



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

County Attorney's Office
Suite 202, 301 S. Monroe Street
Tallahassee, FL 32301
(850) 606-2500 (Telephone)
(850) 606-2501 (Telefax)

Commissioners

BILL PROCTOR
District 1

JANE G. SAULS
District 2

JOHN DAILEY
District 3

BRYAN DESLOGE
District 4

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

October 17, 2013

Mr. Stephen Cioccia
Environmental Consultant
Watershed Planning & Coordination Section
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 3565
Tallahassee, Florida 32399-2400

Re: General Comments on the draft Wakulla Springs BMAP

Dear Mr. Cioccia:

The following are Leon County's comments on the draft Wakulla Springs BMAP. This includes input from staff from Public Works, Development Support & Environmental Management, and the County Attorney's Office, as well as, the Leon County Health Department. We provided comments specific to the OSTDS Initiative under separate cover.

General Comments:

Throughout the document, the BMAP implies that the local governments are responsible stakeholders for OSTDS. As we have noted numerous times, OSTDS are permitted by the State, pursuant to State statutes, and owned by individual property owners, who are responsible for OSTDS maintenance. The BMAP consistently fails to address the systemic problems inherent in the State's OSTDS management scheme. At the very least, DOH as the entity responsible for permitting OSTDS and implementing the Legislature's directives regarding OSTDS policy should be considered the "responsible stakeholder" for purposes of reducing nutrient loading from OSTDS, and the State's regulatory role should be explicitly stated in the BMAP document.

Based on the information provided during the BMAP stakeholder meetings, it looks as though the .35 mg/l TMDL may be reached during the first BMAP iteration. However, based on the discussions during the stakeholder meetings, it appears that there are concerns that the TMDL may be met, but that biological indicators may still be unacceptable. At this time, the Department has not provided any indication as to how it would address this scenario. It would be helpful if this information were provided to the BMAP participants.

1.3.3 BMAP Approach.

The reference to the City's 75% reduction should be revised to note the specific pounds of nitrate removed. This is important as WWTF flows and resulting nitrate loads increase due to importing nitrate from development that is largely located above the Cody Scarp and outside the PSPZ. The baseline flow should be established and credits adjusted as nitrate loads trend upwards with future development. While the City's efforts may have been deemed sufficient for the first BMAP iteration, these efforts do not address the continued importation of nitrate loading from areas outside the PFAs and strategies to manage these increased loads.

1.3.4 Onsite Sewage Treatment and Disposal Systems Initiative.

Septic Tank Inventory. Phases I and II of the Initiative include locating existing OSTDS. Leon County and the Leon County Health Department have proposed a project to inventory the existing OSTDS in Leon County (Leon County Management Strategy 3). It is our understanding that the DOH methodology is not a "model" per se; however, Leon County's planned methodology would be substantially similar to the FDOH approach, and would add verification from the County's GIS database. It is unclear whether the project proposed by Leon County is the same project referenced in the Initiate section of the BMAP. Also, the DOH data is such that the age of OSTDS installed prior to 1999 will not be ascertainable. Whether or not a system was constructed consistent with existing DOH standards will be also indeterminable due to this lack of data.

1.4.2 Considerations

Georgia Sources. Though the Department may not have the authority to address loadings from Georgia, such loading should be taken into consideration when allocating responsibility for total nutrient loading within the basin.

1.5 Future Growth in the Watershed.

This section fails to address future loading to the City's sprayfield, which is located within PFA 1. Because the sprayfield is situated within PFA 1, any development on City sewer, regardless of its location, will result in additional loading to PFA 1. Though the upgrades to the City's T.P. Smith plant will result in significant reductions, as flows increase to the plant, the net reduction is reduced. The percent reduction is irrelevant, the relevant measure should be the total poundage of nitrate attributable to the plant and the total poundage from future loadings. The BMAP should account for increasing flows and increases in nitrate by requiring offsetting reductions. The effect of the additional volume coming from new development, including the build-out of the Welaunee DRI, should be addressed in this section.

Wakulla County has proposed a strategy to connect their existing plant, which is located in the Lombardo Study Scenario 2 area, to the City's T.P. Smith Facility, which is the Lombardo Study Scenario 1 area. This strategy will increase the nutrient loading in the more critical Scenario 1 area and should be eliminated. The Wakulla plant should be upgraded to full AWT standards and its effluent discharge kept in the Lombardo Scenario 2, less critical, area. This issue also exists for the proposed Oyster Bay connection to the Wakulla Plant, if the Wakulla Plant connects to the City's T.P. Smith Facility.

