



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

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INTERNAL MEMORANDUM

TO: Sidney Bigham, Senior Assistant General Counsel
FROM: Kenneth Weaver, Environmental Administrator *KW*
CC: Gary Maier
DATE: April 13, 2015
RE: Florida Keys Nutrient Criteria

NNC Background

“All Class V Group 3 wells designed to inject domestic wastewater in Monroe County shall be required as part of the operation permit application to provide reasonable assurance that operation of the well will not cause or contribute to a violation of surface water standards as defined in Chapter 62-302, F.A.C.” (Rule 62-528.630, F.A.C). The narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., states that “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.” The method for numerically interpreting this narrative criterion, on a site-specific basis, is provided in Rule 62-302.531, F.A.C, using a hierarchical process. This hierarchical scheme specifies a prioritization for determining the numeric nutrient criteria that apply to a given waterbody.

The Rule’s hierarchical approach gives preference to site-specific analyses that result in a numeric interpretation of the narrative nutrient criterion. Site specific interpretations are generally deemed superior to more broadly applicable interpretations of the narrative criterion because many natural factors affect the expression of nutrient loadings on a given waterbody. Estuary-specific numeric nutrient criteria (NNC) have been adopted for the Florida Keys. See Rules 62-302.531 and 62-302.532, F.A.C.

Table 1 lists the adopted NNC applicable to the Florida Keys Marine Nutrient Regions. The NNC for the Keys are expressed as annual geometric means not to be exceed more than once in a three year period. Furthermore, as required in subsection 62-302.532(1), F.A.C., the concentration-based estuary-specific criteria are expressed as open water, area wide averages across all stations within the segment. The criteria are not intended to be interpreted against a single sample.

The spatial extent of the Marine Regions are defined in rule through a series of maps that were incorporated by reference in Rule 62-302.532, F.A.C. NNC applicable to the Florida Keys are

provided in paragraph 62-302.532(1)(g), F.A.C., including those for the Lower Keys and Back Bay areas. Attachment 1 is the Florida Marine Nutrient Regions map for the Florida Keys. Note that a narrow “Halo” Zone has been excluded from the Florida Keys Marine Nutrient Regions. Attachment 2 was created to show the Halo Zone in greater detail for the Lower Keys, particularly around Key West and Stock Island. The Halo Zone consists of a narrow strip of water that extends from the shoreline out to 500 meter (approx. 0.311 miles) offshore. The Halo Zone was excluded from the Keys Marine Nutrient Regions in anticipation of subsequent adoption of Halo Zone criteria consistent with the Florida Keys Reasonable Assurance Plan (Keys RAP). The Keys RAP has not yet been established as a site specific interpretation of the narrative nutrient criterion. As a result, only the narrative nutrient criterion in rule 62-302.530(47)(b), F.A.C., currently applies within the Halo Zone.

Table 1. Numeric Nutrient Criteria for the Florida Keys Marine Nutrient Regions. Criteria are listed in paragraph 62302.532(1)(g), F.A.C., and are expressed as area-wide annual geometric means.

Marine Nutrient Region	Total Phosphorus	Total Nitrogen	Chlorophyll a
1. Back Bay	0.009 mg/L	0.25 mg/L	0.3 µg/L
2. Backshelf	0.011 mg/L	0.23 mg/L	0.7 µg/L
3. Lower Keys	0.008 mg/L	0.21 mg/L	0.3 µg/L
4. Marquesas	0.008 mg/L	0.21 mg/L	0.6 µg/L
5. Middle Keys	0.007 mg/L	0.22 mg/L	0.3 µg/L
6. Oceanside	0.007 mg/L	0.17 mg/L	0.3 µg/L
7. Upper Keys	0.007 mg/L	0.18 mg/L	0.2 µg/L

Lower Keys Nutrient Status

I retrieved all monitoring data (<http://serc.fiu.edu/wqmnetwork/>) for the Florida Keys and assessed attainment of the applicable criteria for the Back Bay and Lower Keys. The assessment was conducted using both Marine Nutrient Regions (Back and Lower Keys) and the closest Waterbody ID¹s (8074 and 8079). Attachment 3 shows the location of the WBIDs and surface water quality monitoring stations around Stock Island and the Lower Keys. The available data set runs from 1995 through 2013. Data for 2014 are not yet available. Attachment 4 provides the most recent two years of surface water quality data for monitoring stations in WBIDs 8074, 8079, 6014A (Key West), and 6014B (Stock Island). Attainment of the annual geometric mean (AGM) total phosphorus (TP), total nitrogen (TN), and chlorophyll a (Chl-a) concentrations were assessed against the criteria shown in Table 1. The Lower Keys and Back Bay Marine Nutrient Regions in question are attaining all applicable NNC. Likewise, WBIDs 8074 and 8079 are also attaining the applicable NNC. Summary charts of annual geometric mean TN, TP, and Chl-a concentrations for WBIDS 8074 and 8079 are included in Attachment 5.

Because the two adjacent Marine Nutrient Regions and nearest WBIDs currently attain all NNC, the existing loads from Key West Resort Utilities Waste Water Treatment Plant (WWTP) provide

¹ Waterbody IDs (WBIDs) are the spatial assessment areas used by the Department for Impaired Waters Rule 303(d) listing purposes under Chapter 62-303, F.A.C. WBIDs are generally smaller in area than are the associated Marine Nutrient Regions.

for the attainment of the downstream NNC; that is, the Department has reasonable assurance that the existing discharge level (*i.e.*, loads) do not cause or contribute to violations of the NNC. Likewise, reasonable assurance would be provided in the case of load reductions. The analyses presented within the January 9, 2015 memorandum from Ed Castle, PE with Weiler Engineering Corporation indicate that upgrading the facility to Advanced Wastewater Treatment (AWT) will result in significant load reductions for both TN and TP (**Table 2**). Attachment 5 includes charts comparing the existing facility TN and TP loads to the projected AWT loads. The charts clearly illustrate that future loading of nutrients will be substantially reduced from the current condition. Reasonable assurance is thus provided; if the existing TN and TP loads of 58.0 and 14.4 lbs/day, respectively, are currently providing for attainment of the NNC, then it logically follows that reducing TN and TP by 72.4% and 63.2%, respectively, will provide for continued attainment. This logic holds regardless of whether it is assumed that none of the discharge reaches nearshore waters or if 100% (or any percentage in between) of the discharge reaches nearshore waters.

Table 2. TN and TP mass loadings from Key West Resort Utilities on the current (5-year average) and predicted under AWT and increased permitted flow.

Parameter	Secondary Treatment Conc., 5 years historical data	Predicted AWT Conc.
Total Nitrogen, mg/l as N	13.92	2.25
Total Phosphorus, mg/l as P	3.47	0.75
Permitted Flow, MGD	0.499	0.849
Total Nitrogen Average Daily Discharge, lbs/day	58.0	15.9
Total Phosphorus Average Daily Discharge, lbs/day	14.4	5.3

Impair Waters Rule Listing Status

The Impaired Waters Rule (IWR, Chapter 62-303, F.A.C.) provides a process to determine if waterbodies (or waterbody segments) are meeting all water quality standards. For example, the IWR determines whether each waterbody meets its applicable nutrient criterion (either numeric or narrative). Any waterbody that is determined to not be attaining one or more criteria, based on the IWR methodology, is placed on the Verified List of impaired waterbodies. A Verified impaired waterbody may be identified for subsequent TMDL development (Category 5). However, if there is already an existing TMDL or other restoration plan that is reasonably expected to address the impairment than the waterbody may be placed in one of five subcategories of Category 4 (**Table 3**) and no new TMDL will be developed at this time. **Table 3** summarizes the IWR assessment categories. IWR assessments are conducted on a 5-year rotating basis and waterbodies that were identified as Verified impaired during one cycle may be Delisted (determined to attain the criterion) in subsequent assessments based on new data or information. The new data or information must clearly document that the waterbody is attaining the previously listed criterion. All Florida IWR listing determinations are reviewed and approved by U.S. EPA Region 4.

Table 3. Assessment Categories under Florida’s Impaired Waters Rule assessment method.

Assessment Category	Assessment Category Definitions
1	Attains all designated uses
2	Attains some designated uses and insufficient or no information or data are present to determine if remaining uses are attained
3a	No data and information are present to determine if any designated use is attained
3b	Some data and information are present but not enough to determine if any designated use is attained
3c	Enough data and information are present to determine that one or more designated uses may not be attained according to the Planning List methodology
4a	Impaired for one or more designated uses but does not require TMDL development because a TMDL has already been completed
4b	Impaired for one or more designated uses but does not require TMDL development because the water will attain water quality standards due to existing or proposed measures
4c	Impaired for one or more criteria or designated uses but does not require TMDL development because impairment is not caused by a pollutant
4d	The waterbody does not meet applicable criteria, but no pollutant can be identified; therefore a TMDL will not be developed at this time
4e	Impaired, but recently completed or on-going restoration activities are underway to restore the designated uses of the waterbody
5	Water quality standards are not attained and a TMDL is required

On the original 1998 303(d) List, the Florida Keys (with no specified WBIDs) was listed as impaired by Nutrients, with a 2011 TMDL development priority (Attachment 6). In 2009 (Group 5 Cycle 1 basins) and pursuant to Section 403.067(4), F.S., and Chapter 62-303, F.A.C., FDEP placed 23 Florida Keys WBIDs in category 4e (ongoing restoration activities) because the FDEP was evaluating whether existing and proposed control measures provided reasonable assurance that the nutrient impairment would be addressed. In December 2008, Reasonable Assurance Plans for the Northern, Central, South Central and Southern regions of the Keys were submitted to the FDEP by the stakeholders. The plans were reviewed and accepted by the FDEP and were sent to EPA for review and comment in February 2009.

In 2011, a plan update was submitted in a document titled, “Florida Keys Reasonable Assurance Documentation Update”. The Department concluded that the 2008 plans and the 2011 plan update provide reasonable assurance that the restoration goals will be achieved by ensuring that all of the plan’s management activities will be implemented by 2015. Pursuant to Sections 403.061 and 403.067, F.S., and Rule 62-303.600, F.A.C., FDEP adopted the Reasonable Assurance (RA) Plan

for the Florida Keys by Secretarial Order on February 7, 2012 (Attachment 7) and concluded that the 23 WBIDs covered by the RA were not impaired for nutrients based on available data. FDEP has placed all of the 23 WBIDs in category 2 for Nutrients and the adopted them on the Delist List in Cycle 2, in accordance with Section 403.067(4), F.S., and Section 62-303.600, F.A.C. The complete listing of all of the Florida Key Nutrient delistings can be found in the Master List and the Group 5-Cycle 2 Delist List dated February 7, 2012 (Attachment 8). The EPA found that FDEP provided sufficient justification for delisting all of these water quality limited segments from the State's previously approved section 303(d) list (Attachment 9).

The Florida Watershed Restoration Act (Section 403.067(4) F. S.) explicitly allows DEP to not list impaired waters under Category 5 if they already have control programs in place that will assure that water quality standards will be restored. An approved Reasonable Assurance plan provides the Department with the necessary documentation to provide reasonable assurance that existing or proposed pollution control mechanisms will effectively address an impairment. Reasonable Assurance Plans detail activities agreed to by local stakeholders to redress impairments of specific surface waters through a process that is streamlined compared to standard regulatory procedures. Consequently, Reasonable Assurance Plans result in more expeditious progress towards restoration.

