FLORIDA DEPARTMENT OF Environmental Protection

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Secretary

VIA EMAIL
Read receipt requested

December 1, 2023

Jonathan Brucker
Central Panhandle Aquatic Preserves
108 Island Dr.
Eastpoint, FL 32328
Email: Jonathan.Brucker@FloridaDEP.gov

Re: Final Audit Report for Central Panhandle Aquatic Preserve Field Audit – Conducted May 9th, 2023

Dear Mr. Brucker:

Thank you for responding to the preliminary report and subsequently reviewing the draft final report for the field performance audit of the Office of Resilience and Coastal Protection - Central Panhandle Aquatic Preserve (CPAP). The Florida Department of Environmental Protection (department or DEP) has reviewed your response and accepted your proposed corrective actions and implementation dates.

Attached is the final audit report detailing the audit procedure, audit findings, and the department's audit conclusions. This final audit report will also be posted on the department's website at https://floridadep.gov/dear/florida-dep-laboratory/content/fdep-biological-and-audit-report-search. As noted in the report, the department concludes that that the sample collection and field-testing procedures used by the CPAP sampling team generally met the data quality objectives for data used by the department according to Chapter 62-160, Florida Administrative Code, and DEP Standard Operating Procedures. DEP auditors found a few QC deficiencies, including some missing supporting documentation and insufficient bracketing of field measurements for instrument calibration/verification, as further described in the report.

Corrective actions for all findings in this report are acceptable. CPAP's implementation of corrective actions described in the report will lead to an improved quality system. DEP may verify the implementation of corrective actions with future requests for QC documentation.

Under Chapter 120 of the Florida Statutes, CPAP, and any other person whose substantial interests are affected by the department's agency action, may challenge the attached final audit report, including the corrective actions and the data usability analysis. The process to challenge any portion of this agency action is described below in the Notice of Rights section.

If you have any questions or concerns about this final audit report, please feel free to contact Nia Wellendorf at (850) 245-8190 or Jackie Krebs at (850) 245-8427.

Notice of Rights

This action is final and effective on the date mailed (via e-mail) unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this agency action becomes only proposed agency action, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the department. Because an administrative hearing may result in the reversal or substantial modification of this action, the petitioner is advised not to proceed until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to CPAP at the address indicated above at the time of filing.

Time Period for Filing a Petition
In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time
Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation
Mediation is not available in this proceeding.

This determination constitutes an order of the department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us; 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 of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

David Whiting, Deputy Director
Division of Environmental Assessment and Restoration
2600 Blair Stone Road
Tallahassee, FL 32399
Tel No.: (850) 245-8191

Attachments:
Final Audit Report

Copies furnished to:

Kenneth Hayman, DEP Office of General Counsel
David Tyler, DEP Watershed Assessment Section
Jessica Mostyn, Watershed Assessment Section
File

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was e-mailed before the close of business on December 1, 2023, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7)
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk 12/1/2023 Date

FINAL AUDIT REPORT

Florida Department of Environmental Protection

Office of Resilience and Coastal Protection
Central Panhandle Aquatic Preserves

WIN Org Code: 21FLWQA

Field Performance Audit
Conducted May 9, 2023

Water Quality Standards Program
Division of Environmental Assessment and Restoration
Florida Department of Environmental Protection
November 30, 2023

Introduction

This field performance audit of the Florida Department of Environmental Protection (DEP or department) Office of Resilience and Coastal Protection, Central Panhandle Aquatic Preserves (CPAP), was conducted by the DEP Water Quality Standards Program (WQSP) in accordance with Rule 62-160.650, Florida Administrative Code (F.A.C). The audit was conducted by the department to inform data users of CPAP's conformance with the requirements of Chapter 62-160, F.A.C., including implementation of the DEP Standard Operating Procedures for Field Activities, DEP-SOP-001/01, January 2017 (DEP SOPs), which cover sample collection, field testing, and required field documentation. The results of the audit have been evaluated to provide the required corrective actions and recommendations in this report that must be implemented by the CPAP office to conform with the DEP SOPs.

