October 4, 2002

Mr. David Struhs, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399

Ms. Christine Whitman, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Mr. Jimmy Palmer, Region 4 Administrator
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Dear Secretary Struhs, Ms. Whitman and Mr. Palmer:

The 61 organizations listed below offer the following comments in response to the final 303(d) list that the Florida Department of Environmental Protection submitted to the U.S. Environmental Protection Agency on October 1, 2002. According to the submittal letter that accompanied the 303(d) list, Florida plans to revise the list again and amend the public notice regarding the final 303(d) list. This letter reflects the list that was submitted to EPA on October 1, 2002.

As you are aware, proposed Rule 62-303 is being appealed by several organizations which represent thousands of Florida citizens. This appeal is based on widespread belief that proposed administrative rule 62-303 does not comply with Florida Statute 403.067. Florida Statute 403.067 directed DEP to adopt a methodology for identifying impaired waters as required by s. 303(d) of the Clean Water Act.

In addition, the U. S. Environmental Protection Agency (EPA) has been served a 60-day notice letter that a complaint will be filed in federal court by several Florida organizations for failure to perform a nondiscretionary duty with respect to the State of Florida, required by section 303(c), 33 U.S.C. §1313(c). In particular, this notice letter alleges that EPA has failed to perform its nondiscretionary duty to determine if Rule 62-303 is consistent with the Clean Water Act.

Unfortunately, Florida's 2002 303(d) list is a confirmation of the allegations above. Some specific examples which demonstrate why we believe this list cannot satisfy the requirements of section 303(d) of the Clean Water Act and chapter 403.067, F.S. are listed below.

1) Application of the Impaired Waters Rule (IWR) to water quality data for Florida waters causes the delisting of impaired waters or no initial listing of impaired waters which do not meet Florida water quality standards due to what DEP has unilaterally determined to be natural conditions. EPA has concluded that a determination of the natural condition of a water must be contained in a state's water quality standards. However, the IWR, section 62-303.200(8) establishes a definition of "natural background" that means "the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department." This improperly allows DEP to create a site-specific water quality standard without complying with mandates of section 303(c) of the Clean Water Act. Some examples of Group 1 waters that DEP has failed to list on the 2002 list or delisted from the 1998 303(d) list based on purported natural conditions are:

Horn Spring – St. Marks basin
Econfina River for dissolved oxygen
Manatee Spring – Lower Suwannee
Hart Springs – Lower Suwannee
Fanning Springs – Lower Suwannee
Ruth Spring – Middle Suwannee
Troy Spring – Middle Suwannee
Royal Spring – Middle Suwannee
Convict Spring – Middle Suwannee
Telford Spring – Middle Suwannee
Falmouth Spring – Middle Suwannee
Little River Springs – Middle Suwannee
Lafayette Blue Spring - Middle Suwannee
Ichetucknee River – Santa Fe
Poe Spring – Santa Fe
Blue Spring – Santa Fe
Hornsby Spring – Santa Fe
Deep Creek – Upper Suwannee

Furthermore, the Department's delisting or not listing of impaired waters because they are purportedly naturally impaired is not based on science or common sense. For instance many of our lakes and streams have low dissolved oxygen because of groundwater and surface water withdrawals, which is a man-induced lowering of dissolved oxygen.

2) Application of the Impaired Waters Rule (IWR) to water quality data for Florida waters causes the delisting of impaired waters or no initial listing of impaired waters due to what DEP determines to be an insufficient number of times that water quality standards were violated for a particular pollutant. Florida's water quality standards set criteria for aquatic life, primary contact and recreation, fish and shellfish consumption, and drinking water uses that are "not to be exceeded at any time" (62-302.530). However, the IWR adds a statistical method known as

"binomial distribution" that raises the number of exceedances that are required before a water is classified as impaired. The use of "binomial distribution" has been rejected by other states and by other EPA Regions. For example, Virginia and EPA Region III recently abandoned the use of binomial distribution for Virginia's 2002 section 303(d) List. Listed below are 162 examples of Group 1 impaired waters that were either listed on Florida's 1998 303(d) list that are being delisted on the 2002 list for various pollutants or were listed on the original 2002 303(d) list and are already slated for removal because of the application of binomial methodology which contradicts the standards enunciated in 62-302.530:

