



ENVIRONMENTAL RESOURCE PERMITTING RULE DEVELOPMENT WORKSHOP #4

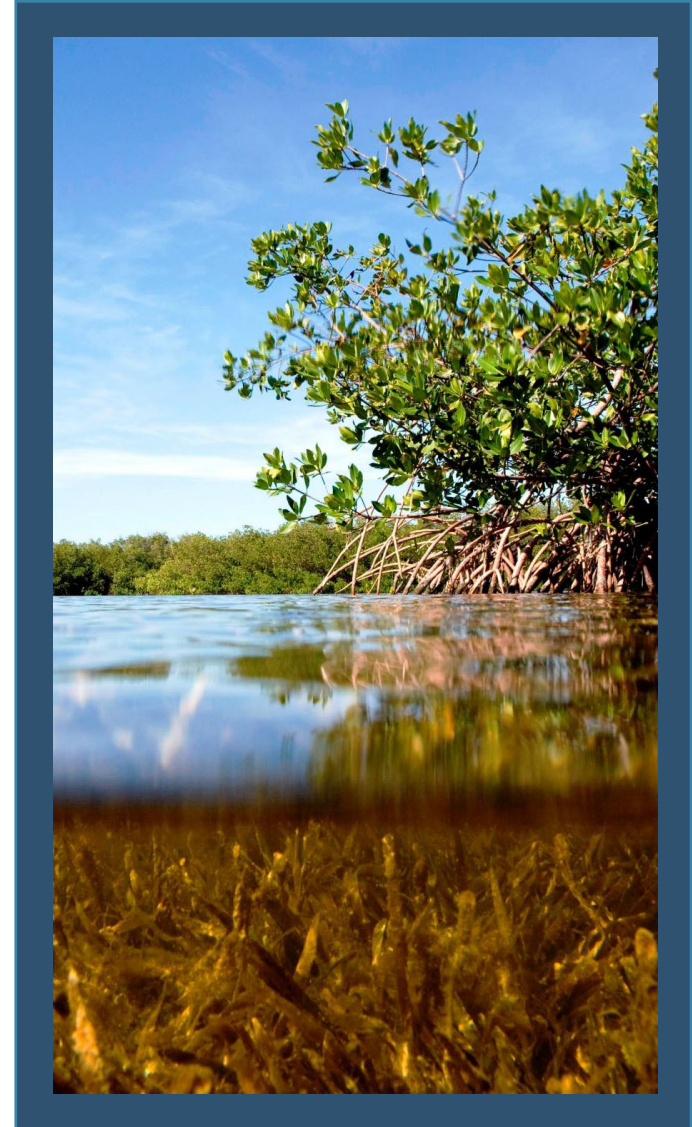
Division of Water Resource Management / Stormwater Technical Services Program
Florida Department of Environmental Protection

Tallahassee, FL | Dec. 13, 2022



WORKSHOP AGENDA

- **Introduction.**
- **Public comment and changes to previously presented draft language.**
 - Applicant's Handbook (AH) Volume I: Sections 2, 8, 9 and 12.
- **New proposed draft language.**
 - Rule 62-330, F.A.C.
 - AH Volume I, Section 11.
 - Dam systems.
 - Appendices and forms.
 - AH Volume II.
- **Public comment.**





SECTION 2

DEFINITIONS AND TERMS



Terms that have been updated since the previous draft include the following.

- Control elevation.
- Discharge.
- Hydraulic unit code (HUC).
- Impaired water.
- Levee and levee systems.
- Redevelopment.
- Seasonal high ground water table.

