



South Florida Water Management District

Peer Review Forum

Regulatory Peer Review Forum

June 5, 2015

9:00 am – 11:00 am

South Florida Water Management District

Richard Rogers Conference Room

3301 Gun Club Road, West Palm Beach, FL 33406

Summary Minutes

Attendees:

Sharon Trost
Tony Waterhouse
Maria Clemente
Mindy Parrott
Jesse Markle
Susan Martin
Jay Foy
Dan Clark

Craig Kidwell
Steve Sarley
Dick Tomasello
Ken Todd
Chris Marsh
Randy Wertepny
Todd McLeod

1. C-51 Rule Reevaluation - Status Update by Jesse Markle (see attached)

- Presentation discusses the boundaries, calculation, rules and schedule
- Rule becomes effective on November 22, 2015

2. *Summary of Regulation Changes*

- Mindy Parrott gave a presentation on summarizing SWERP rule changes (see attached)
- Maria Clemente gave a presentation on CUP rule changes (see attached)

3. *Open Discussion*

- Brief discussion on ePermitting, specifically concerning the future of electronic submissions and the quality of some of the older scanned documents currently available on-line.

Staff outlined current and ongoing efforts to upgrade the permitting systems and to replace poor quality documents with better scans as paper files are pulled back from offsite storage.

- Brief discussion on succession planning at the District.
- There was a request to provide training for the public (engineers) on the new ERP and CUP rules. Sharon Trost agreed to have the current training presentations made available online. After the materials are made available online staff will consider the need to provide live training at the Districts West Palm Beach headquarters.

4. ***Next meeting date/other topics/adjournment***

- The Next Meeting will be held Friday, September 4th at 9:00 am in the Richard Rogers Conference Room

C-51 Rule Reevaluation

Jesse Markle, P.E.
Section Leader
Okeechobee Service Center
Regulation Division
South Florida Water Management District

C-51 Basin Rulemaking Timetable

- May 21 – rule development workshop
- June 4 – end of public comment period
- August 13 – Governing Board authorization to publish Notice of Rule Proposed Rule (if there are no significant changes after workshop)
- October 8 – public hearing to adopt proposed rules
- November 22 – rule becomes effective (provided no changes to proposed rules)

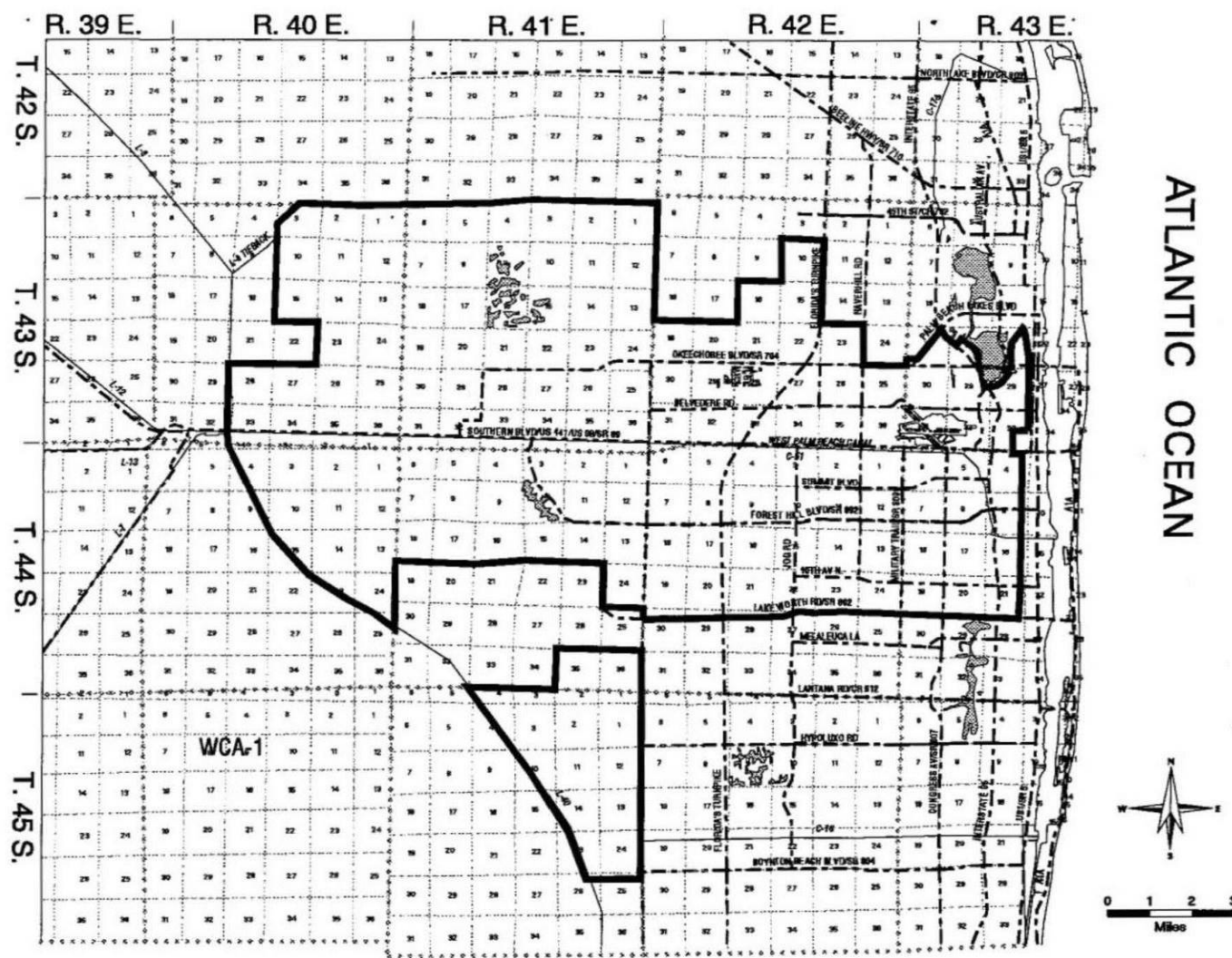


Background

- 1987: current rule adopted
 - Established basin & sub-basin boundaries
 - 10-year, 3-day discharge coefficients
 - 100-year, 3-day peak stages
 - Used to establish finished floor elevations (FFE) and compensating storage requirements

