

Frequently Asked Questions Regarding Site Specific Alternative Criterion

What is a Site Specific Alternative Criterion?

A Site Specific Alternative Criterion (SSAC) is a surface water quality criterion developed for a particular waterbody, or segment of a waterbody, designed to more accurately reflect site specific conditions. Criteria, including site specific criteria, are one of the components of Florida's surface water quality standards, and are intended to protect designated and existing uses of state waters.

Development of an approvable site specific criterion is dependent on a demonstration that the different water quality criterion is more appropriate for the waterbody than the one that normally applies for the classification. When approved, a SSAC is used instead of (or sometimes in conjunction with) the generally applicable surface water criterion associated with that waterbody's classification. A SSAC recognizes and accounts for the specific needs of the biological community (flora and fauna) native to the waterbody to make sure they are fully protected.

For more details, see the following Surface Water Quality Standards rule sections of Chapter 62-302, F.A.C., located on the Department of State webpage:

(<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-302>)

- **Rule 62-302.400, F.A.C.**, for classes and designated uses;
- **Rule 62-302.530, F.A.C.**, for a table of the criteria generally applicable to each class of water.
- **Rule 62-302.800, F.A.C.**, for more information on Type I, Type II, and Type III SSACs.

Why does the State adopt SSACs?

The Florida Department of Environmental Protection (DEP) uses a broad approach to manage and assess Florida's wide variety of surface waterbodies. All of Florida's surface waters are classified according to designated uses (Classes I-V); and water quality criteria that support the classes (and therefore, uses) apply uniformly to all surface waters within the state that have the same classification.

DEP recognizes that, with the variety of surface waters in the state, there may be situations where a generally applicable statewide criterion may not be appropriate for a waterbody or portion of a waterbody. The State adopted surface water quality standards largely to regulate end of pipe discharges; however, when the criteria were adopted in 1979, the Environmental Regulation Commission (ERC) recognized that with a broad approach, one or more of the criteria applicable to all waters within a classification may not be appropriate for a specific waterbody or segment of a waterbody. By gathering more current and site-specific data, the new information can be used to establish a SSAC that better protects the waterbody because it more specifically reflects the recreational use or the requirements of the organisms in that waterbody. This information provides the basis for a more appropriate site specific criterion that fully protects the waterbody and all of its uses.

How will the criterion change affect the waterbody?

If adopted and approved by the Environmental Protection Agency (EPA), a SSAC would change a specific criterion to better reflect the natural or unabatable conditions of a waterbody or alternative levels that are protective of the uses, without changing its designated use. For example, a SSAC in a Class III waterbody still must fully support all existing uses, including protection of fish and wildlife and recreational uses.

After a SSAC is adopted and approved by EPA, the new criterion applies to the waterbody in place of (or in conjunction with) the criterion that normally applies to all waters for that classification. Other criteria are not affected, and the SSAC applies to anyone using or discharging to the water. SSACs represent changes to surface water quality criteria and are not tied to individual permits. Once adopted, SSACs remain in effect indefinitely; however, they do undergo periodic review during the State's Triennial Review process to ensure their continued applicability and protectiveness.

Who will the criterion change affect?

Anyone who seeks a permit for activities in these waters would need to meet the new criterion level. Additionally, the SSAC will be used when assessing the waterbody for impairment under the state's Impaired Waters Rule (Chapter 62-303, F.A.C.) and subsequent TMDL development, if one is needed.

How is a SSAC created?

Anyone may petition DEP to develop a SSAC for a specific water quality parameter. The department may also initiate SSAC development. Type I and Type III SSACs are adopted by Secretarial Final Order, and Type II SSACs are approved for adoption by the Environmental Regulation Commission (ERC). Development of a SSAC includes public comment as well as state and federal approval of the water quality standard change for it to become effective. Like all criteria changes, a SSAC must be based on sound scientific rationale. Details of the process and information needed are described in Rule 62-302.800, F.A.C.

How do the three types of SSACs differ?

A **Type I SSAC** (defined in subsection 62-302.800(1), F.A.C.) is a site specific alternative criterion that is based on natural background (minimally disturbed conditions).

A **Type II SSAC** (defined in subsection 62-302.800(2), F.A.C.) is developed based on scientifically defensible methods (other than natural background) that demonstrate the SSAC fully maintains and protects designated uses (human health and aquatic life), existing uses, and the level of water quality necessary to protect human health and existing and beneficial uses. Type II SSACs may be established for a waterbody that includes some human influence on water quality.

