

MANAGEMENT AND STORAGE OF SURFACE WATERS

PERMIT INFORMATION MANUAL

VOLUME IV



Resource Control Department
South Florida Water Management District
Post Office Box 24680 3301 Gun Club Road
West Palm Beach, Florida 33416-4680

PRINTING HISTORY

Latest Edition Printed: June 1987

This public document was promulgated at an annual cost of \$754.79, or \$1.51 per copy to inform the public regarding water resource studies of the District. RPD-235 587 R500

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PART A

SURFACE WATER MANAGEMENT RULES

Part A - Surface Water Management Rules

I. General

A. South Florida Water Management District Authority

The Central and Southern Florida Flood Control District was created by Chapter 25270 Laws of Florida (1949) as a multicounty district for purposes of flood control and water conservation. In 1972 the Florida Legislature enacted Chapter 373, Florida Statutes (F.S.), the Florida Water Resources Act of 1972 (Act), which greatly expanded the District's responsibilities from flood control to the full range of water management activities in addition to changing the name of the District.

The Act is intended to govern the regulation of all waters of the State, unless exempted by law, where waters of the State are defined to include all water on or beneath the surface of the ground or in the atmosphere.

Generally, the purposes for which the Act was adopted are to provide for management of water and related land resources, to promote the conservation, development and proper utilization of surface and groundwater, to provide water storage for beneficial purposes, to prevent damage from floods, soil erosion and excessive drainage, to preserve natural resources, fish and wildlife, and to promote recreational development.

The District is governed by a nine-member board which is responsible for the overall administration of District programs, the regulatory program implementing the Act and the development of a water use plan. The District is also divided into two basins (the Big Cypress Basin and Okeechobee Basin), which are governed by basin boards. The primary functions of the basin boards are to plan and approve construction of primary water resource development projects and to plan secondary water control facilities for guidance of local government and private local owners.

The Act provides for the establishment of permit programs for the regulation of consumptive use of water, well construction, surface water management systems, artificial recharge and utilization of works or land of the District. Except for artificial recharge, primary regulatory authority resides in the Department of Environmental Regulation with direction to delegate the authority to the water management districts to the maximum extent practicable.

Pursuant to the Administrative Procedures Act, the District has implemented all the permitting programs authorized by the Act by adopting rules which are published as Chapter 40E of the Florida Administrative Code (F.A.C.).

B. Permitting Procedures

The District is governed by the Administrative Procedures Act, and Rule Chapter 40E. Together they provide an administrative framework for the resolution of conflicts among applicants, objectors and the District. Within this framework, if no objections are received and the applicant agrees with the staff's recommendations, the application can usually be disposed of informally before the Governing Board. If, however, the applicant disagrees with the staff's recommendations, or someone whose substantial interest may be affected objects, a formal hearing may be held either before the Governing Board or before a hearing officer from the Department of Administrative Hearings. In either case, adequate safeguards are provided so that disputes can be resolved judiciously and expeditiously.

Upon receipt of an application for a permit, the District will request any necessary additional information from the applicant within 30 days. Upon receipt of a complete application the District will issue or deny the permit within 90 days unless the matter has been scheduled for a public hearing.

C. Permitting of Surface Water Management Systems

1. Statutory Provisions (Part IV, Chapter 373 F.S.)

Part IV of the Act deals with surface water management. Generally permits may be required by the water management districts for construction, alteration, maintenance and operation of most real property improvements which are designed to control surface waters.

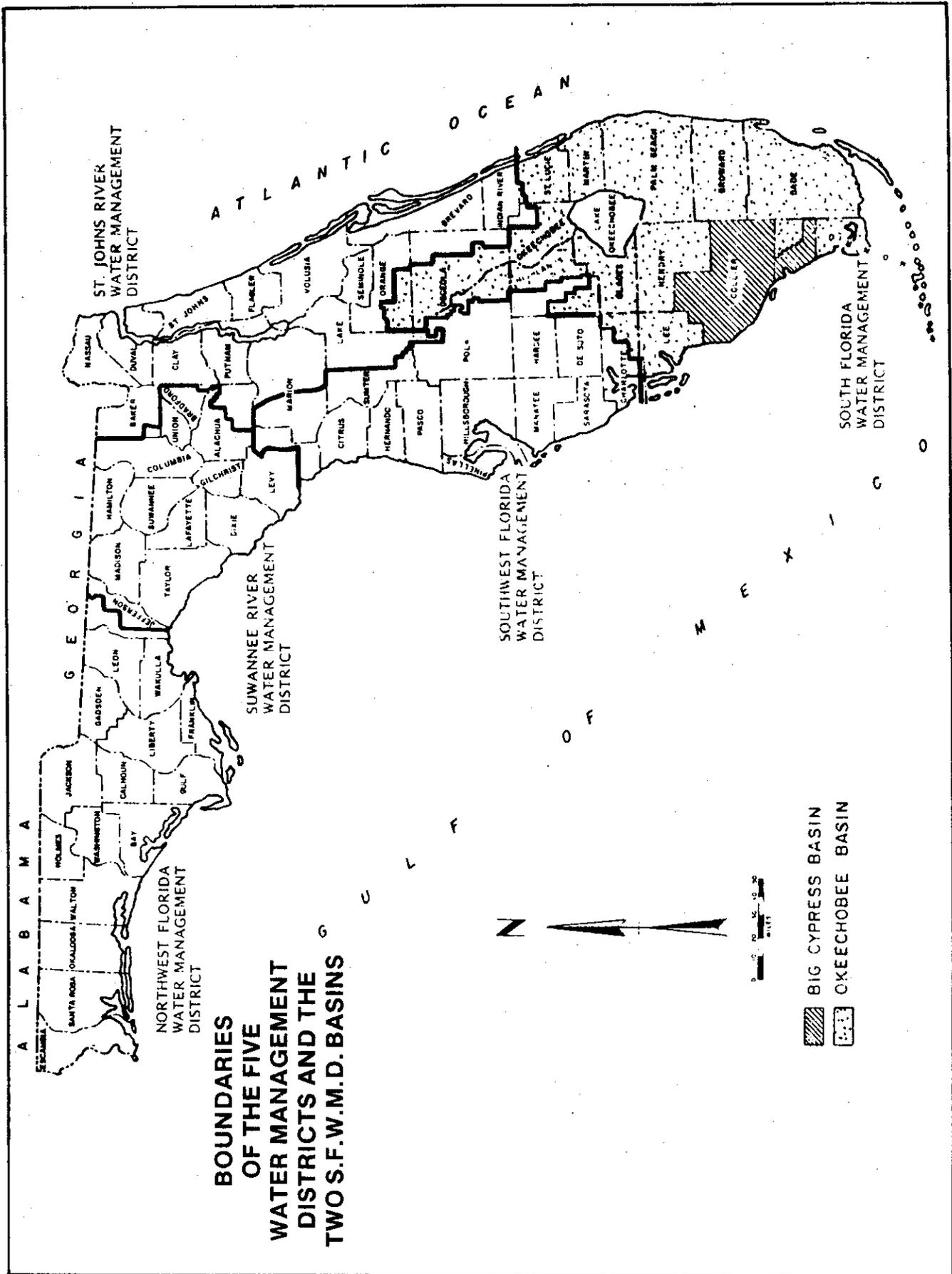
An applicant for a surface water management permit must show that the proposed project is consistent with the goals and policies expressed in F.S. 373.016, Declaration of Policy and F.S. 373.036, State Water Use Plan, that the construction or alteration of the surface water management system will not be harmful to the water resources of the District, and that the operation and maintenance of the system will not be inconsistent with the overall objectives of the District or harmful to the water resources of the District.

2. Rules of the South Florida Water Management District (Chapter 40E, F.A.C.)

Chapter 40E-4 describes the permit requirements for construction, alteration, or operation of surface water management systems. Generally, all construction, alteration or operation of dams, impoundments, reservoirs, appurtenant works or works as defined in the Act require a permit from the District. To satisfy the permit requirement an applicant must either receive an individual permit or qualify for a general permit. Individual permits are issued by the Governing Board upon application and compliance with Part IV of the Act and Chapter 40E, F.A.C. Specific criteria for

evaluating urban projects are found in 40E-4.091. Further, additional criteria may be superimposed if the project is to be located within an area in which the District has adopted basin rules (see Chapter 40E-41 for additional criteria applicable in the Western C-9 Basin, the Kissimmee River Basin, and the C-51 Basin).

General permits have been issued by rule for most small projects, certain types of highway construction projects District-wide, and some larger projects which have received the approval of Dade County. To qualify for a general permit, an applicant needs to file the notice specified in the rules, a copy of the construction plans and some basic technical data about the project such as proposed minimum road and floor levels, proposed discharge rate, and retention/detention volume and facilities. Upon receipt of this information, the District will determine whether the project qualifies for a general permit, and/or if any additional information is needed, and respond to the applicant. Once the District has indicated in writing that a general permit is in effect for the project, no further application is required. Both individual and general permits are subject to revocation, suspension or modification in accordance with the provisions of Chapter 40E, F.A.C. and Chapter 373, F.S.



II. Chapter 40E-4

This rule sets forth the permit requirements for projects which do not qualify for a General Permit under Chapter 40E-40. (To best understand what type of permit is required it is probably advisable to check the section of this manual which describes the General Permit qualifications first.) There are three types of permits issued under this Chapter: 1) Conceptual Approvals, 2) Construction Permits, and 3) Operation Permits.

Section 40E-4.301 describes in general policy terms the conditions for issuance of permits under this Chapter. The specific design criteria with which a project must comply are referred to in Section 40E-4.091 and reproduced as Part B of this manual.

The basic difference between a Conceptual Approval and the other permits under this Chapter is that a Conceptual Approval does not authorize any construction of the surface water management ("drainage") system. A Conceptual Approval is valid for a period of two years and a Construction Permit is valid for three years.

The Application Form (RC-1) and Checklist of Information (Appendix 1) required to be submitted for a project to be permitted under this Chapter follow the reprint of the rule.

**SURFACE WATER MANAGEMENT
CHAPTER 40E-4**

- 40E-4.011 Policy and Purpose
- 40E-4.021 Definitions
- 40E-4.031 Implementation
- 40E-4.041 Permits Required
- 40E-4.051 Exemptions
- 40E-4.052 Request for Exemption
- 40E-4.053 Conditions for Exemption
- 40E-4.054 Modification of Exempt Projects
- 40E-4.091 Publications Incorporated by Reference
- 40E-4.101 Content of Application
- 40E-4.301 Conditions for Issuance of Permits
- 40E-4.321 Duration of Permit
- 40E-4.331 Modification of Permits
- 40E-4.341 Revocation of Permits
- 40E-4.351 Transfer of Permits
- 40E-4.381 Limiting Conditions
- 40E-4.451 Emergency Authorization

40E-4.011 Policy and Purpose.

(1) It is the policy of the District to regulate and control the management and storage of all surface waters within its boundaries pursuant to the provisions of chapter 373, Florida Statutes and chapters 17-40 and 40E.

(2) The rules in this chapter implement the comprehensive surface water management permit system contemplated in part IV of chapter 373, Florida Statutes.

(3) Additional rules relating to surface water management are found in chapter 40E-40 (General Surface Water Management Permits) and chapter 40E-41 (Regional Surface Water Management Criteria).

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.086(1), 373.103(1), 373.103(4), 373.403-.443 F.S.
History--New 9-3-81.
Formerly 16K-4.01

40E-4.021 Definitions.

When used in this chapter:

- (1) "Surface water management

permit" means a letter of conceptual approval, construction permit or operation permit.

(2) "Letter of conceptual approval" or "conceptual approval" means a surface water management permit issued by the District approving the concept of a master plan for a surface water management system which is binding upon the District and the permittee and constitutes final District action. For projects which have filed an application for a letter of conceptual approval concurrently with an Application for Development Approval (ADA) for a Development of Regional Impact (DRI), letter of conceptual approval also means "conceptual agency review" as defined in section 380.06(9)(a)2, Florida Statutes.

(3) "Construction permit" means a surface water management permit issued by the District authorizing construction, alteration or abandonment of a surface water management system in accordance with the terms and conditions of the permit.

(4) "Operation permit" means a surface water management permit issued by the District authorizing the operation and maintenance of a surface water management system in accordance with the terms and conditions of the permit.

(5) "Surface water management system" means the collection of devices, improvements or natural systems whereby surface waters are controlled, impounded, or obstructed. The term includes dams, impoundments, reservoirs, appurtenant works and works as defined in subsections 373.403(1)-(5), Florida Statutes.

(6) "Surface waters of the state" means those surface waters regulated pursuant to subsection 403.031(3) Florida Statutes.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.403-.443, 403.031(3) F.S.
History--New 9-3-81, Amended 1-31-82, 12-1-82, 7-1-86.
Formerly 16K-1.05(11)

40E-4.031 Implementation.

The effective dates for the surface water management permitting program established in this chapter are:

(1) January 12, 1977, for the portion of the District formerly within the Ridge and Lower Gulf Coast Water Management District.

(2) March 2, 1974, for the remainder of the District.
Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.403-443 F.S.
History--New 9-3-81.

40E-4.041 Permits Required.

(1) Unless expressly exempt by law or District rule a surface water management permit must be obtained from the District prior to the construction, alteration, operation, or abandonment of any dam, impoundment, reservoir, appurtenant work or works.

(2) The District issues three types of surface water management permits; letters of conceptual approval, construction permits and operation permits. Construction and operation permits may be issued in two forms, individual permits and general permits.

(a) A letter of conceptual approval may be issued for projects that are to be developed in phases. A letter of conceptual approval does not authorize any construction.

(b) An individual construction or operation permit may be issued for projects that do not qualify for general permits under Chapter 40E-40. An individual permit may authorize construction, alteration, abandonment, operation or maintenance of a surface water management system.

(c) A general construction or operation permit may be issued for specific classes of surface water management systems which satisfy the thresholds and conditions of Chapter 40E-40. A general permit may authorize construction, alteration, abandonment, operation and maintenance of a surface water management system.

(3) Maintenance of surface water management systems shall be considered only in conjunction with applications for construction, alteration, operation or abandonment.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416,

373.426 F.S.
History--New 9-3-81, Amended 12-1-82.
Formerly 16K-4.03(1), 16K-4.07(1),
16K-4.09(1)

40E-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) The activities specified in section 373.406, Florida Statutes.

(2) The construction, alteration, operation or abandonment of works which satisfy the requirements of rule 40E-4.053, and have received a notice of exemption from the District.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.406 F.S.
History--New 9-3-81, Amended 1-31-82,
3-9-83.
Formerly 16K-4.02

40E-4.052 Request for Exemption.

(1) Requests for an exemption for projects less than 10 acres of total land area should be filed with the District. This request shall contain:

(a) Form PA-39 "Request for Permit Exemption Pursuant to Rule 40E-4.053, (Surface Water Management)".

(b) The paving and drainage plan of the area showing:

1. the total land area;
2. the total area of impervious surface;
3. the location of any on-site wetlands;
4. the location and details of the surface water management system including but not limited to any lakes, culverts, pipes, exfiltration trench, discharge structures, pump and related facilities.

5. The surface water management system design plans must be signed and sealed by a Florida registered Professional Engineer, if required by chapter 471, Florida Statutes.

(c) Evidence of local government approval of the project. The applicant or local government may request non-binding District comments on a project, if necessary for the applicant to obtain evidence of local government approval.

(d) Affidavit of ownership of the property which shall include:

1. the legal description;
 2. a statement that the total contiguous property owned or controlled by the applicant does not exceed 10 acres.
- Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.406, 373.413 F.S.
History--New 3-9-83.

40E-4.053 Conditions for Exemption.

In order to obtain an exemption under this part, an applicant must give reasonable assurances that:

1. The total land area does not equal or exceed 10 acres;
2. The area of impervious surface will not equal or exceed 2 acres;
3. The activities will not be conducted in wetlands;
4. The activities will not be conducted in existing water bodies;
5. The activities will not utilize pumps;
6. The activities will not utilize storm drainage facilities larger than a 24 inch diameter pipe, or its hydraulic equivalent;
7. The site is not included in more than 40 acres of contiguous potentially exempt lands;
8. Discharges from the site will meet State water quality standards, as set forth in Chapter 17-3;
9. The surface water management facilities are part of an approved Conservation Plan, if the facilities serve agricultural lands;
10. The proposed building floors will be above the 100 year flood elevation;
11. The activities can otherwise reasonably be expected to have acceptable or insignificant water resource impacts; and
12. The surface water management system can be effectively maintained.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.406, 373.413 F.S.
History--New 3-9-83.

40E-4.054 Modification of Exempt Projects.

