

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
WATER

November 14, 2010

Mimi Drew  
Secretary  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, M.S. 10  
Tallahassee, Florida 32399-3000

Dear Secretary Drew:

I am pleased to share with you the attached final Water Quality Standards Rule for nutrients in Florida's lakes and flowing waters, signed today by Environmental Protection Agency (EPA) Administrator Lisa P. Jackson. This rule protects public health, aquatic life and the long-term recreational uses of Florida's waters from the detrimental effects of nutrient pollution. EPA based this final rule on the best available science, including substantial data and information provided by the Florida Department of Environmental Protection (FDEP) and other parties. Recognizing Florida's diverse and unique ecosystems, EPA developed numeric standards for three classes of lakes, streams and rivers in five watershed regions, and streams as well as created flexibility in the rule to allow Florida to adjust the numeric criteria based on appropriate, protective site-specific data. FDEP's extensive data and local scientific expertise, the result of over a decade of extensive data collection and analysis in the State, have been invaluable in getting us to this historic milestone today.

Nutrient pollution contributes to severe water quality degradation in the State of Florida. EPA supports FDEP's commitment to reducing nitrogen and phosphorus loadings to Florida waters, and the need for numeric nutrient criteria to achieve this goal. The numeric nutrient criteria established in this rule will improve water quality by creating clear water quality goals and measurable quantitative baselines to support stronger collaboration with point and nonpoint source dischargers of nutrient pollution.

EPA sought extensive public input on the January 14, 2010 proposed rule and on the August 3, 2010 supplemental notice. We held thirteen well-attended public hearing sessions in six cities across the State of Florida, and received over 22,000 public comments from a wide range of stakeholders (citizens, municipalities, industry representatives, agricultural and environmental groups). EPA has incorporated numerous changes in the final rule that reflect this public involvement as well as careful consideration of input provided by FDEP.

We appreciate the scientific and feasibility concerns FDEP raised about certain provisions in the rule. EPA responded to these concerns by 1) delaying finalization of downstream protection values (DPVs) for estuaries and criteria for canals to allow for additional review by EPA's Science Advisory Board, 2) finalizing criteria for Florida's streams that account for geological differences throughout the State, 3) adopting significant elements of the FDEP's benchmark stream reference condition approach, 4) finalizing adjustable criteria for Florida's lakes that account for site-specific data, 5) finalizing a criterion for Florida's springs that matches the criterion FDEP proposed as appropriate, 6) revising downstream lake protection value provisions to maintain accountability while allowing greater implementation flexibility, and 7) establishing a procedure for deriving federal site-specific alternative criteria (SSACs) where site-specific data suggests the need for refinements to the federal criteria.

The implementation of numeric nutrient criteria for Florida's lakes and flowing waters will affect many stakeholders, including water management districts, municipalities, industries, agricultural businesses, environmental groups, and the public in Florida. Recognizing the need for close collaboration on next steps and full understanding of the standards by all affected parties, the numeric standards will not take effect for 15 months to ensure that we and the State of Florida can work together with all stakeholders in providing for well-coordinated implementation. The federal site-specific alternative criteria (SSAC) process, however, will be immediately effective. Over these next 15 months, EPA intends to partner with Florida to host webinars and make available technical experts to help communities in the State that want to understand and utilize the flexibilities that are built into this rule.

I want to thank you and your staff at FDEP, especially Jerry Brooks and Drew Bartlett, for your thoughtful engagement with us during this rulemaking and for your commitment to protect and restore Florida's exceptional water resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter S. Silva', with a stylized flourish at the end.

Peter S. Silva  
Assistant Administrator