

CHAPTER 62-302
SURFACE WATER QUALITY STANDARDS

62-302.200 Definitions.

As used in this chapter:

(1) "Acute ~~t~~Toxicity" shall mean a concentration greater than one-third (1/3) of the amount lethal to 50 percent of the test organisms in 96 hours (96 hr LC₅₀) for a species protective of the indigenous aquatic community for a substance not identified in paragraph 62-302.500(1)(c), F.A.C., or for mixtures of substances, including effluents.

(2) "Annual ~~a~~Average ~~f~~Flow" is the long-term harmonic mean flow of the receiving water, or an equivalent flow based on generally accepted scientific procedures in waters for which such a mean cannot be calculated. For waters for which flow records have been kept for at least the last three years, "long-term" shall mean the period of record. For all other waters, "long-term" shall mean three years (unless the Department finds the data from that period not representative of present flow conditions, based on evidence of land use or other changes affecting the flow) or the period of records sufficient to show a variation of flow of at least three orders of magnitude, whichever period is less. For nontidal portions of rivers and streams, the harmonic mean (Q_{hm}) shall be calculated as

$$Q_{hm} = \frac{n}{\frac{1}{Q_1} + \frac{1}{Q_2} + \frac{1}{Q_3} + \frac{1}{Q_4} + \dots + \frac{1}{Q_n}}$$

in which each Q is an individual flow record and n is the total number of records. In lakes and reservoirs, the annual average flow shall be based on the hydraulic residence time, which shall be calculated according to generally accepted scientific procedures, using the harmonic mean flows for the inflow sources. In tidal estuaries and coastal systems or tidal portions of rivers and streams, the annual average flow shall be determined using methods described in EPA publication no. 600/6-85/002b pages 142 - 227, incorporated by reference in paragraph 62-4.246(9)(k), F.A.C., or by other generally accepted scientific procedures, using the harmonic mean flow for any freshwater inflow. If there are insufficient data to determine the harmonic mean then the harmonic mean shall be estimated by methods as set forth in the EPA publication Technical Support Document for Water Quality-Based Toxics Control (March 1991), incorporated by reference in paragraph 62-4.246(9)(d), F.A.C., or other generally accepted scientific procedures. In situations with seasonably variable effluent discharge rates, hold-and-release treatment systems, and effluent-dominated sites, annual average flow shall mean modeling techniques that calculate long-term average daily concentrations from long-term individual daily flows and concentrations in accordance with generally accepted scientific procedures.

(3) No change.

(4) "Biological Health Assessment" shall mean one of the following aquatic community-based biological evaluations: Stream Condition Index (SCI), Lake Vegetation Index (LVI), or Shannon-Weaver Diversity Index.

(5) ~~(4)~~ "Chronic ~~t~~Toxicity"

(a) through (b) No change.

(6) ~~(5)~~ No change.

(7) ~~(6)~~ "Compensation ~~p~~Point for ~~p~~Photosynthetic ~~a~~Activity" shall mean the depth at which one percent of the light intensity at the surface remains unabsorbed. The light intensities at the surface and subsurface shall be measured simultaneously by irradiance meters such as Kahlsico Underwater Irradiometer (Model No. 268 WA 310), or other device having a comparable spectral response.

(8) ~~(7)~~ No change.

(9) ~~(8)~~ "Designated ~~u~~Use" shall mean the present and future most beneficial use of a body of water as designated by the Environmental Regulation Commission by means of the Classification system contained in this Chapter.

(10) ~~(9)~~ "Dissolved ~~m~~Metal" shall mean the metal fraction that passes through a 0.45 micron filter.

(11) ~~(10)~~ "Effluent ~~l~~Limitation" shall mean any restriction established by the Department on quantities, rates or concentrations of chemical, physical, biological or other constituents which are discharged from sources into waters of the State.

(12) ~~(11)~~ "Exceptional ~~e~~Ecological ~~s~~Significance" shall mean that a waterbody ~~water body~~ is a part of an ecosystem of unusual value. The exceptional significance may be in unusual species, productivity, diversity,

ecological relationships, ambient water quality, scientific or educational interest, or in other aspects of the ecosystem's setting or processes.

(13) ~~(12)~~ "Exceptional ~~r~~Recreational ~~s~~Significance" shall mean unusual value as a resource for outdoor recreation activities. Outdoor recreation activities include, but are not limited to, fishing, boating, canoeing, water skiing, swimming, scuba diving, or nature observation. The exceptional significance may be in the intensity of present recreational usage, in an unusual quality of recreational experience, or in the potential for unusual future recreational use or experience.

(14) ~~(13)~~ "Existing ~~u~~Uses" shall mean any actual beneficial use of the waterbody ~~water body~~ on or after November 28, 1975.

(15) ~~(14)~~ "IC25" or "Inhibition Concentration 25%" shall mean the concentration of toxicant that causes a 25% reduction in a biological response such as biomass, growth, fecundity, or reproduction in the test population when compared to the control population response.

(16) "Lake" shall mean, for purposes of interpreting the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., a lentic fresh waterbody with a relatively long water residence time and an open water area that is free from emergent vegetation under typical hydrologic and climatic conditions. Aquatic plants, as defined in subsection 62-340.200(1), F.A.C., may be present in the open water. Lakes do not include springs, wetlands, or streams (except portions of streams that exhibit lake-like characteristics, such as long water residence time, increased width, or predominance of biological taxa typically found in non-flowing conditions).

(17) "Lake Vegetation Index (LVI)" shall mean a Biological Health Assessment that measures lake biological health in predominantly freshwaters using aquatic and wetland plants, performed and calculated using the Standard Operating Procedures for the LVI in the document titled *LVI 1000: Lake Vegetation Index Methods* (DEP-SOP-003/11 LVI 1000) and the methodology in *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(18) ~~(15)~~ "Man-induced conditions which cannot be controlled or abated" shall mean conditions that have been influenced by human activities, and

(a) through (b) No change.

(c) cannot be restored or abated by physical alteration of the waterbody ~~water body~~, or there is no reasonable relationship between the economic, social and environmental costs and the benefits of restoration or physical alteration.

