

Lee County Division of Natural Resources
Triennial Review of Water Quality Standards Comments
November 21th, 2019

- CHAPTER 62-302 SURFACE WATER QUALITY STANDARDS.

1. 62-302.200 Definitions (4): Rapid Periphyton Survey (RPS) and Linear Vegetation Survey (LVS) are not included in the definition of “Biological Health Assessment” but they are part of the community-based biological evaluations.
2. 62-302.200 Definitions (18): Manmade lakes are not excluded from this definition of lake. Is this definition meant to include stormwater management ponds?
3. 62-302.200 Definitions (22): The nuisance species definition is too vague. Based on this definition, *Vallisneria americana* and other beneficial vegetation can be labeled as nuisance and eradicated from aquatic ecosystems.
4. 62-302.200 Definitions (38): Some natural creeks suffer from fluctuating conditions or even desiccation due to manmade structures. Under those conditions, would they be also considered non-perennial? This may hinder restoration that otherwise should be encouraged in biological stressed communities that are being affected by human activities.
5. 62-302.300 (5) “Water quality standards apply equally to and shall be uniformly enforced in both the public and private sector.”: Does this give the Department of Environmental Protection (DEP) enforcement power to hold private landowners to the narrative nutrient criterion in paragraph 62-302.530(48)(b) for stormwater management ponds (Class III Limited) discharging to natural and/or manmade waterbodies?
6. 62-302.300 (19): Based on this, are local National Pollutant Discharge Elimination System (NPDES) programs supposed to track schedules of compliance? Who is responsible for providing the schedules of compliance to the NPDES program? Based on this addition to the rule, will there be new responsibilities for local agencies?
7. 62-302.400 (17b): Environmental is misspelled.
8. 62-302.530 Table (3): If the temperature to calculate ammonia is referring to a site parameter or in other words the temperature at the site, it should be specified in the definition to avoid confusion.
9. 62-302.530 Table (6)(c): Sampling intervals aren’t specified. It does not seem to explain how the samples should be spaced along the month.
10. 62-302.530 Table (48)(b) “In no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna.”: Will these alterations be measured using Biological Health Assessments (SCI, LVI and Shannon-Weaver Diversity Index) as defined on 62-302.200 (4)? This needs clarification. To define this in a quantitative/measurable manner could be helpful.
11. 62-302.530 (70a): Deltas and lower portions of streams may have different turbidity characteristics than the rest of the creek. In order to further protect the estuaries, Site Specific Alternative Criterion Studies in those portions could be helpful to evaluate the current standards.

- CHAPTER 62-303 SURFACE WATER QUALITY STANDARDS.

1. 62-303.200 Definitions (8): This definition does not seem to exclude artificial or manmade lakes. Is this definition meant to include stormwater management ponds?
2. 62-303.350 "...other scientifically credible and compelling information": The information provided needs to be also replicable and provable.

- IMPLEMENTATION OF FLORIDA'S NUMERIC NUTRIENT STANDARDS.

1. On page 13, "...natural climate-related circumstances during any given period": Human activities can often cause shifts in plant and algal communities, not just natural circumstances. Creek maintenance schedules should be taken into consideration before using floral data to avoid confusing a recently managed system with a nutrient imbalance.
2. 6.5.1 RPS and algal species composition decision key (1b): It may be good to remember here that the additional RPS must be performed in the same season as the failed RPS.

- DRAFT IMPLEMENTATION OF THE TURBIDITY CRITERION FOR THE PROTECTION OF CORAL REEF AND HARDBOTTOM COMMUNITIES.

1. On page 2, "...or other areas of the state where coral reef or hardbottom communities, are currently found.": Reefs and hardbottoms are not all equal. This needs to be defined including a robust definition and citation of data sources.
2. On page 2: There is a missing word after the word "significant".
3. On page 3, Figure 2: What are the sources of these data? Per definitions herein, Gasparilla has a hardbottom offshore; not reef. Neither reefs nor hardbottoms exist interior to Pine Island Sound. In addition, why are Collier areas not mapped?
4. On page 4, "southeas": It is misspelled.
5. What are sources for "South West Florida Coral Reefs" as mapped?
6. On page 9, "Documentation supporting the presence or absence of corals or hardbottom shall be based on site-specific evaluation of the habitat and epifaunal species present. The evaluation must be based on benthic surveys within the area affected by the project or construction area.": If this is the standard, then the map for South West reefs should be deleted because it is wrong and adds no value, only confusion.
7. On page 9, "If the applicant prefers to use a data sonde to collect turbidity data, they must demonstrate that the equipment was properly maintained (i.e., cleaned regularly to prevent fouling), was deployed at a location that avoided outside influences to the maximum extent practicable (i.e., minimal boat traffic), and retained calibration throughout the deployment.": Navigation channel projects cannot be constrained to this condition. The data would not be representative of the true background conditions of the project area and would not be representative if located outside the proposed mixing zone.
8. On page 9, "The person conducting turbidity monitoring should observe conditions at the station to confirm tidal stage and should actively avoid outside influences that could elevate turbidity (e.g., passing boats or construction activities) above background conditions.": How is this proper to be applied to channel dredging projects where vessels will commonly pass? This is biased against the common variability of the project area.

9. On page 10, “Turbidity measurements must be collected at the surface (0.5 – 1 meter below surface) and bottom (0.5 – 1 meter off bottom)”: Is it still allowed to take a single sample in the water column when the total depth is below certain depth.
10. On page 10, “The sampling must also be conducted when weather conditions remain relatively uniform throughout the tidal cycle. Applicants must avoid sampling when weather fronts are moving through the area or when wind speed or direction are expected to change significantly.”: Since this is part of the natural system variability why is this stipulated and what defines it? This is a bias against common conditions.
11. On page 11, “However, increases in the magnitude, duration or frequency (i.e., increased variability) of turbidity above background conditions have deleterious effects on the resident coral. Thus, the turbidity criterion is designed to maintain the pre-project background turbidity magnitude, frequency, and duration.”: What is the turbidity criterion when corals are not present inside or near the project area?
12. On page 12, “turbidity samples collected at surface (0.5 to 1 m)”: It needs exception for limited depth locations.
13. On page 13, “maxima”: It is misspelled.