## **Ten-Two Self-Certification**

Section 403.814(12), F.S.

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# HB 503 created Section 403.814(12), F.S.

A general permit is granted for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres. When the stormwater management system is designed, operated, and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373, there is a rebuttable presumption that the discharge for such system will comply with state water quality standards. The construction of such a system may proceed without any further agency action by the department or water management district if, within 30 days after construction begins, an electronic self-certification is submitted to the department or water management district that certifies the proposed system was designed by a Florida registered professional to meet the following requirements:



## HB 503 - 403.814(12), F.S.

- Total project area less than 10ac: and,
- Total impervious area less than 2ac; and,
- No activities will impact wetlands or other surface waters; and,
- No activities conducted in, on, or over wetlands or other surface waters; and,
- Stormsewer system pipes do not exceed a 24-inch diameter; and,
- Project is not part of a larger common plan, development, or sale; and,



## HB 503 - 403.814(12), F.S.

### • The project does not cause:

- Adverse water quantity or flooding impacts to receiving waters and adjacent lands;
- Adverse impacts to existing surface water storage and conveyance capabilities;
- A violation of state water quality standards; or,
- An adverse impact to the maintenance of surface or ground water levels or surface water levels established pursuant to s. 373.042 or a work of the district established pursuant to s. 373.086



## Several terms used in s. 403.814(12), F.S., are not legislatively defined.

"Total Project Area" means that portion of the total land area where works occur as part of an activity requiring a permit under part IV of chapter 373, F.S. "Works," for purposes of this certification, means all artificial structures, including, but not limited to, ditches, canals, conveyance systems, swales, conduits, channels, culverts, pipes, clearing, earthmoving, deposition, filling, excavation, dredging, and erection of structures and other construction, whether in uplands, or that connects to, draws water from, drains water into, or is placed in, on or over wetlands and other surface waters.



"Impervious surfaces" are defined as surfaces that do not allow, or minimally allow, the penetration of water; such as building roofs, normal concrete and asphalt pavements, and some fine grained soils such as clays. It excludes areas that are wetlands or other surface waters.

"Wetlands or Other Surface Waters" means those Waters of the State as described and delineated pursuant to Rule 62-340, F.A.C., as ratified by Section 373.4211, F.S., including wetlands, as defined in Section 373.019, F.S.

"In, on or over wetlands or other surface waters" includes activities, such as directional drilling, that are considered "in" those surface waters, yet occur below the soil or substrate.



## <u>Ten-two does not</u> allow any work within, or impacts to wetlands or other surface waters

 Any impacts to wetlands or other surface waters must be addressed by a separate permit – for example, it may be necessary to obtain a Noticed General Permit for the construction of a culverted driveway over a roadside ditch to access the upland site <u>Ten-two does not</u> authorize projects that are part of "a larger common plan, development, or sale".

"Larger common plan, development or sale" refers to any
activity that facilitates the advancement of a common type of
land use (such as multiple residences, a residential subdivision,
or phased site development) on the subject property, or that
comprises a total land area divided into multiple lots, parcels,
tracts, tiers, blocks, sites, or units, if such areas are under
common ownership or control.

## <u>Ten-two does not</u> relieve the permittee from compliance with stormwater design criteria.

- A registered professional must design the system to provide treatment and attenuation as required by the "applicable rules adopted pursuant to part IV, Chapter 373." This may include the need to treat runoff water from areas lying outside the "project area"
- The "applicable rules" (i.e. design criteria for stormwater treatment and attenuation) may be found in the Environmental Resource Permit Applicant's Handbook or Basis of Review for the local Water Management District



<u>Ten-two does not</u> provide the permittee with immunity from potential claims due to flooding, pollution, etc.

• It does, however, provide a "rebuttable presumption" that system designed and maintained in accordance with the applicable rules will not cause violations of state water quality standards, adverse water quantity impacts to receiving waters, or flooding of adjacent lands.



