



"A City for All Ages"

**JESUS MEREJO**  
**CITY MANAGER**

# ***CITY OF PORT ST. LUCIE***

*Office of the City Manager*

April 11, 2023

Mr. John Coates  
Florida Department of Environmental Protection (FDEP)  
2600 Blair Stone Road  
Tallahassee, FL 32399  
Via Email [Stormwater2020@FloridaDEP.gov](mailto:Stormwater2020@FloridaDEP.gov)

RE: Statewide Stormwater Rule – Notice of Change March 24, 2023

Dear John Coates:

The City of Port St. Lucie is the 7<sup>th</sup> largest city in Florida with over 224,905 residents, and the 3<sup>rd</sup> largest city via land mass which occupies an area of 121 square miles in St. Lucie County within the impaired St. Lucie River and Estuary watershed. The City is a growing community and has been labeled one of the top ten fastest growing cities in the United States of America.

In March 2009, the Florida Department of Environmental Protection (FDEP) adopted Total Maximum Daily Loads (TMDLs) for total nitrogen (TN) and total phosphorus (TP) for the St. Lucie River and Estuary and set targets for restoration. The stakeholders within this watershed developed the "St. Lucie River and Estuary Basin Management Action Plan" in February 2020, which was adopted by the Legislature under Final Order OGC Case No, 20-0042.

The City has been actively constructing projects to help meet its obligation in reducing pollutants that travel into the St. Lucie River. To date, the City has spent \$37 million dollars and has received \$6 million dollars in grant funding toward restoration efforts.

The City currently has approximately 14 major developments with Conceptual Environmental Resource Permits (ERPs), which total approximately 27,000 acres. This equates to approximately 35% of the City limits. Most of the remaining area of the City is platted and developed. In relation to the watersheds within the TMDL/BMAP, these ERPs represent 10% of the City's watershed contributing to the St. Lucie River and Estuary. Please note that these numbers do not include the conceptual ERPs that St. Lucie County or Martin County currently have approved.

The notice of change that was published on March 24, 2023, exempts Conceptual ERPs from following the new net improvement standards. Instead, these permits will follow the pre- versus post- standard which is contrary to any improvements that can be made on this impaired

waterbody, and the rule set out in 62-330.056 in the Florida Administrative Code (FAC) pertaining to phased projects.

Most of these developments have Conceptual ERPs that were approved in the last 10 years. There is still land available to modify their Conceptual ERPs as required per 62-330.056 to meet the TMDL/BMAP. By exempting these developments, the requirement to meet the reduction goals will fall onto the City where land is limited and meeting the TMDL may become unattainable. The City will need to expend funds on projects to make up the gap. If the conceptual ERPs were modified per 62-330.056 then, undeveloped land that has not been developed yet would be available to accommodate the reduction requirements and the burden would not lie on the City. Once developments are built out, it is too late.

These major development areas were impaired during the pre-development stage and remain impaired in the post development stage when meeting the current rule of net improvement. The proposed net improvement standard which requires the reductions to meet the TMDL/BMAP will help our impaired waters and aid in meeting the reductions needed in the watershed.

The City does not support the exemption for conceptual ERPs, but supports the FDEP on the remainder of the new proposed rules. The City requests that FDEP remove unexpired conceptual ERPs from the exemption list as well as subsequent permits to construct and operate the future phases of an unexpired conceptual approval permit.

Should you have any questions or need any additional information, please let us know.

Sincerely,

Jesus Merejo  
City Manager