The Department concluded that the 2008 Keys RAP and the 2011 Keys RAP update provided reasonable assurance that the restoration goals will be achieved by ensuring that all of the plan's management activities will be implemented by December 31, 2015 for the following waterbody segments:

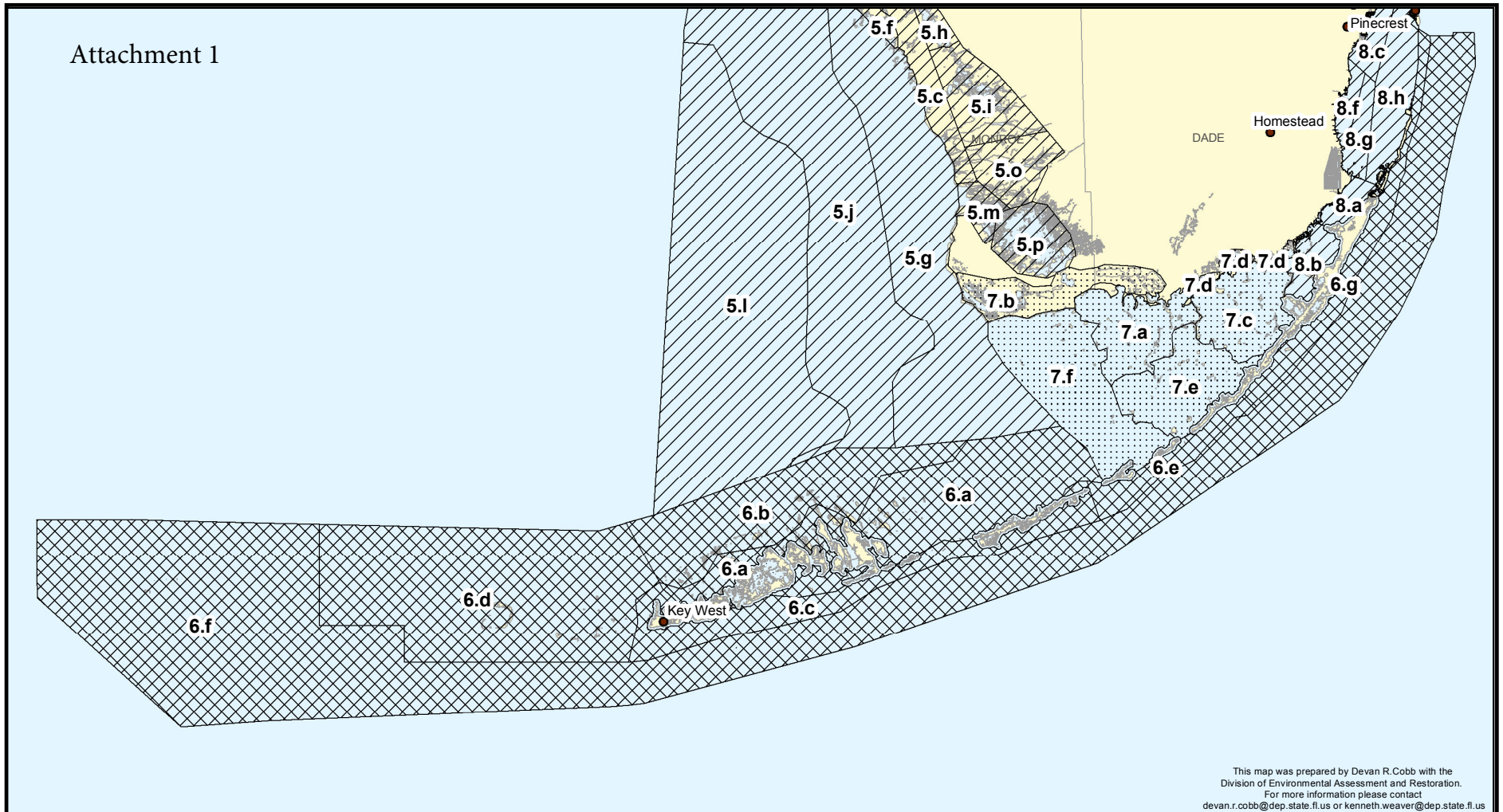
- Northern Keys: WBIDs 6019, 6017, 6009, 6006A, 6006B, 6006C, and 6005EB, which are the Halo Zone WBIDs surrounding the islands of Lower Matecumbe Key, Upper Matecumbe Key, Windley Key, Plantation Key and Largo Key.
- Central Keys: WBIDs 6010, 6011A, 6011B, 6011C, 6012E, and 6016, which are the Halo Zone WBIDs surrounding Marathon, Key Colony Beach, Duck Key and Layton/Long Key.
- South Central Keys: WBIDs include 6014C, 6013A, 6013B, 6013C, 6013D, 6012A, 6012B, 6012C, 6012D, 6012E, 6010, and 6018, which are the Halo Zone WBIDs surrounding the islands of Boca Chica Key, Saddlebunch Key, Sugarloaf Key, Cudjoe Key, Summerland Key, Ramrod Key, Big Torch Key, Big Pine Key, Long Beach, No Name Key and Bahia Honda Key.
- Southern Keys: WBIDs include 6014A and 6014B which are the Halo Zone WBIDs surrounding the islands of Key West and Stock Island.

The Keys RAP prescribes a number of specific management activities designed to restore water quality within the Keys. Management activities were classified into three different categories: wastewater management practices; stormwater management practices; and regulatory programs. The implemented and anticipated management actions are summarized in **Table 4**.

Table 4. General management actions under the Keys RAP.

Wastewater Management Practices	Stormwater Management Practices	Regulatory Programs
▪ Elimination of Cesspits ▪ Centralized Wastewater Services ▪ Upgraded Privately Owned Wastewater Systems ▪ Class V Deep Injection Well for Disposal of Wastewater Effluent (Replacing Existing Ocean Outfall) ▪ Marine Pump-Out Service for Moored Boats to Reduce Illicit Discharges	▪ Retrofitting Existing Drainage Systems with Stormwater Treatment prior to Outfall to Halo Zone Waters ▪ Retrofitting Existing Drainage Systems with Stormwater Treatment and Stormwater Disposal Wells (No Direct Outfall to Halo Zone) ▪ Incorporation of Treatment Components in New Transportation Projects	▪ Designation as an "Area of Critical State Concern" ▪ Local Development and Redevelopment Regulations ▪ Enforcement of Chapter 99-395 Requirements by FDEP and FDOH ▪ Chapter 62, FAC, including Outstanding Florida Waters (§62-302.700,FAC)

Attachment 1



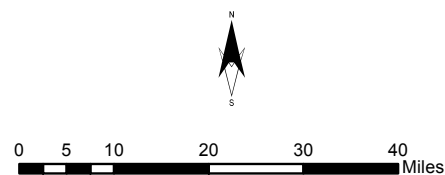
This map was prepared by Devan R. Cobb with the Division of Environmental Assessment and Restoration. For more information please contact devan.r.cobb@dep.state.fl.us or kenneth.weaver@dep.state.fl.us

Marine Nutrient Regions - October 19, 2011	
Label, Estuary, Segment	
5.a. Southwest Florida/10,000 Islands, Blackwater River	6.c. Keys, Lower Keys
5.b. Southwest Florida/10,000 Islands, Clam Bay	6.d. Keys, Marquesas
5.c. Southwest Florida/10,000 Islands, Coastal Transition Zone	6.e. Keys, Middle Keys
5.d. Southwest Florida/10,000 Islands, Cocohatchee River	6.f. Keys, Oceanside
5.e. Southwest Florida/10,000 Islands, Collier Inshore	6.g. Keys, Upper Keys
5.f. Southwest Florida/10,000 Islands, Gulf Islands	7.a. Florida Bay, Central Florida Bay
5.g. Southwest Florida/10,000 Islands, Inner Gulf Shelf	7.b. Florida Bay, Coastal Lakes
5.h. Southwest Florida/10,000 Islands, Inner Waterway	7.c. Florida Bay, East Central Florida Bay
5.i. Southwest Florida/10,000 Islands, Mangrove Rivers	7.d. Florida Bay, Northern Florida Bay
5.j. Southwest Florida/10,000 Islands, Middle Gulf Shelf	7.e. Florida Bay, Southern Florida Bay
5.k. Southwest Florida/10,000 Islands, Naples Bay	7.f. Florida Bay, Western Florida Bay
5.l. Southwest Florida/10,000 Islands, Outer Gulf Shelf	8.a. Biscayne Bay, Card Sound
5.m. Southwest Florida/10,000 Islands, Ponce De Leon	8.b. Biscayne Bay, Manatee Bay-Barnes Sound
5.n. Southwest Florida/10,000 Islands, Rookery Bay/Marco Island	8.c. Biscayne Bay, North Central Inshore
5.o. Southwest Florida/10,000 Islands, Shark River Mouth	8.d. Biscayne Bay, North Central Outer-Bay
5.p. Southwest Florida/10,000 Islands, Whitewater Bay	8.e. Biscayne Bay, Northern North Bay
6.a. Keys, Back Bay	8.f. Biscayne Bay, South Central Inshore
6.b. Keys, Backshelf	8.g. Biscayne Bay, South Central Mid-Bay
	8.h. Biscayne Bay, South Central Outer-Bay
	8.i. Biscayne Bay, Southern North Bay