(19) ~~(16)~~ "Natural ~~b~~Background" shall mean the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background for an altered waterbody may be based upon a similar unaltered waterbody, ~~or on~~ historical pre-alteration data, paleolimnological examination of sediment cores, or examination of geology and soils. When determining natural background conditions for a lake, the lake's location and regional characteristics as described and depicted in the U.S. Environmental Protection Agency document titled *Lake Regions of Florida* (EPA/R-97/127, dated 1997, U.S. Environmental Protection Agency, National Health and Environmental Effects Research Laboratory, Corvallis, OR), which is incorporated by reference herein, shall also be considered. The lake regions in this document are grouped according to ambient total phosphorus and total nitrogen concentrations in the following lake zones:

(a) The TP1 phosphorus zone consists of the USEPA Lake Regions 65-03, and 65-05.

(b) The TP2 phosphorus zone consists of the USEPA Lake Regions 75-04, 75-09, 75-14, 75-15 and 75-33.

(c) The TP3 phosphorus zone consists of the USEPA Lake Regions 65-01, 65-02, 75-01, 75-03, 75-05, 75-11, 75-12, 75-16, 75-19, 75-20, 75-23, 75-24, 75-27, 75-32 and 76-03.

(d) The TP4 phosphorus zone consists of the USEPA Lake Regions 65-04, 75-02, 75-06, 75-08, 75-10, 75-13, 75-17, 75-21, 75-22, 75-26, 75-29, 75-31, 75-34, 76-01 and 76-02.

(e) The TP5 phosphorus zone consists of the USEPA Lake Regions 75-18, 75-25, 75-35, 75-36 and 76-04.

(f) The TP6 phosphorus zone consists of the USEPA Lake Regions 65-06, 75-07, 75-28, 75-30 and 75-37.

(g) The TN1 phosphorus zone consists of the USEPA Lake Region 65-03.

(h) The TN2 phosphorus zone consists of the USEPA Lake Regions 65-05 and 75-04.

(i) The TN3 phosphorus zone consists of the USEPA Lake Regions 65-01, 65-02, 65-04, 75-01, 75-02, 75-03, 75-09, 75-11, 75-15, 75-20, 75-23, 75-33 and 76-03.

(j) The TN4 phosphorus zone consists of the USEPA Lake Regions 65-06, 75-05, 75-06, 75-10, 75-12, 75-13, 75-14, 75-16, 75-17, 75-18, 75-19, 75-21, 75-22, 75-24, 75-26, 75-27 and 75-29, 75-31, 75-32, 75-34 and 76-02.

(k) The TN5 phosphorus zone consists of the USEPA Lake Regions 75-07, 75-08, 75-25, 75-28, 75-30, 75-35, 75-36, 75-37, 76-01 and 76-04.

The Lake Regions document may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(20) (17) "Nuisance sSpecies" shall mean species of flora or fauna whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, a designated use of those waters.

(21) (18) "Nursery aArea of iIndigenous aAquatic lLife" shall mean any bed of the following aquatic plants, either in monoculture or mixed: Halodule wrightii, Halophila spp., Potamogeton spp. (pondweed), Ruppia maritima (widgeon-grass), Sagittaria spp. (arrowhead), Syringodium filiforme (manatee-grass), Thalassia testudinum (turtle grass), or Vallisneria spp. (eel-grass), or any area used by the early-life stages, larvae and post-larvae, of aquatic life during the period of rapid growth and development into the juvenile states.

(22) "Nutrient" shall mean total nitrogen (TN), total phosphorus (TP), or their organic or inorganic forms.

(23) "Nutrient response variable" shall mean a biological variable, such as chlorophyll *a*, biomass, or structure of the phytoplankton, periphyton or vascular plant community, that responds to nutrient load or concentration in a predictable and measurable manner. For purposes of interpreting paragraph 62-302.531(47)(b), F.A.C., dissolved oxygen (DO) shall also be considered a nutrient response variable if it is demonstrated for the waterbody that DO conditions result in biological imbalance and the DO responds to a nutrient load or concentration in a predictable and measurable manner.

(24) "Nutrient Threshold" shall mean a concentration of nutrients that applies to a Nutrient Watershed Region and is derived from a statistical distribution of data from reference or benchmark sites. Nutrient Thresholds are only applied to streams as specified in paragraph 62-302.531(2)(c), F.A.C.

(25) "Nutrient Watershed Region" shall mean a drainage area over which the nutrient thresholds in paragraph 62-302.531(2)(c), F.A.C., apply.

(a) The Panhandle West region consists of the Perdido Bay Watershed, Pensacola Bay Watershed, Choctawhatchee Bay Watershed, St. Andrew Bay Watershed, and Apalachicola Bay Watershed.

(b) The Panhandle East region consists of the Apalachee Bay Watershed, and Econfina/Steinhatchee Coastal Drainage Area.

(c) The North Central region consists of the Suwannee River Watershed and the "stream to sink" region in Alachua, Marion and Levy Counties that is affected by the Hawthorne Formation.

(d) The West Central region consists of the Peace, Myakka, Hillsborough, Alafia, Manatee, Little Manatee River Watersheds, Sarasota/Lemon Bay Watershed and small, direct Tampa Bay tributary watersheds south of the Hillsborough River Watershed.

(e) The Peninsula region consists of the Waccasassa Coastal Drainage Area, Withlacoochee Coastal Drainage Area, Crystal/Pithlachascotee Coastal Drainage Area, small, direct Tampa Bay tributary watersheds west of the Hillsborough River Watershed, small, direct Charlotte Harbor tributary watersheds south of the Peace River Watershed, Caloosahatchee River Watershed, Estero Bay Watershed, Imperial River Watershed, Kissimmee River/Lake Okeechobee Drainage Area, Loxahatchee/St. Lucie Watershed, Indian River Watershed, Daytona/St. Augustine Coastal Drainage Area, St. John's River Watershed, Nassau Coastal Drainage Area, and St. Mary's River Watershed.

(f) The South Florida region consists of those areas south of the Peninsula region, such as the Cocohatchee River Watershed, Naples Bay Watershed, Rookery Bay Watershed, Ten Thousand Islands Watershed, Lake Worth Lagoon Watershed, Southeast Coast – Biscayne Bay Watershed, Everglades Watershed, Florida Bay Watershed, and the Florida Keys.

A map of the Nutrient Watershed Regions, dated October 17, 2011, is incorporated by reference herein and may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(19) through (21) renumber (26) through (28) No change.

(29) (22) "Predominantly fFresh wWaters" shall mean surface waters in which the chloride concentration at the surface is less than 1,500 milligrams per liter or specific conductance is less than 4,580 μ mhos/cm.

