County of Domestic/Industrial, Solid Waste and Air Permitting. June 3, 1982.

(g) #85-5: First Amendment to Hillsborough County Environmental Protection Commission General Operating Agreement: delegates partial permitting authority for domestic wastewater program, domestic sludge program, solid waste program and industrial waste program. April 23, 1985.

(h) #86-11: Addendum to Operating Agreement with Lake County – delegates permitting to Lake County for domestic sludge landspreading. December 22, 1986.

(i) #95-1: Order of Delegation and Operating Agreement Between the Florida Department of Environmental Protection and Palm Beach County Department of Environmental Resources Management Regarding Environmental Resource Noticed General Permits for Single Family Residential Lots Within the Indian Trail Water Control District.

(j) #84-2: Delegation Order #OGC 84-0077 to Palm Beach County Health Department to issue certain permits (sewage systems, domestic waste, certain general permits) February 24, 1984.

(k) #84-8: Operating Agreement with Palm Beach County Health Department to process and issue certain permits entered into pursuant to Delegation Order #OGC 84-0077. March 28, 1984.

(l) #91-1: Agreement with Palm Beach County Public Health Unit for delegation of domestic wastewater activities. January 8, 1991.

(m) #89-12: Addendum to Operating Agreement with Volusia County to administer permitting program for landspreading of domestic sludge. July 20, 1989.

(n) #92-4: Air Pollution Control Specific Operating Agreement Between the State of Florida Department of Environmental Protection and the Hillsborough County Environmental Protection Commission: delegates certain air permitting responsibilities to Hillsborough County Environmental Protection Commission. November 20, 1992.

(o) #98-1: Delegation Agreement Concerning Stormwater Between the Department of Environmental Protection and the City of Tallahassee. Date signed January 29, 1998.

(p) #01-1: Delegation Agreement Between the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County Regarding Implementation of Environmental Resource Permitting, Compliance, and Enforcement, under Part IV, Chapter 373, F.S., (dated May 22, 2001).

(3) Delegations to water management districts and agreements with water management districts specifying areas in which the Department is exercising any of its independent regulatory authorities pursuant to Chapter 373, F.S.

(a) #77-4: Delegation from Department of Environmental Protection to the South Florida Water Management District of Department of Environmental Protection of permitting authority for construction or operation of works which discharge into waters of the State. May 10, 1977.

(b) #82-2: Order Authorizing South Florida Water Management District to Administer, Enforce and Defend Chapter 62-25, F.A.C., – delegates authority to South Florida Water Management District to regulate water quality impacts of stormwater discharges. February 3, 1982.

(c) #84-15: Interagency Agreement between Department of Environmental Protection and South Florida Water Management District concerning Authority to Certify Water Quality Standards under the Clean Water Act – delegates water quality certification for agricultural dredge and fill activities. September 28, 1984.

(d) #89-17: Order of Delegation Authorizing the South Florida Water Management District to Administer, Enforce and Defend Part IV of Chapter 373, F.S., – delegates MSSW permitting to the South Florida Water Management District. July 20, 1989; amended December 29, 1989.

(e) #98-2: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between South Florida Water Management District and Department of Environmental Protection – provides a division of responsibility between the South Florida Water Management District and the Department for the exercise of their authority to implement environmental resource permitting, compliance, and enforcement, under Part IV, Chapter 373, F.S., and a division of responsibility between the South Florida Water Management District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., October 27, 1998.

(f) #78-5: Memorandum of Understanding between Department of Environmental Protection and Suwannee River Water Management District delegating permitting of wells under Chapter 373, F.S., and Chapter 17-21, F.A.C., August 17, 1978.

(g) #81-12: Memorandum of Understanding between Department of Environmental Protection and Suwannee River Water Management District regarding delegation for permitting of drinking wells, applications for permits involving construction and operation of artificial recharge facilities, and applications for permits involving land disposal of treated wastewater. June 18, 1981.

