

**Caloosahatchee Estuary Basin Management Action Plan (BMAP)
Public Meeting Summary**

*The LaBelle Civic Center
481 Hickpochee Ave, LaBelle, FL 33935
Tuesday, January 22, 2020
2:00 pm – 2:54 pm*

Participants

Chas Antinone, Green Water Solutions
Martha Avila, DEP
Andrea Browning, Lee County
Susan BuChans, Glades County
John Cassani, Calusa Water Keeper
Jennifer Davis, Hendry County
Sara Davis, DEP
Tim Denison, Johnson Engineering
Michael Ellis, US Sugar
Kate English, Pavese Law Firm
Sommer Foster, Johnson Prewitt
Marcy Frick, Tetra Tech
Alyssa Gilhooly, DEP
Ron Hamel, FGCU
Noah Handley, Lykes Brothers
Madeline Hart, FDACS
Janet Hearn, ATM
Danita Hopper, Caloosa Bell
Emily Hunter, Hendry County
Chris Johns, Lewis, Longman & Walker
Kerry Kates, FFVA
Judi Kennington-Korf, Barron WCD/Port
LaBelle CDD

Lisa Kreiger, Lee County
Debbie Madden, Gunster
Randy Martin, City of Clewiston
Linda McCarthy, Lykes Brothers
Kelly McNab, Conservancy of SW FL
Kelly O'Nan, Hendry County
Roland Ottolini, Lee County
Charles Palmer, Palmer Ranch
Shane Parker, Hendry County
Ximena Pernet, SFWMD
Scott Perry, LeBelle Fossil Camp
Tommy Perry, Johnson Prewitt
Irene Quincey, Pavese Law
Gary Ritter, Florida Farm Bureau
Maria Romero, Lee County
Brianna (Bree) Rossiter, DEP
Sean Scheffler, City of Clewiston
Steve Smith, Gulf Citrus
Swanson Stewart, UF
Richard Thompson, City of Fort Myers
Karson Turner, Hendry County
Rae Ann Wessel, SCCF
Ron Zimmerly, City of LaBelle

Welcome and Opening Remarks

Marcy Frick welcomed everyone to the Caloosahatchee River and Estuary BMAP meeting. She noted that the purpose of the meeting is to discuss the BMAP update, which has been under development since the 5-Year Review was completed. The draft BMAP update was sent out for public review on December 27, 2019 and comments were due on January 15, 2020. Marcy thanked everyone who provided comments. An updated draft was sent on January 17, 2020 so that the stakeholders had a new version to review before this meeting. The changes made in this version will be discussed during the meeting. Due to the quick turnaround time, the Florida Department of Environmental Protection (DEP) is still working to address some comments and the additional changes will also be discussed during this meeting. Another version of the draft BMAP update will be sent out early next week, and that version will also go to the DEP Secretary next week. Marcy noted that the Statewide Annual Report (STAR) process is also underway but will not be discussed during this meeting.

Background

Bree Rossiter stated that the total maximum daily load (TMDL) for total nitrogen (TN) was set for the Caloosahatchee Estuary in 2009. The tributary TMDLs were set in 2019 for TN, total phosphorus (TP), and biochemical oxygen demand (BOD). The BMAP was adopted in November 2012 for the tidal portion of the Caloosahatchee Watershed. The 5-Year Review was completed in 2017 with recommendations to expand the BMAP boundary, revise the monitoring network, update the model and allocations, and set five-year milestones. The purpose of the 5-Year Review was to evaluate progress and make recommendations. Bree presented a chart with the milestones that were set in the 5-Year Review.

Bree noted that Executive Order 19-12 directed DEP to update the restoration plans affecting South Florida, including the Caloosahatchee River and Estuary BMAP, within one year. DEP held five public meetings in 2019 to discuss the BMAP update. The draft BMAP update was posted on December 27, 2019, and comments were due on January 15, 2020. DEP provided a draft BMAP update to the stakeholders on January 17, 2020 that included adjustments to several tables, clarifications, new figures and tables in Appendix B to replace the placeholders, and updated project tables. Bree noted throughout the presentation, any items with an asterisk denote where DEP has been making edits since the January 17 version.

