



- SB 712, also known as Florida's Clean Waterways Act, directed DEP to adopt new rules to support the goal of improving water quality in Florida, including updating the stormwater design and operation regulations using the most recent scientific information available.
- The final draft rule package was filed on April 28, 2023, and adopted by the Department of State on May 18, 2023.
- These rules still require ratification by the Florida Legislature before they can become effective and are anticipated to be considered during the 2024 Legislative Session.



- The rule cannot be reopened for a Notice of Change.
 - A new Notice of Rule Development would be required before any additional rule changes could be proposed.
- Environmental Resource Permit (ERP) applicants for stormwater management systems must abide by current provisions under Chapter 62-330, Florida Administrative Code (F.A.C).
- The proposed changes to the respective Applicant Handbook Volume IIs are not effective as they were all dependent on effective date of the Applicant Handbook Volume I; therefore, the current Applicant Handbook Volume IIs are still in effect and must be followed.

ERP STRUCTURE

- Chapter 62-330, F.A.C.
 - Rules incorporating the ERP Applicant's Handbooks.
 - Changes made to the handbook are reflected in the rule where applicable.
- ERP Applicant's Handbook, Volume I.
 - Contains permit thresholds and exemptions.
 - Design performance standards.
 - Conditions for issuance.
 - Erosion and sediment control practices.
 - Operation and maintenance (O&M) requirements.
 - Wetland mitigation.
- ERP Applicant's Handbook, Volume II.
 - Five separate handbooks for each of the water management districts.
 - Contain attenuation and Special Basin Criteria.



ADOPTED AMENDMENTS SELECT DEFINITIONS

- 90. "Predevelopment condition" for nutrient loading determinations shall mean the average annual nutrient loading based on the land use, land cover and other site conditions that are legally in existence at the time of the application.
- 97. "Redevelopment" means the construction on sites having existing commercial, industrial, institutional, roadway, or residential land uses, excluding silviculture or agriculture, where the existing land use has not been previously permitted under Part IV of Chapter 373 Florida Statutes (F.S.), where all or part of the existing impervious surface is removed and replaced with new impervious surface, which has the same or lesser area as the existing impervious surface, and the same or less intense land use, based on respective event mean concentration (EMC) values.



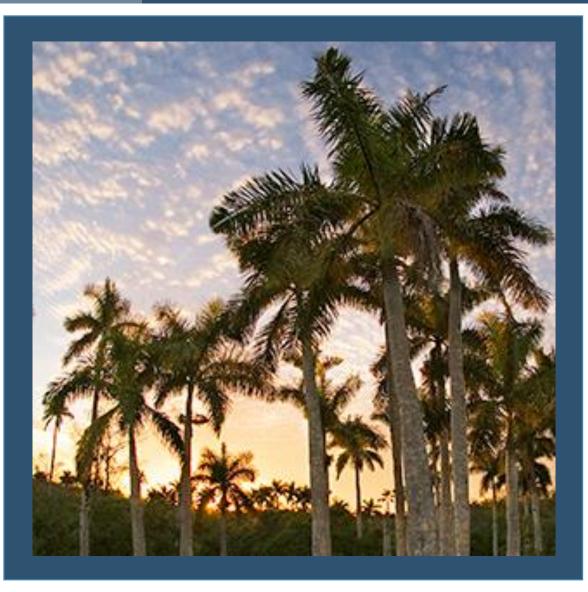
ADOPTED AMENDMENTS GENERAL REQUIREMENTS

- Additional permitting requirements.
 - Modeling or calculations required rather than presumptive best management practice (BMP) design.
 - Minimum stormwater treatment performance standards for design.
 - Based on a pre=post analysis or a nutrient reduction efficiency, whichever is more protective.
 - Treatment designs would provide 80% reductions of total phosphorous (TP) and a 55% reduction of total nitrogen (TN).
 - Additional removal requirements of 90% for TP and 80% for TN for projects discharging within Outstanding Florida Waters (OFW).
 - Additional provisions for projects discharging to impaired waters to ensure consistent procedures for demonstrating that a project will provide a net improvement to receiving waters.
- Redevelopment Section 8.3.5.
 - Adopted provisions would allow a reduced TN performance standard of 45% (60% for projects discharging within OFW) under limited conditions which are expected to support redevelopment in areas where there are likely little or no historical stormwater treatment.



