

From: [Tina Bailey](#)
To: WQEA_2023@FloridaDEP.gov
Subject: DEP Water Quality Enhancement Area rulemaking page DEP Water Resource Management rules in development
Date: Monday, August 10, 2026 4:24:39 PM

Dear Florida Department of Environmental Protection, Division of Water Resource Management:

I am submitting this comment regarding the rulemaking for Chapters 62-330 and 62-332, F.A.C., concerning Water Quality Enhancement Areas (WQEAs) and water-quality enhancement credits.

Florida desperately needs meaningful improvements in water quality, and projects that produce genuine, measurable reductions in pollution can play a valuable role. However, a credit system must never become a substitute for preventing pollution, avoiding wetland destruction, or protecting functioning natural systems.

Florida's wetlands are not simply land available for development if environmental impacts can be offset elsewhere. Wetlands provide water filtration, flood protection, groundwater recharge, wildlife habitat, carbon storage, and protection for rivers, springs, estuaries, and coastal waters. Preventing the destruction of an existing functioning wetland is fundamentally different from purchasing a credit for a water-quality improvement somewhere else.

I urge DEP to ensure that the final WQEA rules contain strong, enforceable safeguards.

Enhancement credits should represent water-quality improvements that are real, additional, measurable, durable, and independently verified. Credits should be calculated conservatively, with appropriate reductions for uncertainty and the risk that anticipated pollution reductions will not be achieved over time.

Monitoring must be rigorous and long-term. DEP should require independent verification or auditing of monitoring results rather than relying exclusively on information supplied by entities that financially benefit from the creation or sale of credits.

Credit service areas should also be narrowly defined by actual hydrologic and watershed connections. Florida should not allow pollution or environmental degradation in one watershed to be justified by purchasing an improvement in another location that does little or nothing for the affected waterbody or community.

Transparency is equally important. DEP should maintain a readily accessible online public ledger showing where credits originate, how they were calculated, who purchased them, where they were used, their current status, and whether the promised water-quality improvements are being achieved. Monitoring reports, inspections, compliance problems, and enforcement actions associated with WQEAs should also be available to the public.

Strong financial assurances should guarantee that these projects can be operated, monitored, repaired, and maintained for the entire period during which their credits are relied upon. Florida taxpayers should not become financially responsible for maintaining a failed project after its credits have already been sold.

The rules must also provide meaningful consequences when a WQEA fails to produce its

promised environmental benefits. DEP should have clear requirements for suspending additional credit sales, correcting deficiencies, reevaluating credits when necessary, and taking timely enforcement action.

Above all, DEP should establish an unmistakable principle in these rules:

Avoidance and minimization must come first.

Water-quality enhancement credits should not be used to justify avoidable destruction or degradation of wetlands, and they should not provide a pathway for continuing preventable pollution simply because credits can be purchased elsewhere.

A credit should address legitimate residual impacts only after reasonable measures to prevent pollution, protect existing wetlands and natural systems, minimize environmental damage, and implement appropriate onsite controls have been exhausted.

Florida cannot restore its waters by creating an accounting system in which an environmental loss in one place is automatically treated as equivalent to an improvement somewhere else. A functioning wetland, clean stream, healthy estuary, or intact watershed has ecological values that cannot always be recreated or replaced through a credit transaction.

If Florida is going to establish a Water Quality Enhancement Area credit program, the program should result in a genuine net improvement in water quality—not merely a transfer of pollution or environmental impacts from one location to another.

I respectfully ask DEP to strengthen Chapters 62-330 and 62-332 to require independently verified environmental gains, conservative credit calculations, strong watershed-level geographic limits, long-term monitoring, adequate financial assurances, complete public transparency, and meaningful enforcement.

Most importantly, please ensure that the rules preserve the fundamental priority of preventing pollution and protecting Florida's existing wetlands and waters before environmental credits are considered.

Florida's water resources are too important for anything less.

Thank you for considering my comments and including them in the official rulemaking record.

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