



*Florida Department of
Environmental Protection*

Caloosahatchee Estuary BMAP Public Meeting

October 24, 2012

South Florida Regional Planning Council
1926 Victoria Avenue, Ft. Myers Florida



Agenda

- Introductions and Introductory Comments
- Review of Draft BMAP Process
- Major Comments on Draft BMAP Document
- BMAP Next Steps
- Questions



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Stakeholder Involvement

- Kickoff Meeting - July 2009
- Technical Meetings (6)
 - September 2009
 - February 2010
 - September 2010
 - March 2011
 - September 2011
 - December 2011
- One-on-One Meetings and NPDES MS4 Discussions





BMAP Draft Process and Schedule

- Draft BMAP to stakeholders for review –
August 23, 2012
- Comments on Draft BMAP due to FDEP –
September 24, 2012
- Policy briefing on Draft BMAP –
August 30, 2012
- Public meeting on Final Draft BMAP –
October 24, 2012



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BMAP Draft Process and Schedule

- Letters of commitment due for inclusion in BMAP package to FDEP Secretary

November 26, 2012

- Brief FDEP Secretary on BMAP and obtain Secretarial approval
- Notify interested parties and place FAW notice
- End of challenge period (21-days after notice)
- BMAP adopted and enforceable (if there are no challenges)



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Caloosahatchee Estuary BMAP

Basin Management Action Plan (BMAP)

Introduction



Caloosahatchee Estuary TMDL

- 3 Segments: 3240A, 3240B, 3240C
- TMDL for Nutrients
 - **Causative Pollutant** – Total Nitrogen (TN)
 - **Target** : Seagrass light requirements in San Carlos Bay
- TMDL= 23% Reduction in Total Nitrogen Loading (over the entire river basin)
- Adopted by FDEP Secretary in 2009.





Summary of TMDL

Source of Total Nitrogen	Existing Loading (2004-2006 Avg)		
	Load (lb/yr)	Load (tons/yr)	% of Total
Upstream of S-79			
Lake Okeechobee	7,004,379	3,177	60.5%
NPS Loading	2,731,660	1,239	23.6%
Subtotal From S-79	9,736,039	4,416	84.1%
Estuarine (Below S-79)			
WWTP Loads - Direct	136,875	62	1.2%
WWTP Loads - Indirect	13,713	6	0.1%
NPS Loads	1,690,084	767	14.6%
Subtotal Below S-79	1,840,672	835	15.9%
Total to Estuary	11,576,711	5,251	100.0%
Load at TMDL	8,914,067	4,043	77.0%



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Basin Management Action Plan [403.067(7)]

- Document a phased approach to achieve adopted TMDL
- Itemize initial set of TN load reduction activities and projects
- Identify needs for additional study and monitoring
- Allow for participation of stakeholder, partners and interested parties





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BMAP Document



Stakeholders

- Lee County
- Charlotte County
- City of Cape Coral
- City of Ft. Myers
- East County Water Control District
- Lucaya CDD
- FDOT
- Agriculture





BMAP Outline

- Executive Summary
- Chapter 1 – Context, Purpose and Scope
- Chapter 2 – Basin Setting
- Chapter 3 – Pollutant Sources and Anticipated Outcomes
- Chapter 4 – Detailed Allocations
- Chapter 5 – Management Actions
- Chapter 6 – Assessing Progress and Making Changes
- Chapter 7 – Commitment to Plan Implementation



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Anticipated Outcomes

- Potential but modest water quality improvements in the Estuary
- Decreased Loading of TN
- Increased Coordination
- Additional Data on the Benefits of TN Reducing Projects



Potential Load Reduction From Projects

- Estimated Loading Below S-79 From Cities, Counties and Agriculture:

1,690,000 pound TN per Year

- Estimated Reductions for Currently Listed Management Activities and Projects (62 projects; 7 new):

148,000 pound TN per Year
(~9% of Annual Load)





Assumptions and Considerations

- Load reduction credits for projects completed or planned since January 2000
- 2004 Florida Land Use and Cover Classification System (FLUCCS) data were used to represent “existing” conditions
- The loading from septic tanks (failing or otherwise) was not included
- The need to revisit the TMDL is recognized by FDEP in the BMAP.





Regulatory Nature of BMAP

- A BMAP is developed collaboratively with stakeholders [§403.067(7)]
- Point Sources: WWTF and MS4 Permits
- Nonpoint Sources: BMAP Itself Enforceable
- Agriculture: BMPs and monitoring required
- BMAP adopted by Secretarial Order





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Major Comments on Draft BMAP Document



TN Load Above S-79 Is Important

- FDEP agrees – clarifying language has been added to the document.
- Recognition that this BMAP addresses a portion of TMDL load reduction.



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Septic Tank Credit

- FDEP recognizes that failed septic tanks may discharge TN load to Estuary.
- Magnitude and impact is unknown at the present.
- With additional modeling and information, value of septic tank remediation will be re-evaluated.



Controls on New Development

- All of the existing loading was considered in BMAP
- As a result, growth must not increase the TN load:
 - Post-development load = Existing development load; or
 - Increase in development load matched with decrease



Credits for Low Impact Development

- Low Impact Development (LID) practices are encouraged, not required.
- As more information gained on LID TN reduction, value of LID credits will be re-evaluated.



CDD's and HOA's

- Discussed during the development of the BMAP as well as with NPDES Section at FDEP
- BMAP prepared based on current MS4 co-permittees – if and when this is changed, the BMAP will be modified accordingly.





“Ranchettes” – Whose are They?

- “Ranchettes” are small properties with an agricultural tax exemption but are not bona fide commercial agricultural operations.
- Not under FDACS responsibility
- Clarification of responsibility needs to be worked out in next BMAP cycle



Commitments and Credits

BMAP Implementation:

TMDL modeling is being revisited

Could result in different reduction requirements

Language will be added to clarify that “overage” will be credited towards future phases.





SFWMD Regulatory Source Control Program: Background

- Adopted in 1989 as a result of the Lake Okeechobee Surface Water Improvement and Management Plan (SWIM Plan).
- Regulatory source control program for phosphorus under 40E-61, Florida Administrative Code (Works of the District).
- Northern Everglades and Estuaries Protection Program (NEEPP) statute expanded boundaries to include the river watersheds and nitrogen.





SFWMD Regulatory Source Control Program: Key Elements

- Ensure implementation of source controls based on schedules for implementation and success indicators.
- Complementary to other management actions.
- Program applies to new and existing activities, and agricultural and non-agricultural land uses.
- Define a monitoring network to gauge collective effectiveness and priority areas.





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Next Steps



Stakeholder and FDEP Staff Actions

Action	Responsible Party	Date
Public meeting on Final Draft BMAP	Public/FDEP	October 2012 (Today)
Letters of commitment due for inclusion in BMAP package to FDEP Secretary	Policy Makers and Technical Stakeholders	November 2012
Notify interested parties and place FAW notice	FDEP	December 2012



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Questions & Comments?



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