

CHAPTER 62-302
SURFACE WATER QUALITY STANDARDS

62-302.200 Definitions.

(1) "Acute Toxicity" shall mean a concentration greater than one-third (1/3) of the amount lethal to 50% of the test organisms in 96 hours (96 hr LC₅₀) for a species protective of the indigenous aquatic community for a substance not identified in paragraph 62-302.500(1)(c), F.A.C., or for mixtures of substances, including effluents.-

(2) "Annual Average Flow" is the long-term harmonic mean flow of the receiving water, or an equivalent flow based on generally accepted scientific procedures in waters for which such a mean cannot be calculated. For waters for which flow records have been kept for at least the last three years, "long-term" shall mean the period of record. For all other waters, "long-term" shall mean three years (unless the Department finds the data from that period not representative of present flow conditions, based on evidence of land use or other changes affecting the flow) or the period of records sufficient to show a variation of flow of at least three orders of magnitude, whichever period is less. For nontidal portions of rivers and streams, the harmonic mean (Q_{hm}) shall be calculated as

$$Q_{hm} = \frac{n}{\frac{1}{Q_1} + \frac{1}{Q_2} + \frac{1}{Q_3} + \frac{1}{Q_4} + \dots + \frac{1}{Q_n}},$$

in which each Q is an individual flow record and n is the total number of records. In lakes and reservoirs, the annual average flow shall be based on the hydraulic residence time, which shall be calculated according to generally accepted scientific procedures, using the harmonic mean flows for the inflow sources. In tidal estuaries and coastal systems or tidal portions of rivers and streams, the annual average flow shall be determined using methods described in EPA publication no. 600/6-85/002b pages 142 - 227, incorporated by reference in paragraph 62-4.246(9)(k), F.A.C., or by other generally accepted scientific procedures, using the harmonic mean flow for any freshwater inflow. If there are insufficient data to determine the harmonic mean then the harmonic mean shall be estimated by methods as set forth in the EPA publication Technical Support Document for Water Quality-Based Toxics Control (March 1991), incorporated by reference in paragraph 62-4.246(9)(d), F.A.C., or other generally accepted scientific procedures. In situations with seasonably variable effluent discharge rates, hold-and-release treatment systems, and effluent-dominated sites, annual average flow shall mean modeling techniques that calculate long-term average daily concentrations from long-term individual daily flows and concentrations in accordance with generally accepted scientific procedures.

(3) "Background" shall mean the condition of waters in the absence of the activity or discharge under consideration, based on the best scientific information available to the Department.

(4) "Biological Health Assessment" shall mean an aquatic community-based biological evaluation consisting of one of the following procedures: Stream Condition Index, BioRecon, Lake Vegetation Index, or Shannon-Weaver Diversity Index.

(5) "Chlorophyll a" shall mean, for the purposes of this rule, pheophytin-corrected chlorophyll a as measured according to the DEP document titled, "Applicability of Chlorophyll a Methods" (DEP/SAS/003/09), incorporated by reference herein.

(6) (4) "Chronic Toxicity"

(a) For a substance without an aquatic life-based criterion in section Rule 62-302.530, F.A.C., and where chronic toxicity studies evaluating the toxicity of the substance are available, or for mixtures of substances, including effluents, chronic toxicity shall mean the concentration that equals or exceeds the IC₂₅ on species protective of the indigenous aquatic community; or

(b) For a substance without an aquatic life-based criterion in section Rule 62-302.530, F.A.C., and where chronic toxicity studies evaluating the toxicity of the substance on species protective of the indigenous aquatic community are not available, the chronic toxicity of a substance shall be established as a concentration greater than one-twentieth (1/20) of the amount lethal to 50% of the test organisms in 96 hours (96 hr LC₅₀) for a species protective of the indigenous aquatic community.

(7) (5) "Commission" shall mean the Environmental Regulation Commission.

(8) (6) "Compensation Point for Photosynthetic Activity" shall mean the depth at which one percent of the light intensity at the surface remains unabsorbed. The light intensities at the surface and subsurface shall be measured simultaneously by irradiance meters such as Kahlsico Underwater Irradiometer (Model No. 268 WA 310), or other device having a comparable spectral response.

(9) (7) "Department" shall mean the Department of Environmental Protection.

(10) (8) "Designated Use" shall mean the present and future most beneficial use of a body of water as designated by the Environmental Regulation Commission by means of the classification system contained in this Chapter.

(11) (9) "Dissolved Metal" shall mean the metal fraction that passes through a 0.45 micron filter.

(12) (10) "Effluent Limitation" shall mean any restriction established by the Department on quantities, rates or concentrations of chemical, physical, biological or other constituents which are discharged from sources into waters of the State.

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

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

(15) (13) "Existing Uses" shall mean any actual beneficial use of the water body on or after November 28, 1975.

(16) (14) "IC₂₅" or "Inhibition Concentration 25%" shall mean the concentration of toxicant that causes a 25% reduction in a biological response such as biomass, growth,

fecundity, or reproduction in the test population when compared to the control population response.

