

US EPA ARCHIVE DOCUMENT

## **Proposed Rules to Reduce Nutrient Pollution in Florida's Waters January 22, 2013 Webinar**

This document is the transcript for the Proposed Rules to Reduce Nutrient Pollution in Florida's Waters webinar held on January 22, 2013.

### **MODERATOR – GERALDINE CAMILLI**

#### **SLIDE: PROPOSED RULES TO REDUCE NUTRIENT POLLUTION IN FLORIDA'S WATERS**

Good morning and welcome to today's webinar on EPA's Proposed Rules to Reduce Nutrient Pollution in Florida's Waters. Thank you for joining us.

This webinar is sponsored by EPA Region 4 and the EPA's Office of Science and Technology. I am Geraldine Camilli with the Horsley Witten Group and I will be moderating today's webinar. Today's webinar is the first in a series of three webinars that are designed to provide an overview of EPA's proposed rules to reduce nutrient pollution in Florida and to take verbal comments from members of the public on the rules.

The second webinar is scheduled for tomorrow, January 23rd, from 6:00 to 8:00 p.m., and a third webinar is scheduled for Thursday, January 24th, from 2:00 to 4:00 p.m. Please keep in mind that all three webinars will provide the same information so you do not need to register for all of them. These will all be recorded and archived on EPA's website.

#### **SLIDE: TIPS FOR ATTENDING OUR WEBCASTS**

Before we get too far, if you are hearing an echo please close all browser windows except for the webinar presentation. You can also mute the presentation using the microphone icon in the lower left corner of your screen. If you're experiencing technical difficulties with the webinar you can request assistance by entering your webinar technical issues into the white box at the bottom of your screen just below the slide and clicking on the "Ask" button to receive tech support. Your tech questions and the responses from our tech team will appear at the bottom of your screen below the white box where you entered your question.

#### **SLIDE: GUIDE TO OUR WEBCASTS**

If you would like to see closed captioning, please make sure you have turned off your pop-up blocker and click on the Closed Captioning button on the top of your screen. During this webinar, we will poll participants, that is you, to get a better sense of who you are, where you come from, and how you found out about this webinar. To complete the poll questions and the evaluation at the end of the webinar, please select the radio button to the left of your choice and click Submit. We ask that you do not type your answer in the "Ask" box as this will not appear on the screen.

#### **SLIDE: WEBINAR FORMAT**

The format of this webinar resembles that of a public hearing. Following a presentation that will be provided by the EPA Director for Region 4 Water Protection Division on the proposed rules,

you will be provided an opportunity to make an oral statement or comment. Please note that the purpose of this webinar is to take public comment, so in the interest of time and to accommodate as many of you as possible, EPA will not be responding to any comments at this time. In order to receive as many comments as possible within the two hour time window of this webinar, each speaker will be given three minutes before we move on to the next speaker. Should there be more speakers than can be accommodated within the two hour webinar the time will be extended by an additional half hour. If this additional half hour is not sufficient to accommodate the remaining speakers we will ask that the remaining speakers register for one of the two remaining webinars and request to speak at that time. Please do keep in mind that you are welcome to provide your comments in writing at any time during the comment period either online at [regulations.gov](http://regulations.gov) or by emailing or mailing your comments to the Docket.

SLIDE: DOWNLOADS

Let's go over some of the instructions on how to do that. We have actually put together a sheet that has been posted to your webinar window. So, for the instructions on how to submit comments in writing, please select the "Downloads" button at the top right hand screen as you can see on the image in the slide on your screen. You will see a downloadable PDF document that is titled "How to Submit Comments." Click on that title to download the document. You can also download a copy of the slides by selecting the PDF document titled "Presentation Slides."

SLIDE: MAKING A VERBAL COMMENT

If you are interested in speaking, please let us know by using the same box for asking questions about tech issues. This box is at the bottom left corner of your screen and is followed by an "Ask" button. Typing "I would like to make a spoken comment" in the box and pushing the "Ask" button will add you to the queue of requests. After the initial presentation we will send a phone number to participants who requested to speak. If you requested to speak, you will see a phone number to call appear at the bottom of your screen when it is your turn to call. Once you call, an operator will greet you and ask you for your name and an organization if you wish to share that with us. You will then be placed on hold until it is your turn to speak. As I mentioned earlier, we will do our best to accommodate all of you but it will be limited to the duration of this webinar. And again, you can also provide your comments in writing at any time during the comment period either online at [regulations.gov](http://regulations.gov) or by emailing or mailing your comment to the Docket. Please remember that these webinars are being recorded and the recordings will be archived for public viewing on EPA's website.