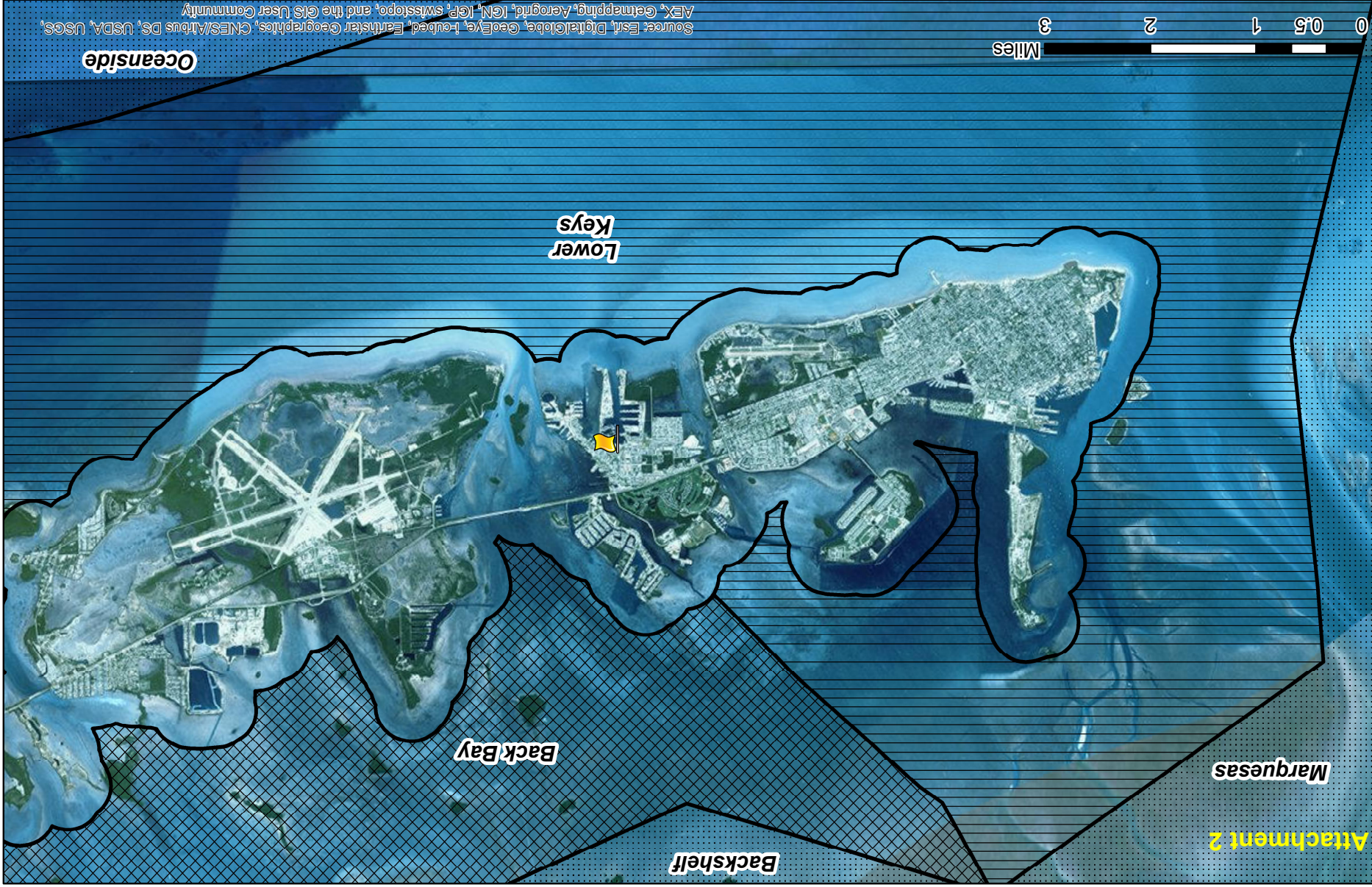
Marine Nutrient Regions

May 13, 2013

Keys



Surface Water Sampling Stock Island Oceanside KW Resort Utility Sewage Effluent Discharge



- Marine Nutrient Region
- Lower Keys
- Marquesas
- Oceanside
- Back Bay
- Backshelf



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WBIDs and Surface Water Quality Monitoring Sites in the Vicinity of Stock Island, FL



Key West Resort Utilities



Waterbody IDs (WBIDs)

Monitoring Location

Nutrient Data

● Yes

○ No



Prepared by Kenneth Weaver with the Division of Environmental Assessment and Restoration. For more information please contact kenneth.weaver@dep.state.fl.us

**Lower Keys
WBIDs and Surface Water
Quality Monitoring Sites**



Waterbody IDs (WBIDs)	FIU Station	IWR Water Quality

Prepared by Kenneth Weaver with the Division of Environmental Assessment and Restoration.
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Attachement 4

STATION	Date	ENR	WBID	LAT	LONG	TN (mg/L)	TP (mg/L)	CHLA (mg/L)	DOSAT-S (%)	DOSAT_B (%)
310	2/9/2012	Back Bay	8074	24.65752	-81.6327	0.23	0.005	0.14	48.9	49.7
209	2/9/2012	Back Bay	8074	24.5857	-81.7227	0.20	0.005	0.08	46.0	47.0
209	5/11/2012	Back Bay	8074	24.5857	-81.7227	0.23	0.006	0.23	89.6	89.6
310	5/11/2012	Back Bay	8074	24.65752	-81.6327	0.23	0.008	0.20	110.5	109.2
310	8/14/2012	Back Bay	8074	24.65752	-81.6327	0.30	0.006	0.17	94.6	94.6
209	8/14/2012	Back Bay	8074	24.5857	-81.7227	0.32	0.008	0.14	73.1	81.3
310	12/5/2012	Back Bay	8074	24.65752	-81.6327	0.13	0.008	0.26	114.4	114.9
209	12/5/2012	Back Bay	8074	24.5857	-81.7227	0.15	0.006	0.12	108.3	107.6
310	2/21/2013	Back Bay	8074	24.65752	-81.6327	0.14	0.008	0.14	79.0	83.3
209	2/21/2013	Back Bay	8074	24.5857	-81.7227	0.13	0.007	0.05	93.3	91.9
310	5/3/2013	Back Bay	8074	24.6608	-81.6374	0.23	0.010	0.30	86.7	86.4
209	5/3/2013	Back Bay	8074	24.5857	-81.7227	0.38	0.009	0.22	79.4	78.9
209	9/4/2013	Back Bay	8074	24.5857	-81.7227	0.11	0.009	0.41	80.5	79.4
310	9/4/2013	Back Bay	8074	24.6608	-81.6374	0.18	0.008	0.32	71.8	72.5

STATION	Date	ENR	WBID	LAT	LONG	TN-S (mg/L)	TN-B (mg/L)	TP-S (mg/L)	TP-B (mg/L)	CHLA (mg/L)	DOSAT-S (%)	DOSAT_B (%)
271	3/14/2012	Lower Keys	8079	24.55667	-81.66667	0.14	0.15	0.004	0.004	0.29	98.9	98.9
275	3/14/2012	Lower Keys	8079	24.52143	-81.74422	0.14	0.12	0.004	0.004	0.19	98.6	98.8
269	3/29/2012	Lower Keys	8079	24.55943	-81.55955	0.13	0.12	0.004	0.005	0.25	98.5	98.6
268	3/29/2012	Lower Keys	8079	24.58782	-81.57698	0.13	0.15	0.004	0.004	0.16	98.6	98.8
266	3/29/2012	Lower Keys	8079	24.61105	-81.50527	0.12		0.004		0.14	98.7	98.9
269	4/25/2012	Lower Keys	8079	24.55943	-81.55955	0.38	0.27	0.008	0.008	0.54	99.0	99.0
266	4/25/2012	Lower Keys	8079	24.61105	-81.50527	0.23		0.007		0.36	99.3	99.4
268	4/25/2012	Lower Keys	8079	24.58782	-81.57698	0.36	0.38	0.008	0.008	0.32	99.1	99.1
271	5/8/2012	Lower Keys	8079	24.55667	-81.66667	0.15	0.25	0.005	0.006	0.38	96.8	97.0
275	5/8/2012	Lower Keys	8079	24.52143	-81.74422	0.10	0.17	0.003	0.005	0.31	97.3	97.2
269	7/15/2012	Lower Keys	8079	24.55943	-81.55955	0.16	0.16	0.007	0.006	0.97	95.2	95.2
268	7/15/2012	Lower Keys	8079	24.58782	-81.57698	0.20	0.20	0.005	0.010	0.31	95.4	95.3
271	7/15/2012	Lower Keys	8079	24.55667	-81.66667	0.28	0.30	0.007	0.008	0.24	96.0	96.0
266	8/23/2012	Lower Keys	8079	24.61105	-81.50527	0.23		0.008		1.48	96.0	96.0
275	9/25/2012	Lower Keys	8079	24.52143	-81.74422	0.19	0.17	0.007	0.007	0.33	95.8	95.9
266	10/19/2012	Lower Keys	8079	24.61105	-81.50527	0.11	0.12	0.004	0.004	0.20	99.9	100.2
269	11/27/2012	Lower Keys	8079	24.55943	-81.55955	0.08	0.08	0.009	0.008	0.34	98.1	98.2
271	11/27/2012	Lower Keys	8079	24.55667	-81.66667	0.07	0.06	0.007	0.008	0.18	98.3	98.4
268	11/27/2012	Lower Keys	8079	24.58782	-81.57698	0.05	0.06	0.007	0.008	0.18	99.2	99.2
275	12/13/2012	Lower Keys	8079	24.52143	-81.74422	0.08	0.08	0.004	0.004	0.32	98.1	98.1
266	1/17/2013	Lower Keys	8079	24.61105	-81.50527	0.08	0.07	0.006	0.006	0.26	99.3	99.5
269	2/7/2013	Lower Keys	8079	24.55943	-81.55955	0.10	0.07	0.004	0.004	0.13	99.5	99.7
271	2/7/2013	Lower Keys	8079	24.55667	-81.66667	0.05	0.07	0.003	0.004	0.08	99.5	99.6
275	2/7/2013	Lower Keys	8079	24.52143	-81.74422	0.04	0.04	0.004	0.003	0.08	99.3	99.4
268	2/7/2013	Lower Keys	8079	24.58782	-81.57698	0.04	0.06	0.003	0.004	0.05	99.4	99.4
271	6/21/2013	Lower Keys	8079	24.5574	-81.6667	0.16	0.14	0.006	0.005	0.32	94.2	94.4
275	6/21/2013	Lower Keys	8079	24.5214	-81.7443	0.11	0.10	0.004	0.004	0.17	94.6	94.8
269	6/24/2013	Lower Keys	8079	24.5593	-81.5598	0.12	0.14	0.005	0.005	5.13	94.7	94.7
268	6/24/2013	Lower Keys	8079	24.5875	-81.577	0.18	0.19	0.005	0.005	0.11	94.1	94.1
266	6/24/2013	Lower Keys	8079	24.6113	-81.5053	0.21		0.006		0.11	95.5	94.5
266	9/12/2013	Lower Keys	8079	24.6113	-81.5053	0.21		0.006		0.51	95.3	95.3
271	9/12/2013	Lower Keys	8079	24.5574	-81.6667	0.18	0.17	0.005	0.005	0.49	95.2	95.2
268	9/12/2013	Lower Keys	8079	24.5875	-81.577	0.21	0.25	0.005	0.005	0.42	95.1	95.1
275	9/12/2013	Lower Keys	8079	24.5214	-81.7443	0.21	0.15	0.004	0.004	0.30	95.2	95.2
269	9/12/2013	Lower Keys	8079	24.5593	-81.5598	0.17	0.18	0.004	0.004	0.20	95.1	95.1