(17) "Lake" shall mean, for the purposes of this rule, a freshwater waterbody that is not a stream or other watercourse and which has a minimum of two acres of contiguous open water that is free from emergent vegetation. Aquatic or floating vegetation may be present in these two acres of open water.

(18) "Lake Vegetation Index (LVI)" shall mean a biological health assessment that measures lake health in predominantly fresh waters using aquatic plants identified to the lowest practical taxonomic level, performed and calculated using the methodologies, dated 03-31-08, in DEP-SOP-002/01 LT 7500, DEP-SOP-002/01 LQ 7300 and DEP-SOP-001/01 FS 7220, which are incorporated by reference herein.

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

- (a) would remain after removal of all point sources,
- (b) would remain after imposition of best management practices for non-point sources, and
- (c) cannot be restored or abated by physical alteration of the water body, or there is no reasonable relationship between the economic, social and environmental costs and the benefits of restoration or physical alteration.

(20) (16) "Natural 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.

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

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

(23) "Nutrient Region" shall mean a region of the state delineated in the document titled "Technical Support Document for the Establishment of Numeric Nutrient Criteria for Florida's Streams and Lakes", dated July , 2009, which is adopted by reference herein, that sets forth the technical derivation of the regional numeric nutrient criteria identified in section 62-302.535, F.A.C.

(24) (19) "Outstanding Florida Waters" shall mean waters designated by the Environmental Regulation Commission as worthy of special protection because of their natural attributes.

(25) (20) "Outstanding National Resource Waters" shall mean waters designated by the Environmental Regulation Commission that are of such exceptional recreational or ecological significance that water quality should be maintained and protected under

all circumstances, other than temporary lowering and the lowering allowed under Section 316 of the Federal Clean Water Act.

~~(26)~~ ~~(21)~~ "Pollution" shall mean the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of air or water in quantities or levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

~~(27)~~ ~~(22)~~ "Predominantly Fresh Waters" shall mean surface waters in which the chloride concentration is less than 1,500 milligrams per liter.

~~(28)~~ ~~(23)~~ "Predominantly Marine Waters" shall mean surface waters in which the chloride concentration is greater than or equal to 1,500 milligrams per liter.

~~(29)~~ ~~(24)~~ "Propagation" shall mean reproduction sufficient to maintain the species' role in its respective ecological community.

~~(30)~~ ~~(25)~~ "Secretary" shall mean the Secretary of the Department of Environmental Protection.

~~(31)~~ ~~(26)~~ "Shannon-Weaver Diversity Index" shall mean: negative summation (from $i=1$ to s) of $(n_i/N) \log_2 (n_i/N)$ where s is the number of species in a sample, N is the total number of individuals in a sample, and n_i is the total number of individuals in species i .

~~(32)~~ "South Florida Coastal Plain Ecoregion" shall mean that portion of the Florida Peninsula included within Ecoregion 76 as depicted in Griffith, G.E., Omernik, J.M, Rohm, C.W., and Pierson, S.M. 1994. Florida Regionalization Project. United States Environmental Protection Agency, National Health and Environmental Effects Laboratory, Corvallis, OR. EPA/600/Q-95/002, which is incorporated by reference herein.

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

~~(34)~~ "Stream" shall mean a free-flowing, predominantly fresh surface water in a defined channel, and includes rivers, creeks, branches, canals, freshwater sloughs, springs and spring runs, and other similar water bodies.

~~(35)~~ "Stream Condition Index (SCI)" shall mean a biological health assessment that measures stream health in predominantly fresh waters using benthic macroinvertebrates sampled via 20 sweeps of a D-frame dipnet and identification of the collected organisms to the lowest practical taxonomic level, performed and calculated using the methodologies, dated 03-31-08, in DEP-SOP-002/01 LT 7200, DEP-SOP-002/01 LQ 7400 and DEP-SOP-001/01 FS 7420, which are incorporated by reference herein. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Coastal Plain Ecoregion.

~~(36)~~ ~~(28)~~ "Surface Water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

~~(37)~~ ~~(29)~~ "Total Recoverable Metal" shall mean the concentration of metal in an unfiltered sample following treatment with hot dilute mineral acid.

~~(38)~~ ~~(30)~~ "Water quality criteria" shall mean elements of State water quality standards, expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports the present and future most beneficial uses.

~~(39)~~ ~~(31)~~ "Water quality standards" shall mean standards composed of designated present and future most beneficial uses (classification of waters), the numerical and narrative criteria applied to the specific water uses or classification, the Florida antidegradation policy, and the moderating provisions, such as Site Specific Alternative Criteria, variances, mixing zones, or exemptions, contained in this Rule and in F.A.C. Rule 62-4, adopted pursuant to Chapter 403, F.S.

~~(40)~~ ~~(32)~~ "Waters" shall be as defined in Section 403.031(13), Florida Statutes.

