



STORMWATER REGULATORY OVERVIEW: AN UNOFFICIAL SURVIVAL GUIDE

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PRESENTATION OVERVIEW

Stormwater Rule Overview

- Performance Standard
- Operation and Maintenance Requirements
- Inspection Requirements

New Phase I MS4 Permit Template

- Overview of Permit Changes
- Legal Authority Requirements
- New Annual Reporting Form

House Bill 1379

- OSTDs Requirements
- WWTFs Requirements
- BMAP Requirements

Senate Bill 7080 / Senate Bill 1638

- Gaming Revenue Trust Fund
- Environmental Resource Management Funding

NEW STORMWATER RULE OVERVIEW

Adopted by FDEP in 2023, ratified by the state legislature in 2024. Pending signature from Governor DeSantis.

- Eliminated the existing “presumptive” design criteria
- Established performance criteria for stormwater treatment

Performance Standard: 8.0 in A.H. Volume I

Demonstration through modeling or calculations that proposed stormwater system is designed to meet Performance Standards in sections 8.3.2 – 8.3.5 of Applicants Handbook Volume I.

- 8.3.2: Minimum Performance Standard for all sites
- 8.3.3: Minimum Performance Standard for OFWs
- 8.3.4: Minimum Performance Standard for impaired waters
- 8.3.5: Minimum Performance Standard for Redevelopment

41 Section 27, Subsection (7) is added to Section 373.4131,
42 Florida Statutes, to read:
43 373.4131 Statewide environmental resource permitting
44 rules.—
45 (7) The Legislature ratifies rule 62-330.010, Florida
46 Administrative Code, titled “Purpose and Implementation,” as
47 filed for adoption with the Department of State pursuant to the
48 certification package dated April 28, 2023, with the following
49 changes:
50 (a) Section 3.1.2(e)3. of the Applicant’s Handbook Volume
51 I, incorporated in rule 62-330.010(4)(a), Florida Administrative
52 Code, is changed to add, after the last sentence, the following:
53 “Nothing in Section 3.1.2(e)3. shall eliminate any grandfather
54 provisions in Section 1.4.2 and other grandfather provisions of
55 Section 3.1.2 in existence prior to [effective date]. Projects
56 listed in Section 3.1.2(e)3. shall use all forms in effect at
57 the time the permit was originally issued, except for those
58 subsequent permits to construct and operate the future phases

Page 2 of 9

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

NEW STORMWATER RULE OVERVIEW

8.3.2 Minimum Performance Standards for all sites

Except as described in 8.3.4 through 8.3.6 below, all stormwater treatment systems shall provide a level of treatment sufficient to accomplish the greater of the following nutrient load reduction criteria:

- (a) an 80 percent reduction of the average annual loading of total phosphorus (TP) and total nitrogen (TN) from the proposed project; or
- (b) a reduction such that the post-development condition average annual loading of nutrients does not exceed the predevelopment condition nutrient loading.

NEW STORMWATER RULE OVERVIEW

8.3.3 Minimum Performance Standards for Outstanding Florida Waters (OFWs)

Stormwater treatment systems located within a HUC 12 subwatershed containing an OFW and upstream of the OFW, shall provide a level of treatment sufficient to accomplish the greater of the following nutrient load reduction criteria:

- (a) a 95 percent reduction of the average annual loading of TP and TN from the proposed project; or
- (b) a reduction such that the post-development condition average annual loading of nutrients does not exceed the predevelopment condition nutrient loading.

NEW STORMWATER RULE OVERVIEW

8.3.4 Minimum Performance Standards for Impaired Waters

Stormwater treatment systems located within a HUC 12 subwatershed which contains an impaired water and located upstream of that impaired water, shall provide a level of treatment sufficient to accomplish:

- (a) an 80 percent reduction of average annual loading of TP and TN from the proposed project; and
- (b) a reduction such that the post-development condition average annual loading of nutrients does not exceed the predevelopment condition nutrient loading; and
- (c) the post-development condition average annual loading of those pollutants not meeting water quality standards are less than that of the predevelopment condition.

Stormwater treatment systems that are also located upstream of and within a HUC 12 subwatershed which contains a waterbody with an adopted Total Maximum Daily Load (TMDL) or an approved alternative restoration plan pursuant to Rule 62-303.600, F.A.C., and where the proposed activity will cause or contribute to this existing impairment, shall provide the level of treatment sufficient to accomplish the percent reduction and the load allocation of the adopted TMDL or alternative restoration plan for the pollutant(s) addressed therein.

