ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

CHAPTER 40C-4, F.A.C.

ENVIRONMENTAL RESOURCE PERMITS: SURFACE WATER MANAGEMENT SYSTEMS

Revised

June 28, 2024



CHAPTER 40C-4

ENVIRONMENTAL RESOURCE PERMITS: SURFACE WATER MANAGEMENT SYSTEMS

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40C-4.001 Policy and Purpose.

Rulemaking Authority 373.113, 373.044, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.01, 40C-4.011, Amended 2-3-81, 40C-4.01, Repealed xx-xx-xx.

40C-4.002 Definitions.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.086, 373.403 FS. History—New 1-31-77, Formerly 16I-4.03, 40C-4.031, Amended 2-3-81, Formerly 40C-4.03, Repealed xx-xx-xx.

40C-4.003 Implementation.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.413, 373.403, 373.416, 373.426 FS. History–New 1-31-77, Formerly 16I-4.02, 40C-4.021, Amended 2-3-81, Formerly 40C-4.02, Repealed xx-xx-xx.

40C-4.004 Permit Required.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.409, 373.413, 373.416, 373.426 FS. History–New 1-31-77, Formerly 16I-4.04, 40C-4.041, Amended 2-3-81, Formerly 40C-4.04, Repealed xx-xx-xx.

40C-4.005 Exemptions.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.406 FS. History—New 1-31-77, Formerly 16I-4.05, 40C-4.051, Amended 2-3-81, Formerly 40C-4.05, Repealed xx-xx-xx.

40C-4.010 Content of the Application and Condition for Permit.

Rulemaking Authority 373.044, 373.149, 373.171, 373.113 FS. Law Implemented 373.413 FS. History—New 1-31-77, Formerly 16I-4.10, 40C-4.101, Amended 2-3-81, Formerly 40C-4.10, Repealed xx-xx-xx.

40C-4.011 Policy and Purpose.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, Part IV, Ch. 373 FS. History–New 1-31-77, Formerly 16I-4.01, 40C-4.01, Amended 2-3-81, 12-7-83, Formerly 40C-4.011, 40C-4.0011, Repealed by Section 5, Chapter 2012-31, Laws of Florida, 5-27-12.

40C-4.012 Notice and Hearing Requirement.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.12, 40C-4.121, Amended 2-3-81, Formerly 40C-4.12, Repealed xx-xx-xx.

40C-4.013 Times for Receiving Objections and for Hearing.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.13, 40C-4.131, Amended 2-3-81, Formerly 40C-4.13, Repealed xx-xx-xx.

40C-4.020 Permit Processing Fee.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.109 FS. History—New 1-31-77, Formerly 161-4.20, 40C-4.201, Amended 2-3-81, Formerly 40C-4.20, Repealed xx-xx-xx.

40C-4.021 Definitions.

Rulemaking Authority 373.044, 373.113, 373.414, 373.418 FS. Law Implemented 373.016, 373.019, 373.403, 373.413, 373.414, 373.416, 373.418, 373.426, 403.813(2) FS. History—New 1-31-77, Formerly 16I-4.02, 40C-4.02, Amended 2-3-81, 12-7-83, Formerly 40C-4.021, 40C-4.0021, Amended 9-25-91, 2-27-94, 10-3-95, 10-11-01, 10-29-09, 10-1-13.

Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.031 Implementation.

- (1) The effective dates for the permitting program as established in this chapter pursuant to Part IV of Chapter 373, F.S., are:
- (a) January 31, 1977 in that area transferred to the District from the Central and Southern Florida Flood Control District, now the South Florida Water Management District, pursuant to Section 373.069(3), F.S. (Supp. 1976), within the Greater St. Johns River

Basin, known as the Upper St. Johns River Basin (see Figure 4-1).

