



TRIENNIAL REVIEW OF FLORIDA'S WATER QUALITY STANDARDS

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GoToWebinar | Sept. 10, 2024



WORKSHOP/WEBINAR LOGISTICS

Public workshop webinar will be recorded, and all questions and comments will be part of public record.

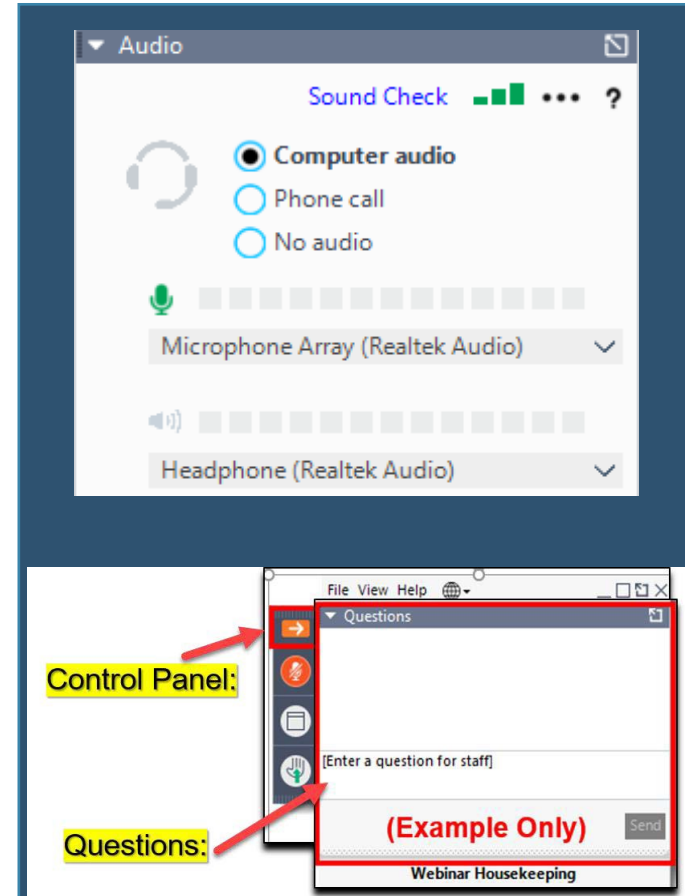
To join the audio, you can use the **Computer Audio** or **Phone Call** option.

Questions:

- Answered at end of each presentation section.
- Webinar participants will be muted during presentations.
- To ask questions, please type your questions in the question box.

Public comments:

- Taken at end of public workshop.
- Webinar participants will use "raise hand" function and wait to be unmuted.
- Provide your name and affiliation before providing your public comment.
- Written comments can be typed in question box or emailed to **WQS_Rulemaking@FloridaDEP.gov**.





AGENDA

- **Workshop/Webinar Description.**
- **Introduction.**
- **Background and Purpose of Triennial Review.**
- **Scope of Current Triennial Review.**
- **Proposed Revisions.**
 - **Chapter 62-302, Florida Administrative Code (F.A.C.).**
 - **Chapter 62-4, F.A.C.**
 - **Chapter 62-303, F.A.C.**
- **Economic Analysis.**
- **Tentative Schedule.**
- **Public Comments.**



BACKGROUND AND PURPOSE

Under the Federal Clean Water Act (CWA), states are required to periodically conduct a comprehensive review of their surface water quality standards (WQS).

- This is known as "Triennial Review" because states are supposed to conduct a review at least once every three years.

Purpose of Triennial Review:

- Continued improvements to the state's WQS.
- Receive feedback and input from the public.



SCOPE OF TRIENNIAL REVIEW

Notices of Rule Development were published on July 17, 2024, for the following rules/chapters that contain surface water quality standards:

- **Chapter 62-302, F.A.C.** (Surface Water Quality Standards).
- **Chapter 62-303, F.A.C.** (Identification of Impaired Surface Waters or "IWR").
- **Specific Rules within Chapter 62-4 (permits):**
 - **Rule 62-4.242, F.A.C.** (Antidegradation Permitting Requirements, Outstanding Florida Waters, Outstanding National Resource Waters).
 - **Rule 62-4.243, F.A.C.** (Exemptions from Water Quality Criteria).
 - **Rule 62-4.244, F.A.C.** (Mixing Zones: Surface Waters).
 - **Rule 62-4.246, F.A.C.** (Sampling, Testing Methods, and Method Detection Limits for Water Pollution Sources).



PROPOSED REVISIONS CHAPTER 62-302, F.A.C.

Triennial Review of Florida's Water Quality Standards



OVERALL UPDATES FOR 62-302

- Replacing bioassessment standard operating procedures (SOPs) and Primer references with a cross reference to Rule 62-160.210, F.A.C., in the following locations:
 - Rule 62-302.200, F.A.C., Definitions of Lake Vegetation Index (LVI) and Stream Condition Index (SCI).
 - Numeric Nutrient Criteria (NNC) Implementation Document.
 - Rule 62-302.533, F.A.C., Dissolved Oxygen Criteria.



RULE 62-302.200, F.A.C.

DEFINITIONS

- Revising definition of a lake:
 - Correcting rule reference to narrative nutrient criterion.
 - Removing cross reference to Chapter 62-340, F.A.C.
- Revising definition of natural background:
 - Adding water quality modeling and other scientifically valid approaches as potential options for establishing natural background.
- Clarifying definition of nutrient.



RULE 62-302.200, F.A.C.

DEFINITIONS

- Revising definition of pollution to be consistent with the definition in Florida Statutes.
- Moving reference to the “Implementation of Florida's Numeric Nutrient Standards for Streams” document in the definition of a stream.
- Revising description of non-perennial water segments:
 - Removing fluctuating hydrologic conditions.
 - Adding site-specific bioassessments and flow data as evidence of non-perenniality.



RULE 62-302.300, F.A.C.

FINDINGS AND INTENT

- Adding compliance schedule authorization provisions into subsection (19) in response to the U.S. Environmental Protection Agency (EPA) requirements.
- Moving reference to NNC implementation document from (20) to Rules 62-302.200 and 62-302.531, F.A.C.



RULE 62-302.400, F.A.C. CLASSIFICATION

- Adding text to subsection 62-302.400(17), F.A.C., to clarify that Class I-Treated waters will remain Class III until reclassification is approved by EPA.
- Incorporating 23 maps by reference to show spatial extent of Class II waters (shellfish propagation or harvesting) in:
 - Nassau, Duval, St. Johns, Flagler, Martin, Palm Beach, Monroe, Collier, Lee, Jefferson, Wakulla, Gulf, Okaloosa, Santa Rosa, Escambia, Manatee, Bay, Charlotte, Pinellas, Hillsborough and Sarasota counties.
- Refining rule language describing spatial extent.



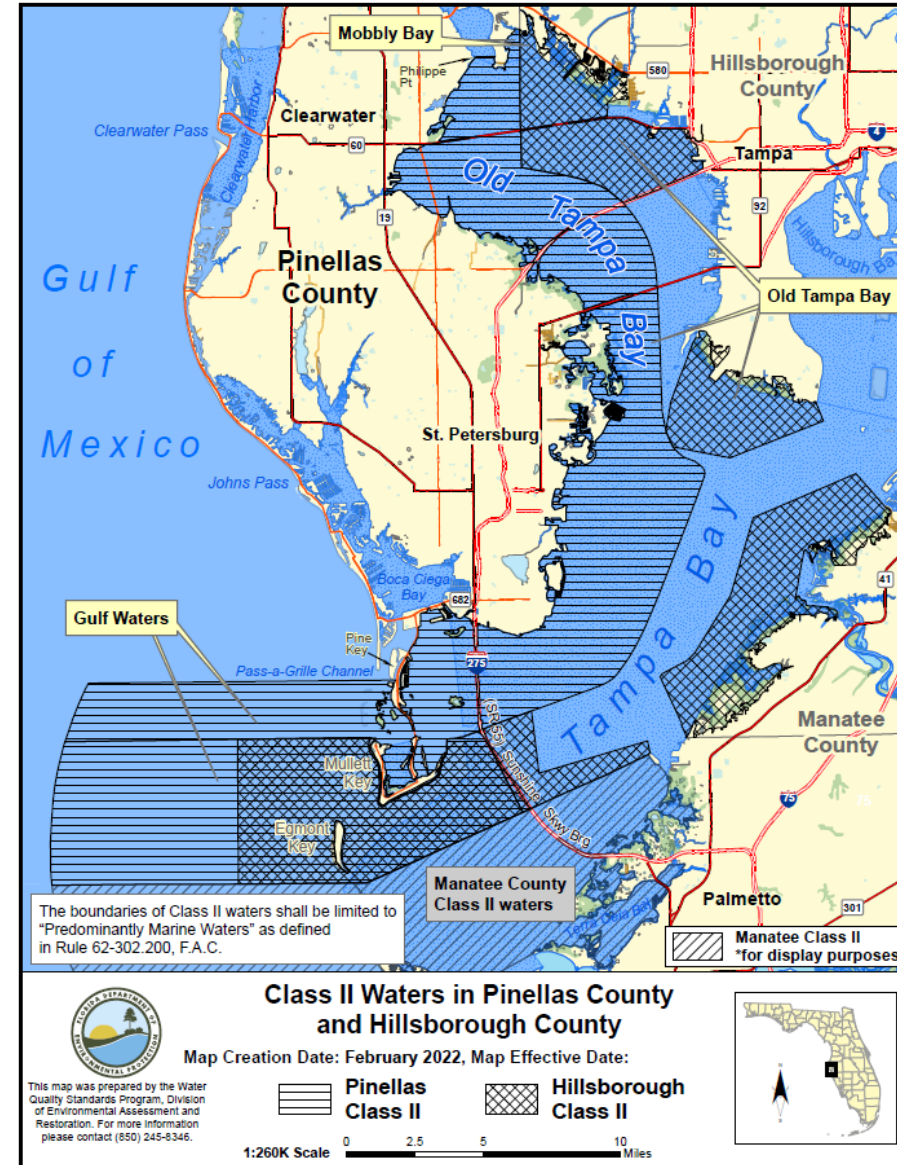
RULE 62-302.400, F.A.C. CLASSIFICATION (EXAMPLE)

