

Update on Statewide Stormwater Rule and Application of Existing District Rules

November 5, 2009

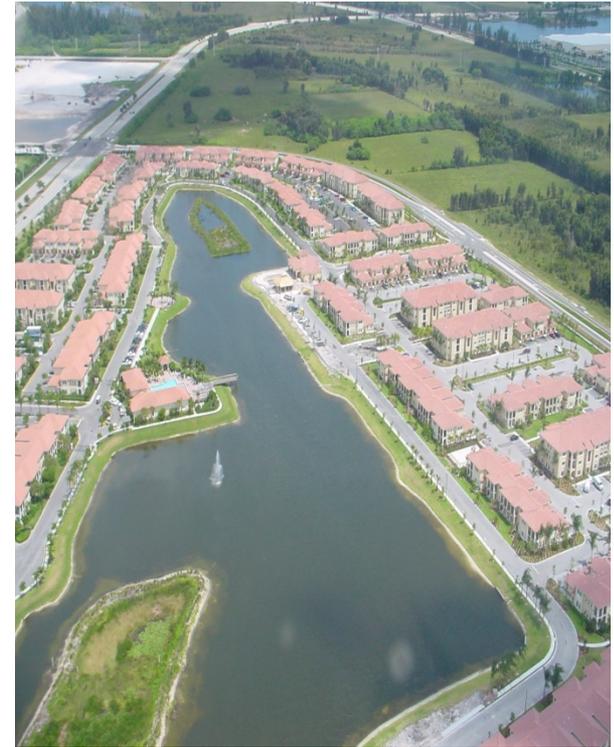
Water Resources Advisory
Committee

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Statewide Stormwater Rule

- In May 2007, in accordance with its “general supervisory authority over all the water management districts” set forth in s373.026, Fla. Stat., the DEP initiated rule development for a Statewide Stormwater Quality Rule (Statewide Rule)



Statewide Stormwater Rule

- Limits average annual nutrient load
 - 85% treatment efficiency or;
 - Post development load less than load from natural land cover condition, whichever is less stringent
- Adds several new treatment methods (BMPs) with specific nutrient removal quantification
- One statewide methodology that allows for differing regional conditions

Statewide Rule Status

- July – September 2009: Technical Advisory Committee (TAC) finished final round of review
- January 2010: Conduct first round of public workshops; DEP and WMD staff revise criteria
- March – April 2010: Conduct second round of public workshops
- May 2010: Obtain additional legislative authority
- July 2010: Statewide Rule adoption

Protections For Impaired Waterbodies Until The Rule Is Adopted

While rule making occurs, additional reasonable assurances are required pursuant to the authority set forth in existing Rules

1. Additional treatment volume
2. Additional BMPs
3. All applicants discharging to impaired waters must provide an analysis to demonstrate that expected future loads will not exceed existing loads

Staff Guidance Memo Update

- June 2004: original guidance memo written requiring additional treatment volume and BMPs as reasonable assurance that project will not cause or contribute to water quality violations
- November 2009: update to 2004 memo adding requirement for a site specific water quality analysis to demonstrate that the project will not cause or contribute to water quality violations and;



Staff Guidance Memo Update

- Reference to net improvement provision requirement added pursuant to Section 373.414(1)(a)3, F.S. and;
- Information on BMP options added to provide reasonable assurances that projects will not cause or contribute to violations or that a net improvement is provided and;
- Treatment train concept described and encouraged



Staff Guidance Memo Update

- On October 9, 2009, the Conservancy of SW Florida submitted a letter supporting implementation of the updated guidance memo
- Conservancy agreed not to pursue campaign for development of the SW FL Basin Rule for 18 months while the Statewide Rule effort progresses