(h) #84-18: Operating Agreement between Department of Environmental Protection and Suwannee River Water Management District concerning Certification of Water Quality Standards under The Federal Clean Water Act – delegates water quality certification for agricultural dredge and fill activities. December 19, 1984.

(i) #86-3: Order of Delegation to Suwannee River Water Management District to Administer, Defend, and Enforce Chapter 62-25, F.A.C., – delegates regulation of stormwater discharges. March 21, 1986.

(j) #89-16: Order of Delegation Authorizing Suwannee River Water Management District to Administer, Enforce and Defend Part IV of Chapter 373, F.S. – delegates MSSW permitting to the Suwannee River Water Management District. July 20, 1989; amended December 29, 1989.

(k) #98-3: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between Suwannee River Water Management District and Department of Environmental Protection – provides a division of responsibility between the Suwannee River Water Management District and the Department for the exercise of their authority to implement environmental resource permitting, compliance, and enforcement, pursuant to Part IV, Chapter 373, F.S., and a division of responsibility between the District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., October 27, 1998.

(l) #82-18: Order on Authorization to Southwest Florida Water Management District to Administer, Enforce and Defend specified Parts of Chapter 62-550, F.A.C., – Delegates water supply well construction permitting to Southwest Florida Water Management District. September 17, 1982.

(m) #84-19: Operating Agreement between Department of Environmental Protection and Southwest Florida Water Management District concerning Certification of Water Quality Standards under The Federal Clean Water Act – delegates water quality certification for agricultural dredge and fill activities. November 7, 1984.

(n) #89-13: Order of Delegation Authorizing Southwest Florida Water Management District to Administer, Enforce and Defend Part IV of Chapter 373, F.S., – delegates MSSW permitting to Southwest Florida Water Management District. July 20, 1989; amended December 29, 1989.

(o) #91-8: Memorandum of Agreement between the Department of Environmental Protection and Southwest Florida Water Management District Regarding Delegation of Permitting Authority for Aquaculture Facilities – delegates permitting for certain aquaculture activities to the Southwest Florida Water Management District. August 23, 1991.

(p) #98-4: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between Southwest Florida Water Management District and Department of Environmental Protection – provides a division of responsibility between the Southwest Florida Water Management District and the Department for the

exercise of their authority to implement environmental resource permitting, compliance, and enforcement, pursuant to Part IV, Chapter 373, F.S., and a division of responsibility between the District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., October 27, 1998.

(q) #84-16: Operating Agreement between Department of Environmental Protection and St. Johns River Water Management District concerning Certification of Water Quality Standards under The Federal Clean Water Act – delegates water quality certification for agricultural dredge and fill activities. November 14, 1984.

(r) #88-1: Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation between St. Johns River Water Management District and Department of Environmental Protection – provides that the Department shall process certain MSSW permits and delegates certain dredge and fill permitting to the District. January 4, 1988.

(s) #89-15: Order of Delegation Authorizing St. Johns River Water Management District to Administer, Enforce and Defend Part IV of Chapter 373, F.S., – delegates MSSW permitting to the St. Johns River Water Management District. July 20, 1989; amended December 29, 1989.

(t) #98-5: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection – provides a division of responsibility between the St. Johns River Water Management District and the Department for the exercise of their authority to implement environmental resource permitting, compliance, and enforcement, pursuant to Part IV, Chapter 373, F.S., and a division of responsibility between the District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., October 27, 1998.

(u) #84-17: Operating Agreement between Department of Environmental Protection and Northwest Florida Water Management District concerning Certification of Water Quality Standards under The Federal Clean Water Act – delegates water quality certification for agricultural dredge and fill activities. December 19, 1984.

(v) #81-8: Order of delegation of the Department of Environmental Regulation to the Northwest Florida Water Management District, St. Johns River Water Management District, Suwannee River Water Management District, Southwest Florida Water Management District, and South Florida Water Management District to administer and enforce certain provisions of Chapter 373, F.S. April 27, 1981.