Before we begin our presentation, I have a couple of quick poll questions. These questions will be posted in the slide window. Please submit your answers in the same slide window by clicking on one of the radio buttons. First question, did you attend the public availability session in Tampa last week?

While everyone is voting, I would like to remind everybody that you can submit your comments online by email or by mail or by following the instructions provided in the download area. So thank you everyone for voting and for those of you who did attend the live session in Tampa, it was great to meet some of you.

Are you interested in speaking today is our second question. This is just to get a sense of how many people are interested. As I mentioned we will have about three minutes per speaker in order to plan for that it would be great to know. So, thank you for answering that question as well. And we will be moving on to the main presentation shortly.

**SLIDE: PROPOSED RULES TO REDUCE NUTRIENT POLLUTION IN FLORIDA'S WATERS**

So today we have Mr. Jim Giattina who will provide an overview of EPA's proposed rules to reduce nutrient pollution in Florida. Mr. Giattina is the Director of the Water Protection Division of the EPA's Region 4 office in Atlanta, Georgia. He is responsible for planning, coordinating and implementing all regional EPA water programs related to the Clean Water Act, the Safe Drinking Water Act and the Marine Protection Research and Sanctuaries Act. Jim has been working in the environmental protection arena for 33 years and he has been with EPA for 28 years. The last 10 years he served at the agency in his current capacity in Atlanta. Jim is a native of Birmingham, Alabama. He received his Bachelor of Science in biology from the University of Alabama and his Master of Science in biology from the Center for Environmental Studies at the Virginia Polytechnic Institute and State University. Jim, it is all yours.

**EPA SPEAKER – JIM GIATTINA**

Thank you. Good morning. Welcome to the EPA webinar. We hope this webinar is informative and we encourage you to listen carefully to the information we are presenting and provide comments on our proposed rules. This presentation provides an overview of EPA's proposed rules to reduce nutrient pollution in Florida. Nutrient pollution causes algal blooms and is among the largest contributors to water quality problems in this state. Though EPA recently approved Florida's own rules to protect many waterways, EPA has proposed two federal rules to address water bodies not covered. If Florida adopts rules covering additional waters that meet Clean Water Act requirements, EPA is prepared to not move forward with, or to withdraw, its federal rules.

**SLIDE: THE PROBLEM**

Nutrient pollution is one of America's most widespread costly and challenging environmental problems. Excess nitrogen and phosphorus are carried into waterways from farms, urban storm water and discharges from wastewater treatment plants. The nutrients that help plants thrive on land feed algae blooms in waters. These blooms can produce toxins that are harmful to humans, animals and ecosystems. The number of waters that are impaired in Florida due to nutrient pollution has been increasing. EPA is working with Florida to ensure that appropriate numeric nutrient pollution limits, called criteria, are in place.

Numeric nutrient criteria are needed because nutrient pollution negatively impacts the environment, human health and the economy. Excess nitrogen and phosphorus can damage the environment and reduce water quality. Algal blooms consume large amounts of oxygen in their growth process and reduce dissolved oxygen in water, sometimes to the point that the water no longer supports aquatic organisms and results in fish kills. Algae can also clog fish gills and cloud water making it difficult for aquatic life to find food. In addition, excess algae reduces the amount of light available to aquatic plants like seagrass which protects spawning and juvenile fish and helps sustain the fishing industry. Certain types of blue green algae emit toxins which

can be harmful to fish, shellfish, marine mammals and any species that make contact with contaminated water including humans and their pets.

SLIDE: HEALTH AND ENVIRONMENTAL IMPACTS

People who come into physical contact with certain algae may experience rashes or more serious health issues. Toxins emitted by certain algae can be harmful if swallowed and represent a threat to public drinking water supplies. These toxins as well as the nutrient pollutants themselves are difficult and costly to remove from the water once they have been introduced. When combined with disinfectants such as chlorine, nutrient pollution can create disinfection byproducts that pose additional health risks.

