

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

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

**ENVIRONMENTAL RESOURCE PERMITS:  
SURFACE WATER MANAGEMENT SYSTEMS**

**Revised**

**October 1, 2013**



**CHAPTER 40C-4**  
**ENVIRONMENTAL RESOURCE PERMITS: SURFACE WATER MANAGEMENT SYSTEMS**  
**(Formerly 16I-4)**

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**40C-4.001 Policy and Purpose.**

*Specific 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, Transferred to 40C-4.011, 2-3-81, Formerly 40C-4.01.*

**40C-4.002 Definitions.**

*Specific Authority 373.044, 373.171, 373.113 FS. Law Implemented 373.086, 373.403 FS. History--New 1-31-77, Formerly 16I-4.02, Transferred to 40C- 4.021, Amended 2-3-81, Formerly 40C-4.02.*

**40C-4.003 Implementation.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.426 FS. History--New 1-31-77, Formerly 16I-4.03, Transferred to 40C-4.031, Amended 2-3-81, Formerly 40C-4.03.*

**40C-4.004 Permit Required.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.426 FS. History--New 1-31-77, Formerly 16I-4.04, Transferred to 40C-4.041, Amended 2-3-81, Formerly 40C-4.04.*

**40C-4.005 Exemptions.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406 FS. History--New 1-31-77, Formerly 16I-4.05, Transferred to 40C-4.051, Amended 2-3-81, Formerly 40C-4.05.*

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

*Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413 FS. History--New 1-31-77, Formerly 16I-1.10, Transferred to 40C-4.101, Amended 2-3-81, Formerly 40C-4.10.*

**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 History--New 1-31-77, Formerly 16I-4.01, 40C-4.01, Amended 2-3-81, 12-7-83, Formerly 40C-4.011, 40C-4.0011, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

**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Amended 2-3-81, 12-7-83, Formerly 40C-4.021, 40C-4.0021, Amended 9-25-91, 2-27-94, 10-3-95, 10-11-01, 10-29-09, Repealed \_\_\_\_\_.*

