

Environmental Resource Permit Rulemaking Update

WRAC

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Two Initiatives Underway

- The Unified Statewide Rule (DEP & WMDs)
 - Provides a consistent process to ensure appropriate water quality Environmental Resource Permitting (ERP) criteria (nutrient reduction) are used for stormwater runoff from new developments
- Lake Okeechobee & Estuaries Watersheds Basin Rule (SFWMD)
 - Rule to address discharge volume from new development in the Lake Okeechobee, Caloosahatchee & St. Lucie Watersheds

UNIFIED STORMWATER RULE CONCEPTS

- One storm does not fit all – 5 rainfall zones
- BMP treatment train required
- Credits for nonstructural BMPs
 - Green roofs
 - Pervious concrete
 - Florida Friendly Landscaping
 - Disconnect impervious areas
 - Higher CN for cleared areas (compaction)
- Compensating treatment (WQ Banking)?
- Retrofit section
- Applicant's Handbook platform- Based on Northwest Florida ERP

UNIFIED STORMWATER RULE

CONCEPTS continued

- Proposed Treatment Standard: Post=Pre Loading for TP & TN. Pre is a natural vegetation condition, not necessarily the existing condition.
- Presumption that other pollutants will be treated sufficiently
- Each project gets specific evaluation (i.e., soils, rainfall, land use) resulting in unique site specific removal efficiency requirement
- Standard methods to calculate requirements with software provided
- Various tools to achieve post=pre treatment requirements
- Provide credit for individual components of the BMP Treatment Train
- Specific nutrient removal efficiencies provided for retention and wet detention
- Reuse water will play an important role

Where are we in the process?

Chapter 62-347, F.A.C.

- FDEP Published a Notice of Rule Development in the NDR 5/25/07.
- The SFWMD Governing Board authorized publication of a Notice of Rule Development on 5/10/2007, and a Notice of Rule Development was published in the FAW on 6/1/2007.
- The draft rule is in the development process within FDEP with WMD representatives and other experts providing input

Timeline (subject to change)

- DEP/WMD work group develops conceptual rule (June – Sept, 2007)
- Issues to DEP Secretary/WMD EDs (Oct 07)
- Formation of TAC/PAC (Jan 2008)
- TAC workshops (March - Sept 2008)
- Rule workshops (Oct 2008 – Feb 2009)
- Rule adoption by Secretary (May 2009)
- Rule effective (July 2009)

TECHNICAL ISSUES

- Collecting additional data (EMCs)
 - Won't be done until next summer (if it rains!)
- Preventing ground water pollution
 - In Karst, springs, and other basins with HSG "A" soils
 - Soil amendments to restrict migration
- Stormwater systems in Karst areas
 - Criteria for designating "Karst Sensitive"
- Use of wetlands for stormwater treatment
- Wet pond littoral zones
- Stormwater retrofit optimization

POLICY ISSUES

- Rule adoption: statewide consistency
 - 1 FDEP or 5 WMDs
- Establishment of pre-development conditions
- Urban redevelopment treatment requirements
- Standardizing permitting thresholds
- Revisions to 62-40 F.A.C. performance standards
- Reclaimed water in stormwater ponds