Pinellas County Class II

"All or portions of the following waters, as shown in the map titled "Class II Waters in Pinellas County and Hillsborough County" (effective date, link), which is incorporated by reference herein:

Old Tampa Bay, Mobbly Bay and Tampa Bay – South and westward to Sunshine Skyway (SR 55), except Safety Harbor north of an east-west line through Philippe Point.

Tampa Bay and Gulf waters – West of Sunshine Skyway (SR 55), excluding waters north of SR 682 and waters that are both west of Pinellas Bayway and north of an east-west line through the southernmost point of Pine Key." – subparagraph 62-302.400(17)(b)52., F.A.C.





RULE 62-302.530, F.A.C.

TABLE: SURFACE WATER QUALITY CRITERIA

Total Ammonia Nitrogen (TAN).

- Subsection 62-302.530(3), F.A.C.
- Revised TAN equation and added language to clarify the temperature (T) constraints for calculating TAN criteria.

The 30-day average TAN value shall not exceed the average of the values calculated from the following equation, with no single value exceeding 2.5 times the value from the equation:

Current 30 – day Average = $0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688-pH}} + \frac{1.1994}{1 + 10^{pH-7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - \text{MAX}(T,7))})$

Proposed 30 – day Average = $0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688-pH}} + \frac{1.1994}{1 + 10^{pH-7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - T)})$

Temperature and pH are defined as the paired field temperature (°C) and pH associated with the TAN sample. For purposes of total ammonia nitrogen criterion calculations, pH is subject to the range of 6.5 to 9.0. The pH shall be set at 6.5 if measured pH is < 6.5 and set at 9.0 if the measured pH is > 9.0. The temperature shall be constrained to values greater than or equal to 7° C. Temperature values less than 7° C shall be set to 7° C for purposes of calculating the TAN criteria.



RULE 62-302.530, F.A.C.

SURFACE WATER QUALITY CRITERIA

Fecal Coliform Bacteria

- Paragraph 62-302.530(6)(a), F.A.C.
- Revising fecal coliform bacteria criterion applicable to Class II (shellfish harvesting) waters to delete incorrect reference to Ten Percent Threshold Value (TPTV) and 800 maximum.
- Only kept fecal coliform criterion for shellfish harvesting waters.

Escherichia coli Bacteria

- Paragraph 62-302.530(6)(b), F.A.C.
- Revising *E. coli* criterion to address small sample sizes.
- **Class I:** requires five samples to be taken on five different days for monthly geometric mean.
- Fewer than five samples within a month, TPTV assessed as a single sample maximum.
- **Class III fresh:** requires 10 samples to be taken on 10 different days for monthly geometric mean.
- Fewer than 10 samples within a month, TPTV assessed as a single sample maximum.

Enterococci Bacteria

- Paragraph 62-302.530(6)(c), F.A.C.
- Revising Enterococci criterion to address small sample sizes.
- **Class II and Class III marine criteria:** require 10 samples to be taken on 10 different days for monthly geometric mean.
- Fewer than 10 samples, within a month, TPTV assessed as a single sample maximum.



RULE 62-302.531, F.A.C.

NUMERIC INTERPRETATIONS

- Clarifying procedure for when a nutrient total maximum daily load (TMDL) would be considered a site-specific interpretation of NNC.
- Noting the use of estuary-specific numeric interpretations of the narrative nutrient criterion for assessment of Tampa Bay segments in reference to the use of uncorrected chlorophyll *a* data.
- Including cross-reference to Chapter 62-160, F.A.C., for revised “Chlorophyll *a* Methods” document.



NNC IMPLEMENTATION DOCUMENT

- “Numeric Nutrient Criteria (NNC) Implementation” document consists of provisions considered by EPA to be water quality standards.
- Revising the document name to reflect stream content, “Implementation of Florida's Numeric Nutrient Standard for Streams.”
- Updating and revising to clarify key issues, streamlining the document, and making needed corrections and updates.



NNC IMPLEMENTATION DOCUMENT

1.0 Floral Evaluation for Determining Achievement of NNC.

- Summarizing overall assessment.
- For Rapid Periphyton Surveys (RPS) and Linear Vegetation Surveys (LVS), basing assessment on two most recent samples.
 - If both pass an evidentiary threshold, then site passes.
 - If both fail an evidentiary threshold, then site fails.
 - If one passes and one fails, then either look at the third most recent assessment or conduct additional assessments.
- Changing the time between sampling events to be considered "temporally independent" from three months to 90 days for RPS and LVS.



NNC IMPLEMENTATION DOCUMENT

1.1 Evaluating Algal Mats.

- Adding text clarifying when to conduct and how to use the RPS.
 - If observations indicate algae smothering is **none** or **slight** and periphyton abundance is not observed or rare, no RPS needed due to no floral imbalances. If observations indicate otherwise, RPS needed.
 - "A complete RPS sample includes 99 observations, but sometimes site conditions prevent access to all 99 points. Samples with ≤ 90 observations are inconclusive unless the sampled points are sufficient to evaluate the evidentiary threshold (e.g., ≥ 25 points with rank 4-6 coverage among the ≤ 90 observations would indicate a floral imbalance)."



NNC IMPLEMENTATION DOCUMENT

1.2 Evaluating Dominant Algal Species Composition.

- Citing the Department's Statewide Biological Database (SBIO) Florida Taxonomic lists as a location for information on toxin producing taxa and text noting that dominance of these taxa indicate the numeric nutrient standard is not achieved.
- Revising list of algal taxa that potentially indicate nutrient enrichment.
- Clarifying that samples not dominated by these taxa indicate a balanced periphyton community.

1.2.1 RPS and Algal Species Composition Decision Key.

- Combining RPS and algal species decision keys to assess if a site does or does not meet expectations for algal mat occurrence and taxonomic composition.



NNC IMPLEMENTATION DOCUMENT

1.3 Evaluating the Presence or Absence of Nuisance Macrophyte Growth.

- Placing streams that fail LVS on the Study List rather than Verified List.
- Replacing references to FLEPPC (Florida Exotic Pest Plant Council) with FISC (Florida Invasive Species Council) due to organization's name change.



NNC IMPLEMENTATION DOCUMENT

1.4 Evaluating Algal Blooms, Chlorophyll *a*, and Phytoplankton Taxonomic Data.

- Adding evaluation of whether elevated chlorophyll *a* values are due to upstream sources.
- Removing general language about how trends are assessed because this is detailed in Chapter 62-303, F.A.C.



NNC IMPLEMENTATION DOCUMENT

2.0 Basic Information Needs for Distinguishing Flowing Waters Under Rule 62-302.200, F.A.C.

- Adding new introductory paragraph:
 - The numeric nutrient standard for streams only applies to "flowing waters" meeting the stream definition.
 - Default assumption is that any flowing water meets the definition unless demonstration is made that the waterbody meets one of the exclusions.
 - All approved exclusions will be tracked/documentated.
- Clarifying that if excluded, waterbody will still be assessed for nutrient impairment using nutrient impairment thresholds (chlorophyll-*a* of 20 µg/L for fresh waters and 11 µg/L for marine waters) and other information and trends.
- Adding Class I-Treated to list of waters that may be evaluated for a stream exclusion.