*Specific Authority 373.026, 373.043, 373.046, 373.418, 373.441, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History–New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01.*

#### **62-113.200 Delegation of Authority by Secretary.**

The Secretary, as head of the Department, has delegated authority as follows:

(1) To the Assistant Secretary of the Department to act on behalf of the Secretary in all matters during the absence of the Secretary, including the signing of contracts, and in the absence of both the Secretary and Assistant Secretary to a designated Division Director to act in the Secretary's behalf on all matters.

(2) To the Director, Division of Administrative Services, to act on behalf of the Secretary on all purchasing, office space leasing, personnel, and budget matters, and to execute contracts.

(3) To the General Counsel,

(a) to accept service of process in lawsuits filed against the agency;

(b) to make the determination within ten days of receipt of a petition for an administrative determination of whether or not to refer the petition to DOAH for the assignment of the proceeding to a Hearing Officer, or whether or not to commence informal proceedings pursuant to Section 120.57(2), F.S.; and

(c) to execute orders granting requests for extension of time to file petitions for administrative proceedings filed with the Department pursuant to Rule 62-103.070, F.A.C.,

(d) To execute final orders entered after a petition for administrative proceedings has been filed pursuant to Section 120.57, F.S., where the petition has been withdrawn or all parties have entered into a settlement resolving the issues set forth in the petition.

(4) To the Directors of District Management and, in the absence of the Directors of District Management, to the person designated by the Directors of District Management in writing to act in behalf of the Directors of District Management, authority to take the following agency actions:

(a) To complete, sign and submit to the appropriate authority applications and all other necessary documents relating to the laboratory use of alcohol by the District Offices pursuant to Section 6 of Chapter 75-22, Laws of Florida, and Section 20.05, F.S. This authority is also delegated to the Chief of the biological section, relating to the use of alcohol by the biological laboratory.

(b) To approve or deny engineering plans and related documents covering proposed public water supply improvement projects, e.g., new water treatment plants or modifications, distribution system extensions, and water well installations. Sections 403.850 through 403.864, F.S.

(c) To approve or deny permits, including execution of notices of intent to approve or deny such permits, to construct public water supply wells. Sections 403.850 through 403.864, F.S.

(d) With regard to domestic wastewater treatment and industrial wastewater treatment facilities, air pollution sources, sanitary landfills, hazardous waste facilities, sources of groundwater contamination, and underground injection control, the following authority is delegated:

1. To approve and deny construction, operation and temporary operation permits under Chapter 403, F.S., including execution of notices of intent to approve or deny such permits;

2. To approve and deny requests for extensions of expiration dates of construction permits, including execution of notices of intent to take such action;

3. To approve and deny requests for the issuance or renewal of operation permits where the subject facility or operation is meeting Department standards and requirements, including execution of notices of intent to take such action;

4. To approve, deny and order modifications of operation permits, including execution of notices of intent to take such actions;

5. To approve and deny requests for the extension or revision of compliance dates and conditions in temporary operation permits after public notice, where a good faith effort has been made by the applicant to meet the deadlines and requirements in the temporary operation permit, including execution of notices of intent to take such action; and

6. To issue the appropriate public notice for all of the types of permits delegated to the districts.

(e) To issue notices of intent to deny, or approve and to issue final orders of denial when no administrative hearing has been requested for short form dredge and fill applications, and other applications described in subsection 62-101.040(4), F.A.C.

(f) Upon approval by the Office of General Counsel, to execute consent orders, notices of violation, orders for corrective action, and final orders on matters for which no request for hearing has been timely filed.

(g) To act on authorizations for restoration pursuant to DEP Form 62-1.203(3).

(h) To conduct permitting, compliance and enforcement activities under Chapter 373, Part IV, F.S., as set forth in those Operating Agreements entered into with the Suwannee River Water Management District, the St. Johns River Water Management District, the South Florida Water Management District and the Southwest Florida Water Management District as specified in Rule 62-113.100, F.A.C.

