

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

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

**STANDARD ENVIRONMENTAL RESOURCE  
PERMITS**

Revised  
May 27, 2012



**CHAPTER 40C-40**  
**STANDARD GENERAL ENVIRONMENTAL RESOURCE PERMITS**

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**40C-40.011 Policy and Purpose.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, 10-11-01, 12-27-10, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

**40C-40.021 Definitions.**

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.403 FS. History—New 12-7-83, Amended 2-27-94, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

**40C-40.031 Implementation.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 10-11-01, 11-11-03, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

**40C-40.042 Standard Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Surface Water Management Systems.**

(1) All persons constructing, operating, maintaining, altering, abandoning, or removing surface water management systems which are not exempt under Rule 40C-4.051, F.A.C., and which meet the conditions specified in Rule 40C-40.302, F.A.C., are authorized to undertake such activity subject to the requirements of this chapter.

(2) No construction, operation, maintenance, alteration, abandonment or removal of a surface water management system shall be commenced until the permittee receives a standard permit from the District.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60, 373.083, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 10-11-01.*

**40C-40.112 Standard Permit Application.**

(1) To apply for a standard permit, the applicant must submit form 40C-4.900(1) to the District. The applicant shall submit five copies of the application package (which package includes the signed application form, construction plans, and any supporting documents describing the proposed system). The requirement to submit five copies shall not apply when the application package is received electronically via the District's E-Permitting website at [www.sjrwmd.com](http://www.sjrwmd.com).

(2) A complete application for a standard permit shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341. Issuance of the permit shall constitute certification of compliance with water quality standards, unless the permit is issued pursuant to the net improvement provision in paragraph 373.414(1)(b), F.S., or the permit specifically states otherwise.

(3) If a standard permit application involves activities located in, on, or over wetlands or other surface waters, then, within three business days of receipt of the application, the District shall forward a copy to the appropriate office of the U.S. Army Corps of Engineers unless specifically authorized by the Corps to do otherwise.

(4) If the application involves activities located in, on, or over wetlands or other surface waters, the District shall forward a copy of the notice of application to and request comments from:

(a) The Florida Game and Fresh Water Fish Commission;

(b) The Florida Department of State, Division of Historical Resources;  
(c) Any person who has requested a copy of the specific application that is under review; and  
(d) The Department of Environmental Protection, if the proposed activities have a potential to impact marine species listed in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C.

(5) An activity which requires both a standard general environmental resource permit and a proprietary authorization under Chapter 253 or 258, F.S., shall be subject to the requirements and procedures in Rule 62-343.075, F.A.C.

(6) The District shall issue the standard general permit, or a notice that an individual permit is required, within 30 days from the receipt of a complete standard general permit application and all timely requested additional information.

*Rulemaking Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 403.0877, 373.117, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, 10-11-01, 2-1-05.*

#### **40C-40.302 Conditions for Issuance of Permits.**

To qualify for a standard permit under this chapter, the permittee must give reasonable assurances that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

(1) General Conditions. The surface water management system must meet the conditions for issuance specified in Rules 40C-4.301 and 40C-4.302, F.A.C.

(2) Threshold Conditions.

(a) The system must not be capable of impounding a volume of water more than 120 acre feet.

(b) The system must not serve a project of 100 acres or more total land area.

(c) Construction or alteration of a system, including dredging or filling, must not be proposed in, on or over a total of one acre or more of wetlands and other surface waters. However, calculation of the one acre area shall not include:

1. Ditches that were constructed in uplands;
2. Any isolated wetland with a surface area of less than 0.5 acres.

(3)(a) The Governing Board may designate specific geographic areas in which general permit thresholds are different from those specified in subsection (2) above.

(b) Such designation shall be adopted by rule pursuant to Chapters 120 and 373, F.S., and Chapter 28-103, F.A.C.

(4) Threshold conditions in subsection (2) shall not apply to the following:

(a) Phases within a project that has a valid conceptual approval permit provided:

1. The proposed activity is consistent with the conceptual approval permit;
2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required);
3. The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system; and
4. The amount of wetland impacts authorized by each standard permit issued under this subsection shall not exceed 10 acres.

(b) Phases within a project that has a valid individual permit for a master drainage plan provided the proposed activity does not significantly differ from the master drainage plan.

(5) An application to modify an individual, standard or conceptual environmental resource permit or a mitigation bank permit or a conceptual approval permit shall be processed as a standard permit so long as the scope of the modification by itself does not exceed the threshold conditions in subsection (2) above.

(6) Notwithstanding the threshold conditions of subsection (2), a standard permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities, and there are no existing unpermitted or unauthorized impacts to wetlands or other surface waters, within the project area of the individual environmental resource permit application, which require a District permit.

1. For the purposes of this requirement, an application is complete when the applicant has submitted all information required on application form 40C-4.900(1) and has submitted all information requested by District staff in timely requests for additional information.

2. This permit is not authorized for projects where the applicant has submitted a written request to begin processing the permit application in accordance with Section 373.4141, F.S.;

(b) The District staff has reviewed the individual environmental resource permit application and is recommending approval of

the individual permit. For the purpose of this section, District staff have recommended approval of the individual permit when the Director or Assistant Director of the Division of Regulatory Services or any Service Center Director have either signed the technical staff report recommending approval of the application or issued a letter to the applicant stating that the application is complete and the staff will be recommending approval of the application;

(c) The proposed incidental site activity must not be located within 50 feet of a wetland or other surface water and no excavation shall occur within 200 feet of a wetland;

(d) The proposed incidental site activity must not be located in a riparian habitat protection zone as described in Rule 40C-41.063, F.A.C.;

(e) The applicant has submitted an erosion and sediment control plan that provides reasonable assurance that the incidental site activities will not result in sediment deposition in wetlands or violations of state water quality standards; and

(f) The District must not have received any submitted substantial objections (as defined in subsection 6.2.4 of the Applicant's Handbook: Management and Storage of Surface Waters) to the associated individual environmental resource permit application, unless all such objections are withdrawn at the time this permit is requested.

(g) If the individual environmental resource permit is denied or administratively challenged, then the permit for the incidental site activity automatically expires and the permittee must stabilize the site by hydromulch or other equivalent erosion prevention measures within five days of expiration of such permit, or within 10 days of expiration of such permit if the permittee has begun incidental site activities on more than 20 acres of land within the project area authorized by the permit.

*Rulemaking Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History--New 12-7-83, Amended 9-25-91, 1-6-93, 2-27-94, 10-3-95, 1-11-99, 10-11-01, 2-1-05, 12-27-10.*

#### **40C-40.321 Duration of Permit.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.413, 373.416, 373.426 FS. History--New 12-7-83, Amended 2-27-94, 10-3-95, 10-11-01, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

#### **40C-40.351 Revocation of Permits.**

*Specific Authority 373.044, 373.113 FS. Law Implemented 120.60, 373.083, 373.429 FS. History--New 12-7-83, 10-11-01. Repealed 11-11-03.*

#### **40C-40.381 Limiting Conditions.**

*Rulemaking Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.117, 373.406, 373.413, 373.416, 373.418, 373.419, 373.423, 373.426 FS. History--New 12-7-83, Amended 2-27-94, 10-11-01, 11-11-03, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*

#### **40C-40.900 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 2-27-94, 10-3-95, 2-1-05, 12-3-06, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.*