

Governing Board Meeting

Agenda and Meeting Information

February 28, 2023

9:00 a.m.

Brooksville Office

2379 Broad Street • Brooksville, Florida
(352) 796-7211 • 1-800-423-1476

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



2379 Broad Street, Brooksville, Florida 34604
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

An Equal
Opportunity
Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only); or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

Final Agenda GOVERNING BOARD MEETING

**FEBRUARY 28, 2023
9:00 AM**

**2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at www.WaterMatters.org.
- › Public input will be taken only at the meeting location.
- › Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

Unless specifically stated, scheduled items will not be heard at a time certain.

The current Governing Board agenda and minutes of previous meetings are available at WaterMatters.org.

Bartow Office

170 Century Boulevard
Bartow, Florida 33830
(863) 534-1448 or 1-800-492-7862 (FL only)

Sarasota Office

78 Sarasota Center Boulevard
Sarasota, Florida 34240
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office

7601 Hwy 301 N
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

1. CONVENE PUBLIC MEETING

- 1.1 Call to Order
- 1.2 Invocation and Pledge of Allegiance
- 1.3 Employee Recognition
- 1.4 Additions/Deletions to Agenda
- 1.5 Public Input for Issues Not Listed on the Published Agenda

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** Approval of the 2023 Consolidated Annual Report
- 2.2 **Resource Management Committee:** FY2023 Springs Projects Selected for Funding by FDEP
- 2.3 **Resource Management Committee:** Approve the Little Jones Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the Sumter County (N919)
- 2.4 **Resource Management Committee:** Approve the Wildwood Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Wildwood (Q082)
- 2.5 **Regulation Committee:** Authorization for Initiation and Approval of Rulemaking to Amend Environmental Resource Permitting Applicant's Handbook Volume II, as Part of Statewide Environmental Resource Permitting Rule Amendments Resulting from the Clean Waterways Act
- 2.6 **Executive Director's Report:** Approve Governing Board Minutes - January 24, 2023

3. RECOGNITION OF FORMER GOVERNING BOARD MEMBER

- 3.1 Recognition of Former Governing Board Member Seth Weightman

4. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Information Item: Legislative Update
- 4.3 **Discussion:** Information Item: Knowledge Management: Election of Governing Board Officers Policy
- 4.4 **Submit & File:** Information Item: Budget Transfer Report

5. RESOURCE MANAGEMENT COMMITTEE

- 5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 5.2 **Discussion:** Information Item: Fiscal Year 2024 Cooperative Funding Initiative Preliminary Project Evaluations

6. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

- 6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 6.2 **Discussion:** Information Item: Hydrologic Conditions Report

7. REGULATION COMMITTEE

7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

7.2 **Discussion:** Action Item: Denials Referred to the Governing Board

8. GENERAL COUNSEL'S REPORT

8.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

8.2 **Discussion:** Action Item: Authorization for Initiation of Rulemaking to Amend Rule 40D-1.1010, Florida Administrative Code, to Clarify Point of Entry into Proceedings

9. COMMITTEE/LIAISON REPORTS

9.1 **Discussion:** Information Item: Environmental Advisory Committee

10. EXECUTIVE DIRECTOR'S REPORT

10.1 **Discussion:** Information Item: Executive Director's Report

11. CHAIR'S REPORT

11.1 **Discussion:** Information Item: Chair's Report

11.2 **Discussion:** Information Item: Employee Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved December 1, 2022

OFFICERS	
Chair	Joel Schleicher
Vice Chair	Ed Armstrong
Secretary	Michelle Williamson
Treasurer	John Mitten

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Jack Bispham
Kelly Rice
John Hall

RESOURCE MANAGEMENT COMMITTEE
Ashley Bell Barnett
Michelle Williamson

REGULATION COMMITTEE
John Hall
Ashley Bell Barnett

FINANCE/OUTREACH AND PLANNING COMMITTEE
John Mitten
Jack Bispham
Ed Armstrong

** Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Kelly Rice
Environmental Advisory Committee	Michelle Williamson
Industrial Advisory Committee	Ashley Bell Barnett
Public Supply Advisory Committee	Ed Armstrong

OTHER LIAISONS	
Central Florida Water Initiative	John Hall
Spring Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Vacant
Tampa Bay Regional Planning Council	Vacant

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2023**

1/12/2023

Governing Board Meeting

October 18, 2022 – 9:00 a.m., Tampa Office
November 15, 2022 – 9:00 a.m., Brooksville Office
December 13, 2022 – 9:00 a.m., Brooksville Office
January 24, 2023 – 9:00 a.m., Tampa Office
February 28, 2023 – 9:00 a.m., Brooksville Office
March 28, 2023 – 9:00 a.m., Brooksville Office
April 25, 2023 – 9:00 a.m., Tampa Office
May 23, 2023 – 9:00 a.m., Tampa Office
June 27, 2023 – 9:00 a.m., Brooksville Office
July 25, 2023 – 9:00 a.m., Tampa Office
August 22, 2023 – 9:00 a.m., Brooksville Office
September 26, 2023 – 3:00 p.m., Tampa Office

Governing Board Workshop

November 15, 2022 – 10:30 a.m., Brooksville Office

Governing Board Budget Hearing – 5:01 p.m., Tampa Office

2023 – September 12 & 26

Agricultural & Green Industry Advisory Committee – 10:00 a.m.

2022 – December 6 (meeting replaced with December 16 field trip)
2023 – March 14, June 13, September 12

Environmental Advisory Committee – 10:00 a.m.

2022 – October 11 (canceled)
2023 – January 10, April 11, July 11

Industrial Advisory Committee – 10:00 a.m.

2022 – November 8
2023 – February 14 (meeting replaced with February 17 field trip), May 9, August 8

Public Supply Advisory Committee – 1:00 p.m.

2022 – November 8 (canceled)
2023 – February 14, May 9, August 8

Springs Coast Management Committee – 1:30 p.m.

2022 – October 26, December 7
2023 – January 11, (canceled) February 22, May 24, July 12

Springs Coast Steering Committee – 2:00 p.m.

2022 – November 9
2023 – January 25, March 8, July 26

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Governing Board Meeting
February 28, 2023

1. CONVENE PUBLIC MEETING

1.1 Call to Order..... 4

1.2 Invocation and Pledge of Allegiance..... 5

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1.5 Public Input for Issues Not Listed on the Agenda 8

CONVENE PUBLIC MEETING

February 28, 2023

Call to Order

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public meeting. Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

Presenter:

Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

February 28, 2023

Invocation and Pledge of Allegiance

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

Presenter:

Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

February 28, 2023

Employee Recognition

Staff that have reached 20 or more years of service at the District will be recognized.

Staff Recommendation:

- Ted Gates

Presenter:

Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

February 28, 2023

Additions/Deletions to Agenda

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

Presenter:

Brian J. Armstrong, P.G., Executive Director

CONVENE PUBLIC MEETING

February 28, 2023

Public Input for Issues Not Listed on the Published Agenda

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter:

Joel A. Schleicher, Chair

Governing Board Meeting
February 28, 2023

2. CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

2.1 **Finance/Outreach and Planning Committee:** Approval of the 2023 Consolidated Annual Report..... 9

2.2 **Resource Management Committee:** FY2023 Springs Projects Selected for Funding by FDEP 10

2.3 **Resource Management Committee:** Approve the Little Jones Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the Sumter County (N919) 15

2.4 **Resource Management Committee:** Approve the Wildwood Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Wildwood (Q082) 17

2.5 **Regulation Committee:** Authorization for Initiation and Approval of Rulemaking to Amend Environmental Resource Permitting Applicant’s Handbook Volume II, as Part of Statewide Environmental Resource Permitting Rule Amendments Resulting from the Clean Waterways Act..... 19

2.6 **Executive Director's Report:** Approve Governing Board Minutes - January 24, 2023..... 70

CONSENT AGENDA

February 28, 2023

Finance/Outreach and Planning Committee: Approval of the 2023 Consolidated Annual Report

Purpose

To seek Board approval for the District's 2023 Consolidated Annual Report (CAR). The completed report is provided with the Board packet for this meeting. Distribution of the report is required by March 1, 2023.

Background/History

Section 373.036, Florida Statutes (F.S.), requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The report includes the following:

1. The Water Management District Performance Measures Annual Report
2. The Minimum Flows and Levels (MFLs) Priority List and Schedule
3. The Minimum Flows and Levels/Water Quality Grade for Projects Report
4. The Annual Five-Year Capital Improvements Plan
5. The Alternative Water Supplies Annual Report
6. The Five-Year Water Resource Development Work Program
7. The Polk Regional Water Cooperative Status Report
8. The Florida Forever Work Plan
9. The Mitigation Donation Annual Report
10. The Strategic Plan 2023-2027 (updated February 2023) and Annual Work Plan

Statute requires the report be submitted by March 1 of each year to the Governor, President of the Senate, Speaker of the House of Representatives and the Department of Environmental Protection (DEP). In addition, "copies must be provided to the chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing board of each county in the district having jurisdiction or deriving any funds for operations of the district. Copies of the consolidated annual report must be made available to the public, either in printed or electronic format."

The CAR was presented and discussed at the Board's January meeting. Since the January presentation, the only change to the CAR was an update to the Strategic Plan Annual Work Plan to address updated Asset Management Program project completions and timelines.

The CAR is provided under separate cover.

Staff Recommendation:

Approve the 2023 Consolidated Annual Report and its transmittal to the State.

Presenter:

Patrick Doty, AICP, CFM, Senior Planner, Government and Community Affairs Office

CONSENT AGENDA**February 28, 2023****Resource Management Committee: FY2023 Springs Projects Selected for Funding by FDEP***Purpose*

- a. Request approval to apply 2022 and 2023 state appropriations from the Land Acquisition Trust Fund (LATF) for Springs Water Quality Improvements and for Springs Restoration, respectively, to projects selected by the Florida Department of Environmental Protection (FDEP).
- b. Request approval of a budget transfer from the Springs Initiative Grant Program to the selected projects in the amount of \$14,416,750, of which \$11,440,500 is from the FDEP with \$2,976,250 required for District match.

Background and History

During the 2021 and 2022 legislative sessions, the Florida Legislature appropriated dollars to the LATF for Springs Water Quality Improvements and for Springs Restoration. After reviewing the project proposals and ranking recommendations by each of the water management districts, the FDEP made their final selections. Four septic-to-sewer conversion projects within Citrus County were selected for funding; two of which are for cost increases previously approved by the Board.

- **Citrus County Old Homosassa West Septic to Sewer (WH04):** Cooperative funding project with Citrus County for the construction of a regional wastewater collection system necessary for connection of existing septic tanks in the Old Homosassa West area of the Homosassa-Chassahowitzka Priority Focus Area (PFA).

On December 14, 2021, staff presented the results of the third-party review (TPR). The Board approved continuation of the project and modification of the Cooperative Funding Agreement (CFA) to increase the total project cost from \$6,000,000 to \$10,333,000, with only Citrus County's share being revised to cover the \$4,333,000 increase. Subsequently, the project has been selected to receive \$4,333,000 from the 2023 LATF state appropriation for Springs Restoration to cover the cost increase; thereby increasing FDEP's share to \$7,333,000. The County had also received a prior year Legislative appropriation of \$235,600. The County and District are each funding the original Board-approved amount of \$1,382,200.

- **Citrus County Old Homosassa East Septic to Sewer (Q134):** Cooperative funding project with Citrus County for the construction of a regional wastewater collection system necessary for connection of existing residential homes in the Old Homosassa Downtown East area of the Homosassa-Chassahowitzka PFA.

On February 22, 2022, staff presented the results of the TPR. The Board approved continuation of the project and modification of the CFA to increase the total project cost from \$15,000,000 to \$16,190,000, with only Citrus County's share being revised to cover the \$1,190,000 increase. Subsequently, the project has been selected to receive \$1,190,000 from the 2023 LATF state appropriation for Springs Restoration to cover the cost increase; thereby increasing FDEP's share to \$8,690,000. The County and District are each funding the original Board-approved amount of \$3,750,000.

- **Citrus County Old Homosassa Downtown North Septic to Sewer (WH06):** Cooperative funding project with Citrus County for the construction of a regional wastewater collection system

necessary for connection of existing residential homes in the Old Homosassa Downtown North area of the Homosassa-Chassahowitzka PFA. The project includes a TPR of the 30% design, which is anticipated to be completed in FY2023.

The total project cost is \$12,035,000, with the FDEP funding 50%, or \$6,017,500, and the District and the County each funding 25%, or \$3,008,750. The District's FY2022 budget included \$500,000 of state funds and \$250,000 of District funds. In May 2022, the Board approved including additional funding for the project in the FY2023 budget, contingent upon FDEP approval. FDEP approval was not received before the FY2023 budget was adopted; therefore, the project was excluded from the budget. The project has been selected to receive the remaining FDEP share of \$5,517,500 from the 2022 and 2023 LATF state appropriations for Springs Water Quality Improvements and for Springs Restoration, respectively. The proposed FY2023 budget transfer also includes the remaining District funding of \$2,758,750. A project evaluation is included as an exhibit.

- **Citrus County Old Homosassa Park Septic to Sewer (WH07):** Cooperative funding project with Citrus County for the construction of a regional wastewater collection system necessary for connection of existing properties in the Old Homosassa Park area of the Homosassa-Chassahowitzka PFA. The project includes a TPR of the 30% design, which is anticipated to be completed in FY2024.

The total project cost is \$6,083,000, with the FDEP funding 50%, or \$3,041,500, and the District and County each funding 25%, or \$1,520,750. In May 2022, the Board approved including initial funding for the project in the FY2023 budget, contingent upon FDEP approval. FDEP approval was not received before the FY2023 budget was adopted; therefore, the project was excluded from the budget. The project has been selected to receive \$400,000 from the 2023 LATF state appropriation for Springs Restoration. The proposed FY2023 budget transfer also includes District funding of \$217,500 for the 30% design and TPR. A project evaluation is included as an exhibit.

Benefits/Costs

State appropriations from the 2022 and 2023 LATF for Springs projects equal \$11,440,500 which require \$2,976,250 in District match for a total of \$14,416,750. In anticipation of projects being selected by the FDEP, the District's FY2023 adopted budget included \$14,500,000 for the Springs Initiative Grant Program (H014) with \$11,500,000 anticipated from the FDEP and \$3,000,000 anticipated from the District. The \$14,416,750 proposed budget transfer from the Springs Initiative Grant Program to the projects selected by the FDEP for funding is summarized in the following table.

FY2023 Budget Transfer:

Project	Cooperator	Title	State	District	Total
WH04	Citrus County	Old Homosassa West Septic to Sewer	\$4,333,000	\$0	\$4,333,000
Q134	Citrus County	Old Homosassa East Septic to Sewer	\$1,190,000	\$0	\$1,190,000
WH06	Citrus County	Old Homosassa Downtown North Septic to Sewer	\$5,517,500	\$2,758,750	\$8,276,250
WH07	Citrus County	Old Homosassa Park Septic to Sewer	\$400,000	\$217,500	\$617,500
Total			\$11,440,500	\$2,976,250	\$14,416,750

Staff Recommendation:

- a. Approve applying 2022 and 2023 state appropriations from the Land Acquisition Trust Fund (LATF) for Springs Water Quality Improvements and for Springs Restoration to the WH04, Q134, WH06, and WH07 projects selected by the Florida Department of Environmental Protection as outlined above.
- b. Approve a budget transfer from the Springs Initiative Grant Program (H014) to the selected projects in the amount of \$14,416,750, of which \$11,440,500 is from the FDEP and \$2,976,250 is the required District match, as outlined above.