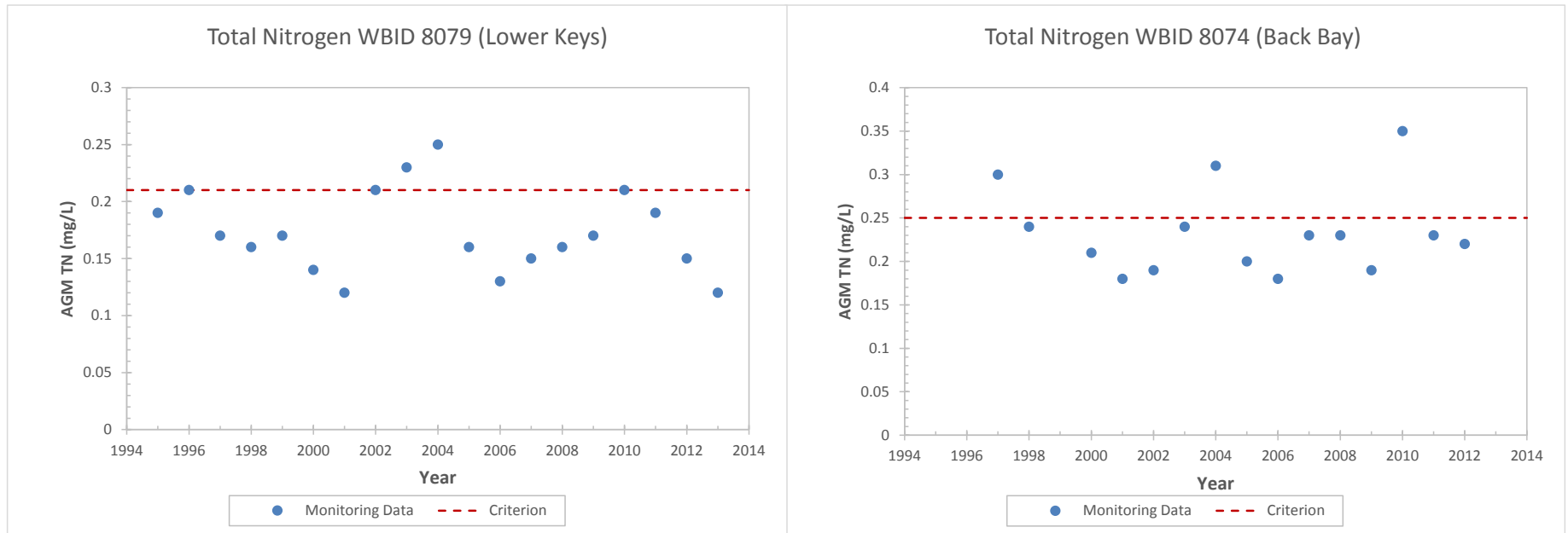
wbid	Station	LAT	LONG	Date	CHLAC (µg/L)	DOSAT (%)	TN (mg/L)	TP (mg/L)	TURB (NTU)
6014A	FIU 316	24.5858	-81.8024	2/9/12	0.24	91.5	0.16	0.005	2.85
6014A	FWC-WQMP316	24.5858	-81.8024	2/9/12		92.3			2.85
6014A	FWC-WQMP508	24.5727	-81.7530	2/9/12		44.9			1.89
6014A	FIU 509	24.5518	-81.7481	3/14/12	0.19	99.3	0.17	0.005	0.19
6014A	FWC-WQMP509	24.5522	-81.7494	3/14/12		99.8			0.19
6014A	FIU 509	24.5518	-81.7481	5/8/12	0.18	95.9	0.22	0.008	0.02
6014A	FWC-WQMP509	24.5522	-81.7494	5/8/12		99.7			0.02
6014A	FIU 316	24.5858	-81.8024	5/11/12	0.39	106.6	0.16	0.006	1.74
6014A	FWC-WQMP316	24.5858	-81.8024	5/11/12		115.9			1.74
6014A	FWC-WQMP508	24.5727	-81.7530	5/11/12		82.1			1.75
6014A	FWC-WQMP508	24.5727	-81.7530	8/13/12		101.9			0.05
6014A	FIU 316	24.5858	-81.8024	8/14/12	0.16	95.8	0.22	0.006	0.15
6014A	FIU 509	24.5518	-81.7481	8/14/12	0.16	96.0	0.18	0.008	0.15
6014A	FWC-WQMP316	24.5858	-81.8024	8/14/12		101.4			0.15
6014A	FWC-WQMP509	24.5522	-81.7494	8/14/12		99.7			0.15
6014A	FIU 316	24.5858	-81.8024	12/5/12	0.25	95.9	0.14	0.008	0.15
6014A	FIU 509	24.5518	-81.7481	12/5/12	0.18	97.7	0.13	0.007	0.07
6014A	FWC-WQMP316	24.5858	-81.8024	12/5/12		99.0			0.15
6014A	FWC-WQMP508	24.5727	-81.7530	12/5/12		98.3			0.05
6014A	FWC-WQMP509	24.5522	-81.7494	12/13/12		99.8			0.07
6014A	FWC-WQMP509	24.5522	-81.7494	2/9/13		99.7			0.12
6014A	FIU 316	24.5858	-81.8024	2/21/13	0.20	75.5	0.10	0.008	0.4
6014A	FIU 509	24.5518	-81.7481	2/21/13	0.22	98.6	0.13	0.008	0.12
6014A	FWC-WQMP316	24.5858	-81.8024	2/21/13		75.4			0.4
6014A	FWC-WQMP508	24.5727	-81.7530	2/21/13		79.2			0.52
6014A	FIU 316	24.5858	-81.8024	5/3/13	0.33	96.8	0.25	0.007	0
6014A	FWC-WQMP316	24.5858	-81.8024	5/3/13		99.0			0
6014A	FWC-WQMP508	24.5727	-81.7530	5/3/13		85.6			0
6014A	FIU 509	24.5518	-81.7481	6/21/13	0.24	93.7	0.18	0.005	0.24
6014A	FWC-WQMP509	24.5522	-81.7494	6/21/13		99.7			0.24
6014A	FIU 316	24.5858	-81.8024	9/4/13	0.32	94.1	0.12	0.007	0.32
6014A	FIU 509	24.5518	-81.7481	9/12/13	0.37	95.2	0.08	0.006	0.61

WBID	Station	LAT	LONG	Date	Silver (µg/L)	Arsenic (µg/L)	Cadmium (µg/L)	Chromium 3 (µg/L)	CHLAC (µg/L)	Chromium 6 (µg/L)	Copper (µg/L)	DOSAT (%)	Fecal Coll. (#/100 mL)	Iron (µg/L)	Mercury (µg/L)	Lead (µg/L)	TN (mg/L)	TP (mg/L)	Zinc (µg/L)
6014B	21FLFTM 28040875FTM	24.5654	-81.7370	3/30/2005	3.4			5 (U)	4.29	80.7	1 (U)	50 (U)	0.12 (U)	0.38 (U)	0.53	0.38 (U)	0.38 (U)	0.02 (U)	15 (U)
6014B	21FLFTM 28040879FTM	24.5676	-81.7361	3/30/2005	2.5			5 (U)	5.4	68.5	1 (U)	50 (U)	0.12 (U)	0.38 (U)	0.58	0.38 (U)	0.035	21	
6014B	21FLFTM 28040881FTM	24.5720	-81.7361	3/30/2005	2.5			5 (U)						0.38 (U)	0.39	0.38 (U)	0.02 (U)	9 (U)	
6014B	21FLFTM 28040882FTM	24.5722	-81.7323	3/30/2005	2.5			5 (U)	1.85	81.7	1 (U)	50 (U)	0.12 (U)	0.38 (U)	0.65	0.38 (U)	0.02 (U)	15 (U)	
6014B	21FLFTM 28040886FTM	24.5832	-81.7384	3/30/2005	2.19			5 (U)	0.94	108.9	1 (U)	70 (U)	0.12 (U)	0.38 (U)	0.43	0.38 (U)	0.02 (U)	21 (U)	
6014B	21FLFTM 28040875FTM	24.5654	-81.7370	5/24/2005	0.12 (U)	12	0.25 (U)	0.85 (U)	2.5 (U)	4.65	123.9	1 (U)	30 (U)	0.38 (U)		0.38 (U)	0.37	0.02 (U)	11
6014B	21FLFTM 28040879FTM	24.5676	-81.7361	5/24/2005	0.12	12	0.25 (U)	0.85 (U)	2.7	4.6	120.3	1 (U)	30 (U)	0.38 (U)	0.56	0.38 (U)	0.02 (U)	13	
6014B	21FLFTM 28040881FTM	24.5720	-81.7271	5/24/2005	0.12	12	0.25 (U)	0.96	2.5 (U)	0.63	102.0	1 (U)	30 (U)	0.38 (U)	0.38	0.38 (U)	0.02 (U)	9 (U)	
6014B	21FLFTM 28040882FTM	24.5722	-81.7323	5/24/2005	0.12	12	0.25 (U)	0.85 (U)	2.5 (U)	1.88	64.8	1 (U)	30 (U)	0.38 (U)	0.56	0.38 (U)	0.02 (U)	9 (U)	
6014B	21FLFTM 28040886FTM	24.5832	-81.7384	5/24/2005	0.12	12	0.25 (U)	0.85 (U)	2.5 (U)	1.29	108.3	1 (U)	30 (U)	0.38 (U)	0.36	0.38 (U)	0.02 (U)	9 (U)	
6014B	21FLFTM 28040875FTM	24.5654	-81.7370	7/19/2005	0.25 (U)	5	1.5 (U)	1.3	6 (U)	5.12		1080	30 (U)	0.38 (U)	0.47	0.38 (U)	0.02 (U)	11	
6014B	21FLFTM 28040879FTM	24.5676	-81.7361	7/21/2005													0.52	0.02 (U)	
6014B	21FLFTM 28040881FTM	24.5720	-81.7271	7/21/2005													0.28	0.02 (U)	
6014B	21FLFTM 28040882FTM	24.5722	-81.7323	7/21/2005													0.66	0.02 (U)	
6014B	21FLFTM 28040886FTM	24.5832	-81.7384	7/21/2005													0.47	0.02 (U)	
6014B	21FLFTM 28040879FTM	24.5676	-81.7361	10/11/2005	0.12	12	0.25 (U)		10.5	3.03	79.8	1 (U)	30 (U)	0.38 (U)	0.51	0.38 (U)	0.02 (U)	13	
6014B	21FLFTM 28040875FTM	24.5654	-81.7370	10/12/2005							95.9	1 (U)							
6014B	21FLFTM 28040881FTM	24.5720	-81.7271	10/12/2005								1 (U)							
6014B	21FLFTM 28040882FTM	24.5722	-81.7323	10/12/2005								1 (U)							
6014B	21FLFTM 28040886FTM	24.5832	-81.7384	10/12/2005								1 (U)							
6014B	21FLFTM 28040875FTM	24.5654	-81.7370	3/29/2006	0.25 (U)	5	0.5 (U)	0.85 (U)	5 (U)	4.33	96.7	30	30 (U)	0.38 (U)	0.65	0.38 (U)	0.02 (U)	11	
6014B	21FLFTM 28040879FTM	24.5676	-81.7361	3/29/2006	0.25 (U)	5	0.5 (U)	0.85 (U)	5 (U)	4.79	91.8	40	30 (U)	0.38 (U)	0.87	0.38 (U)	0.02 (U)	13	
6014B	21FLFTM 28040881FTM	24.5720	-81.7271	3/29/2006	0.25 (U)	5	0.5 (U)	0.85 (U)	5 (U)	0.46	103.5	1 (U)	30 (U)	0.38 (U)	0.57	0.38 (U)	0.02 (U)	9 (U)	
6014B	21FLFTM 28040882FTM	24.5722	-81.7323	3/29/2006	0.25 (U)	5	0.5 (U)	0.85 (U)	5 (U)	1.58	103.6	1 (U)	30 (U)	0.38 (U)	0.88	0.38 (U)	0.02 (U)	9 (U)	
6014B	21FLFTM 28040886FTM	24.5832	-81.7384	3/29/2006	0.25 (U)	5	0.5 (U)	0.85 (U)	5 (U)	0.68	104.6	1 (U)	30 (U)			0.38 (U)	0.69	0.02 (U)	9 (U)

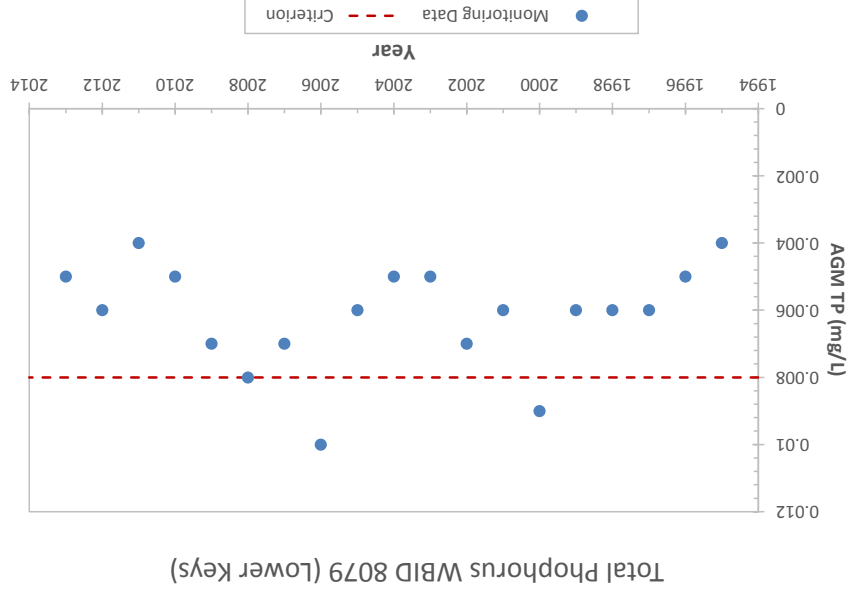
Note: "U" indicates that the value is below the laboratory detection limit; i.e., the parameter was not detected.