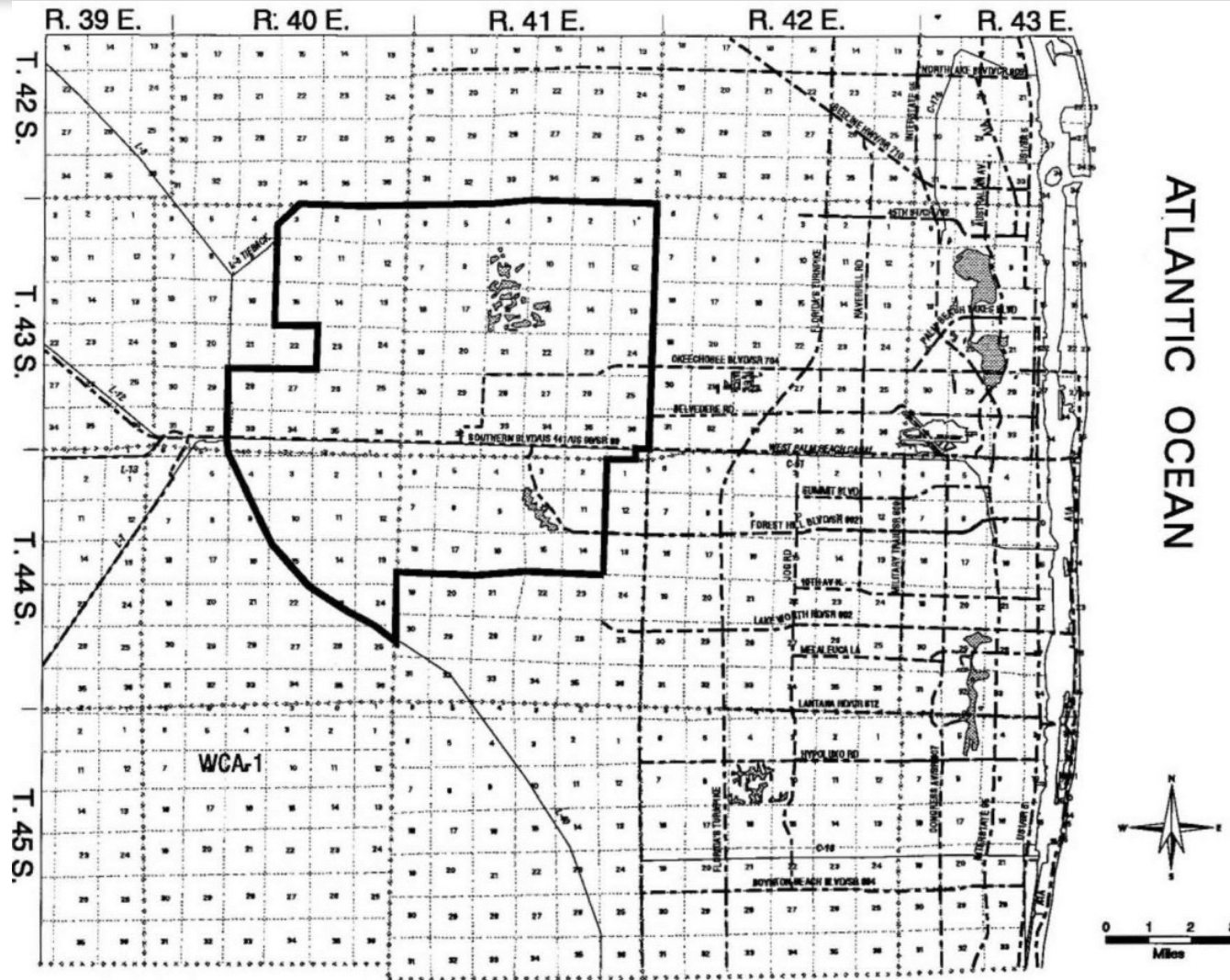


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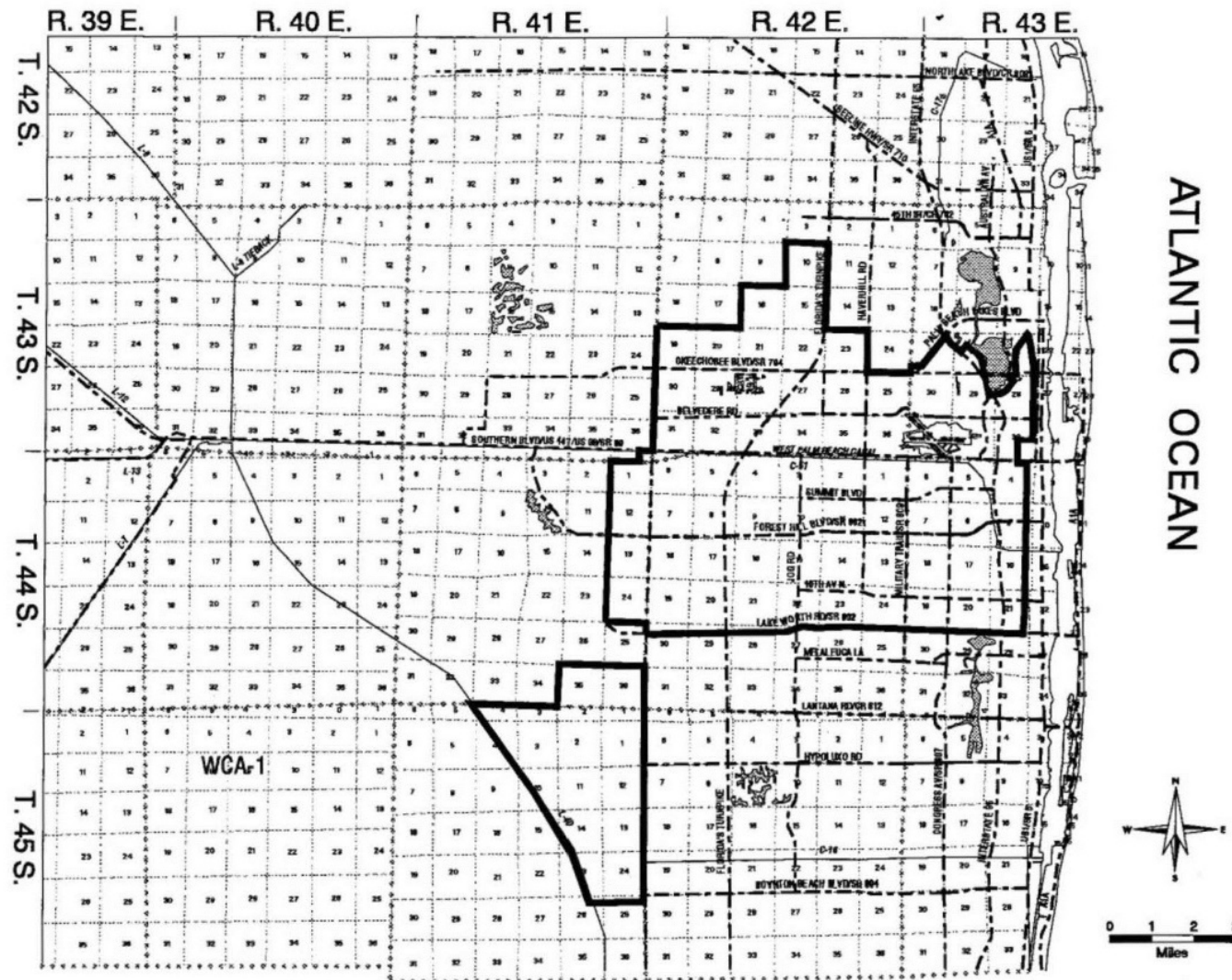
40E-41.223, Fig. 41-5: C-51 Overall Basin Boundary (1987)

