



EVERGLADES COALITION

A Resolution of the Everglades Coalition Resolution Supporting Updated and Protective Statewide Stormwater Standards

WHEREAS, as Florida's population steadily increases, so does the total amount of land converted to impermeable surfaces;

WHEREAS, stormwater pollution from urban, agricultural and industrial runoff is a major source of nonpoint water pollution affecting our lakes, rivers, estuaries, wetlands, springs, aquifers, and the Greater Everglades;

WHEREAS, the regulation of activities that create stormwater runoff is essential to the protection of Florida's waters, including the Everglades, and the stormwater regulatory system should ensure the design of Best Management Practices (BMPs), including Low Impact Development (LID), achieve the highest possible reduction of pollutants entering our waters;

WHEREAS, the Florida Department of Environmental Protection's (FDEP) 2010 draft Environmental Resource Permit (ERP) Stormwater Quality Applicant's Handbook would have been a first step for establishing stronger regulations but was ultimately not adopted;

WHEREAS, ten years later, the 2010 draft rules can be built upon for stronger protections in the 2021 rules that reflect the advances in our technological and scientific understanding of hydrologic and climate systems and improvements to BMP design;

WHEREAS, while Senate Bill 712 directs FDEP and the water management districts to update the stormwater design and operation regulations including updates to the ERP Applicant's Handbook, amendments must also be made to the rules that govern stormwater beyond the ERP Applicant's Handbook in order to address the issues with stormwater pollution and meet the underlying objectives of SB 712;

NOW THEREFORE BE IT RESOLVED ON JANUARY 15TH, 2021:

The Everglades Coalition supports updating and strengthening the state stormwater rules. To achieve a protective and restorative stormwater rule, the following topics must be addressed:

1. Primacy of more stringent local stormwater regulations:
 - a. The state must promulgate strong stormwater regulations that act as a regulatory floor, not a ceiling for local governments.

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- b. Any new regulations must not preempt local efforts that are more protective/restorative than the state minimums.
2. “Pre-development conditions loading” definition:
 - a. The calculation of the pre-development conditions and pollutant loading rates is the foundation for designing an effective and protective stormwater system.
 - b. Pre-development should be defined as the natural, undisturbed land-use and vegetative characteristics of the site absent anthropogenic impacts.
3. “Net improvement” definition
 - a. “Net improvement” is typically defined as ensuring the stormwater pollutant loading from a developed site is less than the current loading from the site. The stormwater rulemaking should address the net improvement definition through a two-step process:
 - i. First, for waterbodies listed on the Verified List of Impaired Waters, net improvement should be defined as a specific percent better than predevelopment/existing conditions.
 - ii. Secondly, once a TMDL is adopted with waterbody specific required load reductions, then net improvement requirements should equal the percent reduction identified in the applicable TMDL to protect water resources.
4. Post-construction monitoring components:
 - a. The presumption of compliance with state water quality standards for stormwater systems has failed to protect our waterways from rampant nutrient pollution. Ongoing monitoring and maintenance of stormwater systems must be required in order to ensure that they are properly functioning and not contributing to the degradation of water quality.
5. Sea level rise and climate change impacts on stormwater systems:
 - a. Florida’s stormwater regulations must require that updated sea level rise projections and increases of both surface water runoff and rising water tables be included in stormwater system designs in order to avoid stormwater systems failure and possible release of untreated stormwater.
6. Redevelopment/retrofitting standards:
 - a. Redevelopment must be defined within the ERP Applicant’s Handbook and updates to the stormwater rule must appropriately incorporate protective redevelopment and retrofitting performance standards.
 - b. Recognizing that redevelopment projects are sometimes land-limited, the same performance standard should apply to these projects as new development, with the flexibility of using off-site mitigation/treatment within the same watershed to meet requirements.
7. 10/2 General Permits and self-certification:
 - a. 10/2 General Permits bypass the higher level of scrutiny and review required by the agencies for Individual Permits.
 - b. The cumulative impact of hundreds of 10/2 permits being approved within impaired watersheds and failing to meet net improvement must be addressed in the rulemaking process.

- c. Due to the site-specific nature of net improvement, 10/2 permits should not be an option when a proposed project is located within a watershed listed as impaired or has an adopted TMDL.



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Co-Chair



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