

**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN RE:**

**ESTABLISHMENT OF SITE SPECIFIC  
ALTERNATIVE CRITERIA FOR CHLOROPHYLL-A,  
TOTAL NITROGEN, AND TOTAL PHOSPHORUS  
FOR LAKE TARPON (PINELLAS COUNTY)**

**OGC Case No. 26-0413**

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**Final Order**

Pinellas County filed a petition with the Florida Department of Environmental Protection (department) for Site Specific Alternative Criteria (SSAC) for chlorophyll-*a* (Chl-*a*), total nitrogen (TN), and total phosphorus (TP) for Lake Tarpon in Pinellas County. Pinellas County's petition was for a Type I SSAC, but the department determined that the request was more appropriately processed as a Type III SSAC. This order establishes Type III SSACs for Chl-*a*, TN, and TP for Lake Tarpon proper (WBID 1486A) pursuant to subsection 62-302.800(3) of the Florida Administrative Code (F.A.C.). Subparagraph 62-302.800(3), F.A.C., specifies that the proposed SSAC "achieve the narrative nutrient criteria in paragraph 62-302.530(48)(b), F.A.C., and are protective of downstream waters." Paragraph 62-302.800(3)(b), F.A.C., likewise specifies that "[t]he SSAC shall be established at a level representative of nutrient loads or concentrations that have been demonstrated to be protective of the designated use by maintaining balanced, natural populations of aquatic flora and fauna."

In deriving the SSACs herein, a site-specific evaluation was undertaken to determine the appropriate and protective numeric nutrient criteria for Lake Tarpon and downstream waters. The department examined historical and existing water quality and biological data to determine the most appropriate Period of Record (POR) which was indicative of healthy flora and fauna and would protect the lake's healthy existing biological condition.

Based on this water quality and biological data, while ensuring consistency with the *Development of Type III Site Specific Alternative Criteria for Nutrients* document (incorporated into subparagraph 62-302.800(3)(a)2., F.A.C.), the department set the POR used to derive the SSACs to 2003 through 2022. The Chl-*a*, TN, and TP SSACs were calculated as the 90 percent prediction interval of the annual geometric mean concentrations for the period from 2003 through 2022. The scientific and technical basis for these Type III SSACs is presented in a document titled *Development of Type III Site Specific Alternative Nutrient Criteria for Lake Tarpon in Pinellas County, Florida*.

On August 27, 2025, a notice was published in the Florida Administrative Register announcing a public hearing on October 15, 2025, on the Type III SSACs. At the public hearing, the

department presented information on the proposed adoption of the Type III nutrient SSACs for Lake Tarpon. No comments were received during the two-week public comment period that followed the public hearing.

This final order establishes Type III SSACs for Lake Tarpon as follows:

- 1) An annual geometric mean (AGM) chlorophyll-*a* concentration of 28 µg/L not to be exceeded more than once in any consecutive three-year period;
- 2) An AGM total nitrogen concentration of 1.15 mg/L not to be exceeded more than once in any consecutive three-year period; and
- 3) An AGM total phosphorus concentration of 0.04 mg/L not to be exceeded more than once in any consecutive three-year period.

These SSACs constitute site-specific numeric interpretations of the narrative nutrient criterion for Lake Tarpon (WBID 1486A) and supersede and replace the otherwise applicable numeric nutrient criteria for this particular surface water segment.

THEREFORE, IT IS ORDERED that the Site Specific Alternative Criteria set forth herein for chlorophyll-*a*, total nitrogen, and total phosphorus in Lake Tarpon are hereby established.

#### Notice of Rights

This Type III nutrient SSACs for Lake Tarpon shall become final unless a timely petition for an administrative proceeding is filed pursuant to the provisions of Sections 120.569 and 120.57 of the Florida Statutes, before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the department's proposed agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions must be filed within 21 days of publication of the public notice or within 21 days of receipt of this order, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who asked the department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the department's final action may be different from the position taken by it in this order. Persons whose substantial interests will be affected by any such final decision of the department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

A party who is adversely affected by this order has the right to seek judicial review under Section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the department in the Office of the General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the department.

DONE AND ORDERED this 24 day of April 2026, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Alexis Lambert  
Secretary  
Marjorie Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52,  
FLORIDA STATUTES, WITH THE DESIGNATED  
DEPARTMENT CLERK, RECEIPT OF WHICH IS  
HEREBY ACKNOWLEDGED.

  
CLERK

4/24/2026  
DATE