

Response to DCAG Comments Received

On adopting rules more stringent than the State:

The State of Florida can be more stringent water quality standards than the Federal Government, not less. Likewise, local government in Florida can institute more stringent water quality standards than the State, not less. In other words, County/City governments, drainage districts, etc. may adopt rules to protect water quality or to meet regulatory requirements which are more stringent than general State regulations. The County is accountable to both the State and Federal government and must also meet National Pollutant Discharge Elimination System (NPDES) permit and Total Maximum Daily Load (TMDL) requirements. The Southwest Florida Water Management District (SWFWMD) rules were not designed to meet County-specific criteria or requirements. It is also important to note that, in addition to NPDES permit requirements, TMDLs, and other commitments such as the Tampa Bay Nitrogen Management Consortium, the County must also consider coastal flooding, resiliency and projected sea level rise, as well as the probability of more frequent, more severe storms. A hold the line strategy will not resolve the county's obligations to improve water quality and provide for effective flood control.

The State of Florida is currently reviewing the statewide stormwater rules with the overarching direction to increase the removal of nutrients from stormwater discharges. Current regulations rely on presumptive criteria which are flawed based on an evaluation commissioned by the state. Further, each Water Management District has their own criteria, which creates an issue of consistency which is also a focus of the state's review process.

"In 2020, the Florida Legislature passed Senate Bill 712, also known as the Clean Waterways Act, now Chapter 2020-150, Laws of Florida. This legislation passed with unanimous, bipartisan support and carries a wide range of water-quality protection provisions aimed at minimizing the impact of known sources of nutrient pollution and strengthening regulatory requirements. Stormwater-related pollution represents one of the largest potential contributors of nutrients throughout the state. The Clean Waterways Act directed the Florida Department of Environmental Protection and Florida's Water Management Districts to update stormwater design and operation regulations under Part IV, Chapter 373, Florida Statutes (F.S.), using the latest scientific information."

Regional Stormwater Management Facilities:

Pinellas County is investigating several regional stormwater management facilities; however, they are not at the scale of what would be possible in a less developed County like Hernando or Pasco. The Lealman area (Joe's Creek) and McKay Creek are two areas where this is being evaluated. Benefits provided by such a facility would be specific to the watershed and

likely would be implemented through a credit process. There is also a regional facility in Palm Harbor which provides stormwater treatment and attenuation for the downtown area. In short, this approach works best if planned ahead of, and concurrently with, development, rather than trying to fit it within existing development as part of a piece-meal redevelopment effort. Additionally, the lack of suitable vacant land and high land costs reduce the cost-benefit ratio and limit the feasibility of these types of projects in Pinellas County. Even with these challenges, there are efforts to make regional stormwater a reality and the County is pursuing regional systems wherever possible as part of our comprehensive approach to stormwater management.

Pinellas County Stormwater regulations compared to other municipalities across the State:

Pinellas County stormwater regulations are not the most stringent in the State. Each of the five Water Management Districts (WMDs) has their own set of stormwater rules, and the requirements for stormwater treatment volume vary from the first ½” up to the 1.25 times the percent impervious cover plus an additional ½” of runoff (SJRWMD). Alachua County takes a similar pollutant load-based approach to Pinellas County, and they require greater removal efficiencies.

With regards to exemptions, comparing Pinellas County to other, less developed, less densely populated areas is not appropriate. Pinellas County’s exemption was set at 3,000 square feet because of the level of urbanization and existing impervious cover. The average site plan in Pinellas County is much smaller than what is referenced in the Hillsborough County Stormwater Management Technical Manual, for example. The City of Tampa, which is also highly impervious, has a much lower threshold like Pinellas. SWFWMD had to establish a threshold for exemptions that would apply across their 16 county jurisdiction, including Citrus, Hernando, Pasco, Hillsborough, Manatee, Sarasota, Hardee, Desoto, parts of Hillsborough, and parts of Levy, Marion, Sumter, Lake, Polk, Highlands and Charlotte Counties. These Counties have a much larger proportion of undeveloped land and are less densely populated than Pinellas County. Additionally, none of the aforementioned Counties have the unique challenges faced by Pinellas County given its geography, peninsular geography, existing water quality impairments (TMDLs), vulnerability to sea level rise and severe storms, outstanding Florida Waters, and the Aquatic Preserves. All of this lends itself to the necessity of stormwater management criteria that are more tailored to the County’s requirements and challenges.

