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PUBLIC HEARING

Proposed Water Quality Standards for the State of Florida's Lakes and Flowing Waters
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Volume I of II

Panel:

Ephraim King
Jim Keating

MR. KING: Hello, everybody. We're going to start up. This is a hearing, a United States Environmental Protection Agency hearing having to do with proposed rule-making to establish numeric nutrient standards for inland waters in Florida. If you're here for any other reason, I would suggest you go and enjoy the great weather outdoors and come back for the next session. But this morning or today we're going to be talking about numeric nutrient criteria, a proposal that was put out on January -- mid January of this year, and we are in the middle of a comment period -- a public comment period, and so we're particularly pleased to be in Fort Myers today to listen to Floridians directly, and to get your input and your feedback on different parts of that rule.

My name is Ephraim King. I'm director of the office of science and technology in EPA's office of water in Washington, D.C. To my right is Jim Keating, one of our senior staff and senior analysts in the nutrients pollution control area. What I'm going do this morning is welcome you and give some background to why we're here today, and then following that, I'll talk a little bit about the process by which we get your comments. It's not complicated, but we want to make sure everybody understands it so it moves smoothly. And then Jim will provide a overview for all the folks here today about what the purpose of the rule is and what's in it, just to make sure that everybody is starting from the same baseline.

For my own part and for Jim's part, I think we really want to express our appreciation to all the folks that have come here today. It's not always easy for people to get away from other commitments and other parts of their day to come and share their views with us. For us, for EPA, this is an incredibly important part of the rule-making process, which is when you hear directly from

people who are affected by the proposed standards, and you get their feedback and their input about what parts they believe are appropriate, and where, if anyplace, they think there should be changes, and, if so, what those changes should be.

I want to just indicate that EPA in this case, what we're doing with this proposed rule is we're proposing numeric nutrient standards, which implements Florida existing narrative standards, but simply provide a numeric value in place of the narrative word description to facilitate and expedite Florida's ability to address over 500 impaired waters that are related to nitrogen and phosphorus pollution. As you offer your comments -- we welcome any comments, any perspectives. We particularly appreciate comments that go to any of the technical or

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scientific aspects of rule. If you feel there is data or information we haven't considered or need to consider, we really would appreciate that. If you feel we have not interpreted properly existing data or science, we very much would appreciate your views on that. From EPA's point of view, good science is probably the most important part of this rule. It needs to be based upon the best available science. It already reflects over 800,000 nutrient-related data points from the State of Florida, but any additional information, any additional thoughts in that regard would be deeply appreciated.

I also want to emphasize to you that -- do we have anybody working on sound? That if you don't have an opportunity to offer all of your comments today, the comment period stays open till the end of April, April 29th. So you absolutely have an additional opportunity to send us your written comments, and again, we would be delighted and pleased to get them. So please understand we are delighted to have you today, and you also have additional opportunities, based upon additional information that you may have heard today, to provide further comment.

What I would like to do right now is explain to you a little bit of the background, not a lot, about the federal rule-making process under the Administrative

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Procedures Act, so that you understand where this fits in that process and what's going to happen next. EPA, as a general matter, follows a process under the Administrative Procedures Act called informal, or notice and comment rule-making. Very briefly -- briefly, what that means is we put a proposed rule out in the federal register, and we provide an explanation of what that proposal is based on. And then we leave a comment period open for the public and for the stakeholder to give us their feedback on the technical analysis, on the policy it reflects, on the directions it seems to set.

And then following that comment period, EPA reads every single comment that we receive. Often, we read them two or three times. And so, for example, every comment that you offer today will be taken down by a court typist, and put into our record, along with your name and affiliation. And not only will we listen to you today, we will reread your comments as part of the comment response and evaluation process.

So one of the reasons we're so pleased we're today is because you give us that opportunity to get the

comments in. We, in turn, give you our commitment that every comment you make will be carefully considered and evaluated as part of the rule-making process. And then in this case, after we consider all those comments and we evaluate any new data or comments against the proposal that we put out, and that proposal we asked a number of questions and alternatives, we then will prepare a final rule-making, which will be promulgated on October 15 of this year, just to give you a sense of where that goes.

And finally, I think what I'll -- I'll tell you -- share with you this process twice because at least it takes me probably two or three times that number of times to sort of get a process down. But in terms of the process we're going to follow today, everybody here who wants to speak should have a number that was given to you at the registration desk. If you want to speak and you don't have a number, I would simply ask at some point during this process, please go back to the registration desk, sign up, and ask them for a number because we're going to be calling speakers up in order of the number that they have in their hand.

And I'll be asking the first speaker to come up, and then I'll ask two additional folks to come sit behind them. And the reason for that is, when the first speaker is done, then they can go back to their sear, and the next speaker will already be front and center, and they can come up and talk about whatever their views are. And we'll ask you, when you come up, for your name and for your affiliation, and everybody will have five minutes to offer their points of view and their information.

If for any reason five minutes isn't enough please remember you have additional time to submit comments to us. But in terms of the large number today, we are asking people to limit their comments to five minutes. You'll see up on the screen, there will be a little timer that will tell you where you are in that process and we'll give you a one-minute warning as well. And I think that's about it.

And so with that, what I would like to do is turn this over to Jim Keating, and he'll give you an overview of the rule, and then I'll remind everybody of the process we're going to follow, and then we'll start up and be delighted to hear from folks.

MR. KEATING: Thank you. Is there an announcement to be made?

MR. KING: Cell phones off.

MR. KEATING: Cell phones off? Ours? That's a good one. I'll follow that. Thank you.

I will be brief in my remarks, but I do want to give some introduction to the federal proposed rule, and then we want to get right to your comments because I know there are a number of you who have been waiting to speak. What I want to do today is talk about three things. The first is what is nitrogen and phosphorus pollution. The second is what are water quality standards. And then the third is how do these two components get addressed in EPA's federal proposal.

So to start, nitrogen and phosphorus pollution is excess levels of those two elemental substances that occur naturally, but are often introduced into our

waterways through the activities of man. One of the primary difficulties with excess nitrogen and phosphorus is that it causes unwanted and excess growth of nuisance algae. Now, algae is a natural part of our waterways, and a very beneficial part, in the right quantities and in the right species composition. However, in excess amounts and in the wrong nuisance kind of species, it can cause real problems.

A couple examples that we've seen throughout the State of Florida, one is the species Lyngbya. That can smother some of the natural grasses that are present in our rivers, and these grasses are food for species like manatee, and they also provide a number of habitat. Lyngbya can also produce toxins which are harmful to humans and to animals. Another algal species that we see, that sometimes dominates our lakes and our rivers in the state, is Microcystis. Microcystis is another species of algae that produces a toxin that can be harmful to livestock, it can be harmful to wildlife.

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So we see that excess algae not only just discolors the water, but it also really damages the natural ecosystem and can cause, you know, some human health issues, as well as depleting the oxygen levels that fish and shellfish need to survive, when the algae dies and decays.

We also have a concern with excess algae in drinking water because drinking water gets taken in by the treatment plant, disinfected to remove any potential pathogens, and in that process of disinfecting, if algae are present, you can have formed disinfection by-products, which, you know, can lead to substances that can cause cancer and other serious illnesses in people.

We have another particular concern with nitrogen in our waters, and that's through groundwater levels that are high in nitrates. This can lead to a situation that's very dangerous potentially, and even lethal for infants that are drinking that water supply. And in fact, there's an identified maximum contaminant level for nitrates that Florida has in their standards, and we see violations of this maximum contaminant level in many areas of the state.

Florida has a wealth of waters to their -- to the benefit of the citizens and people that visit Florida. There are thousand of lakes, tens of thousands of miles

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of rivers and streams. There's approximately 4,000 square miles of estuarine water, and there are over 700 freshwater springs.

Now, a large number of these waters have already been identified as impaired for excess levels of nitrogen and phosphorus that represents a significant portion of those waters, and not all of the waters have been assessed. And what I would like to do is walk you through a series of pictures to show what some of that impairment can look like in Florida lakes, in Florida rivers, in Florida springs, and in Florida canals, which were the subject of our proposed rule in January.

This is a picture of Lake Manatee near Bradenton, Florida. And this is actually the Microcystis algae, that I spoke of earlier, in a bloom that's occurring around the fringe of that lake, and to the right is an image that shows a close-up along with a device that we

called a Secchi disk that measures water clarity, of which there wouldn't be much in this particular close-up.

This is an older picture of Lake Apopka that's in central Florida, and it shows you what an algal bloom condition can look like when it dominates an entire lake.

This is a picture of a pond called Merritts Mill Pond. This is up in the Panhandle of Florida, about 45 minutes or an hour west of Tallahassee. This is a

pond that's noted for its kayaking and its fishing, and you can see that it is in a condition that would compromise those kind of activities.

This is another lake that's in the Florida Panhandle, Lake Leon [sic]. This is very near Tallahassee, and this is a close-up of a Microcystis bloom that you can see that's present in that water.

