

MEMORANDUM

TO: Governing Board Members

FROM: Sharon Trost, P.G., AICP, Director of Regulation Division

DATE: September 13, 2012

SUBJECT: Authorize Publication of Notice of Proposed Rule in the Florida Administrative Weekly to repeal Chapter 40E-30, F.A.C.; request review by the Office of Fiscal Accountability and Regulatory Reform; and adopt repeal of said chapter provided no comments are received.

Recommendation

Staff recommends approval of a Notice of Proposed Rule to repeal Chapter 40E-30, F.A.C., as duplicative and unnecessary given that the no-notice permit was consolidated with Chapter 40E-3, F.A.C.

In addition, Executive Order 11-211, Section 3, states that the Office of Fiscal Accountability and Regulatory Reform (OFARR) shall make itself available to conduct analyses of existing rules or proposed rulemaking, rule amendment, or rule repeal, as requested by agency heads. Therefore, District staff recommends the Governing Board request review of this proposed rule repeal.

Background

The District proposes repeal of Chapter 40E-30, F.A.C., which was identified as duplicative and unnecessary in the District's rule review. The District moved the general permit by rule for agricultural wells that are 25 feet or less in depth in a specified portion of southern Miami-Dade County to Chapter 40E-3, F.A.C.

This rulemaking effort was included in the Annual Regulatory Plan submitted to OFARR. The adoption of this rule repeal will ensure consistency between the FDEP, the District, and the local agencies to which the District has delegated implementation of the water well permitting program.

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