

Rule 62-330.010 Purpose and Implementation.

(1) through (3) No change.

(4) This chapter is used in conjunction with an Applicant's Handbook, in two volumes, as follows:

(a) Applicant's Handbook Volume I, "General and Environmental" (hereinafter "Volume I") applies statewide to all activities regulated under Chapter 62-330, F.A.C. It includes explanations, procedures, guidance, standards, and criteria on what is regulated by this chapter, the types of permits available, how to submit an application or notice for a regulated activity to the Agencies, how applications and notices are reviewed, the standards and criteria for issuance, and permit duration and modification. Volume I, including Appendices G, H, ~~and I~~, L, M, N, and O only, is incorporated by reference herein (eff. date) (insert link). The Federal Guidelines for Inundation Mapping of Flood Risks Associated with Dam Incidents and Failures (FEMA P-946, July 2013), referenced in Appendix L, is incorporated by reference herein (eff. date) (insert link).

(b) An Applicant's Handbook Volume II (hereinafter "Volume II"), has been adopted for use within each District. Each District's Volume II is incorporated by reference herein and in the rules listed below, which also are incorporated by reference herein. These rules and Handbook Volumes are available as provided in subsection (5), below.

1. Northwest Florida Water Management District – "Department of Environmental Protection and Northwest Florida Water Management District Environmental Resource Permit Applicant's Handbook – Volume II (Design and Performance Standards Including Basin Design and Criteria)," including all appendices, is incorporated by reference herein (eff. date) ~~(June 1, 2018)~~ (insert link).

2. through 5. No change.

(5) through (6) No change.

Rulemaking Authority 373.026(2), 373.026(7), 373.043, 373.044, 373.117, 373.118, 373.414(9), 373.418, 373.4131, 373.4145, 403.061, 403.805(1) FS. Law Implemented 373.016, 373.026, 373.036, 373.117, 373.406, 373.409, 373.413, 373.4131, 373.414(9), 373.4141, 373.4142, 373.4145, 373.416, 373.419, 373.422, 373.423, 373.426, 373.428, 373.429, 373.441, 403.031(14)-(18), 403.031(21), 403.061, 403.067(7), 403.0877, 403.0891, 668.003, 668.004, 668.50, 704.06 FS. History—New 10-1-13, Amended 6-1-18, 12-22-20, Amended

Rule 62-330.050 Procedures for Review and Agency Action on Exemption Requests.

(1) through (8) No change.

(9) The following apply when specified in an exemption in Rule 62-330.051, F.A.C.:

(a) No change.

(b) Construction, alteration, and operation shall not:

1. through 4. No change.

5. Cause or contribute to a violation of state water quality standards. Turbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3) and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters due to construction-related activities. Erosion and sediment control best management practices shall be installed and maintained in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, ~~July 2013~~ June 2007), incorporated by reference herein (insert link) (~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-02530>~~), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual Tier I* (Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration ~~Nonpoint Source Management Section~~, Tallahassee, Florida, ~~October 2018~~ July 2008), incorporated by reference herein (insert link), (~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-02531>~~) and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual Tier II* (Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, Tallahassee, Florida, October 2018), incorporated by reference herein (insert link); nor

6. No change.

(c) No change.

(10) No change.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.109, 373.406, 373.4131, 373.414(9), 373.4142, 373.4145, 403.813(1), 668.003, 668.004, 668.50 FS History—New 10-1-13, Amended 6-1-18, 12-22-20, Amended

Rule 62-330.055 Conceptual Approval Permits for Urban Infill or Redevelopment.

A county or municipality may request a conceptual approval permit for activities occurring within urban infill and redevelopment areas or community redevelopment areas created under chapter 163, F.S. Following approval of the conceptual permit, any construction, alteration, operation, maintenance, or removal consistent with the conceptual permit may be authorized under a notice of intent to use the general permit for urban infill and redevelopment in rule 62-330.450, F.A.C.

(1) An urban infill or redevelopment conceptual approval permit shall be reviewed as provided below and in rule 62-330.056, F.A.C., but does not have to meet all of the stormwater quality and quantity design and performance criteria of Volume I and Volume II, provided the county or municipality submits a stormwater management master plan for the urban refill or redevelopment area that includes the following:

(a) through (c) No change.

(2) An application for a conceptual approval permit for urban redevelopment and infill activities shall also include the following:

(a) through (b) No change.

(c) A commitment that activities within the redevelopment area will use ~~stormwater~~ best management practices (BMPs) for stormwater treatment to the maximum extent practicable.

(d) through (i) No change.