4.1.3 OSTDS Sufficiency

The County's comprehensive plan policies limiting additional growth on septic tanks in the PSPZ were acknowledged in the Section 1.5 Future Growth in the Watershed, but the County should also receive credit for these policies in the OSTDS Sufficiency section, since these policies will limit the future growth of development on OSTDS. A sentence substantially similar to the language in Section 1.5 should be included in Section 4.1.3, specifically, the reference to Leon County's Comprehensive Plan Policy adopting the PSPZ, reducing development in the urban fringe within the PSPZ, and requiring no net increase in dwelling units for property located outside the Urban Services Area (Policy 4.2.5, Conservation Element, Tallahassee-Leon County Comprehensive Plan).

4.1.1 WWTF Sufficiency

The Department has determined that the efforts expended by the City to upgrade the T.P. Smith Plant warrant the determination that efforts to address loading from the entire WWTF source category have been sufficient. This determination was made, despite the fact that, if aggregated, the WWTF facilities still account for nitrate loading comparable to loading from OSTDS. The rationale for aggregating WWTFs for purposes of determining the sufficiency of effort, but not for determining whether WWTFs remain a significant contributor is unclear. Also, the BMAP does not explain the justification for treating an individual WWTF as single source, but treating individual septic tanks as part of one aggregate source.

In the alternative, each package plant owner should be listed as a responsible stakeholder and the standard for determining whether the owner has "demonstrate[d] a reasonable assurance there is not a contribution to the water quality violation at the Upper Wakulla River" should be explicitly stated in the BMAP. This should also be the standard applied to each individual owner of an OSTDS system.

This section states that the sufficiency determination for the WWTF category was based upon the fact that "the responsible entities have plans to improve the sewer collection systems and prevent loading in the future from the WWTFs." Other than the City's upgrades to the T.P.

Smith Plant, the BMAP contains very few detailed plans and binding commitments for reductions from WWTF owners. Based upon the lack of any other significant upgrade projects, it appears that the efforts of the entire WWTF category was deemed "sufficient" based upon improvements made by the City of Tallahassee to mitigate loading from existing development, which, as we have previously noted, does not take into consideration loading from future development that will be imported into PFA 1.

As permitted, the flow from each WWTF equals the flow of hundreds of OSTDS. Because the WWTFs are centralized and generally have functioning entities responsible for maintenance, upgrading and maintaining these systems should be more cost-feasible and effective than implementing a comparably sized OSTDS upgrade program. For that reason, the Department, as the permitting entity should require that all WWTFs be required to be upgraded to AWT, during the applicable permit renewal process. The upgrades may be phased, but addressing these contributing sources should be a priority. If the Department fails to address this loading in the initial BMAP iteration, these sources should certainly be considered for upgrade during future iterations.

Leon County was recently able to require that the DISC Village WWTF be upgraded to AWT. The County's ability to require this upgrade was based upon the need for both a comprehensive plan amendment and approval as a planned unit development (PUD). The nature of these particular approvals allowed the County to require the upgrades to mitigate the impacts from the development. It is important to note that, had the development not required these specific approvals, Leon County would likely not have had the authority to require the system upgrades. It is unlikely that Leon County will be in a position to require similar upgrades to other facilities through the use of its existing land development regulations.

The County has committed to work with the Department to adopt an ordinance that would address loadings from WWTFs during this iteration of the BMAP; however, the fact that the BMAP does not provide any indication that the Department is supportive of requiring nutrient reductions through its permitting process suggests that the County's proposed ordinance may be more difficult to implement than originally thought. This is obviously of some concern to the County, as the ordinance has been included as one of the County's project commitments. Naturally, should this project become unworkable due to decisions of the Department, Leon County would object to being held accountable for this commitment.

Thank you for providing us with the opportunity to comment on the draft Upper Wakulla River and Wakulla Springs Basin BMAP, and should you have any questions, please do not hesitate to contact us.

Sincerely yours,

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA



Laura M. Youmans
Assistant County Attorney

LMY/smw

cc: Kathy Burke, Director, Engineering Services
Theresa Heiker, Chief of Stormwater Engineering
John Kraynak, Director of Environmental Services
Johnny Richardson, Water Resource Scientist, Public Works
Alex Mahon, Environmental Manager, Florida Department of Health
in Leon County
Edwin A. Steinmeyer, Esq.