SLIDE: ECONOMIC IMPACTS

There also are important economic reasons for reducing nutrient pollution. Clean water is vital to the state's economy. Tourism is Florida's largest industry employing one million Floridians and generating over \$3 billion in tax revenue. Tourists spend more than \$60 billion in Florida each year. If excessive nutrient pollution reduces water quality, tourists may turn to other beaches and destinations to enjoy fishing, boating and other water related activities. Impacts to the tourism industry are likely to affect many other related industries and economic activities in Florida and could result in job losses and reduced property values across the state.

SLIDE: IMPORTANCE OF NUMERIC CRITERIA

Why are numeric criteria so important for Florida's waters? Numeric nutrient criteria provide a definite numeric goal for the maximum nitrogen and/or phosphorus concentration allowed in a water body. They are easier to work with and less subject to interpretation and legal challenges than narrative criteria alone which are simple descriptions of clean water conditions. Numeric nutrient criteria also make it easier for state permit writers to develop definitive discharge permit limits and help in developing watershed management plans. In January 2009, EPA issued a determination under the Clean Water Act that numeric nutrient criteria are necessary in Florida whether adopted by the state or by EPA. That is where our timeline for nutrient pollution rule development in Florida begins.

SLIDE: TIMELINE

Following its determination, EPA entered into a consent decree with Florida Wildlife Federation and several other groups in August of 2009. Under the Consent Decree, EPA committed to a schedule to propose and finalize nutrient pollution rules covering Florida's inland and coastal waters if the state did not act first. The Consent Decree has since been revised and some deadlines have been extended. EPA finalized its Inland Rule in December 2010. However, the state submitted its own rule covering many of the same waters in June of 2012 after clearing state level administrative challenge.

EPA approved Florida's rule in November 2012. EPA was still required to move forward with its federal rules for the waters not covered by the state rule. This included a new rule covering some provisions in the final Inland Rule that were remanded or sent back by the court for further clarification. EPA signed proposals for both the Inland Remand Rule and Coastal Rule on November 30th, 2012. Those proposals are the subject of today's information session.

While EPA must now finalize the Inland Rule and the Coastal Rule by August and September of 2013 respectively, the agency is prepared to not move forward with, or withdraw its rules, for any waters that become covered by state law that meets the requirements of the Clean Water Act.

SLIDE: DEVELOPING CRITERIA - BASICS

EPA rules interpret Florida's existing narrative criterion which is shown on the slide. The EPA regulations specify that water quality standards must protect designated usage, be based on sound science and address downstream water quality standards. EPA guidance on nutrient criteria provide three methods for criteria development. Reference condition, which uses nitrogen and phosphorus data from times and places where designated uses are being met to project levels of nutrients that are associated with the condition of use support. The second is stressor response analysis which uses nutrient and biological response data to determine nitrogen and phosphorus concentrations when a target biological condition is being met. And the third mechanistic model which uses data on physical and ecological processes to predict nitrogen and phosphorus concentrations when a target biological condition is being met.

SLIDE: NEW STATE RULES

The Florida Department of Environmental Protection or FDEP worked for years to collect data on the condition of statewide waters and to develop its own numeric nutrient criteria. FDEP's rules use scientifically sound approaches to protect the many uses of Florida's water, from fishing and swimming to drinking. Because Florida and the EPA work together to develop the science, the numeric limits for nitrogen and phosphorus allowed in springs, lakes and streams, those streams outside of South Florida, are virtually identical to those in EPA's 2010 Inland Rule developed to protect those same waters.

Again, because the state's rules do not cover all of Florida's waters, EPA was obligated under the Consent Decree to propose two federal rules for those water bodies not covered by the state.

SLIDE: EPA'S PROPOSED RULES

One federal rule known as EPA's proposed Inland Remand Rule serves to clarify some provisions in our 2010 final EPA Inland Rule that were remanded or sent back by the court for further clarification. While upholding EPA's January 2009 determination that numeric nutrient criteria were needed in Florida, and much of the 2010 rule, the Court invalidated EPA's numeric criteria for Florida's streams. In the Inland Remand Rule EPA has re-proposed the same numeric nitrogen and phosphorus criteria that we had included in the 2010 rule but we added further explanation of how the criteria will ensure the protection of Florida's streams. EPA has also provided additional evidence of the harmful adverse effects likely to occur at concentrations above these proposed stream criteria.

Though EPA's rule only applies to streams not covered by the state's rule, a provision of Florida's law and a recent legal challenge make it unclear if and when Florida stream criteria will take effect. In the event that the state criteria do not take effect, EPA will finalize criteria for all of Florida's streams.