We also see, in addition to lakes, that nuisance algae can affect the flowing water in rivers and streams in the state. This is actually a picture fairly close to here, in the Caloosahatchee River near Olga, Florida, and you can see the algae that's present, not just in the water itself, but also along the banks of the river and on the rocks that are on the banks there.

This is also a picture of the Caloosahatchee. It looks like a different kind of species of algal bloom, but you can see the difference between where there's an algal bloom present, on this side of the Franklin Lock, as opposed to the ocean side towards the Gulf of Mexico side of the lock, where it's being physically separated by the dam. There's a drinking water intake that is on this side of the river that has been negatively affected by these excess levels of algae.

More towards the northern ends of the state, this is the Saint Johns River, and a Microcystis bloom that's

present there, a more recent picture, as is this image there that shows the Microcystis as it passes through some of the docks and the nearby homes. What we see from this excess algae, and other effects of nitrogen and phosphorus pollution, is that it puts a lot of things, that we care about with our waters, at risk. It puts at risk ecology. It puts at risk human health. It puts at risk recreational opportunities. It puts at risk tourism, and it puts at risk property values.

Here is a close-up of recent conditions, again in a tributary of the Saint Johns, that shows a bloom as it goes past some of the docks and those homes.

This is actually a photo of the Saint Lucie River, about an hour or so north of West Palm Beach that shows similar types of conditions. So we've seen these conditions recur throughout the State of Florida.

Florida has a wonderful wealth of freshwater springs. This is the Weeki Wachee Spring, which is a couple hours north of Tampa. You may know it from some of the mermaid shows that they put on there. The image on the left is from the 1950s, and this shows a very clear water condition that's dominated by the natural grasses. The image on the right is from this past decade, that shows what a spring looks like when it's overtaken by the Lyngbya algae, and it really has

affected the clarity, but probably more importantly, it's also smothered out the natural grasses in that habitat.

We also see that nutrients can affect the miles of man-made canals that exist throughout the state and particularly in South Florida. This is one that drains into the Biscayne Bay, and is shown with an algal bloom present in the surface.

So as Ephraim alluded to in his remarks, the State of Florida does currently have in its water quality standards the very nice statement of intent for their water quality with respect to nutrients, that it shouldn't cause an imbalance of flora and fauna. And the issue that happens with just a narrative statement is that it can be a relatively slow process to develop the specific targets that you need to restore waters, and I think, more importantly, it also leads to a reactive system, where we don't address water impairments in these kinds of conditions until they already occur. And then it's more difficult to get the water body restored back to a healthy condition.

With numeric water quality standards, we would have the targets in place to do restoration faster. We would also have the targets in place that we could use to address sources of excess nutrients, be they point source or nonpoint source, so that we can prevent these kinds of

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conditions from happening in the first place and maintain the healthy biological condition that really is present in so many of Florida waters.

Nutrients and excess nitrogen and phosphorus come from a variety of sources. They come from sewage treatment plants. They come from urban and agricultural landscapes. They come from leaking septic takes, and they also come from the discharges from some industry. We do know from experience, and several of you have told us throughout these series of hearings that we've done, of the better treatment that can be put in place, both for point sources and for land management of urban and agriculture landscapes, to remove those excess nutrients before they flow into Florida's waters.

Now, in terms of water quality standards, a key point that I would like you to take away is that water quality standards consist of designated uses. This is what we want from the water. We want aquatic life. We want swimming. We want recreation. And water quality criteria to protect those uses. Water quality criteria are the specific levels or amounts of pollutants that, if present, will retain the ability for the water to have those uses.

Florida has already identified those designated uses in their water, and they're in keeping with the goals of

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the Clean Water Act, specifically Class I and Class III waters has been subject of EPA's proposed criteria that we're putting in place, and they share the goals of healthy water quality that retains the ability for the propagation and maintenance of healthy, well-balanced populations of fish and wildlife. So that is what we're shooting for with these criteria, to meet Florida's own designated uses.

In terms of the need for these numeric nutrient criteria, EPA has been recommending this since 1998. More recently, we've had the opportunity to consult with the state agency, the Florida Department of Environmental Protection, who agrees that numeric nutrient criteria are

necessary to provide protection for their waters, and that led to a determination, that the EPA administrator made in January of 2009, that these criteria were necessary. This set in motion this series of actions that has led to the proposal that we're talking about today. In advance of EPA's proposal in January of this year, the State of Florida had proposed their own numeric nutrient criteria and presented them in the number of public workshops last summer.

In terms of our schedule, we did enter into a consent decree with some environmental nongovernmental organizations that we would propose a numeric nutrient

criteria for lakes and flowing waters in the state in January 2010, to go final in October of this year, and a separate rule-making to address estuarine and coastal waters, which we will -- are on schedule to propose by January 2011, to go final in October of 2011.

Now, to do this, we relied on the extensive database that the Florida has of measures of water quality related to nitrogen and phosphorus pollution. We also relied on the technical analyses that state scientists have done, as well as some of the technical analyses that we were able to conduct on our own. And each of these methods have gone through what we call external scientific peer review, so we get feedback from neutral scientists as to their utility. In terms of Florida's database, I mean, there are tens of thousands of samples taken from thousands of sites. It adds up to hundreds of thousands of records that we had at our disposal.

Now, going into some of the specifics then of what we proposed for lakes, and these are freshwater bodies that have some open, contiguous area that's free from emergent vegetation separate from wetland areas. We divided the lakes in the state into three categories, based on their natural color and their natural alkalinity, and we derived the criteria by looking at field correlations of I can't have of chlorophyll a

levels to total phosphorus and to total nitrogen levels.

And chlorophyll a is a light pigment that you find in plant cells. It's indicative of algal growth. We also had a procedure in our rule to adjust the total nitrogen and total phosphorus criteria for an individual lake, should there be sufficient data that showed that that lake was, in fact, meeting their chlorophyll a target and would be indicative of a healthy biological condition.

This chart up here briefly summarizes the criteria that we proposed. They're in two categories. The baseline criteria are the total phosphorus and total nitrogen levels that came out from those field correlations with chlorophyll a, and there are different chlorophyll a targets for different color lakes or alkaline lakes, versus clear acidic lakes, which would be the kind of sandhill lakes, where you would expect really a high degree of clarify, not very much plant productivity, and therefore a lower level of chlorophyll a. But you can also see the ranges of total phosphorus and total nitrogen values, where an individual lake could be adjusted, should the chlorophyll target be met over at least a three-year period.

For rivers and streams, we divided up those waters

by various geographic regions in the state that had

different natural expectations in terms of their underlying natural features and underlying geology in particular. And these are for rivers and streams that are in parts of the state that are not South Florida, which are predominated by miles and miles of canal systems.

What we did for rivers and streams is we had a wealth of biological information that the State of Florida had collected, using a tool called the Stream Condition Index, which is a measure of healthy biology, and we took the data from those steams that were exhibiting healthy biology, and we were able to identify a representative concentration that would be protective of those -- of that -- excuse me, of that condition.

You can see from this map how those regions break out. The Peninsula area is separated from the Panhandle area, and then there are two kind of smaller areas within the state, the Bone Valley and the North Central, that have high levels of phosphorus that naturally occur in those soils, and these are areas of the state where they actually mine the phosphorus for fertilizer purposes and so -- but that all is that predicated on having an underlying geological condition that would indicate that higher levels of nutrients would be expected in those particular streams.

We also, in our federal proposal, address the need for downstream protection. We know that rivers and streams don't stay in place. They flow into lakes, they flow into estuaries, and oftentimes those downstream waters are more sensitive than the flowing waters that are above those particular water bodies. And so what we did is we basically used for lakes a simple mathematical equation that relates the concentration in streams to the concentration in the lakes, so that we could adjust the stream criteria as necessary to ensure that the downstream lake was being protected.

For estuaries we utilized a model called the SPARROW model, which was produced by the United States Geological Survey. And the SPARROW model basically uses lots of Florida data and calibrates the model calculation of the transport of nitrogen, as it moves down a watershed, and attributes it back to the various source categories as indicated by the land use and the watershed. What that allows us to do is to help determine a protective level that should be delivered to the downstream estuary, and then to take that protective level, translate it into individual stream concentrations throughout the watershed.

We call these individual stream concentrations to protect the downstream water quality, downstream

protection values, and one of their features is that they tended to be slower than the criteria that I showed you for rivers and streams that are necessary to protect the in-stream biology. We introduce this concept of downstream protection because we know it's important. And we also had indicated in our proposal that we intended to go final with this particular aspect of the rule-making as part of the 2011 rule-making. We recently had an opportunity to reaffirm that position in a letter

that we sent to the Florida Department of Environmental Protection.

For springs, we have a great deal of both field studies and literature studies that the Florida Department of Environmental Protection had compiled, and we identified a protective criterion for nitrate-nitrite form of inorganic nitrogen of 0.35 milligrams per liter.

