**Rules of the**
**South Florida Water Management District**

# WORKS OF THE DISTRICT BASINS Chapter 40E-61, F.A.C.

**Amended June 30, 1997**

CHAPTER 40E-61 — WORKS OF THE DISTRICT BASINS

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40E-61.011 — Policy and Purpose.
The rules in this chapter govern specified basins within the District which are integral to operation, maintenance and protection of the District's water resources. The rules name and adopt as "Works Of The District" canals, water control structures, rights-of-way, lakes and streams and other water resources for which the District has responsibility or owns. The rules establish criteria to ensure that use of or connection to the named works or lands are compatible with the District's ability to carry out the objectives of the legislative declarations of policy in Section 373.016, F.S.; the state water policy in Chapter 17-40, F.A.C., and the Surface Water Management and Improvement Act in Section 373.451 — 373.4595, F.S. The criteria established in this rule chapter are in addition to criteria specified in Chapter 40E-6.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.016, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

## PART I LAKE OKEECHOBEE DRAINAGE BASIN

40E-61.020 — Scope of Part I.

(1) The South Florida Water Management District (District) is responsible for implementing the Surface Water Improvement And Management (SWIM) Plan for Lake Okeechobee, establishing a program to protect the water quality of Lake Okeechobee, and reducing the phosphorus total loading to Lake Okeechobee by the amount specified in the District's Technical Publication 81-2 (397 tons/year) by July 1, 1992.

(2) The Kissimmee River, Lake Okeechobee and Florida Everglades are interconnected systems of lakes, rivers, canals and wetlands that extend from central Florida south into Florida Bay. The problems of any one area within these systems are derived from the upstream tributaries and are, in turn, passed on to the other areas downstream. The Lake Okeechobee Drainage Basin area includes the major basins that are direct tributaries to the lake and the basins that are hydrologically upstream or from which water is presently released or pumped into the lake. The scope of this rule includes the Okeechobee Drainage Basin and tributary Sub-basins identified and described in Rule 40E-61.023, F.A.C. (Basin and Sub-Basin Boundaries) and Appendix 1.

(3) The District is also responsible for implementing SWIM Plans for other priority water bodies that are hydrologically interconnected to Lake Okeechobee, for example, Lake Tohopekaliga and East Lake Tohopekaliga, Water Conservation Areas, and Everglades National Park. However, these areas are not included in the scope of this rule, except to the extent that they are identified and described as part of the Lake Okeechobee Basin in Rule 40E-61.023, F.A.C. (Basin and Sub-Basin Boundaries) and Appendix 1.

(4) The initial adoption of this rule chapter addresses the reduction of phosphorus to Lake Okeechobee, and is based on the goals, objectives and strategies contained in SWIM Plan for the Lake, the concepts of which were approved by the District's Governing Board in February 1989. The District expects to continue research and evaluation of the water quality of Lake Okeechobee and, therefore, may review and revise the SWIM Plan for Lake Okeechobee. The District may propose additions or amendments to this rule chapter (including reduction or elimination of the margin of safety) in the future, consistent with the results of future research and evaluation.

(5) In this rule chapter the "Works Of The District Within The Lake Okeechobee Drainage Basin" are specifically named. These include canals, water control structures, rights-of-way, lakes and streams and other water resources which the South Florida Water Management District owns, has accepted responsibility for, or has specifically named. All lands within the Lake Okeechobee Drainage basin are presumed to be users of the Works Of The District Within The Lake Okeechobee Drainage Basin, and as such, must comply with the provisions of this rule chapter. Any owner of a parcel of land in the Basin, unless exempt, must obtain a General Permit or an Individual Permit, and comply with applicable water quality performance limitations.

(a) The District reserves the right to modify the limitations (including assimilative coefficient) in this rule as applied to one or more parcels of land if the District obtains or is presented with evidence that the limitations applicable to the parcels are insufficient to properly control the discharge of phosphorus to Lake Okeechobee, so that the District's ability to fulfill its responsibility to improve and protect the water quality of Lake Okeechobee is threatened. If the District obtains or is presented evidence that the soil types and other factors influencing an assimilative coefficient are generally the same within the southern portion of the East Caloosahatchee Basin tributary to S-77, the Board may extend the assimilative coefficient to all areas of the Basin with common soil types and other factors influencing assimilative capacity. Modifications shall be based upon competent substantial evidence. Affected landowners shall be notified of any proposed modifications by publication of Notice of Rulemaking or in writing by certified mail and be provided an opportunity to request a proceeding pursuant to section 120.57, Florida Statutes.
(b) A parcel owner may request the District to modify the requirements of this rule chapter as applied to the particular case, and may specifically request that an areal loading rate be applied. The parcel owner must present data and evidence to support the request. The evidence and request must be submitted no later than 90 days prior to the application date listed in Rule 40E-61.031, F.A.C., for the subject property. District staff will review the data, and present a recommendation to the Governing Board on what modifications, if any, to the requirements of this rule chapter are appropriate.
(6) Applicants may consolidate applications under this Rule Chapter with applications required by other District regulatory programs, for example those in Chapters 40E-4 (Surface Water Management), 40E-6 (Works or Lands of the District), 40E-20 (General Water Use Permits) and 40E-40 (General Surface Water Management Permits), F.A.C. However, the limitations set forth in this rule chapter, specifically including the criteria and limitations specified in Rules 40E-61.301 (Conditions for Issuance) and 40E-61.381 (Limiting Conditions), must be met in addition to criteria required by other applicable District rules.
(7) The District expects to make funds available to cover the cost of monitoring required by Rule 40E-61.381(2)(a), F.A.C. (Limiting Conditions). The District will determine the availability of funding and the method of accomplishing the monitoring annually, and issue a written statement. Funds shall be available only for monitoring of permittees that are in compliance with the limitations in this rule chapter.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.021 — Definitions.
When used in this rule chapter:
(1) Allocable Load means the difference between the target load of 397 tons per year and the amount of phosphorus contributed by uncontrolled sources.