Econfina River - Suwannee Basin (DO, Tcoli, Fcoli, Cadmium)
Rocky Creek – Suwannee Basin – Fenholloway (Turbidity, Coliforms)
Fenholloway River at Mouth - Suwannee Basin (Fcoli, Nutrients, Un-ionized NH3, Dioxin)
Fenholloway River below pulp mill - Suwannee Basin (Nutrients, Mercury - Fish, TSS)
Fenholloway River above pulp mill - Suwannee Basin (DO, Nutrients)
Allen Mill Pond - Suwannee Basin (DO, Nutrients)
Lower Suwannee River (DO, Nutrients)
New River - Suwannee Basin (DO, Fcoli, Tcoli, Nutrients)
Alligator Lake - Suwannee Basin (Tcoli, Fcoli)
Five Mile Creek - Suwannee Basin (DO, Fcoli, Tcoli, Nutrients)
Rocky Creek - Suwannee Basin – Santa Fe River (DO, Fcoli, Tcoli, Nutrients, BOD)
Ichetucknee Head Spring - Suwannee Basin (Nutrients, DO)
Lake Rowell - Suwannee Basin (Nutrients)
Santa Fe River 3605A - Suwannee Basin (DO, Mercury-Fish)
Santa Fe River 3605B - Suwannee Basin (DO, Nutrients)
Santa Fe River 3605C - Suwannee Basin (Nutrients)
Altho Drainage - Suwannee Basin (Mercury-Fish, DO)
Hampton Lake - Suwannee Basin (DO)
Bevins (Boggy) Creek - Suwannee Basin (Tcoli, Fcoli, DO, BOD)
Steinhatchee River - Suwannee Basin (DO)
Upper Suwannee River (Nutrients)
Swift Creek - Suwannee Basin (Nutrients, TSS)
Deep Creek - Suwannee Basin (Tcoli, Fcoli, DO, Nutrients)
Roaring Creek - Suwannee Basin (Turbidity, DO, Nutrients, TSS)
Camp Branch - Suwannee Basin (DO, Nutrients, Tcoli, Fcoli)
Falling Creek - Suwannee Basin (Fcoli, Tcoli, Nutrients)
Lake Jeffrey Outlet - Suwannee Basin (Biology)
Little Waccasassa River – Suwannee Basin (DO)
Horsehole Creek - Suwannee Basin (DO)
Withlacochee River - Suwannee Basin (Mercury-Fish, DO, Nutrients, Turbidity)
Jumping Gully Creek – Suwannee Basin (DO, Nutrients, Turbidity)
Lake Iamonia Outlet – St. Marks/Ochlocknee River (Nutrients, Tcoli, Fcoli)
Harbinwood Estates – St. Marks/Ochlocknee River (Nutrients, Turbidity, TSS, BOD)
Megginnes Arm Run – St. Marks/Ochlocknee River (Nutrients, Turbidity, TSS, BOD)
Lake Lafayette Drain – St. Marks/Ochlocknee River (Nutrients, Turbidity)
Ward Creek – St. Marks/Ochlocknee River (DO, Tcoli, Fcoli)