Any modification of a surface water management system in a project which has received a Notice of Exemption, must have the prior written approval of the District.

A surface water management permit may be required for substantial modifications of previously exempt projects.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.406, 373.413 F.S.
History--New 3-9-83.

40E-4.091 Publications Incorporated by Reference.

(1) The following documents are hereby published by reference and incorporated into this chapter:

(a) "Basis of Review for Surface Water Management Permit Applications within the South Florida Water Management District--April, 1987."

(b) 50 Code of Federal Regulations, Section 17.12; and Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code.

(2) The documents listed in subsection (1) are published by the District and are available from the District upon request.

EFFECTIVE DATE: July 1, 1986
Specific Authority 120.54(8), 373.044, 373.113, 373.171, 373.414, 403.812 F.S.
Law Implemented 120.54(8), 373.403, 373.413, 373.414, 373.416, 373.429 F.S.
History--New 9-3-81, Amended 1-31-82, 12-1-82, 5-1-86, 7-1-86, 3-24-87, 4-15-87.
Formerly 16K-4.035(1)

40E-4.101 Content of Application.

(1) Applications for 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"

(b) The information required in subsection 373.413(2) Florida Statutes;

(c) Drawings, calculations, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed; and

(d) The information required in Appendix 1 of the document described in rule 40E-4.091(1)(a).

(2) Applications for conceptual agency review, as defined in section 380.06(9)(a)2, Florida Statutes, shall be filed with the District concurrently with the filing of the Development of Regional Impact (DRI) Application for Development

Approval (ADA) with the affected regional planning council and shall include the ADA in addition to the information in subsection (1) above.

(3) The application must be signed by the owner and his authorized agent, if applicable.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416,
373.426 F.S.

History--New 9-3-81, Amended 1-31-82, 12-1-82, 7-1-86.

Formerly 16K-4.03(2), 16K-4.07(2),
16K-4.09(2)

40E-4.301 Conditions for Issuance of Permits.

(1) In order to obtain a permit under this chapter, an applicant must give reasonable assurances that the surface water management system:

(a) provides adequate flood protection and drainage,

(b) will not cause adverse water quality and quantity impacts on receiving waters and adjacent lands regulated pursuant to Chapter 373, Florida Statutes,

(c) will not cause discharges which result in any violation, in surface waters of the state, of the standards and criteria of Chapter 17-3,

(d) will not cause adverse impacts on surface and groundwater levels and flows,

(e) will not cause adverse environmental impacts,

(f) can be effectively operated and maintained,

(g) will not adversely affect public health and safety,

(h) is consistent with the requirements of other public agencies,

(i) is consistent with the State Water Policy, Chapter 17-40, F.A.C.,

(j) will serve a proposed land use which:

(1) for conceptual approvals, is compatible with the land use element of the affected local government's comprehensive plan, except when a conceptual approval has been filed concurrently with a Development of Regional Impact (DRI) Application for Development Approval (ADA) and a local government comprehensive plan

amendment, pursuant to section 380.06(9)(a)1, Florida Statutes,

(2) for construction and operation permits, is compatible with:

(a) the affected local government's comprehensive plan, and

(b) the existing zoning for the site, and

(c) for any DRI, the final approved (all appeals resolved or all appeal times expired) local government Development Order (DO),

3. for a DRI with a signed Preliminary Development Agreement with the Florida Department of Community Affairs, pursuant to section 380.06(8), Florida Statutes, which allows a specified portion of the proposed development to proceed prior to the issuance of a local government DO:

a. is compatible with the affected local government's comprehensive plan and the existing zoning for the site, and

b. provides a surface water management system for that portion of the site approved for development which is able to operate separately from the surface water management system for the balance of the project site and still meet applicable District criteria,

(k) meets any applicable basin criteria in chapter 40E-41,

(l) will not otherwise be harmful to the water resources of the District, and will not interfere with the legal rights of others as defined in rule 17-40.07,

(m) is not against public policy,

(n) will meet the general and specific criteria in the document described in rule 40E-4.091(1)(a),

(o) will meet the criteria for isolated wetlands, which are found in Appendix 7 of the documents described in rule 40E-4.091(1)(a), and

(p) will meet the criteria for above ground impoundments, which are found in Appendix 6 of the document described in rule 40E-4.091(1)(a).

(2) The surface water management system design plans must be signed and sealed by a Florida Registered Professional Engineer, if required by Chapter 471, Florida Statutes.

(3) In evaluating construction

and/or operation permits requested pursuant to rules 40E-4.331(1)(b) or (c) (Modification of Permits); each particular subject of the application will be evaluated based upon the degree of detail submitted with prior approved application(s). Subsequent phases will be reviewed based on the detail submitted at the time of conceptual approval or previously approved construction and operation permits. For detail not provided, the criteria in effect at the time of the application will apply. This rule shall apply to all Surface Water Management applications which are reviewed for groundwater discharges of stormwater pursuant to section 403.812(1)(c), Florida Statutes, regardless of when the conceptual approval was issued and shall apply to all other applications received and/or found to be complete after the effective date of this rule.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416, 373.426 F.S.

History--New 9-3-81, Amended 1-31-82, 12-1-82, 7-1-86, 3-24-87, 4-15-87.

Formerly 16K-4.035(2), 16K-4.30

40E-4.321 Duration of Permit.

(1) Unless revoked or otherwise modified, the duration of a surface water management permit issued pursuant to this chapter is:

(a) Two years from the date of issuance for letters of conceptual approval, unless within that period an application for a construction and/or operation permit is filed for any portion of the project. If an application for a construction and/or operation permit is filed, then the letter of conceptual approval remains valid until final action is taken on the application. If the application is granted, then the letter for conceptual approval is valid for the remainder of the project, except that the letter of conceptual approval will automatically expire if a period of two years elapses without either actual construction leading to the completion of the project or an application being filed for a subsequent phase of construction.

(b) Three years for a construction permit, unless the construction of the permitted project discharge structure or

equivalent has been completed. If the permitted discharge structure or equivalent has been completed, then the construction permit is valid for the duration of the project.

(c) Perpetual for an operation permit issued under Chapter 373, Florida Statutes.

(2) Letters of conceptual approval and construction permits expire

automatically, but the permittee may receive a one year extension provided that reasonable justification is submitted to the District prior to the expiration date.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.416, 373.419(2) F.S.

History--New 9-3-81, Amended 1-31-82, 12-1-82, 7-1-86.

Formerly 16K-4.07(4)

40E-4.331 Modification of Permits.

An application for modification of a surface water management permit shall be processed in accordance with this rule, unless otherwise revoked, suspended or expired.

(1) Applications to modify letters of conceptual approval may be made and reviewed:

(a) for an alteration of the design of the surface water management system, in accordance with the same criteria as new applications pursuant to rules 40E-4.101 (Content of Application), and 40E-4.301 (Conditions for Issuance of Permits);

(b) for a construction and/or operation permit of a project phase, in accordance with Chapter 40E-40 (General Surface Water Management Permits), if the project phase complies with the conceptual approval and otherwise satisfies the requirements of rules 40E-40.112 (Notice of Intent), and 40E-40.320 (Conditions for Issuance of Authorizations); or

(c) for a construction and/or operation permit of a project phase which exceeds the thresholds set forth in paragraph (b), in accordance with Chapter 40E-4, Individual Surface Water Management Permits, if the project phase complies with the conceptual approval and otherwise satisfies the requirements of rules 40E-4.101 (Content of Application), and

40E-4.301 (Conditions for Issuance of Permits).

(2) Applications to modify construction or operation permits may be made:

(a) by formal application and reviewed using the same criteria as new applications, pursuant to rules 40E-4.101

(Content of Application), and 40E-4.301 (Conditions for Issuance of Permits), or

(b) by letter, provided the requested modification does not:

1. substantially alter the permit authorization,

2. increase the authorized off-site discharge,

3. impact the environmental features of the project,

4. decrease the required retention/detention,

5. decrease the required flood control elevations for roads or buildings, and

6. decrease pollution removal efficiency.

Specific Authority 373.044, 373.113, F.S.

Law Implemented 373.413, 373.416(1) F.S.

History--New 12-1-82, 7-1-86.

40E-4.341 Revocation of Permits.

(1) A surface water management permit may be revoked under any of the following circumstances:

(a) The permittee or his agent has committed any of the acts enumerated in subsections 40E-1.609(1) or (2), or

(b) the permittee has not proceeded in a timely fashion to construct the authorized facilities and the permit has not automatically expired pursuant to section 40E-4.321 (Duration of Permits), and more than three years has elapsed since the issuance of the construction permit, or

(c) for a letter of conceptual approval which has been requested concurrently with a Development of Regional Impact (DRI), if the District makes a showing as set forth in section 380.06(9)(e), Florida Statutes.

(2) Revocation proceedings shall be conducted in accordance with the provisions of subsections 40E-1.609(3) through (8).

Specific Authority 373.044, 373.113, F.S.

Law Implemented 373.429, F.S.

History--New 12-1-82, 7-1-86.

40E-4.351 Transfer of Permits.

(1) A permittee must notify the District within 30 days of the sale or conveyance of a surface water management system or the land on which the system is located. The District will transfer the surface water management operation and maintenance permit provided the use remains the same. A surface water management permit to construct or alter a system will not be transferred if the permit is over three years old and the permitted project discharge structure or equivalent has not been constructed.

(2) After the completion of construction of the surface water management system and approval of the facilities by the District, the District will transfer the operational phase of the permit to the accepted responsible operational entity.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 373.413, 373.416(2) F.S.

History--New 9-3-81, Amended 12-1-82.

Formerly 16K-4.07(4)

40E-4.381 Limiting Conditions.

(1) The Board may impose on any permit granted under this chapter such reasonable conditions as are necessary to assure that the permitted operation 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 project specific special conditions, the following standard limiting conditions shall be attached to all permits issued pursuant to this chapter unless waived or modified by the Board.

(a) The permittee shall prosecute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

(b) Water quality data for the

water discharged from the permittee's property or into surface waters of the state shall be

submitted to the District as required. Parameters to be monitored may include those listed in Chapter 17-3. If water quality data is required, the permittee shall provide data as required, on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the state.

(c) The permittee shall comply with all applicable local subdivision regulations and other local requirements. In addition the permittee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction or alteration of works authorized by this permit.

(d) The operation phase of this permit shall not become effective until a Florida registered Professional Engineer certifies that all facilities have been constructed in accordance with the design approved by the District. Within 30 days after completion of construction of the surface water management system, the permittee shall submit the certification and notify the District that the facilities are ready for inspection and approval. Upon approval of the completed surface water management system, the permittee shall request transfer of the permit to the responsible entity approved by the District.

(e) All roads shall be set at or above elevations required by the applicable local government flood criteria.

(f) All building floors shall be set at or above elevations acceptable to the applicable local government.

(g) Offsite discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the District.

(h) No construction authorized herein shall commence until a responsible entity acceptable to the District has been established and has agreed to operate and

maintain the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized herein. Upon receipt of written evidence of the satisfaction of this condition, the District will issue an authorization to commence construction.

(i) The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and Chapter 40E-4.

(j) The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the permit.

(k) This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the completed permit activity. It is also the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.

(l) Prior to dewatering, plans shall be submitted to the District for approval. Information shall include as a minimum; pump sizes, locations and hours of operation for each pump. If off-site discharge is proposed, or off-site adverse impacts are evident, an individual water use permit may be required. The permittee is cautioned that several months may be required for consideration of the water use permit application.

(3) For a conceptual approval filed concurrently with a Development of Regional Impact (DRI) Application for Development Approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from:

(a) the effective date of the local government's comprehensive plan amendment,

(b) the effective date of the local government development order, or

(c) the date on which the District issues the conceptual approval, whichever occurs later.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416,

373.426 F.S.

History--New 9-3-81, Amended 1-31-82,
12-1-82, 7-1-86.

Formerly 16K-4.07(3), 16K-4.38

40E-4.451 Emergency Authorization.

(1) Permission to begin construction of works prior to the issuance of a permit may be applied for, in writing, when emergency conditions justify. However, no such permission shall be granted unless the construction of the works is already under consideration for a permit under rule 40E-4.041. A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

(2) The Executive Director may grant emergency authorization at his discretion. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 373.413 F.S.

History--New 9-3-81.

Formerly 16K-4.13

[Note: See Chapter 40E-1, F.A.C.,
for additional procedural require-
ments affecting permits.]

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX "V"
WEST PALM BEACH, FL. 33402
TELEPHONE: (305) 688-8800 TOLL FREE: 1-800-432-2045

(FOR USE BY SFWMD PERSONNEL ONLY) DATE REC'D: _____

APPL. NO.: _____

APPLICATION TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR A PERMIT FOR:

- () WATER USE
- () SURFACE WATER MANAGEMENT (DRAINAGE) ([] CONCEPTUAL APPROVAL)
- () UTILIZATION OF DISTRICT WORKS
- () MODIFICATION OF EXISTING PERMIT NUMBER: _____

OWNER'S NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ PHONE: _____

DEVELOPER'S NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ PHONE: _____

PROJECT ENGINEER: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ PHONE: _____

PROJECT NAME: _____

LOCATION: _____ S _____ E
CITY COUNTY SECTION(S) TOWNSHIP(S) RANGE(S)

PURPOSE: _____ ZONING: _____
(RESIDENTIAL, AGRICUL., PUB. WTR. SUPPLY, ETC.)

PROJECT SIZE: _____ ACRES

PROJECT IS: () PROPOSED () EXISTING () TO BE MODIFIED

IF THIS APPLICATION IS FOR WATER USE, WHAT IS THE SOURCE OF WATER? _____

IF THIS APPLICATION IS FOR DRAINAGE, WHERE WILL THE WATER DISCHARGE? _____

IF THIS IS A REQUEST TO MODIFY AN EXISTING PERMIT, DESCRIBE THE REQUESTED CHANGES: _____

IF THIS APPLICATION INCLUDES USE OF DISTRICT WORKS, DESCRIBE THE USE: _____

(CULVERT, BOAT DOCK, FENCE, BEAUTIFICATION, ETC. NOTE! INCLUDE CANAL NAME)

NOTE! IN ALL CASES AN ACCURATE LOCATION MAP WITH THE PROJECT BOUNDARIES CLEARLY SHOWN MUST BE SUBMITTED. ALSO, IF THIS IS A PROPOSED OR EXPANDED PROJECT SUBMIT A CURRENT AERIAL PHOTOGRAPH SHOWING THE PROJECT BOUNDARIES.

RULES 40E-2.101, 40E-4.101, and 40E-6.101 F.A.C. SPECIFY DATA REQUIREMENTS TO CONSTITUTE A COMPLETE PERMIT APPLICATION. A LIST OF THE REFERENCED RULES IS PROVIDED ON THE BACK OF THIS FORM. ANY NECESSARY CHECKLIST MAY BE OBTAINED FROM THE DISTRICT AT THE ABOVE ADDRESS.

DATE: _____

OWNER'S SIGNATURE (IF NOT THE OWNER, CERTIFY BELOW)

I HEREBY CERTIFY THAT I AM AN AUTHORIZED AGENT OF THE OWNER:

TITLE: _____

NOTE! MANY PROJECTS ALSO REQUIRE APPROVAL BY OTHER STATE AND FEDERAL AGENCIES. SFWMD INFORMS SOME AGENCIES OF PERMIT APPLICATIONS RECEIVED BUT THE RESPONSIBILITY FOR REQUESTING APPROVALS RESTS WITH THE OWNER.

WATER USE

40E-2.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed with the District. The application shall contain:

(a) Form 0050 "Application to the South Florida Water Management District";

(b) The information required in subsection 373.229(1), Florida Statutes; and

(c) Information sufficient to show that the use meets the criteria and conditions established in rule 40E-2.301.

(2) In addition to the information specified in subsection (1), the application shall contain:

(a) the information required in the appropriate checklist of Part II of the document described in rule 40E-2.091(a)

(3) The application must be signed by the user or his authorized agent.

Specific Authority 373.044, 373.113, 373.171 F.S.
Law Implemented 373.103(1), 373.219, 373.223, 373.229 F.S.
History--New 9-3-81, Amended 12-1-82, 2-24-85.

SURFACE WATER MANAGEMENT
(DRAINAGE)

40E-4.101 Content of Application.

(1) Applications for 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"

(b) The information required in subsection 373.413(2) Florida Statutes;

(c) Drawings, calculations, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed; and

(d) The information required in Appendix 1 of the document described in rule 40E-4.091(1)(a).

(2) Applications for conceptual agency review, as defined in section 380.06(9)(a)2, Florida Statutes, shall be filed with the District concurrently with the filing of the Development of Regional Impact (DRI) Application for Development Approval (ADA) with the affected regional planning council and shall include the ADA in addition to the information in subsection (1) above.

