

62-330 FAC Comments

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To:WQEA_2023 <WQEA_2023@floridadep.gov>

EXTERNAL MESSAGE

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Dear DEP,

Thank you for the opportunity to comment on the proposed rulemaking for the Environmental Resource Permit regulation 62-330, FAC. My general observation of the ERP program as a whole compared to other states where I have worked in Environmental Compliance is that Florida has overcomplicated the NDPES permit program by creating an ERP regulation. My comment is that DEP should be regulating all stormwater and surface water discharges through the NPDES permit program as it was intended to do and keep Ch 404 permitting separate under its own program though the USACE. I understand Florida is unique with the amount of wetlands and stormwater features; and I don't doubt there was a good reason to create an entirely new permit program to fill some sort of gap that was identified, however, having overlapping regulations on stormwater and regulations riddled with specific applicability and exemptions creates confusion and overcomplicates a simple regulatory program. In your effort to update the regulations and protect Florida's unique and wonderful environment, I urge you to consider the quote by Albert Einstein:

"Any intelligent fool can make things bigger and more complex... It takes a touch of genius --- and a lot of courage to move in the opposite direction."

I hate to see the tax dollars of hard working Floridians being used by un-elected bureaucrats to create laws that only add additional strain on businesses to interpret and comply. DEP needs to focus on consolidation and simplification of regulatory programs. I've always thought it's ironic when regulatory agencies who have an end goal of preventing pollution, then make a program so overcomplicated, it actually makes it more difficult for everyone to comply with the program.

I challenge DEP with including a decision tree or table that clarifies when a NPDES permit is required versus an ERP.

Sincerely,

Tiffany Petersen