Description of Sampling Event and Audit

Department auditors Nia Wellendorf and Jackie Krebs (WQSP) conducted the audit on May 9, 2023. Ms. Wellendorf and Ms. Krebs met the CPAP samplers, Megan Christopher & Alyssa Leonardi, at their office in Apalachicola to observe meter calibration and verification activities. The auditors first travelled with Ms. Christopher & Ms. Leonardi to St. Joseph Bay and, by boat, visited the following three surface water sampling sites within the St. Joseph Bay sampling area: SJBDEAR06, SJBDEAR02, SJBDEAR01. Next, the auditors and auditees traveled to St. Andrew's Bay and, by boat, visited the following four surface water sampling sites within the St. Andrew's Bay sampling area: S04, S08, S11, S05. In the field, Ms. Leonardi collected samples and Ms. Christopher conducted field meter readings and recorded data on the DEP sample submittal form. The samplers were not scheduled to collect a blank on the audit day. The auditors traveled back to the office with the samplers to observe the post sampling meter verification and paperwork completion. Ms. Leonardi packed the samples & submittal form for transport, and the auditors delivered the samples to the DEP Tallahassee laboratory. Prior to departing, the auditors conducted a short exit meeting and summarized preliminary audit findings with Ms. Christopher. Subsequent to the audit trip, Ms. Christopher sent scanned documentation for the audited sampling event to the auditors, including the completed DEP Central Laboratory Submittal Form, CPAP Calibration Log, and CPAP's standards log.

The CPAP conducts this sampling event monthly. The DEP Tallahassee laboratory conducts the analyses, and David Tyler of the DEP Watershed Assessment Section uploads the data to the Watershed Information Network (WIN) database for use by DEP.

Preliminary Audit Report and Implementation of Corrective Actions

A preliminary report was sent to Ms. Christopher and Mr. Johnathan Brucker, the CPAP manager, on July 11, 2023. On August 10, 2023, Mr. Brucker provided comments on the preliminary report findings, and a meeting was held on August 23, 2023, to further discuss the auditees' responses. Pursuant to that discussion, Mr. Brucker provided an updated version of CPAP's responses on September 29, 2023. Mr. Brucker provided a supplemental field form to auditors on October 2, 2023.

In summary, the findings and associated deficiencies included lack of verifications for temperature probe, insufficient verification bracketing for conductivity, insufficient documentation for meter maintenance and several documentation items. A complete list of findings for the audit, recommended and required corrective actions, and the implementation plan for corrections by CPAP are listed in Table 1. The auditors reviewed all information and accepted the implementation dates and proposed corrective actions. The auditors' responses are found in the last column of Table 1.

Audit Conclusions

Based on the findings of this audit, DEP has determined that CPAP generally met DEP SOP requirements for the collection and preservation of samples but had a few notable deficiencies, as follows. CPAP has not been conducting temperature verifications for its multiprobe meter; however, the meter used by the sampling team is known to remain accurate for long periods of time. Because only one standard was used for specific conductance verifications, field results were not bracketed by successful verifications; however, all field readings were within 5% of the value of the standard used, which provides confidence in the accuracy of the field measurements. Documentation items that were missing are generally used as supporting information in the case of a data investigation and are typically not needed for general data use. For these reasons, these deficiencies do not impact most uses of the data, but data users should evaluate the specific issues in Table 1. CPAP's implementation of corrective actions described in this report will lead to an improved quality system. Overall, the audit concludes that the techniques followed by CPAP met the requirements of the DEP Water Sampling SOPs and the data are usable by DEP programs.

NOTE: The audit evaluated the indicated data for the use(s) described in this report. The usability of the audited data for other purposes or the usability of data produced by the audited organization for other analytes or other date ranges must be determined separately according to applicable requirements in Rule 62-160.670, F.A.C.

Table 1. Audit Findings and Responses: Findings of deficiency and corrective actions for the surface water field sampling and field-testing performance audit of the Central Panhandle Aquatic Preserve, conducted on 05/09/2023 by the DEP Water Quality Standards Program (WQSP).

Finding Number	DEP SOP Reference	DEP SOP Requirements	Audit Finding/Auditors' Notes	Recommended or Required Corrective Action (CA)	CPAP Response and Implementation Date	WQSP Response
1	FD 5000 section 2.1	Document names of all sampling personnel.	Only one of the two samplers' names are recorded on the Central Laboratory Submittal Form. No supplemental field form is used.	**REQUIRED CA**: Record names of all sampling personnel. **RECOMMENDED CA**: Implement a supplemental field form that includes this information.	All samplers, and the specific task each performs, will be included either on the data sheet and/or the new field sheet that is being developed. The new field sheet will be implemented with the October 2023 sampling effort.	Acceptable.
2	FD 5000 section 2.3	Document ambient field conditions for all samples.	Samplers did not document field conditions. No supplemental field form is used.	**REQUIRED CA**: Record ambient field conditions for all sampling sites. **RECOMMENDED CA**: Implement a supplemental field form including this information.	Samplers will now include field conditions on the data sheet and/or the new field sheet that is being developed. The new field sheet will be implemented with the October 2023 sampling effort.	Acceptable.