Presenter:

Jay Hoecker, PMP, Water Resources Bureau Chief

Project No. WH06		Springs – Citrus County Old Homosassa Downtown North Septic to Sewer			
Citrus County		FY2023			
Risk Level:	Type 2		Multi-Year Contract: Yes, Year 2 of 2		
Description					
Description:	Third-party review (TPR), design, permitting and construction of a regional wastewater collection system necessary for the connection of existing properties in the Old Homosassa Downtown North area of the Homosassa-Chassahowizka Priority Focus Area (PFA). If constructed, a minimum of 75 existing septic systems will convert to County sanitary sewer. Funding was approved in FY2022 for 30% design and TPR. The District required a TPR as this project has a conceptual construction estimate greater than \$5 million. The FY2023 funding request is to complete design and construction.				
Measurable Benefit:	The contractual Measurable Benefit will be the construction of regional sanitary sewer lines and any necessary components for a fully operational system that will result in the connection of a minimum of 75 existing septic tanks. Construction will be done in accordance with the permitted plans.				
Costs:	Total conceptual project cost: \$12,035,000 (design, third-party review, permitting, and construction) FDEP: \$6,017,500 Citrus County: \$3,008,750 District \$3,008,750 with \$250,000 budgeted in previous year, \$2,758,750 requested in FY2023.				
Evaluation					
Initial Application Quality:	4	Only clarification was needed about some of the application information.			
Project Benefit:	20	The Resource Benefit of this water quality project is the reduction of pollutant loads by an estimated 847 lbs/year TN. There will be no monitoring or performance testing requirements. The project is located within the PFA of the Chassahowizka-Homosassa Springs basin management action plan (BMAP), a SWIM priority water body. This benefit calculation differs from the standard FDEP methodology as this project will impact the adjacent surface water body (Homosassa River) instead of the nearby spring vents.			
Cost Effectiveness:	5	For water quality projects, the estimated cost/lb of TN (\$474) is between \$475-\$400. On average, this project allocates approximately \$160,466 for each residential septic tank removed.			
Past Performance:	2	Based upon an assessment of the schedule and budget for the 8 ongoing projects.			
Complementary Efforts:	10	The Cooperator has ordinances in line with F.S. 381.00655 to require sewage hookup within 365 days of availability, and with the springs BMAP that restricts new conventional septic tanks within the PFA.			
Project Readiness:	10	The project is ongoing and on schedule.			
Strategic Goals					
Strategic Goals:	25	Strategic Initiative - Water Quality Maintenance and Improvement: Develop and implement programs, projects and regulations to maintain and improve water quality. Northern Region Priority: Improve northern coastal spring systems.			
Overall Ranking and Recommendation					
Springs	76	It is anticipated the 30% design and TPR will be completed in FY2023. Contractually, the County will need Governing Board approval to proceed beyond this task. Anticipating favorable information from the TPR, and with the understanding that the Governing Board will need to provide approval to proceed, staff is recommending FY2023 funding for design and construction. This project is in line with the District's Strategic Plan to improve water quality within a PFA.			
Funding					
Funding Source		Prior	FY2023	Future	Total*
District		\$250,000	\$2,758,750	\$0	\$3,008,750
Citrus County		\$250,000	\$2,758,750	\$0	\$3,008,750
FDEP		\$500,000	\$5,517,500	\$0	\$6,017,500
Total		\$1,000,000	\$11,035,000	\$0	\$12,035,000

*Conceptual cost estimate, subject to Governing Board Approval

Project No. WH07	Springs – Citrus County Old Homosassa Park Septic to Sewer				
Citrus County	FY2023				
Risk Level:	Type 2	Multi-Year Contract: No			
Description					
Description:	30% design and third-party review (TPR) of a regional wastewater collection system necessary for connection of existing properties within the Homosassa-Chassahowizka Priority Focus Area (PFA). If constructed, a minimum of 55 existing septic systems will convert to sewer. District funding is for 30% design and TPR as this project has an estimated cost greater than \$5 million dollars.				
Measurable Benefit:	The contractual Measure Benefit of this project will be the completion of 30% design of this proposed project to construct a regional wastewater collection system.				
Costs:	Total project costs: \$835,000 (30% design, TPR, and additional design) Citrus County: \$217,500 District: \$217,500; The conceptual estimate for total project costs, including design completion, permitting, and construction is \$6,083,000. It is anticipated the County will request funding to complete design, permitting, and construction in future years. FDEP share: \$400,000 (additional design); \$2,641,500 to be budgeted in future years				
Evaluation					
Initial Application Quality:	2	More than 20% of the information was missing at the time of application.			
Project Benefit:	20	The resource benefit, if constructed, is the reduction of pollutant loads by an estimated 525 lbs/yr TN. There will be no monitoring or performance testing requirements. The project is located within the PFA of the Chassahowizka-Homosassa Springs basin management action plan. This benefit calculation differs from standard FDEP methodology as this project will impact the Homosassa River instead of the nearby spring vents.			
Cost Effectiveness:	10	For water quality projects, the estimated cost/lb of TN (\$386) is within the range \$400-\$250/lb. On average, this project allocates approximately \$110,600 for each residential septic tank removed.			
Past Performance:	2	Based upon an assessment of the schedule and budget for the 8 ongoing projects.			
Complementary Efforts:	10	The Cooperator has ordinances in line with F.S. 381.00655 to require sewage hookup within 365 days of availability, and with the springs BMAP that restricts new conventional septic tanks within the PFA.			
Project Readiness:	5	Project starts before December 1, 2022, but will not be shovel ready.			
Strategic Goals					
Strategic Goals:	25	Strategic Initiative - Water Quality Maintenance and Improvement: Develop and implement programs, projects and regulations to maintain and improve water quality. Northern Region Priority: Improve northern coastal spring systems.			
Overall Ranking and Recommendation					
Springs	74	Citrus County requested funds to complete 30% design and TPR. The results will provide the District with better information to confirm the cost effectiveness of the project. This project is located within the Chassahowizka-Homosassa PFA and continues the County's efforts to improve water quality. Contractually, the County will need Governing Board approval to proceed beyond this task. Staff is recommending FY2023 funding for the 30% design and TPR. If selected for funding, the District will only fund the project if the FDEP also contributes.			
Funding					
Funding Source		Prior	FY2023	Future	Total*
District		\$0	\$217,500	\$1,303,250	\$1,520,750
Citrus County		\$0	\$217,500	\$1,303,250	\$1,520,750
FDEP		\$0	\$400,000	\$2,641,500	\$3,041,500
Total		\$0	\$835,000	\$5,248,000	\$6,083,000

*Conceptual cost estimate, subject to Governing Board Approval

CONSENT AGENDA

February 28, 2023

Resource Management Committee: Approve the Little Jones Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the Sumter County (N919)

Purpose

Request the Board's approval to use the Little Jones Creek Watershed Management Plan (WMP) floodplain information for regulatory purposes and to update Flood Insurance Rate Maps (FIRMs) in Sumter County (County). The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 97 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2022-2026. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the Little Jones Creek watershed was prepared by a District hired consultant Jones, Edmunds & Associates, Inc., Engineering Firm of Record, reviewed by District and County staff, and then reviewed by the District's independent peer review consultant, CDM Smith, Inc. Floodplain information for the watershed was presented for public review and comment through a public open house in January of 2022. During the outreach period, the District received approximately 22 unique comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve the Little Jones Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the Sumter County

Presenter:

Terese Power, P.E., CFM, Section Manager, Engineering & Watershed Management

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CONSENT AGENDA**February 28, 2023****Resource Management Committee: Approve the Wildwood Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Wildwood (Q082)***Purpose*

Request the Board's approval to use the Wildwood Watershed Management Plan (WMP) floodplain information for regulatory purposes and to update Flood Insurance Rate Maps (FIRMs) in the City of Wildwood (City). The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The City may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 97 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2022-2026. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the Wildwood watershed was prepared by a District hired consultant Jones, Edmunds & Associates, Inc., Engineering Firm of Record, reviewed by District and City staff, and then reviewed by the District's independent peer review consultant, CDM Smith, Inc. Floodplain information for the watershed was presented for public review and comment through a public open house in January of 2022. During the outreach period, the District received approximately 22 unique comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve the Wildwood Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Wildwood

Presenter:

Terese Power, P.E., CFM, Section Manager, Engineering & Watershed Management

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CONSENT AGENDA

February 28, 2023

Regulation Committee: Authorization for Initiation and Approval of Rulemaking to Amend Environmental Resource Permitting Applicant's Handbook Volume II, as Part of Statewide Environmental Resource Permitting Rule Amendments Resulting from the Clean Waterways Act

As required by the Clean Waterways Act, codified in Section 373.4131, Florida Statutes, the Florida Department of Environmental Protection (Department) and water management districts (WMDs) began developing rule changes to update the stormwater design and operation regulations, including updates to the Environmental Resource Permit Applicant's Handbook (AH), using the most recent scientific information available.

The Department and WMDs have been developing amendments to update the stormwater design and operation regulations; to consider and address low-impact design best management practices and design criteria that increase the removal of nutrients from stormwater discharges; and, to implement measures for consistent application of the net improvement performance standard to ensure significant reductions of any pollutant loadings to a waterbody.

The Environmental Resource Permit Applicant's Handbook contains two volumes. Volume I, which is adopted by the Department, contains stormwater design and operation regulations that apply statewide and is currently being updated by the Department as part of the legislatively mandated rulemaking. Volume II, a version of which is adopted by each water management district, contains stormwater design and operation regulations that only apply to that respective WMD. The updates required by the Clean Waterways Act necessitate that the Department and each of the WMDs engage in rulemaking simultaneously to ensure that each WMD's AH Volume II is consistent with the amendments proposed by the Department for AH Volume I. As a result, the District will amend Rule 40D-1.660, Florida Administrative Code (F.A.C.), which incorporates by reference its AH Volume II, and will update the stormwater design and operation regulations contained within AH Volume II.

Accordingly, District staff seeks authorization to initiate rulemaking to amend the District's AH Volume II and District Rule 40D-1.660, F.A.C., to incorporate the amended AH Volume II by reference. District staff also seeks approval of the proposed amendments to the rule and AH Volume II. The proposed amendments to the rule language and AH Volume II are attached as exhibits to this recap. A Statement of Estimated Regulatory Costs is not required for this rulemaking as the proposed amendments do not have adverse impacts on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 within one year after implementation of the rule changes. Upon Governing Board authorization of the initiation of rulemaking and approval of the proposed amendments, District staff will submit notice to the Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as a result of comments received from the public or from reviewing entities such as OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration. District staff intends to proceed along the same time frame as the Department and other water management districts with respect to the amendments currently being pursued by the Department.

Staff Recommendation:

Authorize the initiation of rulemaking and approve the proposed amendments to Rule 40D-1.660, F.A.C., and the District's Environmental Resource Permitting Applicant's Handbook Volume II, to update stormwater design and operation regulations as required by the Clean Waterways Act.

Presenters:

Adrienne E. Vining, Lead Assistant General Counsel

David Kramer, P.E., Bureau Chief, Environmental Resource Permitting

40D-1.660 Publications, Forms and Agreements Incorporated by Reference.

The following documents are hereby incorporated by reference and are applicable to this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review <http://www.flrules.org/Gateway/reference.asp?No=Ref-00788>, Environmental Resource Permit Applications within the Southwest Florida Water Management District, December 29, 2011. This document is available from the District's website at www.WaterMatters.org or from the District upon request.

(2) Operating Agreement Concerning Regulation Under Chapter 373, Part IV, F.S., Between Southwest Florida Water Management District and Department of Environmental Protection, dated July 1, 2007. This document is available from the District's website at www.waterMatters.org or from the District upon request.

(3) Chapter 62-344, F.A.C., Delegation of Environmental Resource Program to Local Governments (8/29/1995), available from the Florida Department of Environmental Protection at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities, dated October 19, 2005, available from the District upon request.

(5) Operating Agreement Between the U.S. Army Corps of Engineers and the Southwest Florida Water Management District (SWFWMD) Located within the Geographical Limits of the SWFWMD in Florida, Pursuant to Programmatic General Permit (PGP) PGP-SAJ-95, effective March 24, 2008, available from the District upon request.

(6) Mitigation Bank Form Documents. The following forms are incorporated herein by reference and are available from the District's website at www.watermatters.org or from the District upon request:

(a) Mitigation Bank Performance Bond to Demonstrate Construction and Implementation Financial Assurance, Form MB/PB (4/09);

(b) Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction and Implementation Financial Assurance, Form MB/ILC (4/09);

(c) Mitigation Bank Trust Fund Agreement to Demonstrate Construction and Implementation Financial Assurance, Form MB/CIFA (4/09); and

(d) Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Responsibility, Form MB/PMFA (4/09).

(7) Southwest Florida Water Management District Environmental Resource Permitting Applicant's Handbook Volume II (~~6-1-18~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-09430>) is also available at the District's website and from the District upon request. Applicant's Handbook Volume II applies only to permit applications, exemptions, notices and petitions for formal or informal delineations that are processed under the statewide environmental resource permit rule to be adopted by the Department of Environmental Protection as Chapter 62-330, F.A.C.

Rulemaking Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-22-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08, 5-12-09, 5-17-09, 8-30-09, 11-2-09, 11-3-09, 12-9-09, 9-5-10, 12-8-10, 12-12-11, 12-29-11, 10-1-13, Formerly 40D-4.091, Amended 6-1-18,_____.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ENVIRONMENTAL RESOURCE PERMIT APPLICANT'S HANDBOOK

VOLUME II

DESIGN REQUIREMENTS FOR STORMWATER TREATMENT AND MANAGEMENT SYSTEMS WATER QUALITY AND WATER QUANTITY

**FOR USE WITHIN THE GEOGRAPHIC LIMITS OF THE SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT**

EFFECTIVE ~~June 1, 2018~~ _____



Volume II is incorporated by reference in 40D-1.660, F.A.C.

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PART I – INTRODUCTION, ORGANIZATION, APPLICABILITY

1.0 Introduction

To assist applicants seeking Environmental Resource Permits (ERPs), an Applicant's Handbook has been prepared as part of the overall effort to promote greater statewide consistency in the administration of Chapter 62-330, Florida Administrative Code (F.A.C.). The ERP Applicant's Handbook is presented in two volumes. **Applicant's Handbook Volume I** (General, [Water Quality](#) and Environmental), is applicable statewide and contains the following:

- Background information on the ERP program, including points of contact;
- A summary of the statutes and rules that are used to authorize and implement the ERP program;
- [A summary of the types of permits, permit thresholds, and exemptions;](#)
- [A discussion of the stormwater quality treatment requirements used for ERP evaluations;](#)
- ~~A discussion of the environmental criteria used for ERP evaluations;~~
- A discussion of the erosion and sediment control requirements for ERP projects, and
- A discussion of requirements for system operation and maintenance.

Each Water Management District has adopted an ERP Applicant's Handbook Volume II ("Volume II") which contains the District-specific design and performance criteria for stormwater quantity [or](#), flood control [systems](#), [design criteria for stormwater quality systems](#), and any special basin criteria or other requirements that are applicable within the geographic area of the specific water management district. This Volume II (Design Requirements for Stormwater Treatment and Management Systems – Water Quality and Water Quantity) is intended for use only within the jurisdictional boundaries of the Southwest Florida Water Management District.

Together, Applicant's Handbook Volumes I and II set forth the usual procedures and information used by District staff in the review of permit applications. The overall objective of the review is to ensure that the activities authorized by an ERP are not harmful to the water resources of the District and not inconsistent with the public interest or the overall objectives of the District.

This Volume II is intended to be applicable to those types of projects that involve stormwater management systems that consist of more than just incidental dredging or filling and which require an individual permit or authorization pursuant to Section 403.814(12), F.S. ("10-2 Permits."). Many minor "stand-alone" activities or works generally will not give rise to water quantity, flood control or water quality concerns that must be addressed in accordance with the performance standards and design criteria set forth in this Volume II. However, if a project requires consideration of water quantity, water quality or flood impacts and specific measures or design features in order to demonstrate reasonable assurance that all required conditions for permit issuance have been met, Volume II will be applicable.

Volume II provides specific, detailed information to help applicants meet the water quality, water quantity, flood control, construction and design requirements applicable within this District. It is

incorporated by reference in Rule 40D-1.660, F.A.C., as well as in Rule 62-330.010, F.A.C., and, as such, Volume II constitutes rules of the District and DEP. The term “Agency” or “District,” when used in the Applicant’s Handbook Volumes I or II, or in Chapter 62-330, F.A.C., refers to the DEP, this District, all Water Management Districts or a delegated local government, as applicable, in accordance with the division of responsibilities specified in the Operating Agreements as discussed in subsection 62-330.010(3), F.A.C., except where a specific agency is otherwise identified. The Applicant’s Handbook Volumes I and II are written to provide more detail and clarity for the public in understanding the statutory and rule provisions that implement the ERP program, and are intended to be written in an understandable, “user-friendly” format.

