



**South Florida Water Management District  
Regulatory Peer Review Forum  
December 7, 2012  
Richard Rogers Conference Room  
9:00 am – 11:00 am**

**Summary**

**Attendees:**

Brad Purcell – SJRWMD  
Laurent Van Cott  
John Yeend  
Fred Roth  
Dana Gillette  
Steve Sarley  
Chris Marsh  
Irene Quincy  
Ken Roundtree – NPBCID  
Susan Martin – SFWMD

Anita Bain – SFWMD  
Ken Todd - PBC  
Craig Kidwell  
Joanne Keller  
Gerald Ward  
Kyle Grandusky  
Paul Whalen  
Stan Orlowski - SFWMD  
Mike Walker  
Patrick Martin - LWDD

**1. Opening Remarks – Anita Bain**

Anita began the meeting with an overview of the Statewide ERP Rule and entertained questions from the group.

- The time frame for implementation has been pushed back for DEP review
- Volume I – will contain fee information; the fees will remain the same but the categories will be different
  - DEP will have all of the administrative rules in one place for all water management districts
- Volume II – addresses water quality and quantity
- A webinar workshop for the Statewide ERP will be broadcast December 12, 2012; Anita will send the link to the group

- Topics will include the re-inspection program for new permits and the statewide revised certification form.
- Irene Quincy expressed concern with turnover, recertification, additional regulatory burden, statewide conformance, and cost. After construction is completed, the HOA doesn't know how to handle these issues. Irene suggested that the District revise the Conversion/Transfer Permit cover letter
- The DEP rulemaking website/statewide ERP link contains all of the information on this topic. [Click here to visit the website.](#)

## **2. Discussion of Emergency Structure Operation Policy**

- Ken Todd – opened a discussion of the District Operating Structure policy; specifically the flooding that occurred at the Palm Beach Plantation community from tropical storm Isaac (a zero discharge basin) where there is no storage outfall. He suggested adequate mandatory outflow provisions be required for all new construction in zero outflow basin areas
- Concerns about responsibility for the operation, possible damage and maintenance for the structures and under what circumstances
- Ken asked everyone to think about this issue and would like to have it on the agenda for the next meeting in March

## **3. Next meeting date/other topics/adjournment**

- Gerry Ward – Addressed Florida water quality standards; introduced two documents (attached) referencing the FDEP statement on the EPA's decision on State's numeric nutrient criteria and the EPA's summary statement
- He asked everyone to stay aware of this issue in the coming weeks and months



- Brad Purcell from the St. John's River Water Management District (SJRWMD ) attended this meeting to observe; their regulation division is considering creating a Peer Review Forum based on this one. He was impressed with the interaction and productivity of the group.
- The meeting was adjourned at 10:30 am EDT

\*The next meeting will be held on March 1, 2013 at 9:00 am in the Richard Rogers conference room.



## 2012 Recreational Water Quality Criteria

### Summary

EPA has released its 2012 recreational water quality criteria (RWQC) recommendations for protecting human health in all coastal and non-coastal waters designated for primary contact recreation use. EPA provides two sets of recommended criteria. Primary contact recreation is protected if either set of criteria recommendations are adopted into state water quality standards.

These recommendations are intended as guidance to states, territories and authorized tribes in developing water quality standards to protect swimmers from exposure to water that contains organisms that indicate the presence of fecal contamination.

### Background

EPA last issued ambient water quality criteria recommendations for recreational waters in 1986. EPA issues such recommendations under the authority of the Clean Water Act (CWA). Amendments to the CWA by the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 direct EPA to conduct studies associated with pathogens and human health, and to publish new or revised criteria recommendations for pathogens and pathogen indicators based on those studies. These 2012 RWQC meet those requirements.

The 2012 RWQC rely on the latest research and science, including studies that show a link between illness and fecal contamination in recreational waters. They are based on the use of two bacterial indicators of fecal contamination, *E. coli* and enterococci. The new criteria are designed to protect primary contact recreation, including swimming, bathing, surfing, water skiing, tubing, water play by children, and similar water contact activities where a high degree of bodily contact with the water, immersion and ingestion are likely.