~~(41)~~ ~~(33)~~ "Zone of Mixing" or "Mixing Zone" shall mean a volume of surface water containing the point or area of discharge and within which an opportunity for the mixture of wastes with receiving surface waters has been afforded.

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.031, 403.061, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS. History - New 05-29-90, Amended 2-13-92, Formerly 17-302.200, Amended 1-23-95, 5-15-02, 4-2-08, - -09.

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters.

(1) All surface waters of the State have been classified according to designated uses as follows:

- CLASS I Potable Water Supplies
- CLASS II Shellfish Propagation or Harvesting
- CLASS III Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife
- CLASS IV Agricultural Water Supplies
- CLASS V Navigation, Utility and Industrial Use

(2) Classification of a water body according to a particular designated use or uses does not preclude use of the water for other purposes.

(3) The specific water quality criteria corresponding to each surface water classification are listed in Rules 62-302.500, and 62-302.530, 62-302.531, 62-302.532, 62-302.533, and 62-302.534. F.A.C.

(4) Water quality classifications are arranged in order of the degree of protection required, with Class I water having generally the most stringent water quality criteria and Class V the least. However, Class I, II, and III surface waters share water quality criteria established to protect recreation and the propagation and maintenance of a healthy, well-balanced population of fish and wildlife.

(5) Criteria applicable to a classification are designed to maintain the minimum conditions necessary to assure the suitability of water for the designated use of the classification. In addition, applicable criteria are generally adequate to maintain minimum conditions required for the designated uses of less stringently regulated classifications. Therefore, unless clearly inconsistent with the criteria applicable, the designated uses of less stringently regulated classifications shall be deemed to be included within the designated uses of more stringently regulated classifications.

(6) Any person regulated by the Department or having a substantial interest in this Chapter may seek reclassification of waters of the State by filing a petition with the Secretary in the form required by Section 120.57, F.S.

(7) A petition for reclassification shall reference and be accompanied by the information necessary to support the affirmative finding required in this Section to support the proposed reclassification.

(8) All reclassifications of waters of the State shall be adopted, after public notice and public hearing, only upon an affirmative finding by the Environmental Regulation Commission that:

(a) The proposed reclassification will establish the present and future most beneficial use of the waters; and

(b) Such a reclassification is clearly in the public interest.

(9) Reclassification of waters of the State which establishes more stringent criteria than presently established by this Chapter shall be adopted, only upon additional affirmative finding by the Environmental Regulation Commission that the proposed designated use is attainable, upon consideration of environmental, technological, social, economic, and institutional factors.

(10) The surface waters of the State of Florida are classified as Class III - Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife, except for certain waters which are described in this Rule 62-302.400(12). A water body may be designated as an Outstanding Florida Water or an Outstanding National Resource Water in addition to being classified as Class I, Class II, or Class III. A water body may also have special standards applied to it. Outstanding Florida Waters and Outstanding National Resource Waters are listed in Rule 62-302.700, F.A.C.

(11) Unless otherwise specified, the following shall apply:

(a) The landward extent of a classification shall coincide with the landward extent of waters of the state, as defined in Rule 62-340.600, F.A.C.

(b) Water quality classifications shall be interpreted to include associated water bodies such as tidal creeks, coves, bays and bayous.

(12) Exceptions to Class III:

(a) All secondary and tertiary canals wholly within agricultural areas are classified as Class IV and are not individually listed as exceptions to Class III.

"Secondary and tertiary canals" shall mean any wholly artificial canal or ditch which is behind a control structure and which is part of a water control system that is connected to the works (set forth in Section 373.086, F.S.) of a water management district created under Section 373.069, F.S., and that is permitted by such water management district pursuant to Section 373.103, Section 373.413, or Section 373.416, F.S. Agricultural areas shall generally include lands actively used solely for the production of food and fiber which are zoned for agricultural use where county zoning is in effect. Agricultural areas exclude lands which are platted and subdivided or in a transition phase to residential use;

(b) The following listed water bodies are classified as Class I, Class II, or Class V:

1. through 67. No change.

Specific Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS. History - Formerly 28-5.06, 17-3.06, Amended and Renumbered 3-1-79, Amended 1-1-83, 2-1-83, Formerly 17-3.081, Amended 4-25-93, Formerly 17-302.400, Amended 12-26-96, 8-24-00, 12-7-06, - -09.

62-302.531 Numeric Nutrient Criteria: General.

(1) Numeric nutrient criteria for certain waterbody types are established in sections 62-302.532 through 62-302.534, F.A.C.

(2) For numeric nutrient criteria established in sections 62-302.532 through 62-302.534, F.A.C., Class III waters are subdivided into different types based upon waterbody features. All Class III waterbody types are required to protect recreation and the propagation and maintenance of a healthy, well-balanced population of fish and wildlife characteristic of the type.

(3) Site Specific Nutrient Criteria: Site specific alternative criteria consist of those adopted pursuant to section 62-302.800, F.A.C., or a nitrogen or phosphorus total maximum daily load promulgated in Chapter 62-304, F.A.C., adopted as a State water quality standard and approved as a revised water quality standard pursuant to Section 1313(c) U.S.C. Upon approval, such site specific alternative criteria shall be deemed the applicable criteria for those waterbodies in lieu of the criteria identified in sections 62-302.532 – 62-302.534, F.A.C.

