

POLICY ALERT

Protecting Southwest Florida's unique natural resources and quality of life . . . now and forever.



NEW DEVELOPMENT NEEDS TO TREAT ITS OWN POLLUTION - URGENT NEED FOR STRONGER STORMWATER TREATMENT REGULATION!



CURRENT LEGAL STANDARD¹: New developments are required to...

- “1. Achieve at least **80 percent reduction of the average annual load of pollutants** that would cause or contribute to violations of state water quality standards.
2. Achieve at least **95 percent reduction of the average annual load of pollutants** that would cause or contribute to violations of state water quality standards in **Outstanding Florida Waters.**”

THE PROBLEMS WITH CURRENT REGULATION

- ? Current South Florida Water Management Regulation does not ensure that 80-95% of pollution is removed.
- ? It is based on decades-old science for removing suspended solids using wet retention/detention lakes.
- ? Pollutants, such as nutrients, are in both a suspended solid and dissolved form.
- ? Current science shows that wet detention lakes (commonly used in Southwest Florida), only remove “approximately 20-40% for total nitrogen, 60-70% for total phosphorus”² because these lakes cannot effectively remove dissolved nutrients.

ALTERNATIVE STANDARDS BEING CONSIDERED



Harper Methodology (a.k.a. “Pre v. Post Water Quality Assessment”)

- ? The Harper Methodology measures the difference between pre-development pollutant loads (“predevelopment” being applied in current permitting as current land uses – *not* natural predevelopment conditions), and the anticipated post-development pollutant loads.
- ? If current land uses are very polluting, this approach only requires projects to treat so as not to *worsen* water quality from current conditions, which in many cases would be less than the 80% / 95% requirement.
- ? Even with predevelopment natural conditions, it inaccurately characterizes natural wetlands as a source of nutrient-polluted runoff, despite undisputed scientific proof that natural wetlands actually remove 90-98% of the nutrients introduced to them overall.
- ? With wetlands inaccurately considered to load pollution rather than remove it, less treatment is required from the proposed development project; resulting in inadequate stormwater treatment.

¹ Section 62-40.432(5) F.A.C. (The Water Resource Implementation Rule)

² Harper, *Harper: Evaluation of Current Stormwater Design Criteria within the State of Florida*, 2006



Proposed Southwest Florida Basin Rule

- ? More stringent regulation for proposed developments - making them truly responsible for their own pollution.
- ? Applies to projects over 40 acres in size or projects with over 5 acres in wetland impacts
- ? Incentivizes pollution prevention and requires ongoing maintenance of treatment systems.
- ? Will require an additional 50% of treatment in stormwater wet retention/detention systems, *as well* as additional stormwater Best Management Practices designed to remove dissolved pollutants (through a "Treatment Train" approach)
- ? Will establish a system designed to ensure that the 80% / 95% average annual pollution reduction requirement is achieved.



Proposed Lake Okeechobee Ecosystem Watersheds (LOEW) Rule

- ? Similar for Southwest Florida Basin Rule in approach, but extends up into Kissimmee Basin.
- ? Same scope of application to projects over 40 acres in size or projects with over 5 acres in wetland impacts
- ? Same requirement of additional 50% of treatment in stormwater wet retention/detention systems, *as well* as additional stormwater Best Management Practices designed to remove dissolved pollutants (through a "Treatment Train" approach)
- ? Same system of ensuring 80% / 95% average annual load reduction requirement is achieved.

Act Now!

**CONTACT THE SOUTH FLORIDA WATER MANAGEMENT GOVERNING BOARD MEMBERS
TO EXPRESS YOUR SUPPORT FOR THE SOUTHWEST FLORIDA BASIN AND LAKE OKEECHOBEE AND ESTUARY
WATERSHED RULES!**

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