

Draft Responses to Mrs. Chrzanowski / Mrs. Jacobs @ the email address: jenniferinwpb@bellsouth.net

Jennifer Chrzanowski jenniferinwpb@bellsouth.net

Questions from Saturday, 3/12, 2:18 PM.

1. Lake Clarke is interconnected to other bodies of water, some of which are managed by the SFWMD and LWDD. Is Lake Clarke's impairment the sole responsibility of the Town of Lake Clarke Shores?

DEP Response: No, the Lake Clarke impairment is not the sole responsibility of the Town of Lake Clarke Shores. Lake Clark is a Class III fresh waterbody with a designated use to protect aquatic life use support and recreation, which is often phrased as the "fishable/swimmable" for water quality standards. As a Class III waterbody, it is a publicly accessible waterway and is connected to other waters of the State of Florida, including numerous upstream canals. All entities that discharge water to or otherwise manage the water flow within the Lake Clarke watershed, including the upstream canals, are potentially responsible for helping to address the impairment. This includes Palm Beach County and other "co-permittees" to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit for Palm Beach County.

2. What would happen if the Town of Lake Clarke did nothing? What actions would the DEP typically take? And what is a typical timeline of those actions?

DEP Response: Lake Clarke is proposed for addition to Florida's Verified List of Impaired Waters for chlorophyll *a*, total nitrogen, and biology. If the Town of Lake Clarke had not contacted the DEP regarding the ongoing septic to sewer project, the waterbody would be placed on the Verified List and a total maximum daily load (TMDL) would subsequently be developed for the lake. In this scenario, it is likely that Lake Clarke would be placed on DEP's 2-year TMDL Work Plan for TMDL development and adoption by 2024. Responsible entities, including the Town of Lake Clarke, would then be expected to identify projects or activities necessary to achieve the TMDL required reductions. Our expectation is that the Town would identify the same septic to sewer project proposed in the Alternative Restoration Plan to attain the TMDL requirements. The benefit of the Alternative Restoration Plan over the TMDL route is that the Alternative Restoration Plan can begin the pathway towards restoration soon, thus leading to "cleaner water, faster" and before conditions in Lake Clarke worsen and require costlier remedies.

3. Can you explain to me the process and timeline of a TMDL? Who is responsible for the cost? How much does a TMDL typically cost? Are there grants or funding available for it?

DEP Response: DEP is responsible for developing TMDLs for waters on the Verified List as required in the [Florida Watershed Restoration Act, 403.067 Florida Statutes](#). TMDL development is a component of our regular duties; therefore, there is typically no cost. I say "typically" because DEP may contract with consultants to assist in the development of complex TMDLs, such as for a large estuary. For lakes this is not usually necessary, and DEP can develop TMDLs with our existing staff and budget resources.

There are no grants for TMDL development because DEP is tasked with taking the lead. However, there are grants for implementing projects to help meet a TMDL once one is developed. We should clarify what a TMDL is intended to do. A TMDL is described as a scientific determination of the maximum amount of a given pollutant, such as nutrients, that a surface water can absorb and still meet the water

quality standards that protect human health and aquatic life. TMDLs are developed for impaired waterbodies to determine the water quality conditions necessary to restore the given waterbody; that is, TMDLs establish restoration targets. The work to implement these restoration targets begins after a TMDL is adopted and approved and is carried out by responsible entities within the watershed. Responsible entities can include MS4 permittees, municipalities, wastewater operators, or industrial facilities.

4. Has any rulemaking by the DEP taken place? If so, what? Can you provide the relevant documents? Will there be a public meeting on Lake Clarke's impairment? If so, when and where will it take place?

DEP Response: I am not quite sure what you mean by rulemaking in this context. The Watershed Assessment Section (WAS) proposed the lake for addition to the Verified List in September 2021. A public comment period was then open until November 10, 2021. Please see our [webpage](#) with details on the public meetings held. In addition, this meeting was noticed through the GovDelivery system and Florida Administrative Register. If you would like to subscribe, please register here: [Subscribe | Florida Department of Environmental Protection](#). We intend to finalize the Verified List in late April to early May 2022 by taking the final lists to the DEP Secretary for adoption as a final agency action. This process is following the DEP's new biennial assessment for the identification of impaired waters. The rules that we are implementing for identifying impaired waters are: [Chapter 62-302, F.A.C.](#), Florida's Surface Water Quality Standards and [Chapter 62-303, F.A.C.](#) Identification of Impaired Surface Waters.

5. At what point would the Town be subject to fines for our lake's impairment?

DEP Response: If a TMDL was finalized, which means adopted incorporated into the Rule 62-304.715, F.A.C., and approved by EPA Region 4, then the NPDES MS4 permit could include this TMDL as a waterbody to be prioritized by Palm Beach County and their co-permittees. Fines are not explicitly placed on the Town of Lake Clarke, unless they are out of compliance with their NPDES MS4 permit.

6. Lastly, who is the point person at the EPA? I wanted to ask a few questions regarding the Alternative Restoration Plan.

DEP Response: Please see the contact information below for our counterparts at EPA Region IV in Atlanta.

Marion Hopkins: 303(d) List Approval
Phone: 404-562-9481,
Email: Hopkins.marion@epa.gov
Additional info: [Staff Directory](#) | [About EPA](#) | [US EPA](#)

Laila Hudda: TMDLs/Alternative Restoration Plan Approvals
Phone: 404-562-9007,
Email: Hudda.Laila@epa.gov
Additional info: [Staff Directory](#) | [About EPA](#) | [US EPA](#)

7. Would you please share any documentation that supports your responses? Also, would you share any documents the Town has submitted to you for an Alternative Restoration plan and/or 4e permit?

DEP Response: Please see the attached draft 4e plan submitted to DEP by the Town of Lake Clarke. We have reviewed this draft and provided the Town our comments and edits. We are expecting a revised document in the next few weeks. In addition, the links provided in the previous responses will help provide the history of our listing actions at this time.

Jennifer Chrzanowski jenniferinwpb@bellsouth.net
Questions from Friday, 3/11, 2:38 PM.

8. I'm curious, what if the Town of Lake Clarke Shores were not seeking an Alternative Restoration Plan? Let's say they did nothing regarding the Lake's impairment. What would happen? Is there a typical sequence of events the DEP proceeds with? Can you give me an idea of a typical timeframe the sequence of events would take to occur?

DEP Response: Please see the response to question #2 above that should resolve these questions.