

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #1

FAC Rule No. 62-302.200(17)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 2, lines 21-26, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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(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 (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'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.

### Proposed Amendment:

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(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.

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text. The amendment also gives the title of the Standard Operating Procedure and corrects the web address.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #2

FAC Rule No. 62-302.200(25)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 3, lines 1-25, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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(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 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.

**Proposed Amendment:**

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(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.

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to indicate that the map of the Nutrient Watershed Regions, dated October 17, 2011, is incorporated by reference. The web address is also corrected.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #3

FAC Rule No. 62-302.200(37)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 3, lines 46-53, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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(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 (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'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. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region.

#### Proposed Amendment:

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(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.

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text. The amendment also provides the title for the Standard Operating Procedure and corrects the web address.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #4

FAC Rule No. 62-302.531(2)(a)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 5, lines 3-9, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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(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> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

### Proposed Amendment:

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(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.

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### Explanation of the reason for the proposed amendment:

The web address is corrected.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #5

FAC Rule No. 62-302.531(3)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 6, lines 26-32, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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(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.

### Proposed Amendment:

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(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.

### Explanation of the reason for the proposed amendment:

The web address is corrected. A date is also added to the document titled "Applicability of Chlorophyll a Methods" to address a comment from JAPC.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #6

FAC Rule No. 62-302.532(2)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 10, lines 3-6, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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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.

#### Proposed Amendment:

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(2) Estuarine and marine areas are delineated in the **eight maps map** of the Florida Marine Nutrient Regions, **all dated October 19, 2011, which are incorporated by reference. Copies of these maps that** 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.

#### Explanation of the reason for the proposed amendment:

The Department proposes the amendment to indicate that the eight maps of the Florida Marine Nutrient Regions are incorporated by reference. The web address is also corrected.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #7

FAC Rule No. 62-302.800(3)(a)2.

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 12, lines 5-12, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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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*'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. Water quality data associated with extreme climatic conditions, such as floods, droughts, and hurricanes, shall be excluded from the analysis.

### Proposed Amendment:

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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.

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text and to add the date of the document to address a comment from JAPC. The web address is also corrected.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #8

FAC Rule No. 62-303.200(2)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 1, lines 36-42, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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(2) "BioRecon" shall mean a biological assessment that measures stream health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures (SOP) for the BioRecon (DEP-SOP-003/01 BRN 1000), dated 10-24-11, which is incorporated by reference herein. Copies of the SOP 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. ~~evaluation conducted in accordance with standard operating procedures (SOPs) FT 3000, FS 7410, and LT 7100, as promulgated in Rule 62-160.800 F.A.C.~~

#### Proposed Amendment:

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(2) "BioRecon" shall mean a biological assessment that measures stream health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures (SOP) for the BioRecon **in the document titled BRN 1000: Biological Reconaissance Field Method** (DEP-SOP-003/01 BRN 1000), dated 10-24-11, which is incorporated by reference herein. Copies of the SOP 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. ~~evaluation conducted in accordance with standard operating procedures (SOPs) FT 3000, FS 7410, and LT 7100, as promulgated in Rule 62-160.800 F.A.C.~~

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**Explanation of the reason for the proposed amendment:**

The amendment provides a title for the Standard Operating Procedure and corrects the web address.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #9

FAC Rule No. 62-303.200(3)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 1, lines 43-48, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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(3) "Clean techniques" shall mean those applicable field sampling procedures and analytical methods referenced in "Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, July 1996, USEPA, Office of Water, Engineering and Analysis Division, Washington, D.C.," which is incorporated by reference. Copies of the procedures and methods 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.

#### Proposed Amendment:

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(3) "Clean techniques" shall mean those applicable field sampling procedures and analytical methods referenced in "Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, July 1996, USEPA, Office of Water, Engineering and Analysis Division, Washington, D.C.," which is incorporated by reference. Copies of the procedures and methods 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.

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#### Explanation of the reason for the proposed amendment:

The web address is corrected.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #10

FAC Rule No. 62-303.200(9)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 2, lines 8-16, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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~~(9)(8) "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 (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'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. "Lake Condition Index" shall mean the benthic macroinvertebrate component of a biological evaluation conducted following the procedures outlined in "Development of Lake Condition Indexes (LCI) for Florida," Florida Department of Environmental Protection, July, 2000, which is incorporated by reference.~~

#### Proposed Amendment:

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~~(9)(8) "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. "Lake Condition Index" shall~~

~~mean the benthic macroinvertebrate component of a biological evaluation conducted following the procedures outlined in “Development of Lake Condition Indexes (LCI) for Florida,” Florida Department of Environmental Protection, July, 2000, which is incorporated by reference.~~

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text. The amendment also provides a title for the Standard Operating Procedure and corrects the web address.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #11

FAC Rule No. 62-303.200(14)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 2, lines 25-49, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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(14) "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 an area in Alachua County stream to sink region 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 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.