(2) Assimilative Capacity means the net, long-term capacity of a sediment/plant system to absorb and retain phosphorus.
(3) Assimilative Coefficient means the estimate of a permanent assimilation rate by which phosphorus concentrations and loadings are reduced through waterways to Lake Okeechobee. An average assimilation coefficient of 6.7 is assigned to all sub-basins with mineral soils discharging to Lake Okeechobee. For all other sub-basins, the assimilative coefficient is 1.0. The Current Basin Inflow Concentrations are multiplied by the assimilative coefficient, to produce the Off-site Total Phosphorus Concentration. Sub-basins located north of a line from the Caloosahatchee River to the St. Lucie Canal are presumed to contain mineral soils. Sub-basins located south of a line from Caloosahatchee River to St. Lucie Canal are presumed not to contain mineral soils. This presumption may be rebutted as set forth in Rule 40E-61.031(6).
(4) Average Annual Total Phosphorus Concentration means the maximum ultimate long-term average annual concentration limitation for all inflows to Lake Okeechobee, which should result in an average annual target load of 397 tons/year. The long-term average annual concentration limitation is based on data collected over the period of record (up to 14 years from 1973 to 1987). The discharge allocation formula used to calculate the limitation is: the allocable load divided by the average annual discharge from all controlled sources which produces an average annual total phosphorus concentration.
(5) "Basin" or "The Lake Okeechobee Drainage Basin" means the geographic area described in Rule 40E-61.023, F.A.C., and depicted on the figures 40E-61, Appendix 1.
(6) Controlled Source means inputs of total phosphorus to Lake Okeechobee from sources that routinely discharge into the Lake.
(7) Current Average Concentration of a parcel means the twelve month rolling average of concentrations of total phosphorus in water discharged from a parcel.
(8) Current Basin Inflow Concentration means the average annual flow-weighted total phosphorus concentration over the period of record for a particular sub-basin.
(9) Margin of Safety means the reduction of total phosphorus loading to the Lake achieved by limiting to current levels the Off-site Total Phosphorus Discharge Concentration of parcels in sub-basins with a Current Basin Inflow Concentration less than the average annual total phosphorus concentration.
(10) Off-site total Phosphorus Discharge Concentration means the performance limitation that parcels in a sub-basin must meet as a condition for issuance of a Works Of The District Within The Lake Okeechobee Basin Permit. The numerical limitation applicable in a specific sub-basin is based upon the Average Annual Lake Total Phosphorus Concentration, Current Basin Inflow Concentration, and Assimilative Coefficient (if applicable). The limitation for each basin is listed in Table 40E-61-1.
(11) Parcel means total contiguous land area under single ownership within a sub-basin in the Lake Okeechobee Drainage Basin.

(12) Target Loading Rate means the target load of total phosphorus (397 tons/year) that must be met to reduce excess phosphorus loadings to Lake Okeechobee as required by section 373.4595(1), Florida Statutes.
(13) Total Phosphorus means the amount of phosphorus in an unfiltered sample which has been converted to ortho phosphate by an acid persulfate digestion.
(14) Uncontrolled Source means total phosphorus from the following sources: direct rainfall on the surface of the lake; and discharges from other lakes (Lake Istokpoga and Lake Kissimmee).
(15) "Works of the District Within The Lake Okeechobee Drainage Basin" means those projects and works, including, but not limited to, structures, remnant oxbows and sloughs, floodways and all tributaries, lakes, canals, channels, levees, structures, impoundments, reservoirs, wells, streams, and other water courses, together with the appurtenant facilities and accompanying lands and wetlands which have been officially adopted by the Governing Board of the District in Rule 40E-61.091, F.A.C.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.023 — Basin and Sub-Basin Boundaries.
(1) The Lake Okeechobee Drainage Basin is generally described as:
(a) The five pools of the lower Kissimmee River floodplain, that extend from structure S-65 on the south shore of Lake Kissimmee south to structure S-65E, including the S-154 basin.
(b) Taylor Creek/Nubbin Slough, S-153 and S-135 Basins that drain into the Lake from the northeast.
(c) St. Lucie Canal that is tributary to the Lake during certain times of the year.
(d) The Everglades Agricultural Area (EAA) including:
1. Sub-basins that are presently pumped into the Lake — South Florida Conservancy, Closter Farms, S-236 and S-4 sub-basins and three Chapter 298 special drainage districts (East Beach Water Control District, East Shore Drainage District, South Shore District);
2. The S-2 and S-3 sub-basins that can be pumped into the lake only during flood or emergency water supply conditions.
(e) Indian Prairie/Harney Pond area including Lake Istokpoga, C-40, C-41, C-41A, L-48, L-49, and S-84 basins that drain into the lake from the northwest.
(f) Fisheating Creek basin that drains into the lake along the western shore.
(g) All other basins, including a number of basins that discharge directly into the lake; S-127, S-129, S-133, S-131 and L-50 basins and several smaller drainage basins.
(2) The sub-basins in the Lake Okeechobee Drainage Basin are depicted on figures and legally described in "Appendix 1" to Rule 40E-61, entitled "Basin Boundaries for Works of the District Within the Lake Okeechobee Basin, " which is published by reference and incorporated into this chapter. Copies are available from the District upon request.
Specific Authority 373.044, 373.113 FS.

Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.024 — Works of the District within the Lake Okeechobee Basin.
The Works Of The District Within The Lake Okeechobee Drainage Basin are named below and include the following:
(1) Lake Okeechobee and Rim Canal.
(2) The five pools of the lower Kissimmee River (Pools A, B, C, D, & E) floodplain below Structure S-65, their remnant oxbows and sloughs, floodways and their tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands adjacent to such systems.
(3) Taylor Creek/Nubbin Slough, L-63N, L-63S, C-59, L-47, L-64, L-65, and their floodways and tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands.
(4) St. Lucie Canal from S-80 west to Lake Okeechobee, its floodway and all tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands.
(5) L-8, L-10, their floodways and all tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands therein.
(6) LD-9, LD-2, L-14, L-16, L-20, L-21, L-25, LD-2, LD-1, C-20, C-21, their floodways and all tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands.
(7) The Caloosahatchee River (C-34) east of the Ortona Lock (S-78), C-19, their floodways and all tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands.
(8) L-41, L-42, L-43, LD-3, their floodways and all tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands.
(9) Fisheating Creek, its floodplain, floodway and all tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands.
(10) L-50, L-61, C-41, L-49, L-48, C-40, L-60, L-59, C-41A (South of Structure S-68), LD-4, L-62, and all their floodways and all tributaries, lakes, canals, channels, levees, structures, works, impoundments, reservoirs, and wetlands.
(11) All other District owned, operated, maintained, or regulated structures, levees, canals, pumps, culverts, or works within the Lake Okeechobee Basin as defined by Rule 40E-61.023, F.A.C., and Appendix 1.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.031 — Implementation.
(1) The effective date of this rule chapter is November 1, 1989. The rules shall apply to existing and new discharges to Works Of The District Within The Lake Okeechobee Drainage Basin and tributary sub-basins.
(2)(a) Applications for Individual Permits required by Rule 40E-61.041(2)(a), F.A.C., and Notices of Intent for General Permits required by Rule 40E-61.041(2)(b), F.A.C., are due on the following dates:

1. 90 days after the effective date of this rule chapter — Sub-basins C-38 Pool E, S-191 and S-154;
2. 12 months after the effective date of this rule chapter — Sub-basins S-127, S-71, S-72, and Industrial Canal;
3. 24 months after the effective date of this rule chapter — Culvert 10 (East Beach Drainage District), C-38 Pool D, Culvert 12A (715 Farms), Fisheating Creek, S-133, S-154C and S-4.
4. For the areas included in the Management Plan Master Permit application for the Everglades Agricultural Area (EAA) submitted pursuant to Rule 40E-61.041(4):
a. July 1, 1990 — areas tributary to the Industrial Canal, S-4, and Culvert 12A; and
b. January 1, 1991 — remaining areas.
(b) General Permits are governed by Rule 40E-61.042(1), F.A.C.
(3) The District shall adjust the dates specified in subsection (2) above when monitoring data or other circumstances indicate that other specific action may be necessary to protect the water quality of Lake Okeechobee. The District shall provide notice of adjusted application dates, in writing, by certified mail to the affected parcel owners.
(4) A parcel owner may submit evidence to the District regarding the presumption that his property lies within the Lake Okeechobee Drainage Basin or within a particular sub-basin, and request District staff to make a written determination. The request and supporting evidence must be submitted no later than 90 days prior to the application date specified in subsection (2)(a) above for the sub-basin located closest to the subject property. District staff will review the evidence submitted and other information available to the District and issue a written statement within 60 days specifying the location of the property in relation to the Lake Okeechobee Drainage basin and sub-basin boundaries.
(5) A parcel owner may submit new data to the District relative to the values upon which the requirements of this rule chapter are based, and request District staff to make a written determination of whether the new data justifies a modification to the requirements of this rule chapter as applied to the applicant's particular case. The evidence and request must be submitted no later than 90 days prior to the application date listed in subsection (2)(a) above for the subject property. District staff will review the data, and present a recommendation to the Governing Board on what modifications, if any, to the requirements of this rule chapter are appropriate as a result of the new data.
(6) A parcel owner may submit data and evidence to the District regarding soils on his property, and request District staff to make a written determination of whether the soils are mineral soils. District staff will review the evidence submitted and other information available, and issue a written statement within 60 days specifying whether the soils are mineral soils. A separate analysis of the tributary system from the site to the receiving body may be required to establish the value of the assimilative coefficient.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595 FS.

History — New 11-1-89.

40E-61.041 — Permits Required.
(1) Each parcel of land within the Lake Okeechobee Drainage Basin is presumed to connect to or make use of the Works Of The District Within The Lake Okeechobee Drainage Basin. Unless expressly exempted, a permit shall be required to connect to, make use of, alter, remove works from, or place works within, on, or across the Works Of The District Within The Lake Okeechobee Drainage Basin.
(2)(a) Individual Permits are required for the parcels of land in the Lake Okeechobee Drainage Basin which are:
1. Used for improved pasture (including heifer farms and areas of dairies not covered by Rule 17-6.330 — 17-6.337, F.A.C. (DER Dairy Rule)), vegetable farms (including row crops); and
2. Located in S-191, S-154, S-127, C-38 Pool E, S-4 Basin, S-71, S-72, Industrial Canal Basin, S-133, Culvert 10 (East Beach Drainage District), C-38 Pool D, Culvert 12A (715 Farms), Fisheating Creek, or S-154C.
(b) All other parcels in the Lake Okeechobee Drainage Basin qualify for a General Permit pursuant to Rule 40E-61.042, F.A.C. Parcels qualifying under Rule 40E-61.042(1)(c), F.A.C., are not required to submit a Notice Of Intent. Parcels qualifying under Rule 40E-61.041(2), F.A.C., are required to submit a Notice Of Intent.
(3) Landowners of parcels within a basin or grouping of basins may submit a collective application for a permit based upon a management plan for a defined geographic area. Land owners of parcels within the geographic area defined by the collective application who do not participate in the collective application must comply individually with the applicable individual or general permit requirements.
(4) Landowners of parcels within the Everglades Agricultural Area (EAA) served by water management systems tributary to S-4, Industrial Canal, S-236, S-2, S-3, Culvert 4A, Culvert 12, S-351, Culvert 12A and Culvert 10 may submit a collective application for a permit. The collective application shall be called a Management Plan Master Permit application, based upon a management plan, and shall be submitted by the Everglades Agricultural Area Environmental Protection District or other quasi-public or nonprofit corporation or legal entity which has been determined by the District to have adequate authority and financial resources to fulfill all permit conditions. Compliance with the Management Plan Master Permit approved by the Governing Board shall establish compliance with Rule Chapter 40E-61 for landowners who are participants in the Management Plan Master Permit and utilize works of the District directly or indirectly within the area of the Management Plan Master Permit. Landowners who are included within the Management Plan Master Permit area which do not participate in the Management Plan Master Permit must apply for the applicable individual or general permits.
(5) Landowners of parcels within the Everglades Agricultural Area (EAA) served by water management systems tributary to S-4, Industrial Canal, S-236, S-2, S-3,

Culvert 4A, Culvert 12, S-351, Culvert 12A and Culvert 10 shall obtain a BMP research permit pursuant to Rules 40E-63.301 — 40E-63.323, F.A.C.
(6) Applications for surface water management permits, works or land of the District permits, or water use permits will be processed concurrently with works of the District within the Lake Okeechobee Basin, if requested by the applicant. Applicants are encouraged to submit concurrent surface water management permit applications if the applicant expects to make site improvements to improve water quality discharges that constitute surface water management works and require a permit pursuant to Chapter 373, Part IV, Florida Statutes.
(7) The procedures specified in Rule 40E-1, Part VI, shall apply to applications for Individual Permits and Notices of Intent required by this rule chapter.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89, Amended 6-30-97.

40E-61.042 — General Permits for Use of Works of the District Within the Lake Okeechobee Basin.
Parcels of land within the Lake Okeechobee Drainage Basin that connect to or make use of the Works Of The District Within The Lake Okeechobee Drainage Basin, that are not exempt under Rule 40E-61.051, F.A.C., and that meet the conditions specified below are granted a General Permit to connect to and make use of the Works Of The District Within The Lake Okeechobee Drainage Basin, subject to the requirements of this rule chapter.
(1)(a) The parcels of land described below qualify for a General Permit, subject to the conditions specified below in 40E-61.042(1)(b) and (c):
1. all land uses in these sub-basins:
S-236 (So Fla Conservancy)
Culvert 4A (So Bay/So Shore)
Culvert 12 (East Shore DD)
L59 E & W & Culvert A
S-2 & S-3
C-38 Pool A (S-65-A)
C-38 Pool B (S-65-B)
C-38 Pool C (S-65-C)
S-84
S-131 & S-135
L-60 E & W
L-61 E & W
Culvert 5 (Nicodemus Slough)
S 308 C (C-44 & S-153)
S-129
S-351
S-77
Culvert 10A
2. all land uses not specified below in 40E-61.042(2)(a)1. below or Rule 40E-61.041(2)(a)1. in these sub-basins:

S-191, S-154, S-127
C-38 Pool E
S-4
S-71 & S-72
Industrial Canal
S-133
Culvert 10 (East Beach Drainage District)
C-38 Pool D
Culvert 12A (715 Farms)
Fisheating Creek
S-154C
(b) Limiting Condition: The phosphorus concentration discharges from a parcel or sub-basin shall meet the applicable Off-site Total Phosphorus Discharge Concentration listed on Table 40E-61-1, F.A.C.
(c) No Notice of Intent is required unless the District's monitoring program or other data indicates that discharge from a parcel or sub-basin is not in compliance with the applicable discharge concentration limitation. The total phosphorus concentration exceedance values specified in Table 40E-61-2 and procedures described in 40E-61.381(2)(b), F.A.C., shall be used in evaluating whether the discharge from a parcel or sub-basin exceeds the allowable concentration. A Notice of Intent pursuant to Rule 40E-61.042(2)(b), F.A.C., below or an application for an Individual Permit pursuant to Rule 40E-61.041(2)(a), F.A.C., shall be required for parcels or sub-basins not in compliance. Notice of the requirements shall be provided to sub-basins by Notice of Rulemaking or to individual parcel owners in writing by certified mail.
(2)(a) The parcels of land described below qualify for a General Permit subject to the conditions specified below in Rule 40E-61.042(2)(b), (c) and (d):
1. Parcels of land used for urban stormwater, nurseries, golf courses, land spreading of sludge, sugar cane, sod farms, or horse farms; and
2. Located in these sub-basins:
S-191
S-154
S-127
C-38 Pool E
S-4
S-71
S-72
Industrial Canal Basin
S-133
Culvert 10 (East Beach Drainage District)
C-38 Pool D
Culvert 12A (715 Farms)
Fisheating Creek
S-154C
(b) A Notice Of Intent To Use The Works Of The District Within The Lake Okeechobee Drainage Basin, shall be submitted according to the schedule

specified in Rule 40E-61.031(2)(a), F.A.C., and shall include the following information:
1. The parcel owner's name and address;
2. Date and signature of parcel owner or duly authorized agent;
3. General description of the subject property and land uses conducted on it;
4. A statement indicating how phosphorus discharge will be controlled.
(c) If the information provided in the Notice Of Intent is not sufficient to determine whether the parcel qualifies for a general permit, the District shall request the parcel owner to submit additional information. If additional information is required, it shall be requested within 30 days of receipt of the Notice of Intent.
(d) Limiting Conditions:
1. If requested by the District in writing by certified mail, the permittee shall provide the monitoring data described in Rule 40E-61.381(2)(a), F.A.C.
2. The phosphorus concentration discharged from a parcel must meet the applicable Off-Site Total Phosphorus Discharge Concentration listed on Table 40E-61-1, F.A.C. If the District's monitoring program or other data indicates that the discharge from the permitted parcel exceeds the criteria, the general permit may be revoked or other corrective action (including application for an individual permit) may be required. The monitoring criteria specified in Table 40E-61-1 and Rule 40E-61.381(2)(b), F.A.C., will be used in evaluating whether the discharge from a parcel or sub-basin exceeds the allowable concentration.
3. The limiting conditions in Rule 40E-61.381(2)(b) — (m) shall apply.
Specific Authority 373.044, 373.113, 373.118 FS.
Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.051 — Exemptions.
Unless included voluntarily in a management plan for a defined geographic area (Rule 40E-61.041(3) or (4), Permits Required), a permit under this rule chapter shall not be required for:
(1) Activities of dairy farms which are subject to and operated and maintained in compliance with the requirements of a valid permit issued pursuant to the Department of Environmental Regulation dairy rule codified in Rules 17-6.330 — 17-6.337, F.A.C. Any dairy farm construction, operation, or maintenance which goes beyond the activity described in the management plan approved in a valid permit pursuant to the dairy rule may require review for compliance with Rule 40E-4, F.A.C., Surface Water Management, or other applicable District permit requirements. The District will review closely the monitoring data generated for each dairy to determine whether the dairy rule is resulting in compliance with the goals and objectives for phosphorus loading reductions established in Rule 40E-61.020(1), F.A.C. If the review reveals that notwithstanding implementation of DER dairy rule best management practices, those goals and objectives are not being achieved, the District, in conjunction with DER, shall analyze the information and data in time to take effective corrective action if that becomes necessary. Such action may include, but not be limited to enforcement action

against a particular dairy, permit issuance or modification to ensure compliance with loading reduction requirements, or further rulemaking.
(2) Stationary installations which are regulated by the Department of Environmental Regulation.
(3) Land units less than one-half acre in size which cannot reasonably be expected to discharge water in violation of the criteria in this rule chapter.
(4) Septic tanks as defined in Rule 10D-6.042(35), F.A.C., except for septic tanks that collectively create a local source of phosphorus that significantly impacts Lake Okeechobee as demonstrated by competent substantial evidence.
(5) Activities exempt from permitting pursuant to Section 403.813(2), F.S., except when the District has a proprietary interest in the work.
Specific Authority 373.044, 373.113, 373.118 FS.
Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89, Amended 3-4-90.

40E-61.101 — Content of Application for Individual and Collective Permits.
(1) All applications for individual permits required by this chapter shall be filed with the District. The application shall contain:
(a) Form RC-1, Application to the South Florida Water Management District, incorporated by reference into Rule 40E-1.901(1), F.A.C.;
(b) Date and signature of applicant or duly authorized agent;
(c) General description of the subject property, including drainage features showing general direction of flow, inflow points, discharge points off-site, proposed monitoring locations, and available data on existing water quality;
(d) General description of activities conducted on the property and any proposed construction or change in activity;
(e) A statement indicating how phosphorus discharge will be controlled.
(2) Applications for permits submitted on behalf of more than one owner shall contain the following additional information:
(a) Description of a legally responsible entity;
(b) Description of financial and other resources available to implement projects.
(3) The application for the Management Plan Master Permit submitted pursuant to 40E-61.041(4) shall contain the following information in addition to the information required by rule sections (1) and (2):
(a) The area within which landowners will be authorized to utilize works of the District shall be clearly defined;
(b) Interlocal agreements with municipalities, other entities of local government to the extent necessary to identify the landowners and local government entities which are participants in and who have accepted responsibility under the Master Permit;
(c) Written contracts with landowners who have accepted responsibility for specific phosphorus control projects or activities;
(d) Describe the reasonable assurances that the required load reductions will be realized.
(4) Applications for renewals of permits must provide the information and meet the criteria required for initial permits.

Specific Authority 373.044, 373.113 FS.
Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.201 — Permit Application Processing Fee.
A permit processing fee shall be paid to the District at the time a permit application is filed pursuant to Rule 40E-61.031, F.A.C. The fee for an application for an Individual Permit under this rule chapter is $150. The fee for a Notice of Intent for a General Permit is $100. There is no fee for a General Permit without Notices of Intent or automatic renewals.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.109, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.301 — Conditions for Issuance for Individual and Collective Permits.
(1) Phosphorus discharge concentrations which leave property owned or controlled by an applicant for an individual permit must not exceed the interim allowable annual average discharge phosphorus concentration as specified in Table 40E-61-1 for the applicant's sub-basin.
(2) Management Plans proposed for collective applications of landowners of parcels within a defined geographic area shall:
(a) Be consistent with the scope of this rule chapter as described in 40E-61.020, F.A.C. (Scope of Part I);
(b) Provide for a reduction in the average annual phosphorus discharge concentration at least equivalent to the sum of the reductions required by the applicable limitations on Table 40E-61-1 for each sub-basin within the defined geographic area;
(c) Demonstrate that a legally responsible entity (including but not limited to special taxing district, not for profit corporations, and associations) is available to ensure performance of the management plan, and is subject to enforcement actions relating to projects or works contained in the plan.
(3) Approval or denial of the Management Plan Master Permit application submitted pursuant to Rule 40E-61.041(4) shall be based upon the District's review of the information and analyses provided and the Governing Board's determination as to whether the Management Plan Master Permit application provides reasonable assurances that the requirements of paragraphs (3)(a) — (e) below will be met. If approved by the Governing Board, the Management Plan Master Permit rather than individual or general permits shall provide authorization to utilize the works of the District for a period of 5 years from the date of approval provided the conditions of this section and the Management Plan Master Permit are met. The Management Plan Master Permit shall:
(a) result in a net reduction of the average annual phosphorus loading to Lake Okeechobee from the area of the Permit of at least 8 tons per year by July 1, 1992, and 2 additional tons per year by July 1, 1994, for a total net reduction of 10 tons per year. The Management Plan Master Permit holder must provide reasonable assurances that the load reductions will be realized in Lake