Attachment 5

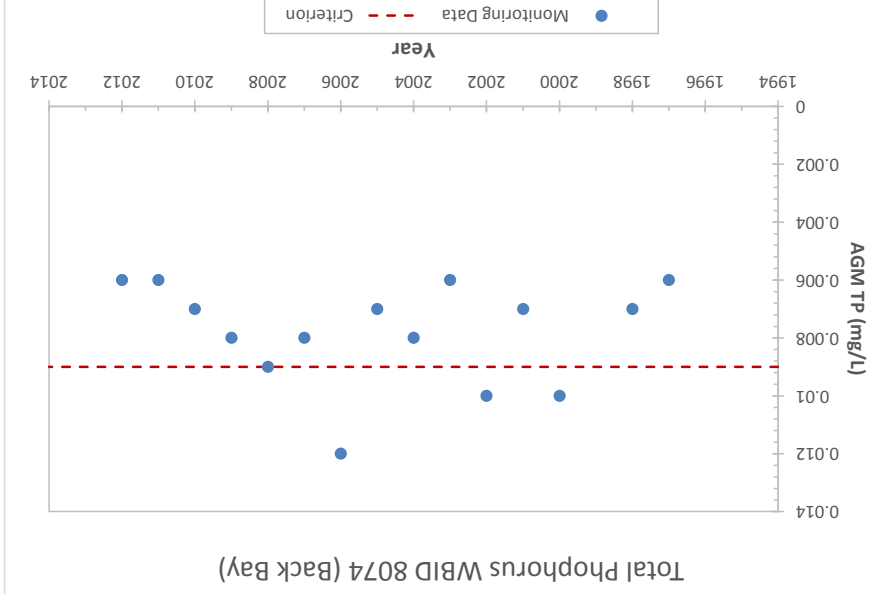
Annual geometric mean total nitrogen (TN) for WBIDs 8079 (Lower Keys) and 8074 (Back Bay) the entire available period of record. The dashed horizontal lines indicate the applicable NNC.



Annual geometric mean total phosphorus (TP) for WBIDs 8079 (Lower Keys) and 8074 (Back Bay) the entire available period of record. The dashed horizontal lines indicate the applicable NNC.

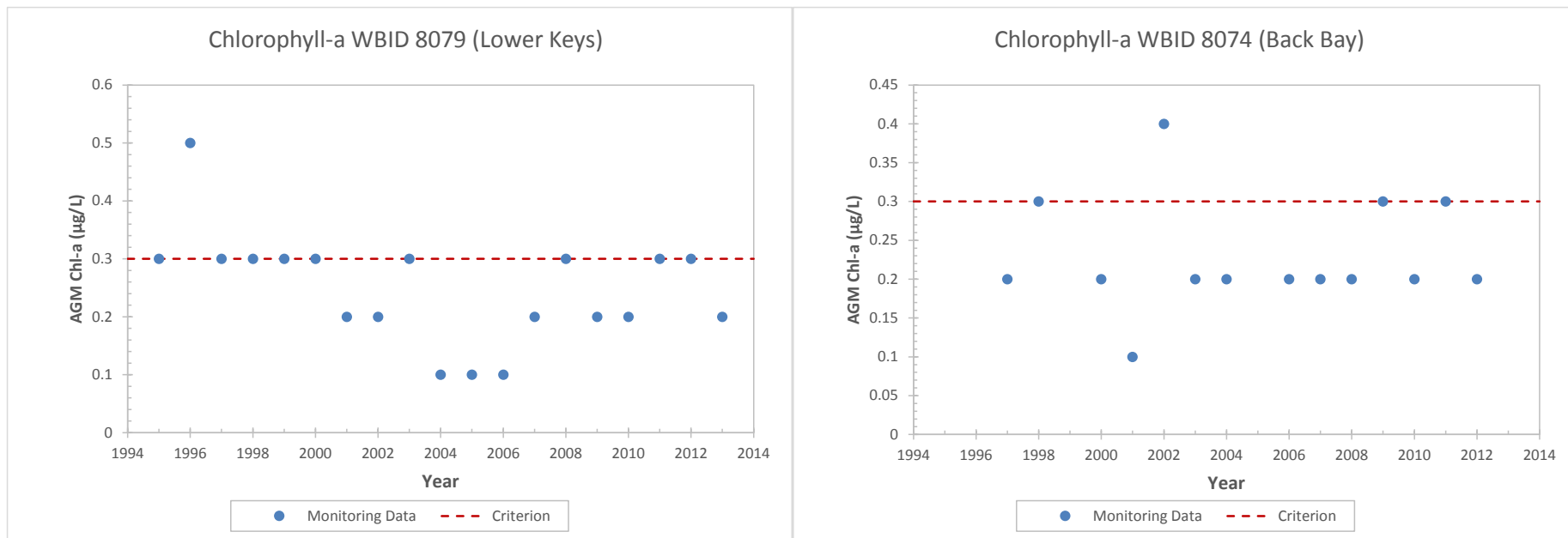


DEP Exhibit 38

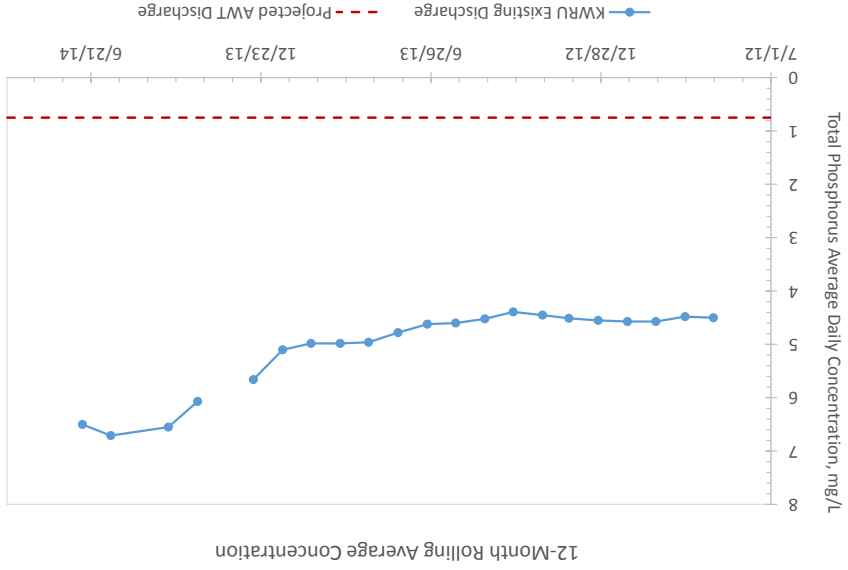
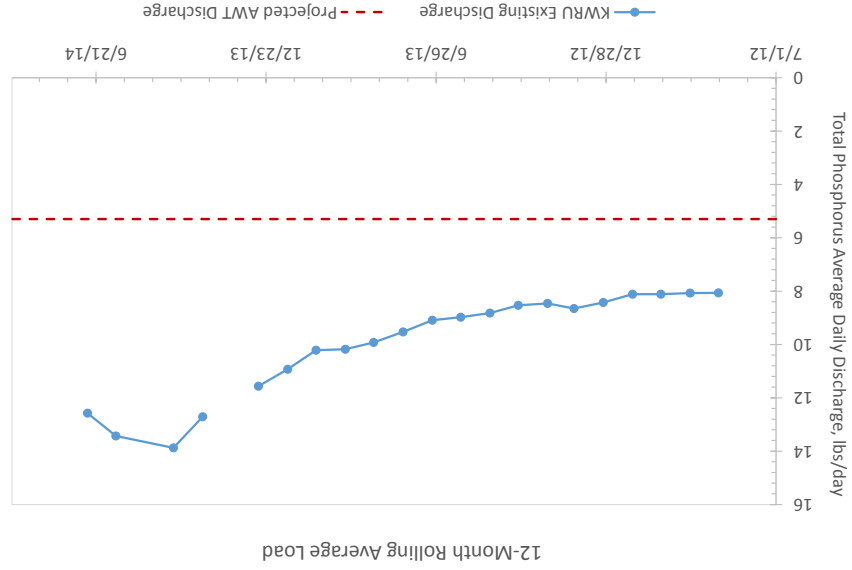


DEP-2136

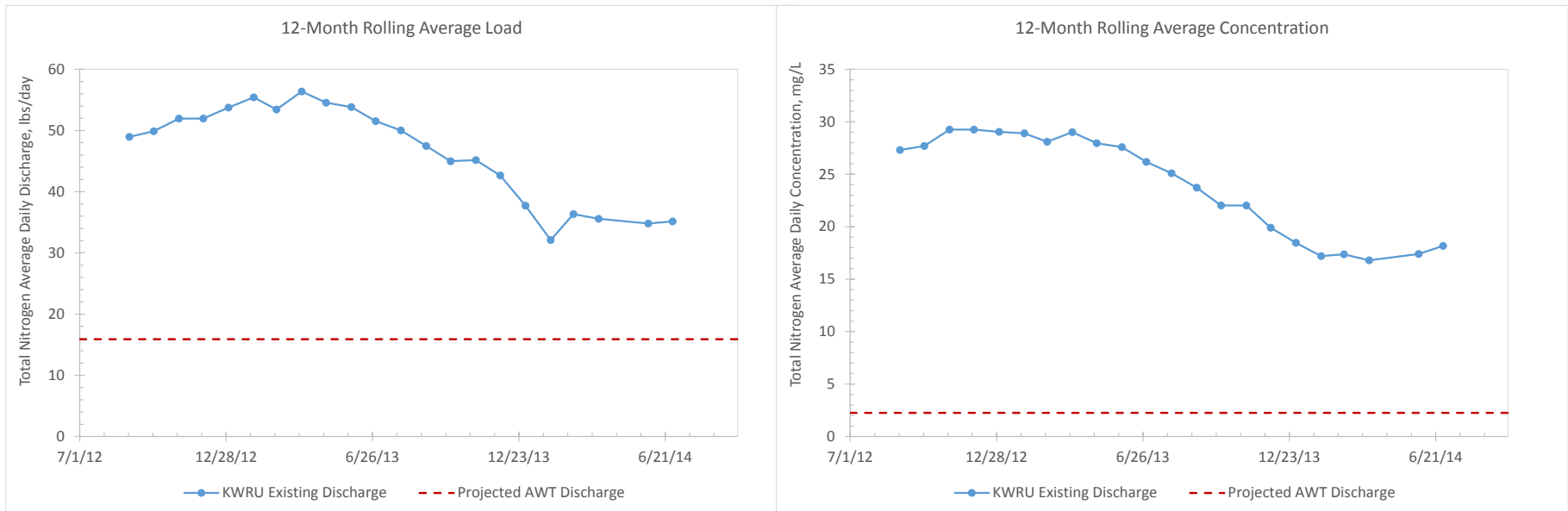
Annual geometric mean chlorophyll-a (Chl-a) for WBIDs 8079 (Lower Keys) and 8074 (Back Bay) the entire available period of record. The dashed horizontal lines indicate the applicable NNC.



