

Notice of Proposed Rule

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: RULE TITLE:

[40E-41.221](#): Definitions

[40E-41.263](#): Conditions for Issuance of Permits in the C-51 Basin

PURPOSE AND EFFECT: Update the District's C-51 Basin rules to reflect changes in basin conditions since the rule was originally implemented in 1987. These changes include an update to the extent of the basin boundaries and the topographic information within basin, the installation and operation of water control facilities associated with the C-51 West project (STA-1E, the S-319 pump station, the S-155A "Divide" Structure, and the S-155 Structure), as well as the resulting changes in the allowable 10-year, three-day peak discharge rates and the minimum 100-year, 3-day finished floor elevations.

SUMMARY: The proposed rules update Figures 41-5, 41-6, 41-7 and 41-8 to revise sub-basin boundaries and the overall boundary of the C-51 Basin due to the addition or subtraction of areas from the basin as determined by contemporary discharge patterns, revise the 10-year, 3-day peak discharge coefficients used in establishing the 10-year, 3-day allowable peak discharge rate, consolidate Figure 41-9 with Figure 41-8, correct typographical error in Rule 40E-41.263(1)(b) from 27 "cfs" to 27 "CSM" to be consistent with Appendix A of the "Environmental Resource Permit Applicant's Handbook Volume II: For Use Within the Geographic Limits of the South Florida Water Management District," and revise the 1-in-100 year storm elevations used, in part, to establish minimum finished floor elevations as well as compensatory soil and surface storage volumes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency. The proposed rule revises a current rule for ERP applications; there are no material incremental regulatory burdens associated with the proposed rules. There is a possibility of some “de novo” construction costs arising for some projects out of the proposed rule revision. However, on an overall C-51 Basin-wide basis, there should be net benefit savings from the rule update.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: From an analysis of basin economic data and trends it is likely that the proposed rule will not have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million (in the aggregate) within 5 years after the rule’s implementation.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: [373.044](#), [373.113](#), [373.4131](#), F.S.LAW IMPLEMENTED: [373.085](#), [373.086](#), [373.413](#), [373.416](#), F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 8, 2015, beginning at 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk's Office (800) 432-2045, ext. 2087, or (561) 682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jesse Markle, P.E., Section Leader, Okeechobee Service Center, Regulation Division, South Florida Water Management District, 3800 NW 16th Boulevard, Suite A, Okeechobee, FL 34972, Phone: (863) 462-5260, x. 3005, Toll Free: (800) 250-4200, x3005, email: [jmarkle@sfwmd.gov](mailto:jmarkle@sfwmd.gov); or Susan Roeder Martin, Esquire, Senior Specialist Attorney, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Phone: (561) 682-6251, Toll Free: (800) 432-2045, x6251, email: [smartin@sfwmd.gov](mailto:smartin@sfwmd.gov). For procedural questions contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Phone: (561) 682-6299, Toll Free: (800) 432-2045, x6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULE IS:

**40E-41.221 Definitions.**

When used in this Part:

(1) "Basin" means the C-51 Basin as legally described in Rule 40E-41.223, F.A.C., (Basin Boundary) and as depicted on Figure 41-5 [ADD EFFECTIVE DATE] [ADD HYPERLINK],

incorporated by reference herein.

(2) “Western C-51 Basin” means that portion of the C-51 Basin west of State Road Seven as described in subsection 40E-41.223(1), F.A.C. (Western Basin Boundary) and depicted on Figure 41-6 [ADD EFFECTIVE DATE] [ADD HYPERLINK], incorporated by reference herein ~~described in subsection 40E-41.223(1), F.A.C.~~

(3) “Eastern C-51 Basin” means that portion of the C-51 Basin east and west of State Road Seven as described in subsection 40E-41.223(2), F.A.C., (Eastern Basin Boundary) and depicted on Figure 41-7 [ADD EFFECTIVE DATE] [ADD HYPERLINK] , incorporated by reference ~~herein described in subsection 40E-41.223(2), F.A.C., (Eastern Basin Boundary).~~

(4) Figures 41-5, 41-6 and 41-7 can also be obtained at no cost by contacting the South Florida Water Management District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 682-6436.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.413, 373.416 FS. History—New 5-15-87, Amended \_\_\_\_\_.*

#### **40E-41.263 Conditions for Issuance of 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 [ADD EFFECTIVE DATE] [ADD HYPERLINK], incorporated by reference herein. Pre-development discharge rate shall be calculated by the formula:

NO CHANGE TO FORMULA

(b) This criteria is not intended to limit inflows to the C-51 Canal to the rates specified in paragraph (a) above during non-flood conditions. Discharge capacity up to 27 CSM efs during

non-flood conditions shall be considered on a case-by-case basis pursuant to the criteria in the “Environmental Resource Permit Applicant’s Handbook Volume II for Use Within the Geographic Limits of the South Florida Water Management District,” incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., and subparagraph 62-330.010(4)(b)5., F.A.C.

