



# Statewide ERP Update

*The Essentials in Obtaining an  
Environmental Resource Permit*

*28<sup>th</sup> Annual Environmental Permitting Summer School*

Presented by

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July 2014

## Governor's Directive

- Identify and delete or amend rules no longer necessary, duplicative of statute or unduly burdensome.



## Statewide Environmental Resource Permitting

- Section 373.413, F.S. required FDEP to adopt statewide rules and that those rules would also apply to the five water management districts.
  
- Rule 62-330 to provide “*uniform statewide criteria*” and consistent regulation of activities to include:
  - ✓ Permit thresholds and exemptions.
  - ✓ Conditions of issuance.
  - ✓ Standardized application, notice and reporting forms.
  - ✓ Formal determinations of wetlands and other surface waters.
  - ✓ Mitigation criteria.

## Statewide Environmental Resource Permitting

- Provisions for recognizing “*different physical or natural characteristics including special basin considerations of individual water management districts.*”
- Local programs have 12 months after October 1, 2013 to revise their ordinances or regulations to incorporate the rules.
- Rule is based on existing rules, made primarily for consistency and streamlining.
- No Legislative ratification is necessary.

# Statewide Environmental Resource Permitting

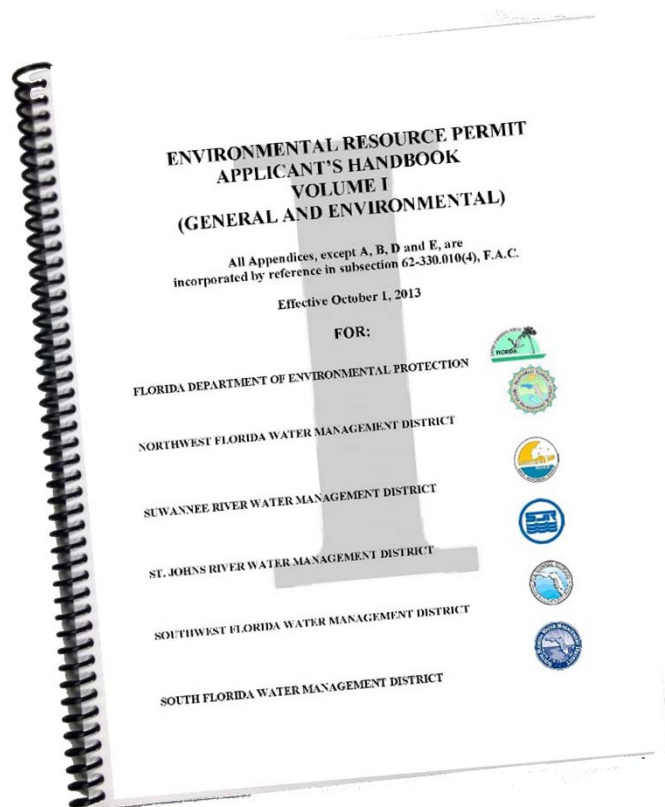
<http://www.dep.state.fl.us/water/wetlands/swerp/index.htm>

