

Environmental Resource Permit Rulemaking Update WRAC

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CURRENT ERP RULES

QUALITY

Applicants are required to provide 1 inch of wet detention or 2.5 inches time the percent of impervious area, whichever is greater

If they can use retention the required volume is half of the volume above

This is a volume of stormwater runoff that is detained (held and slowly discharged off-site) or retained (held and allowed to percolate or evaporate only)

CURRENT ERP RULES

QUALITY

Discharges to impaired water bodies must provide additional reasonable assurances that the activity will not contribute to the existing violation

No specific criteria on how to provide additional reasonable assurances; reviewed on a case by case basis

Additional reasonable assurances have been provided in the form of additional water quality treatment volumes and other Best Management Practices (BMPs) as well as analysis methods that estimate the existing nutrient loads compared to proposed nutrient loads (proposed loads must not exceed existing loads)

CURRENT ERP RULES

QUANTITY

Discharge off-site at a rate no greater than the existing conditions or a discharge formula for a specified event

The rate criteria addresses the potential for flood impacts to off-site property during design storm events

While existing criteria does not specifically address the volume of stormwater discharged off-site there are water conservation criteria requiring the control elevations be set at the wet season water levels and specific requirements for water management system recovery

Two Initiatives Underway

The Unified Statewide Rule (DEP & WMDs)

Provides a consistent process to ensure appropriate water quality Environmental Resource Permitting (ERP) criteria (nutrient reduction) are used for stormwater runoff from new developments

Lake Okeechobee & Estuaries Watersheds Basin Rule (SFWMD)

Rule to address discharge volume from new development in the Lake Okeechobee, Caloosahatchee & St. Lucie Watersheds

UNIFIED STATEWIDE STORMWATER RULE

Develop one consistent water quality criteria, taking into account regional conditions, to reduce nutrient loads discharging from new development

Require post development nutrient loads (total phosphorus & total nitrogen) to be less than or equal to undeveloped/natural condition on an average annual basis

Treatment train approach with additional BMPs available to fit proposed project

UNIFIED STATEWIDE STORMWATER RULE

QUANTITY

No specific quantity criteria is proposed other than the volume component of nutrient load that is estimated; however, many of the BMPs will provide discharge volume reduction

BENEFITS

Rule is more protective of the environment and provides more certainty for applicants, stakeholders and review staff. It also may address new development in the TMDL Basin Management Action Plan (BMAP) process

UNIFIED STATEWIDE STORMWATER RULE

Original Schedule goal was for an effective date of July 2009

The proposed rule requires authorizing legislation that was anticipated in May 2009

However, authorizing legislation in 2009 considered premature due to need for additional technical and economic information

Therefore, legislation is now anticipated in 2010

UNIFIED STATEWIDE STORMWATER RULE

Technical Advisory Committee met from March to November 2008

Staff from DEP/WMDs revising permit criteria for second TAC review first half of 2009

Economic analysis and peer review of criteria by National Academy of Science in mid 2009