(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 ~~41-8~~ 41-9,

(b) and (c) NO CHANGE

(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 ~~41-8~~ 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 ~~41-8~~ 41-9 and above the existing grades. Compensation for any reduction in soil storage also shall be accommodated on site.

(4) NO CHANGE

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

(5) Figure 41-8 can also be obtained at no cost by contacting the South Florida Water Management District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 682-6436.

*Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.085, 373.086,*

373.413, ~~373.4131~~, 373.416 FS. History—New 5-15-87, Amended 12-1-11, 10-1-13,

\_\_\_\_\_.

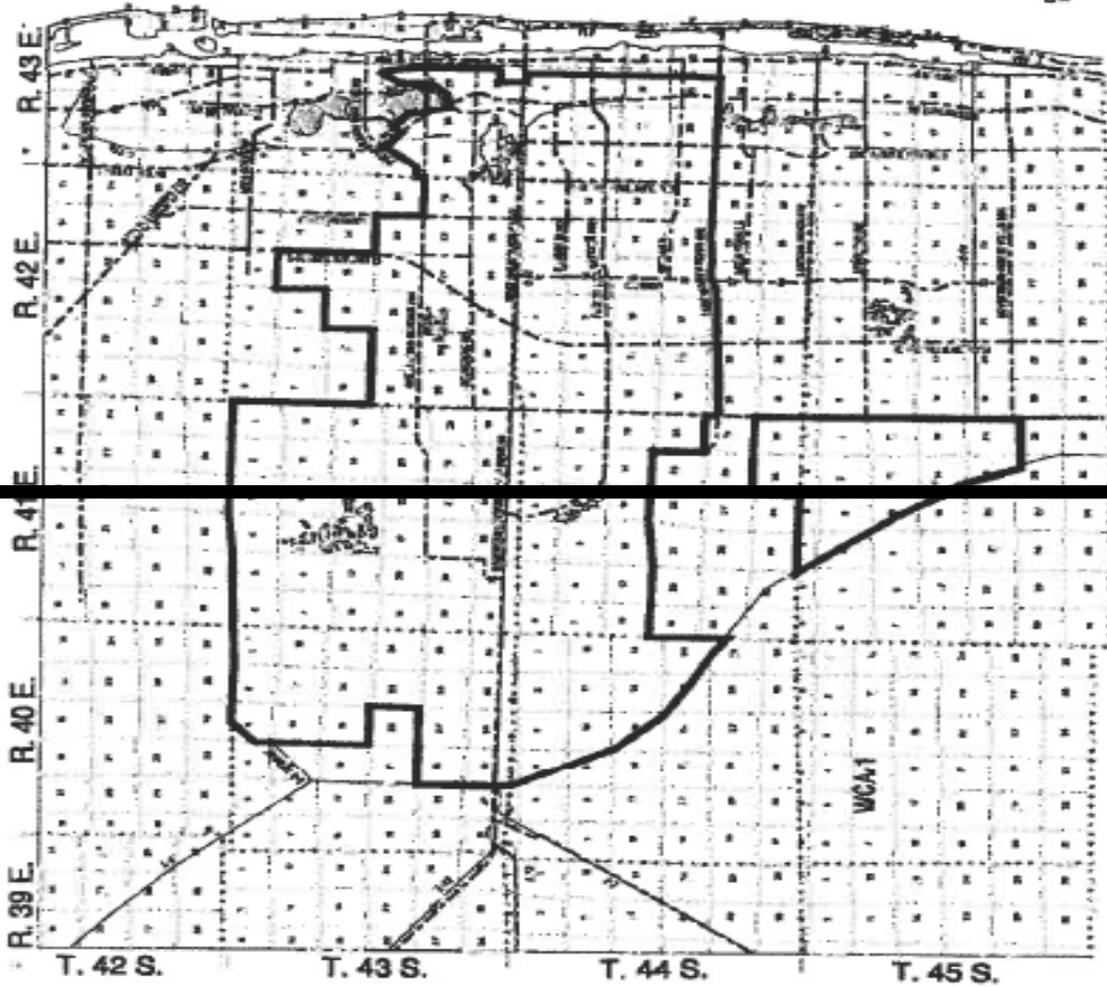
NAME OF PERSON ORIGINATING PROPOSED RULE: Jesse Markle, P.E.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida  
Water Management District Governing Board

