

Notice of Change

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:RULE TITLES:

62-330.010: Purpose and Implementation

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

62-330.311: Inspections and Reporting

62-330.350: General Conditions for Individual Permits

62-330.405: General Conditions for All General Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 38, February 24, 2023, issue of the Florida Administrative Register. In addition, notice is hereby given that a revised statement of estimated regulatory costs is available to the public on the department's website:

<http://publicfiles.dep.state.fl.us/dwrm/draftrulesdocs/stormwater/noc/>

The following changes are made in response to written comments received from the staff of the Joint Administrative Procedures Committee, to public comment, and to evidence presented at the public hearing.

The Department revises the incorporated material as follows: Applicant's Handbook Volume I, NFWFMD Vol II, and Form 62-330.311(3), Inspection Checklist. Revised material is available on the Department's website:

<http://publicfiles.dep.state.fl.us/dwrm/draftrulesdocs/stormwater/noc/>

Rule 62-330.010 Purpose and Implementation.

No rule language is added or deleted. Changes are made to the Environmental Resource Permit Applicant's Handbook, Volume I, incorporated in subsection 62-330.010(4)(a) and to the Northwest Florida Water Management District Applicant's Handbook, Volume II, incorporated in subsection 62-330.010(4)(b)1.

Changes to Volume I include technical changes in response to JAPC comments and substantive changes in response to public comments received during the comment period and evidence presented at the public hearing.

Substantive changes are as follows:

Section 2(25) and (26): clarified definitions for BMPs and added section citations for additional information;

Section 3.1.2(e): included conceptual approval permits in grandfathering language;

Section 8.3: clarified grandfathering language and clarified and revised performance standard design requirements;

Table 9.2: corrected the calculation for one land use EMC value; and

Section 9.5.2: clarified BMP references to include those listed in Volume II or Appendix O.

Changes to Northwest Florida Water Management District Applicant's Handbook, Volume II, include technical changes and one substantive change aligning borrow pit criteria language in Appendix C with the corresponding statutory requirements in response to JAPC comments.

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

No rule language is added or deleted. Technical changes are made to the Florida Stormwater Erosion Control Inspector's Manual Tier II, incorporated in subsection 62-330.050(9)(b)5, in response to JAPC comments.

Rule 62-330.311 Inspections and Reporting.

No rule language is added or deleted. Substantive changes are made in response to public comments to Form 62-330.311(3), Inspection Checklists, incorporated in subsection 62-330.311(3), to add language allowing the use of the incorporated form or a substantially similar form providing the required information.

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), incorporated in Rule 62-330.050(9)(b)5. and referenced in section 11.2.1 of Volume I, available at (insert link); 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), incorporated in Rule 62-330.050(9)(b)5. and available at <https://www.fsesci.com/downloads/>; 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 in Rule 62-330.050(9)(b)5., and 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 (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), incorporated in Rule 62-330.050(9)(b)5., and available at (insert link); 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), incorporated in Rule 62-330.050(9)(b)5.; 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 in Rule 62-330.050(9)(b)5., and 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 _____.