

1 ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
2 NOTICE OF PROPOSED RULE DEVELOPMENT

3 RULE NO.:	RULE TITLE:
4	
5 40C-40.011	Policy and Purpose
6	
7 40C-40.112	Standard Permit Applications
8	
9 40C-40.900	Forms and Instructions

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11 **PURPOSE AND EFFECT:** The purposes and effects of the proposed rule amendments are to:  
12 (1) conform 40C-40 to a proposed amendment in 40C-4 that requires ERP applicants under 40C-  
13 4 or 40C-40 to concurrently submit CUP applications where their proposed projects will contain  
14 irrigated landscape, golf course, or recreation areas that require a CUP; (2) conform 40C-40 to a  
15 proposed amendment in 40C-4 that requires that such concurrent ERP and CUP applications will  
16 be reviewed by the District in a consolidated manner, with the ERP application not being  
17 considered complete until the CUP application is also complete and if either application fails to  
18 meet the applicable conditions for issuance then both the ERP and CUP applications will be  
19 denied; (3) conform 40C-40 to a proposed amendment in 40C-4 that creates a new ERP criterion  
20 that a proposed system that will contain irrigated landscape, golf course, or recreational areas  
21 “not adversely impact the availability of water for reasonable-beneficial uses;” (4) conform 40C-  
22 40 to a proposed amendment in 40C-4 that creates water conservation requirements, which  
23 satisfy the new criterion to not adversely impact the availability of water for reasonable-  
24 beneficial uses, including: (i) require an irrigation plan that meets criteria to conserve water,  
25 including requirements that no more than 60% of the pervious portion of a lot can be irrigated  
26 with high-volume sprinklers, sprinkler spacing and precipitation rate limits, prohibiting irrigation  
27 of non-vegetated areas, limiting irrigation of landscaped road medians to certain highly efficient  
28 irrigation methods unless the water source is stormwater or reclaimed water, and requiring that  
29 all in-ground irrigation systems are separately metered; (ii) require use of lower quality water  
30 sources unless the applicant demonstrates that it is not economically, environmentally, or  
31 technologically feasible; and (iii) require that the use of Florida-Friendly landscaping not be  
32 prohibited; (5) conform 40C-40 to a proposed amendment in 40C-4 that creates requirements to  
33 ensure that the long-term operation and maintenance entity will enforce the water conservation  
34 plan requirements; (6) clarify that at preapplication conferences, the District will also be  
35 available to discuss consolidated review of other permits and authorizations; (7) conform 40C-40  
36 to a proposed amendment in 40C-4 that requires that when an ERP application requires a  
37 concurrent application to be submitted that the applicant must submit all required applications  
38 and all appropriate permit processing fees; (8) clarify the 40C-40 standard ERP process; (9)  
39 update the nomenclature in 40C-40 that 40C-40 permits are called “standard” ERPs; (10) revise  
40 the ERP application form to update the contents and include the concurrent application  
41 requirements; and (11) update statutory authority.

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43 **SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments would conform 40C-  
44 40 to amendments in 40C-4 that would: (1) create a new ERP permitting criteria; (2) require, for  
45 a system that will contain irrigated landscape, golf course, or recreational areas, a water  
46 conservation plan that includes three components: (i) irrigation plans; (ii) use of lower quality

47 water sources; and (iii) no prohibitions on Florida-Friendly landscaping; (3) require, for a system  
48 that will contain irrigated landscape, golf course, or recreational areas that will require a CUP,  
49 that the applicant concurrently apply for and obtain a CUP; (4) update statutory authority.

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51 RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.171, F.S.

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53 LAW IMPLEMENTED: 369.318, 373.1131, 373.413, 373.416, F.S.

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55 RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND  
56 PLACES SHOWN BELOW:

57  
58 TIME AND DATE:

59  
60 PLACE:

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62 TIME AND DATE:

63  
64 PLACE:

65  
66 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE  
67 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord,  
68 Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049  
69 Reid Street, Palatka, Florida 32177, (386) 326-3026, or [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com).

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71  
72 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73  
74 **40C-40.011 Policy and Purpose.**

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

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88 (2) through (3) No change.

89 *Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.413, 373.416,*  
90 *373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, 10-11-01, \_\_\_\_\_.*

91 **40C-40.112 Standard Permit Application.**

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93 (1) To apply for a standard permit, the applicant must submit form 40C-4.900(1) to the  
94 District. The applicant shall submit five copies of the application package (which package  
95 includes the signed application form, construction plans, and any supporting documents  
96 describing the proposed system). The requirement to submit five copies shall not apply when the  
97 application package is received electronically via the District's E-Permitting website at  
98 www.sjrwmd.com. For any application to construct a surface water management system under  
99 Chapter 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas,  
100 and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C.,  
101 the applicant must also concurrently submit an application for a consumptive use permit.  
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103 (2) through (6) No change.  
104 *Rulemaking Authority 369.318, 373.044, 373.113, 373.171, 373.406, 373.414, 373.418 FS. Law*  
105 *Implemented 369.318, 373.083, 403.0877, 373.1131, 373.117, 373.406, 373.413, 373.414,*  
106 *373.415, 373.416, 373.418, 373.426 FS. History–New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-*  
107 *96, 10-11-01, 2-1-05, \_\_\_\_\_.*  
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109 40C-40.900 Forms and Instructions  
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111 The following form and instructions incorporated by reference have been approved by the  
112 Governing Board and are available upon request from the following District offices:  
113

114 St. Johns River Water Management District  
115 Division of Permit Data Services  
116 4049 Reid Street  
117 Palatka, Florida 32177-2529  
118

119 St. Johns River Water Management District  
120 7775 Baymeadows Way, Suite 102  
121 Jacksonville, Florida 32256  
122

123 St. Johns River Water Management District  
124 975 Keller Road  
125 Altamonte Springs, Florida 32714-1618  
126

127 St. Johns River Water Management District  
128 525 Community College Pkwy., S.E.  
129 Palm Bay, Florida 32909  
130

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

133 *Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414,*  
134 *373.418 FS. Law Implemented 369.318, 373.085, 373.1131, 373.116, 373.117, 373.118, 373.185,*  
135 *373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461,*  
136 *403.0877 FS. History–New 5-30-90, Amended 2-27-94, 10-3-95, 2-1-05, 12-3-06,*  
137 \_\_\_\_\_.

