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United States Environmental Protection Agency
Office of Water EPA 820-S-12-12001
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Extension of Effective Date for Water Quality Standards for Florida's Lakes and Flowing Waters

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Summary

The EPA is delaying the March 6, 2012 effective date of the "Water Quality Standards for the State of Florida's Lakes and Flowing Waters; Final Rule" (inland waters rule) by four months to July 6, 2012. This delay will allow EPA to work with the Florida Department of Environmental Protection (FDEP) as a partner, as the FDEP takes the steps necessary to finalize and submit new State water quality standards. This action will also avoid the confusion and inefficiency that may occur should federal criteria become effective while state criteria are being finalized by the state and reviewed by EPA.

The EPA's final inland waters rule also included a separate effective date for the site-specific alternative criteria provision, which took effect on February 4, 2011. This final rule does not affect or change the February 4, 2011 date.

Background

Nitrogen and phosphorus pollution (also known as "nutrient pollution") is one of the largest causes of water quality problems in Florida. Limiting nutrient pollution across the State will help protect the health of Floridians and also preserve Florida's greatest asset—clean water—and the prosperity and jobs that go with it. Florida's tourism industry, the State's number one industry, employs nearly one million Floridians and pumps billions into the State's economy each year, including generating thousands of jobs and well over $3 billion in taxes.

Nitrogen and phosphorus pollution causes harmful algae blooms, which produce toxins harmful to both humans and animals, and deplete oxygen needed for fish and shellfish survival. It can also smother vegetation, discolor water and result in the formation of byproducts in drinking water from disinfection chemicals, some of which have been linked with serious human illnesses. Nutrient water pollution originates from stormwater runoff, municipal wastewater treatment, fertilization of crops and livestock manure. Nitrogen also forms from the burning of fossil fuels, like gasoline, and can enter water bodies through rainfall and atmospheric deposition.

Consent Decree and EPA's Inland Waters Rulemaking

The Florida Wildlife Federation filed a lawsuit against the EPA in 2008. This was followed by EPA's January 2009 determination under the Clean Water Act that specific or "numeric" nutrient standards are needed in Florida. A consent decree settling the lawsuit, entered into by the parties in August 2009 and by the court in December 2009, required the EPA to adopt numeric nutrient pollution standards for lakes and flowing waters by November 2010.

On December 6, 2010, the final inland waters rule was published in the Federal Register (75 FR 75762) and codified at 40 CFR 131.43. The final rule established numeric nutrient criteria, or numeric limits on the amount of nutrient pollution allowed in Florida's waters while still protecting applicable designated uses.

By this action EPA sought to improve water quality, protect public health and aquatic life and the long-term recreational uses of Florida's waters, which are a critical part of the State's economy. This promulgation was in accordance with the previously mentioned Clean Water Act determination, the August 2009 consent decree, and subsequent revisions to that consent decree.

State of Florida's Rulemaking

In the fall of 2011, FDEP developed numeric nutrient criteria for inland waters and some estuarine waters. FDEP is expected to submit

the new or revised water quality standards to EPA for review pursuant to Clean Water Act section 303(c) pending the outcome of a state administrative challenge to the criteria.

About this Rulemaking

The EPA's final inland waters rule was originally scheduled to take effect on March 6, 2012, except for the site-specific alternative criteria provision, which took effect on February 4, 2011. This rulemaking delays the effective date by 4 months to July 6, 2012. It does not change the February 4, 2012 effective date for the site-specific alternative criteria provision.

The scope of this final rule is limited; it only seeks to delay the effective date of the inland waters rule. Hence, this final rule is not a new regulation. The final rule does not involve technical standards, or impose any economic impact burden on any small entity.

Citizens concerned with water quality in Florida may be interested in this rulemaking. Entities discharging nitrogen or phosphorus to lakes and flowing waters of Florida could be indirectly affected by this rulemaking because water quality standards are used in determining National Pollutant Discharge Elimination System permit limits.

Categories and entities that may ultimately be affected include (1) industry, such as those discharging pollutants to lakes and flowing waters in the State of Florida; (2) municipalities, such as publicly-owned treatment works discharging pollutants to lakes and flowing waters in the State of Florida, and (3) stormwater management districts, including entities responsible for managing stormwater runoff in Florida.

For More Information

Contact Tracy Bone at bone.tracy@epa.gov or (202) 564-5257.

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