

Committee on Environment and Natural Resources

CS/SB 7040 — Ratification of the Department of Environmental Protection's Rules Relating to Stormwater

by Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; and Senators Harrell and Mayfield

As required by the Clean Waterways Act, the Department of Environmental Protection (DEP) initiated rulemaking to update the stormwater design and operation regulations for environmental resource permitting, including updates to the Environmental Resource Permit Applicant's Handbook. The proposed rules were developed to increase the removal of nutrients from stormwater to protect the state's waterways. The Statement of Estimated Regulatory Costs developed by DEP concluded that the revised rules will likely increase stormwater treatment costs by \$1.21 billion (or \$2,600 per acre developed) in the aggregate within five years after the rules' implementation. This amount triggered the statutory requirement for the rule to be ratified by the Legislature before becoming effective.

This bill ratifies DEP's revisions to the stormwater rules within Chapter 62-330 of the Florida Administrative Code with several changes, including:

- Extending the timeframe for a permit application to be deemed complete to qualify for an exemption from revised rules from 12 months to 18 months after the effective date of the revised rules;
- Providing that entities implementing stormwater best management practices also regulated under different provisions of law are not subject to duplicate inspections for the same practices;
- Allowing alternative treatment standards for redevelopment projects in areas with impaired waters;
- Providing that a stormwater management system is presumed to not violate state water quality standards if an applicant demonstrates its designs and plans meet performance standards and has met other requirements under the revised rules; and
- Allowing an applicant to demonstrate compliance with the rule's performance standards by providing reasonable assurance through modeling, calculations, and supporting documentation that satisfy the provisions of the revised rules.

In addition, the bill clarifies that nothing in the revised rules eliminate any grandfather provisions in existence prior to the effective date of the ratified rules and exempts additional projects, including:

- Regional stormwater systems and projects submitted as a part of a local building permit or as part of an application for a site plan or subdivision plat approval where stormwater management and design plans were submitted to a government agency before January 1, 2024;
- Stormwater management systems constructed in accordance with a binding ecosystem management agreement executed by DEP before January 1, 2024;

- Until October 1, 2044, stormwater management and design plans for a valid development of regional impact with a development order issued before January 1, 2024, except where the development of regional impact is essentially built out after the effective date of the revised rules; and
- Until October 1, 2034, stormwater management and design plans for a planned unit development approved before January 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 114-0