Background, cont'd

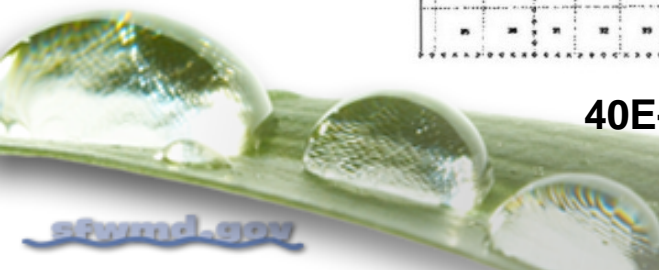


40E-41.223, Fig. 41-6: C-51 West Boundary (1987)

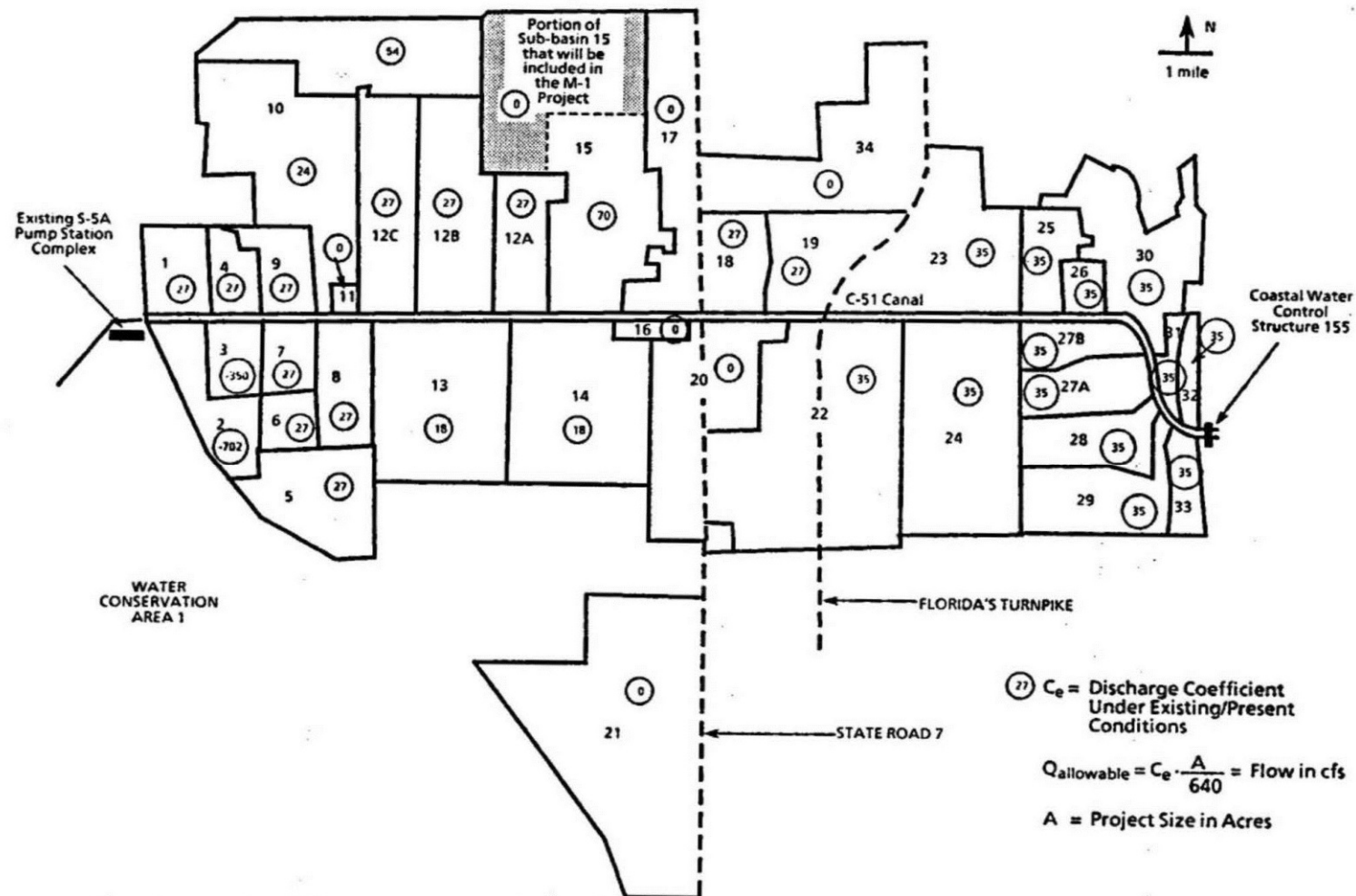
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40E-41.223, Fig. 41-7: C-51 East Boundary (1987)