**Proposed Amendment:**

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(14) “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 an area in Alachua County stream to sink region 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 **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.

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to indicate that the map of the Nutrient Watershed Regions is incorporated by reference. The web address is also corrected.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #12

FAC Rule No. 62-303.200(29)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 3, lines 17-25, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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~~(29) (22)~~ “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 (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’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. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region. ~~evaluation conducted in accordance with SOPs FT 3000, FS 7420, and LT 7200, as promulgated in Rule 62-160.800, F.A.C.~~

#### Proposed Amendment:

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~~(29) (22)~~ “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. evaluation conducted in accordance with SOPs FT 3000, FS 7420, and LT 7200, as promulgated in Rule 62-160.800, F.A.C.~~

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text. The amendment also provides the title for the Standard Operating Procedure and corrects the web address.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #13

FAC Rule No. 62-303.330(2)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 4, lines 21-34, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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(2) Biological Health Assessments ~~Bioassessments~~ used to evaluate predominantly fresh water ~~assess~~ streams and lakes under this rule shall include BioRecons, ~~the~~ Stream Condition Index (SCI) ~~Indices (SCIs)~~, and the Lake Vegetation Index (LVI), and the Shannon-Weaver Diversity Index. ~~the benthic macroinvertebrate component of the Lake Condition Index (LCI), which only applies to clear lakes with a color less than 20 platinum cobalt units.~~ BioRecons can also be used to evaluate predominantly fresh water streams under this rule. Because these Biological Health Assessment ~~bioassessment~~ procedures require specific training and expertise, persons conducting a BioRecon, SCI or LVI ~~the bioassessments~~ must comply with the quality assurance requirements of Chapter 62-160, F.A.C. (including adherence to *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), which was incorporated by reference in subsection 62-303.200(10), F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), which was incorporated by reference in subsection 62-303.200(30), F.A.C.)), attend at least eight hours of Department ~~sanctioned~~ field training, and pass a Department ~~sanctioned~~ field audit that verifies the sampler follows the applicable SOPs, as set forth in Chapter 62-160, F.A.C., before their Biological Health Assessment ~~bioassessment~~ data will be considered valid for use under this rule.

#### Proposed Amendment:

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(2) Biological Health Assessments ~~Bioassessments~~ used to evaluate predominantly fresh water ~~assess~~ streams and lakes under this rule shall include BioRecons, ~~the~~ Stream Condition Index (SCI) ~~Indices (SCIs)~~, and the Lake Vegetation Index (LVI), and the Shannon-Weaver Diversity Index. ~~the benthic macroinvertebrate component of the Lake Condition Index (LCI), which only applies to clear lakes with a color less than 20~~

platinum-cobalt units. BioRecons can also be used to evaluate predominantly fresh water streams under this rule. Because these Biological Health Assessment bioassessment procedures require specific training and expertise, persons conducting a BioRecon, SCI or LVI ~~the bioassessments~~ must comply with the quality assurance requirements of Chapter 62-160, F.A.C. (including adherence to *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), which was incorporated by reference in subsection ~~62-303.200(29)~~ ~~62-303.200(10)~~, F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), which was incorporated by reference in subsection ~~62-303.200(9)~~ ~~62-303.200(30)~~, F.A.C.), attend at least eight hours of Department ~~sanctioned~~ field training, and pass a Department ~~sanctioned~~ field audit that verifies the sampler follows the applicable SOPs, as set forth in Chapter 62-160, F.A.C., before their Biological Health Assessment bioassessment data will be considered valid for use under this rule.

