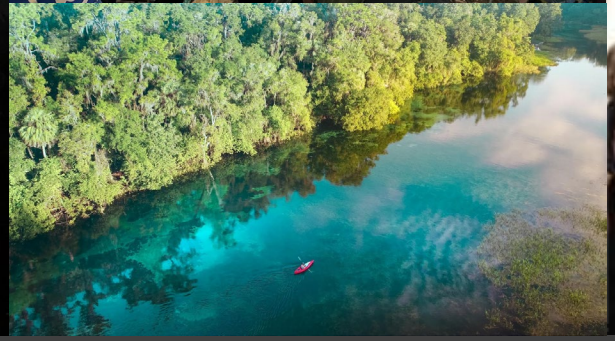








Nothing Cleans a Spring like a Lawsuit

FloridaSpringsCouncil.org

Basin Management Action Plans













Florida Springs & Aquifer Protection Act (2016

BMAPs must include (403.067 & 373.807)

- Description of sources
- 20-year implementation plan
- Credits to achieve 5-year milestone
- Allocation of pollution reduction
- OSTDS, WWTF, or Ag remediation plan, where necessary

Prohibited within BMAP areas (373.811)

- Non-AWT Wastewater Treatment Plants
- New OSTDS on lots of 1 acre or less
- New Hazardous Waste Disposal Facilities
- New agriculture w/o Best Management Practices

Three Issues Argued Before the 1st DCA in 2023-2024

- Plans wouldn't achieve the TMDL within 20 years
- Didn't account for future growth in agriculture and population
- Nitrogen reductions weren't allocated to non-point sources



OFS BMAPs Invalidated by 1st DCA

The Department's allocations of load reductions in the BMAPs at issue allocated the reductions to the entire basins, not to any point or nonpoint source. The Department argued below that sections 403.067(6)(b) and 403.067(7), Florida Statutes (2018), only require allocations to the basin as a whole. Appellants have addressed this argument on appeal, although the Department did not specifically address it in its answer brief.

Section 403.067(6)(b) provides that for TMDLs, "[a]llocations may also be made to individual basins and sources *or as a whole to all basins and sources* or categories of sources *of inflow to the water body or water body segments*." (emphasis added). Appellants persuasively argue that, if this clause applies at all to this issue, it only establishes that allocations to basins as a whole may be appropriate only for basins that are "sources of inflow to the waterbody" that is the subject of the TMDL. There are no such basins at issue here. In any event, as explained below, we need not reach the issue of how specifically to interpret this provision because this case deals specifically with BMAPs for Outstanding Florida Springs.

The Department also relies on the provision of section 403.067(7)(a)2., which states that "[a] basin management action plan must equitably allocate . . . pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, *as appropriate*." (emphasis added). In this case, however, allocations of a load reductions to a basin as a whole are clearly not "appropriate," because, as discussed above, section 373.807(1)(b)7. requires that BMAPs for Outstanding Florida Springs include "[a]n estimated allocation of the pollutant load . . . for *each* point source or *category* of nonpoint sources." (emphasis added).

For the reasons explained above, we reverse the Department's final order and remand for further proceedings consistent with this opinion.

ROBERTS and LONG, JJ., concur.



All Impaired Outstanding Florida Springs Combined

2018 BMAP

68%

nitrogen reduction was required across all impaired Outstanding Florida Springs combined

12,798,408 lbs-N./year
(combined pollution at spring vents)

- 4,108,463 lbs.-N/year
(water quality goal)

= 8,690,975 lbs.-N/year
(required reduction)

2024 Update

72%

nitrogen reduction is required across all impaired Outstanding Florida Springs combined

14,335,221 lbs-N./year
(combined pollution at spring vents)

- 4,042,773 lbs.-N/year
(water quality goal)

= 10,292,449 lbs.-N/year
(required reduction)

All Impaired Outstanding Florida Springs Combined

Of the 30 Outstanding Florida Springs, ~~24~~ 26 are considered impaired by nitrate pollution.