**CHAPTER 62-330  
ENVIRONMENTAL RESOURCE PERMITTING**

- 62-330.010 Purpose and Implementation
- 62-330.020 Regulated Activities
- 62-330.021 Definitions
- 62-330.050 Procedures for Review and Agency Action on Exemption Requests
- 62-330.051 Exempt Activities
- 62-330.0511 No-fee Noticed Exemptions for Construction, Operation, Maintenance, Alteration, Abandonment, or Removal of Minor Silvicultural Surface Water Management Systems
- 62-330.052 General Permits – General
- 62-330.054 Individual Permits
- 62-330.055 Conceptual Approval Permits for Urban Infill or Redevelopment
- 62-330.056 Other Conceptual Approval Permits
- 62-330.060 Content of Applications for Individual and Conceptual Approval Permits
- 62-330.061 Submittal of Applications and Notices to Agency Offices
- 62-330.062 Water Quality Certification and Coastal Zone Consistency Concurrence
- 62-330.071 Fees
- 62-330.075 Additional Requirements and Procedures for Concurrent Review of Related Applications
- 62-330.090 Processing of Individual and Conceptual Approval Permit Applications
- 62-330.100 Purpose and Intent (Repealed)
- 62-330.200 Rules Adopted by Reference (Repealed)
- 62-330.201 Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters
- 62-330.301 Conditions for Issuance of Individual and Conceptual Approval Permits
- 62-330.302 Additional Conditions for Issuance of Individual and Conceptual Approval Permits
- 62-330.310 Operation and Maintenance
- 62-330.311 Inspections and Reporting
- 62-330.315 Modification of Permits
- 62-330.320 Duration of Permits
- 62-330.340 Transfer of Permit Upon Change in Ownership or Control
- 62-330.350 General Conditions for Individual Permits
- 62-330.360 Emergency Authorizations and Actions
- 62-330.395 Variances

# Applicant's Handbook Volume I

## ■ General and Environmental

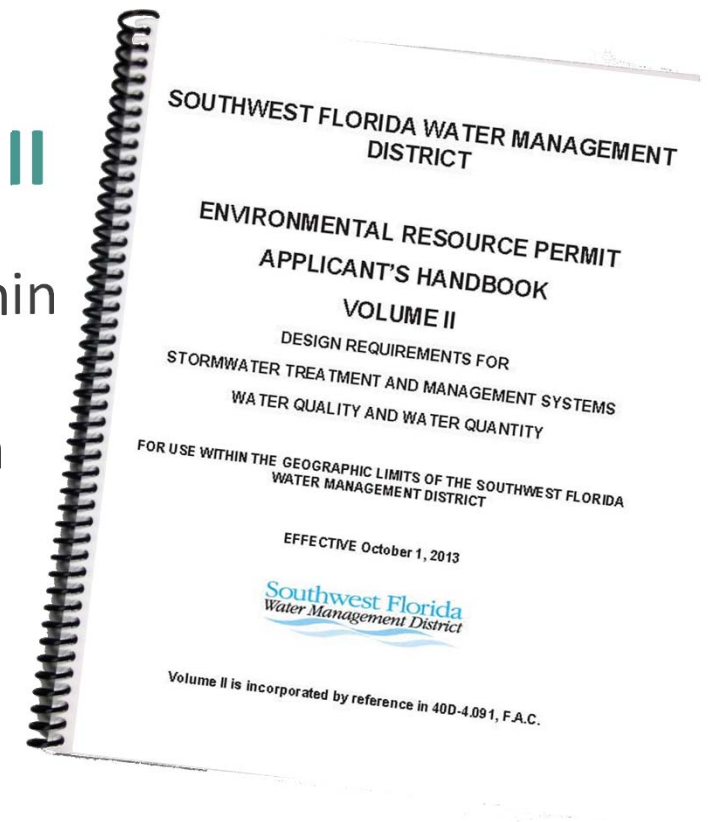


- Background Information
- Summary of statutes and rules
- Forms to notice or apply for ERP authorization
- Types of permits, permit thresholds and exemptions
- O&M Requirements
- Conditions for issuance of an ERP including environmental criteria.

## Applicant's Handbook Volume II

- Adopted separately by DEP for use within Northwest Florida, Suwannee River, St. Johns, Southwest Florida, and South Florida Water Management Districts
- Addresses regional differences
- Provides design and performance standards specific to the geographical area of each District
- Generally not applicable to smaller projects

**Applicant's Handbook effective October 1, 2013.**



## Changes

- Environmental criteria and water quality and quantity criteria remain essentially unchanged (pending changes in state stormwater rule!).
- Changes proposed in permit types and consistency of thresholds and criteria, conceptual approval process, fee categories, common forms, exemptions and noticed general permits.
- Five rules to one statewide rule.