(30) (23) "Predominantly mMarine wWaters" shall mean surface waters in which the chloride concentration at the surface is greater than or equal to 1,500 milligrams per liter or specific conductance is greater than or equal to 4,580 μ mhos/cm.

(24) through (26) renumber (31) through (33) No change.

~~(34) (27)~~ "Special Waters" shall mean water bodies designated in accordance with Rule 62-302.700, F.A.C., by the Environmental Regulation Commission for inclusion in the Special Waters Category of Outstanding Florida Waters, as contained in Rule 62-302.700, F.A.C. A Special Water may include all or part of any waterbody ~~water body~~.

(35) "Spring vent" shall mean a location where groundwater flows out of a natural, discernable opening in the ground onto the land surface or into a predominantly fresh surface water.

(36) "Stream" shall mean, for purposes of interpreting the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., under paragraph 62-302.531(2)(c), F.A.C., a predominantly fresh surface waterbody with perennial flow in a defined channel with banks during typical climatic and hydrologic conditions for its region within the state. During periods of drought, portions of a stream channel may exhibit a dry bed, but wetted pools are typically still present during these conditions. Streams do not include:

(a) non-perennial water segments where fluctuating hydrologic conditions, including periods of desiccation, typically result in the dominance of wetland and/or terrestrial taxa (and corresponding reduction in obligate fluvial or lotic taxa), wetlands, or portions of streams that exhibit lake characteristics (e.g., long water residence time, increased width, or predominance of biological taxa typically found in non-flowing conditions) or tidally influenced segments that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions; or

(b) ditches, canals and other conveyances, or segments of conveyances, that are man-made, or predominantly channelized or predominantly physically altered and:

1. are primarily used for water management purposes, such as flood protection, stormwater management, irrigation, or water supply; and

2. have marginal or poor stream habitat or habitat components, such as a lack of habitat or substrate that is biologically limited, because the conveyance has cross sections that are predominantly trapezoidal, has armored banks, or is maintained primarily for water conveyance.

(37) "Stream Condition Index (SCI)" shall mean a Biological Health Assessment that measures stream biological health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures for the SCI in the document titled *SCI 1000: Stream Condition Index Methods* (DEP-SOP-003/11 SCI 1000) and the methodology in *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region.

(38) ~~(28)~~ "Surface ~~w~~Water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(39) "Total Maximum Daily Load" (TMDL) for an impaired waterbody or waterbody segment shall mean the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background. Prior to determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a waterbody or water segment can assimilate from all sources without exceeding water quality standards must first be calculated. A TMDL shall include either an implicit or explicit margin of safety and a consideration of seasonal variations.

(40) ~~(29)~~ "Total ~~r~~Recoverable ~~m~~Metal" shall mean the concentration of metal in an unfiltered sample following treatment with hot dilute mineral acid.

(41) ~~(30)~~ No change.

(42) ~~(31)~~ "Water quality standards" shall mean standards composed of designated present and future most beneficial uses (classification of waters), the numerical and narrative criteria, including Site Specific Alternative Criteria, applied to the specific water uses or classification, the Florida anti-degradation policy, and the moderating provisions, such as variances, mixing zone rule provisions, or exemptions. ~~contained in this rule and in Chapter 62-4, adopted pursuant to Chapter 403, F.S.~~

(43) ~~(32)~~ No change.

~~(44)~~ (33) "Zone of mMixing" or "mMixing zZone" shall mean a volume of surface water containing the point or area of discharge and within which an opportunity for the mixture of wastes with receiving surface waters has been afforded.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS. History - New 05-29-90, Amended 2-13-92, Formerly 17-302.200, Amended 1-23-95, 5-15-02, 4-2-08, - -11.

62-302.530 Table: Surface Water Quality Criteria.

The following table contains both numeric and narrative surface water quality criteria to be applied except within zones of mixing. The left-hand column of the Table is a list of constituents for which a surface water criterion exists. The headings for the water quality classifications are found at the top of the Table, and the classification descriptions for the headings are specified in subsection 62-302.400(1), F.A.C. Applicable criteria lie within the Table. The individual criteria should be read in conjunction with other provisions in water quality standards, including Rule 62-302.500, F.A.C. The criteria contained in Rule 62-302.500, F.A.C., also apply to all waters unless alternative or more stringent criteria are specified in Rule 62-302.530, F.A.C. Unless otherwise stated, all criteria express the maximum not to be exceeded at any time. In some cases, there are separate or additional limits, which apply independently of the maximum not to be exceeded at any time. For example, annual average (denoted as "annual avg." in the Table) means the maximum concentration at average annual flow conditions (see subsection 62-302.200(2), F.A.C.). Numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530 (47)(b), F.A.C., shall be expressed as spatial averages and applied over a spatial area consistent with their derivation. In applying the water quality standards, the Department shall take into account the variability occurring in nature and shall recognize the statistical variability inherent in sampling and testing procedures. The Department's assessment methodology, set forth in Chapter 62-303, F.A.C., accounts for such natural and statistical variability when used to assess ambient waters pursuant to sections 305(b) and 303(d) of the Federal Clean Water Act.

(1) through (70) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 1-28-90, Formerly 17-3.065, Amended 2-13-92, 6-17-92, Formerly 17-302.540, 17-302.550, 17-302.560, 17-302.570, 17-302.580, Amended 4-25-93, Formerly 17-302.530, Amended 1-23-95, 1-15-96, 5-15-02, 7-19-04, 12-7-06, 8-5-10, - -11.

62-302.531 Numeric Interpretations of Narrative Nutrient Criteria.

(1) The narrative water quality criteria for nutrients in paragraphs 62-302.530(47)(a) and (b), F.A.C., applies to all Class I, Class II, and Class III waters.