(4) For waterbodies not covered by sections 62-302.532 through 62-302.534, F.A.C., the narrative nutrient criteria in paragraph 62-302.530(47), F.A.C., shall continue to apply.

(5) To be assessed under this rule chapter, except for data used to establish historical chlorophyll a levels, chlorophyll a data collected after the effective date of this rule shall be determined using Department-approved methods. The selection of the Department-approved method shall be consistent with consideration of the characteristics of the assessed water body, according to the DEP document titled, "Applicability of Chlorophyll a Methods" (DEP/SAS/003/09), incorporated by reference herein. The value for chlorophyll a that is calculated by the Department-approved method shall represent chlorophyll a in the sample as corrected for or free from the interference of pheophytin.

(6) In no case shall the loading of nitrogen or phosphorus from a Class I or III waterbody cause an exceedance of water quality standards in downstream waterbodies. Best available scientific information, such as mathematical models that account for factors such as system morphology, dilution, hydrologic residence time, and assimilative capacity, shall be used to ensure that upstream concentrations do not exceed the loads necessary to attain the established downstream water quality standards.

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History – New - -09.

62-302.532 Numeric Nutrient Criteria: Streams.

The applicable criteria for Class I and III streams are expressed in the following table, unless there are site specific alternative criteria as described in section 62-302.531, F.A.C.

Geographic Area	Total Phosphorus shall not exceed an annual geometric mean concentration of:	Total Nitrogen shall not exceed an annual geometric mean concentration of:
Panhandle Nutrient Region	0.069 mg/L	0.82 mg/L
North Central Nutrient Region	0.322 mg/L	1.73 mg/L
North East Nutrient Region	0.101 mg/L	1.73 mg/L
Peninsular Nutrient Region	0.116 mg/L	1.73 mg/L
Bone Valley Nutrient Region	0.415 mg/L	1.73 mg/L
South Florida Nutrient Region	To be determined	To be determined

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History – New - -09.

62-302.533 Numeric Nutrient Criteria: Nitrate-Nitrite in Clear Streams.

In months when the median color is less than 40 platinum cobalt units, the monthly median nitrate-nitrite concentration for Class I and III streams shall not exceed 0.35 mg/L more than 10 percent of the time, unless a site specific alternative criterion has been adopted.

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History – New - -09.

62-302.534 Numeric Nutrient Criteria: Lakes.

(1) The annual geometric mean concentrations shall not exceed the following values more than once in any three calendar year period:

Long Term Average Lake Color and Alkalinity	Chlorophyll a	Total Phosphorus	Total Nitrogen

> 40 Platinum Cobalt Units	20 µg/L	0.05 mg/L	1.23 mg/L
≤ 40 Platinum Cobalt Units and > 50 mg/L CaCO ₃	20 µg/L	0.030 mg/L	1.00 mg/L
≤ 40 Platinum Cobalt Units and ≤ 50 mg/L CaCO ₃	9 µg/L	0.015 mg/L	0.85 mg/L

(2) If there are sufficient data to calculate the annual geometric mean chlorophyll *a* and the chlorophyll *a* criteria set forth in paragraph (2)(a) above are not exceeded, then the total phosphorus and total nitrogen criteria shall be the annual geometric mean values of ambient measurements, subject to the following upper and lower limits:

Long Term Average Lake Color and Alkalinity	Calculated criteria may not be lower than		AND calculated criteria may not be greater than	
	Total Phosphorus	Total Nitrogen	Total Phosphorus	Total Nitrogen
> 40 Platinum Cobalt Units	0.05 mg/L	1.23 mg/L	0.157 mg/L	2.25 mg/L
≤ 40 Platinum Cobalt Units and > 50 mg/L CaCO ₃	0.030 mg/L	1.00 mg/L	0.087 mg/L	1.81 mg/L
≤ 40 Platinum Cobalt Units and ≤ 50 mg/L CaCO ₃	0.015 mg/L	0.85 mg/L	0.043 mg/L	1.14 mg/L

Ambient geometric means shall be based on data from the year that the chlorophyll *a* value is not exceeded, with at least four total measurements and with at least one measurement taken between May and September and one measurement taken between October and April. For lakes that discharge to streams, the calculated criteria shall not be greater than the criteria applicable to those streams.

(c) For the purpose of this subsection, color shall be assessed as true color and shall be free from turbidity. Long-term average lake color shall mean a rolling average of up to 7 years based on all available lake color data. If alkalinity data are unavailable, specific conductance data shall be used, with a value of 250 micromhos/cm used to estimate the 50 mg/L CaCO₃ alkalinity threshold until such time that alkalinity data are available.

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History – New - -09.

62-302.800 Site Specific Alternative Criteria.

