



COASTAL & HEARTLAND NATIONAL ESTUARY PARTNERSHIP
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October 1, 2020

Submitted via email to Stormwater2020@floridadep.gov

Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Re: Section 5 of Chapter 2020-150, L.O.F. Stormwater Rulemaking – Initial Comments in Response to Request for Public Input

To Whom It May Concern:

The Coastal & Heartland National Estuary Partnership (CHNEP) appreciates the opportunity to provide input on the statewide stormwater rulemaking. The CHNEP is a partnership program of federal, state, and local governments (10 counties, 27 cities), as well as NGOs. It was created by Section 320 of the Clean Water Act to protect and preserve Southwest Florida estuaries and their watershed extending into Central Florida, which are recognized as estuaries of national significance by Congress.

Long-term management, preservation and restoration activities within the CHNEP are guided by our *Comprehensive Conservation and Management Plan* (CCMP, <https://www.chnep.org/our-plan>) 2019, developed and implemented with our partners. Our CCMP identified in Water Quality Action 2, the need to “reduce urban stormwater and agricultural runoff pollution”, and the recently approved 2021 CHNEP State Legislative Priorities (<https://www.chnep.org/2021-chnep-legislative-priorities>) specifically states “Create or strengthen nutrient and pollution reduction policies to reduce loads from wastewater, septic, agricultural runoff, reclaimed water, stormwater, fertilizer and internal “legacy loads”. Support the Florida Department of Environmental Protection to update stormwater standards in Environmental Resource Permitting state-wide to require stormwater systems *that maximize the capture and treatment of nitrogen and phosphorus* (emphasis added).”

To create updated stormwater standards that will achieve maximizing the capture of nitrogen and phosphorus, we recommend these fundamental guiding principles in developing the new rule:

- **In the Pre versus Post development assessment, Pre-development is considered natural land use loading rates before any development**, rather than it being current land use loading rates that include existing development as is currently the practice. This is paramount as many existing developed areas having high loading rates due to inadequate retention and treatment.
- **Wetlands not be counted as positive loading sources for any pre-development calculations.** Wetlands are natural nutrient sinks so lessen nutrient loads coming in and through them. Therefore, the output from wetlands is already captured in the neighboring upland land use loading rates, and should not be counted and ascribed to them for stormwater calculation purposes.
- **Higher removal (80%) of both TN and TP be required in all cases.** While some areas are predominantly TN or TP limited, science supports that the TN:TP ratio is a driver in maintaining ecological balance and health. Additionally, often TN originates in TP-limited waterbody basins,

migrating downstream to TN-limited waterbodies. Therefore, regulating it properly upstream is vital to meeting downstream water quality goals.

- **Low-Impact Development Design (LID) and Green Infrastructure BMPs are important to include in the suite of alternatives applicants can use to meet the new criteria.** There is an abundance of existing science, including from FDEP's prior effort to update statewide stormwater standards, which supports the efficacy of LID and Green Infrastructure BMPs. NEPs work to implement nature-based solutions wherever possible. These approaches can provide additional ecological benefits outside water quality, such as providing wildlife habitat.

Additionally, since FDEP developed draft language after three years of intensive work by its staff under the leadership of Eric Livingston, together with its large expert Technical Advisory Committee, it would be beneficial to resurrect and use that language as the basis for this effort. There were significant scientific resources and time invested, which can help to expedite this rulemaking effort to assist completing and implementing updated standards in a timely manner to aid water quality restoration efforts. This is paramount with expanded development, new transportation corridors, etc. currently being planned and permitted.

Finally, the four National Estuary Program entities in Florida (CHNEP, Tampa Bay Estuary Program, Sarasota Bay Estuary Program, and Indian River Lagoon National Estuary Program) are a great resource to FDEP in this effort. As such, we want to convey our support of your efforts and offer assistance in whatever capacity would be beneficial. Additionally, I personally served as an appointed member of the FDEP Statewide Stormwater Technical Advisory Committee for a number of years and was deeply engaged in this issue, so would be glad to actively personally assist if an opportunity should arise to do so. Please contact me at jhecker@chnep.org to discuss further and thank you for your efforts to protect and restore our water resources.

Sincerely,



Jennifer Hecker
Executive Director