

JAXPORT

November 22, 2019

Port Canaveral

Daryll Joyner
Program Administrator
Water Quality Standards Program
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400
Submitted Electronically: Kaitlyn.Sutton@dep.state.fl.us

Port Everglades

Port of Fernandina

**Re: Triennial Review of State Surface Water Quality Standards –
Comments on Chapter 62-302.530(70) Turbidity Criterion**

Port of Fort Pierce

The Florida Ports Council has been following the Department's Triennial Review of the state's surface water quality standards, particularly the proposed revisions to the Turbidity Criterion under Chapter 62-302.530(70), F.A.C., and had representatives at the recent workshop on November 4, 2019, in Tallahassee. The Ports Council appreciates the Florida Department of Environmental Protection (FDEP) staff communicating the reasoning behind the narrative approach to the proposed criterion revision. However, we have concerns as to the impacts this will have on many of Florida's seaports. Accordingly, we offer the following comments that we hope will improve the rule while still protecting Florida's coral reefs.

Port of Key West

PortMiami

Port Manatee

The Florida ports are concerned that this proposed revision is being promulgated without first establishing a clear cause and effect relationship. During the November 4, 2019 workshop, FDEP staff indicated that there is currently insufficient data to establish a new numeric standard. As many of the many papers and studies in Florida indicate that 29 NTU is not protective of corals, FDEP has decided instead to move forward with a narrative approach. In order to see a clear correlation of environmental impacts, we strongly urge FDEP to perform an analysis of existing Florida data and issue a report to justify any revisions to the turbidity standards slightly above background. Without such an analysis, this proposal is vulnerable to criticism as arbitrary and capricious. It is concerning that FDEP indicated at the November 4th meeting that most of the research reviewed was based in Australia, rather than evaluating existing data within Florida waters.

Port of Palm Beach

Port of Panama City

Port of Pensacola

Port of Port St. Joe

We are also concerned that this proposal isn't cost-effective as written. The specific requirements associated with the collection of background turbidity are excessive and unnecessarily narrow. The potential cost implications with the excessive shutdowns of dredging projects will have drastic impacts on Florida's seaports implicated by this rule change, which would appear to stretch from Brevard to Manatee Counties. Since seaports must compete in a global

Port St. Pete

Port Tampa Bay

marketplace, any new requirements that increase costs must be understandable, predictable, defensible, and justified.

On behalf of the Florida Ports Council, we appreciate the opportunity to provide the above comments. If you have any questions or need any assistance from us, please feel free to contact me or Matt McDonald, at matt@littlejohnmann.com or 850-528-3947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Wheeler', with a stylized flourish at the end.

Doug Wheeler
President & CEO
Florida Ports Council

Cc: Jeff Littlejohn, P.E., Environmental Consultant, Florida Ports Council
Matt McDonald, J.D., Environmental Consultant, Florida Ports Council