(2) The narrative water quality criterion for nutrients in paragraph 62-302.530(47)(b), F.A.C., shall be numerically interpreted for both nutrients and nutrient response variables in a hierarchical manner as follows:

(a) Where a site specific numeric interpretation of the criterion in paragraph 62-302.530(47)(b), F.A.C., has been established by the Department, this numeric interpretation shall be the primary interpretation. If there are multiple interpretations of the narrative criterion for a waterbody, the most recent interpretation established by the Department shall apply. A list of the site specific numeric interpretations of paragraph 62-302.530(47)(b), F.A.C., may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

1. The primary site specific interpretations are as follows:

a. Total Maximum Daily Loads (TMDLs) adopted under Chapter 62-304, F.A.C., that interpret the narrative water quality criterion for nutrients in paragraph 62-302.530(47)(b), F.A.C., for one or more nutrients or nutrient response variables;

b. Site specific alternative criteria (SSAC) for one or more nutrients or nutrient response variables as established under Rule 62-302.800, F.A.C.;

c. Estuary-specific numeric interpretations of the narrative nutrient criterion established in Rule 62-302.532, F.A.C.; or

d. Other site specific interpretations for one or more nutrients or nutrient response variables that are formally established by rule or final order by the Department, such as a Reasonable Assurance Demonstration pursuant to

Rule 62-303.600, F.A.C., or Level II Water Quality Based Effluent Limitations (WQBEL) established pursuant to Rule 62-650.500, F.A.C. To be recognized as the applicable site specific numeric interpretation of the narrative nutrient criterion, the interpretation must establish the total allowable load or ambient concentration for at least one nutrient that results in attainment of the applicable nutrient response variable that represents achievement of the narrative nutrient criterion for the waterbody. A site specific interpretation is also allowable where there are documented adverse biological effects using one or more Biological Health Assessments, if information on chlorophyll *a* levels, algal mats or blooms, nuisance macrophyte growth, and changes in algal species composition indicate there are no imbalances in flora and a stressor identification study demonstrates that the adverse biological effects are not due to nutrients.

2. For the primary site specific interpretations in subparagraph 62-302.531(2)(a)1., F.A.C., the notice of rulemaking or other public notice shall state that the Department is establishing a site specific interpretation for the receiving waterbody, and offer an opportunity for a public meeting and public comment.

(b) If site specific numeric interpretations, as described in paragraph 62-302.531(2)(a), F.A.C., above, have not been established for a waterbody, but there is an established, quantifiable cause-and-effect relationship between one or more nutrients and nutrient response variables linked to a value that protects against an imbalance in the natural populations of the aquatic flora or fauna, then the numeric values for the nutrients or nutrient response variables, set forth in this paragraph (2)(b), shall be the applicable interpretations. Absent a numeric interpretation as established in paragraph 62-302.531(2)(a), F.A.C., site specific numeric interpretations are established as follows:

1. For lakes, the applicable numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., for chlorophyll *a* are shown in the table below. The applicable interpretations for TN and TP will vary on an annual basis, depending on the availability of chlorophyll *a* data and the concentrations of nutrients and chlorophyll *a* in the lake, as described below. The applicable numeric interpretations for TN, TP, and chlorophyll *a* shall not be exceeded more than once in any consecutive three year period.

a. If there are sufficient data to calculate the annual geometric mean chlorophyll *a* and the mean does not exceed the chlorophyll *a* value for the lake type in the table below, then the TN and TP numeric interpretations for that calendar year shall be the annual geometric means of lake TN and TP samples, subject to the minimum and maximum limits in the table below. However, for lakes with color > 40 PCU in the West Central Nutrient Watershed Region, the maximum TP limit shall be the 0.49 mg/L TP streams threshold for the region; or

b. If there are insufficient data to calculate the annual geometric mean chlorophyll *a* for a given year or the annual geometric mean chlorophyll *a* exceeds the values in the table below for the lake type, then the applicable numeric interpretations for TN and TP shall be the minimum values in the table below.

<u>Long Term Geometric Mean Lake Color and Alkalinity</u>	<u>Annual Geometric Mean Chlorophyll <i>a</i></u>	<u>Minimum calculated numeric interpretation</u>		<u>Maximum calculated numeric interpretation</u>	
		<u>Annual Geometric Mean Total Phosphorus</u>	<u>Annual Geometric Mean Total Nitrogen</u>	<u>Annual Geometric Mean Total Phosphorus</u>	<u>Annual Geometric Mean Total Nitrogen</u>
<u>> 40 Platinum Cobalt Units</u>	<u>20 µg/L</u>	<u>0.05 mg/L</u>	<u>1.27 mg/L</u>	<u>0.16 mg/L¹</u>	<u>2.23 mg/L</u>
<u>≤ 40 Platinum Cobalt Units and > 20 mg/L CaCO₃</u>	<u>20 µg/L</u>	<u>0.03 mg/L</u>	<u>1.05 mg/L</u>	<u>0.09 mg/L¹</u>	<u>1.91 mg/L</u>
<u>≤ 40 Platinum Cobalt Units and ≤ 20 mg/L CaCO₃</u>	<u>6 µg/L</u>	<u>0.01 mg/L</u>	<u>0.51 mg/L</u>	<u>0.03 mg/L¹</u>	<u>0.93 mg/L</u>

¹ For lakes with color > 40 PCU in the West Central Nutrient Watershed Region, the maximum TP limit shall be the 0.49 mg/L TP streams threshold for the region.

c. For the purpose of subparagraph 62-302.531(2)(b)1., F.A.C., color shall be assessed as true color and shall be free from turbidity. Lake color and alkalinity shall be the long-term geometric mean, based on a minimum of ten data points over at least three years with at least one data point in each year. If insufficient alkalinity data are

available, long-term geometric mean specific conductance values shall be used, with a value of <100 micromhos/cm used to estimate the 20 mg/L CaCO₃ alkalinity concentration until such time that alkalinity data are available.

2. For spring vents, the applicable numeric interpretation of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., is 0.35 mg/L of nitrate-nitrite (NO₃ + NO₂) as an annual geometric mean, not to be exceeded more than once in any three calendar year period.

(c) For streams, if a site specific interpretation pursuant to paragraph 62-302.531(2)(a) or (2)(b), F.A.C., has not been established, biological information shall be used to interpret the narrative nutrient criterion in combination with Nutrient Thresholds. The narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., shall be interpreted as being achieved in a stream segment where information on chlorophyll *a* levels, algal mats or blooms, nuisance macrophyte growth, and changes in algal species composition indicates there are no imbalances in flora or fauna, and either:

1. the average score of at least two temporally independent SCIs performed at representative locations and times is 40 or higher, with neither of the two most recent SCI scores less than 35, or
2. the nutrient thresholds set forth in the table below are achieved.

