**PART II -- CRITERIA FOR EVALUATION**

**8.0 Criteria for Evaluation**

**8.1 Purpose**

The criteria explained in this part are those that have been adopted by the Agency in evaluating applications for individual and conceptual approval permits, with the exception of those individual permits described in Rule 62-330.054(4), F.A.C. The staff recommendation to approve any individual or conceptual approval permit will be based upon a determination of whether reasonable assurance has been provided that the activity meets the criteria for evaluation, and whether the applicable permit fee has been submitted. In addition, the staff recommendation to resolve any violation under Chapter 62-330, F.A.C., also will be based upon a determination of whether reasonable assurance has been provided that the activity meets the criteria for evaluation in this part.

General permits are pre-issued, and already contain the limitations and criteria that must be met to qualify to use the specific general permit. Upon receipt of a notice to use a general permit, the Agency’s review is limited to determining whether the notice complies with the terms and conditions of the pre-issued permit, in accordance with Chapter 62-330, F.A.C., and whether the applicable permit fee has been submitted.

**8.2 Criteria for Evaluation**

**8.2.1** To obtain an individual or conceptual approval permit, an applicant must provide ~~give~~ reasonable assurance in accordance with Rule 62-330.060, F.A.C., and reasonable assurance that the following ~~major~~ standards contained in Sections 373.042, .413, .414, .416, .426, .429, .4595, F.S., are met:

(a) through (d) No change

**8.2.2 No change.**

**8.2.3 No change.**

8.3 Stormwater Quality Nutrient Permitting Requirements

8.3.1 Required Modeling of Performance Standards

Each applicant must demonstrate, through modeling or calculations, that their proposed system is designed to discharge to the required treatment load based on the Performance Standards described in sections 8.3.2 through 8.3.4 below.

8.3.2 Minimum Performance Standards for all sites

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

* + - 1. an 80% reduction of the average annual loading of total phosphorus (TP) and total nitrogen (TN) from the post-development project land use; or
			2. a reduction such that the post-development average annual loading of nutrients does not exceed the predevelopment nutrient loading.

8.3.3 Minimum Performance Standards for OFWs

Stormwater systems that fall within a HUC 12 containing an Outstanding Florida Water (OFW) shall provide a level of treatment sufficient to accomplish the greater of the following nutrient load reduction criteria:

* + - 1. a 95% reduction of the average annual loading of total phosphorus (TP) and total nitrogen (TN) from the post-development project land use; or
			2. a reduction such that the post-development average annual loading of nutrients does not exceed the predevelopment nutrient loading.

8.3.4 Minimum Performance Standards for Waters that do not meet State Standards

1. Stormwater systems that fall within a HUC 12 containing a waterbody on the Verified List of Impaired Waters shall provide a level of treatment sufficient to accomplish the greater load reduction criteria:
	* 1. an 80% reduction of average annual loading of total phosphorus (TP) and total nitrogen (TN) from the post-development project land use; or
		2. a reduction such that the post-development average annual loading of nutrients is less than the predevelopment nutrient loading.
2. Stormwater treatment systems that fall within a HUC 12 where a Total Maximum Daily Load (TMDL) has been adopted shall provide the level of treatment sufficient to accomplish the greater of the following nutrient load reduction criteria:
	* + - 1. the level of stormwater treatment required in Section 8.3.4.1, as applicable; and
				2. the greater of:

1. Net improvement for the pollutant that is not meeting water quality standards; or

2. the percent reduction, where specified in the load allocation of an adopted TMDL for the pollutant(s) that is not meeting water quality standards.

(c) Load reduction for nutrients shall not be lower than that for undeveloped or natural conditions.

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 of a lower level of treatment if the redevelopment project is under five acres and does not discharge to a nutrient impaired waters. The minimum level of treatment allowable for these sites shall be as follows:

(a) an 80% reduction of the post-development average annual loading of TP and a 45% reduction of the post-development average annual loading of TN from the project; or

(b) for stormwater systems that fall within a HUC 12 containing an OFW, a 95% reduction of the post-development average annual loading of total phosphorus (TP) and a 50% reduction of the post-development average annual loading of total nitrogen (TN) from the project.