**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.*

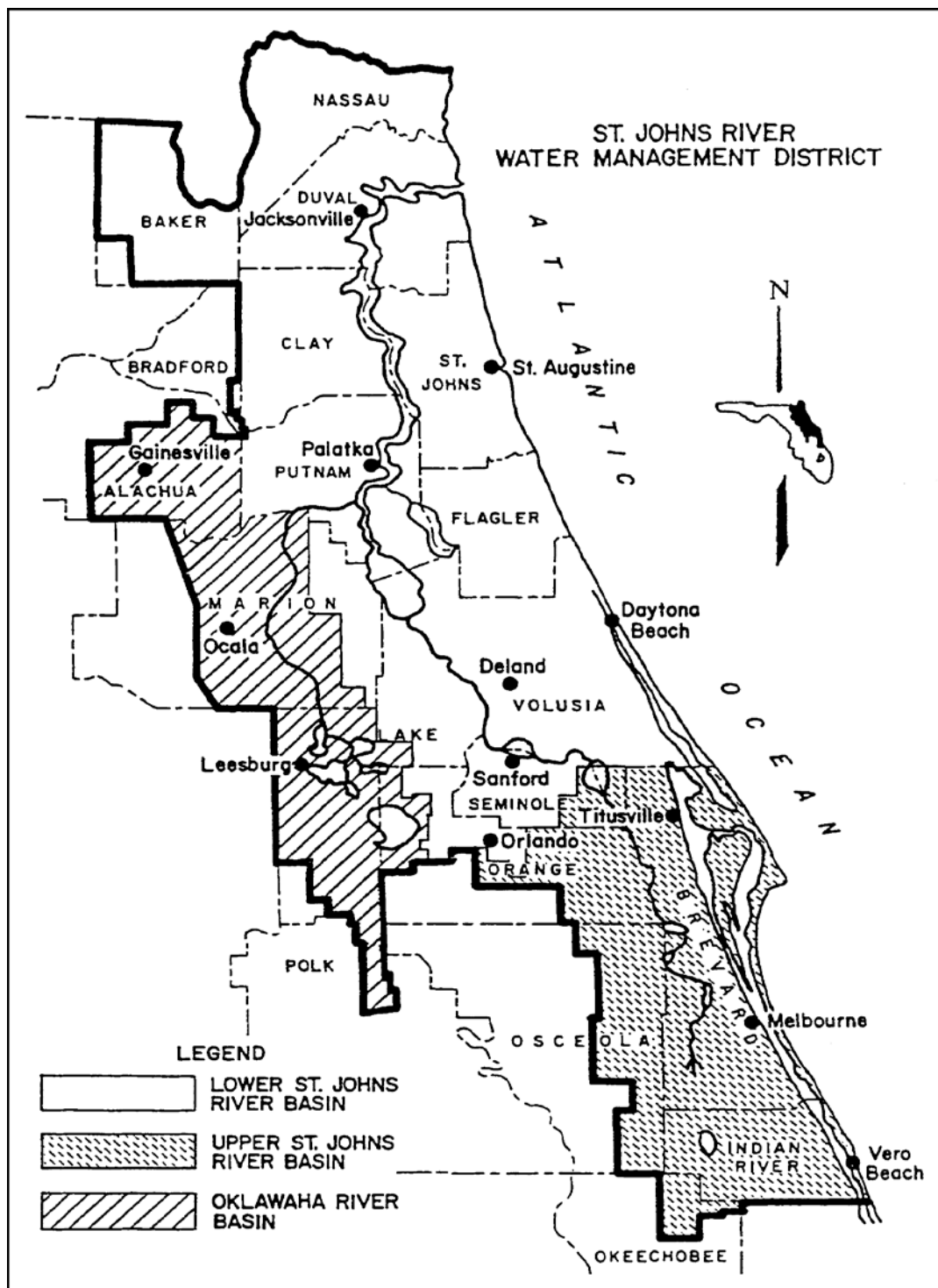


Figure 4-1 Areas Within the District Having Differing Effective Dates for Implementation of Management and Storage of Surface Water Rules

#### **40C-4.034 Revocation and Modification of Permits.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.429 FS. History--New 2-20-77, Amended 12-26-77, Formerly 16I-4.34, Transferred to 40C-4.341, Amended 2-3-81, Formerly 40C-4.34.*

#### **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, 373.415, 373.416, 373.418, 373.426, 380.06(9) FS. History--New 1-31-77, Formerly 16I-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, Repealed \_\_\_\_\_.*

#### **40C-4.042 Formal Determination.**

*Specific Authority 373.044, 373.113, 373.421(2) 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 16I-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, Repealed \_\_\_\_\_.*

#### **40C-4.091 Publications Incorporated by Reference.**

(1) The Governing Board hereby adopts by reference:

(a) Part I "Introduction, Organization, Definitions and Applicability available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-01831>], Part II "General Criteria," available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-01832>], Part III "Stormwater Quantity/Flood Control," available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-01833>], Part IV "Stormwater Quality," available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-01834>], Part VI "Basin Criteria," available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03001>], 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>], 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 [<http://www.flrules.org/Gateway/reference.asp?No=Ref-02999>], Appendix C ("Methodology and Design Example for the Modified Rational Hydrograph Method") available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03009>], and 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 (10-1-13).

(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 of Chapter 62-4, F.A.C., (February 16, 2012), available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03003>], Chapter 62-302, F.A.C., (December 20,

2012), available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03004>], Chapter 62-520, F.A.C., (July 12, 2009), available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03005>], and Chapter 62-550, F.A.C., (February 16, 2012), available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03006>].

(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:

Director, Bureau of 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  
601 South Lake Destiny Road, Suite 200  
Maitland, Florida 32751-7262

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, 373.461 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.*

#### **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 16I-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 \_\_\_\_\_.*

#### **40C-4.111 Notice of Application Form.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History--New 1-31-77, Formerly 16I-4.11, Formerly 40C-4.11, 40C-4.011. Repealed 8-1-89.*

**40C-4.121 Notice and Hearing Requirements.**

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

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

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

**40C-4.201 Permit Processing Fee.**

*Rulemaking Authority 373.044, 373.109, 373.113, 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 \_\_\_\_\_.*

**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 \_\_\_\_\_.*

**40C-4.311 Variances.**

*Specific Authority: 373.044, 373.113, 373.414(9), 373.414(17) FS. Law Implemented: 373.414(9), 373.414(17), 403.201 F.S. 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 \_\_\_\_\_.*

**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 \_\_\_\_\_.*

**40C-4.341 Revocation of Permits.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.429 FS. History--New 2-20-77, Amended 12-26-77, Formerly 16I-4.34 and 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 3, 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 \_\_\_\_\_.*

**40C-4.410 Completion Report.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.419 FS. History--New 1-31-77, Formerly 16I-4.41, Transferred to 40C-4.411, 2-3-81, Formerly 40C-4.41, 40C-4.041.*

**40C-4.411 Completion Report.**

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

**40C-4.451 Emergency Authorization.**

*Specific 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 4-8-98.*

**40C-4.461 Inspection.**

*Specific 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.**

*Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.433, 373.426 FS. History--New 1-31-77, Formerly 16I-4.47 and 40C-4.47, Amended 2-3-81, 12-7-83, Formerly 40C-4.471, 40C-4.0471. Repealed 11-11-03.*

**40C-4.481 Remedial and Emergency Measures.**

*Specific 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.**

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

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

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

**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 3, 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 \_\_\_\_\_.*