NNC IMPLEMENTATION DOCUMENT

2.1 Non-Perennial Water Segments.

- Recognizing the potential for confounding effects of natural drying events when assessing flowing waters.
- Listing three main methods to demonstrate that a segment is non-perennial.
 - Plant or macroinvertebrate taxa present (existing approach).
 - Stream flow data.
 - Drainage area using the HydroBioGeomorphic (HGB) classification system (to be used as ancillary information only).
- Clarifying that biological data supersede flow data if results are contradictory.



NNC IMPLEMENTATION DOCUMENT

2.2 Tidally Influenced Segments.

- Updating definition of predominantly fresh and marine waters to match definition revisions proposed in Chapter 62-302, F.A.C.

2.3.3 Physical Alteration That Limits Habitat.

- Adding scores for "poor" and "marginal" Habitat Assessment, and scores for "poor category" Substrate Diversity and Artificial Channelization.
- Removing Substrate Availability as a habitat component that must be poor or marginal to qualify for exclusion.
- Deleting text about the department conducting a Habitat Assessment if one was not already conducted.



RULE 62-302.532, F.A.C. ESTUARY-SPECIFIC NNC

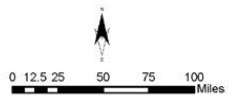
- Revising Florida Coastal NNC Segment Map that will be incorporated by reference.



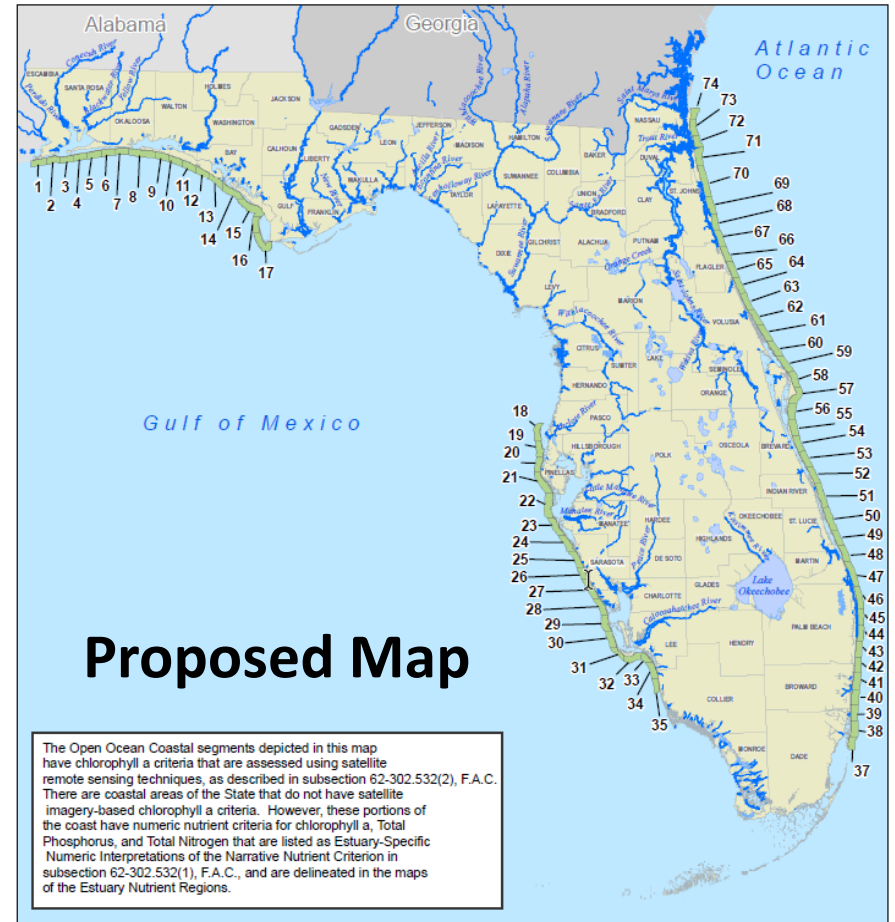
Current Map

Florida Coastal Segments

May 13, 2013



This map was prepared by Devan R. Cobb with the Division of Environmental Assessment and Restoration. For more information please contact devan.r.cobb@dep.state.fl.us or kenneth.weaver@dep.state.fl.us

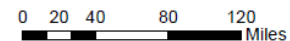


Proposed Map

Florida Coastal Segments

Map Creation Date: November 2018, Map Effective Date:

Open Ocean Coastal Segments



GIS: Talia.E.Smith Requester: Ken Weaver Date: 11/2/2018



RULE 62-302.532, F.A.C.

ESTUARY-SPECIFIC NNC

- Noting the use of uncorrected chlorophyll *a* data consistent with criteria derivation for assessment of Tampa Bay segments.
- Correcting criteria units for Tidal Peace River and Little Hickory Bay to $\mu\text{g/L}$.
- Adding language clarifying the use of the seasonal region values in determining the annual geometric mean for the seasonal region calculation of Sarasota Bay criteria.
 - Replacing "target" with "value" where seasonal region values mentioned.
- Changing annual arithmetic average salinity (AASal) units from practical salinity units (PSU) to parts per thousand (PPT) for Suwanee, Waccasassa and Withlacoochee River estuaries.



RULE 62-302.532, F.A.C.

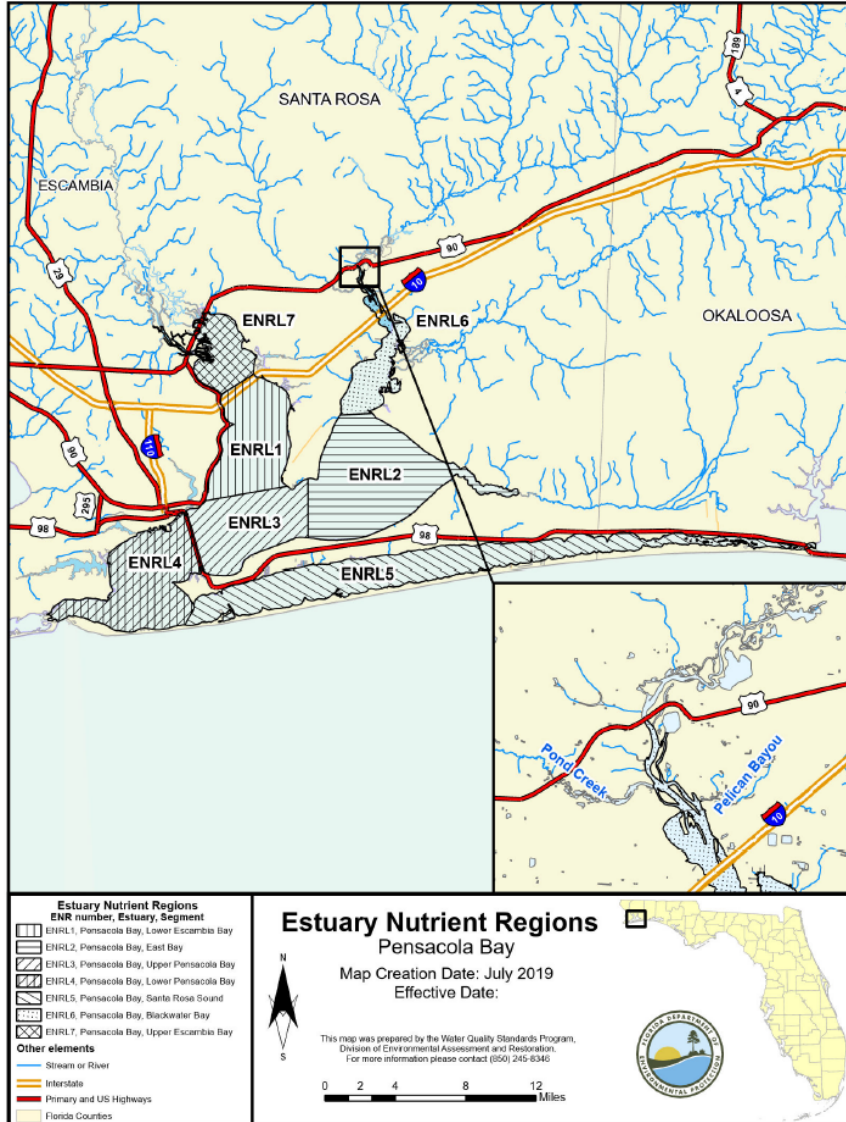
ESTUARY-SPECIFIC NNC

- Developed revised Estuary Nutrient Region (ENR) maps for six estuaries.
 - Blackwater Bay (ENRL6).
 - Lower Halifax River (ENRS1).
 - St. Marks River (ENRX3).
 - Also included labeling for Alligator Harbor.
 - Clam Bay (ENRJ1).
 - Lower St. Johns River and Tributaries (ENRBB1).
 - Upper South Fork St. Lucie River (ENRZ5).