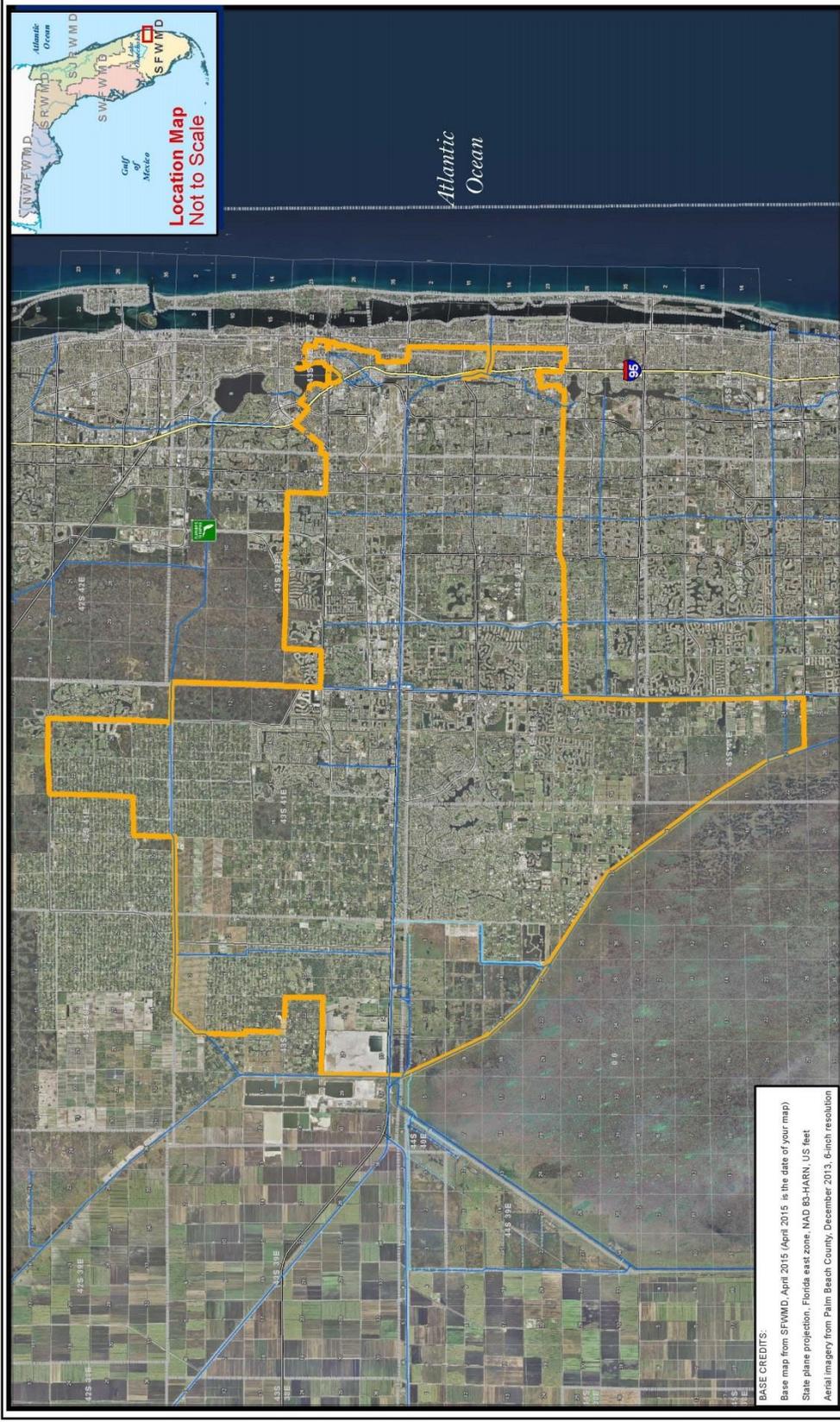
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 27,  
2015

ATLANTIC OCEAN



C-51 BASIN  
FIGURE 41-5



**IMPORTANT DISCLAIMER:**  
 This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee the accuracy of the information contained herein. It is not self-acting or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

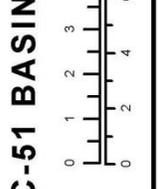
May, 2015

**Figure 41-5 C-51 BASIN**

South Florida Water Management District  
 3301 Gun Club Road, West Palm Beach, Florida 33406  
 561-686-8800 - FL WATS 1-800-432-2045

