



Water Quality Standards Update

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Presentation Outline

Triennial Review

Background

Topics and Schedule

Human Health Criteria

Status

Statewide Fish Consumption Survey

Scope and Schedule



Triennial Review (TR) – Background

- Under the Federal Clean Water Act, states are required to periodically conduct a comprehensive review of their surface water quality standards
 - Known as “Triennial Review” because must conduct review at least once every three years
- Department adopted revisions for last TR on Dec. 9, 2015, and EPA approved the revisions on July 24, 2017



Triennial Review – Scope

- We plan to issue Notices of Rule Development for main rules with surface water quality standards
 - Chapters 62-4, Chapter 62-302, and Chapter 62-303
- Notice may identify some issues under consideration, but whole chapters open
 - We welcome suggestions for other standards-related topics to consider



Triennial Review – Proposed Topics

- Considering revision of marine & freshwater **Cadmium** criteria based on EPA Recommendations
- Update documents incorporated by reference
 - “**Numeric Nutrient Criteria Implementation Document**”



Triennial Review – Proposed Topics

(continued)

- Based on revisions of federal regulations, need to incorporate **compliance schedule authorization provisions** into Standards
- Would either
 - Add reference in Rule 62-302.300, F.A.C., to **compliance schedule authorization provisions** in Rules 62-4 and 62-620, F.A.C. , or
 - Request ERC to adopt current rules as Florida Water Quality Standards



Triennial Review – Proposed Topics

(continued)

- Update maps incorporated by reference
 - Adopt maps showing Class II waters for all “remaining” counties
 - Update map for coastal NNC segments and few minor changes to Estuary Nutrient Region maps
- Delete references to subsection 62-312.020(3), F.A.C., from descriptions of Special Waters OFW listed in Rule 62-302.700, F.A.C.
 - Referenced definition of canals, which has been repealed



Triennial Review – Proposed Topics

(continued)

- Considering revisions to Chapter 62-303, F.A.C. (Impaired Waters Rule)
 - Clarify listing thresholds for both Planning List and Verified List based on bioassessments
 - Revise delisting method for waters listed based on exceedances of NNC expressed as not to be exceeded more than once in three years
 - Miscellaneous, small-scale edits



Triennial Review – Topics for Public Input

- EPA's recommended freshwater **Selenium** criterion
 - Includes fish tissue components, which brings in many implementation issues
 - EPA has not finalized implementation guidance



Triennial Review – Topics for Public Input

(continued)

- Want feedback on proposed method to develop Site-Specific Alternative Criteria (SSAC) for Dissolved Oxygen for waters previously listed as impaired due to natural conditions (Cat 4c)
 - Demonstrate healthy using Stream Condition Index scores
- Feedback on possible modification of **Turbidity** criterion to better protect coral reef communities



Triennial Review – Potential Topics

Topics suggested by stakeholders!



Triennial Review – Schedule

- “Kick-off” Public Meeting/Hearings tentatively scheduled for late Jan 2019
 - Tallahassee
 - Orlando
 - West Palm
- Hold Public Workshops in April
- Bring to ERC for adoption in Summer



Human Health Criteria (HHC) – Status

- Revised HHC that were adopted in July 2016 **withdrawn** in Feb 2018
 - Rules were challenged, but challenges were dismissed for **procedural** reasons and rule appeared as effective on Nov. 16, 2016
 - However, dismissal was appealed and overturned by First and Third DCA
 - Given withdrawal, challenges became moot and previous version of criteria table (Feb. 2016) now current version
- DEP initiated rule development to (re)revise HHC after conducting state-wide fish consumption survey to support criteria derivation



Status of Other Components of 2016 Rulemaking

- DEP only withdrew revisions to criteria table, while 2016 revisions included other revisions, including:
 - Creation of **Class I-Treated** classification and reclassification of waters
 - Revisions to Impaired Waters Rule (Chapter 62-303), primarily related to assessment of HHC or new Class I-Treated classification
- Revisions to IWR are in effect, but Class I-Treated and reclassifications are not because have not been submitted to EPA
 - Class I-Treated cannot go into effect without criteria that were withdrawn



Fish Consumption Survey

- To derive 2016 HHC, DEP used regional fish consumption data from national fish consumption survey conducted by CDC
 - NHANES – National Health and Nutrition Examination Survey
- To address stakeholder requests to use Florida-specific data, DEP developing contract with the University of Florida to conduct a state-wide fish consumption survey to estimate fish consumption rate of general population and key socio-economic and ethnic groups
- DEP will also further evaluate other key input variables including Bioaccumulation Factors and Relative Source Contributions



Fish Consumption Survey - Components

- Survey elements include:
 - Initial Survey Plan
 - Survey Questionnaires
 - Pilot Survey and Pilot Report
 - Statewide Fish Consumption Survey
 - Data Analysis and Survey Report
- Survey will be “multi-mode” with both “push to web” (letters requesting people to fill out survey online) and by phone (both landlines and cell phones)



Fish Consumption Survey – Consumption Rate

- Plan to use National Cancer Institute (NCI) method to calculate long-term fish consumption rate from episodically consumed foods
- Method requires
 - **Food Frequency Questionnaire (FFQ)** to determine long-term consumption
 - Ask if consumed fish in last year
 - Two “**recall surveys**” to determine if respondent ate fish over given time frame, and if so, how much and what species
- We currently plan for recall survey period to be **48-hours**, with repeat survey several weeks later



Schedule for Fish Consumption Survey

- Will finalize contract soon and initiate Pilot Study early in 2019
 - Pilot scheduled to last 10 weeks
- Will initiate survey this spring, and survey will be for one full year
 - Need to capture any seasonal differences in fish consumption
- Data analysis and development of final report will take another 4 months, and criteria derivation will take ~ 2 months



Rulemaking and Public Participation

- Plan to reinitiate rulemaking once criteria are calculated
- Will hold public workshops throughout Florida, revise as needed, and then take before Environmental Regulation Commission (ERC)
 - Estimate Fall 2021
- Process will include multiple opportunities for public participation

