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May 16, 2025

Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Submitted via email: Moria.Homann@FloirdaDEP.gov

RE: Comments to DRAFT Weeki Wachee Basin Management Action Plan (April 2025)

The Hernando County Board of County Commissioners and Hernando County Utilities District ("County") appreciates the opportunity to comment on the draft Weeki Wachee Basin Management Action Plan (BMAP).

We have discussed and reviewed the proposed changes to the BMAP, and as a result of our review, we have a number of comments, request for clarifications, and/or recommendations that have been identified in the enclosure. We have determined that if the proposed regulations were adopted without review and consideration of our comments and proposed changes, the draft BMAP could cause undue hardship on the County and its residents, including financial and logistical burdens and unforeseen negative impact beyond its intended purpose.
In accordance with Rule 62-110.103, Florida Administrative Code, I am enclosing proposed amendments in response to the Draft BMAP.

If you have any questions regarding the comments, request or recommendation, please contact me at 352-540-4368 gonderdonk@co.hernando.fl.us

Sincerely,

Gordon Onderdonk, PE, LEED AP
Director of Utilities

PROPOSED AMENDMENTS AND COMMENTS

1. Restoration Approaches (Draft, page 13)

Summary: "*Reduction in the nitrogen loading to the aquifer is needed to achieve the load reduction requirements at the spring vent. To ensure that load reductions are achieved at the spring vent, the restorations actions described below are being implemented. These actions are designed to reduce nutrient loading to the aquifer, which will reduce the load at the vent and ultimately achieve the TMDL target. Monitoring at the spring vent during implementation will continue to assess progress*.

New OSTDS *– Florida law (sections 373.811 and 403.067, F.S) prohibits new OSTDS on lots of one acre or less within the BMAP boundary, unless the systems are enhanced nutrient-reducing OSTDS systems or other wastewater treatment systems that achieve at least 65% nitrogen reduction. The OSTDS remediation plan pursuant to section 373.807, F.S. was updated in this BMAP iteration to prohibit the installation of new OSTDS on any lot size within the PFAs unless the systems are enhanced nutrient-reducing OSTDS systems or other wastewater treatment systems that achieve at least 65%.*

Existing OSTDS *– For the BMAP remediation plan required under subsection 373.807(3), F.S. (detailed in Appendix E), within the PFA, any OSTDS on lots of all sizes that requires a permit to modify or replace an existing system pursuant to Chapter 62-6, Florida Administrative Code (F.A.C.), must connect to sewer if available, or if not available, upgrade or replace the OSTDS to meet enhanced nutrient reducing OSTDS requirements that achieve at least 65% nitrogen reduction, unless sewer connections will be available based on a BMAP-listed project. All OSTDS subject to this policy must include enhanced nitrogen treatment by 2038. Local governments may expand the geographic extent of this requirement by incorporating it into their local ordinances and local government specific remediation plans required under section 403.067, F.S., however, local governments are responsible for implementing their ordinances. In the 2020 Clean Waterways Act, local governments were required to submit OSTDS remediation plans in accordance with section 403.067, F.S., if applicable, to DEP by Aug. 1, 2024, to address existing OSTDS and the potential for future OSTDS.*"

Comments: Reducing nitrogen loading to the aquifer is essential to achieving the total maximum daily load (TMDL) at the spring vent. To meet this goal, restoration actions are being implemented for the new OSTDS and the existing OSTDS. These efforts aim to reduce nutrient contributions to the aquifer, which in turn will reduce nitrogen at the spring vent. Ongoing monitoring will track progress throughout implementation.

The goal of reducing nitrogen loading to meet the TMDL target is established for the new and existing OSTDS and is supported by specific policy mechanisms. It properly cites Florida Statutes (e.g., §§ 373.811, 403.067, 373.807, F.S.) and relevant administrative rules (e.g., Chapter 62-6, F.A.C.), which gives the document regulatory credibility.

- **CLARIFICATION, ENFORCEMENT, AND RESPONSIBILITY**. The statement that "*All OSTDS subject to this policy must include enhanced nitrogen treatment by 2038*"does not specify who is responsible for enforcing this requirement (e.g., FDEP, local governments, health departments)

or what the penalties are if compliance is not achieved. (See Draft, pg. 14).The BMAP language lacks sufficient clarity on enforcement responsibility and consequences for noncompliance, regarding OSTDS upgrade requirements and remediation plan deadlines. **FINANCIAL IMPACT**. The costs associated with this requirement could be prohibitive for tens of thousands of homeowners within the priority focus area. This area is comprised of a lower water table and high infiltration rate soils which is favorable conditions for an OSTDS. These factors contribute to achieving good infiltration in a conventional septic system drainfield. Therefore, many of these systems will not need replacing by 2038 and may not be applying for a repair or modification within this timeframe. Is the intent to require the homeowners within the priority focus area to replace a perfectly functioning conventional OSTDS by 2038, even if they do not require repair or modification? If so, the costs to have this performed in the next 13 years for this County would be prohibitive. For example, 35,000 systems being replaced at $15,000 each would equate to $525,000,000.

2. **WWTFs (Draft, page 14)**

Summary: "*The required treatment of wastewater effluent to advanced waste standards applies to all surface water disposal and certain reuse disposal determined to be necessary by the department within the BMAP area. In the 2020 Clean Waterways Act, local governments were required to submit WWTF plans in accordance with section 403.067, F.S., if applicable, to DEP by Aug. 1, 2024, to address wastewater loads and the potential for future additional loads, including those created from sewering OSTDS. Subparagraph 403.067(7)(a)9., F.S., was amended in 2024 to clarify that private domestic wastewater facilities must provide this information to local governments effective July 1, 2024. Information related to private facilities will need to be included in future local government WWTF plans if not captured in the initial plans.*"

Comments: This passage contains important regulatory information and appropriately references the 2020 Clean Waterways Act and relevant statutes (§403.067, F.S.), which anchors the language in policy., but it would benefit from significant improvements in clarity, completeness, responsibility and enforcement.

- **RESPONSIBILITY AND ENFORCEMENT**. Hernando County is not a regulatory authority, and it is unclear how private domestic wastewater facilities are expected to provide required information to local governments. The current language does not specify the mechanism for data collection, timing, the responsible entity for ensuring compliance, or the consequences for either the private facility or the County in the event of noncompliance. Our recommendation is to have the private facilities report to DEP directly since their operating permit is with DEP as the regulatory authority.

3. **1.5.2 Additional Requirements (Draft, page 20)**

Summary: "*The land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP-approved NMP establishing the rate at which all biosolids, soil amendments, and sources of nutrients at the land application site can be applied to the land for crop production, while minimizing the amount of pollutants and nutrients discharged to groundwater or waters of the state.*"

Comments: The statement reflects key regulatory principles tied to biosolids management under Florida law and DEP oversight. The land application of Class A or Class B domestic wastewater biosolids must be conducted in accordance with a DEP-approved Nutrient Management Plan (NMP). The goal of the NMP is to support crop production while minimizing the discharge of pollutants and nutrients to groundwater or waters of the state.

- **CLARIFICATION**. Although this section quotes the statute verbatim, it doesn't specify what the requirement is, who enforces it, or what the consequence is for noncompliance. FDEP must define the NMP's function more clearly and connect it to regulatory compliance.

4. **1.5.3 Biosolids and Septage Application Practices (Draft, page 20)**

Summary: "*The aquifer contributing to the springs is highly vulnerable to contamination by nitrogen sources and where soils have a high to moderate tendency to leach applied nitrogen. DEP previously documented elevated nitrate concentrations in groundwater beneath septage application zones in contributing areas to springs. Within BMAP areas for OFS, section 373.811, F.S. prohibits the land application of Class A or Class B domestic wastewater biosolids not in accordance with a department approved NMP establishing the rate at which all biosolids, soil amendments, and sources of nutrients at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharges to groundwater or waters of the state. Further, there are additional requirements for biosolid and septage application practices under Chapter 62-640 F.A.C.*"

Comments: The paragraph accurately describes the nitrogen contamination risks, regulatory context (Section 373.811, F.S.), and the role of Nutrient Management Plans (NMPs). It appropriately connects elevated nitrate levels with biosolid/septage application, offering justification for the regulation.