Okeechobee and not in other tributary systems. The Management Plan Master Permit may include specific phosphorus control projects, treatment and disposal systems, modified water management and agricultural practices and other appropriate management strategies for the reduction of average annual phosphorus loading to Lake Okeechobee. Projects, systems, practices and strategies implemented after February 9, 1989, shall be eligible for inclusion in the Management Plan Master Permit;

(b) include any activity which may result in discharges of phosphorus into Lake Okeechobee including point and non-point sources and control those activities necessary to achieve the net reduction required in paragraph (a). The Management Plan Master Permit shall be conditioned on a requirement that there shall be no net increase in activities which result in a net increase in phosphorus loading to Lake Okeechobee from water management systems and activities within the area of the Permit not specifically modified or controlled by the projects enumerated in the Management Plan Master Permit. The Management Plan Master Permit shall include conditions demonstrating that there has been no net increase in phosphorus from water management systems and activities within the area of the Management Plan Master Permit not specifically modified or controlled by the projects enumerated in the Management Plan Master Permit. The Management Plan Master Permit shall include conditions requiring adequate monitoring and engineering procedures and reports establishing that compliance with the phosphorus reduction requirements of the Management Plan Master Permit has been achieved;

(c) not be based upon any proposed revisions to the interim action plan governing the District's structures discharging into Lake Okeechobee. To the extent the proposed Management Plan Master Permit includes additional diversions from Lake Okeechobee to the Conservation Areas, these diversions shall meet all requirements established by rules implementing the District's Everglades SWIM Plan;

(d) establish compliance only with the provisions of this rule chapter. Participation in the Management Plan Master Permit does not relieve parcel owners or the Management Plan Master Permittee from compliance with requirements of other rules or statutory requirements applicable to Lake Okeechobee or other water bodies. The Management Plan Master Permit may be modified to include an overall Management Plan Master Permit for the EAA which complies with the requirements of this rule chapter and the Everglades SWIM Plan currently being prepared, provided that the 10 ton per year phosphorus reduction required by the Management Plan Master Permit proposed under this rule chapter is met, in addition to the requirements of the Everglades SWIM Plan, including any phosphorus reduction requirements;

(e) require contracts between the Management Plan Master Permit holder and those entities and landowners involved in activities or specific projects resulting in load reductions required under the Management Plan Master Permit.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.

History — New 11-1-89.

40E-61.321 — Duration of Permits.
(1) Unless revoked or otherwise modified, the duration of an individual permit or general permit issued pursuant to this chapter is three years from the date of issuance. These permits are extended automatically for another three year period, unless the District advises the permittee in writing at least 90 days prior to the expiration date that the permit will not be automatically extended. Permits not automatically extended expire three years from the date of issuance unless an application for a renewal is filed (Rule 40E-61.101, F.A.C.).
(2) General permits remain effective until this rule section is amended or the District notifies a permittee in writing by certified mail pursuant to Rule 40E-61.042(1)(c) or Rule 40E-61.042(2)(d)2. that the permit is revoked.
(3) When timely application is made, the existing Management Plan Master Permit shall not expire until final agency action. If the permit is denied or the pending approved permit conditions are modified from the previous issuance, the existing permit shall not expire until the last day for seeking review of the District order. The duration of renewals of or modifications to the Management Plan Master Permit issued pursuant to the Chapter will be specified by the District as a permit condition in the renewal or modification.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.451, 373.453, 373.4595 FS.
History — New 11-1-89, Amended 1-1-97.

40E-61.331 — Modification.
A permittee may apply for a modification to a permit issued under this rule chapter by formal application using the same criteria as new applications.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.351 — Transfer.
A permittee must notify the District within 30 days of the sale or conveyance of land or works permitted under this rule chapter. Permittee must supply certification that all conditions of the permit have been satisfied. The District will transfer the permit provided the land use remains the same. All conditions of the permit remain applicable to the new permittee. If the District is not so notified, the permit is void.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

40E-61.381 — Limiting Conditions.
(1) The Board shall impose on any individual permit granted under this chapter such reasonable conditions as are necessary to assure that the permitted discharge will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(2) In addition to specific special conditions, the following limitation limiting conditions (a) — (l) shall be attached to all individual permits and (b) — (l) shall be attached to all general permits issued pursuant to this rule chapter unless waived or modified by the Board consistent with the scope of this rule chapter as described in 40E-61.020, F.A.C. (Scope of Part I):

(a) Water quality data for the water discharged from the permittee's property shall be submitted to the District as required.

1. At a minimum, the data submitted shall include Total Phosphorus; shall be provided on a biweekly basis (every two weeks) on a fixed schedule; and shall indicate the presence or absence of flow. Data for parameters listed in Chapter 17-3, F.A.C., and other parameters relative to phosphorus concentration or loading may be required. The District shall reduce the frequency of monitoring required if a reasonable period of record indicates that the water discharged is in compliance with the applicable off-site total phosphorus discharge concentration or other limitation specified in the permit and consistent with the scope of this rule chapter described in Rule 40E-61.020, F.A.C. (Scope of Part I).

2. The permittee shall allow District staff reasonable access to the permitted property during working hours for the purpose of evaluating the water quality monitoring system on site and collecting water quality samples.

3. Funds to cover the cost of water quality monitoring are available only so long as the water discharged from site is in compliance with the limitations in this rule chapter. Funding shall be discontinued after written notice by certified mail if the District determines the permittee has not made a reasonable effort to comply with the limitations pursuant to sub-paragraph (b) below. The permittee shall bear the costs of the required monitoring. Funding may be discontinued prior to initiation of legal enforcement proceedings.

(b) Off-site phosphorus discharge shall not exceed the applicable Off-site Total Phosphorus Discharge Concentration or other limitation specified in the permit.

1. The District may use the criteria in Table 40E-61-2, in addition to other available information and data, to evaluate whether the off-site phosphorus discharge from the parcel exceeds the limitation specified in the permit. If the off-site discharge from the parcel exceeds the criteria specified in Table 40E-61-2, there is greater than a 50% probability that the applicable annual off-site phosphorus concentration limitation will be exceeded. If the limitations on Table 40E-61-2 are exceeded, the District shall immediately notify the permittee in writing and request that additional measures be taken to ensure that compliance with limitations is maintained.

2. Permittees shall be allowed a reasonable period of time to institute the additional measures. The District shall determine the additional time allowed to institute the measures and demonstrate compliance in writing as an addendum to the permit.

3. If the off-site phosphorus discharge from the property fails to comply with permit limitations by the specified time, the District shall initiate appropriate legal enforcement proceedings.