3	FD 5000 section 3 & section 2.4	Document comments about samples, sample sources or other relevant field conditions.	Samplers did not include any comments on the sample submittal form.	**REQUIRED CA**: Record comments about samples, sample sources or other relevant field conditions from each sampling site.	Samplers will now include any relevant information about the samples or sample sources on the data sheet and/or the new field sheet that is being developed. Information to be included are the method of sample access (i.e., by boat), on site preservation occurred, pH of treated samples was checked in the field, and amount of acid that was used. The new field sheet will be implemented with the October 2023 sampling effort.	Acceptable.
4	FS 1006 section 4; FS 2001 section 3.5.1 and 4	Conduct a pH check for samples requiring pH adjustment. Use narrow range pH paper to determine if the pH meets the requirement level.	pH levels were verified on-site using mid-range (0-6) pH paper, and samplers noted that it was sometimes difficult to interpret colors of the strip.	**REQUIRED CA**: Use narrow-range pH paper for preservation checks to improve certainty of checks.	CPAP uses the pH strips that were previously provided to by the DEAR lab. CPAP will obtain a narrower range of pH strips to ensure preservation checks are more accurate, to be implemented January 2024.	Acceptable.
5	FT 1200, section 3.2.2; FT 1000 2.2.2.1	Unless the concentration range of the samples is less than 100 umhos/cm, all conductivity sample measurements must be quantitatively bracketed with an appropriate choice of standards for calibrations and verifications. Choose two standards that bracket the range of sample measurements.	Sample measurements were not quantitatively bracketed for conductivity. Pre- and post- sampling verifications were performed using a 50,000 standard. Sample measurements ranged from 47,058 – 51,172 umhos/cm.	**REQUIRED CA**: Use an additional conductivity standard to quantitatively bracket sample readings with calibrations or verifications.	CPAP staff will now bracket conductivity using 50,000 umhos/cm, 20,000 umhos/cm, and a higher standard (likely 70,000 umhos/cm). Staff previously only calibrated in the 50,000, but they will now bracket conductivity for a more accurate calibration. This will be added to calibration log. This process will be implemented in November 2023.	Acceptable.

6	FD 4100 section 3	Document the unique identification of the specific instrument unit used for the test	No unique code for the YSI probe used was recorded on the Central Laboratory Submittal Form or Calibration Log.	**REQUIRED CA**: Record specific instrument unit used for testing **RECOMMENDED CA**: Implement a supplemental field form including this information.	We will now include the YSI instrument number on the calibration log. This will be implemented in the November 2023 sampling.	Acceptable.
7	FT 1400 section 2.2	Quantitatively bracket all sample measurements with calibration verifications of the temperature measurement device at several temperatures using the NIST-traceable thermometer.	Temperature verifications are not conducted for the data sonde used by the sampling team.	**REQUIRED CA**: Conduct temperature verifications of the YSI temperature probe per DEP SOP FT 1400. Determine maximum time between continuing calibration verifications based on instrument stability. Document temperature verifications in a log and use the first line of the DEAR daily calibration log as linkage to temperature verification log.	Staff will now conduct temperature verifications and include the information on the calibration log. Staff will also now conduct a temperature calibration with an ice bath and higher temperature (35C) once or twice per year to ensure YSI thermometer accuracy. To be implemented January 2024.	Acceptable.
8	FD 4100 section 1.1	The date of receipt, expiration date and date of first use for all calibration standards and reagents used on the sampling project must be recorded.	Date of receipt was not recorded on the calibration standard inventory provided by the sampling team.	**REQUIRED CA**: Record date of receipt for all calibration standards.	CPAP will now include date of receipt of standards, as well as lot and expiration date on the calibration log. The standard information will be kept in a separate log as well. This will be implemented beginning October 2023.	Acceptable.

9	FD 4100 section 1.2.2	Certificates of assay, grade and other vendor specifications for all standards and reagents must be retained and recorded.	These records were not included in the calibration standard inventory provided by the sampling team.	**REQUIRED CA**: Retain and record all certificates of assay, grade, or other vendor specifications for all standards and reagents used.	Staff will now keep a record of all standards utilized and include date received, lot, and expiration. This log will be maintained separately from the calibration log. This record keeping will begin in October 2023. Previous standard records were overwritten once a standard was used up.	Acceptable.
10	FD 3000	Document maintenance for YSI sonde, including repair procedures and dates, dates of parts replacement, and names of personnel conducting maintenance.	Sampling staff document a series of routine maintenance in their YSI book; however, there is no established place for documentation of probe changes and non-routine maintenance.	**REQUIRED CA**: Establish a documentation procedure for non-routine YSI maintenance, and link to the calibration log (e.g., via a unique YSI identifier).	CPAP maintains a YSI equipment and maintenance log. We can state that we have a maintenance log on the calibration log and provide it annually or more regularly to DEAR if requested. Implemented November 2023.	Acceptable. Inclusion of maintenance information on the calibration log is sufficient.