



October 21, 2004

Mr. Daryll Joyner, Program Administrator
Total Maximum Daily Load Program
Florida Department of Environmental Protection
Mail Station 3510
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Joyner:

I am writing to provide public comment on behalf of the Southwest Florida Watershed Council regarding the Group 3 Basin, Caloosahatchee River Draft Verified list of Impaired Waters.

As of this date there appear to be no verified impairments for the S-4 Basin. This is of concern because the S-4 Basin has very intensive agricultural land use. Apparently, previous attempts to divert water from the S-4 Basin to Lake Okeechobee have resulted in litigation due to the polluted condition of runoff from this basin. Much of this runoff now is diverted into the C-43 or Caloosahatchee River from the C-21 Canal and S-235.

A review of phosphorus loading from the S-4 Basin indicates that it is a significant contributor of this pollutant. Compared to the East Caloosahatchee Basin (200,993 acres), the S-4 Basin is significantly smaller in area (39,673 acres) but has 687 times more phosphorus runoff (Lake Okeechobee Protection Plan, August 2003, SFWMD, FDEP, FDACS). The S-4 Basin reputedly does not contribute runoff to the Caloosahatchee River when the Lake Stage is below the Lake Regulation Schedule. However, the Lake frequently exceeds the 15.5 foot stage level (or above regulation schedule) where discharge to the Caloosahatchee River can and does occur.

Any meaningful attempts to remedy nutrient pollution in the Caloosahatchee River and associated estuary through TMDL development cannot realistically occur if runoff from the S-4 Basin is not considered. We strongly urge you and your staff to consider working with the SFWMD to further review water quality data in the S-4 Basin for potential inclusion of these data and conditions (e.g. imbalance of flora and fauna, exotic weed proliferation and control etc.) that may lead to verified impairments within the Basin and ultimately to the Caloosahatchee River and Estuary.

We are also concerned about issues related to pesticides in the Caloosahatchee River, including pesticides that are impacting water quality in Class I waters used for drinking water. We understand that The Conservancy of Southwest Florida reviewed the data pertaining to pesticides used to create the draft verified list. Like The Conservancy, we have questions about how the pesticide data were evaluated under the Impaired Waters Rule

The mission of the Southwest Florida Watershed Council is to protect, conserve, manage and/or restore the land and water resources of the Caloosahatchee and Big Cypress Watersheds. Through increased awareness, participation and cooperation among all stakeholders in consensus building, planning and decision making, we are working to meet the economic, natural and cultural needs for this and succeeding generations.

and the Florida Water Quality Standards and we are concerned that the data set did not include all the available data regarding pesticides in the Caloosahatchee. Although the draft verified list for the Caloosahatchee lists the segment of the river used for drinking water as impaired for malathion, the data relied on by DEP and the additional data identified by the Conservancy indicate that several other pesticides are present in the Caloosahatchee, including the portion of the river used for drinking water (Water Body Identification Number (WBID) 3235A). These include the possible human carcinogens atrazine, bromacil, metolachlor, norflurazon and simazine, as well as pesticides highly toxic to fish, diazinon and ethoprop. Many of the pesticides detected do not have numeric water quality criteria, but as discussed below, some of them are present at levels that are considered chronically toxic under Florida Water Quality Standards. For all of those that do not have numeric water quality criteria, their presence in significant levels in waters used for drinking water should be evaluated under the narrative standard of 62-302.530(62) F.A.C.

Available pesticide monitoring data for the Caloosahatchee indicate that two pesticides were present in levels that exceed the narrative water quality standards for acute or chronic toxicity to aquatic organisms: Ethoprop and Diazinon. In addition to these compounds that are toxic to aquatic organisms, we believe there should be an evaluation of the five possible human carcinogens under the narrative standard in 62-302.530(62) F.A.C., which states “substances in concentrations which injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, plants or animals” should not be present. If DEP did not evaluate the pesticides under narrative standards, how were they or how will they be evaluated? In addition, did DEP evaluate the pesticides for Toxicity Data? If so, how?

To summarize our concerns and questions, we ask that you work with the South Florida Water Management District to further review water quality data and runoff issues in the S-4 Basin and that you share with us information about how pesticide data was evaluated under the Impaired Waters Rule, Florida Water Quality Standards and the Florida Administrative Code. Thank you for your attention to the concerns we are raising. We look forward to hearing from you.

Sincerely,

Susan Brookman

Susan Brookman
Chairman

Copies: Ms. Karen Bickford, Florida Department of Environmental Protection
Mr. Pat Fricano, Florida Department of Environmental Protection
Mr. John Albion, Lee Board of County Commissioners
Mr. Robert Giesler, Glades Board of County Commissioners
Mr. W.T. 'Bill' Maddox, Jr., Hendry Board of County Commissioners
Mr. Bob Howard, South Florida Water Management District
Mr. Gary Davis, Conservancy of Southwest Florida