(5) To the Director, Division of Air Resources Management or, at the Director's discretion, to the Chief of the Bureau of Air Regulation, authority to issue notices of agency action on construction permit applications for major air facilities pursuant to Chapter 403, F.S., and Chapter 62-2, F.A.C.

(6) To the Directors of District Management and to the Director, Division of Environmental Resource Permitting, or, at the Director's discretion, to the Assistant Director or the Chief of the Bureau of Submerged Lands and Environmental Resources, the following authority:

(a) to review and take agency action on Environmental Resource Permit applications under Part IV of Chapter 373, F.S., including applications for wetland resource activities within the Northwest Florida Water Management District and applications for grandfathered activities under subsections 373.414(11), (12)(a), (13), (14), (15), and (16), F.S.;

(b) to approve or deny requests for alternate procedures and requirements for sanitary landfills pursuant to Rule 62-701.310, F.A.C.;

(c) to approve or deny requests for alternate procedures and requirements for stationary tank facilities pursuant to Rule 17-61.080, F.A.C.

(7) To the Director, Division of Water Facilities or, at his/her discretion, the Deputy Director, certification of NPDES permits pursuant to Public Law 92-500, Section 401.

(8) To the Chief, Bureau of Local Government Wastewater Financial Assistance, the following authority:

(a) To take all actions to administer the federal wastewater treatment grants program which are designated as the responsibility of the Secretary of the Department in paragraph 62-501.300(2)(c), F.A.C., with the exception of the following sections of Title 40 of the Code of Federal Regulations (40 CFR) which have been adopted by reference in Rule 62-501.310, F.A.C.:

1. Application for federal grants pursuant to 40 CFR 35 Subpart P, 35.2023 and 35.2040(d);

2. Authorization for advance allowance payments pursuant to 40 CFR 35.2025(b).

(b) To take all actions to administer the state wastewater treatment grants program which are designated as the responsibility of the Secretary in paragraph 62-501.300(3)(b) with the exception of grant offers, amendments involving changes in the grant amount, revocation, termination, or annulment pursuant to 40 CFR 30.305, 30.700(c), 30.900, 30.903, 30.904, and 35.2042(b)(2)(i), which have been adopted by reference in Rule 62-501.310, F.A.C.

(9) To the following for their respective organizational unit, the authority to take final agency action, pursuant to Chapters 17-132 and 60K-9, F.A.C., for disciplinary actions and for personnel actions against employees in their unit whose performance is less than satisfactory, including actions to reduce the employee's pay, suspension, demotion, transfer, and dismissal, or who have violated the Department's Personnel Rules, Chapter 62-130, F.A.C.:

(a) The Director of the Division of Administrative and Technical Services or, at his/her discretion, the appropriate Deputy Director within the Division;

(b) The Director of the Division of Water Management or, at his/her discretion, the Deputy Director;

(c) The Director of the Division of Water Facilities or, at his/her discretion, the Deputy Director;

(d) The Director of the Division of Air Resources Management or, at his/her discretion, the Deputy Director;

(e) The Director of the Division of Waste Management or, at his/her discretion, the Deputy Director;

(f) The Assistant Secretary of the Department for the Office of the Secretary;

(g) The General Counsel for the Office of General Counsel; and

(h) The Deputy Assistant Secretaries for the district offices.

(10) To the Bureau Chiefs or their organizational equivalent, the authority to dismiss, suspend, demote, transfer, or reassign any employee who does not have permanent status in the career service in their respective organizational unit.

(11) To the approved local programs, the Water Management Districts, and other state agencies according to specific agreements, to function as agents for the Department in those activities designated by the Department which, in the judgment of the Department, may be performed individually by each program, district or agency at a level required by applicable statutes or rules relating to these activities. These specific operating agreements are on file with the Department and available for public inspection.