Pursuant to Subsection 373.4131(1)(c), F.S., the statewide ERP rules set forth in Chapter 62-330, F.A.C., are to rely primarily on the rules of the DEP and water management districts in effect immediately prior to the effective date of the new statewide rules. Accordingly, history notes are provided for the various sections and paragraphs of this Volume II to identify the source of the particular provision as being the District’s Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR) (effective date 12/29/2011) or in some cases the Northwest Florida Water Management District (NFWFMD) Applicant’s Handbook Volume I or Volume II (effective date ~~11/20/2010~~NEW DATE) or other source as applicable. Most of the provisions of this Volume II contain material transferred directly from Chapters 1, 3 through 6 of the District’s ERP BOR, with no substantive changes or only minimal changes as needed for standardized formatting or to reference related provisions in Chapter 62-330, F.A.C., or in Volume I. To promote a more consistent statewide approach, the NFWFMD Applicant’s Handbook, drafted and adopted by DEP for use within that District, served as the model for the development of the Applicant’s Handbook Volumes I and II. Where appropriate, some provisions contained in NFWFMD’s Applicant’s Handbook that described the same practice or approach used in this District for addressing water quality, water quantity or flood control requirements are included in this Volume II. Additional provisions are also added pursuant to guidance from DEP, to promote statewide consistency.

History Note: Adapted from NFWFMD Applicant’s Handbook Volume II, Part I. Amended

1.1 Objectives.

Pursuant to Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C., the District is responsible for permitting the construction, alteration, operation, maintenance, repair, abandonment or removal of surface water management systems within its jurisdictional boundaries, in accordance with its Operating Agreement with DEP. A copy of the Operating Agreement is included in the Appendix for reference. The objective of this Applicant’s Handbook Volumes I and II is to identify the usual procedures and information used by the District in permit application review. The objective of the review is to ensure that the permit will authorize activities or situations which are not harmful to the water resources of the District nor inconsistent with the public interest or the overall objectives of the District.

History Note: Transferred from SWFWMD Environmental Resource Permitting Information Manual, Part B, Basis of Review, section 1.1.

1.2 Thresholds.

Thresholds for permitting are set forth in subsection 62-330.020(2), F.A.C., and apply statewide. There are currently no additional District-specific thresholds applicable within this District. If any are established in the future, they will be set forth in this section.

History Note: New 10-1-13

1.3 District-Specific Exemptions.

In addition to the exemptions set forth in Section 62-330.051, F.A.C., the specific activities described below are exempt from the requirement to obtain an ERP in this District:

- (1) The operation and maintenance of a surface water management system which:
 - (a) Was constructed before October 1, 1984; or
 - (b) Was constructed or was being constructed on or before December 9, 1999, and was not required to obtain a District permit under exemptions existing at the time.
- (2) The following mining activities:
 - (a) Any system for a mining or mining related activity which has a valid permit issued by the District or the Department pursuant to Rule 40D-45.041, F.A.C. This exemption shall be for the plans, terms and conditions approved in the permit issued pursuant to Chapter 40D-45, F.A.C. If an operator of a system previously permitted under Chapter 40D-45, F.A.C., proposes to alter such system, the alteration shall be reviewed under the provisions of Chapter 62-330, F.A.C.
 - (b) Phosphate mining, phosphate mining related surface water management systems, and reclamation and restoration conducted in accordance with Chapter 62C-16, F.A.C., within the District, provided that all the following conditions are met.
 1. Activities associated with mining operations as defined by and subject to Sections 378.201 through .212, F.S., and included in a conceptual reclamation plan or modification application submitted prior to July 1, 1996, shall continue to be exempt under this subsection.
 2. The location of any existing point of discharge authorized in a previous permit issued by the Department, the Department of Environmental Regulation, or the District shall not be changed, and the volume and frequency of such discharge shall not be exceeded.
 3. Natural drainage from off-site up gradient areas shall not be interrupted so as to cause damage to off-site property or the public, and natural drainage patterns on undisturbed lands shall be maintained to the maximum extent achievable without adversely altering the time, stage, volume and point or manner of discharge or dispersion.
- (3) Proposed normal and necessary farming operations as are customary for the area that can be conducted in an environmentally sustainable manner, provided such operations and facilities:
 - (a) Do not cause adverse water quantity or offsite flooding impacts;
 - (b) Do not involve activities in wetlands or other surface waters for which mitigation would be required; and
 - (c) Do not adversely impact water quality in offsite receiving waters.

Persons desiring to qualify for this exemption should submit site drainage and conservation plans for the proposed normal and necessary farming operations which incorporate Natural Resource

Conservation Service, Florida Department of Agriculture and Consumer Services, or equivalent conservation standards or best management practices in accordance with Section 1.3.2 below. Following a meeting with District agricultural regulatory staff and verification that the operations, facilities, and plans comply with paragraphs (a) through (c), above, the District will provide written notice of the exemption, if qualified.

History note: (1) formerly 40D-4.051(2); (2) formerly 40D-4.051(5) and 40D-4.053; and (3) formerly 40D-4.051(4) with amendments; F.A.C.

1.3.1 Agricultural Exemption Determinations Available Through the District's Agricultural Ground and Surface Water Management System Program.

Historically, the construction, alteration, operation, maintenance (excluding routine custodial maintenance), abandonment or removal of agricultural surface water management systems has required an Environmental Resource Permit (ERP) unless expressly exempt by statute or rule. Many agricultural operations are exempt pursuant to the statutory exemption set forth in subsection 373.406(2), F.S. Additionally, since 1990, the District has implemented a rule-specific agricultural exemption formerly expressed in subsection 40D-4.051(4), F.A.C., an updated version of which is now set forth in Volume II Section 1.3(3) above. This exemption provision has been updated to align with amendments to the statutory agricultural exemption that became effective July 1, 2011. For many years the District has also provided services and resources to assist farmers and other agriculturalists in meeting environmental and agricultural design requirements through incentive-based and ecosystem-based resource management practices. These services and exemption determinations continue to be provided through the District's Agricultural Ground and Surface Water Management System (AGSWM) program, which promotes voluntary implementation of best management practices (BMPs) and other environmentally beneficial farming principles as a passive alternative to environmental resource permitting.

The District's AGSWM program relies upon technical assistance available from the United States Department of Agriculture Natural Resources Conservation Service (NRCS) that encourages agriculturalists to use resource management system (RMS) conservation planning and to practice good water management. The NRCS specializes in RMS conservation planning, which may provide farmers with a viable alternative to the usual permitting procedures. The District's Ag Team, which consists of professional engineering and environmental staff who specialize in agricultural operations, is available to offer assistance to farmers seeking either verification of exemption from ERP requirements or other on-site review and guidance regarding sustainable agricultural practices. Conservation planning techniques of the NRCS further complement District Ag Team efforts to help facilitate surface water and water use regulation (permitting or exemption) for qualifying agricultural projects.

1.3.2 Process for Obtaining Agricultural Exemptions.

The District will continue to provide confirmation of qualification of exemption from permitting through the District's voluntary AGSWM program for farmers desiring to avail themselves of the District's specific agricultural-related exemption, as well as confirmation of exemption pursuant to the statutory exemption set forth in subsection 373.406(2), F.S., and any other applicable statutory or rule exemption for agricultural activities. Written requests for verification of exemption must comply with the requirements of section 62-330.050, F.A.C., and must include the fee specified in section 40D-1.607, F.A.C.

Farmers seeking an agricultural exemption determination are encouraged to contact the District's Ag Team as a first step. The District's Ag Team is based in the Tampa Permitting Office and is available for meetings in any of the District's service offices. Persons desiring to qualify for the exemption set forth in section 1.3(3) above will be expected to submit appropriate site-specific drainage and conservation plans for the proposed operations and demonstrate adherence to applicable nutrient, pest, drainage, irrigation or other conservation standards and BMPs that are adopted or recognized by NRCS, the Florida Department of Agriculture and Consumer Services (FDACS), or other equivalent source. The grower may contact the NRCS to obtain a federally prescribed RMS plan of site-specific BMPs that may be used as part of the District's agricultural exemption confirmation process. The local NRCS office for specific regions may be found at the NRCS website. DACS' Office of Agricultural Water Policy also has adopted by rule certain statewide BMP manuals for major commodity crops such as citrus, container nurseries, cow/calf operations, sod, vegetable and agronomic crops, and specialty fruit and nut crops. Implementation of the FDACS-prescribed BMPs provides a presumption of compliance with statewide water quality discharge standards. The FDACS-adopted BMPs and manuals can also be found at the NRCS website.

Following an on-site meeting with District agricultural regulatory staff, review of submitted material and confirmation that the proposed operations, facilities, and plans will comply with the provisions of section 1.3(3) above, the District will provide written notice of verification of exemption.

Exemption from permitting for agricultural activities is also established pursuant to subsection 373.406(2), F.S., (known as the statutory agricultural exemption). This provision allows persons engaged in the occupation of agriculture, silviculture, floriculture or horticulture to alter the topography of any tract of land, including but not limited to activities that may impede or divert the flow of surface waters or adversely impact wetlands, for purposes consistent with the normal and customary practice of such occupation in the area; provided that such alteration is not for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands. This exemption applies to lands classified as agricultural pursuant to section 193.461, F.S., and to activities requiring an ERP pursuant to Part IV of Chapter 373, F.S. This exemption does not apply to any activities previously authorized by an ERP or a management and storage of surface waters permit issued pursuant to Part IV of Chapter 373, F.S., or a dredge and fill permit issued pursuant to Chapter 403, F.S. While a District determination of exemption from permitting on the basis of this statutory exemption is not required in order for such activities to be exempt, the AGSWM program can be used to obtain District verification of this exemption.

1.4 Design Criteria and Flexibility.

The criteria contained in this Volume II were established with the primary goal of meeting District water resource objectives as set forth in Chapter 373, F.S. Performance criteria are used where possible. However, the criteria set forth in this Volume II are designed to be flexible. Other methods of meeting the overall objectives and the conditions for issuance set forth in Rules 62-330.301 and 62-330.302, F.A.C., will be considered depending on the magnitude of specific or cumulative impacts. Reasonable assurance in the form of plans, test results, or other information must be provided by the applicant to demonstrate that the alternative design meets the conditions for permit issuance.

Compliance with the criteria herein in concert with meeting the water quality requirements in Volume I constitutes a presumption that the proposed activity is in conformance with the conditions for issuance set forth in Rules 62-330.301 and 62-330.302,

F.A.C. Pursuant to Section 373.4131, F.S., if a stormwater management system is designed in

accordance with the criteria in this Volume II or if a system is constructed, operated and maintained for stormwater treatment in accordance with a valid Environmental Resource Permit or exemption under Part IV of Chapter 373, F.S., the discharges from the system are presumed not to violate applicable state water quality standards.

History Note: Transferred from SWFWMD Environmental Resource Permitting Information Manual, Part B, Basis of Review, section 1.3.

1.5 Simultaneous Reviews.

Applicants seeking an Environmental Resource Permit typically will also need to obtain additional permits or approvals from other agencies and may have to comply with other legal or regulatory constraints. Because of the time requirements for processing permits, it is advisable for the applicant to contact other interested agencies, organizations, and affected citizens prior to submitting a formal application to the District. Summaries of meetings and copies of responses from appropriate parties should be included in the application.

It may be in the applicant's best interest to seek simultaneous reviews from all agencies with jurisdiction over the proposed activity. This provision is not intended to preclude the submission of an application to this District prior to receiving other necessary approvals. However, coordinating the review of this application with all appropriate agencies of local government will help ensure that the final design approved by the District meets the requirements of all agencies. Applicants should note the possibility that additional requirements from agencies of local government not contained within the final approved design may necessitate a permit modification.

Issuance of an Environmental Resource Permit by the District does not relieve the applicant of the responsibility to obtain all necessary federal, state, local or special district permits or authorizations.

History Note: Transferred from SWFWMD ERP Information Manual Part B, Basis of Review, Section 1.4, with amendments.

PART II — GENERAL CRITERIA

2.0 General Design and Performance Criteria for all Stormwater Management Systems.

This Volume II applies to the design of stormwater management systems that require a permit under Chapter 62-330, F.A.C., other than systems that qualify for a general permit, and applies to the design of projects that qualify for a "10/2" permit. All stormwater management systems must be designed, constructed, operated and maintained in accordance with the stormwater quality criteria set forth in Part II, Part IV, and Part V of Volume I and Part IV, Part V and Part VI of this Volume II and stormwater quantity/flood control criteria set forth in Part III, Part V and Part VI of this Volume II.

History Note: Adapted from NFWFMD AH II, sections 2.0 and 2.1. Amended.

2.1 Definitions and Terms.

The following terms are addressed in this Volume II and apply within the Southwest Florida Water Management District. These terms are in addition to the definitions and terms that apply statewide and which are provided in Applicant's Handbook Volume I or in Chapter 62-330, F.A.C., or applicable statutes:

2.1.1 "Aquitard"

~~A tightly compacted soil structure that retards but does not prevent flow of water to or from an adjacent aquifer. It does not allow water to pass through it fast enough to be used as a water supply, but if breached, could allow mixing of water sources between adjacent aquifers.~~

2.1.22.1.1 "Closed Drainage Basin"

A drainage basin in which the runoff does not have a surface outfall up to and including the 100-year flood level.

2.1.32.1.2 "Control Device"

The element of a discharge structure which allows the gradual release of water under controlled conditions. This is sometimes referred to as the bleed-down mechanism or "bleeder." Examples include orifices, notches, weirs, and effluent filtration systems.

2.1.4 "Control Elevation"

~~The lowest elevation at which water can be released through the control device. This is sometimes referred to as the invert elevation.~~

2.1.5 "Detention"

~~The delay of storm runoff prior to discharge into receiving waters.~~

2.1.62.1.3 "Detention Volume"

The volume of open surface storage behind the discharge structure measured between the

overflow elevation and control elevation.

~~2.1.7 "Directly Connected Impervious Areas"~~

~~Unless otherwise specifically stated in this Volume II, directly connected impervious areas as considered in the calculation of volumes for treatment systems are those impervious and semi-impervious areas hydraulically connected to the treatment system directly or by pipes or ditches.~~

2.1.82.1.4 "Discharge Structure"

A structural device, usually of concrete, metal, etc., through which water is discharged from a project to the receiving water.

2.1.92.1.5 "Drainage Basin"

A subdivision of a watershed. A map showing District drainage basins is provided as Figure 2.56.

2.1.102.1.6 "Elevation"

The height in feet above mean sea level according to the appropriate established vertical data, such as North American Vertical Datum (NAVD) or National Geodetic Vertical Datum (NGVD).

2.1.112.1.7 "Historic Basin Storage"

The depression storage available on the site in the pre-development condition. The volume of storage is that which exists up to the required design storm.

2.1.122.1.8 "Historic Discharge"

The peak rate and/or amount of runoff which leaves a parcel of land by gravity from an undisturbed/existing site, or the legally allowable discharge at the time of permit application.

~~2.1.13 "Hydroperiod"~~

~~The duration of inundation in a wetland.~~

2.1.142.1.9 "Normal Water Level"

The design starting water elevation used when determining stage/storage design computations in a retention or detention area. A retention or detention system may have two (2) designated "normal water levels" associated with it if the system is designed for both water quality and water quantity.

2.1.152.1.10 "Off-line Treatment System"

A system only for water quality treatment that collects project runoff and has no direct discharge capability other than percolation and evaporation. Off-line treatment systems provide storage of the treatment volume off-line from the primary conveyance path of flood discharges. A system utilizing detention with effluent filtration is not an off-line treatment system.

2.1.162.1.11 "On-line Treatment System"

A dual purpose system that collects project runoff for both water quality and water quantity requirements. Water quality volumes can be recovered through percolation, evaporation, filtration or detention.

2.1.172.1.12 "Open Drainage Basin"

Open drainage basins are all basins not meeting the definition of a closed drainage basin.

2.1.182.1.13 "Overflow Elevation"

The design elevation of a discharge structure at or below which water is contained behind the structure, except for that which leaks or bleeds out, through a control device down to the control elevation.

2.1.192.1.14 "Regulated Activity"

The construction, alteration, operation, maintenance, abandonment or removal of a system regulated pursuant to Part IV, Chapter 373, F.S., or Part V, Chapter 403, F.S.

2.1.202.1.15 "Surface Water or Stormwater Management System Facilities"

All components of a permitted surface water or stormwater management system including but not limited to all inlets, ditches, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and other surface waters and any associated buffer areas, and wetland mitigation areas.

2.1.212.1.16 "Water Management Areas"

Areas to be utilized for the conveyance or storage of surface water, mitigation, or perpetual operation and maintenance purposes.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, section 1.7 (definitions that are now contained in Volume I are not included); 2.1.21 transferred from Basis of Review section 2.6.2.2.5-1. Amended

2.2 Professional Certification.

All construction plans, reports, specifications and supporting calculations submitted to the District for stormwater management systems that require the services of a registered professional must be signed, sealed, and dated by such registered professional. A "registered professional" is defined in Applicant's Handbook Volume I section 2.0(a)⁸⁴¹⁰¹.