### **Process**

### **FDEP Portal (preferred)**

- 403.814(12), F.S., requires submittal of an "electronic selfcertification" to the DEP (or delegated local government) or water management district
- Does not specify the form or manner of the self-certification, except that it must be submitted within 30 days of beginning construction
- DEP modified its existing Enterprise Self-Service Authorization (ESSA) system
  - Allows ALL users to submit certifications
  - Use of ESSA is not required, but ensures certifications are received, archived, and directed to appropriate agency staff

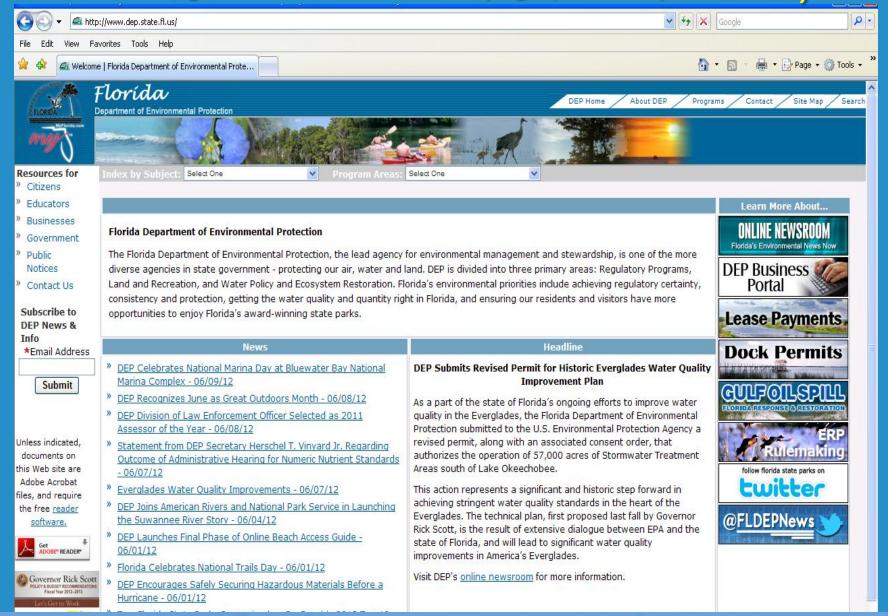


## **Process cont'd**

- Pending projects
  - > 42 permit currently under review
    - Complete the process, or
    - W/D, no fee refund, complete the Self-Certification
- Pre-apps



### To start, go to DEP Internet Homepage (www.dep.state.fl.us)





### Select "Apply"

#### **MyFDEP**

Florida Department of Environmental Protection



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Applications for grants and rebates, leave feedback, ... see more.

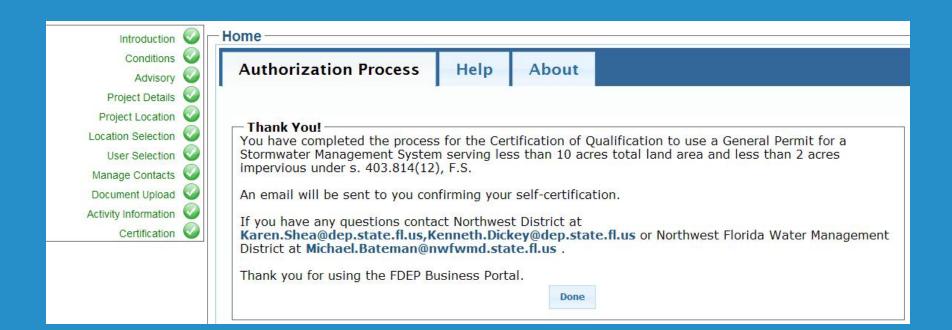


#### Continue

A partially completed business transaction.



## ESSA will provide the user with contact information for local DEP, WMD and delegated local government offices.





## Discussion/Questions

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