- (b) January 31, 1977 in that area transferred to the District from the Southwest Florida Water Management District pursuant to Section 373.069(3), F.S. (Supp. 1976), within the Oklawaha River Basin (see Figure 4-1).
- (c) December 7, 1983 in the remaining area of the District not described in paragraph (a) or (b), above, and as described in Section 373.069(2)(c), F.S. (see Figure 4-1).
 - (d) August 11, 1991, for agricultural stormwater management systems.
- (2)(a) The program initiated on January 31, 1977, with its limited areas of implementation, is superseded throughout the entire District by the rules that became effective on December 7, 1983.
- (b) Each permit issued under the provisions of the program initiated on January 31, 1977 remains valid after December 7, 1983, subject to all limiting conditions attached thereto.
- (c) Any permit application received prior to November 15, 1983 will be processed and evaluated under the provisions of the permitting program initiated on January 31, 1977. Any permit application received on or after November 15, 1983 will be processed and evaluated under the provisions of the rules that become effective on December 7, 1983.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 1-31-77, Formerly 16I-4.03, 40C-4.03, Amended 2-3-81, 12-7-83, Formerly 40C-4.031, 40C-4.0031, Amended 8-11-91, 10-3-95, 11-11-03.

40C-4.034 Revocation and Modification of Permits.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.429 FS. History—New 2-20-77, Amended 12-26-77, Formerly 16I-4.34, 40C-4.341, Amended 2-3-81, Formerly 40C-4.34, Repealed xx-xx-xx.

40C-4.041 Permits Required.

Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.415, 373.418, 380.06(9) FS. Law Implemented 373.083, 373.118, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.416, 373.416, 373.426, 380.06(9) FS. History—New 1-31-77, Formerly 161-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, 40C-4.0041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98, 10-11-01, 10-1-13.

Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.042 Formal Determination.

Rulemaking Authority 373.044, 373.421(2), 373.113 FS. Law Implemented 373.421(2)-(5) FS. History—New 11-12-91, Amended 11-30-92, 10-3-95, Transferred to 40C-1.1006.

40C-4.051 Exemptions.

Rulemaking Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 403.813(2) FS. History—New 1-31-77, Formerly 161-4.05, 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11-91, 9-25-91, 5-17-94, 10-3-95, 11-25-98, 7-8-01, 10-11-01, 11-11-03, 10-1-13. Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.091 Publications Incorporated by Reference.

- (1) The Governing Board hereby adopts by reference:
- (a)1. Part I "Introduction, Organization, Definitions and Applicability," Part II "General Criteria," Part III "Stormwater Quantity/Flood Control," Part IV "Stormwater Quality," and Part V "Best Management Practices" of the document entitled "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District," (June 28, 2024), which are all available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-15256];
 - 2. Part VI "Basin Criteria," available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-15257];
- 3. Appendix A "Drainage Basins for Cumulative Impacts Evaluation and Regional Watersheds for Mitigation Banking," available at [http://www.flrules.org/Gateway/reference.asp?No=Ref-03008];
 - 4. Appendix B "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic

Basin," "Legal Description Wekiva River Hydrologic Basin," "Legal Description Wekiva Recharge Protection Basin," "Legal Description Econlockhatchee River Hydrologic Basin," "Legal Description Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description Sensitive Karst Areas Basin, Marion County," and "Legal Description Lake Apopka Hydrologic Basin," available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-06353];