For canals, we recognize that these are highly managed systems largely built for flood control and irrigation, but they do carry the same designated uses for the aquatic life and recreation and human health protection that I described that applied to other state waters. So it was important that we addressed the need for the protection of the canals themselves, but we took an analogous process that we have -- took for rivers and streams, to identify those canals where it could

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reasonably infer that the designated uses are being met, took the distribution of data from those systems and identified a protective concentration, which is up here on the screen right here.

We were able to identify criteria for chlorophyll a, for total phosphorus and total nitrogen. We were careful in identifying a total phosphorus criterion that we didn't interfere with the protective criterion for total phosphorus that's already in place for the canals that run through the Everglades protected area, and there's -- that criteria also applies to the marshland there.

A couple other proposals that we made that are important, one is an allowance for site-specific criteria. We know that nutrient conditions vary by water body, and in some cases there's a great deal of additional information that's available, and we wanted a process whereby the federal criteria and are promulgated could be adjusted through a streamlined process to ensure that the right protective criteria are easily identified.

We also had a future of our proposal that addressed situation of where it may take many, many years and lots of coordination, between nonpoint sources and point sources, to achieve these criteria, and it might be useful for communities to work together with the State of Florida to identify a series of incremental stepwise

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targets towards ultimate attainment of a designated use.

We did -- in addition to an economic analysis, where we looked at the cost of implementing our rule, and in terms of the annual cost, we identified a range of approximately 107 to $140 million, and that was over about a 20-year period, and that would tally up to total costs of between 1.2 and $1.5 billion. Our analysis looked at costs that are associated with upgraded treatment and additional pollution prevention actions for point source dischargers, wastewater and industrial sources, as well as implementation of best management practices on the land for agriculture and replacement of faulty septic systems.

The procedure for submitting comments is detailed in our proposal and on our website. The deadline that we have is offered April 28th of this year, so there's still a couple of weeks left to finish up those comments and get them to us. And we look forward to those comments, and we look forward to what we're going to hear today from you. I have a couple slides that have some review

points, and they are in your handouts, and I will leave them for you to read, if you wish to. But at this point we want to get right on to your comments. Thanks very much.

MR. KING: Thank you, Jim. I appreciate that.

Let's indeed move on to hearing from the people in this room. The process that we're going to use is, when you signed up and you indicated that you wanted to speak, you were given a number. If you don't have a number and you want to speak, please just go out back to the registration desk, get a number, and we would be delighted to hear you.

The way we're going to do it is invite the first person up, and then the following two people to sit behind that person, so when that person is done, then somebody can easily step up and keep the process moving, and make that as efficient as we possibly can. Each speaker will be given five minutes to speak, and you will see up here -- it's really quite remarkable. I've never seen this before. We all have a by-the-second little time frame here, so you'll all know where you are. And when you get within one minute, it begins to flash red. So if the numbers don't work for you, maybe the colors will.

We're here today to listen to you, and so we won't be responding to or answering specific questions beyond where the rest rooms are or things like that. This is your opportunity to tell us what you think and to give us your information and your perspectives. As I said, all of your comments will be read, will be evaluated, and

will be responded to as part of the rule-making process. Also, as you can see, we have a sign language translator with us today. We also have a Spanish translator as well. So if there are folks that want to avail themselves of that, we would be delighted to have them do that.

And so with that, I think what I would like to do is call up Speaker Number 1, and ask Speaker Number 2 and 3 to come on up as well and sit behind this fine lady.

Hi.

MS. AYECH: Good afternoon, and thank you for having us here today. My name is Becky Ayech. I live in the community -- historic community of Old Myakka, which is located in Sarasota County. And I would like to present to you one piece of evidence, I guess, or submit something into the record. May I do that now at this point?

MR. KING: You bet.

MS. AYECH: Thank you.

MR. KING: Let the record reflect that we have a beautiful white hat that says "No Slime."

MS. AYECH: And I will reiterate, it is a white hat.

I'm a family farmer and have been so for several years. I am also a domestic well user. So first, I'm just going to give you a little bit of history about my

farm. I raise chickens, pigs -- wild hogs, actually -- sheep, and we have quite an extensive garden. The reason I bring up the point about the domestic well is because earlier in your presentation you talked about nitrate levels. Well, I don't know about any other county, but I

can speak to my county.
My well will never be tested for nitrate levels. We are not tested for drinking water, we are only tested for aesthetics. So it is very, very important to me, as a consumer of that water, that my groundwater is clean. It is also important to me that surface water bodies are clean, and I'm going to just give you some experiences that I've had.
I loved your slide show the first one was Manatee County Reservoir, which from time to time I do drink water from, and I just happened to have the opportunity to drink some water when there was an algae bloom, and the water tasted terrible. They got a lot of complaints about it. It is very costly to treat it, package treat -- I mean, not -- excuse me. Public supply as well as individual suppliers have certain treatment standards that they use, given on a specific water quality that they're used to having. And anytime that water quality changes, it becomes more expensive for the consumer, so -- and it also tastes bad and creates a lot of --

excuse me -- problems.
I had the also unique experience of being at Lido Beach during several red tide events. The stench is horrible. You cough, your eyes burn. People don't want to be there. We -- my family left. Fish -- dead fish are have everywhere on the beach. Even though they clean it up, for months later you're walking on fish bones because they haven't been able to clean everything up. So that is also part of the experience of red tide. I didn't swim when I went to the beach because I didn't want to walk over the dead fish or swim with the dead fish. So my family and I left immediately.
My husband and I enjoy fresh fish. We do not eat fresh fish anymore because many of the areas where we get fish have slime, and we're not interested in eating slimed fish, for those that live. For those that die, we're not interested in eating them either because our joke is we want them fresh enough that they wink at us. And quite frankly, it's ugly to look at, and I think that you made that point very, very well with all the slides that you showed.
We know that local governance -- governments have recognized the importance of controlling phosphorus and nitrogen. Many local governments have adopted fertilizer ordinances. They see it, they know it. It isn't good

for their economy. We're a tourist area. Green slime does not sell well on television or in beautiful brochures. So they are taking first steps, and I commend them for it and ask everybody else to join in.
We know that it's cheaper to keep water clean than to clean it up. You may be aware of -- we have several water use caution areas. Those are areas in Florida where the use of water has exceeded the amount of water that can naturally recharge it. It is -- in my area I'm in two water use caution areas, the Eastern Tampa Bay water use caution area, and the Southern water use caution area. So there has been a great push to get people off of groundwater and onto surface water systems.
As part of that, we have done interconnects with Manatee and Charlotte County. We have developed a huge reservoir for the Peace River Regional Water Supply

Authority. And unfortunately, we still allow domestic residuals, which I call sludge, which is the ugly twin sister of reused water, to be land spread in watersheds. The State of Florida has not taken any steps to adopt a rule, which we've been working on for the last three or four or five or six or seven or 20 years.

So it is very important for this rule -- these numeric standards to be put in place to guard our drinking water and to guard the cost of our drinking water. We've already trashed one with the salt water intrusion. We already have some that are trashed now, and we need to fix those and keep the ones that are clean, clean.

I know that a lot of people have talked about technology as being an issue, and that we don't have the technology to do this. Well, I won't tell you how old I am, but I will tell you that when the Clean Water Act was signed I was a hippy, and not now I'm a grandma. And in between that time we have gone to space, man has landed on the moon, women have gone to space, we live in outer space, medical technology has expanded, organ transplants are not what they used to be. We can follow contaminant plumes. We have that. We're able to do that.

MR. KING: I'm going to -- I need to ask you to finish up pretty quick because your --

MS. AYECH: Yes, yes. Oh, I'm sorry. So this is what I have to say to you. I cannot believe that there is a person sitting in this room who would be against clean water, and I urge you to continue forward, set the criteria, help us keep Florida as beautiful as it is, and thank you very much for your time.

MR. KING: Thank you.

Speaker Number 2, and would Speaker Number 4 come up?

MR. VALIQUETTE: Thank you. Good morning, or afternoon, I guess it is. My name is Michael Valiquette. I wear a number of hats. I'm a building contractor of luxury homes on Sanibel Island, off the southwest coast here. I'm also chairman of the Sanibel -- City of Sanibel Planning Commission. More importantly, though, in my recent career I'm one the founders and the chairman of the board of the Pure Water Coalition, which is people united to restore rivers and estuaries.

I got involved in this issue because I live on the estuary in a canal looking out at the mouth of the Caloosahatchee River across the estuary from a barrier island. I woke up one day and found scum half a foot thick, with balls of scum the size of basketballs in our canal one morning, and nobody could tell me what happened and why. After nine months of doing research and trying to force municipalities, both local, county, and state, to do something, we formed the Pure Water Coalition.

Our mission has always been to work with the agencies, and I thank you guys for coming and your entire staff for coming here today to listen to us. It's extremely important. One of the problems that I found over the last six years that I've been working on this issue, and five years with Pure is that there's -- the need for the nutrient criteria and the loads are extremely important.

