



TO: Stormwater2020@FloridaDEP.gov
FROM: Judy Orcutt
DATE: June 4, 2022
RE: Comments on Draft Rule Language in ERP Applicant's Handbook Vol I

Please consider the comments below.

General:

The current management of stormwater in Florida using pond systems is based upon a theoretical "presumption of treatment" based on surface water concerns only. It has since been shown that groundwater seepage of nutrients was not considered in the BMP's criteria (Wekiva Springs Study).

The Blue-Green Algae Task Force advised that a substantial number of stormwater treatment systems *fail to achieve their presumed standards* and therefore recommends:

- a stormwater system inspection and monitoring program
- that design criteria be revised to specifically address nutrient reduction

Currently water quality standards are not applied to stormwater ponds. In many urban areas there are ponds with high concentrations of Blue-Green Algae. In these park settings, pets and humans are being exposed to potentially toxic conditions. Water quality standards should apply.

Section 2.0 - Definitions

#14 "Best Management Practice (BMP)" means the structural, vegetative, or managerial practices used to treat, prevent, or reduce water pollution. Erosion and sediment control BMPs are structural and often temporary. Stormwater BMPs treat, prevent or reduce the nutrient load and other pollutants in water, are permanent in nature, and can be structural or nonstructural

- Treat and Reduce are redundant
- These initial structural/managerial practices are NOT permanent unless the BMP includes a requirement for operation/maintenance and monitoring.

Discharge Needs to be Defined to include both surface water and groundwater.

#29 "Detention with filtration" or "Filtration" means the selective removal of pollutants from stormwater by the collection and temporary storage of stormwater and the subsequent gradual release of the stormwater into surface waters in the state through at least 2 feet of suitable fine textured granular media such as porous soil, uniformly graded sand, or other natural or artificial fine aggregate, which may be used in conjunction with filter fabric and/or perforated pipe.

#73 "Net improvement performance standard" means the minimum performance standard(s) for treating stormwater wherein the nutrient or other pollutant loads discharged from the existing land use of the project area are reduced from to those pollutant loads generated in the pre-development conditions. See Section 8 for Performance Standard(s) criteria.

#86 "Predevelopment nutrient loading" means the average annual nutrient loading based on the land use and landcover that is legally in existence at the time of rule implementation (date).

- This rule is confusing and subject to misinterpretation. What if the property was used as a pig farm or a highly polluted industrial site. Predevelopment loading should be calculated based on the natural land prior to all development.

#117 "Stormwater treatment system" means a kind of stormwater management system specifically designed and constructed ~~or implemented~~ operated and monitored to reduce the discharge of pollutants in stormwater by incorporating methods to collect, convey, store, absorb, treat, use, or harvest stormwater

#141 "Zone of discharge" means a volume underlying or surrounding the site and extending to the base of a specifically designated aquifer or aquifers, within which an opportunity for the treatment, mixture or dispersion of wastes into receiving ground water is afforded. Generally, stormwater treatment systems have a zone of discharge 100 feet from the system boundary or to the project's property boundary, whichever is less.

- Concentration limits on seepage water prior to mixing or dispersion must be equal to or better than the background concentrations.