Lake Miccosukee - St. Marks/Ochlocknee River (Mercury-Fish)
Munson (Ames Sink) – St. Marks/Ochlocknee River (Nutrients)
Munson Slough (above Lake) - St. Marks/Ochlocknee River (Tcoli, Fcoli, Nutrients, Turbidity)
Godby Ditch - St. Marks/Ochlocknee River (Nutrients, Turbidity, TSS, BOD)
St. Augustine Branch - St. Marks/Ochlocknee River (Nutrients, Turbidity, TSS, BOD, Tcoli, Fcoli)
Lake Bradford – St. Marks/Ochlocknee River (DO)
East Drainage Ditch – St. Marks/Ochlocknee River (Nutrients, Turbidity, TSS, BOD, Tcoli, Fcoli)
Ochlocknee River (North) - St. Marks/Ochlocknee River (DO, Mercury-Fish, Fcoli, Nutrients, Turbidity)
Little River - St. Marks/Ochlocknee River (Fcoli, Nutrients, Turbidity, TSS)
Swamp Creek – St. Marks/Ochlocknee River (Tcoli, Fcoli, Nutrients, Turbidity, TSS)
Black Creek – St. Marks/Ochlocknee River (Tcoli, Fcoli)
Ochlocknee River (South) – St. Marks/Ochlocknee River (Mercury-Fish, DO, Fcoli, Nutrients, Turbidity)
St. Marks River (South) - St. Marks/Ochlocknee River (Tcoli, Fcoli, DO)
St. Marks River – St. Marks/Ochlocknee River (DO)
Juniper Creek – St. Marks/Ochlocknee River (Tcoli, Fcoli, Nutrients, Turbidity)
Mule Creek – St. Marks/Ochlocknee River (Turbidity)
Calm Lake – Old Tampa Bay (Nutrients)
Brooker Creek – Old Tampa Bay (DO, Tcoli, Fcoli, Nutrients)
Brushy Creek – Old Tampa Bay (DO, Tcoli, Fcoli)
Rocky Creek – Old Tampa Bay (Tcoli, Fcoli, TSS)
Double Branch – Old Tampa Bay (Nutrients, Fcoli)
Sweetwater Creek – Old Tampa Bay (Fcoli)
Cow Branch – Old Tampa Bay (Un-ionized NH3)
Moccasin Creek – Old Tampa Bay (Fcoli, Tcoli, DO)
Sixmile Creek - Hillsborough Bay (Nutrients, Fcoli, Tcoli, Turbidity, BOD)
Tampa Bypass Canal – Hillsborough Bay (Nutrients)
Palm River - Hillsborough Bay (Fcoli, Tcoli)
Lake Tarpon Canal – Old Tampa Bay (DO, Nutrients, Fcoli, Tcoli)
Tampa Bay Upper – Middle Tampa Bay (Fcoli, Tcoli)
Hillsborough Bay Lower – Hillsborough Bay (DO)
Hillsborough Bay Upper – Hillsborough Bay (Nutrients, DO)
Old Tampa Bay Lower – Old Tampa Bay (Nutrients)
Channel G – Old Tampa Bay (Nutrients, Fcoli, Tcoli)
Bishop Creek – Old Tampa Bay (DO, Nutrients)
Alligator Creek – Old Tampa Bay (Fcoli, Tcoli, DO, Nutrients)
Alligator Lake – Old Tampa Bay (Fcoli, Tcoli)
Mullet Creek – Old Tampa Bay (DO, Nutrients)
Bellows Lake Outlet – Old Tampa Bay (Fcoli, Tcoli, Nutrients, DO)
Ybor City Drain – Hillsborough Bay (Nutrients, BOD, COD, TSS)
Direct Runoff to Bay – Old Tampa Bay 1593 (DO)
Uceta Yard Drain – Hillsborough Bay (Nutrients)

