

St. Lucie River and Estuary Basin Management Action Plan (BMAP) Webinar Summary

Wednesday, April 3, 2024

1:00 pm – 1:54 pm

Participants

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Janelle Barriero, Florida Senate
Mark Barton, SFWMD
Sandra Bogan, St. Lucie County
Beth Brady, Save the Manatee
Patricia Burke, SFWMD
Ben Butler, Citizen
Carolyn Ciarlariello, DEP
Kelly Cox, Audubon
Kevin Coyne, AMP
Francesca DiJuio, Everglades Law
Rebecca Dougherty, SFWMD
Terence Duffy, Citizen
Amy Eason, Martin County
Bill Eggers, Evans
Katherine English, Pavese Law
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Rhonda Roff, Citizen
Ellen Rogers, Florida Senate
Beth Ross, Gunster
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Gil Smart, Friends of the Everglades
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Jennifer Thera, FDACS
Raychel Thomas, Pavese Law
Frank Tidikis, Citizen

Diana Turner, DEP
Rachel Vitek, RES
Shreya Vuttaluru, Tampa Bay Times
Jessica Wakefield, SFWMD
Youchao Wang, SFWMD
Benita Whalen, Dispersed H2O

The full webinar recording and supporting materials are posted to the Florida Department of Environmental Protection (DEP) file transfer protocol (FTP) site at
<https://publicfiles.dep.state.fl.us/DEAR/BMAP/StLucie/Meetings/2024/Annual%20Meeting/>.

Questions and Answers

Question on the DEP presentation: When will you be updating the stakeholder list to include new community development districts (CDDs) and other stakeholders?

Answer from Diana Turner, DEP: We will do that as part of the BMAP update.

Question: Can you provide an update of the changes to Section 403.086?

Answer: House Bill 1557/Senate Bill 1386 has not been signed yet.

Question: Please define surface water discharge and clarify what the definition means within 403 when it says “thereto.”

Answer: This question is best directed to the Division of Water Resource Management within DEP.

Question: Please provide insight into the advanced wastewater treatment (AWT) requirements relating to reuse systems. After meeting with DEP Division of Water Resource Management/Wastewater Management Program last week at Focus on Change, it was stated that Reuse Discharge for Irrigation Systems Standards are being proposed by legislature to be more stringent (i.e. meet AWT 5,5,3,1). Please provide insight on this matter and a timeline if it is so.

Answer: This question is best directed to the Division of Water Resource Management within DEP. House Bill 1557/Senate Bill 1386 has not been signed yet.

Question: Nutrient contributions for Lake Okeechobee discharges should be included in the required reductions in future iterations of the BMAP/total maximum daily load (TMDL). By our calculations, which are based upon the biweekly sampling at the S-80 structure, 52 billion gallons of water from Lake Okeechobee has been discharged into the estuary over the past 42 days, resulting in a contribution of more than 600 tons of nitrogen into the system. The concentration for total nitrogen (TN) increased from 0.9 to 2.76 milligrams per liter (mg/L), and the concentration for total phosphorus (TP) increased from 0.09 to 0.34 mg/L with the releases from Lake Okeechobee, with little to no local basin runoff contribution during this time. The river and estuary will never reach restoration goals with these egregious unchecked contributions from the Lake. When we bring these concerns up to the Army Corps of Engineers, they indicate that they are charged with flood control, not water quality and that we should address water quality concerns with the appropriate agency, which is DEP. The TMDL and resultant BMAP must identify and hold accountable all contributions to the estuary otherwise it will not be successful. How will DEP account for and elicit nutrient reductions for releases from Lake Okeechobee?

Answer: The TMDL and BMAP identify Lake Okeechobee contributions as part of the total loading to the estuary. The BMAP is focused on reductions to the St. Lucie River and Estuary watershed, where the

local stakeholders can implement projects to reduce nutrient loading. Nutrient loading contributions to Lake Okeechobee are addressed through the Lake Okeechobee BMAP. Reductions made by the local stakeholders and state agencies in the Lake Okeechobee Watershed will help to benefit the estuaries.

Question: As shown in the beginning slides, please consider adding all additional CDDs in the next update. Specifically, please include the entire CDD boundaries in the determination of their starting loads and their load reductions. Many of these CDDs are under development of regional impacts (DRI) and development orders where they are determining their proposed land uses and stormwater management systems. Although many start off with agricultural land uses, once the boundary is approved, the loads should go to the CDDs since they are the governing bodies that manage their stormwater systems and determine their land uses not the MS4.

