

**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.

1 (12) ~~(11)~~ "Exceptional ~~e~~Ecological ~~s~~Significance" shall mean that a waterbody ~~water body~~ is a part of an
2 ecosystem of unusual value. The exceptional significance may be in unusual species, productivity, diversity,
3 ecological relationships, ambient water quality, scientific or educational interest, or in other aspects of the
4 ecosystem's setting or processes.

5 (13) ~~(12)~~ "Exceptional ~~r~~Recreational ~~s~~Significance" shall mean unusual value as a resource for outdoor
6 recreation activities. Outdoor recreation activities include, but are not limited to, fishing, boating, canoeing, water
7 skiing, swimming, scuba diving, or nature observation. The exceptional significance may be in the intensity of
8 present recreational usage, in an unusual quality of recreational experience, or in the potential for unusual future
9 recreational use or experience.

10 (14) ~~(13)~~ "Existing ~~u~~Uses" shall mean any actual beneficial use of the waterbody ~~water body~~ on or after
11 November 28, 1975.

12 (15) ~~(14)~~ "IC25" or "Inhibition Concentration 25%" shall mean the concentration of toxicant that causes a 25%
13 reduction in a biological response such as biomass, growth, fecundity, or reproduction in the test population when
14 compared to the control population response.

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

21 (17) "Lake Vegetation Index (LVI)" shall mean a Biological Health Assessment that measures lake biological
22 health in predominantly freshwaters using aquatic and wetland plants, performed and calculated using the Standard
23 Operating Procedures for the LVI (DEP-SOP-003/11 LVI 1000) and the methodology in *Sampling and Use of the*
24 *Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer's* internet site at
25 <http://www.dep.state.fl.us/water/wqssp/swq-docs> or by writing to the Florida Department of Environmental
26 Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

27 (18) ~~(15)~~ "Man-induced conditions which cannot be controlled or abated" shall mean conditions that have been
28 influenced by human activities, and

29 (a) through (b) No change.

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

33 (19) ~~(16)~~ "Natural ~~b~~Background" shall mean the condition of waters in the absence of man-induced alterations
34 based on the best scientific information available to the Department. The establishment of natural background for an
35 altered waterbody may be based upon a similar unaltered waterbody or on historical pre-alteration data.

36 (20) ~~(17)~~ "Nuisance ~~s~~Species" shall mean species of flora or fauna whose noxious characteristics or presence in
37 sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, a
38 designated use of those waters.

39 (21) ~~(18)~~ "Nursery ~~a~~Area of ~~i~~Indigenous ~~a~~Aquatic ~~l~~Life" shall mean any bed of the following aquatic plants,
40 either in monoculture or mixed: Halodule wrightii, Halophila spp., Potamogeton spp. (pondweed), Ruppia maritima
41 (widgeon-grass), Sagittaria spp. (arrowhead), Syringodium filiforme (manatee-grass), Thalassia testudinum (turtle
42 grass), or Vallisneria spp. (eel-grass), or any area used by the early-life stages, larvae and post-larvae, of aquatic life
43 during the period of rapid growth and development into the juvenile states.

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

45 (23) "Nutrient response variable" shall mean a biological variable, such as chlorophyll *a*, biomass, or structure
46 of the phytoplankton, periphyton or vascular plant community, that responds to nutrient load or concentration in a
47 predictable and measurable manner. For purposes of interpreting paragraph 62-302.530(47)(b), F.A.C., dissolved
48 oxygen (DO) shall also be considered a nutrient response variable if it is demonstrated for the waterbody that DO
49 conditions result in biological imbalance and the DO responds to a nutrient load or concentration in a predictable
50 and measurable manner.

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

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

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

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

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

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

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

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

23 A map of the Nutrient Watershed Regions may be obtained from the Department’s internet site at
24 <http://www.dep.state.fl.us/water/wqssp/swq-docs> or by writing to the Florida Department of Environmental
25 Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

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

27 (29) ~~(22)~~ “Predominantly ~~f~~resh ~~w~~aters” shall mean surface waters in which the chloride concentration ~~at the~~
28 ~~surface~~ is less than 1,500 milligrams per liter or specific conductance is less than 4,580 μ mhos/cm.

29 (30) ~~(23)~~ “Predominantly ~~m~~arine ~~w~~aters” shall mean surface waters in which the chloride concentration ~~at~~
30 ~~the surface~~ is greater than or equal to 1,500 milligrams per liter or specific conductance is greater than or equal to
31 4,580 μ mhos/cm.