SLIDE: PHASE 1 FINAL RULE LITIGATION

It is important to give a summary of why we are doing the Phase 1 Inland Remand Rule. In response to EPA's 2010 rule making, EPA received multiple challenges. The court upheld much of EPA's actions but invalidated or remanded the numeric criteria for flowing waters and the default option for calculating downstream protection values, or DPVs, for unimpaired lakes. The court determined that EPA either aimed at the wrong target, preventing any increase in nutrient as opposed to preventing any increase that causes harm or EPA did not sufficiently explain what it did in aiming for the right target for both streams and the DPV for unimpaired lakes. To address these two points EPA proposed clarifications and new default approaches on November 30th. EPA must finalize these again by August 31st, 2013.

SLIDE: PROPOSED INLAND REMAND RULE

Because the EPA believes that its original approach for streams is scientifically sound, EPA re-proposed the same criteria values as in the 2010 final rule but provided additional explanation. EPA further explained the appropriateness of the use of a reference condition approach for streams that sets the numeric stream criteria at an upper percentile of the data from a set of least impacted conditions.

In addition, EPA provided documentation from new analysis and from peer reviewed literature that harmful adverse effects due to nutrients are more likely to occur at concentrations above the numeric stream criteria. Because EPA recently approved FDEP's numerical nutrient package, the EPA's inland criteria would apply only to Class 1 and Class 3 streams that are not covered by Florida's rule.

To address the remand of the default DPVs for unimpaired lakes, EPA revised its original approach and added three alternatives. EPA's preferred approach is to use modeling since it results in the most refined downstream protection values. If modeling is not available, the next three options are.

First, setting the default downstream protection value at the pour point to the lake equal to the downstream lake criteria for total nitrogen and total phosphorus. That is the same default as impaired lakes upheld by the court. The second approach, setting the default downstream protection value equal to EPA's default DPV which were calculated using simple regression models that relate lake nutrient concentrations to upstream nutrient concentrations. And the third, calculating the default downstream protection value using stream nutrient concentrations that coincide with time periods when the downstream lake is meeting the lake chlorophyll-a, total nitrogen and total phosphorus criteria. These default options are intended to provide flexibility in calculating downstream protection values where there is not sufficient information to develop a model.

The other federal rule known as EPA's proposed Coastal Rule establishes numeric nutrient criteria for Florida's estuaries and coastal waters as well as in inland flowing waters in South Florida such as streams and canals. EPA is proposing to use location specific approaches to derive the applicable numeric nitrogen, phosphorus and chlorophyll-a criteria in order to ensure the diversity of unique habitats in each type of water body in order to ensure that the diversity of unique habitats in each type of water body is protected. Please be aware that EPA has presented

alternatives in the proposed rule and solicited comments on those. We are not discussing these alternatives in this presentation.

SLIDE: PROPOSED COASTAL RULE ESTUARY CRITERIA

Several marine waters are covered by the Florida's newly approved rules. These include Clearwater Harbor/St. Joseph Sound, Tampa Bay, Sarasota Bay, Charlotte Harbor/Estero Bay, Clam Bay, tidal Cocohatchee River, 10,000 Islands, Florida Bay, Florida Keys and Biscayne Bay. EPA is no longer required to propose numeric criteria for these waters.

SLIDE: PROPOSED COASTAL RULE ESTUARY CRITERIA DERIVATION

For the remaining estuaries, EPA conducted estuary specific analysis to recognize the inherent variability of the estuary systems. EPA's process included compilation of data, selection of end points and further segmentation and each estuary. The endpoints utilized by EPA are first, water clarity, which is necessary for the maximum depth of seagrass colonization and persistence, chlorophyll-a concentrations, which is associated with the balance to phytoplankton biomass, that is, limited algal bloom frequency, and third is dissolved oxygen levels required for sensitive aquatic life for their survival, growth and reproduction.

SLIDE: PROPOSED COASTAL RULE DOWNSTREAM PROTECTION

Once the information is compiled, EPA uses the data and statistical or mechanistic models depending which was more appropriate. EPA then derives numeric criteria for total nitrogen, total phosphorus and chlorophyll-a. As provided in EPA's 2010 rule, downstream protection values related to estuaries were addressed in the Phase 2 Coastal Rule. EPA proposed four approaches that are specified in this slide as ways to calculate downstream protection values.

