



DIVISION OF WATER RESOURCE MANAGEMENT STORMWATER UPDATES

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CHAPTER 2020-150, LAWS OF FLORIDA (L.O.F.)

STORMWATER RULEMAKING

In 2020, the Florida Legislature passed the bipartisan Clean Waterways Act (CWA), codified as Chapter 2020-150, L.O.F. This law required the Department of Environmental Protection (DEP) and the water management districts (WMDs) to adopt rules that identify stormwater design criteria and best management practices (BMPs) using the most recent scientific information available to increase the removal of nutrients from stormwater discharges in the state and to increase consistency in the application of net improvements where needed to reduce pollutant loadings to a waterbody.

- Adopted revisions are estimated to affect up to approximately 14,030 individual environmental resource permit (ERP) projects over the first five years of rule implementation.
- Design requirements to increase nutrient removals for total phosphorus (TP) and total nitrogen (TN).
- Operation and maintenance (O&M) requirements.



CHAPTER 2020-150, L.O.F.

STORMWATER RULE DEVELOPMENT

- ERP applicants for stormwater management systems subject to current provisions under Chapter 62-330, Florida Administrative Code (F.A.C)., and Applicants Handbooks (AH).
- Initial meetings to solicit public input were held in Summer/Fall 2020.
- Technical Advisory Committee (TAC) meetings were held in 2021. In 2022, the TAC published its recommendations report and rule development workshops were held.
- The final rule was filed for adoption with the Florida Department of State on **April 28, 2023**.
- These rules were ratified with amendments to the selected rule provisions by the Florida Legislature in 2024, Senate Bill (SB) 7040.
 - SB 7040 was signed into law on **June 28, 2024**, and is now codified as Chapter 2024-275, L.O.F.



CHAPTER 2020-150, L.O.F.

ADOPTED REVISIONS



- Rule revisions focus on stormwater management system design and operational requirements that would be permitted primarily as individual ERP projects.
- Implementation requirements are primarily incorporated in ERP, AH Volume I, which was 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 WMDs' AH, Volume IIs.
- ERP, AH Volume I.
 - Contains permit thresholds and exemptions, design performance standards and O&M requirements.
- ERP, AH Volume IIs.
 - Five separate handbooks, one for each of the WMDs.
 - Continue attenuation and special basin criteria.



CHAPTER 2024-275, L.O.F.

RATIFICATION OF DEP'S STORMWATER RULES

- Rule 62-330, F.A.C., "Environmental Resource Permitting" was filed for adoption on April 28, 2023, and became **effective June 28, 2024**.
- 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**.



SECTION 3

GRANDFATHERING

- Stormwater management and design plans submitted before Jan. 1, 2024:
 - To a local government agency as part of a local building permit or as part of a site plan or subdivision plat approval.
 - To a local government agency as part of a regional stormwater management system designed and permitted pursuant to an effective permit under part IV of Chapter 373, F.S.
- Stormwater management and design plans where the following were issued or approved before Jan. 1, 2024:
 - With a binding ecosystem management agreement executed by the department pursuant to section 403.0752, F.S.
 - 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.
 - For a planned unit development final development plan approved pursuant to a local ordinance, resolution, or other final action by a local governing body.



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 TP and TN.
- Establishes updated stormwater 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.

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 - June 28, 2024	Dam system owners.
12.3.5 – O&M Cost Estimate	Effective date - June 28, 2024 (at the time of application)	All applicants.
12.4 – O&M Plan	Effective date - June 28, 2024 (at the time of application)	All applicants.
12.5 – Inspection Requirements and Checklist	Effective date - June 28, 2024 (at the time of application)	Everyone except Municipal Separate Storm Sewer System 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}	

* Rule revisions became effective on June 28, 2024, pursuant to section 120.54(3)(e)6, F.S.

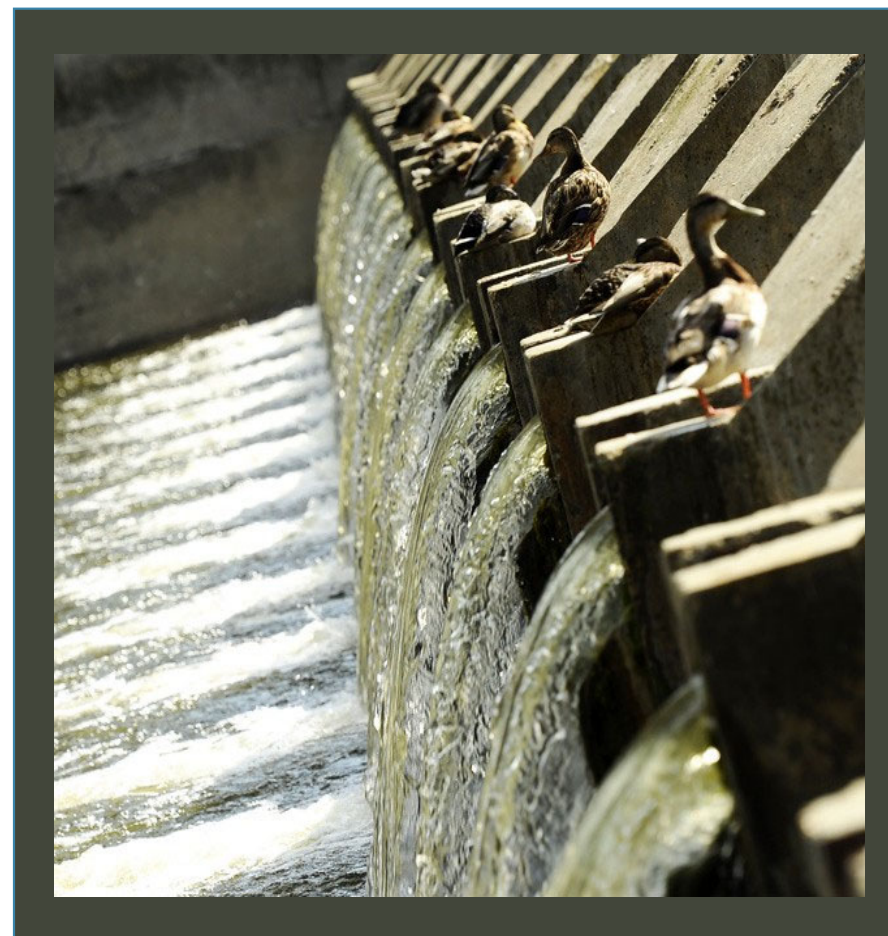
**New Conceptual Approval Permits (issued after the rule effective date), will have to reflect the provisions for grandfathering of performance criteria, based on the criteria that would apply for the time of application completeness for the individual construction phase permit.



CHAPTER 2024-275, L.O.F.

SECTION 8 – DAMS

- Dam systems criteria:
 - Provide basic dam safety information in application.
 - Establish a downstream hazard potential for new projects.
 - Require emergency action plans for high hazard potential and significant hazard potential dams.
 - Provide condition assessment reports for high hazard potential and significant hazard potential dams.
- Applies to all permits for construction of a new dam or major modification of an existing permit for a dam after the effective date.





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(25), “Dam System Information.”
- Form 62-330.311(4), “Condition Assessment Report for Florida Dams.”
- 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.”



THANK YOU

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