- **ADDITIONAL PROHIBITIONS**.
    - The aquifer that contributes to the springs is highly vulnerable to nitrogen contamination, particularly in areas where soils have a high to moderate potential for leaching applied nitrogen. DEP has previously documented elevated nitrate concentrations in groundwater beneath septage application zones within spring contributing areas. **DEP should prohibit biosolid/septage application in areas with high aquifer vulnerability (e.g., sandy soils, karst topography, high water tables), or phase it out over time with clear deadlines and transition support.**

      PFAS are emerging contaminants found in domestic wastewater and biosolids. When biosolids are land-applied, especially in vulnerable areas like those overlying aquifers or with sandy, permeable soils, there is a risk that PFAS can leach into groundwater. Many

private wells and spring systems draw from the same groundwater that could be impacted by land-applied PFAS-containing biosolids.

- Groundwater sampling in the context of biosolids application for PFAS (per- and polyfluoroalkyl substances) is a critical and timely concern. Given the persistence, mobility, and toxicity of PFAS compounds, their potential to leach from land-applied biosolids into underlying aquifers, particularly in areas with sandy soil or high aquifer vulnerability, represents a significant public health and environmental risk. DEP should clearly address this issue in BMAP and related regulatory frameworks.

5. Project Collection Period (Draft, page 26)

Summary: "*The BMAP project collection period is limited to projects after a certain date, based on the data used to calculate the reductions needed. Reductions from older projects are accounted for in the updated baseline loading. The timing eligibility for projects is dependent on the data used to estimate the NSILT loads, which also depend on the source type. The following project cutoff dates apply in this BMAP document, which are based on the data used in the most recent NSILT update.*

o Urban and agricultural stormwater projects: Projects completed in the BMAP, on or after January 1, 2013.

o WWTF Improvements: Projects completed on or after January 1, 2022, or later. Prior projects were included in the NSILT estimates.

o OSTDS Enhancements/50% Treatment or OSTDS Connection to Sewer:

Projects completed on or after January 1 of the years listed below, based on the county in which the project is located and the FLWMI data year used in the 2023 NSILT update.

Pasco County: 2023

Hernando County: 2023."

Comment: This excerpt outlines the cutoff dates for when projects become eligible for credit under the BMAP (Basin Management Action Plan) framework, based on when they were completed and the data used to estimate nutrient source inputs and loads (NSILT). The text establishes that project eligibility is based on completion dates tied to data used in the NSILT update. The section outlines exact dates and categories of projects clearly by dividing the eligibility based on project types.

- **<u>UNINTENDED CONSEQUENCES, CLARIFICATION AND RECOMMENDATIONS</u>**.
  - The recent change in the benchmark period used to determine nitrogen load reductions presents significant challenges to fair and effective BMAP implementation. Specifically, this change disqualifies numerous completed local projects from receiving credit despite their documented and measurable water quality benefits. Such a policy risks penalizing forward-thinking actions, including advanced wastewater treatment upgrades, septic-to-sewer conversions, and other critical nutrient reduction efforts initiated before the revised baseline period.

- This shift undermines the value of early and proactive investments in water quality, and more broadly, creates a disincentive for local governments and utilities to act early in future planning cycles.

    - What is the status of projects that were implemented prior to the new baseline year? Would they be ineligible for credit?
- Hernando County Utilities Department (HCUD) strongly urges the Florida Department of Environmental Protection (DEP) to develop a clear and equitable mechanism to recognize and credit legacy projects that demonstrably contribute to nitrogen load reductions. Acknowledging these efforts is essential to maintaining stakeholder trust, encouraging continued local investment, and ensuring an accurate representation of actual progress toward BMAP goals.

- The eligibility of projects for inclusion in the BMAP is determined by the timing of their completion, which is tied to the data used in the most recent update of the Nutrient Source Inventory and Loading Tool (NSILT). Projects completed prior to these dates are already included in the baseline loading estimates and are not eligible for additional reduction credit. If proper credits were not originally given to completed projects or if there's a question about the accuracy of credited reductions, there should be a process to revisit or validate those credits. BMAPs are living documents, and as such, project credits should remain open to adjustment through formal update cycles or annual progress reports.
- To maintain credibility and ensure equitable treatment to all stakeholders the Florida Department of Environmental Protection (DEP) should consider:
    - If a project was completed after the applicable cutoff date but was not credited, it should be re-evaluated for inclusion, provided sufficient documentation and performance justification are available.
    - If a project was completed before the cutoff but was not accounted for in the baseline estimates, should allow for a technical review to assess whether the project was unintentionally excluded and merits retroactive credit.

6. Nitrogen reduction schedule & Entity Allocations (Draft, page 29-30)

Summary: "*Table 5 lists the estimated nitrogen reduction schedule by milestone. Progress will be tracked yearly and adjustments made as needed. At the 2028 milestone, progress will be assessed and load reductions adjusted as necessary. Entities have flexibility in the types and locations of projects as long as they achieve their required load reductions. Consideration may be given to entities with projects that are planned or underway that will be completed in a future milestone phase, to allow adequate time for projects to be fully implemented.*

Table 5. Nitrogen reduction schedule (lbs/yr)

2028 Milestone (30% of Total)	2033 Milestone (50% of Total)	2038 Milestone (20% of Total)	Total Nitrogen Reduction (100%)
271,053	451,754	180,702	903,509

2.3 Entity Allocations. The results from the NSILT and spring vent load analysis were used to calculate the nitrogen loads associated with each responsible stakeholder. Table 6 summarizes the total required reductions assigned to each entity. Regional projects are state-sponsored management actions that treat nutrient loading from one or many sources".

Table 6. Total required reductions by entity

Entity	Total Assigned Reductions by Entity (lbs/yr)
Pasco County	111,202
City of Brooksville	3,500
Hernando County	484,839
Agriculture	201,861
Private WWTFs	1,549
Private Golf Courses	28,207
Regional Projects	7,983
Total, All Reductions	**839,142**

Comment: While Table 5 provides numerical targets, there's no indication of how they were derived. It is also unclear how reduction responsibilities were allocated among entities, particularly for non-governmental contributors. The difference between the total nitrogen reduction goal (903,509 lbs) and the total assigned to entities (839,142 lbs) is 64,367 lbs. DEP must provide brief context on this or referencing a more detailed appendix. Consider including a brief summary of the allocation process in the main text, or referencing a supporting appendix that outlines the methodology, data sources, and decision rationale.

- **CLARIFICATION AND RECOMMENDATIONS**.
    - DEP must provide brief context on this or referencing a more detailed appendix. Consider including a brief summary of the allocation process in the main text, or referencing a supporting appendix that outlines the methodology, data sources, and decision rationale.
    - Please clarify the 64,367-pound gap that is unaccounted for in the entity assignments and who is formally responsible for it. Some of the questions that may arise due to ambiguity are:
        - Would Regional Projects account for part or all of the unassigned reduction? Since they're not tied to specific entities, their contribution may be separated from the entity total.
        - As a part of environmental planning, a buffer or safety margin is included in case of underperformance, unexpected loading, or future growth. This reserve might not be allocated to specific entities but still needed to meet the overall goal.

- Is it possible that some loads are still under evaluation, particularly if project timelines or source attribution are uncertain. These could be assigned later based on future data or project implementation.
- Some nitrogen sources might be too diffuse to assign to a specific stakeholder (e.g., atmospheric deposition), and it will be managed through broader regional strategies or statewide programs.

- The costs associated with meeting these reductions will be prohibitively expensive. For example, our Septic to Sewer Phase 1 A project is expected to achieve approximately 5,000 lbs. of Nitrogen reduction per year. The cost for this project will be over $30 million. Additionally, there's no mention of how projects will be funded, which is crucial to feasibility, especially for our County, that is an under-resourced entity which heavily relies on Grant and State fundings. DEP must provide a reference to funding mechanisms or contingencies that would be helpful to overcome feasibility challenges for project implementation.

7. 2.1.5 Description of 2028, 2033, and 2038 Milestones/Reduction Schedule (Draft, page 29)

Summary: "*Under HB 1379 (2023), section 403.067, F.S., was amended to require that TMDL implementation be addressed through milestones that include a list of projects that will achieve the pollutant load reductions to meet the TMDL or the load allocations established pursuant to subsection 403.067(6), F.S. Each project must include a planning-level cost estimate and an estimated completion date. Any responsible entity within the BMAP that has a pollutant load reduction requirement must identify projects or strategies to undertake to meet the current 5-year pollution reduction milestone. The overall load reduction targets are 30% of the total by 2028, 80% of the total by 2033, and 100% of the total by 2038. DEP will evaluate progress towards these milestones and will report implementation progress and project information to the Governor and Florida Legislature annually through the statewide annual report. DEP will adjust management strategies if needed to reduce loading to the aquifer to ensure the target concentrations at the spring vent are achieved. This may include expanding the area to which the OSTDS remediation policies apply, requiring additional projects or management strategies, or developing other nutrient reduction policies. Any changes would be incorporated into a future BMAP update through a formal adoption process.*"

Comment:

- **CLARIFICATION**. The phrase *"responsible entity within the BMAP"* is vague—clarify whether this refers to local governments, utilities, or other stakeholders.

