FLORIDA DEPARTMENT OF
Environmental Protection

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Shawn Hamilton
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Denisse Diaz, Director
Water Division
U.S. Environmental Protection
Agency Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960

June 23, 2023

Dear Ms. Diaz:

Florida's statewide total maximum daily load (TMDL) for mercury applies to all fresh and marine waters in the state. The Florida Department of Environmental Protection (department) Division of Environmental Assessment and Restoration (division) adopted the TMDL in June 2013. The TMDL sets a statewide wasteload allocation of 23 kilograms per year (kg/yr) for total mercury for all industrial and domestic wastewater sources holding National Pollutant Discharge Elimination System (NPDES) permits in Florida, other than most municipal separate storm sewer system (MS4) permits. The statewide mercury TMDL assumes that most of the mercury impacting Florida waterbodies comes from uniform, diffuse atmospheric deposition. At the time of TMDL development, the division, with significant assistance from contractors, universities, and the department's Division of Air Resource Management, performed atmospheric dispersion and deposition modeling to confirm this assumption.

The statewide TMDL applies to "all fresh and marine waters in Florida" as per Rule 62-304.900, Florida Administrative Code (F.A.C.). At the time of TMDL adoption, the department had verified a specific list of 1,132 fresh and marine waters as impaired for mercury (in fish tissue) through implementing the Impaired Waters Rule (IWR, Rule Chapter 62-303, F.A.C.). The EPA formally approved the TMDL for this list of 1,132 waters. The department performed additional analyses in July 2017, and on November 29, 2017, EPA approved the addition of 25 WBIDs to the list of specific waters addressed by the statewide mercury TMDL because the waters were verified as impaired for mercury (in fish tissue).

On March 9, 2022, the department submitted 367 waterbodies as additions to the mercury TMDL that were verified as impaired for mercury (in fish tissue) as part of the Group 1, Cycle 3 to Group 2, Cycle 4 basin assessments. On June 30, 2022, EPA amended the statewide mercury TMDL by formally approving the

addition of these 367 waterbodies under the previously approved mercury TMDLs.

The purpose of this letter is to further amend the statewide mercury TMDL by requesting the addition of 35 WBIDs that were included in the department's secretarial order adoption on July 11, 2022, as part of the 2020-2022 Biennial Assessment, which used data up to June 30, 2020 to determine impairment. When the division confirms new mercury impairments through the biennial assessment, the statewide mercury TMDL also applies and the waters are listed in assessment category 4a (TMDL Complete) if the main assumptions used in the development of the statewide TMDL remain applicable. To make this determination, the division reviews air and wastewater permits to identify whether any new point sources of mercury could be impacting a specific waterbody. If there are no nearby, discrete point sources of mercury, then the assumption about a uniform, diffuse source of mercury is confirmed, and the water can be included under the statewide TMDL. If there is a new, nearby point source, then additional study is warranted to determine whether the statewide mercury TMDL can apply or whether a site-specific mercury TMDL needs to be developed.

Division of Air Resource Management permitting staff provided information on new or expanded point sources of mercury air emissions since September 2021, which included the 35 WBIDs included as part of the 2020-2022 Biennial Assessment. These additions include WBIDs that now have sufficient data to confirm impairment, were identified as ommissions from the previous basin assessments, and if the waterbody type changed or was resegmented based on new information. The update concluded that, since TMDL adoption through September 2021, (1) no existing air point sources had increased their permitted mercury air emissions, and (2) all point sources of mercury air emissions had been included in the TMDL atmospheric deposition modeling conducted. Since 2021, no existing point sources of air emissions have had modifications to increase their permitted mercury emission rates.

Additionally, in the March 2022 update, there was one new permitted source of mercury air emissions, identified as Nucor Steel, Inc., which commenced operation in January 2021, in Frostproof, Florida. The facility is within 10 km of one mercury (in fish tissue) impaired waterbody, Lake Lotela (WBID 1813B). The department has ongoing coordination with the Florida Fish and Wildlife Conservation Commission (FWC) to collect additional fish tissue data from Lake Lotela to determine if the lake is still impaired for mercury. FWC is scheduled to collect 36 samples and 4 species in the current 2022-2023 scope of work. To date, fish tissue results are not available at this time. The department will provide additional follow up for the next biennial assessment and mercury TMDL update.

The department requests that EPA approve the following waters listed in **Table 1** as additions to the list of specific waters addressed by the statewide mercury TMDL for which the above demonstration shows that the assumptions of the TMDL still hold. The department will add the WBIDs listed in **Table 1** to Appendix B of the Mercury TMDL for the State of Florida upon EPA's approval of this action. Additionally, we request that EPA approve placing the waterbodies listed in **Table 1** in assessment category 4a.

If you have any comments or questions about our analysis and requested action, please contact me at (850) 245-8469.

