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July 13, 2021

Florida Department of Environmental Protection  
Attn: Clean Waterways Technical Advisory Committee  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
*Submitted Electronically via **Stormwater2020@FloridaDEP.gov***

**RE: Critical Elements Necessary for Effective BMP Library Implementation**

FLDEP and Clean Waterways TAC Members,

The Stormwater Equipment Manufacturers Association (SWEMA), an industry association with diverse membership consisting of innovative stormwater solution providers, laboratories, and other professional organizations, has been closely following the TAC progress as they develop recommendations for the review and approval of proprietary and non-proprietary stormwater best management practices (BMPs) for use in Florida. We appreciate the effort of FL DEP and the TAC to open a dialogue concerning the establishment of an equitable performance evaluation process and/or BMP library. This is a critical moment for improving water quality within the State of Florida.

Based on our experience working with other jurisdictions as they developed and/or updated their BMP approval processes, we would like to offer several recommendations for your consideration. We request an opportunity to address the TAC on this important issue. We want to assist you in creating a process that is defensible, scientifically-sound, and easily implemented.

Please consider the following recommendations from SWEMA:

1. Adopt a verification and certification program such as those in New Jersey or Washington State:  
Both the NJ and WA programs consist of three elements:
  - a. Testing to a publicly available, single protocol
  - b. Verification of the test results by a competent technical reviewer
  - c. Certification for use by FLDEP

There is a significant amount of documentation available for the NJ and WA programs that could guide and simplify the implementation of a program in FL. The New Jersey documentation is available on the web at ([https://www.nj.gov/dep/stormwater/mtd\\_guidance.htm](https://www.nj.gov/dep/stormwater/mtd_guidance.htm)) and the Washington documentation is at (<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater->



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[permittee-guidance-resources/Emerging-stormwater-treatment-technologies#update](#)) SWEMA would be happy to work with the TAC on understanding these documents.

2. Include both proprietary and non-proprietary systems equally: Many non-proprietary systems are designed based on generic design assumptions and are not tested using rigorous protocols for quality assurance, as required by WADOE or NJDEP. Requiring performance data creates a level playing field for entrance into the program, allows for comparability across BMP sectors, and provides consistency in the type of data that will be provided for review. The International BMP Database contains data on non-proprietary systems that could be useful, but it is not curated so some care is required when assessing the numbers.
3. Create a single pathway for full approval of proprietary systems, or manufactured treatment devices (MTDs): The TAC has expressed, as recently as the meeting on 6/30/21, a preference for field monitoring for the approval of any stormwater BMPs. The WA TAPE program has a tiered process that allows devices with lab data to be installed and then monitored, which is essentially what FLDEP is considering. The TAPE program also evaluates a range of pollutants, including total suspended solids (TSS) and nutrients, such as total phosphorus (TP) and total nitrogen (TN) that are of interest to FLDEP. We propose that FLDEP grant reciprocity with TAPE. SWEMA has historically supported the use of both laboratory and field-testing protocols and we would like to see FLDEP keep the door open for future approval of lab results. The lab vs. field debate cannot be settled in time for the upcoming rule but it is worth continuing the conversation.
4. Consider participating in a national program: The Stormwater Testing and Evaluation for Products and Practices (STEPP) initiative currently underway aims to be a national verification program. The National Municipal Stormwater Alliance (NMSA) is leading the effort to standardize BMP testing across the country. The program intends to utilize NJDEP and TAPE as a foundation for the program and is working with ASTM to provide specific testing protocols. STEPP is not quite ready to roll out but FLDEP could start participating now. More information on STEPP can be found here: <http://nationalstormwateralliance.org/stepp/>.

Several SEWMA members are active in STEPP and ASTM and we would be happy to work with the TAC on how to best minimize duplication and maximize benefit from work that has already been done.

Any performance evaluation program should consider both proprietary and non-proprietary systems equally. This creates a level playing field for entrance into the program, allows for comparability across BMP sectors, and provides consistency in the type of data that will be provided for review.

We appreciate the opportunity to provide comments on this important issue at this time. We strongly urge you to continue this dialogue and allow us to help facilitate the development of a robust BMP



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evaluation program and look forward to working with you all to further improve water quality within Florida. Please contact our Executive Director- Laurie Honnigford- at [laurie@stormwaterassociation.com](mailto:laurie@stormwaterassociation.com) or (720) 353-4977 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "JD", is written over a light blue horizontal line.

Jacob Dorman, SWEMA Gov't Affairs Committee

A handwritten signature in blue ink, reading "Greg Williams", is written over a light blue horizontal line.

Greg Williams PhD PEng, SWEMA President