RULE 62-302.532, F.A.C.

ESTUARY-SPECIFIC NNC



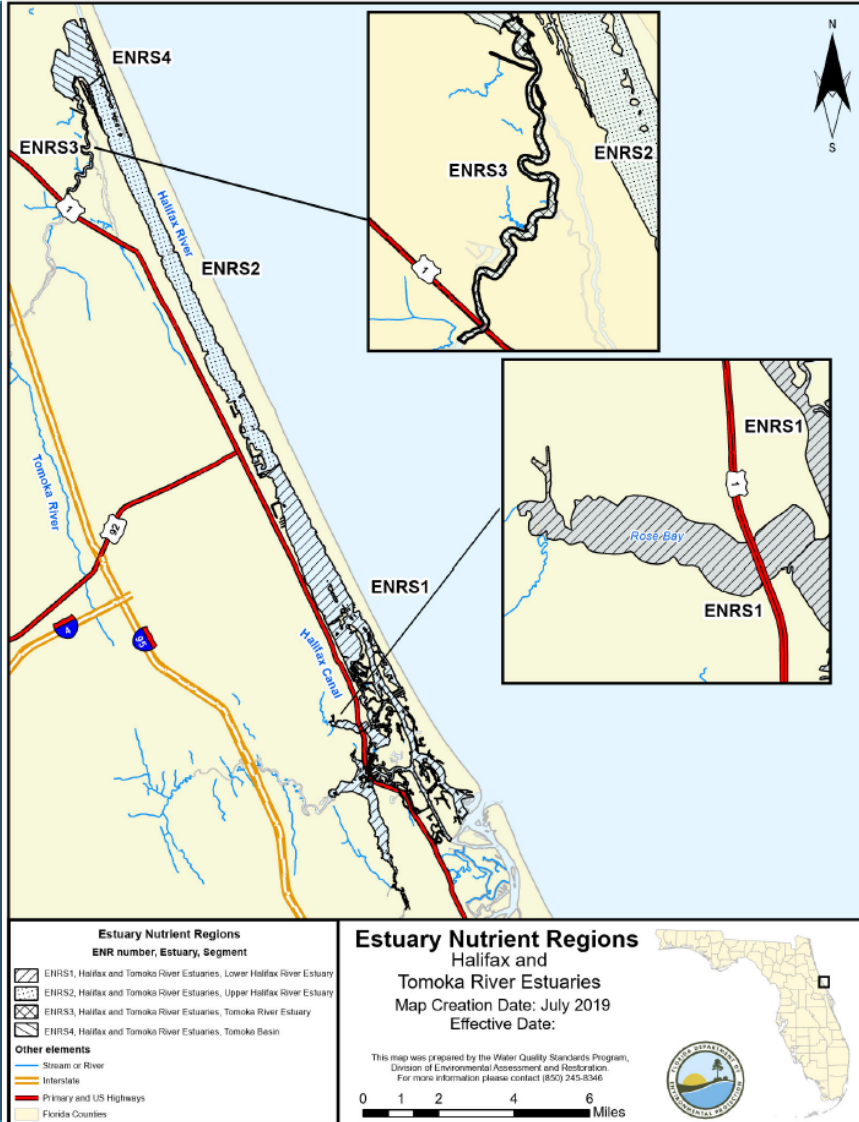
Blackwater Bay

- Reducing extent of ENR slightly to end at Highway 90 to exclude a more tidally influenced area.



RULE 62-302.532, F.A.C.

ESTUARY-SPECIFIC NNC

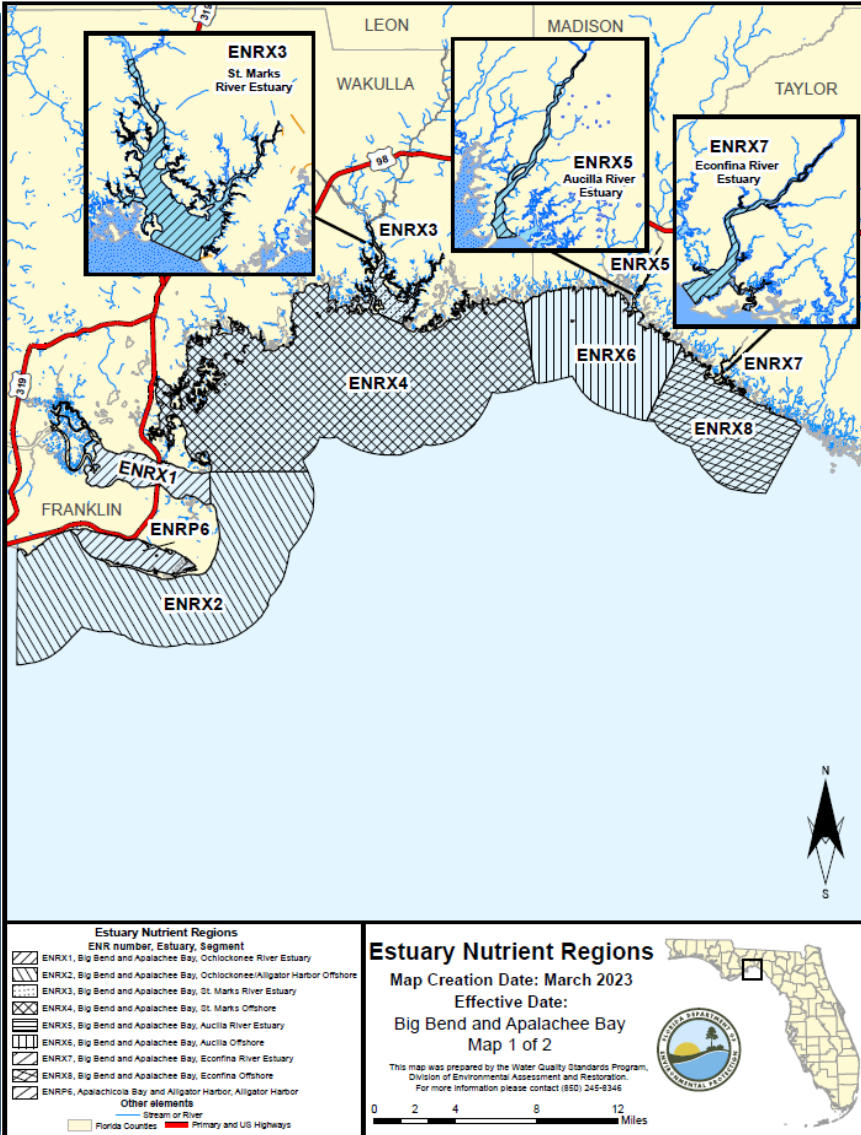


Lower Halifax River Estuary

- Adjusting ENR extent to include all the predominantly marine waters in Rose Bay.



