



DIVISION OF WATER RESOURCE MANAGEMENT STORMWATER UPDATES

Borja Crane-Amores

Division of Water Resource Management
Florida Department of Environmental Protection

Florida Stormwater Association DEP Day | Dec. 4, 2024



CHAPTER 2020-150, LAWS OF FLORIDA

STORMWATER RULE DEVELOPMENT

- In 2020, Florida's Legislature passed the bipartisan Clean Waterways Act (Senate Bill [SB] 712, codified as Chapter 2020-150, Laws of Florida [L.O.F.]).
- This law directed the Florida Department of Environmental Protection (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, Florida Administrative Code (F.A.C).
- DEP filed the final draft rule package for adoption with the Florida Department of State on April 28, 2023.
- In 2024, these rules, with amendments to selected rule provisions, were ratified by the legislature in SB 7040; the bill was signed into law on June 28, 2024, and the rules are now effective.



CHAPTER 2024-275, L.O.F.

OVERVIEW OF CHANGES

- Changes to AH Volume I:
 - Section 2, “Definitions.”
 - Section 3, “Grandfathering.”
 - Section 8, “Performance Criteria.”
 - Section 9, “Calculations.”
 - Section 12, “O&M and Inspections.”
- Establishes a new design framework for stormwater treatment systems to achieve specified pollutant reduction goals, including total phosphorus (TP) and total nitrogen (TN).
- Establishes updated stormwater best management practices (BMPs) that more accurately reflect latest scientific information on their performance.
- Ensures consistent application of net improvement performance standards.
- Strengthens O&M requirements for stormwater systems.
- Improves permitting requirements and information for dam systems.



CHAPTER 2024-275, L.O.F.

LEGISLATIVE CHANGES DURING RULE RATIFICATION

- Specific exemptions codified into section 373.4131(7), Florida Statutes (F.S.):
 - **AH section 3.1.2(f):** Development or other construction projects for which stormwater management and design plans were submitted to a local or other government agency before Jan. 1, 2024.
 - **AH section 3.1.2(g):** Stormwater management systems constructed in accordance with a binding ecosystem management agreement executed by DEP pursuant to section 403.0752, F.S., before Jan. 1, 2024.
 - **AH section 3.1.2(h):** Stormwater management and design plans for a valid development of regional impact, as defined in section 380.06, F.S., with a development order, as defined pursuant to section 380.031, F.S., issued before Jan. 1, 2024, are exempt until Oct. 1, 2044.
 - **AH section 3.1.2(i):** Stormwater management and design plans for a planned unit development final development plan approved pursuant to a local ordinance, resolution or other final action by a local governing body before Jan. 1, 2024, are exempt until Oct. 1, 2034.
- Additional clarifications for AH sections 3.1.2(e)3, 8.2.2, 8.3.1, 8.3.4, 8.3.5, 9.1 and 12.5.
- Provided up to **18 months** (until Dec. 28, 2025) in AH Section 3.1.2(e)4, for projects with complete applications to be exempt from the new stormwater design requirements under **AH section 8.3.**



CHAPTER 2024-275, L.O.F.

IMPLEMENTATION TIMELINE SUMMARY

Section number, AH I	When it is effective?	Who is affected?
8.3 – Performance Criteria	Effective date plus 18 months – Dec. 28, 2025*	Applicants for general and individual permits and major modifications of existing permits.
8.4.5 – Dam Criteria	Effective date of rule revisions – June 28, 2024	Dam system owners.
12.3.5 – O&M Cost Estimate	Effective date of rule revisions – June 28, 2024 (submitted at the time of application)	All applicants.
12.4 – O&M Plan	Effective date of rule revisions – June 28, 2024 (submitted at the time of application)	All applicants.
12.5 – Inspection Requirements and Checklist	Effective date of rule revisions – June 28, 2024 (submitted at the time of application)	Everyone except municipal separate storm sewer system (MS4) entities and certain activities and BMPs regulated by the South Florida WMD and the Florida Department of Agriculture and Consumer Services.
12.5(c) – Qualified Inspector	Effective date plus 12 months – June 28, 2025	

****New Conceptual Approval Permits (issued after the rule effective date), will have to reflect the provisions for grandfathering of performance criteria, based on the criteria that would apply for the time of application completeness for the individual construction phase permit.***



SECTION 2

DEFINITIONS

Highlighted definition changes:

- Pre-development and post-development.
- BMPs for erosion and sediment control and for stormwater treatment.
- Directly connected impervious area.
- Redevelopment.
- Impaired water.





SECTION 8

PERFORMANCE STANDARDS

- Additional permitting requirements.
 - Modeling or calculations required rather than presumptive BMP design.
 - Minimum stormwater treatment performance standards for design.
 - Based on a post \leq pre analysis or a nutrient reduction efficiency, whichever is more protective.
 - 8.3.2 — Treatment designs would provide 80% reductions of TP and a 55% reduction of TN.
 - 8.3.3 — Additional removal requirements of 90% for TP and 80% for TN for projects discharging within Outstanding Florida Waters (OFW).
 - 8.3.4 — 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 section 8.3.5.
 - Adopted provisions allow a reduced TN performance standard of 45% (60% for projects discharging within OFWs) under limited conditions which are expected to support redevelopment in areas where there are likely little or no historical stormwater treatment.



