



FLORIDA STORMWATER ASSOCIATION

Leadership in Stormwater Management and Utilities

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April 8, 2024

Kevin O'Donnell, Program Administrator
Division of Environmental Assessment and Restoration
Florida Department of Environmental Protection
MS #3555, 2600 N Blair Stone Road
Tallahassee, FL 32399-2400

RE: Draft Fecal Indicator Bacteria TMDLs for the Everglades West Coast Basin

Dear Mr. O'Donnell:

The Florida Stormwater Association (FSA) appreciates the opportunity to submit comments on the Revised Fecal Indicator Bacteria (FIB) Total Maximum Daily Loads (TMDLs) for the Everglades West Coast Basin. As an association representing over 340-member local governments, private consulting firms and other stormwater organizations (5,100 individuals) in Florida, FSA's membership is closely watching this process. FSA recognizes the need to update the FIB TMDLs in the State and we pledge to remain engaged in the development process as we recognize that the methodology used to create these TMDLs could serve as a pilot for future FIB TMDLs throughout the State.

Unlike TMDL development and related water quality improvement programs for nutrients, FIB TMDLs (and subsequent implementation strategies that a permit holder may undertake) are much more complex. There is a much lower correlation between bacterial best management practices (BMPs) and actual FIB reductions; it is much more difficult and expensive to determine the actual source of FIB; and it is much more difficult to accurately allocate pollutant reduction responsibilities among various stakeholders.

FSA understands the requirements to both develop and implement TMDLs in the State. Chapter 4 of the Everglades West Coast Basin TMDL outlines the sources of pollution contributing to the impairment and includes a range of both point source and nonpoint source contributors. While there are many sources listed, the implementation of this TMDL falls to permitted facilities/entities, which do not cover all nonpoint source contributors. As stated during the April 4, 2024 public meeting, MS4 permittees will be required to provide resources to achieve compliance. However, an answer as to how other sources not associated with a permit will be held accountable for meeting TMDL requirements was left unanswered. It is neither fair nor equitable to effectively designate a MS4 permittee as the lead entity responsible for TMDL compliance simply because a FIB impaired water falls within the permittee's boundary, especially when you consider that stormwater discharges are unlikely to be the origin of FIB. We would request that all sources be held accountable for compliance, not just MS4 entities and that a lead entity be assigned based on the most likely origin of the greatest contributor of FIB. We also ask that FDEP develop a mechanism to control these nonpoint pollution sources for this and all future TMDLs being developed in the State.

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Due to the cost and uncertainty surrounding the issue of bacterial TMDLs (especially for municipal separate storm sewer systems [MS4s]) and the implementation thereof, FSA urges the Department to take a measured, methodical approach to TMDL adoption and implementation. We urge FDEP to take an active role in identifying the sources of FIB and the relative responsibility of implementing FIB-related activities prior to assigning stormwater entities specific responsibilities for waters not meeting FIB standards. The process to implement FIB TMDLs should give the Department, stakeholders, and the public certainty that the bacteria problem is being responsibly addressed in an equitable manner. We feel it important to remember that (in most cases) MS4s do not generate bacterial pollution and do not have operational control over other sources. The Department's FIB policy should not rely on nor require that the MS4 permittee act as the lead entity and bear a disproportionate responsibility for determining sources of bacterial contamination when there are natural sources and other permittees (e.g., domestic wastewater collection systems and sanitary sewer overflows, failed septic systems, restaurants, aquaculture, confined animal feeding operations) that may be entirely responsible for the elevated bacteria levels. As FDEP moves forward with this effort, and given the potential extensive ramifications to MS4 permittees, we are very willing to meet further with FDEP (and other representative groups, as needed) to provide additional input on the approach that will promote TMDL implementation, FIB reductions, and fairly assign responsibility to MS4s, when appropriate.

As always, we stand ready to assist FDEP with any comments or questions concerning how these revised TMDLs may impact Florida MS4s. Thank you for your time and consideration.

Sincerely,
FLORIDA STORMWATER ASSOCIATION, INC.

A handwritten signature in cursive script that reads "Danielle Hopkins". The signature is written in black ink and is positioned above the printed name.

Danielle Hopkins