(3) through (7) No change.

Rulemaking Authority 373.026, 373.043, 373.044, 373.4131, 373.414(9), 373.4145, 373.418, 380.06, 403.805(1) FS. Law Implemented 373.016, 373.026, 373.409, 373.413, 373.4131, 373.414(9), 373.4141, 373.4142, 373.4145, 373.416, 373.422, 380.06 FS. History—New 10-1-13, Amended 6-1-18, Amended.

Rule 62-330.301 Conditions for Issuance of Individual and Conceptual Approval Permits.

(1) To obtain an individual or conceptual approval permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

(a) through (j) No change.

(k) Will comply with any applicable special basin or geographic area criteria established as follows:

1. Within the Northwest Florida Water Management District, Section 12.0 ~~Sections 13.0 through 13.4~~ (Special Basin Criteria for Sensitive Karst Areas, including Appendix A) of Volume II.

2. through 4. No change.

(2) Information shall be provided for dam systems, in accordance with Volume I, section 8.4.5, on Form 62-330.301(25), “Dam Systems Information,” which is incorporated by reference herein (eff. date) (insert link).

~~(3)(2)~~ In instances where an applicant is unable to meet state water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, the applicant must implement mitigation measures that are proposed by, or acceptable to, the applicant that will cause net improvement of the water quality in the receiving waters for those parameters that do not meet standards. The applicant shall demonstrate such net improvement whereby the pollutant loads discharged from the post-development condition for the proposed project shall be demonstrated to be less than those discharged based on the project’s pre-development condition.

(4) To calculate the discharged pollutant loads, an applicant shall use total nitrogen (TN) and total phosphorus (TP) event mean concentration (EMC) values in accordance with Volume I. Applicants must use the most up-to-date verified EMC values, where available, for their project region. An applicant may use EMC values which are derived from regional, local government studies, or Agency which have been accepted by the Agency or adopted by the Department. An applicant may use EMC values derived from a regional or local government study which are not listed if the study meets the applicable criteria given in section 9.2.2(b) of Volume I. If no appropriate regional studies or EMC values exist for the proposed project area, the applicant shall use the EMC values listed in section 9 of Volume I. Agency-accepted studies include:

(a) Sanibel Nutrient Management Plan Phase 2: Development of Stormwater Runoff Coefficients, Nutrient Concentrations and Loading Estimates for Sanibel Island, Florida, Sanibel-Captiva Conservation Foundation Marine Laboratory, Mark Thompson, M.S., and Eric Milbrandt, Ph.D., City of Sanibel, December 2014, incorporated by reference herein (insert link).

(3) through (6) renumbered as (5) through (8) No change.

(9) Form 62-330.301(26), “Certification of Financial Capability for Perpetual Operations and Maintenance Entities,” (eff. date) (insert link), for demonstrating that an applicant has met the financial capability requirements of section 12 of Volume I, is incorporated by reference herein. A copy may be obtained from the Agency as described in subsection 62-330.010(5), F.A.C.

(7) renumbered as (10) No change.

Rulemaking Authority 373.026(2), 373.026(4), 373.026(7), 373.043, 373.117, 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.016, 373.026, 373.042, 373.109, 373.117, 373.403, 373.409, 373.413, 373.4131, 373.4132, 373.414(9), 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.422, 373.423, 373.426, 373.429, 403.061, 403.067(7), 403.0891, 668.003, 668.004, 668.50, 704.06 FS. History—New 10-1-13, Amended 6-1-18, Amended _____.

Rule 62-330.310 Operation and Maintenance.

(1) The permit authorizing construction or alteration must be converted to the operation and maintenance phase once the construction or alteration has been completed. The construction or alteration authorized under an individual permit must be certified to be in compliance with the permit before conversion of the permit to the operation and maintenance phase. Procedures for converting the permit to the operation and maintenance phase, and transferring the permit to the perpetual operation and maintenance entity are described in section 12 sections 12.2 and 12.2.1 of Volume I.

(2) If the permittee is also the operation and maintenance entity or ~~if~~ a separate entity is to operate and maintain the project, the entity must demonstrate that it will have the financial, legal, and administrative capability to perform operation and maintenance, as described in sections 12.1 through 12.3.5 12.3.4 of Volume I. Transfer of the permit to the operation and maintenance entity that was approved as part of the permit does not require a permit modification.

(3) No change.