Direct Runoff to Bay – Old Tampa Bay 1601 (Coliforms, DO, Nutrients)
Direct Runoff to Bay – Old Tampa Bay 1603 (Nutrients, BOD, COD, TSS)
Allen Creek – Old Tampa Bay (DO, Fcoli, Tcoli)
Delaney Creek – Hillsborough Bay (Nutrients, Turbidity, BOD)
Direct Runoff to Bay – Hillsborough Bay 1609 (Colliforms, DO, Nutrients)
Direct Runoff to Bay – Old Tampa Bay 1624 (Nutrients, Unionized Ammonia)
Cross Canal North – Old Tampa Bay (Tcoli, Nutrients)
Long Branch – Old Tampa Bay (Nutrients)
Black Point Channel – Hillsborough Bay (Nutrients)
Snug Harbor – Old Tampa Bay (DO)
Bullfrog Creek Estuary– Hillsborough Bay (Nutrients, Fcoli)
Smacks Bayou – Middle Tampa Bay (DO, Nutrients, Tcoli)
Coffee Pot Bayou – Middle Tampa Bay (DO, Nutrients, Tcoli)
Big Bayou – Basin W – Middle Tampa Bay (Nutrients, Tcoli, Fcoli, DO)
Cockroach Bay – Middle Tampa Bay (Nutrients)
Bishops Harbor – Lower Tampa Bay (Nutrients)
Estero Bay Wetlands – Estero Bay (Nutrients)
Hendry Creek – Estero Bay (Nutrients)
Estero River - Estero Bay (Nutrients)
Imperial River - Estero Bay (DO, Nutrients)
Spring Creek - Estero Bay (DO, Nutrients)
Estero Bay (Nutrients)
Tamiami Canal – Inner Drainage Area (DO, Mercury-Fish, Cadmium, Copper)
L-28 Interceptor – Inner Drainage Area (DO, Nutrients, Mercury-Fish)
L-28 Gap – Inner Drainage Area (DO)
Cocohatchee River – SW Coast (BOD, Coliforms)
Gordon River – SW Coast (DO, BOD, Coliforms, Nutrients)
Naples Bay – SW Coast (Nutrients)
Blackwater River - SW Coast (DO, BOD)
Lake Trafford - SW Coast (DO, Mercury)
ENP Shark Slough – Everglades West Coast (DO, Iron, Mercury-Fish, Nutrients)
ENP L-67 Culvert US41 – Everglades West Coast (DO, Iron)
ENP Taylor Slough – Everglades West Coast (DO, Iron)
Apopka Marsh – Lake Apopka (DO, Nutrients, Turbidity, Un-ionized NH3)
Gourd Neck Spring – Lake Apopka (Nutrients)
Lake Yale Canal – Lake Griffin (DO, Unionized NH3, Lead)
Noncontributing Area – Lake Griffin (Nutrients, Turbidity, DO)
Irrigated Farm – Lake Griffin (Nutrients, Turbidity, DO)
Ocklawaha River – Sunnyhill (Nutrients, Turbidity, TSS, BOD, Coliforms)
Haynes Creek Reach – Lake Griffin (Coliforms, Turbidity, TSS, BOD)
Lake Unity – Lake Griffin (Nutrients)
Trout Lake Outlet – Lake Harris (Nutrients)
Lake Dora Outlet – Lake Harris Unit (Nutrients, Un-ionized NH3, Silver)
Lake Dora – Lake Harris Unit (Lead)
Helena Run – Lake Harris Unit (Nutrients, Turbidity, TSS, DO, Un-ionized NH3)
Lake Carlton Outlet – Lake Harris Unit (DO, Un-ionized NH3)

Lake Eustis – Lake Harris Unit (Lead)
Lake Beauclair Outlet – Lake Harris Unit (Nutrients, Un-ionized NH3)
Lake Apopka Outlet – Lake Harris Unit (Turbidity, TSS, Un-ionized NH3, BOD)
Lake Harris (Lead, Selenium, Un-ionized NH3)
Little Lake Harris (DO, Un-ionized NH3)
Blue Springs – Lake Harris Unit (Nutrients, Cadmium, DO)
Holiday Springs – Lake Harris Unit (Nutrients, DO)
Silver River – Marshall Swamp Unit (Nutrients, Turbidity, BOD)
Ocklawaha River above Daisy – Marshall Swamp Unit (Fcoli, Turbidity, Mercury - Fish)
Hatchett Creek – Orange Creek (Coliforms, Nutrients, DO, COD)
Hogtown Creek – Orange Creek (Tcoli, Nutrients)
Newnans Lake – Orange Creek (Un-ionized NH3)
Sweetwater Branch – Orange Creek (Tcoli, Nutrients, DO, Un-ionized NH3)
Kanapaha Lake – Orange Creek (Nutrients)
Lake Alice – Orange Creek (Nutrients)
Alachua Sink Outlet – Orange Creek (Nutrients)
Lochloosa Lake – Orange Creek (DO, Un-ionized NH3)
Orange Creek (Tcoli, Fcoli, Nutrients, Iron)
Orange Lake Reach – Orange Creek (DO, Un-ionized NH3, Lead)
Cross Creek – Orange Creek (TSS, BOD)
Tumbling Creek – Orange Creek (Nutrients, DO, BOD)
Palatkaha Lake – Palatkaha River (DO)
Daisy Creek – Rodman Reservor (DO, Nutrients, Turbidity, Fcoli, Iron)
Ocklawaha River above the St. Johns (DO, Mercury - Fish)
Ocklawaha River above Lake Ocklawaha (Coliforms, Silver, Lead, Camium, Selenium, Mercury - Fish)
Chandler Hammock Slough – Lake O Basin (DO, Turbidity)
Lake Okeechobee 3212A (Chloride, Nutrients, DO,)
Lake Okeechobee 3212B (Coliforms, Nutrients)
Lake Okeechobee 3212C (DO)
Lake Okeechobee 3212D (DO, Un-ionized NH3, Iron, Nutrients)
Lake Okeechobee 3212E (Iron, Nutrients)
Lake Okeechobee 3212F (DO, Un-ionized NH3, Iron, Nutrients)
Lake Okeechobee 3212I (Nutrients)
Nubbin Slough – Lake O Basin (Coliforms)
Mosquito Creek - Lake O Basin (DO, Coliforms)
Lettuce Creek - Lake O Basin (DO)
Henry Creek - Lake O Basin (DO, Fcoli)
Myrtle Slough - Lake O Basin (DO, Fcoli)
Taylor Creek - Lake O Basin (DO, Turbidity)