Chassahowitzka Springs Group
Crystal River
DeLeon Spring
Devil's Ear Spring
Falmouth Spring
Fanning Springs
Gemini Springs
Homosassa Springs
Hornsby Spring
Ichetucknee Springs
Jackson Blue Spring
Lafayette Blue Spring
Madison Blue Spring
Rock Springs
Silver Springs
Troy Spring
Volusia Blue Spring
Wacissa Spring Group
Wakulla Spring
Weeki Wachee Springs Group
Wekiwa Spring
Manatee Spring
Peacock Springs
Rainbow Springs
Columbia Spring
Treehouse Spring

OFS BMAP Statutory Updates

Must include (403.067 & 373.807):

- Description of sources
- 20-year implementation plan
- Allocation of pollution reduction
- **Projects to meet 5-year milestones**
- Septic, wastewater, and **agricultural**, remediation plans where necessary

Prohibited within (373.811):

- Non-AWT Wastewater Treatment Plants
- New OSTDS on lots of 1 acre or less
- New Hazardous Waste Disposal Facilities
- New agriculture w/o Best Management Practices

June, 2025 - FDEP Adopts Updated BMAPs

Good:

- Allocations

Bad:

- Fails to meet 5-year milestones
- Fails to achieve TMDL
- Weak OSTDS policies
- Future growth not accounted for
- Missing ag remediation element
- Insufficient monitoring
- Relies on unproven ag projects

Good afternoon,

Thank you for your email. Attached is a date-stamped copy of your document. The request has been filed in the following cases:

1. St. Johns Riverkeeper v. DEP; OGC 25-1029/Lower St. Johns River Main Stem
2. Calusa Waterkeeper, Florida Oceanographic Society v. DEP; OGC 25-1033/Caloosahatchee River and Estuary
3. Calusa Waterkeeper and Florida Oceanographic Society v. DEP; OGC 25-1034/Lake Okeechobee
4. Florida Oceanographic Society v. DEP; OGC 25-1035/St. Lucie River and Estuary
5. Calusa Waterkeeper v. DEP; OGC 25-1036/Everglades West Coast
6. Homosassa River Alliance, Save the Manatee Club, and Florida Springs Council v. DEP; OGC 25-1038/Homosassa and Chassahowitzka Springs Groups
7. Rainbow River Conservation, Save the Manatee Club, and Florida Springs Council v. DEP; OGC 25-1040/Silver Springs and Upper Silver River and Rainbow Spring Group and Rainbow River
8. Wakulla Springs Alliance, Tallahassee Regional Environmental Group, Save the Manatee Club, and Florida Springs Council v. DEP; OGC 25-1045/Upper Wakulla River and Wakulla Spring
9. Florida Springs Council and Save the Manatee Club v. DEP; OGC 25-1047/Lower and Middle Suwannee River
10. Ichetucknee Alliance, Save the Manatee Club, and Florida Springs Council v. DEP; OGC 25-1048/Santa Fe River
11. Friends of Wekiva River, Save the Manatee Club, and Florida Springs Council v. DEP; OGC 25-1049/Wekiwa Springs and Rock Springs

Thank you,
Lea Crandall

RECEIVED
November 24, 2025
Dept. of Environmental Protection
Office of General Counsel

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA SPRINGS COUNCIL, INC.,
Petitioner,

vs. OGC Case No.: 25-1047

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent.

_____/

Florida Springs Council petitions for an administrative hearing regarding the Florida Department of Environmental Protection's (DEP) June 27, 2025, Final Order Establishing the *Lower and Middle Suwannee River Basin Management Action Plan* [hereinafter 2025 Suwannee BMAP or the BMAP], and as grounds, states the following:

I. INTRODUCTION

1. Despite multiple remedial legislative enactments, seven Outstanding Florida Springs[1] in the Suwannee River Basin remain impaired for nitrate-nitrogen (NO3-N) [hereinafter nitrogen] because DEP fails to adequately plan for and regulate nutrient loading in accordance with statutory directives. Excess nitrogen adversely affects water quality, plants and wildlife, recreational opportunities, property values, and local economies by fueling the excessive growth of algae. This excessive algal growth results in ecological imbalances in springs and rivers and can produce foul odors and negatively impact human health, inhibit navigation, and reduce the

[1] The seven springs are Fanning and Manatee in the Lower Suwannee River Sub-basin; Falmouth, Lafayette Blue, Peacock, and Troy in the Middle Suwannee River Sub-basin; and Madison Blue in the Withlacoochee River Sub-basin.

RECEIVED
November 24, 2025
Dept. of Environmental Protection
Office of General Counsel

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA SPRINGS COUNCIL, INC.,
and FRIENDS OF WEKIVA RIVER, INC.,

Petitioners,

vs. OGC Case No.: 25-1049

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents.