(c) If the applicable off-site phosphorus discharge concentration limitation or other limitation specified in this permit is insufficient to enable the District to fulfill

its responsibility to improve and protect the water quality of Lake Okeechobee, or to reduce phosphorus loadings by the amount specified in Technical Publication 81-2 beginning July 1, 1991, the District may institute proceedings to modify the permit to impose additional permit conditions or modify the applicable discharge limitations, including the assimilative coefficient.
(d) Legal entities responsible for implementing a management plan submitted on behalf of more than one land owner shall remain viable and capable of performing their responsibilities required by permits issued pursuant to Rule Chapter 40E-61, F.A.C.
(e) The permittee shall notify the District in writing when any significant change in land use is made on the permitted parcel. The discharge from the parcel shall comply with the applicable Off-site Total Phosphorus Discharge Concentration or other limitation specified in the permit notwithstanding any change in land use.
(f) The permit does not relieve the responsibility of the permittee to comply with all laws or regulations applicable to use of or discharges from the parcel.
(g) The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit.
(h) The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the discharge authorized by the permit.
(i) The permitted discharge must not cause adverse water quality impacts of receiving water and adjacent lands regulated pursuant to Chapter 373, Florida Statutes.
(j) The permitted discharge must not cause adverse environmental impacts.
(k) The drainage and monitoring systems must be effectively operated and maintained, and any changes in drainage, land use or operations that could affect validity or interpretation of monitoring data must be reported in writing to the District.
(l) The permitted discharge must be consistent with the State Water Policy, Chapter 17-40, F.A.C.
(m) The permitted discharge must not otherwise be harmful, or adversely affect proper use and operation of the works of the District.
(n) In the event that the District determines that any individual landowner within the area under the Management Plan Master Permit issued pursuant to rule section 40E-61.041(4) is not complying with the specific terms and conditions of the Management Plan Master Permit, the District will institute enforcement proceedings against either the Management Plan Master Permit holder, the landowner, or both, and if it determines necessary, require the individual landowner or landowners to apply for individual or general permits.
(o) Sub-basins in the area under the Management Plan Master Permit issued pursuant to rule section 40E-61.041(4) that are currently below the phosphorus discharge performance limitations set forth on Table 40E-61-1 shall not increase their sub-basin discharge concentration, unless equal or greater steps are taken to offset such increase. In the event that the District determines that there is a net increase in the average annual phosphorus loading to Lake Okeechobee from water management systems or activities within the area of the Management Plan

Master Permit not specifically modified or controlled by the projects enumerated in the Management Plan Master Permit, or not otherwise offset by phosphorus reductions from the projects enumerated, the District may institute enforcement proceedings against either the Management Plan Master Permit holder, the landowner, or both. Individual landowners shall be required to apply for individual permits, if necessary to offset the increase in loading.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS.
History — New 11-1-89.

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| Inputs | Assimilative Coefficient | Column 1 Lake Inflow Total Phosphorus Concentration Limitations (mg P/L)* | | | Column 2 Off-site Total Phosphorus Discharge Concentration Limitations (mg P/L)* | | | Implementation Date for permit requirements (time period after effective date of rule) |
|---|---|---|---|---|---|---|---|---|
| | | 1989 Interim Limita-tion | 1990 Interim Limita-tion | 1991 & 1992 Ultimate Limita-tion | 1989 Interim Limita-tion | 1990 Interim Limita-tion | 1991 & 1992 Ultimate Limita-tion | |
| S-236 (So. Fla. Conservancy) | 1.0 | 0.09 | 0.09 | 0.09 | 0.09 | 0.09 | 0.09 | Effective Date |
| Culvert 4A (So. Bay/So. Shore) | 1.0 | 0.08 | 0.08 | 0.08 | 0.08 | 0.08 | 0.08 | Effective Date |
| Culvert 12 (East Shore D.D.) | 1.0 | 0.13 | 0.13 | 0.13 | 0.13 | 0.13 | 0.13 | Effective Date |
| S-2 (flood control) | 1.0 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | Effective Date |
| S-3 (flood control) | 1.0 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | Effective Date |
| S-351 (W.P.B. Canal) | 1.0 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | Effective Date |
| S-77 (East Caloosahatchee) | 1.0 | 0.15 | 0.15 | 0.15 | 0.15 | 0.15 | 0.15 | Effective Date |
| Culvert 10A (L-8) | 1.0 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | Effective Date |

**2.** Discharge from parcels in the following sub–basins may not exceed 1.2 mg/L. If the parcel's current average concentration is less than 1.2 mg/L, that discharge concentration must be maintained, however, it is not required to be maintained below the Lake Inflow Total Phosphorus Concentration Limitations (Column 1).**

| Inputs | Assimilative Coefficient | Column 1 Lake Inflow Total Phosphorus Concentration Limitations (mg P/L)* | | | Column 2 Off–site Total Phosphorus Discharge Concentration Limitations (mg P/L)* | | | Implementation Date for permit requirements (time period after effective date of rule) |
|---|---|---|---|---|---|---|---|---|
| | | 1989 Interim Limita–tion | 1990 Interim Limita–tion | 1991 & 1992 Ultimate Limita–tion | 1989 Interim Limita–tion | 1990 Interim Limita–tion | 1991 & 1992 Ultimate Limita–tion | |
| C–38 Pool A (S–65A) | 6.7 | 0.07 | 0.07 | 0.07 | 0.47 | 0.47 | 0.47 | Effective Date |
| C–38 Pool B (S–65B) | 6.7 | 0.06 | 0.06 | 0.06 | 0.40 | 0.40 | 0.40 | Effective Date |
| C–38 Pool C (S–65C) | 6.7 | 0.12 | 0.12 | 0.12 | 0.80 | 0.80 | 0.80 | Effective Date |
| S–84 | 6.7 | 0.18 | 0.18 | 0.18 | 1.20 | 1.20 | 1.20 | Effective Date |
| S–131 | 6.7 | 0.13 | 0.13 | 0.13 | 0.87 | 0.87 | 0.87 | Effective Date |
| S–135 | 6.7 | 0.11 | 0.11 | 0.11 | 0.74 | 0.74 | 0.74 | Effective Date |
| L–60E, L–60W | 6.7 | 0.10 | 0.10 | 0.10 | 0.67 | 0.67 | 0.67 | Effective Date |
| L–61E, L–61W | 6.7 | 0.09 | 0.09 | 0.09 | 0.60 | 0.60 | 0.60 | Effective Date |
| Culvert 5 (Nicodemus Slough) | 6.7 | 0.06 | 0.06 | 0.06 | 0.40 | 0.40 | 0.40 | Effective Date |
| S–308C (C–44, S–153) | 6.7 | 0.16 | 0.16 | 0.16 | 1.07 | 1.07 | 1.07 | Effective Date |
| S–129 (L–49) | 6.7 | 0.18 | 0.18 | 0.18 | 1.20 | 1.20 | 1.2 | Effective Date |
| L–59E, L–59W, Culv. "A" | 6.7 | 0.16 | 0.16 | 0.16 | 1.07 | 1.07 | 1.07 | Effective Date |

*These refer to average annual concentrations (See Text).