NEW STORMWATER RULE OVERVIEW

8.3.5 Alternative Performance Standards for Redevelopment

Stormwater treatment systems serving redevelopment activities shall meet the appropriate minimum level of treatment set forth above in 8.3.2 - 8.3.4. However, an applicant may request approval by the Agency for a lower level of treatment if the redevelopment project does not fall within an area described in section 8.3.4 above. The minimum level of treatment allowable for these sites shall be as follows:

- (a) an 80 percent reduction of the post-development average annual loading of TP and a 45 percent reduction of the post-development average annual loading of TN from the project area; and
- (b) for stormwater systems located within a HUC 12 subwatershed containing an OFW, a 90 percent reduction of the post-development average annual loading of TP and a 60 percent reduction of the post-development average annual loading of TN from the project area.

NEW STORMWATER RULE OVERVIEW

Performance Standard Summary

Site Description	Percent Reduction		Additional Criteria
	TP	TN	
General Sites	80	55	Or, Post Loading < Pre Loading. Which ever is greater.
Sites in OFW Basins	90	80	Or, Post Loading < Pre Loading. Which ever is greater.
Sites in Impaired Basins	80	80	And, Post Loading < Pre Loading for pollutants not meeting standards. If basin has a TMDL, meet % reduction in TMDL for pollutants of concern.
Sites in OFW + Impaired Basins	95	95	And Post Loading < Pre Loading plus net improvement.
General Redevelopment Sites	80	45	NA
Redevelopment Sites in OFW	90	60	NA
Redevelopment Sites in TMDL	80	45	Post Loading < Pre Loading for pollutants not meeting standards.

NEW STORMWATER RULE OVERVIEW

Operation and Maintenance Requirements: 12.0 A.H. Volume I

O&M Entities:

- Must demonstrate financial, legal, and administrative capability to operate and maintain the system
- Must demonstrate legal authorization to access the system (i.e., easements)
- Provide a cost estimate for perpetual O&M of the system
- Adhere to, update, and maintain the O&M Plan developed by the applicant

NEW STORMWATER RULE OVERVIEW

Operation and Maintenance Requirements: 12.0 A.H. Volume I

O&M Plan (12.4.1)

- A written O&M Plan* shall be provided at time of application
- Must be prepared by and certified by a qualified registered professional
- Shall include:
 - List of all stormwater system components, type, and location
 - Summary of maintenance and inspection tasks for each component
 - Routine inspection and maintenance schedules
 - Inspection checklist
 - Copy of permitted or as-built plans

* Applicants where the O&M entity is a regulated MS4 are not required to submit a separate plan

NEW STORMWATER RULE OVERVIEW

Operation and Maintenance Requirements: 12.0 A.H. Volume I

Inspections (12.5)*

- Systems shall be inspected to ensure systems function as designed and permitted
- Minimum inspection frequencies are provided in Table 12-1
- Shall be performed by a qualified registered professional or qualified inspector
- Required submittals to agency within 30 days of inspection:
 - Form 62-330.311(1) - “Operation and Maintenance Inspection Certification”
 - Form 62-330.311(3) – “Inspection Checklists”
 - Any updates to O&M Plan

* Systems owned or operated by a regulated MS4 (62-624, F.A.C.) shall follow the inspection and reporting requirements of their MS4 permit and any associated SOPs

NEW STORMWATER RULE OVERVIEW

Operation and Maintenance Requirements: 12.0 A.H. Volume I

Table 12-1: Minimum Inspection Frequencies for Common BMPs

Type of System	Inspection Frequency
Dry Retention Basins	Once Every 3 Years
Exfiltration Trenches	Once Every 2 years
Underground Retention	Once Every Year
Sand or Media Filters	Once Every Year
Underdrain Systems	Once Every 2 Years
Underground Vault/Chambers	Once Every Year
Pump Systems	Twice Every Year
Swales (treatment)	Once Every 3 Years
Wet Detention Systems	Once Every 3 Years
Wet Detention Systems w/ Littoral Zones	Once Every 2 Years
Vegetated Natural Buffers	Once Every 5 Years
Manufactured Devices	As manufacturer recommends in specifications, minimum once every year
Dam Systems	Once Every Year
All Other	Once Every Year



