

Ten-Two Self-Certification

Section 403.814(12), F.S.

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St. Johns River
Water Management District

HB 503 created Section 403.814(12), F.S.

A general permit is granted for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres. When the stormwater management system is designed, operated, and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373, there is a rebuttable presumption that the discharge for such system will comply with state water quality standards. The construction of such a system may proceed without any further agency action by the department or water management district if, within 30 days after construction begins, an electronic self-certification is submitted to the department or water management district that certifies the proposed system was designed by a Florida registered professional to meet the following requirements:



HB 503 - 403.814(12), F.S.

- Total project area less than 10ac: and,
- Total impervious area less than 2ac; and,
- No activities will impact wetlands or other surface waters; and,
- No activities conducted in, on, or over wetlands or other surface waters; and,
- Stormsewer system pipes do not exceed a 24-inch diameter; and,
- Project is not part of a larger common plan, development, or sale; and,



HB 503 - 403.814(12), F.S.

- **The project does not cause:**
 - Adverse water quantity or flooding impacts to receiving waters and adjacent lands;
 - Adverse impacts to existing surface water storage and conveyance capabilities;
 - A violation of state water quality standards; or,
 - An adverse impact to the maintenance of surface or ground water levels or surface water levels established pursuant to s. 373.042 or a work of the district established pursuant to s. 373.086



Several terms used in s. 403.814(12), F.S., are not legislatively defined.

"Total Project Area" means that portion of the total land area where works occur as part of an activity requiring a permit under part IV of chapter 373, F.S. "Works," for purposes of this certification, means all artificial structures, including, but not limited to, ditches, canals, conveyance systems, swales, conduits, channels, culverts, pipes, clearing, earthmoving, deposition, filling, excavation, dredging, and erection of structures and other construction, whether in uplands, or that connects to, draws water from, drains water into, or is placed in, on or over wetlands and other surface waters.



"Impervious surfaces" are defined as surfaces that do not allow, or minimally allow, the penetration of water; such as building roofs, normal concrete and asphalt pavements, and some fine grained soils such as clays. It excludes areas that are wetlands or other surface waters.

"Wetlands or Other Surface Waters" means those Waters of the State as described and delineated pursuant to Rule 62-340, F.A.C., as ratified by Section 373.4211, F.S., including wetlands, as defined in Section 373.019, F.S.

"In, on or over wetlands or other surface waters" includes activities, such as directional drilling, that are considered "in" those surface waters, yet occur below the soil or substrate.



Ten-two does not allow any work within, or impacts to wetlands or other surface waters

- Any impacts to wetlands or other surface waters must be addressed by a separate permit – for example, it may be necessary to obtain a Noticed General Permit for the construction of a culverted driveway over a roadside ditch to access the upland site



Ten-two does not authorize projects that are part of “a larger common plan, development, or sale”.

- “Larger common plan, development or sale” refers to any activity that facilitates the advancement of a common type of land use (such as multiple residences, a residential subdivision, or phased site development) on the subject property, or that comprises a total land area divided into multiple lots, parcels, tracts, tiers, blocks, sites, or units, if such areas are under common ownership or control.



Ten-two does not relieve the permittee from compliance with stormwater design criteria.

- A registered professional must design the system to provide treatment and attenuation as required by the “applicable rules adopted pursuant to part IV, Chapter 373.” This may include the need to treat runoff water from areas lying outside the “project area”
- The “applicable rules” (i.e. design criteria for stormwater treatment and attenuation) may be found in the Environmental Resource Permit Applicant’s Handbook or Basis of Review for the local Water Management District



Ten-two does not provide the permittee with immunity from potential claims due to flooding, pollution, etc.

- It does, however, provide a “rebuttable presumption” that system designed and maintained in accordance with the applicable rules will not cause violations of state water quality standards, adverse water quantity impacts to receiving waters, or flooding of adjacent lands.



Process

FDEP Portal (preferred)

- 403.814(12), F.S., requires submittal of an “electronic self-certification” to the DEP (or delegated local government) or water management district
- Does not specify the form or manner of the self-certification, except that it must be submitted within 30 days of beginning construction
- DEP modified its existing Enterprise Self-Service Authorization (ESSA) system
 - Allows ALL users to submit certifications
 - Use of ESSA is not required, but ensures certifications are received, archived, and directed to appropriate agency staff



Process cont'd

- **Pending projects**
 - 42 permit currently under review
 - ❖ Complete the process, or
 - ❖ W/D, no fee refund, complete the Self-Certification
- **Pre-apps**



To start, go to DEP Internet Homepage (www.dep.state.fl.us)

