



FLORIDA STORMWATER ASSOCIATION

Leadership in Stormwater Management and Utilities

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April 14, 2023

Florida Department of Environmental Protection
ATTN: Secretary Shawn Hamilton
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Submitted via email: Stormwater2020@floridadep.gov

RE: Proposed State Stormwater Design and Operation Regulations

Dear Secretary Hamilton:

The Florida Stormwater Association (FSA) would like to provide comments on the March 2023 proposed State Stormwater Regulations. We continue to support the effort to strengthen stormwater design standards and criteria on a statewide basis. Standards that are more protective of water resources statewide will lessen the need for local governments to adopt their own (more stringent) standards and allow for regulatory consistency. Updated regulatory programs and policies, some of which have not been revised in decades, will also help meet the Governor's request for action through Executive Orders 19-12 and 23-06, and the 2020 Clean Waterways Act (SB 712). These actions will address the demands of a rapidly growing population to ensure our land and aquatic environments are protected and preserved for the future.

As an association representing over 330-member local governments, private consulting firms and other stormwater organizations (4,500 individuals) in Florida, FSA has been actively involved in this rulemaking process from monitoring in FDEP's Technical Advisory Committee meetings to participating in rulemaking workshops and providing detailed comments to the Department. This being our seventh letter to the Department, FSA restates our support of all earlier comments submitted on record.

Regarding the March 2023 Notice of Change updates to the regulations, FSA does not support the Department's last-minute change to Section 3.1.2 of the Environmental Resource Permit Applicant's Handbook, Volume I which grandfathers existing Conceptual Approval Permits. While we understand the practice of grandfathering when new regulations are implemented, FSA believes that the scale of these permits, both in size (large developments currently estimated to total 653 square miles of Florida land) and time (each permit is granted 20-years with a possible 5-year extension) will allow for potential significant adverse impacts to water quality for many years to come. FSA believes this exemption will leave a gap in protections across the state, passing the responsibility and cost of water quality protections to other stakeholders.

Elizabeth Perez, PE
President
Collective Water Resources

Shane Williams, PhD, PE
Vice President
Alachua County

Melissa Long
Secretary-Treasurer
City of Jacksonville

Danielle Hopkins, CMP
Executive Director

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To address this change and in an effort to achieve a more consistent approach to the enhancement of water quality, FSA recommends that the Department develop comprehensive implementation guidance for regulators and stakeholders. Implementation guidance should be in the form of written materials and include training for Department and Water Management District staff on updated regulations. This guidance should include the monitoring of Conceptual Approval Permits to ensure consistent application of regulations across the state. We would also recommend the development of a statewide reporting mechanism to show the year-by-year decrease in grandfathered permits and/or a map of grandfathered permits overlaid with impaired waters, TMDLs, and BMAPs, that is regularly updated.

Notwithstanding the change, FSA believes that the updated regulations meet the requests of both the Florida Legislature and Governor DeSantis to support the Department in their mission to protect and preserve Florida's iconic and valuable natural resources. We hope that the current effort is successful and is adopted in time for ratification by the Legislature during the 2023 Session. As an engaged stakeholder, we look forward to the opportunity to make the needed updates to the statewide stormwater design criteria to protect Florida's waters.

As always, we stand ready to assist the Department in that effort in any way possible.

Sincerely,
FLORIDA STORMWATER ASSOCIATION, INC.

A handwritten signature in black ink that reads "Danielle Hopkins". The signature is written in a cursive, flowing style.

Danielle Hopkins