

Florida Department of Environmental Protection, Water Management Districts Continue Stormwater Rule Development Ahead of Legislative Session

--February 22, 2023--

The Florida Department of Environmental Protection (DEP) and water management districts continue to undertake rule development to implement Chapter 2020-150, Laws of Florida, known as the Clean Waterways Act. Excess nutrients are a leading cause of impairment in Florida's surface waterbodies, and this development aims to establish a state stormwater rule that will update and provide consistency in design criteria. The goal is to increase protection of the state's water resources from nutrient discharge and support the effective removal of nutrients throughout the state.

The main focus of this rule development is to smooth inconsistencies in criteria among the five water management districts by refining the applicant's handbooks. This includes updating the water quality portions of Volume II handbooks, Volume I of the ERP Applicant's Handbook, and making edits to Chapter 62-330 of the Florida Administrative Code, which implements the statewide environmental resource permit program. A new resource listing of Stormwater Technologies best management practices (BMPs) is also proposed. Here, the DEP and water management districts will be able to list innovative BMPs and technologies, facilitate a vetting and approval process, and provide an informative resource for consultants.

Proposed changes to Volume I include the incorporation of terms and definitions adapted from Volume II Handbooks to meet the state's current needs; modifying performance criteria by setting percent reductions for all stormwater treatment systems that require an ERP; and enhancing operation and maintenance requirements for all projects. The proposed changes also include the creation of Volume I, Section 9, which establishes the methodology for calculating treatment requirements outlined in Section 8 and describes how required treatment efficiencies can be met. An auxiliary goal of the rule development is to provide incentives for site redevelopment which recognize that the pollutant percent reduction targets can penalize redevelopment sites, which tend to be higher in impervious surfaces.

At the time of publication there have been six rule development workshops since May 2022 and the notice of proposed rulemaking is expected the third week of February 2023, as the rules must be ratified by the Florida Legislature.

A link to the rulemaking materials is here:

[Clean Waterways Act Stormwater Rulemaking Workshops | Florida Department of Environmental Protection](#)