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**PART I
ADMINISTRATIVE AND GENERAL PROVISIONS**

40B-4.1010 Policy and Purpose.

(1) The legislature declared its policy in s.373.016, Florida Statutes, that water is among the basic resources in the state and that waters have not been conserved or fully controlled so as to realize their full beneficial use. The legislature further declared the following as policy:

- (a) To provide for the management of water and related land resources.
- (b) To promote the conservation, development, and proper utilization of surface and ground waters.
- (c) To develop and regulate dams, impoundments, reservoirs, and other works and to provide for water storage for beneficial purposes.
- (d) To prevent damage from floods, soil erosion, and excessive drainage.

- (e) To preserve natural resources, fish, and wildlife.
 - (f) To promote the public policy set forth in s.403.021, Florida Statutes.
 - (g) To promote recreational development, protect public lands, and assist in maintaining the navigability of rivers and harbors.
 - (h) To otherwise promote the health, safety, and general welfare of the people of this state.
- (2) The Department of Environmental Regulation established state water policy in chapter 62-40, Florida Administrative Code, to be used in the development and implementation of District rules.
- (3) The District, consistent with the foregoing policies of the legislature and the Department of Environmental Regulation, adopts the rules herein which are intended to:
- (a) Prevent increase in existing flood hazard or damages by requiring that new development of water and related land resources:
 - 1. Not restrict floodway conveyance through the use of fill or other obstruction;
 - 2. Maintain pre-development rates of stormwater runoff and/or total volume of stormwater runoff as may be appropriate to the project and hydrologic conditions of the developed land;
 - 3. Not reduce net storage volumes (including wetland, depressional, and soil storage volumes) within a project area; and
 - 4. That new development which occurs in floodprone areas is flood-proofed to the greatest extent practical, or that development which cannot be flood-proofed is not permitted in floodprone areas.
 - (b) Prevent pollution of waters by requiring control of post-development runoff from such areas to the extent necessary to insure minimum state water quality standards are met.
 - (c) Preserve fish and wildlife by insuring that new development preserves or mitigates the conversion of water related habitats.
 - (d) Prevent excessive drainage which will have an adverse impact on aquifer recharge or which would result in permanent conversion of wetlands to a non-wetland area.
 - (e) Prevent the adverse alterations of drainage areas, watershed boundaries, and the interbasin transfers of surface water.
- (4) Further, it is the policy of the District that non-structural flood control methods are preferable to structural methods; and, therefore, it is the intent of the District not to support, sponsor, build, or otherwise initiate a structural public works flood control or drainage project intended to support new development; nor to assume maintenance or operational responsibility of such projects.
- (5) The purpose of this chapter is to implement the surfacewater management program provided in Part IV of chapter 373, Florida Statutes, and the program for use of works of the district provided in s.373.085, Florida Statutes, in a manner consistent with the policies herein.

Specific Authority 373.044, 373.113, 373.171, F.S. Laws Implemented 373.084, 373.085, 373.086, 373.409, 373.413, 373.416, 373.426, F.S. History New 9-25-85.

40B-4.1020 Definitions.

(1) "100-year flood" means that flood which has a one percent probability of recurrence in any one year. The 100-year flood elevation is the highest elevation of flood waters during the 100-year flood and is calculated or estimated from the best available information. The 100-year flood elevation shall not include coastal storm surge elevations unless such elevations have been developed in an approved Federal Emergency Management Agency Flood Insurance Study and such approved storm surge elevations have been accepted for implementation by the appropriate unit of local or state government.

(2) "Alter" or "alteration" means to extend a dam or works beyond maintenance in its original condition, including changes which may increase or diminish the flow or storage of surface water which may affect the safety of such dam or works.

(3) "Appurtenant works" means any artificial improvements to a dam which might affect the safety of such dam, when employed, or might affect the holding capacity of such dam or of the reservoir or impoundment created by such dam.

(4) "Closed system" means any reservoir or works located entirely within agricultural lands owned or controlled by the user and which requires water only for filling, replenishing, and maintaining the water level thereof.

(5) "Coastal waters" means waters of the Atlantic Ocean or the Gulf of Mexico within the jurisdiction of the state. Unless used in different context, "coastal waters" in the Suwannee River Water Management District refer to the Gulf of Mexico.

(6) "Conservation Plan" means a formal document, prepared or approved by the local Soil and Water Conservation District organized pursuant to chapter 582, Florida Statutes, which outlines a system of management practices to control soil erosion, reduce sediment loss, or protect the water quality on a specific parcel of property.

(7) "Contiguous wetland" means a wetland which has a direct hydrologic connection to a water of the state or works of the district.

(8) "Conversion" means a man made change to a natural wetland by draining, filling, or other means which results in the permanent change of the wetland ecosystem to an upland or non-wetland ecosystem.

(9) "Critical duration" means the duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event. The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical duration" storm.

(10) "Dam" means any artificial barrier or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.

(11) "Department" means the Department of Environmental Regulation or its successor agency or agencies.

(12) "Detention" or "to detain" means the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of stormwater.

(13) "Development" means any man-made change to improved or unimproved real estate within a works of the district including, but not limited to, construction of surfacewater management systems, works, appurtenant works, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, development of sewage disposal systems, or the alteration of the topography of a tract of land for purposes consistent with the occupation of agriculture, silviculture, floriculture, or horticulture including agricultural closed systems.

(14) "Direct hydrologic connection" means a natural connection which occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of naturally occurring wetlands may be used to establish a direct hydrologic connection.

(15) "Effective grain size" means the diameter of filter sand or other aggregate that corresponds to the 10th percentile finer by dry weight on the grain size distribution curve.

(16) "Encroachment line" means a line which is 300 feet landward from the normally recognized bank of a stream channel or to the limits of the boundary of a works of the district, whichever is less. "Encroachment lines" only apply to waters which are part of a works of the district.

(17) "Engineer" means a professional engineer registered in Florida, or other person exempted pursuant to the provisions of chapter 471, Florida Statutes, who is competent in the fields of hydrology and stormwater control.

(18) "Existing surfacewater management system" means any surfacewater management system including an individual work upon which construction is complete and the system is in operation on the effective date of this chapter, or any system which has received construction authorization pursuant to a permitting program established under the authority of chapter 373 or chapter 403, Florida Statutes, prior to the effective date of this chapter. In addition, a redevelopment project, including drainage improvements, street paving, or stormwater improvements, which has received funding approval in a local unit of government's fiscal year 1985-1986 budget or for which federal or state grant funds have been committed prior to the effective date of this chapter shall be considered an existing system.