Additionally, below is a quote from the comments you have received from Kathy Cantwell of Gainesville regarding fish tissue data for mercury contamination which is being excluded by the Impaired Waters Rule and which we now incorporate into our comments as well:

"As I told you at the hearing July 23, 2002, we were disappointed that there is no mention of the problem with increased levels of mercury in fish, specifically bass, in the Suwannee Basin. You told me at that time that you were not using any data greater than 7.5 years and had no data that was more current, therefore you were disregarding mercury as a problem. Besides, you said, there is no regulatory procedure to regulate the air deposition of mercury through TMDL's. When I asked you why you were disregarding data greater than 7.5 years you alluded to the fact that there was data showing decreasing mercury levels in fish in the Everglades. I agreed with you that there was evidence mercury levels, the highest in the state, had decreased in the Everglades somewhat. But, as I also told you, Ted Lange of the Department of Fish and Wildlife Conservation in Eustis, Fl., has been doing sampling on the Suwannee for more than the past ten years and his data showed no decrease. You said you were not aware of the data and therefore I am enclosing it. He sampled the entire Suwannee River in 1992 and has continued to sample 20 bass per year from Fowler's Bluff on the Suwannee. He has also just recently completed a sampling of the entire Suwannee again, jointly doing this with United States Geological Survey and the results of that should be available within a matter of days. They have over 500 fish samples being studied. He was surprised that you were not aware of his data, as he has submitted it to the TMDL working group.

We believe that his data shows no decrease in mercury in the bass in the Suwannee. We believe that mercury should be a factor in setting TMDL's in the Suwannee Basin and can be done as an air shed problem. A very expeditious way of doing this would be to declare the Suwannee Basin a PSD Class 1 air permitting area with special restrictions on mercury. The Secretary of DEP can declare this or the Governor from information I have received from EPA. We believe that this should be done as quickly as possible, especially as Anderson-Columbia cement plant (permitted to release 97 lbs. of mercury/year) has not followed its agreement with DEP to monitor air quality before the plant opens. The Governor and Secretary Struhs both have said they are delaying issuing the permit because of their non-compliance. This should give DEP sufficient time to implement these restrictions. The plant can decrease the amount of mercury it releases by using low sulfur coal and/or washing the coal before using it or using natural gas for their energy source."

3) Application of the Impaired Waters Rule (IWR) to water quality data for Florida waters causes the delisting of impaired waters or no initial listing of impaired waters due to data being excluded from consideration. This includes, but is not limited to, data that is the result of: advisories, warnings and closures of swimming areas based on red tides, sewage spills, medical wastes, (62-303.360(3), data more than five years old (7½ years for mercury), outliers, permit violations, water quality violations within mixing zones, contaminant spills, and discharges due to upsets or bypasses from permitted facilities. Chapter 62-302 states that Florida's water quality standards set criteria for all uses that are "not to be exceeded at any time." Furthermore, federal law requires that all existing and readily available data be considered when determining the impairment of a water body.