- 5. Appendix C ("Methodology and Design Example for the Modified Rational Hydrograph Method") available at [http://www.flrules.org/Gateway/reference.asp?No=Ref-15258]; and,
- 6. Appendix D, available at [http://www.flrules.org/Gateway/reference.asp?No=Ref-03010], of the document entitled "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District," effective (June 1, 2018).
- (b) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between St. Johns River Water Management District and Department of Environmental Protection dated July 1, 2007.
- (c) Water quality standards Chapter 62-4, F.A.C., (October 1, 2013), available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-06354], Chapter 62-302, F.A.C., (June 7, 2015), available [https://www.flrules.org/Gateway/reference.asp?No=Ref-06355], Chapter 62-520, F.A.C., (July 12, 2009), available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-03005], and Chapter 62-550, F.A.C., (July 7, 2015), available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-06356].
- (d) The following Natural Resources Conservation Service Soil Survey publications: Soil Survey of Flagler County Area, Florida (1997); Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989); Soil Survey of Seminole County Area, Florida (1990); and Soil Survey of Volusia County Area, Florida (1980), which are hereby incorporated by reference, effective 12-3-06.
- (e) Technical Publication SJ No. 85-5: A Guide to SCS Runoff Procedures (1985) available at [http://www.flrules.org/Gateway/reference.asp?No=Ref-03007].
- (2) The documents may be obtained by contacting: Office Director, Office of Records and Regulatory Support St. Johns River Water Management District 4049 Reid Street Palatka, Florida 32177-2529

St. Johns River Water Management District 7775 Baymeadows Way, Suite 102 Jacksonville, Florida 32256

St. Johns River Water Management District 2501 S. Binion Road, Apopka, Florida 32703

St. Johns River Water Management District 525 Community College Pkwy., S.E. Palm Bay, Florida 32909

Rulemaking Authority 369.318, 373.044, 373.046(4), 373.113, 373.117, 373.4131, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.416 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.117, 373.129, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461(3), 403.0877 FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10, 12-27-10, 10-1-13, 6-1-18, 6-28-24.

40C-4.101 Content and Processing of the Application.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.146, 373.413, 373.416, 373.417 FS. History—New 1-31-77, Formerly 161-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.101, 40C-4.0101, Amended 8-1-89, 2-27-94, 10-3-95, 1-4-96, 2-1-05, Repealed 10-1-13.

Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.111 Notice of Application Form.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 1-31-77, Formerly 16I-4.11, 40C-4.11, Repealed 8-1-89.

40C-4.121 Notice and Hearing Requirements.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.413, 373.426 FS. History—New 1-31-77, Formerly 16I-4.12, 40C-4.12, Amended 2-3-81, Formerly 40C-4.121, 40C-4.0121, Repealed 12-7-83.

40C-4.131 Times for Receiving Objections and for Hearing.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 1-31-77, Formerly 16I-4.13, 40C-4.13, Amended 2-3-81, Formerly 40C-4.131, 40C-4.0131, Repealed 12-7-83.

40C-4.201 Permit Processing Fee.

Rulemaking Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.10, 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89, 11-11-03, Repealed by Section 5, Chapter 2012-31, Laws of Florida, 5-27-12.

40C-4.121 Notice and Hearing Requirements.

Rulemaking Authority 373.113, 373.044, 373.171 FS. Law Implemented 373.413, 373.426 FS. History—New 1-31-77, Formerly 16I-4.12, 40C-4.12, Amended 2-3-81, Formerly 40C-4.121, 40C-4.0121, Repealed 12-7-83.

40C-4.131 Times for Receiving Objections and for Hearing.

Rulemaking Authority 373.113, 373.044, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 1-31-77, Formerly 16I-4.13, 40C-4.13, Amended 2-3-81, Formerly 40C-4.131, 40C-4.0131, Repealed 12-7-83.

40C-4.201 Permit Processing Fee.

Rulemaking Authority 373.109, 373.113, 373.044, 373.171 FS. Law Implemented 373.109, 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.10, 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89, 11-11-03, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40C-4.301 Conditions for Issuance of Permits.

Rulemaking Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 1-31-77, Formerly 16I-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.0301, Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01, 12-3-06, Repealed 10-1-13. Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.302 Additional Conditions for Issuance of Permits.

Rulemaking Authority 373.044, 373.046, 373.103, 373.113, 373.414, 373.418 FS. Law Implemented 373.016(2), 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 10-11-01, 7-1-07, Repealed 10-1-13. Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.311 Variances.

Rulemaking Authority 373.044, 373.414(9), (17), 373.113 FS. Law Implemented, 373.414(9), (17), 403.201 FS. History—New 10-3-95, Transferred to 40C-1.1002.

