

Florida Department of Environmental Protection

Memorandum

TO: Guy Gowens, Acting Executive Director, NFWFMD
Charles Houder, Acting Executive Director, SRWMD
Hans G. Tanzler III, Executive Director, SJRWMD
Blake C. Guillory, Executive Director, SWFWMD
Melissa L. Meeker, Executive Director, SFWMD

FROM: Jeff Littlejohn, P.E., Deputy Secretary for Regulatory Programs

DATE: May 4, 2012

SUBJECT: Statewide Environmental Resource Permit Rulemaking

Governor Scott's April 12, 2011 memo to DEP Secretary Vinyard stressed the importance of clear, predictable and consistent implementation of our regulatory programs. An April 25, 2011 memo from DEP's Deputy Secretary for Water Policy & Ecosystem Restoration furthered that objective by identifying statewide Environmental Resource Permit (ERP) as a DEP and Water Management District (District) objective. Chapter 2012-94, Laws of Florida, authorizes DEP to adopt a statewide ERP rule. One of DEP's top priorities is to adopt a streamlined, straightforward statewide ERP rule that will be implemented by the Districts with only ministerial rulemaking.

The statewide ERP rule will not raise or lower environmental standards. It will:

- Apply statewide,
- Reconcile procedural differences and conflicts among the existing DEP and District rules,
- Retain different stormwater quality and quantity design and performance standards accounting for regional differences in physical and natural characteristics, and
- Standardize and streamline the application process across the state, including revising the Joint Application with the U.S. Army Corps of Engineers (ACOE).

By reconciling conflicts and inconsistencies in the different sets of existing ERP rules, the statewide rule will reduce regulatory burdens by:

- Creating a more clear and efficient regulatory process across Florida;
- Creating a more consistent and simple ERP program that will make it easier for everyone to navigate the permit application process and produce better applications; and

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- Enabling DEP or a District to reach a permitting decision – approve or deny – faster, giving our customers a clearer understanding of why the decision was reached.

By way of this memorandum, I request the assistance of the Districts to devote the necessary resources to meet the ambitious schedule we laid out to develop and adopt the statewide ERP rule (enclosed). Please designate one or more representatives from your District that will be available to participate in the rule development process. Doug Fry, Environmental Administrator with the Bureau of Submerged Lands & Environmental Resources, will serve as DEP's representative. Please provide the names of your representative(s) to Doug at (850) 245-8480 or doug.fry@dep.state.fl.us.

Thank you in advance for your assistance. The active cooperation of the Districts in this process is of the utmost importance to DEP and the state of Florida.

Enclosures

cc: Herschel T. Vinyard Jr., Secretary, DEP
Mark Thomasson, Director, Division of Water Resource Management, DEP
Greg Munson, Deputy Secretary for Water Policy & Ecosystem Projects, DEP
Dr. Ann B. Shortelle, Director, Office of Water Policy, DEP
Col. Alfred Pantano, Commander, Jacksonville District, ACOE

Draft Statewide ERP Rulemaking Schedule

March-May	Interagency Workgroups begin work on draft rule concepts
May	DEP Secretary authorizes Notice of Rule Development (NRD)
June 4	Seek Office of Fiscal Accountability and Regulatory Reform (OFARR) approval of NRD
June 20	Submit NRD to Florida Administrative Weekly (FAW)
June 29	Publish NRD (with workshop dates)
July 12	Workgroup completes draft rule
July 20 – August 16	Workshops (Tallahassee/Other Locations/Webinars)
Sept. 3	Final Rule, Notice of Rulemaking (NPR) and OFARR review
Sept. 19	Submit NPR notice to FAW
Sept. 28	Publish NPR and submit rule to Joint Administrative Procedures Committee (JAPC)
Oct. 22	Hearing (Tallahassee) (need 21 days after NPR)
Oct. 31	Comments due following Hearing
**Mid-late Nov.	Publish Notice of Change (if required)
**Nov. 7	Route Final Rule package to DEP Secretary (2 weeks)
**Nov. 28	DEP Secretary signs final adoption of rule
**Nov. 30	File JAPC 7-Day letter
**Dec. 7	File Certification Package (with a post-21 day effective date – i.e. January 31, to allow for training) [schedule shifts by adding Notice of Change]
**Jan. 31	Effective date of rule

**Assuming a Notice of Change is not required