

US EPA ARCHIVE DOCUMENT

Proposed Rules to Reduce Nutrient Pollution in Florida's Waters January 24, 2013 Webinar

This document is the transcript for the Proposed Rules to Reduce Nutrient Pollution in Florida's Waters webinar held on January 24, 2013.

MODERATOR –GERALDINE CAMILLI

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

Good afternoon 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 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 third and last in a series of three webinars designed to provide an overview of EPA's proposed rules to reduce nutrient pollution in Florida and to take verbal comment from members of the public on the rules. The previous two webinars were held on Tuesday, January 22nd, from 10:00 a.m. until noon and on Wednesday, January 23rd, from 6 to 8:00 p.m. All three webinars provide the same information and will 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 may request assistance by entering your webinar technical issue into the white box at the bottom of your screen below the slide. If you cannot see a white box please scroll your screen to the point where you are below the slide. Once you have typed in your technical issue you can click the "Ask" button to receive technical support. Your technical questions and the responses from our tech team will appear at the bottom of your screen just 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 that you have turned off your pop-up blocker and click on the "Closed Captioning" button at 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." Do not type your answers in the "Ask" box; these are for technical questions only.

SLIDE: WEBINAR FORMAT

The format of this webinar resembles that of a public hearing. Following a presentation given 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 speakers 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 onto 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; however, if this additional half hour is not sufficient to accommodate the remaining speakers we ask that you submit your comments in writing. This can be done at any time during the comment period either online at regulations.gov or by emailing or mailing your comment to the Docket.

SLIDE: DOWNLOADS

For instructions on how to submit comments in writing, we have developed a document that is available in the “Downloads” button at the top right hand side of 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 that are being presented today by selecting the PDF document titled “Presentation Slides”.

SLIDE: MAKING A VERBAL COMMENT

If you’re interested in speaking, please let us know by using the same box as for asking technical questions about this webinar. 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” or something similar, 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 request to speak. If you requested to speak, you will see the 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 for your name. 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 will be limited to the duration of this webinar. You may also provide your comments in writing at any time during the comment period, either online at 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 that same slide window by clicking one of the radio buttons.

The first question, did you attend the public availability session in Tampa last week? We are interested in finding out whether people attended the session last week. We had a public availability session during which we answered some questions. While everyone is voting, I would like to remind people that you can submit your comments online by email or by mail or by following instructions provided in the “Downloads” area.

The other question we have is whether you’re interested in speaking today. Are you interested? So the, the answers to those are either yes, you would like to speak after you hear more about the proposed rules, or no, this is not something, you are not interested in making a verbal comment. The reason we are asking this is just to get a sense of how many people are interested in speaking

today. So if you think you want to or you may be interested at some point, please make sure to answer this question. That's important for our planning.

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 EPA's Region 4 office in Atlanta, Georgia. He's 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, it's all yours.

EPA SPEAKER – JIM GIATTINA

Good afternoon, everybody. Thank you for joining the webinar this afternoon. We hope that it will be informative and we encourage you to listen carefully to the information we're presenting today and to provide comments on our proposed rules.

This presentation today 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 the state. Though EPA recently approved Florida's own rules to protect many waterways, EPA has proposed two federal rules to address water bodies potentially not covered by FDEP's rule. If Florida adopts rules covering additional waters that meet Clean Water Act requirements, EPA is prepared to not move forward, with or without, 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 stormwater, and discharges from wastewater treatment plants. The nutrients that help plants thrive on land feed algae blooms in water. 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.

SLIDE: HEALTH AND ENVIRONMENTAL IMPACTS

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 can 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 protect spawning and juvenile fish and help 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 may contact with contaminated waters, 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've been introduced. When combined with disinfectants such as chlorine, nutrient pollution can create disinfection byproducts that pose additional health risks.

SLIDE: ECONOMIC IMPACTS

There are also important economic reasons for reducing nutrient pollution. Clean water is vital to the state's economy. Tourism is Florida's largest industry, employing a 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 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. Narrative criteria 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.

SLIDE: TIMELINE

In January of 2009, EPA issued a determination under the Clean Water Act that numeric nutrient criteria are necessary in Florida, whether adopted by the state or EPA. That is where our timeline for nutrient pollution rule development in Florida begins. Following its determination, EPA entered into a Consent Decree with Florida Wildlife Federation and several other groups in August, 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 a state level administrative challenge.