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

33 (34) ~~(27)~~ “Special Waters” shall mean water bodies designated in accordance with Rule 62-302.700, F.A.C., by
34 the Environmental Regulation Commission for inclusion in the Special Waters Category of Outstanding Florida
35 Waters, as contained in Rule 62-302.700, F.A.C. A Special Water may include all or part of any waterbody ~~water~~
36 ~~body~~.

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

39 (36) “Stream” shall mean, for purposes of interpreting the narrative nutrient criterion in paragraph 62-
40 302.530(47)(b), F.A.C., a predominantly fresh surface waterbody with perennial flow in a defined channel with
41 banks during typical climatic and hydrologic conditions for its region within the state. During periods of drought,
42 portions of a stream channel may exhibit a dry bed, but wetted pools are typically still present during these
43 conditions. Streams do not include non-perennial water segments, wetlands, or portions of streams that exhibit lake
44 characteristics (e.g., long water residence time, increased width, or predominance of biological taxa typically found
45 in non-flowing conditions).

46 (37) “Stream Condition Index (SCI)” shall mean a Biological Health Assessment that measures stream
47 biological health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the
48 Standard Operating Procedures for the SCI (DEP-SOP-003/11 SCI 1000) and the methodology in *Sampling and Use*
49 *of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer’s* internet site at
50 <http://www.dep.state.fl.us/water/wqssp/swq-docs> or by writing to the Florida Department of Environmental
51 Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. For
52 water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient
53 Watershed Region.

1 (38) ~~(28)~~ "Surface ~~w~~Water" means water upon the surface of the earth, whether contained in bounds created
 2 naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from
 3 the spring onto the earth's surface.

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

10 (40) ~~(29)~~ "Total ~~r~~Recoverable ~~m~~Metal" shall mean the concentration of metal in an unfiltered sample following
 11 treatment with hot dilute mineral acid.

12 (41) ~~(30)~~ No change.

13 (42) ~~(31)~~ "Water quality standards" shall mean standards composed of designated present and future most
 14 beneficial uses (classification of waters), the numerical and narrative criteria, including Site Specific Alternative
 15 Criteria, applied to the specific water uses or classification, the Florida anti-degradation policy, and the moderating
 16 provisions, such as variances, mixing zone rule provisions, or exemptions, contained in this rule and in Chapter 62-
 17 4, adopted pursuant to Chapter 403, F.S.

18 (43) ~~(32)~~ No change.

19 (44) ~~(33)~~ "Zone of ~~m~~Mixing" or "~~m~~Mixing ~~z~~Zone" shall mean a volume of surface water containing the point or
 20 area of discharge and within which an opportunity for the mixture of wastes with receiving surface waters has been
 21 afforded.

22
 23 Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.031,
 24 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS. History - New 05-29-90, Amended 2-13-92,
 25 Formerly 17-302.200, Amended 1-23-95, 5-15-02, 4-2-08, - -11.

26
 27 62-302.530 Table: Surface Water Quality Criteria.

28 The following table contains both numeric and narrative surface water quality criteria to be applied except within
 29 zones of mixing. The left-hand column of the Table is a list of constituents for which a surface water criterion exists.
 30 The headings for the water quality classifications are found at the top of the Table, and the classification descriptions
 31 for the headings are specified in subsection 62-302.400(1), F.A.C. Applicable criteria lie within the Table. The
 32 individual criteria should be read in conjunction with other provisions in water quality standards, including Rule 62-
 33 302.500, F.A.C. The criteria contained in Rule 62-302.500, F.A.C., also apply to all waters unless alternative or
 34 more stringent criteria are specified in Rule 62-302.530, F.A.C. Unless otherwise stated, all criteria express the
 35 maximum not to be exceeded at any time. In some cases, there are separate or additional limits, which apply
 36 independently of the maximum not to be exceeded at any time. For example, annual average (denoted as "annual
 37 avg." in the Table) means the maximum concentration at average annual flow conditions (see subsection 62-
 38 302.200(2), F.A.C.). Numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530 (47)(b),
 39 F.A.C., shall be expressed as spatial averages and applied over a spatial area consistent with their derivation. In
 40 applying the water quality standards, the Department shall take into account the variability occurring in nature and
 41 shall recognize the statistical variability inherent in sampling and testing procedures. The Department's assessment
 42 methodology, set forth in Chapter 62-303, F.A.C., accounts for such natural and statistical variability when used to
 43 assess ambient waters pursuant to sections 305(b) and 303(d) of the Federal Clean Water Act.

44
 45 (1) through (70) No change.

46
 47 Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087,
 48 403.088, 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-
 49 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,
 50 Amended 1-23-95, 1-15-96, 5-15-02, 7-19-04, 12-7-06, 8-5-10, - -11.

