



Overview

- HB503 & Local Governments: Major Changes
- Pros and Cons of 10/2 electronic self-certification permits
- Local Government Approaches to the New Permitting Landscape
- Legal Issues & NPDES Permits



10/2 Permit Overview (HB503)

- Sec. 403.814 (12), F.S. provides for a general permit for projects that are up to 10 acres in size, containing not more than 2 acres of impervious area.
 - A registered professional has to *certify*:
 - The project will not 'cause' adverse water quality and water quantity issues;
 - The project will not impact wetlands or surface water, or be conducted in wetlands or surface water;
 - The project is not part of a common plan or will use pipes with a diameter greater than 24 inches
- Electronic self-certification
 - The "electronic self-certification" requirement can be satisfied through use of the Florida Department of Environmental Protection's (DEP) self-certification portal at www.fldepportal.com/go.



HB503 & Local Governments

- Major Changes
 - 10/2 Electronic Permit (Sec. 403.814, F.S.)
 - Drainage and Surface Water Plan not Required to be Submitted
 - No Specific State Review Requirements
 - Only needs certification
 - Local Government Permitting Changes
 - Local Government's cannot require the acquisition of all Federal and State Permits prior to issuance of its Local Development Permit. (Sec. 125.022, F.S.)



Pros and Cons of 10/2

- Pros

- Efficient
- Cost Effective
- Streamlined

- Cons

- Loss of Review
- Lack of Oversight
- Local Governments Ultimately Held Responsible



Do Local Governments Need to Change?

- Depends on:
 - Whether the Local Government relies on State review for drainage and surface water runoff?
 - Whether the Local Government has laws and procedures in place to review drainage and surface water runoff at the local level?
 - If so, are these laws and procedures sufficient?
- Can a Local Government still rely on 10/2 electronic permits?



Pinellas County's Regulations

- Front End Regulations
 - Site Plans (§138-176, P.C)
 - Review of site drainage and stormwater runoff
 - Treatment and Flooding Considerations
 - Zoning Clearance (§138-151, P.C.)
 - Prior to the use of any land or structure or expansion thereof and prior to the issuance of a building permit, zoning clearance must be obtained.
 - A drainage plan, a stormwater pollution prevention plan and/or erosion control plan may be required upon review.
 - Right-of-Way Utilization Permits



Pinellas County's Regulations

- Backend Regulations
 - Discharges to the County MS4 or to any County waters that are not completely composed of stormwater are prohibited.
 - Specific Exemptions
 - Charter Authority
 - Compliance with site plan and zoning clearance requirements.



Pinellas County's Regulations

- Going Forward
 - Discharges/runoff from incorporated parcels into unincorporated MS4
 - Right of Way Utilization Permits
 - Enforcement of Local Regulations



Legal Issues & NPDES Permits

- Enforcement Issues at the Local Level
 - Backend Regulations
 - Identifying and proving violations
 - Costs of enforcement actions
- Enforcement Issues at the State Level for 10/2
 - Burden Shifting
 - Cause vs. Cause or Contribute
 - Costs



Legal Issues & NPDES Permits

- Other Legal Issues
 - Preemption
 - Does 10/2 preempt local governments from regulating in this area?
 - ERP delegation
 - Liability for MS4 Permit holders
 - Rulemaking/legislation
 - Cause or Contribute
 - Local government notification
 - Plan submittal



Conclusion

- Why could $10/2$ matter?