RULE 62-302.532, F.A.C. ESTUARY-SPECIFIC NNC



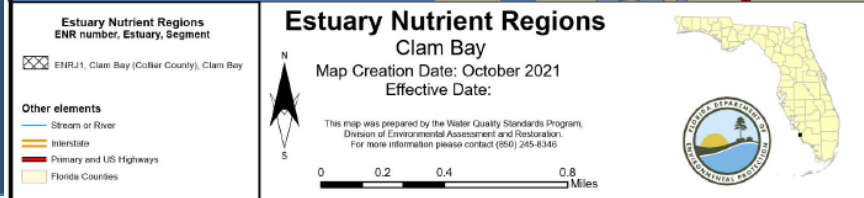
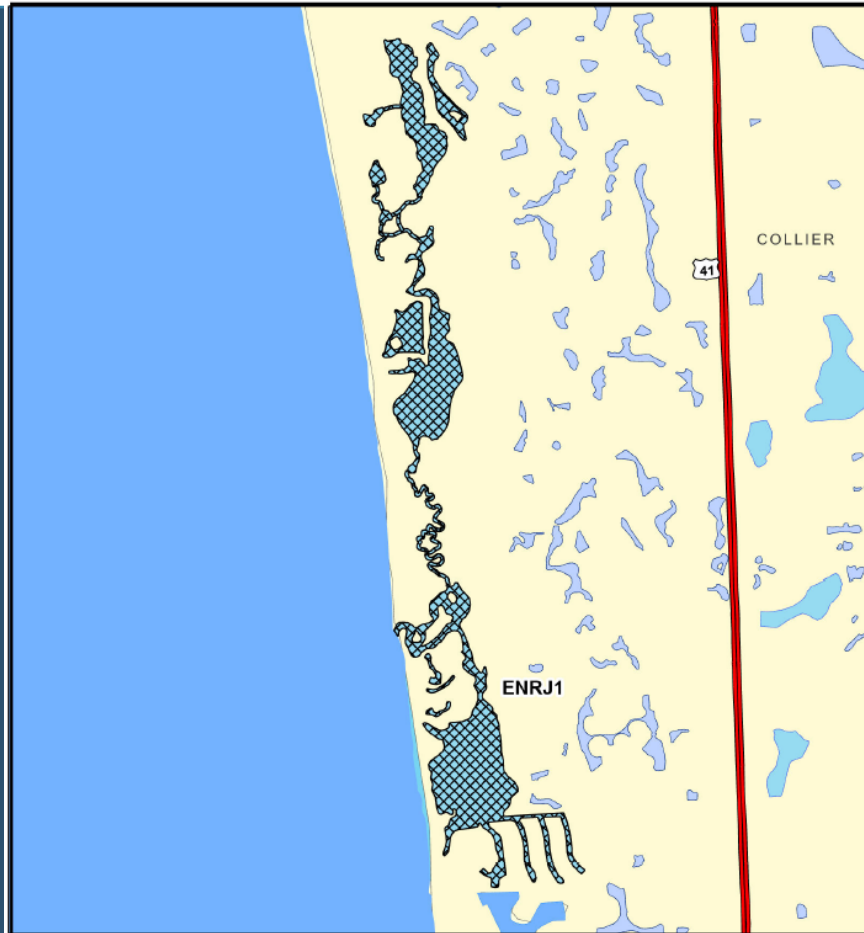
St. Marks River Estuary

- Adjusting ENR extent to match the Class II and Waterbody ID (WBID) boundaries.



RULE 62-302.532, F.A.C.

ESTUARY-SPECIFIC NNC



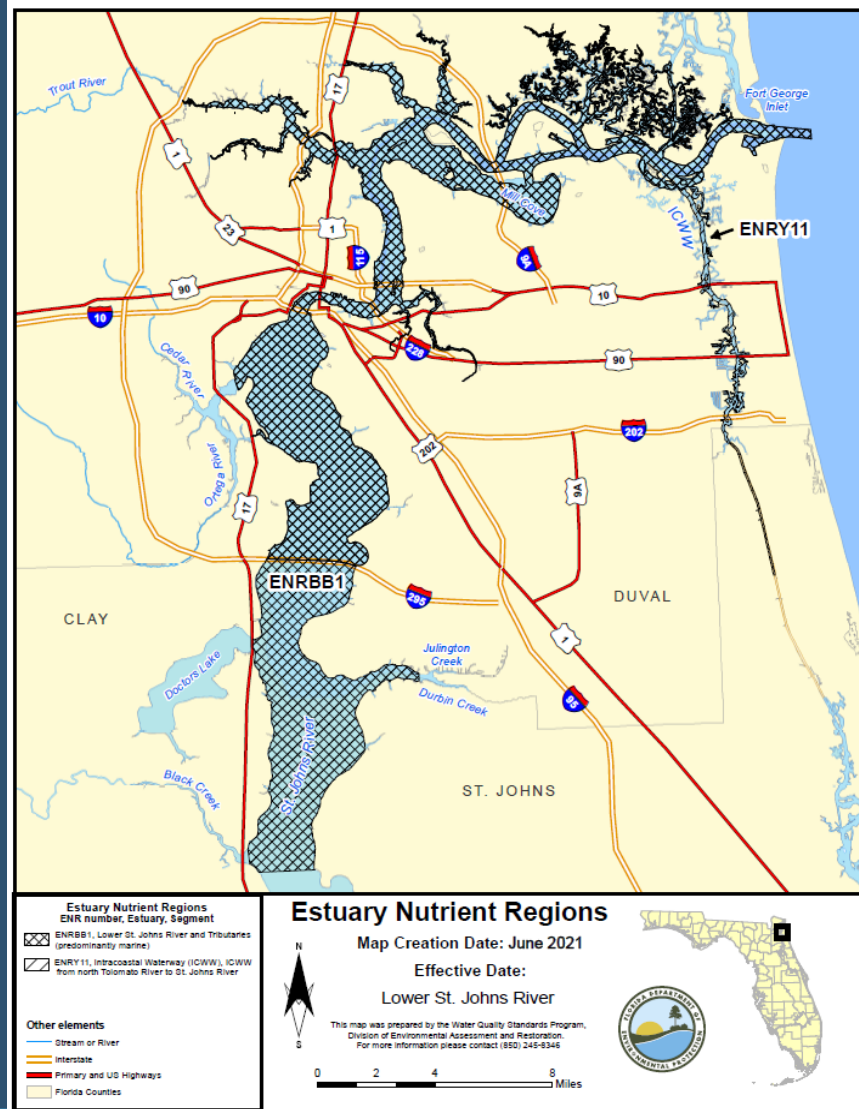
Clam Bay

- Extending the ENR boundary to remove gap between marine segments.
- Not deliberately excluded previously, artifact of scale and available GIS coverage at initial time of map creation.



RULE 62-302.532, F.A.C.

ESTUARY-SPECIFIC NNC

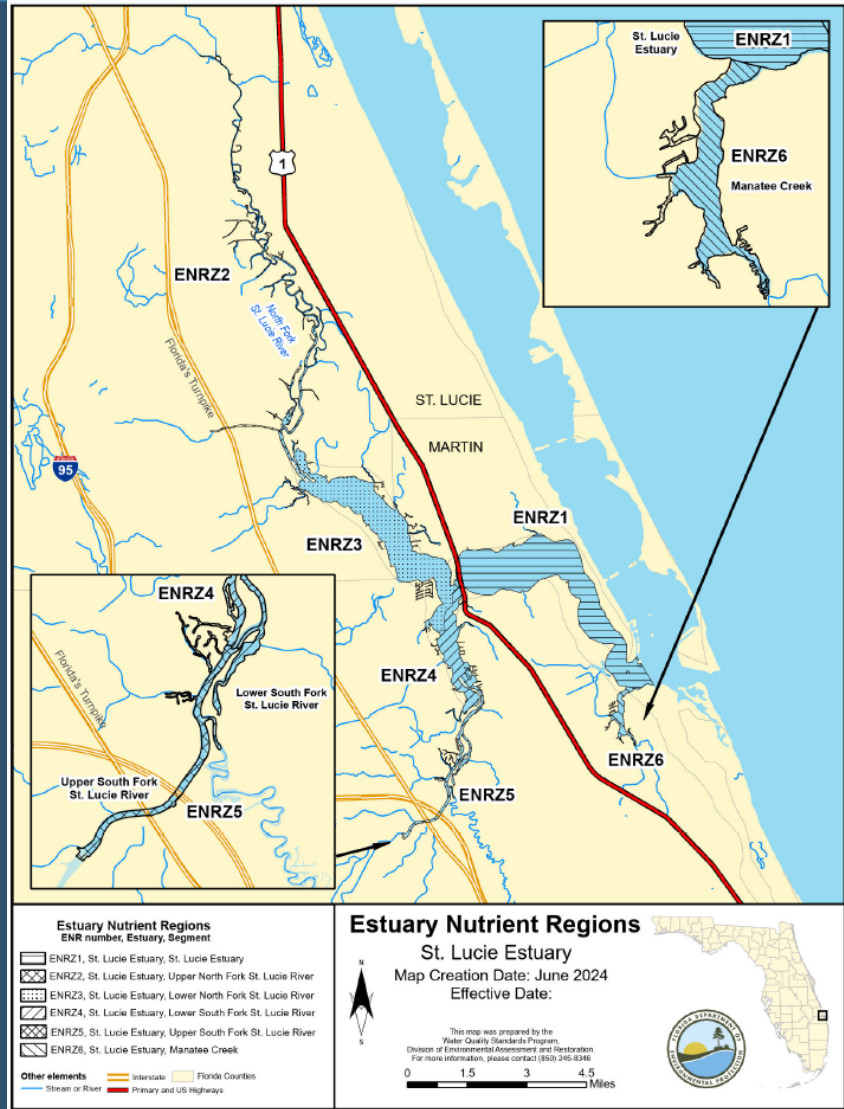


Lower St. Johns River and Tributaries

- Extending ENR boundary to include main stem of St. Johns River that occurs in WBIDs 2213G and 2213H.
- Matching the southern boundary of WBID 2213H, just south of confluence with Black Creek.
- These areas were left off in error and should have been originally included as they are part of the total maximum daily load (TMDL).



