

May 19, 2021



Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399

Delivered via Email to Avril.Wood-McGrath@FloridaDEP.gov

Re: Triennial Review of Water Quality Standards

To Whom It May Concern:

Thank you for the opportunity to submit comments regarding the Florida Department of Environmental Protection's (FDEP) Triennial Review of Water Quality Standards. [Waterkeepers Florida](#) is a regional entity composed of all 15 Waterkeeper organizations working in the State of Florida to protect and restore our water resources across over 45,000 square miles of watershed which is home to over 15 million Floridians. Waterkeeper organizations have been working in their individual capacities for over 20 years in the state of Florida to protect and restore Florida's water resources. Our work requires us to be advocates on the water as well as in meetings, workshops, and the courtroom, and as such, we have witnessed first-hand the devastation that has been caused by harmful algae blooms over the past several years.

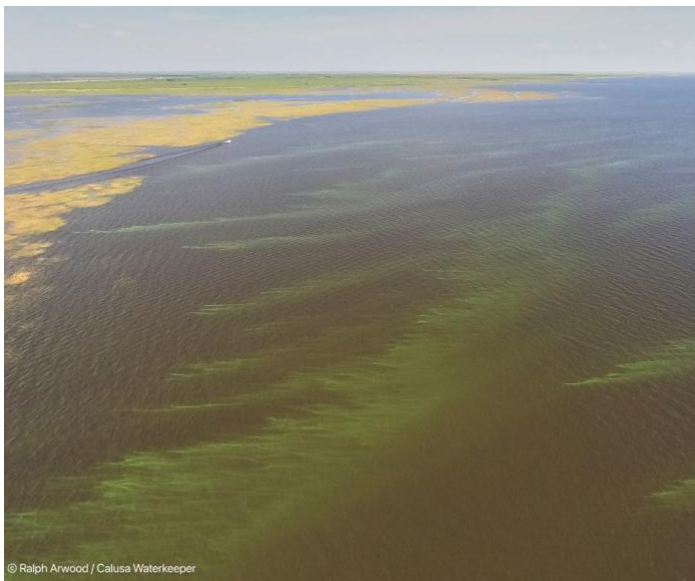
We are contacting you to formally request that FDEP adopt water quality criteria based on the Environmental Protection Agency's (EPA) draft recommended values for cyanotoxins due to the increasing magnitude, duration, and frequency of harmful algae blooms and their effects on our environment, the economy, and human health.

On October 11th, 2019, the Blue-Green Algae Task Force adopted a consensus document containing the following explicit recommendation with regard to blue-green algae blooms, algal toxins, and public health:

"Defensible health advisories should be established by the Florida Department of Health and defensible water quality criteria should be established by the Florida Department of Environmental Protection." (Emphasis added)

The current triennial review process is the obvious time to implement this recommendation, but at the triennial review workshop on May 5th, 2021, FDEP indicated that it has declined to adopt water quality criteria for cyanotoxins. This decision not only flies in the face of the explicit recommendations made by the Task Force, it also ignores [EPA's recommendation](#) for recreational water quality and swim advisories for cyanotoxins, as well as the joint [petition for rulemaking](#) filed by environmental groups in May of 2019 calling on FDEP to establish water quality standards for cyanotoxins in Florida surface waters. Water quality standards form the legal basis for controlling pollutants entering the waters of the United States and are a necessary regulatory tool in protecting the health and safety of our waterways.

Meanwhile, we are already seeing alarmingly early algae blooms, indicating that this could be a particularly active year for harmful algae blooms as the weather continues to get warmer. Within the past month, Waterkeepers across the state have already witnessed cyanobacteria blooms on Lake Okeechobee (where the Army Corps of Engineers has issued a [Notice to Navigation](#) advising precautions to avoid harmful algae exposure), in the St. Lucie Canal, and on Lake George.



Cyanobacteria bloom in the south and west areas of Lake Okeechobee. Photo taken April 7, 2021.



Port Mayaca structure, lake side. FDEP samples indicated that the bloom contained toxic microcystin at a level of 22 micrograms per liter. Photo taken April 15, 2021.

We recognize the need for increased, consistent warnings when harmful algal blooms are present, so using a visual presence/absence threshold make sense for health advisories, which need to be timely and are by definition reactive. However, adopting a presence/absence threshold for health advisories does not preclude FDEP from also adopting numeric water quality criteria for cyanotoxins. Enforceable, numeric criteria are critical to a proactive approach for preventing future harmful algal blooms through the TMDL and BMAP processes to decrease the magnitude duration and frequency moving forward. Both processes should be used in tandem.

At the May 5th Triennial Review workshop, FDEP staff indicated concern that EPA's recommendations for recreational water quality criteria and swimming advisories for cyanotoxins were not protective enough. We share those concerns. While the 2019 recommendations only accounted for cyanotoxin exposure via direct ingestion, the 2016 recommendations were more protective in that they accounted for multiple possible methods of exposure including inhalation of aerosolized particles, dermal exposure, and consumption of contaminated drinking water and fish in addition to direct ingestion.

For these reasons, we request that FDEP adopt and enforce EPA's 2016 draft water quality criteria for cyanotoxins (4 micrograms per liter for microcystin and 8 micrograms per liter for cylindrospermopsin).

Thank you for your attention and your service to our state and our waterways.



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