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#### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to correct the identification of the rule subsection in which the SCI Primer and the LVI Primer were incorporated by reference.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #14

FAC Rule No. 62-303.350(2)(c)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 5, lines 37-47, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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~~(c) (g)~~ To be assessed under this chapter rule, except for data used to establish historical chlorophyll a levels, chlorophyll a data shall be determined using Department-approved methods as 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 shall be corrected for or free from the interference of pheophytin. ~~chlorophyll a data collected after the effective date of this rule shall be corrected chlorophyll a, except for data used to establish historical chlorophyll a levels. Corrected chlorophyll a is the calculated concentration of chlorophyll a remaining after the chlorophyll degradation product, phaeophytin a, has been subtracted from the uncorrected chlorophyll a measurement.~~

#### Proposed Amendment:

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~~(c) (g)~~ To be assessed under this chapter rule, except for data used to establish historical chlorophyll a levels, chlorophyll a data shall be determined using Department-approved methods as measured according to the DEP document titled, "Applicability of Chlorophyll a Methods" (DEP-SAS-002/10), **dated October 24, 2011**, 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 shall be corrected for or free from the interference of pheophytin. ~~chlorophyll a data collected after the effective date of this rule shall be corrected chlorophyll a, except for data used to establish historical chlorophyll a levels. Corrected~~

~~chlorophyll a is the calculated concentration of chlorophyll a remaining after the chlorophyll degradation product, phaeophytin a, has been subtracted from the uncorrected chlorophyll a measurement.~~

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**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to add the date of the document titled, "Applicability of Chlorophyll a Methods" and to correct the web address.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #15

FAC Rule No. 62-303.351(5)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 6, lines 15-18, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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(5) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP or chlorophyll a's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which are incorporated by reference herein.

#### Proposed Amendment:

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(5) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP or chlorophyll a **over the planning period using a Mann's** one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which are incorporated by reference herein. **Copies of these pages may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swg-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.**

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#### Explanation of the reason for the proposed amendment:

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text and to identify how the public may obtain a copy of the pages that are incorporated by reference.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #16

FAC Rule No. 62-303.352(3)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 6, lines 34-41, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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~~(3) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll *a*'s one-sided, upper-tail test for trend. For any lake, data indicate that annual mean TSIs have increased over the assessment period, as indicated by a positive slope in the means plotted versus time, or the annual mean TSI has increased by more than 10 units over historical values. When evaluating the slope of mean TSIs over time, the Department shall require at least a five unit increase in TSI over the assessment period and use a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724 (which are incorporated by reference), with a 95 percent confidence level.~~

#### Proposed Amendment:

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(3) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll *a* over the planning period using a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in subsection 62-303.351, F.A.C. For any lake, data indicate that annual mean TSIs have increased over the assessment period, as indicated by a positive slope in the means plotted versus time, or the annual mean TSI has increased by more than 10 units over historical values. When evaluating the slope of mean TSIs over time, the Department shall require at least a five unit increase in TSI over the assessment period and use a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724 (which are incorporated by reference), with a 95 percent confidence level.

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text and to identify where the Mann's one-sided upper-tail test for trend was incorporated by reference.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

**Amendment #17**

**FAC Rule No.** 62-303.353(4)

**FAW Notice of Proposed Rulemaking Draft Date:** November 10, 2011

**Rule Hearing Date:** December 8, 2011

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On page 7, lines 1-2, modify the proposed language as follows:

**Proposed Language as Published on November 10, 2011:**

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(4) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll *a*'s one-sided, upper-tail test for trend.

**Proposed Amendment:**

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(4) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll *a* over the planning period using a Mann's one-sided, upper-tail test for trend as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in subsection 62-303.351(5), F.A.C.

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**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to correct a publishing error in the Florida Administrative Weekly that inadvertently omitted some text and to identify how the public can obtain a copy of Mann's one-sided upper-tail test for trend.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #18

FAC Rule No. 62-303.430(1)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 9, lines 2-11, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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(1) All Biological Health Assessments ~~bioassessments~~ used to list a water on the verified list shall be conducted and interpreted in accordance with Chapter 62-160, F.A.C., including Department-approved Standard Operating Procedures and the Department documents, *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), which was adopted by reference in subsection 62-303.200(10), F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), which was adopted by reference in subsection 62-303.200(30), F.A.C. To be used for placing waters on the verified list, any Biological Health Assessments ~~bioassessments~~ conducted before the adoption of applicable SOPs for such Biological Health Assessments ~~bioassessments~~ as part of Chapter 62-160, F.A.C., shall substantially comply with the subsequent SOPs. Biological Health Assessments conducted during conditions inconsistent with the applicable primer shall be excluded from the assessment.

