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?
Projects with PD&E Studies(1)	
PD&E Study completed by 6/28/2026	Yes(2)
PD&E Study completed after 6/28/2026	No
Projects without PD&E Studies	
Design or construction phase began before 6/28/2024	Yes(2)
Design phase begins after 6/28/2024 & Permit application **deemed complete** by 12/28/2025	Yes(2)
Design phase begins after 6/28/2024 & not likely to be permitted by 12/28/2025	No
Permit Modifications(3)	
Projects permitted with future capacity; modification **submitted** by 6/28/2029	Yes(3)
Modifications for design changes solely for purposes of public safety	Yes(3)
Modifications which increase impervious area by ≤10%	Yes(3)
Modifications which increase impervious area by >10%(4)	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: If the project does not cause or contribute to the identified impairment(s) downstream and within the project's HUC12, which water quality performance standards are required?

- Narrative demonstrations may be used to provide reasonable assurance that the project will not cause or contribute to the verified impaired water quality parameter(s) [FDEP Stormwater Resource Center FAQ].
  - Example of when to use a narrative demonstration:
    Bacteria Impairment Example – "*The roadway facilities and appurtenances do not include elements which would cause or contribute bacteria (e.g. not proposing wastewater or septic tanks on site)".*
- When reasonable assurance is provided that the project will not cause or contribute to the identified impairment(s), then the minimum stormwater treatment performance standards for all sites (AH Vol. 1 Section 8.3.2) or OFWs (AH Vol. 1 Section 8.3.3) will apply **[Rule 62-330.301(3), FAC]**.
- Note: Standardized water quality narratives are in development. Please, reach out to Central Office Drainage Design for assistance.

Q6: Project is located within or adjacent to a HUC12 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 proposed work will not cause or contribute to the impairment:
  - Include a narrative demonstration for reasonable assurance that the proposed project will not contribute to the impairment. Refer to **Q5** for details.
- If proposed work has the potential to cause or contribute to the impairment:
  - TN and TP are used as surrogates to calculate discharge pollutant loads **[Rule 62-330.301(4), FAC]**. The project meets net improvement once the post-development condition TN and TP discharge from site after treatment is less than or equal to the pre-development condition's TN and TP loading, and the project meets minimum performance standards for impaired waters (AH Vol. 1 Section 8.3.4).

Q7: 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.

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: 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)
- 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.

Q9: 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

Q10: 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***.
- 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." Additionally, **AH Volume 1 Section 11.3** states the "requirement to develop and submit a SWPPP under a NPDES permit is not a requirement for a permit under Chapter 62-330, FAC."
  - 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. This includes the performance-based E&SC requirements of the General or Individual ERP Standard Permit Condition [***Rules 62-330.350(1)(c) & 62-330.405(11), F.A.C.***].
  - If your project is greater than 1-ac of disturbed land, the contractor is also required to obtain the NPDES CGP, which controls over the ERP program.
- **Note: Do not provide a temporary E&SC plan to obtain a permit under Ch. 62-330, F.A.C.** Providing a temporary E&SC plan (e.g. the SRCC) during the permitting process may void the

contractor's flexibility to use the *State of Florida E&SC Designer and Reviewer Manual* (FDEP & FDOT, 2013) as well as *Florida Stormwater E&SC Inspector's Manual Tier I and Tier II* (FDEP DEAR 2018) to provide performance-based erosion and sediment control in line with their means and methods during construction.

- 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 ***Rule 62-621.300(4), FAC*** and ***Specification 104***. Refer to ***FDM 251*** for details.
- Sample RAI:
  - **Sample RAI Comment:** *"Please revise construction plans to include the location and details of all applicable erosion, sediment and turbidity control measures to be implemented during each phase of construction and any permanent control measures to be implemented in post-development conditions (if applicable). [Section E, Part 3(b), ERP Application]"*
  - **Sample RAI Response: "***Location and details of all temporary erosion, sediment, and turbidity control measures to be implemented during each phase of construction is required by the NPDES SWPPP (Rule 62-621.300(4) Part 4.7). Additionally, per Applicants Handbook Vol 1:*
    - *Section 1.3.2: the requirements of the applicable NPDES permit controls over the ERP,*
    - *Section 11.3: states the applicant of the CGP must adhere to the regulations and requirements of the CGP, and*
    - *Section 11.3: the requirement to develop and submit a SWPPP under the NPDES permit is not a requirement to obtain a permit under Chapter 62-330, F.A.C.*

    Permanent measures (such as sod, stormwater management facilities, etc.) are located on the construction contract plans."

- Please contact Central Office Drainage Design if asked to provide E&SC plans.
- Reference Training: October 2025 FDOT Symposium Session for SWPPP
  Stormwater Runoff Control Concept - (10/2025)

Q11: Do I have to use the WMD's large-scale Watershed Floodplain Models to determine floodplain compensation or attenuation rate/volume to obtain an ERP?

- No, pursuant to **Title 23 CFR §650.111**, state DOTs are to use FEMA national flood insurance program (NFIP) maps, or information developed by the highway agency if a NFIP map is not available, for the determination of encroachments into floodplains.
- Florida Department of Emergency Management's State Floodplain Manager concurred with the use of FEMA maps for the most accurate and up-to-date flood maps throughout the state and confirmed that the state does not have separate FL-regulated floodplain maps.
- Use of FEMA maps or project-specific hydrologic and hydraulic information is consistent with the direction to Florida's Water Management Districts under **Rule 62-40.458(1)(c), F.A.C.**, where state regulatory programs are to ensure projects do not result in significant adverse impacts to ***regulated*** floodplains. Additionally, this is consistent with all five WMD's AH Volume 2 Handbooks where flood level determination may use FEMA flood insurance rate maps and/or project-specific hydrologic and hydraulic modeling.
- Please contact your District Drainage Engineer and Central Office Drainage Design if requested to use non-regulatory floodplain maps and/or models for an FDOT project.