(12)(a) To the South Florida Water Management District, the Southwest Florida Water Management District, the St. Johns River Water Management District, the Suwannee River Water Management District, and the Northwest Florida Water Management District the authority to administer and enforce those provisions of Chapter 373, F.S., water quality and other functions of the Department, and the rules of the Department as have been delegated from time to time to the Districts by order of the Secretary, after fourteen (14) days notice to the Governing Board and publication in the Florida Administrative Weekly. Authority delegated shall be listed in this rule subsequent to delegation. The following Districts are authorized to administer and enforce the following laws and rules, including Section 373.103(1), F.S., to the extent necessary to fully implement authority specifically delegated.

1. South Florida Water Management District: s. 373.026(1) through (5), and 373.026(6), F.S., to the extent necessary to conduct or participate in laboratory research; s. 373.033; 373.042; 373.046; 373.103(2) through (7); 373.191; Part II, Chapter 373; 373.309; 373.313; 373.316; 373.319; 373.323, F.S., except that license examinations shall be prepared through a combined effort with the other Water Management Districts in consultation with the Department; s. 373.326; 373.329; 373.333; Chapter 403, F.S., to the extent necessary to adopt, implement, and enforce Rule 16K-4.035, F.A.C.; Part IV, Chapter 373, F.S.; Chapter 62-532, F.A.C.; Chapter 62-25, F.A.C., in accordance with subsection 62-25.090(1), F.A.C.; Chapter 403 to the extent necessary to implement water quality certifications as required of the state in Section 401 of the Federal Clean Water Act for those agricultural activity permits issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; and Chapter 62-531, F.A.C.

2. Southwest Florida Water Management District: s. 373.026(1) through (5), and 373.026(6), F.S., to the extent necessary to conduct or participate in laboratory research; s. 373.033; 373.042; 373.046; 373.103(2) through (7); 373.191; Part II, Chapter 373; 373.309; 373.313; 373.316; 373.319; 373.323(6), F.S., except that license examinations shall be prepared through a combined effort with the other Water Management Districts in consultation with the Department; s. 373.326; 373.329; 373.333; Part IV, Chapter 373, F.S.; Chapter 62-532, F.A.C.; Chapter 62-25, F.A.C., in accordance with subsection 62-25.090(2), F.A.C.; Chapter 403 to the extent necessary to implement water quality certifications as required of the state in Section 401 of the Federal Clean Water Act for those agricultural activity permits issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; and Chapter 62-602, F.A.C.; s. 373.309(5), F.S., and Chapter 62-524, F.A.C., in accordance with Rule 62-524.800, F.A.C., to the extent necessary to conduct new potable water well permitting in delineated areas, and to coordinate with the Department of Health and Rehabilitative Services in accordance with paragraph 62-101.040(15)(c), F.A.C.

3. St. Johns River Water Management District: s. 373.026(1) through (5), and 373.026(6), F.S., to the extent necessary to conduct or participate in laboratory research; s. 373.033; 373.042; 373.046; 373.103(2) through (7); 373.191; Part II, Chapter 373; 373.309; 373.313; 373.316; 373.319; 373.323, F.S., except that license examinations shall be prepared through a combined effort with the other Water Management Districts in consultation with the Department; s. 373.326; 373.329; 373.333; Part IV, Chapter 373, F.S.; Chapter 62-532, F.A.C.; Chapter 403, F.S., to the extent necessary to implement water quality certifications as required of the state in Section 401 of the Federal Clean Water Act for permits issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; Chapter 62-531, F.A.C.; and Chapter 403, F.S., and Chapters 62-3, 62-4, 62-301, 62-302, 62-312, 62-321, and 62-340, F.A.C., to the extent necessary to conduct permitting, compliance and enforcement activities as specified in the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection, August 25, 1994, as referenced in Rule 62-113.100, F.A.C., which agreement supersedes the Operating Agreement concerning Management and Storage of Surface Water Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, August 28, 1992, which is adopted and incorporated by reference, and as amended December 21, 1993, which delineates permitting responsibilities concerning permitting of mitigation banks by the Department and the District within the territory of the District.