SLIDE: PROPOSED COASTAL RULE INLAND FLOWING WATERS OF SOUTH FLORIDA

Due to the complexity of flowing waters in South Florida, EPA's primary proposal utilizes downstream protection values to manage nitrogen and phosphorus pollution in the inland flowing waters and protect the water quality of estuaries and coastal waters downstream; however, EPA is taking comments on an alternative to the "DPV only" approach. This alternative includes protective instream nutrient criteria for three regions of South Florida. These regions do not include the Everglades protection area or the Everglades agricultural area.

SLIDE: PROPOSED COASTAL RULE SOUTH FLORIDA INLAND WATER CRITERIA DEVELOPMENT

In developing the South Florida inland flowing water approach, EPA acknowledged these four key points. First, surface water relationships south of Lake Okeechobee are complex because they are extensively managed. Second, there are ongoing comprehensive restoration efforts undergoing in this region. Third, the establishment of downstream protection values ensures balanced aquatic flora and fauna to estuaries and waters downstream. And fourth, when downstream protection value criteria are exceeded, the collective set of inland waters draining through that point will be considered impaired. Note again that these criteria do not apply to waters within the lands of the Seminole and Miccosukee Tribes, the Everglades protection area and the Everglades agricultural area.



SLIDE: PROPOSED COASTAL RULE SOUTH FLORIDA INLAND WATER CRITERIA DEVELOPMENT

In summary, EPA's proposal for South Florida inland flowing waters includes total nitrogen and total phosphorus downstream protection values for 22 locations where inland flowing waters meet marine waters. These downstream protection values do not apply to Tribal lands, the Everglades protection area or the Everglades agricultural area. The approaches for deriving these downstream protection values were described earlier.

SLIDE: PROPOSED COASTAL RULE COASTAL WATERS

For those coastal waters extending three nautical miles from the shoreline, EPA is proposing criteria for waters not covered by Florida in its rule. The criteria include chlorophyll-a for three coastal regions shown on the map. Except for the Big Bend region, the criteria were developed using data from satellite remote sensing. EPA used a modeling approach to develop the Big Bend criteria. For coastal waters in the Big Bend area, EPA used a modeling approach due to the lack of remotely sensed data because of the issues concerning bottom reflectance or the shallowness of the waters in this region.

SLIDE: PROPOSED COASTAL RULE COASTAL WATERS

This next slide provides an overview of the coastal water approach from data compilation to selection of a sensitive endpoint and ending with derivation of the criteria. In addition, to the information presented, it is important to know that based upon the Science Advisory Board advice, EPA excluded chlorophyll-a data collected during known red tide events as not being representative of reference conditions.

Together with FDEP's approved rules, EPA's proposed rules seek to improve water quality and protect public health, aquatic life and the long term recreational uses of Florida's waters, which are a critical part of the state's economy. EPA's goal is for the state to adopt appropriate numeric nutrient criteria for all remaining Florida waters thereby eliminating the need for federal rules.

SLIDE: FOR ADDITIONAL INFORMATION

You may wish to visit EPA's website at [go.usa.gov/g6qe](http://go.usa.gov/g6qe). Feel free to contact Erica Fleisig at (202)-566-1057 or [flesig.eric@epa.gov](mailto:flesig.eric@epa.gov). I will read that one more time. [flesig.eric@epa.gov](mailto:flesig.eric@epa.gov). You can contact Erica for any questions that arise after today's webinar.

SLIDE: SUBMITTING COMMENTS

Lastly, EPA is seeking comments on both its proposed Inland Remand Rule and proposed Coastal Rule. Your comments are extremely important to us. Comments on EPA's Inland Remand Rule must be submitted on or before February 1st, 2013. While comments on the Coastal Rule must be submitted on or before February 19th, 2013, you may submit your comments in person during today's webinar as described earlier as well as online at [www.regulations.gov](http://www.regulations.gov). You can also submit them by email or snail mail. Detailed instructions for submitting comments following today's information session are posted online at [www.regulations.gov](http://www.regulations.gov).