#### Proposed Amendment:

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(1) All Biological Health Assessments ~~bioassessments~~ used to list a water on the verified list shall be conducted and interpreted in accordance with Chapter 62-160, F.A.C., including Department-approved Standard Operating Procedures and the Department documents, *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), which was incorporated ~~adopted~~ by reference in subsection 62-303.200(29), ~~62-303.200(10)~~, F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), which was incorporated ~~adopted~~ by reference in subsection 62-303.200(9) ~~62-303.200(30)~~, F.A.C. To be used for placing waters on the verified list, any Biological Health Assessments ~~bioassessments~~ conducted before the adoption of applicable SOPs for such Biological Health

Assessments bioassessments as part of Chapter 62-160, F.A.C., shall substantially comply with the subsequent SOPs. Biological Health Assessments conducted during conditions inconsistent with the applicable primer shall be excluded from the assessment.

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**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to correct the identification of the rule subsections in which the SCI Primer and the LVI Primer were incorporated by reference.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #21

FAC Rule No. 62-302.531(2)(a)1.d.

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 5, lines 18-24, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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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.

#### Proposed Amendment:

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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.**

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**Explanation of the reason for the proposed amendment:**

The proposed amendment allows for a site specific interpretation where there are documented adverse biological effects but they are not due to nutrients (based on a stressor identification study).

Name: Drew Bartlett  
 Representing: FDEP  
 Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #22

FAC Rule No. 62-302.532(1)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

On page 7-9, lines table that begins at line 40 on page 7, and table that immediately follows line 1 on page 9, **modify the proposed language as follows:**

### Proposed Language as Published on November 10, 2011:

Estuary	Total Phosphorus	Total Nitrogen	Chlorophyll <i>a</i>
(a) Clearwater Harbor/St. Joseph Sound	Annual geometric mean values not to be exceeded more than once in a three year period		
1. St. Joseph Sound	0.05 mg/L	0.66 mg/L	3.1 µg/L
2. Clearwater North	0.05 mg/L	0.61 mg/L	5.4 µg/L
3. Clearwater South	0.06 mg/L	0.58 mg/L	7.6 µg/L
(b) Tampa Bay	Annual totals for nutrients and annual arithmetic means for chlorophyll <i>a</i> , not to be exceeded more than once in a three year period		
1. Old Tampa Bay	0.23 tons/million cubic meters of water	1.08 tons/million cubic meters of water	9.3 µg/L
2. Hillsborough Bay	1.28 tons/million cubic meters of water	1.62 tons/million cubic meters of water	15.0 µg/L
3. Middle Tampa Bay	0.24 tons/million cubic meters of water	1.24 tons/million cubic meters of water	8.5 µg/L
4. Lower Tampa Bay	0.14 tons/million cubic meters of water	0.97 tons/million cubic meters of water	5.1 µg/L
5. Boca Ciega North	0.18 tons/million cubic meters of water	1.54 tons/million cubic meters of water	8.3 µg/L
6. Boca Ciega South	0.06 tons/million cubic meters of water	0.97 tons/million cubic meters of water	6.3 µg/L

<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>
<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>		

1. Back Bay	0.009 mg/L	0.25 mg/L	0.3 µg/L
2. Backshelf	0.011 mg/L	0.23 mg/L	0.7 µg/L
3. Lower Keys	0.008 mg/L	0.21 mg/L	0.3 µg/L
4. Marquesas	0.008 mg/L	0.21 mg/L	0.6 µg/L
5. Middle Keys	0.007 mg/L	0.22 mg/L	0.3 µg/L
6. Oceanside	0.007 mg/L	0.17 mg/L	0.3 µg/L
7. Upper Keys	0.007 mg/L	0.18 mg/L	0.2 µg/L
(h) Biscayne Bay	Annual geometric means that shall not be exceeded more than once in a three year period		
1. Card Sound	0.008 mg/L	0.33 mg/L	0.5 µg/L
2. Manatee Bay – Barnes Sound	0.007 mg/L	0.58 mg/L	0.4 µg/L
3. North Central Inshore	0.007 mg/L	0.31 mg/L	0.5 µg/L
4. North Central Outer-Bay	0.008 mg/L	0.28 mg/L	0.7 µg/L
5. Northern North Bay	0.012 mg/L	0.30 mg/L	1.7 µg/L
6. South Central Inshore	0.007 mg/L	0.48 mg/L	0.4 µg/L
7. South Central Mid-Bay	0.007 mg/L	0.35 mg/L	0.2 µg/L
8. South Central Outer-Bay	0.006 mg/L	0.24 mg/L	0.2 µg/L
9. Southern North Bay	0.010 mg/L	0.29 mg/L	1.1 µg/L