ADOPTED AMENDMENTS

EXEMPTION FROM MINIMUM PERFORMANCE STANDARDS



- Section 8.3.6 For Redevelopment Only.
 - Under one Acre.
 - Not located within a Hydrologic Unit Code (HUC) 12 subwatershed containing a nutrient-impaired waterbody or OFW and upstream of that waterbody.
 - Result in reduced impervious surface or reduced pollutant loading.
 - Requests pursuant to AH Section 3.2.7.



ADOPTED AMENDMENTS

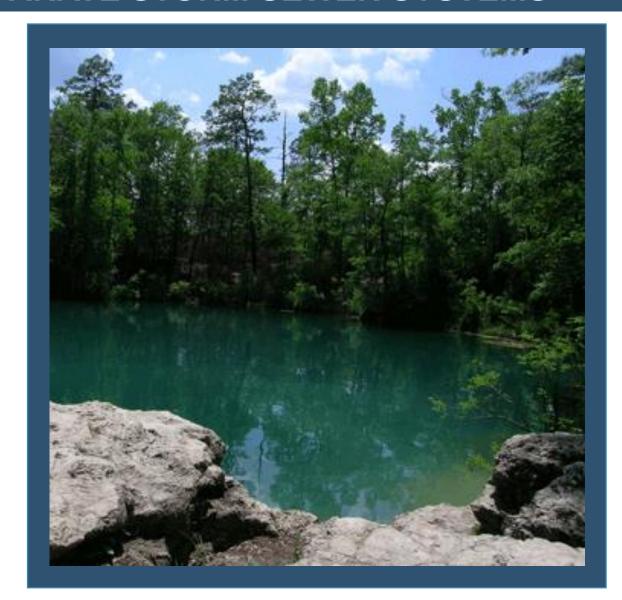
OPTIONS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Operation & Maintenance

 where the operation and maintenance entity is or will be a Municipal Separate Storm Sewer System permittee subject to Chapter 62-624, F.A.C., (MS4 Entity) are not required to submit a separate O&M plan under this section.

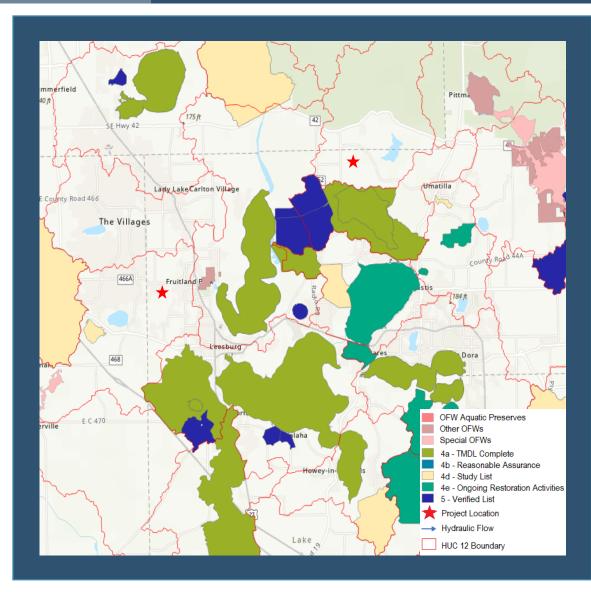
Inspections

 An MS4 Entity shall conduct and report inspections ... in accordance with their MS4 permit requirements and any associated Standard Operating Procedures (SOPs) required pursuant to Chapter 62-624, F.A.C.





