



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER NICOLE "NIKKI" FRIED

October 8, 2019

Tom Frick
Director
Division of Environmental Assessment and Restoration
Florida Department of Environmental Protection

Mr. Frick, *Tom*

Pursuant to sections 373.4595 and 403.067, F.S., the Office of Agricultural Water Policy (OAWP) of the Florida Department of Agriculture and Consumer Services is formally transmitting eight agricultural landowner files for compliance and enforcement actions by your office for failing to enroll in the OAWP best management practices (BMP) program and therefore failing to obtain the associated presumption of compliance with state water quality standards. These files have been compiled and transmitted according to the processes that were previously agreed to by the Florida Department of Environmental Protection (FDEP) and OAWP when an agricultural landowner fails to enroll in the OAWP BMP program. Upon conclusion of any compliance or enforcement activities undertaken by your office, OAWP is available to enroll agricultural landowners who choose to participate in the BMP program and implement those BMPs identified as necessary to meet the presumption of compliance with state water quality standards provided for in statute. If any of the identified agricultural landowners choose to be referred back to OAWP for enrollment, they will be additionally be prioritized for an implementation verification site visit to be undertaken in a reasonable time after enrollment to ensure that BMPs have been implemented in the manner established in the applicable BMP manuals. In addition to the files in this transmittal, OAWP anticipates the transmittal of several additional files in the coming weeks

In addition, OAWP is requesting to formalize the process by which files are transmitted from OAWP to your office for compliance and enforcement. Although there has been general agreement on the process, several requests by OAWP to formalize the process in a legal memorandum of agreement have not received a response from FDEP. This has resulted in situations where confusion has arisen regarding the amount of information necessary for your office to take compliance and enforcement action per statutory requirements. Given the clear obligation of agricultural landowners to enroll in the BMP program and receive the presumption of compliance with state water quality standards, or undertake water quality monitoring to confirm compliance with state water quality standards under Rule 62-307, F.A.C., formalization of the process by which OAWP aggregates the necessary information to demonstrate attempts to enroll an agricultural landowner and then subsequently refer an agricultural landowner to FDEP is appropriate.

OAWP looks forward to continuing our collaborative efforts to ensure the protection of the natural resources of Florida, as well as the implementation of those measures necessary to achieve the goals established by basin management action plans adopted by FDEP. Please do not hesitate to contact me at Christopher.pettit@fdacs.gov or 850-617-1704 with any questions or to arrange a date to finalize the next steps in formalizing the requested memorandum of agreement.

Best Regards,



Christopher Pettit

Director

Office of Agricultural Water Policy

Department of Agriculture and Consumer Services