(3) The application must be signed by the owner and his authorized agent, if applicable.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416, 373.426 F.S.
History--New 9-3-81, Amended 1-31-82, 12-1-82, 7-1-86.

Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2)

UTILIZATION OF DISTRICT WORKS OR LANDS

40E-6.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed with the District. The application shall contain the following information:

(a) Form RC-1 "Application to the South Florida Water Management District";

(b) The applicant's name and address including zip code;

(c) The owner's name and complete address if applicant or user is other than the owner;

(d) The project location relative to County, Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description;

(e) Whether the proposed use is a modification or an existing use, or is a new use;

(f) A description of the proposed use of or encroachment on works or lands of the District;

(g) A description of the portion of the works or lands of the District to be used;

(h) Three copies of a scaled or fully dimensioned 8½" x 11" or 8½" x 14" drawing, reflecting the proposed use in plan and elevation views and as related to the applicable work of the District; tied to a known reference point in the immediate area of the proposed use. Larger drawings and/or aerial photographs may be required, if necessary to adequately show the location and nature of the proposed use. Except when exempt pursuant to s. 471.003, F.S., drawings for bridge crossings shall be signed and sealed by a Florida registered professional engineer. A property survey, indicating the location of the District right-of-way boundary line, shall also be provided, unless waived pursuant to prior written request.

(i) Information sufficient to demonstrate that the proposed use meets the criteria established in the document referred to in section 40E-6.091; and

(j) The estimated length of time needed for completion of the proposed work once construction has begun.

(2) Applications shall be signed by the applicant or his authorized agent.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.083(1), 373.085(1) F.S.
History--New 9-3-81, Amended 12-1-82, 12-29-86.
Formerly 16K-5.04(1)

Figure A-II-1 (2 of 2)

APPENDIX 1

CHECKLIST FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS

- I. Site Information including:
 - A. Detailed location sketch.
 - B. Topographic map (with contours) of the site and adjacent hydrologically related areas (minimum of 100 feet from project boundaries), which shall include location and description of bench marks (minimum of one per major water control structure).
 - C. Overall map of the area showing where runoff presently goes and size, location, topography, and land use of off-site areas which drain through, onto, and from the project.
 - D. Identification of seasonal water table elevations. If the project is in the known flood-way of a natural stream, it should be identified and approximate flooding depths determined. The 100 year flood plain elevations and limits should be identified if applicable.
 - E. Description of vegetative cover. Wetland areas and preservation or mitigation proposals should be identified.
 - F. A recent aerial photograph of the project area with project boundaries delineated.
 - G. Paving, grading and drainage plans, with special attention to perimeter site grading.
 - H. Percolation tests must be submitted if percolation or exfiltration systems are proposed. Percolation tests shall be representative of design conditions.
 - I. Complete description of measures to be implemented during the construction period to mitigate adverse quantity and quality impacts off-site.
 - J. Indicate whether either surface or groundwater withdrawals are proposed for irrigation or other on-site water use. Because of the inseparable nature of Water Use and Surface Water Management the application for either will not normally be considered complete until all information for both is complete. (See 3.1.3)
- II. Master Drainage Plan showing:
 - A. Location of all water bodies with details of size, side slopes, elevations and depths.

- B. Location and details of all major water control structures. Control elevations of the control structures must be included along with any seasonal water level regulation schedules.
- C. Drainage basin boundaries showing direction of flow, taking into account off-site runoff being routed through or around the project.
- D. Locations of roads and buildings along with their proposed elevations. Sufficient site grades to justify the proposed stage - storage curves.
- E. Right-of-way and easement locations for the drainage system including all areas to be reserved for water management purposes, with the legal method to be utilized.
- F. Location and size of internal minor water management facilities.
- G. Nearby existing offsite water management facilities such as wells, lakes, etc. which might be affected by the proposed construction or development. The names and addresses of the owners of such facilities should also be submitted.

III. Drainage Calculations including:

- A. Design storms used including depth, duration and distribution.
- B. Off-site inflows.
- C. Stage-storage computations for the project and stage-discharge computations for the outfall structure(s).
- D. Acreages and percentage of property proposed as:
 - 1. Impervious surfaces (excluding water bodies)
 - 2. Pervious surfaces (green areas)
 - 3. Lakes, canals, retention areas etc.
 - 4. Total acreage of project
- E. Runoff routing calculations showing discharges, elevations, and volumes retained and/or detained during applicable storm events. Included should be the necessary mathematical computations to demonstrate that the proposed development will not remove net storage from the basin for events up to the 100 year frequency.
- F. Calculations required for determination of minimum building floor and road elevations.
- G. Calculations which demonstrate compensation for flood plain encroachment, if applicable.

IV. Legal and Institutional Information including:

- A. Identify entity responsible for operation and maintenance of the surface water management system.
- B. If the operation and maintenance entity is to be a public body such as a city or drainage district, a letter of potential acceptance from the public body must be submitted prior to staff report approval. If the entity is a homeowners association, then documents verifying the existence of such an organization and its ability to accept operation and maintenance responsibility must be submitted prior to commencement of construction (assuming the permit is issued).
- C. Indicate how water and wastewater service will be supplied. Letters of commitment from off-site suppliers must be included.
- D. Give the status of all other government agency approvals required, indicating if site plan and/or subdivision approval has been granted, final plats have been recorded, building or construction permits have been issued, special exception or rezoning approvals have been granted, or if DER, U. S. Army Corps of Engineers, or other permits have been issued.
- E. Provide evidence from the appropriate local government of compatible density and classification under the local government's comprehensive plan and/or zoning code (i.e., zoning resolution, local government development order (DO), letter from local government, etc.). If not specified in the resolution, letter, etc., include the number of proposed dwelling units and/or the square footage of commercial, industrial, or other uses and the allowable number of dwelling units and/or square footage under the approved zoning classification.
- F. If the project is a Development of Regional Impact (DRI), include a copy of the final approved DO. If a Preliminary Development Agreement has been signed with the Florida Department of Community Affairs to allow a portion of the DRI to proceed prior to the issuance of a DO, provide a copy. If the DRI Application is being filed concurrently with a request for conceptual agency review and/or local government's comprehensive plan amendment, indicate the status under the DRI process and, if appropriate, include a copy of comprehensive plan amendment Application.
- G. Submit a copy of a boundary survey and a copy of the recorded deed or Affidavit of ownership. If the Applicant is a contractual buyer then a copy of the executed contract must be provided.
- H. Documentation of legal and physical availability of receiving water system to receive project discharge if such is not evident.

NOTES:

1. Include four copies of all information, and one completed copy of Application Form RC-1.

2. For a Conceptual Approval, Items I.G, I.I., II.E, and II.F will not be necessary.
3. For Conceptual Approvals which are being submitted concurrently with a DRI Application for Development Approval (ADA), six copies of the supporting information and six copies of the DRI Application for Development Approval (ADA) must be submitted.

III. Chapter 40E-40 General Surface Water Management Permits

This rule sets forth the requirements for qualification by a project for a General Surface Water Management Permit. The specific detail design criteria set forth in Part B of this manual must still be met but the processing time for the permit will be shorter than under Chapter 40E-4. The rules in this Chapter can not be applied to projects in the lands named in Chapter 40E-41. The following six types of projects/systems may qualify for a General Permit under this rule:

1. All works within the District which serve projects with less than 40 acres total land area, which are located on uplands and within local entities which have adopted subdivision regulations, are permitted by this rule subject to conditions.
2. All works within Dade County which have been approved by the Dade County Department of Environmental Resources Management, are permitted by this rule if they serve projects which have less than 40 acres total land area with a positive storm drainage outfall or if they serve projects which have less than 320 acres total land area and less than 160 acres of impervious area with no positive storm drainage discharge outfall. [See also Chapter 40E-41.]
3. All works within Palm Beach County which serve projects with less than 40 acres total land area and have been approved by Palm Beach County, are permitted by this rule. [See also Chapter 40E-41.]
4. All works within Collier County which serve projects with less than 40 acres total land area and have been approved by Collier County, are permitted by this rule.
5. All works within the District which serve public highway projects constructed or funded by state, federal or local government, are permitted by this rule subject to conditions and exceptions. The exceptions specified in the rule apply to projects which are likely to have an impact on the water resources of the District.
6. An individual phase of a project which is less than 40 acres in size and is in conformance with a Conceptual Approval which has been issued after December 1, 1982.

The Application Form (Form RP-63, Notice of Intent); the name and address of the proposed operation entity; and the paving, grading and drainage plans with supporting calculations and other appropriate documents must be submitted to be permitted under this rule.

**CHAPTER 40E-40
GENERAL SURFACE WATER
MANAGEMENT PERMITS**

40E-40.011	Policy and Purpose
40E-40.021	Definitions
40E-40.031	Implementation
40E-40.042	General Permit for Construction, Alteration or Operation of Surface Water Management Systems
40E-40.112	Notice of Intent
40E-40.141	Request for Additional Information
40E-40.302	Conditions for Issuance of Authorization
40E-40.321	Duration of Permit
40E-40.331	Modification of Permits
40E-40.341	Revocation of Permits
40E-40.351	Transfer of Permits
40E-40.381	Limiting Conditions

40E-40.011 Policy and Purpose

The rules in this chapter grant general permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and consistent with the objectives of the District. The purpose of this chapter is to set forth the requirements for qualifying for a general permit and the conditions under which it may be exercised. Non-exempt surface water management systems not qualifying for a general permit under this chapter are required to obtain individual permits. The District reserves the right to require an individual permit for any surface water management system which does not comply with the provisions of this chapter or which is harmful to the water resources of the District, interferes with the legal rights of others, is inconsistent with the overall objectives of the District, or is otherwise contrary to the public interest.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.103(4),
373.413(1), 373.416, 373.419, 373.429 F.S.
History—New 9-3-81.
Formerly 16K-4.021(1)(d), 16K-4.022(1)(e).

40E-40.021 Definitions.

As used in this chapter:

(1) "Public highway project" means a road and associated facilities located within a right of way dedicated to the public for highway purposes, which are constructed, altered, operated, maintained or funded by the United States, the State of Florida, a county, or municipality.

(2) "Total land area" means land holdings under common ownership which are contiguous or served by common surface water management facilities.

(3) "Surface water management permit", "letter of conceptual approval", "construction permit", "operation permit", "surface water management system" and "surface waters of the state" shall mean the same as defined in rule 40E-4.021. Specific Authority 373.044, 373.113 F.S. Law Implemented 373.103(1), 373.413, 373.416, 373.419, 403.031(3) F.S. History—New 9-3-81, Amended 12-1-82.

40E-40.031 Implementation.

(1) This rule specifies the effective dates for the general surface water management permits granted in this chapter.

(2) If the surface water management system meets the conditions of subsections 40E-40.302(1) through (6), the effective date is July 15, 1981.

(3) If the surface water management system meets the conditions of subsection 40E-40.302(7), the effective date is December 1, 1982.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.103(1), 373.416,
373.419 F.S.
History—New 9-3-81, Amended 12-1-82.

**40E-40.042 General Permit for
Construction, Alteration or Operation of
Surface Water Management Systems.**

(1) All persons constructing, altering, operating or maintaining surface water management systems who are not exempt under rule 40E-4.051 and who meet the conditions specified in rule 40E-40.302; are authorized to construct, alter, operate or maintain the surface water management system subject to the requirements of this chapter.

(2) All persons, constructing, altering, operating or maintaining surface

water management systems which are discrete and independent phases of a project which has received conceptual approval, and which meet the criteria of the conceptual approval and otherwise satisfy the requirements of rule 40E-40.302, are authorized to construct, alter, operate or maintain the surface water management system subject to the requirements of the conceptual approval and this chapter.

(3) No construction, alteration, operation or maintenance shall be commenced until the permittee receives a written authorization to proceed from the District.

(4) The District shall issue the authorization to proceed within 60 days from the receipt of a complete Notice of Intent and all requested additional information.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 120.60(2), 373.103(4), 373.416, 373.419 F.S.

History—New 9-3-81, Amended 12-1-82.
Formerly 16K-4.021(1), 16K-4.022(1)

40E-40.112 Notice of Intent.

At least 60 days prior to the commencement of any construction or alteration of a surface water management system authorized in rule 40E-40.042, the permittee shall file with the District, a written Notice of Intent to Construct Works Pursuant to General Permit. The notice shall include the following information:

(1) the permittee's name and address;

(2) a description of the proposed project, including:

(a) location,
(b) total acreage,
(c) number of dwelling units or square feet of commercial area,

(d) evidence from local government verifying zoning compatibility, and

(e) proposed minimum road and floor elevations.

(3) a description of the surface water management system to be constructed or altered including:

(a) acreage of impervious cover, and
(b) acreage of water management

area;

(4) a statement of facts which show why the proposed surface water management system qualifies for a general permit;

(5) a statement that all necessary Federal, State, local and special district criteria have been met and that the project is acceptable to the elected officials of the pertinent local jurisdiction as being in the public interest with respect to environmental and economic impacts;

(6) the date on which construction or alteration is expected to commence;

(7) a copy of the paving, grading and drainage plans,

(8) the name and address of the proposed operational entity, and;

(9) such other information as is reasonably necessary for the staff to determine that the surface water management system meets the conditions of this chapter including any information required in rule 40E-4.101.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.103(1), 373.416, 373.419 F.S.

History—New 9-3-81, Amended 12-1-82.
Formerly 16K-4.021(1)(c), 16K-4.022(1)(d)

40E-40.141 Request for Additional Information.

(1) If the information provided in the Notice of Intent required by rule 40E-40.112 is not sufficient to determine whether the construction, alteration, operation or maintenance of the surface water management system qualifies for a general permit under rule 40E-40.302, or meets the conditions in rule 40E-40.381, the District may request the permittee to submit additional information, including any information required in rule 40E-4.101.

(2) If additional information is required it shall be requested within 30 days of receipt of the Notice of Intent.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 120.60(2), 373.416, 373.419 F.S.

History—New 9-3-81.

40E-40.302 Conditions for Issuance of Authorization.

In order to qualify for a general

permit under this chapter, the permittee must give reasonable assurances that the surface water management system meets all conditions of subsection (1) and all thresholds and conditions of at least one other subsection.

(1) General Conditions.

(a) The surface water management system design plans must be signed and sealed by a Florida registered Professional Engineer, if required by chapter 471, Florida Statutes.

(b) The surface water management system must meet the criteria specified in rule 40E-4.301 and applicable local requirements.

(c) The project must not be located in natural water bodies, viable wetlands habitat surface waters of the state or a Florida Outstanding Water as listed in rule 17-3.041.

(d) The project must not be located in an area governed by chapter 40E-41.

(e) The permittee must have obtained a right of way occupancy permit from the District if the project proposes to connect with, place structures in or across or otherwise make use of works of the District.

(2) Thresholds and Additional Conditions Within Dade County.

(a) The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.

(b) The project and surface water management system must have been approved by the Dade County Department of Environmental Resources Management or its successor agency subsequent to October 2, 1977.

(3) Thresholds and Additional Conditions Within Palm Beach County.

(a) The project must have less than 40 acres total land area.

(b) The project and surface water management system must have been approved by Palm Beach County subsequent to October 2, 1977.

(4) Thresholds and Additional Conditions Within Collier County.

(a) The project must have less than

40 acres total land area.

(b) The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.

(5) Thresholds and Additional Conditions Within the Remainder of the District.

(a) The project must have less than 40 acres total land area.

(b) The project and surface water management system must have been approved by the appropriate unit of local government subsequent to the effective date of this rule.

(6) Additional Conditions for Surface Water Management Systems Associated with Public Highway Projects.

(a) The public highway project must be located within a right of way dedicated to the public for highway purposes.

(b) The public highway project must not:

1. Drain lands outside the jurisdiction of the constructing or funding public body;

2. Lower or have the potential for lowering the dry season groundwater table outside the project's design drainage area; and

3. Interfere with natural drainage patterns or flows.

(7) Additional Conditions for Phase Construction under Conceptual Approvals.

1. The project phase must comply with the requirements of the conceptual approval.

2. The project phase must meet the conditions of subsection (1) and any other of subsections (2) through (6).

3. The Conceptual Approval must have been issued subsequent to December 1, 1982.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.416, 373.419 F.S.
History—New 9-3-81, Amended 12-1-82.
Formerly 16K-4.021(1)(a),(2), 16K-4.022(1)(a),(b)

40E-40.321 Duration of Permit.