There's going to be people coming here to this podium today that are going to say it's going to cost too much to not pollute, too much to clean up, all different science -- not enough science on the biological levels of the nutrients. I don't care about any of that. I'm not a biologist. I'm just a businessman that builds homes, and all I know is that if you don't put an ordinance in place -- just like the fertilizer ordinance, people stalled to get the text in that, the language of that statewide fertilizer order is perfect. It's never going to be perfect.

We need something that's enforceable in place now, so the state DEP and the locals, if they can, can monitor and force the polluters to stop polluting. Until you do that, they're going to continue to pollute. I was a polluter in my own backyard. I found that if you have sod within 20 feet of a seawall, which I had, you're polluting. You know, I stopped. I took out all my lawn, I put in xeriscape landscaping to show as -- not only to set an example, but because I didn't know any better until I started looking into why the waters went bad.

Like the speaker before me, I used to fish. I used to belong to the fishing club on the islands. I quit. Why? Because I'm not going to take a chance of a

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fishhook pricking my finger with the bacteria that's in these waters. I certainly wouldn't eat the fish that came out of that water. I like to fish to eat the fish. I take it home for dinner. I haven't been fishing in over six years. I don't intend to fish until I can wash my boat and jump in my canal and swim in the heat of day and not get sick.

Some of the examples that we have right here of polluters that seem to think it's easier to pollute than it is to spend the money not to pollute, around this building in the city of -- downtown area of the city of Fort Myers, you've got box culverts. All the rainwater that hits the area goes into those box culverts, whether it's a rooftop, a parking lot, a lawn in front of a building, or a road with oils on it. It goes into those box culverts.

They were built by TKW Engineers years ago to accept filters, but because of the cost of the filters, they don't filter it. So the water goes unchecked into the Caloosahatchee, all that storm water runoff with everything associated. You get chemicals and oils in that water. They just remodelled all the roads down here. They tore them up, put brick pavers, did a beautiful job. Did they put the filters in the box culverts? No. Perfect opportunity. Why didn't they?

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Because nobody told them to.

So what we're looking for at the Pure Water Coalition is for the federal government to step in. The State, I wouldn't want to say they dropped the ball. They're doing the best they can with what they were given, but they never put nutrient load levels in place. Had they done that 12 years ago, when the Clean Water Act gave the jurisdiction to the individual states, we wouldn't be standing here today because the polluters wouldn't have been polluting.

And that's how important it is not to delay. It's our opinion that you need to get this ordinance, get the

numbers. Whatever your people tell you it should be, put it at that. Every year maybe you could draw it into the language. Maybe they could come back and review, is the water getting better or getting worse, change it accordingly. Thank you so much for your time.

MR. KING: Thank you very much.

Speaker Number 3, and would Speaker Number 5 come up?

MR. HALE: Thank you for being here today. My name is Allain Hale, and I am with the Charlotte Sierra Group. I'm one of their directors. I was born in Florida, and I won't tell you what Florida was like when I born because you'd call me a liar. But I'll put it this way, that all

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coastal areas were an azure turquoise. The fishing was as legendary as they say. We've been places where the mullet would jump in our boat.

And fast-forward to the present, we're now opposing Mosaic Mine who want to mine in our watershed, which I'm sure you -- the EPA, we're in total concert with you on this. I've seen your letters to the Army Corps and that we're -- Ecoswift is totally in the support and so is the Sierra Club, of you requiring an area-wide EIS for specifically the applications of the Pine Level and Key Mines by Mosaic.

I want to say that this state is crying for nutrient loading information and for regulation of some sort. It's regulation which springs innovation. I know that whenever you have a challenge, people will not innovate and find the new solution -- solutions until they are challenged. First comes the regulation, then come the challenge, and then Americans, being what we are, we are the innovators of the word, we rise to it.

There are solutions, very affordable solutions that have already been proven in other states. In our own state one of the simplest -- it didn't cost a dime to do in Lee County and Sarasota -- was just plain forbid fertilizer use during the rainy season. Simply done, and within a change -- a noticeable time, the red tides did

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abate.

Your agents -- agency has endorsed the -- endured the last eight years' administration being weakened, marginalized, had your budgets and staff cuts. Even worse of having your boss changed to a person who was specifically there to torpedo the effectiveness of the EPA. This is a new day, and we need a victory. I want to see the EPA reinstate itself as the last dependable hope for environmental common sense, that you were, and what you started out as.

As for the cost of things, I want to say, first of all, we don't have to reinvent the wheel. There are certain success stories that have already been tried and were cheap to install. Most noticeably, the Chesapeake Bay, for example, used advanced water systems, wastewater systems, and artificial wetlands to reduce their pollution in the Chesapeake Bay 50 percent from before. The whopping, onerous price tag for cutting your pollution load 50 percent to all the people in the Chesapeake was $2.50 a person a year. That was the onerous price tag.

Certain solutions are very, very affordable and very simply done. But I want to say this, that there is a

thinking, a mind-think that we are after a one-size-fits-all solution. That is not going to work.

We must have a list of successful practices that are resilient enough to fit each community. Also recent practices, such as reducing the fertilizer use that I mentioned, are very simple ones. But we need to get started, and we will use these easily installed examples first, before we start talking about expensive reverse osmosis stuff.

It can be more simply done, but we have to be brave enough and step into the 21st century, and to remedy a 20th century and 19th century problem. This is a new age. Let's rise to it. This is America. We can do this. The answers may not be there, but we're Americans, and that's what we're known for, is get the regulation, get the challenge, we'll meet it.

MR. KING: Thank you very much.

Speaker Number 4, and would Speaker Number 6 come up?

MS. ZEAGLER: I am Barbara Zeagler, and a resident of Old Myakka and a Floridian. And in the last five years I have watched the leopard frogs just disappear. And not only does the algae in the water kill off the fish, it's killing off the tadpoles also and all the other life. And as we all know, it then runs into the bay, and we get the red tide blooms, and that's killing off the manatees, the turtles, and the fish, and anything else that's out there. And I just think it needs to be stopped. And whatever it takes to do, we need to do. Thank you.

MR. KING: Thank you very much.

Speaker Number 5, and would Speaker Number 7 come up?

MR. COWDRIGHT: Hello. My name is Bill Cowdright. I've only lived in Florida for five years, unlike a lot of people here, but I recently retired as the executive director of the Crowley Museum and Nature Center, which is an environmental education and pioneer history center in Eastern Sarasota County. In the late 1980s and early 1990s, Southwest Florida Water Management did a study about the die-off of the Flatford Swamp, up in the Myakka River. It was determined that it was -- it came from the agricultural fields, from runoff of nutrients and water.

The swamp also, since that is one of the prime spots for the start of the Myakka River, it also flowed downstream and affected our property significantly. We lost probably 2 to 4,000 trees. Most of the canopy we had in our boardwalk area was lost. In order to resolve that issue, we had to go to court. So we sued in 2002 to try to get these farms to change their practices, either keep their water on their property or to develop a new type of irrigation, to replace the flood irrigation, which was drip irrigation.

That suit is not completed yet, still going on, although we think it's going to come to a close this year. The fact that they have changed their practices on some of the farms has been significant. Not only is there no water going now into the Myakka River and the stream that support it, but also there's a lot less coming out of the aquifer, probably 80 to 90 percent less

water that comes out of the aquifer.
In addition to the trees being killed off, it also provided an opportunity for these invasive plants to come in. In our Tatum Sawgrass Marsh, which is a big significant piece of our property, and a large area that even Manatee County today is considering making a reservoir out of, we have -- water hyacinth has grown in there, and it's about taken over most of the area. So in addition to the trees dying off and the old habitats going, there's these new habitats and these new invasive plants that have caused significant impact to us.
I know that those who oppose the nutrient levels are about the cost of change and loss of profits in many cases. Having worked in the business world for 37 years before I was retired in 2004 and moved down here, I understand there's a need for both profits and to maintain employment. However, I do believe that we need

to add protection of the environment, and water quality especially is important to Florida. I think we need to change the paradigm that the businesses are using today, and think of water quality and the environment when we prepare any future business plans.
The State has not acted in 12 years, and we can't wait, I don't think, any longer. I think it's important that we do that, and we change and adopt these nutrient laws now. Thank you very much.
MR. KING: Thank you very much.
Speaker Number 6, and would Speaker Number 8 come up?
MR. GUEST: David Guest for Earth Justice. Thank you for an opportunity to speak to you-all today.
I don't think there's really any doubt at all that sewage, fertilizer, and manure pollution trigger toxic algae outbreaks, and things like that are causing horrible problems all over the state, and here particularly. You've got a picture the Caloosahatchee River. That's a nightmare economically. It's happens in many places besides there. It was a horrible outbreak on Sanibel. You heard about that, too.
The water treatment plant at Olga for Lee County had to be shut down because of a toxic algae outbreak because the water would -- that water plant couldn't function

anymore. There's a serious problem, and there's no doubt that there's a relationship between those pollutants and those problems. And the opponents say that there isn't a relationship and that just doesn't square with the facts at all. We think there are improvements possible in you-all's science to get to refined numbers, and we're going to submit written comments about that.
Let me turn to the economics of the problem. Florida has an economic crisis and an employment crisis underway. You saw the pictures of toxic algae outbreaks. That's taking place all over the state. You've heard about it at the other hearings. They have a catastrophic effect on the economy.
This is a largely tourist driven economy down here, and when you get red tide outbreaks and you get things like happened on the Caloosahatchee River, tourists that come from around the country see it. It smells like rotting garbage. They freak out, they tell their friends, and they don't come back. This place is

deserted right now, and it's not because of the economy. It's because of how polluted this place has become. It's killing the economy, and it's killing jobs, and it's a cost that we can't afford.