NPDES PHASE I MS4 PERMIT TEMPLATE

- FDEP hosted multiple Working Group meetings (2021 – 2023)
- Most recent permit template distributed January 2024
- An updated annual report form was distributed February 2024
- Current template will be used in reissuing Phase I MS4 permits
- Comments can be submitted once draft permit is issued to individual permittees

PERMITTEE MS4

TEMPLATE – January 2024

FLS0000XX-00X

TABLE OF CONTENTS

I. DISCHARGES AUTHORIZED UNDER THIS PERMIT	1
A. Prohibited Discharges	1
II. STORMWATER POLLUTION PREVENTION AND MANAGEMENT PROGRAMS	2
A. Stormwater Management Program	2
B. Legal Authority	3
C. Stormwater Management Program Resources	4
D. Recordkeeping Requirements	4
E. Area-specific Stormwater Management Program Requirements	6
F. Deadlines for Program Compliance	6
III. SCHEDULES FOR IMPLEMENTATION	7
A. Stormwater Management Program	7
1. MS4 Operations	7
2. Roadways and Public Use Areas	12
3. Stormwater Management	13
4. Pesticides, Herbicides, and Fertilizer	15
5. Illicit Discharges and Improper Disposal	16
6. High-Risk Runoff	19
7. Construction Site Runoff	21
8. Employee Training	22
9. Public Education & Outreach	25
B. Compliance with Effluent Limitations	25
IV. NUMERIC EFFLUENT LIMITATIONS	25
V. TOTAL MAXIMUM DAILY LOADS	26
A. TMDL Prioritization	26
1. TMDL Prioritization Plan	26