<u>Nutrient Watershed Region</u>	<u>Total Phosphorus Nutrient Threshold¹</u>	<u>Total Nitrogen Nutrient Threshold¹</u>
<u>Panhandle West</u>	<u>0.06 mg/L</u>	<u>0.67 mg/L</u>
<u>Panhandle East</u>	<u>0.18 mg/L</u>	<u>1.03 mg/L</u>
<u>North Central</u>	<u>0.30 mg/L</u>	<u>1.87 mg/L</u>
<u>Peninsular</u>	<u>0.12 mg/L</u>	<u>1.54 mg/L</u>
<u>West Central</u>	<u>0.49 mg/L</u>	<u>1.65 mg/L</u>
<u>South Florida</u>	<u>No numeric nutrient threshold. The narrative criterion in paragraph 62-302.530(47)(b), F.A.C., applies.</u>	<u>No numeric nutrient threshold. The narrative criterion in paragraph 62-302.530(47)(b), F.A.C., applies.</u>

¹These values are annual geometric mean concentrations not to be exceeded more than once in any three calendar year period.

(3) Except for data used to establish historical chlorophyll *a* levels, chlorophyll *a* data assessed under this Chapter shall be measured according to the DEP document titled “Applicability of Chlorophyll *a* Methods” (DEP-SAS-002/10), dated October 24, 2011, which is incorporated by reference herein. Copies of the chlorophyll *a* document may be obtained from the Department’s internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Chlorophyll *a* data collected after [effective date] shall be corrected for or free from the interference of phaeophytin.

(4) The loading of nutrients from a waterbody shall be limited as necessary to provide for the attainment and maintenance of water quality standards in downstream waters.

(5) To qualify as temporally independent samples, each SCI shall be conducted at least three months apart. SCIs collected at the same location less than three months apart shall be considered one sample, with the mean value used to represent the sampling period.

(6) To calculate an annual geometric mean for TN, TP, or chlorophyll *a*, there shall be at least four temporally-independent samples per year with at least one sample taken between May 1 and September 30 and at least one sample taken during the other months of the calendar year. To be treated as temporally-independent, samples must be taken at least one week apart.

(7) The numeric interpretation of the narrative nutrient criterion shall be applied over a spatial area consistent with its derivation.

(a) For numeric interpretations based on paragraph 62-302.531(2)(a), F.A.C., the spatial application of the numeric interpretation is as defined in the associated order or rule.

(b) For lakes covered under subparagraph 62-302.531(2)(b)1., F.A.C., the numeric interpretation shall be applied as a lake-wide or lake segment-wide average.

(c) For spring vents covered under subparagraph 62-302.531(2)(b)2., F.A.C., the numeric interpretation shall be applied in the surface water at or above the spring vent.

(d) For streams covered under paragraph 62-302.531(2)(c), F.A.C., the spatial application of the numeric interpretation shall be determined by relative stream homogeneity and shall be applied to waterbody segments or aggregations of segments as determined by the site-specific considerations.

(8) Load-based or percent reduction-based nutrient TMDLs or Level II Water Quality Based Effluent Limitations (WQBELs) pursuant to Chapter 62-650, F.A.C., do not need to be converted into concentration-based nutrient TMDLs or WQBELs to be used as the basis for the numeric interpretation of the narrative criterion. For percent reduction-based nutrient TMDLs, the associated allowable load or concentration is the numeric interpretation of the narrative criterion for the waterbody.

(9) The Commission adopts rules 62-302.200(4), .200(16)-(17), .200(22)-(25), .200(35)-(37), .200(39), 62-302.531, and 62-302.532(3), F.A.C., to ensure, as a matter of policy, that nutrient pollution is addressed in Florida in an integrated, comprehensive and consistent manner. Accordingly, these rules shall be effective only if EPA approves these rules in their entirety, concludes rulemaking that removes federal numeric nutrient criteria in response to the approval, and determines, in accordance with 33 U.S.C. § 1313(c)(3), that these rules sufficiently address EPA's January 14, 2009 determination. If any provision of these rules is determined to be invalid by EPA or in any administrative or judicial proceeding, then the entirety of these rules shall not be implemented.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.067, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History – New - -11.

62-302.532 Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion.

(1) Estuary-specific numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., are in the table below. The concentration-based estuary interpretations are open water, area-wide averages. The interpretations expressed as load per million cubic meters of freshwater inflow are the total load of that nutrient to the estuary divided by the total volume of freshwater inflow to that estuary.

<u>Estuary</u>	<u>Total Phosphorus</u>	<u>Total Nitrogen</u>	<u>Chlorophyll <i>a</i></u>
<u>(a) Clearwater Harbor/St. Joseph Sound</u>	<u>Annual geometric mean values not to be exceeded more than once in a three year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
<u>1. St. Joseph Sound</u>	<u>0.05 mg/L</u>	<u>0.66 mg/L</u>	<u>3.1 µg/L</u>
<u>2. Clearwater North</u>	<u>0.05 mg/L</u>	<u>0.61 mg/L</u>	<u>5.4 µg/L</u>
<u>3. Clearwater South</u>	<u>0.06 mg/L</u>	<u>0.58 mg/L</u>	<u>7.6 µg/L</u>
<u>(b) Tampa Bay</u>	<u>Annual totals for nutrients and annual arithmetic means for chlorophyll a, not to be exceeded more than once in a three year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
<u>1. Old Tampa Bay</u>	<u>0.23 tons/million cubic meters of water</u>	<u>1.08 tons/million cubic meters of water</u>	<u>9.3 µg/L</u>
<u>2. Hillsborough Bay</u>	<u>1.28 tons/million cubic meters of water</u>	<u>1.62 tons/million cubic meters of water</u>	<u>15.0 µg/L</u>
<u>3. Middle Tampa Bay</u>	<u>0.24 tons/million cubic meters of water</u>	<u>1.24 tons/million cubic meters of water</u>	<u>8.5 µg/L</u>
<u>4. Lower Tampa Bay</u>	<u>0.14 tons/million cubic meters of</u>	<u>0.97 tons/million cubic meters of</u>	<u>5.1 µg/L</u>