**For parcels in or converted to improved pasture the current average discharge concentration is 0.35 mg/L (average annual concentration). Any discharge in excess of this must be reduced to 0.35 mg/L.

| Inputs | Assimilative Coefficient | Column 1 Lake Inflow Total Phosphorus Concentration Limitations (mg P/L) (Current Basin Inflow Concentration) | | | Column 2 Off-site Total Phosphorus Discharge Concentration Limitations (mg P/L) | | | Implementation Date for Permit Requirements |
|---|---|---|---|---|---|---|---|---|
| | | 1989 Interim Limita-tion | 1990 Interim Limita-tion | 1991 & 1992 Ultimate Limita-tion | 1989 Interim Limita-tion | 1990 Interim Limita-tion | 1991 & 1992 Ultimate Limita-tion | Effective Date |
| Industrial Canal | 1.0 | 0.34 | 0.33 | 0.18 | 0.34 | 0.33 | 0.18 | 12 mths |
| S-4 | 1.0 | 0.20 | 0.20 | 0.18 | 0.20 | 0.20 | 0.18 | 24 mths |
| Culvert 12A (715 Farms) | 1.0 | 0.26 | 0.26 | 0.18 | 0.26 | 0.26 | 0.18 | 24 mths |
| Culvert 10 (East Beach D.D.) | 1.0 | 0.28 | 0.28 | 0.18 | 0.28 | 0.28 | 0.18 | 24 mths |

**4.** Discharge from parcels in the following sub–basins may not exceed the off–site total phosphorus discharge concentration limitation (Column 2) listed below. If the parcel's current average discharge concentration is lower than 1.2 mg/L, discharge may not exceed the current concentration, unless the current concentration is below 0.18 mg/L, in which case it may rise to 0.18 mg/L.**

| Inputs | Assimilative Coefficient | Column 1 Lake Inflow Total Phosphorus Concentration Limitations (mg P/L) (Current Basin Inflow Concentration) | | | Column 2 Off–site Total Phosphorus Discharge Concentration Limitations (mg P/L) | | | Implementation Date for Permit Requirements |
|---|---|---|---|---|---|---|---|---|
| | | 1989 Interim Limita–tion | 1990 Interim Limita–tion | 1991 & 1992 Ultimate Limita–tion | 1989 Interim Limita–tion | 1990 Interim Limita–tion | 1991 & 1992 Ultimate Limita–tion | Effective Date |
| S–154 | 6.7 | 0.66 | 0.33 | 0.18 | 4.42 | 2.21 | 1.2 | 90 days |
| S–191 (TC/NS) | 6.7 | 0.66 | 0.33 | 0.18 | 4.42 | 2.21 | 1.2 | 90 days |
| S–71 (C–41) | 6.7 | 0.38 | 0.33 | 0.18 | 2.68 | 2.21 | 1.2 | 12 mths |
| S–72 (C–40) | 6.7 | 0.66 | 0.33 | 0.18 | 4.42 | 2.21 | 1.2 | 12 mths |
| S–127 (L–48) | 6.7 | 0.38 | 0.33 | 0.18 | 2.55 | 2.21 | 1.2 | 12 mths |
| C–38 Pool E (S–65E) | 6.7 | 0.66 | 0.33 | 0.18 | 4.42 | 2.21 | 1.2 | 90 days |
| C–38 Pool D (S–65D) | 6.7 | 0.26 | 0.26 | 0.18 | 1.74 | 1.74 | 1.2 | 24 mths |
| S–133 | 6.7 | 0.32 | 0.32 | 0.18 | 2.14 | 2.14 | 1.2 | 12 mths |
| S–154C | 6.7 | 0.22 | 0.22 | 0.18 | 2.21 | 2.21 | 1.2 | 24 mths |
| Fisheating Cr. | 6.7 | 0.21 | 0.21 | 0.18 | 1.40 | 1.40 | 1.2 | 24 mths |

**For parcels in or converted to improved pasture the current average discharge concentration is 0.35 mg/L (average annual concentration). Any discharge in excess of this must be reduced to 0.35 mg/L.

# Table 40E–61–2
[Reference: 40E–61.042(1)(c)]

| Average Annual Off–site Target Phosphorus Concentration mg/L | Total Phosphorus Concentration Exceedance Values Based on Collected Number of Off–Site Samples and a greater than 50% Probability of Exceedance | | | | | |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| ≤ .30 | 5.40 | 1.54 | .74 | .46 | .33 | .30 |
| .31 | 5.54 | 1.58 | .75 | .47 | .33 | .31 |
| .32 | 5.69 | 1.62 | .77 | .48 | .34 | .32 |
| .33 | 5.83 | 1.65 | .79 | .49 | .35 | .33 |
| .34 | 5.97 | 1.69 | .80 | .50 | .36 | .34 |
| .35 | 6.12 | 1.73 | .82 | .51 | .36 | .35 |
| .36 | 6.26 | 1.77 | .84 | .52 | .37 | .36 |
| .37 | 6.40 | 1.80 | .86 | .53 | .38 | .37 |
| .38 | 6.55 | 1.84 | .87 | .54 | .39 | .38 |
| .39 | 6.69 | 1.88 | .89 | .55 | .39 | .39 |
| .40 | 6.83 | 1.92 | .91 | .56 | .40 | .40 |
| .41 | 7.01 | 1.97 | .93 | .57 | .41 | .41 |
| .42 | 7.20 | 2.01 | .95 | .58 | .42 | .42 |
| .43 | 7.38 | 2.06 | .97 | .59 | .43 | .43 |
| .44 | 7.56 | 2.11 | .99 | .61 | .44 | .44 |
| .45 | 7.74 | 2.16 | 1.02 | .62 | .45 | .45 |
| .46 | 7.92 | 2.20 | 1.04 | .63 | .46 | .46 |
| .47 | 8.10 | 2.25 | 1.06 | .64 | .47 | .47 |
| .48 | 8.28 | 2.30 | 1.08 | .66 | .48 | .48 |
| .49 | 8.46 | 2.35 | 1.10 | .67 | .49 | .49 |
| .50 | 8.64 | 2.40 | 1.13 | .68 | .50 | .50 |
| .51 | 8.82 | 2.44 | 1.15 | .70 | .51 | .51 |
| .52 | 8.99 | 2.49 | 1.17 | .71 | .52 | .52 |
| .53 | 9.17 | 2.54 | 1.19 | .72 | .53 | .53 |
| .54 | 9.35 | 2.59 | 1.21 | .73 | .54 | .54 |
| .55 | 9.53 | 2.63 | 1.23 | .75 | .55 | .55 |
| .56 | 9.70 | 2.68 | 1.26 | .76 | .56 | .56 |
| .57 | 9.88 | 2.73 | 1.28 | .77 | .57 | .57 |
| .58 | 10.06 | 2.77 | 1.30 | .78 | .58 | .58 |
| .59 | 10.24 | 2.82 | 1.32 | .80 | .59 | .59 |
| .60 | 10.41 | 2.87 | 1.34 | .81 | .60 | .60 |
| .61 | 10.59 | 2.92 | 1.37 | .82 | .61 | .61 |
| .62 | 10.76 | 2.96 | 1.39 | .84 | .62 | .62 |