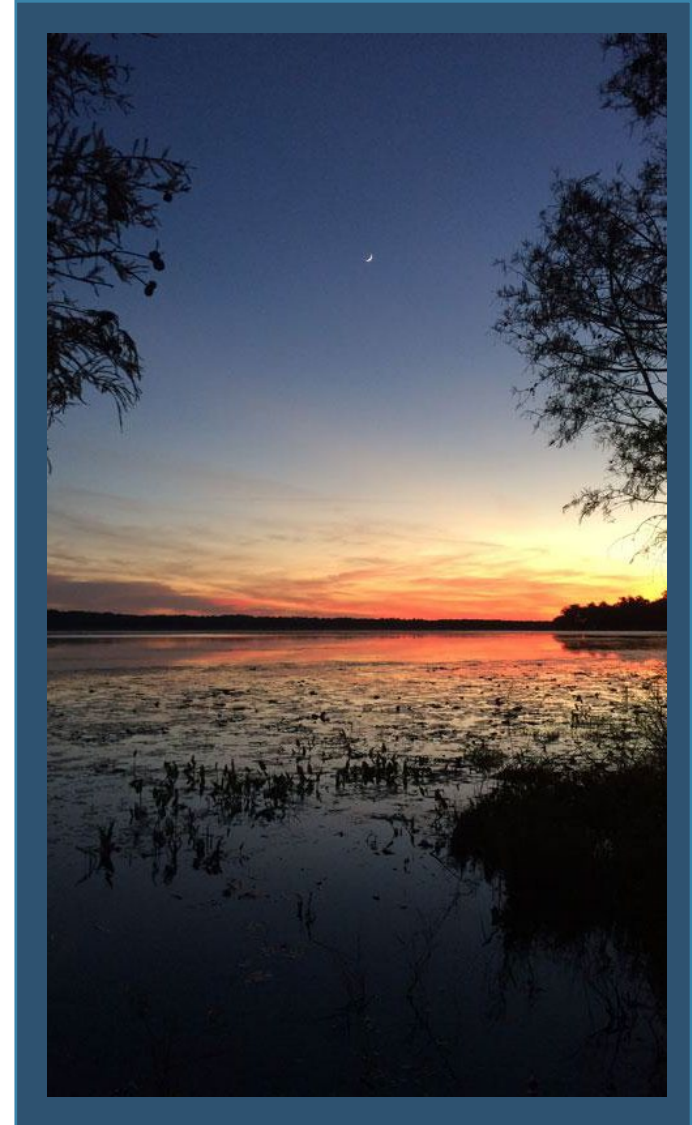


SECTION 8

CRITERIA FOR EVALUATION

Updates to proposed language include the following.

- Clarifications to language throughout Section 8.
- 8.3.6 – exemption from minimum performance standards for redevelopment.
 - Clarified that exemption will not be allowed for those projects affecting impaired waters.
 - Lowered exemption threshold from two acres to one acre.
- 8.4.5 – addition of dam systems language and reference to Appendix L.





SECTION 9

STORMWATER QUALITY TREATMENT REQUIREMENTS



Minor edits since the previous draft include the following.

- Updated phrasing to be clearer.
- Updated appendix references.
- Moved rainfall data to appendix.

REGIONAL STORMWATER SYSTEMS

- Separated from the off-site treatment and credit trading.
- Outlined in more detail based on current practices.



SECTION 12

OPERATION AND MAINTENANCE REQUIREMENTS

MS4 PERMITS

- Streamlining options for municipal separate storm sewer system (MS4) programs and operation and maintenance (O&M) phase environmental resource permits (ERPs).
- Language added to allow systems which are owned and operated by an MS4 permittee to be regulated through their MS4 permits.





SECTION 12

OPERATION AND MAINTENANCE REQUIREMENTS (2)



CERTIFIED INSPECTOR

- Inspector credentials expanded to provide options for both a registered professional and other qualified inspector training requirements.
- Qualified inspectors would be required to have current training that meets the rule's proposed training performance requirements.
 - Best management practice (BMP) principal treatment methods.
 - Causes of malfunction and repair.
 - Proper completion and submittal of reports.



CHAPTER 62-330, F.A.C.

ENVIRONMENTAL RESOURCE PERMITTING



Most updates contained in AH Volume I.

- Minor revisions to maintain consistency with proposed language in AH Volume I.
- Forms added by reference.
- Appendices added by reference.
- Rule 62-330.310, F.A.C., Operation and Maintenance.
- Rule 62-330.311, F.A.C., Inspections and Reporting.
 - Reference the annual inspections.