The screenshot shows the DEP website homepage in a web browser. The browser's address bar displays <http://www.dep.state.fl.us/>. The website header features the Florida DEP logo and navigation links: DEP Home, About DEP, Programs, Contact, Site Map, and Search. Below the header is a banner image showing various Florida landscapes and wildlife. The main content area is titled "Florida Department of Environmental Protection" and includes a paragraph describing the agency's role and priorities. To the left, there is a "Resources for" sidebar with links for Citizens, Educators, Businesses, Government, Public Notices, and Contact Us. Below this is a "Subscribe to DEP News & Info" section with an email address input field and a "Submit" button. The main content area is divided into two columns: "News" and "Headline". The "News" column lists several recent articles with their dates. The "Headline" column features a prominent article titled "DEP Submits Revised Permit for Historic Everglades Water Quality Improvement Plan" with a detailed description of the permit and a link to the online newsroom. On the right side of the page, there is a vertical sidebar with several promotional boxes: "Learn More About..." with a link to the "ONLINE NEWSROOM", "DEP Business Portal", "Lease Payments", "Dock Permits", "GULF OIL SPILL FLORIDA RESPONSE & RESTORATION", "ERP Rulemaking", and a "twitter" social media link with the handle @FLDEPNews.

Florida Department of Environmental Protection

Index by Subject: Program Areas:

Florida Department of Environmental Protection

The Florida Department of Environmental Protection, the lead agency for environmental management and stewardship, is one of the more diverse agencies in state government - protecting our air, water and land. DEP is divided into three primary areas: Regulatory Programs, Land and Recreation, and Water Policy and Ecosystem Restoration. Florida's environmental priorities include achieving regulatory certainty, consistency and protection, getting the water quality and quantity right in Florida, and ensuring our residents and visitors have more opportunities to enjoy Florida's award-winning state parks.

News	Headline
<ul style="list-style-type: none">» DEP Celebrates National Marina Day at Bluewater Bay National Marina Complex - 06/09/12» DEP Recognizes June as Great Outdoors Month - 06/08/12» DEP Division of Law Enforcement Officer Selected as 2011 Assessor of the Year - 06/08/12» Statement from DEP Secretary Herschel T. Vinyard Jr. Regarding Outcome of Administrative Hearing for Numeric Nutrient Standards - 06/07/12» Everglades Water Quality Improvements - 06/07/12» DEP Joins American Rivers and National Park Service in Launching the Suwannee River Story - 06/04/12» DEP Launches Final Phase of Online Beach Access Guide - 06/01/12» Florida Celebrates National Trails Day - 06/01/12» DEP Encourages Safely Securing Hazardous Materials Before a Hurricane - 06/01/12	<h4>DEP Submits Revised Permit for Historic Everglades Water Quality Improvement Plan</h4> <p>As a part of the state of Florida's ongoing efforts to improve water quality in the Everglades, the Florida Department of Environmental Protection submitted to the U.S. Environmental Protection Agency a revised permit, along with an associated consent order, that authorizes the operation of 57,000 acres of Stormwater Treatment Areas south of Lake Okeechobee.</p> <p>This action represents a significant and historic step forward in achieving stringent water quality standards in the heart of the Everglades. The technical plan, first proposed last fall by Governor Rick Scott, is the result of extensive dialogue between EPA and the state of Florida, and will lead to significant water quality improvements in America's Everglades.</p> <p>Visit DEP's online newsroom for more information.</p>

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Water Management District

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Florida Department of Environmental Protection's Business Portal. If you don't find what you're looking for please come back as we're continually adding to the site.

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Applications for grants and rebates, leave feedback, ... see more.

Continue

A partially completed business transaction.



St. Johns River
Water Management District

ESSA will provide the user with contact information for local DEP, WMD and delegated local government offices.

The screenshot shows a web application interface. On the left is a vertical navigation menu with 12 items, each with a green checkmark icon: Introduction, Conditions, Advisory, Project Details, Project Location, Location Selection, User Selection, Manage Contacts, Document Upload, Activity Information, and Certification. The main content area has a header with 'Home' and three tabs: 'Authorization Process' (selected), 'Help', and 'About'. Below the tabs is a 'Thank You!' message box with the following text: 'You have completed the process for the Certification of Qualification to use a General Permit for a Stormwater Management System serving less than 10 acres total land area and less than 2 acres impervious under s. 403.814(12), F.S. An email will be sent to you confirming your self-certification. If you have any questions contact Northwest District at Karen.Shea@dep.state.fl.us, Kenneth.Dickey@dep.state.fl.us or Northwest Florida Water Management District at Michael.Bateman@nwfwmd.state.fl.us . Thank you for using the FDEP Business Portal.' A 'Done' button is located at the bottom right of the message box.

Discussion/Questions

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