### What are the recommendations?

The 2012 RWQC offer two sets of numeric concentration thresholds, either of which would protect the designated use of primary contact recreation and, therefore, would protect the public from exposure to harmful levels of pathogens. Illness rates upon which these recommendations are based use the National Epidemiological and Environmental Assessment of Recreational Water (NEEAR) definition of gastrointestinal illness, which is not limited to illnesses which exhibit a fever.

The RWQC consist of three components: magnitude, duration and frequency. The magnitude of the bacterial indicators are described by both a geometric mean (GM) and a statistical threshold value (STV) for the bacteria samples. The STV approximates the 90th percentile of the water quality distribution and is intended to be a value that should not be exceeded by more than 10 percent of the samples taken. The table summarizes the magnitude component of the recommendations. All three components are explained in more detail in the sections below.

CRITERIA ELEMENTS	Recommendation 1 Estimated Illness Rate 38/1,000		Recommendation 2 Estimated Illness Rate 32/1,000	
	GM (cfu/100 mL)	STV (cfu/100 mL)	GM (cfu/100 mL)	STV (cfu/100 mL)
Enterococci (marine & fresh)	35	130	30	110
<i>E. coli</i> (fresh)	126	410	100	320

Water quality criteria recommendations are intended as guidance in establishing new or revised water quality standards. They are not regulations themselves. States and authorized tribes have the discretion to adopt, where appropriate, other scientifically defensible water quality criteria that differ from EPA's recommended criteria.

### RECOMMENDATION 1: MAGNITUDE

**Enterococci:** Culturable enterococci at a

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geometric mean (GM) of 35 colony forming units (CFU per 100 milliliters (mL) and a statistical threshold value (STV) of 130 cfu per 100 mL, measured using *EPA Method 1600*, or any other equivalent method that measures culturable enterococci.

**E. coli:** Culturable *E. coli* at a GM of 126 cfu per 100 mL and an STV of 410 cfu per 100 mL measured using *EPA Method 1603*, or any other approved method that measures culturable *E. coli*.

#### RECOMMENDATION 2: MAGNITUDE

**Enterococci:** Culturable enterococci at a GM of 30 cfu per 100 mL and an STV of 110 cfu per 100 mL, measured using *EPA Method 1600*, or any other approved method that measures culturable enterococci.

**E. coli:** Culturable *E. coli* at a GM of 100 cfu per 100 mL and an STV of 320 cfu per 100 mL measured using *EPA Method 1603*, or any other approved method that measures culturable *E. coli*.

#### FOR BOTH RECOMMENDATIONS

**Duration and Frequency:** The waterbody GM should not be greater than the selected GM magnitude in any 30-day interval. There should not be greater than a ten percent excursion frequency of the selected STV magnitude in the same 30-day interval.

#### How are these criteria different from the 1986 criteria?

**Similar Protection for Fresh and Marine Waters:** The EPA used an analysis of NEEAR water quality data to refine the illness rate estimate for the recommended marine criterion for enterococci. The 2012 RWQC values now protect public health similarly in both marine and fresh waters.

**A New Measurement Value:** EPA is introducing a new term, Statistical Threshold Value (STV), to be used in conjunction with the recommended GM value.

**New Early Alert Tool:** In addition to recommending criteria values, EPA is now also

providing states with Beach Action Values (BAVs) for use in notification programs. The BAV is provided for states to use as a precautionary tool to provide an early alert to beachgoers, including families with children.

**A Single Level of Beach Use:** The 1986 bacteria criteria document included four single sample maximum (SSM) values appropriate for different levels of beach usage (use intensities). In the 2012 RWQC, EPA removed those recommendations and instead provided states with optional, precautionary BAVs for use in monitoring and notification programs.