(i) Sarasota Bay	<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,</p> <p><math>NW_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the north region during the wet season</p> <p><math>ND_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the north region during the dry season</p> <p><math>SW_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the south region during the wet season</p> <p><math>SD_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the south region during the dry season</p> <p><math>CN_i</math> is the arithmetic mean color during the <math>i^{\text{th}}</math> month within the north region</p> <p><math>CS_i</math> is the arithmetic mean color during the <math>i^{\text{th}}</math> 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> $e^{\sum_i^{12} \left( \frac{NW_i + ND_i + SW_i + SD_i}{24} \right)}$
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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.	
	$\text{TP Upper Limit (mg/L)} = e^{(-1.06256 \cdot 0.0000328465 \cdot \text{Conductivity } (\mu\text{S}))}$	$\text{TN Upper Limit (mg/L)} = 2.3601 - 0.0000268325 \cdot \text{Conductivity } (\mu\text{S})$

**Proposed Amendment:**

Estuary	Total Phosphorus	Total Nitrogen	Chlorophyll a
(a) Clearwater Harbor/St. Joseph Sound	Annual geometric mean values not to be exceeded more than once in a three year period. <b>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.</b>		
1. St. Joseph Sound	0.05 mg/L	0.66 mg/L	3.1 µg/L
2. Clearwater North	0.05 mg/L	0.61 mg/L	5.4 µg/L
3. Clearwater South	0.06 mg/L	0.58 mg/L	7.6 µg/L
(b) Tampa Bay	Annual totals for nutrients and annual arithmetic means for chlorophyll a, not to be exceeded more than once in a three year period. <b>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.</b>		
1. Old Tampa Bay	0.23 tons/million cubic meters of water	1.08 tons/million cubic meters of water	9.3 µg/L
2. Hillsborough Bay	1.28 tons/million cubic meters of water	1.62 tons/million cubic meters of water	15.0 µg/L
3. Middle Tampa Bay	0.24 tons/million cubic meters of water	1.24 tons/million cubic meters of water	8.5 µg/L
4. Lower Tampa Bay	0.14 tons/million cubic meters of water	0.97 tons/million cubic meters of water	5.1 µg/L
5. Boca Ciega North	0.18 tons/million cubic meters of water	1.54 tons/million cubic meters of water	8.3 µg/L
6. Boca Ciega South	0.06 tons/million cubic meters of water	0.97 tons/million cubic meters of water	6.3 µg/L
7. Terra Ceia Bay	0.14 tons/million cubic meters of water	1.10 tons/million cubic meters of water	8.7 µg/L
8. Manatee River Estuary	0.37 tons/million cubic meters of water	1.80 tons/million cubic meters of water	8.8 µg/L

(c) Sarasota Bay	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.		
1. Palma Sola Bay	0.26 mg/L	0.93 mg/L	11.8 µg/L
2. Sarasota Bay	0.19 mg/L	See paragraph 62-302.532(3)(i), F.A.C.	6.1 µg/L
3. Roberts Bay	0.23 mg/L	0.54 mg/L	11.0 µg/L
4. Little Sarasota Bay	0.21 mg/L	0.60 mg/L	10.4 µg/L
5. Blackburn Bay	0.21 mg/L	0.43 mg/L	8.2 µg/L
(d) Charlotte Harbor/Estero Bay	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.		
1. Dona and Roberts Bay	0.18 mg/L	0.42 mg/L	4.9 µg/L
2. Upper Lemon Bay	0.26 mg/L	0.56 mg/L	8.9 µg/L
3. Lower Lemon Bay	0.17 mg/L	0.62 mg/L	6.1 µg/L
4. Charlotte Harbor Proper	0.19 mg/L	0.67 mg/L	6.1 µg/L
5. Pine Island Sound	0.06 mg/L	0.57 mg/L	6.5 µg/L
6. San Carlos Bay	0.07 mg/L	0.56 mg/L	3.5 µg/L
7. Tidal Myakka River	0.31 mg/L	1.02 mg/L	11.7 µg/L
8. Matlacha Pass	0.08 mg/L	0.58 mg/L	6.1 µg/L
9. Estero Bay (including Tidal Imperial River)	0.07 mg/L	0.63 mg/L	5.9 µg/L
(e) Tidal Cocohatchee River/Ten Thousand Islands	Annual geometric means that shall not be exceeded more than once in a three year period		
1. Tidal Cocohatchee River	0.057 mg/L	0.47 mg/L	5.8 µg/L
2. Collier Inshore	0.032 mg/L	0.25 mg/L	3.1 µg/L
3. Rookery Bay/Marco Island	0.046 mg/L	0.30 mg/L	4.9 µg/L
4. Naples Bay	0.045 mg/L	0.57 mg/L	4.3 µg/L
5. Inner Gulf Shelf	0.018 mg/L	0.29 mg/L	1.6 µg/L
6. Middle Gulf Shelf	0.016 mg/L	0.26 mg/L	1.4 µg/L
7. Outer Gulf Shelf	0.013 mg/L	0.22 mg/L	1.0 µg/L
8. Blackwater River	0.053 mg/L	0.41 mg/L	4.1 µg/L
9. Coastal Transition Zone	0.034 mg/L	0.61 mg/L	3.9 µg/L
10. Gulf Islands	0.038 mg/L	0.44 mg/L	3.4 µg/L
11. Inner Waterway	0.033 mg/L	0.69 mg/L	5.2 µg/L
12. Mangrove Rivers	0.021 mg/L	0.71 mg/L	3.7 µg/L
13. Ponce de Leon	0.024 mg/L	0.52 mg/L	3.0 µg/L
14. Shark River Mouth	0.022 mg/L	0.75 mg/L	2.2 µg/L
15. Whitewater Bay	0.026 mg/L	0.82 mg/L	4.1 µg/L
(f) Florida Bay	Annual geometric means that shall not be exceeded more than once in a three year period		
1. Central Florida Bay	0.019 mg/L	0.99 mg/L	2.2 µg/L
2. Coastal Lakes	0.045 mg/L	1.29 mg/L	9.3 µg/L
3. East Central Florida Bay	0.007 mg/L	0.65 mg/L	0.4 µg/L
4. Northern Florida Bay	0.010 mg/L	0.68 mg/L	0.8 µg/L
5. Southern Florida Bay	0.009 mg/L	0.64 mg/L	0.8 µg/L
6. Western Florida Bay	0.015 mg/L	0.37 mg/L	1.4 µg/L
(g) Florida Keys	Annual geometric means that shall not be exceeded more than once in a three year period		