NPDES PHASE I MS4 PERMIT TEMPLATE

Overview of Changes to Permit Template

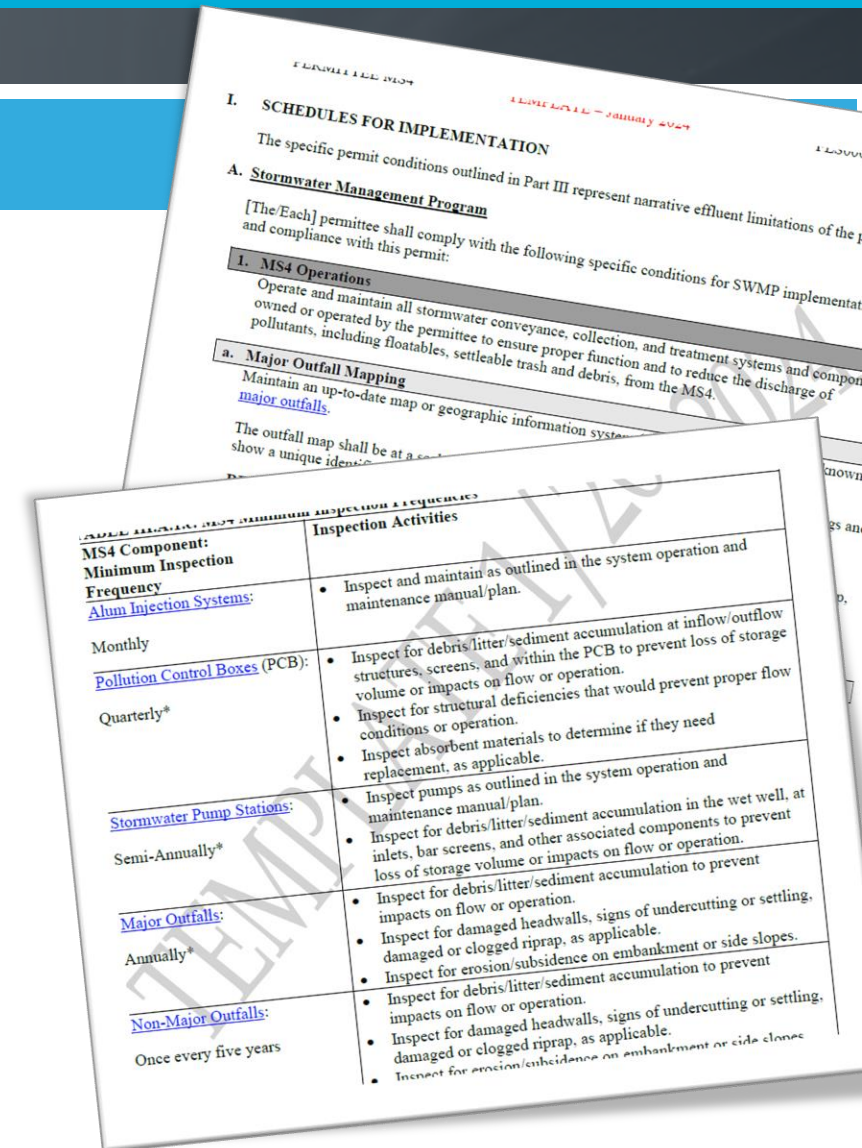
Part II.F – Program Compliance Schedule

Part III.A – Stormwater Management Program

- Non-Major Outfalls
- Catch Basin, Inlet, and Grate Management Program
- Revisions to Inspection Frequencies

Part V – TMDL Prioritization

- Alternative Restoration Plans
- Pollutant Load Reduction Modeling



PART II.F – PERMIT COMPLIANCE SCHEDULE

TABLE I.F. Permit Compliance Milestones Summary

Deadline	Permit Part	Submission Due
Within six months of permit issuance	V.A	TMDL Prioritization Plan
Within six months of TMDL Prioritization Plan Approval	V.B.1.	MS4 Pollutant Loading Evaluation Plan OR Bacteria Source Identification Plan, if applicable.
Within 12 months of permit issuance	II.A.2.	Develop and/or update all SOPs.
Within 12 months of permit issuance	III.A.8.a.	Develop and implement MS4 Inspector Training.
With the Year 1 Annual Report	III.A.1.c.	Catch basin, inlet, and grate evaluation procedures.
With the Year 1 Annual Report	VI.B.1.	Revised Assessment Program, if applicable.
With the Year 2 Annual Report	III.A.3.c.	Summary of interdepartmental review to further reduce impacts of stormwater discharges to the MS4 from new development and areas of significant redevelopment.
With the Year 2 Annual Report	III.A.4.a.	Citation for Florida-Friendly Fertilizer ordinance, or similar, if applicable.
With the Year 2 Annual Report	III.A.4.a.	Summary of interdepartmental review to further reduce the impacts of pesticides, herbicides, and fertilizer.
With the Year 3 Annual Report	VI.B.3.	Pollutant loading comparison.
With the Year 4 Annual Report	II.B	Copy/citation of all regulatory mechanisms.
With the Year 4 Annual Report	II.C	Fiscal analysis.
With the Year 4 Annual Report	V.B	TMDL Implementation Plan, BPCP, ARP, as applicable.
With the Year 4 Annual Report	VI.B.3.	Plan to address increased loadings, if applicable.
With the Year 4 Annual Report	VI.B.4.	Results of Assessment Program and SWMP Evaluation.
With the Year 4 Annual Report	VII.C.1.	Permit reapplication statement.

NPDES PHASE I MS4 PERMIT TEMPLATE

Part III.A – Stormwater Management Program

Non-Major Outfalls

- Develop map or GIS dataset of non-major outfalls
- Inspect non-major outfalls once every 5 years
- Each annual report: Report number inspected and provide updates on non-major outfalls added / removed from inventory

Non-major outfalls are MS4 outfalls that do not meet the definition of a major outfall



NPDES PHASE I MS4 PERMIT TEMPLATE

Part III.A – Stormwater Management Program

Catch Basin, Inlet, and Grate Management Program

- Develop procedures to determine appropriate inspection and maintenance frequency
- Incorporate criteria to identify feasibility of upgrading or retrofitting catch basin, inlet, and grates
- Conduct inspection and maintenance according to permittee-developed evaluation criteria
- Inspections shall occur a minimum of once every 5 years
- Year 1 annual report: submit copy of Catch Basin, Inlet, and Grate Management Program
- Each annual report: provide number of structures upgraded or retrofitted



NPDES PHASE I MS4 PERMIT TEMPLATE

Part III.A – Stormwater Management Program

Revisions to Inspection Frequencies – Table III.A.1.c

MS4 Structure	Minimum Inspection Frequency
Non-Major Outfalls	Once ever 5 years
Catch Basin, Inlets, Grates	Once ever 5 years
Pipes and Culverts	Once every 10 years
Ditches and Conveyance Swales	Once every 5 years