EPA approved Florida's rule in November 2012; however, EPA is still required to move forward with its federal rules for the waters not covered by the state's 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 the Coastal Rule on November 30th, 2012. These proposals are the subject of today's webinar. While EPA must now finalize the Inland Remand Rule and the Coastal Rule by August and September of 2013, respectively, the agency is prepared to not move forward with, or to 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 uses, be based on sound science, and address downstream water quality standards. EPA guidance on nutrient criteria provide three methods for criteria development. The first is the reference condition, which uses nitrogen and phosphorus data from times and places where designated uses are being achieved to project levels of nutrients that are associated with the condition of use support. The second is stressor response analysis, which uses nitrogen and biological response data to determine those nitrogen and phosphorus concentrations when a target biological condition is being met. And the third is mechanistic modeling, which uses data on physical and ecological processes in a simulation to predict nitrogen and phosphorus concentrations when a target biological condition would be 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 develop its own numeric nutrient criteria. FDEP's rules use scientifically sound approaches to protect the many uses of Florida's waters from fishing and swimming to drinking. Because Florida and EPA work together to develop the science, the numeric limits for nitrogen and phosphorus allowed in springs, lakes, and streams, that is those streams outside of South Florida, are virtually identical to the ones that EPA's 2010 Inland Rule used to develop to protect these same waters. Again, because the state's rules do not cover all of Florida's waterways, 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 Rule, serves to clarify some provisions in the 2010 final EPA Inland Rule that were remanded or sent back by the court for further clarification. While upholding EPA's January 2009 determination, the numeric nutrient criteria were needed in Florida and much of the 2010 rule, the court did invalidate EPA's numeric criteria for Florida's streams. In the Inland Remand Rule that we proposed in November, EPA has re-proposed the same numeric nitrogen and phosphorus criteria that were included in our 2010 rule with 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's stream criteria will take effect. In the event that the state's 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 again because I know it's complicated. So in response to EPA's 2010 rulemaking, 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, that is preventing any increase in nutrients 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 downstream protection values 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 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 data 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 numeric 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.

SLIDE: PROPOSED INLAND REMAND RULE

To address the remand of the default downstream protection values 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. However, if modeling is not available, the next three options are available. First, setting the downstream protection value at the pour point to the lake equal to the downstream lake criteria for total nitrogen and total phosphorus. Secondly, setting the default downstream protection value equal to EPA's default downstream protection values which were calculated using simple regression models that relate lake nutrient concentrations to upstream nutrient concentrations. Or 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.

SLIDE: EPA'S PROPOSED RULES

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 and 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 the alternatives in this presentation.

SLIDE: PROPOSED COASTAL RULE ESTUARY CRITERIA

Several marine waters are already covered by Florida's newly approved rules including Clearwater Harbor, St. Joseph Sound, Tampa Bay, Sarasota Bay, Charlotte Harbor, Estero Bay, Clam Bay, Tidal Cocohatchee, 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

EPA conducted estuary specific analysis to recognize the inherent variability of the estuary systems. EPA's process included compilation of data, selection of endpoints and further segmentation of each estuary. The endpoints utilized by EPA are, first, water clarity, which is necessary for the maximum depth of seagrass colonization and persistence, which is an indicator for the maximum depth of seagrass colonization and persistence. Secondly, chlorophyll-a concentrations, which are associated with having balanced phytoplankton biomass. And finally, dissolved oxygen levels, which are required for sensitive aquatic life, that is, their survival, growth and reproduction.

SLIDE: PROPOSED COASTAL RULE ESTUARY CRITERIA DERIVATION

Once the information was compiled, EPA used the data in statistical and mechanistic models depending on which was more appropriate. EPA then derived numeric criteria for total nitrogen, total phosphorus, and chlorophyll-a.

SLIDE: PROPOSED COASTAL RULE DOWNSTREAM PROTECTION

As provided in EPA's 2010 rule, downstream protection values related to estuaries were addressed in the Phase 2 Coastal Rule. EPA proposed the four approaches 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 to protect the water quality of estuaries and coastal waters downstream; however, EPA is taking comment on an alternative to the downstream protection value only approach. This alternative includes protective instream nutrient criteria for three regions in 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 relationship south of Lake Okeechobee are complex because they are extensively managed. There are ongoing comprehensive restoration efforts for this area. The establishment of downstream protection values ensures balanced aquatic flora and fauna in estuarine waters downstream. And when downstream protection value criteria are exceeded, the collective set of inland waters draining through that point will be considered impaired and subject to a TMDL.