4) Application of the Impaired Waters Rule (IWR) to water quality data for Florida waters causes the delisting of impaired waters or no initial listing of impaired waters due to the IWR's increased requirement for toxicity data (62-303.340 and 62-303.440). Florida's water quality standards set criteria for all uses that are "not to be exceeded at any time." This raising of the

number of exceedances of toxic pollutants that are required before a water is classified as impaired is contrary to Florida water quality standards (62-302).

5)) Application of the Impaired Waters Rule (IWR) to water quality data for Florida waters causes the delisting of impaired waters or no initial listing of impaired waters due to the IWR's requirement that a water body segment fail two biological assessments and other requirements that go beyond requirements in 62-302.530(11) which sets water quality standards for biological criteria. An example of delisting for this requirement is:

Lake Jeffrey Outlet - Suwannee Basin

6) Application of the Impaired Waters Rule (IWR) to water quality data for Florida waters causes the delisting of impaired waters or no initial listing of impaired waters with nutrient impairment and therefore is inconsistent with Florida water quality standards which state that, "in no case shall nutrient concentration of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora and fauna." 62-302.530(48)(b). Some of the Group 1 waters that are not listed for nutrients on the 2002 303(d) list because they failed the IWR's requirements for nutrient impairment are:

Fenholloway River – at the mouth
Fenholloway River – below the pulp mill
Fenholloway River – above the pulp mill
Everglades - West Coast – Imperial River
Everglades – West Coast – Estero River
Everglades – West Coast – Spring Creek
Everglades – West Coast – Hendry Creek
Little River – Ochlockonee River
Monkey Creek – Ochlockonee River
Ochlockonee River – Ochlockonee River
Megginnis Arm Run- Ochlockonee River
Harbinwood Estates DN – Ochlockonee River
Juniper Creek – Ochlockonee River
Swamp Creek – Ochlockonee River
Lake Iamonia – Ochlockonee River
Oklawaha River – Extension Ditch
Oklawaha River – Gourd Neck Spring
Oklawaha River – Apopka Marsh
Oklawaha River – Blue Springs
Oklawaha River - Holiday Springs
Oklawaha River – Helena Run
Oklawaha River – Dead River
Oklawaha River – Noncontributing Area
Oklawaha River – Irrigated Farm
Oklawaha River – Daisy Creek
Oklawaha River – Sunnyhill
Oklawaha River – Lake Alice

Oklawaha River – Kanapaha Lake
Oklawaha River – Tumbling Creek
Oklawaha River – Sweetwater Branch
Oklawaha River – Hogtown Creek
Oklawaha River – Hatchett Creek
Ichetucknee Spring – Santa Fe River
New River – Santa Fe River
Southeast Florida Coast – L-28 Interceptor

Additionally, below is a quote from the comments you have received from Kathy Cantwell of Gainesville regarding nutrient impairment which we now incorporate into our comments as well:

"Another aspect of the draft list we would like to comment on is nitrate concentrations in water to determine impairment. DEP has decided to ignore increasing nitrate levels and use algal mats, or chlorophyll a as indicators of nutrient impairment. As a result, none of the springs in the basin are listed as impaired due to increased nutrients. Indeed, the only springs listed are listed for decreased dissolved oxygen, and in the comment section of that listing the department has stated "probably a natural condition" and have them listed as an EPA class 3c, which will essentially absolve them from any TMDL restrictions."

"This is similar to having a doctor know a patient has increased cholesterol, smokes, is obese, has chest pain and has a family history of heart disease and yet does nothing to try to save the patient until he has a heart attack, many times when it is too late."