	<u>water</u>	<u>water</u>	
<u>5. Boca Ciega North</u>	<u>0.18 tons/million cubic meters of water</u>	<u>1.54 tons/million cubic meters of water</u>	<u>8.3 µg/L</u>
<u>6. Boca Ciega South</u>	<u>0.06 tons/million cubic meters of water</u>	<u>0.97 tons/million cubic meters of water</u>	<u>6.3 µg/L</u>
<u>7. Terra Ceia Bay</u>	<u>0.14 tons/million cubic meters of water</u>	<u>1.10 tons/million cubic meters of water</u>	<u>8.7 µg/L</u>
<u>8. Manatee River Estuary</u>	<u>0.37 tons/million cubic meters of water</u>	<u>1.80 tons/million cubic meters of water</u>	<u>8.8 µg/L</u>
<u>(c) Sarasota Bay</u>	<u>Annual geometric mean values for nutrients and annual arithmetic means for chlorophyll a, not to be exceeded more than once in a three year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
<u>1. Palma Sola Bay</u>	<u>0.26 mg/L</u>	<u>0.93 mg/L</u>	<u>11.8 µg/L</u>
<u>2. Sarasota Bay</u>	<u>0.19 mg/L</u>	<u>See paragraph 62-302.532(3)(i), F.A.C.</u>	<u>6.1 µg/L</u>
<u>3. Roberts Bay</u>	<u>0.23 mg/L</u>	<u>0.54 mg/L</u>	<u>11.0 µg/L</u>
<u>4. Little Sarasota Bay</u>	<u>0.21 mg/L</u>	<u>0.60 mg/L</u>	<u>10.4 µg/L</u>
<u>5. Blackburn Bay</u>	<u>0.21 mg/L</u>	<u>0.43 mg/L</u>	<u>8.2 µg/L</u>
<u>(d) Charlotte Harbor/Estero Bay</u>	<u>Annual arithmetic mean values for nutrients and annual arithmetic means for chlorophyll a, not to be exceeded more than once in a three year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
<u>1. Dona and Roberts Bay</u>	<u>0.18 mg/L</u>	<u>0.42 mg/L</u>	<u>4.9 µg/L</u>
<u>2. Upper Lemon Bay</u>	<u>0.26 mg/L</u>	<u>0.56 mg/L</u>	<u>8.9 µg/L</u>
<u>3. Lower Lemon Bay</u>	<u>0.17 mg/L</u>	<u>0.62 mg/L</u>	<u>6.1 µg/L</u>
<u>4. Charlotte Harbor Proper</u>	<u>0.19 mg/L</u>	<u>0.67 mg/L</u>	<u>6.1 µg/L</u>
<u>5. Pine Island Sound</u>	<u>0.06 mg/L</u>	<u>0.57 mg/L</u>	<u>6.5 µg/L</u>
<u>6. San Carlos Bay</u>	<u>0.07 mg/L</u>	<u>0.56 mg/L</u>	<u>3.5 µg/L</u>
<u>7. Tidal Myakka River</u>	<u>0.31 mg/L</u>	<u>1.02 mg/L</u>	<u>11.7 µg/L</u>
<u>8. Matlacha Pass</u>	<u>0.08 mg/L</u>	<u>0.58 mg/L</u>	<u>6.1 µg/L</u>
<u>9. Estero Bay (including Tidal Imperial River)</u>	<u>0.07 mg/L</u>	<u>0.63 mg/L</u>	<u>5.9 µg/L</u>
<u>(e) Tidal Cocohatchee River/Ten Thousand Islands</u>	<u>Annual geometric means that shall not be exceeded more than once in a three year period</u>		
<u>1. Tidal Cocohatchee River</u>	<u>0.057 mg/L</u>	<u>0.47 mg/L</u>	<u>5.8 µg/L</u>
<u>2. Collier Inshore</u>	<u>0.032 mg/L</u>	<u>0.25 mg/L</u>	<u>3.1 µg/L</u>
<u>3. Rookery Bay/Marco Island</u>	<u>0.046 mg/L</u>	<u>0.30 mg/L</u>	<u>4.9 µg/L</u>
<u>4. Naples Bay</u>	<u>0.045 mg/L</u>	<u>0.57 mg/L</u>	<u>4.3 µg/L</u>
<u>5. Inner Gulf Shelf</u>	<u>0.018 mg/L</u>	<u>0.29 mg/L</u>	<u>1.6 µg/L</u>
<u>6. Middle Gulf Shelf</u>	<u>0.016 mg/L</u>	<u>0.26 mg/L</u>	<u>1.4 µg/L</u>
<u>7. Outer Gulf Shelf</u>	<u>0.013 mg/L</u>	<u>0.22 mg/L</u>	<u>1.0 µg/L</u>
<u>8. Blackwater River</u>	<u>0.053 mg/L</u>	<u>0.41 mg/L</u>	<u>4.1 µg/L</u>
<u>9. Coastal Transition Zone</u>	<u>0.034 mg/L</u>	<u>0.61 mg/L</u>	<u>3.9 µg/L</u>

