

9/28/2020

Florida Dept. of Environmental Protection
Attn: John Coates
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Submitted Electronically to: Stormwater2020@floridadep.gov

RE: Input on Expected Stormwater Rulemaking Efforts

Mr. Coates,

We are pleased to learn that the Florida Department of Environmental Protection (FDEP) is soliciting input ahead of rulemaking on stormwater management matters. Contech Engineered Solutions (Contech) is a leading developer and supplier of innovative stormwater management solutions, among other civil site solutions, and as such we are engaged with stormwater programs throughout North America. In short, we have long supported efforts that protect water quality, properly vet and evaluate innovative stormwater solutions, and provide a pathway for acceptance for new innovations. That said, we feel strongly the FDEP should consider incorporating standards for the vetting and acceptance of innovative stormwater BMPs as part of your upcoming rule making efforts. As it currently stands Florida does not have a clear and consistent process in place for this purpose.

We recognize that many agencies have limited time and resources available to establish and administer their own protocols and vetting process for innovative technologies. As such, many agencies are opting to utilize the work of some of the leading programs currently operating in this space rather than attempt to take on their effort of establishing their own standards and protocols for this purpose. Currently there are two highly credible and thoroughly robust programs in the United States that are referenced by dozens of state and local stormwater programs across North America for the purpose of vetting and approving innovative stormwater BMPs. The New Jersey Dept. of Environmental Protection's Certification Process, based on lab testing, and the Washington Dept. of Ecology's TAPE Field testing program are both highly respected long running programs that have collectively vetted and approved dozens of innovative stormwater practices. There is also a national effort underway, known as STEPP, with support from USEPA and a diverse collective of stakeholders to make these two programs the foundation of a National Verification process for stormwater BMPs.

If FDEP does not anticipate having the resources to develop and administer a process that is entirely your own then we encourage FDEP to consider using one or both of these programs to establish a reciprocity process for the acceptance of innovative stormwater solutions in Florida. Most importantly regardless of how you opt to proceed, we feel it is critical that FDEP include a single pathway for acceptance for innovative BMPs as part of your rulemaking effort that creates a level playing field for all practices and does not allow for exceptions or grandfathering of practices that do not fully meet whichever standards you opt to put in place.

We know that you are just beginning the rulemaking process and it will likely be sometime before things are complete, but we are more than happy to engage and discuss the details of innovative BMP evaluation and acceptance in more detail if desirable.

Please do not hesitate to contact me at any time with questions or concerns, and please keep me apprised of the potential timeline and scope of the rulemaking effort as it moves forward.

Respectfully,

A handwritten signature in black ink, appearing to read 'Derek M. Berg', with a stylized, flowing script.

Derek M. Berg

Director- Stormwater Regulatory Management - East

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