1. Back Bay	0.009 mg/L	0.25 mg/L	0.3 µg/L
2. Backshelf	0.011 mg/L	0.23 mg/L	0.7 µg/L
3. Lower Keys	0.008 mg/L	0.21 mg/L	0.3 µg/L
4. Marquesas	0.008 mg/L	0.21 mg/L	0.6 µg/L
5. Middle Keys	0.007 mg/L	0.22 mg/L	0.3 µg/L
6. Oceanside	0.007 mg/L	0.17 mg/L	0.3 µg/L
7. Upper Keys	0.007 mg/L	0.18 mg/L	0.2 µg/L
(h) Biscayne Bay	Annual geometric means that shall not be exceeded more than once in a three year period		
1. Card Sound	0.008 mg/L	0.33 mg/L	0.5 µg/L
2. Manatee Bay – Barnes Sound	0.007 mg/L	0.58 mg/L	0.4 µg/L
3. North Central Inshore	0.007 mg/L	0.31 mg/L	0.5 µg/L
4. North Central Outer-Bay	0.008 mg/L	0.28 mg/L	0.7 µg/L
5. Northern North Bay	0.012 mg/L	0.30 mg/L	1.7 µg/L
6. South Central Inshore	0.007 mg/L	0.48 mg/L	0.4 µg/L
7. South Central Mid-Bay	0.007 mg/L	0.35 mg/L	0.2 µg/L
8. South Central Outer-Bay	0.006 mg/L	0.24 mg/L	0.2 µg/L
9. Southern North Bay	0.010 mg/L	0.29 mg/L	1.1 µg/L

(i) Sarasota Bay	<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,</p> <p><math>NW_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the north region during the wet season</p> <p><math>ND_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the north region during the dry season</p> <p><math>SW_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the south region during the wet season</p> <p><math>SD_i</math> is the TN target for <math>i^{\text{th}}</math> month calculated for the south region during the dry season</p> <p><math>CN_i</math> is the arithmetic mean color during the <math>i^{\text{th}}</math> month within the north region</p> <p><math>CS_i</math> is the arithmetic mean color during the <math>i^{\text{th}}</math> 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> $e^{\sum_i^{12} \left( \frac{NW_i + ND_i + SW_i + SD_i}{24} \right)}$ <p>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.</p>
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(j) <u>Clam Bay</u> <u>(Collier</u> <u>County)</u>	<u>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.</u>	
	<u>TP Upper Limit (mg/L) = e<sup>(-1.06256-</sup></u> <u>0.0000328465*Conductivity (µS))</u>	<u>TN Upper Limit (mg/L) = 2.3601</u> <u>- 0.0000268325*Conductivity</u> <u>(µS)</u>

