



FLORIDA DEPARTMENT OF Environmental Protection

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Ms. Kathlene Butler, Director
Water Division
U.S. Environmental Protection
Agency Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960

January 14, 2025

Dear Director Butler:

Florida's statewide total maximum daily load (TMDL) for mercury applies to all fresh and marine waters in the state. The Florida Department of Environmental Protection (department) adopted the TMDL developed by the Division of Environmental Assessment and Restoration (division) in June 2013. The TMDL sets a statewide wasteload allocation of 23 kilograms per year (kg/yr) for total mercury for all industrial and domestic wastewater sources holding National Pollutant Discharge Elimination System (NPDES) permits in Florida, other than most municipal separate storm sewer system (MS4) permits. The statewide mercury TMDL assumes that most of the mercury impacting Florida waterbodies comes from uniform, diffuse atmospheric deposition. At the time of TMDL development, the division, with significant assistance from contractors, universities, and the department's Division of Air Resource Management, performed atmospheric dispersion and deposition modeling to confirm this assumption.

The statewide TMDL applies to "all fresh and marine waters in Florida" as per Rule 62-304.900, Florida Administrative Code (F.A.C.). At the time of TMDL adoption, the department had verified a specific list of 1,132 fresh and marine waters as impaired for mercury (in fish tissue) through implementing the Impaired Waters Rule (IWR, Rule Chapter 62-303, F.A.C.). The EPA formally approved the TMDL for this list of 1,132 waters on November 23, 2013. The department has submitted revisions to the list of waters that were verified as impaired for mercury (in fish tissue) and proposed as covered by the statewide mercury TMDL to EPA as part of its impaired water listing process. EPA has amended the statewide Mercury TMDL on September 16, 2014, November 29, 2017, March 9, 2022, and most recently on July 11, 2023.

The purpose of this letter is to further amend the statewide mercury TMDL by

requesting the addition of 53 WBIDs that were included in the department's secretarial order adoption on August 16, 2024, as part of the Biennial Assessment 2022-2024, which used data up to June 30, 2022 to determine impairment. When the division confirms new mercury impairments through the biennial assessment, the statewide mercury TMDL also applies and the waters are listed in assessment category 4a (TMDL Complete) if the main assumptions used in the development of the statewide TMDL remain applicable. To make this determination, the division reviews air and wastewater permits to identify whether any new point sources of mercury could be impacting a specific waterbody. If there are no nearby, discrete point sources of mercury, then the assumption about a uniform, diffuse source of mercury is confirmed, and the water can be included under the statewide TMDL. If there is a new, nearby point source, then additional study is warranted to determine whether the statewide mercury TMDL can apply or whether a site-specific mercury TMDL needs to be developed.

Division of Air Resource Management permitting staff provided information on new or expanded point sources of mercury air emissions since June 30, 2022, which included the 53 WBIDs included as part of the Biennial Assessment 2022-2024. These additions include WBIDs that now have sufficient data to confirm impairment, were identified as omissions from the previous basin assessments (in this update there were not any), and if the waterbody type changed or was resegmented based on new information. The update concluded that, since TMDL adoption through June 30, 2022, (1) no existing air point sources had increased their permitted mercury air emissions, and (2) all point sources of mercury air emissions had been included in the TMDL atmospheric deposition modeling conducted. Since 2022, no existing point sources of air emissions have had modifications to increase their permitted mercury emission rates.

Additionally, in the March 2022 update, there was one new permitted source of mercury air emissions, identified as Nucor Steel, Inc., received a DEP Permit in January 2024, in Frostproof, Florida. The facility is within 10 km of one mercury (in fish tissue) impaired waterbody, Lake Lotela (WBID 1813B). The department had ongoing coordination with the Florida Fish and Wildlife Conservation Commission (FWC) for the collection of additional fish tissue data from waterbodies across the state and with the Florida Department of Health (FDOH) to receive updates on waterbodies designated with a fish consumption advisory. The multi-agency coordination effort included new fish tissue data collection for Lake Lotela which included 60 samples from 4 species and FDOH confirmed that mercury (in fish tissue) remained impaired. The department will provide additional follow up for the upcoming Biennial Assessment 2024-2026 to determine whether revisions are needed to the statewide mercury TMDL update and Verified List of Impaired Waters.

The department requests that EPA approve the following waters listed in **Table 1** as additions to the list of specific waters addressed by the statewide mercury TMDL for which the above demonstration shows that the assumptions of the TMDL still hold. The department will add the WBIDs listed in **Table 1 as amendments** to [Appendix B](#) of the Mercury TMDL for the State of Florida upon EPA's approval of this action. Additionally, we request that EPA approve placing the waterbodies listed in **Table 1** in assessment category 4a.

If you have any comments or questions about our analysis and requested action, please contact me at (850) 245-8469.

Sincerely,

Kevin O'Donnell
Program Administrator
Water Quality Evaluation and TMDL Program

Cc: Viola Reynolds, EPA
Laila Hudda, EPA
Joseph Pohnan, EPA
Ken Weaver, DEP
Eric Simpson, DEP
Jessica Mostyn, DEP

Table 1. List of additional Florida Waterbodies verified as impaired for mercury (in fish tissue). The list included WBIDS from the Biennial Assessment 2022-2024 adopted on August 16, 2024.

Note: Conditions Causing the New Listing:

WBID Resegmentation – new information or water quality data were used to more accurately redraw the WBID boundaries, which resulted in new WBIDs being created.

Meets Data Sufficiency – new information or water quality data were available to assess the waterbody.