Unless revoked or otherwise modified, the duration of a general permit authorized in rule 40E-40.042 is:

(1) 3 years, for a construction

permit unless the construction of the permitted project discharge structure or equivalent has been completed. If the permitted discharge structure or equivalent has been completed, then the construction permit is valid for the duration of the project construction.

(2) perpetual, for an operation permit issued under chapter 373, Florida Statutes.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.416, 373.419(2) F.S.
History—New 9-3-81, Amended 12-1-82.

40E-40.331 Modification of Permits.

A request for modification of a general surface water management permit, shall be made in accordance with this rule, unless otherwise revoked, suspended or expired. Requests to modify construction or operation permits shall be made:

(1) in accordance with rules 40E-40.042, 40.112, and 40.302; or

(2) by letter providing the requested modification does not exceed the conditions of subsection 40E-4.331(2)(b).

Specific Authority 373.044, 373.113, F.S.
Law Implemented 373.413, 373.416(1), F.S.
History—New 12-1-82.

40E-40.341 Revocation of Permits.

Violations of this chapter may result in the revocation or suspension of the authorization in whole or part in accordance with the provisions of section 373.429, and chapter 120, Florida Statutes, and rules 40E-1.609, and 40E-4.341.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 120.60(6), 373.429 F.S.
History—New 9-3-81, Amended 12-1-82.
Formerly 16K-4.021(1)(e), 16K-4.022(1)(f) F.S.

40E-40.351 Transfer of Permits.

Transfer of permits shall be made in accordance with rule 40E-4.351.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416(2), F.S.
History—New 12-1-82.

40E-40.381 Limiting Conditions.

The general permits authorized in this chapter shall be subject to the following limiting conditions:

(1) The limiting conditions of rule 40E-4.381 shall apply.

(2) The general permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.117, 373.416, 373.419, F.S.

History—New 9-3-81.

Formerly 16K-4.021(1)(b), 16K-4.022(1)(c).

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
P.O. BOX "V"
WEST PALM BEACH, FL. 33402

*****NOTICE OF INTENT TO CONSTRUCT WORKS PURSUANT TO GENERAL PERMIT*****
(CHAPTER 40E-40, FLORIDA ADMINISTRATIVE CODE)

OWNER'S NAME: _____

MAILING ADDRESS: _____

(CITY) (STATE) (ZIP) (PHONE)

DESCRIPTION OF THE PROPOSED PROJECT:

LOCATION: SEC(S) _____ TWP(S) _____ RGE(S) _____

TOTAL ACREAGE: _____ ACRES

NUMBER OF DWELLING UNITS OR SQUARE FEET OF COMMERCIAL AREA: _____

EVIDENCE VERIFYING ZONING COMPATIBILITY: (ATTACH DOCUMENT)

PROPOSED MINIMUM ROAD ELEVATION _____ NGVD

PROPOSED MINIMUM FLOOR ELEVATION: _____ NGVD

BRIEF DESCRIPTION OF THE WORKS TO BE CONSTRUCTED OR ALTERED: _____

ACREAGE OF IMPERVIOUS COVER: _____ ACRES

ACREAGE OF WATER MANAGEMENT AREA: _____ ACRES

INCLUDE PAVING, GRADING & DRAINAGE PLANS, CALCULATIONS, AND, IF
USING AN EXFILTRATION SYSTEM, PERCOLATION TESTS.

BRIEF STATEMENT OF FACTS WHICH SHOW WHY THE PROPOSED WORKS QUALIFY FOR A
GENERAL PERMIT: _____

(ADD EXTRA SHEET IF NECESSARY)

DATE CONSTRUCTION OR ALTERATION IS EXPECTED TO COMMENCE: _____

I HEREBY CERTIFY THAT ALL NECESSARY FEDERAL, STATE,
LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS, HAVE BEEN RECEIVED.

OWNER'S SIGNATURE: _____

(IF NOT THE OWNER, CERTIFY BELOW)

I HEREBY CERTIFY THAT I AM AN AUTHORIZED AGENT OF THE OWNER

SIGNATURE: _____ TITLE: _____

DATE: _____

IV. Chapter 40E-41

A. Part I of the Rule: Western C-9 Basin

1. Justification

The Western Canal 9 Basin has in the past been subject to periods of extensive flooding during moderate storm events and to severe overdrainage during dry seasons. The area has not been heavily developed to date, but development pressure is increasing and it is likely that any new development will create flooding problems in the eastern basin, as well as aggravate the overdrainage and flooding already existent in the western basin.

In addition to the criteria for surface water management systems already in effect throughout the District, additional restrictions are necessary in the Western Canal 9 Basin because of the unique water management regime in that area as described above. This part of the rule will preserve the existing flood protection in the eastern Canal 9 Basin, prevent overdrainage of the Western Basin, while giving a degree of flood protection to the western developments.

2. Specifics

- a. The District's General Permit Rule 40E-40.042 is not applicable in the Western Canal 9 Basin.
- b. This part of the rule establishes for design purposes the 10-year, 25-year and 100-year flood frequency elevations as 6.5 feet, 6.8 feet, and 7.3 feet mean sea level, respectively, in the basin.
- c. For diked and pumped systems, the allowable discharge is limited by this part of the rule to three-fourths of an inch per twenty-four hours and no pumping is permitted when Canal 9 stages exceed elevation 6.8 feet mean sea level.
- d. All direct connections to Canal 9 must be installed at a discharge elevation no lower than six inches below average existing ground for the project. However, discharge facilities designed to lower the groundwater table temporarily below these elevations immediately prior to the arrival of a major storm event are allowed by this rule.
- e. This rule restricts the volume encroached by development between average existing ground surface and elevation 7.0 feet mean sea level to 2.0 feet times the total area of the property. The rule restricts diked areas such that the area diked must be less than this encroached volume

divided by the difference between average existing ground elevation within the dike and elevation 5.75 feet mean sea level.

B. Part II of the Rule: Kissimmee River Basin

1. Justification

It is anticipated that restoration of the Kissimmee River will be undertaken soon. Therefore, it is necessary to establish rules for projects within the basin which will yield designs similar to those which would have been permitted had the Kissimmee River Canal (C-38) not been constructed. Although there are already criteria for surface water management systems in effect throughout the District, there are enough significant different hydrologic and technical circumstances about the Kissimmee River Basin area to justify setting the specific standards in this separate rule part.

2. Specifics

- a. The District's General Permit Rule 40E-40.042 is not applicable in the Kissimmee River Basin.
- b. Applications for projects which have any part in the floodplain shall include a report on the status of the project as a development of regional impact. The acceptable form of the report shall be either a final approved development order, or a binding letter, issued by the Department of Community Affairs.
- c. Allowable discharge shall be based upon the peak post-development discharge rate not exceeding the pre-development rate during a 10-year 3-day design storm.
- d. No net encroachment into the floodplain will be permitted.
- e. Projects within the St. Johns River Water Management District which require a permit from this district to drain into the Kissimmee River Basin shall meet the criteria established in this rule.
- f. Except for approved connections to the Kissimmee River, district works or lands may not be used as part of an applicant's project.
- g. No use of district works or lands which might interfere with the Kissimmee River restoration will be permitted.
- h. Any drainage connection to the Kissimmee River must be part of a permitted surface water management system.

C. Part III of the Rule: C-51 Basin

1. Justification

The C-51 Basin experiences more frequent flooding for longer durations than other areas in the District which discharge into the Central and Southern Florida Flood Control Project. This rule is intended to implement the District policy that it would be contrary to public health, safety and welfare to allow development to occur which decreases flood protection for the Basin, thereby aggravating a known flood hazard or condition.

The rule establishes a regulatory framework to govern projects and systems in the C-51 Basin that directly or indirectly discharge into the C-51 Canal or significantly affect the C-51 Basin. It specifies criteria with which all development in the C-51 Basin must comply to preserve or ensure minimum water quality and flood protection. The rule addresses future development only and is not intended to alleviate existing flooding problems.

2. Specifics

- a. The District's General Permit Rule 40E-40.042 is not applicable in the C-51 Basin.
- b. The Basin has been divided into two parts: the Western C-51 Basin and the Eastern C-51 Basin.
- c. Any project in the C-51 Basin which would normally be covered by a District Exemption will be reviewed by District staff using the normal criteria for an exemption.
- d. Any project in the C-51 Basin which involves works of the District (District Right-of-Way) must comply with the criteria established in this rule.
- e. Allowable discharge shall be based upon the peak post-development discharge rate not exceeding the peak pre-development rate during a 10-year 3-day design storm. Pre-development discharges must be determined using the equation and coefficients established in this rule.
- f. Finished building floor elevations must be at least as high as the elevations established in this rule.
- g. No net encroachment of floodplain storage is allowed. Floodplain storage for a site is established to be the volume of water stored on the site between the elevation established in this rule for the minimum finished building floor elevation, and the existing site grading. Accommodation must occur on site.

- h. Any reduction in pre-development soil storage must be accommodated on the project site.
- i. Projects in the Western C-51 Basin shall provide one-half inch of dry retention/detention as part of the required retention/detention.

**CHAPTER 40E-41
SURFACE WATER MANAGEMENT BASIN
& RELATED CRITERIA**

40E-41.011 Policy and Purpose

PART I - WESTERN C-9 BASIN

- 40E-41.020 Scope of Part I
- 40E-41.023 Western Canal 9 Basin Boundary
- 40E-41.033 Implementation
- 40E-41.043 Application of Part
- 40E-41.053 Exemptions
- 40E-41.063 Conditions for Issuance of Permits in the Western Canal 9 Basin

PART II - KISSIMMEE RIVER BASIN

- 40E-41.120 Scope of Part II
- 40E-41.121 Definitions
- 40E-41.123 Kissimmee River Basin Boundary
- 40E-41.133 Implementation
- 40E-41.143 Application of Part
- 40E-41.160 Content of Application
- 40E-41.163 Conditions for Issuance of Surface Water Management Permits in the Kissimmee River Basin
- 40E-41.165 Conditions for Issuance of Right of Way Permits in the Kissimmee River Basin

PART III - C-51 BASIN

- 40E-41.220 Scope of Part III
- 40E-41.221 Definitions
- 40E-41.223 (a) Western C-51 Basin Boundary
- (b) Eastern C-51 Basin Boundary
- 40E-41.233 Implementation
- 40E-41.243 Application of Part
- 40E-41.260 Content of Application
- 40E-41.263 Conditions for Issuance of Surface Water Management Permits in the C-51 Basin
- 40E-41.265 Conditions for Issuance of Right of Way Permits in the C-51 Basin

40E-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management criteria for specified basins which insure that development within named basins incorporate the appropriate water quantity and water quality control measures necessary to protect the integrity of the public investments in the basin and which minimizes adverse impacts to the water resources of the District. Criteria delineated in this chapter are in addition to criteria specified in chapter 40E-4. The criteria, exemptions and additional requirements specified in this part are not intended to supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this part. In addition, the rules establish additional criteria for the named basin which insure that the use of the District's works or land is consistent with the policies of the District. Chapter 40E-40 shall not be effective within the named basins.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416 F.S.
History--New 9-3-81, Amended 4-11-85.
Formerly 16K-34.01

PART I - WESTERN C-9 BASIN

40E-41.020 Scope of Part I

The rules in this part shall apply to projects within the Western C-9 Basin.
Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416 F.S.
History--New 4-11-85.

40E-41.023 Western Canal 9 Basin Boundary.

The Western Canal 9 Basin is generally depicted in Figure 41-1, and specifically shall include the area within the following boundaries: In Dade and Broward Counties, Florida, as follows:

BEGINNING at the Southeast corner of Section 12, Township 52 South, Range 40 East; Thence, bear Westerly along the Section Lines to the intersection thereof with State Road No. 25; Thence, Northwesterly and Northerly along State Road No. 25 to the intersection thereof with State Road No. 820; Thence, Easterly along

State Road No. 820 to the intersection thereof with the East line of Section 14, Township 51 South, Range 40 East; Thence, Southerly along the Section Lines to the Northwest corner of Section 1, Township 52 South, Range 40 East; Thence, Easterly along the Section Line to the Northeast corner of said Section 1; Thence, Southerly along the Section Lines to the Southeast corner of said Section 12 to the POINT OF BEGINNING.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416 F.S.
History--New 9-3-81.
Formerly 16K-34.02

40E-41.033 Implementation.

The effective date this part is October 2, 1977.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416 F.S.
History--New 9-3-81.
Formerly 16K-34.03

40E-41.043 Application of Part.

All projects located within the Western Canal 9 Basin requiring permits pursuant to rule 40E-4.041 shall be constructed, altered, operated maintained and abandoned in accordance with the criteria specified in rules 40E-4.301 and 40E-41.063 unless specifically exempted in rules 40E-4.051 or 40E-41.053. The most restrictive criteria will be applicable unless the applicant can demonstrate to the District's satisfaction through accepted methodology that the purpose and intent of this part will be fulfilled using alternate criteria.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416, 373.426 F.S.
History--New 9-3-81.
Formerly 16K-34.04

40E-41.053 Exemptions.

Projects which have received final approval of construction plans, or equivalent approval, from local government prior to the effective date of this part are hereby exempt from the fill encroachment criteria specified in subsection 40E-41.063(4). All other criteria specified in rules 40E-4.301 and 40E-41.063 must be strictly met.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 373.413, 373.416 F.S.
History--New 9-3-81.
Formerly 16K-34.05

40E-41.063 Conditions for Issuance of Permits in the Western Canal 9 Basin.

(1) For design purposes the 100-year, 25-year and 10-year flood frequency elevations are established as 7.3 feet, 6.8 feet and 6.5 feet mean sea level, respectively.

(2) For systems designed to be pumped from fully diked areas, discharge shall be limited to three-fourths of an inch per twenty-four hours, or the criteria in rule 40E-4.301 whichever is more restrictive. In addition, no pumping shall be permitted when Canal 9 stages at pump tailwater exceed the 25-year peak elevation of 6.8 feet mean sea level.

(3) All direct connections to Canal 9 shall be designed to prevent lowering of the groundwater table below elevation 2.5 feet mean sea level. All indirect connections to Canal 9 shall be designed to prevent lowering of the groundwater table by installing the discharge facilities at a discharge elevation no lower than six inches below average existing ground elevation for the project. Nothing in this subsection shall be construed to preclude the construction and operation of discharge facilities designed to temporarily lower the groundwater table below these elevations immediately prior to the arrival of a major storm event.

(4) Fill encroachment criteria

(a) The volume encroached by development between average existing ground surface and elevation 7.0 feet mean sea level shall not exceed 2.0 feet times the total area of the property.

(b) For diked areas with on-site retention of runoff, the area diked shall not exceed the encroachment volume specified in paragraph (a) divided by the difference between average existing ground elevation within the dike and elevation 5.75 feet mean sea level. This will require all such projects on land of average elevation less than 3.75 feet mean sea level to preserve some area outside of the dikes with no fill. The preserved area shall be located so as to preserve natural basin flow patterns for lands outside the dikes.

(c) Typical development schemes using these criteria are depicted in Figure 41-2.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 373.413, 373.416 F.S.
History--New 9-3-81.
Formerly 16K-34.06

PART II - KISSIMMEE RIVER BASIN

40E-41.120 Scope of Part II.

The rules in this part shall apply to projects within the Kissimmee River Basin.

Specific Authority 373.044, 373.113, F.S.
Law Implemented 373.413, 373.416, F.S.
History--New 5-1-85.

40E-41.121 Definitions.

When used in this Part:

(1) "Pre-project" means the hydrologic conditions which existed prior to the construction of the canal known as C-38.

(2) "Floodplain" means that area depicted on Figure 41-3, Plates 1 through 5. The large scale originals of these plates are located at the main office of the District.

Specific Authority 373.044, 373.113, F.S.
Law Implemented 373.413, 373.416, F.S.
History--New 5-1-85.

40E-41.123 Kissimmee River Basin Boundary.