Rule workshops second half of 2009 possibly into 2010

Authorizing legislation 2010

Rule effective mid 2010



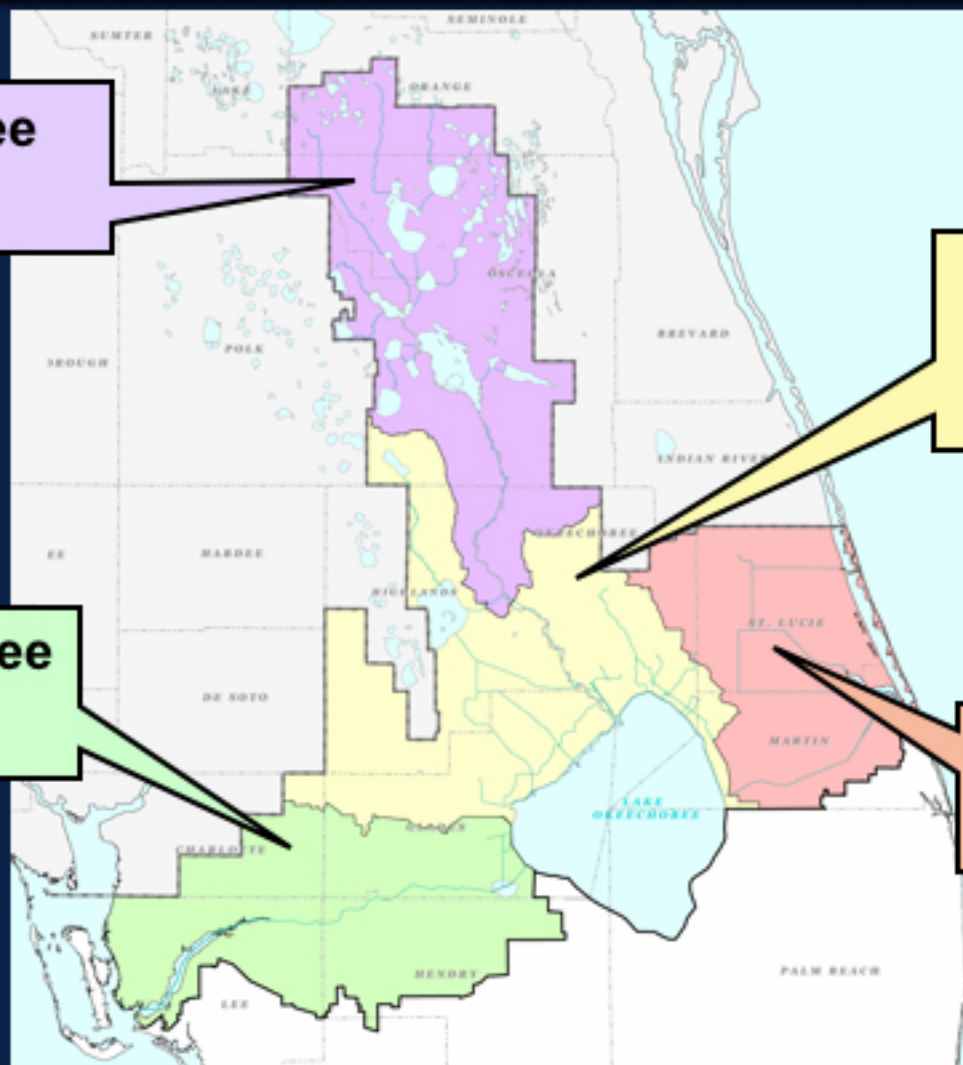
Northern Everglades

**Kissimmee
Region**

**Lake
Okeechobee
Region**

**Caloosahatchee
Region**

**St Lucie
Region**



LAKE OKEECHOBEE & ESTUARY WATERSHEDS BASIN RULE

Since the Statewide Rule will address nutrient load reduction goals, the basin rule will instead emphasize Northern Everglades Legislation (373.4595, F.S.) requirements for improvements in hydrology (quantity)

The new basin rule will provide supplemental basin protection on top of the new water quality protections to be provided in the Statewide Rule

LAKE OKEECHOBEE & ESTUARY WATERSHEDS BASIN RULE

QUANTITY

The Basin Rule will address hydrology (stormwater storage/volume) within the Northern Everglades watersheds

Treatment train approach with additional BMPs available, consistent with Statewide Rule, to fit proposed project

LAKE OKEECHOBEE & ESTUARY WATERSHEDS BASIN RULE

Anticipated piggy backing with Statewide Rule to receive authorizing legislation in 2009

While working toward 2010 legislative session, evaluate hydrology options using existing authority (possibly limit average annual discharge volume to existing conditions similar to how nutrient loads are limited now)

LAKE OKEECHOBEE & ESTUARY WATERSHEDS BASIN RULE

Evaluate available hydrology options under current authority, first half of 2009

Peer review of Basin Rule criteria by National Academy of Science mid 2009 (piggy back with Statewide Rule)

Economic analysis and rule workshops second half of 2009 possibly into 2010

Authorizing legislation 2010

Rule effective mid 2010