Date: October 31, 2025

To: Eric Simpson, Florida Department of Environmental Protection,
Division of Environmental Assessment and Restoration

From: Calusa Waterkeeper, Inc.

Topic: Public comments on the Revised Draft FIB TMDLs for impaired waters in the Everglades West Coast Basin (https://floridadep.gov/sites/default/files/BacteriaTMDLReport_EWCBasin_Draft_Oct2025_0.pdf)

Sent via email

Calusa Waterkeeper appreciates the opportunity to participate in the necessary FIB TMDL process for the Everglades West Coast Basin. We are providing public comment in the context of the waterbodies within our work area, which include the tributaries of Estero Bay in Lee County; classified as Outstanding Florida Waters which discharge into the state's first established Aquatic Preserve.

Our organization, staff and volunteers have long advocated for the implementation of bacteria TMDLs to protect and restore these waters, however the plan as currently drafted raises several critical questions and concerns. These concerns center around the absence of any timeline, deadlines or enforcement details for asserting compliance to the proposed assessment methods and allowable loads. Essentially, as a proposed TMDL without any corresponding BMAP, it is unclear how enforcement will be executed.

Page 2 of the draft document states, *"The TMDL allocations are expressed as daily and monthly allowable loads for each source category, and the TMDL is achieved when waterbodies consistently meet the specified FIB criterion."*

- To this we ask, how will "consistently" be defined by FDEP?

Based on discussions during the workshop, compliance with the TMDL is apparently determined through the associated NPDES MS4 permitting, but no explanation was made as to how FDEP would specifically determine compliance.

Having an MS4 permit in effect does not necessarily mean that pollutant loads or concentrations will be reduced. Lee County waterbodies identified in the proposed Pilot TMDL are covered by Bonita Springs and Lee County MS4 Phase I permits, yet longstanding FIB concentrations in these Florida Outstanding Waters remain as impaired.

- How will the proposed TMDL require a decrease of current FIB levels to the respective water quality thresholds for *E. coli* and enterococci?

Our concern is that the proposed TMDL will not have a duration endpoint as required for an implementing BMAP, and as such, attainment of the water quality criteria for *E. coli* and enterococci will prove unlikely if left to the associated stakeholders.

Furthermore, MS4 permits only require reduction of the pollutant to the "maximum extent practicable," which is a different requirement compared to a BMAP in Florida, where attainment is required within 20 years and is enforceable. The reality is that MS4 permits do not adequately account for urban growth rates and have not prevented water quality impairment of receiving waterbodies throughout the state.

To better understand the implications of this Pilot TMDL, we have the following questions:

- What actions would be required of an MS4 permittee if a Bacteria Pollution Control Plan (BPCP) has not already been determined or adopted as part of their MS4 permit?
- Would an MS4 permittee that discharges to a FIB-impaired waterbody identified in the TMDL draft now be required to monitor FIB concentrations from within their MS4 permit boundary to determine FIB loading from the MS4 SWMP to the receiving water?
- Would the subsequent FIB monitoring information be required as part of the MS4 permittee's annual report?

Other, more specific comments on the Draft TMDL document include:

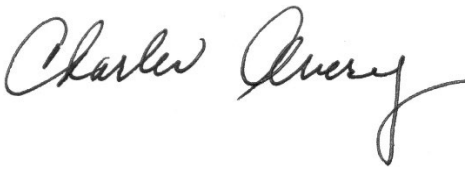
- It may be helpful to all stakeholders if some real-world examples of the formulas and suggested data sources could be included in the document. Note that at least one municipal stakeholder who spoke in the 10/14 meeting seemed to be unaware of where their loading data would be derived from. We find this alarming.
- Placing the tables of detailed waterbody analysis in the Appendix and categorizing it as "Supporting Information" implies the target concentrations necessary from each stakeholder will not be enforced by this plan. How exactly will DEAR and the MS4 Divisions of FDEP collaborate to implement this TMDL and confirm compliance?

- In section 5.3.1 (Page 32) of the draft document, what does the sentence, *"DEP does not allow mixing zones for bacteria."* specifically mean? Should that read that you don't allow stakeholders to use bacteria monitoring data obtained from mixing zones? Since this is the only place mixing zones are mentioned in the document, we'd suggest citing the relevant definitions/criteria that stakeholders must meet to obtain and submit compliant monitoring data.

This TMDL should include numeric Wasteload Allocations (WLA) to individual stormwater permittees, i.e. MS4 operators. Instead of setting a WLA "for NPDES Stormwater" broadly, assign the same WLA to "each NPDES Stormwater Permittee (MS4 Permittee)" such that it applies individually to each operator and can more easily be incorporated into BMAPs and into permits, and can be much more easily measured and verified by permittees (See Tables EX-1 and 5.1 in the draft document).

Because this draft TMDL for the Everglades West Coast Basin is intended to be used as a pilot or template for other FIB TMDLs in the state, we urge the Department to consider these points before proceeding with a final order. It should be imperative to tie clear compliance and enforcement measures to this TMDL assessment process to achieve the intended FIB loading reductions and ultimately the restoration of these impaired waterbodies.

Thank you for consideration and we look forward to a response to these questions and comments,



Charles Avery,
Board President
Calusa Waterkeeper, Inc.