



Board of County Commissioners
Public Works Department
1801 27th Street, Building A
Vero Beach, Florida 32960-3388
Telephone: (772) 226-1379

December 4, 2020

Ted Saltos, Ph.D.
Environmental Consultant
Division of Environmental Assessment and Restoration
Florida Department of Environmental Protection
Theodore.Saltos@floridaDEP.gov

Via Email

Subject: Comments on Draft Indian River Lagoon Basin, Central Indian River Lagoon Basin Management Action Plan November 2020 Update

Dr. Saltos,

Indian River County (IRC) appreciates the opportunity provided to the County by the Florida Department of Environmental Protection (FDEP) to review and provide feedback on the November 2020 Draft version of the Central Indian River Lagoon (CIRL) Basin Management Action Plan (BMAP). Please note that our comments are limited due to the short comment period provided by FDEP, which released the 191 page document on November 16, 2020 and provided a comment due date of December 4, 2020, a relatively short period of time that encompassed the Thanksgiving holiday. The dedicated staff of Indian River County was nevertheless able to perform a cursory review of the document and has provided comments and suggested edits utilizing track changes in the Microsoft Word document as requested. It is unfortunate that FDEP is moving this document forward, despite the significant issues, at an unnecessary unrealistic pace. A longer review time is needed for such a significant policy setting document that creates the potential for tremendous expenditures of taxpayer dollars.

As previously stated in several communications to FDEP, Indian River County remains in strong disagreement with FDEP's flawed allocation and reduction data utilizing the SWIL model with respect to the County's Total Nitrogen and Total Phosphorus allocations and reductions towards the Total Maximum Daily Load (TMDL) estimation for the Central Indian River Lagoon. What remains unchanged is the County's willingness and demonstrated performance to design, construct and operate innovative nutrient reduction projects that ultimately benefit the Indian River Lagoon. The County remains committed to environmental stewardship, but requests that the CIRL BMAP accurately portray the obligations of all stakeholders in the CIRL.

IRC has inserted comments and edits throughout the document. We are highlighting a few of our comments in this cover letter, but request that FDEP also review the accompanying Word document for many more important additional edits/comments.

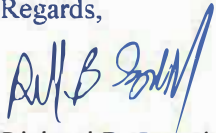
- The maps and other graphical images used throughout the document do not do justice to the efforts FDEP has put into this document or allow the stakeholders the opportunity to properly and/or effectively interpret the results/data. IRC recommends that several of the document's images/maps/charts be revised to improve clarity of those important items.

- It is understood that the PLSM model was used for the initial TMDL values and was the basis for determining the required percent reductions in order to meet that TMDL. However, the SWIL model is being used to determine allocations and reductions for the stakeholders now. There appears to be a disconnect between the two models and their outputs. How can there be any correlation between relating one model's output to the other model's output which would keep the statutorily adopted percent reductions meaningful? A more thorough explanation of the similarities and differences in data and methodology between the two models should be provided, as well as clarity on how each model's results were used.
- Review of the November 2020 draft document yielded data for the County that differed from the data the County had previously been presented in the Revised Allocations August 2020 document. We were not made aware of any work FDEP was undertaking that would result in changes beyond the revised allocation summary pages that were presented, and we request justification and the calculation methodology behind the increase in our allocations and reductions.
- The County had previously questioned why the loadings from Natural Lands were burdened on the entity where the lands resided, and why there was a difference between the recently issued St. Lucie Estuary BMAP (January 2020) and the approach being used for the CIRL for Natural Lands. This question arises again after the review of this draft document, which seems to include *identical* wording in this draft document and the St. Lucie Estuary BMAP document, yet Natural Lands remain an item that is treated differently between the two BMAPs?
- To tie in with the above comment, why are Natural Lands being treated differently even within this one document? In one instance, loadings from Natural Lands is identified as a source that contributes TN and TP to the Lagoon, yet in the same document, "Eventually, water that does not percolate back into the soil flows east to the Lateral D. This does not increase the nutrient load in the runoff. The natural, undeveloped land acts as a filter for any runoff that makes its way east to Lateral D."
- An approach at Reasonable Assurance verification is identified for Wastewater Treatment Plants to demonstrate that they are not causing or contributing to an exceedance of the TMDL. Yet other contributing groups are allowed to use an approach of presumed compliance to cover the same requirement. How is this considered an acceptable approach?
- The document identifies agricultural land as the largest single contributor of Total Nitrogen and Total Phosphorus in the Lagoon watershed. Yet, agricultural producers are assumed to be fully compliant if they install BMPs. How can this policy be justified, especially with no or little field verification of the alleged BMPs' real world effectiveness?
- The document contains numerous discrepancies between tables in values presented. Consistency should be maintained throughout the document.
- As acknowledged by FDEP, these on-going efforts may result in changes to the allocations and reductions put forth in this draft document. IRC requests that FDEP clearly acknowledge the fluidity of the document and information contained therein, with a statement indicating that revisions to the document are expected as reliable information becomes available and used in model runs.

IRC appreciates FDEP's willingness to seek comments on this draft document and looks forward to continuing to work with FDEP on the CIRL BMAP, model verifications/calibrations as well as other items that have previously been discussed with the Department under separate submittals. However, we are opposed to the Indian River Lagoon Basin, Central Indian River Lagoon Basin Management Action Plan moving forward in its current state.

Please contact Eric Charest at echarest@ircgov.com if you have any questions on the comments made on the November 2020 Draft version of the Central Indian River Lagoon (CIRL) Basin Management Action Plan.

Regards,



Richard B. Szyrka, P.E.
Public Works Director

Attachment: IRC Comments on Draft CIRL BMAP via e-mail

Cc: Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Vincent Burke, P.E., Utilities Director
Keith McCully, P.E., Stormwater Engineer
Eric Charest, Natural Resources Manager