RULE 62-302.532, F.A.C. ESTUARY-SPECIFIC NNC



Upper South Fork St. Lucie River

- Removing Hog Creek from ENR coverage.
- Small stream behind control structure not included in ENR development.



RULE 62-302.533, F.A.C.

DISSOLVED OXYGEN CRITERIA

- Including time-of-day adjustments for ambient dissolved oxygen (DO) data.
 - Same text that is currently in the Impaired Waters Rule (IWR).
- Making minor changes to Appendix I of “Technical Support Document for the Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida's Fresh and Marine Waters” incorporated document.



RULE 62-302.700, F.A.C.

OUTSTANDING FLORIDA WATERS

- Adding the county names for Beker Tracts and Carlton Half-Moon Ranch.
- Adding the Nature Coast Aquatic Preserve designated by the legislature to the Outstanding Florida Waters (OFW) list.
- Revising references to definitions of "canal" and "channels" in the descriptions of Special Waters OFWs.
 - Changing to reference Florida Statute definitions.



RULE 62-302.800, F.A.C.

SITE SPECIFIC ALTERNATIVE CRITERIA

- Adding site specific alternative criteria (SSAC) requirements to provide a description of the occurrence of any listed threatened or endangered species and critical habitats within the water.
- Replacing adjoining with downstream waters when evaluating impacts from proposed alternative criteria.
- Adding Florida Power and Light (FPL) Martin Type II TAN SSAC.



FPL MARTIN TYPE II TAN SSAC

- Previous public workshop held in October 2020 as a separate rulemaking effort.
- FPL petitioned in April 2017 for a SSAC for TAN in Barley Barber Swamp and the Northwest Mitigation Area (NWMA) Wetlands in Martin County.
- For hydrologic restoration purposes, FPL is obligated to provide water to the NWMA, which is an intermittent herbaceous marsh.
- FPL must also maintain minimum flows within the Barley Barber Swamp, which is a forested wetland.
- Primary water source is the seepage collection system around the perimeter of the Martin Plant cooling pond.



FPL MARTIN TYPE II TAN SSAC

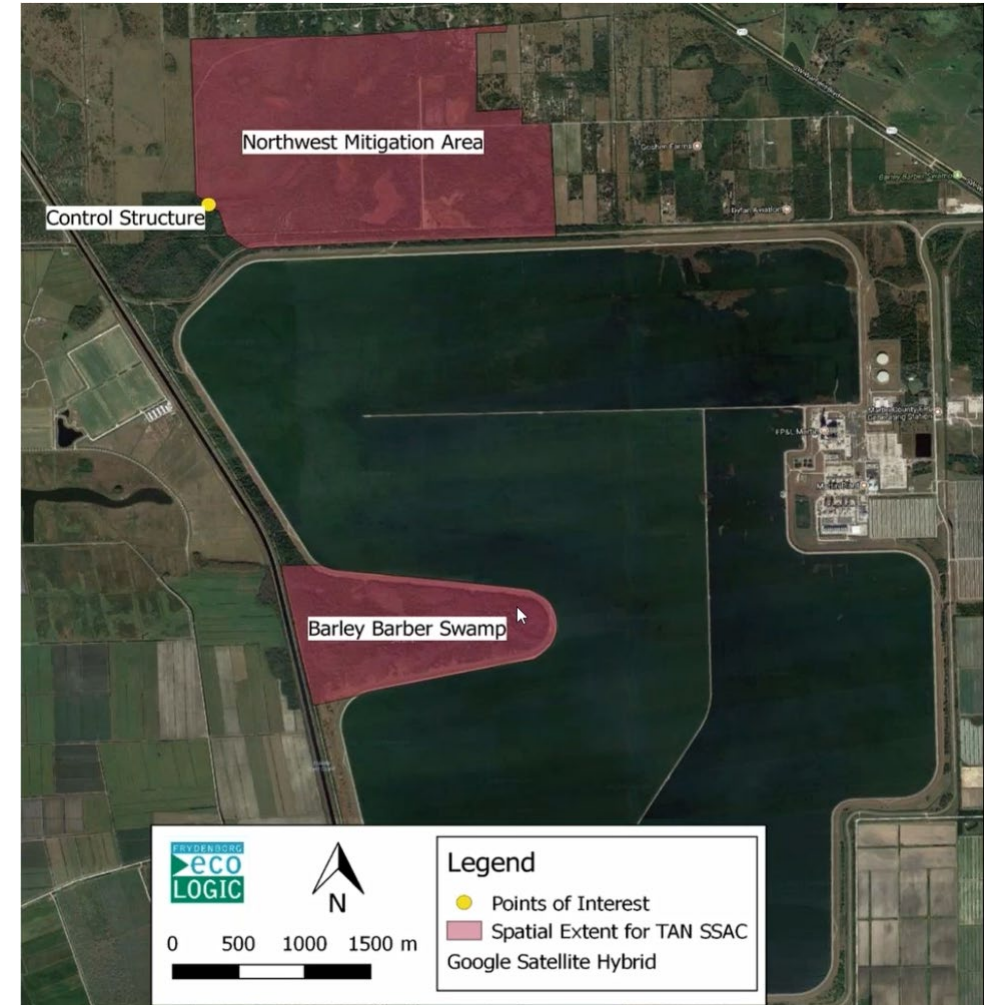
TAN Criterion:

- Generally applicable TAN criterion is protective of unionid mussels.
- Due to the high sensitivity of the unionid mussels, low ammonia concentrations are needed to be protective.
- However, if unionid mussels are not present, the generally applicable TAN criterion is overly stringent.
- To allow the criterion to be more appropriately protective of site-specific conditions, the EPA TAN criterion includes a recalculation procedure to derive SSACs based on species that are present.



FPL MARTIN TYPE II TAN SSAC

- Frydenborg EcoLogic conducted an EPA- and FDEP- approved semi-quantitative mussel (Unionidae) survey at three wetland test sites and one control site in Black Bottom Slough in January 2018.
- Results showed that no mussels were present in the Northwest Mitigation Area or Barley Barber Swamp, but early life stages of fish could be present.
- A TAN SSAC based on the recalculation of criterion using EPA's equation for waterbodies without unionid mussels and with protection for early life stages of fish is recommended for these two wetlands.





FPL MARTIN TYPE II TAN SSAC

Proposed TAN SSAC:

- Uses the EPA equation for recalculation of the 30-day TAN criterion (i.e., the CCC) due to the absence of unionid mussels and the presence of early life stages of fish is:

$$30 - \text{day Average} = 0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - \text{pH}}} + \frac{1.1994}{1 + 10^{\text{pH} - 7.688}} \right) \times \text{MIN} \left(6.920, (7.547 \times 10^{0.028(20 - T)}) \right)$$

- The 30-day average measured TAN concentration shall not exceed the average of the values calculated from the above equation, with no individual value exceeding 2.5 times the value from the equation.
 - For purposes of TAN criterion calculations, pH is subject to the range of 6.5 to 9.0. The pH shall be set at 6.5 if measured pH is < 6.5 and set at 9.0 if the measured pH is > 9.0.



FPL MARTIN TYPE II TAN SSAC

Proposed TAN SSAC:

- Removal of unionid mussels results in criteria being increased by approximately 2.5 to 3.5 times.
- Magnitude of both criteria decrease with increasing pH and temperature.

Calculated criteria values for various pH and temperature levels

pH, standard units	Temperature, °C	Generally Applicable TAN Criteria, mg/L	Proposed SSAC Value, mg/L
6.5	15	2.94	7.34
7.5	15	1.92	4.81
8.5	15	0.48	1.20
6.5	20	2.13	7.34
7.5	20	1.39	4.81
8.5	20	0.35	1.20
6.5	30	1.12	4.20
7.5	30	0.73	2.75
8.5	30	0.18	0.69