Note again that these criteria do not apply to waters within the lands of the Seminole and Miccosukee Tribes, or 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 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. For coastal waters in the Big Bend area, EPA used a modeling approach due to the lack of remote sensing data because of bottom reflectance due to the shallow waters in this region.

SLIDE: PROPOSED COASTAL RULE COASTAL WATERS

This 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 referenced 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. Feel free to contact Erika Fleisig at 202-566-1057. That is 202-566-1057 or fleisig.erica@epa.gov. I will spell that for you. That is fleisig.erica@epa.gov. You can contact Erica for any questions that arise after today's webinar.

SLIDE: SUBMITTING COMMENTS

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. You can also submit them by email or by regular mail. Detailed instructions for submitting comments following today's webinar are posted online at 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 to extend the effective date through November of 2013. This would delay the applicability of EPA's Inland Rule while Florida

clarifies implementation of its own rules for 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.

This concludes the presentation today. And we look forward to receiving your comments or questions which we will not be reacting to today, but will be included in a response and a summary provided by the agency. Thank you all for participating in the session this afternoon.

MODERATOR – GERALDINE CAMILLI

SLIDE: MAKING A VERBAL COMMENT

Thank you, Jim. This is Geraldine again. We will now be taking verbal comments from people. I would like to remind everybody that in the interest of time and due to the format of this webinar we will not be answering questions today. So if you have questions, please direct them to Erica Fleisig. Jim was kind enough to provide her information. That is in the slides and if you want a copy of the slides or did not have an opportunity to write that down you can find a copy of the slides in the "Downloads" button. There is a copy of the presentation titled "PowerPoint Presentation".

SLIDE: VERBAL COMMENT PERIOD

I would like to remind you that if you are interested in speaking please dial the number that is now appearing on your screen. And that number is 877-407-0315. You will be asked for a password so that the operator can make sure that you are patched into the correct webinar. Please provide your name and if you are representing an agency, the name of your agency as well. And the password is 31421. We look forward to hearing your comments and we will be taking comments on a first come first served basis.

As I mentioned earlier, we will take as many comments as we can for the duration of this webinar. You will be provided three minutes for each comment or speaker. After two and a half minutes, you will hear the sound of a bell, and it will sound something like this (bell sounding). This will indicate that you have thirty seconds remaining. And we apologize if three minutes are not sufficient. If that's the case, please consider providing your comments in writing. Instructions are provided under the "Downloads" button in a document titled "How to Submit Comments".

Now we have a few poll questions while we wait for people to call in. We are interested in finding out where you are from, so you will see a poll question appear on your screen, and if you can please answer, if you're interested in finding out where other people are from, please provide the answers to this poll and you will see the results appear on the next screen. The options here are either Florida, outside of Florida but often visit Florida, and then outside of Florida and rarely or never visit Florida.

And we are taking comments regardless of your location. So if you are outside of Florida but are interested in the issue, we are happy to hear what you have to say.

And the next quick poll question relates to how many people are participating with you or listening with you to that webinar. You may be home alone or in your office by yourself or you may be in a conference room. So is it just you, two to five people in your room, six to ten, ten to twenty, or more than twenty? This gives us a sense of how many people are participating in this webinar.

And I would like to remind everyone that additional information is available online at EPA's website, and that is go.usa.gov/g6Qe. And you can submit your comments at any time online, by mail, or by email. And instructions are available in the "Downloads" page. Please keep in mind that when you make comments in writing, it is helpful for you to specify which rule you are commenting about.

So, while we wait for people to call in you will hear silence, and this is not because we have disconnected or disappeared, it's just that we are waiting for people to call in. We look forward to hearing from you. Again, the number is 877-407-0315. The password is 31421, and that should be appearing on your screen at this time.