LEGISLATIVE ISSUES

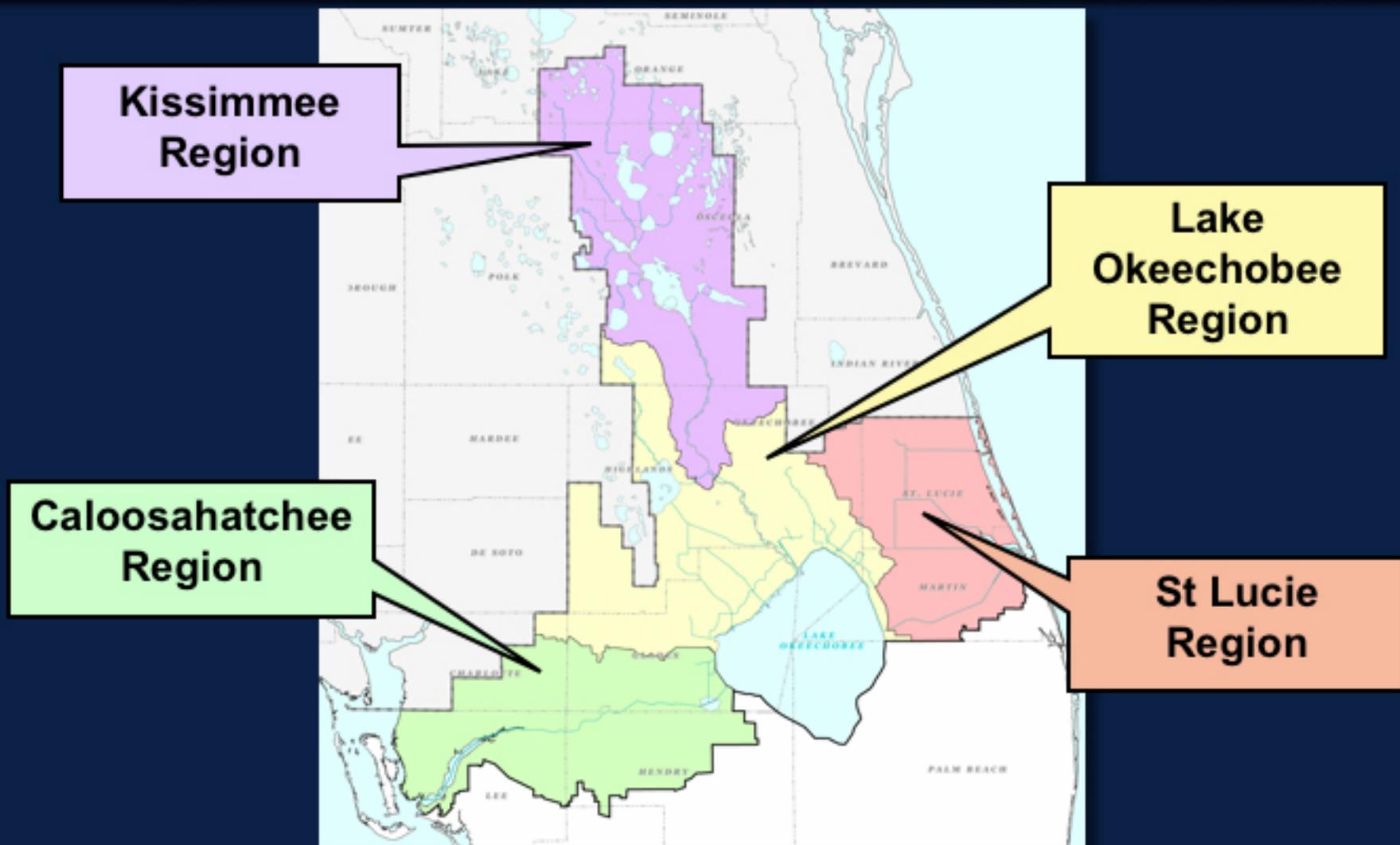
- Streamline rule adoption process
- Provide statewide consistency
- Provide for grandfathering
- Authorize the rebuttable presumption
- Allow special provisions for urban redevelopment and retrofitting
- Bert Harris Act exemption

Lake Okeechobee & Estuaries Watersheds (LOEW) Basin Rule Concepts

- Applicant must demonstrate that post development stormwater discharge volumes are appropriately improving the hydrology within the Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds (373.4595, F.S.)
- Two discharge volume scenarios to be addressed:
 - Average annual discharge volumes
 - Specific storm event discharge volumes



Northern Everglades



**Kissimmee
Region**

**Lake
Okeechobee
Region**

**Caloosahatchee
Region**

**St Lucie
Region**

Need to Reauthorize Initiation of Rule Development

- The SFWMD Governing Board authorized Rule Development on February 8, 2006 for a water quality basin rule as a result of the Lake Okeechobee & Estuary Recovery (LOER) Plan
- A draft plan was developed and workshops held but significant technical issues remained
- As a result of initiation of the Unified Statewide Rule, the proposed basin rule was considered duplicative so, the objective of the basin rule will be amended to address discharge volumes

Need to Reauthorize Initiation of Rule Development continued

- Since the objectives of the basin rule will change, Governing Board authorization must be requested
- Anticipate request for rule development authorization at the February Governing Board meeting with notice of rule development published in the Florida Administrative Weekly to follow

Where are we in the process?

- A statement of work has been drafted for the development of the volume targets and technical criteria
- After criteria is drafted several workshops will be held throughout the basin to get public input
- It is anticipated that at least two rounds of workshops will be conducted
- Rule adoption estimated to be beginning to middle of 2009

Additional Information available from:

■ FDEP

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■ SFWMD

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