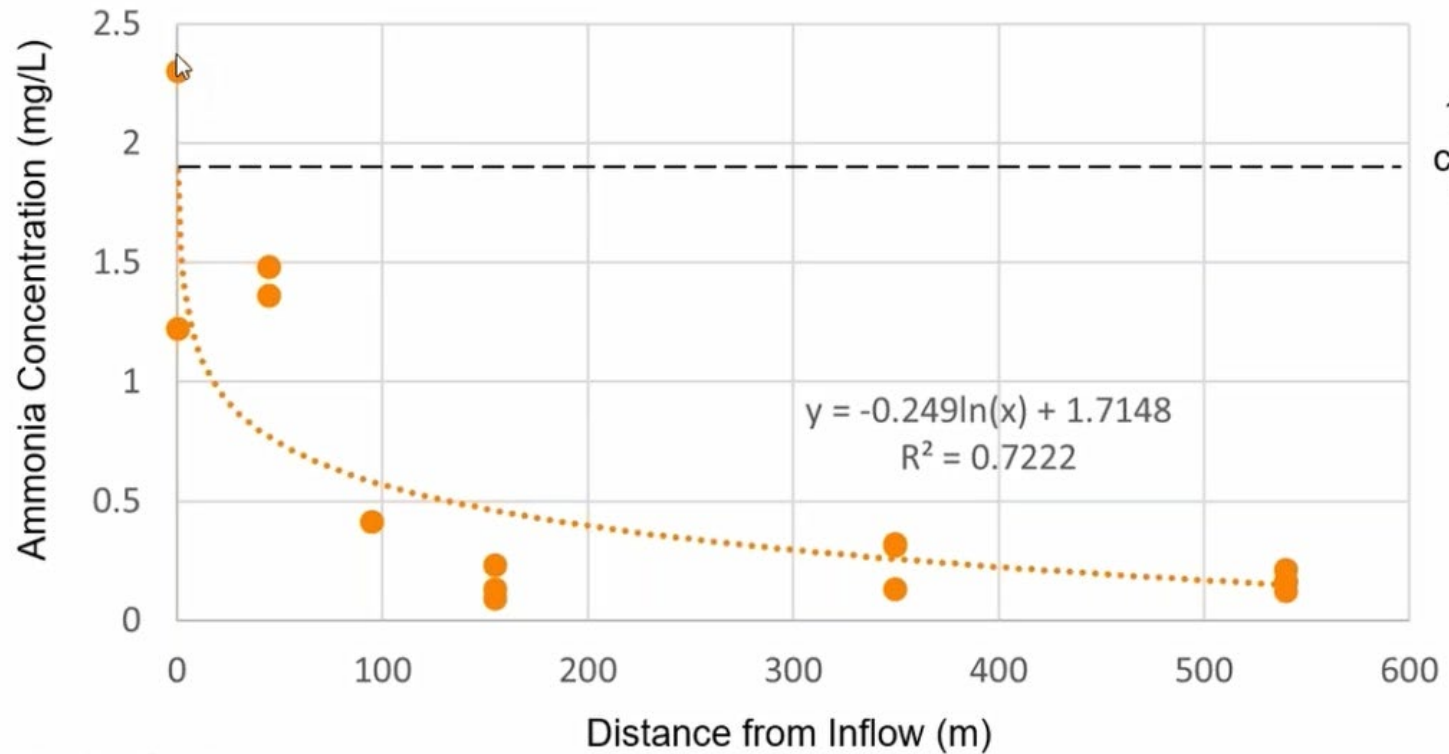


FPL MARTIN TYPE II TAN SSAC

TAN Assimilation in Wetlands:

- Assimilation of much of the ammonia occurs over very short distance within the wetland areas, so downstream waters will be protected.

NWMA West (Sump 24) TAN (mg/L)





PROPOSED REVISIONS CHAPTER 62-4, F.A.C.

Triennial Review of Florida's Water Quality Standards



RULE 62-4.242, F.A.C.

- Proposing to allow the permitting of a discharge or activity if it is part of an environmental restoration and enhancement project (as defined in subsection 62-4.020(6), F.A.C.) and meets all standard anti-degradation requirements.
- Environmental restoration and enhancement project must still meet applicable water quality criteria.



Question period.



10-Minute Break.



PROPOSED REVISIONS TO CHAPTER 62-303, F.A.C.

Triennial Review of Florida's Water Quality Standards



CHAPTER 62-303, F.A.C.

PROPOSED REVISIONS

Non-substantive changes that won't be presented:

- Clarifying definitions for “predominantly fresh” and “predominantly marine” waters.
- Revising assessment period terminology.
- Updating rule citations, including new hyperlinks, formatting changes, renumbering, duplicative text and changes to text related to documents incorporated by reference.
 - Rule 62-303.200, Rule 62-303.380, F.A.C., Rule 62-303.460, F.A.C., Rule 62-303.480, F.A.C. and Rule 62-303.500, F.A.C.



RULE 62-303.320, F.A.C.

AQUATIC LIFE-BASED WATER QUALITY CRITERIA ASSESSMENT

- Clarifying that I-qualified data will now be used as reported for the assessments of numeric interpretations of the NNC in Rule 62-303.350, F.A.C., for values between the method detection limit (MDL) and practical quantitation limit (PQL), consistent with the criteria derivation.
 - Previously I-qualified reported results were replaced with the MDL for nutrient assessments.



RULE 62-303.330, F.A.C.

BIOLOGICAL ASSESSMENT

- Proposing to add waters on the Planning List if:
 - The average score of all SCIs is below 40.
 - The average score of all the temporally independent LVI scores is below 43 for a lake segment.
 - One of the two most recent temporally independent LVI scores is a score less than 30.
- Specifying that temporal independence between Biological Health Assessment samples are 90 days apart (previously three months).



RULE 62-303.350, F.A.C.

ASSESSMENTS OF NUMERIC INTERPRETATIONS OF NNC

- Adding “annual medians” and “annual geometric means” in subsection (4).
- Adding subsection (6) to clarify data requirements for assessment of salinity or specific conductance dependent nutrient criteria.
- Adding subsection (7) to clarify the minimum sample size to calculate monthly average nitrate-nitrite criteria for assessment.
- Adding language in subsection (8) to account for the use of uncorrected chlorophyll a in the assessment of Tampa Bay segments.



RULE 62-303.351, F.A.C.

NUTRIENTS IN FRESHWATER STREAMS

Subsection (1):

- Clarifying placement of a stream on the Planning List and incorporating the “Implementation of Florida’s Numeric Nutrient Standards for Streams” document by reference.

Subsection (2):

- Placing a water on the Planning List if there is an annual geometric mean chlorophyll a greater than 3.2 ug/L.

Subsection (3):

- Clarifying that other information indicating an imbalance in flora or fauna due to nutrient enrichment will be considered to place a waterbody on the Planning List.

Subsection (5):

- Removing text for trend test citation and updating the name of the “Mann-Kendall Trend Test” and adding language indicating that there must be a minimum of four annual geometric means in the assessment period to calculate the trend.



RULE 62-303.352, F.A.C.

NUTRIENTS IN FRESHWATER LAKES

Paragraph (1)(b):

- Clarifying that other information indicating an imbalance in flora or fauna due to nutrient enrichment will be considered to place a waterbody on the Planning List.

Paragraph (1)(c):

- Removing trend test citation and updating name to the “Mann-Kendall Trend Test.”
- Indicating that there must be a minimum of four annual geometric means in the assessment period to calculate the trend.



RULE 62-303.352, F.A.C.

NUTRIENTS IN FRESHWATER LAKES

Paragraph (1)(d):

- For lakes with insufficient color, alkalinity, or specific conductance data to determine applicable lake assessment type, revising paragraph (1)(d) to list lakes on Planning List if:
 - The annual geometric mean (AGM) of chlorophyll *a* value is greater than 6 µg/L, rather than 20 µg/L.
- Adding lakes to the Planning List if lake total nitrogen (TN) AGM or total phosphorus (TP) AGM exceeded minimum of the range for clear, low alkalinity lakes: TN > 0.51 mg/L or TP > 0.01 mg/L.



RULE 62-303.353, F.A.C.

NUTRIENTS IN ESTUARIES AND OPEN COASTAL WATERS

Subsection (3):

- Clarifying that other information indicating an imbalance in flora or fauna due to nutrient enrichment will place a waterbody on the Planning List.

Subsection (4):

- Removing trend test citation and updating name to the “Mann-Kendall Trend Test,” and adding language indicating that there must be a minimum of four annual geometric means in the assessment period to calculate the trend.

Subsection (5):

- Clarifying that, for estuary NNC expressed as not to be exceeded in more than 10% of samples, data must meet certain data sufficiency provisions in Rule 62-303.320, F.A.C.



RULE 62-303.354, F.A.C.

NITRATE-NITRITE IN FRESHWATER SPRING VENTS

Subsection (2):

- Clarifying that other information indicating an imbalance in flora or fauna due to nutrient enrichment will place a waterbody on the Planning List.

Subsection (3):

- Removing text for trend test citation and updating name to the “Mann-Kendall Trend Test,” and adding language indicating that there must be a minimum of four AGMs in the assessment period to calculate the trend.

Subsection (4):

- Clarifying that springs with a nitrate-nitrite criterion expressed as a monthly average will be evaluated based on subsection 62-303.320(1), F.A.C. (binomial distribution approach in Table 1), and data must meet certain data sufficiency provisions in Rule 62-303.320, F.A.C.



RULE 62-303.360, F.A.C.