"According to DEP's own reports, Florida Springs, a report of the Florida Springs Task Force, the natural background nitrate level for Florida Springs should be .01-. 02 mg/l. According to the report, when springs reach levels exceeding 1mg/l the spring becomes severely impacted with the ecology of the spring changing dramatically, possibly irreversibly. In the Suwannee Basin, according to Suwannee River Water Management Data from 2000 there are over 80 springs with nitrate levels greater than 1mg/l and almost all have levels greater than .01-.02/mg/l. . . . Almost half the springs have nitrate level's greater than 1 mg/L and indeed 3 springs have values greater than 10mg/L, unsafe for human consumption. Yet the department has not even listed these three as impaired… For example, Horsnsby Springs in Alachua County had a nitrate value of .28mg/L in 1976, now it is 1.07, Ginnie Springs had a nitrate level of .62 in 1974, now it is 1.29, Guaranto Spring in Dixie County had a value of .14 mg/L in 1972, now it is 1.8 mg/L, Sun Spring had a nitrate value of .54mg/L in 1972, now it is 1.79 and so on."

"We believe a much more meaningful determination of nutrient excess in a water body is the level of nitrates found, especially in springs. We also believe that chlorophyll a is not a very good indicator of excess nutrients in dark water rivers like the Suwannee and Santa Fe as there is insufficient light to produce chlorophyll a. We recommend you determine TMDL's for nitrates in the Suwannee Basin."

Florida's 2002 303(d) list further violates the Clean Water Act by not including all waters on the 1998 303(d) list which are outside of the Group 1 waters. The Clean Water Act and the 1992 TMDL rule state that all waters that are impaired or threatened by pollutants are to be listed by

the state on the 303(d) list. The federal rule further states that all existing and readily available water quality-related data and information must be considered in developing the list. Florida had sufficient data to include these waters on it's 1998 list and therefore these waters should not be left off of the 2002 303(d) list for Florida.

The 2002 list relegates to a medium priority status Outstanding Florida Waters (OFW) and totally ignores the OFW existing ambient water quality protection requirement.

Apparently DEP has made a determination that most impaired waters in the Suwannee River basin will not be included on the list for nutrient impairment due to the Department's consideration of rule 62-303.600(2) which allows impaired waters to not be listed if the water, ". . . is expected to attain water quality standards in the future and is expected to make reasonable progress towards attainment of water quality standards by the time the next 303(d) list is scheduled to be submitted to EPA. . ." We object to the delisting or failing to list for the first time, any waters in the state that will not be expected to attain their designated uses and compliance with water quality standards by the next listing cycle, as required by federal law.

Sincerely,

Linda L. Young
Southeast Regional Director
Florida Clean Water Network
Tallahassee, FL