(1) Type I Site Specific Alternative Criteria: A water body, or portion thereof, may not meet a particular ambient water quality criterion specified for its classification, due to natural background conditions or man-induced conditions which cannot be controlled or abated. In such circumstances, and upon petition by an affected person or upon the initiation by the Department, the Secretary may establish a site specific alternative water quality criterion when an affirmative demonstration is made that an alternative criterion is more appropriate for a specified portion of waters of the state. Public notice and an opportunity for public hearing shall be provided prior to issuing any order establishing alternative criteria.

(a) The affirmative demonstration required by this section shall mean a documented showing that the proposed alternative criteria would exist due to natural background conditions or man-induced conditions which cannot be controlled or abated. Such demonstration shall be based upon relevant factors which include:

1. A description of the physical nature of the specified water body and the water pollution sources affecting the criterion to be altered.
2. A description of the historical and existing water quality of the parameter of concern including, spatial, seasonal, and diurnal variations, and other parameters or conditions which may affect it. Conditions in similar water bodies may be used for comparison.
3. A description of the historical and existing biology, including variations, which may be affected by the parameter of concern. Conditions in similar water bodies may be used for comparison.
4. A discussion of any impacts of the proposed alternative criteria on the designated use of the waters and adjoining waters.

(b) The Secretary shall specify, by order, the site specific criteria for the parameters which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.

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

(a) No later than 60 days after receipt of a petition, the Department shall review the petition and notify the petitioner of whether the petition is sufficiently complete to enable the Department to evaluate the proposed site-specific alternative criterion under subparagraph (c) below. If the petition is not sufficiently complete, the Department shall request the submittal of additional information. The Department shall review any additional information within 60 days of receipt from the applicant and may then request only that information reasonably needed to clarify or answer new questions

directly related to the additional information, unless the Department shows good cause for not having requested the information previously.

(b) Petitions deemed complete by the Department shall be processed under subparagraph (c). For any petition not deemed complete, if the petitioner believes that additional information requested by the Department under subparagraph (a) is not necessary to the Department's evaluation, the Department, at the petitioner's request, shall proceed to process the petition under subparagraph (c) below.

(c) The Department shall initiate rulemaking for the Commission to consider approval of the proposed alternative criterion as a rule if the petitioner meets all the requirements of this subparagraph and its subparts. The petitioner must demonstrate that the proposed criterion would fully maintain and protect human health, existing uses, and the level of water quality necessary to protect human health and existing and designated beneficial uses. If the petition fails to meet any of these requirements (including the required demonstration), the Department shall issue an order denying the petition. In deciding whether to initiate rulemaking or deny the petition, the Department shall evaluate the petition and other relevant information according to the following criteria and procedures:

1. The petition shall include all the information required under subparagraphs (1)(a)1.-4. above.

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

3. The demonstration shall also include a risk assessment that determines the human exposure and health risk associated with the proposed alternative criterion, except on a showing that no such assessment is relevant to the particular criterion. The risk assessment shall include all factors and follow all procedures required by generally accepted scientific principles for such an assessment, such as analysis of existing water and sediment quality, potential transformation pathways, the chemical form of the compound in question, indigenous species, bioaccumulation and bioconcentration rates, and existing and potential rates of human consumption of fish, shellfish, and water. If the results of the assessments of health risks and aquatic toxicity differ, the more stringent result shall govern.

4. The demonstration shall include information indicating that one or more assumptions used in the risk assessment on which the existing criterion is based are inappropriate at the site in question and that the proposed assumptions are more appropriate or that physical or chemical characteristics of the site alter the toxicity or bioavailability of the compound. Such a variance of assumptions, however, shall not be

a ground for a proposed alternative criterion unless the assumptions characterize a factor specific to the site, such as bioaccumulation rates, rather than a generic factor, such as the cancer potency and reference dose of the compound. Man-induced pollution that can be controlled or abated shall not be deemed a ground for a proposed alternative criterion.

5. The petition shall include all information required for the Department to complete its economic impact statement for the proposed criterion.

6. For any alternative criterion more stringent than the existing criterion, the petition shall include an analysis of the attainability of the alternative criterion.

7. No later than 180 days after receipt of a complete petition or after a petitioner requests processing of a petition not found to be complete, the Department shall notify the petitioner of its decision on the petition. The Department shall publish in the Florida Administrative Weekly either a notice of rulemaking for the proposed alternative criterion or a notice of the denial of the petition, as appropriate, within 30 days after notifying the petitioner of the decision. A denial of the petition shall become final within 14 days unless timely challenged under Section 120.57, F.S.