History Note: Adapted from NFWFMD AH II section 2.3. Amended

2.3 Tailwater Considerations.

"Tailwater" refers to the receiving water elevation (or pressure) at the final discharge point of the stormwater management system. Tailwater is an important component of the design and operation

of nearly all stormwater management systems and can affect any of the following management objectives of the system:

- (a) Peak discharge from the stormwater management system;
- (b) Peak stage in the stormwater management system;
- (c) Level of flood protection in the project;
- (d) Recovery of peak attenuation and stormwater treatment volumes; and
- (e) Control elevations, normal water elevation regulation schedules, and ground water management.

History Note: Adapted from NFWMD AH II section 2.7.

2.3.1 Tailwater For Water Quality Design.

Stormwater management systems designed in accordance with the water quality design provisions in Part ~~IV~~^H of this Volume II must provide a gravity or pumped discharge that effectively operates (i.e., meets applicable rule criteria) under tailwater conditions. Acceptable criteria for demonstrating effective tailwater conditions include such criteria as mean high water~~annual high tide~~ for tidal areas and mean annual wet-season high water elevation.

History Note: Adapted from NFWMD AH II section 2.7.1. Amended

2.3.2 Tailwater for Water Quantity Design.

Stormwater management systems designed in accordance with the water quantity provisions of Part ~~III~~^V of this Volume II must consider tailwater conditions. Receiving water stage can affect the amount of flow that will discharge from the project to the receiving water. Applicants are advised to use an appropriate time-stage relationship for a storm equal to the project design storm. Variable tailwater stages should be considered if they have a significant influence on the design.

History Note: adapted from NFWMD AH II section 2.7.1; last sentence transferred from BOR 7.7.3. Amended

2.3.3 Regulated Systems.

Design and maintained stage elevations should be available either from the local jurisdiction or the District. Stages for frequencies other than the design will be estimated by the District upon request from the applicant.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.7.1.

2.4 Retrofits of Existing Stormwater Water Management Systems.

a. A **stormwater retrofit project** is typically proposed by a county, municipality, state agency, or water management district to provide new or additional treatment or attenuation capacity, or improved flood control to an existing stormwater management system or systems.

Stormwater retrofit projects shall not be proposed or implemented for the purpose of

providing the water quality treatment or flood control needed to serve new development or redevelopment. Example components of stormwater retrofit projects include:

1. Construction or alteration that will add additional treatment or attenuation capacity and capability to an existing stormwater management system;
2. Modification, reconstruction, or relocation of an existing stormwater management system or stormwater discharge facility;
3. Stabilization of eroding banks through measures such as adding attenuation capacity to reduce flow velocities, planting of sod or other vegetation, and installation of rip rap boulders ; or
4. Excavation or dredging of sediments or other pollutants that have accumulated as a result of stormwater runoff and stormwater discharges.

b. Stormwater Quality Retrofits.

1. The applicant for a stormwater quality retrofit project must provide reasonable assurance that the retrofit project itself will, at a minimum provide additional water quality treatment such that there is a net reduction of the stormwater pollutant loading into receiving waters. Examples are:

(a) Addition of treatment capacity to an existing stormwater management system such that it reduces stormwater pollutant loadings to receiving waters;

(b) Adding treatment or attenuation capability to an existing developed area when either the existing stormwater management system or the developed area has substandard stormwater treatment and attenuation capabilities, compared to what would be required for a new system requiring a permit under Part IV of Chapter 373, F.S.; or

(c) Removing pollutants generated by, or resulting from, previous stormwater discharges.

2. If the applicant has conducted, and the Agency has approved, an analysis that provides reasonable assurance that the proposed stormwater quality retrofit will provide the intended pollutant load reduction from the existing system or systems, the project will be presumed to comply with the water quality conditions for issuance discussed in Part IV of this Volume II.

3. The pollutants of concern will be determined on a case-by-case basis during the permit application review and will be based upon factors such as the type and intensity of land use, existing water quality data within the area subject to the retrofit, and the degree of impairment or water quality violations in the receiving waters.

c. Stormwater Quantity (Flood Control) Retrofits.

1. The applicant for a stormwater quantity retrofit project must provide reasonable assurance that the retrofit project will reduce existing flooding problems in such a way that it does not cause any of the following:

(a) A net reduction in water quality treatment provided by the existing stormwater management system or systems; or

(b) Increased discharges of untreated stormwater entering adjacent or receiving waters.

2. If the applicant has conducted, and the Agency has approved, an analysis that provides reasonable assurance that the stormwater quantity retrofit project will comply with the above, the project will be presumed to comply with the applicable water quantity conditions for issuance discussed in Part III of this Volume II.

d. The applicant for any stormwater retrofit project must design, implement, and operate the project so that it:

1. Will not cause or contribute to a water quality violation;

2. Does not reduce stormwater treatment capacity or increase discharges of untreated stormwater. Where existing ambient water quality does not meet water quality standards the applicant must demonstrate that the proposed activities will not cause or contribute to a water quality violation. If the proposed activities will contribute to the existing violation, measures shall be proposed that will provide a net improvement of the water quality in the receiving waters for those parameters that do not meet standards.

3. Does not cause any adverse water quality impacts in receiving waters; or

4. Will not cause or contribute to increased flooding of adjacent lands or cause new adverse water quantity impacts to receiving waters.

History Note: Derived from NFWMD Applicant's Handbook Volume II, section 2.10

2.5 District Drainage Basins and Watersheds.

Pursuant to paragraph 62-330.302(1)(b), F.A.C., cumulative impacts upon wetlands and other surface waters are analyzed by evaluating impacts to water quality and functions provided by wetlands and other surface waters within the same drainage basin. A regulated activity shall not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. Further information on cumulative impact assessment appears in section 10.2.8 of Volume I. The District's adopted drainage basins for cumulative impact analysis and watersheds for mitigation bank purposes are the same and are set forth in Figure 2.5 which follows at the end of this chapter.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review Appendix 6 and Appendix 4 Exhibit 1

2.6 Flexibility for State Transportation Projects and Facilities.

With regard to state linear transportation projects and facilities, the Agencies shall be governed by subsection 373.413(6), F.S. (2012).

History Note: New.

2.7 — Inspections to Ensure Proper Operation and Maintenance

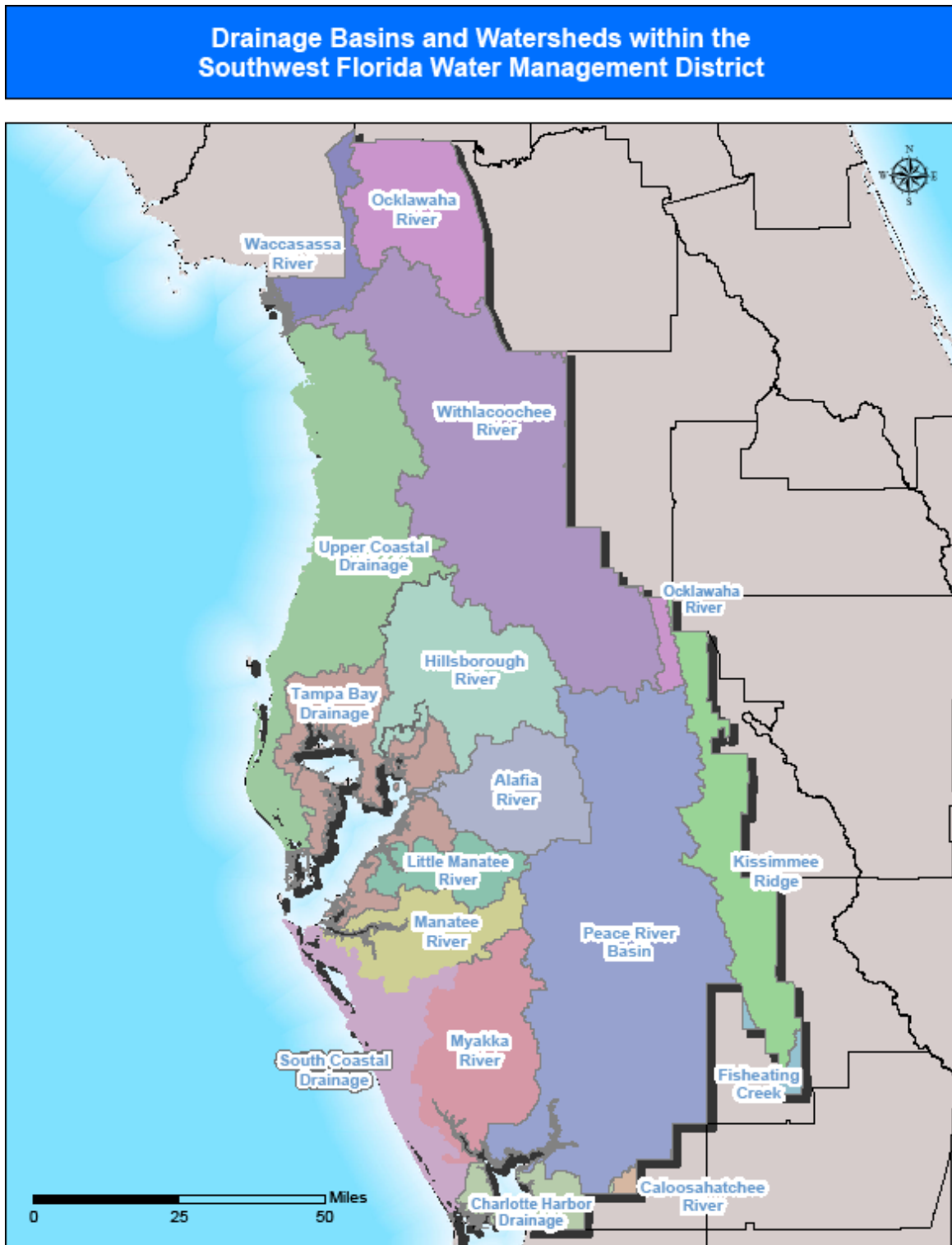
- (a) ~~In accordance with subsection 62-330.311(1), F.A.C., stormwater management systems, dams, impoundments, reservoirs, appurtenant work, and works designed by a registered professional shall be inspected and documented by the registered professional as follows, unless otherwise specified in the permit. Permit conditions will specify the required inspection cycle, typically in accordance with the timelines outlined below:~~

TYPE OF SYSTEM	REINSPECTION SCHEDULE AFTER TRANSFER TO OPERATIONS PHASE
Retention	Once every 5 years
Wet Detention	Once every 5 Years
Detention with Effluent Filtration	Once every 2 Years
Underground Exfiltration	Once every 2 Years

- (b) ~~Activities designed by a registered professional shall be inspected by that same registered professional, or by a similarly registered professional in accordance with the inspection frequency and terms required in the permit.~~
- (c) ~~Additional information on operation and maintenance requirements is contained in Section 12.4 of Volume I and in Rule 62-330.311, F.A.C.~~

History Note: New. Amended .

Figure 2.5



PART III -- STORMWATER QUANTITY/FLOOD CONTROL

3.0 General Stormwater Quantity and Flood Control Requirements.

Pursuant to the Conditions for Issuance in Section 62-330.301, F.A.C., an applicant must provide reasonable assurance that the proposed construction, alteration, operation, maintenance, removal or abandonment of the works or other activities regulated under ERP rules:

- a. Will not cause adverse water quantity impacts to receiving waters and adjacent lands;
- b. Will not cause adverse flooding to on-site or off-site property;
- c. Will not cause adverse impacts to existing surface water storage and conveyance capabilities; and
- d. Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or Chapter 40D-8, F.A.C.

Utilization of the design criteria in this Part III will provide reasonable assurance of compliance with these conditions for issuance unless credible historical evidence of past flooding or the physical capacity of the downstream conveyance or receiving waters indicates that the conditions for issuance will not be met without consideration of storm events of different duration, frequency, or rainfall depth. In those instances, applicants shall be required to provide additional analyses using storm events of different duration, frequency, or rainfall depth than those referenced below, or to adjust the volume, rate or timing of discharges, to provide reasonable assurance of compliance with the conditions for issuance. Pre-application meetings are encouraged for projects in flood-prone areas to determine whether additional analysis is necessary to demonstrate reasonable assurance of compliance with the conditions for issuance.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.1

3.1 Discharges.

Off-site discharge is limited to amounts which will not cause adverse off-site impacts.

a. For a project or portion of a project located within an open drainage basin, the allowable discharge is:

1. historic discharge, which is the peak rate at which runoff leaves a parcel of land by gravity under existing site conditions, or the legally allowable discharge at the time of permit application; or

2. amounts determined in previous District permit actions relevant to the project.

b. Except in situations as described in Section 3.0 above, off-site discharges and peak stages for the existing and developed conditions shall be computed using the Southwest Florida Water Management District's 24-hour, 25-year rainfall maps and the Natural Resources Conservation Service type II Florida Modified 24-hour rainfall distribution with an antecedent moisture condition II. See Appendix A for these items.

c. For a project or portion of a project discharging to a tidal water body, the peak discharge requirements of this section are not required, provided that the rate of discharge does not cause adverse impacts. Examples of tidal water bodies are the Gulf of Mexico and the Gulf Intracoastal Waterway, including manmade portions of the Gulf Intracoastal Waterway.

d. For a project or portion of a project located within a closed drainage basin, the required retention volume shall be the post-development runoff volume less the pre-development runoff volume computed using the Southwest Florida Water Management District's 24-hour/100-year rainfall map and the Natural Resources Conservation Service type II Florida Modified 24-hour rainfall distribution with an antecedent moisture condition II. The total post development volume leaving the site shall be no more than the total pre-development volume leaving the site for the design 100-year storm. The rate of runoff leaving the site shall not cause adverse off-site impacts. Maintenance of pre-development off-site low flow may be required in hydrologically sensitive areas.

e. Except in situations as described in 3.1.f below, the proposed stormwater management system shall not be required to account for storm events less frequent than the 25-year event for the rate of discharge in an open basin or the 100-year event for the volume of discharge in a closed basin.

f. For a project or portion of a project discharging to an open basin with limited downstream conveyance capacity (volume sensitive) or a basin that contains retention storage, then storage modeling or additional retention volume up to the 24-hour/100-year storm shall be provided such that the project stormwater discharge shall not cause adverse onsite or offsite impacts.

g. When not in conflict with the objectives of recharge, dewatering, or maintaining ground water levels, projects serviced by a permitted or approved regional surface water management system may discharge stormwater runoff at the rate and volume established by the agency operating the regional stormwater system. The permittee must provide written verification from the operating agency stating the acceptable rate and volume of stormwater runoff from the project.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.2. (subsection c is added). Amended .

3.2 Flood Protection.

Flood protection for structures shall be provided as follows:

(a) Residential buildings shall have the lowest floor elevated above the 100-year flood elevation for that site.

(b) Industrial, commercial or other non-residential buildings susceptible to flood damage should have the lowest floor elevated above the 100-year flood elevation. Unless a higher elevation is required by applicable building code requirements, non-residential structures alternatively may be designed and constructed so that below the 100-year flood elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The design should take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effect of buoyancy and impacts from debris.

(c) Accessory buildings may be constructed below the 100-year flood elevation provided there is minimal potential for significant damage by flooding. An accessory building is a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure and not for human habitation. For example, a residential structure may have a detached garage, a carport, or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, pole barns, storage sheds, and similar buildings. Applicants are cautioned that potential water quality impacts caused by flooding of contents housed in a structure will be considered in allowing a reduced finished floor elevation.

(d) Applicants are advised that local ordinances and the Florida Building Code may require higher minimum floor elevations.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.3. Amended .

3.3 Flood Plain Encroachment.

No net encroachment into the flood plain, up to that encompassed by the 100-year event, which will adversely affect conveyance, storage, water quality or adjacent lands, will be allowed. Any required compensating storage shall be equivalently provided between the lowest level of encroachment or the seasonal high water level, whichever is lower, and the 100-year flood level or natural ground elevation, whichever is lower, to allow storage function during all lesser flood events.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.4. Amended .