The Kissimmee River Basin boundary is generally described in Figure 41-4 and shall specifically include the area within the following boundaries:

Begin at the intersection of the Southerly right of way line of U. S. 98 (S. R. 700) and the West line of Section 16, Township 35 South, Range 31 East; Thence, Northerly along said West line of Section 16 and Section 9, Township 35 South, Range 31 East, to the Southwest corner of Section 4, Township 35 South, Range 31 East; Thence, Easterly along the South line of said Section 4 to the Southeast corner of said Section 4; Thence, Northerly along the East line of said Section 4 to the Southeast corner of Section 33, Township 34 South, Range 31

East; Thence, Westerly along the South line of said Section 33 to the Southwest corner of said Section 33; Thence, Northerly along the section lines to the Southeast corner of Section 20, Township 34 South, Range 31 East; Thence, Westerly along the section lines to the Southwest corner of Section 19, Township 34 South, Range 31 East and the range line between Ranges 30 and 31 East; Thence, Northerly along said range line to the Southeast corner of Section 36, Township 32 South, Range 30 East on the Polk- Highlands County line; Thence, Westerly along said Polk-Highlands County line, also being the section line to the Southwest corner of said Section 36; Thence, Northerly along the section lines to the Southeast corner of Section 11, Township 32 South, Range 30 East; Thence, Westerly along the South line of said Section 11 to the Southwest corner of said Section 11; Thence, Northerly along the section lines to the Southeast corner of Section 34, Township 31 South, Range 30 East; Thence, Westerly along the South line of said Section 34 to the Southwest corner of said Section 34; Thence, Northerly along the section lines to the Southeast corner of Section 16, Township 31 South, Range 30 East; Thence, Westerly along the South line of said Section 16 to the Southwest corner of the East one-half (E $\frac{1}{2}$) of said Section 16; Thence, Northerly along the one-half section lines to the Northwest corner of the West one-half (W $\frac{1}{2}$) of Section 4, Township 31 South, Range 30 East, on the township line between Townships 30 and 31 South; Thence, Easterly along said township line to the Northeast corner of the West one-half (W $\frac{1}{2}$) of Section 5, Township 31 South, Range 31 East; Thence, Southerly along the one-half section line of said Section 5 to the Southeast corner of said West one-half (W $\frac{1}{2}$) of Section 5; Thence, Easterly along the section lines to the Southwest corner of Section 4, Township 31 South, Range 32 East; Thence, Northerly along the West line of said Section 4 to the Northwest corner of said Section 4 and the township line between Townships 30 and 31 South; Thence, Easterly along said township line to the Northeast corner of Section 6, Township 31 South, Range 33 East; Thence, Southerly along the East line of said Section 6 to the Northwest corner of Section 8, Township 31 South,

Range 33 East; Thence, Easterly along the North line of said Section 8, to the Northeast corner of said Section 8; Thence, Southerly along the section lines to the Northwest corner of Section 28, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 28 to the Northeast corner of the West one-half ($W\frac{1}{2}$) of said Section 28; Thence, Southerly along the one-half section line to the Northwest corner of the East one-half ($E\frac{1}{2}$) of Section 33, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 33 to the Northeast corner of said Section 33 and the Easterly boundary line of the South Florida Water Management District; Thence, Southerly along the section lines and the said Easterly boundary line of the South Florida Water Management District to the Osceola-Okeechobee County Line and the Southeast corner of Section 33, Township 32 South, Range 33 East; Thence, Easterly continuing along said Easterly boundary line and said County Line to the Northwest corner of Section 3, Township 33 South, Range 34 East; Thence, Southerly along the West line of said Section 3, to the Southwest corner of said Section 3; Thence, Easterly along the South line of said Section 3 to the Southeast corner of said Section 3 and the East boundary of the South Florida Water Management District; Thence, Southerly, continuing along said Easterly boundary line and along the section lines to the Southeast corner of Section 34, Township 34 South, Range 34 East; Thence, Easterly, continuing along said Easterly boundary line and the township line between Townships 34 and 35 South, to the Northeast corner of Section 1, Township 34 South, Range 34 East; Thence, Southerly along the East line of said Section 1 to the Southeast corner of the North one-half ($N\frac{1}{2}$) of said Section 1; Thence, Westerly along the one-half section line to the Southwest corner of the North one-half ($N\frac{1}{2}$) of said Section 1; Thence, Southerly along the West line of said Section 1 to the Northeast corner of Section 11, Township 35 South, Range 34 East; Thence, Westerly along the North line of said Section 11, to the Northeast corner of Section 10, Township 35 South, Range 34 East; Thence, Southerly along the East line of said Section 10 to the Southeast corner of the North one-half ($N\frac{1}{2}$)

of said Section 10; Thence, Westerly along the one-half section line to the Southwest corner of said North one-half ($N\frac{1}{2}$) of Section 10; Thence, Southerly along the West line of said Section 10 to the Northeast corner of Section 16, Township 35 South, Range 33 East; Thence, Westerly along the North line of said Section 16 to the Northwest corner of the East one-half ($E\frac{1}{2}$) of said Section 16; Thence, Southerly along the one-half section lines to the Southwest corner of the East one-half ($E\frac{1}{2}$) of Section 28, Township 35 South, Range 34 East; Thence, Easterly along the section lines to the Northeast corner of the West one-half ($W\frac{1}{2}$) of Section 34, Township 35 South, Range 34 East; Thence, Southerly along the one-half section lines to the Southeast corner of the West one-half ($W\frac{1}{2}$) of Section 3, Township 36 South, Range 34 East; Thence, Westerly along the section lines to the Northeast corner of the West one-half ($W\frac{1}{2}$) of Section 9, Township 36 South, Range 34 East; Thence, Southerly along the one-half section lines to the Southwest corner of the East one-half ($E\frac{1}{2}$) of Section 16, Township 36 South, Range 34 East; Thence, Easterly along the section line to the Northeast corner of Section 21, Township 36 South, Range 34 East; Thence, Southerly along the section lines to the Northwest corner of Section 34, Township 36 South, Range 34 East; Thence, Easterly along the North line of said Section 34, to the Northeast corner of said Section 34; Thence, Southerly along the East line of said Section 34 to the Northeast corner of Section 3, Township 37 South, Range 34 East; Thence, Westerly to the Northwest corner of the East one-half ($E\frac{1}{2}$) of said Section 3; Thence, Southerly along the one-half section line to the intersection thereof with the Southerly right of way line of the Seaboard Coast Line Rail Road (The Family Line); Thence, Northwesterly along said Southerly right of way line to the intersection thereof with the West line of Section 33, Township 36 South, Range 34 East; Thence, Southerly along the section lines to the Northeast corner of Section 20, Township 37 South, Range 34 East; Thence, Westerly along the North line of said Section 20 to the Northwest corner of said Section 20; Thence, Southerly along the section lines to the intersection thereof

with the Southerly right of way line of South Florida Water Management District's Levee 48 Tieback; Thence, Westerly along said Southerly right of way line and the Southerly right of way line of South Florida Water Management District's Canal 41A to the intersection thereof with the West line of Section 35, Township 37 South, Range 33 East; Thence, Northerly along the section lines to the intersection thereof with the Southerly right of way line of State Road 70; Thence, Westerly along said Southerly right of way line of State Road 70 to the intersection thereof with the West line of Section 29, Township 37 South, Range 33 East; Thence, Northerly along the section lines to the Southeast corner of Section 7, Township 37 South, Range 33 East; Thence, Westerly along the South line of said Section 7 to the Southwest corner of the East one-half (E½) of said Section 7; Thence, Northerly along the one-half section line of said Section 7 to the Northwest corner of said East one-half (E½) of Section 7; Thence, Westerly along the section lines to the Southwest corner of the East one-half (E½) of Section 1, Township 37 South, Range 32 East; Thence, Northerly along the one-half section line of said Section 1 to the Northwest corner of the East one-half (E½) of said Section 1; Thence, Westerly along the North line of said Section 1 to the Northwest corner of said Section 1; Thence, Northerly along the section lines to the Southeast corner of Section 14, Township 36 South, Range 32 East; Thence, Westerly along the section lines to the Southwest corner of the East one-half (E½) of Section 17, Township 36 South, Range 32 East; Thence, Northerly along the one-half section lines to the Southeast corner of the Northwest one-quarter (NW¼) of Section 8, Township 36 South, Range 32 East; Thence, Westerly along the South line of said Northwest one-quarter (NW¼) of Section 8 and the South line of the North one-half (N½) of Section 7, Township 36 South, Range 32 East to the Southwest corner of said North one-half (N½) of Section 7 and the range line between Ranges 31 and 32 East; Thence, Northerly along said range line to the Northeast corner of Section 1, Township 36 South, Range 31 East and the Township line between Townships 35 and 36 South; Thence, Westerly along said township line to

the Southwest corner of Section 36, Township 35 South, Range 31 East; Thence, Northerly along the West line of said Section 36 to the Southeast corner of Section 26, Township 35 South, Range 31 East; Thence, Westerly to the Southwest corner of said Section 26; Thence, Northerly along the section lines to the intersection thereof with the Southerly right of way line of U.S. 98 (S.R. 700); Thence, Westerly along said Southerly right of way line to the West line of Section 16, Township 35 South, Range 31 East and the POINT OF BEGINNING.

Specific Authority 373.044, 373.113,
F.S.

Law Implemented 373.413, 373.416,
F.S.

History--New 5-1-85.

40E-41.133 Implementation.

The effective date of this part is May 1, 1985.

Specific Authority 373.044, 373.113,
F.S.

Law Implemented 373.413, 373.416,
F.S.

History--New 5-1-85.

40E-41.143 Application of Part II.

(1) All projects located within the Kissimmee River Basin requiring permits pursuant to rule 40E-4.041 shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in rules 40E-4.301 and 40E-41.163 unless specifically exempted by section 373.406, Florida Statutes. The exemptions set forth in rules 40E-4.051(2), 40E-4.052, 40E-4.053, and 40E-4.054 shall not apply to this part.

(2) The criteria set forth in rule 40E-41.163 shall be considered more restrictive than that set forth in rule 40E-4.301. The most restrictive criteria will be applicable unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this part will be fulfilled by the use of alternate criteria.

(3) All projects located within the Kissimmee River Basin requiring permits pursuant to rules 40E-6.041 and 40E-6.331 shall comply with the criteria set forth in rules 40E-6.301 and 40E-41.165.

(4) The criteria set forth in rule 40E-41.165 shall be considered more restrictive than that set forth in rule 40E-6.301. The most restrictive criteria will be applicable.

Specific Authority	373.044,	373.113,
F.S.		
Law Implemented	373.085,	373.086,
	373.413, 373.416,	F.S.

History--New 5-1-85.

40E-41.160 Content of Application.

All projects located within the Kissimmee River Basin requiring permits pursuant to rule 40E-4.041 shall submit the information specified by rule 40E-4.101 and the following information:

(1) For projects wholly or partially within the floodplain the status of the project as a development of regional impact must be indicated by a final approved development order, or a binding letter issued by the Department of Community Affairs.

(2) For projects requiring a permit under Chapter 40E-6, the applicant shall submit all information required under rule 40E-6.101

Specific Authority	373.044,	373.113,
F.S.		
Law Implemented	373.413,	373.416,
F.S.		

History--New 5-1-85.

40E-41.163 Conditions for Issuance of Surface Water Management Permits in the Kissimmee River Basin.

(1) Allowable discharge for projects within the Kissimmee River Basin shall be based upon the post-development discharge rate not exceeding the pre-project development discharge rate during a design storm of a 10 year, 3 day duration.

(2) No net encroachment into the floodplain will be allowed. Any water storage volume removed from the floodplain must be accommodated by an equal volume of open storage compensation.

(3) Projects within the St. Johns River Water Management District which require a permit from the South Florida Water Management District to drain into the Kissimmee River Basin shall comply with the criteria set forth in this part.

(4) Other than an approved drainage connection to the Kissimmee River, the district works or land may not be utilized as part of the applicant's project.

Specific Authority	373.044,	373.113,
F.S.		
Law Implemented	373.085,	373.413,
	373.416 F.S.	

History--New 5-1-85.

40E-41.165 Conditions for Issuance of Right of Way Permits in the Kissimmee River Basin.

(1) Use of the district's works or lands which may interfere with the proposed Kissimmee River restoration shall not be allowed.

(2) Any drainage connection to the Kissimmee River must be part of a surface water management system approved under rule 40E-41.163.

Specific Authority	373.044,	373.113,
F.S.		
Law Implemented	373.085,	373.086,
	373.413, F.S.	

History--New 5-1-85.

PART III - C-51 BASIN

40E-41.220 Scope and Policy of Part III.

The rules in this part shall apply to new construction in the C-51 Basin.

Specific Authority:	373.044,	373.113,
F.S.		
Law Implemented:	373.085,	373.413,
	373.416, F.S.	

History--New 5-15-87.

40E-41.221 Definitions.

When used in this Part:

(1) "Basin" means the C-51 Basin as legally described in Florida Administrative Code Rule 40E-41.223, (Basin Boundary) and as depicted on Figure 41-5.

(2) "Western C-51 Basin" means that portion of the C-51 Basin west of State Road Seven as depicted on Figure 41-6 and described in Florida Administrative Code Rule 40E-41.223(1), (Western Basin Boundary).

(3) "Eastern C-51 Basin" means that portion of the C-51 Basin east and west of State Road Seven as depicted on Figure 41-7 and described in Florida Administrative Code Rule 40E-41.223(2), (Eastern Basin Boundary).

Specific Authority: 373.044, 373.113,
F.S.
Law Implemented: 373.085, 373.413,
373.416, F.S.
History--New 5-15-87.

40E-41.223 C-51 Basin Boundary.

The C-51 Basin is generally depicted in Figures 41-5, 41-6 and 41-7 and specifically includes land described below.

(1) Western C-51 Basin Boundary

Begin at the intersection of S.R. 80 (Southern Blvd.) and S.R. 7 (U.S. Highway No. 441) in Section 36, Township 43 South, Range 41 East; thence, westerly along S.R. 80 1000 feet; thence, southerly along a line 1000 feet west of and parallel with S.R. 7 to the north line of Section 1, Township 44 South, Range 41 East; thence, westerly along the north line of Section 1, Township 44 South, Range 41 East to the east line of Section 2, Township 44 South, Range 41 East; thence, southerly along the east line of Sections 2, 11 and 14, Township 44 South, Range 41 East to the southeast (SE) corner of said Section 14; thence, westerly along the south line of Sections 14, 15, 16, 17 and 18, Township 44 South, Range 41 East to the range line between Ranges 40 and 41 East; thence, southerly along said range line to the intersection thereof with South Florida Water Management District's Levee 40; thence, northwesterly and northerly along said Levee 40 and along Levee 8 to the south line of Section 21, Township 43 South, Range 40 East; thence, easterly along the south line of Sections 21 and 22, Township 43 South, Range 40 East to the southeast (SE) corner of said Section 22; thence, northerly along the east line of said Section 22 to the northeast (NE) corner of said Section 22; thence, westerly along the south line of Section 15, Township 43 South, Range 40 East to the southwest (SW) corner of said Section 15; thence, northerly along the west line of Sections 15 and 10, Township 43 South, Range 40 East to the intersection thereof with the "M" Canal of the City of West Palm Beach; thence, northerly, northeasterly and easterly along said "M" Canal to the range line between Ranges 41 and 42 East; thence, southerly along said range line to the southwest (SW) corner of Section 19, Township 43 South,

Range 42 East; thence, southerly along S.R. 7 to the Point of Beginning.

(2) Eastern C-51 Basin Boundary

Begin at the intersection of the Florida East Coast Railway and SR 802 (Lake Worth Road) in Section 21, Township 44 South, Range 43 East; thence, Westerly along SR 802 to SR 7 (U. S. Highway No. 441); thence, North along the East line of Section 25, Township 44 South, Range 41 East to the Northeast (NE) corner of said Section 25; thence, Westerly along the North line of said Section 25 to the Southwest (SW) corner of Section 24, Township 44 South, Range 41 East; thence, North along the west line of Sections 24, 13, 12, and 1, Township 44 South, Range 41 East to the Northwest (NW) corner of said Section 1; thence, Easterly along the North line of said Section 1 to a line that is 1,000 feet west of and parallel with the East line of Section 36, Township 43 South, Range 41 East; thence, North along said line to the intersection thereof with Canal 51; thence, Easterly along Canal 51 to SR 7; thence, North along SR 7 to the Southwest (SW) corner of Section 19, Township 43 South, Range 42 East; thence, North along the West line of said Section 19 to the Northwest (NW) corner of said Section 19; thence, Easterly along the North line of said Section 19 and the North line of Section 20, Township 43 South, Range 42 East to the Southwest (SW) corner of Section 16, Township 43 South, Range 42 East; thence, Northerly along the West line of said Section 16 to the Northwest (NW) corner of said Section 16; thence, Easterly along the North line of said Section 16 to the Southwest (SW) corner of Section 10, Township 43 South, Range 42 East; thence, Northerly along the West line of said Section 10 to the Northwest (NW) corner of said Section 10; thence, Easterly along the North line of said Section 10 to Florida's Turnpike; thence, Southerly along Florida's Turnpike to the North line of Section 23, Township 43 South, Range 42 East; thence, Easterly along the North line of said Section 23 to the Northeast (NE) corner of said Section 23; thence, Southerly along the East line of said Section 23 to SR 704 (Okeechobee Road); thence, Easterly along SR 704 to Palm Beach Lakes Boulevard;

thence, Northeasterly along Palm Beach Lakes Boulevard to Interstate 95; thence, Southeasterly along I-95 to Congress Avenue; thence, Northeasterly along Congress Avenue to the North line of Section 20, Township 43 South, Range 43 East; thence, Easterly along the North line of said Section 20 to the Westerly bank of the canal connecting Clear Lake and Lake Mangonia; thence, Northerly, Easterly, Southerly, and Westerly along the shore of Lake Mangonia to the Easterly bank of said canal to the Northerly shore of Clear Lake; thence, Easterly and Southerly along the shore of Clear Lake to the Westerly extension of First Street; thence, Easterly along said extension and along First Street to the Florida East Coast Railway; thence, Southerly along the Florida East Coast Railway to the Point of Beginning.

