

Committee on Environment and Natural Resources

CS/CS/SB 848, 1st Eng. — Stormwater Treatment

by Rules Committee; Environment and Natural Resources Committee; and Senator Truenow

The bill amends numerous provisions related to stormwater treatment through the use of regional stormwater systems and water quality enhancement areas (WQEAs).

The bill requires environmental resource permit (ERP) applicants for regional stormwater management systems to provide documentation of adequate financial responsibility, which must be updated every five years. ERPs for regional stormwater management systems must include a graphic depicting the drainage area served by the system. The bill allows ERP applicants located within a regional stormwater management system's drainage area to purchase and use pollution reduction allocations from the system to meet stormwater treatment performance criteria. The drainage area must be based on a hydrologic unit code (HUC) 12 subbasin as set by the U.S. Geological Survey, unless the applicant can demonstrate through modeling or other evaluations that the proposed area outside the HUC 12 would provide the same degree of compensating treatment.

The bill authorizes ERP applicants to use compensating stormwater treatment as a mitigation measure when existing ambient water quality prevents compliance with water quality standards. The bill provides that the use of enhancement credits from a WQEA constitutes compensating stormwater treatment under the ERP program. The bill provides that the use of a WQEA credit transfers the legal responsibility for complying with applicable regulatory water quality treatment requirements from the purchaser and user of the credit to the generator of the credit. The bill prohibits referring to pollutant reductions as "credits," except for enhancement credits generated from a WQEA. The bill provides that water quality enhancement service areas must consist of a HUC 8 subbasin as set by the U.S. Geological Survey.

The bill requires the Department of Environmental Protection (DEP) to adopt WQEA rules no later than October 1, 2026. Pending the adoption of such rules, DEP must accept applications for WQEA provisional permits and issue such permits if the applicant provides reasonable assurance that it will meet applicable statutory criteria. Enhancement credits may be used from a WQEA established under a provisional permit. The bill authorizes DEP to modify a provisional permit to conform to the adopted rules but requires continued recognition of any enhancement credits issued under the provisional permit.

The bill provides that regional stormwater systems and WQEAs operated by non-local governmental entities may not provide stormwater treatment, achieve net improvement of water quality, or convey enhancement credits for proposed port activities that cause or contribute to stormwater pollution at certain seaports.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 36-0; House 112-0