3.4 100-Year Flood Level Determinations.

a. Flood elevations shall be determined using the most accurate information available, which can include:

1. Actual data, including water level, stream flow and rainfall records;
2. Hydrologic/hydraulic modeling;
3. Federal Flood Insurance Rate Maps and supporting flood study data; or
4. Floodplain analysis studies.

b. Site-specific data for observed and measured flood elevations shall be compared to modeled or existing study data to verify accuracy.

c. The 24-hour/100-year storm shall be used to determine the 100-year flood elevation except in those circumstances where credible historical evidence exists that higher flood stages have occurred, and can be expected to re-occur, following more frequent storm events. In those cases, the 100-year flood elevation shall be determined using a 100-year storm of sufficient duration to exceed the flood stages observed following more frequent events.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.4.1. Amended .

3.5 Minimum Drainage.

Commercial and industrial projects to be subdivided for sale are required to install a minimum drainage system as described in (a) and (b) below. Projects permitted in such a manner shall require deed restrictions which notify lot or tract purchasers of the amount of additional on-site storm water management system necessary to provide flood attenuation and any additional

retention/detention required for water quality purposes.

a. The required water quality system must have treatment capacity for ~~one inch of runoff if wet detention is used, or one-half inch of runoff if retention, effluent filtration or exfiltration is used, from the total developed site and contributing offsite area~~ the volume of runoff necessary to meet the performance standard specified in Part II of Volume I.

b. A stormwater collection and conveyance system must be provided to interconnect the retention/detention system with the project outfall, including access points to the system available to each individual lot or tract. The system shall be sized to limit discharge under full build-out design conditions to the allowable discharge.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.5. Amended

3.6 Water Conservation, Low Flow and Base Flow Maintenance.

Where practicable, systems shall be designed to:

a. maintain water tables, base flows and low flows at the highest practicable level. The depth to which the water table can be lowered will be determined based on the potential adverse impact on recharge, the effect on water resources (quality and quantity), and the necessity for fill and its impact on existing natural upland vegetation; and

b. preserve site environmental values; and

c. not waste freshwater through overdrainage; and

d. not lower water tables which would adversely affect existing legal uses; and

e. preserve site groundwater recharge characteristics; and

f. retain water on-site for use and re-use for irrigation and other reasonable beneficial uses.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, section 4.6.

3.6.1 Minimum Flows and Levels.

In addition to the design considerations in Section 3.6 above, the system shall not reduce or suppress the flow of a watercourse or the level of water in a wetland or other surface water or the level of ground water below a minimum flow or level that has been established pursuant to Section 373.042, F.S.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.6.1.

3.6.2 Water Withdrawals.

The effects of water withdrawals shall not be considered as the ambient condition in the design of stormwater management systems permitted under Chapter 62-330, F.A.C., except to the extent that the long term success of mitigation would be adversely affected by such water withdrawals.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review Section 4.6.2.

3.7 Historic Basin Storage.

Provision must be made to replace or otherwise mitigate the loss of historic basin storage provided by the project site.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.7.

3.8 Offsite Lands.

The application shall include provisions to allow drainage from off-site upgradient areas to downgradient areas without adversely altering the time, stage, volume, point or manner of discharge or dispersion and without degrading water quality.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.8.

3.9 Isolated Wetlands.

Isolated wetlands wholly owned or controlled by the applicant may be used for flood attenuation purposes when not in conflict with environmental or public use considerations.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.9.

~~3.10 Rural or Minor Subdivisions.~~

~~Rural or minor residential subdivisions constructed and operated in accordance with the design and construction criteria specified in Section 5.10 will be presumed to provide reasonable assurance of compliance with the water quantity related conditions for issuance described in Part III of this Volume II.~~

~~*History Note: Adapted from 40D-40.301, F.A.C. (9/5/2010). Amended*~~

PART IV -- STORMWATER QUALITY

4.0 Purpose.

Projects shall be designed so that discharges will meet applicable state water quality standards. Projects designed using the criteria found in this section in concert with meeting the water quality requirements in Volume I shall be presumed to provide reasonable assurance of compliance with the state water quality standards referenced in Section 62- 330.301(1)(e), F.A.C. The applicant may also provide reasonable assurance of compliance with state water quality standards by the use of alternative methods that will provide treatment equivalent to systems designed using the criteria specified in this section. If the applicant chooses to use alternative methods the District will determine whether the applicant has provided reasonable assurance based on information specific to the proposed design and submitted by the applicant.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.1.

4.1 Retention and Detention Criteria.

The volume of runoff to be treated from a site shall be determined by the type of treatment system, i.e., wet detention, detention with effluent filtration, on-line retention treatment system, or off-line retention treatment system. ~~If off-site run-off is not prevented from combining with on-site runoff prior to treatment, then treatment must be provided for the combined off-site/project runoff.~~

a. Wet Detention Systems.

- area- 1. A wet detention treatment system shall be designed to meet the stormwater quality treatment criteria specified in Part II of Volume I.~~treat one inch of runoff from the contributing~~
- b. The required nutrient load reduction for the wet pond and, if necessary, associated BMPs in the BMP treatment train will be determined by the applicable performance standard as set forth in Section 8.3. of Volume I and methodology described in Section 9 of Volume I. Treatment volume shall be determined by the treatment efficiency.
- c. 1.

2. A manmade wet detention system shall include a minimum of 35 percent littoral zone, concentrated at the outfall, for biological assimilation of pollutants. The percentage of littoral zone is based on the ratio of vegetated littoral zone to the surface area of the pond at the control elevation. The littoral zone shall be no deeper than 3.5 feet below the design overflow elevation. The design overflow elevation shall be no higher than 10 inches above the control elevation.~~The treatment volume should not cause the pond level to rise more than 18 inches above the control elevation.~~ Mulching and/or planting is desirable but not required, unless the soils in the proposed littoral zone are not capable of supporting wetland vegetation. In this case mulching will be required. Native vegetation that becomes established in the littoral zone must be maintained as part of the operation permit. Water quality treatment shall be provided in a permanent pool volume (PPV) below the control elevation. Credit for the PPV is limited to a maximum depth of 8 feet since stratification and low light penetration may hamper proper mixing and biological processes below this depth. The gravity overflow weir shall be multi-stage, first having a "v"-notch or other gravity drawdown control device sized to discharge ½ inch of detention runoff (mixing volume)

from the contributing area in 24 hours with 10-inches maximum head; and a broad crested weir sized to meet water quantity discharge requirements under Part III of this Volume II. Credit for water quantity storage shall be allowed above the control elevation and the pond seasonal high water level (SHWL). The control elevation ("v"-notch or other gravity control device) shall be above the SHWL and above the wet season tailwater in the receiving water, but no higher than 2 feet above the SHWL.

3. Isolated natural wetlands can be used as a wet detention system when not in conflict with environmental or public use considerations.

(a) If the ~~PPV~~required treatment volume cannot be ~~re~~detained within the limits of the isolated wetland boundaries and range of natural water levels, expansion of the wetland will be allowed when it can be shown that the excavation will not adversely impact the wetland.

(b) The ~~mixing~~treatment volume cannot adversely impact the wetland so that it fluctuates beyond the range of natural water levels. The available volume is determined based on site- specific conditions and an analysis of the isolated wetland to be used.

(c) Provisions must be made to remove sediment, oils and greases from runoff entering the wetland. This can be accomplished through incorporation of sediment sumps, baffles and dry grassed swales or a combination thereof. Normally, a dry grassed swale system designed for detention of the first one-fourth inch of runoff with an overall depth of no more than 4 inches will satisfy the requirement for prior removal of sediment, oils and greases.

~~4. The wet detention system's treatment volume shall be discharged in no less than 120 hours (5 days) with no more than one-half the total volume being discharged within the first 60 hours (2.5 days).~~

~~5. Due to the detention time required for wet detention systems, only that volume which drains below the overflow elevation within 36 hours may be counted as part of the volume required for water quantity storage under Part III of this Volume II.~~

~~6. Concepts and methods for determining design pool requirements for an alternative wet detention designs system through Conservation Wet Detention designs can be found in Appendix B.~~

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.2.a.1-5.
Amended*

b.d. Detention with Effluent Filtration System (Manmade Underdrains).

1. A detention with effluent filtration system shall be designed to meet, either by itself or in conjunction with other BMP(s), the stormwater quality treatment criteria specified in Part II of Volume I, treat the runoff from the first one inch of rainfall; or as an option for projects or project subunits with drainage areas less than 100 acres, the first one-half inch of runoff. In determining the runoff from one inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.

2. Filtration systems shall have a minimum of 0.5 feet of vertical head between the center line of the perforated pipe and the normal water elevation or the pond bottom of the system. The seasonal high water level must be at least one foot below the center line of the perforated pipe (measured from the lowest point of the perforated pipe), or separated by structural means from the hydraulic contribution of the surrounding water table. The stormwater must pass through a minimum of two feet of the filter material before entering the perforated pipe.

3. ~~The filter material shall be engineered media. Filtration systems shall have pore spaces large enough to provide sufficient flow capacity so that the permeability of the filter is equal to or greater than the surrounding soil.~~ The design shall ensure that the filter medium particles do not move. The filter material shall be of a quality sufficient to remove TN, TP, TSS, and pathogens from polluted water, satisfy the requirements listed below, but these requirements are not intended to preclude the use of multilayered filters nor the use of materials to increase ion exchange, precipitation or pollutant absorption capacity of the filter. The requirements are:

~~Washed material meeting FDOT road and bridge specifications for silica sand and quart gravels, or mixtures thereof (less than 1 percent silt, clay and organic matter), unless filter cloth is used which is suitable to retain the silt, clay and organic matter within the filter; calcium carbonate aggregate is not an acceptable substitute;~~

~~(b)–~~
~~Uniformity coefficient 1.5 or greater; and~~

~~Effective grain size of 0.20 to 0.55 millimeters in diameter.~~

4. The total detention volume shall again be available within 36 hours.
5. The treatment volume can be counted as part of the storage required for water quantity storage under Part III of this Volume II.
6. Maintenance of filter includes proper disposal of spent filter material.
7. The design of the system must be such that the water velocities and associated flow path through the storage pond do not cause the accumulated pollutants to be flushed out of the treatment pond up to the 25-year, 24-hour design storm.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.2.b. Amended

e.e. On-line Retention Treatment Systems.

1. An on-line retention treatment system shall be designed to meet, either by itself or in conjunction with other BMP(s), the stormwater quality treatment criteria specified in Part II of Volume I. ~~treat the runoff from the first one inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one half inch of run-off. In determining the runoff from one inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.~~

2. Total treatment volume shall again be available within 72 hours, however, only that volume which can again be available within 36 hours may be counted as part of the volume required for water quantity storage under Part III of this Volume II.

3. The design of the system must be such that the water velocities and associated flow path through the storage pond do not cause the accumulated pollutants to be flushed out of the treatment pond up to the 25-year, 24-hour design storm.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.2.c. Amended

d.f. Off-line Retention Treatment Systems.

1. Off-line retention treatment systems shall be designed to meet, either by itself or in conjunction with other BMP(s), the stormwater quality treatment criteria specified in Part II of Volume I. ~~treat the runoff from the first one inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one half inch of runoff. In determining the runoff from one inch of rainfall, the applicant must provide calculations determining run-off from the directly connected impervious and semi-impervious areas separately from any other contributing area.~~

2. Total treatment volume shall again be available within 72 hours, however, only that volume which can again be available within 36 hours may be counted as part of the volume required for water quantity storage under Part III of this Volume II.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.2.d. Amended

e.g. Underground Exfiltration Treatment Systems.

1. Systems shall be designed to meet the, either by itself or in conjunction with other BMP(s), stormwater quality treatment criteria specified in Part II of Volume I, for the volumes specified in Section 4.1(d) for off-line treatment systems.

2. Systems must have the capacity to retain the required retention volume without considering discharges.

3. The seasonal high water level must be at least one foot below the bottom of the exfiltration pipe.

4. Systems should not be proposed for projects to be operated by entities other than single owners or entities with full time maintenance staffs.

5. A safety factor of 2.0 or more shall be applied to the exfiltration design to allow for geological uncertainties by dividing the exfiltration rate by the safety factor.

6. Total system required volume shall again be available within 72 hours.

7. Due to the maintenance requirements and life expectancy of exfiltration systems, the treatment volume required in Section 4.1(d) cannot be counted as part of the storage volumes required under Section 3.1 of Volume II.

8. Exfiltration systems shall comply with the following construction requirements:

(a) Pipe diameter must be a minimum of 12 inches;

(b) Trench width must be a minimum of 3 feet;

(c) Rock material in trenches must be enclosed in filter material; and

(d) Maintenance sumps must be provided in inlets.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Sections 5.7 and 6.5.
Amended .*

f. Discharges to Outstanding Florida Waters.

~~Projects discharging directly into Outstanding Florida Waters (OFW) shall be required to provide treatment for a volume 50 percent more than required for the selected treatment system (wet detention, detention with effluent filtration, on-line retention or off-line retention).~~

~~*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.2.e.*~~

g. Where Ambient Water Quality Does Not Meet Standards.

~~In instances where an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, mitigation for water quality impacts can consist of water quality enhancement. In these cases, the~~

| applicant must implement mitigation measures that are proposed by or acceptable to the applicant

~~that will cause net improvement of the water quality in the receiving waters for those contributed parameters that do not meet standards.~~

~~History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 3.2.4.5.~~

~~**h. Off-site Treatment Volumes.**~~

~~Off-site treatment volumes shall be the total runoff from one-inch of rainfall over the contributing off-site area. The runoff from the directly connected impervious and semi-impervious contributing areas shall be determined separately from the runoff from the other contributing areas.~~

~~History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.2.f.~~

~~**4.2 Public Supply Wells.**~~

~~Stormwater retention and detention systems are classified as moderate sanitary hazards with respect to public and private drinking water wells. Stormwater treatment facilities shall not be constructed within 100 feet of an existing public water supply well and shall not be constructed within 75 feet of an existing private drinking water well.~~

~~History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.3 and NFWFMD Applicant's Handbook Volume II, Section 4.3.2. Amended~~

4.34.2 Sewage Treatment Percolation Ponds.

Above ground pond dikes shall not be located within 200 feet of water bodies or 100 feet of dry retention areas. The applicant may propose specific alternative measures that are equivalent to these criteria in their effectiveness to protect the water resources and adjacent property. The applicant shall provide the District with reasonable assurance of no adverse impact to the water resources or adjacent property, based on the plans, calculations and other information specific to the design proposed.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.4.

4.44.3 Solid Waste Facilities.

Surface water management systems for Class I and II solid waste facilities, as defined in Chapter 62-7, F.A.C., shall be designed and constructed to maintain the integrity of the landfill at all times including construction, operation, closure and post closure. Applicants should consult with District staff prior to submittal of an application to determine the specific requirements which will apply for a particular project.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.5.

~~**4.5 Alterations to Existing Public Roadway Projects.**~~

~~Alterations to existing public roadway projects will be required to treat a volume equal to those specified in Section 4.1 and the contributing area according to the following options:~~

~~a. The contributing area(s) to be used in calculating the required treatment volume will be:~~

~~1. For off-line treatment systems and on-line treatment systems, including wet detention, which provide storage of the treatment volume off-line from the primary conveyance-path of flood discharges, use the area of new pavement.~~

~~2. For all other on-line treatment systems, including wet detention, use the entire on-site directly connected impervious areas contributing to the system; directly connected impervious areas are those new and existing pavement areas connected to the treatment systems by pavement or pipe that contribute untreated runoff.~~

~~b. When alterations involve extreme hardship, in order to provide direct treatment of new project area, the District will consider proposals to satisfy the overall public interest that shall include equivalent treatment of alternate existing pavement areas to achieve the required pollution abatement. For example, existing untreated contributing areas not otherwise required to be included for treatment may be included for treatment by the system in lieu of direct treatment of new project area when the pollution abatement is equivalent and benefits the same receiving waters.~~

~~c. Existing treatment capacity being displaced by any roadway project will require additional compensating treatment volume. Additional volume is also required for projects that discharge directly to OFW's. (See Section 4.1.f.)~~

~~Subsection 373.413(6), F.S. (2012), also requires that Agencies exercise flexibility in the permitting of stormwater management systems associated with the construction or alteration of systems serving state transportation projects and facilities.~~

History Note: SWFWMD ERP Information Manual Part B Basis of Review, Section 5.8.

~~4.6 Water Quality Monitoring.~~

~~All non-exempt surface water management systems will be evaluated based on the ability of the system to prevent degradation of receiving waters and its ability to conform to state water quality standards.~~

History Note: SWFWMD ERP Information Manual Part B Basis of Review, Section 5.9.