SLIDE: NEXT STEPS

EPA has long held that water protection is best conducted at the state level and will continue to assist the state of Florida in reaching that goal. Both the EPA Inland Rule that was finalized in 2010 and the two proposed federal rules discussed in this presentation were developed to help Florida protect all its waters from nutrient pollution. Some or all of the EPA's rules can be rescinded if Florida adopts, and EPA approves, state rules to replace them. In the meantime, a stay of EPA's 2010 Inland Rule has been proposed through November of 2013. This would delay the applicability of EPA's Inland Rule while Florida clarifies implementation of its own rules for its inland waters. Florida also recently adopted nutrient pollution rules for Panhandle estuaries and EPA expects FDEP will soon submit the new rules for EPA's formal review under the Clean Water Act. That closes the presentation for this session.

**MODERATOR – GERALDINE CAMILLI**SLIDE: MAKING A VERBAL COMMENT

Thank you, Jim. We will now be taking verbal comments. I would like to remind you that if you would like to speak, you should request that in the "Ask" box at the bottom of your screen. It is a white box to the left of the "Ask" button. And then click the "Ask" button. When we did the poll earlier today we had two people interested in speaking and about 20 people possibly interested in speaking at the end after hearing this presentation. If you are still interested in speaking, please ask for a phone number, or ask to make a verbal comment, and we will be happy to provide a phone number to patch you into this webinar.

We have not received any requests at this time. But we are interested in finding out where you are calling from. So we will have a couple of poll questions for you. The first one is to find out where you are calling in from. Are you from Florida? That is the first button, outside of Florida but often visit Florida, or outside of Florida and rarely or never visit Florida. It seems like most of you are from Florida. Welcome everyone. We will leave a minute or two. It seems like we only have one response or a few responses. It seems like maybe a little bit more of a diverse population.

Another quick question for the audience: how many people at your location are participating in this webinar? Are you calling by yourself or do you have other people in a conference room calling in with you or viewing this webinar? Is it just you, two to five people, six to ten, ten to twenty, or more than twenty?

**MODERATOR – GERALDINE CAMILLI**SLIDE: VERBAL COMMENT PERIOD

And once you have answered the poll question you will see the answers or the percentages appear on the next screen. So you will get a sense as well of how many people are calling in. It seems like the majority is just one at a time. And I think we have received two requests to speak so far. So if you have not received a phone number yet, please scroll down on your screen. You should see that appear at the bottom of the slides below the box where you typed in your request to speak. So please make sure to scroll down and you will see a phone number. We look forward to hearing from you and to being able to patch you in. And while we wait for people to

call in, I would like to remind everybody that you can provide your comments in writing at any time during the comment period. And the comment period was explained by Jim in his presentation. You are welcome to either go on regulations.gov or you can email or mail your comment directly to the docket.

Now, once it is your turn to speak, please remember that you will be provided three minutes. The operator will notify you that you have 30 seconds remaining. You will be hearing a sound similar to this one (bell ringing) and you have 30 seconds remaining. After your three minutes, unfortunately, we have to move onto the next speaker so please try to wrap up once you hear the bell sound. And please be sure to turn off your computer speakers when it's your turn to speak or everyone will be hearing an echo and it will be relatively uncomfortable for the roughly 160 people participating in this webinar.

If you would like to look at some of the slides and refer back to them, I encourage you to download them. On the top of your screen you have a "Downloads" button and in that "Downloads" button you have a number of features including a copy of the PDF of this presentation.

We are still waiting for people to dial in so I apologize for the wait. Again, if you would like to speak, please let us know soon so we can provide you with a phone number to dial into and we can patch you in. Once we are ready to patch you in the operator will announce your name and if you provided a name of an organization, that will be provided as well.

Sorry we are waiting for people to call in.

**OPERATOR**

This is the operator. Mr. John Levy, we are ready for your comment. You have three minutes. A toll will sound when you have 30 seconds remaining.

**JOHN LEVY**

My comment is really a question. I wanted to understand better from the presenter, Jim, why the hold until November 2013 that showed up in one of your later slides. Thank you.

**MODERATOR – GERALDINE CAMILLI**

Hi, thank you for calling in and for your question. Unfortunately, at this time we are not answering questions. We are taking comments. So there will be an official response to comments that will be provided by EPA at a later time. But we are not responding to questions at this time.

**OPERATOR**

Thank you. Steven Blair, we are ready for your comment. You have three minutes. A toll will sound when you have 30 seconds remaining.