## Statewide ERP Phase II “glitch rule”

*Minor corrections and clarifications to SWERP Rules, including Applicant’s Handbook, adopted October 1, 2013.*

### ***Caveat***

- The *Notice of Rule Development* is being significantly revised.
- The Draft Rule Package will be published once the Public Workshop originally scheduled for August 8 is rescheduled.
- Changes to forms, proposed exemptions, expansion of thresholds, amendments to *Applicant’s Handbook*, clarifications, etc. are proposals only and subject to results of various forums and workshops to take place.
- Again, the changes, revisions, additions, etc. are proposed and subject to change.

## Statewide ERP Phase II “glitch rule”

- Amendments to rule, applicants handbook and forms.
- Add new exemptions.
- Revise joint application to add ACOE information.
- Clarification of processes.
- Streamline provisions.
- Reduction of submittal requirements

**Notice of Rule Development: “Coming Soon”**

# Statewide ERP Phase II “glitch rule”

## Exemptions

- Pile-supported, non-covered boatlifts.
- Communication tower sights (0.5 ac.) and electrical substations (1.0 ac.).
- Repair of concrete bridge pilings.
- Water intake lawn irrigation waterlines
- Upland dry borrow pits less than 5 acres. (Now a General Permit)
- Certain geotechnical investigations, (Now a General Permit)

# Statewide ERP Phase II “glitch rule”

## Forms

- Section C, Part 1, Item 10: Previously FLUCFCS for existing and proposed land use now additional language suggesting use of FNAI for “*community type descriptions*” and FLUCFCS “for land cover classifications”.
- Three pages of additional ACOE informational requirements.
- New Section I Everglades Projects
- Section H (Mining) extensively revised but appears more from a reorganizing of the information.
  - Part b.3: Provides language suggesting use of FLUCCS and FNAI or “*additional or alternative descriptions*”.

*How's that change working out for you?*

# Helpful Links for Statewide ERP Amendments

- **Statewide ERP Rule Development Chapter 62-330, Phase II, Overview**  
[http://www.dep.state.fl.us/water/wetlands/erp/rules/62-330\\_Phase2.htm](http://www.dep.state.fl.us/water/wetlands/erp/rules/62-330_Phase2.htm)
- **Comments on Proposed Amendments**  
<http://depflorida.ipbhost.com/index.php?/forum/100-62-330-fac-minor-revisions/>
- **Phase 2 Glitch Rule Notices, Workshops, Rule Drafts, Submittal of Comments**  
[http://www.dep.state.fl.us/Water/wetlands/erp/rules/62-330\\_Phase2.htm](http://www.dep.state.fl.us/Water/wetlands/erp/rules/62-330_Phase2.htm)
- **Application Notices and Forms**  
<http://www.dep.state.fl.us/water/wetlands/erp/forms.htm#330>
- **Sign-up for Chapter 62-330 Statewide ERP Rulemaking Updates**  
[http://www.dep.state.fl.us/Water/wetlands/sign\\_up.htm](http://www.dep.state.fl.us/Water/wetlands/sign_up.htm)
- **Sign-up for Uniform Mitigation Assessment Method Rule Updates**  
[httpshttp://www.dep.state.fl.us/Water/wetlands/sign\\_up.htm](httpshttp://www.dep.state.fl.us/Water/wetlands/sign_up.htm)

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## Other Helpful Links

- **Chapter 62-330 Environmental Resource Permitting**  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-330>
- **Chapter 62-340 Delineation of the Landward Extent of Wetlands and Surface Waters**  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-340>
- **Chapter 62-341 Noticed General Environmental Resource Permits**  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-341>
- **Chapter 62-343 Environmental Resource Permit Procedures**  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-343>
- **Chapter 62-344 Delegation of the Environmental Resource Program to Local Governments**  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-344>
- **Chapter 62-345 Uniform Mitigation Assessment Method**  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-345>
- **Chapter 62-4 Permits**  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-4>