PRIMARY CONTACT AND RECREATION USE SUPPORT

Paragraph (1)(b):

- Clarifying the bacteria data sufficiency language for the monthly geometric mean assessment:
 - “To calculate a monthly geometric mean for Class I or Class I-Treated waters, there shall be at least 5 samples taken on five different days over a calendar month. For Class II and Class III waters, there shall be at least 10 samples collected on ten different days over a calendar month.”
- Replacing text that required “at least one sample from each full week of the month.”



RULE 62-303.360, F.A.C.

PRIMARY CONTACT AND RECREATION USE SUPPORT

- Adding a new subsection (5) to place waters on the Planning List based on Algal Health Alerts:

"A Class I, I-Treated, II, III, or III-Limited water shall be placed on the Planning List for evaluating primary contact and recreation use support based on health alert notifications issued by a county health department due to the detection of an algal toxin. The health alert notifications shall total at least 21 days during a calendar year."



RULE 62-303.370, F.A.C.

FISH AND SHELLFISH CONSUMPTION USE SUPPORT

Subsection (1):

- Clarifying the language for placing a water on the Planning List due to Florida Department of Health (DOH) fish advisory.
 - Changing “limited to or no consumption” fish advisory to “an advisory to limit consumption of any fish species from that water to one meal per week or less frequent consumption.”

Subsection (2):

- Updating the name of the Florida Department of Agriculture and Consumer Services’ (DACCS) section that oversees shellfish harvesting.
 - “Shellfish Harvest Area Classification Program.”
 - Removing language from (b): "excluding any areas for which SEAS identified only wildlife as the potential source of bacteriological contamination for the shellfish harvesting area."



RULE 62-303.390, F.A.C.

STUDY LIST

Subsection (1):

- Revising text related to adverse trend in nutrients or nutrient response variables to be consistent with other changes in the section.

Subsection (2):

- Replacing temporal trend test with a statistically-significant increasing trend in TN, TP, nitrate-nitrite, or chlorophyll *a* on the Study List if there is:
"A reasonable expectation that the water will become impaired within 10 years, taking into consideration the Sen-Theil fitted line based on the annual geometric means in the assessment period and the magnitude of the applicable criterion. For lakes that do not have a site-specific numeric interpretation of the narrative nutrient criterion, the applicable TN and TP nutrient criteria shall be the maximum numeric interpretation for the applicable lake color and alkalinity category."



RULE 62-303.390, F.A.C.

STUDY LIST

Paragraph (2)(d):

- Adding existing TMDLs through BMAPs or a department enforcement order.

Paragraph 2(f):

- Listing streams on the Study List if they fail the LVS and the LVS results cannot be linked to anthropogenic nutrient inputs and adding reference to the “Implementation of Florida’s Numeric Nutrient Standards for Streams” document.

Paragraph 2(j):

- Listing streams on the Study List if DEP has received a request for a stream NNC exclusion and additional time is needed to review and process the documentation.



RULE 62-303.390, F.A.C.

STUDY LIST

Subsection (3):

- Revising to remove waters from the Study List if there is no longer a statistically significant trend based on the 95% confidence interval for the two most recent listing cycles.

Subsection (5):

- Removing the provision to evaluate the progress of the pollution control mechanisms because it is being moved to paragraph 62-303.600(3)(a), F.A.C.
- Adding clarifying language that waters must be removed from the Study List if an evaluation of current data does not exceed the stream nutrient thresholds.

Subsection (6):

- Placing waters on the Study List due to failing the LVS floral metric and noting that DEP will conduct a site-specific assessment of the stream to determine potential causes of the nuisance macrophyte growth.



RULE 62-303.400, F.A.C.

METHODOLOGY TO DEVELOP THE VERIFIED LIST

Subsection (2):

- Clarifying that additional data and information for waters on the Planning “and Study List” will be evaluated for placing waters on the Verified List.
- Clarifying that the timeframe for collecting additional data through the department’s watershed management approach is the subsequent assessment cycle.



RULE 62-303.420, F.A.C.

AQUATIC LIFE - BASED WATER QUALITY CRITERIA ASSESSMENT

Paragraph (1)(b):

- Revising to reflect that Biological Health Assessments must be conducted within the same assessment period for DO assessments rather than on the same day or after the water quality samples were collected.

Subsection (10):

- Removing duplicate text requiring identification of causative pollutant for DO impairments because the requirement is already in subsection 62-303.710(3), F.A.C.

Subsection (11):

- Clarifying “daily average values,” rather than “measurements,” exceed the applicable criteria.



RULE 62-303.430, F.A.C.

BIOLOGICAL IMPAIRMENT

Paragraph (2)(a):

- Clarifying that an additional SCI will be collected for the biological health assessments before adding the waterbody to the Verified List if:
 - The average score is below 40, but there are only two SCIs, and there is greater than a 20-point difference between the two scores.

Paragraph (2)(b):

- Placing a lake on the Verified List if: “either of the two most recent temporally independent LVI scores is less than 30.”
- Clarifying that an additional LVI will be collected before adding the waterbody to the Verified List if:
 - The average score is below 43, but there are only two LVIs and there is greater than a 20-point difference between the scores.



RULE 62-303.450, F.A.C.

ASSESSMENTS OF NUMERIC INTERPRETATIONS OF NNC

Subsection (5):

- Expanding the trend assessment to include “nutrients” and revised assessment such that waters will be listed on Verified List if there is:
 - A statistically significant increasing trend at 95 percent confidence level using the Mann-Kendall Trend Test, and either:

"1. There is a reasonable expectation that the water will become impaired within 4 years, taking into consideration the Sen-Theil fitted line based on the annual geometric means in the assessment period and the magnitude of the applicable criterion, or

2. The contiguous downstream waterbody segment is impaired, and either is included on the Verified List or has a total maximum daily load for a given nutrient, nutrient trend, or nutrient response variable. In cases where there is no contiguous downstream waterbody segment, the department will evaluate this subparagraph for the receiving waterbody."



RULE 62-303.460, F.A.C.

PRIMARY CONTACT AND RECREATION USE SUPPORT

Paragraph 3(b):

- Clarifying the bacteria data sufficiency language for the monthly geometric mean assessment:

"To calculate the monthly geometric means for Class I or Class I-Treated waters, there shall be at least 5 samples taken on five different days over a calendar month. For Class II, Class III or Class III-Limited waters, there shall be at least 10 samples collected on ten different days over a calendar month."



RULES 62-303.470 AND 62-303.500, F.A.C.

Paragraph 62-303.470(1)(a):

- Revising the data sufficiency needed to place a waterbody on the Verified List from 12 fish to eight fish to be consistent with the DOH fish data collection methodology.

Subsection 62-303.500(1):

- Clarifying how the TMDL prioritization process will be used.

Paragraph 62-303.500(3)(b):

- Adding a rule reference to subsection 62-303.600(3), F.A.C., waterbodies with ongoing or planned restoration activities will be assigned a low priority for TMDL development.



RULE 62-303.600, F.A.C.

EVALUATION OF POLLUTION CONTROL MECHANISMS

- Addressing evaluation of pollution control programs and ongoing restoration programs.
- Including examination of progress towards implementing planned restoration activities.



RULE 62-303.700, F.A.C.

LISTING CYCLE

- Clarifying the description of assessment cycle:
 - Deleting “preliminary basin” since there have been multiple basin assessment cycles completed.
 - Replacing reference to STORET with WIN, the current water quality database.
 - Requiring data to be loaded to WIN no later than “June 30” of the year of the assessment, rather than 60 days after the end of the verified period.



RULE 62-303.720, F.A.C.

DELISTING PROCEDURE

- Clarifying the delisting requirements for different NNC expressions.
- Adding language to clarify the associated duration provision to which the delisting provision applies.



Question period.



10-Minute Break.



ECONOMIC EVALUATION

As part of rulemaking, the department will conduct an economic evaluation of impact of rule changes.

- For new or revised criteria, we will evaluate whether the change will result in increased listing of impaired waters, new requirements for regulated sources or if there will be additional violations for point sources as part of Statement of Estimated Regulatory Costs (SERC).



TENTATIVE SCHEDULE

- Two-week written comment period ending on Sept. 24, 2024.
- Send comments to:

WQS_Rulemaking@FloridaDEP.gov,
or

2600 Blair Stone Road, Mail Station 6511, Tallahassee, FL 32399-2400



PUBLIC COMMENTS

To make a public comment, use the “raise hand” function and we will unmute you individually.

- Please provide your name and affiliation before providing your comment.
- If you want to comment but don't want to speak, you can type comment in question box or submit a comment to DEP during the comment period.
- We may need to limit time for individual comments depending on how many people want to comment.

Thank you in advance for your participation!



THANK YOU

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Florida Department of Environmental Protection

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