

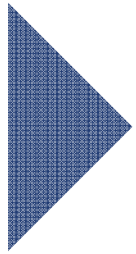


Water in Transition: The Trump Era

Moderator: Roger Sims, Partner, Holland & Knight LLP

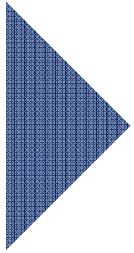
Speakers:

- Rafe Petersen, Partner, Holland & Knight LLP
- Lee M. Killinger, Director of Public Policy and Government Relations,
Mosaic Fertilizer, LLC



The Trump Environmental Agenda

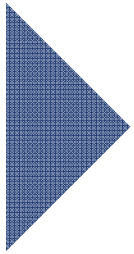
- Candidate Trump promised vast changes to the business environment including by identifying job-killing regulations and streamlining the approval process for infrastructure
- The Administration has reversed course on nearly two dozen environmental rules, regulations and other Obama-era policies
- This includes approving stalled projects, revoking certain executive orders, opening areas to exploration, requiring review of rules



Regulatory Reform

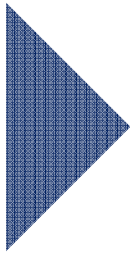
Taking a hard look at the state of environmental regulation through two executive orders

- Executive Order 13777 (Enforcing the Regulatory Reform Agenda)
 - Each agency must designate an agency official as its Regulatory Reform Officer and participate in the Regulatory Reform Task Force
 - Report by mid-May from each government department or agency proposing the roll back of unduly burdensome federal regulations
 - EPA is seeking input on regulations that may be appropriate for repeal, replacement, or modification



Regulatory Reform

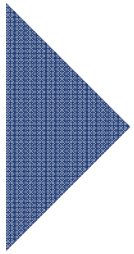
- Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)
 - a/k/a the two-for-one EO, directs all agencies to repeal two existing regulations for each new regulation issued in FY 2017 and thereafter
 - But, repeal of a regulation is subject to the same notice and comment requirements as enactment of a regulation



Waters of the United States Rule

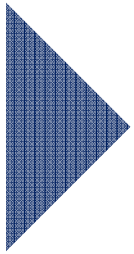
The overreach of the WOTUS rule has been the focus of the regulated community for a long time. Put on hold by 6th Circuit

- Executive Order 13778 (Presidential Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" Rule) begins the process of rescinding or revising WOTUS
- “It is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the States under the Constitution.”
- Rewrite consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006).



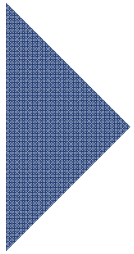
Waters of the United States Rule

- Any new rule will be subject to the required notice and comment procedures under the Administrative Procedure Act.
- Last week EPA started the process with Office of Management and Budget
- Pruitt has recused himself
- Status quo of often wide variances of interpretation of what waters are regulated



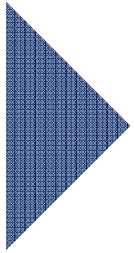
Budget Battles

- Trump pledged to slash agency budgets and staff alike
- EPA was a major focus of “skinny budget” - \$5.7 billion budget and staff reduction of 3,200 employees.
- FY 2017 Omnibus Appropriations - \$8.06 billion for fiscal year 2017, down from the \$8.14 billion (1% reduction)
- Implications of less staff and federal funding on project approval



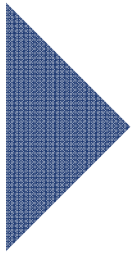
Empty offices

- Most key posts at the agency, from deputy administrator to general counsel, are at this point unfilled
- Changes may be slow
- The nine members of the Board of Scientific Counselors will be replaced via nomination process for outside scientific counselors to advise the agency on research and development
- Enforcement reduction
- Congress trying to streamline infrastructure approvals



2017 Florida Legislative Session

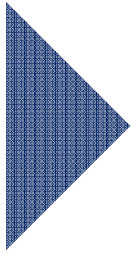
- Dominated by major policy discussions that also had significant budget ramifications
- Session was extended to finalize the budget
- As usual, a number of bills that didn't make it through the process
- No big omnibus bills addressing a wide range of environmental issues



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Issues that Passed

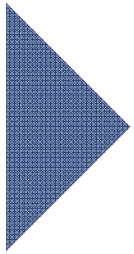
- Lake Okeechobee Discharges – Everglades Restoration – SB 10
- Pollution Notification -SB 1018
- Tanks Cleanup – SB 1018
- Dry Cleaning Site Contamination –SB 1018
- Tanks – Ethanol and Biodiesel – SB 1018
- Water Protection and Sustainability Act – HB 573
- Natural Hazards – HB 181



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Issues that Didn't Pass

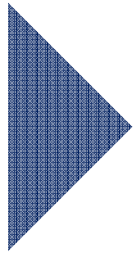
- Fracking
- Amendment 1 funding for water quality and quantity
- Septic tanks
- Basin management
- Environmental Regulation Commission
- Wastewater facilities
- Stormwater facilities



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Budget Highlights - \$83 Billion Budget

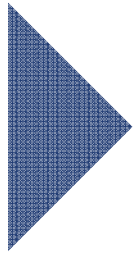
- Everglades Restoration – \$109 Million
- Northern Everglades - \$34 Million
- Water Projects - \$55.5 Million
- Keystone Heights Lake Region - \$13 Million
- Petroleum Tanks Cleanup - \$115 Million
- Dry Cleaning Cleanup - \$8.5 Million
- Hazardous Waste Cleanup - \$8.5 Million
- TMDLs - \$8.6 Million
- Conservation Funding
 - Rural and Family Lands - \$10 Million
 - Florida Forever and Florida Communities Trust – \$0



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Budget Highlights, Continued

- Drinking Water Facility Construction - \$97 Million
- Wastewater Facility Construction - \$142.5 Million
- Small Counties Wastewater - \$13 Million
- Keys Wastewater - \$13 Million
- Springs - \$50 Million
- Lake Apopka - \$2 Million



2017 Florida Legislative Session

Where To Find Copies of Legislation

www.leg.state.fl.us



- FAWQC Annual Conference
- June 14-16, 2017
- Naples Grande Beach Resort
- www.FAWQC.com