



TO: Blue/Green Algae Task Force (BlueGreenAlgaeTaskForce@floridadep.gov)
FDEP Stormwater Rulemaking TAC (stormwater2020@floridadep.gov)
FROM: Judy Orcutt (jjorcutt@bellsouth.net) Committee Summary Report
DATE: September 1, 2021
RE: Clean Waterways Act – Stormwater TAC Summary Report

This document offers comments by the Clean Water Coalition of Indian River County (CWC) on the Clean Waterways Act Stormwater Technical Advisory Committee Summary Report for consideration by FDEP and Florida's "Blue-Green Algae Task Force".

CWC is a 501(c)3 organization whose focus is the restoration and protection of our waters; primarily the Indian River Lagoon (IRL), the St. John's River and our related potable water supply. In that role, we work closely with our local governments to educate the public about the impacts of stormwater runoff on the IRL – a waterway that is impaired by excessive nitrogen and phosphorus.

We are grateful for Senator Mayfield leadership toward the passage of the Clean Waterways Act that is requiring a closer look to find solutions for stormwater pollution in Florida. We appreciate the Blue-Green Algae Task Force's review of the report and respectfully request that you consider the following CWC comments:

Overall, the Summary Report does not adequately address the "charge questions" identified in the Report.

Charge #1 – ..."improve existing stormwater operation regulations to ensure water resources are protected"

- According to FDEP's Central Indian River Lagoon (CIRL) Basin Management Action Plan (BMAP), ReUse/Reclaimed Sewage Treatment Effluent can be sent to irrigation ponds – even on barrier islands- and/or piped under pressure for irrigation with 10 mg/L Nitrogen and 6 mg/L Phosphorus. We recommend Advanced Wastewater Treatment should be required for Reuse distribution in watersheds that are nutrient impaired.
- Watershed loading models should be established by local governments in cooperation and with funding from FDEP, WMD, and/or Legislative appropriations.
- Monitoring of systems to determine if nutrient and pollutant loads at discharge are meeting expected results.

Charge #2 – identify "measures... to ensure significant reductions of... pollutant loadings"

- Current Rules for Stormwater Management Project Performance are based on Total Suspended Solids. New Rulemaking needs to include nutrients, plastics, herbicides, insecticides and other emerging chemicals of concern. New stormwater project permits should also include an operation and maintenance requirement with meaningful penalties for non-compliance.

- Climate Change will bring rising groundwater levels and increasing rainfall. Stormwater Retention Rules must be revised to accommodate this changing environment.
- Current Rules for Stormwater apply only to new development. Without a plan to account for existing development's inadequacies, along with agriculture's lack of compliance, we will never achieve BMAP goals.
- Rules for Stormwater Net Improvement are commonly based on the past 5 years. What if the land were a dairy farm or a Biosolids deposition site during that time? We recommend that it should be based on a comparison to natural background levels of runoff and/or groundwater to achieve real attenuation of pollution as recommended by Paul Gray of Florida Audubon.

Charge #3 – cite “options for identifying stormwater design criteria and best management practices effective in increasing the removal of nutrients from stormwater discharges”

- The Best Management Practices (BMP) for Stormwater Projects have not been validated. A program needs to be initiated that measures, monitors and corrects those BMPs using area-specific data not a statewide or regional one-size-fits all type of methodology. These prototypes should guide the BMAP credit process and should be monitored and re-verified on a regular schedule.
- Stormwater Design Criteria should require that the expected nutrient and other pollutant concentrations in offsite discharges meet BMAP requirements for Direct Discharge to the ultimate waterbody receiving that discharge.
- The Best Management Practices for Agricultural also need to be validated through a program of measuring, monitoring and correcting BMP's in area specific data.

Finally, regional projects, retrofitting old projects, monitoring and enforcement will require significant, additional public funding. We recommend that the legislature be informed of that need to enable meeting its responsibility of insuring compliance with EPA's Clean Water Act.