- While the implementation schedule mandates that each responsible entity identify projects with estimated costs and timelines, the plan lacks a clear indication of which projects are expected to provide the most total nitrogen (TN) reductions in the most cost-effective or technically feasible way. Without a comparative analysis or prioritization framework, it's difficult to assess which strategies deliver the greatest benefit relative to their cost or complexity. This undermines the ability to strategically allocate resources and optimize progress toward milestone targets.
- More guidance could help ensure consistency and fairness. DEP should consider including a summary or table comparing project-level TN reduction potential, cost-effectiveness (e.g., $/lb.

TN reduced), and feasibility (e.g., implementation barriers, permitting issues). DEP should also reference a technical appendix or modeling output that justifies project selection and sequencing.

- Although planning-level cost estimates are required, there is no mention of how these projects will be funded or what happens if cost or timeline constraints arise. While cost estimates are required, there's no mention of how projects will be funded, which is crucial to feasibility, especially for our County, that is an under-resourced entity which heavily relies on Grant and State fundings. DEP must provide a reference to funding mechanisms or contingencies that would be helpful to overcome feasibility challenges for project implementation.
- The language around DEP's authority to *"adjust management strategies"* is strong but lacks specifics about criteria, timing, or stakeholder engagement in those decisions. Clarifying this could help with transparency and stakeholder buy-in.
- Non-governmental Roles Not Mentioned: The text omits mention of how non-governmental stakeholders (e.g., agriculture, private sector) are expected to participate or be held accountable within the BMAP framework.
- The phrase *"expanding the area to which the OSTDS remediation policies apply"* is vague. A brief clarification of what this entails (e.g., septic-to-sewer conversions, maintenance programs) would improve understanding.
- Phrases like *"any changes would be incorporated"* obscure who is responsible for making those changes. A more active structure by DEP could strengthen clarity on the associated processes.

8. 2.3 Entity Allocations (Draft, page 30)

Summary: "The *results from the NSILT and spring vent load analysis were used to calculate the nitrogen loads associated with each responsible stakeholder. Table 6 summarizes the total required reductions assigned to each entity. Regional projects are state-sponsored management actions that treat nutrient loading from one or many sources.*

Table 6. Total required reductions by entity

Entity	Total Assigned Reductions by Entity (lbs/yr)
Pasco County	111,202
City of Brooksville	3,500
Hernando County	484,839
Agriculture	201,861
Private WWTFs	1,549
Private Golf Courses	28,207
Regional Projects	7,983
Total, All Reductions	**839,142**

Table 7 includes the 5-year milestone required reductions for each entity. Table 8 compares the current list of planned, underway, and completed projects to the first 5-year milestone. Regional projects are state-sponsored management actions that treat nutrient loading from one or many sources. The management actions provided by responsible stakeholders to achieve these reductions are described in Appendix B.

Responsible entities must submit a sufficient list of additional projects and management strategies to DEP no later than January 14, 2026, to be compliant with the upcoming BMAP milestone or be subject to further department enforcement.

If any lead entity is unable to submit a sufficient list of eligible management strategies to meet their next 5-year milestone reductions, specific project identification efforts are required to be submitted by January 14, 2026. Any such project identification efforts must define the purpose of and a timeline to identify sufficient projects to meet the upcoming milestone. The project description and estimated completion date for any such project identification effort must be provided and reflect the urgency of defining, funding, and implementing projects to meet the upcoming and future BMAP milestones. These planning efforts are ineligible for BMAP credit themselves but are necessary to demonstrate that additional eligible management actions will be forthcoming and BMAP compliance will be achieved. Examples of project identification efforts are included in Appendix C. Only those entities that provide sufficient project identification efforts will be deemed as possessing a defined compliance schedule. Those entities without an adequate project list nor a defined compliance schedule to meet their upcoming 5-year milestone may be subject to enforcement actions."

Comments: This section provides a firm compliance deadline and outlines contingency procedures for entities falling short, but it leaves many important details unaddressed.

- **CLARIFICATION**.
- The requirement for "responsible entities" to submit "*sufficient list of additional projects*" is vague. It would be helpful if FDEP clarified the evaluation criteria, including expected nitrogen reductions, project types, or funding commitments needed to qualify as sufficient.
- There's no explicit metric or criteria for what qualifies as "sufficient" is it based solely on load reduction totals, cost, feasibility, or something else.
- It is unclear what "further department enforcement" entails. While enforcement is mentioned, the nature of potential consequences is not specified. DEP must clarify if this includes fines, loss of funding, or something else. There is no indication whether DEP or other agencies will provide technical or financial support to entities that are unable to meet requirements, especially for our County which has limited staffing, and is an under-resourced entity which heavily relies on Grant and State fundings. DEP must clarify to improve transparency and ensure stakeholders understand potential consequences.
- While the document requires a timeline and project description for project identification efforts, it does not define what constitutes a "credible" or "adequate" effort. Examples in Appendix C are referenced but not summarized. Additional guidance on the item listed on

Appendix C and summarizing these in the main text would improve stakeholder accessibility and understanding.

- "*These planning efforts are ineligible for BMAP credit themselves but are necessary to demonstrate*" in Appendix C might be misinterpreted to mean planning has no value. FDEP must clarify that while such efforts are non-creditable, they are essential steps toward compliance.

Comments: At present, Hernando County is actively engaged in planning efforts to identify and prioritize nitrogen-reduction projects necessary to meet the 5-year milestone. However, additional time is required to complete these efforts. In particular, the County is awaiting a funding decision critically to initiate feasibility studies for the Northwest Hernando County Septic-to-Sewer (NW HC S2S) project. This study is essential to inform cost-effective planning and ensure that identified strategies are both achievable and aligned with local infrastructure needs.

Once funding is secured, the County will be able to develop and submit a realistic, detailed timeline and project list that reflects feasible and effective nutrient reduction strategies. Hernando County remains fully committed to meeting its BMAP obligations and is taking interim planning steps to ensure progress continues during this extension period.

- In Appendix C. The current deadline of January 14, 2026, for submission of a sufficient list of additional projects and management strategies poses a significant challenge. Given the complexity of identifying, evaluating, funding, and coordinating multi-year infrastructure and restoration projects, this timeframe may not allow for adequate planning, stakeholder engagement, and feasibility assessment.

OTHER CONSIDERATION. HCUD requests that DEP extends this deadline or providing a phased submittal option to allow responsible entities sufficient time to develop viable, implementable project lists. Without this flexibility, there is a risk that project submissions will be rushed, incomplete, or less effective than those that could be developed with additional lead time. We request that FDEP clarify the process for requesting extensions or phased compliance schedules to ensure local governments can meet BMAP obligations meaningfully and sustainably.

- While the document requires a timeline and project description for project identification efforts, it does not define what constitutes a "credible" or "adequate" effort. Examples in Appendix C are referenced but not summarized. Additional guidance on the item listed on Appendix C and summarizing these in the main text would improve stakeholder accessibility and understanding.

9. **2.5.22 Subsection 403.067(7)(a)9., F.S (Draft, page 34)**

Summary: *"Subparagraph 403.067(7)(a)9., F.S., also requires local governments within a BMAP to develop an OSTDS remediation plan that is adopted as part of the BMAP no later than July 1, 2025, if DEP identifies OSTDS as contributors of at least 20% of point source or nonpoint source nutrient pollution or if*

DEP determines remediation is necessary to achieve the TMDL. When applicable, the OSTDS remediation plans must be developed by each local government in cooperation with DEP, WMDs, and public and private domestic wastewater facilities. Each OSTDS remediation plan for this BMAP must contain the information outlined in DEP Final Order 23-0134. This BMAP contains a remediation plan for OSTDS consisting of management actions, including those described in Appendix B and updated annually through the statewide reporting process that reduce loads from existing OSTDS through either sewer connection, adding enhancement nitrogen treatment to OSTDS, or installing another type of wastewater system on the property, as applicable. Local governments are required to submit projects describing how OSTDS loads are addressed as part of BMAP reporting and estimate the load reductions associated with each project. The estimated reductions to the springs from addressing these septic systems will be based on several factors, including how they are addressed (i.e., connection to sewer or enhancement) and the amount of attenuation and recharge that occurs. These projects are described in Appendix B."