(19) "Filling" or "fill" means the deposition of any materials by any means in waters.

(20) "Filtration" or "to filter" means selective removal of suspended matter from stormwater by passing the water through at least two feet of suitable fine textured granular media such as porous soil, uniformly graded sand and gravel, or other natural or artificial aggregate, which may be used in conjunction with filter fabric and/or underdrain pipe.

(21) "Floodway" or "regulatory floodway" means the channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the 100-year flood elevation more than a designated height. Unless otherwise noted, all regulatory floodways in the Suwannee River Water Management District provide for no more than a one-foot rise in water surface elevations.

(22) "Governing board" means the governing board of a water management district. Unless used in a different context, "governing board" or "board" means the governing board of the Suwannee River Water Management District.

(23) "Ground water" means water beneath the surface of the ground, whether or not flowing through known and definite channels.

(24) "Impervious" means land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.

(25) "Impoundment" means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

(26) "Isolated wetland" means a wetland which has no direct hydrologic connection to a water of the state. Wetlands which have a man-made hydrologic connection to a water of the state may also be treated as isolated wetlands.

(27) "Maintenance" or "repairs" means remedial work of a nature as may affect the safety of any dam, impoundment, reservoir, or appurtenant work or works, but excludes routine custodial maintenance.

(28) "Minimum level" means the level of the water table or of the potentiometric surface in an aquifer or the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.

(29) "Minimum rate of flow" means the limit at which further withdrawals from a stream or other watercourse would be significantly harmful to water resources or ecology of the area.

(30) "New surfacewater management system" or "new works" means any system or work which is not an existing system.

(31) "New development" means any development as defined herein which:

(a) Was not complete on the effective date of this chapter; or

(b) Involves substantial improvement to any structure in a works of the district; or

(c) Involves alteration of any work or appurtenant works or surfacewater management system in a works of the district.

(32) "Obstruction" means any fill, structure, work, appurtenant work, or surfacewater management system placed in waters, a floodway, or a works of the district which may impede the flow of water or otherwise result in increased water surface elevations.

(33) "Other watercourse" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

(34) "Person" means any and all persons, natural or artificial, including any individual, firm, association, organization, partnership, business trust, corporation, company, the United States of America, the state, and all political subdivisions, regions, districts, municipalities, and public agencies thereof. The enumeration herein is not intended to be exclusive or exhaustive.

(35) "Project area" means the total land area owned or controlled by the applicant which will be serviced or affected by a surfacewater management system or work.

(36) "Regulatory Floodway" see "Floodway".

(37) "Repairs" see "Maintenance".

(38) "Retention" or "to retain" means the prevention of, or to prevent the discharge of, a given volume of stormwater runoff by complete on-site storage.

(39) "Stormwater" means the flow of water which results from, and which occurs immediately following a rainfall event.

(40) "Stormwater management system" means a system which is designed and constructed

or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

(41) "Stream" means any river, creek, slough, or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. The fact that some part of the bed or channel has been dredged or improved does not prevent the watercourse from being a stream.

(42) "Structure" means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

(43) "Subdivision" means the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.

(44) "Surface water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(45) "Surfacewater management system" means any stormwater management system, individual work, or combination of works and naturally occurring surface waters and wetlands which are designed to, intended to, or do in fact impound, control, manipulate, or treat surfacewater or stormwater. The surfacewater management system also includes fill, obstructions, impervious surfaces, buildings and pavement.

(46) "Swale" means a man-made trench which:

(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than three feet horizontal to one foot vertical;

(b) Contains contiguous areas of flowing or standing water only following a rainfall event;

(c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and,

(d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent soil erosion and reduce pollutant concentration of any discharge.

(47) "Substantial improvement" means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which exceeds, over a five year period a cumulative total of 50 percent of the market value of the structure either:

(a) before the improvement or repair is started; or

(b) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences whether or not that alteration affects the external dimensions of the building. The term does not, however,

include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe conditions or any alteration of a structure listed on the National Register of Historic Places.

(48) "Surveyor" or "professional land surveyor" means a person who is registered to engage in the practice of land surveying under ss.472.001 through 472.039, Florida Statutes.

(49) "Uniformity coefficient" means the number representing the degree of homogeneity in the distribution of particle sizes of filter sand or other granular material. The coefficient is calculated by determining the D60/D10 ratio where D10 and D60 refer to particle diameter corresponding to the 10th and 60th percentile of the material which is finer by dry weight.

(50) "Water" or "waters" or "waters in the state" means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as coastal waters within the jurisdiction of the state.

(51) "Waters of the state" means those waters defined in ss.403.031(12), Florida Statutes.

(52) "Water management district" means any flood control, resource management, or water management district operating under the authority of chapter 373, Florida Statutes. Unless otherwise stated, water management district or District shall refer to the Suwannee River Water Management District.

(53) "Watershed" means the area defined by topographic boundaries which contributes or may contribute runoff to surface waters or an area of recharge. Watersheds are subdivided into the following types:

Coastal: watershed areas contributing runoff to the Gulf of Mexico by sheet flow or coastal streams which are subject to tidal effect.

Stream: watershed areas contributing runoff to a stream or river.

Lake-Open: watershed areas contributing runoff to a lake which has an outfall.

Lake-Closed: watershed areas contributing runoff to a lake which does not have an outfall.

Stream-Sink: watershed areas contributing runoff to a stream which recharges an aquifer through a sinkhole under normal flow.

Internal Drainage: watershed areas without well defined surfacewater drainage patterns and where runoff, if it occurs, infiltrates as recharge following a rain event.

(54) "Wetland" means those areas that are inundated by surface or ground water with a frequency to support and do support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction, such as swamps, marshes, bayheads, cypress ponds, sloughs, wet prairies, wet meadows, river overflows, mud flats, and natural ponds.

(55) "Works" means any artificial structures, including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

(56) "Works of the district" means those projects and works including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board as works of the district. Works of the district officially adopted by the board are adopted by rule in

s.40B-4.3000 of this chapter.

Specific Authority 373.044, 373.113, 373.171, F.S. Laws Implemented 373.019, 373.403, F.S. History New 9-25-85. Amended 12-22-92.

40B-4.1040 Permits Required.