4. South Florida Water Management District: Chapter 403, F.S., and Chapters 62-3, 62-4, 62-301, 62-302, 62-312, 62-321, and 62-340, F.A.C., to the extent necessary to implement water quality certifications as required of the state in Section 401 of the Federal Clean Water Act for permits issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act, and to the extent necessary to conduct permitting, compliance and enforcement activities as specified in the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between South Florida Water Management District and Department of Environmental Protection, August 11, 1994, as referenced in Rule 62-113.100, F.A.C., which agreement supersedes the Operating Agreement concerning Management and Storage of Surface Water Regulation and Wetland Resource Regulation between the South Florida Water Management District and Department of Environmental Protection, October 27, 1992, which is adopted and incorporated by reference, and as amended January 18, 1994, which delineates permitting responsibilities concerning permitting of mitigation banks by the Department and the District within the territory of the District.

5. Southwest Florida Water Management District: Chapter 403, F.S., and Chapters 62-3, 62-4, 62-301, 62-302, 62-312, 62-321, and 62-340, F.A.C., to the extent necessary to implement water quality certifications as required of the state in Section 401 of the Federal Clean Water Act for permits issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act, and to the extent necessary to conduct permitting, compliance and enforcement activities as specified in the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between Southwest Florida Water Management District and Department of Environmental Protection, September 27, 1994, as referenced in Rule 62-113.100, F.A.C., which agreement supersedes the Operating Agreement concerning Management and Storage of Surface Water Regulation and Wetland Resource Regulation between the Southwest Florida Water Management District and Department of Environmental Protection, August 10, 1992, which is adopted and incorporated by reference, and as amended February 17, 1994, which delineates permitting responsibilities concerning permitting of mitigation banks by the Department and the District within the territory of the District.

6. Suwannee River Water Management District: s. 373.026(1) through (5), and 373.026(6), F.S., to the extent necessary to conduct or participate in laboratory research; s. 373.033; 373.042; 373.046; 373.103(2) through (7); 373.191, F.S.; Part II, Chapter 373; s. 373.309; 373.313; 373.316; 373.319; 373.323, F.S., except that license examinations shall be prepared through a combined effort with the other Water Management Districts in consultation with the Department; s. 373.326; 373.329; 373.333; Part IV, Chapter 373, F.S.; Chapter 62-532, F.A.C.; Chapter 403, F.S., to the extent necessary to implement water quality certifications as required of the state in Section 401 of the Federal Clean Water Act for permits issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; and Chapter 62-531, F.A.C.; and Chapter 403, F.S., and Chapters 62-3, 62-4, 62-301, 62-302, 62-312, 62-321, and 62-340, F.A.C., to the extent necessary to conduct permitting, compliance and enforcement activities as specified in the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between Suwannee River Water Management District and Department of Environmental Protection, September 22, 1994, as referenced in Rule 62-113.100, F.A.C.

7. Northwest Florida Water Management District: s. 373.026(1) through (5), and 373.026(6), F.S., to the extent necessary to conduct or participate in laboratory research; s. 373.033; 373.042; 373.046; 373.103(2) through (7); 373.191; Part II, Chapter 373; 373.309; 373.313; 373.316; 373.319; 373.323, F.S., except that license examinations shall be prepared through a combined effort with the other Water Management Districts in consultation with the Department; s. 373.326; 373.329; 373.333; Part IV, Chapter 373, F.S.; Chapter 62-532, F.A.C.; Chapter 403, F.S., to the extent necessary to implement water quality certifications as required of the state in Section 401 of the Federal Clean Water Act for those agricultural activity permits issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; and Chapter 17-602, F.A.C.; s. 373.309(5), F.S., and Chapter 62-524, F.A.C., in accordance with Rule 62-524.800, F.A.C., to the extent necessary to conduct new potable water well permitting in delineated areas, and to coordinate with the Department of Health and Rehabilitative Services in accordance with paragraph 62-101.040(15)(c), F.A.C.

