

Q1: PD&E project 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 criteria is required?

- In coordination with FDEP, the PD&E completion date will be interpreted as the controlling criteria. If the PD&E is complete after June 28, 2026 the new Stormwater rule 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 would already be "complete" prior to any re-evaluations.

Q2: Project was previously permitted for the Ultimate Buildout but only constructed the Interim Condition. Will the new water quality criteria apply to the already permitted system?

- If applying before Jun 28, 2029 – No, use rules in effect with the existing ERP
- If applying after June 28, 2029 – Yes, use ERP rules in effect at time of application
- Always, submit a Permit Modification for the ultimate condition regardless of which ERP AH water quality criteria apply. A Permit Modification will maintain the wetland mitigation credits that were already purchased for the Ultimate Buildout.

Q3: Project is located within or adjacent to HUC12 that has an identified impaired waterbody listed as impaired for parameter(s) other than nutrients (ERP AH Vol. 1, Section 8.2.3). How do I demonstrate net improvement?

- If the proposed improvements will not be a contributing source load to the impairment, include a narrative demonstration for reasonable assurance that the proposed project will not contribute to the impairment.

Q4: Do I need to perform pollutant loading analysis for WBIDs on the Study List?

- No - Pursuant to Rule 62- 303.150, F.A.C., the inclusion of a water 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 (4e) are maintained on the Study List.

Q5: How do I develop an O&M Plan and Cost Estimate for an FDOT project?

- FDOT implemented a statewide Comprehensive O&M Program. FDOT Drainage Manual includes the FDOT O&M Plan and Cost Estimate Forms for ERP applications at [Drainage Manual Forms \(fdot.gov\)](#)
- Complete Drainage Manual's O&M Cost Estimate Form and FDEP's Form 62-330.301(26).
- 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 District Environmental Permits Coordinator for guidance. If needed, the District will reach out to Central Office for assistance and we will expand this FAQ Document.