~~4.7 General and Special Conditions Related To Water Quality Monitoring By Permittees.~~

~~a. If the applicant utilizes design criteria found in Part IV of Volume II, monitoring will not be required.~~

~~b. Monitoring shall be required when the applicant proposes design criteria not found in Part IV of Volume II, and does not have specific test data or other data to support that state water quality standards will be met.~~

~~c. Monitoring may be required in cases where there may be a real and immediate concern regarding degradation of quality in the receiving waters, regardless of the pollutant removal efficiency of the drainage system.~~

d. The reason for the monitoring requirement will be stated in each permit for which water quality monitoring is required, along with the monitoring schedule and the parameters of interest. Samples will be collected at discharge locations unless other locations are identified in the monitoring schedule. Monitoring schedules will require the periodic collection of samples. Permittees will also be required to collect samples during storm events, provide the rate of discharge and total discharge quantities at the time of sample collection, if necessary to ensure that state water quality standards will be met.

e. Permits for projects not requiring water quality monitoring at the time of permit issuance will include a statement that water quality monitoring will be required in the future if necessary to ensure that state water quality standards are being met. This should not be construed as an indication that the District is contemplating the implementation of a program of intensive water quality monitoring by all permittees.

History Note: SWFWMD ERP Information Manual Part B Basis of Review, Sections 5.10, 5.11 and 5.13. Amended _____.

4.8 Compensating Stormwater Treatment.

Occasionally, applicants find that it is impractical to construct a stormwater management system to capture the runoff from a portion of the project site due to on-site conditions such as extreme physical limitations, availability of right-of-way, or maintenance access. Two methods have been developed to compensate for the lack of treatment for a portion of a project. The first method is to treat the runoff that is captured to a greater extent than required by rule (i.e., "overtreatment"). The second method is to provide treatment for an off-site area which currently is not being treated (i.e., "off site compensation"). Each method is designed to furnish the same level of treatment as if the runoff from the entire project site were captured and treated in accordance with the provisions of this Volume.

Either of these methods will only be allowed as a last resort and the applicant is strongly encouraged to schedule a pre-application conference with District staff to discuss the project if these alternatives are being considered. Other rule criteria, such as peak discharge attenuation, will still have to be met if the applicant utilizes these methods. Each alternative is described in more detail in the following sections.

History Note: NFWFMD AH II section 2.11.

4.8.1 Overtreatment.

Overtreatment means to treat the runoff from the project area that does flow to a treatment system to a higher level than the rule requires, to make up for the lack of treatment for a portion of the project. The average treatment efficiency of the areas treated and the areas not treated must meet the pollutant removal goals of Chapter 62-40, F.A.C., (i.e., 80% removal for discharges to Class III waters and 95% removal for systems which discharge to OFWs). To meet these goals, the area not being treated generally must be small (less than 10%) in relation to the area which is captured and treated. Staff can aid in determining the proper level of overtreatment for a particular situation.

History Note: NFWFMD AH II Section 2.11.1.

~~4.8.2 Off-site Compensation.~~

~~Off-site compensation means to provide treatment to compensate for the lack of treatment for portions of the proposed project. The following conditions must be met when utilizing off-site compensation:~~

~~(a) The off-site area must be in the same watershed and benefit the same receiving water body as the proposed project, and should be in the closest vicinity practicable to the location of those untreated stormwater discharge(s) requiring compensating treatment; and~~

~~(b) The applicant shall use modeling or other data analysis techniques that provide reasonable assurance that the compensating treatment system removes at least the same amount of stormwater pollution loading as was estimated from the untreated project area.~~

History Note: NWFWMDC AH II Section 2.11.2.

~~4.9 Rural or Minor Subdivisions.~~

~~Rural or minor residential subdivisions constructed and operated in accordance with the design and construction criteria specified in Section 5.10 will be presumed to provide reasonable assurance of compliance with the water quality related conditions for issuance described in Part IV of Volume II.~~

History Note: Adapted from 40D-40.301, F.A.C.

PART V –CONSTRUCTION DESIGN REQUIREMENTS

5.0 Design Criteria.

The design criteria and construction requirements applicable within this District for stormwater management system discharge or control structures, retention and detention areas and other system features are set forth in Part V of Volume II. To assist the applicant, additional reference materials and figures useful in designing stormwater management systems appear in the Appendices and should be consulted.

History Note: New 10-1-13. Amended .

5.1 Discharge Structures.

a. The construction design for all surface water systems shall be adequate to meet all design criteria and performance standards referred to in this rule. Provision shall be made for the controlled release of water volumes in excess of that caused by the design storm event to ensure adequate performance of the system and its continued safe operation. Construction designs shall include adequate provisions to allow operation and maintenance activities and to prevent unauthorized operation of operable structures.

b. All design discharges shall be made through structural discharge facilities. Discharge structures shall be fixed so that discharge cannot be made below the control elevation, except that emergency operation devices may be designed and installed with secure locking mechanisms.

c. Non-operable discharge structures shall not be constructed so that they are operable.

d. Discharge structures shall include gratings for safety and maintenance purposes. The use of trash collection screens is desirable.

~~e. Discharge structures for water quality systems shall include a "baffle" system to encourage discharge from the center of the water column rather than the top or bottom. Discharge structures from areas with greater than 50 percent impervious and semi-impervious area or from systems with inlets in paved areas shall include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from detention and on-line treatment systems.~~

~~f.~~e. Direct discharges, such as through culverts, stormdrains, weir structures, etc., will be allowed to receiving waters which by virtue of their large capacity, configuration, etc. are easily able to absorb concentrated discharges. Examples of such receiving waters include existing storm sewer systems and man-made ditches, canals and lakes.

~~g.~~f. Indirect discharges, such as overflow and spreader swales, are required where the receiving water or its adjacent supporting ecosystem might be degraded by a direct discharge. The discharge structure must discharge into the overflow, spreader swale, etc. which in turn releases the water to the actual receiving water. Affected receiving waters include natural streams, lakes, marshes, isolated wetlands and land naturally receiving overland sheet flow.

~~h.~~g. Pumped systems will only be allowed for single owner or governmental agency operation entities, unless perpetual operation ability can be guaranteed.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.1. Amended

5.2 Control Devices/Bleed-Down Mechanisms for Detention Systems.

a. When not in conflict with meeting the District's pre-/post-peak discharge requirement or a more restrictive local government discharge requirement, gravity control devices normally shall be designed to discharge one-half of the detention volume required by Part III of Volume II, within 24 hours. Devices incorporating dimensions smaller than six square inches of cross sectional area or two inches minimum dimension or less than 20 degrees for "V" notches shall include a device to eliminate clogging. Such devices include baffles, grates, pipe elbows, etc.

b. Gravity control devices for wet detention water treatment systems as specified in Part IV of Volume II are required to be designed to meet the bleed-down times specified therein. Devices incorporating dimensions smaller than those indicated in a. above, must include a device to eliminate clogging. Such devices include baffles, grates, pipe elbows, etc.

c. Wet detention systems designed for both water treatment (quality) and attenuation of the design storm (quantity) must incorporate the requirements of a. and b. above.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.2. Amended

5.3 Maintenance Considerations. The design of retention areas shall incorporate consideration of sediment removal, regular maintenance and vegetation harvesting procedures.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.3.

5.4 Retention and Detention Areas.

5.4.1 Dimensional Criteria (as measured at or from the control elevation).

a. Width - Wet detention water quality treatment systems shall be designed with a 100 foot minimum width for linear areas in excess of 200 feet in length. Area and width requirements will be waived for projects to be operated by single owner entities, or entities with full time maintenance staffs with a particular interest in maintaining the area, e.g., golf courses. Treatment areas not meeting the above width to length ratio will be approved if the permittee can demonstrate that the design of the system will maximize circulation by location of inflow and outflow points.

~~b. Depth—The detention or retention area shall not be excavated to a depth that breaches an aquitard such that it would allow for lesser quality water to pass, either way, between the two systems. In those geographical areas of the District where there is not an aquitard present, the depth of the pond shall not be excavated to within two (2) feet of the underlying limestone which is part of a drinking water aquifer.~~

~~e.b.~~ Side slopes – for purposes of public safety, water quality treatment and maintenance, all retention or detention areas should have stabilized side slopes no steeper than 4:1 (horizontal: vertical) out to a depth of two feet below the control elevation. Except as provided for in paragraph 5.4.1(d), constructed side slopes steeper than 3.5:1 (horizontal: vertical) shall be considered a substantial deviation from the permitted design.

~~d.c.~~ For purposes of public safety, side slopes designed or permitted steeper than 4:1 will require a six foot chain link fence or other protection sufficient to prevent accidental incursion into the retention or detention area. In determining the sufficiency of other protection measures, consideration shall be given to the depth and morphometry of the detention or retention area, surrounding land uses, degree of public access, and likelihood of accidental incursion.

~~e.d.~~ For wet detention systems, the bottom elevation of the pond must be at least one foot below the control elevation.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.4.1 for subsections a – d; Section 1.7.4 for subsection e. Amended .

~~5.4.2 Maintenance Access.~~

~~Perimeter maintenance and operation easements, with a minimum width of 20 feet and slopes no steeper than 4:1 (horizontal: vertical), should be provided landward of the control elevation water line. Widths less than 20 feet are allowed when it can be demonstrated that equipment can enter and perform the necessary maintenance for the system.~~

~~*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.4.2.*~~

5.5 Exfiltration Systems Dimensional Criteria.

Exfiltration systems shall comply with the following construction requirements:

- a. Pipe diameter must be a minimum of 12 inches;
- b. Trench width must be a minimum of 3 feet;
- c. Rock material in trenches must be enclosed in filter material; and
- d. Maintenance sumps must be provided in inlets.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.5.

5.6 Management of Runoff from Impervious and Semi-Impervious Areas.

Runoff shall be discharged from impervious and semi-impervious surfaces into retention areas, or through detention devices, filtering and cleansing devices, or subjected to some type of Best Management Practice (BMP) prior to discharge from the project site. For projects, which include substantial paved areas, such as shopping centers, large highway intersections with frequent stopped traffic, and high density developments, provisions shall be made for the removal of oil, grease and sediment from storm water discharges.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.6.

5.7 Stagnant Water Conditions.

Configurations which create stagnant water conditions, such as dead end canals, are prohibited, regardless of the type of development.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.7.

5.8 Sediment Sumps.

Sediment sumps shall comply with the following:

- a. Sumps shall remove a particle size of 0.1 mm in diameter (approximately a No. 100 sieve size) unless it can be shown another grain size is more appropriate for the site.
- b. Sumps shall be designed for an inflow rate equal to the design peak flow rate of the project's internal storm water system.
- c. A maintenance schedule for sediment and vegetation removal must be included.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.8.

5.9 Dam Safety.

As part of the determination as to whether a dam meets the criteria in Rule 62-330.301, F.A.C., a dam over five feet in height (as measured from the crest of the dam to the lowest elevation on the downstream toe) with the potential to store 50 acre feet or more of water, and any dam that is 10 feet or more in height must be designed, constructed, operated, and maintained consistent with generally accepted engineering practices as applied to local conditions, considering such factors as: the type of materials used to construct the dam, the type of soils and degree of compaction, hydrologic capacity, construction techniques, and downstream hazard potential rating. (referenced in Section 8.4.5 and Appendix L of Volume I). An additional document that provides useful information for this purpose is *Design of Small Dams*, U.S. Department of Interior, Bureau of Reclamation, Third Edition, 2006.

Dams shall be designed with spillway capacities adequate to safely conduct the runoff through the impoundment based on the appropriate SCS rainfall distribution, in accordance with the following minimum storm routing requirements:

Minimum Storm Routing Requirements for Dams

<u>Downstream Hazard Potential Rating</u>	<u>Principal spillway</u>	<u>Combination of spillways</u>
<u>Low</u>	<u>2-yr, 24-hour 25-year, 24-hour</u>	<u>25-year, 24-hour 25-year, 24-hour</u>
<u>Moderate Significant</u>	<u>25-year, 24-hour 25-year, 24-hour</u>	<u>100-year 24-hour 100-year, 24-hour</u>
<u>High</u>	<u>100-year 24-hour 100-year, 24-hour</u>	<u>Probable Maximum Flood</u>

~~All dams must be designed, constructed, operated and maintained consistent with accepted engineering and dam safety practices as applied to local conditions, considering such factors as type of materials, type of soils and degree of compaction, hydrologic capacity, construction techniques and hazard rating. A document that provides useful information for this purpose is *Design of Small Dams*, U.S. Department of the Interior, Bureau of Reclamation, Third Edition, 2006.~~

History Note: Adapted from NFWMD AH I Section 8.4.7.

5.10 ~~Rural or Minor Residential Subdivisions.~~

~~a. Rural or minor residential subdivisions typically are designed to have large multi-acre lots and minimal roadways that, together, result in a relatively small amount of additional impervious or semi-impervious surfaces compared to pre-developed conditions. Rural or minor residential subdivisions that are designed in accordance with the following parameters will be considered to not cause significant adverse impacts to occur individually or cumulatively and will meet the applicable water quality and water quantity design criteria for permit issuance:~~

~~(1) The proposed activities will occur in, on or over less than 100 square feet of wetlands or other surface waters. Road or driveway crossings of ditches constructed in uplands will not be counted against the 100 square foot limit.~~

~~(2) The activities will not utilize pumps for storm water management.~~

~~(3) The activities will not utilize storm drainage facilities larger than one 24-inch diameter pipe, or its equivalent.~~

~~(4) Discharges from the site will meet state water quality standards.~~

~~(5) The proposed building floors will be above the 100-year flood elevation.~~

~~(6) The surface water management system can be effectively operated and maintained.~~

~~(7) Roadways within the subdivision will consist of paved or unpaved stabilized roads with an unyielding subgrade.~~

~~(8) The drainage system will not act in a manner that would divert and channelize large areas of overland sheet flow, thereby creating point source discharges that will adversely affect wetlands, or areas beyond the applicant's perpetual control.~~

~~(9) Point discharges will not exceed the capacity of receiving waters.~~

~~(10) All terminal discharge structures are designed to withstand the 25-year, 24-hour post-development discharge without functional failure.~~

~~(11) The proposed post-development impervious and semi-impervious surfaces will not exceed a five percent (5%) increase over pre-developed conditions.~~

~~(12) Proposed or projected construction will maintain a minimum 75-foot vegetated buffer, which includes a 25-foot perpetually undisturbed buffer upland of all wetlands and other surface waters. Only the 25-foot perpetually undisturbed buffer will be required adjacent to an isolated wetland entirely located within an individual residential lot.~~

~~(13) Proposed or projected construction will maintain a minimum 75-foot buffer adjacent to all project boundaries.~~

~~b. The applicant's demonstration of compliance with this subsection shall include provision of a typical lot layout showing proposed driveways, buildings, and other impervious and semi-impervious areas and the anticipated percentage of impervious and semi-impervious surfaces resulting from projected construction on individual residential lots.~~

~~c. The boundaries of the surface water management system, wetlands, surface waters and buffers shall be recorded in plats or easements and included in any declaration of covenants, conditions, easements and restrictions and shall be identified in all sales contracts by the developer. These recorded documents shall be perpetual and applicable to all future sales of property within the development. Language shall also be contained in the recorded documents notifying all individual lot owners that permits are required if any of the following items are proposed:~~

~~(1) Alteration to the surface water management system; or~~

~~(2) Encroachment into the wetlands, wetland buffers, or adjacent off-site property line buffers.~~

History note: Transferred from 40D-40.301(1) and (2), F.A.C.

5.145.10 Sensitive Karst Areas.

"Karst" is a geologic term used to describe areas where landscapes have been affected by the dissolution of limestone or dolostone, including areas where the formation of sinkholes is relatively common. In parts of the District, limestone (or dolostone) that makes up or comprises the Floridan Aquifer System occurs at or near the land surface. Sediments overlying the limestone can be highly permeable. Due to its chemical composition, limestone is susceptible to dissolution when

it interacts with slightly acidic water. “Sensitive karst areas” reflect areas with hydrogeologic and geologic characteristics relatively more conducive to potential contamination of the Floridan Aquifer System from surface pollutant sources. The formation of karst-related features, such as sinkholes, is also more likely to occur in these areas.

Especially in sensitive karst areas, stormwater management systems must be designed and constructed to prevent direct discharge of untreated stormwater into the Floridan Aquifer System. Systems also must be designed and constructed in a manner that avoids breaching an aquitard and such that construction excavation will not allow direct mixing of untreated water between surface waters and the Floridan Aquifer System. The system shall also be designed to prevent the formation of solution pipes or other types of karst features in any known sensitive karst area. Test borings located within the footprint of a proposed stormwater management pond must be plugged in a manner to prevent mixing of surface and ground waters.

