



October 1, 2020

Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Submitted via email to Stormwater2020@floridadep.gov

**Re: Section 5 of Chapter 2020-150, L.O.F. Stormwater Rulemaking
Initial Comments in Response to Request for Public Input**

Dear Sir/Madam:

On behalf of the *Clean Water Coalition of Indian River County* (CWC), I am herein submitting 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 offer the following - in addition to comments submitted in collaboration with other concerned organizations including the 1000 Friends of Florida.

Please consider the following:

- The *Clean Waterways Act* (Act) specifically prescribes that rulemaking is "*to update the stormwater design and operation regulations*" and "*shall consider and address low-impact design best management practices and design criteria that increase the removal of nutrients from stormwater discharges, and measures for consistent application of net improvement performance standard to ensure significant reductions of any pollutant loadings to a waterbody.*"
- On August 25, 2020 the Department's Division of Environmental Assessment and Restoration held a webinar to engage public participation in the ongoing development of updates to the *Basin Management Action Plans* (BMAPs) for the Indian River Lagoon (IRL), an impaired waterbody. During the webinar it was acknowledged that in spite of Florida Statutes and Rules – since 1975 - espousing restoration of the Lagoon, we're not seeing recovery nor improvement of sea grasses nor water quality within the Lagoon.
- University of Florida research forecasts that 12,700,000 new residents could call Florida home by 2070, adding to the ~21,000,000 who currently reside here. With many water bodies already impaired, the construction of new developments and residences using current stormwater regulations will diminish and impair many Florida waters and would make current impaired waters impossible to clean to acceptable standards. Effective stormwater management must play a major role to greatly reduce the nutrients and other pollutants flowing into our waterways.

- While certain local governments have been proactive in updating their stormwater regulations, greater uniform standards from the State is required so that all local governments are adhering to rules that will prevent pollution from development from entering our waterbodies.
- The Indian River Lagoon has experienced large algae blooms, massive fish kills, enormous loss of seagrasses and unusual mortality of marine mammals and other wildlife. Nature is telling us that our waters are sick and that unless we stop flushing our nutrient pollutants and other chemicals into it, we will continue to experience these negative impacts which will hurt local economies.
- In light of the above, we specifically request that the Department's forthcoming rulemaking:
 - Require water quality treatment of stormwater discharges from new developments to meet State Water Quality Standards for the receiving waters – particularly for nutrients (TN & TP) - to support fulfillment of the mission of the National Pollution Discharge Elimination System and Florida's BMAP Program to restore Florida's impaired waterways;
 - Require monitoring of stormwater discharges to demonstrate compliance with water quantity and quality compliance with regulatory conditions.
 - Eliminate exemptions for "agricultural systems" from requirements for stormwater quantity and quality regulations – to eliminate agriculture contributions to nutrient loads in Florida's waterways.

If you have any questions, please contact me. Thank you for considering and addressing our comments. We look forward to improved and more effective Department rules – to improve Florida's waterways for our common welfare!

By: /s/ Paul Fafeita
Paul Fafeita, President
Clean Water Coalition of Indian River County, Inc.
a 501(c)(3) Florida not-for-profit corporation
<http://ourwaters.org>

cc: Senator Debbie Mayfield
CWC Board of Directors