MAILING ADDRESS: P.O. Box 246860 - West Palm Beach, FL 33416-4680

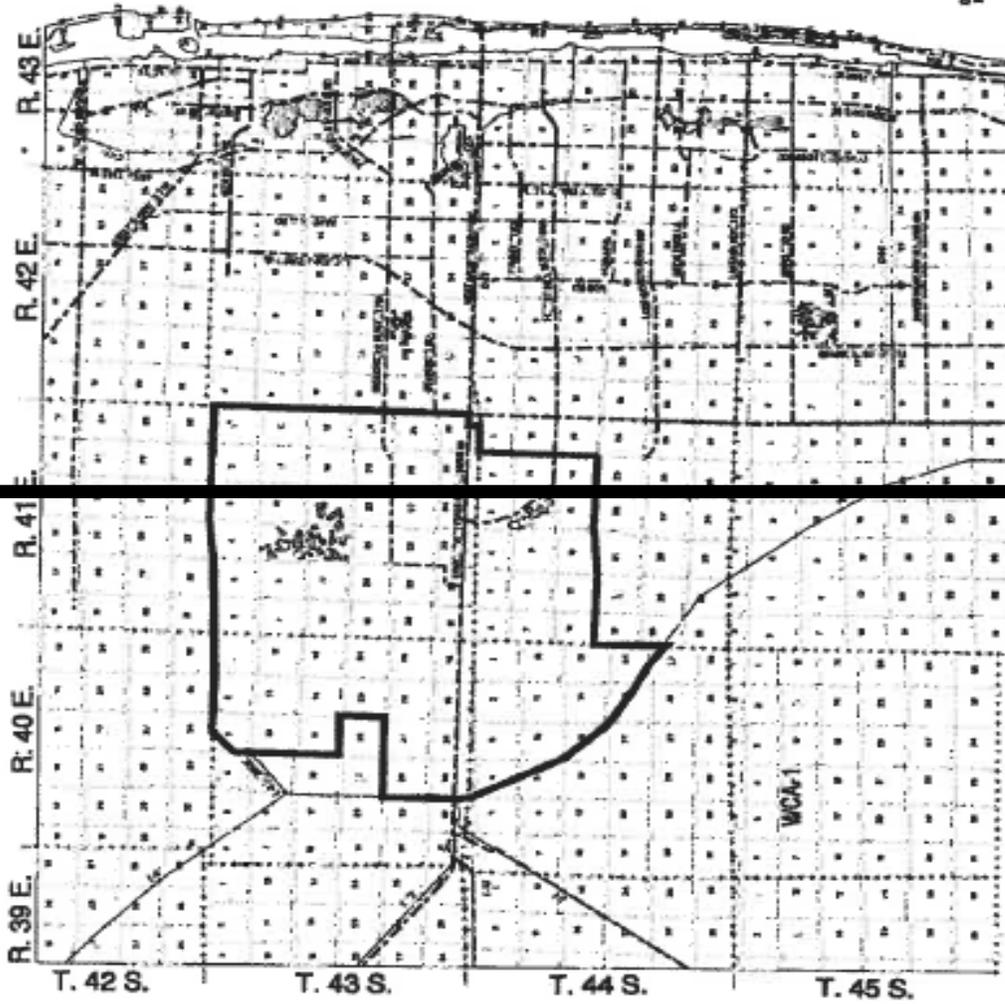
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**BASE CREDITS:**  
 Base map from SFWMD, April 2015 is the date of your map  
 State plane projection, Florida east zone, NAD 83-HARN, US feet  
 Aerial imagery from Palm Beach County, December 2013, 6-inch resolution

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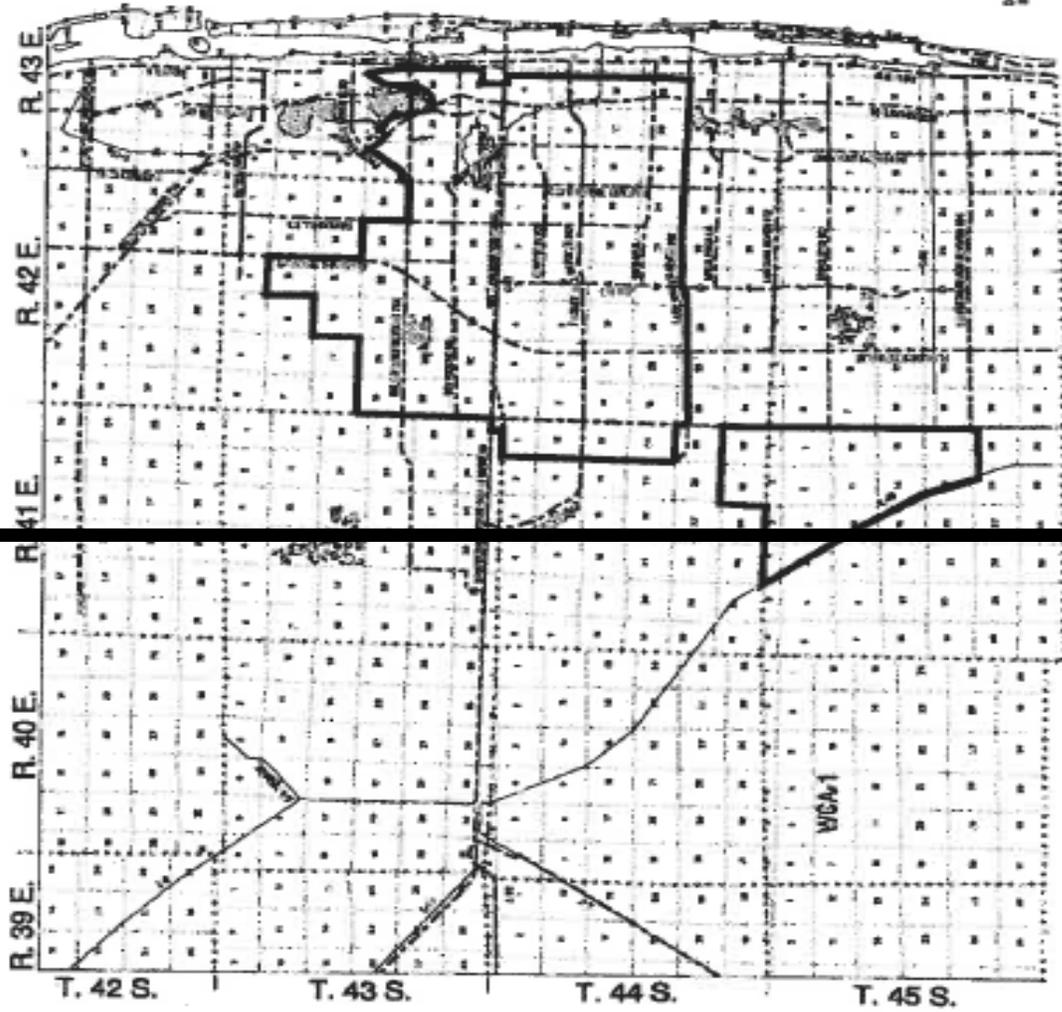
ATLANTIC OCEAN