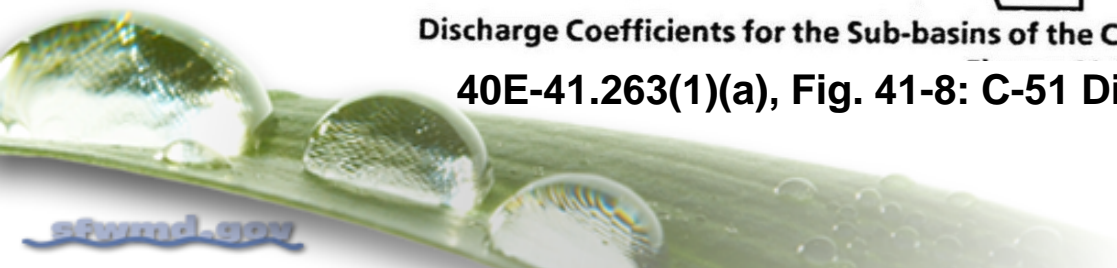


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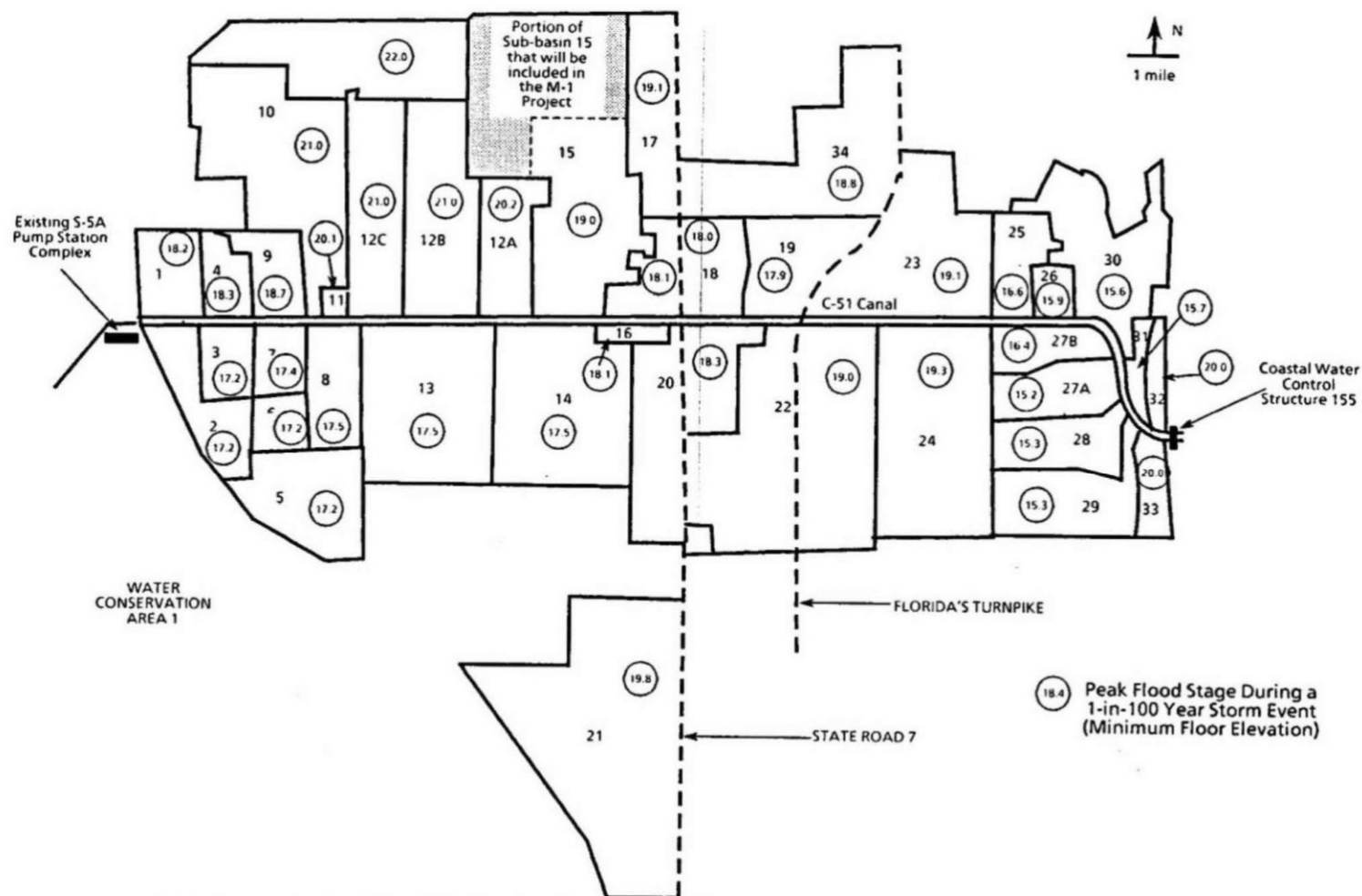


Discharge Coefficients for the Sub-basins of the C-51 Basin in Palm Beach County, Florida.

40E-41.263(1)(a), Fig. 41-8: C-51 Discharge Coefficients (1987)



Background, cont'd



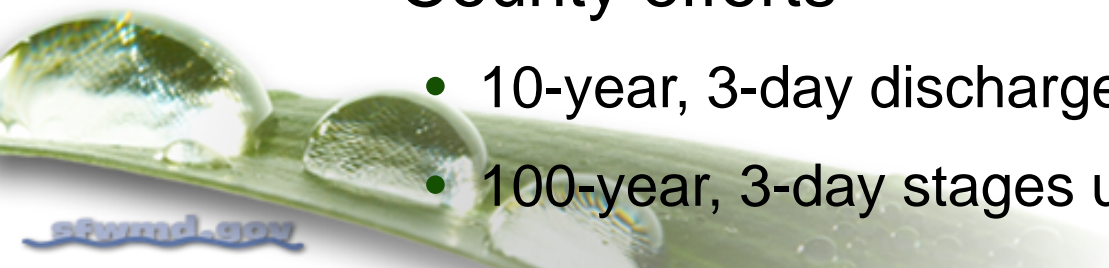
Peak Flood Stage (Ft. NGVD) During a 1-in-100 Year Storm Event and Minimum Floor Elevation, Prior to Completion of S-319.

40E-41.263(2)(a), Fig. 41-9: C-51 Peak Flood Stages (1987)