Comments: Subparagraph 403.067(7)(a)9., F.S., requires local governments within a BMAP to develop an OSTDS remediation plan by July 1, 2025, if DEP identifies OSTDS as contributing to at least 20% of point source or nonpoint source nutrient pollution or if remediation is necessary to meet the TMDL. When applicable, these plans must be developed collaboratively between local governments, DEP, WMDs, and both public and private domestic wastewater facilities. Local governments are required to submit annual updates as part of the statewide reporting process, detailing the progress of these remediation actions. Projects addressing OSTDS pollution will be evaluated based on their contribution to meeting the TMDL targets for nitrogen reduction. To ensure comprehensive and coordinated implementation, local governments may request extensions or phased project timelines if additional time is required for collaboration with stakeholders or due to project complexity.

- **<u>Clarification</u>**.
    - The statement that *"[when applicable, the OSTDS remediation plans must be developed by each local government in cooperation with DEP, WMDs, and public and private domestic wastewater facilities,"* is ambiguous. It's unclear if this cooperation is mandatory, and how it will be coordinated.
    - The reference to *"Each OSTDS remediation plan for this BMAP must contain the information outlined in DEP Final Order 23-0134"* is helpful, but without direct references or summary details from the order, it may cause confusion or delays in the plan development process. DEP must summarize key components of the order in the BMAP for transparency.
    - The paragraph mentions *"the estimated reductions to the springs from addressing these septic systems"* but doesn't clarify how these estimates will be calculated. More guidance from DEP on this methodology or any required metrics would help ensure uniformity and accountability across different local governments.
    - While local governments must estimate load reductions, the methodology is not explained. Since no guidance on estimation methods are provided, this may lead to inconsistent or non-comparable reporting across jurisdictions.

- **Comment**: Hernando County previously submitted this plan prior to the deadline. However, the remediation plan did not address the revised numbers within this draft BMAP. Please clarify if a further submittal is required.

10. 2.6.2 Reclaimed Water Effluent Limits (Draft, page 39)

Summary: "*In accordance with section 403.086. F.S., by July 1, 2034, any WWTF providing reclaimed water that will be used for commercial or residential irrigation or be otherwise land applied within a nutrient BMAP or RAP area is required to meet AWT standards for TN and total phosphorus (TP), such that the reclaimed water product contains not more, on a permitted annual average basis, of 3 mg/L of TN and 1 mg/L of TP if the department has determined in an applicable basin management action plan or reasonable assurance plan that the use of reclaimed water as described in this subparagraph is causing or contributing to the nutrient impairment being addressed in such plan. These requirements do not apply to reclaimed water that is land applied as part of a water quality restoration project or water resource development project approved by DEP to meet a TMDL or minimum flow or level and where the TN and TP will be at or below AWT standards prior to entering groundwater or surface water."*

Comments:

- Any wastewater treatment facility (WWTF) that provides reclaimed water for commercial or residential irrigation or land application within a nutrient-impaired Basin Management Action Plan (BMAP) or Reasonable Assurance Plan (RAP) area are affected. This condition applies only if DEP determines that the reclaimed water use is causing or contributing to nutrient impairment in the relevant BMAP or RAP.

- **CLARIFICAITON**.

    - DEP has not described the criteria or process for that determination. This leaves utilities uncertain about their compliance obligations. FDEP must provide clear guidance on how it will determine whether reclaimed water contributes to nutrient impairment.
    - The term "land applied" is vague and may lead to confusion without further clarification or definition to determine whether it includes rapid infiltration basins, spray fields, etc.
    - Why would the BMAP allow the direct land application of septage and biosolids, but then require reclaimed water (which is used for irrigation) to meet AWT? This is an odd contradiction in the BMAP that needs to get corrected. The Nitrogen levels in reclaimed water gets reduced during the uptake of the vegetation and further reduces the pollutant loading to the groundwater.

11. 2.6.2 Reclaimed Water Effluent Limits (Draft, page 39 and Appendix G)

Summary: "*DEP has determined that certain WWTFs providing reclaimed water for the purpose of commercial or residential irrigation or that is otherwise being land applied within this BMAP area are causing or contributing to the nutrient impairments being addressed in this BMAP. Based on DEP's determination, these facilities are identified in Appendix G and are subject to the nitrogen and phosphorus limits set forth in section 403.086, F.S.*

The facilities listed in Appendix G have 10 years from BMAP adoption to meet the applicable AWT standards. This requirement does not prevent the department from requiring an alternative treatment standard, if the department determines the alternative standard is necessary to achieve the TMDL(s) or applicable water quality criteria.
For facilities that did not have adequate information to complete an evaluation or where a change occurs to the facility's application of reclaimed water after the initial evaluation (e.g., an increase in facility capacity or change in location of reclaimed water application), the department will evaluate the land application of reclaimed water as more information becomes available pursuant to section 403.086, F.S."

Comment:

Table G-1. Wastewater facilities subject to the nitrogen and phosphorus limits set forth in section 403.086, F.S.

Facility Name	Permit Number
Glen Water Reclamation Facility	FLA012069
Spring Hill WRF	FLA012043
Hernando Subregional Airport	FLA017223
Pasco County - Hudson Re-Pump Station - Pasco Master Reuse - Allocation to Embassy Hills Subregional and New Port Richey	FLA012741/ FLA012735/ FL0127434
William S. Smith Water Reclamation Facility	FLA012036
Travelers Rest	FLA012831

- **CLARIFICATION AND RECOMMENDATIONS**.
  - Spring Hill WRF listed in Appendix G is decommissioned. Please remove it from the list.
  - While the 10-year timeline provides predictability, the ability of DEP to later impose alternative standards adds regulatory risk for the County Utilities.
  - "*Increase in facility capacity*" or "*change in location of reclaimed water application*" could trigger reassessment of facility. It will potentially create planning and permit uncertainty. DEP should clearly define the thresholds or conditions under which a capacity increase or change in reuse location requires reassessment, and if permit modification (vs. full re-permitting) is appropriate. Would any such change be considered substantial versus minor or administrative?
  - DEP should clarify evaluation criteria where a change occurs to the facility's application of reclaimed water.
  - Upgrading to meet AWT standards can be capital-intensive. Facilities will need to plan for budgeting, permitting, and construction well in advance of the 10-year deadline.

12. 2.6.3 Wastewater Treatment Facility Plans (page 40)

Summary: Subparagraph 403.067(7)(a)9., F.S., requires local governments within a BMAP to develop WWTF plans to be adopted as part of nutrient BMAPs no later than July 1, 2025, if DEP identifies domestic wastewater as contributors of at least 20% of point source or nonpoint source nutrient

pollution or if DEP determines remediation is necessary to achieve the TMDL. The WWTF plans must be developed by each local government in cooperation with DEP, WMDs, and public and private domestic wastewater facilities within the jurisdiction of the local government. Each local government's wastewater treatment plan for this BMAP must contain the information outlined in Final Order 23-0134 for each existing or proposed domestic wastewater facility in the local government's jurisdiction.

Subparagraph 403.067(7)(a)9., F.S., was amended in 2024 to clarify that private domestic wastewater facilities must provide this information to local governments effective July 1, 2024. Information related to private facilities will need to be included in future local government WWTF plans if not captured in the initial plans.

Comments:

- **UNDUE HARDSHIP AND RECOMMENDATIONS**.
    - The county will face logistical and administrative challenges coordinating this requirement as it has very limited resources, especially limited staff.
    - Since data may be incomplete at the July 2025 deadline, WWTF plans will need to be routinely updated, increasing administrative overhead. The county is requesting additional time or a phased implementation for this task.
    - The burden of collecting and verifying data from private operators now rests with the County. This could lead to incomplete or delayed WWTF plans if private entities are nonresponsive.
    - The statute mandates the inclusion of private facility data but does not outline enforcement or recourse if private facilities fail to comply. The unclear data collection from private facilities and no enforcement mechanism would result in noncompliance from private operators.