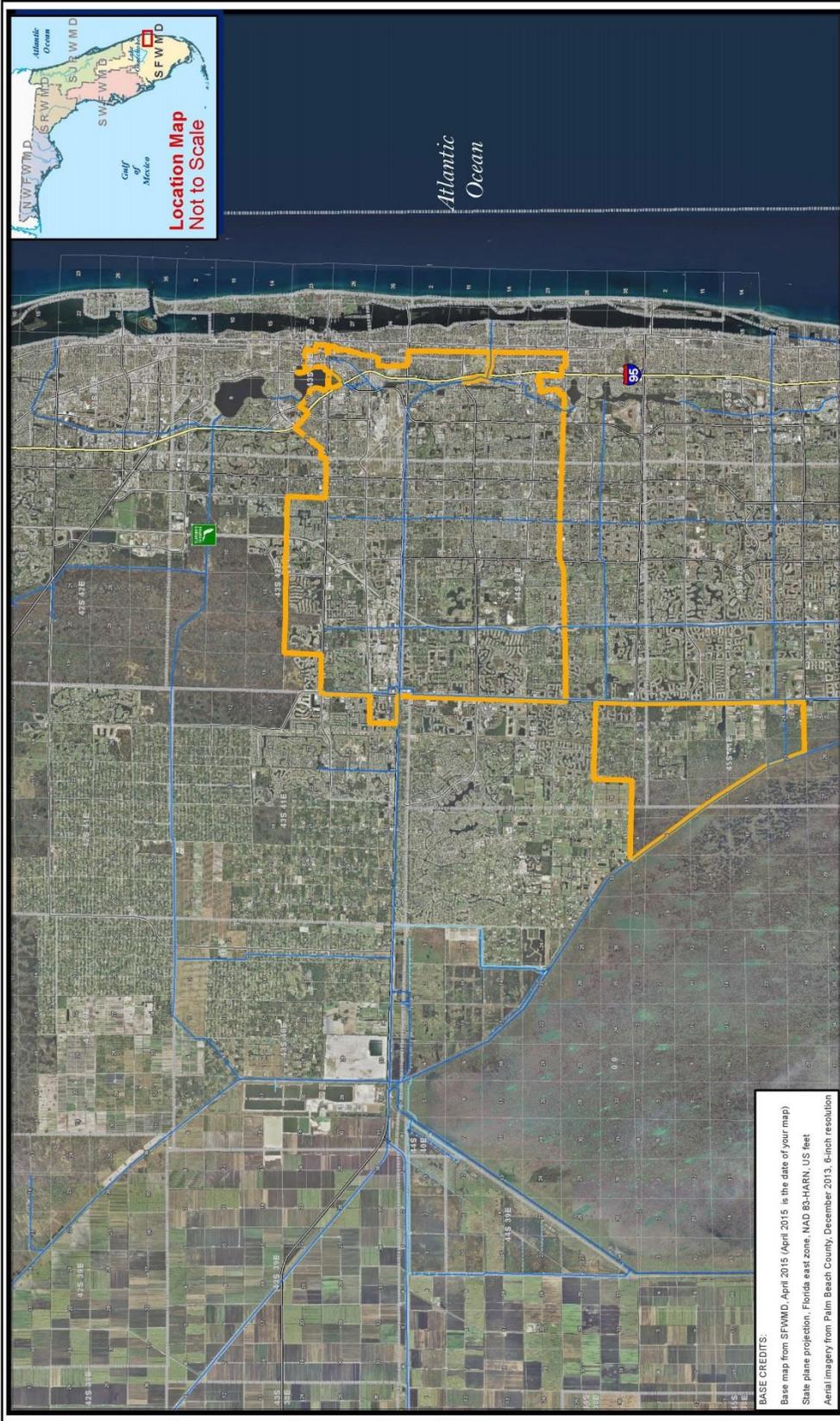
C-51 BASIN  
FIGURE 41-6



ATLANTIC OCEAN



C-51 BASIN  
FIGURE 41-7



**BASE CREDITS:**  
 Base map from SFWMD, April 2015. April 2015 is the date of your map.  
 State plane projection, Florida east zone, NAD 83-HARN, US feet  