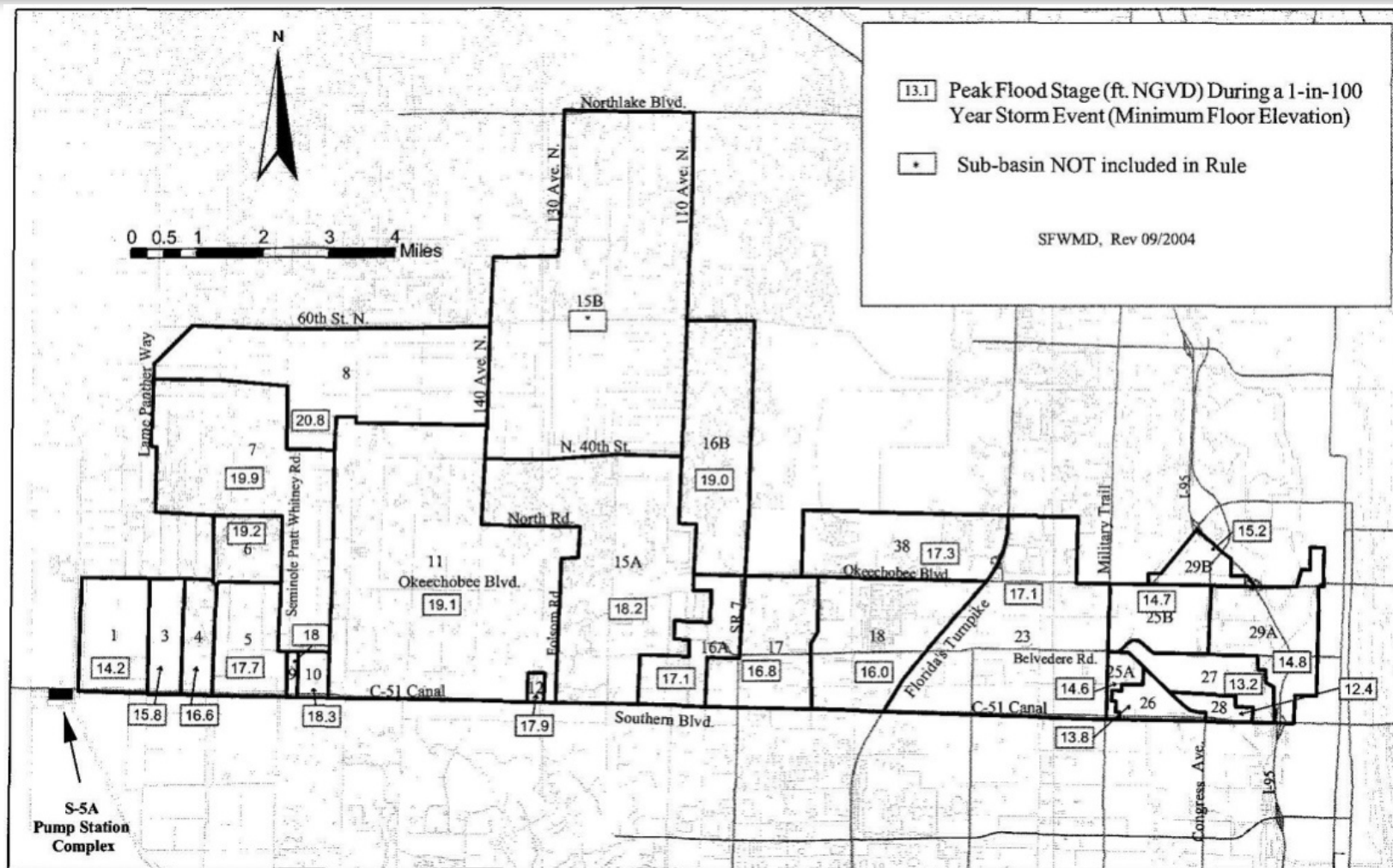


Background, cont'd

- 2004: first rule reevaluation/redevelopment
 - Undertaken to account for C-51 West infrastructure modifications
 - STA-1E, S-319 PS, S-155A “Divide” Structure
 - Revised topo, sub-basin boundaries
 - New models developed
 - Rule redevelopment halted due to water quality concerns w/in STA-1E & discrepancies in topo data
 - Interim Guidance developed based on Palm Beach County efforts
 - 10-year, 3-day discharge coefficients unchanged
 - 100-year, 3-day stages updated



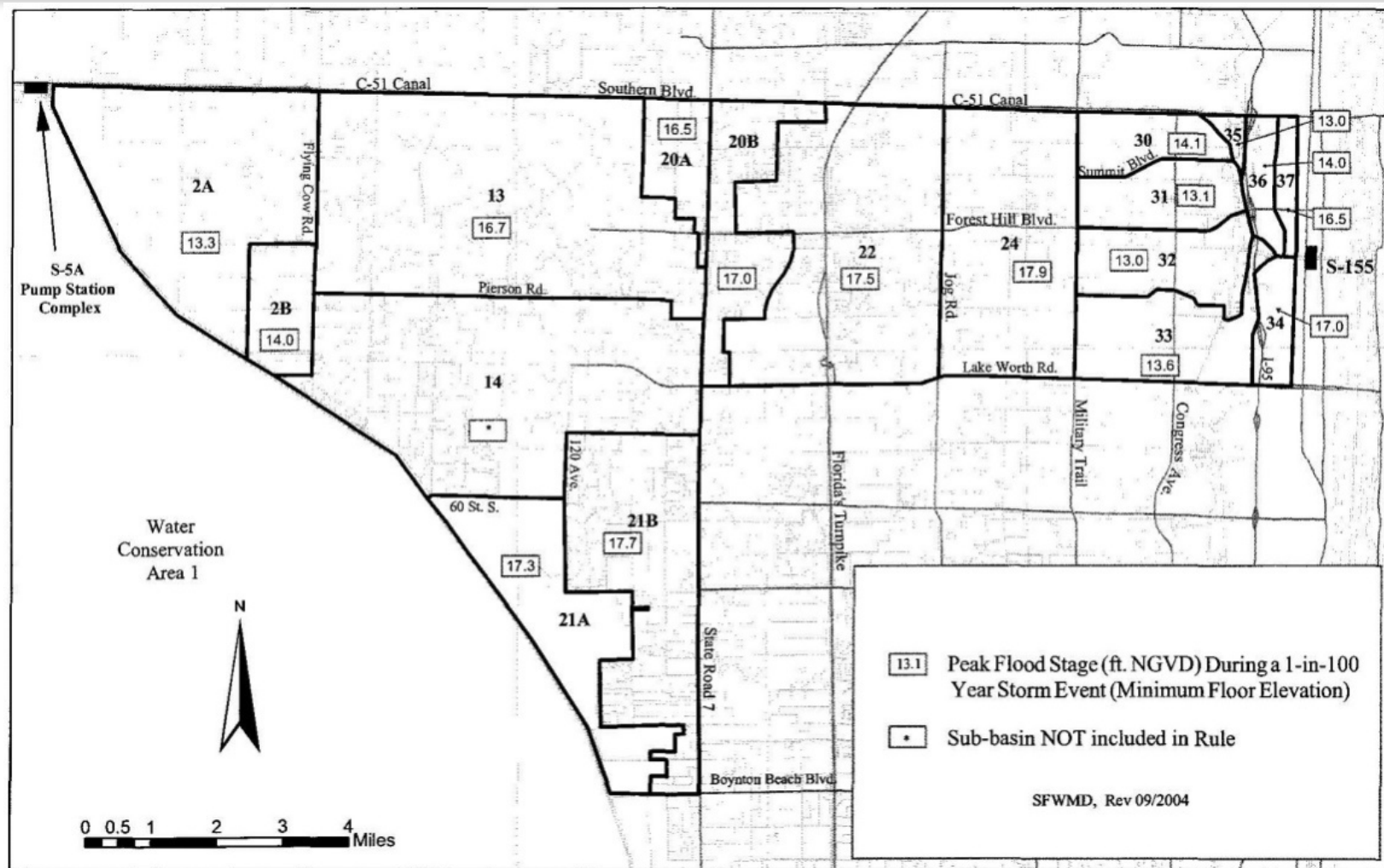
Background, cont'd



Interim Guidance Memo, Fig. 1, Plate 1 of 2: C-51 Peak Flood Stages (2004)