# Table 40E–61–2
[Reference: 40E–61.042(1)(c)]

| Average Annual Off–site Target Phosphorus Concentration mg/L | Total Phosphorus Concentration Exceedance Values Based on Collected Number of Off–Site Samples and a greater than 50% Probability of Exceedance | | | | | |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| ≤ .30 | 5.40 | 1.54 | .74 | .46 | .33 | .30 |
| .31 | 5.54 | 1.58 | .75 | .47 | .33 | .31 |
| .32 | 5.69 | 1.62 | .77 | .48 | .34 | .32 |
| .33 | 5.83 | 1.65 | .79 | .49 | .35 | .33 |
| .34 | 5.97 | 1.69 | .80 | .50 | .36 | .34 |
| .35 | 6.12 | 1.73 | .82 | .51 | .36 | .35 |
| .36 | 6.26 | 1.77 | .84 | .52 | .37 | .36 |
| .37 | 6.40 | 1.80 | .86 | .53 | .38 | .37 |
| .38 | 6.55 | 1.84 | .87 | .54 | .39 | .38 |
| .39 | 6.69 | 1.88 | .89 | .55 | .39 | .39 |
| .40 | 6.83 | 1.92 | .91 | .56 | .40 | .40 |
| .41 | 7.01 | 1.97 | .93 | .57 | .41 | .41 |
| .42 | 7.20 | 2.01 | .95 | .58 | .42 | .42 |
| .43 | 7.38 | 2.06 | .97 | .59 | .43 | .43 |
| .44 | 7.56 | 2.11 | .99 | .61 | .44 | .44 |
| .45 | 7.74 | 2.16 | 1.02 | .62 | .45 | .45 |
| .46 | 7.92 | 2.20 | 1.04 | .63 | .46 | .46 |
| .47 | 8.10 | 2.25 | 1.06 | .64 | .47 | .47 |
| .48 | 8.28 | 2.30 | 1.08 | .66 | .48 | .48 |
| .49 | 8.46 | 2.35 | 1.10 | .67 | .49 | .49 |
| .50 | 8.64 | 2.40 | 1.13 | .68 | .50 | .50 |
| .51 | 8.82 | 2.44 | 1.15 | .70 | .51 | .51 |
| .52 | 8.99 | 2.49 | 1.17 | .71 | .52 | .52 |
| .53 | 9.17 | 2.54 | 1.19 | .72 | .53 | .53 |
| .54 | 9.35 | 2.59 | 1.21 | .73 | .54 | .54 |
| .55 | 9.53 | 2.63 | 1.23 | .75 | .55 | .55 |
| .56 | 9.70 | 2.68 | 1.26 | .76 | .56 | .56 |
| .57 | 9.88 | 2.73 | 1.28 | .77 | .57 | .57 |
| .58 | 10.06 | 2.77 | 1.30 | .78 | .58 | .58 |
| .59 | 10.24 | 2.82 | 1.32 | .80 | .59 | .59 |
| .60 | 10.41 | 2.87 | 1.34 | .81 | .60 | .60 |
| .61 | 10.59 | 2.92 | 1.37 | .82 | .61 | .61 |
| .62 | 10.76 | 2.96 | 1.39 | .84 | .62 | .62 |

## Table 40E–61–2 (cont.)
[Reference: 40E–61.042(1)(c)]

| Average Annual Off–site Target Phosphorus Concentration | Total Phosphorus Concentration Exceedance Values Based on Collected Number of Off–Site Samples and a greater than 50% Probability of Exceedance | | | | | |
|---|---|---|---|---|---|---|
| mg/L | 1 | 2 | 3 | 4 | 5 | 6 |
| .63 | 10.93 | 3.01 | 1.41 | .85 | .63 | .63 |
| .64 | 11.10 | 3.05 | 1.43 | .86 | .64 | .64 |
| .65 | 11.27 | 3.10 | 1.45 | .87 | .65 | .65 |
| .66 | 11.45 | 3.15 | 1.47 | .89 | .66 | .66 |
| .67 | 11.62 | 3.19 | 1.49 | .90 | .67 | .67 |
| .68 | 11.79 | 3.24 | 1.52 | .91 | .68 | .68 |
| .69 | 11.96 | 3.29 | 1.54 | .92 | .69 | .69 |
| .70 | 12.13 | 3.33 | 1.56 | .94 | .70 | .70 |
| .71 | 12.31 | 3.38 | 1.58 | .95 | .71 | .71 |
| .72 | 12.48 | 3.43 | 1.60 | .96 | .72 | .72 |
| .73 | 12.65 | 3.47 | 1.62 | .98 | .73 | .73 |
| .74 | 12.82 | 3.52 | 1.65 | .99 | .74 | .74 |
| .75 | 13.00 | 3.57 | 1.67 | 1.00 | .75 | .75 |
| .76 | 13.17 | 3.61 | 1.69 | 1.02 | .76 | .76 |
| .77 | 13.34 | 3.66 | 1.71 | 1.03 | .77 | .77 |
| .78 | 13.51 | 3.71 | 1.73 | 1.04 | .78 | .78 |
| .79 | 13.68 | 3.75 | 1.75 | 1.05 | .79 | .79 |
| .80 | 13.86 | 3.80 | 1.78 | 1.07 | .80 | .80 |
| .81 | 14.05 | 3.85 | 1.80 | 1.08 | .81 | .81 |
| .82 | 14.25 | 3.90 | 1.83 | 1.10 | .82 | .82 |
| .83 | 14.45 | 3.96 | 1.85 | 1.11 | .83 | .83 |
| .84 | 14.65 | 4.01 | 1.87 | 1.12 | .84 | .84 |
| .85 | 14.84 | 4.06 | 1.90 | 1.14 | .85 | .85 |
| .86 | 15.04 | 4.12 | 1.92 | 1.15 | .86 | .86 |
| .87 | 15.24 | 4.17 | 1.95 | 1.17 | .87 | .87 |
| .88 | 15.43 | 4.22 | 1.97 | 1.18 | .88 | .88 |
| .89 | 15.63 | 4.27 | 2.00 | 1.20 | .89 | .89 |
| .90 | 15.83 | 4.33 | 2.02 | 1.21 | .90 | .90 |
| .91 | 16.02 | 4.38 | 2.04 | 1.22 | .91 | .91 |
| .92 | 16.22 | 4.43 | 2.07 | 1.24 | .92 | .92 |
| .93 | 16.41 | 4.48 | 2.09 | 1.25 | .93 | .93 |
| .94 | 16.61 | 4.54 | 2.12 | 1.27 | .94 | .94 |

40E-61.401 — Scope.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.402 — Permits Required.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.405 — Master Permit.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.410 — Conditions for Issuance of a Master Permit.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.412 — Transfer of Master Permit.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.413 — Master Permit Duration.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.414 — Master Permit General Conditions.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.420 — Individual Permits for BMP Research.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.421 — Conditions for Issuance of Individual Permits.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.

40E-61.423 — Individual Permit Conditions.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.4592(4)(f) FS.
History — New 1-1-97, Repealed 6-30-97.