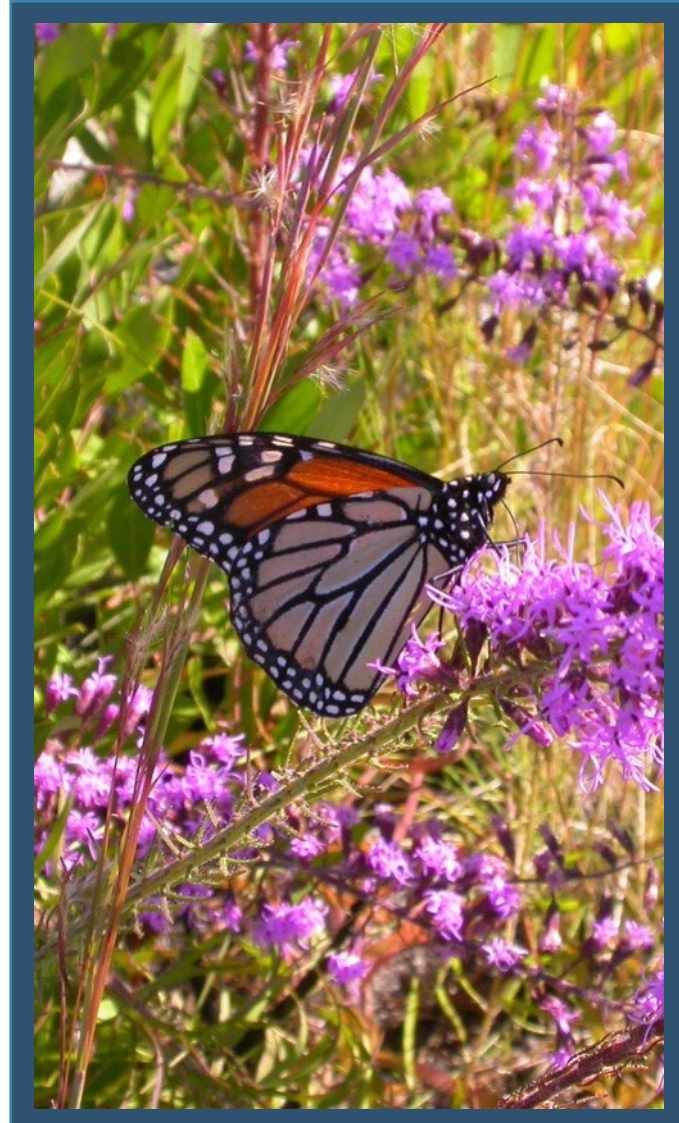


SECTION 11

EROSION AND SEDIMENT CONTROL

Reorganized, added language and removed language.

- Restructuring section for better flow.
 - Sections 11.1.1 and 11.1.2 moved under Section 11.2, *Development of Erosion and Sediment Control (E&SC) Plan*, as those two sections only pertain to erosion and sediment control plans.
- Addition of language to clarify that changes to an erosion and sediment plan to provide greater protections will not require a permit modification.
- Clarification that while stormwater pollution prevention plans (SWPPPs) and E&SC plans are similar, they are two separate requirements.
- Removal of additional requirements for the generic permit as that language is housed under National Pollutant Discharge Elimination System (NPDES) and subject to change.





DAM SYSTEMS

Dam systems are a critical part of Florida's infrastructure for stormwater management, including stormwater treatment.

However, flooding from dam failure or mis-operation can also result in loss of human life, damage to offsite properties, infrastructure and the environment and water quality impacts for nutrients and other parameters (turbidity, associated pollutants, etc.).