You turn to the other costs, the costs of complying with this, and it is, by comparison, relatively small. I

was at a public hearing with Mike Sole a couple years ago, when a lobbyist for a polluting group showed up and said that it just wasn't going to be possible to meet the new regulations. It was just too onerous. And Mike cut him off while he was speaking, rightfully, and he said, I didn't want people to come here and tell us what they couldn't do. I want people to come here and tell us what they can do.

And I ask you to ask the same question of the people from the sewage treatment plants and municipalities. Don't tell us what you can't do, tell us what you can do. And what can be done has been done in other places, and it's been well documented. They can and should go to advanced wastewater treatment for sewage. And it should be 3 milligrams per liter nitrogen. You could do better than that operationally, and you really can get down to half a milligram of phosphorus.

That was done in other places. It's a reasonable standard, and that should be what's used to deal with these problems. Not everywhere -- not everywhere, of course, only about a quarter of the sewage plants here in Florida discharge to surface waters, but there's indirect connections, so it's more, too. There are a lot of AWT plants in Florida. The cost in the Chesapeake Bay was about $2.50 per month over a long term. It was a

permanent change of 2.50 to get to AWT for everywhere.

And to get to polishing ponds, polishing wetlands, there are places where polishing wetlands cost a family about 4 or $5 a month to get you down to the numbers that you-all are proposing. Those are reasonable costs, and, obviously, they gets phased in over a real long time, and it's bonded and stuff like that, but the sewage treatment people know that. And I think it really is not anything serious that the sewage people come with, when they say that they want to use reverse osmosis. That's just, We can't do anything. And it's just not true. Let's hear what they can do, and let's hear why they can't do what's being done in other parts of the United States.

One other thing is that, you know, polishing ponds polishing wetlands takes a lot of acreage, you know, several acres, maybe a hundred acres even. In some urban areas that just isn't practical, and in that case you may have to just go to reuse. That's what other places do. And if you go to reuse with AWT water, you're not going to have any problems. We heard before, and I think it's right, that you can go a giant leap to dealing with runoff -- urban runoff pollution from MS4s, with simply having fertilizer restrictive ordinances.

It's interesting to note that Mosaic Fertilizer and their allies are pressing a bill in the state

legislature, as we speak, to make it illegal for counties to adopt fertilizer ordinances. Farms can and should have better BMPs. We can get there, and we should. Thank you.

MR. KING: Thank you very much.
Speaker Number 7, and would Speaker Number 9 come up?
MS. GILES: Thank you for being here. I'm Gail Giles, and I live in El Jobean, Florida. I got lost one day about 30 years ago and found myself on the banks of the Myakka River, and I have been in love with the whole estuary area since, and have worked hard to try and keep focused on good clean water and available waterfronts.
When I first came here there were many oysters, in Tippecanoe Bay especially. We could go there at any time, be careful to always leave your seed oysters, don't take all this away. But within a few years it was degraded to the point that we could not eat those oysters anymore. My children used to play in the Myakka River, and we had so many queen conch, and that was one of their favorite things, was to find them, and all the many various sea creatures. They're not there anymore.
When I look at what's happening with some of our wastewater treatment plants, they're over-capacitated, they are old, they need to be brought up to standards

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that are forced on them. That's the only way we'll come into compliance. So it's not just septic systems. When I look at the Riverwood Utilities, and whenever there's a big flood, like a deluge of water, it's all dumped right out into the Myakka River. And the stench is unbelievable, and the foam coming down the river -- never mind many other things that don't need to be described -- those are the type of things that I see.
I see many package plants like on Coal Island and so on. These are all being used and have been used for 30 years to service the condos and so along there. And, I mean, I'm not knocking the growth, but these -- this is the time that we need to really get into our sewer systems, get them corrected, and done up. The cost to upgrade, they told me, was prohibitive, but how much does it cost the federal department -- the federal government to keep up our national estuary programs?
I mean, you have 27 of them that you're regulating. Most of them are in the United States -- I mean, in Florida. Ours, Charlotte Harbor National Estuary Program, is on a maintenance program, and that's the way we want to stay. So if we can keep the Peace River and the Myakka River from any further pollution, you will be doing a great honor to this whole peninsula. And as long as we have water, we'll have trees. With trees, it's

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canopy. Canopy prevents peninsulas from becoming deserts.
We have dead zones in the Gulf of Mexico, as everybody is aware. And when the Mulberry fertilizer plant went defunct, they allowed millions and millions of gallons dumped into the Roberts Bay and so on and out in the Gulf of Mexico because they were afraid of what would happen if it had spilled over with berms themselves. This has to stop.
Strip mining, billions of gallons stored forever right in the heart of Florida. Do you know that they're ripping out Florida's plumbing? We need to get a good idea of what's happening with it. Not only -- that's the storage of water. When questioned, Why do you use more water at fertilizer chemical plans during heavy rainfall

years compared to average years, the answer from Mr. Provenzano, who represents the fertilizer company, said, "We use millions of gallons per day to blend with polluted chemical process water that must be discharged when storage ponds get full." And that's a quote right out of the Charlotte Sun, July 27th, 2008.

We need an environmental impact area-wide survey, and it must have be conducted before any more mining permits are considered. Site-specific studies should not be applied to mining as past, present, and future of all

mining activity is interrelated. Thank you.

MR. KING: Thank you very much.

Speaker Number 8, and would Speaker Number 10 come up?

MR. AYECH: Hi. My is Fredy Ayech, and I live in Sarasota for 30 years -- 30, 40 years, next to Myakka River, and I go to Myakka River fishing, and I stop going there because the river is filthy. And I can't believe they putting sludge treatment next to the river, and the nighttime we hear the motor pump the sludge to the river. And when you go to the river, fish in a boat, you see the shit -- sorry for my language -- so the turd float with you on the river. That's how bad. Thank you.

MR. KING: Thank you very much.

Speaker Number 9, and would Speaker Number 11 come up?

MR. LEWIS: Thanks. Good afternoon. My name is Richard Lewis. I'm here today representing the Chamber of Commerce of Southwest Florida, and it's a regional business organization that builds leadership as a strategic contribution to the community. I'm a professional engineer and co-owner of HSA Engineers and Scientists, and we have contracts with the State of Florida Department of Environmental Protection and the South Florida Water Management District, and I've worked

on water quality issues in Florida for over 15 years. And I want to thank everybody for their interest in Florida's most precious resource, our water, and allowing us the opportunity to express our views today.

I recognize that you will be inundated with a variety of comments and concerns about the agency's approach to establishing the numeric nutrient criteria. We would like you to know that, as a region that depends on our pristine waterways and that attracts millions of tourists every year, we get it. We agree with the FDEP and the EPA that protection of our water resources is essential, and the numeric nutrient criteria will go a long way in protecting the public health, aquatic life, and the long-term recreational uses of Florida's water.

Recently the Chamber of Southwest Florida hosted a half-day seminar to provide members a multifaceted and detailed description of EPA's proposed numeric nutrient criteria. Among the speakers who addressed our audience were the FDEP secretary, Mike Sole, and Kenneth Ammon, the deputy executive director of South Florida Water Management District. We had over a 125 concerned members of our community attend the event, and they have since given their comments regarding the proposed rule. And today we would like to share some of those thoughts with you.

It is the consensus of the chamber members that we support the development of numeric nutrient criteria, but we believe the criteria should be based on sound science, ensure adequate time for development, and consider our diverse water resources and the many restoration activities that are currently underway. The FDEP and the South Florida Water Management District and many of our local municipalities, including Lee and Collier Counties, have made strides to address water quality and nutrient loading issues.

It's our concern that the proposed EPA rule could have unintended consequences, and that these consequences could cost billions of dollars. We want to make sure that the local efforts to address water quality and nutrient loadings be given credit by the EPA rule-making effort. For example, my firm just did a Lee County nutrient study of point and nonpoint sources that contribute to nutrient loading in Hendry and Mullet Creeks, and we hope the EPA has had a chance to look at this, the findings of that study. The study indicates that nonpoint sources may be a major concern in nutrient loading, as compared to point sources, and an important consideration -- this is an important consideration, when regulating based on concentration versus loading.

