

Via Electronic Mail

October 18, 2022

Mr. Shawn Hamilton, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 49
Tallahassee, FL 32399

RE: Strengthening Stormwater Design and Operation Regulations pursuant to
Section 5 of Chapter 2020-150, Laws of Florida

Dear Secretary Hamilton:

The undersigned members of FDEP's Clean Waterways Act Stormwater Rulemaking Technical Advisory Committee (TAC) and associations of local governments with an interest in water quality are writing to you today concerning the Department's rulemaking efforts in implementing the above-referenced section of Chapter 2020-150, Laws of Florida.

By way of background, the TAC was composed of credentialed professionals, representing a wide variety of stakeholders and interest groups, who were very familiar with stormwater permitting policy and practices throughout Florida. The TAC met 13 times over the course of a year, and their recommendations came after months of discussion and debate.

We support the effort to strengthen stormwater design standards and criteria on a statewide basis. Preventing nutrients from entering waterbodies or stormwater systems is by far the more cost-effective and efficient approach to prevent further degradation to our waterways. More protective, statewide rules that incorporate the best available data and practices will lessen the burden on MS4 permittees and local governments who are ultimately responsible for cleaning up our waterways through the TMDL/BMAP process and reduces the need for local regulations that are different and more protective than those of the State.

We strongly urge the Department to incorporate the recommendations of the TAC in the current rulemaking effort unless there are sound, scientific reasons to do otherwise. In cases where the TAC's recommendations are not incorporated into the drafts of the proposed rule revisions, we request that the Department provide the specific reasons for departing from the TAC's recommendations in the Summary Report.

It's now been 15 years since the FDEP-commissioned Report "*Evaluation of Current Stormwater Design Criteria within the State of Florida*" (Harper and Baker, 2007) found that the design criteria were not adequate to attain the goal of 80% reduction in pollutant loadings that would cause or contribute to violations of state water quality criteria nor the goal of a 95% reduction in pollutant loadings when discharging to Outstanding Florida Waters. Subsequent efforts to update the design criteria based on the 2007 report were halted in 2010.

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We urge the Department to take advantage of the current momentum for improvements to the design criteria and complete its rulemaking effort so that ratification of the rule (if necessary) can occur during the 2023 Session of the Legislature, and that the rules follow the recommendations of the TAC.

FDEP TAC Member	Representing	Employer
John Sansalone, PhD, PE	Academia	UF Department of Environmental Engineering
Charles Shinn	Agricultural Interests	Florida Farm Bureau Federation
Harvey Harper, PhD, PE	At-Large Technical Expert	Environmental Research and Design
Richard Howard, PE	City Government	City of Orlando
Kim Ornberg, PE	County Government	Seminole County
Beth Alvi	Environmental Interests	Audubon Florida
Lesley Bertolotti	Water Resource Protection	The Nature Conservancy
Kelli Hammer Levy	Stormwater Interests	Pinellas County
Mark Thomasson, PE	LID and Green Infrastructure	National Stormwater Trust
Virginia Barker	Stormwater Utilities	Brevard County

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Danielle Hopkins Executive Director Florida Stormwater Association	Rebecca O'Hara Deputy General Counsel Florida League of Cities	Lee Constantine President Florida Association of Counties
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