- (1) Permits are required as follows:
 - (a) Surfacewater management permit prior to the construction, alteration, maintenance, operation, or abandonment of any dam, impoundment, reservoir, appurtenant works, works, or surfacewater management system.
 - (b) Works of the district development permit prior to connecting with, placing structures or works in or across, discharging to, or other development within a works of the district.
 - (c) When the need to obtain a works of the district development permit is in conjunction with the requirements for obtaining a surfacewater management permit, application shall be made and shall be considered by the District as part of the request for a surfacewater management permit application. Otherwise, a separate works of the district development permit must be obtained.
- (2) Each of the foregoing permits may be issued in one of four forms as follows:
 - (a) Noticed general permits are issued by rule upon notice from the applicant that an activity authorized by specific rules in this chapter is going to be constructed, operated and maintained in accordance with said rules.
 - (b) General permits are issued for relatively minor projects following limited investigation and project review. Unless a general permit is authorized pursuant to this chapter, an individual or conceptual approval permit is required.
 - (c) Individual permits are issued for projects which may have significant impacts on water and related land resources and require governing board action.
 - (d) Conceptual approval permits are issued for projects which are expected to occur in phases or over long periods of time and also require governing board action. However, conceptual approval permits cannot authorize actual construction.

Specific Authority 373.044, 373.113, 373.171, F.S.
Laws Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426, F.S.
History New 9-25-85 Amended 12-22-92.

40B-4.1070 Exemptions.

- (1) The following activities are exempt from the requirements of obtaining surfacewater management permits specified in ss.40B-4.1040(1)(a):
 - (a) The activities which are exempt pursuant to s.373.406, Florida Statutes, are as follows:
 1. The alteration of the topography of any tract of land for purposes consistent with the practice of agriculture, silviculture, floriculture, or horticulture so long as such alteration is not for

the sole or predominant purpose of impounding or obstructing surface waters.

2. The construction, operation, or maintenance of any agricultural closed system; however, this exemption does not eliminate the necessity of meeting generally accepted engineering practices for the construction, operation, and maintenance of dams, dikes, or levees.

(b) Surfacewater management system where the sole purpose of such a system is to facilitate the construction, reconstruction, alteration, or maintenance of a structure or structures for private residential use which will have less than 0.25 acres of total impervious surface (including buildings and paved areas such as driveways, carports, etc.) within the project area, provided such residential structures are not placed in waters or result in the destruction of wetlands. This exemption does not apply to construction which will impound surface waters, the development of a system servicing industrial or commercial land uses, or subdivisions.

(c) Surfacewater management systems which will connect to a system permitted pursuant to this chapter providing the permit for the permitted system anticipated the connection or it is modified to include the connection.

(d) Culverts (or similarly functioning works) used in conjunction with the maintenance or repair of existing agricultural or forestry roads in upland areas where the culvert is not placed in a stream or wetland and its predominant purpose is to provide conveyance of sheet flow that would be impeded without the culvert.

(e) Existing surfacewater management systems which are maintained and operated (not altered), provided the system is not or does not become a danger to public health or safety.

(f) Connections or additions to existing surfacewater management systems owned, operated, and maintained by a unit of local (city or county), regional, or state government if the connection or addition is authorized by the local unit of government under a local ordinance or by the unit of regional or state government under a license issued pursuant to s.120.60, Florida Statutes, if:

1. The authorization or license requires control of post development runoff rates and/or volumes in a manner consistent with the requirements of s.40B-4.2030;
2. Such connections or additions do not require alteration of the existing system; and
3. Such connections or additions do not cause the existing system to become a hazard to the public health, safety, or general welfare.

(2) The following activities are exempt from the requirements for obtaining works of the district development permits specified in ss.40B-4.1040(1)(b):

(a) Development within a works of the district which is completed prior to the implementation dates in s.40B-4.1030 or which was authorized by permits issued by any other local, regional, state, or federal agency provided the development is in compliance with conditions of all such permits. If a development activity is complete and did not previously require permits from any local, regional, state, or federal agency, the activity is exempt including routine custodial maintenance so long as it is not altered or substantially improved.

(b) Temporary alterations to the topography of land for agriculture, silviculture, floriculture, or horticulture, whether private or commercial, including but not limited to, plowing, bedding, or minor grading, provided no fill from outside the immediate area of such alteration is used.

(c) Development within a works of the district which complies with a local government

ordinance as listed in ss.40B-4.1070(2)(c)1. and meets the conditions in ss.40B-4.1070(2)(c)2.

1. The following local government ordinances, adopted by the respective local government jurisdictions, have been reviewed by the District and are considered to contain criteria equal to or more stringent than the conditions for issuance of District works of the district development permits:

a. Ordinance 88-9, adopted by the Alachua County Board of County Commissioners with an effective date of March 22, 1988, and implemented in the unincorporated areas of Alachua County, Florida;

b. Ordinance 87-14, adopted by the Columbia County Board of County Commissioners with an effective date of December 9, 1988, and implemented in the unincorporated areas of Columbia County, Florida;

c. Ordinance 82-09 and 87-11, adopted by the Suwannee County Board of County Commissioners with effective dates of September 16, 1982 and January 5, 1988, respectively, and implemented in the unincorporated areas of Suwannee County, Florida;

d. Ordinance 14, adopted by the Madison County Board of County Commissioners with an effective date of April 16, 1988, and implemented in the unincorporated areas of Madison County, Florida;

e. Ordinance 89-9 adopted by the Bradford County Board of County Commissioners with an effective date of November 13, 1989, and implemented in the unincorporated areas of Bradford County, Florida;

f. Ordinance 82-04 adopted by the Dixie County Board of County Commissioners with an effective date of August 19, 1982, and implemented in the unincorporated areas of Dixie County, Florida;

g. Ordinance 88-06 adopted by the Gilchrist County Board of County Commissioners with an effective date of August 10, 1988, and implemented in the unincorporated areas of Gilchrist County, Florida;

h. Ordinance 63-87 adopted by the Hamilton County Board of County Commissioners with an effective date of May 21, 1987, and implemented in the unincorporated areas of Hamilton County, Florida;

i. Ordinance 84-1 and 91-4 adopted by the Jefferson County Board of County Commissioners with an effective date of October 17, 1984 and June 19, 1991, respectively, and implemented in the unincorporated areas of Jefferson County, Florida;

j. Ordinance 1-87 adopted by the Lafayette County Board of County Commissioners with an effective date of January 5, 1987, and implemented in the unincorporated areas of Lafayette County, Florida;

k. Ordinance 82-3 adopted by the Levy County Board of County Commissioners with an effective date of July 16, 1991, and implemented in the unincorporated areas of Levy County, Florida;

l. Ordinance 87-4 and 90-5 adopted by the Taylor County Board of County Commissioners with an effective date of May 1, 1987 and July 3, 1990, respectively, and implemented in the unincorporated areas of Taylor County, Florida;

m. Ordinance 88-9 adopted by the Union County Board of County Commissioners with

an effective date of August 3, 1988, and implemented in the unincorporated areas of Union County, Florida;

2. This exemption is provided for projects where:
 - a. The development maintains the minimum setbacks listed in ss.40B-4.3030(4);
 - b. The development will not result in the conversion of wetlands to uplands through drainage, filling, or other means; and
 - c. The development is associated with the construction, reconstruction, improvement, or maintenance of a single-family residence.