And there are many similar efforts moving forward in

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Southwest Florida that have been designed to address the specific needs of our local water bodies. And we're concerned about cost as well, of implementing this, and making sure that the local municipalities and businesses understand the -- how this will affect the wastewater, water use, storm water, and canal systems. Some estimate that the capital cost may be billions of dollars, so it's really important that we have sufficient time for implementation, to take into account the significant amount of planning that will have to be undertaken.

Finally, care must be taken that the numeric criteria are based on good science. There's a fear that you start an initiative, and then later the numeric criteria change after the infrastructure is already in place. We can't afford these false starts. Florida has a well-developed TMDL program, and the results of this program should be integrated into the development of the numeric criteria.

On behalf of our chamber members and other local taxpayers, who support our county and municipal utilities, agriculture, tourism, and our local business enterprises, we would like to ask that the rule-making effort consider the following.

Site-specific criteria that supersede the default values developed, considering loading versus

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concentration. The rule must not only allow but encourage the use of site specific alternative criteria when sufficient water quality data exists for specific water bodies or water segments. The site specific values would meet the regulatory requirement of protecting the water body, which is critical to both our community and to tourism, but it would be also be tailored to account for site specific conditions.

Maintaining current quality criteria for reuse water, which is an important component of sustainability with respect to water usage in South Florida, and

extending the implementation time frame to ensure there's time for proper criteria development and to avoid false starts.

Concern for reasonable and absorbable rate increases for customers during implementation or for the construction of infrastructure. The rule must consider the economic impacts and current technology treatment feasibility, reliability, and sustainability.

In conclusion, the Southwest -- Chamber of Southwest Florida members stand ready to support and comply with numeric nutrient criteria. We ask that the EPA ensure sufficient time, such that we have a better understanding of the economic impacts and feasibility of these rules, especially with regard to implementation, and to consider

and integrate the many and diverse efforts to protect Florida water that are already underway through the Southwest Florida and other regions of the state. And I thank you for your time and consideration.

MR. KING: Thank you very much.

Speaker Number 10, and would Speaker Number 12 come up?

MS. KAPLAN: Good afternoon. My name is Ann Kaplan, and I'm here today as president of CONA, which is the Sarasota Countywide Council of Neighborhood Associations. Our members include 74 homeowner associations and neighborhood umbrella groups from all over Sarasota County, and that represents about 40,000 households, most of whom came to Florida for the recreation and the nature that is only supported by clean and healthy waterways.

Sarasota County has two industries, and one of them is out of business for quite a while. So the remaining one is tourism and retirement lifestyle services. And our economy is now totally dependent on that industry. Given that fact, the overwhelming majority of people living in and visiting Sarasota County rely on good water quality to survive and to thrive. I happen to live on Siesta Key, whose beach is the biggest tourist draw in the county. We have suffered from beach closings each season as a result of fecal coliform and red tide

outbreaks, which significantly harms our tourism based economy and our reputation for future tourism.

I've lived on the main canal there for 10 years, and have watched the water quality degrade year after year. My family and my kids used to catch a lot of different kinds of fish from our dock five to 10 years ago, but not anymore. If they even put a line in, they will maybe catch one those little stingrays or a ladyfish, and that's about it. The water used to be clear, and now it's very brown, murky, and stagnant. I'm told by longer-time residents that the canals used to be clear and blue with sandy white bottoms before all the overdevelopment and the resulting runoff of fertilizer, yard, waste and other contaminants.

Our canals lead to Sarasota Bay, which is about one degree away from being declared an impaired waterway. The canals, creeks, and other streams that empty into the bay are a big source of nutrient contamination. The fishing all over the waterways is lousy, and if you catch something, most people won't eat it for fear of pollution. Every day Siesta Key's water treatment plant deposits over 1 million gallons of treated sewage into

our canal system, just a few hundred yards from my home, which is a short distance from the bay.

Sarasota County was one of the first in the state to adopt a fertilizer ordinance. The general public was very supportive during the whole process, and the only opposition was from the fertilizer industry, who has now adapted and accepted it, and they're all still in business. The Sarasota County Council of Neighborhood Associations urges the EPA to take action now to impose numeric nutrient criteria on the State of Florida before conditions deteriorate even further for Florida's flowing waters and lakes, which will cause further degradation of our economic welfare and our quality of life. Thank you very much.

MR. KING: Thank you.

Speaker Number 11, and would Speaker Number 13 come up?

MS. ROBERTS: Thank you for being here and listening to us. I am Betsy Roberts, a city of Sarasota County, a master gardener, master naturalist, a kayaker, and on the board of the Environmental Coalition of Southwest Florida.

In the 29 years I have lived in Florida, I have enjoyed the real Florida, which includes the waters. I have seen the rivers, lakes, and the bay deteriorate in that time. I live very near Red Bug Slough, which is part of the Phillippi Creek watershed. It is an urban park, which means many neighborhoods around it, and I think, aside from my lawn, everybody has beautiful manicured lawns and, of course, this comes from wonderful fertilizers.

When I first moved in, the slough was clear and beautiful, and now it is clogged with water lettuce and invasive lily and other yucky stuff. This has all negatively affected our environment, from the birds, the fish, and the frogs, and eventually Sarasota Bay. The slough, and all the other rivers and lakes on the West Coast, feed into the Gulf of Mexico, and in our area, Sarasota Bay. And has been mentioned before, the increase in red tide has been amazing, since I've first moved here. I hardly knew what it was, and now we have alerts all the time.

If we had -- excuse me, if we had a strict statewide and enforceable fertilizer ordinance to use only slow-release fertilizer in -- from September to June, this would avoid much of the nitrogen and phosphorus runoff, which causes so much of the pollution in our waterways. And the other thing we need is an area-wide EIS before any more phosphate mining is allowed. Thank you.

MR. KING: Thank you very much.

Speaker Number 12, and would Speaker Number 14 come up?

MR. ADAMS: Good afternoon. My name is Colin Adams, and I'm here today speaking as a deeply concerned Florida citizen and taxpayer. I was born in the Panhandle and raised by a nature enthusiast, who never missed an opportunity to show me as much of wild Florida as he possibly could. So many of those gems are either gone or altered beyond recognition.

Today and for many years now, excessive fertilizer use, human and animal waste, and ineffectively treated municipal wastewater is feeding a recurrent green monster statewide. Algae blooms are creeping into areas where they've never been, namely our inland fresh waters. These blooms not only occur with increasing frequency, but persist for months and month. And even when the blooms aren't occurring, constant nuisance algae growth has changed and continues to change the natural characteristics of these waters that draw people to our beautiful state. It's time to halt this devastation.

The notion that cost effective solutions don't exist is nothing more than a scare tactic. Local ordinances and education about the effects of fertilizer use are feasible, and encourage participation in helping improve the quality of our waters. I've heard claims that BMPs, or best management practices, by farmers and large animal operations are currently doing their job. The problem is

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there's no way to verify these claims. Under TMDL statute, by simply claiming BMPs are in place, there's a presumption of meeting water quality standards, and then an exemption for monitoring.

This chronic -- the chronic fertilization that results from this system is fertilizer abuse, and it causes irrevocable damage to our natural treasures. Agriculture can implement real and effective BMPs. Just look at our waters and you'll see that we're overdue for that. In my own hometown I've also heard unfounded claims that sewage bills have gone up 50 percent from the implementation of advanced wastewater treatment. The truth is in the cases of higher bills, they've only increased by about $10 a month for a family of three.

I've been visiting Wakulla Springs since childhood, but until last fall I never had the opportunity to see manatees in the spring. It was amazing to see them there as a mother, a father, and a baby. But to my great disappointment, it looked as if they were floating in a giant bowl of pea soup, and, you know, the knowledge of what they were swimming in ruined the experience for me. It was heartbreaking. I want my children and my grandchildren to have I different experience, one without the muck.

As of 2001, 381 manatees have died from red tide

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exposure. Toxins produced by the dying algae accumulates in sea grasses that the animals feed on. I've heard horror stories about the release of these toxins during autopsies by researchers. The toxins were so powerful that they cause the researchers eyes to water and -- which was followed by uncontrollable coughing, if you can imagine that experience.

My father and I are also avid fisherman, and witnessing the decline of Florida's natural ecology has discouraged me from eating from what we catch near shore or inland. I can remember not being afraid to get in the water 20 years ago, and no warnings or concerns from my father about doing so. Now we discuss that discussion on every trip. Let's think logically about this. Someone who witnesses even one red tide, fish kill, dead manatee, algae bloom, or green water body during their visit to Florida will remember that more than any other experience they have here, and what's worse is, they'll tell others.

No one questions that Florida's economy is struggling. In 2009 we saw a decrease in tourism for our state. As excessive fertilizer and human and animal waste pollution increase, the number of people visiting Florida and contributing to our economic growth will continue to decrease. Thank you so much for your hard work and for working with the DEP to get something

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effective passed.