(b) In making the foregoing delegations of authority, the Department continues to retain and exercise general supervisory authority over the water management districts, and no delegation is intended to divest the Department or the Districts of the authority to take action pursuant to those provisions of Chapter 373, F.S., which provide independent authority to the Districts or the Department.

Applications for permits to construct and operate injection wells involve provisions of Chapter 373, F.S., administered by the various water management districts, and Chapter 403, F.S., administered by the Department. Efforts have been made by the Department and Districts to coordinate this permit review process, and applicants should contact the District and Department offices for specific information on the permit coordination procedures.

(13) To those counties or municipalities, pursuant to Section 403.1815, F.S., the authority to regulate the construction of water distribution mains and sewage collection laterals of ten inches (10") or less which may be connected to any water system or sewerage system owned by the county or municipality, as has been delegated from time to time by order of the Secretary, after fourteen (14) days public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the county or municipality to whom delegation is proposed. Any authority delegated shall be listed in this rule subsequent to delegation.

(14) To the Department of Natural Resources:

(a) Aquatic Weed Control Discharge Permitting. Pursuant to Section 403.061(27), F.S., the Department of Environmental Regulation delegates to the Department of Natural Resources (DNR) the authority to issue, deny, modify, revoke, and suspend permits authorizing persons to discharge into waters, in accordance with Section 403.088(1), F.S., chemicals, biological agents and other substances for the purpose of the control of aquatic weeds or algae, provided:

1. the discharge is in accordance with a program approved by DNR pursuant to Chapter 62C-20, F.A.C.; and

2. DNR conforms to the requirements of Chapter 120, Florida Statutes and Chapters 62-103, and 28-106, F.A.C., the processing of all permit applications; and

3. the Department is allowed to intervene as of right in any DNR licensing proceeding involving this delegation.

(b) To authorize the application of chemicals to marine waters of the state for the purpose of capturing live marine species.

(15) To the Department of Health and Rehabilitative Services:

(a) The authority to issue permits for individual domestic wastewater disposal facilities listed in subsections 17-6.020(1), (2) and (3), F.A.C.;

(b) The authority to grant written authorizations for the application of pesticides to waters of the state for the purpose of insect control is in accordance with Section 403.088(1), F.S., and Rule 5E-13.046, F.A.C.

(c) The authority to implement water quality testing requirements of Chapter 62-524, F.A.C., for new potable water wells permitted for construction in delineated areas in accordance with Section 373.309(5), F.S., and Rule 62-524.800, F.A.C., and to coordinate with water management districts pursuant to their delegated activities under Chapter 62-524, F.A.C., contained in paragraph 62-101.040(12)(a), F.A.C.

(16) To the Department of Agriculture and Consumer Services:

(a) Regulation of certain open burning activities in accordance with Rule 62-256.700, F.A.C.;

(b) Testing and certifying gasoline tank trucks in accordance with Rule 62-297.440, F.A.C., and gasoline storage tanks in accordance with Rule 62-2.650, F.A.C.

*Specific Authority 110.201, 120.53(1)(a), 373.046, 373.103, 373.309, 376.303, 403.061, 403.1815, 403.1823, 403.1832, 403.1838, 403.704 FS. Law Implemented 110.227, 120.53(1)(a), 373.046, 373.103, 373.308, 373.309, 373.4135, 403.088, 403.1821 through 403.1838 FS. History—New 2-6-78, Amended 4-28-81, Revised 6-30-81, Amended 6-3-82, Formerly 17-1.04, Amended 6-1-84, 10-9-84, 7-22-85, 11-26-86, 3-3-87, 5-25-88, 8-31-89, 6-19-91, 4-26-92, 11-16-92, 3-14-94, Formerly 17-101.040, Amended 7-4-95, Formerly 62-101.040.*