

**Q1: PD&E Study commenced after June 28, 2024 (ERP AH Vol. 1 effective date) but is scheduled to be complete before June 28, 2026 (effective date +2 years), what water quality criteria is required?**

- In coordination with FDEP, the PD&E Study completion date will be interpreted as the controlling criteria if any start/end date conflicts arise.
  - If the PD&E Study is completed before June 28, 2026, the previous BMP treatment volume design and performance criteria listed in the appropriate **AH Vol. 2** may be used.
  - If the PD&E Study is completed after June 28, 2026, the new BMP efficiency rate design and performance criteria listed in **AH Vol. 1 Section 8.3** will apply.
- A PD&E Study is deemed complete once the initial study's environmental document is approved, and Location Design Concept Acceptance (LDCA) is issued. Thereafter, re-evaluations occur to document design changes and in advance of construction advertisement to ensure the integrity of the underlying document. The PD&E Study is "complete" prior to any re-evaluations.

**Q2: A project was previously permitted for the Ultimate Buildout but only constructed the Interim Condition, will the previously permitted system be grandfathered under the old rules?**

- If permit modification is submitted before Jun 28, 2029 – Yes, use rules in effect with the existing ERP
- If permit modification is submitted after June 28, 2029 – No, use ERP rules in effect at time of application

**Q3: What are the grandfathering provisions for FDOT projects?**

*Table 1 - ERP Grandfathering Guidance Summary*

Scenarios	Grandfathered?
<b>Projects with PD&amp;E Studies<sup>(1)</sup></b>	
PD&E Study completed by 6/28/2026	Yes <sup>(2)</sup>
PD&E Study completed after 6/28/2026	No
<b>Projects without PD&amp;E Studies</b>	
Design or construction phase began before 6/28/2024	Yes <sup>(2)</sup>
Design phase begins after 6/28/2024 & Permit application <b>deemed complete</b> by 12/28/2025	Yes <sup>(2)</sup>
Design phase begins after 6/28/2024 & not likely to be permitted by 12/28/2025	No
<b>Permit Modifications<sup>(3)</sup></b>	
Projects permitted with future capacity; modification <b>submitted</b> by 6/28/2029	Yes <sup>(3)</sup>
Modifications for design changes solely for purposes of public safety	Yes <sup>(3)</sup>
Modifications which increase impervious area by ≤10%	Yes <sup>(3)</sup>
Modifications which increase impervious area by >10% <sup>(4)</sup>	No

(1) Refer to Q1 for details.

(2) ERP scenarios only include water quality design and performance criteria grandfathering, all other criteria listed in rule at time of application will apply (e.g. O&M, new forms, dam criteria, etc.). Water quality criteria grandfathering includes the use of the previous BMP treatment volume design and performance criteria listed within the appropriate **AH Vol. 2** in lieu of the new BMP efficiency rate design and performance criteria listed within **Section 8.3** of the **AH Vol. 1**. [**Section 3.1.2(e)**, **AH Vol. 1**]

(3) Permit Modifications that include grandfathering provisions are subject to the rules in effect at the time of the initial permit being modified. [**Section 3.1.2(e)1-2 & Section 8.3**, **AH Vol. 1**]

(4) Refer to Project with and without PD&E Studies scenarios for appropriate guidance.

For additional questions, contact your District Drainage Engineer and/or District Environmental Permits Coordinator for guidance. If needed, the District will reach out to Central Office to expand this FAQ Document.

**Q4: Will Conceptual Permit approval grandfather water quality design and performance criteria?**

- If the conceptual permit was issued before 6/28/2024: Yes, all subsequent general or individual permit applications shall be consistent with the designs and conditions of the issued Conceptual Permit, as described in **AH Volume 1 Section 3.1.2(e)3**.
- If the conceptual permit is issued after 6/28/2024: No, all subsequent general or individual permits will follow current ERP criteria. This includes the water quality design and performance criteria grandfathering timeframe listed in **AH Volume 1 Section 3.1.2(e)4** and **Section 8.3**:
  - If the subsequent general or individual permit application is deemed complete before 12/28/2025, then BMP treatment volume design and performance criteria within the conceptual permit (**WMD AH Vol. 2**) may be used.
  - If the subsequent general or individual permit application is deemed complete after 12/28/2025, it will require the Conceptual Permit to be modified to conform to the new BMP efficiency rate design and performance criteria for any subsequent applications thereafter.

**Q5: Project is located within or adjacent to a HUC 12 that has an identified impaired waterbody listed as impaired for parameter(s) other than nutrients (AH Vol. 1, Section 8.2.3). How do I demonstrate net improvement?**

- If the proposed improvements will not be a contributing source to the impairment, include a narrative demonstration for reasonable assurance that the proposed project will not contribute to the impairment.
  - Example of when to use a narrative demonstration:  
Bacteria impairment for most FDOT projects – the proposed project does not include elements which would create an additional source of bacteria (i.e. no wastewater or septic tanks on site, does not increase pet waste potential, etc.).
- Standardized non-nutrient narratives are in development. Please, reach out to Central Office for assistance.