<u>10. Gulf Islands</u>	<u>0.038 mg/L</u>	<u>0.44 mg/L</u>	<u>3.4 µg/L</u>
<u>11. Inner Waterway</u>	<u>0.033 mg/L</u>	<u>0.69 mg/L</u>	<u>5.2 µg/L</u>
<u>12. Mangrove Rivers</u>	<u>0.021 mg/L</u>	<u>0.71 mg/L</u>	<u>3.7 µg/L</u>
<u>13. Ponce de Leon</u>	<u>0.024 mg/L</u>	<u>0.52 mg/L</u>	<u>3.0 µg/L</u>
<u>14. Shark River Mouth</u>	<u>0.022 mg/L</u>	<u>0.75 mg/L</u>	<u>2.2 µg/L</u>
<u>15. Whitewater Bay</u>	<u>0.026 mg/L</u>	<u>0.82 mg/L</u>	<u>4.1 µg/L</u>
<u>(f) Florida Bay</u>	<u>Annual geometric means that shall not be exceeded more than once in a three year period</u>		
<u>1. Central Florida Bay</u>	<u>0.019 mg/L</u>	<u>0.99 mg/L</u>	<u>2.2 µg/L</u>
<u>2. Coastal Lakes</u>	<u>0.045 mg/L</u>	<u>1.29 mg/L</u>	<u>9.3 µg/L</u>
<u>3. East Central Florida Bay</u>	<u>0.007 mg/L</u>	<u>0.65 mg/L</u>	<u>0.4 µg/L</u>
<u>4. Northern Florida Bay</u>	<u>0.010 mg/L</u>	<u>0.68 mg/L</u>	<u>0.8 µg/L</u>
<u>5. Southern Florida Bay</u>	<u>0.009 mg/L</u>	<u>0.64 mg/L</u>	<u>0.8 µg/L</u>
<u>6. Western Florida Bay</u>	<u>0.015 mg/L</u>	<u>0.37 mg/L</u>	<u>1.4 µg/L</u>
<u>(g) Florida Keys</u>	<u>Annual geometric means that shall not be exceeded more than once in a three year period</u>		
<u>1. Back Bay</u>	<u>0.009 mg/L</u>	<u>0.25 mg/L</u>	<u>0.3 µg/L</u>
<u>2. Backshelf</u>	<u>0.011 mg/L</u>	<u>0.23 mg/L</u>	<u>0.7 µg/L</u>
<u>3. Lower Keys</u>	<u>0.008 mg/L</u>	<u>0.21 mg/L</u>	<u>0.3 µg/L</u>
<u>4. Marquesas</u>	<u>0.008 mg/L</u>	<u>0.21 mg/L</u>	<u>0.6 µg/L</u>
<u>5. Middle Keys</u>	<u>0.007 mg/L</u>	<u>0.22 mg/L</u>	<u>0.3 µg/L</u>
<u>6. Oceanside</u>	<u>0.007 mg/L</u>	<u>0.17 mg/L</u>	<u>0.3 µg/L</u>
<u>7. Upper Keys</u>	<u>0.007 mg/L</u>	<u>0.18 mg/L</u>	<u>0.2 µg/L</u>
<u>(h) Biscayne Bay</u>	<u>Annual geometric means that shall not be exceeded more than once in a three year period</u>		
<u>1. Card Sound</u>	<u>0.008 mg/L</u>	<u>0.33 mg/L</u>	<u>0.5 µg/L</u>
<u>2. Manatee Bay – Barnes Sound</u>	<u>0.007 mg/L</u>	<u>0.58 mg/L</u>	<u>0.4 µg/L</u>
<u>3. North Central Inshore</u>	<u>0.007 mg/L</u>	<u>0.31 mg/L</u>	<u>0.5 µg/L</u>
<u>4. North Central Outer-Bay</u>	<u>0.008 mg/L</u>	<u>0.28 mg/L</u>	<u>0.7 µg/L</u>
<u>5. Northern North Bay</u>	<u>0.012 mg/L</u>	<u>0.30 mg/L</u>	<u>1.7 µg/L</u>
<u>6. South Central Inshore</u>	<u>0.007 mg/L</u>	<u>0.48 mg/L</u>	<u>0.4 µg/L</u>
<u>7. South Central Mid-Bay</u>	<u>0.007 mg/L</u>	<u>0.35 mg/L</u>	<u>0.2 µg/L</u>
<u>8. South Central Outer-Bay</u>	<u>0.006 mg/L</u>	<u>0.24 mg/L</u>	<u>0.2 µg/L</u>
<u>9. Southern North Bay</u>	<u>0.010 mg/L</u>	<u>0.29 mg/L</u>	<u>1.1 µg/L</u>

<u>(i) Sarasota Bay</u>	<p>For TN, the annual geometric mean target is calculated from monthly arithmetic mean color by region and season. Annual geometric means that shall not be exceeded more than once in a three year period. The Sarasota Bay regions are defined as north (Manatee County) and south (Sarasota County). The wet season for Sarasota Bay is defined as July through October and the dry season is defined as all other months of the year. The seasonal region targets are calculated using monthly color data and shall be calculated as follows:</p> $NW_i = \text{Ln}[(13.35 - (0.32 * CN_i)) / 3.58]$ $ND_i = \text{Ln}[(10.39 - (0.32 * CN_i)) / 3.58]$ $SW_i = \text{Ln}[(8.51 - (0.32 * CS_i)) / 3.58]$ $SD_i = \text{Ln}[(5.55 - (0.32 * CS_i)) / 3.58]$ <p>Where, NW_i is the TN target for i^{th} month calculated for the north region during the wet season ND_i is the TN target for i^{th} month calculated for the north region during the dry</p>
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	<u>season</u> <u>SW_i is the TN target for ith month calculated for the south region during the wet season</u> <u>season</u> <u>SW_i is the TN target for ith month calculated for the south region during the dry season</u> <u>season</u> <u>CN_i is the arithmetic mean color during the ith month within the north region</u> <u>CS_i is the arithmetic mean color during the ith month within the south region</u> <u>The annual TN target is calculated as the geometric mean of all monthly regional and season targets as follows:</u> $e^{-\sum_{i=1}^{12} \left(\frac{NVI + NDI + SIVi + SDi}{24} \right)}$ <u>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>
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(j) Clam Bay (Collier County)	No more than 10 percent of the individual Total Phosphorus (TP) or Total Nitrogen (TN) measurements shall exceed the respective TP Upper Limit or TN Upper Limit.	
	$\text{TP Upper Limit (mg/L)} = e^{(-1.06256 - 0.0000328465 * \text{Conductivity } (\mu\text{S}))}$	$\text{TN Upper Limit (mg/L)} = 2.3601 - 0.0000268325 * \text{Conductivity } (\mu\text{S})$

(2) Estuarine and marine areas are delineated in the eight maps of the Florida Marine Nutrient Regions, all dated October 19, 2011, which are incorporated by reference. Copies of these maps may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(3) The Department shall establish by rule or final order estuary specific numeric interpretations of the narrative nutrient criteria for TN and TP for Perdido Bay, Pensacola Bay (including Escambia Bay), St. Andrews Bay, Choctawhatchee Bay, and Apalachicola Bay by June 30, 2013, subject to the provisions of Chapter 120, F.S. The Department shall establish by rule or final order the estuary specific numeric interpretation of the narrative nutrient criteria for TN and TP for the remaining estuaries by June 30, 2015, subject to the provisions of Chapter 120, F.S.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History – New - -11.

62-302.800 Site Specific Alternative Criteria.

(1) Type I Site Specific Alternative Criteria: A waterbody ~~water body~~, or portion thereof, may not meet a particular ambient water quality criterion specified for its classification, due to natural background conditions or man-induced conditions which cannot be controlled or abated. In such circumstances, and upon petition by an affected person or upon the initiation by the Department, the Secretary may establish a site specific alternative water quality criterion when an affirmative demonstration is made that an alternative criterion is more appropriate for a specified portion of waters of the state. Public notice and an opportunity for public hearing shall be provided prior to issuing any order establishing alternative criteria.

