



FLORIDA STORMWATER ASSOCIATION

Leadership in Stormwater Management and Utilities

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Via Electronic Mail

November 22, 2019

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

RE: Triennial Review of Water Quality Standards
Comments of the Florida Stormwater Association

Dear Ms. Sutton:

The Florida Stormwater Association appreciates the opportunity to submit comments related to Florida Department of Environmental Protection's (the "Department") Triennial Review of state water quality standards. We appreciate the hard work and dedication of those in the Department on this year's review and are generally supportive of the proposed revisions. However, we do have a few significant concerns with some of the proposed revisions, as are described below.

Proposed Revisions to Chapter 62-302, Surface Water Quality Standards

1. Turbidity

FSA is concerned with the proposed revisions to 62-302 that add a narrative criteria to the turbidity standard as described in (70)(a) and (70)(b). The stated rationale for the proposed revisions is to improve protection of coral reefs off of Florida's coasts.

While turbidity or sedimentation may be a contributing factor to the decline in the health of coral reef communities, we are not convinced that turbidity is the only reason or even the primary reason for the declining health of some reefs. For example, rising temperatures or acidification may also be contributing factors.

Nonetheless, if the intent is to be more protective of coral reefs, we suggest that the proposed standards be revised to be limited to Class III and Class III-Limited Marine Waters, and only in those geographic areas that are specifically identified in the draft revisions to the (70)(b) parameter.

Kelli Hammer Levy
President
Pinellas County

Elliot Shoberg, PE
Vice President
City of Clearwater

Elizabeth Perez, PE
Secretary-Treasurer
Collective Water Resources

Danielle Hopkins, CMP
Executive Director

2. Cyanotoxins

It is our understanding that FDEP is considering adoption of EPA's national recommendations for the Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins. We respectfully urge the Department to reject EPA's recommended criteria.

First, the Department has already adopted criteria designed to protect human health, and has a protocol for monitoring and responding to the algal blooms associated with cyanotoxins. The protocol is based on visual observation and can be quickly implemented, thus protecting human health.

Second, MS4s and various other industrial point source dischargers that must obtain and comply with the provisions of their NPDES permit do not discharge cyanotoxins. They discharge nutrients that may contribute to the growth of blue-green algae, which (in turn) may release cyanotoxins. There are already water quality criteria and standards for nutrients. Adding another criteria or standard for one or more cyanotoxins will only serve to add confusion in Florida's TMDL, BMAP and NPDES permitting programs, and increase permit-holder's exposure to third party litigation without any discernable improvement in water quality or the protection of human health.

We therefore request that any parameters for Cylindrospermopsin and Microcystins not be included in the proposed revisions to the criteria for Surface Water Quality Classifications nor in any implementing regulations.

Proposed Revisions to Chapter 62-303, Identification of Impaired Surface Waters

1. Proposed Revisions to Thresholds for Listing Based on Fish Consumption

The proposed language in Chapter 62-303.370, FAC, includes the following revisions:

(1) A Class I, II, III or III-Limited water shall be placed on the Planning List for fish consumption if DOH has issued an advisory to limit consumption of any fish species from that water to one meal per week or less frequent consumption. ~~there is either a limited or no consumption fish consumption advisory, issued by the DOH, or other authorized governmental entity, in effect for the water segment~~

Additionally, the proposed language in Chapter 62-303.470, FAC, includes the below revisions and lowers the number of fish collected during an evaluation used for a fish consumption advisory from 12 to eight:

- (1) The Department shall review the fish consumption advisories and the data used by the DOH as the basis for the advisories and shall only use the advisories and data under this part if the following requirements are met.
 - (a) The advisory is based on the statistical evaluation of fish tissue data from at least eight ~~twelve~~ fish collected from the specific water segment or waterbody to be listed,

We know of no documentation of a scientific basis for this change. The original minimum of twelve was determined via a statistical analysis that demonstrated that analyzing a minimum of 12 fish produced an acceptably accurate value for proper regulatory action, and therefore, was adopted into the Department's operating procedures for fish tissue sampling (FDEP SOP FS 6000). Additionally, the minimum of 12 fish is part of interagency agreements between FWCC, FDEP, and FDOH.

Unless the Department has conducted a statistical re-analysis that demonstrates a sample size of eight is now sufficient, we request that the proposed revision to 62-303.470 be withdrawn.

2. Proposed WBID Differentiation and Revisions

The Department periodically revises WBID boundaries but there is no standard operating procedure governing the process by which changes to WBIDs are proposed or adopted. We suggest that a written procedure be adopted for this purpose and should be incorporated into Chapter 62-303 by reference.

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We appreciate the Department's consideration of the above recommendations and would be happy to discuss them with you in greater detail at any time.

Sincerely,

FLORIDA STORMWATER ASSOCIATION

A handwritten signature in black ink that reads "Danielle Hopkins". The signature is written in a cursive style with a large, stylized 'D'.

Danielle Hopkins

cc: FSA Executive Committee
Kurt Spitzer