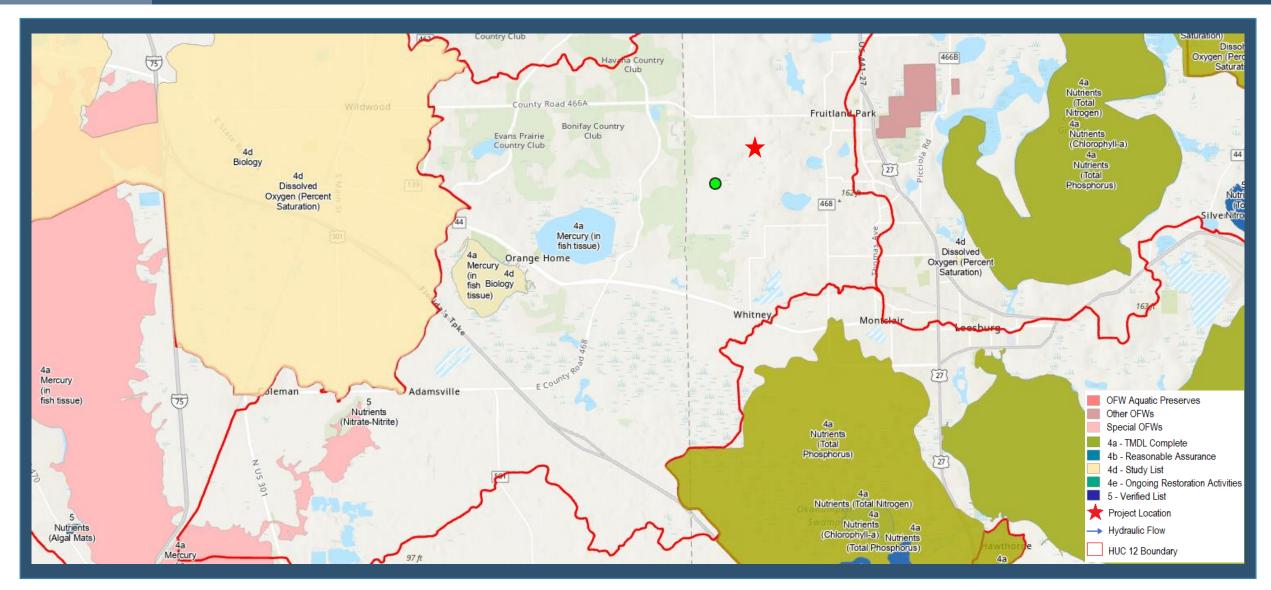
SUMMARY OF PERFORMANCE CRITERIA EXAMPLE PROJECT LOCATIONS AND APPLICABILITY



- 8.3.2 All Sites.
 - Reduction of 80% for TP and 55% for TN OR Post
 ≤ Pre.
- 8.3.3 OFW.
 - Reduction of 90% for TP and 80% for TN OR Post
 ≤ Pre.
- 8.3.4 Impaired Waters.
 - Reduction of 80% for TP and 80% for TN AND Post ≤ Pre AND Pre>Post for pollutants of concern.
 - With an OFW: Reduction of 95% for TP and 95% for TN AND Post ≤ Pre AND Pre>Post for pollutants of concern.
 - OR where applicable, the level of treatment for the basin-specific design and performance criteria prescribed in such Total Maximum Daily Load, Basin Management Action Plan, approved alternative restoration plan or other watershed management plan.

