

TOWN OF JUPITER ISLAND

2 BRIDGE ROAD
HOBE SOUND, FLORIDA 33455

TELEPHONE
(772) 545-0100

FAX
(772) 545-0188

November 22, 2019

Kaitlyn Sutton
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station 6511
Tallahassee, FL 32399-2400

RE: Proposed Rule Changes to 62-302.530(70), F.A.C. - Florida's Water Quality Standards

Dear Ms. Sutton:

Please accept this letter as public comment offered on behalf of the Town of Jupiter Island regarding the proposed rule changes to F.A.C. 62-302.530 as they relate to Florida's water quality standards. The proposed changes to turbidity monitoring requirements and standards for water quality need to be revisited and revised. The proposed methodology to establishing a "natural background" is inappropriate and the proposed rule language changes will effectively make it impossible to successfully complete beach nourishment in the State of Florida.

The Town offers the following comments on the Draft Implementation of the Turbidity Criterion for the Protection of Coral Reef and Hardbottom Communities.

1. There is difficulty understanding why the Department would want to deviate from the current monitoring standards as the current standards already require sampling for both background and compliance. Background samples are currently required to be outside of the influence of any construction activity so it captures what the natural background values are at that specific time. Changing this to a different standard is going to create problems and challenges for both the State and the permittees.
2. While the intent is to establish a resource-based approach to monitoring and controlling turbidity, the methodology results in a varying standard which is not reflective of the resource's ability to withstand periods of elevated turbidity (natural or man-made). The methodology for establishing thresholds for turbidity should not be based on local conditions at the time of a sampling set, but should be based on data/research into the resource tolerance. This is effectively what is in place today with a 29 NTU over background limit. A particular resource in the Keys will react the same as one in Palm Beach County or Martin County, yet there are different standards which would be implemented through the proposed methodology. This is not a resource-based protective approach.
3. The methodology of determining "natural background" will not yield a true natural value or range as all outliers and any naturally elevated conditions are removed from the

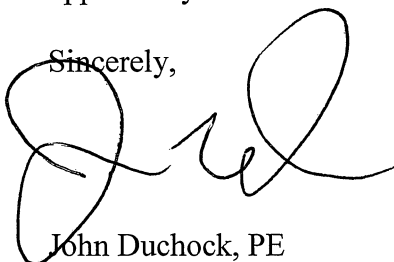
calculations. The actual field conditions which are regularly experienced on the open coast (especially during the sea turtle window between November 1 and April 30) includes prolonged periods of heavy seas and naturally turbid conditions which the hardbottom resources endure each year. For Martin County, in particular, winters frequently bring northeaster weather patterns with elevated seas of six feet or greater over periods of 24-48 hours or longer. If you only sample three months ahead of a project, only during calmer periods (which in reality are the only safe times to sample), and then remove outliers, you do end up with a least disturbed condition but this condition is not representative of the natural variability.

4. The methodology to calculate background turbidity limits and the data points contained in Appendix A are far too restrictive to allow beach nourishment. Specifically, as presented in Appendix A, the 90th percentile value for Martin County would be 1-2 NTUs over pre-project background. We typically measure variations greater than those values as background during construction (again, these are samples well outside of the project influence).
5. It is impossible to sample at the edge of the mixing zone and expect to be less than 1-2 NTUs above "natural background". Setting this as the standard will result in constant shutdowns for beach projects.

Additionally, we request clarification regarding the statement at the end of page 17 of the implementation document, "Stations within 200 meters of shore may be influenced by tidal or wave action and shall be excluded from IWR assessments." Does this mean that beach projects do not have to comply with the proposed turbidity changes? All nourishment activities occur in areas where tides and wave action influence turbidity naturally and most compliance stations are located within 200 meters of shore during monitoring.

Lastly, please further consider the comments presented by others regarding the proposed changes including those of the Florida Shore & Beach Preservation Association, other coastal communities, consultants, and stakeholders. We appreciate your consideration and the opportunity to offer these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Duchock', with a large, stylized loop at the end.

John Duchock, PE
Beach District Director

cc: Gene Rauth, Town Manager
Lisa Armbruster, FSBPA
Diana Ferguson, Esq., Rutledge Ecenia
Alex Reed, FDEP
Lainie Edwards, FDEP