



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 7, 2023

Mr. Anthony L. Cunningham
Interim General Manager Gainesville Regional Utilities
301 Southeast 4th Avenue
Gainesville, Florida 32614-7117
Email: cunninghaal@gru.com

IN RE:

**Adoption of Nutrient Water Quality Based
Effluent Limitations for Discharges
to Sweetwater Branch, Which Constitute
Site-Specific Numeric Interpretations of the Narrative
Nutrient Criterion Pursuant to Paragraph 62-302.531(2)(a), F.A.C.**

OGC Case No. 22-2694

Enclosed is a Final Order for Water Quality Based Effluent Limitations (WQBELs) for nutrient surface water quality parameters, pursuant to the Level II WQBEL process in Rule 62-650.500, Florida Administrative Code (F.A.C.), for GRU's Main Street Water Reclamation Facility's (MSWRF) and J.R. Kelly Generating Station's (KGS) discharges to Sweetwater Branch.

A WQBEL is an effluent limitation that the Department has determined is necessary to ensure that water quality standards in the receiving body of water will not be violated, pursuant to Rule 62-650.200(14), F.A.C. An effluent limitation includes any restriction established by the Department on quantities, rates, or concentrations of chemical, physical, biological, or other constituents that are discharged from sources into the environment of the state, pursuant to subsection 62-650.200(8), F.A.C. As part of the Level II WQBEL process, site-specific studies are undertaken of the receiving waterbody and the discharges thereto. Paragraph 62-302.531(2)(a), F.A.C., authorizes Level II WQBELs to constitute site-specific numeric nutrient criteria for the receiving water.

This Final Order would establish the site-specific numeric interpretations of the narrative nutrient criterion for Sweetwater Branch as: 1) an annual load of 215,616 pounds/year (lbs/yr.) of TN, not to be exceeded; 2) an annual load of 16,038 lbs/yr. of TP, not to be exceeded; 3) an annual geometric mean TP concentration of 0.3 mg/L, not to be exceeded; and 4) an annual geometric mean Chlorophyll a concentration of 1.9 µg/L, not to be exceeded more than once in a three-year period. These site-specific numeric interpretations of the narrative nutrient criterion for Sweetwater Branch would supersede and replace the otherwise applicable numeric nutrient criteria for this particular surface water segment (WBID 2711). This Final Order would also allocate a portion of the total allowable nutrient loading to the Main Street WRF (FL0027251) as an effluent limitation of 182,646 lbs/yr. of TN, 11,644 lbs/yr. of TP; and to the John R. Kelly Generating Station (FL0026646) as an effluent limitation of 3,060 lbs/yr. of TN and 843 lbs/yr. of TP. This Final Order would also set an effluent limit of 0.3 mg/L TP as an annual geometric mean for Main Street WRF. The scientific and technical basis for the TN, TP, and Chlorophyll a Level II WQBELs identified herein is presented in the Hierarchy I Numeric Nutrient Criteria for Sweetwater Branch (Alachua County): Level II Water Quality Based Effluent Limitations for Gainesville

Regional Utilities' Main Street Water Reclamation Facility and Kelly Generating Station Report dated August 2021. This Final Order is issued under Chapter 403 of Florida Statutes (F.S.)

NOTICE OF RIGHTS

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a notice of appeal under Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department of Environmental Protection in the Office of 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 must be filed within 30 days after this order is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director, Northeast District

Attachment(s)

1. Final Order (OGC Case No. 22-2694)

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

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FILING AND ACKNOWLEDGMENT

FILED, on April 7, 2023, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

A handwritten signature in blue ink, appearing to read "J. Ford", is written over a horizontal line.

April 7, 2023
Date



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IN RE:

**Adoption of Nutrient Water Quality Based
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Nutrient Criterion Pursuant to Paragraph 62-302.531(2)(a), F.A.C.**

OGC Case No. 22-2694

Final Order

Gainesville Regional Utilities (GRU) has requested that the Department establish Water Quality Based Effluent Limitations (WQBELs) for nutrient surface water quality parameters, pursuant to the Level II WQBEL process in Rule 62-650.500, Florida Administrative Code (F.A.C.), for GRU's Main Street Water Reclamation Facility's (MSWRF) and J.R. Kelly Generating Station's (KGS) discharges to Sweetwater Branch.

