

CHAPTER 62-305 TOTAL MAXIMUM DAILY LOAD WATER QUALITY RESTORATION GRANTS

62-305.100 Scope of the Rule.

(1) Florida's Total Maximum Daily Load (TMDL) Water Quality Restoration Grant program is authorized by Section 201.15(8), F.S., and Section 403.890(1) (b), F.S. These statutes authorize the Department to fund the implementation of best management practices, such as regional stormwater treatment facilities, to reduce pollutant loads to impaired waters from urban stormwater discharges. The statutes also authorize the Department to fund research and demonstration of best management practices to reduce pollutant loads from urban nonpoint sources of pollution, especially urban stormwater.

(2) This chapter sets forth the procedures governing the distribution of funding from this program.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New 10/29/08.

62-305.200 Definitions.

For purposes of this rule chapter:

(1) "Applicant" means a local government or water management district.

(2) "Best management practice or BMP" means a control technique that is used for a given set of conditions to reduce urban stormwater pollutant loads in a cost effective manner.

(3) "Local government" means a municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing acting jointly in connection with a project and having jurisdiction over the discharge of untreated stormwater to impaired waters.

(4) "Project" means the implementation of best management practices to retrofit urban drainage systems to reduce pollutant loads discharged to impaired waters.

(5) "Project costs" means costs for land acquisition, design, permitting, construction, effectiveness monitoring, procurement of equipment and materials, contingency, and the legal and technical services associated with the implementation of best management practices and a TMDL Water Quality Restoration grant.

(6) "Pollutant of concern" means the pollutant or pollutants that have been identified as causing the impairment of a water body pursuant to the process set forth in Chapter 62-303, F.A.C.

(7) "Stormwater retrofitting" means the implementation of best management practices to reduce urban stormwater pollutant loads from existing drainage systems or from lands without stormwater treatment that discharge into impaired waters or an existing drainage system.

(8) "Water management district" means any one of the five water management districts created by Section 373.069, FS.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New 10/29/08.

62-305.300 General Program Information.

(1) An applicant may apply for a TMDL Water Quality Restoration Grant by completing a TMDL Water Quality Restoration Grant Proposal Application, Form 62-305.900, which is hereby incorporated into this chapter..

(2) Grant applications may be submitted at any time throughout the year. The Department will review and rank projects using the criteria in Section 62-305.400 three times a year, in March, July, and November. Projects will be selected for grant funding based on these rankings and the availability of funding. Projects not selected for funding will remain in the pool of projects that will be ranked for one year from the date of submittal. Applicants will be notified within 30 days after the review and ranking process whether their project has been selected for grant funding. Once notified of selection, the applicant must provide the Department with a final scope of work and budget so that the Department may develop and execute a grant agreement with the applicant. The number of projects selected for funding during any review and ranking cycle will depend on the availability of funding from the Legislature.

(3) Match requirements. The applicant for a TMDL Water Quality Restoration Grant shall provide a minimum of 50% of the total project cost in matching funds. At least 25% of the matching funds shall be provided by the local government. Other matching funds can include funding from a water management district or state appropriations. However, applicants shall not match TMDL grant funds with local funds that are used to match water management district funds or state appropriations.

(4) Allowable project costs. Grant funds may only be used for construction of best management practices, monitoring to determine pollutant load reductions, or public education activities specifically associated with the project. Costs incurred before execution of a contract between the Department and the grant recipient shall be ineligible for reimbursement from grant funds. However, such costs may be included as matching funds. These costs may include, but are not limited to, costs incurred for land acquisition, design, permitting, bidding, project administration and other activities directly associated with the project.

(5) Project schedule. Projects for which TMDL Water Quality Restoration grant funds are sought shall at least be at the 60% design phase. The Department shall not issue a TMDL Water Quality Restoration Grant until the project has been permitted or the permit has been scheduled for approval at the next meeting of the water management district governing board or Department. Construction of projects selected for funding must be completed within three years of appropriation of the funds by the Legislature unless the funding can be certified forward beyond that timeframe in accordance with state budgeting procedures.

(6) Load reduction estimates. All applications for project funding shall include an estimate of the projected load reductions to be achieved by implementation of the stormwater treatment best management practices. Estimated load reductions may be calculated using models such as Watershed Management Model (WMM, 2006), Nonpoint Source Loading Management Model (NPSLMM, 2008) and Spreadsheet Tool for Estimating Pollutant Load (STEPL, 2007). The STEPL model is available for download at <http://it.tetrattech-ffx.com/step/> while the other models will be available on the TMDL grant internet site (http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm).

(7) Effectiveness monitoring. All projects will include storm event monitoring to determine the actual load reduction associated with implementation of the stormwater treatment best management practices unless such data already exists for the applicable best management practice. The applicant shall be required to put all data from the effectiveness monitoring and required project information into the Department's Best Management Practice (BMP) Data Base.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New 10/29/08.

62-305.400 Project Selection Criteria

(1) Projects will be selected for funding using the ranking criteria below and the status of the project with respect to design, permitting, and construction.

(2) Eligible urban stormwater treatment projects will be ranked for TMDL Water Quality Restoration grant funding based on the priority scoring system set forth below. The maximum number of points for any single project is 490.