SECTION 8

EXEMPTION FROM MINIMUM PERFORMANCE STANDARDS



- Section 8.3.6 - for redevelopment only.
 - Under 1 acre.
 - Result in reduced impervious surface or reduced pollutant loading.
 - Requests pursuant to section 3.2.7.
 - Allows reduced performance standards in these areas.
- Applications deemed complete within 18 months of the effective date.



SECTION 9

CALCULATING AND MEETING PERCENT REDUCTIONS

- Calculations.
 - Modeling or calculations outlined in new section of AH Volume I.
 - Based on land use of the site, hydrology and event mean concentration (EMC) value:
 - Calculate the predevelopment loading and the post development loading before treatment.
 - Use this and the site location to determine which performance criteria to follow.
 - Updated average annual rainfall data.
- BMPs.
 - Traditional BMPs listed in Appendix O.
 - BMP treatment train.
 - Low impact design and green stormwater infrastructure.
 - Alternative designs.
- Off-site treatment.
 - Over treatment.
 - Off-site compensation.
 - Regional stormwater systems.



SECTION 12

O&M

- Increased O&M 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.
 - Required for applications submitted after effective date.
- Detailed O&M plan.
 - At time of application develop O&M plan for BMPs used on site.
 - Provide this O&M to all subsequent permit holders and O&M entities.
- Cost estimate.
 - Provide annual cost for maintaining stormwater system for its operation life and the replacement cost.



CHAPTER 2024-275, L.O.F.

NEW FORMS FOR ERP APPLICATIONS (EFFECTIVE IMMEDIATELY)



- Form 62-330.311(2), “Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity.”
- Form 62-330.301(26), “Certification Of Financial Capability For Perpetual Operations And Maintenance Entities.”
- Form 62-330.311(1), “Operation And Maintenance Inspection Certification.”
- Form 62-330.311(3), “Stormwater Facility Inspection Checklist.”



MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ENTITIES

- **All applicants** must submit Form 62-330.301(26), “Certification of Financial Capability for Perpetual Operations and Maintenance Entities,” at the time of permit application and attach a cost estimate as described in section 12.3.5.
- Applicants for systems where the operation and maintenance entity is or will be an MS4 permittee subject to Chapter 62-624, F.A.C. The **MS4 entity is not required** to submit a separate O&M plan as described in section 12.4.1.
- Inspections.
 - MS4 entities shall conduct, and report inspections of ERP permitted stormwater management systems owned or operated by the MS4 entity in accordance with its MS4 permit requirements and any associated standard operating procedures (SOPs) required pursuant to Chapter 62-624, F.A.C.
 - The **MS4 entity is not required** to submit a separate Form 62-330.311(3), “Operation and Maintenance Inspection Certification,” or the “Inspections Checklist” or equivalent as described in section 12.5.



QUALIFIED INSPECTORS

- Required to be used on or after June 28, 2025.
- Three options: (1) a registered professional, (2) an inspector under the supervision of a registered professional, or (3) have completed training no more than five years prior to the date of the inspection.
- Training must include the following:
 - The ability to read construction drawings, plans, specifications and modeling of recovery timeframes.
 - Principles of traditional BMPs for stormwater treatment, including functions that convey and remove pollutants from stormwater.
 - For traditional BMPs, the potential causes of failure or malfunction, replacement needs and reduction in treatment efficiency.
 - Understanding of the purpose, design and function of manufactured devices or non-traditional BMPs and the ability to ensure the device meets manufacturers' specifications and maintenance requirements.
 - Performance of inspections, including field inspection experience and the completion of required reports and documentation, consistent with the requirements of Section 12 of AH Volume I, any relevant requirements of the applicable AH Volume II and all other applicable rules and regulations.



COMMUNICATIONS STRATEGIES

ERP STORMWATER RESOURCE CENTER LANDING PAGE

Resources available now:

- Rule materials, training information and new forms.
- Updated AH Volume IIs.
- Implementation timeline.
- Project examples and stormwater designs for demonstrating nutrient loading for a site.
- Green stormwater infrastructure link (<https://gsi.floridadep.gov/>).
- Interactive maps (Hydrologic Unit Codes 12 and Impaired Waters).
- Link to AH Volume I Appendix O, treatment efficiencies for traditional BMPs.
- Requirements for the use of alternative regional EMC values.
- Technical references.
- Guidance on O&M plans.
- Frequently asked questions.



<https://floridadep.gov/water/engineering-hydrology-geology/content/erp-stormwater-resource-center>



THANK YOU

Borja Crane-Amores

Division of Water Resource Management
Florida Department of Environmental Protection

Contact Information:

850-245-7520

Borja.CraneAmores@FloridaDEP.gov