BMAP Update

Sara Davis stated that she will review the BMAP update and highlight what DEP has changed based on comments and what they are still working to address. The overall structure of the BMAP is the same although there was reorganization within some of the chapters to help with understanding. There are also additional details in the appendices.

Sara noted that Chapter 2 had some reorganization to help make it clear how the modeling was updated, and how the modeling was then used to determine the starting loads for the allocations and to calculate project credits. Section 2.1 starts with a description of the Hydrological Simulation Program – FORTRAN (HSPF) model. Section 2.2 describes the allocation approach using the updated HSPF model. Sara noted that Table 12 was revised to show a summary of the acres and TN starting load by entity. A new Table 18 was added to show the percent of the starting load by entity, which was used in the allocations. The numbers did not change.

Section 2.3 discusses the categories of sources and the programmatic or policy items that are needed to help meet the targets for all three South Florida BMAPs. The stakeholders provided questions and comments in this section so DEP added and modified language to help clarify the information. For the agriculture section, DEP met with the Florida Department of Agriculture and Consumer Services (FDACS) several times to include language that makes sense for the basin while also keeping an eye on what is happening in the legislature. The language about cost-share was clarified to explain what is occurring now and what is needed in the future. The language was also modified to clarify that DEP only needs a summary of fertilizer use and not the full records that FDACS will be collecting. In the septic systems table, there was an error with the number of systems, which was corrected. In the stormwater section, the language was modified to better fit with the municipal separate storm sewer system (MS4) program rules, but this did not change the intent of the requirement. Any entities with 1,000 individuals or more will be evaluated to determine if they should fall under an MS4 permit, if they are not currently under a permit. For the wastewater treatment facilities (WWTFs) section, the BMAP

group just met with the DEP wastewater group so clarification language will be added in the next version of the BMAP to help address comments and questions.

Section 2.4 describes the targeted restoration area (TRA) approach. There were several steps that were a little unclear, so DEP added language to help clarify what they used for the water quality trends and how they calculated the unit area load. Section 2.5 is the monitoring plan. One station was added, and the list of parameters was modified to match the terms used in the Watershed Information Network (WIN) database.

Sara stated that Chapter 3 provides details for the three subwatersheds. DEP clarified that the summary of land use came from the model land use coverage. One monitoring station was added in the East Caloosahatchee Subwatershed, and they clarified that the S-79 station is located in the river in the West Caloosahatchee Subwatershed. The project tables were also updated because some of the reductions did not make it into the tables. Sara presented an example land use table, and an example monitoring map that shows the representative stations used in the TRA evaluation, proposed stations that the South Florida Water Management District (SFWMD) is adding, and other stations in the watershed.

Sara stated that the only change in Chapter 4 was to add text about the next steps for the request for information (RFI) process. The goal of the RFI was to gather information on potential projects to provide if people wanted to partner and/or fund a project. DEP is looking at everything that came in through the RFI and other processes for funding opportunities.

Appendix A has the supplementary information for the project tables. The timeline for achieving the TMDLs was corrected to reflect 20 years from adoption of the 2012 BMAP. Appendix B includes the supplementary agriculture information, and the tables and figures were added that previously said coming soon. Appendix C includes the activities that the water control districts committed to for the BMAP. This appendix included portable document format (PDF) copies but the information is being reformatted as a Word document. In Appendix D, the same clarification language was included on potential future steps for the RFI submittals.

BMAP Questions and Comments

Gary Ritter asked what the general frequency will be for the proposed water quality monitoring. Sara responded that these stations will be mostly sampled biweekly, and SFWMD will be the lead.

John Cassani stated that it is good to see some regulation coming for wastewater effluent. He stated that the requirement of an effluent limit of 3 milligrams per liter (mg/L) of TN seems like an arbitrary reduction. Sara responded that DEP used the advanced wastewater treatment (AWT) standards to inform the proposed effluent limits. They also followed the general approach used in the springs BMAPs. John stated with a concentration threshold, if the volume of discharge increases then the load will also increase. He recommended using a load requirement instead. Sara responded that DEP is trying to address this issue by setting the requirements by facility capacity so that if the flows increase, then they must achieve a lower concentration. John stated that the TMDL requires a 23 % reduction and a load requirement must be used to meet that reduction. It will be difficult to determine an accurate load if monitoring is only required once per quarter. Sara responded that the goal is to bring all facilities to the same standard. If more reductions are needed, this can be determined later as part of the adaptive management process. The quarterly monitoring is the minimum needed to perform the load calculations.