51
 52 62-302.531 Numeric Interpretations of Narrative Nutrient Criteria.

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

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

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

10 1. The primary site specific interpretations are as follows:

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

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

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

18 d. Other site specific interpretations for one or more nutrients or nutrient response variables that are formally
 19 established by rule or final order by the Department, such as a Reasonable Assurance Demonstration pursuant to
 20 Rule 62-303.600, F.A.C., or Level II Water Quality Based Effluent Limitations (WQBEL) established pursuant to
 21 Rule 62-650.500, F.A.C. To be recognized as the applicable site specific numeric interpretation of the narrative
 22 nutrient criterion, the interpretation must establish the total allowable load or ambient concentration for at least one
 23 nutrient that results in attainment of the applicable nutrient response variable that represents achievement of the
 24 narrative nutrient criterion for the waterbody.

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

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

34 1. For lakes, the applicable numeric interpretations of the narrative nutrient criterion in paragraph 62-
 35 302.530(47)(b), F.A.C., for chlorophyll *a* are shown in the table below. The applicable interpretations for TN and
 36 TP will vary on an annual basis, depending on the availability of chlorophyll *a* data and the concentrations of
 37 nutrients and chlorophyll *a* in the lake, as described below. The applicable numeric interpretations for TN, TP, and
 38 chlorophyll *a* shall not be exceeded more than once in any consecutive three year period.

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

44 b. If there are insufficient data to calculate the annual geometric mean chlorophyll *a* for a given year or the
 45 annual geometric mean chlorophyll *a* exceeds the values in the table below for the lake type, then the applicable
 46 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</u>	<u>Annual Geometric Mean Total</u>	<u>Annual Geometric Mean Total</u>	<u>Annual Geometric Mean Total</u>

		<u>Phosphorus</u>	<u>Nitrogen</u>	<u>Phosphorus</u>	<u>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), 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> 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.

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

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

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

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

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

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

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

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

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

26 (9) Rule 62-302.531, F.A.C., shall not be implemented until it is approved in its entirety pursuant to 40 C.F.R.
 27 § 131.21 and 33 U.S.C. § 1313(c). If any provision of Rule 62-302.531, F.A.C., is later determined invalid, then the
 28 entirety of Rule 62-302.531, F.A.C., shall not be implemented.

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 30 Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.067,
 31 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History – New - -11.

32
 33 62-302.532 Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion.

34 (1) Estuary-specific numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(47)(b),
 35 F.A.C., are in the table below. The concentration-based estuary interpretations are open water, area-wide averages.
 36 The interpretations expressed as load per million cubic meters of freshwater inflow are the total load of that nutrient
 37 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 a</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</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</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</u>	<u>1.62 tons/million</u>	<u>15.0 µg/L</u>

	<u>cubic meters of water</u>	<u>cubic meters of water</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 water</u>	<u>0.97 tons/million cubic meters of water</u>	<u>5.1 µg/L</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</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</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>

