



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER NICOLE "NIKKI" FRIED

November 27, 2019

Julie Espy
Acting Director
Division of Environmental Assessment and Restoration
Florida Department of Environmental Protection

~~Ms. Espy~~, Julie

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 six agricultural landowner files for compliance and enforcement actions by your office for failing to enroll in the OAWP best management practices (BMP) programs 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 FDEP, 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 to OAWP for enrollment, they will be prioritized for an implementation site visit to be undertaken in a reasonable time after enrollment to ensure that BMPs have been implemented in the manner established in the BMP manuals.

In addition, OAWP is requesting to formalize the process by which files are transmitted from OAWP to FDEP 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 there has been some confusion 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 or undertake water quality monitoring under Chapter 62-307, F.A.C., to confirm compliance with water quality standards, 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 our

office 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,

A handwritten signature in black ink that reads "Kim Sugar for". The signature is written in a cursive, flowing style.

Christopher Pettit

Director

Office of Agricultural Water Policy

Department of Agriculture and Consumer Services