Background, cont'd



Interim Guidance Memo, Fig. 1, Plate 2 of 2: C-51 Peak Flood Stages (2004)



Reevaluation

- Nov. 2012: Reevaluation of the C-51 model
 - Built on the 2004 effort
 - Occurred concurrent w/ FEMA remapping
 - Revised models developed
 - Calibrated to Tropical Storm Isaac
 - Revised topo, sub-basins
 - “Actual” sub-basin conditions/“Real world” connections
- Feb. 2014: Draft report
 - Subsequently reviewed by stakeholder group w/ recommendations/requests for further revisions



Reevaluation, cont'd

- Nov. 2014: Final draft report
 - Subsequent review indicated sub-basin refinement required
- May 2015: Final revisions
 - Report made available via the District Rules, Statutes and Criteria website:
 - http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/c51_basin_rule_model_report_may_2015.pdf

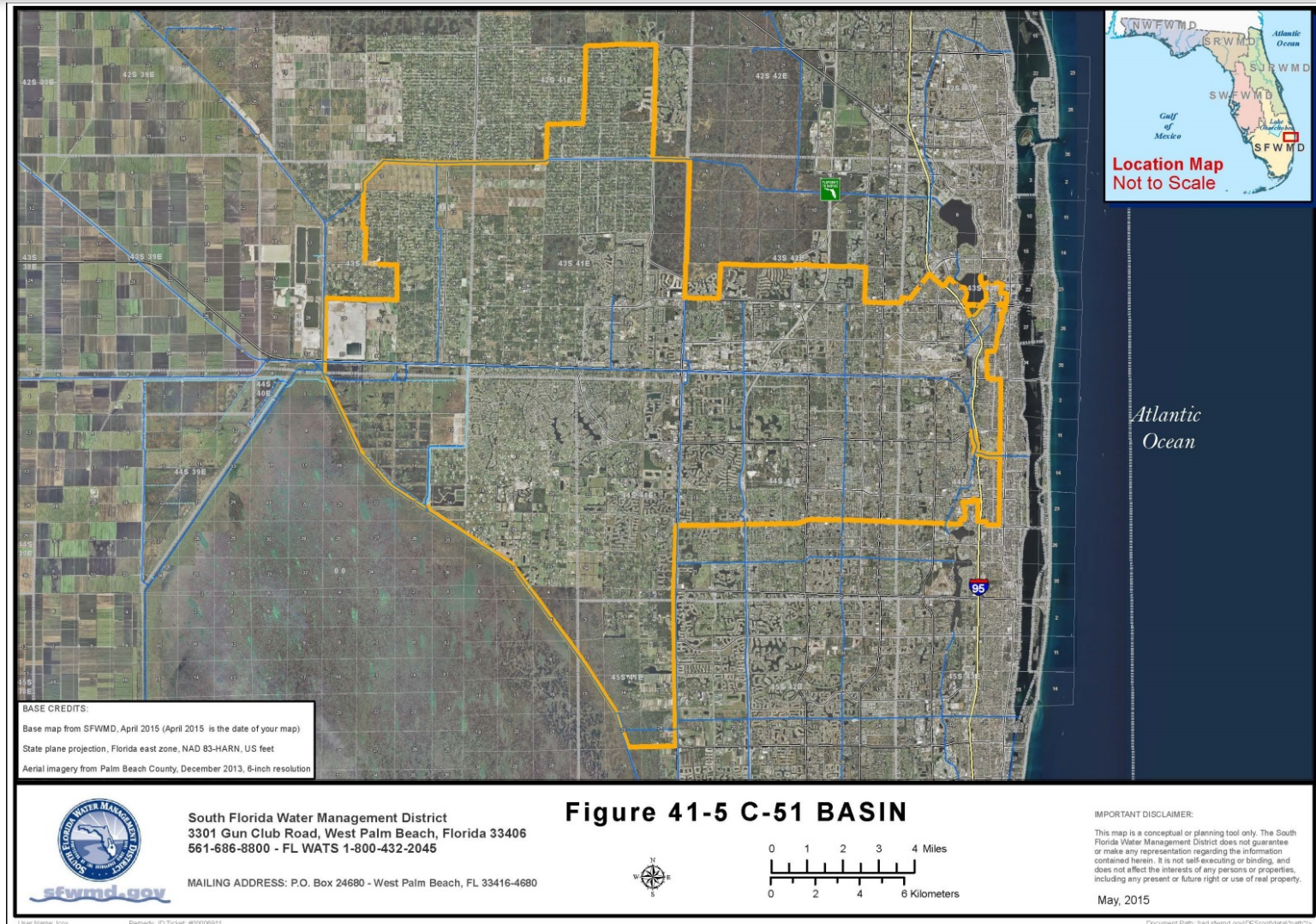


40E-41.223 C-51 Basin Boundary

- Revised sub-basin boundaries
 - Figures 41-5, 41-6, and 41-7: revised to reflect updated sub-basin boundaries



40E-41.223 C-51 Basin Boundary



40E-41.223, Fig. 41-5: C-51 Overall Basin Boundary (Proposed)

40E-41.263 Conditions for Issuance of Permits in the C-51 Basin

- 40E-41.263(1)(a): Revise 10-year, 3-day design discharge coefficients
 - Figure 41-8: added table w/ new coefficients

C-51 West				C-51 East			
Sub-Basin	Stage (ft NGVD)	Sub-Basin	Stage (ft NGVD)	Sub-Basin	Stage (ft NGVD)	Sub-Basin	Stage (ft NGVD)
1	27.0	11	27.0	17	27.0	28	35.0
2A		12	27.0	18	27.0	29A	35.0
2B	27.0	13	29.0	20A	27.0	29B	35.0
3	27.0	14	29.0	20B	35.0	30	35.0
4	27.0	15A	70.0	21A		31	35.0
5	27.0	15B*		21B	27.0	32	35.0
6	63.5	16A	27.0	22	35.0	33	35.0
7	41.5	16B-1	27.0	23	35.0	34	35.0
8	54.0	16B-2	27.0	24	35.0	35	35.0
9	27.0	16B-3	27.0	25A	35.0	36	35.0
10	27.0	Sect 24		25B	35.0	37	35.0
				26	35.0	38	27.0
				27	35.0	39	35.0