(3) The following activities are not subject to the permitting requirements of this chapter:

(a) Construction or maintenance of docks, seawalls, bulkheads, moorings pilings, or dolphins are regulated by Florida Department of Environmental Regulation pursuant to the authority in s. 403.813, Florida Statutes.

(b) Development for an onsite sewage disposal system for a single-family residence are regulated by the Florida Department of Health and Rehabilitative Services under chapter 10D-6, Florida Administrative Code, in effect on October 1, 1992.

(4) Upon written request, the District will provide written confirmation that projects such as described in ss.40B-4.1070(1) through (3) are exempt. Persons making such requests shall state the provision under which a project is considered exempt and may supply any supporting information to substantiate the request. The request must include evidence that the owner of a permitted or existing system will authorize a connection if an exemption under ss.40B-4.1070(1)(c), (e), or (f) is claimed.

Specific Authority	373.044, 373.113, 373.171, F.S.
Laws Implemented	373.084, 373.085, 373.086, 373.406, 373.416, 373.426, F..S.
History	New 9-25-85, Amended 2-1-89, 12-22-92.

40B-4.1080 Procedures and Schedule for Receiving Applications, Comments, Agency Action, and Administrative Hearings.

Specific Authority	373.044, 373.113, 373.118, 373.171, F.S.
Laws Implemented	120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.116, 373.118, 373.413, 373.416, 373.426, F.S.
History	New 9-25-85, Amended 3-19-86, Repealed 6-16-88.

40B-4.1090 Publications Incorporated by Reference. (Reserved)

40B-4.1140 Limiting Conditions on Permits.

(1) The District may impose on permits granted under this chapter such reasonable conditions as are necessary to assure that the permitted project, activities, operations, or development in a works of the district will be consistent with the overall objectives of the District, will not be

harmful to the water resources in the District, and will not endanger public health or safety.

(2) In addition to specific project conditions on any permit, the following standard limiting conditions shall be a part of all permits issued pursuant to this chapter unless waived or modified by the District.

(a) The permittee shall perform all construction authorized in a manner so as to minimize adverse impacts to fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during construction including riprap, reinforcement, or compaction of any fill materials placed around newly installed structures, to minimize erosion, turbidity, nutrient loading, and sedimentation in the receiving waters.

(b) Water quality data representative of the water discharged from the permitted system, including, but not limited to, the parameters in chapter 62-3, Florida Administrative Code, shall be submitted to the District as required. If water quality data are required, the permittee shall provide data as required on the volume and rate of discharge including the total volume discharged during the sampling period. All water quality data shall be in accordance with and reference the specific method of analysis in "Standard Methods for the Examination of Water and Wastewater" by the American Public Health Association or "Methods for Chemical Analysis of Water and Wastes" by the U.S. Environmental Protection Agency.

(c) The operational and maintenance phase of a surfacewater management permit will not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the District. If required by the District, such as-built certification shall be made by an engineer or surveyor. Within 30 days after the completion of construction of the system, the permittee shall notify the District that the facilities are complete. If appropriate, the permittee shall request transfer of the permit to the responsible entity approved by the District for operation and maintenance. The District may inspect the system and, as necessary, require remedial measures as a condition of transfer of the permit or release for operation and maintenance of the system.

(d) Off-site discharges during and after construction shall be made only through the facilities authorized by permit. Water discharged from the project shall be through structures suitable for regulating upstream stage if so required by the District. Such discharges may be subject to operating schedules established by the District.

(e) The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and chapter 40B-1, Florida Administrative Code.

(f) The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, alteration, abandonment, or development in a works of the district which is authorized by the permit.

(g) The permit is issued based on the information submitted by the applicant which reasonably demonstrates that adverse off-site water resource impacts will not be caused by the permitted activity. It is the responsibility of the permittee to insure that such adverse impacts do not in fact occur either during or after construction.

(h) It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of local, state, or federal government.

(i) The surfacewater management system shall be constructed prior to or concurrent with

the development that the system is intended to serve and the system shall be completed within 30 days of substantial completion of the development which the system is intended to serve.

(j) Except for General Permits After Notice or permits issued to a unit of government, or unless a different schedule is specified in the permit, the system shall be inspected at least once every third year after transfer of a permit to operation and maintenance by the permittee or his agent to ascertain that the system is being operated and maintained in a manner consistent with the permit. A report of inspection is to be sent to the District within 30 days of the inspection date. If required by chapter 471, Florida Statutes, such inspection and report shall be made by an engineer.

Specific Authority 373.044, 373.113, 373.117, 373.171, F.S.
Laws Implemented 373.084, 373.085, 373.117, 373.409, 373.413, 373.416, 373.419,
373.423, 373.426, F.S.
History New 9-25-85, Amended 2-1-89, 12-22-92.

40B-4.1150 Emergency Authorization.

(1) Permission to begin the construction of works prior to the issuance of a permit may be requested in writing when emergency conditions exist which justify the request. However, no such permission shall be granted unless the works are part of a system which is already under consideration for a permit under this chapter. A serious set of unforeseeable circumstances must exist to create an emergency. Mere carelessness, financial hardship, or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.

(2) Surfacewater management systems which are under construction on the implementation date of this chapter and do not qualify as existing systems may be issued emergency authorizations to proceed with construction upon submission of appropriate application and supporting documents.

(3) The executive director may grant emergency authorization at his discretion. The emergency authorization shall be presented to the board at its next regularly scheduled meeting. Failure to receive the board's concurrence shall immediately invalidate the emergency authorization.

Specific Authority 373.044, 373.113, 373.171, F.S.
Laws Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426, 373.439, F.S.
History New 9-25-85.

40B-4.1160 Remedial and Emergency Measures.(Reserved)

40B-4.1170 Inspections and Enforcement.

- (1) Inspections will be in accordance with s.373.423, Florida Statutes.
- (2) Enforcement will be in accordance with chapter 373, Florida Statutes.

Specific Authority 373.044, 373.113, 373.171, F.S.
Laws Implemented 373.083, 373.084, 373.085, 373.086, 373.119, 373.136, 373.429,

373.439, 373.603, 373.613, 373.614, F.S.
History New 9-25-85.