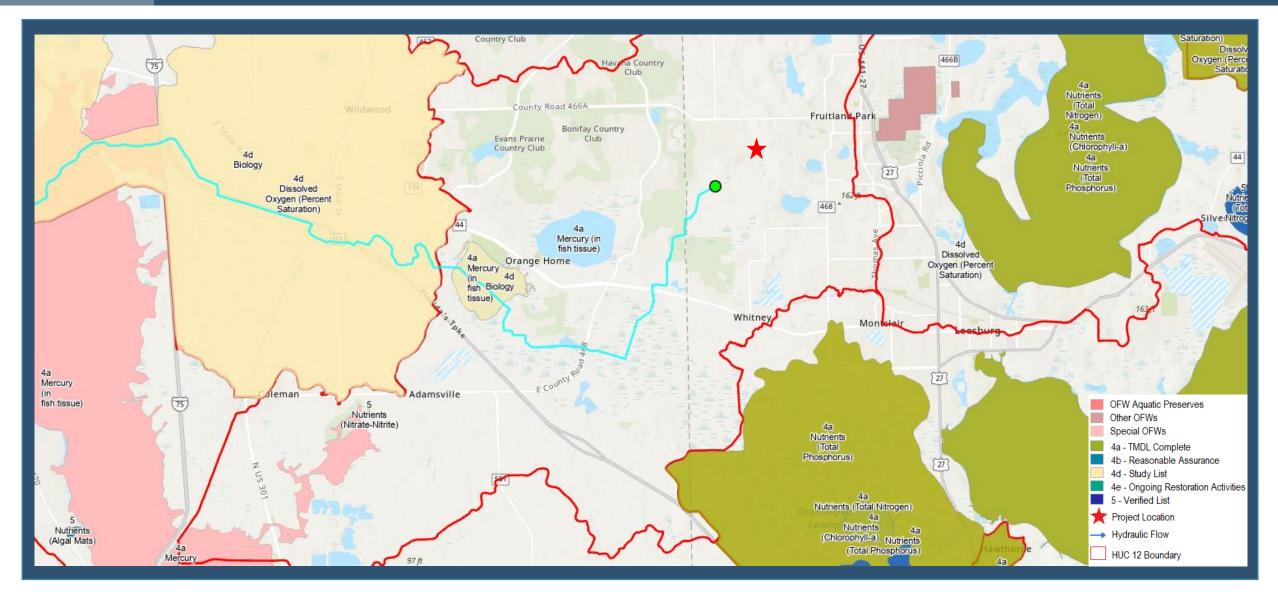


PROJECT IN HUC 12 WITH OFW AND ADJACENT HUC 12 IMPAIRMENT



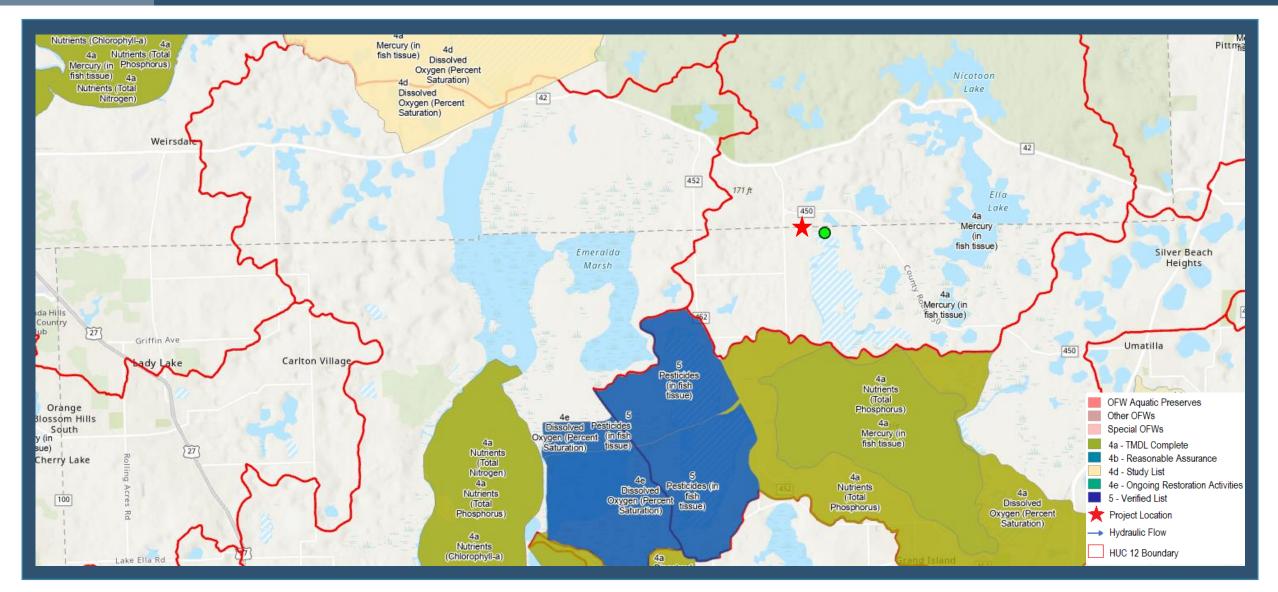


PROJECT IN HUC 12 WITH OFW AND ADJACENT HUC 12 IMPAIRMENT FLOW PATH





PROJECT LOCATION WITH ADJACENT HUC 12 IMPAIRED WATER





PROJECT LOCATION

WITH ADJACENT HUC 12 IMPAIRED WATER FLOW PATH