(4)(a) For individual permits NOT associated with an individual, private single-family dwelling unit, duplex, triplex, or quadraplex:

1. Upon completion of construction, and following the general conditions in paragraphs 62-330.350(1)(f) and (g), F.A.C., the permittee shall submit both of the following to the permitting Agency:

a. No change.

b. Form 62-330.310(2), “Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity,” which is incorporated by reference herein (eff. date) (June 1, 2018) (insert link) (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 09385>~~).

2. No change.

3. The permit will be transferred to the operation and maintenance entity once the Agency has verified that the entity meets the requirements of section 12.3 of Volume I, ~~app~~ applicable operation and maintenance documents have been recorded in accordance with sections section 12.3.4 and 12.3.5 of Volume I, and the entity has accepted responsibility for operation and maintenance of the project or independent portion of the project. The entity is required to sign Form 62-330.310(2), except when the operation and maintenance entity has been accepted at the time of issuance of the permit for the construction phase, or as part of a permit modification.

(b) through (c) No change.

(5) through (7) No change.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.026, 373.118, 373.4131, 373.4141, 373.416, 373.419, 373.426, 373.429, 403.031(14)-(18), 403.031(21), 668.003, 668.004, 668.50 FS. History—New 10-1-13, Amended 6-1-18, Amended _____.

Rule 62-330.311 Inspections and Reporting.

(1) The operation and maintenance entity shall provide for the inspection of the permitted project after conversion of the permit to the operation and maintenance phase as provided in section 12.5 12.4 of Volume I. Inspections are to be conducted and reported as described in section 12.5 of Volume I. Minimum inspection frequencies will be established in Volume II for each District as applicable, but actual inspection ~~Inspection~~ and reporting frequencies for the specific project are subject to revision through permit conditions, based on site- and activity-specific operational and maintenance requirements.

(2) Within 30 days of a stormwater management system inspection, or within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted to the Agency using Form 62-330.311(1), “Operation and Maintenance Inspection Certification,” (eff. date) (October 1, 2013) (insert link) (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 02502>~~), incorporated by reference herein, describing the remedial actions taken to resolve the failure or deviation.

(3) The inspection report shall include the information required in Form 62-330.311(3), “Inspection Checklists,” (eff. date) (insert link), as provided in section 12.5 of Volume I, on that form or in another format which includes the required information.

(3) through (5) renumbered as (4) through (6) No change.

(7) Information shall be provided for existing dam systems in accordance with section 8.4.5 of Volume I on Form 62-330.311(4), "Condition Assessment Report," which is incorporated by reference herein (eff. date) (insert link).

Rulemaking Authority 373.026(2), 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.026, 373.117, 373.118, 373.409, 373.4131, 373.4141, 373.4142, 373.416, 373.423, 373.429, 403.429, 668.003, 668.004, 668.50 FS. History—New 10-1-13, Amended 6-1-18, Amended _____.

Rule 62-330.350 General Conditions for Individual Permits.

(1) The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(a) through (b) No change.

(c) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation, July 2013 ~~June 2007~~), incorporated in Rule 62-330.050(9)(b)5. and referenced in section 11.2.1 of Volume I, available at (insert link) <https://www.flrules.org/Gateway/reference.asp?No+Ref+04227>, the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual Tier I* (Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, Tallahassee, Florida, October 2018), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual Tier II* (Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, Tallahassee, Florida, October 2018) and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), available at <https://www.fsesci.com/downloads/>, unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(d) through (f) No change.

(g) If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see ~~section sections~~ 12.3 ~~thru~~ 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. No change.

(h) through (o) No change.

(p) The permittee shall provide routine operation and maintenance of all components of the stormwater management system to remove trapped sediments and debris, and to ensure that the system continues to function as designed and permitted, including, at a minimum, implementation of operation and maintenance activities under any required operation and maintenance plan. ~~Any removed~~ ~~Removed~~ materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(q) through (r) No change.

(2) No change.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.016, 373.026, 373.044, 373.116, 373.117, 373.409, 373.413, 373.4131, 373.414(9), 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 373.428, 373.429, 403.0877 FS. History—New 10-1-13, Amended 6-1-18, Amended _____.

Rule 62-330.405 General Conditions for All General Permits.

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) through (10) No change.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be

implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation, July 2013 ~~June 2007~~), available at ~~(insert link)~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref 04227>, the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual Tier I* (Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, Tallahassee, Florida, October 2018), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual Tier II* (Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, Tallahassee, Florida, October 2018), ~~and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), available at~~ <https://www.fsesci.com/downloads/>.

(12) through (20) No change.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(4), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.016, 373.026, 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4142, 373.4145, 373.416, 373.422, 373.423, 403.031(21), 403.814(1), 403.814(12) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18, Amended_____.