And Begin at the Northeast (NE) corner of Section 36, Township 44 South, Range 41 East on SR 7; thence Southerly along SR 7 to the Southeast (SE) corner of Section 24, Township 45 South, Range 41 East; thence, Westerly along the South line of said Section 24, and the east one-half of Section 23, Township 45 South, Range 41 East to the intersection thereof with South Florida Water Management District's Levee 40; thence, Northwesterly along said Levee 40 to the Southwest (SW) corner of Section 33, Township 44 South, Range 41 East; thence, Easterly along the South line of said Section 33 and the South line of Section 34; Township 44 South, Range 41 East to the Southwest (SW) corner of Section 35, Township 44 South, Range 41 East; thence, North along the West line of said Section 35 to the Northwest (NW) corner of said Section 35; thence, Easterly along the North line of said Section 35 and the North line of Section 36, Township 44 South, Range 41 East to the Northeast (NE) corner of said Section 36 and the POINT OF BEGINNING.

Specific Authority: 373.044, 373.113, F.S.

Law Implemented: 373.085, 373.413, 373.416, F.S.

History--New 5-15-87.

40E-41.233 Implementation.

The effective date of this part is May 15, 1987.

Specific Authority: 373.044, 373.113,

F.S.

Law Implemented: 373.085, 373.413, 373.416, F.S.

History--New 5-15-87.

40E-41.243 Application of Part III.

(1) All projects located within the C-51 Basin which propose to discharge directly or indirectly into C-51 Canal or which are connected directly or indirectly in the C-51 Basin and which require permits pursuant to Rule 40E-4.041 or this Part shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Florida Administrative Code Rules 40E-4.301, (Surface Water Management, Conditions for Issuance of a Permit) and 40E-41.263, (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin) unless specifically exempted by Florida Administrative Code Rule 40E-4.051 (Surface Water Management, Exemptions).

(2) The criteria in Florida Administrative Code Rule 40E-41.263, (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin), shall apply unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this rule chapter is fulfilled by the use of alternate criteria.

(3) All projects located within the C-51 Basin requiring permits pursuant to Florida Administrative Code Rules 40E-6.041, (Works of the District, Permits Required), and 40E-6.331, (Works of the District, Modification of Permits), shall comply with the criteria set forth in Florida Administrative Code Rules 40E-6.301, (Works of the District, Conditions for Issuance of a Permit), and 40E-41.265, (Conditions for Issuance of Right-of-Way Permits in the C-51 Basin).

(4) The criteria in Florida Administrative Code Rule 40E-41.265, (Conditions for Issuance of Right-of-Way Permits in the C-51 Basin), shall apply unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this rule chapter is fulfilled by the use of alternate criteria.

Specific Authority: 373.044, 373.113, F.S.

Law Implemented: 373.085, 373.086,
373.413, 373.416, F.S.
History--New 5-15-87.

40E-41.260 Content of Application.

(1) All projects located within the C-51 Basin which require a permit from the District shall submit detailed plans showing the existing topography and proposed finished grading and detailed design calculations which demonstrate the proposed project's effect on net storage from the Basin for events up to and including the 100 year frequency event.

(2) In addition all projects in the C-51 Basin which require permits pursuant to Florida Administrative Code Rule 40E-4.041, (Surface Water Management, Permits Required), shall submit the information specified by Florida Administrative Code Rule 40E-4.101, (Surface Water Management, Content of Application), and all projects located in the C-51 Basin which require a permit pursuant to Florida Administrative Code Rule 40E-6.041 (Works of the District, Permits Required), shall submit the information required under Florida Administrative Code Rule 40E-6.101, (Works of the District, Content of Application).

Specific Authority: 373.044, 373.113,
F.S.

Law Implemented: 373.085, 373.413,
373.416, F.S.

History--New 5-15-87.

40E-41.263 Conditions for Issuance of Surface Water Management Permits in the C-51 Basin.

The following criteria shall apply:

(1) (a) The allowable discharge shall be based upon the post development discharge rate not exceeding the pre-development discharge rate during a design storm of a 10 year 3 day duration as depicted on Figure 41-8.

Pre-development discharge rate shall be calculated by the formula:

$$Q = \frac{C_e \times A}{640}$$

Where Q = allowable flow in cubic feet per second (cfs);

A = Project size in acres;

C_e = discharge coefficient under existing/present conditions

(b) This criteria is not intended to limit inflows to the C-51 canal to the rates specified in subsection (a) above during non-flood conditions. Discharge capacity up to 27 cfs during non-flood conditions shall be considered on a case-by-case basis pursuant to the criteria in Rule 40E-4.091(1)(a), Florida Administrative Code, (Basis of Review) and Rule 40E-4.301, Florida Administrative Code, (Conditions for Issuance).

(2) Finished building floor elevations shall be above the most restrictive of the following:

(a) the 1 in 100 year storm elevations as determined by peak flood stage of the C-51 Basin as depicted on the attached Figure 41-9,

(b) the Federal Flood Insurance Rate Map, or

(c) the on-site stage created by a 100-year 3-day storm event assuming no off-site discharge.

(3) No net encroachment into the floodplain shall be allowed. Any water storage volume removed from the floodplain must be accommodated by an equal volume of open storage compensation. Water storage volume shall be computed by utilizing Figure 41-9. For the purposes of this part, the minimum volume of water which must be accommodated on site shall be that quantity equal to the volume stored below the level shown on Figure 41-9 and above the existing grades. Compensation for any reduction in soil storage also shall be accommodated on site.

(4) All criteria in the Basis of Review which is incorporated and adopted by Florida Administrative Code Rule 40E-4.091, (Surface Water Management, Publications Incorporated by Reference).

(5) Projects located within the Western C-51 Basin described in Florida Administrative Code Rule 40E-41.223, (Western C-51 Basin Boundary), shall provide one half inch of dry retention/detention pretreatment as part of the required retention/detention.

Specific Authority: 373.044, 373.113,
F.S.

Law Implemented: 373.085, 373.413,
373.416, F.S.

History--New 5-15-87.

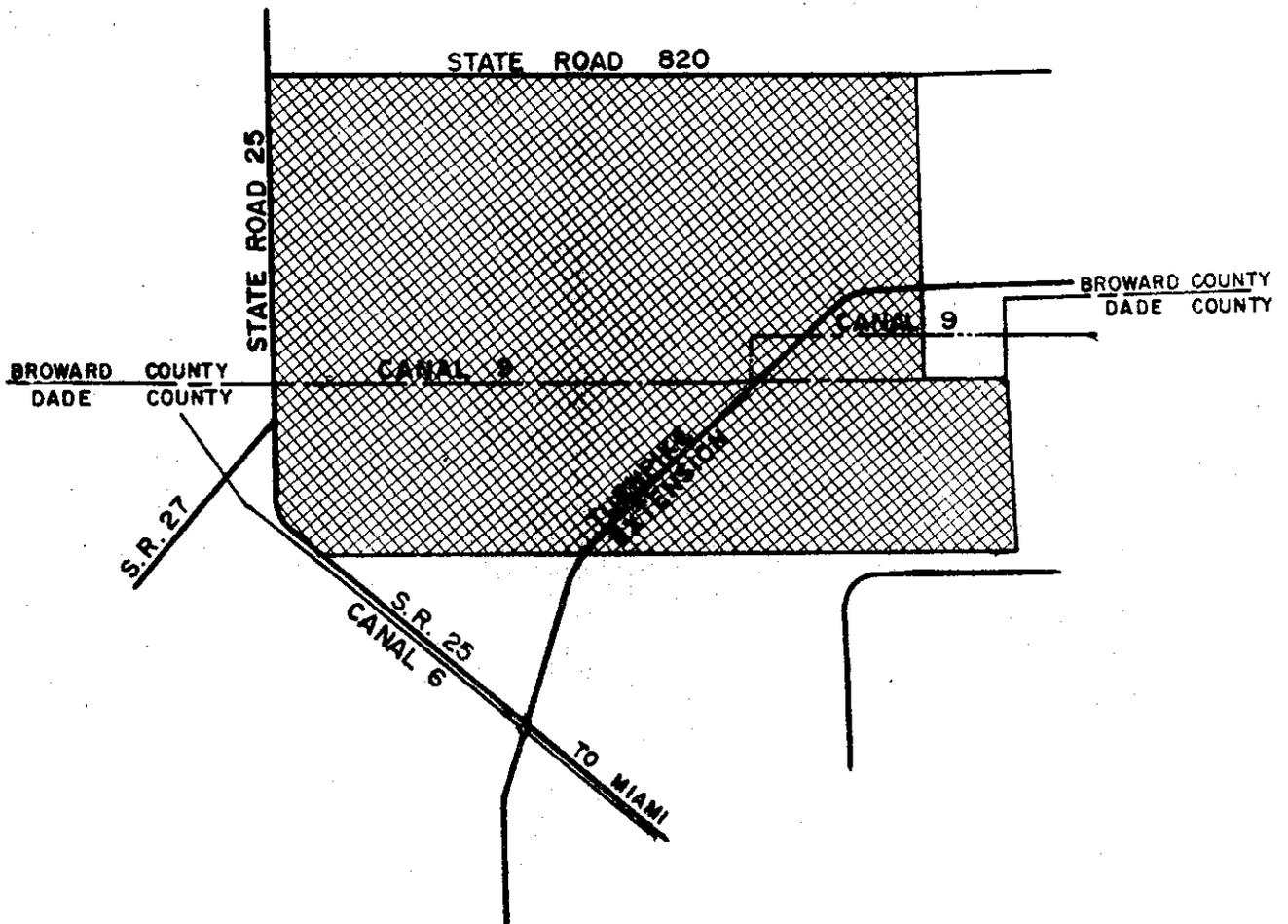
**40E-41.265 Conditions for Issuance of
Right of Way Permits in the C-51 Basin**

Any drainage connection to C-51 within the C-51 Basin must be part of a surface water management system approved under Florida Administrative Code Rule 40E-41.263, (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin).

Specific Authority: 373.044, 373.113,
F.S.

Law Implemented: 373.085, 373.086,
F.S.

History--New 5-15-87.



WESTERN CANAL 9 BASIN BOUNDARY

A-IV-16

Figure A-IV-1

Figure (41-1)