**STEVEN BLAIR**

Thank you. I have two points I would like to bring out. One concerning the four point locations that are documented for the specific latitude and longitude coordinates for Biscayne Bay. And

noting some of this may be a resolution issue on how they are done but the positions themselves in numerous cases appear in the downstream estuary section of the waterway which obviously causes complications for the compliance aspect. My suggestion and comment is to ensure there is explicit verbiage in the document stating that the pour point is to be immediately upstream in the freshwater segment to be applied immediately upstream in the freshwater segment and also refine the actual latitude longitude so that they show that specific position and not in the downstream.

My second point refers to, although we agree overall with, the approach of utilizing non impaired, the criteria or the measures of non-impaired waters to derive the DPVs for the pour points there are some other waters that have been included that have had degradation in nutrients as they move through the developed regions of the county and discharge into Biscayne Bay and do not seem appropriate for those waterways. And alternative approaches need to be considered for those waterways. Biscayne Bay has been extremely sensitive and recent indications of potential approach to a tipping point such as a prolonged bloom in southern Biscayne Bay and a macro algal bloom in north central Biscayne Bay show that the added nutrients from some of these waterways need to be considered and a DPV adjusted, rather than maintaining the elevated levels that are presently reflected in the data set. Thank you.

**OPERATOR**

Thank you. Mr. Van Williams, we are ready for your comment. We have three minutes. A toll will indicate you have 30 seconds remaining.

**VAN WILLIAMS**

Yes, this is Van Williams. I'm a member of the Board of Conservancy of Southwest Florida. And I think our position is pretty simple. We are very suspicious that the DEP of Florida is really not working in the best interest of the environment in the state in trying to force you, the EPA, to accept their standards for waterway management.

We think that your biggest challenge will be to make absolutely certain that the DEP is in fact going to use numeric nutrient standards and will, in fact, be at least at the level of DEP standards if not even higher. In particular, we really want to make sure that anything that DEP does complies with the requirements of the Clean Water Act and the EPA standards that you would do if you were in charge of the overall enterprise. So that is what we think is the most important thing that needs to be done to be sure that the Florida DEP does, in fact, set up numeric nutrients standards and works cooperatively with the DEP, the EPA rather, to make sure those are managed effectively and that the waterways are protected. Thank you very much.

**OPERATOR**

Thank you. Ms. Rhonda Roff from the Sierra Club, we are ready for your comments. You have three minutes. A toll will indicate you have 30 seconds remaining.

**RHONDA ROFF**

Good morning. This is Rhonda Roff. I represent the Calusa Group of the Sierra Club in Florida. I live in Hendry County. Our group represents Glades, Hendry, Collier, and Lee. It's absolutely essential that the strictest numeric nutrient criteria be adopted for all inland waters and coastal

waters of Florida. And if DEP will not do it, it just belies the fact that they are in the pocket of agriculture. We live in an area that is very heavily affected by not only agricultural nutrient runoff but by nonpoint source from things like lawns. Our waterways are a mess. It is time. We've had in 1988 lawsuit settlement that has spent all of the money on Everglades' restoration for phosphorus. 1988, it's a long time ago. It's time. Ag is still a big impact to our waterways, our inland and our coastal waterways. There is no time to wait. Do not let DEP fold to the Ag industry or to the cities that will not adopt nutrient criteria or limit the nutrients coming off of lawns. Thank you very much.

**MODERATOR – GERALDINE CAMILLI**

This is Geraldine Camilli again. Thank you, everybody, for speaking.

John Levy, I believe this was our first caller, just so you know you can always refer to the FR Notice for the Inland Rule that is available at [regulations.gov](http://regulations.gov) and on EPA's website that should provide some answers to your question.

And for those of you who have not requested to speak yet, we still have time during this webinar and I look forward to hearing your comments. Again, I will repeat how this is done in case you missed that at the beginning. There should be a white box to the bottom of your screen right to the left of an "Ask" button. So if you type in that you would like to request to speak in that white box and press "Ask". If you scroll down you will be receiving from us a phone number to dial in so that we can patch you into this webinar. If you do not wish to speak but are interested in providing comments, the instructions are available in the "Downloads" button. So if you go to the top of your screen above those slides you see a "Slides" button, a "Details" button which provides Jim's bio in case you missed it at the beginning and a "Downloads" button that, in addition to the PDF of the slides, you will also have access to instructions on how to submit comments. If you have any additional comments or would like to speak, we look forward to hearing from you.