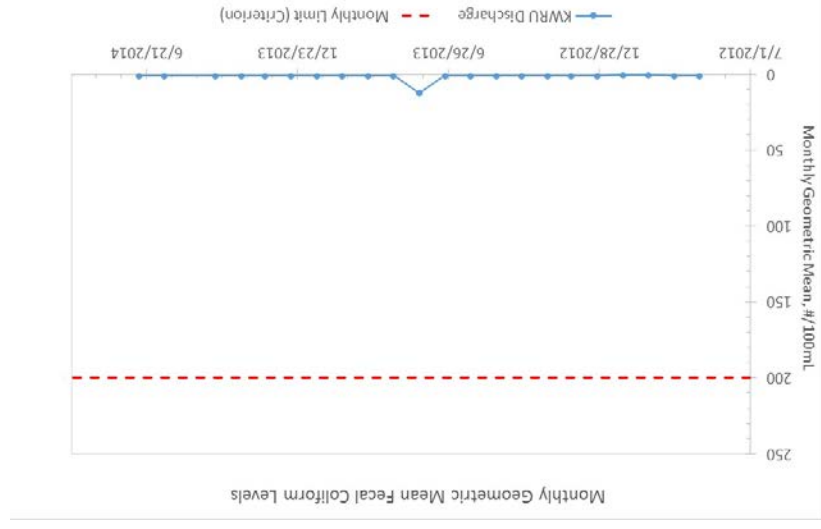
Comparison between current KWRU total phosphorus discharges (U-001 Well) and project future discharge



Comparison between current KWRU total nitrogen discharges (U-001 Well) and project future discharge



Summary of KWRU fecal coliform discharges (U-001 Well).
 Note: most results were reported as below the detection limit (1 #/100 ml)



HUC Name	Water Segment	² MAPID	¹ WBID	Parameters of Concern	Comments	Priority	Basin Rotation Group	Projected Year of TMDL Development	*Special TMDL development year	Parameter for special TMDL development
EVERGLADES-WEST COAST	IMPERIAL RIVER	35	3258E	Dissolved Oxygen, Nutrients		Low	Group 1	2007		
EVERGLADES-WEST COAST	ESTERO BAY	37	3258A (no WBID)	Nutrients	Upcoming Army Corp. of Engineers project may provide additional data. Site of New University.	Low	Group 1	2007		
EVERGLADES-WEST COAST	HENDRY CREEK	38	3258B	Dissolved Oxygen, Nutrients		Low	Group 1	2007		
EVERGLADES-WEST COAST	ESTERO BAY DRAINAGE	39	3258C		Listing of this water segment is based on the NPS survey.	Low	Group 1	2007		
EVERGLADES-WEST COAST	SPRING CREEK	41	3258H	Dissolved Oxygen, Nutrients		Low	Group 1	2007		
FISHEATING CREEK	HARNEY POND CANAL	2	3204	Dissolved Oxygen, Lead, Nutrients		Low	Group 4	2010		
FISHEATING CREEK	INDIAN PRAIRIE CANAL	3	3206	Dissolved Oxygen, Coliforms, Nutrients		High	Group 4	2005		
FLORIDA KEYS	FLORIDA KEYS	0		Nutrients		Low	Group 5	2011		
HILLSBOROUGH RIVER	CHANNELIZED STREAM (Pemberton Creek)	0	1483	Nutrients, Coliforms	This segment was listed on the 1996 303(d) list; however, it was not assessed in the 1996 305(b) report.	Low	Group 1 & 2	2008		
HILLSBOROUGH RIVER	TWO HOLE BRANCH	0	1489	Nutrients, Turbidity, Biochemical Oxygen Demand, Coliforms	This segment was listed on the 1996 303(d) list; however, it was not assessed in the 1996 305(b) report.	Low	Group 1 & 2	2008		
HILLSBOROUGH RIVER	SPARKMAN BRANCH	2	1561	Dissolved Oxygen, Coliforms, Nutrients, Turbidity, Total Suspended Solids		High	Group 1 & 2	2003		
HILLSBOROUGH RIVER	MILL CREEK	4	1542A	Dissolved Oxygen, Coliforms, Nutrients, Un-ionized Ammonia, Lead	Plant City WWTP surface water discharge removed in 1997.	Low	Group 1 & 2	2008		
HILLSBOROUGH RIVER	HILLSBOROUGH RIVER	5	1443A	Dissolved Oxygen, Coliforms, Nutrients, Total Suspended Solids, Mercury (Based on Fish Consumption Advisory)		Low	Group 1 & 2	2008	2011	mercury

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
REASONABLE ASSURANCE PLANS FOR OGC No(s): 12-0616 – 12-0618
SHELL AND PRAIRIE CREEK WATERSHEDS,
THE FLORIDA KEYS AND LAKE SEMINOLE
(PINELLAS COUNTY).
_____ /

ORDER ADOPTING REASONABLE ASSURANCE PLANS FOR
SHELL AND PRAIRIE CREEK WATERSHEDS; THE FLORIDA KEYS; AND
LAKE SEMINOLE

Pursuant to Sections 403.061 and 403.067, Florida Statutes ("Fla. Stat."), and Florida Administrative Code ("F.A.C.") Rule 62-303.600, the Department approves and adopts the Reasonable Assurance plans for 1) Shell and Prairie Creek Watersheds; 2) the Florida Keys; and 3) Lake Seminole.

Reasonable Assurance plans detail activities agreed to by local stakeholders to redress impairments of specific surface waters through a process that is streamlined compared to standard regulatory procedures. Consequently, Reasonable Assurance plans result in more expeditious progress towards restoration. While the Department actively encourages the development and implementation of such plans, without local stakeholder leadership and commitments, Reasonable Assurance plans would not come to fruition and would not be successfully implemented. The three Reasonable Assurance plans adopted herein are examples of what can be accomplished by stakeholder driven restoration activities.

All three plans provide reasonable assurance that applicable water quality standards will be achieved in the future and that reasonable progress towards attainment of standards will occur in the next five years by setting forth

specific restoration projects and activities, dedicated funding for these actions, and a schedule for attainment.

1. Shell and Prairie Creeks

In 2004, the Southwest Florida Water Management District (“SWFWMD”) prepared the “Shell and Prairie Creek Watersheds Management Plan - Reasonable Assurance Documentation” and a stakeholder agreement for the plan. This plan is intended to address the impairments in Shell Creek (WBID 2041), Myrtle Slough (WBID 2040), and Prairie Creek (WBID 1962) and also the potential impairment of several waterbodies in the Joshua Creek and Prairie Creek Watersheds¹. In 2006 and 2009, the SWFWMD submitted reports summarizing performance under the plan in documents titled, “Shell and Prairie Creek Watersheds Management Plan – Performance Monitoring Summary for time period October 2004 – July 2006” and “Shell Creek and Prairie Creek Watersheds Management Plan – Second Bi-annual Performance Monitoring Summary for time period August 2006 – August 2008,” respectively.

The Department finds that the 2004 plan provides reasonable assurance that impairments related to total dissolved solids (“TDS”), chlorides, and specific conductance will be adequately addressed in Shell Creek (WBID 2041), Myrtle Slough (WBID 2040), and Prairie Creek (WBID 1962), and reasonable progress towards attaining water quality standards will be made in the next five years. As

¹ The Shell Creek and Prairie Creek Watersheds reasonable assurance documentation will also address potential impairments identified in the following waterbodies: Shell Creek Reservoir (WBID 2041B), Cypress Slough (WBID 2044), Unnamed Ditch (WBID 2058), Cow Slough (WBID 1964), Myrtle Slough (WBID 1995), Joshua Creek above Peace River (WBID 1950A), Joshua Creek above Honey Run (WBID 1950B), Lake Slough (WBID 1963), Unnamed Branch (WBID 1974), Honey Run (WBID 1977), Hawthorne Creek (1997), Hog Bay Slough (WBID 2001), and Gannet Slough (WBID 2020).

such, the Department approves and adopts the 2004 plan, attached hereto and incorporated herein as Exhibit A.

2. Florida Keys

In 2008, local stakeholders prepared a series of Reasonable Assurance plans titled, “Northern Keys Area Reasonable Assurance Documentation”, “Central Keys Area Reasonable Assurance Documentation”, “South Central Keys Area Reasonable Assurance Documentation”, and “Southern Keys Area Reasonable Assurance Documentation” to address nutrient issues in many of the waters within the Florida Keys. In 2011, a plan update was submitted in a document titled, “Florida Keys Reasonable Assurance Documentation Update.” In addition to providing a progress report on activities described in the 2008 plan, this update amends the schedule for restoration activities. Changes in the schedule are consistent with Chapter 99-395, Laws of Florida (“LOF”), which previously mandated compliance with wastewater treatment requirements by July 1, 2010, but was amended (through Chapter 2010-205, LOF) in 2010 to revise the compliance date to December 31, 2015.

The Department concludes that the 2008 plan and the 2011 plan update provide reasonable assurance that the restoration goals will be achieved by ensuring that all of the plan’s management activities will be implemented by 2015 for the following waterbody segments:

¹ The Shell Creek and Prairie Creek Watersheds reasonable assurance documentation will also address potential impairments identified in the following waterbodies: Shell Creek Reservoir (WBID 2041B), Cypress Slough (WBID 2044), Unnamed Ditch (WBID 2058), Cow Slough (WBID 1964), Myrtle Slough (WBID 1995), Joshua Creek above Peace River (WBID 1950A), Joshua Creek above Honey Run (WBID 1950B), Lake Slough (WBID 1963), Unnamed Branch (WBID 1974), Honey Run (WBID 1977), Hawthorne Creek (1997), Hog Bay Slough (WBID 2001), and Gannet Slough (WBID 2020).

- Northern Keys: WBIDs 6019, 6017, 6009, 6006A, 6006B, 6006C, and 6005EB, which are the Halo Zone WBIDs surrounding the islands of Lower Matecumbe Key, Upper Matecumbe Key, Windley Key, Plantation Key and Largo Key.
- Central Keys: WBIDs 6010, 6011A, 6011B, 6011C, 6012E, and 6016, which are the Halo Zone WBIDs surrounding Marathon, Key Colony Beach, Duck Key and Layton/Long Key.
- South Central Keys: WBIDs include 6014C, 6013A, 6013B, 6013C, 6013D, 6012A, 6012B, 6012C, 6012D, 6012E, 6010, and 6018, which are the Halo Zone WBIDs surrounding the islands of Boca Chica Key, Saddlebunch Key, Sugarloaf Key, Cudjoe Key, Summerland Key, Ramrod Key, Big Torch Key, Big Pine Key, Long Beach, No Name Key and Bahia Honda Key.
- Southern Keys: WBIDs include 6014A and 6014B which are the Halo Zone WBIDs surrounding the islands of Key West and Stock Island.