PART II SURFACEWATER MANAGEMENT SYSTEMS

40B-4.2010 General Surfacewater Management Permits.

(2) General Surfacewater Management Permits.

(Paragraph (a), General Permit After Notice, has been deleted for the ERP rules)

(b) A General Permit may be issued to any person pursuant to the procedures listed in ss.40B-1.703(1)(c) and subject to the conditions listed in s.40B-4.2030 and for the activities listed below:

1. Construction, operation, and maintenance of a surfacewater management system servicing a total project area less than 1 acre provided:
 - a. An engineer certifies as part of the application that a surfacewater management system is proposed that has been designed in accordance with the minimum standards specified in ss.40B-4.2030(8);
 - b. The system will not be located in, cross or connect to a work of the district;
 - c. No part of the system or the land use it serves will be located in surface waters or cause the permanent loss of wetland habitat;
 - d. The system will not cause impoundment or diversion of surfacewaters outside the project area.
2. Construction, operation, and maintenance of a surfacewater management system servicing a total project area less than 40 acres provided:
 - a. An engineer certifies as part of the application that the surfacewater management system has been designed in accordance with the conditions for issuance of permits listed in s.40B-4.2030;
 - b. The system will not be located in, cross or connect to a work of the district;
 - c. No part of the system or the land use it serves will be located in surface waters or cause the permanent loss of wetland habitat;
 - d. If there is a discharge, it will not be to an Outstanding Florida Water;
3. Construction, operation, and maintenance of a surfacewater management system servicing a total project area less than 120 acres provided:
 - a. An engineer certifies as part of the application that the surfacewater management system has been designed in accordance with the conditions for issuance of permits listed in s.40B-4.2030;

- b. The system will not be located in, cross or connect to a work of the district;
- c. No part of the system or the land use it serves will be located in surface waters or cause the permanent loss of wetland habitat;
- d. If there is a discharge, it will not be to an Outstanding Florida Water;
- 4. Construction, operation, and maintenance of a surfacewater management system servicing a total project area less than 120 acres provided:
 - a. An engineer certifies as part of the application that the surfacewater management system has been designed in accordance with the conditions for issuance of permits listed in s.40B-4.2030;
 - b. The system will not cross or connect to a work of the district;
 - c. No part of the system or the land use it serves will be located in surface waters or cause the permanent loss of more than 0.5 acres of wetland habitat;
 - d. If there is a discharge, it will not be to an Outstanding Florida Water;

Specific Authority 373.044, 373.118, 373.171, F.S.
Laws Implemented 120.60, 373.084, 373.085, 373.117, 373.413, 373.416, 373.426, F.S.
History New 9-25-85, Amended 8-10-86, 2-12-87, 6-16-88, 2-1-89, 12-22-92.

40B-4.2020 Content of Surfacewater Management Permit Application.

(Copies of forms incorporated by reference below may be obtained at the District office.)

(1) Appropriate notice for Noticed General Permits shall be filed with the District by submitting one of the following forms which are hereby incorporated by reference and any such information specified in ss.40B-4.2030(3)(a) as appropriate for the scope of the project:

(a) Form 40B-4-1a, "Notice for General Surfacewater Management Permit for Agricultural or Forestry Projects", Suwannee River Water Management District, 10-1-92.

(b) Form 40B-4-1b, "Notice for General Surfacewater Management Permit", Suwannee River Water Management District, 10-1-92.

(2) Applications for general surfacewater management permits shall be filed with the District by submitting the following form which is hereby incorporated by reference, and such information specified in ss.40B-4.2020(3)(a) as appropriate for the scope of the project: Form 40B-4-2, "Application for General Surfacewater Management Permit", Suwannee River Water Management District, 10-1-92.

(3) Application for individual or conceptual approval surfacewater management permits shall be filed with the District and shall contain the following information as may be appropriate to the project. The board encourages applicants to request a

pre-application conference with District staff to explore the appropriate items to be included with the application and the level of detail needed. It is the intention of the board that only the information necessary to evaluate the potential impacts of the proposed project be included.

(a) Form 40B-4-4, "Application for Surfacewater Management System Construction,

Alteration, Operation, Maintenance, and/or Works of the District Development", Suwannee River Water Management District, 10-1-85, hereby incorporated by reference and which contains the following information:

1. The applicant's name and complete address including zip code.
 2. The owner's name and complete address if applicant is other than the owner.
 3. If applicable, the name, complete address, phone number, and contact person of the applicant or owner.
 4. General project information including:
 - a. The applicant's project name or identification number;
 - b. The project location relative to county, section, township, and range, or a metes and bounds description, and listing of the parcel identification number or numbers assigned to the property on which the project is located by the county property appraiser;
 - c. The total project area in acres;
 - d. The total land area owned or controlled by the applicant or owner which is contiguous with the project area;
 - e. A description of the scope of the proposed project including the land uses to be served;
 - f. A description of the proposed surfacewater management system or work;
 - g. A description of the water body or area which will receive any proposed discharges from the system; and
 - h. Anticipated beginning and ending date of construction or alteration.
- (b) The following information will be required and shall be submitted in a form and level of detail appropriate to the project.
1. Site information specific to the undeveloped project area including:
 - a. A detailed location drawing with the scale identified;
 - b. A recent (not more than three years from date of application) aerial photograph encompassing the project area at a scale no smaller than one inch equals 800 feet with the project area and total land area identified;
 - c. A topographic map of the site which shows clearly the location, identification, and elevation of bench marks; at least one bench mark required for each major water control structure. Unless otherwise approved by the District, the minimum contour interval of the topographic map shall be two feet;
 - d. A detailed overall project area map showing corners of the appropriate section, existing hydrography and runoff patterns and the size, location, topography, and land use of any off-site areas which drain onto, through, or from the project area;
 - e. A current land use map (FDOT Level III Classification adequate);
 - f. Soils map of the site (existing U.S. - S.C.S. maps adequate);
 - g. A map of seasonally high water-table elevations;
 - h. A map of vegetative cover including adjacent wetlands (may be combined with e. above); and
 - i. A map showing the location of any soils borings or percolation tests. Percolation tests representative of design conditions shall be performed if surfacewater management systems propose

to utilize swales, percolation (retention), or exfiltration (detention with filtration) designs.