Linda McCarthy asked if FDACS is updating the enrollment map because large areas that have been enrolled for at least 10 years are missing from the map. Sara asked Linda to coordinate with FDACS on what areas are missing from the map, and the map can be replaced if corrected this week.

John stated that Table 21 includes the number of septic systems and estimated load. The text notes that the attenuated loads were not calculated. He asked how DEP calculated the loads. Sara responded that DEP used a U.S. Environmental Protection Agency report from 2002 that provided information to determine an effluent load per person. DEP then used U.S. Census data on the people per household for each county. The people per household was multiplied by the load per person to estimate the loads in the effluent directly coming out of the drainfield. This is not the load that reaches the estuary or a tributary. Sean Scheffler asked if the people per household factors in seasonal visitors. Sara responded that they used the U.S. Census data and she is not sure if the seasonal population is included.

John stated that the load columns for the allocations in the 2012 BMAP included the total load minus the background load. There is also a terminology difference of existing versus starting loads. In looking at the load allocations in the 2012 BMAP, it seems like the total load increased by about 20 % but some of the allocations decreased. Marcy responded that different allocation approaches were used in the 2012 BMAP and the BMAP update. In the 2012 BMAP, the allocations are a combination of the anthropogenic required reductions plus the background load. In the updated BMAP allocations, the natural, background loads were removed and the required reductions were calculated based on the anthropogenic loads. John stated that the STAR says that 77 % of the reductions have been achieved but the loads increased. Marcy responded that the STAR is based on the 2012 BMAP information and the BMAP update shows fewer reductions achieved. John noted that he thinks the stormwater rule changes will help with some of the discrepancies.

Rae Ann Wessel stated that some of the areas on septic systems can double in population for more than three months of the year with seasonal populations. This occurs during times when the water table is lower so the septic system contributions could be higher than estimated in the BMAP. She noted that she thinks the load is underestimated, which could result in missing the target. Sara responded that she agrees that this is a rough estimate of the load in the effluent. This information was not used in the allocations; the allocations are based on the model information that was calibrated with measured data. The septic system loads in Chapter 2 were provided to meet a request to summarize the loads by source. Rae Ann noted that this approach does not differentiate between areas with a high density of septic systems near the water versus inland systems, which compounds the error. Sara responded that as septic system projects move forward, they will refine the load estimates for each project. Rae Ann asked how DEP accommodates for growth in the milestones. Sara responded that the milestones are set. If growth is occurring, it will be up to the local stakeholders to determine how to address the additional load to meet the milestones.

Susan BuChans stated that a lot of evaluation results for the East Caloosahatchee Subwatershed state that there are insufficient data. However, there are not many proposed monitoring stations in this subwatershed. Sara responded that the insufficient data notes where the monitoring stations did not have enough TN and/or TP data for the analysis. DEP and SFWMD worked together to add a representative site within each basin of the subwatershed. Susan stated that there are not many proposed stations in the

Tidal Caloosahatchee Subwatershed where is a lot of development. Sara responded that there are proposed stations in that subwatershed and the latest draft BMAP update should reflect these stations.

Next Steps

Sara stated that DEP will finalize the edits in the document, including considering the comments today. They will brief the DEP Secretary next week on the BMAP update, and an updated version of the BMAP will be sent to the stakeholders next week. The Secretary can sign a Secretarial Order to adopt the BMAP, which starts the 21-day notice period . Sara noted that if there are any concerns, to please contact DEP as soon as possible. If there are no changes, the BMAP will become effective at the end of the notice period. Kelly O'Nan asked if a notice will be sent with the revised draft BMAP update. Sara responded that a notice will be sent through GovDelivery, likely on Tuesday.

Adjourn

The meeting was adjourned at 2:54 pm.

Action Items

- FDACS will provide an updated enrollment map this week, if possible. – *Completed*.
- DEP will send an updated draft BMAP update to the stakeholders early next week.