When comparing Pinellas County stormwater standards to other local government requirements for development/redevelopment, they are not out of sync with what other local agencies throughout the State are requiring – some are more stringent, and others simply follow the WMD rules. Below is a summary of some of the local government stormwater regulations pertaining to development/redevelopment:

Agency	Stormwater Management Requirements	Exemptions/Alternatives
City of Tampa	<ul style="list-style-type: none"> • 3,000-10,000 SF: Must retain ½” rainfall of the new construction area for WQ, no detention requirements • > 10,000 SF: Must retain ½” rainfall and provide detention for area of new construction only • New development must retain the first ½” of rainfall from the entire site, with option to retain the first 1” of rainfall. • Baffles or other devices to control floating material must be provided 	<ul style="list-style-type: none"> • Single family/duplex < 50% impervious • Commercial projects < 3,000 SF • Small subdivisions designated as affordable housing projects that are not located in a flood hazard area or volume sensitive basin or stormwater management “red line area”, do not involve new roadway, and contribute to existing flooding issues • Credit provided for existing impervious surface area based on like or less intense use
City of Clearwater	<ul style="list-style-type: none"> • Weighted runoff coefficients for redevelopment based on specific scenarios. Minimum of the first ½” of rainfall for WQ. • Discharges directly to tidal, saltwater basins require the first ½” of WQ treatment only. 	<ul style="list-style-type: none"> • No exemptions. Deviation from the standards require approval of the City Engineer.
Hillsborough County	<ul style="list-style-type: none"> • Minimum of ½” rainfall for new development • Tiered approach for redevelopment based on SF or % of site altered or % original pervious remaining 	<ul style="list-style-type: none"> • New single family or individual duplex dwellings must meet SWFWMD rules and lot grading/general site design requirements • Redevelopment sites < 1,000 SF
City of Largo	<ul style="list-style-type: none"> • First ½” of rainfall at a minimum • City engineer has option to require more stringent criteria • Requires aquatic plants, vegetative buffers, treatment for oils/sediment, etc. 	<ul style="list-style-type: none"> • Credit for LID • Credit for sites with existing drainage facilities (except businesses who require a NPDES permit or have potential to adversely impact the MS4), but treatment required is still a minimum of ½” of rainfall from contributing area.

<p>City of St. Petersburg</p>	<ul style="list-style-type: none"> • Quality: State regulations • Quantity: Runoff created by the development/redevelopment (post-development) shall be retained on site and released at a rate not to exceed the pre-developed rate. 	<ul style="list-style-type: none"> • 3,000 SF or 25% of the remaining pervious surface area of the site, cumulative for all redevelopment that has occurred since 4/7/1994 • Compensatory WQ treatment within the same city drainage basin but at the City-owned regional facility, with technical justification. • Residential development up to 4 single family dwelling units that are not part of a larger plan of development. • Reconstruction associated with remediation of contaminated soils and groundwater.
<p>City of Dunedin</p>	<ul style="list-style-type: none"> • First ½" of runoff (option for first 1" of rainfall) 	<ul style="list-style-type: none"> • Site less than ½ acre do not require full drainage and detention plan, but will require lot drainage plan
<p>City of Tarpon Springs</p>	<ul style="list-style-type: none"> • Quality: 1" of depth over the entire project area for wet detention and ½" for dry retention. • Quantity: Discharge rate for post-development no more than pre-development rate (in terms of peak flow and total volume) for the 25 year-24 hour storm event. 	<ul style="list-style-type: none"> • Single family and duplex residences • Any development which already has a master stormwater management plan in place • A residential development exempt from stormwater management permitting by SWFWMD • Maintenance activity that does not change/affect quality, rate, volume or location of stormwater flows on site or runoff from the site. • Publicly owned landfills operated under state permit • One-time construction of < 1,000 SF of gross floor area with written approval obtained from SWFWMD submitted to City Engineer.
<p>City of Oldsmar</p>	<ul style="list-style-type: none"> • First 1" of rainfall or difference between pre and post-development runoff volumes, whichever is greater. 	<ul style="list-style-type: none"> • City engineer may approve based on SWFWMD permit if deemed to meet the intent of the City code and does not create, contribute, or exacerbate an issue with an existing stormwater

