

August 10, 2021

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

Dear Secretary Hamilton,

Audubon Florida has appreciated the opportunity to participate in the Stormwater Technical Advisory Committee, whose objective has been arriving at recommendations for strengthening the stormwater design and operation regulations implemented under Part IV, Chapter 373, F.S., including updates to the Environmental Resource Permit Applicant's Handbook, based on the most recent scientific information available and the additional directions provided by Section 5, Chapter 2020-150, Laws of Florida. With the release of the TAC's July 15 Summary Memo in response to the three charges given the TAC, Audubon would like to offer several additional recommendations to consider in preparation for rulemaking. We believe these are necessary for making progress on recovering the large number of impaired waters across the state and reducing the increasing intensity, duration, and prevalence of harmful algal events and other ecological impacts.

1. Canals, especially those in South Florida including portions of the Everglades, lack numeric nutrient criteria. The prevalence of impaired waters (including some estuaries) downstream of canals and these contributing waters, frequently including Outstanding Florida Waters (OFW's), demands a quantifiable strategy to reduce these nutrient impact sources.
2. As Florida struggles with nutrient-fueled water quality degradation, statewide rules are needed to address not just the great number of impaired waters (verified list) across Florida but also those currently on the study list. These waterbodies exceed TN and/or TP thresholds but there are insufficient biological data to verify the impairment. Waters characterized as 4e and 4b are under restoration and should not be receiving additional nutrient loads. These loopholes in the regulatory process allow for continued degradation of waterbodies.
3. Existing development lacks any catalyst or mechanism for accomplishing nutrient pollution reduction. Existing development needs to be addressed where presumptive criteria have not been successful in preventing pollution. Consider a Stormwater Treatment System Recertification Process to demonstrate "level of service" being provided by the treatment system together with a program that will require these areas to meet treatment standards.

4. Require upstream water quality be demonstrably compatible with achieving downstream receiving waters water quality goals. Achieving only net improvement of discharge waters from an upstream stormwater system with presumed corresponding improvement in downstream impaired waters is not sufficient for recovering those impaired waters and meeting TMDL objectives.
5. There should be no presumption of compliance with standards without measurement. There must be monitoring and measuring of actual downstream water quality to determine effectiveness of upstream stormwater treatment methods (BMPs or treatment trains).
6. Redevelopment and Existing Development may benefit from use of a combination of landowner and public investments and incentives to accomplish nutrient reduction goals. Regulations may be complemented by such positive economic incentives.
7. Reuse water is a significant source of nutrient pollution and should be addressed in stormwater rules. While local ordinances controlling fertilizer use when used in conjunction with reclaimed water will help mitigate nutrient run off from this source, the nutrient contribution from reuse water must be addressed in the permit.
8. Aquifer Recharge performance should be a consideration in design criteria. This is especially important for those areas where groundwater stores are being depleted (CFWI).
9. Springsheds must be better protected from nutrient pollution of groundwater. Filamentous algae builds-up in springs is due to the slowing of the flow (and inflow of nitrogen) which would be caused by withdrawals. Projects that improve recharge, cleaned to appropriate stands, would help this situation.
10. Consider the useful proposals in the unadopted rule and handbook from 2010. Those include:
 - a. Pre \geq post nutrient discharge based on pre discharge rates from native vegetation habitats that existed on the project site.
 - b. Operation and maintenance of wet detention systems is required, including re-certification of the system's compliance.
 - c. Redevelopment is defined as being on existing urban development sites where impervious surfaces will be removed to construct the new stormwater system.
 - d. Nutrient removal performance standard should be at least 85% for both TN and TP. Because removal rates for TN lag behind TP, additional BMP's will be necessary to achieve the TN standard.
 - e. Nutrient removal performance standard for OFW receiving waters should be 95% or post = pre, whichever is greater, for both TN and TP. Additional BMP's will be necessary for achieving the TN standard.

- f. No attribution of nutrient pollution loading rates from wetlands (wetland are “sinks” for nutrients, in contrast to some observers’ comments.)
11. Consider awarding wetland mitigation credit for stormwater systems constructed to create full wetland functions on certain acreages, above and beyond volumetric/qualitative criteria for stormwater alone. This is NOT appropriate for restored or preserved natural wetlands.

Audubon Florida looks forward to continuing to work with the Department, the water management districts, and the TAC and other partners to produce an effective stormwater rulemaking outcome.

Sincerely,



Julie Wraithmell
VP and Executive Director
Audubon Florida