**Explanation of the reason for the proposed amendment:**

The Department proposes the amendment to clarify that nutrient and nutrient response values (e.g., chlorophyll a) do not apply in tidal creeks. The numeric values in the table were not derived using water quality data from tidal creeks.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #23

FAC Rule No. 62-303.390(1)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 7, lines 23-33, modify the proposed language as follows:

#### Proposed Language as Published on November 10, 2011:

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(1) The Study List contains waters where evidence indicates nonattainment of water quality standards, but the Department does not have enough information to determine the causative pollutant(s) and therefore cannot determine the appropriate remedy, and waters where a site specific numeric interpretation has not been established pursuant to paragraph 63-302.531(2)(a), F.A.C., and there is a clear adverse trend in nutrients or nutrient response variables. Causes of nonattainment can include excess pollutant loading or concentrations, habitat or hydrologic alterations, or natural conditions. Waters that do not attain water quality standards due to natural conditions pursuant to paragraph 62-303.420(1)(b), F.A.C., shall not be added to the Study List. To conform to the expectations of Section 303(d) of the Federal Clean Water Act and federal regulations at 40 C.F.R. 130.7(b), waters and associated parameters indentified in the Study List will be submitted to EPA as water quality limited segments. However, pursuant to paragraph 403.067(2)(a), F.S., the Study List cannot be used in the administration or implementation of any regulatory program.

#### Proposed Amendment:

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(1) The Study List contains waters where evidence indicates nonattainment of water quality standards, but the Department does not have enough information to determine the causative pollutant(s) and therefore cannot determine the appropriate remedy, and waters where a site specific numeric interpretation has not been established pursuant to paragraph 63-302.531(2)(a), F.A.C., and there is a clear adverse trend in nutrients or nutrient response variables. Causes of nonattainment can include excess pollutant loading or concentrations, habitat or hydrologic alterations, or natural conditions. Waters that do not attain water quality standards due to natural conditions pursuant to paragraph 62-303.420(1)(b), F.A.C., shall not be added to the Study List. To conform to the expectations of Section 303(d) of the Federal Clean Water

Act and federal regulations at 40 C.F.R. 130.7(b), waters and associated parameters indentified in the Study List will be submitted to EPA as water quality limited segments. However, pursuant to paragraph 403.067(2)(a), F.S., the Study List cannot be used in the administration or implementation of any regulatory program. A TMDL shall not be established for a waterbody placed on the Study List pursuant to subsection 62-303.390(2), F.A.C., until such time as it is placed on the verified list pursuant to Part IV of this Chapter.

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**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in subsection (1) to clarify that a Total Maximum Daily Load shall not be established for a waterbody on the Study List until the cause of waterbody impairment has been identified and the waterbody is listed on the verified list.

Name: Drew Bartlett  
Representing: FDEP  
Date Submitted: December 6, 2011

## Proposed Rule Amendment Form

### Amendment #24

FAC Rule No. 62-303.390(2)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 7 & 8, lines 34-53 & 1-2, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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(2) A Class I, II, or III water shall be placed on the study list if:

(a) For waters with a statistically-significant increasing trend in TN, TP, nitrate-nitrite, or chlorophyll a pursuant to subsections 62-303.351(5), 62-303.352(3), 62-303.353(2), or 62-303.354(3), F.A.C., the Department confirms there is:

1. A statistically-significant (at the 95 percent confidence level) temporal trend in the annual geometric means after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, seasonality, quality assurance issues, and changes in analytical methods or method detection limits; and

2. A reasonable expectation that the water will become impaired within 10 years, taking into consideration the current concentrations of nutrients or nutrient response variables and the slope of the trend.

(b) A waterbody segment does not achieve the Biological Health Assessment provisions in Rule 62-303.430, F.A.C., but a causative pollutant has not been identified;

(c) A waterbody segment is verified as not meeting the dissolved oxygen criterion pursuant to Part IV of this Chapter, but a causative pollutant has not been identified;

(d) A waterbody segment where pollution control mechanisms are in place or planned that meet the requirements of Rule 62-303.600, F.A.C., except that there is uncertainty when water quality standards will be attained and the waterbody segment requires additional study; or

(e) For streams meeting the definition in subsection 62-302.200(36), F.A.C., the nutrient thresholds in subparagraph 62-302.531(2)(c)3., F.A.C., are exceeded based on data from the last 7.5 years and insufficient Biological Health Assessment, chlorophyll a, or other response variable data are available to fully assess achievement of the nutrient provisions in paragraph 62-302.531(2)(c), F.A.C. A TMDL shall not be established for the waterbody prior to the collection of additional response variable data and the conclusion of the next assessment cycle.