1. Alliance to Protect Water Resources, Inc.
Nancy Fullerton
Clermont, FL

2. Apalachee Ecological Conservancy, Inc. (APECO)
Roy DuVerger
Panacea, FL

3. Apalachicola Bay & Riverkeeper
David Mclain
Eastpoint, FL

4. Around the Bend Nature Tours
Karen Fraley
Bradenton, FL

5. Audubon of St. Johns
Roger Van Ghent
St. Augustine, FL

6. Bay County Audubon Society
Candis Harbison
Panama City, FL

7. Bayou Texar Foundation
Blair Stephenson
Pensacola, FL

8. Beach to Bay Connection, Inc.
Celeste Cobena
Santa Rosa Beach, FL

9. Caloosahatchee River Citizens Association, Inc. ("Riverwatch")
Mike Buff
Ft. Myers, FL

10. Caribbean Conservation Corporation
Gary Appelson
Gainesville, FL

11. Chipola River Economic and Environmental Council (CREEC)
Chad Taylor
Marianna, FL

12. Conservation Alliance of St. Lucie County
Bob Bangert
Ft. Pierce, FL

13. Earthjustice
David Guest
Tallahassee, FL

14. Emerald Coast Parrothead Club
Rick Ricketts
Destin, FL

15. Environmental Defense Fund
Ken Lindeman
Miami, FL

16. Escambia County Citizens Coalition
Betty Thompson
Pensacola, FL

17. Florida Chapter Sierra Club
John S. Glenn
Fernandina Beach, FL

18. Florida Federation of Garden Clubs
Marion Hilliard
Orange Park, FL

19. Florida League of Conservation Voters
Nancy Brown
Tallahassee, FL

20. Florida PIRG
Mark Ferrulo
Tallahassee, FL

21. Florida Wildlife Federation
Manley Fuller
Tallahassee, FL

22. Four Rivers Audubon
Frank Sedmera
Lake City, FL

23. Friends of Perdido Bay
James Lane
Pensacola, FL

24. Friends of Silver River
Teresa L. Weaver
Silver Springs, FL

25. Friends of St. Sebastian River
Tim Glover
Sebastian, FL

26. Friends of the Everglades
David Reiner
Miami, FL

27. Friends of Fenholloway
Joy Towles Ezell
Perry, FL

28. Friends of Lake Iamonia
Sue Herring
Tallahassee, FL

29. Friends of the River, Inc.
Philip Compton
Tampa, FL

30. Friends of the St. Mary's River
Winifred Stephenson
Fernandina Beach, FL

31. Friends of Wekiva, Inc.
Jim Lee
Orlando, FL

32. Growth-restraint and Environmental Organization (GEO)
Dan Lobeck
Sarasota, FL

33. Gulf Coast Environmental Defense
Enid Sisskin
Gulf Breeze, FL

34. Help Our Polluted Environment (HOPE)
Joy Towles Ezell
Perry, FL

35. Lake County Fly Fishers Association
Rick Gonzalez
Mount Dora, FL

36. Legal Environmental Assistance Foundation, Inc. (LEAF)
David Ludder
Tallahassee, FL

37. Lemon Bay Conservancy
Perry Cook
Englewood, FL

38. ManaSota-88
Glenn Compton
Sarasota, FL

39. Marine Resources Council
Jim Egan
Rockledge, FL

40. Marion County Audubon Society
Jeri Baldwin
Orange Springs, FL

41. Mount Dora Friends of the Environment
Andrea Burr Yatsuk
Mount Dora, FL

42. Munson Area Preservation, Inc.
Margaret Fogg
Tallahassee, FL

43. Outdoor Adventures
Howard Solomon
Jacksonville, FL

44. Pensacola Gulf Coastkeepers, Inc.
Carol Moore
Pensacola, FL

45. Putnam County Environmental Council
Timothy Keyser
Interlachen, FL

46. Saint Andrews Bay Resource Management Association
Bill Wallace
Panama City, FL

47. Santa Rosa Sound Coalition
Frances Dunham
Gulf Breeze, FL

48. Save Our Sabine
Dan Green
Gulf Breeze, FL

49. Save Our Suwannee, Inc.
Svenn Lindskold
Bell, FL

50. Save the Homosassa River Alliance
Jim Bitter
Homosassa, FL

51. Save the Manatee Club
Judith Vallee
Maitland, FL

52. SAVE the St. Johns River, Inc.
Leroy Wright
Cocoa, FL

53. Smart Growth Coalition of North Central Florida
Margy Bielling
Ocala, FL

54. Save Our Bays, Air, and Canals (SOBAC)
BJ Lower
Apollo Beach, FL

55. South Walton Turtle Watch
Sharon Maxwell
Freeport, FL

56. St. Lucie Audubon Society
Harold Phillips
Port St. Lucie, FL

57. St. Lucie Waterfront Council, Inc.
Delores Hogan Johnson
Fort Pierce, FL

58. Steinhatchee River Association
David Curtis
Steinhatchee, FL

59. Stewards of the St. Johns River, Inc.
Carol Matthews
Jacksonville, FL

60. Suwannee Audubon
George Griffin
Old Towne, FL

61. Tropical Audubon
Cynthia Guerra
Miami, FL

After we sent the letter in to the DEP and the EPA on October 4, these additional groups signed on:

62. Choctawhatchee Audubon Society
Lydia Dougherty
Ft. Walton Beach, FL

63. Florida Native Plant Society
Cynthia Plockelman
Vero Beach, FL

64. Florida Trail Association, Inc.
Kent Wimmer
Gainesville, FL

65. League of Women Voters of Florida
Kathleen Slebodnik
Tallahassee, FL

66. Peace River Audubon
Cathy Olson
Punta Gorda, FL