A **Type III SSAC** (defined in subsection 62-302.800(3), F.A.C.) is limited to nutrients in streams and lakes. Biological health assessments are used to demonstrate full aquatic life use support, and the SSAC is established at a level representative of existing associated nutrient regime (which is protective of the use). DEP developed a document titled *Development of Type*

III Site Specific Criteria for Nutrients to help guide petitioners through the process for developing a Type III SSAC.

All types of SSACs must demonstrate that the alternative criterion would fully maintain and protect the designated uses (human health and aquatic life), existing uses, and the water quality of adjacent waters and waters downstream of the SSAC.

Can SSACs be developed in waters with threatened or endangered species or in areas designated as critical habitat?

Yes, SSACs can be developed in waters with threatened or endangered species or in areas designated as critical habitat. Water Quality Standards Program staff ensure that EPA Region 4, U.S. Fish and Wildlife Service (U.S. FWS), and NOAA National Marine Fisheries Service (NMFS) are notified of any proposed SSACs early in the review process and are briefed on the progress of these proposals. Petitioners will need to collect information and data regarding the presence of threatened and endangered species and/or critical habitat in the area proposed for SSAC development before any work on a SSAC monitoring project begins.

Parties considering a SSAC should consult informational resources provided by the Services for a complete listing of all ESA-listed species and critical habitats within or downstream of the waterbody of interest. Review of ESA-listed species should not be limited to aquatic species because certain non-aquatic species (*e.g.*, snail kite) may be dependent on aquatic resources and thus, are potentially affected by water quality standards changes. The U.S. FWS provides several online information sources for ESA-listed species and critical habitats. The online Information for Planning and Conservation (IPaC) tool, available at <https://ecos.fws.gov/ipac/>, is the most useful. The IPaC tool can be used to query a list of endangered species and critical habitats within and downstream of a project location. It can also be used to generate an official species list from the U.S. FWS for the project area. NOAA's Southeast Office provides a list of species under NMFS jurisdiction, listed as threatened or endangered, and designated critical habitat for each state at

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html.

Webpage URLs may change overtime. Please contact the department's Water Quality Standards Program for the latest links if the above listed webpages are no longer available.

If threatened or endangered species are suspected to inhabit areas near the proposed SSAC areas, DEP will involve U.S. FWS and/or NMFS in all phases of SSAC development to ensure the species is adequately protected and the agency has all the necessary information needed to complete its Endangered Species Act (ESA) consultation as quickly as possible. Determination of which federal service to involve will be dependent on which service has jurisdiction over the threatened or endangered species suspected to inhabit the area. Early coordination will help ensure timely and informed review of final SSAC petitions.

Is there opportunity for public input in the SSAC process?

Yes, the SSAC process provides opportunities for public participation and DEP encourages comments and critique of the scientific merits used to determine the SSAC. The public is provided the opportunity to submit written comments. Additionally, a public hearing is held in

the area affected by the proposed criterion change for Type I, II, and III SSACs.

Is there a cost to entities petitioning the department for a SSAC?

Yes, there is fee of \$15,000, required under Rule 62-4.050, F.A.C. (Procedures to Obtain Permits and Other Authorizations; Applications), for each final SSAC petition. The fee is per petition, not per parameter. For further information associated with submittal of the SSAC fee, please contact the Water Quality Standards Program.

Where can information on previously adopted SSACs be located?

Due to their formal adoption into Chapter 62-302, F.A.C., information on Type II SSACs is located in Rule 62-302.800, F.A.C. Information on all adopted and approved SSACs, along with static maps delineating the adopted SSAC boundaries, is located under the Alternative Surface Water Quality Standards portion of the Water Quality Standards Program public webpage (<https://floridadep.gov/dear/water-quality-standards/content/waters-site-specific-alternative-criteria>). An interactive mapping tool (NNC Tracker) showing the location of all approved nutrient SSACs (site specific interpretations of the numeric nutrient criterion) is available at <https://floridadep.gov/dear/water-quality-standards/content/numeric-nutrient-criteria-development>. DEP also has ArcGIS layers called *Site Specific Alternative Criteria (SSAC)* and *Numeric Nutrient Criteria* that detail the extents and locations of each of the adopted SSACs, which can be accessed through the [DEP Geospatial Open Data Portal](#) or [Map Direct](#). Please contact the Water Quality Standards Program if further instructions are needed on how to access this information.

For further questions, please contact DEP's Water Quality Standards Program within the Division of Environmental Assessment and Restoration (DEAR), Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3560; Tallahassee, Florida 32399-2400. Phone (850)245-8346.