

February 22, 2021

Florida Department of Environmental Protection
 3900 Commonwealth Boulevard
 Tallahassee, Florida 32399-3000
 Submitted via email to Stormwater2020@floridadep.gov

Public Comment to Section 5 of Chapter 2020-150, L.O.F. Stormwater Rulemaking

Dear Technical Advisory Committee:

On behalf of the Biscayne Bay Marine Health Coalition and 8 non-profit partner organizations listed below, we are submitting public comments in response to the Department of Environmental Protection's (FDEP) request for public input ahead of the formal initiation of rulemaking to update Florida's stormwater design and operation regulations as directed by Section 5 of Chapter 2020-150, Laws of Florida.

We request that the Florida DEP enhance the Stormwater rules to define, measure, and set reduction goals for plastics and garbage flowing through stormwater systems. Current Stormwater regulations and permits do not provide enough guidance, recommendations and requirements regarding design and maintenance to address the impact of plastic pollution.

Please consider:

According to Florida law, PLASTIC IS A NUISANCE:

- Pursuant to subparagraph 62-302.500(1)(a)2, F.A.C., waters of the state shall be free from discharges that "float as debris, scum, oil, or other matter in such amounts as to form nuisances."
- An abundance of trash and plastic is a nuisance, as it clogs storm drains exacerbating flooding; impacts property values, is an eye-sore to the public thereby impacting the economies that depend on these waters.

According to the EPA's "Clean Water Act" and "Trash Free Waters"

- **According to the EPA's Trash Free Waters**, "most of the trash that pollutes our rivers, lakes, estuaries, and oceans comes from sources on land. Plastic trash, in particular, threatens human health, aquatic ecosystems, and the economy." Per the trash free waters program, the EPA designates that "Trash can be transported from inland areas to coasts by wind, stormwater conveyances, and streams and rivers."
<https://www.epa.gov/trash-free-waters/movement-aquatic-trash>
- **According to the EPA's Trash Free Waters**, "Trash is a pollutant. Trash in waters can prevent beneficial uses, degrade habitats and harm wildlife, and may endanger people's health. The Clean Water Act requires all states to submit a Section 303(d) list to EPA every two years. This list identifies water bodies where current pollution controls are insufficient to attain water quality standards. The 303(d) listing identifies the impaired and threatened water bodies and the pollutant or pollutants of concern for that water body."
<https://www.epa.gov/trash-free-waters/clean-water-act-and-trash-free-waters>
- **The Clean Water Act Section 502**, defines "the term **"pollutant"** as dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water" and "the term **toxic pollutant**, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause **death**, disease, behavioral abnormalities, **cancer**, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring."
<https://www.epa.gov/cwa-404/clean-water-act-section-502-general-definitions>

- Plastic has clearly been shown to cause physiological malfunctions and death once ingested, as well as plenty of evidence of cancer, malfunctions in reproduction in organisms or their offspring. Plastic's chemicals such as BPA are known to cause endocrine disruption in humans and enter our food chain through seafood.

We specifically request that the Departments forthcoming rulemaking provide enhancement in 3 areas:

1) Stormwater Treatment Performance Standards / Design:

- MS4 permittees must design a Stormwater strategy to prevent or capture plastics larger than 5mm (the size of a cigarette butt) and can include education, policy, street sweeping, retention or beginning, middle, and end of pipe pollution controls.

2) Maintenance:

- Current MS4 permit guidance requires the inspection and maintenance of structural controls and roadways for trash and debris 'to prevent clogging or impeding flow', but doesn't treat plastics and garbage as the nuisance and pollutants that they are.
- All MS4 permittees must create a baseline assessment of 100% of their stormwater infrastructure and pollution controls to determine minimum and appropriate maintenance schedules to keep the pollution controls below the manufacturers recommended effectiveness capacity.

3) TMDL's (Voluntary or Mandatory) for impaired waterways:

- Under the Clean Water Act, Municipal Separate Storm Sewer System (MS4) permits can be written to set standards to limit the amount of trash released from stormwater outfalls into municipal rivers and streams. In addition, a small number of municipal governments have set Total Maximum Daily Load (TMDL) limits for trash entering water bodies, to comply with state and regional water quality standards.
<https://www.epa.gov/trash-free-waters/clean-water-act-and-trash-free-waters>
- Waterways which are determined to be impaired by plastic and garbage should be required to progressively monitor and achieve annual reductions of trash and plastic discharges through a TMDL (Voluntary or Mandatory) from an established baseline until a final numeric target of zero trash and plastic discharge is attained. This action is required pursuant to Florida's Minimum Water Quality Standards.

Thank you for considering, addressing and responding to our comments at biscaynebaysummit@gmail.com.

Regards,



Dave Doeblar, Steering Committee Member, Biscayne Bay Marine Health Coalition



Friends of the Everglades

TROPICAL AUDUBON SOCIETY



I took this picture at Albert Pallot park in Miami-Dade County
(south of the C7 Canal – which is consistently loaded with trash and an inefficient capture device)



We do 1 shoreline cleanup and come back 2 months later to collect the same amount of trash



December 13th 2020
1700 lbs of trash removed

Same location. Julia Tuttle CSWY Miami Beach.



February 20th 2021
1766 lbs of trash removed

It is clearly coming through Stormwater systems and many entities are doing only what they think the MS4 permit requires of them.



**Canals are another major source, as the booms that 'by chance' capture trash are only designed to keep boaters away from the flood gates. This trash is coming from upstream.
(SFWMD Little River C-7 Canal)**