DAM SYSTEMS RULES

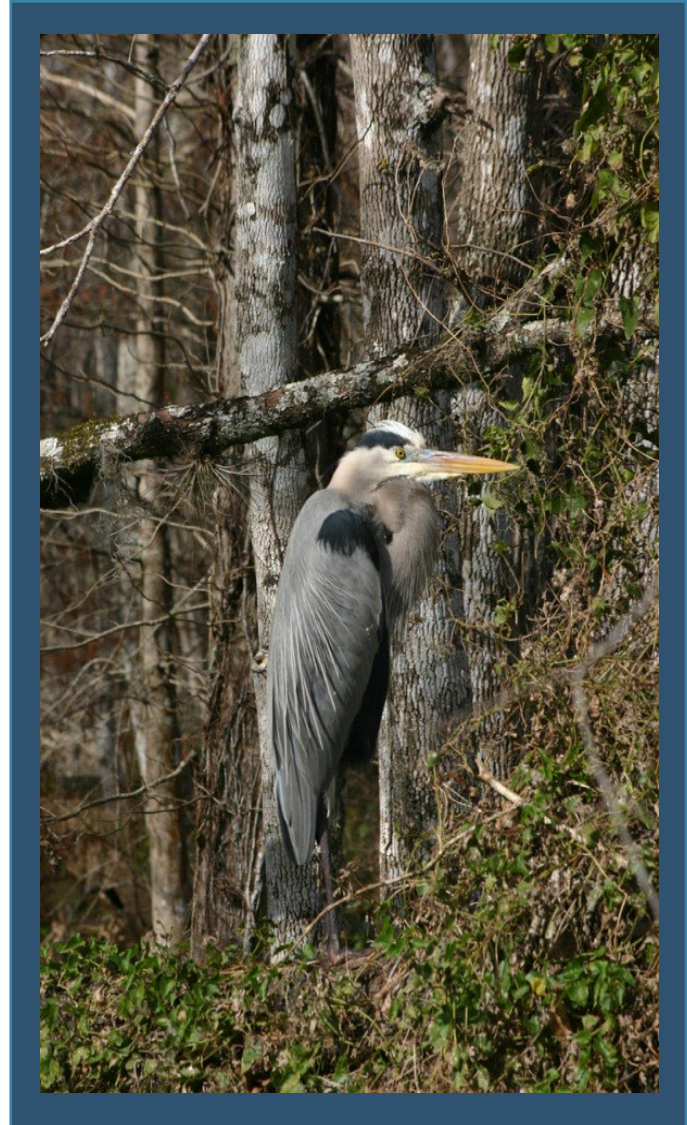
- **Paragraph 62-330.010(4)(a), F.A.C. – *Purpose and Implementation.***
 - Incorporates Appendix L, *Additional Criteria for Dam Systems*, by reference into rule as part of AH Volume I.
- **Subsection 62-330.301(2), F.A.C. – *Conditions for Issuance of Individual and Conceptual Approval Permits.***
 - Incorporates Form 62-330.301(25), *Dam System Information*, by reference into rule.
 - Requires applicants proposing to construct a new dam or alter an existing dam to complete the dam parameters on the *Dam System Information* form.



DAM SYSTEMS

AH VOLUME I

- **Section 2, *Definitions and Terms.***
 - Adds (a)(64), "Levee" definition. The additional criteria for evaluation to construct or alter dam systems in Appendix L do not apply to levees.
 - Adds (a)(65), "Levee system" definition. The additional criteria for evaluation of activities to construct or alter dam systems in Appendix L also do not apply to levee systems.
- **Section 8.4.5, *Dam Systems.***
 - Establishes additional criteria for proposed activities to construct or alter dam systems to mitigate dam failure and mis-operation and their consequences from flooding.
 - Directs applicants to Appendix L, *Additional Criteria for Dam Systems*, which contains the requirements and details for additional permitting information.





DAM SYSTEMS

APPENDIX L

Appendix L, *Additional Criteria for Dam Systems.*

The four additional criteria are as follows:

1. Complete the *Dam System Information* form.
2. Establish a downstream hazard potential for each dam (assuming dam failure or flooding from mis-operation).
3. Develop an emergency action plan for each potentially hazardous dam.
4. Provide a condition assessment for each existing potentially hazardous dam.

Please send comments, recommendations, and suggested edits for draft Dam Systems language separately by email to DamSafety2022@FloridaDEP.gov by Dec. 30, 2022.