(a) Status of impaired water body

1. The project is identified in an adopted basin management action plan. (100 points)
2. The project reduces loadings to an impaired water body with an adopted TMDL. (75 points)
3. The project reduces loadings to a water body on the adopted verified list of impaired waters. (50 points)
4. The project reduces loadings to a water body on the planning list of impaired waters. (20 points)
5. The project reduces loadings to a water body on the TMDL 1999 consent decree (Florida Wildlife Federation, Inc., Environmental Federation of Southwest Florida, Inc., and Save Our Creeks, Inc. v. Carol M. Browner, Administrator, U.S. Environmental Protection Agency and the U. S. Environmental Protection Agency, Civil Action File No. 4: 98CV356-WS). (10 points)

(b) Stormwater load reduction of the pollutant of concern.

The project will reduce urban stormwater loads by the percentages set below:

1. Loads are reduced by 80 to 100% (100 points)
2. Loads are reduced by 60 to 79% (75 points)
3. Loads are reduced by 40 to 59% (50 points)
4. Loads are reduced by 20 to 39% (30 points)
5. Loads are reduced by 0 to 19% (10 points)

(c) Percentage of local matching funds.

All projects must provide at least 50% matching funds. Points for local matching funds constitute the following percentage of total project costs:

1. Matching funds are greater than 50% (80 points)
2. Matching funds between 41% to 50% (60 points)
3. Matching funds between 31% to 40% (40 points)
4. Matching funds between 26% to 30% (20 points)

(d) Project cost effectiveness. To provide consideration of the number of urban acres that are being treated by the project and the cost per pound to reduce the pollutant of concern, the scoring system below is established. Points are awarded based on the scoring point system below only if one nutrient is a pollutant of concern. Points are awarded based on the average score from below if both nitrogen and phosphorus are pollutants of concern. Cost percentiles are based on the information from existing TMDL Water Quality Restoration Grants. The dollar amounts associated with cost percentiles will be recalculated on an annual basis using the information in the TMDL Water Quality Restoration grant data base, available on the program's internet site. These dollar amounts will be posted on the internet site by January 31 of each year.

1. Cost per pound of Total Nitrogen removed per acre is in the lowest 20th percentile of project costs (100 Points)
2. Cost per pound of Total Nitrogen removed per acre is in the 20th to 40th percentile of project costs (75 Points)
3. Cost per pound of Total Nitrogen removed per acre is in the 40th to 60th percentile of project costs (50 Points)
4. Cost per pound of Total Nitrogen removed per acre is in the 60th to 80th percentile of project costs (25 Points)
5. Cost per pound of Total Nitrogen removed per acre is in the 80th to 100th percentile of project costs (10 Points)
6. Cost per pound of Total Phosphorus removed per acre is in the lowest 20th percentile of project costs (100 Points)
7. Cost per pound of Total Phosphorus removed per acre is in the 20th to 40th percentile of project costs (75 Points)
8. Cost per pound of Total Phosphorus removed per acre is in the 40th to 60th percentile of project costs (50 Points)
9. Cost per pound of Total Phosphorus removed per acre is in the 60th to 80th percentile of project costs (25 Points)
10. Cost per pound of Total Phosphorus removed per acre is over in the 80th to 100th percentile of project costs (10 Points)

(e) Educational component. The project includes components to educate targeted audiences about the use of stormwater treatment best management practices to reduce pollutant loads, such as signage, kiosks, field days, workshops, and training programs. Solely notifying the public of the project through news releases or other public relations efforts does not constitute an education program. Points will be awarded as follows:

1. The educational component consists of kiosks with information on stormwater pollution and treatment at the project site, conducting at least one workshop or field day at the project site, airing public service announcements about stormwater pollution and treatment, and the distribution of printed materials to people within the drainage area served by the project to educate them about how they can reduce stormwater pollution (30 points)
2. The educational component consists of kiosks with information on stormwater pollution and treatment at the project site and at least one other of the activities listed in 1. above (20 points).
3. The educational component consists of the distribution of printed materials to people within the drainage area served by the project to educate them about how they can reduce stormwater pollution (10 points)

(f) Dedicated stormwater funding. If the applicant is a local government or water control district, points will be awarded based on whether they have implemented a dedicated source for stormwater program and project funding. If the dedicated funding source is other than a stormwater utility fee, such as a Municipal Services Taxing Unit (MSTU), a Municipal Services Benefit Unit (MSBU), or a sales tax that is dedicated to stormwater management projects, the applicant shall convert annual costs into a single family monthly Equivalent Rate Unit (ERU). Points will be awarded as follows:

1. No stormwater utility fee or other dedicated funding source (0 points)
2. Stormwater utility fee or other dedicated funding source where the single family residence fee is less than \$4.30/month (40 points)
3. Stormwater utility fee or other dedicated funding source where the single family residence fee is greater than \$4.30/month (80 points)

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History– New 10/29/08.

62-305.900 Forms.

The application used by the Department for TMDL Water Quality Restoration Grants, “TMDL Water Quality Restoration Grant Proposal Application,” Form 62-305.900, is adopted and incorporated by reference in section 62-305.300(1). Copies of form may be obtained from the TMDL Water Quality Grant Restoration internet site at http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm , from any local district or branch office of the Department, or by writing to the Florida Department of Environmental Protection, Bureau of Watershed Restoration, 2600 Blair Stone Road (MS3510), Tallahassee, FL 32399:

TMDL Water Quality Restoration Grant Proposal Application, [Effective Date].

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History– New 10/29/08.