MODERATOR – GERALDINE CAMILLI

Hi, this is Geraldine again. It seems like we have at least one caller so far and somebody who is interested in calling. The phone number we need you to dial from your phone number it is 877-407-0315. You will then be connected to an operator who will ask for your name and probably your participant password. That is when you need to provide them with a password. That is 31421. So please try dialing with your phone number. If you are having any difficulties, you are welcome to submit another comment in the "Ask" box at the bottom of your screen.

OPERATOR

Jeffrey Castro, we are ready to hear your comment. You have three minutes. A tone will sound when you 30 seconds remaining.

JEFFREY CASTRO

Hello.

MODERATOR – GERALDINE CAMILLI

We can hear you, Jeffrey. Please provide your comment.

JEFFREY CASTRO

Yes, my name is Jeffrey Castro. I'm with Everglades National Park. I have two comments. They refer to the Coastal Rule, in particular, to the Biscayne Bay basin. The first one is I am concerned that the chloride criteria of micrograms per liter for canals is very large. In general, it's a value exceeds about 10 times the observed annual geometric means in this freshwater canal. The second comment is regarding the criteria for phosphorus and nitrogen for downstream protection values. It appears that some of the data used to derive the criteria came from impaired sites. That should have been excluded. Thank you.

MODERATOR – GERALDINE CAMILLI

Thank you for your comment. If anyone else is interested in commenting we look forward to your call at 877-407-0315. And the password for this particular webinar is 31421 once you are prompted on the line.

While we wait for additional people to call in we have a quick survey if you don't mind answering the questions. We are interested in finding out how you heard about this, whether the format works for you, and any comments on the format of the webinar.

For any of you who are providing comments that are scientifically based, EPA is very interested in hearing and in seeing supporting information and supporting data. So this refers to Mr. Castro's comment, if you have that information available. If you have data to support your comment, it would be appreciated if you could share that information with EPA. You can provide that information by commenting on the rules and the instructions for that are provided in the "Downloads" button. So there is a PDF document in there called "How to Submit Comments", and that would be very appreciated. It will help EPA with the response to comments.

OPERATOR

Larry Fink, we are ready to hear your comment. You have three minutes. A tone will sound when you have 30 seconds remaining.

LARRY FINK

Thank you. My name is Larry Fink, I am owner and principal of WaterWise Consulting, a limited liability company registered to do business in the state of Florida and working out of Hollywood, Florida. I am commenting on the proposed revisions to the nutrient standard in this triennial review cycle; however my opening comments are more general, and then I will get into the specifics. In general, all of the proposed revisions to the state of Florida's water quality standards in this triennial review cycle are intended to increase private use of the pollutant. Some of the capacity of Florida's fresh estuarine and coastal saltwater resources held in public trust in the paramount public interest in the public health safety and welfare at the expense of an assumed temporary and reversible decrease in the physical chemical and biological integrity of these waters and the beneficial human and wildlife uses dependent on that integrity at the risk of a permanent and irreversible damage to those water resources in the form of hypereutrophication. This increase in the socialization of risk for a contaminant increase in the privatization of profit is a public subsidy of the private sector. Declaring public benefits from this public subsidy is increased economic activity and the taxes paid by the businesses involved. However, these benefits are being borrowed from the future against the risks of irreversible damage to the integrity of the water resources and the uses and services those water resources provide. What is at risk is the irreversible hypereutrophication of our lakes and the cost to dredging to restore the ecosystem integrity and the uses and services dependent on that integrity when we apply this general observation to the specific proposed changes in the nutrient water quality standards by the state of Florida.

For the proposed deficient nutrient water quality standard proposed by the state of Florida, this is not a hypothetical because of the South Florida Water Management District had to partner with

the US Army Corps of Engineers in Collier County to hydraulically dredge Lake Trafford at the cost of several tens of millions of dollars and a decade of lost uses as a world class largemouth bass sport fishery. This whole standard is based on an acceptable and extreme events that are highly unlikely to occur under healthy ecosystem conditions, not more subtle indicators like the carbon nitrogen phosphorus ratio. Once in three year frequency does not provide sufficient time to recover between impairing events and it ignores nutrient recycling from the sediment as a result of the deposition of the biomass flux from the overlying water column in association with each of these impairing events. It also ignores the effects of toxins associated with toxic algae blooms.

OPERATOR

Thank you, Mr. Fink. Your time has elapsed.