Major Outfalls, Pump Stations, PCBs – less frequent inspection option available but requires approval from FDEP prior to implementation

Requirement to inspect newly constructed BMPs annually for first two years of operation has been removed

NPDES PHASE I MS4 PERMIT TEMPLATE

Part II.B - Legal Authority

Each Permittee shall maintain legal authority to control discharges to and from the MS4

- Prohibit illicit discharges and illicit connections to the MS4,
- Control pollutants to the MS4 from discharges associated with industrial activities,
- Control pollutants to the MS4 from discharges associated with new or redevelopment,
- Control pollutants to the MS4 from discharges associated with construction activities,
- Control discharge of spills, illegal dumping, and improper disposal into the MS4,
- Control contributions of pollutants from one MS4 to another,
- Require compliance with conditions in permittee regulatory mechanisms, and
- Carry out inspection, surveillance, monitoring, and enforcement procedures necessary to implement conditions of the permit.

Key Point: review existing ordinances, JPAs, MOUs, and other agreements to ensure sufficient legal authority exists to manage and enforce the above items.

NPDES PHASE I MS4 PERMIT TEMPLATE

Part V – TMDL Prioritization

Alternative Restoration Plans

- Permittees can prioritize a Category 5 impaired WBID in lieu of a TMDL WBID
- Cannot be on FDEP's TMDL priority waters list or TMDL development list
- An alternative restoration plan will be developed for the prioritized WBID following [*FDEP's Guidance on Developing Water Quality Restoration Plans as Alternatives to Total Maximum Daily Loads*](#) (October 2021, or current version)
- Permittees shall coordinate with FDEP's DEAR group to document progress


NPDES PHASE I MS4 PERMIT TEMPLATE

Part V – TMDL Prioritization

Part V.B: Non-Bacteria TMDLs – Pollutant Loading Evaluation Plan

- FDEP added 3rd option to evaluate reduction of pollutants in prioritized WBID
 1. Storm Event Outfall Monitoring
 2. Targeted Water Quality Monitoring
 3. **Pollutant Load Reduction Modeling**
- Can be used to obtain estimates of pollutant loading and load reductions to the prioritized TMDL WBID
- A cost-effective option versus storm event and targeted WQ monitoring
- Currently requires site-specific EMC data

UPDATED ANNUAL REPORT FORM

		Annual Report Form For Individual NPDES Permits For Municipal Separate Storm Sewer Systems (DEP Form 62-624.600(2), F.A.C.)			
<ul style="list-style-type: none">• This Annual Report Form must be completed and submitted to the Department to satisfy the annual reporting requirements established in Rule 62-621.600, F.A.C.• Submit this fully completed and signed form and any required attachments by email to NPDES-MS4@floridadep.gov• Refer to the Form Instructions for guidance on completing each sections.• Please print or type information in the appropriate areas below.					
SECTION I BACKGROUND INFORMATION					
A.	Permittee Name:				
B.	Permit Name:				
C.	Permit Number:				
D.	Annual Report Year: <input type="checkbox"/> Year 1 <input type="checkbox"/> Year 2 <input type="checkbox"/> Year 3 <input type="checkbox"/> Year 4 <input type="checkbox"/> Year 5 <input type="checkbox"/> Other, specify year				
E.	Reporting Period (month/year): _____ to _____				
F.	Responsible Authority Name:				
	Responsible Authority Title:				
	Mailing Address:				
	City:		Zip Code:	County:	
	Telephone Number:				
G.	E-mail Address:				
	Program Contact Name:				
	Program Contact Title:				
	Mailing Address:				
	City:		Zip Code:	County:	
H.	Telephone Number:				
	E-mail Address:				
	Additional Contact Name:				
	Additional Contact Title:				
	Department/Association:				
H.	Telephone Number:				
	E-mail Address:				
<i>*Duplicate Row H as needed for additional contacts</i>					