8. <u>Blackwater River</u>	<u>0.053 mg/L</u>	<u>0.41 mg/L</u>	<u>4.1 µg/L</u>
9. <u>Coastal Transition Zone</u>	<u>0.034 mg/L</u>	<u>0.61 mg/L</u>	<u>3.9 µg/L</u>
10. <u>Gulf Islands</u>	<u>0.038 mg/L</u>	<u>0.44 mg/L</u>	<u>3.4 µg/L</u>
11. <u>Inner Waterway</u>	<u>0.033 mg/L</u>	<u>0.69 mg/L</u>	<u>5.2 µg/L</u>
12. <u>Mangrove Rivers</u>	<u>0.021 mg/L</u>	<u>0.71 mg/L</u>	<u>3.7 µg/L</u>
13. <u>Ponce de Leon</u>	<u>0.024 mg/L</u>	<u>0.52 mg/L</u>	<u>3.0 µg/L</u>
14. <u>Shark River Mouth</u>	<u>0.022 mg/L</u>	<u>0.75 mg/L</u>	<u>2.2 µg/L</u>
15. <u>Whitewater Bay</u>	<u>0.026 mg/L</u>	<u>0.82 mg/L</u>	<u>4.1 µg/L</u>
(f) <u>Florida Bay</u>	<u>Annual geometric means that shall not be exceeded more than once in a three year period</u>		
1. <u>Central Florida Bay</u>	<u>0.019 mg/L</u>	<u>0.99 mg/L</u>	<u>2.2 µg/L</u>
2. <u>Coastal Lakes</u>	<u>0.045 mg/L</u>	<u>1.29 mg/L</u>	<u>9.3 µg/L</u>
3. <u>East Central Florida Bay</u>	<u>0.007 mg/L</u>	<u>0.65 mg/L</u>	<u>0.4 µg/L</u>
4. <u>Northern Florida Bay</u>	<u>0.010 mg/L</u>	<u>0.68 mg/L</u>	<u>0.8 µg/L</u>
5. <u>Southern Florida Bay</u>	<u>0.009 mg/L</u>	<u>0.64 mg/L</u>	<u>0.8 µg/L</u>
6. <u>Western Florida Bay</u>	<u>0.015 mg/L</u>	<u>0.37 mg/L</u>	<u>1.4 µg/L</u>
(g) <u>Florida Keys</u>	<u>Annual geometric means that shall not be exceeded more than once in a three year period</u>		
1. <u>Back Bay</u>	<u>0.009 mg/L</u>	<u>0.25 mg/L</u>	<u>0.3 µg/L</u>
2. <u>Backshelf</u>	<u>0.011 mg/L</u>	<u>0.23 mg/L</u>	<u>0.7 µg/L</u>
3. <u>Lower Keys</u>	<u>0.008 mg/L</u>	<u>0.21 mg/L</u>	<u>0.3 µg/L</u>
4. <u>Marquesas</u>	<u>0.008 mg/L</u>	<u>0.21 mg/L</u>	<u>0.6 µg/L</u>
5. <u>Middle Keys</u>	<u>0.007 mg/L</u>	<u>0.22 mg/L</u>	<u>0.3 µg/L</u>
6. <u>Oceanside</u>	<u>0.007 mg/L</u>	<u>0.17 mg/L</u>	<u>0.3 µg/L</u>
7. <u>Upper Keys</u>	<u>0.007 mg/L</u>	<u>0.18 mg/L</u>	<u>0.2 µg/L</u>
(h) <u>Biscayne Bay</u>	<u>Annual geometric means that shall not be exceeded more than once in a three year period</u>		
1. <u>Card Sound</u>	<u>0.008 mg/L</u>	<u>0.33 mg/L</u>	<u>0.5 µg/L</u>
2. <u>Manatee Bay – Barnes Sound</u>	<u>0.007 mg/L</u>	<u>0.58 mg/L</u>	<u>0.4 µg/L</u>
3. <u>North Central Inshore</u>	<u>0.007 mg/L</u>	<u>0.31 mg/L</u>	<u>0.5 µg/L</u>
4. <u>North Central Outer-Bay</u>	<u>0.008 mg/L</u>	<u>0.28 mg/L</u>	<u>0.7 µg/L</u>
5. <u>Northern North Bay</u>	<u>0.012 mg/L</u>	<u>0.30 mg/L</u>	<u>1.7 µg/L</u>
6. <u>South Central Inshore</u>	<u>0.007 mg/L</u>	<u>0.48 mg/L</u>	<u>0.4 µg/L</u>
7. <u>South Central Mid-Bay</u>	<u>0.007 mg/L</u>	<u>0.35 mg/L</u>	<u>0.2 µg/L</u>
8. <u>South Central Outer-Bay</u>	<u>0.006 mg/L</u>	<u>0.24 mg/L</u>	<u>0.2 µg/L</u>
9. <u>Southern North Bay</u>	<u>0.010 mg/L</u>	<u>0.29 mg/L</u>	<u>1.1 µg/L</u>

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(i) <u>Sarasota Bay</u>	<p>For TN, the annual geometric mean target is calculated from <u>monthly arithmetic mean color by region and season</u>. 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> $NW_i = \ln[(13.35 - (0.32 * CN_i)) / 3.58]$ $ND_i = \ln[(10.39 - (0.32 * CN_i)) / 3.58]$ $SW_i = \ln[(8.51 - (0.32 * CS_i)) / 3.58]$ $SD_i = \ln[(5.55 - (0.32 * CS_i)) / 3.58]$ <p>Where,</p>
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	<p><u>NW_i</u> is the TN target for <i>i</i>th month calculated for the north region during the wet season</p> <p><u>ND_i</u> is the TN target for <i>i</i>th month calculated for the north region during the dry season</p> <p><u>SW_i</u> is the TN target for <i>i</i>th month calculated for the south region during the wet season</p> <p><u>SD_i</u> is the TN target for <i>i</i>th month calculated for the south region during the dry season</p> <p><u>CN_i</u> is the arithmetic mean color during the <i>i</i>th month within the north region</p> <p><u>CS_i</u> is the arithmetic mean color during the <i>i</i>th month within the south region</p> <p>The annual TN target is calculated as the geometric mean of all monthly regional and season targets as follows:</p> $e^{\frac{1}{24} \ln \left(\frac{NW_i + ND_i + SW_i + SD_i}{24} \right)}$
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<u>(j) Clam Bay (Collier County)</u>	<p>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.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><u>TP Upper Limit (mg/L) = e^{(-1.06256-0.0000328465*Conductivity (uS))}</u></td> <td style="width: 50%;"><u>TN Upper Limit (mg/L) = 2.3601 – 0.0000268325*Conductivity (uS)</u></td> </tr> </table>	<u>TP Upper Limit (mg/L) = e^{(-1.06256-0.0000328465*Conductivity (uS))}</u>	<u>TN Upper Limit (mg/L) = 2.3601 – 0.0000268325*Conductivity (uS)</u>
<u>TP Upper Limit (mg/L) = e^{(-1.06256-0.0000328465*Conductivity (uS))}</u>	<u>TN Upper Limit (mg/L) = 2.3601 – 0.0000268325*Conductivity (uS)</u>		

