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November 22, 2019

Ken Weaver, Environmental Administrator
Standards Development Section
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 6511
Tallahassee, Florida 32399-2400

***Re: Manufacturer's Association of Florida
Comments in Response to Proposed Rule Amendments—Triennial Review***

Dear Mr. Weaver,

The Manufacturers Association of Florida (MAF) submits the following comments in response to the rule amendments proposed to implement the Department's ongoing triennial review efforts.

MAF represents the interests of Florida's manufacturers before state, federal and local agencies, and the Florida legislature, to ensure that this vital sector of the regulated community remains a major force in Florida's economic growth and stability. MAF supports sound environmental policies that achieve environmental goals without placing an unnecessary or disproportionate burden on MAF member industries. To that end, MAF has supported DEP initiatives in the past but also shared our members' concerns where a proposed agency action has threatened to impact the regulated community with little or no environmental benefit.

Out of the comprehensive set of amendments the Department has proposed during the ongoing Triennial Review process, MAF has identified two significant issues where the potential impact upon MAF members is far outweighed by any incremental environmental benefits the proposed amendment may be expected to achieve.

First, MAF objects to the proposed narrative criterion for turbidity. The language is vague, open-ended and contains no objective measures allowing consistent implementation of the proposed narrative criterion. It is unclear what constitutes the "function" of "aquatic life" and how DEP could measure a change in function based on changes in turbidity. More fundamentally, the current criterion has been in place for decades and is familiar to the regulated community. If the existing numeric criterion is not protective of designated uses, DEP should update the numeric criterion and not try to backfill any perceived deficiencies in the numeric criterion with an overbroad and ill-defined narrative criterion. MAF requests that the Department withdraw the proposed narrative criterion for turbidity.

The second MAF concern is the potential adoption of EPA's recommended cyanotoxin criteria as ambient water quality criteria. It is our understanding that cyanotoxins are produced by cyanobacteria under certain conditions, but those same cyanobacteria remain relatively harmless when the toxin inducing conditions are not present. The cyanotoxins are organic in nature and there may be several hundred different kinds or species of cyanotoxin molecule.

It is difficult to comprehend how these substances could be treated as a traditional pollutant for Clean Water Act purposes. By the time cyanobacteria blooms become so significant that cyanotoxins are produced, the Department would have likely already identified the waterbody as impaired for nutrients under existing criteria. MAF members do not discharge cyanotoxins and cannot take any action to address cyanotoxins other than adhere to any existing permit limitations for nutrients.

If the Department has the options to use the EPA recommended criteria to supplement its existing program to protect the public from exposure to cyanotoxins during bloom conditions, MAF would be less concerned. However, MAF objects to the adoption of the EPA recommended cyanotoxin criteria as ambient water quality criteria applicable to Clean Water Act programs.

MAF appreciates this opportunity to provide these comments and requests that the Department withdraw the proposed narrative turbidity criterion and decline to adopt EPA's recommended cyanotoxin criteria as ambient water quality standards.

Kind regards,



Amanda Bowen, CAE
Executive Director
Manufacturers Association of Florida