MR. KING: Thank you very much.

Would Speaker Number 13 come up, and Speaker Number 15 sit down.

MR. RILES: Good afternoon. My name is Jay Riles. I'm a fourth generation beef cattle rancher in Charlotte and DeSoto County. In addition, our family business includes watermelons as well as sod. I'm also a member of the Heartland Agricultural Team, which is affiliated with the Florida Farm Bureau.

The regulations that the EPA are trying to put in place will hurt our business as well as other agricultural business in the state of Florida. These regulations will force our businesses to put more -- more money into unnecessary water maintenance, which, in turn, will lower our profits. These profits are put back into our land as a way to prescribe burns, pasture maintenance, and other practices that keep our property environmentally friendly.

Instead, this money will have to spent attempting to meet requirements that are, in my opinion, are unreasonable and irrational. There are already so many standards in effect that this would simply be a waste of funds on the citizens' part as well as the EPA's. We should also note that what the EPA is suggesting would

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turn away possible businesses that may be considering Florida as a location, all of this in an extremely challenging economical time.

Through work -- through working with the NRCS, SWFMD, DEP, we as farmers and ranchers have proven that we can keep our environment healthy with no further regulations. Prove to note would be the work done on the Shell Creek and Prairie Creek watersheds management plans, in which our company was an original stakeholder. We also work closely with the trade associations, the water management district, and Fnext, along with NRCS and Farm Service Agency, which we used best management practices.

All these programs have been effective in keeping the balance between commercial agriculture and the natural environment that is so crucial to the preservation of Florida. No one is more aware of the ecological sensitivity of the state than the farmers and ranchers. We live with it every day. We need no further regulations. Thank you for your consideration.

MR. KING: Thank you very much.

Speaker Number 14, and would Speaker Number 16 come up?

MS. LEWIS: My name is Sara Lewis. I'm a resident of Sarasota County, specifically the Old Myakka area.

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I'm a third generation native Floridian. I've watched the cattle ranchers get bigger. They do have -- excuse my expression -- cow shit that they can use to fertilize

their grass, so, okay, that works for me. If they would recycle their cow manure or spread it and then cut their sod, they might find that they might be a little more cost effective.

As far as the water purification, again, red tide was not something I remember growing up. It was never here. It didn't happen -- I can vaguely remember showing up in the early '80s. So this is something that's new as our population of the state increases, and I'm not liking it, so okay. I encourage you-all to set some numerical standards on the nutrition -- or the nitrogen and phosphorus pushing off in our water quality.

I also want to say that I am an avid orchid grower, and I have listened to several renowned orchid growers in several of the programs I've been to, and I'm surprised to hear that they are actually saying lower phosphorus and lower nitrogen fertilizers on their orchids. So it is actually showing up in the agriculture trade, specifically the orchids.

MR. KING: Interesting, interesting. Thank you so much.

Speaker Number 15, and would Speaker Number 17 come up?

MS. LaSALLE: Hi. I'm Randee LaSalle from Charlotte County. I am a member of a number of coalition groups that are working for the environment and protection of it. My husband and I have lived in Florida for four years, and in that time, in that four years we have experienced prolonged drought with water shortage and restrictions; red tide, bacteria, and algae blooms that close beaches to people and killed off marine wildlife; phosphate mining that threatens the Peace River watershed, which is our source of water; overdevelopment resulting in our property value plummeting; as well as inadequate water resources and infrastructure.

We're originally from Minnesota, living an hour south of the Canadian border, and surrounded by the Chippewa National Forest. Since moving here, we have come to value this property more each year, as we recognize the sustainability of our water, which is protected by state and federal law. Pristine water that supports a healthy ecotourism industry. Florida is all about ecotourism, and basically, for the last 12 years, it has failed to act on the analysis and findings of its own data, data that could have provided direction for the present and the future sustainability of this economy.

Florida needs help, and maybe it's a kick in the pants. This economy depends on water. Without a healthy estuary and harbor, Southwest Florida has nothing to offer. I'm hard-pressed to understand how this inaction has continued over a period of years. I support the EPA's action to protect Florida waters because of this state's indecision and lack of action. We have a responsibility to not only protect and act, however we can, to guarantee that our children and our grandchildren inherent a sustainable environment, as well as the water they need to survive.

I'm happy to see everyone who's here in this room because I, like a number of people, feel that a coalition -- we can agree to disagree, but we need to dig further to find common ground, and with that, we can make

a difference. Thank you for being here, and thank you to everyone else.

MR. KING: Thank you very much.

Speaker Number 16, and would Speaker Number 18 come up?

MS. KATZ: Good afternoon. I could just do the short version and say I second everything Randee said, except I'm from Massachusetts. My name is Wilma Katz. I traveled here today from Englewood in Sarasota County to voice my support for the EPA water quality standards for Florida.

I am speaking also on behalf of Coastal Wildlife Club, a nonprofit conservation organization. Our membership includes more than a 150 volunteers, and some are here today, who monitor sea turtle nesting beaches and promote awareness about sea turtles and other coastal resources. Several members also do other monitoring in a program under now under the provision of Florida DEP staff, but the outgrowth of a project started in our area years ago by a small group including myself. In connection with that project, by the way, I went to Madison, Wisconsin, in 1996 for the EPA sponsored fifth volunteer -- fifth national volunteer monitoring conference, one of the best meetings I've ever attended.

I grew up in western Massachusetts, where my fondest memories are all outdoors, carefree hours in or along ponds and brooks, in search of frogs, tadpoles, and salamanders, and along country roads, turning over rocks looking for snakes. A favorite gift was made by my father, a wooden snake cage painted yellow with a large glass window and a screen top with hinges. I was allowed to keep the snakes on the porch, letting them go after a day or two, until one day got loose in the living room. There was anxiety associated with that particular incident, but not with the state of the animals my friends and I loved looking at, and certainly not with

the outdoors, their home, words like "habitat" not yet being part of my vocabulary.

Decades later, in 1985, I moved to Florida, where I discovered manatee and sea turtles. Today we cannot look at these animals without anxiety for them and for the loss and degradation of their and our aquatic habitats. A disease called fibropapillomatosis affects sea turtles, primarily young green sea turtles, federally listed as endangered. Tumors occur internally and externally on soft tissue on the shoulders, heads, and flippers and on the eyes, where they may be fatal if a turtle cannot see to find food. Studies suggest an association with polluted bay waters.

Outbreaks of naturally occurring red tide also are possibly aggravated by man-made pollution. Fortunately, in my area we have had no very serious outbreaks in the last -- in the past couple of years. When we do, though, many turtle volunteers are forced to suspend their daily monitoring, and, of course, the beaches are littered with dead marine life, as others have noted.

Given the devastating effect on Florida's economy, on our recreational enjoyment, and on the health and well-being of humans and wildlife, and the possibility of a connection, a more robust effort toward stopping pollution-causing nutrients and anything else that

doesn't belong in the water from entering certainly would be appropriate. Lowering the bar is not.

In preparing my remarks, two images to mind from a while back, when I spent a lot of time in Guatemala. The first one, inland not far from the capital there was a small and well maintained national park. There were ruins, lovely wooded areas, and a stream at the bottom of a very deep ravine. A sign at the end of a little path off the main walkway instructed, Toss garbage into the ravine.

The second image, on the Caribbean coast, in Puerto Barrios, I often waited at a dock used by fisherman and by others living on a roadless peninsula, my frequent designation. I assumed that tides carried in the thick matted layers of garbage yards wide, that basically were the shoreline at the dock, until I saw a woman one day matter-of-factly throw a large bag of trash over the bank.

These situations do not exactly parallel ours, but the differences may be in scale. I believe that we cannot afford to delay restoring Florida's waters, and I can think of no issues more appropriate for erring on the side of caution than matters of clean air and clean water. It's saddens me that these hearings and the litigation that preceded them have been necessary. The

tenth plague got the attention of a certain pharaoh, but only because it was his firstborn. I hope we are more farsighted than that and that we have more decency, that the threat to anybody's child will suffice.

I support the Environmental Protection Agency water quality standards for Florida. Thank you.

MR. KING: Thank you very much.

Speaker Number 17, and would Speaker Number 19 come up?

MR. CHRISTENSEN: My name is Chris Christensen. I live year round in the Fort Myers Beach area, and I'm here to represent Estero Bay Buddies, the Fort Myers Beach Yacht Club, and the Fort Myers Beach Chamber of Commence.

I have worked in the -- for the Southwest Florida tourism industry for the past 13 years, mostly operated ecotours on and around our local waterways. I've seen firsthand what happens when our waters become choked with things such as algae, and it is devastating to our tourism based economy. However, I'm not here to take an adversarial position between the tourism and agriculture industries. Both play a very valuable role in our local economy.