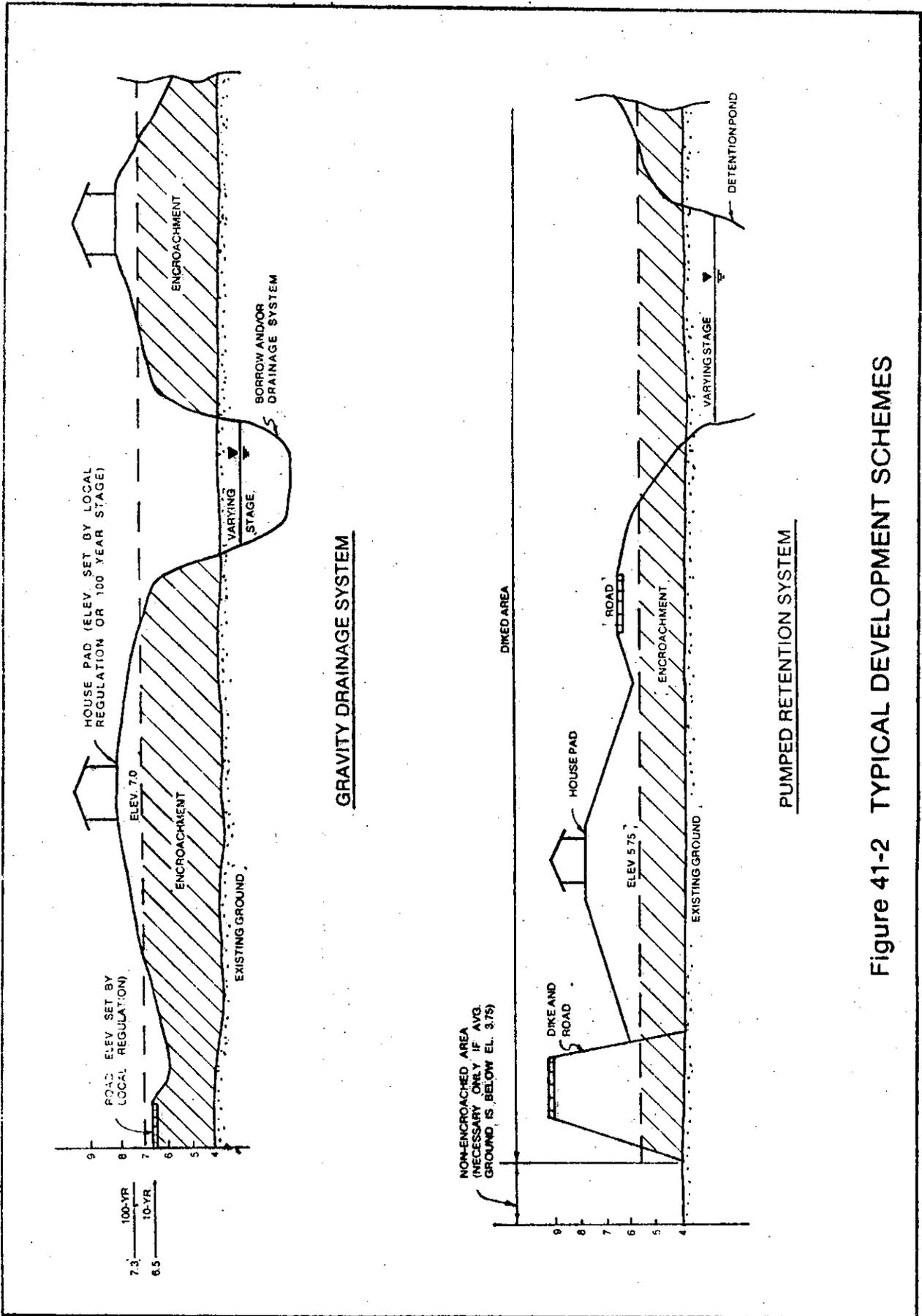


Figure 41-2 TYPICAL DEVELOPMENT SCHEMES

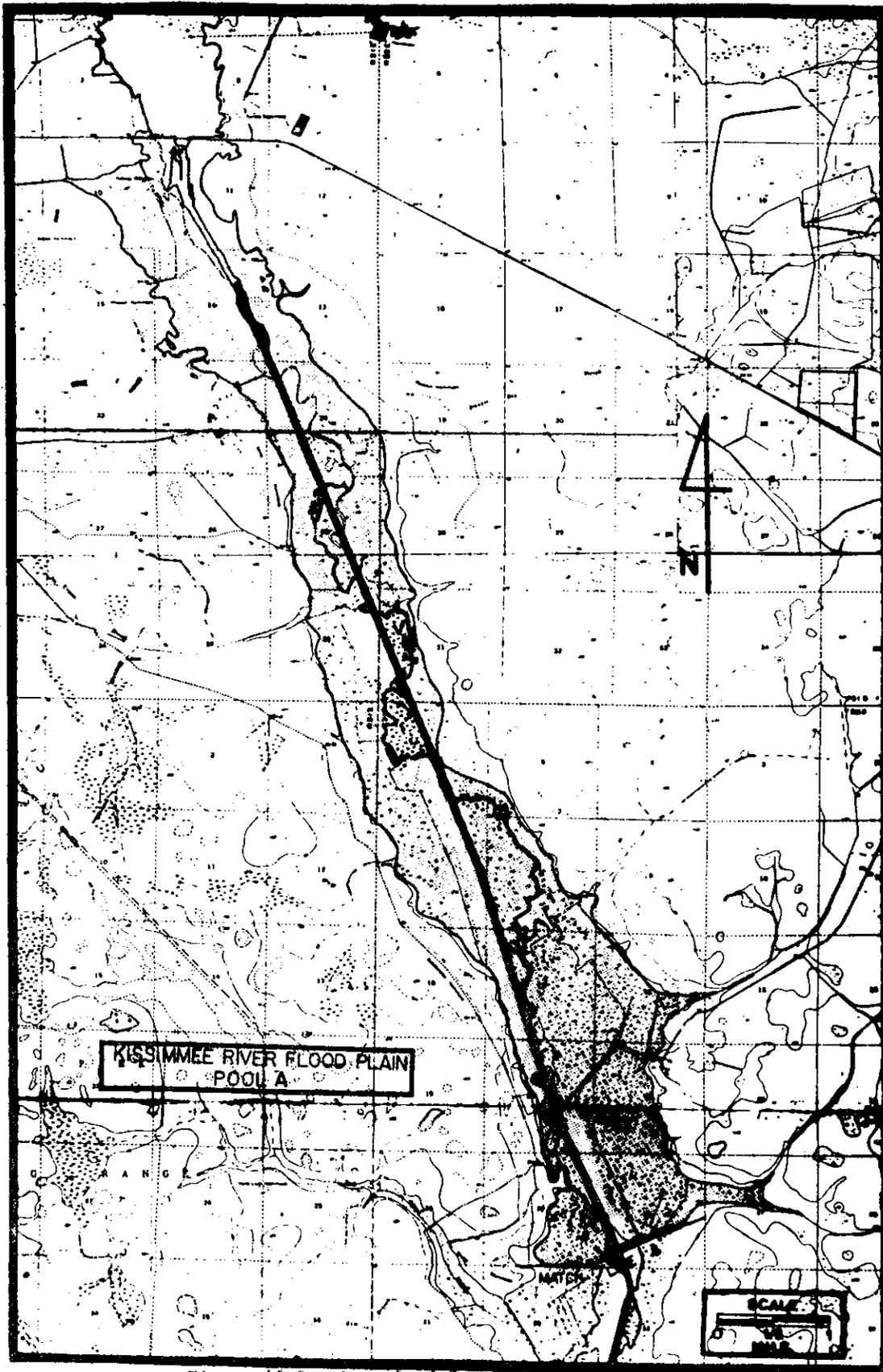


Figure 43-3 Plate 1 of 5

A-IV-18

Figure A-IV-3

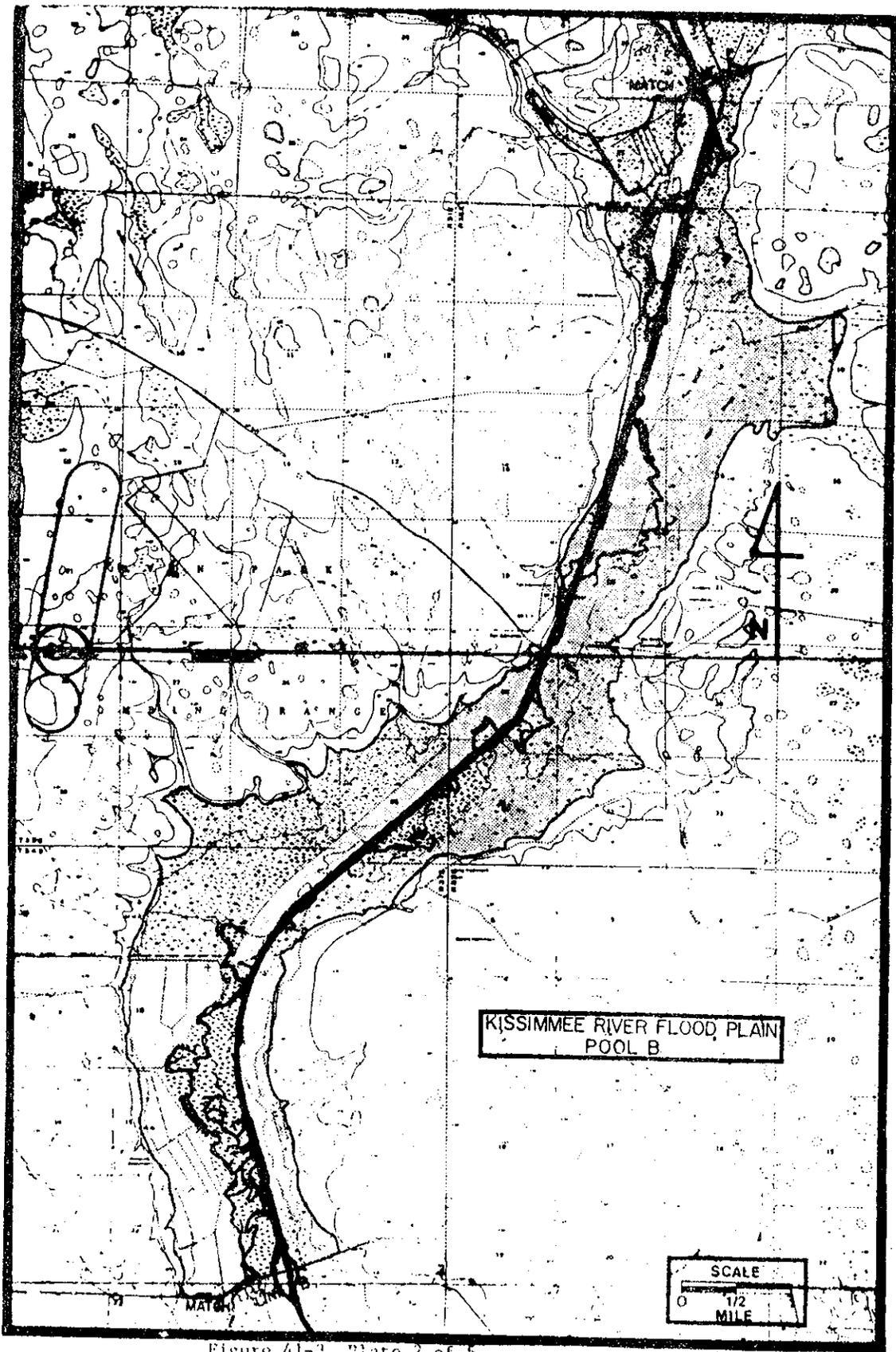
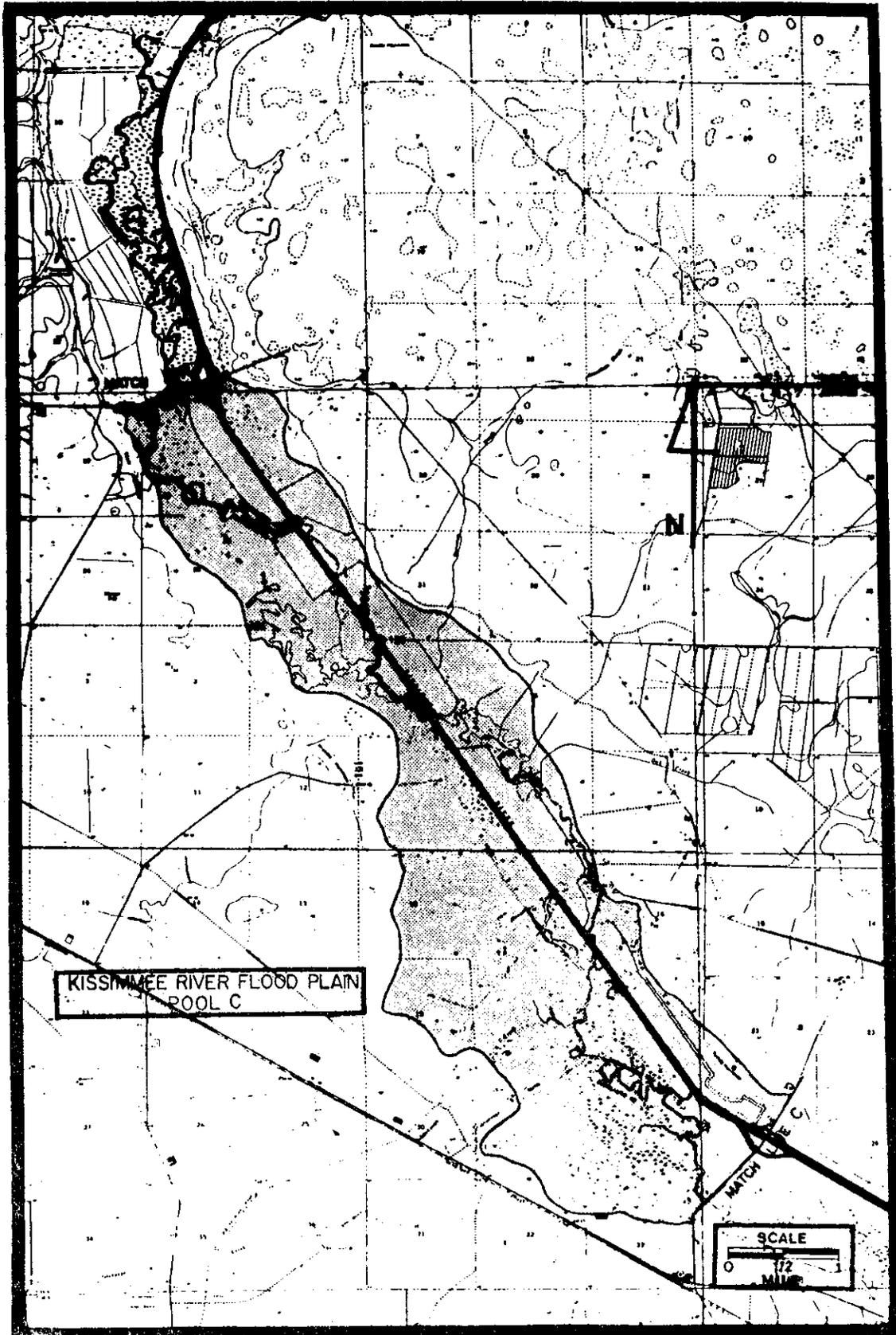