2. Master Development or Improvement Plan (Master Surfacewater Management Plan) which includes:

a. Grading and surfacewater management plans with special attention given to perimeter grading;

b. Location of all water bodies to be included in the surfacewater management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs;

c. Drainage basin or watershed boundaries with special attention given to off-site runoff being routed onto, through, or around the project;

d. Paving, road, and building plan showing the location, dimensions, and specifications of roads and buildings (including elevations);

e. Right-of-way and easement locations for the system including all areas to be reserved as part of the surfacewater management system (specify the manner of reservation);

f. Location, dimensions, and specifications of internal minor works; and

g. Existing nearby off-site water resource facilities such as works, surfacewater management systems, wells, or well fields, etc. which might be affected by the proposed project, along with the names and addresses of the owners of such facilities.

3. Design calculations including:

a. Description, tabulation, or graphs of the design storm used for the design including rainfall depth, duration, intensity, distribution, and antecedent conditions;

b. References to the method used to make the design calculations;

c. Computation of off-site inflows;

d. Computations of stage-storage and stage-discharge for the respective structures;

e. Actual acreages and percentage of the project area for impervious surfaces, natural water bodies and wetlands, artificial lakes, canals, retention or detention areas, swales, other pervious surfaces, and total project area;

f. Runoff computations showing discharges, elevations, and volumes retained or detained and the volumes of stormwater treated for applicable design storm events;

g. Design specifications of all works (water control structures) including the design rates of discharge for each;

h. Computation of pre-development runoff and storage;

i. Computation of post-development runoff and storage; and

j. Computation of minimum road and building elevations.

k. An erosion control and stabilization plan which identifies the location, relative timing, and specifications for all erosion control and stabilization measures that are required as part of the project construction, operation, and maintenance designs.

l. Specifications or instructions relating to the perpetual operation and maintenance of the proposed surfacewater management system.

4. Legal and institutional information including:

a. A copy of a boundary survey and evidence of ownership or control;

b. Identification of the entity responsible for the perpetual care, operation, maintenance,

and associated liabilities of the system. If the entity is to be a public body such as a county, municipality, or special District, a letter or other evidence of acceptance must be included. If the entity is a non-public body such as a homeowners' association or private corporation or person, documentation of its existence, fiscal and legal ability, and willingness to accept the responsibility must be included;

c. Identification of local governmental units, state, or federal agencies contacted in connection with obtaining approval for the proposed project including addresses, contacts, and current status of any determinations made or pending by such agencies or units; and

d. Documentation of legal and physical availability of a receiving water body or off-site surfacewater management system to receive any project discharge if such is not evident from design plans.

(c) Subject to the provisions of ss.40B-4.1080(2)(a)2., projects on exclusively agricultural lands may submit an approved conservation plan in lieu of the information specified in ss.40B-4.2020(2)(b). Information specified in ss.40B-4.2020(2)(a) must be included with the application.

(d) Subject to the provisions of ss.40B-4.1080(2)(a)2., projects on exclusively silvicultural lands may submit a forest water management plan which addresses the appropriate elements in "Silvicultural Best Management Practices Manual", Florida Department of Agriculture and Consumer Services, Division of Forestry, 1979. Appropriate data utilized to prepare the forest water management plan should be included. The forest water management plan may be submitted in lieu of the information specified in ss.40B-4.2020(2)(b). Information specified in ss.40B-4.2020(2)(a) must be included with the application.

(4) Appropriate notices for noticed general permits shall be signed by the applicant, owner or authorized agent and submitted to the District along with any supporting information required by this chapter. Applications for general permits, individual permits and conceptual approval permits shall be signed by the applicant, owner or authorized agent and submitted with all supporting information in duplicate.

Specific Authority	373.044, 373.113, 373.171, F.S.
Laws Implemented	373.084, 373.085, 373.413, 373.416, 373.426, F.S.
History	New 9-25-85, Amended 2-1-89, 12-22-92.

40B-4.2030 Conditions for Issuance of Surfacewater Management Permits.

(1) The District will not approve the issuance of permits for existing systems which are in violation of law or which have discharge to surface waters of the state that is in violation of permit condition of any unit of local, state, or federal government or which presents an immediate danger to public health or safety.

(2) Before a permit is issued for the construction, alteration, maintenance, operation, or abandonment of a surfacewater management systems or individual work, the District must have reasonable assurance that:

- (a) the system or work will not increase flood hazards outside the project area;
- (b) the system or work will not increase flood hazards which may affect the health, safety,

and general welfare of persons residing within the project area;

(c) the system or work will not create excessive drainage of surface water or permanent dewatering of surficial aquifers;

(d) the system or work will not cause erosion, and that any activities or land uses served by the system or works will not create erosion or sedimentation which may render the system unserviceable or degrade receiving waters;

(e) Waters discharged or percolated from the system or work will receive a minimum level of stormwater treatment necessary to comply with appropriate state water quality standards;

(f) The system or work will have minimum adverse environmental impacts including impacts to fish, wildlife, wetlands, or other natural resources; and

(g) the system or work will be maintained and operated in a manner consistent with the provisions of ss.40B-4.2035 and 40B-4.2040, Florida Administrative Code.

(3) The new surfacewater management systems or individual works shall not convert wetlands to uplands through drainage, filling, or other means unless the applicant provides reasonable assurance that:

(a) No net reduction in storage will occur;

(b) A reasonable plan of mitigating the loss of the original wetlands can and will be implemented. The District will presume that fish and wildlife values of isolated wetlands smaller than one-half acre are minimal, and no plan of mitigating such minimal impacts will be required unless this presumption is rebutted by case-by-case review of site specific data that clearly demonstrates that the specific isolated wetland has significant value to offsite aquatic or wetland dependent species or it is used by threatened or endangered species; and

(c) No reduction in recharge will occur as a result of the conversion.

(4) The new surfacewater management systems or individual works shall not facilitate development in a works of the district if such developments will have the potential of reducing floodway conveyance.

(5) The new surfacewater management systems or individual works shall not, in and of themselves or in conjunction with the land uses the system or work will service, create increased flood hazards by reducing surfacewater storage volumes within the project area. The District will consider reductions due to filling, soil compaction, or covering with impervious surface in determining loss of storage and any increase in flood hazard. Measures to mitigate individual reductions in storage within the project area, which are in conformance with the other provisions of this chapter, may be approved by the District.

(6) The new surfacewater management systems or individual works shall not require placement of permanent fill materials above the natural grade of the ground in a works of the district unless:

(a) The proposed surfacewater management system or work is determined by the board to be clearly in the public interest; and

(b) Any increased flood hazards on affected lands are mitigated through acquisition, easement, or other legal device.

(7) The new surfacewater management systems or an individual work shall not utilize contiguous wetlands or dilution in waters of the state to achieve required stormwater treatment

levels.