As such, the Department approves and adopts the 2008 plan and the 2011 update, copies of which are attached hereto and incorporated herein as Exhibits B and C.

3. Lake Seminole

In 2007, local stakeholders prepared a Reasonable Assurance plan titled, “Lake Seminole Reasonable Assurance Plan” to address nutrient impairment in Lake Seminole in Pinellas County. In 2011, a report summarizing performance under the plan was submitted to the Department in a document titled, “Lake Seminole 2011 State of the Lake Report for the Lake Seminole Watershed Reasonable Assurance Plan.” The Department concludes that the 2007 plan provides reasonable assurance that the goals of the plan will be achieved by ensuring that all of the plan’s management activities will be implemented and reasonable progress towards attaining water quality standards will be made in

the next five years. As such, the Department approves and adopts the 2007 plan, attached hereto and incorporated herein as Exhibits D.

THEREFORE, IT IS ORDERED

Pursuant to Sections 403.061 and 403.067, Fla. Stat., and Rule 62-303.600, F.A.C., the Department hereby adopts as enforceable agency orders the Reasonable Assurance plans, as those plans have been amended, for 1) Shell and Prairie Creek watersheds, 2) the Florida Keys, and 3) Lake Seminole (Pinellas County). Compliance with this order may be enforced pursuant to sections 120.69 and 403.121, Fla. Stat.

Notice of Rights

The Department's proposed agency action shall become final unless a timely petition for administrative hearing is filed under Sections 120.569 and 120.57 of the Fla. Stat., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Persons whose substantial interests are affected by this Order have a right to petition for an administrative hearing to contest this Order pursuant to Sections 120.569 and 120.57, Fla. Stat. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000, within 21 days of publication of notice or receipt of written notice of this Order, whichever occurs first. Failure to file a petition within 21 days of the date of receipt of this Order constitutes a waiver of

any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, F.A.C.

Contents of Petition for Hearing

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name, address, and telephone number of each petitioner; and applicable OGC number; (b) a statement of how and when each petitioner received notice of this Order; (c) a statement of how each petitioner's substantial interests are affected by this Order; (d) a statement of the material facts disputed by petitioner, if any; (e) a statement of facts which petitioner contends warrant reversal or modification of this Order; (f) a statement of which rules or statutes petitioner contends require reversal or modification of this Order; and (g) a statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to this Order. A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Mediation

Mediation is not available.

Judicial Review

This Order is final agency action unless a person who is substantially affected by the Department's proposed agency action timely requests a hearing under Sections 120.569 and 120.57, Fla. Stat. A party who is adversely affected by this Order has the right to seek judicial review under Section 120.68, Fla. Stat., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of the General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the clerk of the Department.

DONE AND ORDERED this 7th day of February, 2012, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Herschel T. Vinyard Jr.
Secretary

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.


CLERK

2/7/12
DATE

Exhibit A

“Shell and Prairie Creek Watersheds Management Plan - Reasonable Assurance Documentation”

[Shell, Prairie, and Joshua Creeks RAP - 2004](#) (4.7 MB)
[Shell, Prairie, and Joshua Creeks RAP Update - 2006](#) (1.5 MB)
[Shell, Prairie, and Joshua Creeks RAP Update - 2008](#) (1.5 MB)

Exhibit B

Florida Keys Regions Reasonable Assurance Plan

[Florida Keys RAP - Northern Report](#) (5.1 MB)
[Florida Keys RAP - Central Keys Report](#) (6.6 MB)
[Florida Keys RAP - South Central Report](#) (6.7 MB)
[Florida Keys RAP - Southern Report](#) (5.9 MB)
[Florida Keys Technical Reference Document](#) (7.6 MB)

Exhibit C

Florida Keys Reasonable Assurance Document Update

[Florida Keys RAP Update - 2011](#) (1.7 MB)

Exhibit D

Lake Seminole Reasonable Assurance Plan

[Lake Seminole RAP -2007](#) (6.9 MB)
[Lake Seminole RAP Appendices - 2007](#) (2.7 MB)
[Lake Seminole RAP Update - 2011](#) (2.7 MB)

Florida Keys Group 5 Basin - South District - Cycle 2 FINAL Delist List
Hydrologic Unit: Florida Keys

Attachment 8

OCC Case Number	Planning Unit	WBID	Water Segment Name	Waterbody Type	Waterbody Class ¹	1998 303(d) Param. Of Concern	Parameters Assessed Using the Impaired Surface Waters Rule (IWR)	DO / Nutrient / Biology - TN, TP, BOD Median Values (mg/L) ²	Previous EPA Integrated Report Category ³ - Cycle 1 Assessment ³	Current EPA Integrated Report Category ³ - Cycle 2 Assessment ⁴	Current Integrated Category ³ - Final Assessment	Current Assessment Status	Verified Period Assessment Data ⁵	Comments
12-0389	Upper Keys	6003	Barnes Sound	Estuary	3M	Chloride	Chloride		3a	3a	3a	Delist	No Data	This parameter has no data for this waterbody and there is no evidence or data to support the original 1998 listing, thus it is being delisted from the 1998 303(d) list based on flaw in original analysis. Estuarine waters naturally have high chloride levels and there are no point sources in the area that would be expected elevate the chloride levels.
12-0390	Upper Keys	6003	Barnes Sound	Estuary	3M	Dissolved Oxygen	Dissolved Oxygen	TN = 0.43 (n=67) TP = 0.002 (n=219) BOD = 0.51 (n=9)	2	2	2	Delist	17/310	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list based on number of exceedances.
12-0391	Upper Keys	6003	Barnes Sound	Estuary	3M	Nutrients	Nutrients (Chlorophyll-a)	TN = 0.43 (n=67) TP = 0.002 (n=219) BOD = 0.51 (n=9)	2	2	2	Delist	2004 (1.0 µg/L) 2005 (4.1 µg/L)	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. Assessment category is 2, based on site-specific seagrass data in the Draft Mapping and Monitoring Report (Dec 2010) documenting that the water body attains its designated use.
12-0392	Upper Keys	6003	Barnes Sound	Estuary	3M	Nutrients	Nutrients (Historic Chlorophyll-a)	TN = 0.395 (n=98) TP = 0.003 (n=247) BOD = 0.505 (n=12)	2	2	2	Delist	2004 (1 µg/L) 2005 (4 µg/L) 2010 (1 µg/L)	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. It is being placed in category 2 (not impaired) based on supporting seagrass data used to validate attainment of its designated use. The annual chlorophyll-a averages did not exceed the historic minimum threshold of 5 µg/L (1999 - 2003) by more than 50% in at least two consecutive years. The minimum historic average was adjusted to account for the practical quantitation limit (PQL) for chlorophyll-a (3 µg/L). [‡] Historic chlorophyll-a is one part of the IWR nutrient assessment, dissolved oxygen and nutrients chlorophyll-a are not impaired.
12-0393	Upper Keys	6005	Long Sound	Estuary	3M	Dissolved Oxygen	Dissolved Oxygen	TN = 0.674 (n=27) TP = 0.008 (n=24) BOD = 0.99 (n=9)	2	2	2	Delist	0/106	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list based on number of exceedances.
12-0394	Upper Keys	6006A	South Key Largo	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0395	Upper Keys	6006B	Middle Key Largo	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0396	Upper Keys	6006C	North Key Largo	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0397	Upper Keys	6009	Plantation Key	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0398	Middle Keys	6010	Long Key	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0399	Middle Keys	6011A	Vaca Key	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0400	Middle Keys	6011B	Key Colony	Estuary	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0401	Middle Keys	6011C	Grassy Key	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0402	Lower Keys	6012A	Big Pine Key	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0403	Lower Keys	6012C	No Name Key	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0404	Lower Keys	6012D	Long Beach	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0405	Lower Keys	6012E	Big Torch Key	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0406	Lower Keys	6013A	Saddlebunch Keys	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0407	Lower Keys	6013B	Sugarloaf	Coastal	3M	Nutrients	Nutrients (Other Information)		4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.

Florida Keys Group 5 Basin - South District - Cycle 2 FINAL Delist List

Hydrologic Unit: Florida Keys

OGC Case Number	Planning Unit	WBD	Water Segment Name	Waterbody Type	Waterbody Class ¹	1998 303(d) Parameter, OR Surface Waters Rule (WTR)	DO / Nutrient / Biology - TN, TP, BOD Median Values (mg/L) ²	Previous EPA Category ³ - Cycle 1 Integrated Report	Current EPA Category ³ - Cycle 2 Integrated Report	Current Integrated Category ³ - Final Assessment	Current Status	Verified Period Assessment Data ⁵	Comments
12-0408	Lower Keys	6013C	Cudjoe Key	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0409	Lower Keys	6013D	Little Knockdown Key	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0410	Lower Keys	6014A	Key West	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0411	Lower Keys	6014B	Stock Island	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0412	Lower Keys	6014C	Us Naval Air Station Key West	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0413	Middle Keys	6016	Duck Key	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0414	Upper Keys	6017	Upper Matecumbe Key	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0415	Lower Keys	6018	Bahia Honda State Park	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0416	Upper Keys	6019	Lower Matecumbe Key	Coastal	3M	Nutrients	Nutrients (Other Information)	4e	2	2	Delist	N/A	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. There is Reasonable Assurance in place to address nutrients for this waterbody.
12-0417	Middle Keys	6071	Florida Bay (Everglades National Park; Fanning)	Coastal	2	Chloride	Chloride	3a	3a	3a	Delist	No Data	This parameter has no data for this waterbody and there is no evidence or data to support the original 1998 listing, thus it is being delisted from the 1998 303(d) list based on new in original analysis. Estuarine waters naturally have high chloride levels and there are no point sources from the discharging Everglades National Park area of which would elevate the chloride levels. This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list.
12-0418	Middle Keys	6071	Florida Bay (Everglades National Park; Fanning)	Coastal	2	Disolved Oxygen	Disolved Oxygen	TN = 0.666 (n=66) TP = 0.008 (n=67) BOD = No Data	2	2	Delist	0/43	Annual chlorophyll-a means did not exceed 11 µg/L in the verified period and is being delisted from the 1998 303(d) list. The assessment category or value-specific data is needed to determine whether or not the waterbody fully attains its designated use.
12-0419	Middle Keys	6071	Florida Bay (Everglades National Park; Fanning)	Coastal	2	Nutrients	Nutrients (Chlorophyll-a)	TN = 0.666 (n=66) TP = 0.008 (n=67) BOD = No Data	2	2	Delist	2004 (2.1 µg/L)	Annual chlorophyll-a means did not exceed 11 µg/L in the verified period and is being delisted from the 1998 303(d) list. The assessment category or value-specific data is needed to determine whether or not the waterbody fully attains its designated use.
12-0420	Middle Keys	6077	Florida Bay (Middle Keys)	Coastal	2	Chloride	Chloride	3a	3a	3a	Delist	No Data	This parameter has no data for this waterbody and there is no evidence or data to support the original 1998 listing, thus it is being delisted from the 1998 303(d) list based on new in original analysis. Estuarine waters naturally have high chloride levels and there are no point sources in the area that would be expected elevate the chloride levels. This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list.
12-0421	Middle Keys	6077	Florida Bay (Middle Keys)	Coastal	2	Disolved Oxygen	Disolved Oxygen	TN = 0.43 (n=156) TP = 0.006 (n=134) BOD = No Data	2	2	Delist	4/255	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list.
12-0422	Middle Keys	6077	Florida Bay (Middle Keys)	Coastal	2	Nutrients	Nutrients (Chlorophyll-a)	TN = 0.43 (n=156) TP = 0.006 (n=134) BOD = No Data	2	2	Delist	2004 (1.4 µg/L)	Annual chlorophyll-a means did not exceed 11 µg/L in the verified period. Assessment category is 2, based on site-specific seaweeds data in the Chart Mooring and Monitoring Report (Dec 2010) documenting that the water body attains its designated use.
12-0423	Middle Keys	6077	Florida Bay (Middle Keys)	Coastal	2	Nutrients	Nutrients (Historic Chlorophyll-a)	TN = 0.395 (n=134) TP = 0.006 (n=134) BOD = No Data	2	2	Delist	2004 (1 µg/L)	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list. It is being placed in category 2 (not impaired) based on supporting seaweeds data used to validate attainment of its designated use. The annual chlorophyll-a averages did not exceed the historic minimum threshold of 5 µg/L (1989 - 1993) by more than 50% in at least two consecutive years. The minimum historic average was adjusted to account for the practical quantitation limit (PQL) for chlorophyll-a (3 µg/L). Historic chlorophyll-a is one part of the WTR nutrient assessment. This parameter is not impaired for this waterbody and there is no evidence or data to support the original 1998 listing, thus it is being delisted from the 1998 303(d) list.
12-0424	Upper Keys	6078	Florida Bay (Upper Keys)	Coastal	2	Chloride	Chloride	3a	3a	3a	Delist	No Data	This parameter has no data for this waterbody and there is no evidence or data to support the original 1998 listing, thus it is being delisted from the 1998 303(d) list based on new in original analysis. Estuarine waters naturally have high chloride levels and there are no point sources in the area that would be expected elevate the chloride levels. This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list.
12-0425	Upper Keys	6078	Florida Bay (Upper Keys)	Coastal	2	Disolved Oxygen	Disolved Oxygen	TN = 0.56 (n=115) TP = 0.004 (n=93) BOD = No Data	2	2	Delist	1/224	This parameter is not impaired for this waterbody and is being delisted from the 1998 303(d) list.