*Sub-basin not included in rule



40E-41.263 Conditions for Issuance of Permits in the C-51 Basin

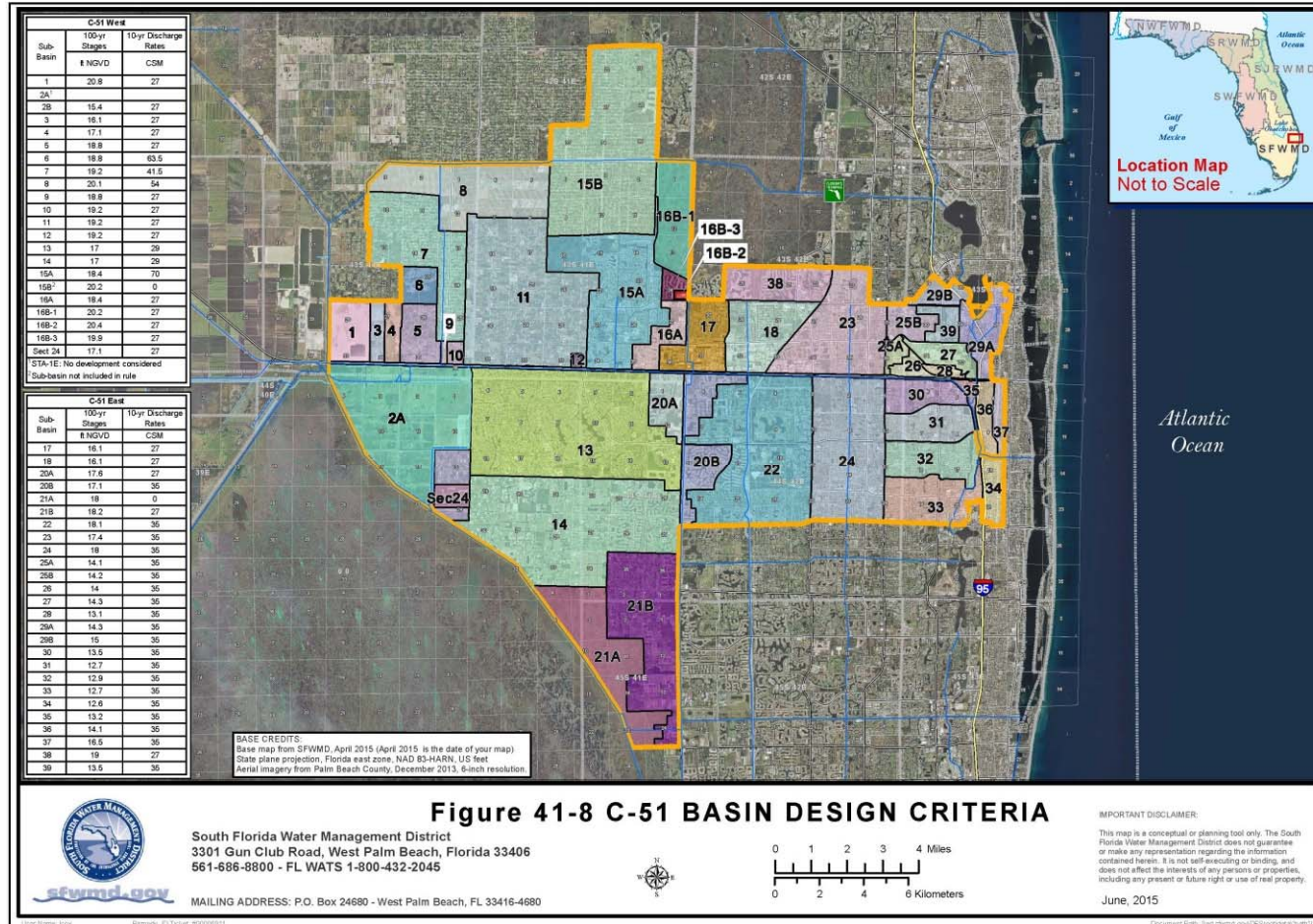
- 40E-41.263(2)(a), 40E-41.263(3): Revised 100-year, 3-day design stages
- Figure 41-9: deleted/consolidated w/ Figure 41-8

C-51 West				C-51 East			
Sub-Basin	Stage (ft NGVD)	Sub-Basin	Stage (ft NGVD)	Sub-Basin	Stage (ft NGVD)	Sub-Basin	Stage (ft NGVD)
1	20.8	11	19.2	17	16.1	28	13.1
2A		12	19.2	18	16.1	29A	14.3
2B	15.4	13	17.0	20A	17.6	29B	15.0
3	16.1	14	17.0	20B	17.1	30	13.5
4	17.1	15A	18.4	21A		31	12.7
5	18.8	15B*		21B	18.2	32	12.9
6	18.8	16A	18.4	22	18.1	33	12.7
7	19.2	16B-1	20.2	23	17.4	34	12.6
8	20.1	16B-2	20.4	24	18.0	35	13.2
9	18.8	16B-3	19.9	25A	14.1	36	14.1
10	19.2	Sect 24	17.1	25B	14.2	37	16.5
				26	14.0	38	19.0
				27	14.3	39	13.5

*Sub-basin not included in rule



40E-41.263 Conditions for Issuance of Permits in the C-51 Basin



40E-41.263(1)(a), (2)(a), Fig. 41-8: C-51 Discharge Coefficients & Peak Flood Stages (Proposed)

*Sub-basin 15B not included in rule

40E-41.263 Conditions for Issuance of Permits in the C-51 Basin

- 40E-41.263(5): Eliminate requirement to provide ½” of dry pretreatment for non-industrial/non-commercial in the C-51 West
 - Appendix E of ERP Applicant’s Handbook Vol. II (August 10, 2014),
 - Requires that additional water quality treatment be provided by projects discharging to an impaired waterbody;
 - C-51 West is identified by the FDEP as an impaired basin (WBID 3245G);
 - Industrial/commercial projects in all portions of the C-51 Basin still required to provide ½” of dry retention/detention pretreatment per Paragraph 4.2.2(a), ERP Applicant’s Handbook Vol. II



Draft Rule Text

- Draft rule text made available via the District Rules, Statutes and Criteria website:
 - http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/draft_c51_40e_41_20150514.pdf