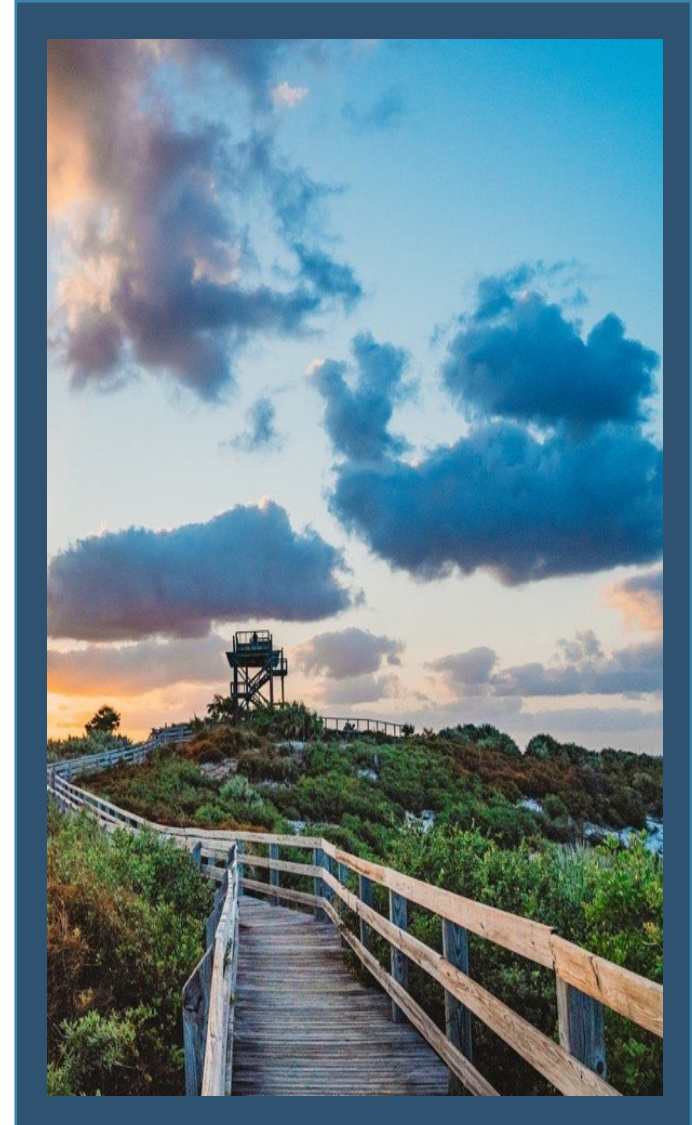


APPENDIX M

RAINFALL MAPS

AVERAGE ANNUAL RAINFALL

- Referenced in Section 9.
- Data is collected from the National Centers for Environmental Information (NCEI).
- Previously in-line with text and now moved to the appendix.
- Includes map and table of meteorological zones.
- Rainfall data covers the last 30 years; NCEI updates its rainfall averages every 10 years.





APPENDIX N

RUNOFF COEFFICIENTS (ROC) TABLES



Mean annual runoff coefficients (ROC value) as a function of directly connected impervious areas (DCIA) percentage and non-DCIA curve number.

- Referenced in Section 9.
- Used for the hand calculation of mean annual runoff.
- Developed by Dr. Harvey Harper.
- Based on the five meteorological zones.



APPENDIX O

LAND USE CATEGORIES



LAND USE CATEGORY TRAITS AND DESCRIPTIONS

- Referenced in Section 9.
- Used to determine the appropriate land use cover for the site's design to determine the event mean concentration (EMC) value.
- Used for the hand calculation of average annual nutrient load.
- Based on land cover, vegetation, soils and Florida Land Use, Cover and Forms Classification System (FLUCCS) code.



APPENDIX P

BMP LIBRARY

BMPs FOR STORMWATER TREATMENT

Repository of traditional stormwater BMP efficiencies.

- Referenced in Section 9.
- All attenuation design requirements listed in AH Volume II must still be met.
- Library to be used solely as a resource for traditional BMPs treatment efficiencies and how to calculate them.
- Describes how efficiencies would be calculated for BMPs in series with the BMP treatment train.
- Provides additional details for those BMPs that require calculation to determine their efficiency.





FORMS

INSPECTION CHECKLIST FORM



INSPECTION CHECKLIST

- Referenced in Section 12.
- Tool used by inspectors for required inspections of the stormwater treatment system.
- Contains many traditional BMPs and the items to review for their continued function.
- Checklists would be submitted to the agency as a record of the inspection.
- Any items marked unsatisfactory would require maintenance and correction.



FORMS CERTIFICATIONS



- **Section 62-330.311(1), F.A.C., *Operation and Maintenance Inspection Certification.***
 - Existing form updated to match new inspection regulations.
- **Section 62-330.301(x), F.A.C., *Certification of Financial Capability for Perpetual Operations and Maintenance Entities.***
 - New form created to certify an entity's ability to maintain the permitted system.



REQUEST FOR COMMENTS

- Please submit comments, suggested edits and recommendations to Stormwater2020@FloridaDEP.gov.
- Dam systems comments, suggested edits and recommendations should be sent separately to DamSafety2022@FloridaDEP.gov.
- Comment period will close **Dec. 30, 2022**.
- Notice of Proposed Rule estimated to be published in February 2023.

<https://floridadep.gov/water/water/content/water-resource-management-rules-development#erp-sw>



THANK YOU

Division of Water Resource Management
Florida Department of Environmental Protection

CONTACT INFORMATION:

850-245-8336

Stormwater2020@FloridaDEP.gov