Florida Keys Group 5 Basin - South District - Cycle 2 FINAL Delist List
Hydrologic Unit: Florida Keys

OGC Case Number	Planning Unit	WBID	Water Segment Name	Waterbody Type	Waterbody Class ¹	1998 303(d) Param. Of Concern	Parameters Assessed Using the Impaired Surface Waters Rule (IWR)	DO / Nutrient / Biology - TN, TP, BOD Median Values (mg/L) ²	Previous EPA Integrated Report Category ³ - Cycle 1 Assessment ²	Current EPA Integrated Report Category ³ - Cycle 2 Assessment ⁴	Current Integrated Category ³ - Final Assessment	Current Assessment Status	Verified Period Assessment Data ⁵	Comments
12-0426	Upper Keys	8078	Florida Bay (Upper Keys)	Coastal	2	Nutrients	Nutrients (Chlorophyll-a)	TN = 0.56 (n=115) TP = 0.004 (n=93) BOD = No Data	2	2	2	Delist	2004 (1.0 µg/L)	Annual chlorophyll-a means did not exceed 11 µg/L in the verified period and is being delisted from the 1998 303(d) list. Assessment category is 2, based on site-specific seagrass data in the Draft Mapping and Monitoring Report (Dec 2010) documenting that the water body attains its designated use.
12-0427	Lower Keys	8073	Key West And Outlying Islands	Coastal	3M		Fecal Coliform		5	2	2	Delist	92/1695	This parameter is not impaired for this waterbody based on the number of exceedances for the sample size and is being delisted from the cycle 1 303(d) list.
12-0428	Middle Keys	8076A	Veteran's Beach	Beach	3M		Bacteria (Beach Advisories)		5	2	2	Delist	2004 (21 days) 2005 (38 days) 2006 (4 days) 2007 (7 days) 2008 (8 days) 2009 (7 days) 2010 (7 days)	This parameter is not impaired for this waterbody and is being delisted from the 303(d) list based on 5 consecutive years of less than 21 days of beach advisories from 2006 to 2010. Beach WBID assessment is based on beach advisory information received from DOH. ⁶

¹ Florida's waterbody classifications are defined as:

- 1 - Potable water supplies
- 2 - Shellfish propagation or harvesting
- 3F - Recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife in fresh water
- 3M - Recreation, propagation, and maintenance of a healthy, well-balanced population of fish and wildlife in marine water
- 4 - Agricultural water supplies
- 5 - Navigation, utility, and industrial use

² n is equal to the number of samples. When samples are collected at the same location less than 4 days apart, the median of those results represents a single sample for the purpose of determining n.

³ The Cycle 1 assessment was done in 2006 and included data from that Verified Period (January 1, 1999 through June 30, 2006).

⁴ The Cycle 2 assessment is the current assessment and includes data from the Verified Period (January 1, 2004 through June 30, 2011).

⁵ EPA's Integrated Report Category:

- 1 - Attains all designated uses
- 2 - Attains some designated uses and insufficient or no information or data are present to determine if remaining uses are attained
- 3A - No data and information are present to determine if any designated use is attained
- 3B - Some data and information are present but not enough to determine if any designated use is attained
- 3C - Enough data and information are present to determine that one or more designated uses may not be attained according to the Planning List methodology
- 4A - Impaired for one or more designated uses but does not require TMDL development because a TMDL has already been completed.
- 4B - Impaired for one or more designated uses but does not require TMDL development because the water will attain water quality standards due to existing or proposed measures as part of an approved Reasonable Assurance.
- 4C - Impaired for one or more criteria or designated uses but does not require TMDL development because impairment is not caused by a pollutant.
- 4D - The waterbody does not meet applicable criteria, but no pollutant can be identified; therefore a TMDL will not be developed at this time.
- 4E - Impaired, but recently completed or on-going restoration activities are underway to restore the designated uses of the waterbody.
- 5 - Water quality standards are not attained and a TMDL is required.

⁶ **VP** - Verified Period (January 1, 2004 through June 30, 2011); Data include chlorophyll-a annual averages, annual average TSI and color values, bioassessment results and # of exceedances/# of samples.

⁷ FDEP Central laboratory determined that a threshold of 3 ug/L represents the lower end of reasonable detection limits for reporting known chlorophyll-a values.

Since the IWR permits annual mean chlorophyll-a value increases by no more than 50% over historical values, FDEP proposes to use 4.5 ug/L as a threshold for current conditions that must be exceeded in order to assess based on historic evaluations.

N/A = Not Applicable, does not apply, or was not assessed in the previous cycle (i.e. it's a new WBID, waterbody type change, etc.).

⁸ Beach advisories are based on FL Dept of Health Enterococcus (>103 CFU/100mL) or fecal coliform (>399 CFU/100mL) criteria.

Beach advisory data is provided by the Florida Department of Health 2010 Beach Advisories

Fish advisory data is provided by the Florida Department of Health 2011 Fish Advisories

The Group 5 Florida Keys FINAL Delist List is based on IWR Run 44x.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 30 2014

Herschel T. Vinyard Jr.
Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Subject: Final Action on Florida's 2012 Basin Group 5 Update,
as amended, to the Section 303(d) List for the State of Florida

Dear Secretary Vinyard:

The U.S. Environmental Protection Agency, Region 4, has completed its review of Florida Department of Environmental Protection's Basin Group 5 Update, as amended, to Florida's section 303(d) list. The Basin Group 5 Update, as amended, identifies water quality limited segments (WQLS) in the Basin Group 5, pursuant to section 303(d) of the Clean Water Act (CWA). We reviewed the original May 23, 2012 submittal, along with several amendments to this original submittal which FDEP submitted between May 2012 and April 2014. These amendments include the February 20, 2014, submittal of amendments adopted by Secretarial Order, which revised the originally-submitted Verified Lists to include additional WQLS and the originally-submitted Delist Lists to remove some WQLS, thereby retaining them on the section 303(d) list. The EPA has determined that Florida's 2012 Basin Group 5 Update, as amended, substantially meets the intent of section 303(d) of the CWA and the EPA's implementing regulations and is partially approving that submission.

Specifically, the EPA approves Florida's decision to include additional Basin Group 5 waters and associated pollutants on the section 303(d) list, as set out in Appendix B of the enclosed Decision Document. The EPA's partial approval of Florida's submission is made with the understanding that the seven waters identified in Appendix C of the Decision Document will be included on the EPA's approved section 303(d) list for Basin Group 5 in Florida. The waters included in Appendix C will be given a low priority, without a specific date for Total Maximum Daily Load development, in order to allow FDEP time to more fully implement its watershed restoration program.

The EPA conducted a thorough review of the Basin Group 5 Update, as amended. While our review concluded that FDEP's approach was successful for the vast majority of waterbody impairments, the EPA identified seven additional WQLS which FDEP did not include on the Basin Group 5 Update, as amended. Florida's Department of Agriculture and Consumer Services, Shellfish Environmental Assessment, assigned each of these WQLS a water quality-based shellfish harvesting classification which is also less than fully approved. Based on this information, the EPA is adding these seven WQLS to the section 303(d) list for the State of Florida. The complete section 303(d) list for Basin Group 5 in the State of Florida as of the date of this action, excluding WQLS which were included only on the 1998

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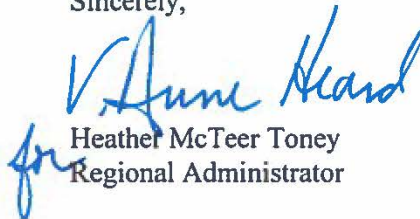
303(d) list, is contained in Appendix A of the enclosed Decision Document. The EPA will open a public comment period to receive comments concerning its decision to add waters and pollutants to the State's section 303(d) list.

The EPA has also completed its review of amendments submitted by FDEP which update the State's section 303(d) lists for Basin Groups 1-4. The specific amendments addressed in this current action include those which FDEP previously submitted to the EPA for Basin Groups 1-4 on August 15, 2009, and March 30, 2010; as well as some amendments submitted to the EPA for Basin Groups 2-4 on May 23, 2012, and February 20, 2014. The EPA limited its 2009 and 2010 decisions to the primary basin(s) addressed by each FDEP submittal and did not take action on additional section 303(d) list amendments which were simultaneously submitted for other basin groups. The EPA has now completed its review of all of these additional amendments. Following its review of 2009-2014 section 303(d) list amendments for Basin Groups 1-4, the EPA is approving all of those list amendments. The EPA's final action for each waterbody is based on the most recent assessment and list status information provided by FDEP for that waterbody.

The outcome of the EPA's findings makes clear that the State of Florida conducted a very extensive effort in collecting water quality information and assessing state waters. We would like to thank you and your staff for your continued efforts to work with us to protect public health and the environment in the State of Florida.

Should you have any questions regarding the EPA's action today, please contact me at (404) 562-8357 or have a member of your staff contact Ms. Allison Humphris, Florida 303(d) Listing and Monitoring Coordinator, at (404) 562-9305.

Sincerely,


Heather McTeer Toney
Regional Administrator

Enclosure