Answer: Additional CDDs that meet the three criteria for allocations will be included as allocated stakeholders part of the next BMAP update.

Question: We appreciate the additional storage and treatment of the South Florida Water Management District (SFWMD) projects that are underway. How will the reductions from these projects be distributed to the stakeholders? Martin County has previous agreements with the SFWMD due to our financial contribution to the project on the distribution of the reductions from the C-44 reservoir that should be honored during the next update.

Answer: The reductions from regional projects completed by the Coordinating agencies (SFWMD, DEP, and Florida Department of Agriculture and Consumer Services [FDACS]) will go towards achieving reductions needed on agricultural lands that are above and beyond requirements for owner-implemented best management practices (BMPs).

Question: As a suggestion, please include within the targeted restoration area (TRA) analysis the availability of public lands for projects. Targeting basins on the water quality data should be priority, but if land is not available in the basin, it will be hard to create projects to provide reductions.

Answer: This suggestion is noted. Consideration for public lands can be a factor used once the high priority basins have been identified and additional analyses are occurring.

Question: According to the TRA and the hotspot analysis, it appears that the C-24 basin is identified as priority 1 and the most impaired. Most of that basin is agricultural, yet according to FDACS' presentation, most of the land has been enrolled in the BMP notice of intent (NOI) program. How will projects be prioritized in this basin if agricultural land is presumed under rule to meet the water quality requirements when they are enrolled in the program?

Answer: Agricultural producers in a BMAP are required to either implement BMPs from the appropriate FDACS manual or monitor water quality. The owner implemented BMPs will achieve a portion of the reductions needed from the agricultural lands. The Coordinating Agencies will work with producers and local stakeholders to identify additional projects (such as agricultural cost-share or regional treatment) to meet the remaining required reductions.

Question: Any water quality sampling results that are taken during Lake Okeechobee discharges or for a period of time after these discharges should be removed from any TRA or hotspot analysis since DEP presumes within this TMDL/BMAP that Lake Okeechobee is meeting its water quality limits. These results skew the analysis and inappropriately assign those impacts to local stakeholders and are contrary to the original assumption that Lake Okeechobee is not impaired.

Answer: The TRA evaluation and hotspot analysis are not used to assign load reductions to the stakeholders. These evaluations are used to determine areas of the watershed in which resources should be focused to achieve the TMDL. Consideration could be given in the evaluations about whether results include lake releases when determining what actions are needed in a priority basin.

Question: Please take note that most of the hotspots are in agricultural areas and provide solutions on how we can address these areas in the next BMAP iteration.

Answer: Owner-implemented agricultural BMPs will achieve a portion of the reductions needed from the agricultural lands. The Coordinating Agencies will work with producers and local stakeholders to identify additional projects (such as agricultural cost-share or regional treatment) to meet the remaining required reductions. If you have potential project ideas and/or project locations, please share those with DEP for evaluation.

Question: We appreciate FDACS showing a slide on the agricultural rule. How will FDACS address water quality impairments on agriculture that is enrolled in the BMP NOI program? If a municipal separate storm sewer system (MS4) samples an agricultural area that is enrolled and discovers that it is not meeting the BMAP, what should the MS4 do? Report it to FDACS?

Answer: Owner-implemented BMPs may not fully achieve nutrient reductions needed to meet TMDL and BMAP requirements. If an MS4 identifies potential water quality concerns on an agricultural property, they can contact FDACS for follow up.

Question: When the DEP Stormwater Rule gets signed by the governor, how will the extra reductions be handled? The stormwater rule requires 95% reduction in Outstanding Florida Waters (OFWs). This will be extra load reductions for the watershed. Will each MS4 need to track the extra reductions?

Answer: BMAP credits are assigned for nutrient reductions that occur above and beyond any permit requirements. Future projects implemented under the revised stormwater rule requirements will need to meet the new required treatment efficiencies. If additional reductions are provided beyond those requirements, BMAP credit could be provided for that additional treatment. The higher treatment requirements under the new rule will reduce the water quality impacts from development.

Question: Loading should be determined through sampling and scientific data rather than land use estimates wherever possible.

Answer: Noted. Measured loading information is used in evaluations, where available.