**Q6: Do I need to perform nutrient loading analysis for WBIDs on the Study List?**

- No - Pursuant to **Rule 62- 303.150, F.A.C.**, the inclusion of a waterbody on the planning or study lists shall not be used as evidence of a waterbody failing to meet applicable water quality standards.
- Note, **Rule 62-303.390(2)(d), F.A.C.**, alternative ongoing restoration activities (assessment category 4e) are maintained on the Study List and cannot be used as evidence of a waterbody being classified as impaired.

**Q7: How do I develop an O&M Plan and Cost Estimate for an FDOT project?**

- In lieu of project-specific O&M Plans, FDOT has implemented a statewide Comprehensive O&M Program. The **FDOT Drainage Manual** includes the FDOT O&M Plan and Cost Estimate Forms to be used for ERP applications at [Drainage Manual Forms \(fdot.gov\)](https://www.fdot.gov/DrainageManualForms)
- Complete FDOT O&M Plan and Cost Estimate Forms as well as FDEP's **Form 62-330.301(26)** for submittal with the permit application.
- Regardless of whether the project is located within or outside of an MS4 regulated area, submit the FDOT O&M Plan form with the ERP application.

*For additional questions, contact your District Drainage Engineer and/or District Environmental Permits Coordinator for guidance. If needed, the District will reach out to Central Office to expand this FAQ Document.*

**Q8: Can BMP Trains 2020 software be used to provide nutrient load reduction calculations to provide reasonable assurance required for the new water quality criteria? If so, where can I find the software?**

- Yes, BMP Trains 2020 version 4.3.5 uses the adopted annual runoff coefficients and annual capture efficiency tables adopted in **AH Vol. 1 Appendices N and O**, respectively, for each of the Meteorological Zones.
- Please be advised the following items in **BMP Trains 2020** do not match the current Rule:
  - Annual Rainfall Map is outdated– refer to **AH Vol. 1 Appendix M** annual rainfall isopleth map, which adopted the 1991-2020 NOAA NCEI Climate Normals [**AH Vol. 1 Section 9.4**].
    - NOAA NCEI Interactive Annual Rainfall Map: <https://ncei-normals-mapper.rcc-acis.org/>
  - Prepopulated drop-down EMC values – refer to **AH Vol. 1 Section 9.2.2**. It is recommended to use “User Defined Values” to match EMCs listed in Rule, as appropriate.
  - “BMPs in Series” Treatment Option does not consistently apply *Equation 9-5 Overall Treatment Train Efficiency for Systems in Series* adopted **AH Vol. 1 Section 9.5**. It is recommended to calculate individual BMP treatment efficiencies in the software and calculate the Overall Treatment Train Efficiency externally from the software.
  - “Wet Detention” Treatment Option does not include the treatment efficiency restriction of a 200-day annual residence time as required by Rule [**AH Vol. 1 Appendix O**].
- BMP Trains 2020 version 4.3.5 can be downloaded on FDOT's Drainage Criteria and Guidance website. <https://www.fdot.gov/roadway/drainage/drainage-design-aids>

**Q9: My project received an ERP RAI to provide additional information for Temporary Erosion and Sediment Control (E&SC). Do I need to submit more than FDM Form 251-A?**

*Note: Requests may include adding plan notes, temporary erosion control BMPs shown within the signed and sealed Permitted Contract Plans, or submitting the Stormwater Runoff Control Concept (SRCC).*

- No, **Form 251-A** was designed to meet all of ERP criteria listed within **AH Volume 1 Part IV**, and has been accepted by FDEP.
  - If your project is less than 1-ac of disturbed land, **FDOT Standard Specifications Section 104** requires the contractor to develop a site-specific SWPPP and E&SC Plan meeting the requirements and special conditions of all permits authorizing project construction.
  - If your project is greater than 1-ac of disturbed land, the contractor is also required to obtain the NPDES CGP. Pursuant to **AH Volume 1 Section 1.3.2**, “in all cases, the procedures, standards and criteria of the applicable NPDES program, as adopted under state and federal law, shall control.”
  - Note: Providing a E&SC plan during the permitting process voids both individual and general ERP permit conditions [**Rules 62-330.350(1)(c) & 62-330.405(11), F.A.C.**] to provide performance-based erosion and sediment control during construction. Please contact Central Office Drainage Design immediately if asked to provide plans.
  - The SRCC and **Form 251-B** are prepared for the contractor to support their development of their site-specific SWPPP and E&SC Plan/Site Map, per NPDES CGP and **Specification 104**. Refer to **FDM 251** for details.
- Reference Training: October 2025 FDOT Symposium Session for SWPPP [Stormwater Runoff Control Concept - \(10/2025\)](#)