Group Name	WBID	Waterbody Name	Waterbody Type	Waterbody Class	Conditions Causing the New Listing
Caloosahatchee	3240J1	Billy Creek (Marine Segment)	Estuary	3M	WBID resegmentation
Charlotte Harbor	2065H2	Sanibel Canal System West	Estuary	2	WBID resegmentation
Charlotte Harbor	2065H3	Sanibel Canal System East	Estuary	2	WBID resegmentation
Choctawhatchee - St. Andrew	906D	Joes Bayou	Estuary	3M	WBID resegmentation
Everglades	3260G	Holey Land Wildlife Management Area	Stream	3F	WBID resegmentation
Everglades	3289IA	Whitewater Bay / Ponce De Leon Bay	Estuary	2	WBID resegmentation
Everglades	3289IB	Everglades West Lakes	Estuary	2	WBID resegmentation
Everglades	3289R1	Shark Slough A (Everglades National Park)	Estuary	2	WBID resegmentation
Everglades West Coast	3259M1	Ten Thousand Islands	Estuary	2	WBID resegmentation
Everglades West Coast	3259M2	Faka Union (Marine Segment)	Estuary	2	WBID resegmentation
Everglades West Coast	3259M3	Barron River (Marine Segment)	Estuary	2	WBID resegmentation
Everglades West Coast	3278Q4	Clam Bay	Estuary	2	WBID resegmentation
Florida Keys	8071A	Inner Gulf Shelf	Coastal	3M	WBID resegmentation
Kissimmee River	3170FG	Old Lake Davenport	Lake	3F	WBID resegmentation
Kissimmee River	3188C1	Kissimmee River Above S-65D	Stream	3F	WBID resegmentation
Lower St. Johns	2227B	Sherman Creek (Marine Portion)	Estuary	3M	WBID resegmentation
Middle St. Johns	2964B3	Little Puzzle Lake	Lake	3F	WBID resegmentation
Sarasota Bay - Peace - Myakka	1975C	Matheny Creek	Stream	3F	WBID resegmentation
Sarasota Bay - Peace - Myakka	1975E	Elligraw Bayou	Stream	3F	WBID resegmentation
Sarasota Bay - Peace - Myakka	1975F	Elligraw Bayou (Marine Segment)	Estuary	3M	WBID resegmentation
Sarasota Bay - Peace - Myakka	1984B	Catfish Creek	Stream	3F	WBID resegmentation
Southeast Coast - Biscayne Bay	3226H5	ICWW - Northern North Bay	Estuary	3M	WBID resegmentation
Southeast Coast - Biscayne Bay	3226H6	ICWW - Southern North Bay	Estuary	3M	WBID resegmentation
Southeast Coast - Biscayne Bay	6001D	Biscayne - North Central Inshore	Estuary	3M	WBID resegmentation
Southeast Coast - Biscayne Bay	6001E	Biscayne - North Central Outer-Bay	Estuary	3M	WBID resegmentation
Southeast Coast - Biscayne Bay	6001F	Biscayne - South Central Inshore	Estuary	3M	WBID resegmentation
Southeast Coast - Biscayne Bay	6001G	Biscayne - South Central Mid-Bay	Estuary	3M	WBID resegmentation

Group Name	WBID	Waterbody Name	Waterbody Type	Waterbody Class	Conditions Causing the New Listing
Southeast Coast - Biscayne Bay	6001H	Biscayne - South Central Outer-Bay	Estuary	3M	WBID resegmentation
Springs Coast	1341K	Miller Creek Spring	Spring	3M	WBID resegmentation
Springs Coast	1345Z	Halls River Head Spring	Spring	3M	WBID resegmentation
Springs Coast	1348C1	Otter Creek Spring	Spring	3M	WBID resegmentation
Springs Coast	1361Z	Blue Run Spring	Spring	3M	WBID resegmentation
Springs Coast	1389B1	Weeki Preserve Spring	Spring	3M	WBID resegmentation
Springs Coast	1400Z	Double Keyhole Spring	Spring	3M	WBID resegmentation
St. Lucie - Loxahatchee	3226C1	Loxahatchee River (Southwest Fork)	Estuary	2	WBID resegmentation
St. Lucie - Loxahatchee	3226C2	Sims Creek	Estuary	2	WBID resegmentation
St. Lucie - Loxahatchee	3226C3	Jones Creek	Estuary	2	WBID resegmentation
Suwannee	3649A	Waters Lake	Lake	3F	Meets Data Sufficiency
Tampa Bay Tributaries	1807G	Manatee Creek above Gamble Creek	Estuary	3M	WBID resegmentation
Tampa Bay Tributaries	1975D	Matheny Creek (Marine Segment)	Estuary	3M	WBID resegmentation
Upper East Coast	2363L	ICWW (St Johns County; Flagler County)	Estuary	2	WBID resegmentation
Upper East Coast	2363M	Washington Oaks Gardens State Park	Estuary	3M	WBID resegmentation
Upper St. Johns	2893X2	Sawgrass Lake	Lake	1	WBID resegmentation
Florida Keys	8077B	Western Florida Bay	Coastal	2	WBID resegmentation
Florida Keys	8077C	Central Florida Bay	Coastal	2	WBID resegmentation
Florida Keys	8077D	Southern Florida Bay	Coastal	2	WBID resegmentation
Florida Keys	8077E	East Central Florida Bay	Coastal	2	WBID resegmentation
Florida Keys	8077F	Eastern Back Bay	Coastal	3M	WBID resegmentation
Florida Keys	8077G	Western Bay Side	Coastal	3M	WBID resegmentation
Florida Keys	8077H	Southern Bay Side	Coastal	3M	WBID resegmentation
St. Lucie - Loxahatchee	3234B	C-18 South	Stream	1	WBID resegmentation
Upper St. Johns	2893X2	Sawgrass Lake	Lake	1	WBID resegmentation
Middle St. Johns	2964B3	Little Puzzle Lake	Lake	3F	WBID resegmentation