_____/

Florida Springs Council and Friends of Wekiva River (collectively, Petitioners) petition for an administrative hearing regarding the Florida Department of Environmental Protection's (DEP) June 27, 2025, Final Order Establishing the *Wekiwa Spring and Rock Springs Basin Management Action Plan* [hereinafter 2025 Wekiwa BMAP or the BMAP], and as grounds, state the following:

I. INTRODUCTION

1. Despite multiple remedial legislative enactments, Wekiwa Spring and Rock Springs remain impaired for nitrate-nitrogen (NO3-N) [hereinafter nitrogen] because DEP fails to adequately plan for and regulate nutrient loading in accordance with statutory directives. Excess nitrogen adversely affects water quality, plants and wildlife, recreational opportunities, property values, and local economies by fueling the excessive growth of algae. This excessive algal growth results in ecological imbalances in springs and rivers and can produce foul odors and negatively impact human health, inhibit navigation, and reduce the aesthetic and recreational value of the natural environment.

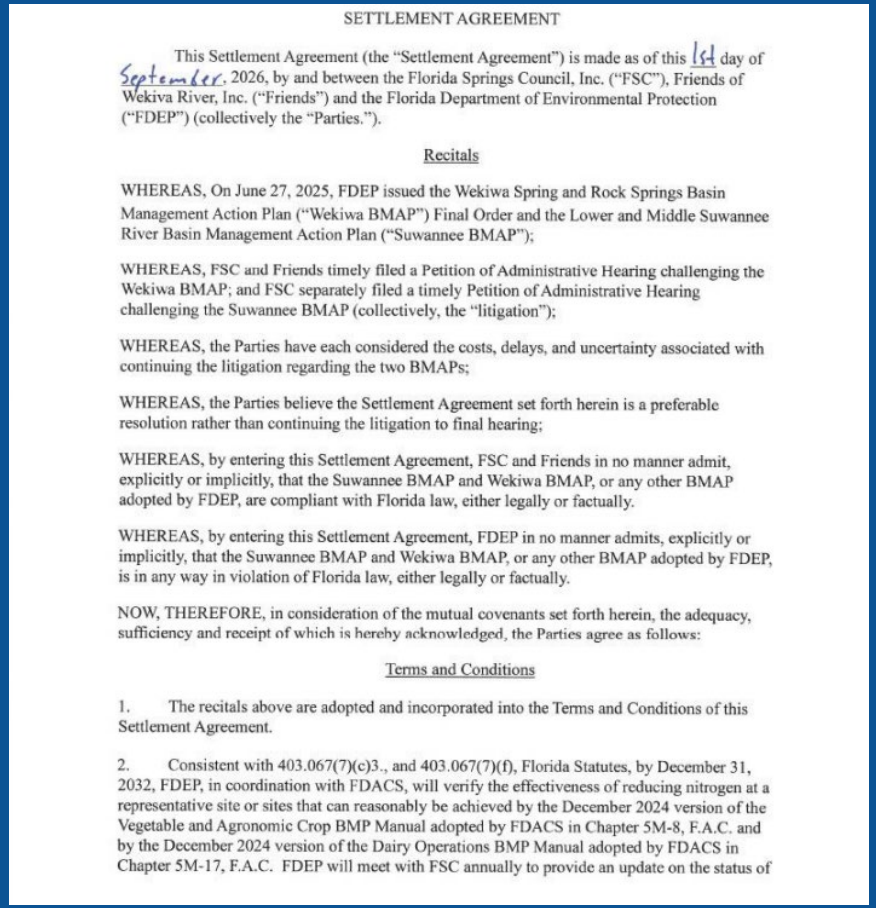
Pollution Reduction (Non)-Progress

2025 Suwannee BMAP

- 41% of 5-year goal
- 12% of Total Goal (2038)
- 15 of 18 largest polluters will not meet targets

2025 Wekiwa/Rock BMAP

- 23% of 5-year goal
- 17% of Total Goal (2038)
- 16 of 16 largest polluters will not meet targets



SETTLEMENT AGREEMENT

This Settlement Agreement (the "Settlement Agreement") is made as of this 1st day of September, 2026, by and between the Florida Springs Council, Inc. ("FSC"), Friends of Wekiva River, Inc. ("Friends") and the Florida Department of Environmental Protection ("FDEP") (collectively the "Parties.").