(8) Except as provided by ss.40B-4.2030(9) below, all individual or conceptual approval permits for new surfacewater management systems or works must be in compliance with ss.40B-4.2030(1) through (7) above. The District will presume the applicant has demonstrated reasonable assurance as required in ss.40B-4.2030(2) if the system or works are designed, constructed, operated, and maintained in conformance with the following minimum standards:

(a) Buildings are elevated on piles such that the lowest structural member of the first floor is one foot above the 100-year flood elevation, or in the case of monolithic slab construction, the finished slab elevation shall be one foot above the 100-year flood elevation;

(b) If required by chapter 471, Florida Statutes, the system will be designed by an engineer; and

(c) If the project falls totally within a stream, or open-lake watershed, detention systems must be installed such that the peak rate of post-development runoff will not exceed the peak-rate of pre-development runoff for storm events up through and including either:

1. A design storm with a 10-year, 24-hour rainfall depth with SCS type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation, or recreational land uses; or

2. A design storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation, or recreational uses.

(d) If a detention system is utilized, the discharge structure of the system shall be designed to provide for the release of water at rates similar to pre-development conditions for storm events up through and including the design storm.

(e) If any part of a project falls within stream-to-sink watershed, either detention as described in ss.40B-4.2030(8)(c) above or retention as described in ss.40B-4.2030(8)(f) below may be used.

(f) If the project area falls within an internally drained or closed-lake watershed or any part of the project area is in a stream-to-sink watershed and the retention option in ss.40B-4.2030(8)(e) above is used, the retention volume shall be the total post-development runoff less the pre-development runoff resulting from a 100-year critical duration storm.

(g) Surfacewater management systems must be designed to provide minimum stormwater treatment by percolation, evapotranspiration, detention with filtration, or other means of the post-development runoff volumes listed below, whichever is less:

1. If any part of the project area is in a stream-to-sink watershed and the stormwater can be reasonably expected to be free of hazardous or toxic substances, the minimum stormwater treatment volume shall be the runoff from the first 2.0 inches of rainfall from the design storm;

2. If the project area falls within a stream, coastal, or open-lake watershed and the discharge is to an Outstanding Florida Water, the minimum stormwater treatment volume shall be the runoff from the first 1.5 inches of rainfall from the design storm; or

3. If the project area falls within a stream, coastal, or open-lake watershed and the discharge is to any class of surface water other than an Outstanding Florida Water, the minimum stormwater treatment volume shall be the runoff from the first 1.0 inch of rainfall from the design storm.

(h) Detention and retention systems must be designed to provide treatment volumes specified in ss.40B-4.2030(8)(g) above within 72 hours following the end of the design storm event. For retention systems, only percolation and evapotranspiration may be used to reduce storage and treatment volumes in the system. If detention with filtration is proposed, the design must accommodate a safety factor of two which can be accomplished by increasing storage volumes, providing specified treatment volumes within 36 hours, or other means. Further, filters and filtration systems must have pore spaces large enough to provide a minimum permeability equal to or greater than the soil surrounding the filter. The filter medium must be stable and not move. If sand or other fine textured medium is used, it must meet the following characteristics:

1. Have less than one percent silt, clay, or organic matter unless filter fabric which will retain the fines is also used;
2. Have a uniformity coefficient of 1.5 or greater; and
3. Have an effective grain size of 0.20 to 0.55 millimeters in diameter.

These criteria are not intended to preclude the use of multilayered filters nor the use of additives to increase ion exchange, precipitation, or pollutant adsorption capacities of the filter.

(i) All detention or retention systems shall be equipped with an emergency spillway designed to pass runoff resulting from storm events larger than the design storm used to calculate storage volumes.

(j) Detention and retention basins are designed with side slopes of 4:1 (horizontal to vertical) to a depth at least two feet below the control elevation. Side slopes must be stabilized with vegetation to prevent erosion and provide pollutant removal.

(k) If the proposed system will serve a use which produces or stores hazardous or toxic substances, the system shall be designed to have no stormwater discharge which contains such substances.

(l) Swales, if used, must be designed to treat, through percolation or evapotranspiration, a volume of stormwater equal to at least 80 percent of the runoff resulting from a design storm with a three-year, one-hour rainfall depth and SCS type II distribution falling on average antecedent moisture conditions.

(m) Surfacewater management systems which service land uses with more than 50 percent of the project area in impervious surface or more than two acres of impervious surface, or which discharge water directly from inlets in paved areas must be equipped with a baffle, skimmer, grease trap, or other mechanism suitable for preventing oils and greases from exiting through any discharge structure.

(n) Roads with public access must be constructed and laid out in conformance with the minimum standards of local government. Where roads are not required to be paved, the applicant must provide design specifications for erosion and sediment control. Where roads are required to be paved, swales will generally be considered adequate for erosion and sediment control.

(o) The responsible entity for the perpetual operation and maintenance must be identified.

(p) There must be no net decrease in storage volume below the 100-year flood elevation within the project area which may result in increased flood hazards.

(q) All storage volumes in detention or retention systems shall be calculated so as not to include any volumes below the average seasonal high-water table for the project area.

(r) Surfacewater management systems must not alter contributing areas or watershed boundaries of any watershed or basin not wholly contained within the project area.

(s) There must be no reduction of floodway conveyance within the project area.

(t) Storage volumes designed into retention or detention systems to meet the requirements of ss.40B-4.2030(8)(c) through (f) must be available as follows:

1. One-half of the total volume within seven days following the end of the design storm event, and

2. The total volume within 30 days following the end of the design storm event.

(u) When a project proposes the conversion or destruction of wetlands that are larger than one-half acre or when site specific data clearly demonstrates that a specific wetland has significant value to offsite aquatic or wetland dependent species, or when the wetland is shown to be used by threatened or endangered species, a plan of mitigating the loss of original wetlands must be prepared and implemented. The District will accept for review as part of a permit application a plan of mitigation prepared in accordance with the rules of the Department of Environmental Regulation or the rules of a water management district.

(9) The board recognizes that redevelopment and/or upgrading of existing surfacewater management systems, or construction of new surfacewater management systems by units of local government in areas of existing intensive development may not be able to fully meet the standards in ss.40B-4.2030(8). In such circumstances, the board may issue surfacewater management permits utilizing alternate standards to those listed in ss.40B-4.2030(8), provided the alternate standards provide, to the greatest extent practical, the reasonable assurance listed in ss.40B-4.2030(1) through (7).