    - The County requests that DEP establish and communicate a clear enforcement mechanism for private facility operators and coordinate with them directly. Without enforcement tools, local government/County may be unable to fulfill statutory obligations through no fault of their own.
    - Hernando County requests that DEP formally notify and coordinate directly with private domestic wastewater facilities as local governments don't have regulatory authority.
    - The County is requesting FDEP guidance on the acceptable data formats and technical standards for private facility submittals, timelines for integrating private data into WWTF plans and subsequent updates, and a process to address situations where private entities refuse or delay in providing the required information.

13. 2.6.4 Connection to Sewer (page 40) & Appendix E. OSTDS Remediation Plan (page 85)

Summary: "*The installation of new OSTDS within a BMAP area is prohibited where connection to sewer lines is available. For existing OSTDS, the owner must connect to sewer within 365 days of written notification by the utility that connection to its sewer line is available. A utility is statutorily required (section 381.00655, F.S.) to provide written notice to existing OSTDS owners regarding the availability of sewer lines for connection. Additionally, existing OSTDS needing repair or modification must connect to available sewer lines within 90 days of notification by DEP*.

To facilitate an inventory of noncompliant properties, by February 2, 2026, and every two years thereafter, each utility with sewer lines in the BMAP shall provide DEP a list of properties with existing OSTDS where sewer is available but has not connected. For each identified property, include the date(s) which the utility provided written notice to the owners of the availability of sewer."

Comment: Owners of the existing OSTDS must connect to available sewer lines within 365 days of receiving written notice from the utility. Utilities are legally required to notify property owners in writing when sewer service is available.

- **UNDUE BURDEN AND REQUEST**.
    - It may place an administrative burden on the County to compile and report inventory of noncompliant properties by February 2, 2026, and every two years. We respectfully request additional time to meet this requirement.
- If an existing OSTDS requires repair or modification, the owner must connect to available sewer lines within 90 days of notification by DEP. Since DEP is the regulatory authority for OSTDS, are they the responsible entity to provide oversight for this regulation? It might be useful to include penalties or enforcement mechanisms for an Owners noncompliance with these rules.

14. 2.7 UTF Management Strategies (Draft, page 41)

Summary: "*UTF consists of fertilizers applied to turfgrass typically found in residential and urban areas (including residential lawns and public green spaces). It is applied by either the homeowner or a lawn service company on residential properties, while on nonresidential properties they may be applied by contractors or maintenance staff. UTF can be addressed through a mix of efforts, including public education, enforcement of local ordinances (regulating fertilizer use and irrigation), land development codes or stormwater projects. Based on progress towards meeting the TMDL and water quality monitoring results, reduction requirements and crediting of projects such as fertilizer ordinances and education efforts may be reevaluated in future BMAP updates, particularly with respect to enforcement of fertilizer ordinances. As part of the annual reporting process, stakeholders will be required to provide a detailed and quantified description of their ordinance enforcement and environmental education activities to receive credits for these activities.*

It is recommended that appropriate grasses are used based on soil characteristics, irrigation needs and fertilization needs. It is recommended that Bahia grass (Paspalum notatum), which is a durable grass that can be drought and heat tolerant should be used over St. Augustine grass (Stenotaphrum secundatum) on sandy soils within spring BMAPs. Both homeowners and developers should follow the recommendations within the BMAP. If a local government has recommendations for what grasses should be used, DEP recommends that homeowners and developers follow them for the protection of water resources, if they are different than the BMAP.

Using reclaimed water is a way to distribute nutrients that need to be disposed of onto locations where nutrients are needed. However, caution needs to be exercised when applying nutrients (through fertilizer or reclaimed water) in the recharge area for the springs. For areas using reclaimed water for irrigation, it is important to understand the amount of nitrogen and phosphorus that is needed for the landscape and how much is being applied through reclaimed water. Monitoring the concentration of nitrogen and phosphorus in reclaimed water is important for understanding how much nutrients are being applied onto the urban landscape. The result may be that reclaimed water customers will not need to add more phosphorus or nitrogen, resulting in lower fertilizer costs and possibly fewer maintenance requirements and costs (e.g., mowing, turf replacement)."

Comments: This strategy addresses UTF sources, application practices (residential and commercial), and outlines multiple mitigation strategies including ordinances, public education, and stormwater projects. As part of the annual reporting process, stakeholders will be required to submit a detailed and quantified description of their ordinance enforcement activities and environmental education efforts to earn credits. This includes metrics such as the number of outreach events, engagement with homeowners, and any successful adoption of recommended practices. Clear documentation of these activities will be crucial for meeting BMAP requirements.

- **CLARIFICATION AND RECOMMENDATION**.
    - The degree of "detail and [quantification]" required for stakeholders' annual reporting is vague and ambiguous.

- The recommendation to use Bahia grass over St. Augustine grass in sandy soils shows a science-based approach tied to water conservation and nutrient control. State regulations currently permit developers to use St. Augustine grass (Stenotaphrum secundatum), a water- and nutrient-intensive turf. FDEP recommends Bahia grass (Paspalum notatum) in BMAP areas, especially on sandy soils, because it is more drought-tolerant and requires less fertilizer and irrigation. This creates a policy contradiction between development practices allowed under building codes or landscaping ordinances and environmental protection goals under BMAPs. Unless incorporated into local codes or ordinances, FDEP's BMAP guidance is advisory and not mandatory. Developers may legally use St. Augustine grass unless State establishes stricter landscaping standards.

- FDEP should allow cities/counties to amend land development regulations to promote or require Bahia grass in BMAP zones and tie this to stormwater permit conditions or fertilizer control ordinances where feasible. Currently, we are preempted from the state from requiring certain turf types. We are only allowed to specify Florida friendly. However, St Augustine grass is not friendly to our candler fine sand areas (beach sand) as it is not sustainable with one day a week watering. This results in excessive water and fertilizer use. Compounding this issue is the residents of HOAs are getting fined due their requirement of St. Augustine grass when they can't sustain the level of service required to have healthy turf.

The state needs to address this obvious issue. The BMAP should prohibit St. Augustine grass in this type of sandy environment, as this is one of the easiest and most cost-effective ways to reduce nitrogen loadings, and conserve water for the sustainability of the Springs.

- FDEP acknowledges reclaimed water as both a resource and potential nutrient source and strikes a balance between sustainability and caution. St. Augustine grass contributes to higher nutrient runoff, undermining efforts to reduce nitrogen and phosphorus loading to groundwater and springs. The use of this grass on new developments may conflict with the nutrient reduction goals of Total Maximum Daily Loads (TMDLs) and BMAP implementation. It can also weaken enforcement or outreach efforts, as developers may point to legal allowances to resist adopting FDEP recommendations.

- Unless incorporated into local codes or ordinances, FDEP's BMAP guidance is advisory, not mandatory.

15. 2.7 UTF Management Strategies (Continued) (Draft, page 41)

Summary: "*Given the limitations with the data used in the NSILT to estimate the UTF loading to groundwater, DEP will work with entities and other agencies to collect better data by requiring more detailed documentation on behavior changes and water quality improvements. In addition, DEP will work with stakeholders to improve on additional measures to reduce residential and commercial property fertilizer application, such as requiring annual reporting on ordinance enforcement and results from local governments*."

Comment: HCUD is concerned with the methodology and assumptions related to Urban Turf Fertilizer (UTF) usage and load attribution. The methodology for estimating UTF contributions and the structure of compliance, where local governments can only demonstrate success once concentration goals are met at the spring, fails to account for the realities of nutrient fate and transport. As written, the BMAP holds local governments accountable for UTF-related nitrogen loads, while offering no alternatives to demonstrate compliance short of meeting spring concentration targets. This approach also penalizes local governments that do not have full control over all sources within the basin.

- **RECOMMENDATION**. HCUD recommend DEP considering more direct, action-based performance-based metrics (e.g., ordinance enforcement, outreach, modeled reductions) into UTF-related compliance tracking.

16. 2.7.1 Fertilizer Ordinance Adoption (Draft, page 42)

Summary: "*Subsection 373.807(2), F.S., requires local governments with jurisdictional boundaries that include an OFS or any part of a springshed or delineated PFA of an OFS to develop, enact and implement a fertilizer ordinance by July 1, 2017. The ordinance is required to be based, at a minimum, on the DEP*

model ordinance for Florida-friendly fertilizer use on urban landscapes. As part of the annual reporting process, stakeholders will be required to provide a detailed and quantified description of their ordinance enforcement to receive credits for these activities."

