

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

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

**STANDARD ENVIRONMENTAL RESOURCE
PERMITS**

**Revised
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CHAPTER 40C-40

STANDARD GENERAL ENVIRONMENTAL RESOURCE PERMITS

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40C-40.011 Policy and Purpose.

This chapter grants standard environmental resource permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. This chapter sets forth the requirements for qualifying for a standard permit and the conditions under which it may be exercised. Surface water management systems which are non-exempt, which do not qualify for a noticed general environmental resource permit pursuant to Chapter 40C-400, F.A.C., and which do not qualify for a standard permit under this chapter, are required to obtain individual permits under the provisions of Chapter 40C-4, F.A.C. The District may require an individual permit application for any surface water management system for which an application has been filed under this chapter which may not conform to the provisions of this chapter, or Chapter 373, F.S., or for which a substantial objection has been received.

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.

40C-40.021 Definitions.

As used in this chapter all terms shall mean the same as defined in Chapter 373, F.S., or in Rule 40C-4.021, F.A.C.

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.

40C-40.031 Implementation.

This rule specifies the effective dates for standard environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

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.

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.

(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 Department Director or Assistant Department Director of the Department of Water Resources has signed the technical staff report recommending approval of the application or the Department Director, Assistant Department Director or Service Center Director of the Department of Water Resources have 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.

Unless revoked or otherwise modified, the duration of the standard permit for construction, operation, maintenance, alteration, abandonment, or removal of a surface water management system is:

(1) For construction, alteration, or removal of a surface water management system, five years to complete the permitted activity, or such other amount of time as made a condition of the permit.

(2) Permanent, for operation, maintenance or abandonment of a surface water management system.

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.

40C-40.381 Limiting Conditions.

The permits authorized in this chapter shall be subject to the following limiting conditions:

(1) The limiting conditions of Rule 40C-4.381, F.A.C., shall apply.

(2) The permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in Rules 40C-4.301 and 40C-4.302, F.A.C.

(3) For permits authorizing incidental site activities, the following limiting conditions shall also apply.

(a) If the associated individual environmental permit application is not issued within 60 days of the issuance of this permit for incidental site activities, stabilization measures shall be instituted and maintained for erosion and sediment control on all disturbed areas of the site as soon as practicable but in no case more than 7 days after all activity authorized under this permit has ceased.

(b) The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as a commitment to issue the associated individual environmental resource permit.

(c) The permittee shall proceed in an expeditious fashion to obtain the individual environmental resource permit.

(d) Unless revoked or modified, the duration of a permit authorizing incidental site activities shall be 60 days.

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.

40C-40.900 Forms and Instructions.

The following form and instructions incorporated by reference have been approved by the Governing Board and are available upon request from the following District offices:

St. Johns River Water Management District
Division of Permit Data Services
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
975 Keller Road
Altamonte Springs, Florida 32714-1618

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

Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), adopted 12-3-06.

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.