(a) The affirmative demonstration required by this section shall mean a documented showing that the proposed alternative criteria would exist due to natural background conditions or man-induced conditions which cannot be controlled or abated. Such demonstration shall be based upon relevant factors which include:

1. A description of the physical nature of the specified waterbody ~~water body~~ and the water pollution sources affecting the criterion to be altered.
2. through 4. No change.

(b) No change.

(2) Type II Site Specific Alternative Criteria: In accordance with the procedures set forth below, affected persons may petition the Department, or the Department may initiate rulemaking, to adopt an alternative water quality criterion for a specific waterbody ~~water body~~, or portion thereof, on the basis of site-specific reasons other than those set forth above in subsection 62-302.800(1), F.A.C. The Department shall process any such petition as follows:

(a) through (c)1. No change.

2. In making the demonstration required by this paragraph (c), the petition shall include an assessment of aquatic toxicity, except on a showing that no such assessment is relevant to the particular criterion. The assessment of aquatic toxicity shall show that physical and chemical conditions at the site alter the toxicity or bioavailability of the compound in question and shall meet the requirements and follow the Indicator Species procedure set forth in *Water Quality Standards Handbook* (December 1983), a publication of the United States Environmental Protection Agency, incorporated here by reference. If, however, the Indicator Species Procedure is not applicable to the proposed site-specific alternative criterion, the petitioner may propose another generally accepted scientific method or procedure to demonstrate with equal assurance that the alternative criterion will protect the aquatic life designated use of the waterbody ~~water body~~.

3. through 7. No change.

(d) The provisions of this subsection do not apply to criteria contained in Rule 62-302.500, F.A.C., or criteria that apply to:

1. Biological Integrity (subsection 62-302.530(10), F.A.C.).

2. B.O.D. (subsection 62-302.530(11), F.A.C.).

~~3. Nutrients.~~

~~3. 4. Odor (subsections 62-302.500(1), 62-302.530(21), 62-302.530(48), and paragraphs 62-302.530 (49)(b) and 62-302.530(52)(a), F.A.C.).~~

~~4. 5. Oils and Greases (subsection 62-302.530(49), F.A.C.).~~

~~5. 6. Radioactive Substances (subsection 62-302.530(57), F.A.C.).~~

~~6. 7. Substances in concentrations that injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, animals, or plants (subsection 62-302.530(61), F.A.C.).~~

~~7. 8. Substances, other than nutrients, in concentrations that result in the dominance of nuisance species (subsection 62-302.200(20), F.A.C.).~~

~~8. 9. Total Dissolved Gases (subsection 62-302.530(66), F.A.C.).~~

~~9. 10. No change.~~

(e) through (f) No change.

(3) Type III Site Specific Alternative Criteria (SSAC) for Nutrients: Upon petition by an affected person or upon initiation by the Department, the Department shall establish, by Secretarial Order, site specific numeric nutrient criteria when an affirmative demonstration is made that the proposed criteria achieve the narrative nutrient criteria in paragraph 62-302.530(47)(b), F.A.C., and are protective of downstream waters. Public notice and an opportunity for public hearing shall be provided prior to adopting any order establishing alternative criteria under this subsection.

(a) The Department shall establish a Type III SSAC if all of the following conditions are met:

1. The petitioner demonstrates that the waterbody achieves the narrative nutrient criteria in paragraph 62-302.530(47)(b), F.A.C.

a. For streams, such a demonstration shall require:

i. information on chlorophyll *a* levels, algal mats or blooms, nuisance macrophyte growth, and changes in algal species composition indicating that there is not an imbalance in flora, and

ii. at least two temporally independent SCIs, conducted at a minimum of two spatially-independent stations representative of the waterbody or water segment for which a SSAC is requested, with an average score of 40 or higher, with neither of the two most recent SCI scores less than 35.

b. For lakes, such a demonstration shall require:

i. information on chlorophyll *a* levels, algal mats or blooms indicating that there is not an imbalance in flora or fauna, and

ii. at least two temporally independent LVIs, with an average score of 43 or above.

c. SCIs and LVIs collected at the same location less than three months apart shall be considered to be one sample, with the mean value used to represent the sampling period. SCIs and LVIs shall be conducted during the

water quality sampling period described in subparagraph 62-302.800(3)(a)2, F.A.C. There shall be a minimum of two assessments per station or lake, with at least one assessment conducted during the final year.

2. The petitioner provides sufficient data to characterize water quality conditions, including temporal variability, that are representative of the biological data used to support the SSAC. The water quality data shall be collected in the same waterbody segment as the biological monitoring stations and at a frequency and duration consistent with the study design concepts described in the document titled *Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients* (DEP-SAS-004/11), dated October 24, 2011, which is incorporated by reference herein.

Copies of this document may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Water quality data associated with extreme climatic conditions, such as floods, droughts, and hurricanes, shall be excluded from the analysis.

3. Demonstration of downstream protection by one of the following methods:

a. Downstream waters are attaining water quality standards related to nutrient conditions pursuant to Chapter 62-303, F.A.C.; or

b. If the downstream waters do not attain water quality standards related to nutrient conditions:

i. The nutrients delivered by the waterbody subject to the Type III SSAC meet the allocations of a downstream TMDL; or

ii. The nutrients delivered by the waterbody are shown to provide for the attainment and maintenance of water quality standards in downstream waters.

(b) The SSAC shall be established at a level representative of nutrient loads or concentrations that have been demonstrated to be protective of the designated use by maintaining balanced, natural populations of aquatic flora and fauna. This demonstration shall take into account natural variability by using statistical methods appropriate to the data set, as described in *Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients* (DEP-SAS-004/11).

(3) through (4) renumber (4) through (5) No change.

(6) ~~(5)~~ Type II sSite specific alternative criteria apply to the water bodies, or portions of the water bodies, listed below. For dissolved oxygen site specific alternative criteria, normal daily and seasonal fluctuations above the levels listed in the table below shall be maintained. For site specific alternative criteria with seasonal limits, the generally applicable criteria in Rule 62-302.530, F.A.C., apply at other times of the year.

(a) through (d) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.502 FS. History—Formerly 17-3.05(4), Amended 3-1-79, 10-2-80, 2-1-83, Formerly 17-3.031, Amended 6-17-92, Formerly 17-302.800, Amended 5-15-02, 1-9-06, 6-28-06, 12-7-06, 8-5-07, 8-5-10, - -11.