- **<u>CLARIFICATION</u>**.
    - The phrase "credits for these activities" the specific enforcement data required, and how that data will be evaluated is ambiguous, and lacks clarity. The term "credits" is not defined, and it is unclear whether it refers to nutrient reduction allocations under a Basin Management Action Plan (BMAP), eligibility for grant funding, or performance scoring at the state level.
    - The phrase "detailed and quantified description" is vague, with no explanation of what qualifies as "quantified" data. It is unclear whether this includes metrics such as the number of inspections, fines issued, enforcement budget, annual rainfall data, or other factors. Further clarification is also needed on whether a standardized reporting template or format will be provided to ensure consistency across jurisdictions.
    - The consequences of noncompliance with the annual reporting requirements are not outlined. It remains unclear what actions, if any, will be taken if a stakeholder fails to submit the report, submits it late, or does not provide the required data in the specified format. Additionally, the reporting deadline is not explicitly stated.

17. 2.11.1 Future Growth Analysis (Draft, page 50)

Summary: "*An analysis was done to consider the impacts of future population growth and urban development on loading in the basin. Wastewater sources were evaluated using per-person estimations calculated for portions of the population estimated to be served by OSTDS and those connected to central sewer. Stormwater sources were evaluated using per-acre estimations calculated for portions of a jurisdictional area that may be developed.*

First, population growth for each county was taken from the Bureau of Economic and Business Research (BEBR) 2040 Medium Growth Projections. Then, a spatial analysis was performed to determine the proportion of developable land area attributed to each entity within each county. Areas where there are permanent waterbodies, or which have been set aside for conservation are unlikely to see future development or increased population so the National Hydrography Database (NHD) for lake and ponds and the Florida Natural Areas Inventory conservation lands were used to remove lands from the analysis. The percentage of remaining land attributed to each entity was applied to the county projected population growth to determine the number of additional people anticipated to contribute to loading by 2040."

Comment: Hernando County is currently experiencing population growth that exceeds the Medium Growth Projections set by the Bureau of Economic and Business Research (BEBR). This accelerated growth can be attributed to several key factors, including the availability of undeveloped land, comparatively lower development fees, and the county's strategic location within commuting distance to both the Tampa and Orlando metropolitan areas. These advantages make Hernando County an attractive destination for residential, commercial, and industrial development.

- **FUTURE GROWTH AND RECOMMENDATION**.
    - The BMAP currently lacks sufficient detail on how future growth will be handled in terms of nitrogen load allocations. Without clear pathways for integrating projected growth into the plan, County is left with uncertainty that hinders infrastructure planning and policy development. The rapid and unexpected population growth creates challenges and uncertainty for Hernando County's future planning efforts, particularly in high-growth areas. With actual growth outpacing the Bureau of Economic and Business Research (BEBR) Medium Growth Projections, the County faces increased pressure on infrastructure, public services, and land-use planning. As a result, there is a growing need for more flexible and responsive strategies to accommodate the accelerating demand.
    - HCUD urges DEP to establish a transparent, equitable method for accounting for future development and associated loads. The plan lacks clear language on how new development and population growth will be accounted for moving forward. This creates uncertainty for local planning, particularly in high-growth areas. FDEP must provide additional detail and transparency around how future nitrogen loads will be allocated and whether local governments will be expected to offset all growth-related increases.

18. 2.11.1 Future Growth Analysis (Continued) (page 50)

Summary: "*Per person loading calculations were used to estimate future loads from WWTFs and OSTDS under different planning scenarios, described below. DEP's Domestic Wastewater Program estimates each person in Florida generates 100 gallons of wastewater per day. For OSTDS, FDOH estimates each person in Florida generates 10 lbs. TN/yr. Average attenuation for wastewater effluent disposal and a weighted basin recharge factor were applied to loading calculations to derive the estimated future load to groundwater.*

Per acre loading calculations were used to estimate future loads from increased urban turfgrass as a result of development under different planning scenarios, described below. First, a number of developed acres were derived by applying percentages to the developable lands from the initial GIS analysis for each entity. Then, the loadings were based on UF-IFAS recommended fertilization rates for different turfgrass species. Finally, attenuation for UTF and a weighted basin recharge factor were applied to loading calculations to derive the estimated future load to groundwater.

Other mechanisms discussed in this section are available to local governments to further mitigate future nutrient loading from existing and future developed land. For example, strengthening and enforcing fertilizer ordinances, working with homeowners' associations or neighborhood groups to reduce fertilizer use on community landscaping, or incentivizing Florida Friendly development practices could reduce the overall impact of additional nutrient loading associated with urban fertilizer. Additionally, wastewater can be treated to higher standards than those built into this analysis through upgrades to WWTFs and use of enhanced nutrient-reducing OSTDS certified with higher nitrogen treatment efficiencies or other wastewater treatment systems with higher treatment levels. Local governments can use this information to incorporate water quality considerations when developing and implementing local ordinances, comprehensive plans, stormwater planning, and enhanced OSTDS incentive programs in areas of urban expansion"

Comment: FDEP identifies practical strategies for reducing nutrient loading from both urban development and wastewater sources and encourages local government involvement and highlights multiple avenues for action (fertilizer ordinances, community engagement, wastewater treatment improvements). The strategy aligns with Florida's broader goals of nutrient reduction, especially for impaired springs and watersheds.

- Phrases like "*strengthening and enforcing fertilizer ordinances*" and "*working with homeowners' associations or neighborhood groups*" are conceptually sound but vague in actionability and would benefit from examples or specifics. It doesn't explicitly tie how these mechanisms would contribute to meeting BMAP or regulatory targets.
- "*Local governments can use this information to incorporate water quality considerations when developing and implementing local ordinances, comprehensive plans, stormwater planning, and enhanced OSTDS incentive programs in areas of urban expansion*". While the original section outlines potential strategies (, it lacks specific steps or models for how local governments should implement them. The text does not reference any existing standardized templates or DEP-approved tools (e.g., for ordinance drafting, enforcement protocols, or reporting metrics) that would be helpful and aid local governments in "strengthening ordinances or upgrading treatment systems". DEP or regional water management districts should provide model fertilizer ordinance templates with optional enhancements. This leaves municipalities/counties, especially smaller or under-resourced ones, without clear direction on how to translate ideas into action.
- While the text encourages local governments to promote Florida-Friendly landscaping and reduce nutrient loading through ordinance and outreach efforts, it does not acknowledge a significant legal barrier - state preemption on the regulation of sod choice. Local government authority is preempted under Florida law when it comes to regulating sod choice, which directly affects landscaping and, by extension, fertilizer use. Under Florida law (see Section 373.185(3), F.S.), local governments may not require specific sod types in landscaping regulations, even when attempting to promote Florida-Friendly practices. This preemption limits the ability of local ordinances to address water use and fertilizer needs effectively through plant selection,

which is a core component of sustainable landscaping. Encouraging Florida-Friendly development without acknowledging this legal restriction may mislead local governments or result in policies that are unenforceable.

- FDEP should explicitly clarify the extent to which local governments can act under current preemption laws and offer alternative strategies that remain within legal bounds. These could include incentive-based programs (e.g., rebates for Florida-Friendly landscaping), voluntary HOA partnerships, public education campaigns instead of mandates, and use of demonstration sites on public property to model best practices.
- While the strategies outlined for nutrient reduction and environmental compliance are clear, effective local implementation requires stronger support and resources. For Hernando County and other local governments to move forward confidently, a step-by-step implementation guidance, access to model ordinances, templates, and outreach materials, defined metrics and targets, a list of available funding sources and cost-sharing programs, and more assistance on the subject matter is needed. Without these tools, local governments face unnecessary delays and inefficiencies in meeting environmental and regulatory expectations.

19. 2.11.1 Future Growth Analysis (Continued) (page 50)

Summary: "*Scenario 1 represents a future planning scenario with the highest levels of treatment feasible. It assumes all local governments within the BMAP have a minimum of 90% of their population served by centralized sewer, and all domestic wastewater will be treated to AWT standards (3 mg/L TN or less and 1mg/L TP or less) by 2040 based on current Florida law and BMAP management strategies. This scenario also assumes that all future OSTDS will be enhanced nutrient-reducing systems or other wastewater systems with a nitrogen treatment efficiency of at least 65%. For urban development, this scenario represents a conservative growth future where 2% of developable land is converted to urban, development codes only allow a 10% coverage of turfgrass, and the species used is centipedegrass, which has low TN fertilization requirements.*

Scenario 2 utilizes the current rates of sewer availability based on the FLWMI parcels to estimate the population served by central wastewater collection system. This future planning scenario assumes that all domestic wastewater will be treated to AWT standards (3 mg/L TN or less and 1mg/L TP or less) by 2040 based on current Florida law and BMAP management strategies. This scenario also assumes that all future OSTDS will be enhanced nutrient-reducing systems or other wastewater systems with a nitrogen treatment efficiency of at least 65%. For urban development, this scenario represents a moderate growth future where 10% of developable land is converted to urban, development codes only allow a 10% coverage of turfgrass, and the species used is centipedegrass, which has low TN fertilization requirements.