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

1. Biological Integrity (subsection 62-302.530(10), F.A.C.).
2. B.O.D. (subsection 62-302.530(11), F.A.C.).
3. ~~Nutrients.~~
3. 4. Odor (subsections 62-302.500(1), 62-302.530(21), 62-302.530(48), and paragraphs 62-302.530 (49)(b) and 62-302.530(52)(a), F.A.C.).
4. 5. Oils and Greases (subsection 62-302.530(49), F.A.C.).
5. 6. Radioactive Substances (subsection 62-302.530(57), F.A.C.).
6. 7. Substances in concentrations that injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, animals, or plants (subsection 62-302.530(61), F.A.C.).
7. 8. Substances, other than nutrients, in concentrations that result in the dominance of nuisance species (subsection 62-302.200(20), F.A.C.).
8. 9. Total Dissolved Gases (subsection 62-302.530(66), F.A.C.).
9. 10. Any criterion or maximum concentration based on or set forth in paragraph 62-4.244(3)(b), F.A.C.

(e) Despite any failure of the Department to meet a deadline set forth in this subsection (2), the grant of an alternative criterion shall not become effective unless approved as a rule by the Commission.

(f) Nothing in this rule shall alter the rights afforded to affected persons by Chapter 120, F.S.

(3) Type III Site Specific Alternative Criteria: Upon petition by an affected person or upon the initiation by the Department, the Department may establish site specific alternative criteria for nutrients when an affirmative demonstration is made that the proposed alternative criteria are fully protective of the designated use for a specified portion of waters of the state. Public notice and an opportunity for public hearing shall be provided prior to adopting any order establishing alternative criteria under this subsection.

(a) A Type III Site Specific Alternative Criterion shall only be established under the following conditions:

1. The petitioner demonstrates that the waterbody fully supports the designated use for aquatic life pursuant to subsection 62-302.800(4), F.A.C., at two spatially-independent stations representative of the waterbody. Biological health assessments shall be conducted in the final two years of the water quality sampling period described in paragraph 2 below and shall consist of a minimum of two assessments per station.

2. The petitioner provides sufficient data to define existing water quality, including temporal variability, such as water quality data collected at the biological monitoring stations on a bi-monthly basis over a three year period.

3. Water quality of downstream waters are attaining water quality standards pursuant to Chapter 62-303, F.A.C., related to nutrient conditions, or the nutrients delivered by this waterbody meet the allocations of a downstream TMDL.

(b) The Type III Site Specific Alternative Criterion shall be established at a level representative of nutrient concentrations that have been demonstrated to be protective of the designated use, while taking into account natural variability by using statistical methods appropriate to the data set.

(c) The Type III Site Specific Alternative Criterion shall not be issued if the Department demonstrates nonattainment of the designated use in the petitioned waters or downstream waters due to nutrient enrichment. This demonstration shall be based on scientifically-defensible evidence, including WQBELs developed pursuant to Chapter 62-650, F.A.C., or TMDLs adopted in Chapter 62-304, F.A.C.

(4) Biological health assessments are used as an indicator of designated use support of propagation and maintenance of a healthy, well-balanced population of fish and wildlife (Classes I, II, and III). Biological health assessments will be used by the Department as information to determine if a site specific alternative criterion is appropriate and that the designated use is fully protected.

(a) Full support of the designated use for propagation and maintenance of a healthy, well-balanced population of fish and wildlife is indicated when the average of the two most recent temporally independent Stream Condition Index (SCI) scores or Lake Vegetation Index (LVI) scores at the same location are 40 or above (SCI) or 46 or above (LVI).

(b) It is the Department's intent to maintain the biological health of aquatic communities where the historic maximum value, as defined in paragraph (d) below, of the SCI is above 64 or the LVI is above 78. The waterbody is not eligible for the site specific alternative criterion pursuant to paragraph (3) above if the average of the two most recent temporally independent Stream Condition Index or Lake Vegetation Index scores at the same location is 20 or more points below the historic maximum value.

(c) To qualify as temporally independent samples, each biological health assessment shall be conducted at least three months apart. Biological health assessments collected at the same location less than three months apart shall be considered to be one sample, with the mean value used to represent the sampling period.

(d) The "historic maximum value" shall be the highest mean of any three consecutive, temporally independent Stream Condition Index (SCI) scores or Lake

Vegetation Index (LVI) scores at the same location that are collected prior to the two most recent samples being considered for evaluation with this provision.

(5) (3) The Department shall modify permits of existing sources affected in a manner consistent with the Secretary's Order.

(6) (4) Additional relief from criteria established by this Chapter may be provided through exemption pursuant to **section Rule 62-4.243, F.A.C.**, or variances as provided for by **section Rule 62-110.104, F.A.C.**

(7) (5) Site specific alternative criteria apply to the water bodies, or portions of the water bodies, listed below. For dissolved oxygen site specific alternative criteria, normal daily and seasonal fluctuations above the levels listed in the table below shall be maintained.