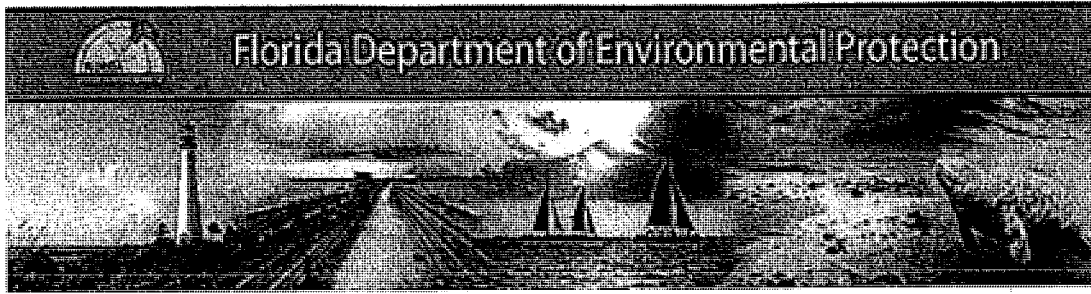
**More Tools for Assessing and Managing Recreational Waters:** EPA is providing information on tools for evaluating and managing recreational waters, such as predictive modeling and sanitary surveys. The Agency is also providing tools for developing site-specific criteria such as epidemiological studies, quantitative microbial risk assessment, and use of alternative indicators or methods. The EPA has developed and validated a molecular testing method using quantitative polymerase chain reaction (qPCR) as a rapid analytical technique for the detection of enterococci in recreational water (EPA Method 1611). For the purposes of beach monitoring, a state may use a qPCR method on a site-specific basis.

#### Where can I find more information?

EPA has put the 2012 RWQC document, support documents, and the Federal Register Notice, in the docket (Docket identification No. EPA-HQ-OW-2011-0466) which can be accessed via EPA's website at <http://water.epa.gov/scitech/swguidance/standards/criteria/health/recreation/index.cfm>.

You can also contact Sharon Nappier at [nappier.sharon@epa.gov](mailto:nappier.sharon@epa.gov) or (202)566-0740, or contact Tracy Bone at [bone.tracy@epa.gov](mailto:bone.tracy@epa.gov) or (202) 564-5257 for more information.

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**FOR IMMEDIATE RELEASE: Nov. 30, 2012**

**CONTACT: DEP Press Office, 850.245.2112, [DEPNews@dep.state.fl.us](mailto:DEPNews@dep.state.fl.us)**

## **STATEMENT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING EPA'S DECISION ON STATE'S NUMERIC NUTRIENT CRITERIA**

The Florida Department of Environmental Protection is pleased with today's decision by the U.S. Environmental Protection Agency approving the State's numeric nutrient criteria. The result will be cleaner water.

EPA's decision confirms the efforts of hard working scientists at DEP. EPA's decision is also supported by Judge Cantor who, after fully reviewing the science and criteria, upheld DEP's rules entirely.

DEP and EPA are working diligently to complete the job statewide, returning the focus to restoration rather than litigation.

While EPA has approved the State's criteria, we are disappointed about EPA's decision to issue new proposed federal rules. We will work with them to craft solutions that will allow the State to assume all nutrient criteria rulemaking in Florida.

Florida knows its waters best and we remain committed on the path to a state-lead solution, which is the best answer for Florida.

### **About the Florida Department of Environmental Protection**

The Florida Department of Environmental Protection is the state's principal environmental agency, created to protect, conserve and manage Florida's environment and natural resources. DEP enforces federal and state environmental laws, protects Florida's air and water quality, cleans up pollution, regulates solid waste management, promotes pollution prevention and acquires environmentally-sensitive lands for preservation. The agency also maintains a statewide system of parks, trails and aquatic preserves. To view DEP's Web site log on to [www.dep.state.fl.us](http://www.dep.state.fl.us).

<http://content.govdelivery.com/bulletins/gd/FLDEP-5fb47a>