

Notice of Development of Rulemaking

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

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

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (Department) and water management districts (WMDs) are initiating rulemaking as required by the Clean Waterways Act to update the stormwater design and operation regulations adopted under Section 373.4131, Fla. Stat., including updates to the Environmental Resource Permit Applicant's Handbook (AH), using the most recent scientific information available. The AH contains two volumes. Volume I, which is adopted by the Department, contains stormwater design and operation regulations that apply statewide. Volume II, a version of which is adopted by each WMD, contains provisions 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 Department's AH Volume I. As a result, the Southwest Florida Water Management District will amend 40D-1.660, F.A.C, which incorporates by reference its AH Volume II, and will update the provisions within Volume II to ensure consistency with AH Volume I.

SUBJECT AREA TO BE ADDRESSED: The Department and WMDs will be 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 rulemaking pursuant to this notice includes an amendment to Rule 40D-1.660, Fla. Admin. Code, to incorporate by reference changes to the Southwest Florida Water Management District's AH Volume II necessitated by these amendments.

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 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.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director, (352)796-7211, or 1(800)423-1476 (FL only), or email to ADACoordinator@swfwmd.state.fl.us. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adrienne E. Vining, Lead Assistant General Counsel, SWFWMD, 7601 U.S. 301 North, Tampa, FL 33637, (813)355-0308. (OGC#2023007)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.