(a) Types I, II, and III Site Specific Alternative Criteria:

Water Body and Class	Site Specific Alternative Criteria	County(s)
<p>1. (a) Marine portions of the lower St. Johns River and its tributaries) between Julington Creek and the mouth of the river. Class III.</p>	<p>Dissolved Oxygen not less than a minimum concentration of 4.0 mg/L, and a Total Fractional Exposure not greater than 1.0 over an annual evaluation period as defined by the following equation:</p> $\left(\text{Total Fractional Exposure} \right) = \frac{\text{Days between } 4.0 - < 4.2 \text{ mg/L}}{16 \text{ day Max}} + \frac{\text{Days between } 4.2 - < 4.4 \text{ mg/L}}{21 \text{ day Max}} + \frac{\text{Days between } 4.4 - < 4.6 \text{ mg/L}}{30 \text{ day Max}} + \frac{\text{Days between } 4.6 - < 4.8 \text{ mg/L}}{47 \text{ day Max}} + \frac{\text{Days between } 4.8 - < 5.0 \text{ mg/L}}{55 \text{ day Max}}$ <p>where the number of days in an interval is based on the daily average Dissolved Oxygen concentration.</p>	<p>Duval/Clay/St. Johns</p>
<p>2. (b) Discharge wetlands at the Orange County Eastern Water Reclamation Facility. Class III.</p>	<p>pH of not greater than 8.5 standard units.</p>	<p>Orange</p>

(b) Numeric Nutrient Site Specific Alternative Criteria are also established as Total Maximum Daily Loads under Chapter 62-304, F.A.C. For waterbodies that do not have both Total Phosphorus (TP) and Total Nitrogen (TN) criteria listed in the table below, the criteria for the unlisted parameter shall be the highest annual geometric

mean for the unlisted parameter during the period that the Total Maximum Daily Load was calculated.

Basin	Water Body	Site Specific Alternative Criteria
1. Lower Suwannee River Basin	a. Suwannee River (downstream of the confluence with the Withlacoochee River)	0.35 mg/L nitrate-Nitrogen as a monthly average
	b. Branford Springs	0.35 mg/L nitrate-Nitrogen as a monthly average
	c. Falmouth Springs	0.35 mg/L nitrate-Nitrogen as a monthly average
	d. Royal Springs	0.35 mg/L nitrate-Nitrogen as a monthly average
	e. Ruth Springs	0.35 mg/L nitrate-Nitrogen as a monthly average
	f. Troy Springs	0.35 mg/L nitrate-Nitrogen as a monthly average
	g. Fanning Springs	0.35 mg/L nitrate-Nitrogen as a monthly average
	h. Manatee Springs	0.35 mg/L nitrate-Nitrogen as a monthly average
	i. Lower Suwannee Estuary	0.35 mg/L nitrate-Nitrogen as a monthly average
2. Santa Fe Basin	a. Santa Fe River (below River Rise)	0.35 mg/L nitrate-Nitrogen as a monthly average
	b. Alligator Lake	42,595 pounds/year of TN 3,050 pounds/year of TP
3. Lower St. Johns River Basin	a. Lower St. Johns River (freshwater portions from Buffalo Bluff to Black Creek)	500,325 kilograms/year of TP 8,571,563 kilograms/year of TN
	b. Lower St. Johns River (marine portions from Black Creek to river mouth)	1,376,855 kilograms/year of TN
4. Ocklawaha Basin	a. Lake Apopka (including Lake Apopka Outlet and Gourd Neck Spring)	15.9 metric tons/year of TP
	b. Lake Beauclair	7,056 pounds/year of TP
	c. Lake Dora and Dora Canal	13,230 pounds/year of TP
	d. Lake Eustis and Haines Creek	20,286 pounds/year of TP
	e. Lake Griffin	26,901 pounds/year of TP
	f. Lake Harris, Little Lake Harris, and Helena Run	18,302 pounds/year of TP

	g. Lake Wauberg	2,062 pounds/year of TN 374 pounds/year of TP
	h. Lake Yale and Lake Yale Canal	2,844 pounds/year of TP
	i. Newnans Lake	85,470 pounds/year of TN 10,924 pounds/year of TP
	j. Orange Lake	15,262 pounds/year of TP
	k. Palatlkaha River	16,696 pounds/year of TN 2,207 pounds/year of TP
	l. Trout Lake	9,733 pounds/year of TN 521 pounds/year of TP
	m. Lake Carlton	195 pounds/year of TP
	n. Alachua Sink	256,322 pounds/year of TN as a long-term annual average
5. Middle St. Johns River Basin	a. Lake Jesup	247.3 tons/year of TN 19.0 tons/year of TP
	b. Crane Strand Drain	13.5 tons/year of TN
	c. Long Branch	0.74 tons/year of TP 5.20 tons/year of TN
6. Wekiva Springs Study Area	a. Wekiwa Spring	0.286 mg/L nitrate 0.065 mg/L TP
	b. Wekiva River Upstream Segment	0.286 mg/L nitrate 0.065 mg/L TP
	c. Wekiva River Downstream Segment	0.286 mg/L nitrate 0.065 mg/L TP
	d. Rock Springs	0.286 mg/L nitrate 0.065 mg/L TP
	e. Rock Springs Run	0.286 mg/L nitrate 0.065 mg/L TP
	f. Little Wekiva Canal	42,624 pounds/year of TN
	g. Spring Lake	8,551 pounds/year of TN 641 pounds/year of TP
	h. Lake Florida	8,377 pounds/year of TN 571 pounds/year of TP
	i. Lake Orienta	6,092 pounds/year of TN 451 pounds/year of TP
	j. Lake Adelaide	3,003 pounds/year of TN 228 pounds/year of TP
	k. Lake Lawne	21,692 pounds/year of TN 2,005 pounds/year of TP
	l. Silver Lake	6,241 pounds/year of TN 370 pounds/year of TP
	m. Bay Lake	1,428 pounds/year of TN 109 pounds/year of TP