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(2) Estuarine and marine areas are delineated in the map of the Florida Marine Nutrient Regions that may be obtained from the Department’s internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs> 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. This subsection 62-302.532(3), F.A.C., shall not be implemented until Rule 62-302.531, F.A.C., is approved in its entirety pursuant to 40 C.F.R. § 131.21 and 33 U.S.C. § 1313(c). If any provision of Rule 62-302.531, F.A.C., is later determined invalid, then this subsection 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, 403.087, 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.

1 2. through 4. No change.

2 (b) No change.

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

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

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

18 3. through 7. No change.

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

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

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

23 ~~3. Nutrients.~~

24 3. 4. Odor (subsections 62-302.500(1), 62-302.530(21), 62-302.530(48), and paragraphs 62-302.530 (49)(b) and
25 62-302.530(52)(a), F.A.C.

26 4. ~~5.~~ Oils and Greases (subsection 62-302.530(49), F.A.C.).

27 5. ~~6.~~ Radioactive Substances (subsection 62-302.530(57), F.A.C.).

28 6. ~~7.~~ Substances in concentrations that injure, are chronically toxic to, or produce adverse physiological or
29 behavioral response in humans, animals, or plants (subsection 62-302.530(61), F.A.C.).

30 7. ~~8.~~ Substances, other than nutrients, in concentrations that result in the dominance of nuisance species
31 (subsection 62-302.200(20), F.A.C.).

32 8. ~~9.~~ Total Dissolved Gases (subsection 62-302.530(66), F.A.C.).

33 9. ~~10.~~ No change.

34 (e) through (f) No change.

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

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

42 1. The petitioner demonstrates that the waterbody achieves the narrative nutrient criteria in paragraph 62-
43 302.530(47)(b), F.A.C.

44 a. For streams, such a demonstration shall require:

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

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

50 b. For lakes, such a demonstration shall require:

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

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

1 c. SCIs and LVIs collected at the same location less than three months apart shall be considered to be one
 2 sample, with the mean value used to represent the sampling period. SCIs and LVIs shall be conducted during the
 3 water quality sampling period described in subparagraph 62-302.800(3)(a)2, F.A.C. There shall be a minimum of
 4 two assessments per station or lake, with at least one assessment conducted during the final year.

5 2. The petitioner provides sufficient data to characterize water quality conditions, including temporal variability,
 6 that are representative of the biological data used to support the SSAC. The water quality data shall be collected in
 7 the same waterbody segment as the biological monitoring stations and at a frequency and duration consistent with
 8 the study design concepts described in the document titled *Development of Type III Site Specific Alternative Criteria*
 9 (SSAC) for Nutrients 's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs> or by writing to the Florida
 10 Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511,
 11 Tallahassee, FL 32399-2400. Water quality data associated with extreme climatic conditions, such as floods,
 12 droughts, and hurricanes, shall be excluded from the analysis.

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

14 a. Downstream waters are attaining water quality standards related to nutrient conditions pursuant to Chapter
 15 62-303, F.A.C.; or

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

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

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

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

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

27 (6) ~~(5)~~ Type II sSite specific alternative criteria apply to the water bodies, or portions of the water bodies, listed
 28 below. For dissolved oxygen site specific alternative criteria, normal daily and seasonal fluctuations above the
 29 levels listed in the table below shall be maintained. For site specific alternative criteria with seasonal limits, the
 30 generally applicable criteria in Rule 62-302.530, F.A.C., apply at other times of the year.

31 (a) through (d) No change.

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 33 Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061,
 34 403.087, 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-
 35 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.