8.3.6 Exemption from Minimum Performance Standards for Redevelopment

Redevelopment sites that are under two acres may qualify for an exemption as described in section 3.2.7 of this handbook. An exemption will require the redevelopment site to promote infiltration. This exemption only qualifies for redevelopment sites that result in reduced impervious surface or reduced pollutant loading on a case-by-case basis. Requests to qualify for this exemption shall be submitted in writing to the applicable Agency, and such activities shall not commence without a written determination from the Agency confirming qualification for the exemption.

Table 8.1 summarizes the Performance Standards in this rule.

Table 8.1 Stormwater Treatment Performance Standards

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| DEVELOPMENT TYPE | NON-OFWs | OFWs | IMPAIRED WATERS | IMPAIRED WATERS WITH ADOPTED TMDL OR BMAP |
| New | 80% load reduction of TP and TN orPost=Pre for TN and TPWhichever results in greater load reduction  | 95% load reduction of TP and TN or Post=Pre for TN and TP Whichever results in greater load reduction  | 80% load reduction of TP and TN or Post<Pre for TN and TPWhichever results in greater load reduction | 80% load reduction TP and TN or Post<Pre for TN and TP, orAdopted TMDL/BMAP % reduction Whichever results in greater load reduction |
| Redevelopment Under 5 Acres | 80% load reduction of TP and 45% load reduction of TN | 95% load reduction of TP and 50% load reduction of TN | N/A | N/A |

**8.4 Additional Criteria**

**8.4.1 ~~8.2.4~~ No change.**

**8.4.2 ~~8.2.4~~ No change.**

**8.4.3~~8.2.4~~ No change.**

**8.4.4 ~~8.2.4~~ No change.**

8.4.5 Oil and Grease Control

Discharge structures from areas with greater than 50 percent impervious and semi-impervious area or from systems that receive runoff from directly connected impervious that are subject to vehicular traffic shall include a baffle, skimmer, grease trap or other mechanism suitable for preventing oil and grease from leaving the stormwater treatment system in concentrations that would cause a violation of water quality standards. Designs must assure sufficient clearance between the skimmer and concrete structure or pond bottom to ensure that the hydraulic capacity of the structure is not affected.

8.4.6 Hazardous or Toxic Substances

Systems serving a land use or activity that produces or stores hazardous or toxic substances shall be designed to prevent exposure of such materials to rainfall and runoff to ensure that stormwater does not become contaminated by such materials. Such land uses may not be appropriate for certain BMPs such as retention basins to minimize introduction of such materials into the ground water.

**8.5 ~~8.3~~ State Water Quality Standards**

**8.5.1 ~~8.3.1~~ No change.**

**8.5.2 ~~8.3.2~~ Additional Permitting Requirements to Protect Ground Water**

State water quality standards for ground water are set forth in Chapter 62-520, F.A.C. In addition to the minimum criteria, Class G-I and G-II ground water must meet primary and secondary drinking water quality standards for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310 and 62-550.320, F.A.C.

Only the minimum criteria apply within a zone of discharge, as determined by Rule 62-520.400, F.A.C. A zone of discharge is defined as a volume underlying or surrounding the site and extending to the base of a specifically designated aquifer or aquifers, within which an opportunity for the treatment, mixture or dispersion of wastes into receiving ground water is afforded. Generally, stormwater systems have a zone of discharge 100 feet from the system boundary or to the project's property boundary, whichever is less.

Pursuant to subsection 62-555.312(3), stormwater retention and detention systems are classified as moderate sanitary hazards with respect to public and private drinking water wells. Accordingly, stormwater treatment facilities shall not be constructed within 50 feet of a public or bottled water plant water supply well, 100 feet of a limited use commercial or limited use community water supply well, or 75 feet of a private or multifamily water supply well, per the setbacks outlined in Table I of Section 62-532, F.A.C.

To assure protection of ground water quality, all stormwater treatment systems shall be designed and constructed to:

1. Assure adequate treatment of stormwater before it enters any aquifer system used for potable water supply such that no violation of ground or drinking water standards exist outside the authorized Zone of Discharge (the property boundary).
2. Avoid breaching an aquitard that will allow direct mixing of untreated water between surface water and an aquifer system used for drinking water. Where an aquitard is not present, the depth of the stormwater treatment system shall be limited to prevent any excavation within three (3) feet of the underlying limestone which is part of a drinking water aquifer.

**8.5.3 ~~8.3.3~~ No change.**