40C-4.321 Duration of Permit.

Rulemaking Authority 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 12-7-83, Formerly 40C-4.321, 40C-4.0321, Amended 8-1-89, 9-8-92, 12-27-10, Repealed 10-1-13. Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.331 Modification of Permits.

Rulemaking Authority 373.044, 373.113, 373.414, 373.418 FS. Law Implemented 373.083, 373.109, 373.413, 373.414, 373.416, 373.418, 373.426, 373.429 FS. History—New 2-20-77, Amended 12-26-77, Formerly 16I-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.331, 40C-4.0331, Amended 1-1-89, 10-11-01, 2-1-05, Repealed 10-1-13.

Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.341 Revocation of Permits.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented, 373.429 FS. History—New 2-20-77, Amended 12-26-77, Formerly 16I-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.341, 40C-4.0341, Repealed 8-4-98.

40C-4.351 Transfer of Permits.

Rulemaking Authority 373.044, 373.113, 373.171, 373.416 FS. Law Implemented 373.413, 373.416 FS. History–New 2-3-81, Amended 12-7-83, Formerly 40C-4.351, 40C-4.0351, Amended 8-1-89, 7-20-95, Repealed by Section 5, Chapter 2012-31, Laws of Florida, 5-27-12.

40C-4.381 Limiting Conditions.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.419, 373.422, 373.423, 373.426 FS. History—New 12-7-83, Formerly 40C-4.381, 40C-4.0381, Amended 8-1-89, 10-19-89, 3-14-90, 2-27-94, 10-3-95, 1-4-96, 1-11-99, 11-11-03, 12-27-10,

Repealed

10-1-13.

Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.

40C-4.410 Completion Report.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.419 FS. History—New 1-31-77, Formerly 16I-4.41, 40C-4.411, Amended 2-3-81, Formerly 40C-4.41, 40C-4.041, Repealed xx-xx-xx.

40C-4.411 Completion Report.

Rulemaking Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.419 FS. History—New 1-31-77, Formerly 16I-4.41, 40C-4.41, Amended 2-3-81, Formerly 40C-4.411, 40C-4.0411, Repealed 12-7-83.

40C-4.451 Emergency Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426, 373.439 FS. History–New 12-7-83, Formerly 40C-4.451, 40C-4.0451, Transferred to 40C-1.1009.

40C-4.461 Inspection.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.423, 373.429 FS. History—New 2-3-81, Amended 12-7-83, Formerly 40C-4.461, 40C-4.0461, Repealed 11-11-03.

40C-4.471 Abatement and Abandonment.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.433, 373.426 FS. History—New 1-31-77, Formerly 40C-4.471, 40C-4.0471, Repealed 11-11-03.

40C-4.481 Remedical and Emergency Measures.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.436, 373.439 FS. History–New 2-3-81, Amended 12-7-83, Formerly 40C-4.481, 40C-4.0481, Repealed 11-11-03.

40C-4.701 Construction Standards.

Rulemaking Authority 373.044, 373.114, 373.171, 373.436 FS. Law Implemented 373.409, 373.413, 373.436 FS. History—New 2-3-81, Formerly 40C-4.711, 40C-4.0711, Repealed 12-7-83.

40C-4.711 Headgates, Valves, and Measuring Devices.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413 FS. History—New 2-3-81, Formerly 40C-4.701, 40C-4.0701, Repealed 12-7-83.

40C-4.751 Enforcement.

Rulemaking Authority 373.119, 373.113 FS. Law Implemented 373.113, 373.119, 373.136, 373.603, 373.613 FS. History—New 2-3-81, Amended 12-7-83, Formerly 40C-4.751, 40C-4.0751, Amended 11-11-03, Repealed by Section 5, Chapter 2012-31, Laws of Florida, 5-27-12.

40C-4.900 Forms and Instructions.

Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History–New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05, 12-3-06, Repealed 10-1-13. Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.