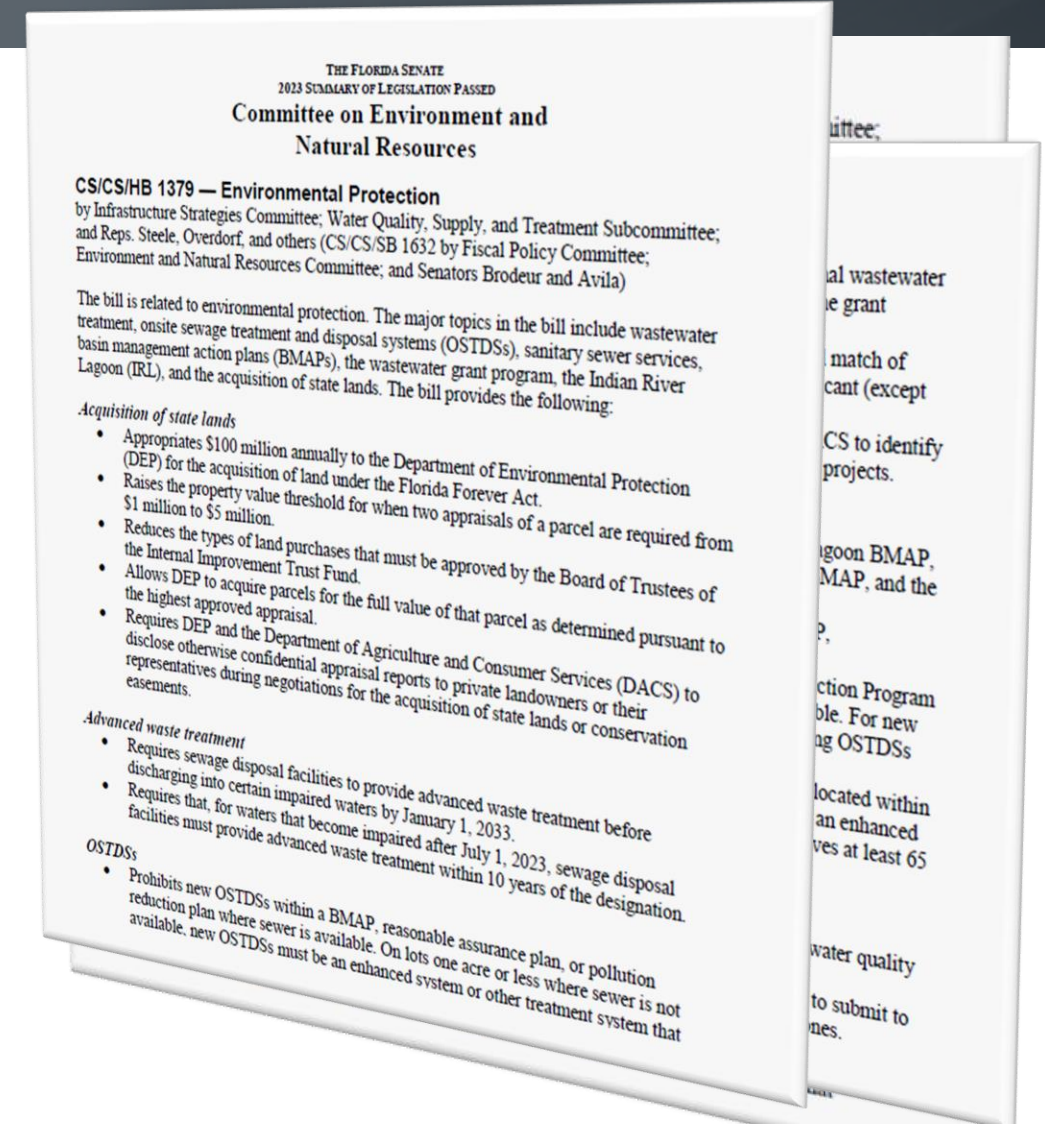
HB 1379 – ENVIRONMENTAL PROTECTION

Passed by state legislature and signed by Governor in 2023.

- Focuses on safeguarding Florida's water resources
- Effective July 1, 2023

- Funding for Acquisition of State Lands
- Expanded Wastewater Grant Program
- Established Advanced Waste Treatment Requirements
- Established New Requirements for OSTDSs
- Established the IRL Protection Program
- Established New BMAP Requirements

Full Text of Bill: [Link](#)



HB 1379 – ENVIRONMENTAL PROTECTION

HB 1379

OSTDS Requirements

- Prohibits new OSTDSs within a BMAP where sewer is available
- On lots 1 acre or less where sewer is not available, an enhanced system that achieves 65% nitrogen reduction is required
- Expands the OSTDS remediation plan area in Springs BMAPs from PFA to entire BMAP basin

Additional information on [FDEP's Springs BMAP](#) page:

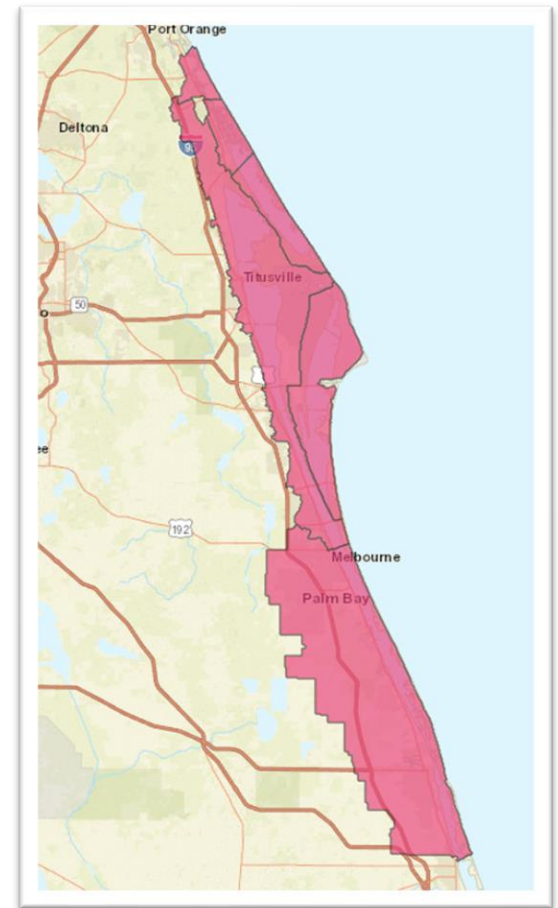
HB 1379 – ENVIRONMENTAL PROTECTION

HB 1379

IRL Protection Program

- Covers BRL, NIRL, CIRL BMAPs, and Mosquito Lagoon RAP
- Prohibits new OSTDSs where central sewer is available
- Where sewer is not available, only enhanced nutrient-reducing OSTDSs allowed
- Requires commercial and residential properties on existing OSTDS located within the IRL Protection Program to connect to central sewer or upgrade to an enhanced nutrient-reducing OSTDS that achieves 65% nitrogen reduction by July 1, 2030

FDEP Nutrient-Reducing Fact Sheet: [Link](#)



HB 1379 – ENVIRONMENTAL PROTECTION

HB 1379

BMAPs

- Requires BMAPs to include 5-year milestones
- Requires stakeholders with pollutant load reduction requirements to submit projects to FDEP that will be undertaken to meet established 5-year milestones
- Requires FDEP to work with FDACS to identify projects to reduce AG non-point source loading
- Local governments required to include BMAP projects in comprehensive plans

Total Nitrogen Milestones	TN Overall Percent Reduction Requirement	Entity Requirement TN (lbs/yr)	TN Reductions Achieved as of 2022	TN Reduction % Achieved
2025 Milestone	55%	22,202	7,009	32%
2030 Milestone	80%	32,293		22%
2035 Milestone	100%	40,367		17%
Total Phosphorus Milestones	TP Overall Percent Reduction Requirement	Entity Requirement TP (lbs/yr)	TP Reductions Achieved as of 2022	TP Reduction % Achieved
2025 Milestone	45%	2,852	1,351	47%
2030 Milestone	75%	4,753		28%
2035 Milestone	100%	6,337		21%

SB 7080 / SB 1638

Passed by state legislature in 2024. Signed by Governor April 4, 2024

- Indian Gaming Revenue Trust Fund
- Established Funding for Environmental Management

For Fiscal Year 2024-2025, this legislation appropriates the following distributions of the Seminole Gaming Compact revenues:

- **\$100 million** for land acquisitions within the [Florida Wildlife Corridor](#) to create crucial linkages for wildlife habitat.
- **\$100 million** for the management of uplands and the removal of invasive species, which includes:
 - **\$36 million** to the Department of Environmental Protection.
 - **\$32 million** to the Department of Agriculture and Consumer Services.
 - **\$32 million** to the Florida Fish and Wildlife Conservation Commission.
- **\$100 million** for the Resilient Florida Grant Program which will guard inland and coastal communities against the impacts of storm damage, surges, hurricanes and flooding
- **\$79 million** for Water Quality Improvement Grant Program.





THANK YOU!