7. Upper St. Johns River	a. St. Johns River above Lake Poinsett	89 tons/year of TP
	b. Lake Hell n' Blazes	44 tons/year of TP
	c. St. Johns River above Sawgrass Lake	57 tons/year of TP
8. Indian River Lagoon	a. Indian River above Max Brewer Causeway	177,220 pounds/year of TN 9,320 pounds/year of TP
	b. Indian River above NASA Causeway	173,232 pounds/year of TN 14,793 pounds/year of TP
	c. Indian River above 520 Causeway	147,524 pounds/year of TN 11,845 pounds/year of TP
	d. Indian River above Melbourne Causeway	189,068 pounds/year of TN 20,592 pounds/year of TP
	e. Indian River above Sebastian Inlet and the northern South Indian River	684,715 pounds/year of TN 111,594 pounds/year of TP
	f. Central and southern South Indian River	278,273 pounds/year of TN 53,599 pounds/year of TP
	g. Banana River above Barge Canal	115,314 pounds/year of TN 7,825 pounds/year of TP
	h. Banana River below 520 Causeway and Banana River above 520 Causeway	144,780 pounds/year of TN 12,181 pounds/year of TP
	i. Newfound Harbor	30,661 pounds/year of TN 3,247 pounds/year of TP
9. Alafia River	a. Thirty Mile Creek	3.0 mg/L of TN as a monthly average and 1.6 mg/L of TN as an annual average
10. Hillsborough River Basin	a. Lake Hunter	6,579 pounds/year of TN as an annual average 489 pounds/year of TP as an annual average
11. Peace River Basin	a. Lake Cannon	143 kilograms/year of TP
	b. Lake Howard	143 kilograms/year of TP
	c. Lake Idylwild	64 kilograms/year of TP
	d. Lake Jessie	140 kilograms/year of TP
	e. Lake Lulu	84 kilograms/year of TP
	f. Lake May	88 kilograms/year of TP
	g. Lake Mirror	55 kilograms/year of TP
	h. Lake Shipp	97 kilograms/year of TP
12. Southeast Florida District	a. Lake Okeechobee	140 metric tons of TP, using a 5-year rolling average of the monthly loads calculated from measured flow and concentration values

13. St. Lucie Basin	a. St. Lucie Estuary (Lower and Middle Estuary) WBID 3193	0.081 mg/L of TP 0.72 mg/L of TN
	b. North Fork St. Lucie River (Freshwater) WBID 3194	0.081 mg/L of TP 0.72 mg/L of TN 140,134 pounds/year of TN 15,765 pounds/year of TP
	c. North Fork St. Lucie River (Estuarine North Fork) WBID 3194B	0.081 mg/L of TP 0.72 mg/L of TN 103,174 pounds/year of TN 11,672 pounds/year of TP
	d. C-24 Canal WBID 3197	0.081 mg/L of TP 0.72 mg/L of TN 348,957 pounds/year of TN 39,258 pounds/year of TP
	e. C-23 Canal WBID 3200	0.081 mg/L of TP 0.72 mg/L of TN 242,202 pounds/year of TN 27,248 pounds/year of TP
	f. South Fork St. Lucie Estuary WBID 3210	0.081 mg/L of TP 0.72 mg/L of TN 24,463 pounds/year of TN 2,752 pounds/year of TP
	g. South Fork St. Lucie River WBID 3210A	0.081 mg/L of TP 0.72 mg/L of TN 90,471 pounds/year of TN 10,178 pounds/year of TP
	h. Bessey Creek WBID 3211	0.081 mg/L of TP 0.72 mg/L of TN 29,981 pounds/year of TN 3,373 pounds/year of TP
	i. C-44 Canal WBID 3218	0.081 mg/L of TP 0.72 mg/L of TN 242,929 pounds/year of TN 27,330 pounds/year of TP
14. Pompano Canal	a. Pompano Canal	11,590.98 pounds/year of TN 923.66 pounds/year of TP
15. Everglades West Coast Basin	a. Hendry Creek	0.6 mg/L of TN as an annual median
	b. Imperial River	0.74 mg/L of TN as an annual median
	c. Gordon River Extension	0.74 mg/L of TN as an annual median

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.201, 403.502 FS. History—Formerly 17-3.05(4), Amended 3-1-79, 10-2-80, 2-1-83, Formerly

17-3.031, Amended 6-17-92, Formerly 17-302.800, Amended 5-15-02, 1-9-06, 6-28-06,
12-7-06, 8-5-07, - -09.

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