



# CLEAN WATERWAYS ACT STORMWATER RULEMAKING PUBLIC HEARING

Division of Water Resource Management  
Florida Department of Environmental Protection

Tallahassee, Florida | March 22, 2023



# STORMWATER

## SB 712 (CLEAN WATERWAYS ACT)

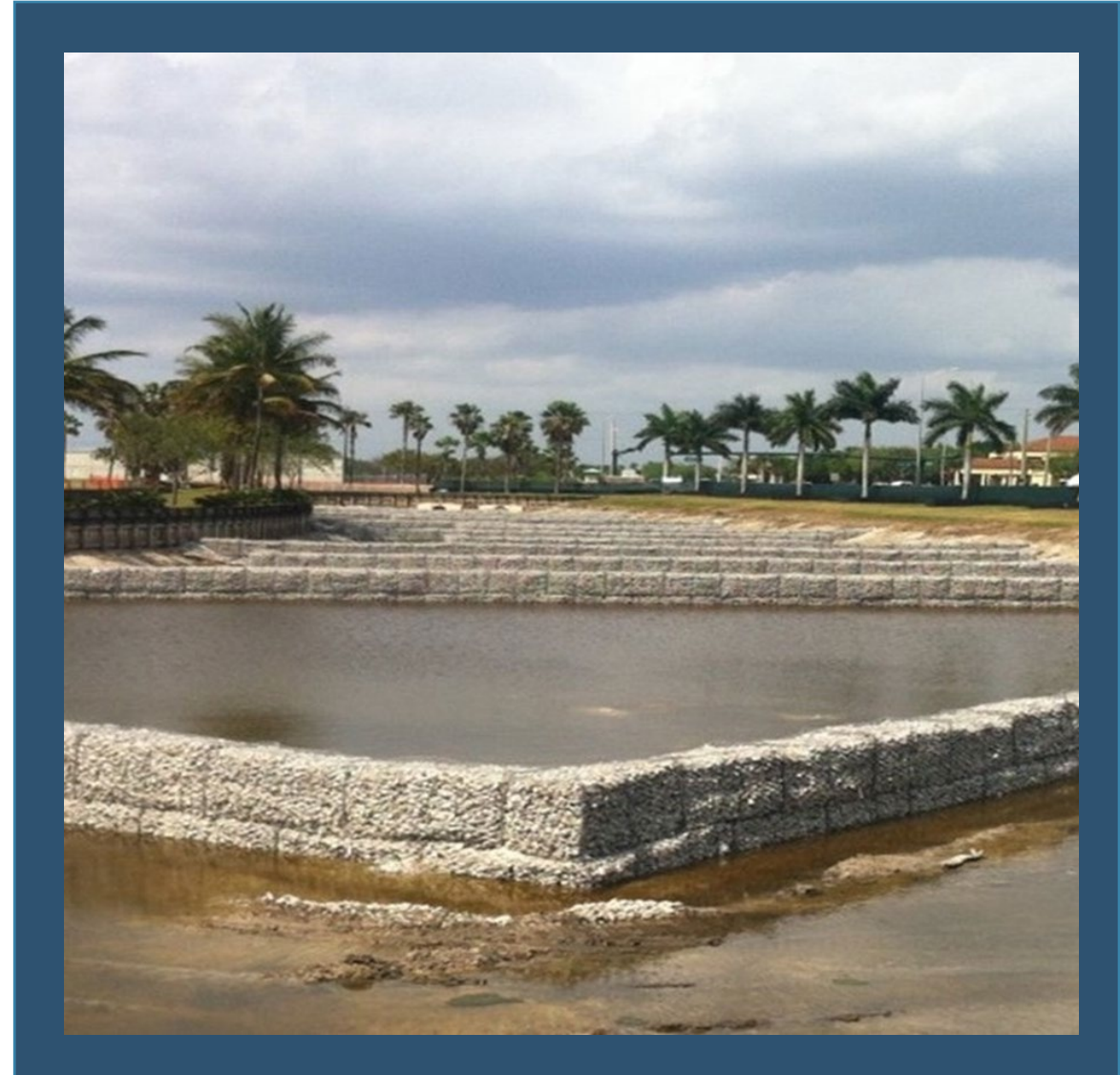
- SB 712 (Clean Waterways Act), directed DEP to adopt new rules to support the goal of improving water quality in Florida, including updating the stormwater design and operation regulations.
- Environmental Resource Permit (ERP) applicants for stormwater management systems must abide by current provisions under, Chapter 62-330, F.A.C.





# STORMWATER PUBLIC ENGAGEMENT

- DEP is currently in rulemaking to update the stormwater design and operation regulations, including updates to the ERP Applicant's Handbook, using the most recent scientific information available.
- DEP held two public outreach meetings in 2020 and established a Technical Advisory Committee (TAC) in November 2020.
  - TAC met 13 times from December 2020 to November 2021.
- DEP held four rule development workshops between May and December 2022.
  - Additional workshops were held in January 2023 by the five water management districts to provide proposed updates to their respective Applicant's Handbooks.





# STORMWATER PROPOSED AMENDMENTS

- Additional Permitting Requirements.
  - Modeling or calculations required rather than presumptive best management practice 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% nutrient reduction for both total phosphorous (TP) and total nitrogen (TN).
  - Additional removal requirements of 95% for projects discharging within Outstanding Florida Waters.
  - 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.
  - Proposed provisions would allow a reduced TN performance standard of 45%, under limited conditions which are expected to support redevelopment in areas where there are likely little or no historical stormwater treatment.



# STORMWATER PROPOSED AMENDMENTS - 2

- Increased Operation and Maintenance Requirements.
  - Strengthened training, documentation and inspection frequency requirements help ensure that new stormwater management systems will be properly operated and maintained over time.
  - New permitting requirements to ensure that entities will be capable of performing operation and maintenance over time.
- Dam Safety Requirements.
  - Provide for basic dam safety information during permitting review.
  - Establish a downstream hazard potential classification for new projects.
  - Require emergency action plans where needed.
  - Provide condition assessment reports for High Hazard or Significant Hazard dams.



# STORMWATER PROPOSED REVISIONS



- Proposed revisions are estimated to affect up to ~14,030 individual ERP projects, over the first five years of rule implementation.
- Rule revisions for new permitting requirements, specifically for dam systems, are projected to affect ~29 ERP projects over the first five years of rule implementation.
- Implementation requirements for proposed rule revisions are primarily incorporated in ERP Applicant's Handbook, Volume I, which would be revised and incorporated by reference in Rule 62-330.010, F.A.C.
- Supporting requirements are found in additional sections of Chapter 62-330, F.A.C., forms and the water management districts' Applicant's Handbook, Volume IIs.



# STORMWATER PROPOSED RULES AND RULEMAKING TIMELINE

- The Notice of Proposed Rule was published on Feb. 24, 2023.
- Once the rule revisions are adopted, Rule 62-330.010, F.A.C., which incorporates Volume I of the statewide ERP Applicant's Handbook would require ratification during the 2023 Legislative Session.





# STORMWATER SUMMARY

- Provide minimum stormwater treatment performance criteria.
- Increase treatment and removal of nutrients (TP and TN).
- Establish updated stormwater best management practices that more accurately reflect latest scientific information on their performance.
- Strengthens Florida's overall water resource protections.
- Ensures consistent application of net improvement performance standards.
- Strengthens requirements for operation and maintenance of stormwater systems.
- Improved permitting requirements and information for dam systems.





# THANK YOU

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