

40E-7.700 Policy and Purpose

The South Florida Water Management District (District) is responsible for the operation and maintenance of the Central and Southern Florida Flood Control Project (C&SF system) consisting of 2,200 miles of canals, 2,100 miles of levees, over 1,500 water control structures, and 89 pump stations. The C&SF system provides flood control, water supply, navigation, water management, and recreational benefits to South Florida. The District must maintain its Works, including the C&SF system, free of vegetation, trash, and other debris that can lead to blockage of canals and structures resulting in increased risks of flooding, navigational hazards, and impediments to water supply. Hazards arising from the accumulation of vegetation, trash, and other debris in the C&SF system are particularly prevalent in Collier, Broward, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Polk, and St. Lucie Counties. The rules in this chapter ensure the District's ability to carry out its responsibilities and objectives under Chapter 373, Florida Statutes, without the destruction and financial burdens caused by aquatic vegetation, trash, and other debris discharging into the C&SF system from secondary and tertiary water management systems owned and operated by water management system owners and special districts that connect to and make use of the C&SF system or other Works of the District.

Rulemaking Authority: 373.044, 373.113, F.S.

Laws Implemented: 373.085, 373.086, F.S.

40E-7.701 Definitions

- (1) "C&SF system" means the Central and Southern Florida Flood Control Project as authorized by Congress in the Flood Control Act of 1948 and subsequent authorizations through the Water Resources Development Act, and so referenced in Chapter 373, Florida Statutes.
- (2) "Works of the District" means the canals, levees, structures, lands, water bodies, and other associated facilities that have been adopted as such by the South Florida Water Management District's Governing Board.
- (3) "Water management system owner" or "system owner" means the owner of any water management system or water management feature that directly connects to or makes use of the C&SF system or other Works of the District.

Rulemaking Authority: 373.044, 373.113, F.S.

Laws Implemented: 373.085, 373.086, F.S.

40E-7.702 Regulated System Owners

All water management system owners, including special districts, located in Collier, Broward, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Polk, or St. Lucie County that connect to or make use of the C&SF system or other Works of the District for any purpose, are required to comply with the provisions of this rule chapter.

Rulemaking Authority: 373.044, 373.113, F.S.

Laws Implemented: 373.085, 373.086, F.S.

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42 **40E-7.703 Measures Required to Prevent Discharges of Aquatic Vegetation, Trash, and**
43 **Other Debris into C&SF System or Other Works of the District**

- 44 (1) Within 180 days of adoption of this rule, or within 30 days of directly connecting to or
45 making use of the C&SF system or other Works of the District, system owners shall
46 establish and implement a vegetation and debris management plan (Management Plan) to
47 prevent, to the maximum extent practicable, the discharge of aquatic vegetation, trash, and
48 other debris into the C&SF system or other Works of the District through best management
49 practices (BMP). The Management Plan must include an implementation and maintenance
50 schedule with preventative BMP measures, which may include mechanical removal,
51 herbicide application, and installation of features to block transmission and facilitate
52 removal. System owners shall maintain records demonstrating implementation of the
53 Management Plan and maintenance of any equipment required to implement the plan.
54 System owners shall provide the Management Plan and implementation records to District
55 staff upon request. Failure to provide the Management Plan or implementation records to
56 the District within 7 days of the request shall constitute a violation of this rule chapter.
57 System owners should periodically assess the effectiveness of the implemented BMPs and
58 update the Management Plan if appropriate.
- 59 (2) System owners with a valid permit under Chapter 40E-63, Florida Administrative Code,
60 who are appropriately implementing the Particulate Matter and Sediment Control BMPs
61 described in Appendix B-1 of the rule chapter are not required to include aquatic vegetation
62 prevention in the Management Plan.
- 63 (3) System owners enrolled in a Florida Department of Agriculture and Consumer Services
64 (FDACS) BMP program who are appropriately implementing the Aquatic Weed Control
65 BMPs in conjunction with the Aquatic Plant Management BMPs as described in the
66 FDACS BMP Manual for the land use of the property where the system owner's system is
67 located are not required to include aquatic vegetation prevention in the Management Plan
68 if the system owner provides its applicable FDACS BMP implementation records to
69 District staff upon request. Failure to provide the applicable BMP implementation records
70 to the District within 7 days of the request shall constitute a violation of this rule chapter
71 unless a Management Plan that includes aquatic vegetation prevention is provided instead.

72 *Rulemaking Authority: 373.044, 373.113, F.S.*

73 *Laws Implemented: 373.085, 373.086, F.S.*

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75 **40E-7.704 Remedial Action**

- 76 (1) The District shall have all remedies available to it under Chapter 373, F.S., and the rules
77 adopted thereunder to enforce compliance with this rule chapter.
- 78 (2) If the District determines a system owner is violating or has violated the rules in this chapter
79 by failing to establish or implement a Management Plan to prevent the discharge of aquatic
80 vegetation, trash, and other debris into the C&SF system or other Works of the District, or
81 by failing to provide implementation records upon request:
- 82 (a) The system owner will be subject to enforcement actions by the District upon
83 written notice, which may include the requirement to pay civil penalties of up to
84 \$15,000.00 per day, per violation in accordance with Section 373.129(5), Florida

Statutes.

- (b) If the noticed violation includes the failure to establish or timely provide a Management Plan, the system owner shall respond in writing to the District's notice within 30 days, and the response must include a Management Plan that complies with 40E-7.703. An extension of time may be approved by the District upon a showing of good cause from the system owner submitted in writing to the District within the 30-day response window.

Rulemaking Authority: 373.044, 373.113, F.S.

Laws Implemented: 373.085, 373.086, 373.119, 373.129, F.S.