Figure 41-3 Plate 2 of 5

A-IV-19

Figure A-IV-4



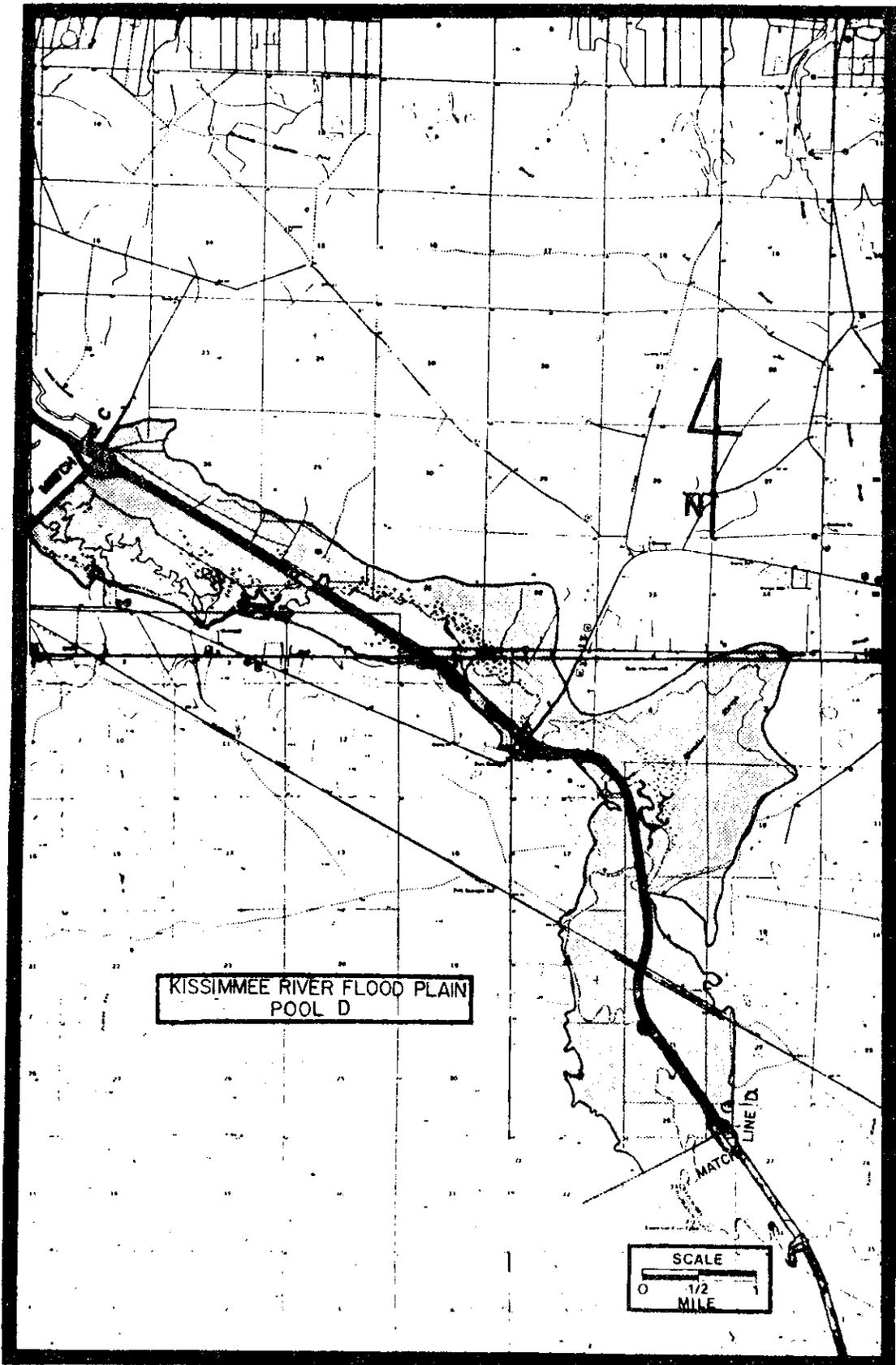


Figure 41-3 Plate 4 of 5
A-IV-21

Figure A-IV-6

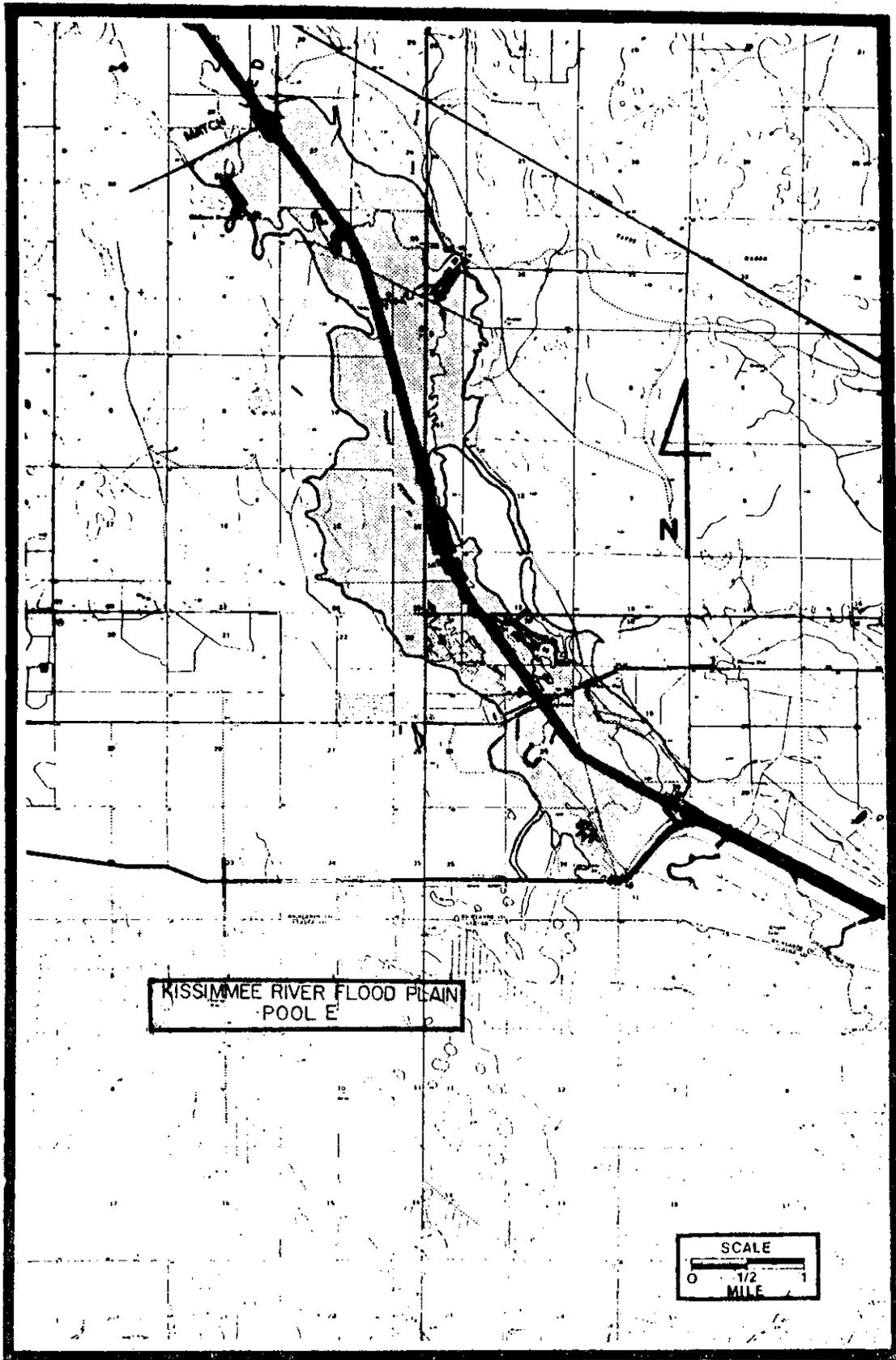
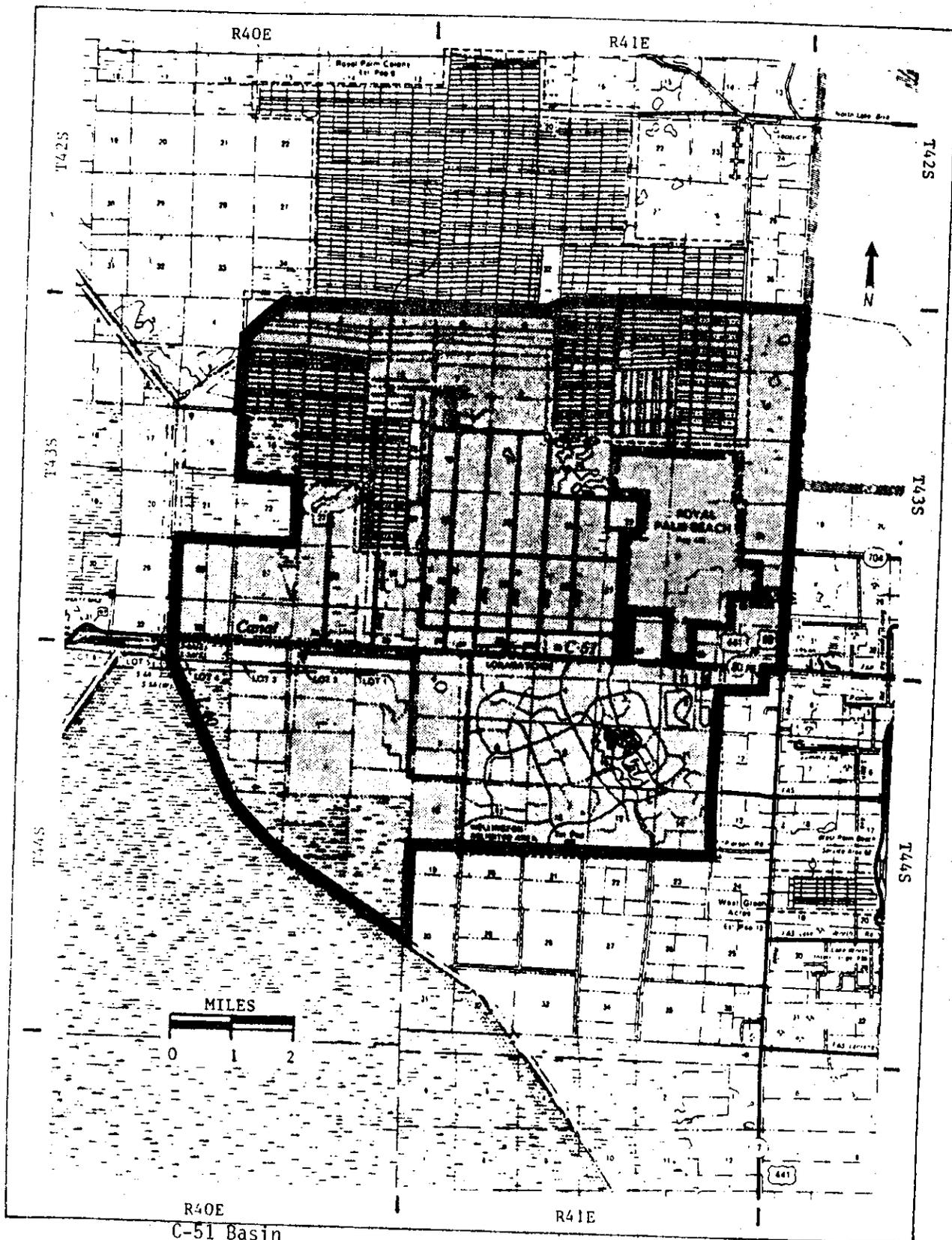


Figure 41-3 Plate 5 of 5
A-IV-22

Figure A-IV-7



C-51 Basin
Figure 41-6

Figure A-IV-10

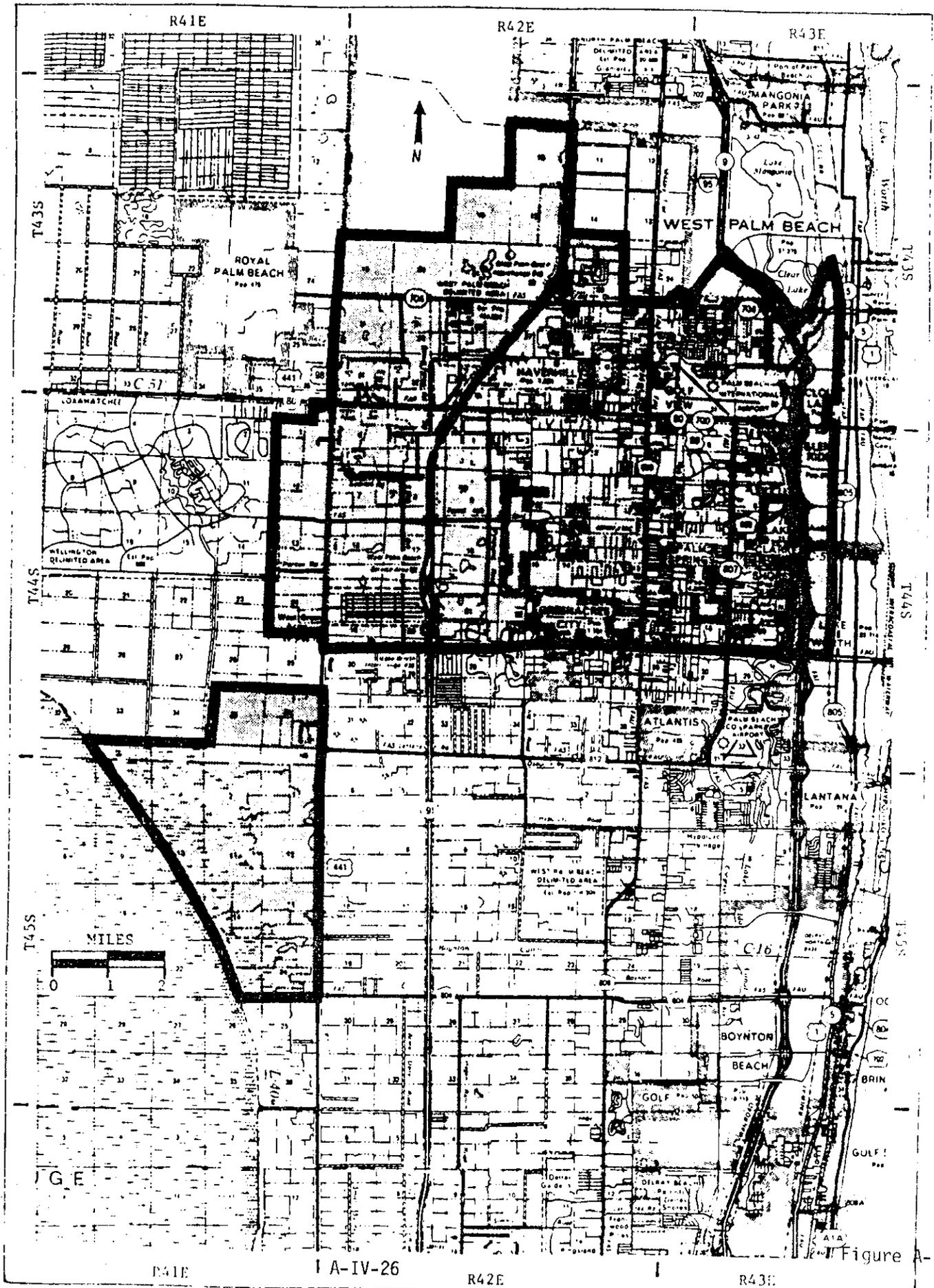


Figure A-IV-11

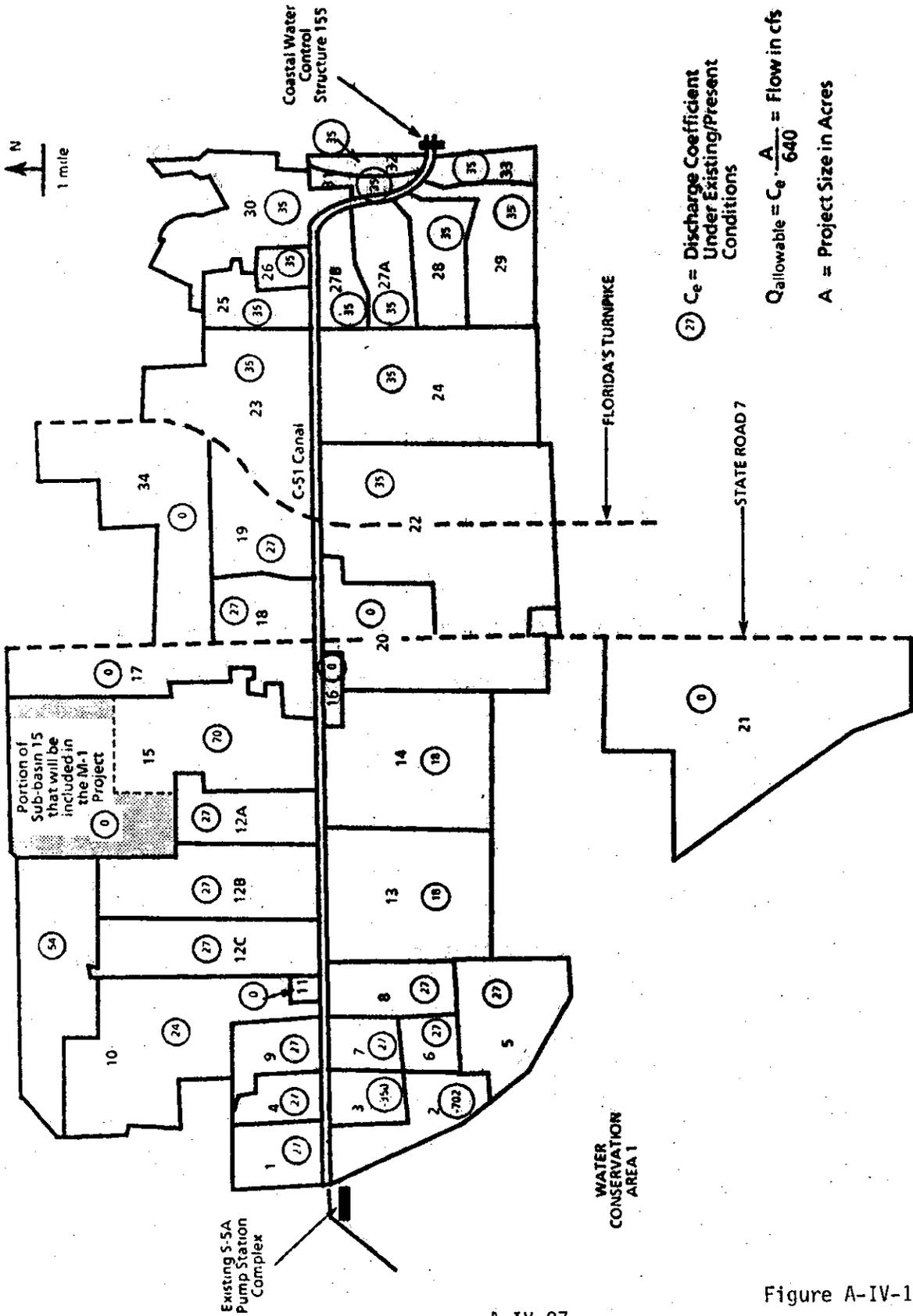
R41E

A-IV-26

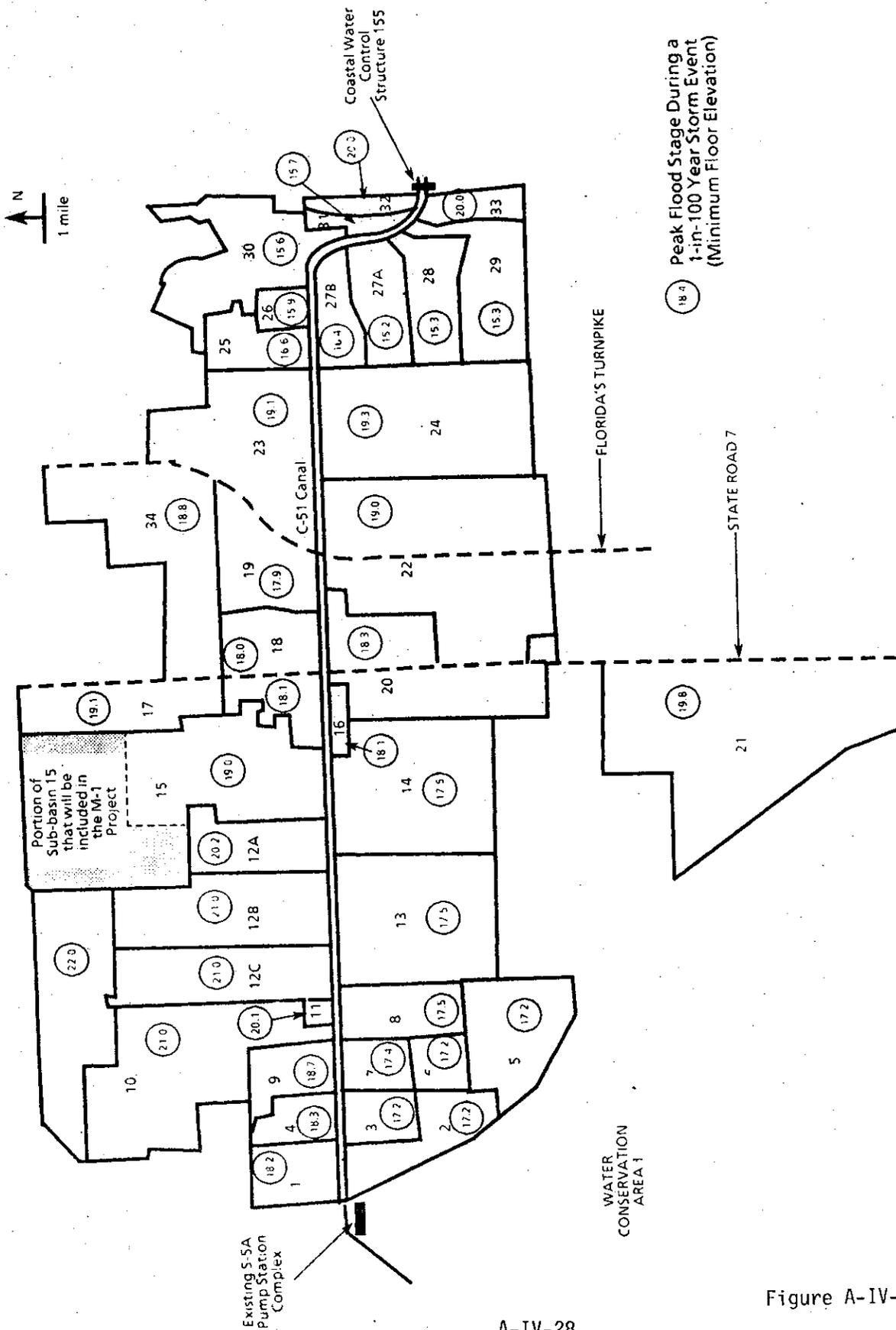
R42E

R43E

Figure A-IV-11



Discharge Coefficients for the Sub-basins of the C-51 Basin in Palm Beach County, Florida.
 Figure 41-8



Peak Flood Stage (Ft. NGVD) During a 1-in-100 Year Storm Event and Minimum Floor Elevation, Prior to Completion of S-319.

Figure 41-9

Figure A-IV-13