**PART II -- CRITERIA FOR EVALUATION**

**8.0 Criteria for Evaluation**

**8.1 Purpose**

The criteria explained in this part are those that have been adopted by the Agency in evaluating applications for individual and conceptual approval permits, with the exception of those individual permits described in Rule 62-330.054(4), F.A.C. The staff recommendation to approve any individual or conceptual approval permit will be based upon a determination of whether reasonable assurance has been provided that the activity meets the criteria for evaluation, and whether the applicable permit fee has been submitted. In addition, the staff recommendation to resolve any violation under Chapter 62-330, F.A.C., also will be based upon a determination of whether reasonable assurance has been provided that the activity meets the criteria for evaluation in this part.

General permits are pre-issued, and already contain the limitations and criteria that must be met to qualify to use the specific general permit. Upon receipt of a notice to use a general permit, the Agency’s review is limited to determining whether the notice complies with the terms and conditions of the pre-issued permit, in accordance with Chapter 62-330, F.A.C., and whether the applicable permit fee has been submitted.

**8.2 Criteria for Evaluation**

**8.2.1** To obtain an individual or conceptual approval permit, an applicant must provide ~~give~~ reasonable assurance in accordance with Rule 62-330.060, F.A.C., and reasonable assurance that the following ~~major~~ standards contained in Sections 373.042, .413, .414, .416, .426, .429, .4595, F.S., are met:

(a) through (d) No change

**8.2.2 No change.**

**8.2.3 Activities Discharging into Waters That Do Not Meet Standards**

In instances where an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, and the activity will cause or contribute to this existing condition, mitigation for water quality impacts can consist of water quality enhancement or treatment that achieves a net improvement. In these cases, the applicant must propose and agree to implement mitigation measures that will cause net improvement of the water quality in the receiving waters for those contributed parameters that do not meet water quality standards. The applicant shall demonstrate such a net improvement whereby the pollutant loads discharged from the post-development condition for the proposed project shall be demonstrated to be less than those discharged based on the project’s pre-development condition. Such demonstration shall be provided for any stormwater project within a HUC 12 subregion or subwatershed containing an impaired water, as defined and determined by rule 62-303 F.A.C., and located upstream of that impaired waterbody. For waters with a total nitrogen or total phosphorus nutrient impairment, the applicant must demonstrate such a net improvement of the water quality in the receiving waters in accordance with section 8.3.

**8.3 Stormwater Quality Nutrient Permitting Requirements**

**8.3.1 Required Modeling or Calculation of Performance Standards**

Each applicant shall demonstrate, through modeling or calculations, that their proposed system is designed to discharge to the required treatment level based on the Performance Standards described in sections 8.3.2 through 8.3.4 below.

**8.3.2 Minimum Performance Standards for all sites**

Except as provided below, all stormwater treatment systems shall provide a level of treatment sufficient to accomplish the greater of the following nutrient load reduction criteria:

* + - 1. an 80 percent reduction of the average annual loading of total phosphorus (TP) and total nitrogen (TN) from the post-development project land use; or
			2. a reduction such that the post-development condition average annual loading of nutrients does not exceed the predevelopment condition nutrient loading.

**8.3.3 Minimum Performance Standards for Outstanding Florida Waters (OFWs)**

Stormwater treatment systems located within a HUC 12 **s**ubwatershed containing an OFW and upstream of the OFW, shall provide a level of treatment sufficient to accomplish the greater of the following nutrient load reduction criteria:

* + - 1. a 95 percent reduction of the average annual loading of total phosphorus (TP) and total nitrogen (TN) from the post-development project land use; or
			2. a reduction such that the post-development condition average annual loading of nutrients does not exceed the predevelopment condition nutrient loading.

**8.3.4 Minimum Performance Standards for Impaired Waters**

Stormwater treatment systems located within a HUC 12 **s**ubwatershed which contains an impaired waterbody, as defined and determined by rule 62-303 F.A.C, and located upstream of that impaired waterbody, shall provide a level of treatment sufficient to accomplish:

* + 1. an 80 percent reduction of average annual loading of total phosphorus (TP) and total nitrogen (TN) from the post-development project land use;
		2. a net improvement for the pollutant(s) that do not meet state water quality standards such that the post development condition average annual loading of those pollutants not meeting water quality standards are less than that of the predevelopment condition; and
		3. For stormwater treatment systems that are also located within a HUC 12 **s**ubwatershed where a Total Maximum Daily Load (TMDL) or a Reasonable Assurance Plan (RAP) has been adopted and located upstream of that TMDL or RAP, shall provide the level of treatment sufficient to accomplish the percent reduction where specified in the load allocation of an adopted TMDL or RAP for the pollutant(s) not meeting water quality standards.