 Aerial imagery from Palm Beach County, December 2013, 6-inch resolution



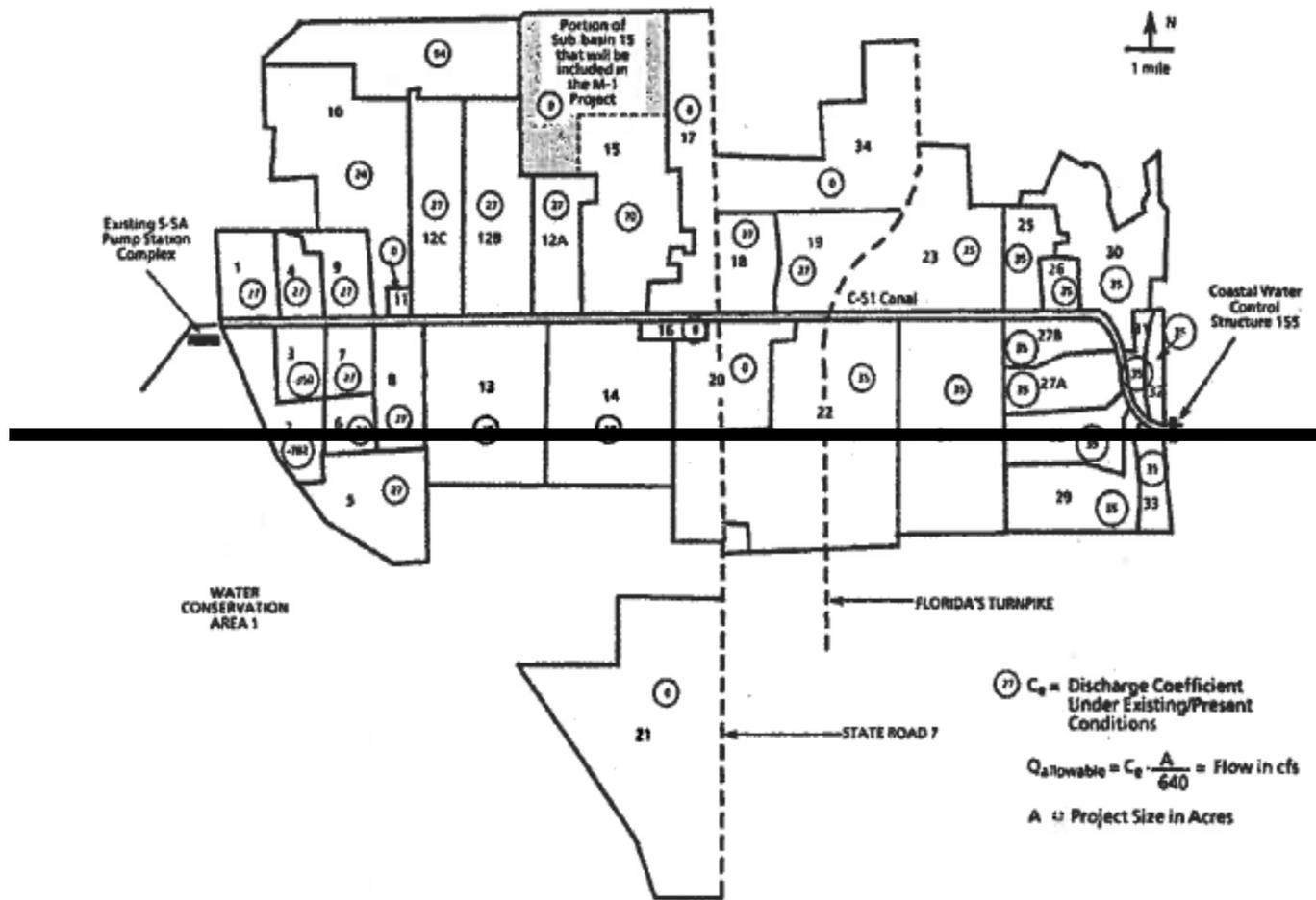
**South Florida Water Management District**  
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**Figure 41-7 C-51 BASIN EAST**