Submit Written Comments To:

- Jesse Markle, P.E.
Section Leader
Okeechobee Service Center
South Florida Water Management District
3800 NW 16th Boulevard, Suite A,
Okeechobee, FL 34972
Phone: 863.462.5260, x3005



Questions



ERP Rule Changes 2013-2015



- **SWERP – Statewide Environmental Resource Permitting, Effective 10/1/2013**
 - Chapter 62-330, F.A.C
 - Applicant's Handbook Volumes I & II
 - New application and post-permit compliance forms for use state-wide
- **Revisions to Rules in the 40E Chapters related to SWERP, Effective 10/1/2013**
 - 40E-0, - 1, - 41: updated rule references, new fee categories & fees, deleted SFWMD ERP forms
 - 40E-4: updated rule references, repealed many sections, incorporates Volume II and referenced documents

Summary of SWERP Changes



- **A unified set of rules**
- **Standardized procedures and definitions**
- **Basis of Review replaced with Applicant's Handbook Volume I (statewide) and Volume II (SFWMD)**
- **Streamlining through new exemptions (20) and general permits(13)**
- **Uniform environmental criteria, conditions of issuance, and general conditions**
- **Standardized application forms based on the activities proposed**
- **Standardized forms for environmental and post permit requirements**
- **Conceptual Approval Permits with duration of 20 years**
- **New minimum threshold for permit**
- **New fee categories based on acreage of project area, work in wetlands and other surface waters, and number of boat slips**

40E-400.315 No-Notice GP for Activities in Uplands (Repealed)



Replaced by

- **10-2 General Permit located in subsection 403.814(12) F.S. (2012)**
 - **FDEP has a portal for electronic certification at www.fldepportal.com/go.**
- **District Specific Threshold Section 1.2, Applicant's Handbook Volume II for projects in uplands in Miami-Dade County**

SWERP exemptions allow for outfall pipes in conjunction with the GP [paragraph 62-330.051(9)(b)]

Rule Changes in Development (DEP)



- **SWERP II- Minor amendments to fix glitches and clarify language**
- **Ch. 62-345, FAC: Uniform Mitigation Assessment Method – effort is to achieve consistency through use of a worksheet/ app.**
- **Ch. 62-342, FAC Mitigation Banking – updates to financial assurance options for construction and implementation of a mitigation bank.**



Summary of Consumptive Use Permitting (CUP) Rule Amendments *(2014 -2015)*

June 5, 2015
SFWMD Regulatory Peer Review Forum



Rule Changes

- July 2014 – CUP Consistency
- June 2015 – CUP “Glitch”
- June 2015 – Well Construction



CUP Consistency

- Applicant's Handbook
- Application Forms
- Permit Types / Thresholds
- Permit Compliance/Compliance Forms
- Public Water Supply Conservation



Applicant's Handbook

- Name of the document changed from Basis of Review (BOR) to Applicant's Handbook (AH).
- The document was reorganized, not re-written.
- Now has a table of contents.
- Definitions are at the beginning of the document.
- Mainly updated to conform with CUP Consistency initiatives.



Application Forms

- Noticed General Permit Form (1391)
 - *Must meet all criteria in 40E-2.071, FAC*
 - *No supplemental forms necessary*
- Individual Water Use Application Form (1379)
 - Must submit Form 1379 and a supplemental form depending on use type.
 - Supplemental Forms A – F
 - Form A Agriculture Use
 - Form B Commercial Industrial Use
 - Form C Landscape/Recreation Use
 - Form D Dewatering Use
 - Form E Public Water Supply Use
 - Form F Diversion and Impoundment Use

Application Forms

Water Use application forms were updated and enhanced for statewide consistency and to simplify the application process. There are now separate supplemental forms based on use type, a main general information form and a noticed general permit form.

Application forms are posted online at:

www.sfwmd.gov/cup

All applications can be submitted online at:

www.sfwmd.gov/ePermitting



Permit Types

- **General Permit by Rule**
Changes included expanding the criteria for short-term dewatering and adding a category for closed loop systems.
- **Noticed General Permit**
Typically for minor uses that have minimal potential for impacts to water resources. Must meet source, facility, location and volume criteria.
- **Individual Permit**
Required for all non-exempt uses that do not qualify for a general permit.

Dewatering Permits

**TABLE 2-3
Dewatering Permits**

PERMIT REQUIRED	MAXIMUM DAILY PUMPAGE	TOTAL PROJECT PUMPAGE	DURATION	COMMENTS
General Permit by Rule for Short-Term Dewatering Subsection 40E-2.061(2), F.A.C.	5 MG	100 MG	Up to 1 Year	No potential for resource impacts. No offsite discharge unless an aquifer performance test.
Standard Individual Permit Chapter 40E-2, F.A.C. Applicant's Handbook Subsection 2.3.2.B.2.h	No limitation	No limitation	Up to 20 Years	Standard permit for defined projects. No allocations assigned.
Master Individual Permit Chapter 40E-2, F.A.C. Applicant's Handbook Subsection 2.3.2.B.2.i	No limitation	No limitation	Up to 20 Years	Permit for phased projects, projects with undefined activities, or no contractor at time of permit application. No allocations assigned.

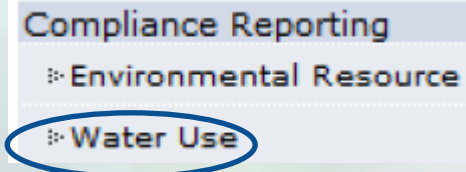


Compliance Forms

Updated reporting forms (same information, new format) were created for:

- Calibration – Flow Meter and Alternative Methods
- Crop Protection (freeze protection water use)
- Crop Summary Report
- Monitoring Data (water quality and water levels)
- Pumpage Data

Reporting forms are posted online at:
www.sfwmd.gov/cup



Preferred submittal method is ePermitting: www.sfwmd.gov/ePermitting



CUP “Glitch”

Amendment of consumptive use rules:

- General clean-up of scrivener's errors, clarifications or updates to references, typically done every two years.
- Update and correct criteria following Consumptive Use Permitting Consistency effort (CUPcon).
- Add clarification of permit application processing fees for Mining/Dewatering uses.

Well Construction

Water Well Rule 40E-3, FAC

- Create a new rule for multiple monitor wells of the same size/construction under a single permit.
- Provide quick access to well permitting delegation agreements with local government agencies via document hyperlinks.
- Adopt updated rules of the Department of Environmental Protection (Well Contractor Licensing and Water Well Permitting/ Construction Requirements, and Water Well Disciplinary Guidelines).



Thank You