## Proposed Amendment:

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(2) A Class I, II, or III water shall be placed on the study list if:

(a) For waters with a statistically-significant increasing trend in TN, TP, nitrate-nitrite, or chlorophyll *a* pursuant to subsections 62-303.351(5), 62-303.352(3), 62-303.353(2), or 62-303.354(3), F.A.C., the Department confirms there is:

1. A statistically-significant (at the 95 percent confidence level) temporal trend in the annual geometric means after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, seasonality, quality assurance issues, and changes in analytical methods or method detection limits; and

2. A reasonable expectation that the water will become impaired within 10 years, taking into consideration the current concentrations of nutrients or nutrient response variables and the slope of the trend.

(b) A waterbody segment does not achieve the Biological Health Assessment provisions in Rule 62-303.430, F.A.C., but a ~~cause causative pollutant~~ has not been identified;

(c) A waterbody segment is verified as not meeting the dissolved oxygen criterion pursuant to Part IV of this Chapter, but a ~~cause causative pollutant~~ has not been identified;

(d) A waterbody segment where pollution control mechanisms are in place or planned that meet the requirements of Rule 62-303.600, F.A.C., except that there is uncertainty when water quality standards will be attained and the waterbody segment requires additional study; or

(e) For streams meeting the definition in subsection 62-302.200(36), F.A.C., the nutrient thresholds in subparagraph 62-302.531(2)(c)3., F.A.C., are exceeded based on data from the last 7.5 years and insufficient Biological Health Assessment, chlorophyll *a*, or other response variable data are available to fully assess achievement of the nutrient provisions in paragraph 62-302.531(2)(c), F.A.C. A TMDL shall not be established for the waterbody prior to the collection of additional response variable data and the conclusion of the next assessment cycle.

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## Explanation of the reason for the proposed amendment:

The Department proposes the amendment, because it is the Department's intent to only place waters on the Study List when the cause of the impairment is not known. If the Department determines that a factor other than a pollutant (e.g., hydrologic modifications, lack of habitat, etc.) is the cause of the impairment, the waterbody will not be placed on the Study List.

Name: James S. Alves  
David W. Childs  
Hopping Green & Sams  
Representing: FCG EC  
FWEA Utility Council  
Date Submitted: November 30, 2011  
Revised: December 7, 2011

## ERC Form for Proposed Rule Amendment

Amendment #1

FAC Rule No. 62-302.200(36)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

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On page 3756, modify the proposed language as follows:

### **Proposed Language as Published on November 10, 2011:**

Rule 62-302.200, F.A.C.

(36) "Stream" shall mean, for purposes of interpreting the narrative nutrient criterion in paragraph 62-302.530(47)(b), 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 non-perennial water segments, 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).

### **Proposed Amendment:**

Rule 62-302.200, F.A.C.

(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, 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.

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Name: James S. Alves  
David W. Childs  
Hopping Green & Sams  
Representing: FCG EC  
FWEA Utility Council  
Date Submitted: November 30, 2011  
Revised: December 7, 2011

## ERC Form for Proposed Rule Amendment

Amendment #2

FAC Rule No. 62-302.300, 302.531, 302.532  
FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

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On pages 3757, 3759, 3762, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

Rule 62-302.531, F.A.C.

(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. § 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 entirety of Rule 62-302.531, F.A.C., shall not be implemented.

Rule 62-302.532, F.A.C.

(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.

### Proposed Amendment:

Rule 62-302.531(9), F.A.C.

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.

Rule 62-302.531, F.A.C.

~~(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. § 131.21 and 33 U.S.C. § 1313(e). If any provision of Rule 62-302.531, F.A.C., is later determined invalid, then the entirety of Rule 62-302.531, F.A.C., shall not be implemented.~~

Rule 62-302.532, F.A.C.

(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(e). If any provision of Rule 62-302.531, F.A.C., is later determined invalid, then this subsection shall not be implemented.~~

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Name: \_\_\_\_\_

Representing: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

## Proposed Rule Amendment Form

Substitute  
Amendment 19

FAC Rule No. 62-302.200(19)

FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011

Rule Hearing Date: December 8, 2011

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On page 2, lines 33-35, modify the proposed language as follows:

### Proposed Language as Published on November 10, 2011:

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(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.

### Proposed Amendment:

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(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 into 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.

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**Explanation of the reason for the proposed amendment:**