(10) The Board recognizes that, from time to time, projects will be proposed that require permits under this chapter that are for the improvement, expansion, modification, or redevelopment of facilities that were in place prior to the effective date of this chapter. In such circumstances, permits may be issued using alternate standards than those listed in ss.40B-4.2030(8) provided:

(a) The reasonable assurance conditions listed in ss.40B-4.2030(1)-(7) are satisfied;

(b) The standards listed in ss.40B-4.2030(8) are followed to the greatest extent practical for a particular project; and

(c) Any alternate standards which take into account and gives credit for the quantity of excess runoff generated by impervious surfaces in existence prior to the effective date of this chapter will insure that the minimum water quality treatment volumes specified in ss.40B-4.2030(8)(g) are satisfied.

Specific Authority 373.044, 373.113, F.S.

Laws Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409,
373.413, 373.416, 373.426, F.S.

History New 9-25-85, Amended 2-1-89, 12-22-92.

40B-4.2035 Minimum Operation and Maintenance Entity Requirements.

(1) Responsibility for operation and maintenance system permitted under this chapter shall be a perpetual obligation of a single entity which wholly owns or controls the lands on which any component of the permitted system is located and which has the fiscal, legal, and logistical capability to perform operation and maintenance in accordance with District rules and permit conditions.

(2) The following units of government are considered acceptable operation and maintenance entities provided the entity owns or has a valid perpetual easement, or other perpetual legal access to the property on which the system is located.

(a) Units of local government including counties, municipalities, municipal service taxing units, or special service districts;

(b) Active chapter 298, F.S., drainage districts, drainage or water control districts created by an act of the Florida legislature, chapter 190, F.S., Community Development Districts, or chapter 170, F.S., Special Assessment Districts;

(c) Legally constituted public utilities, or

(d) Regional, state, or federal agencies.

(3) Non-profit corporations including homeowners associations, property owners associations, condominium owners associations, or master associations may be considered acceptable operation and maintenance entities provided;

(a) The corporation or association must comply with the applicable provisions of Florida Statutes 617, 618, 718, 719, or other applicable statutes;

(b) The Articles of Incorporation, Declaration of Protective Covenants, Deed Restrictions, Declaration of Condominium, or By-Laws (as appropriate) must clearly demonstrate:

1. The corporation has the authority to own and convey property;

2. The corporation has the authority to operate and maintain common property (specifically the system permitted by the Suwannee River Water Management District);

3. The corporation has the authority to establish rules and regulations governing membership or take any other actions necessary for the purposes for which the corporation or association was organized;

4. The corporation has the authority to assess members and enforce said assessments;

5. The corporation has the authority sue and be sued;

6. The corporation has the authority to contract for services to provide for operation and maintenance of the system;

7. The corporation has the authority to require all owners of real property or units to be members of the corporation or association;

8. The corporation must exist in perpetuity, and in the event of the dissolution or failure to perform required operation and maintenance by the corporation or association, there must be reasonable assurance that a unit of local, regional, state, or the federal government will accept operation and maintenance responsibility through the permit modification process in District rules; and

9. The land on which the surfacewater management system is located is owned or otherwise controlled by the corporation or association to the extent necessary to operate and maintain the system or convey operation and maintenance to another entity.

(c) The corporation or association is limited to single owners of single units, lots, or

residences and is not an association of multiple, interval, or time-share owners.

(4) A property owner or developer may be considered an acceptable operation and maintenance entity as follows:

(a) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee's ownership in perpetuity (i.e., farm, corporate office, commercial, or industrial facility).

(b) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee's ownership in perpetuity, but the premises are to be leased or rented to third parties (i.e., shopping centers, office parks, industrial parks, or mobile home parks).

(c) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee ownership until such time as the property and operation and maintenance of the system is transferred to another entity approved by the District.

(d) Upon issuance of a permit to operate and maintain a surfacewater management system, or upon transfer of a construction, alteration or abandonment permit to the operation and maintenance phase, the District shall record with the Clerk of the Circuit Court of the county in which the property is located a notice which states words to the effect:

1. The property includes a surfacewater management system permitted by the Suwannee River Water Management District;

2. The permit requires the perpetual operation and maintenance of the surfacewater management system in accordance with the terms and conditions of the permit and rules of the Suwannee River Water Management District;

3. In accordance with ss.373.416(2), F.S., rules of the Suwannee River Water Management District, and conditions of the permit, the perpetual operation and maintenance of the surfacewater management system is the responsibility of the owner or future owner(s) of the property; and

4. Within 30 days of any change of ownership, the Suwannee River Water Management District must be notified by the owner in whose name the permit was granted. Upon proper notification the permit for operation and maintenance of the system will transfer to the new owner.

Permits for projects issued to a unit of government or projects which do not qualify for a permit pursuant to ss.40B-4.1040(2)(c) and ss.40B-4.2010(2)(b) 2-4 shall not be recorded.

(5) Unincorporated associations of owners who share a surfacewater management system or who have portions or individual components of a larger surfacewater management system on their property are generally not acceptable operation and maintenance entities. However, for surfacewater management systems composed entirely of swales which are permitted to serve a private road or drive providing access to no more than five parcels of land, each larger than one acre, the District will accept such unincorporated associations. The District shall place limiting conditions on such permits to insure owners or future owners of such lands understand that operation and maintenance of the surfacewater management system is the undivided responsibility of the owners.

Specific Authority 373.044, 373.113, F.S.
Laws Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409,
373.416, 373.426, F.S.
History New 2-1-89. Amended 12-22-92.

40B-4.2040 Minimum Operation and Maintenance Standards.

(1) All surfacewater management systems permitted by the District shall be operated and maintained in accordance with the designs, plans, calculations, and other specifications that are submitted with an application, approved by the District, and incorporated by reference into any permit issued.

(2) Surfacewater management systems shall be kept free of debris, trash, garbage, oils and greases, and other refuse through regular inspection and maintenance by the permittee.

(3) Oil and grease separators, skimmers, or collection devices shall be inspected and maintained on a regular basis by the permittee to insure that they are working properly and do not allow the discharge of oils or greases. Oils and greases or other materials removed from such a device during routine maintenance shall be disposed of at a sanitary landfill or by other lawful means.

(4) The system shall be regularly inspected and maintained by the permittee to insure that all erosion is controlled and soil is stabilized to prevent sediment discharge to waters in the state.

(5) All structures within the system shall be regularly inspected and maintained on a regular basis by the permittee to insure that they do not become clogged or choked with vegetative or aquatic growth to such an extent as to render them inoperable.

Specific Authority 373.044, 373.113, F.S.
Laws Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409,
373.416,373.426, F.S.
History New 2-1-89.