As provided in paragraph 8.5.2.2 of Volume I ~~5.4.1(b) of this Volume II~~, in areas where karst conditions are present, the detention or retention area shall not be excavated to a depth that breaches an aquitard such that it would allow for lesser quality water to pass, either way, between the two systems.

Figures depicting conditions that may occur when retention or detention ponds are constructed in sensitive karst areas appear in Appendix C.

History Note: Adapted from NFWMD AH II sections 17.1 and 17.3; SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.4.1.b. Amended .

PART VI – DESIGN INFORMATION

6.0 Design Criteria.

The design criteria set forth in this section are applicable within this District.

History Note: New

6.1 Antecedent Conditions.

Within this District, the antecedent condition will be the normal average wet season (AMC II).

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.1.

6.2 Rainfall Volume.

The rainfall isohyetal maps in APPENDIX A of this Volume II will be used to determine rainfall amounts.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.2; Part D Project Design Aids.

6.3 Rainfall Distribution.

The Natural Resource Conservation Service Type II Florida Modified rainfall distribution will be used unless the applicant demonstrates that a different distribution better characterizes the actual rainfall distribution based on rainfall record.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.3.

6.4 Open Surface Storage.

If open surface storage is to be considered in the review, the applicant must submit stage-storage computations. If open surface storage plus discharge is to be considered, the stage discharge computations will also be submitted. Actual rather than allowable discharges shall be used in routing. Discharges will be based on the tailwater resulting from the normal seasonal high water elevation of the receiving waters. For extreme events, such as the 100-year frequency, discharge will be based on the tailwater resulting from a 100-year flood on the receiving waters.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.4.1.

6.5 Ground Surface Infiltration.

Ground surface infiltration will be reviewed on the basis of commonly accepted procedures. Suggested commonly accepted procedures include: the U.S. Department of Agriculture, Soil Conservation Service Technical Paper No. 149, "A Method for Estimating Volume and rate of Runoff in Small Watersheds" (1973); the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 55, "Urban Hydrology for Small Watersheds" (1975); or the Rational Method as discussed in the State of Florida Department of Transportation, "Drainage Manual" (January 2013) or Hydrology Handbook (February 2012) or standard civil engineering

textbooks. Site-specific test data should be submitted to support other methods of calculating ground surface infiltration.

Additional, more current references and design aids are listed in Appendix D.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.5.1, with updated references.

6.6 Subsurface Exfiltration.

Subsurface exfiltration will be reviewed only on the basis of representative or actual test data submitted by the applicant. Tests shall be consistent as to elevation, location, soils, etc., with the system design to which the test data will be applied.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.5.2.

6.7 Runoff.

The usual methods of computation of runoff used by project designers and acceptable to the District are as follows:

- a. Rainfall minus losses and storage.
- b. Soil Conservation Service design methods (see, for example, U.S. Department of Agriculture, Soil Conservation Service, "National Engineering Handbook, Section 4, Hydrology." Additional, more current reference sources and design aids can be found in Appendix D.)
- c. Rational method, for systems serving projects of less than 10 acres total contributing area. Suggested references and design aids are listed in Appendix D.
- d. Other alternative methods and criteria proposed by the applicant that are functionally equivalent to the criteria in District rules. The applicant shall provide the District with reasonable assurance of such equivalency based on the submitted plans, calculations and other information.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.6.

6.8 Allowable Discharges.

Peak discharge, for purposes of meeting maximum allowable discharges, is computed as the maximum average discharge over a time period equal to the time of concentration of the contributory area.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.8.1

APPENDICES

- APPENDIX A - Part D of SWFWMD ERP Information Manual Rainfall Maps (July 1996)
- APPENDIX B - ~~Conservation Wet Detention Alternative Treatment Design Technical Memorandum Concepts and Methods Reserved~~
- APPENDIX C - Figures Relating to Water Quality Provisions, Water Quantity Provisions and Retention Systems Within Sensitive Karst Areas
- APPENDIX D - Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Southwest Florida Water Management District and Department of Environmental Protection (July 1, 2007)
- APPENDIX E - Flexibility for State Transportation Projects and Facilities

CONSENT AGENDA

February 28, 2023

Executive Director's Report: Approve Governing Board Minutes - January 24, 2023

Staff Recommendation:

Approve minutes as presented.

Presenter:

Brian J. Armstrong, P.G., Executive Director



**GOVERNING BOARD MEETING
TUESDAY, JANUARY 24, 2023 – 9:00 A.M.
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

Joel Schleicher, Chair
Ed Armstrong, Vice Chair*
Michelle Williamson, Secretary
John Mitten, Treasurer
Kelly Rice, Former Chair
Jack Bispham, Member
John Hall, Member
Ashley Bell Barnett, Member

*Attended via Electronic Media

Staff Members

Brian J. Armstrong, Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director*
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., January 24, 2023, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Joel Schleicher called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Schleicher stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. Chair Schleicher stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same topic designate a spokesperson.

Chair Schleicher introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Board Member Ashely Bell Barnett offered the invocation and Pledge of Allegiance.

1.3 Employee Recognition

Chair Schleicher recognized staff that reached at least 20 years of service. Mr. Ted Gates was recognized.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda. However, the following items were being moved to Discussion:

Resource Management Committee

2.3 Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology

2.5 Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke regarding established rights of citizens.

CONSENT AGENDA

Finance/Outreach & Planning Committee

2.1 Office of Inspector General Calendar Year 2023 Audit Plan

Staff recommended the Board approve the Office of Inspector General Calendar Year 2023 Audit Plan.

Resource Management Committee

2.2 FARMS – H806 Sandhill Native Growers, DeSoto County

Staff recommended the Board:

1. Approve the Sandhill Native Growers, Inc. project for a not-to-exceed project reimbursement of \$303,507 with \$303,507 provided by the Governing Board.
2. Authorize the transfer of \$303,507 from fund 010 H017 Governing Board FARMS Fund to the H806 Sandhill Native Growers, Inc. project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

2.3 ~~Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology~~

Staff recommended the Board:

- ~~A. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.623, F.A.C., to delete the Minimum Wetland Level methodology and associated language for certain wetlands and clarify Minimum Wetland Level location information in Table 8-1 within the rule, as shown in the Exhibit.~~
- ~~B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.~~

2.4 Approve the Davenport Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Davenport (N962)

Staff recommended the Board approve use of the Davenport Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in the City of Davenport.

2.5 ~~Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase~~

Staff recommended the Board authorize staff to amend the Regional Acquisition of the Project Prairie Pumping and Storage Facilities Project (Q248) agreement to increase the total project cost to \$2,030,032, with \$837,500 of state and federal funding, and the District's share not to exceed \$596,266.

Operations, Lands and Resource Monitoring Committee

2.6 Sale and Conveyance of a Permanent Easement to the Florida Department of Transportation (FDOT) within the District's Marshall Hampton Reserve property to replace a portion of and extend an existing easement displaced by the Central Polk Parkway, SWF Parcel No. 20-503-254X

Staff recommended the Board:

- Approve the Purchase Agreement and authorize the Executive Director to execute the Agreement on behalf of the District; and
- Authorize the Chairman and Secretary of the Governing Board to execute the amended Perpetual Easement; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

2.7 Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Watkins Pump & Well, LLC – Unlicensed Well Contractor – CT No. 419434 Hillsborough County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Watkins Pump & Well, LLC, to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

2.8 Approval of Consent Order between the District and Gregory J. Dana Revocable Trust – Permit Condition Violations – Environmental Resource Permit No. 43043617.001 – CT Nos. 418450 & 402420 – Hillsborough County

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

2.9 Approve Governing Board Minutes - December 13, 2022

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:09:15)

Finance/Outreach & Planning Committee

Treasurer John Mitten called the committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, presented an overview of the District's portfolio strategy for the last quarter (October 1, 2022 thru December 31, 2022). He discussed current issues with the debt ceiling and provided information regarding the U.S. Gross Domestic Product, inflation, jobs growth and interest rates.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2022. Mr. Grady responded to questions.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (00:31:15)

3.3 Status of the 2023 Consolidated Annual Report

Mr. Patrick Doty, Senior Planner, presented an overview and status update regarding the 2023 Consolidated Annual Report (CAR). He explained that water management districts are statutorily mandated to provide this report. Mr. Doty stated the CAR is composed of ten reporting documents and outlined the reports. He outlined provided highlights from the reports, gave updates to the 2023-2027 Strategic Plan, and provided a timeline associated with finalizing the CAR. Mr. Doty stated the only significant update to this year's Strategic Plan is the removal of the Flood Protection regional priority for the Tampa Bay Planning Region.

This item was presented for information only. No action was required.

3.4 Budget Transfer Report

This was for information only. No action was required.

3.5 Office of Inspector General October 1, 2022 to December 31, 2022 Quarterly Update

This was for information only. No action was required.

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion

2.3 Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology

A Request to Speak card was received for this item.

Mr. Don Ellison expressed concern regarding the initiation of rulemaking. He suggested that the minimum wetland methods currently in the rule not be removed and that newly developed minimum wetland methods be added to the rule. In addition, he requested that more time be provided for review before initiating rule making.

Mr. Doug Leeper, Minimum Flows and Levels (MFL) Program Lead, provided an overview of the history of the minimum wetland levels methodology. He presented information in support of the proposed changes and initiation of rulemaking. Mr. Leeper responded to questions.

Staff recommended the Board:

- A. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.623, F.A.C., to delete the Minimum Wetland Level methodology and associated language for certain wetlands and clarify Minimum Wetland Level location information in Table 8-1 within the rule, as shown in the Exhibit.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (00:53:18)

2.5 Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase

Messrs. Mike Knowles and Chris Kuzler, representing the Peace River Manasota Regional Water Supply Authority (PRMRWSA), provided information regarding cost increases associated with project Q248.

Chair Schleicher asked if the proposed staff recommendation is consistent with the current District policy. Mr. Brian Armstrong, Executive Director, stated that it was not and that staff would be presenting proposed changes to the CFI policy later in the meeting. He explained that approval of this project cost increase is being requested before the Board approves changes to the CFI policy due to time constraints with the federal funding awarded to the project.

Mr. Chris Tumminia, General Counsel, reminded the Board that it has the ability to approve policy changes at any time. Staff responded to questions.

Staff recommended the Board authorize staff to amend the Regional Acquisition of the Project Prairie Pumping and Storage Facilities Project (Q248) agreement to increase the total project cost to \$2,030,032, with \$837,500 of state and federal funding, and the District's share not to exceed \$596,266.

A motion was made and seconded to approve staff's recommendation. The motion passed with seven in favor and one opposed. (00:54:24/01:05:40)

4.2 FARMS – Spanish Trails Farming & Land Company, LLC (H812) - Phase 2 – DeSoto County

Ms. Carole Estes, Facilitating Agricultural Resource Management Systems (FARMS) Program Manager, provided a presentation that included an overview of the project, project costs, and benefits. She stated that although the project is eligible for 75 percent funding, District policy limits reimbursement to 70 percent of eligible material project costs.

Staff recommended the Board:

1. Approve the Spanish Trails Farming and Land Company, LLC - Phase 2 project for a not-to-exceed project reimbursement of \$529,000 with \$529,000 provided by the Governing Board;
2. Authorize the transfer of \$529,000 from fund 010 H017 Governing Board FARMS Fund to the H812 Spanish Trails Farming and Land Company, LLC – Phase 2 project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (01:08:57)

4.3 Knowledge Management: Cooperative Funding Initiative Governing Board Policy

Mr. Kevin Wills, Cooperative Funding Initiative (CFI) Project Lead, presented information outlining the current CFI policy, proposed revisions, and examples of how the proposed policy changes may impact funding. Mr. Wills explained that any funding matches cannot include state or federal appropriations or grant monies. However, because the National Estuary Programs are funded primarily with federal funds they are excluded. He also proposed that local appropriations received by a cooperator may be used towards the cooperator's funding match. The proposed change also would allow the cooperator to use state or federal appropriations or grant monies to cover project costs increases.

Discussion ensued regarding the proposed policy language. It was agreed that the defined language needs to be clarified. It was also discussed that definitions could be created to assist in a better understanding of the proposed policy. Staff responded to questions.

This item was presented for information only. No action was required.

Operations, Lands & Resource Monitoring Committee

Board Member Jack Bispham called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

Regulation Committee

Board Member John Hall called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

None were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

Mr. Chris Tumminia, General Counsel, provided an update regarding the Inverness Village 4 project that was discussed at the November Board meeting. He stated the Citrus County Board of County Commissioners (County) voted to proceed with a Municipal Service Benefit Unit. In addition, the County is preparing an estimate of engineering costs for surface water management systems associated with this project. This may take approximately six to nine months. Per the County's request, the District will continue to assist with resolving issues associated with this project.

Committee/Liaison Reports

8.1 Agricultural and Green Industry Advisory Committee

Mr. Brian Armstrong, Executive Director, stated that on December 16 the Committee and District staff toured the Council Growers Sod Farm and the University of Florida/Institute of Food and Agricultural Sciences Gulf Coast Research and Education Center in Wimauma, Florida. The participants learned how the District's agricultural cost-share reimbursement program has helped growers improve water quality and natural systems while reducing groundwater withdrawals from the Upper Floridan aquifer through conservation and alternative water supply best management practices. A written summary was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Armstrong stated that he took note of the comments during the discussion of Item 2.5. He stated that going forward staff will make certain to provide better clarification of what the Board is being asked to approve regarding exceptions to the existing Board policy. In addition, if the Board needs additional time to review the proposed revisions to the CFI policy, this item can be tabled for the March meeting if necessary.

Mr. Armstrong provided an overview of the District's Employee Committee benevolent accomplishments for 2022.

Chair's Report

10.1 Chair's Report

Chair Schleicher stated the next meeting is scheduled for Tuesday, February 28 at 9:00 a.m., in the Brooksville Office.

10.2 Employee Milestones

A written summary was included in the packet.

Adjournment

The meeting adjourned at 10:47 a.m.

DRAFT

Governing Board Meeting
February 28, 2023

3. RECOGNITION OF FORMER GOVERNING BOARD MEMBERS

3.1	Recognition of Former Governing Board Member Seth Weightman	78
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RECOGNITION OF FORMER GOVERNING BOARD MEMBER

February 28, 2023

Recognition of Former Governing Board Member Seth Weightman

To honor Mr. Seth Weightman for his term as Governing Board member, District staff will present a resolution and plaque to commemorate his service. Mr. Weightman was appointed by Governor Ron DeSantis in November 2019 and served until November 2022.

Presenter:

Virginia Singer, Manager, Board and Executive Services

Governing Board Meeting

February 28, 2023

4. FINANCE/OUTREACH & PLANNING COMMITTEE

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4.4	Submit & File: Information Item: Budget Transfer Report	90

FINANCE/OUTREACH AND PLANNING COMMITTEE

February 28, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenters:

Michael Molligan, Division Director, Employee, Outreach and General Services

Brandon Baldwin, Division Director, Business and IT Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

February 28, 2023

Discussion: Information Item: Legislative Update

Purpose

Provide a preview of the upcoming legislative session.

Discussion

The 2023 Legislative Session begins March 7 and is scheduled to conclude May 5. Legislators continue to file bills prior to the start of the regular Session.

On Feb. 1, Governor Ron DeSantis announced his proposals for the Fiscal Year 2023-2024 Framework for Freedom Budget.

- \$406 million for state-wide resiliency
- \$100 million for the Florida Forever Program
- \$85 million for continued Piney Point stabilization, treatment, and closure
- \$50 million for the Alternative Water Supply Grant Program
- \$50 million for springs funding

Staff will be tracking the confirmations of Governing Board members and other environmental bills. To date, the following significant bills have been filed:

- SB 106 – Florida Shared-Use Nonmotorized Trail Network (Sen. Brodeur)
- HB 371 – Management and Storage of Surface Waters (Rep. Killebrew)
- HB 401 – Sovereign Immunity (Rep. Beltran)
- HB 557 – Land Acquisition Trust Fund (Rep. Bell)

Government and Community Affairs staff will again provide weekly updates of pending legislation and related budget issues as they progress.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Cara Martin, Government and Community Affairs, Bureau Chief

FINANCE/OUTREACH AND PLANNING COMMITTEE

February 28, 2023

Discussion: Information Item: Knowledge Management: Election of Governing Board Officers Policy

Purpose

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

Background/History

The District's Knowledge Management initiative was launched in FY2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus since FY2018 has been on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

The Election of Governing Board Officers Policy clarifies and facilitates the election process for Governing Board officers. Minor formatting, wording and clarification changes have been made to the policy. The proposed revised policy better clarifies the nomination process and voting.