MODERATOR – GERALDINE CAMILLI

Hi, this is Geraldine again. This is your moderator. Larry, thank you very much for your comment. If anybody else is interested in providing a comment please dial the number on your screen. And Larry, if you would like to make an additional statement or if there was not sufficient time, it appears at this time that we have additional time so you are welcome to dial in and call us back. We appreciate everybody's patience with this and look forward to hearing from you. Thank you. Bye.

OPERATOR

Larry Fink, we are ready to hear your comment. You have 3 minutes. A tone will sound when you're 30 seconds remaining.

LARRY FINK

This is Larry Fink, WaterWise Consulting. I just wanted to make sure that my recommendation got into the public record. I think it got cut off, but because I'm not able to monitor what is being presented, I can only assume that's the case. So let me just, after summarizing my specific concerns that the proposed translation of Florida's narrative, no eutrophication water quality criterion to the equivalent numerical water quality criterion and for limited nutrient is based on acceptable extremes that include blue green and toxic algae blooms that are extremely infrequent without unnatural nutrient concentrations and proportions or sediment recycling of the limiting nutrient and not on more subtle indicators below the severe impairment threshold. And I use the example of the carbon nitrogen to phosphorus ratio. The one and three year frequency of acceptable recurrences, these extreme events does not provide sufficient time to recover between them and when I say recover, recover all beneficial uses and natural services provided by that water body. It ignores nutrient recycling from the sediments that can result in the long term reduction in a similar capacity of the resource for nutrients and in the extreme result in hypereutrophication conditions where the system is constantly recycling the nutrient at levels that trigger algae blooms that deposit onto sediments and trigger releases that trigger algae blooms and the system is unable to recover. Its normal structure function and throughout, what we would call healthy ecologic conditions.

My recommendation is that EPA conduct the required mechanistic modeling necessary to reduce the risk of a long term irreversible nutrient related damage to Florida's lakes to less than 5% of

the lakes, 5% of the time. And that closes my remarks. Thank you for the opportunity to comment. And please pass my well wishes along to James Giattina. Jim and I worked together at US EPA Region 5 many moons ago. I very much enjoyed the experience then, and I hope that we can work together in the near future to improve Florida's water quality standards and make sure that we have water bodies preserved for all future generations to enjoy and not at risk of permanent irreversible damage in order to provide short term benefit and profit to the private sector. Thank you very much. This closes my remarks.

OPERATOR

Thank you, Mr. Fink. Thank you for your comments.

LARRY FINK

You're very welcome.

MODERATOR – GERALDINE CAMILLI

This is Geraldine. And just to respond to Mr. Fink's comment, this is definitely going to be part of the public record. There will be a transcript of this webinar, as well as a recorded version of this webinar, that will be posted to EPA's website so your comment has been heard. Thank you for making that comment and we are live so Mr. Giattina did provide his presentation live and is listening on this call. So, I think he has heard your message and we appreciate you making the time to call in and to make a comment.

This is for everyone else as well, if you're interested in making comments, we look forward to hearing from you. The phone number to dial in is 877-407-0315. And the participant password is 31421. You will be hearing silence from now until the next five minutes. If we do not hear from anyone over the next five minutes we will be closing this webinar. Thank you everyone for participating and for still being on the line.

MODERATOR – GERALDINE CAMILLI

This is Geraldine again, your moderator. And I would like to remind people who are interested in making verbal comments that this is your last opportunity. We have a few more minutes. We are just waiting for any late callers. The phone number is 877-407-0315 and the participant password is 31421. If we don't hear from anyone over the next few minutes we will be ending this webinar. Thank you and we look forward to hearing your comments.

MODERATOR – GERALDINE CAMILLI

This is Geraldine. We will be closing this webinar in another minute if we don't hear from you. Again, the phone number again is 877-407-0315. The participant password is 31421. And thank you all for holding on for this amount of time. We appreciate all of the comments that were provided. And we appreciate the participation from everybody. Thank you and we will be closing shortly.

If you would still like to provide a comment and were unable to today, please provide your comments at any time in writing either by email, online at regulations.gov, or by mailing your letter to the Docket. Thank you Jim Giattina for presenting today. And, of course, thanks,

everyone, for providing your comments. And thank you to all the participants who attended today's webinar. This will end our webinar for today.