While we wait for John to call in, we would like to ask you a couple of questions, a quick survey on this webinar to get your opinion and your feedback. You will see that appear on your screen. We are wondering if this webcast met your expectations, whether it provided the information you are looking for, or pointed you to the right information, and provided you sufficient time or sufficient opportunity to provide your comments. We are also interested in finding out how you heard about this. EPA is always trying to make sure that they reach out to the maximum number of people so we did try to advertise this in a number of different fashions, but always interested in finding out what brought you here and then if you have additional comments, particularly on the format of this webinar, we look forward to hearing that too. So if you don't mind putting that information in your screen.

Again, if you would like to speak and provide your verbal comment, scroll down to the bottom of your screen. There are now two boxes. It can be a little confusing, but the box that you should use to request to speak is the box that is to the right of the microphone button and to the left of the "Ask" button.



**OPERATOR**

Mr. John Whitescarver, we are ready for your comments. You have three minutes. You will hear a toll when you have 30 seconds remaining. Thank you.

**JOHN WHITESCARVER**

Okay, thank you. This is John Whitescarver, National Stormwater Center, experienced now in stormwater management programs in Florida. And it has been a disappointment to see the Department of Animal Protection Agency's activities with respect to the Clean Water Act. They have demonstrated they are unwilling and incapable of enforcing the Clean Water Act. So I would strongly recommend, and my comment is that, the EPA must use federal standards and be responsible for enforcing federal standards. If you elect to use state DEP standards, the plan must have an enforcement policy. The schedule for enforcement and a method of enforcement so that there is some follow up. That is the end of my comment. This is John Whitescarver.

**MODERATOR – GERALDINE CAMILLI**

And in the meantime we look forward to hearing your comments from you. So if you would like to request to speak, please let us know and we will send you a phone number.

This is Geraldine Camilli. It seems like so far we have not received very many comments so I would like to iterate how this can be done. Please submit your request to comment in the white box at the bottom of your screen and click "Ask". We look forward to hearing from your comments and if we do not hear from anybody over the next five minutes, it is now 10:58 so roughly 11:03, we will end this webinar.

While we wait for additional callers, a quick answer to the tidal creek question that was requested earlier. The tidal creek falls into the Coastal Rule and that's where you would find the information.

**OPERATOR**

Anora Kurn Anumi we are ready to hear your comment. You have three minutes. A toll will sound when you have 30 seconds remaining.

**ANORA KURN ANUMI**

The Florida has very large temperature difference between the Panhandle and South Florida, as much as 20 degrees. So then the temperature is a big part of what is going on in the water quality. So I don't think, in my opinion, the same rule will be applicable to the north and the south of the state. So hopefully the new rules will allow geography location specific criteria for different locations. Thank you.

**MODERATOR – GERALDINE CAMILLI**

Thank you for your comment. I would like to remind everybody that there are two additional webinars. So if between now and tomorrow or Thursday you have a chance to read the Rule, look at the presentation again or would like to make an additional comment, we look forward to hearing from you during either of those webinars. And we are still looking forward to hearing from any commenters that would like to speak today.

In case you missed it at the beginning, the second webinar will be held tomorrow from 6:00 to 8:00 p.m. So hopefully this can accommodate people who work during normal business hours. And then again on Thursday, January 24th, we will have another session from 2:00 to 4:00 p.m.

**MODERATOR – GERALDINE CAMILLI**

Hi, this is Geraldine again. Since we have not received a few requests in a little while, I would like to remind everybody that we look forward to your comments. Please request to speak in the box at the bottom left of your screen and submit the "Ask" button. And if we do not hear from anybody over the next four or five minutes, so around 11:10 we will be shutting down this webinar. Thank you, everybody, for participating so far, for joining us in this webinar. And again, if you would like to submit comments, whether it is verbal, you can do them now. If it is not verbal please look at the instructions in the "Downloads" button. You are welcome to submit your comments in writing at [regulations.gov](http://regulations.gov) or by writing or emailing the Docket.

Okay, well, it seems like we have not seen any requests lately. So we will be closing this webinar. If you would still like to provide a comment and were unable to today or like I said, change your mind or have a chance to read the Rule or to read additional information, please think about registering for one of the two remaining webinars and you may request to speak at that time. You are also welcome to provide your comments at any time in writing either by email, online or at [regulations.gov](http://regulations.gov) or by emailing your letter to the docket. Thank you, Jim, for presenting today and, of course, thank you, everyone, for providing your comments and for those of you who joined in and participated. This is the end of our webcast for today.