A WQBEL is an effluent limitation that the Department has determined is necessary to ensure that water quality standards in the receiving body of water will not be violated, pursuant to Rule 62-650.200(14), F.A.C. An effluent limitation includes any restriction established by the Department on quantities, rates, or concentrations of chemical, physical, biological, or other constituents that are discharged from sources into the environment of the state, pursuant to subsection 62-650.200(8), F.A.C. As part of the Level II WQBEL process, site-specific studies are undertaken of the receiving waterbody and the discharges thereto. Paragraph 62-302.531(2)(a), F.A.C., authorizes Level II WQBELs to constitute site-specific numeric nutrient criteria for the receiving water.

On April 26, 2022, the Department published a notice in the Florida Administrative Register (FAR) announcing a public hearing and identifying the Department's intent to establish Level II WQBELs for Total Nitrogen (TN), Total Phosphorus (TP), and Chlorophyll a (Chla) for Sweetwater Branch and the associated MSWRF and KGS discharges. The FAR notice explained that a portion of the WQBEL will become the Hierarchy 1 site-specific interpretation of the narrative nutrient criteria pursuant to subparagraph 62-302.531(2)(a)1.d., F.A.C., for Sweetwater Branch, that will supersede otherwise applicable numeric nutrient criteria for this particular surface water segment. A public hearing was held on June 21, 2022, and the public was given the opportunity to provide comments on the draft Level II WQBELs for the facilities and the receiving waterbody, as well as the establishment of the site-specific numeric interpretations of the narrative nutrient criteria.

This Final Order establishes the site-specific numeric interpretations of the narrative nutrient criterion for Sweetwater Branch as: 1) an annual load of 215,616 pounds/year (lbs/yr.) of TN, not to be exceeded; 2) an annual load of 16,038 lbs/yr. of TP, not to be exceeded; 3) an annual geometric mean TP concentration of 0.3 mg/L, not to be exceeded; and 4) an annual geometric mean Chlorophyll a concentration of 1.9 µg/L, not to be exceeded more than once in a three-year period. These site-specific numeric interpretations of the narrative nutrient criterion for Sweetwater Branch supersede and replace the

otherwise applicable numeric nutrient criteria for this particular surface water segment (WBID 2711). This Final Order also allocates a portion of the total allowable nutrient loading to the Main Street WRF(FL0027251), as an effluent limitation of 182,646 lbs/yr. of TN, 11,644 lbs/yr. of TP; and to the John R. Kelly Generating Station (FL0026646) as an effluent limitation of 3,060 lbs/yr. of TN and 843 lbs/yr. of TP. This Final Order also sets an effluent limit of 0.3 mg/L TP as an annual geometric mean for Main Street WRF. The scientific and technical basis for the TN, TP, and Chlorophyll a Level II WQBEL identified herein is presented in the Hierarchy I Numeric Nutrient Criteria for Sweetwater Branch (Alachua County): Level II Water Quality Based Effluent Limitations for Gainesville Regional Utilities' Main Street Water Reclamation Facility and Kelly Generating Station Report dated August 2021.

The relevant portion of these effluent limits will be included in the next national pollutant discharge elimination system permit renewal or modification for each facility. THEREFORE, IT IS ORDERED that the water quality based effluent limitations, as described herein, are hereby established. Furthermore, the total load of TN and TP from all sources, in addition to the TP and Chla concentrations, are adopted as site-specific interpretations of the narrative nutrient criterion in paragraph 62-302.530 (48)(b), F.A.C., for Sweetwater Branch that supersede and replace the otherwise applicable numeric nutrient criteria for this particular surface water segment.

DONE AND ORDERED this 7th day of April 2023, in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director, Northeast District

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



CLERK

April 7, 2023
DATE