



FLORIDA DEPARTMENT OF Environmental Protection

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Tallahassee, FL 32399-2400

Ron DeSantis
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Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

VIA EMAIL

Read Receipt Requested

January 4, 2021

Henry O. Briceño
Florida International
University Institute of
Environment
Southeast Environmental Research
Center 6 SE 2nd Avenue
Miami, FL 33131
E-mail: bricenoh@fiu.edu

Re: Alternative Limited-Use Methods Approval for the Florida Keys National Marine Sanctuary Water Quality Monitoring Project, Conducted by Florida International University Southeast Environmental Research Center; Center for Aquatic Chemistry and Environment - Nutrient Analysis Core Facility, DOH ID E76930

Dear Dr. Briceño,

The Aquatic Ecology and Quality Assurance Section (AEQAS) of the Department of Environmental Protection (department) has reviewed the method validation information submitted by Florida International University Southeast Environmental Research Center (SERC) and has approved methods for limited-use alternative maximum holding time and preservation for nitrite (NO₂) and limited-use alternative preservation for nitrate-nitrite (NO₂+NO₃), ammonia/ammonium (NH₃/NH₄), total nitrogen (TN), total phosphorus (TP), and total organic carbon (TOC) samples. The alternative method submittal for alternative preservation methods for soluble reactive phosphorus (SRP) samples was not approved. This letter provides an approval order for alternative methods as required in Rule 62-160.220(7)(a), Florida Administrative Code (F.A.C.).

Scope of Approval

The alternative methods for maximum holding time and preservation of NO₂ and alternative preservation methods for NO₂+NO₃, NH₃/NH₄, TN, TP, and TOC, as described in the field protocol titled, "Florida National Marine Sanctuary Survey Field Sampling Protocol" (Revision 7, 12/02/2020), are approved as limited-use field methods, as defined in Rule 62-160.120(13), F.A.C., and as designated in paragraph 62-160.220(6)(a), F.A.C., and DEP SOP FA 1000, subpart FA 2230, section 1.

A copy of this approval letter and the following supporting documents, located on the AEQAS [Alternative Method Approvals webpage](#), detail the specific field procedures, evaluation of comparison studies, and data usability recommendations for this approval.

- The technical document titled, "Alternative Limited-Use Methods Approval for the Florida Keys National Marine Sanctuary Water Quality Monitoring Protection Project, Conducted by Florida International University Southeast Environmental Research Center" (December 2020).
- The field protocol titled, "Florida National Marine Sanctuary Survey Field Sampling Protocol" (Revision 7, 12/02/2020).

The department's evaluation of these alternative methods was based on data collected for the Florida Keys National Marine Sanctuary Water Quality Protection Program's Water Quality Monitoring Project (WQMP) and the "Water Quality Monitoring Project for Demonstration of Canal Remediation Methods: Florida Keys." The use of these alternative methods is limited to samples analyzed by the SERC's Water Quality Monitoring Laboratory (known as the Center for Aquatic Chemistry and Environment - Nutrient Analysis Core Facility, DOH ID E76930) for samples of non-potable marine waters in the Florida Keys region for the specific matrices, analytes, methods and sample concentration ranges evaluated for this approval, per subsection 62-160.220(6a), F.A.C. These alternative methods may not be used for other matrices, analytes, methods or sample concentration ranges or by another laboratory without separate review and approval by the department.

Data Usability

Approval of the above alternative methods includes the determination that sample analytical data for NO₂ using the WQMP sample maximum holding times and sample analytical data for NO₂+NO₃, NH₃/NH₄, TN, TP, and TOC using WQMP sample preservation methods described above meet all applicable data quality objectives for the use of approved sampling procedures for the following:

1. Development and implementation of numeric nutrient criteria for proposed water quality standards in Chapter 62-302, F.A.C.;
2. Impairment assessment of surface waters according to requirements in Chapter 62-303, F.A.C.;

3. Development of Total Maximum Daily Loads; and,
4. Development of Basin Management Action Plans.

For additional information or questions about these approvals, please contact Jessica Patronis (AEQAS) at (850) 245-8980 or Sarah Noble (AEQAS) at (850) 245-8533.

Effective Date of Approval and Notice of Rights

Pursuant to requirements in paragraph 62-160.220(7)(a), F.A.C., the department will send a notice of our approval of your alternative method to subscribers enrolled to receive our Quality of Science e-Newsletter. We will also post our approval letter and your alternative method SOP on our AEQAS webpage designated for alternative method approvals.

This action is final and effective on the date mailed (via e-mail) unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this agency action becomes only proposed agency action, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the department. Because an administrative hearing may result in the reversal or substantial modification of this action, the petitioner is advised not to proceed until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired. Mediation is not available.

A person whose substantial interests are affected by the department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The petitioner shall also mail a copy of the petition to the Florida International University Institute of Environment, Southeast Environmental Research Center, at the address indicated above at the time of filing.

Under rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the department's action may also request an extension of time to file a petition for an administrative hearing. The department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the department may still

grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a), F.A.C., petitions for an administrative hearing by the petitioner must be filed within 21 days of receipt of this written notice. Petitions filed by any persons who were not entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice, if published, or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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. Under paragraphs 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This determination constitutes an order of the department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, or via electronic correspondence at Agency_Clerk@dep.statefl.us; 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 30 days from the date when the final order is filed with the Clerk of the department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



David Whiting, Deputy Director
Division of Environmental Assessment and Restoration
2600 Blairstone Road
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Tel: 850-245-8191

Copies furnished to:

Kenneth Hayman, DEP, Office of General Counsel
Julie Zimmerman, DEP, Watershed Information Network Section
Gus Rios, DEP, South District Marathon Office
Steven Blackburn, BPA Region 4, Oceans, Wetlands and Streams Protection Branch
Chris Anderson, FWC
File

CERTIFICATE OF SERVICE

The undersigned duly designated clerk hereby certifies that this determination, including all copies, was e-mailed before the close of business on January 5, 2021, to the above listed

persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7)
Florida Statutes, with the designated department Clerk,
receipt of which is hereby acknowledged.

Ashley Phillips Digitally signed by Ashley Phillips
Date: 2021.01.05 12:11:03 -05'00'

Clerk

Date