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Proposed Rule Amendment Form

Amendment

FAC Rule No.: 62-302.530(47)(b), and 62-302.531(7) F.A.C.
FAW Notice of Proposed Rulemaking Draft Date: November 10, 2011
Rule Hearing Date: December 8, 2011

On page 4, line 39, modify the proposed language as follows:

Proposed Language as Published on November 10, 2011:

Numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530 (47)(b), F.A.C., shall be expressed as spatial averages and applied over a spatial area consistent with their derivation.

And on page 7, line 11, modify the proposed language as follows:

Proposed Language as Published on November 10, 2011:

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

Proposed Amendment for both pages:

“except where non-MS4 point source discharges covered by NPDES permits enter a water body. These NPDES permitted discharges shall be required to meet advanced wastewater treatment (AWT) standards for nutrients (3 mg/L for nitrogen and 1 mg/L for phosphorus) or the numeric limits for approved nutrient TMDLs for that water body, whichever are lower and more protective of the water quality at the end of the discharge pipe or before the discharge enters waters of the state. In any case where an NPDES permit contains nutrient limits that are more protective than AWT standards, or where a WQBEL has been developed for the NPDES permit, then the more protective limits shall apply.”

Explanation of the reason for the proposed amendment:

This amendment makes the proposed rule more consistent with current implementation of Florida water quality standards and criteria. All other criteria in 62-302.530 F.A.C. apply to all waters unless alternative or more stringent criteria are specified to Rule 62-302.530, F.A.C. Unless otherwise stated, all criteria express the maximum not to be exceeded at any time. The nutrient criteria should be consistent. Without this added language to the proposed rule, the rule violates numerous sections of 62-4.244 F.A.C. (Mixing Zone requirements). The result will be the equivalent of an automatic mixing zone for every NPDES permit that discharges nutrients into surface waters with no analysis of the impact of the mixing zones on the receiving waters.