Load reductions for nutrients shall not be required to result in loads that are less than those demonstrated for undeveloped or natural conditions for the project area.

**8.3.5 Alternative Performance Standards for Redevelopment**

Stormwater treatment systems serving redevelopment activities shall meet the appropriate minimum level of treatment set forth above in 8.3.2 - 8.3.4. However, an applicant may request approval by the Agency of a lower level of treatment if the redevelopment project is under five acres and does not fall within an area described in section 8.3.4 above. The minimum level of treatment allowable for these sites shall be as follows:

(a) an 80 percent reduction of the post-development average annual loading of TP and a 45 percent reduction of the post-development average annual loading of TN from the project area; or

(b) for stormwater systems located within a HUC 12 **s**ubwatershed containing an OFW, a 95 percent reduction of the post-development average annual loading of total phosphorus (TP) and a 50 percent reduction of the post-development average annual loading of total nitrogen (TN) from the project area.

**8.3.6 Exemption from Minimum Performance Standards for Redevelopment**

Redevelopment sites that are under two acres may qualify for an exemption as described in section 3.2.7 of this handbook. An exemption will require the redevelopment site to promote infiltration. This exemption only applies to redevelopment sites that result in reduced impervious surface or reduced pollutant loading on a case-by-case basis. Requests to qualify for this exemption shall be submitted in writing to the applicable Agency, and such activities shall not commence without a written determination from the Agency confirming qualification for the exemption.

**8.4 Additional Criteria**

**8.4.1 ~~8.2.4~~ No change.**

**8.4.2 ~~8.2.4~~ No change.**

**8.4.3~~8.2.4~~ No change.**

**8.4.4 ~~8.2.4~~ No change.**

**8.4.5 Oil and Grease Control**

Discharge structures from areas with greater than 50 percent impervious and semi-impervious area or from systems that receive runoff from directly connected impervious that are subject to vehicular traffic shall include a baffle, skimmer, grease trap or other mechanism suitable for preventing oil and grease from leaving the stormwater treatment system in concentrations that would cause a violation of applicable water quality standards for ground or surface waters of the state. Designs must ensure sufficient clearance between the skimmer and concrete structure or pond bottom to ensure that the hydraulic capacity of the structure is not affected.

**8.4.6 Hazardous or Toxic Substances**

Systems serving a land use or activity that produces or stores hazardous or toxic substances shall be designed to prevent exposure of such materials to rainfall and runoff to ensure that contact stormwater does not become contaminated by such materials. Stormwater treatment systems shall not result in violations of water quality standards for ground or surface waters of the state.

**8.5 ~~8.3~~ State Water Quality Standards**

**8.5.1 ~~8.3.1~~ No change.**

**8.5.2 ~~8.3.2~~ Additional Permitting Requirements to Protect Ground Water**

State water quality standards for ground water are set forth in Chapter 62-520, F.A.C. In addition to the minimum criteria, Class G-I and G-II ground water must meet primary and secondary drinking water quality standards for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310 and 62-550.320, F.A.C.

Only the minimum criteria for ground water under rule 62-520.400, F.A.C., shall apply within an applicable zone of discharge, as determined by rule 62-520, F.A.C.

Pursuant to rule 62-555.312, F.A.C., stormwater retention and detention systems are classified as moderate sanitary hazards with respect to public and private drinking water wells. Stormwater treatment facilities shall not be sited or constructed within the setback distances for existing water supply wells as specified in accordance with rule 62-532, F.A.C.

To ensure protection of ground water quality, all stormwater treatment systems shall be designed and constructed to:

1. Ensure adequate treatment of stormwater so that a stormwater management system shall not result in a violation of ground water standards, outside an applicable Zone of Discharge, as determined in accordance with rule 62-520, F.A.C.; and
2. Avoid breaching an aquitard that would result in direct mixing of untreated water between surface water and an underground source of drinking water. Where an aquitard is not present, the depth of the stormwater treatment system shall be limited to prevent any excavation within three (3) feet of an underlying limestone formation which is part of a underground source of drinking water, as defined in rule 62-528, F.A.C.

**8.5.3 ~~8.3.3~~ No change.**