



Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

STATE LEGISLATIVE PRIORITIES 2017

Reforming State Oil Drilling Laws and Regulations to Prevent Inappropriate Activities

- Florida's oil and gas regulations are decades old and were designed around older conventional oil extraction techniques – not the unconventional newer methods of extraction using well stimulation techniques.
- Well stimulation treatments can involve either fracturing rock (hydraulic or acid fracturing, known as “fracking”) or dissolving the rock (matrix acidizing), all of which involve immense amounts of freshwater mixed with toxic chemicals injected underground and which produce toxic wastewater as a byproduct.
- Well stimulation treatments are virtually unregulated by the state. Current regulations require drillers only to obtain a permit for conventional drilling and then submit a “workover notice” after the fact for the use of these treatments. This notification requirement does not give DEP the explicit authority to restrict or deny such treatments, even if they believe they will be unsafe.
- Information about the usage of these well stimulation treatments can be entirely withheld from the public. Drillers determine if information is exempt under a trade secret provision without an independent evaluation by the state to verify. There is no reasonable way for the public or local governments to access or legally challenge improperly withheld documents.
- The Conservancy **supports** the immediate passage of legislation that would suspend all types of well stimulation including hydraulic fracturing, acid fracturing or acid stimulation, and require an independent study to be conducted to assess the potential risks and impacts of these fracking and fracking-like techniques on Florida's unique hydrology and geology. Suspending these treatments would not affect routine well cleaning operations.
- The Conservancy **opposes** any legislation that would not suspend and study all types of well stimulation treatment, or would in any way reduce or eliminate existing local governmental authority over restricting or prohibiting oil and gas activities.

Restoring the Caloosahatchee River and the Western Everglades

- The Conservancy **supports** the purchase of land south of Lake Okeechobee for Everglades Restoration and the restoration of the Caloosahatchee River. Additional storage and conveyance is needed south of Lake Okeechobee to reduce harmful discharges to the Caloosahatchee and St. Lucie estuaries, and to restore flows to the Everglades area and Florida Bay. Therefore, the Conservancy **supports** and asks the legislature to fund Senator Joe Negron's proposed plan to purchase land in the Everglades Agricultural Area to build the EAA reservoir planned for in CERP. The Conservancy also **supports** and asks that the legislature direct the South Florida Water Management District to be the local project sponsor and begin EAA Reservoir planning now.
- The Conservancy **supports** the C-43 Reservoir project to help ameliorate insufficient flows to the Caloosahatchee during dry periods. The completion of this critical project is now being delayed to 2024 due to insufficient state funding. The Conservancy **supports** and requests the legislature to appropriate additional funds to complete the project during the original plan schedule by 2020, as well as direct the SFMWD to start planning for an additional water quality component to cleanse reservoir water before it is rereleased into the river.

Protecting Waters Used for Public Recreation and Drinking

- Excess Nitrogen and Phosphorus (nutrient pollution) from sewage and fertilizers from residential and agricultural use are building up in Florida waterways, fueling harmful algae outbreaks, which can result in fish kills and in some cases produce toxins unsafe for aquatic life and human health.
- One of the cheapest and most effective ways to reduce nutrient pollution is to pass local fertilizer ordinances that educate and encourage correct fertilizer usage to prevent it from running into nearby stormdrains and waterways where it can increase algae growth. To date 10 counties and 83 municipalities have adopted local urban fertilizer ordinances in the state, yet several attempts to pre-empt these ordinances have been made at the state level during previous years. The Conservancy **opposes** any attempt by the Legislature to pre-empt local governments from approving and implementing fertilizer ordinances that go above and beyond a state model ordinance.
- The Conservancy **supports** and asks the legislature to increase funding to DEP for water quality monitoring and watershed assessment. Many waterbodies do not have enough data collected to make an assessment determination. That results in “insufficient data” designations throughout the Conservancy’s region. Increased funding will allow more accurate and complete assessments in order to determine whether waterbodies currently meet state water quality standards and are safe for public use.
- The Conservancy recognizes the potential water conservation benefits of expanding the use of reclaimed water in Florida; however, reclaimed water is nutrient rich and therefore must be handled appropriately to not degrade water quality of nearby surface waterbodies. Therefore, the Conservancy **supports** appropriate safeguards be added to any reclaimed water legislation, to ensure that waterways are not impacted by reclaimed water discharges or runoff from irrigation using reclaimed water. The Conservancy **opposes** any legislation which would undermine water (including reclaimed water) remaining a public resource under the “waters of the state” protections and regulations.

Protecting Environmentally Sensitive Lands and Critical Wildlife Habitat

- The Conservancy **supports** and requests the legislature to fully restore funding (of at least \$200M) for the Florida Forever state land acquisition program, which is crucial to providing landowners choices in being able to conserve their lands where those lands are environmentally sensitive and inappropriate for development or other types of land use intensification.

Providing Specific Legislative Authorization for Statewide Stormwater Rule Development

- Current stormwater treatment standards are scientifically demonstrated to not achieve the 80% minimal pollution reduction standards required in existing Florida Administrative Code to prevent downstream water quality degradation – as recognized by the DEP when it initiated an effort to update those standards statewide in 2008.
- Rule development involved a Technical Advisory Committee that met 10 times from March 2008 to September 2009, who along with DEP staff created a new draft Statewide Stormwater Rule and Applicants Handbook that was released in March 2010. Shortly after the release of these, DEP announced that it could not proceed to rulemaking and adoption without specific legislative authority from the legislature based on new authorization requirements involving such rules.
- Now with development activities picking back up in Florida, it is more important than ever to update the minimum stormwater retention and treatment standards to stop continued water storage loss and increased pollution loading to downstream waters. The Conservancy **supports** and requests the legislature to provide specific legislative authority to DEP to resume rulemaking and adopt updated stormwater standards for new development to sufficiently protect downstream receiving waters.