Sincerely,

Kevin J. O'Donnell

Kevin O'Donnell
Program Administrator
Water Quality Evaluation and TMDL Program

Cc: Kim Shugar, DEP
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**Table 1. List of additional Florida Waterbodies verified as impaired for mercury (in fish tissue).** The list included WBIDS from the 2020-2022 Biennial Assessment adopted on July 11, 2022.

**Note: Conditions Causing the New Listing:**

Waterbody Type Change – new information or water quality data were used to more accurately assess the waterbody.

WBID Resegmentation – new information or water quality data were used to more accurately redraw the WBID boundaries, which resulted in new WBIDs being created.

Meets Data Sufficiency – new information or water quality data were available to assess the waterbody.

Omission – waterbodies that were omitted at the time of the basin assessment were identified.

| Secretarial Order Adoption Date | Basin Name | WBID | Waterbody Name | Waterbody Type | Waterbody Class | Conditions Causing the New Listing |
|---|---|---|---|---|---|---|
| 7/11/2022 | Apalachicola - Chipola | 1034 | New River | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Apalachicola - Chipola | 1034B | New River | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Apalachicola - Chipola | 1236B | Whiskey George Creek (Shellfish Portion) | Estuary | 2 | Omission |
| 7/11/2022 | Apalachicola - Chipola | 1275B | East River (Shellfish Portion) | Estuary | 2 | Omission |
| 7/11/2022 | Apalachicola - Chipola | 1280 | Dog Island | Estuary | 2 | Meets Data Sufficiency |
| 7/11/2022 | Apalachicola - Chipola | 1285 | Direct Runoff to Bay | Estuary | 2 | Meets Data Sufficiency |
| 7/11/2022 | Apalachicola - Chipola | 1287 | Direct Runoff to Bay | Estuary | 2 | Waterbody Type Change |
| 7/11/2022 | Apalachicola - Chipola | 1295 | Direct Runoff to Bay | Estuary | 2 | Waterbody Type Change |
| 7/11/2022 | Apalachicola - Chipola | 749 | Juniper Creek | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Choctawhatchee - St. Andrew | 120 | Unnamed Branch | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Choctawhatchee - St. Andrew | 792 | Bear Branch | Stream | 1 | Meets Data Sufficiency |
| 7/11/2022 | Choctawhatchee - St. Andrew | 1111 | Sandy Creek | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Choctawhatchee - St. Andrew | 1056B | Bayou George Creek | Stream | 1 | WBID Resegmentation |
| 7/11/2022 | Choctawhatchee - St. Andrew | 1131A | Posten Bayou | Estuary | 2 | WBID Resegmentation |
| 7/11/2022 | Choctawhatchee - St. Andrew | 1131B | Direct Runoff to Bay | Estuary | 3M | WBID Resegmentation |
| 7/11/2022 | Choctawhatchee - St. Andrew | 1131C | Johnson Bayou | Estuary | 2 | WBID Resegmentation |
| 7/11/2022 | Middle St Johns | 3001B | Little Econlockhatchee River above Michael's Reservoir | Stream | 3F | WBID Resegmentation |

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| 7/11/2022 | Nassau - St. Marys | 2153 | Alligator Creek | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Nassau - St. Marys | 2124B | Escambia Slough | Estuary | 3M | WBID Resegmentation |
| 7/11/2022 | Pensacola | 18 | Big Coldwater Creek | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Pensacola | 19 | Big Juniper Creek | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Pensacola | 229 | Alligator Creek | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Pensacola | 380 | Burnt Grocery Creek | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Pensacola | 160A | Shoal River | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Pensacola | 160B | Shoal River | Stream | 3F | Meets Data Sufficiency |
| 7/11/2022 | Pensacola | 701C | East Bay River (Marine Portion) | Estuary | 2 | WBID Resegmentation |
| 7/11/2022 | Perdido | 697A | Crescent Lake | Lake | 3F | Meets Data Sufficiency |
| 7/11/2022 | Sarasota Bay - Peace - Myakka | 1613B | Lake Gordon | Lake | 3F | Meets Data Sufficiency |
| 7/11/2022 | Sarasota Bay - Peace - Myakka | 1622 | Lake Garfield | Lake | 3F | Meets Data Sufficiency |
| 7/11/2022 | Springs Coast | 1391 | Hunters Lake | Lake | 3F | Meets Data Sufficiency |
| 7/11/2022 | Springs Coast | 1701B | Bear Creek (Tidal Portion) | Estuary | 3M | WBID Resegmentation |
| 7/11/2022 | Upper East Coast | 2664 | Reed Canal | Estuary | 3M | Meets Data Sufficiency |
| 7/11/2022 | Withlacoochee | 1329W | Bystre Lake | Lake | 3F | Meets Data Sufficiency |
| 7/11/2022 | Withlacoochee | 1340A | Davis Lake | Lake | 3F | Meets Data Sufficiency |
| 7/11/2022 | Withlacoochee | 1381 | Little Withlacoochee | Stream | 3F | Meets Data Sufficiency |