

Statewide Stormwater Rulemaking Update and Initiation of Special Basin Rule Development

March 12, 2008

**Damon Meiers, Director,
Stormwater Improvement Division**

Two Initiatives Underway

- The Unified Statewide Rule (DEP & WMDs)
 - Provides consistent Environmental Resource Permit (ERP) criteria to reduce nutrient discharges
- Lake Okeechobee & Estuaries Watersheds Basin Rule (SFWMD)
 - Rule to address discharge volume from new development in the Lake Okeechobee, Caloosahatchee & St. Lucie Watersheds

CURRENT ERP RULES

QUALITY

- Discharges to sensitive waters must not contribute to the existing violation or cause degradation of the water body
- Additional reasonable assurances provided
 - 50% more water quality treatment volume
 - Other Best Management Practices (BMPs)
 - Analysis methods that compare existing loads to proposed loads

CURRENT ERP RULES

QUANTITY

- Discharge off-site at a rate no greater than the existing conditions or a discharge formula for a specified event
- The rate criteria addresses the potential for flood impacts to off-site property during design storm events

UNIFIED STATEWIDE STORMWATER RULE

- Develop one consistent water quality criteria, taking into account regional differences
- Reduce nutrient loads
- Require post development nutrient loads (total phosphorus & total nitrogen) to be less than or equal to undeveloped condition on an average annual basis
- Treatment train approach with additional BMPs to fit proposed project

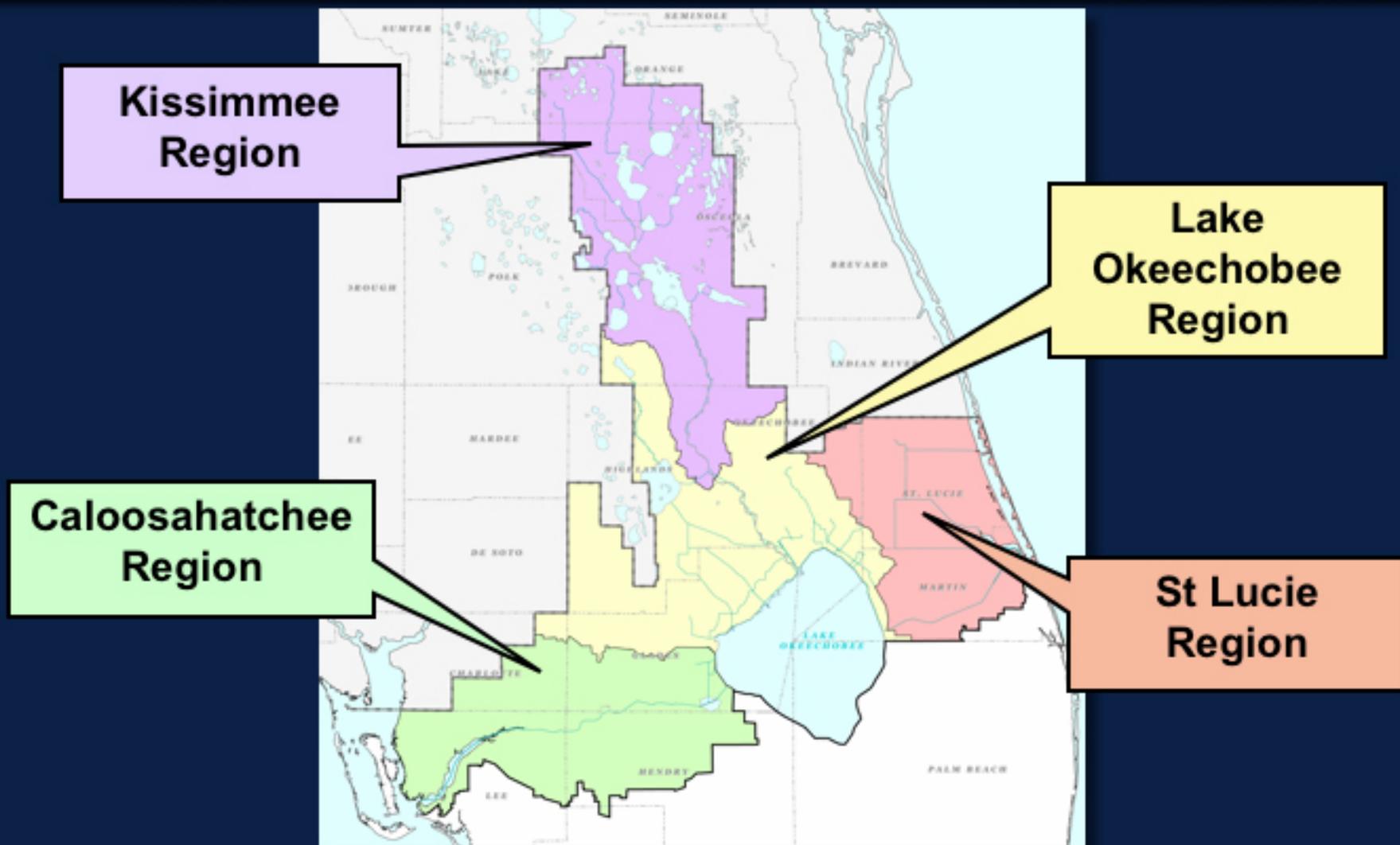
UNIFIED STATEWIDE STORMWATER RULE

BENEFITS

- Rule is more protective of the environment and provides more certainty
- May address new development in the TMDL Basin Management Action Plan (BMAP) process
- Quantifies and provides for more water quality treatment options



Northern Everglades



**Kissimmee
Region**

**Lake
Okeechobee
Region**

**Caloosahatchee
Region**

**St Lucie
Region**

LAKE OKEECHOBEE & ESTUARY WATERSHEDS BASIN RULE

- Lake Okeechobee & Estuary Recovery (LOER) Plan water quality basin rule component
- This basin rule faced extensive technical development and research
- The Statewide Rule will provide the same nutrient load reduction goals
- Therefore, the basin rule will emphasize legislative requirements for improvements in hydrology (quantity)

LAKE OKEECHOBEE & ESTUARY WATERSHEDS BASIN RULE

- Requires that discharge volumes are reduced
- Two scenarios: average annual discharge volumes and specific storm event discharge volumes

Timeline Goals

Statewide Rule

- TAC Workshops
 - (March – Sept. 2008)
- Rule Workshops
 - (Oct. 2008 – Feb. 2009)
- Rule Adoption (May 2009)
- Rule Effective (July 2009)

Lake O & Estuaries Rule

- Criteria Development
 - (March – July 2008)
- Rule Workshops
 - (Aug. 2008 – April 2009)
- Rule Adoption (July 2009)
- Rule Effective (Sept. 2009)

Staff Recommendation

- Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapters 40E-4 and 40E-41, F.A.C., to add Part V, Lake Okeechobee and Estuary Watersheds Basin, to develop supplemental water quantity criteria for Environmental Resource Permits in the Basin

TAC Members

Florida Audubon Society

1000 Friends of Florida

Conservancy of Southwest Florida

FLERA

Florida Stormwater Association

Florida Engineering Society

Florida Association of Counties

Florida League of Cities

Florida Chamber of Commerce

Florida Homebuilders Association

Urban Redevelopers

Mixed Use Developers

Reuse Utilities

Florida Department of Agriculture and Consumer Services