In addition, the proposed revised policy explicitly provides the Governing Board with the flexibility to delay the annual May elections to a date certain by action of the Board. The current and proposed revised policy is shown in the attached exhibit.

Benefits

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Robyn Felix, Bureau Chief, Communications & Board Services

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Election of Governing Board Officers

Document Owner: Communications and Board Services
Bureau Chief

Approved By: Board Chair

Effective Date: MM/DD/YYYY

Supersedes: 11/18/2014

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PURPOSE

To clarify and facilitate the election process for Governing Board Officers.

SCOPE

Governing Board Officers

AUTHORITY

Chapter 373, Florida Statutes (F.S.)

DEFINITIONS

N/A

STANDARDS

Section 286.011, Florida Statutes

Roberts, H.M. Robert's Rules of Order Newly Revised

POLICY

In order to clarify and facilitate the election process for Governing Board Officers, the following policies have been adopted:

GOVERNING BOARD POLICY

Title: Election of Governing Board Officers

Effective Date: MM/DD/YYYY

Page 2 of 4

1) Officer Elections

- a) Chair
- b) Vice Chair
- c) Secretary
- d) Treasurer

2) Schedule for Elections

Elections of officers shall occur annually in May, unless delayed to a date certain by action of the Board. Elections will take place during the beginning of the District business portion of the May Governing Board Meeting. New officers will assume offices twenty-four hours prior to the June Governing Board meeting.

3) Procedure for Election of Officers

- a) Separate elections shall be held for each office. The Board shall complete all voting on each individual office before proceeding to vote on the next office. Notwithstanding, a nomination for a slate of officers (Chair, Vice Chair, Secretary and Treasurer) may be made prior to the Chair accepting nominations for the office of Chair.
- b) Nominations of new officers shall be made. If at least one slate is nominated, the Chair will call for a roll call vote on the proposed slate(s), and no ballot voting will occur. If no slate is nominated, the Chair will call for nominations for each individual office beginning with the office of Chair.
- c) When everyone has had a reasonable opportunity to nominate, the Chair will accept a motion to close nominations.
- d) The Chair shall then proceed to put the nomination(s) to vote by ballot. Ballots must be signed by each member when voting.
- e) The Board and Executive Services manager, or subsequently titled position, with the assistance of the General Counsel, shall count the ballots, and the Chair will announce the results.
- f) Elections shall be determined by a majority of the Governing Board Members present and voting, whether in person or participating by means of communications media technology.
- g) Should no candidate receive a majority on the first ballot, voicing voting will continue with subsequent ballots until one candidate is elected. In the event three or more candidates are on the ballot, the names of all candidates will remain on subsequent ballots.
- h) If a candidate is present and does not decline, or if a candidate is absent but has consented to the candidacy, the candidate is elected. If the candidate is absent, has not consented to be a candidate and does not immediately decline after being notified, the candidate is elected. If a person declines election, there is a failure to elect, and the Board may proceed to continue the election.
- i) Notwithstanding the above, if there is only one nomination of an individual officer or one nomination of a slate of officers (Chair, Vice Chair, Secretary, and Treasurer) is nominated, the Board is not required to vote by ballot pursuant to d) – h) – but rather may elect by acclamation.
- j) Elections will be held in accordance with the current edition of Robert's Rules of Order Newly Revised, except as otherwise specified above.

GOVERNING BOARD POLICY

Title: Election of Governing Board Officers

Effective Date: MM/DD/YYYY

Page 3 of 4

4) Terms of Office

Governing Board members elected to office will hold office until the next election of officers is held, and the new officers assume their offices, unless the office is vacated. Officers serve one-year terms. No officer shall serve more than two consecutive terms in the same office.

5) Filling Vacancies

A vacancy in any office shall be filled at the meeting of the Governing Board at which the vacancy occurs or the next meeting after the vacancy occurs unless delayed to a date certain by action of the Board. In case of disability, resignation, non-reappointment or death of the Chair, the Vice Chair, shall become the Chair for the remainder of the Chair's term. In the absence of the Secretary, the Treasurer will assume the duties of the Secretary. In the absence of the Treasurer, the Secretary will assume the duties of the Treasurer.

DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REFERENCES

~~Robert's Rules of Order Newly Revised, Twelfth Edition (2020)~~

REVIEW PERIOD

This Policy will be reviewed every three years.

GOVERNING BOARD POLICY

Title: Election of Governing Board Officers

Effective Date: MM/DD/YYYY

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DOCUMENT DETAILS

Document Name	Election of Governing Board Officers
Formerly Known As	N/A
Document Type	Policy
Author(s)	
Reviewing Stakeholder(s)	<u>Office of General Counsel</u>
Document Owner Name	Robyn Felix
Document Owner Title	Communications and Board Services Bureau Chief
Review Period (in days)	1095
Span of Control	Governing Board
Supersedes Date	11/18/2014
Effective Date	MM/DD/YYYY

APPROVAL

Joel A. Schleicher
Chair

Date

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Election of Governing Board Officers

Document Owner: Communications and Board Services
Bureau Chief

Approved By: Board Chair

Effective Date: MM/DD/YYYY

Supersedes: 11/18/2014

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PURPOSE

To clarify and facilitate the election process for Governing Board Officers.

SCOPE

Governing Board Officers

AUTHORITY

Chapter 373, Florida Statutes (F.S.)

DEFINITIONS

N/A

STANDARDS

Section 286.011, Florida Statutes
Roberts, H.M. *Robert's Rules of Order Newly Revised*

POLICY

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- 1) Officer Elections
 - a) Chair

GOVERNING BOARD POLICY

Title: Election of Governing Board Officers

Effective Date:MM/DD/YYYY

Page 2 of 4

- a) Chair
- b) Vice Chair
- c) Secretary
- d) Treasurer

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- b) If at least one slate is nominated, the Chair will call for a roll call vote on the proposed slate(s), and no ballot voting will occur. If no slate is nominated, the Chair will call for nominations for each individual office beginning with the office of Chair.
- c) When everyone has had a reasonable opportunity to nominate, the Chair will accept a motion to close nominations.
- d) The Chair shall then proceed to put the nomination(s) to vote by ballot. Ballots must be signed by each member when voting.
- e) The Board and Executive Services manager, or subsequently titled position, with the assistance of the General Counsel, shall count the ballots, and the Chair will announce the results.
- f) Elections shall be determined by a majority of the Governing Board Members present and voting, whether in person or participating by means of communications media technology.
- g) Should no candidate receive a majority on the first ballot, voting will continue with subsequent ballots until one candidate is elected. In the event three or more candidates are on the ballot, the names of all candidates will remain on subsequent ballots.
- h) If a candidate is present and does not decline, or if a candidate is absent but has consented to the candidacy, the candidate is elected. If the candidate is absent, has not consented to be a candidate and does not immediately decline after being notified, the candidate is elected. If a person declines election, there is a failure to elect, and the Board may proceed to continue the election.
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4) Terms of Office

GOVERNING BOARD POLICY

Title: Election of Governing Board Officers

Effective Date:MM/DD/YYYY

Page 3 of 4

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DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REVIEW PERIOD

This Policy will be reviewed every three years.

GOVERNING BOARD POLICY

Title: Election of Governing Board Officers

Effective Date:MM/DD/YYYY

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DOCUMENT DETAILS

Document Name	Election of Governing Board Officers
Formerly Known As	N/A
Document Type	Policy
Author(s)	
Reviewing Stakeholder(s)	Office of General Counsel
Document Owner Name	Robyn Felix
Document Owner Title	Communications and Board Services Bureau Chief
Review Period (in days)	1095
Span of Control	Governing Board
Supersedes Date	11/18/2014
Effective Date	MM/DD/YYYY

APPROVAL

Joel A. Schleicher
Chair

Date

FINANCE/OUTREACH AND PLANNING COMMITTEE

February 28, 2023

Submit & File: Information Item: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of January 2023.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of January 2023.

Staff Recommendation:

Present the Budget Transfer Report for the Board's information. No action required.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
January 2023

Item No.	--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
	Bureau /	Expenditure Category	Bureau /	Expenditure Category		
<u>Change from Original Budget Intent</u>						
1	Operations	Maint/Repair of Buildings/Structures	Data Collection	Equipment - Non-Capital Outlay	Transfer of funds originally budgeted for the Structures Gate Refurbishment Program. The funds are no longer required as it has been determined the current priority gates have reached their useful life and require replacement rather than refurbishment. The funds are required for the procurement of a new vehicle organizer to allow for secure storage of survey equipment, while also allowing for four crew members to ride safely and comfortably within the vehicle's cab.	\$ 3,700.00
Total Change from Original Budget Intent						\$ 3,700.00
<u>Consistent with Original Budget Intent</u>						
1	Operations	Equipment - Outside	Operations	Equipment - Non-Capital Outlay	Funds are needed for the original purpose budgeted for new diver communication equipment to allow staff to communicate while underwater. The cost of the equipment was less than anticipated and no longer meets the definition of a capital asset. The funds are being transferred from capital to non-capital equipment for accounting purposes only.	\$ 6,314.30
Total Consistent with Original Budget Intent						\$ 6,314.30
Total Amount Transferred						\$ 10,014.30

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented to the Governing Board as a Submit and File Report. This Board Policy limits transfers made for a purpose other than the original budget intent to \$75,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

Governing Board Meeting
February 28, 2023

5. RESOURCE MANAGEMENT COMMITTEE

5.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	92
5.2	Discussion: Information Item: Fiscal Year 2024 Cooperative Funding Initiative Preliminary Project Evaluations.....	93

RESOURCE MANAGEMENT COMMITTEE

February 28, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Jennette M. Seachrist, P.E., Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE

February 28, 2023

Discussion: Information Item: Fiscal Year 2024 Cooperative Funding Initiative Preliminary Project Evaluations

Purpose

To update the Board on the fiscal year (FY) 2024 Cooperative Funding Initiative (CFI) preliminary project evaluations and scores, select projects for future presentation and discuss the timelines and next steps in the CFI process.

Background

The Cooperative Funding Initiative (CFI) application deadline was Friday, October 14, 2022: 66 applications were received totaling \$132 million in District funding requests. To date, three projects have been withdrawn and the revised total District funding request for FY2024 is \$100.9 million. The applications include eight AWS projects requesting \$75.2 million, one Septic Conversion project requesting \$1.3 million, 16 ongoing (1A) projects requesting \$11.3 million, and 38 new projects requesting \$13.0 million.

The FY2024 CFI applications have been compiled by region, distributed to the Governing Board members at the December Meeting, and posted on the District's website (<https://www.swfwmd.state.fl.us/business/finance/cooperative-funding-initiative>).

Discussion

District staff have evaluated, scored, and prepared preliminary evaluations for each project. The evaluations can be viewed on the CFI Webpage. Staff will present a summary of the funding applications received, preliminary project evaluations and scores, request projects for future presentation and discuss funding options, the timelines and next steps in the CFI process.

Final staff evaluations will be presented in April along with the requested project presentations. Final approval of the FY2024 projects for inclusion in the Recommended Annual Service Budget (RASB) will be requested at the May Board meeting.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Kevin Wills, Cooperative Funding Initiative Lead, Engineering and Project Management Bureau

Governing Board Meeting
February 28, 2022

6. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

6.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	94
6.2	Discussion: Information Item: Hydrologic Conditions Report	95

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

February 28, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Brian S. Starford, P.G., Division Director, Operations, Lands and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

February 28, 2023

Discussion: Information Item: Hydrologic Conditions Report

- January is the fourth month of the 8-month dry season (October through May). Rainfall during the month was lower than expected and generally associated with several cold front systems that moved through the District.
- **Rainfall:** Monthly rainfall totals were at the lower-end of the normal range in the northern and central counties, while they were below normal in the southern counties. The Districtwide 12-month cumulative rainfall totals improved slightly between December and January, ending the month at a surplus of 3.38 inches above the long-term historical average. The northern counties had a 12-month rainfall deficit of 1.70 inches.
- **Streamflow:** Streamflow decreased at all 12 monitoring stations, compared to last month. Nine stations reported normal flow, while three stations reported above-normal flow. Regional streamflow, based on three index rivers, is normal in the northern and southern counties, while it is above normal in the central counties.
- **Groundwater:** Regional aquifer level percentiles decreased in all three regions of the District, compared to last month. Aquifer levels ended the month within the normal range in the northern counties, while above normal in the central and southern counties.
- **Lake Levels:** Regional lake levels decreased in all four lake regions of the District. Regional lake levels ended the month within the normal range in all four lake regions.
- **Overall:** Below-average rainfall conditions in December and January resulted in overall hydrologic condition declines throughout the District. However, most regional hydrologic indicators remained within their normal to above normal historical ranges, except as noted. NOAA currently predicts below-normal rainfall through April 2023. Extended drier-than-normal rainfall in the winter/spring could lower overall hydrologic conditions.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Tamera McBride, Hydrologic Data Manager, Data Collection Bureau

Governing Board Meeting

February 28, 2023

7. REGULATION COMMITTEE

- 7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion.....96
- 7.2 **Discussion:** Action Item: Denials Referred to the Governing Board97

REGULATION COMMITTEE

February 28, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

February 28, 2023

Discussion: Action Item: Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

Governing Board Meeting

February 28, 2023

8. GENERAL COUNSEL'S REPORT

- 8.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 98
- 8.2 **Discussion:** Action Item: Authorization for Initiation of Rulemaking to Amend Rule
40D-1.1010, Florida Administrative Code, to Clarify Point of Entry into Proceedings 99

GENERAL COUNSEL'S REPORT

February 28, 2023

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Chris Tumminia, Esq., General Counsel, Office of General Counsel

GENERAL COUNSEL'S REPORT

February 28, 2023

Discussion: Action Item: Authorization for Initiation of Rulemaking to Amend Rule 40D-1.1010, Florida Administrative Code, to Clarify Point of Entry into Proceedings

Rule 40D-1.1010, Florida Administrative Code (F.A.C.) sets forth requirements affecting when a request for an administrative hearing concerning District agency action may be filed. In November 2022, a Florida appellate court decided a case regarding a similar rule of another water management district. Under that decision, multiple points of entry to challenge final agency action could be created, such that the legal process could be extended indefinitely. Subsequent administrative litigation on the same issue has highlighted that the District's Rule 40D-1.1010, F.A.C., could be interpreted to allow multiple points of entry to challenge an agency action.

Upon Governing Board authorization of the initiation of rulemaking, District staff will begin the rulemaking process to amend Rule 40D-1.1010, F.A.C., to clarify the point of entry to challenge agency action. Upon the conclusion of rule development, District staff will bring the proposed rule changes to the Governing Board for approval of the rule amendments.

Staff Recommendation:

Authorize the initiation of rulemaking to amend Rule 40D-1.1010, F.A.C., to clarify rule language that provides a second point of entry to seek an administrative hearing concerning the same agency action.

Presenter:

Christopher A. Tumminia, Esq., General Counsel, Office of General Counsel

COMMITTEE/LIAISON REPORTS

February 28, 2023

Discussion: Information Item: Environmental Advisory Committee

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Michelle Williamson, Board Member

EXECUTIVE DIRECTOR'S REPORT

February 28, 2023

Discussion: Information Item: Executive Director's Report

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Brian J. Armstrong, P.G., Executive Director

CHAIR'S REPORT

February 28, 2023

Discussion: Information Item: Chair's Report

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Joel A. Schleicher, Chair

CHAIR'S REPORT

February 28, 2023

Discussion: Information Item: Employee Milestones

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Joel A. Schleicher, Governing Board Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	02/05/2018	April Landkas-Coronas	Staff Engineer	Tampa	Environmental Resource Permit	2023	02/05/2023
10	02/04/2013	Lei Yang	Chief Professional Engineer	Brooksville	Natural Systems & Restoration	2023	02/04/2023
10	02/04/2013	Patrick Casey	LeadStructure Controls Analyst	Brooksville	Operations	2023	02/04/2023
10	02/18/2013	Chad Thomas	Survey Party Chief	Brooksville	Data Collection	2023	02/18/2023
10	02/18/2013	Yuan Li	Watershed Management Program Lead	Brooksville	Engineering & Project Management	2023	02/18/2023
15	02/11/2008	Andrea Shamblyn	Budget Manager	Brooksville	Finance	2023	02/11/2023