Scenario 3 represents a future planning scenario with the lowest levels of treatment feasible. It utilizes the current rates of sewer availability based on the FLWMI parcels to estimate the population served by central wastewater collection system and assumes that all domestic wastewater will be treated to 6 mg/L TN and 3 mg/L TP by 2040. This scenario also assumes that

all future OSTDS will be conventional systems. For urban development, this scenario represents an extreme growth future where 17% of developable land is converted to urban, development codes allow up to 25% coverage of turfgrass, and the species used is St. Augustine grass, which has higher TN fertilization requirements."

Comments: The future planning scenarios present a range of growth and wastewater treatment outcomes, offering three distinct pathways that illustrate how different development intensities and infrastructure strategies could impact nutrient management and water quality goals within the BMAP area. Each scenario reflects a unique combination of urban growth assumptions (conservative, moderate, or aggressive) and wastewater treatment levels (maximum, current, or minimal). Each scenario integrates multiple factors: central sewer coverage, wastewater treatment standards, OSTDS technology, urban land conversion, and landscaping choices—capturing key contributors to nutrient loading.

- **CLARIFICATION**.
    - The analysis does not address the financial implications of each scenario, which are crucial for feasibility, especially for Scenario 1, which assumes maximum treatment and infrastructure expansion.
    - Using fixed land conversion rates (2%, 10%, 17%) may not reflect nuanced regional trends, zoning constraints, or economic drivers of development. These growth assumptions are oversimplified without further explanation.
    - Scenario 3's assumption of 6 mg/L TN and 3 mg/L TP treatment lacks justification and may not reflect actual facility performance for the County.
    - The turfgrass assumptions are uniform across large areas, which may not capture variability in homeowner behavior, local codes, or soil conditions in the County.
    - The scenarios do not account for future climate variability (e.g., increased rainfall or storm intensity, extended rain/hurricane season), which could significantly affect runoff, OSTDS performance, and system reliability.

20. 4.2 Tracking Reductions (Draft, page 63)

Summary: "*The required loading reductions are expected to be met by 2038. Each entity responsible for implementing management actions to meet their upcoming 5-year milestone as part of the BMAP will provide DEP, via the statewide annual report process, with an annual update of progress made in implementing load reductions. The update will track the implementation status of the management actions listed in the BMAP and document additional projects undertaken to further water quality improvements in the basin. DACS will continue to report acreage enrolled in NOIs at least annually to DEP."*

Comments: Annual Reporting and Load Reduction Tracking Toward 2038 Goal establishes a clear target year (2038) for achieving required nutrient load reductions and emphasizes the importance of annual

progress reporting, tying it to 5-year milestones within the Basin Management Action Plan (BMAP) framework.

- **CLARIFICATION**.
    - The BMAP lacks clarity regarding accountability and enforcement. The current language does not specify what actions will be taken if an entity fails to meet required milestones or neglects to submit annual updates. To ensure transparency and compliance, FDEP should include clear language outlining the consequences of noncompliance, such as corrective actions, agency follow-up procedures, technical assistance options, and potential impacts on funding eligibility.
    - While it is beneficial that the passage encourages the documentation of "*additional projects*," it lacks guidance on how these projects will be evaluated or credited toward nutrient load reductions. To ensure consistency and transparency, DEP should establish a clear process for reviewing, quantifying, and incorporating new projects into BMAP tracking and reporting frameworks.

21. Appendix A. Important Links (Draft, page 66)

Summary: "The links below were correct at the time of document preparation. Over time, the locations may change and the links may no longer be accurate. None of these linked materials are adopted into this BMAP.

DEP Website: http://www.floridadep.gov

DEP Map Direct Webpage: https://ca.dep.state.fl.us/mapdirect/

PFA information: https://floridadep.gov/dear/water-quality-restoration/content/bmap-public-meetings

Florida Statutes: http://www.leg.state.fl.us/statutes:

Florida Watershed Restoration Act (Section 403.067, F.S.)

Florida Springs and Aquifer Protection Act (Part VIII of Chapter 373, F.S.)

DEP Model Ordinances: https://ffl.ifas.ufl.edu/ffl-and-you/gi-bmp-program/fertilizer-ordinances/

DEP Onsite Sewage Program: https://floridadep.gov/water/onsite-sewage/content/permitting-enhanced-nutrient-reducing-onsite-sewage-treatment-and

DEP Standard Operating Procedures for Water Quality Samples: https://floridadep.gov/dear/quality-assurance/content/dep-sops

NELAC National Environmental Laboratory Accreditation Program (NELAP): https://floridadep.gov/dear/florida-dep-laboratory/content/nelap-certified-laboratory-search

FDACS BMPs: https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices

FDACS BMP and Field Staff Contacts: https://www.fdacs.gov/Divisions-Offices/Agricultural-Water-Policy/Organization-Staff

Florida Administrative Code (Florida Rules): https://www.flrules.org/

SWFWMD 2024 Surface Water Improvement and Management (SWIM) Plans
https://www.swfwmd.state.fl.us/projects/swim

SWFWMD Springs: https://www.swfwmd.state.fl.us/projects/springs

UF–IFAS Research: http://research.ifas.ufl.edu/ "

Comments: The list includes a wide range of relevant sources statutory references, technical standards, mapping tools, research institutions, and program-specific guidance, which is helpful to understand the proposed BMAP.

- **RECOMMENDATION**.
    - Some of the web links are not functional. Include a version date or access date for transparency.
    - Consider exporting this section as a PDF or standalone web resource with active links and searchable keywords.

22. B. 2 Description of the Management Strategies (Draft, page 67)

Summary: "*Responsible entities submitted these management strategies to the department with the understanding that the strategies would be included in the BMAP, thus requiring each entity to implement the proposed strategies as soon as practicable. However, this list of strategies is meant to be flexible enough to allow for changes that may occur over time. Any change in listed management strategies, or the deadline to complete these actions, must first be approved by the department. Substituted strategies must result in equivalent or greater nutrient reductions than expected from the original strategies.*

While the 20-year planning period for this BMAP is 2018 to 2038, urban and agricultural stormwater projects completed since January 1, 2013, wastewater projects completed since January 1, 2022, and OSTDS projects completed since January 1, 2023 count toward the overall nitrogen reduction goals.

Estimated nitrogen reductions provided by the responsible entity are subject to refinement based on DEP verification and/or on adjustment to calculations based on loading to groundwater that takes into consideration recharge and attenuation."

- **RECOMMENDATION**.
    - There is a great deal of ambiguity in the phrase "flexible enough to allow for changes" and "as soon as practicable". DEP must clarify under what conditions changes are allowed and define what constitutes "practicable" in this context.

- The inclusion of different start dates for counting projects (2013, 2022, 2023) without explanation is confusing. It would be helpful to explain why the cutoff dates differ across project types.

