

Caloosa Belle

Will DEP downgrade river?

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By Patty Brant

A plan by the Florida Department of Environmental Protection to reclassify use specifications of all "man-altered" state waters is creating waves in many grassroots organizations dedicated to making Florida's waters clean and safe. The Department of Environmental Protection (DEP) is currently reviewing its designated uses and water classification system to determine if revisions are needed.

Vice President of Riverwatch (Caloosahatchee River Citizens Association) Margaret England has doubts about the plan. "As a Hendry County citizen I have concerns about the DEP's plan for lowering the classification for the man-altered Caloosahatchee," she said. "The man-altered C-43 is the direct link between Lake Okeechobee and the Lee County sections of the Caloosahatchee which would have the higher Class I classifications. I feel that the DEP needs to reevaluate their proposal to reclassify the man-altered Caloosahatchee. I have concerns about the impact that the DEP's proposed lowering of water quality standards in the Hendry and Glades sections of the Caloosahatchee could have on quality of life for humans, fish and wildlife in our area."

Ms. England and other environmentally-conscious residents fear the proposed new use would pave the way for further degradation of Florida's waters by reducing water quality standards.

The new regulations would affect the Caloosahatchee River - a body of water that is already suffering from pollution.

With the designation of being the seventh most polluted river in the entire country, the Caloosahatchee River (C-43 Canal) is already stressed.

According to its Web site, currently, the DEP classifies Florida waters this way:

Class I - Potable Water Supplies

Fourteen general areas throughout the state including: impoundments and associated tributaries, certain lakes, rivers, or portions of rivers, used as a drinking water supply.

Class II - Shellfish Propagation or Harvesting

Generally coastal waters where shellfish harvesting occurs.

Class III - Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife

The surface waters of the state are Class III unless described in rule 62-302.400 F.A.C.

Class IV - Agricultural Water Supplies

Generally located in agriculture areas around Lake Okeechobee.

Class V - Navigation, Utility and Industrial Use.

At this time, there are no designated Class V bodies of water. The DEP Web site provides answers to some standard questions, including:

What are surface water quality standards?

Standards are scientifically established thresholds for contaminants and ecological conditions to assure that public health and aquatic are protected. Florida's surface water quality standards include a classification system of designated or beneficial uses to be protected-like drinking water supply, shellfish harvesting, swimming and recreation, aquatic habitat for fish and wildlife, or agricultural supply-limits on pollutants, and mechanisms to implement these requirements. The standards are contained in rule 62-302, Florida Administrative Code (F.A.C.).

Why refine them now?

DEP is responsible under federal law for reviewing the state's surface water quality standards every three years. Associated with this routine review, DEP has performed a comprehensive evaluation of designated uses and water body classifications and determined that refinements would improve protection of public health and the aquatic life that thrive in our rivers, lakes, streams, wetlands and estuaries.

The current classification system has been in effect for more than 30 years. Scientific knowledge has advanced since then, better data on surface waters are available and water quality protection programs have changed. Florida has an opportunity to improve the way we protect public health and aquatic life and habitats.

Is DEP lowering water quality standards?

No. DEP is looking for ways to improve surface water quality standards and develop more effective programs to protect and restore Florida's water resources. DEP's goal will always be to promote high standards through appropriate classification, permitting, water quality monitoring, and restoration.

The refinements under consideration would expand the current classification system to better account for the differences between human and aquatic life uses and their unique protection needs. Current classifications recognize five human uses but only one aquatic life use. A refined system likely would assign each surface water both human and aquatic life uses to fully reflect its unique characteristics, appropriate uses, and the measures necessary to protect them.

How will "impaired waters" and Total Maximum Daily Loads (TMDLs) be affected?

If the designated use of a surface water is not being met and maintained, the cause of the water quality degradation ("impairment") must be identified and fixed. The primary programs established to identify problems and restore water quality are TMDLs and Basin Management Action Planning. Changes to the classification system would not change TMDL requirements in any way.

If changes to Florida's water quality standards are determined to be appropriate, what formal steps would DEP have to take to implement them?

As noted, any changes to designated uses, the classification system or water quality criteria would be subject to a formal, public rulemaking process. Public meetings and hearings would be held to inform, educate and solicit input from all interested parties. And all changes would require the approval of the Florida ERC and the EPA.

According to DEP's press officer Dee Ann Miller, no decisions on reclassifying the C-43 Canal, the Caloosahatchee River or any other water body, whether natural or man-altered, have been made. At this point, DEP scientists and policy makers-with the help of a Policy Advisory Committee (PAC) of experts-are reviewing historical information and water quality data on various different types of water bodies throughout the state. She said they are evaluating whether the current classification system appropriately reflects the character and effectively protects the uses and functions of Florida's diverse rivers, lakes, streams, canals, ditches, reservoirs, wetlands and estuaries. They are considering better ways to protect public health and the diversity of aquatic life.

She continued: "DEP's re-examination of the classification system is expressly intended to better distinguish the various beneficial uses of different types of waterbodies under different circumstances, whether for swimming, fishing, shellfish harvesting, drinking water, agriculture or navigation. It is important, armed with 30 years of evidence from the current classification system, to reconsider whether all canals, ditches, wetlands and historic rivers, regardless of their physical structure or biological functions, can support exactly the same water quality expectations and warrant exactly the same standards.

"If DEP ultimately proposes to revise the classification system, any changes will be subject to public rulemaking, endorsement by Florida's Environmental Regulation Commission, and approval by the federal government (EPA). All of our PAC discussions are public and we invite thoughts and opinions on this subject from anyone who's interested. You can get the facts about DEP's evaluation at www.dep.state.fl.us/water/wqssp/d_use.htm."

Mary Rawl, past president of Riverwatch and Executive Director of the Purre Coalition, is convinced that DEP's actions could actually render the Caloosahatchee unusable for most purposes.

She points out that Riverwatch, has been warning of the decline of the river for ten years.

Just a few months ago the restoration of Oxbow #24 in Fort Denaud provided a showcase for a healthy river with native plants, aquatic and shore plants. The oxbow diminishes the destruction of wakes from large boats and keeps fish beds vital, Scott points out. Many local conservationists believe that the river needs another drainage route - an additional watershed area to clean up nutrients before the water gets to Lake Okeechobee.

Best Management Practices (BMPs) by agriculture have reduced the amount of pollution from these areas. BMPs include environmentally sustainable farming methods that encourage the conservation of nutrients and water.

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