



September 28, 2020

Florida Department of Environmental Protection
Attn: John Coates
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Submitted Electronically to: Stormwater2020@floridadep.gov

RE: Stakeholder Input on Stormwater 2020 Process

Mr. Coates,

The Stormwater Equipment Manufacturers Association (SWEMA) represents stormwater technology manufacturers as well as affiliated associate and professional members. Our members strongly support stormwater management strategies and regulations that incorporate advances in stormwater science, encourage innovation, and successfully protect and restore receiving waters at an affordable cost. We appreciate this opportunity to share our collective knowledge and experience with you. Protecting Florida's water quality is a common goal for all of us.

The United States Environmental Protection Agency (EPA) supports the use of various post-construction best management practices (BMPs), including manufactured treatment devices (MTDs), for National Pollution Discharge Elimination System (NPDES) permit compliance purposes. To ensure post-construction BMPs meet performance expectations, these solutions should be thoroughly evaluated prior to inclusion in the BMP toolbox. The Florida Department of Environmental Protection (FDEP) does not currently specify a process for the evaluation of stormwater MTDs, leaving water management districts and localities without a reliable source of information to use for decision making. This has resulted in patchwork implementation across the state to date.

Our Association believes that all BMPs, regardless of whether they are traditional land-based practices, green infrastructure (GI), or proprietary MTDs and media, should be evaluated via a robust, clearly defined standard, in order to ensure a level playing field, comparability across the BMP categories, and ultimately provide reasonable assurance water quality standards can be both maintained and achieved. A sound stormwater BMP evaluation program should also include an understandable and consistent process for the evaluation of new BMPs and encourage acceptance of those that meet or exceed applicable performance standards so as to drive new innovations within stormwater management.

There are existing programs that Florida can leverage to minimize the effort required to implement these changes. We respectfully offer the following recommendations for your consideration:

- 1) Grant reciprocity with the New Jersey Department of Environmental Protection's (NJDEP) laboratory monitoring protocol and/or the Washington State Department of Ecology's Technology Assessment Protocol-Ecology (TAPE) field monitoring protocol for the purposes of establishing a baseline for MTD pollutant removal performance evaluation. These robust protocols are best practices that are widely accepted across the nation as a regulatory standard and they have been completed by multiple manufacturers and technologies. The NJDEP and TAPE protocols also form the foundation for the national performance verification program, known as the Stormwater Testing and Evaluation for Products and Practices (STEPP), currently underway. STEPP is ultimately intended to help standardize performance testing methods across the country and reduce uncertainty surrounding the use of all stormwater BMPs.



September 28, 2020

- 2) Encourage and establish the NJDEP and TAPE program protocols and associated analytical techniques as the baseline standard for all future stormwater BMP monitoring studies in Florida. Under current conditions, there is a lack of standardization in BMP efficiency studies. This has created confusion and misinterpretation among regulators and the regulated community, resulting in a lack of confidence in these stormwater BMP studies. Establishing a baseline standard would simplify data interpretation and allow the regulated community to more easily compare the performance of different stormwater BMPs without limiting much-needed innovation. This recommendation will do for the stormwater sector what FDEP's participation in the National Environmental Laboratory Accreditation Program (NELAP) did for other regulated water sectors – provide programmatic standardization and confidence in the resulting data.
- 3) Avoid permanently grandfathering approval of MTDs and proprietary based BMPs (i.e., those that use proprietary based filtering media) in use today. Instead, include a sunset provision so that all MTDs transition to new standards at the same time. This will reduce inequities in the types of data reviewed, create approval process efficiencies, and eliminate a multi-tiered approval program.

Please do not hesitate to contact us at your earliest convenience as we would be happy to provide more detail or answer any questions you may have on these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "JD", with a long horizontal flourish extending to the right.

Jacob Dorman, AICP
SWEMA Government Affairs Committee
jdorman@conteches.com
757-374-4321

A handwritten signature in blue ink, appearing to read "Jay Holtz", with a long horizontal flourish extending to the right.

Jay Holtz, PE
SWEMA Government Affairs Committee, Chair
jay.holtz@oldcastle.com
971-271-0796