23. Table B-1. Stakeholder projects to reduce nitrogen sources (Draft, page 68)

Summary:

Proj ID 5015 –

5015	Hernando County	HC-01	Package Plant Connection Project	Connect several private wastewater package plants to the county's central wastewater collection system, Weeki Wachee North Mobile Home Park, Topics RV Resort, and Frontier Mobile Home Park.	WWTF Upgrade	Underway	2023	0	$2,739,970.00	DEP; Hernando County	DEP - $2,483,670.00; Hernando County - $256,300.00

Proj ID 5024 -

5024	Hernando County	HC-10	U.S. 19 Reclaimed Water Transmission - Phase I	This is the first phase of a reclaimed water main loop around western Hernando County. The project will initially provide 1.7 MGD of reclaimed water to the Timber Pines Subdivision and Golf Course, with future utilization up to 4.5 MGD.	WWTF Diversion to Reuse	Completed	2019	0	$8,012,642.00	DEP; SWFWMD; Hernando County	DEP - $4,006,321; SWFWMD - $2,003,160; Hernando County - $2,003,161

Proj ID 5034 & Proj ID 5035 –

5034	Hernando County	HC-20	Decommissioning of the Spring Hill Water Reclamation Facility (WRF)	Diverting wastewater flow to other county treatment facilities that achieve better nitrogen removal and demolishing the Spring Hill WRF.	Decommission/ Abandonment	Underway	2023	6214	$0.00	Hernando County	Hernando County - $11,277,000.00
5035	Hernando County	HC-21	Airport WWTP Upgrade	Upgrade denitrification treatment and expansion.	WWTF Nutrient Reduction	Underway	2023	0	$35,000,000.00	DEP; Hernando County	DEP - $0.00; Hernando County - $0.00

Proj ID 6163 -

6163	Hernando County	HC-40	Hernando County Sewer Upgrade Incentive Program	To encourage homeowners to voluntarily remediate existing conventional Onsite Sewage Treatment and Disposal Systems (OSTDS) to include nitrogen reducing enhancements, indicated by the feasibility analysis.	Onsite Sewage Treatment and Disposal System (OSTDS) Enhancement	Planned	2025	1511	$2,785,000.00	DEP	DEP - $2,785,000.00

Comments: Hernando County would like to bring to the Department's attention several discrepancies in the data presented in Table B-1 related to stakeholder projects aimed at reducing nitrogen sources.

A primary concern is that several projects have not been credited with the appropriate nitrogen load reductions. Additionally, the information listed for multiple projects—such as project status, estimated nitrogen load reduction, cost estimates, and funding amounts—is inaccurate and needs to be updated.

The County is prepared to provide the corrected and updated data. Alternatively, if permitted, Hernando County is willing to make the necessary updates directly within the BMAP portal.

Please advise on the preferred approach for proceeding with these updates**. Table 8 on page 31 needs to be updated to show the correct number of credits for Hernando County.**

24. Appendix C. Planning for Additional Management Strategies (Draft, page 82)

Summary: "*Responsible entities must submit a sufficient list of additional projects and management strategies to DEP no later than January 14, 2026, to be compliant with the upcoming BMAP milestone or be subject to further department enforcement.*

If any lead entity is unable to submit a sufficient list of eligible management strategies to meet their next 5-year milestone reductions, specific project identification efforts are required to be submitted by January 14, 2026. Any such project identification efforts must define the purpose of and a timeline to identify sufficient projects to meet the upcoming milestone. The project description and estimated completion date for any such project identification effort must be provided and reflect the urgency of defining, funding, and implementing projects to meet the upcoming and future BMAP milestones.

These planning efforts are ineligible for BMAP credit themselves but are necessary to demonstrate that additional eligible management actions will be forthcoming and BMAP compliance will be achieved. Only those entities that provide sufficient project identification efforts will be deemed as possessing a defined compliance schedule. Those entities without an adequate project list nor a defined compliance schedule to meet their upcoming 5-year milestone may be subject to enforcement actions."

Comments: Project submission requirements and enforcement implications establishes a clear deadline (January 14, 2026) for submitting either additional projects or project identification plans. It emphasizes the importance of proactive planning to meet BMAP milestones and distinguishes between project implementation and project identification efforts, reinforcing the urgency of compliance.

- **CLARIFICATION**.
    - The term "*sufficient list of projects*" is undefined, creating ambiguity around how DEP will evaluate submitted project lists. Currently, there are no quantitative or qualitative criteria provided to determine what constitutes "*sufficient*" in terms of nutrient reduction scope, project scale, or implementation readiness. To improve clarity and ensure consistent application, DEP should explicitly define the standards for a "*sufficient*" project list. This should include how projects are expected to collectively meet the milestone's nutrient reduction target, and require supporting details such as estimated load reductions, cost estimates, implementation timelines, identified funding sources, and level of readiness.
    - The process by which DEP will review and approve submitted project lists or project identification efforts is unclear. The guidance does not specify a timeline for DEP's review, nor does it indicate whether submitting entities will receive feedback or have an opportunity to revise and resubmit insufficient submissions. DEP should establish clear guidance on the evaluation criteria for submissions, define the timeline for agency review and response, and outline whether a resubmission or appeal process will be available in cases where a submission is deemed insufficient.
    - The statement that entities "*be subject to enforcement actions*" lacks clarity of noncompliance and potential enforcement measures such as compliance orders,

funding restrictions, or public notifications. The language is vague and undermines the urgency and accountability associated with the January 14, 2026, deadline. To strengthen compliance and transparency, DEP should clearly outline the range of potential enforcement actions for noncompliance. The escalation pathway of corrective measures must be clarified so that responsible entities fully understand the consequences of failing to meet BMAP milestone requirements.

25. Appendix G: Wastewater Facilities (Draft, page 92)

Summary: "*DEP has determined that certain WWTFs providing reclaimed water for the purpose of commercial or residential irrigation or that is otherwise being land applied within this BMAP area are causing or contributing to the nutrient impairments being addressed in this BMAP. Based on DEP's determination, the facilities listed below in Table G-1 are subject to the nitrogen and phosphorus limits set forth in section 403.086, F.S.*

These facilities have 10 years from BMAP adoption to meet the applicable AWT standards. This requirement does not prevent the department from requiring an alternative treatment standard, if the department determines the alternative standard is necessary to achieve the TMDL(s) or applicable water quality criteria.

For facilities that did not have adequate information to complete an evaluation or where a change occurs to the facility's application of reclaimed water after the initial evaluation (e.g., an increase in facility capacity or change in location of reclaimed water application), the department will evaluate the land application of reclaimed water as more information becomes available pursuant to section 403.086, F.S."

Table G-1. Wastewater facilities subject to the nitrogen and phosphorus limits set forth in section 403.086, F.S.

Facility Name	Permit Number
Glen Water Reclamation Facility	FLA012069
Spring Hill WRF	FLA012043
Hernando Subregional Airport	FLA017223
Pasco County - Hudson Re-Pump Station - Pasco Master Reuse - Allocation to Embassy Hills Subregional and New Port Richey	FLA012741/ FLA012735/ FL0127434
William S. Smith Water Reclamation Facility	FLA012036
Travelers Rest	FLA012831

Comments: WWTF Reclaimed Water Standards and Compliance Framework clearly identifies facilities (Table G-1) subject to nutrient reduction requirements. DEP accounts for future changes in facility operations or reclaimed water application practices and indicates a re-evaluation process.

- **CLARIFICATION**.
    - While the text gives 10 years to meet AWT standards, it does not specify interim milestones or reporting requirements to track progress.
    - The department reserves the right to impose an "*alternative treatment standard*" if necessary but does not provide guidance on how such standards will be determined, evaluated, or communicated to affected entities. DEP should publish clear evaluation criteria for alternate standards and decision-making factors for when and how alternative standards will be applied, ensuring transparency and predictability for facilities.
    - The language regarding re-evaluation of facilities due to new data or changes in operation is vague. It is unclear what constitutes a "*change*" significant enough to trigger reevaluation, or how DEP will notify and involve stakeholders in the reassessment. DEP must define clear thresholds or operational changes (e.g., a percentage increase in capacity, change in treatment processes, change in treatment quality) that would prompt reevaluation, and outline the process and timeline for re-review and agency response.
    - Facilities facing costly infrastructure upgrades to meet AWT may need technical or financial assistance, but the text does not address whether grant programs or planning support are available. DEP should indicate whether affected WWTFs are eligible for funding assistance or technical guidance to meet compliance requirements.
    - The process appears top-down, with no mention of how local utilities, governments, or the public are involved in planning or review. DEP should include a stakeholder engagement component, particularly during re-evaluation and implementation phases, to promote transparency and local coordination.
    - Table G-1 includes the Spring Hill Water Reclamation Facility (WRF), which has already been decommissioned. As it is no longer operational, this facility should be removed from the list of wastewater treatment facilities subject to nitrogen and phosphorus limits under section 403.086, F.S. Including non-operational facilities may create confusion and misrepresent the actual sources contributing to nutrient loading.
    - For the Glen Water Reclamation Facility, there appears to be a discrepancy between the total nitrogen (TN) reduction achieved through land application of reclaimed water and the AWT requirement set forth under section 403.086, F.S. If the facility's existing land application practices are effectively reducing TN loads to levels comparable to or better than AWT standards, this should be formally recognized. DEP should evaluate site-specific performance and, where appropriate, assign equivalent nutrient reduction credits to reflect the actual environmental benefit. This would ensure that facilities achieving meaningful reductions are appropriately credited and not unnecessarily burdened with costly upgrades.