

Handbook of Florida Water Regulation: Florida Air and Water Pollution Control Act¹

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Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal federal and state (Florida) laws that directly or indirectly relate to agriculture. This handbook provides a basic overview of the many rights and responsibilities that farmers and farmland owners have under both federal and state laws as well as the appropriate contact information to obtain more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time. Several details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded as a substitute for professional advice. This handbook is not all inclusive in providing information to achieve compliance with the federal and state laws and regulations governing water protection. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, the Florida Cooperative Extension Service, the Institute of Food and Agricultural Sciences, and the University of Florida for any liability claims, damages, or expenses that

may be incurred by any person as a result of reference to or reliance on the information contained in this handbook.

FAWPCA Overview

The Florida Legislature enacted the Florida Air and Water Pollution Control Act (FAWPCA) in 1994, in recognition that pollution of Florida's air and water is a menace to public health and welfare; is harmful to wildlife; and impairs domestic, agricultural, industrial, and other uses of air and water.

The purpose of FAWPCA is to conserve, protect, and improve the quality of Florida's waters for a variety of purposes, including public water supplies and preservation of wildlife, and to achieve and maintain levels of air quality that will protect not only human health and safety, but also plant and animal life and property in order to promote the social and economic development of Florida.

Who Enforces FAWPCA?

The Florida Department of Environmental Protection (FDEP) is the primary enforcer of FAWPCA, and is responsible for developing its rules and laws. FAWPCA requires that FDEP make transcripts available for all FAWPCA proceedings.

1. This is EDIS document FE607, a publication of the Food and Resource Economics Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL. Published December 2005, revised June 2011. Please visit the EDIS website at <http://edis.ifas.ufl.edu>.
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What Are the Duties of FDEP under FAWPCA?

Along with enforcement, FDEP has multiple duties under FAWPCA, including the duties to:

- Approve and develop current and long-range plans to provide for air and water quality control and pollution abatement
- Secure necessary scientific, technical, research, administrative, and operational services from other state agencies by interagency agreement, etc.
- Adopt a comprehensive program for the prevention, abatement, and control of pollution of the air and waters of Florida, and to review and modify this program as necessary
- Take and test samples of air and water to determine the levels of air and water quality throughout Florida
- Require persons engaged in operations that may result in pollution to file reports that may contain information relating to the rate and period of emission, and composition and concentration of contaminants
- Establish a permit requirement system for the operation, construction, or expansion of any installation that may be the source of air or water pollution, and provide for the issuing and revocation of such permits
- Consult with any person proposing to construct, install, or otherwise acquire a pollution control device or system concerning the effectiveness of such device or system, or the pollution problem related to the source, device, or system
- Establish rules that provide for the special category of water bodies within the state, known as Outstanding Florida Waters, which are worthy of special protection because of their natural attributes
- Coordinate Florida's stormwater program
- Exercise the duties, powers, and responsibilities required of the state under the Clean Air Act

For a complete list of the duties, powers, and requirements of FDEP under FAWPCA, contact FDEP.

Source

Chapter 403, Florida Statutes, Sections 403.011 to 403.0611

Acknowledgments

The authors are indebted to the personnel of both state and federal agencies who provided their time and advice in the preparation of this handbook.