Recitals

WHEREAS, On June 27, 2025, FDEP issued the Wekiwa Spring and Rock Springs Basin Management Action Plan ("Wekiwa BMAP") Final Order and the Lower and Middle Suwannee River Basin Management Action Plan ("Suwannee BMAP");

WHEREAS, FSC and Friends timely filed a Petition of Administrative Hearing challenging the Wekiwa BMAP; and FSC separately filed a timely Petition of Administrative Hearing challenging the Suwannee BMAP (collectively, the "litigation");

WHEREAS, the Parties have each considered the costs, delays, and uncertainty associated with continuing the litigation regarding the two BMAPs;

WHEREAS, the Parties believe the Settlement Agreement set forth herein is a preferable resolution rather than continuing the litigation to final hearing;

WHEREAS, by entering this Settlement Agreement, FSC and Friends in no manner admit, explicitly or implicitly, that the Suwannee BMAP and Wekiwa BMAP, or any other BMAP adopted by FDEP, are compliant with Florida law, either legally or factually.

WHEREAS, by entering this Settlement Agreement, FDEP in no manner admits, explicitly or implicitly, that the Suwannee BMAP and Wekiwa BMAP, or any other BMAP adopted by FDEP, is in any way in violation of Florida law, either legally or factually.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the adequacy, sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

Terms and Conditions

1. The recitals above are adopted and incorporated into the Terms and Conditions of this Settlement Agreement.

2. Consistent with 403.067(7)(c)3., and 403.067(7)(f), Florida Statutes, by December 31, 2032, FDEP, in coordination with FDACS, will verify the effectiveness of reducing nitrogen at a representative site or sites that can reasonably be achieved by the December 2024 version of the Vegetable and Agronomic Crop BMP Manual adopted by FDACS in Chapter 5M-8, F.A.C. and by the December 2024 version of the Dairy Operations BMP Manual adopted by FDACS in Chapter 5M-17, F.A.C. FDEP will meet with FSC annually to provide an update on the status of

DEP Settlement Conditions

By November 1st:

- Adopt updated BMAPs for Suwannee and Wekiwa & Rock Springs that include additional projects to reduce pollution.

Updated BMAPs will include additional projects that will reduce hundreds of thousands of pounds of nitrogen pollution from row crops, dairies, and septic tanks by 2028, accelerating springs restoration.

Settlement Conditions for DEP

Within 150 days:

- Begin compliance enforcement against entities in the Suwannee and Wekiva Basins that failed to provide sufficient projects to meet required 2028 pollution reductions.

Absent enforcement, rules are just suggestions. This provision assures that FDEP will notify entities that are not in compliance with the BMAPs and carry out suitable enforcement.

Settlement Conditions for DEP - Suwannee & Wekiva

By December 31, 2030:

- Include projections of growth for irrigated agriculture in BMAP.

BMAPs are forward looking plans to achieve water quality standards by 2038. In order for them to be successful, the plans must account for increases in pollution during the life of the plan.

Settlement Conditions for DEP - Suwannee & Wekiva

By December 31, 2030:

- Expand water quality monitoring by at least ten locations in the Suwannee and at least six locations in the Wekiwa & Rock Springs.

- Define when monitoring shows whether or not “reasonable progress is being made”, as required by law.

Our challenge exposed significant gaps in DEP’s water quality monitoring network, especially in the Suwannee Basin where data was insufficient to even create a trend analysis. Good policies are based on good science and good science requires good data.

Settlement Conditions for DEP - Wekiwa & Rock Springs

By December 31, 2030:

- Prohibit new conventional septic systems on lots of 10 acres or less.
- Require all existing existing septic systems on lots of 10 acres or less to upgrade to advanced system or connect to central sewer

Septic systems account for 52% of the nitrogen pollution in Wekiwa & Rock Springs. Banning new conventional septic systems and replacing existing systems is the key to restoring water quality in the Wekiva basin.

Settlement Conditions for DEP - Suwannee & Wekiva

By December 31, 2032:

- Verify the effectiveness of best management practices for vegetable and agronomic crops and dairies at reducing nitrogen in the Suwannee Basin.

Implementing best management practices (BMPs) provides agricultural producers with a presumption of compliance for almost all Florida water laws. Verifying that BMPs are effective at reducing pollution and achieving water quality standards is among the most important things we can do to restore our rural springs and rivers.


NOTHING PROTECTS A SPRING LIKE A LAWSUIT
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Scan to make a donation to the Springs Legal Fund
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