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1                   A bill to be entitled  
 2           An act relating to stormwater management systems; creating  
 3           s. 373.4131, F.S.; providing legislative findings;  
 4           providing definitions; requiring the Department of  
 5           Environmental Protection, in coordination with the water  
 6           management districts, to develop a uniform statewide  
 7           stormwater quality treatment rule; requiring the  
 8           department to adopt the rule by a specified date;  
 9           providing an exemption from the rulemaking provisions of  
 10          ch. 120 for implementation of the rule by water management  
 11          districts and delegated local programs; prohibiting  
 12          variations from the rule; providing requirements for  
 13          developing, adopting, and implementing the rule;  
 14          authorizing the department and the water management  
 15          districts to adopt, amend, and retain specified rules;  
 16          providing for applicability, effect, and repeal of  
 17          specified rules; providing exemptions for specified  
 18          stormwater management systems and permitted activities;  
 19          providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1.   Section 373.4131, Florida Statutes, is created  
 24           to read:

25           373.4131 Stormwater quality treatment requirements.-  
 26           (1) The Legislature finds that nutrients in stormwater  
 27           contribute to nutrient impairment of the state's waters. The  
 28           Legislature further finds and declares that a uniform statewide

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29 rule that is consistent with the state's strategy to reduce the  
30 adverse effects of nutrients on water quality as outlined in  
31 chapter 403 will provide a scientifically and technically sound  
32 method to assist permit holders in their efforts to meet state  
33 water quality standards.

34 (2) As used in this section, the term:

35 (a) "Nutrient" means total nitrogen and total phosphorus.

36 (b) "Redevelopment" means construction of a surface water  
37 management system on sites with existing commercial, industrial,  
38 institutional, or multifamily land uses where the existing  
39 impervious surface will be removed as part of the proposed  
40 activity.

41 (c) "Stormwater quality treatment requirements" means the  
42 minimum level of stormwater treatment and design criteria for  
43 the construction, operation, and maintenance of stormwater  
44 management systems.

45 (3) The department, in coordination with the water  
46 management districts, shall develop a uniform statewide  
47 stormwater quality treatment rule for stormwater management  
48 systems. The rule must provide for geographic differences in  
49 physical and natural characteristics, such as rainfall patterns,  
50 topography, soil type, and vegetation. The department shall  
51 adopt the rule by July 1, 2011. The water management districts  
52 and any delegated local program under this part shall implement  
53 the rule without having to adopt it pursuant to s. 120.54.  
54 However, the department and water management districts may  
55 adopt, amend, or retain rules designed to implement a basin  
56 management action plan for a total maximum daily load and rules

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57 established pursuant to s. 373.4592, s. 373.4595, s. 373.461, or  
58 s. 403.067.

59 (a) Except as otherwise provided in this section,  
60 variations from the rule adopted pursuant to this section are  
61 prohibited.

62 (b) Existing stormwater quality treatment rules that are  
63 superseded by the rule adopted pursuant to this section may be  
64 repealed without further rulemaking pursuant to s. 120.54 by  
65 publication of a notice of repeal in the Florida Administrative  
66 Weekly and subsequent filing of a list of the rules repealed  
67 with the Department of State.

68 (c) Until the rule adopted pursuant to this section  
69 becomes effective, existing stormwater quality treatment rules  
70 adopted pursuant to this part are deemed authorized under this  
71 part and remain in full force and effect.

72 (4) The rule adopted pursuant to this section shall  
73 establish the stormwater quality treatment requirements  
74 necessary to meet the applicable state water quality standards,  
75 including nutrient standards. Compliance with the stormwater  
76 quality treatment requirements creates a presumption that  
77 stormwater discharged from the system will meet the applicable  
78 state water quality standards, whether expressed in narrative or  
79 numeric form, in the receiving waters.

80 (5) Notwithstanding subsection (4), the rule adopted  
81 pursuant to this section shall establish alternative stormwater  
82 quality treatment requirements for the redevelopment of sites  
83 totaling 10 acres or less and the retrofitting of existing  
84 stormwater management systems where such treatment results in a

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85 net reduction in the discharge of nutrients and other pollutants  
86 to the receiving waters. The alternative treatment requirements  
87 for redevelopment of sites must be based upon a feasibility  
88 assessment of stormwater best management practices that  
89 considers factors such as site size, availability of regional  
90 stormwater treatment systems, and physical site characteristics.  
91 The rule may also establish alternative treatment requirements  
92 for the development of sites with legacy pollutants from past  
93 activities.

94 (6) After the adoption of the rule pursuant to this  
95 section, the following shall continue to be governed by the  
96 stormwater quality treatment rules adopted by the department,  
97 the water management districts, and any delegated local program  
98 under this part in effect before the effective date of the rule  
99 adopted pursuant to this section, unless the applicant elects to  
100 have an application reviewed in accordance with the rule adopted  
101 pursuant to this section:

102 (a) The operation and maintenance of stormwater management  
103 systems legally in existence before the effective date of the  
104 rule adopted pursuant to this section if the terms and  
105 conditions of the permit, exemption, or other authorization for  
106 such systems continue to be met; or

107 (b) The activities approved in a permit issued pursuant to  
108 this part and the review of activities proposed in applications  
109 received and completed before the effective date of the rule  
110 adopted pursuant to this section. This paragraph also applies to  
111 any modification of the plans, terms, and conditions of the  
112 permit, including new activities, within the geographical area

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113 to which the permit applies. However, this paragraph does not  
114 apply to a modification that would extend the permitted time  
115 limit for construction beyond 4 additional years or to any  
116 modification that is reasonably expected to lead to additional  
117 or substantially different stormwater quality impacts. This  
118 paragraph also applies to any modification that lessens or does  
119 not increase stormwater quality impacts.

120 (7) This section do not apply to stormwater management  
121 systems serving agriculture.

122 Section 2. This act shall take effect upon becoming a law.