



FWEA Utility Council

Protecting Florida's Clean Water Environment

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February 12, 2013

Eric Shaw, Environmental Manager
Standards and Assessment Section
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 6511
Tallahassee, Florida 32399-2400

Re: Comments – Florida Water Environment Association Utility Council
Triennial Review – Human Health Based Criteria

Dear Mr. Shaw,

The Florida Water Environment Association Utility Council (herein after FWEA-UC or Utility Council) submits the following supplemental comments to articulate the utility council's remaining concerns regarding the Department's draft language amending portions of Rule Chapters 62-4, 62-302 and 62-303, Florida Administrative Code (F.A.C.), as part of the Department's latest review and update (triennial review) of its surface water quality standards as required by the federal Clean Water Act. A copy of the utility council's previously submitted comments accompany this letter.

As noted in prior comments, the Utility Council formed a Human Health Criteria (HHC) work group which has met with Department staff on several occasions. During meetings with the Department, and in written comments, the HHC work group has expressed the Utility Council's concerns as to the need for the proposed criteria, the technical basis for proposed criteria and whether it is possible to effectively implement the new and amended criteria—many of which fall well below the method detection limit (MDL) for the compound.

DEHP remains a concern to utility council members. The Department's latest proposed Class I criterion for DEHP is 1.7 ug/L. The proposed criterion for Class II and Class III waters is now 3.7 ug/L. Since DEHP has only a nominal tendency to bioconcentrate (BCF = 130), it is worth noting once again that EPA's hazard summary for DEHP makes clear that the most probable route of exposure to DEHP is food at an average of 0.25 mg/day (250 ug/day) as the chemical migrates from plastics into food. The MCL under the Safe Drinking Water Act (SDWA) is 6 ug/L. The FDA limit for water packaged and sold in plastic bottles is the same 6 ug/L as applicable under the SDWA. An ambient criterion for DEHP will result in misplaced resources as wastewater treatment facilities chase trace amounts of the chemical while a bottle of water exposes the public concentrations of DEHP orders of magnitude greater than the proposed criteria.

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The HHC work group also has serious concerns regarding the limits for DEHP and would appreciate an opportunity to meet with the Department to discuss this issue in detail before the human health criteria are presented to the Environmental Regulation Commission for approval. Because the contaminant originates from plastics, it is virtually impossible to eliminate all sources of contamination making existing sampling and analyses suspect at best.

The utility council also objects to the Department's new approach for estimating fish consumption. The Department has no regulatory authority over fish imported from overseas or from other states and it makes no regulatory sense to have to ratchet down the criteria in fish that do originate from Florida to try to address exposure routes over which the State of Florida has no control. While the HHC work group understands that the current approach to assessing fish consumption originates from EPA staff comments, it is an indefensible policy legally and technically.

The utility council appreciates the opportunity to provide these comments and looks forward to working with staff to address the council's remaining concerns.

Sincerely,



David Richardson, President
Florida Water Environment Association Utility Council

Copy to:

Jeff Littlejohn, Deputy Secretary, FDEP
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Members, FWEA-UC HHC Work Group