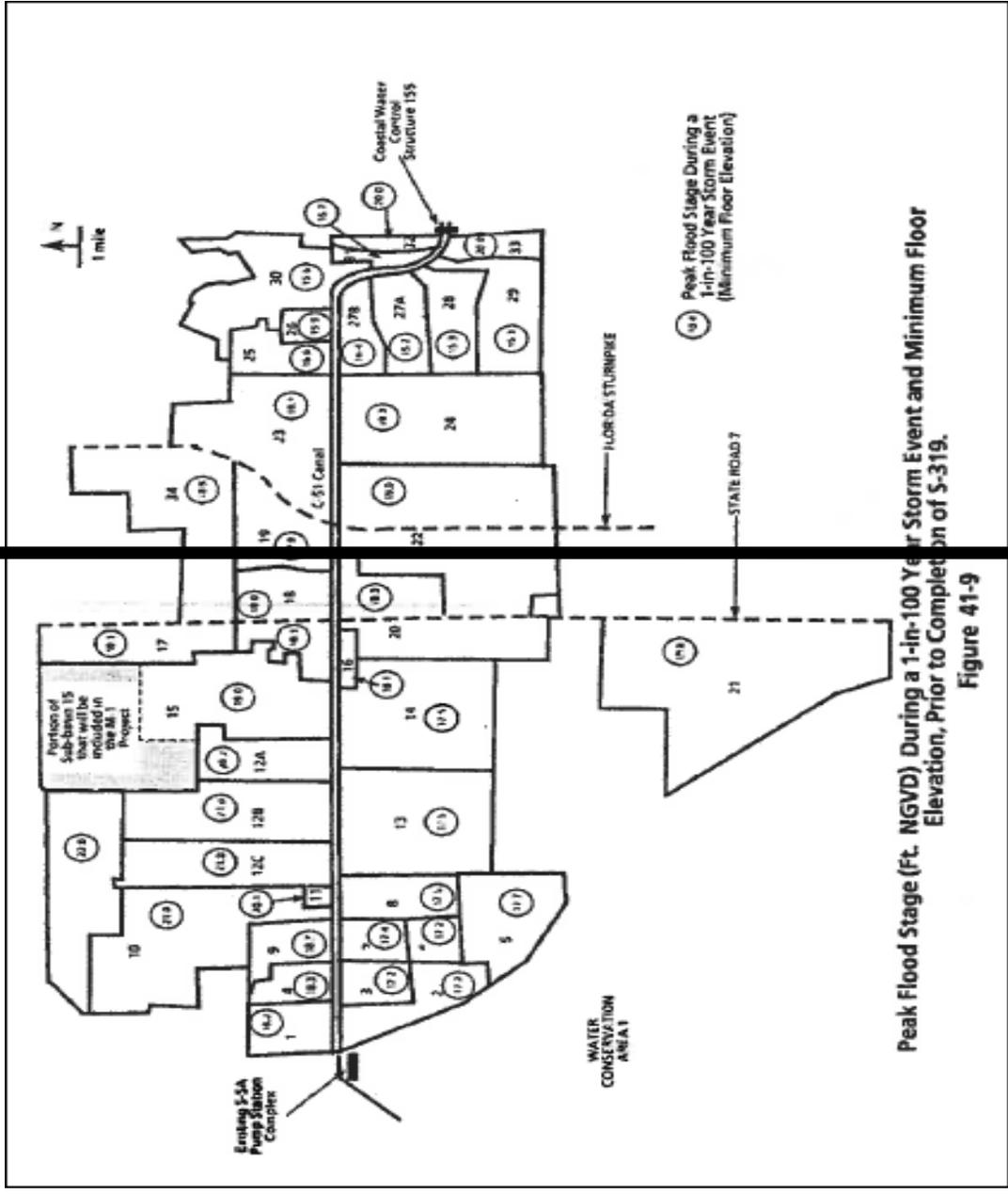
0 1 2 3 4 Miles  
 0 2 4 6 Kilometers

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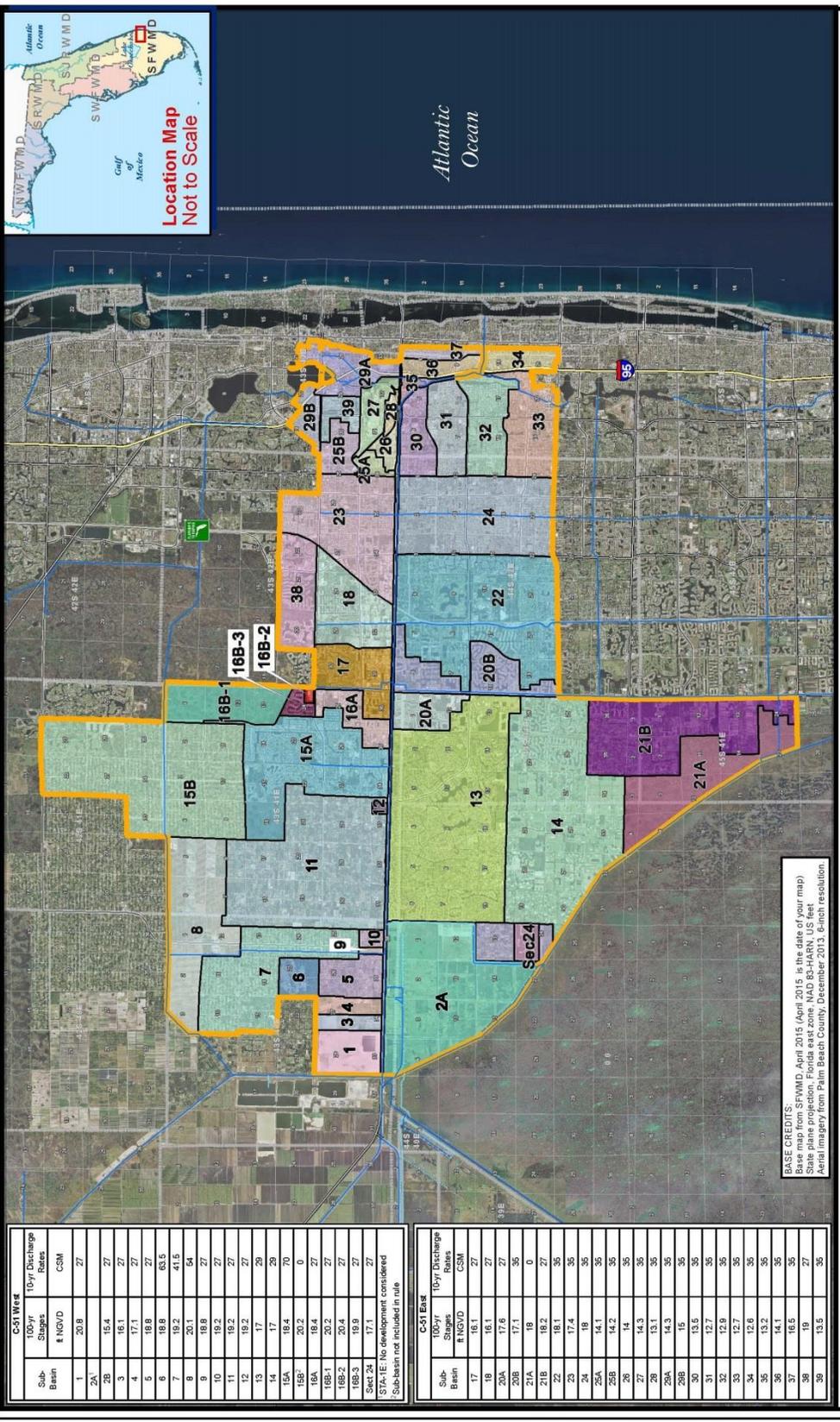
May, 2015



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



Sub-Basin	100% Discharge Rates	CSM
1	20.8	27
2A		
3	16.1	27
4	17.1	27
5	18.8	27
6	18.8	63.5
7	19.2	41.5
8	19.2	27
9	18.8	27
10	19.2	27
11	19.2	27
12	19.2	27
13	17	29
14	17	29
15A	18.4	70
15B	20.2	0
16A	18.4	27
16B-1	20.2	27
16B-2	20.4	27
16B-3	19.9	27
17	17.1	27
18	16.1	27
19	16.1	27
20A	17.6	27
20B	17.1	35
21A	19	0
21B	18.2	27
22	18.1	35
23	17.4	35
24	19	35
25A	14.1	35
25B	14.2	35
26	14	35
27	14.3	35
28	13.1	35
29A	14.3	35
29B	15	35
30	13.5	35
31	12.7	35
32	12.9	35
33	12.7	35
34	12.6	35
35	13.2	35
36	14.1	35
37	16.5	35
38	19	27
39	13.5	35

Sub-Basin	100% Discharge Rates	CSM
17	16.1	27
18	16.1	27
20A	17.6	27
20B	17.1	35
21A	19	0
21B	18.2	27
22	18.1	35
23	17.4	35
24	19	35
25A	14.1	35
25B	14.2	35
26	14	35
27	14.3	35
28	13.1	35
29A	14.3	35
29B	15	35
30	13.5	35
31	12.7	35
32	12.9	35
33	12.7	35
34	12.6	35
35	13.2	35
36	14.1	35
37	16.5	35
38	19	27
39	13.5	35

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 State plane projection, Florida east zone NAD 83-HARN US feet  
 Aerial Imagery from Palm Beach County, December 2013, 6-inch resolution.



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Figure 41-8 C-51 BASIN DESIGN CRITERIA

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June, 2015

NAME OF PERSON ORIGINATING PROPOSED RULE: Jesse Markle, P.E.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida

Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 27,

2015