		conveyance system considered to be at-capacity or deficient.
City of Safety Harbor	<ul style="list-style-type: none"> State/SWFWMMD rules for quantity and quality 	<ul style="list-style-type: none"> State/SWFWMMD rules for exemptions
City of Pinellas Park	<ul style="list-style-type: none"> State/SWFWMMD rules for quantity and quality 	<ul style="list-style-type: none"> Single-family homes and duplexes, except that impervious surfaces shall not exceed 60% of the lot/parcel area, and the grading shall convey the drainage from the rear of the parcel to the front or as approved by the City. Minor additions or improvements to an existing development (additions which do not increase existing gross floor area or vehicular use areas by more than 20%). If the total impervious area is not increased by the improvement Exemption from SWFWMD; unless the City determines that the applicable drainage basin is prone to flooding and/or is inadequate to accommodate the development.
Manatee County	<ul style="list-style-type: none"> State/SWFWMMD rules for quantity and quality, except that minimum underdrain size is 6" and additional WQ treatment required for certain situations Additional 50% WQ treatment is required for projects with > 4,000 SF impervious surface subject to vehicular traffic and/or > 9,000 SF total impervious Additional 50% treatment/volume required within Evers and Lake Manatee watersheds 	<ul style="list-style-type: none"> Projects with < 1,000 SF impervious area (floodplain requirements would still apply if in 25-yr or 100-yr floodplain) Projects with < 4,000 SF impervious subject to vehicular traffic and < 9,000 SF total impervious must meet WQ requirements but no attenuation required. Additional 50% WQ treatment required for these projects if located in watershed overlay protection district or if discharging to OFW.
Sarasota County	<ul style="list-style-type: none"> 1" of runoff; other treatment systems shall be designed to treat the runoff resulting from the first one inch of rainfall. 	<ul style="list-style-type: none"> As alternative to volume-based treatment, may demonstrate net improvement to WQ by demonstrating reduction of pollutants associated with impairment in impaired watersheds or reduction of

	<ul style="list-style-type: none"> Systems discharging directly into saltwater tidal systems, bays, or the gulf shall be designed to treat 1.5 times the volume required 	<ul style="list-style-type: none"> mean annual runoff in non-impaired watersheds. LID credits
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Conclusions

Pinellas County’s water quality regulations are comparable to other government agencies. Exemptions are more variable, but so are the densities of development and watershed characteristics throughout the region. Area-based exemptions range from no exemption to equivalent to Pinellas County at 3,000 square feet up to the WMD exemption, with additional treatment requirements (Manatee).

Pinellas County evaluated modification of the exemptions into a tiered approach similar to the City of Tampa; however, based on data from application submittals in recent years, it is very rare for a submittal to be between 3,000 and 9,000 square feet. The additional impervious is typically well under 3,000 or significantly over 9,000 square feet. Further, the City of Tampa does not allow exemptions within their stormwater “red line” area or within basins considered “volume sensitive,” or anywhere there are existing flooding issues. In Pinellas County, most of our basins could be described this way, in addition to having State/Federal requirements.

To assist designers with the requirements, the County recently created a series of “grab-and-go” CAD templates for green infrastructure alternatives that are available now for use and will be available for download from our website within the next couple of months. In addition, we are working to address feedback to make the Stormwater Manual more user-friendly. The manual has been revised so that the content is streamlined with more useful resources. Language in the Manual has been revised to reflect that there are other methods for evaluating the effectiveness of stormwater alternatives besides BMPTRAINS, including the new version of ICPR4. Other changes that acknowledge the challenge of developing in an urban environment include the proposal to increase the administrative adjustment threshold from 1-acre to 2-acres and staff level water quality treatment adjustments up to 10% where the justification exists. Staff are always available to assist with questions applicants may have as they design projects to meet the Stormwater requirements.

References:

- “Summary of State Stormwater Standards”, US EPA, Office of Water:
https://www.epa.gov/sites/production/files/2016-08/documents/swstdsummary_7-13-16_508.pdf
- FDEP Stormwater Rulemaking Technical Advisory Committee:

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/clean-waterways-act-stormwater>

- City of Tampa Stormwater Technical Standards Manual for Private Development:
<https://www.tampa.gov/document/stormwater-technical-standards-manual-private-development-25951>
- City of Clearwater Stormwater Design Criteria:
<https://www.myclearwater.com/home/showpublisheddocument?id=504>
- City of Largo:
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- City of Pinellas Park
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- Hillsborough County Stormwater Management Technical Manual:
<https://www.hillsboroughcounty.org/library/hillsborough/media-center/documents/public-works/ttm/ttm-2017/oct-2017-pwd-stormwater-mgmt.pdf>
- Sarasota County:
Development Code: <https://www.scgov.net/Home/ShowDocument?id=39383>

LID Manual: <https://www.scgov.net/home/showdocument?id=33258>
- Manatee County Stormwater Design Manual
https://www.mymanatee.org/UserFiles/Servers/Server_7588306/File/Departments/Public%20Works/Public%20Works%20Assessments/Documents%20and%20Forms/Stormwater%20Design%20Standards.pdf
- Alachua County Stormwater Treatment Code:
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