I've seen some progress made in cleaning up our waterways since the News-Press' Stop the Muck campaign

several years ago, but frankly, not as much as I would like to see. That campaign and others have addressed the massive algae blooms that adversely impacted the tourism industry in the Caloosahatchee River watershed. I testified then at Florida Gulf Coast University, and I'll testify now at Harborside Event Center, that both our industries will gain more from a cooperative spirit than from an adversarial relationship.

Most of our visitors come here because of our beautiful beaches and pristine environment. Their

activities are primarily based on and around our waterways. The impressions they carry back, both to this country and abroad, have a profound impact on our future. As you know, word-of-mouth advertising is the most powerful advertising there is. Conversely, negative comments are devastating, and they carry long-term consequences.

Progress has been made in cleaning up our waterways. However, I feel strongly that to ensure continued progress, Florida needs more definitive water quality criteria such as EPA's proposed numeric standards for nutrient loading, provided those standards are based on sound science.

If the proposed numeric criteria are adopted, they may place an additional burden on the agricultural

industry. If it does, perhaps we should come to their help. If adoption means lightly higher cost for food, so be it. We've accepted higher production costs for things such as more fuel efficient vehicles and more energy efficient appliances. Why not for the food that nourishes our body? From a layman's point of view, this idea for numeric standards seems to me to be a good idea. If some of the standards adopted prove to be unworkable or unrealistic, they could be modified, again based on sound science and without the influences of special interests or political pressures.

Clean waters are not only a quality-of-life issue; they are extremely critical to our tourism-based economy. We cannot afford to continue measuring our progress using subjective criteria. Our water quality must be improved now, and it must be improved substantially. As a recently retired multiple business owner in Southwest Florida, active member of Estero Bay Buddies, the Fort Myers Beach Chamber of Commence, and the Fort Myers Beach Yacht Club, as well as a concerned citizen for a cleaner environment, I urge EPA to adopt numeric standards for nutrient loading. And I thank you for your time.

MR. KING: Thank you very much.

Speaker Number 18, and would Speaker Number 20 come

up?

MS. DALTRY: My name is Marti Daltry. I am conservation organizer for the Sierra Club, Fort Myers office. I'm also a board member and past president on the Caloosahatchee River citizens association known as Riverwatch.

Good afternoon, and welcome to downtown Fort Myers, known as the River District. I've been a resident for 34 years. I work, shop, and enjoy downtown Fort Myers. In the past three years Fort Myers has gone through extensive renovations with street-scaping and businesses being redone. It's flourishing, and it's great to see people downtown enjoying the restaurants, the parks, our art galleries, and other amenities.

The Caloosahatchee River is an integral part of our downtown area. Across the street from this facility you have Centennial Park. It's a riverside park that's the site of numerous festivals, concerts, and other culture events. Our boat launch and our yacht basin serve boaters throughout Southwest Florida. The river is the heart of our downtown community.

Harmful algal blooms like green algae would be disastrous to our beautiful downtown. Somehow, Slime District doesn't quite have the appeal that River District does. We support EPA's endeavors to have

numeric nutrient criteria that protect our river and our downtown, and we thank you very much.

MR. KING: Thank you.

Speaker Number 19, and would Speaker Number 21 come up?

DR. NAJA: Good afternoon. I am Dr. Melodie Naja, a water quality scientist at the Everglades Foundation. Prior to joining the foundation, I was a professor at McGill University in Canada, and a research officer at the National Research Council of Canada. I have more than 10 years of experience in water pollution control and remediation.

We at the Everglades Foundation thank the EPA for holding this hearing, as it offers us a unique opportunity to comment on the EPA's proposed numeric nutrient criteria. The Everglades Foundation strongly supports the establishment of scientifically sound nutrient criteria that recognize and respect the ecological diversity of Florida, and this has been long overdue. Polluted waters are killing our fish, damaging our lakes and estuaries, and affecting our drinking water supply.

One cannot blame a lack of data for the absence of nutrient criteria. Years ago Florida made the investment in building a massive data record. We recognize that EPA

devoted a considerable technical effort to the exploration of different approaches for the development of numeric nutrient criteria. We thank you for that. We trust that the EPA and Florida are now well positioned to move forward with the criteria development. We also recognize that the development of the nutrient criteria is a process, and the EPA's document even though representing mixed results, due to the compilation of several methods, is a good foundation and a great start.

We do strongly support the conservative aspect of the nutrient criteria developed by the EPA. While the FDEP considered using the 19th percentile benchmark for setting numeric nutrient criteria for nitrogen and phosphorus, the EPA nutrient criteria set an upper percentile, the 75th, to protect the biological health of streams. In this regard we do support the EPA's approach. A protective threshold somewhat more conservative than the bare minimum is required for restoring impaired waters to a nonimpaired condition. Furthermore, the Everglades Foundation supports the protective approach for maintaining the water quality standards of downstream inland waters.

However, we do raise some concerns with regard to using the Vollenveider model and its assumptions to establish criteria for protecting downstream lakes,

especially as applied to Lake Okeechobee and its tributaries. We do not think that the phosphorus geometric mean of 113 or 107 ppb in the tributaries of the Lake Okeechobee is low enough to enable reaching the TMDL for the lake by January 1, 2015. The uncertainties and assumptions of the Vollenveider model should be

clarified in the EPA's document to help make the results less ambiguous and more applicable.

Regarding the canals in South Florida, and because they tend to reflect regional geomorphology, land uses, and soil types, it's not correct to view all the canals in South Florida as one large category, even though the analysis in the EPA document was conducted based on four regionals, namely Everglades agricultural area, Everglades protection area west and east of South Florida, the final proposed nutrient criteria were averaged across these regions. The Everglades Foundation recommends that different nutrient criteria be set for these four canal regions with their differing underlying geology and surrounding land use type.

Furthermore, the nutrient criteria forget the canals of the EAA should be set to protect the downstream STAs, whereby the phosphorus loading grade should not exceed 1 gram per square meter per year, and should guarantee an outflow phosphorus target of 16, 17 ppb. The proposed

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rule should also take into account the long-term plan of building reservoirs in the EAA for water storage. This stored water will flow through the EAA canals and will be treated in the downstream STAs. The rule must ensure that this water transfer can occur without being considered a violation.

The Everglades Foundation does recognize the complex nature of the task at hand. We encourage you to move forward, and we look forward to helping you to implement scientifically sound numeric nutrient criteria for the State of Florida. Thank you for your time and kind attention to our comments.

MR. KING: Thank you very much.

Speaker Number 20, and would Speaker Number 22 come up?

MS. MATTOS: I'm Linda Mattos. My husband and I live up in the river. My husband and I are business owners in Lee County, and I thank you for this opportunity to tell the Mattos story of life and homeownership on the. This morning I did some HOLT data gathering. For those of you who don't know about HOLT data gathering, it is homeowner low-tech data gathering. And I have three things to present to you.

In 1988 my husband and I bought an old house a few miles up the Caloosahatchee from here. The river bottom

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was rich with grass. We had schools of mullet and jack, which were occasionally chased and eaten by dolphin. Manatees grazed. Crabs, catfish, and skates roamed. Dozen of redfish tailed. Herons, egrets, osprey, eagles, pelicans, kingfishers, anhinga, cormorants, gulls, and terns fed.

In 2008 we had the 1953s house removed and replaced it with our forever home, a strong, airtight energy efficient disaster resistant building made with steel framing and structural insulated panels. We can withstand a Category five hurricane and are saving about 50 percent on heating and cooling costs, when compared to a similar sized house built to code. Over the years we have replaced invasive exotics and customary landscape plants with natives, HOLT data.

We grow our fruits and vegetables organically. We are doing our part for environmental quality. HOLT data,

if you're hungry. I can't leave it here. Do want it?
MR. KING: Sure. I'll take it. I can't drink now. Thank you.
MS. MATTOS: You're welcome.
MR. KING: Let the record reflect that I just ate a tomato, I think, from somewhere close to the Caloosahatchee, and it was delicious.
MS. MATTOS: Today, sad to say, the river bottom is bare. Few river critters can be found, so our feathered friends are feeding elsewhere. This morning I dipped a bucket into the Caloosahatchee and here is what I found.
MR. KING: I'm not eating that.
MS. MATTOS: You can have this one.
Without rules for measurable water quality standards, those who are fouling our water will continue to do so. I say to those doing business as usual, favoring the dollar over excellent water quality, clean up your mess. What you are doing to our water affects every living thing. Since you will not accept responsibility for your actions, it is now time for EPA to take action.
EPA, put in place and enforce numeric criteria for Florida's lakes and flowing waters. Thank you.
MR. KING: Thank you.
Speaker Number 21, and would Speaker Number 23 come up?
MR. CAMPBELL: That's a hard act to follow.
My name is Rol Campbell. I'm from Sanibel Island. As president of the Sanibel Island Fishing Club, I'm here today with a few of our members to support the proposed specific standards for phosphorus and nitrogen that flows into our lakes and streams.
I visited China two years ago and cruised their lakes and rivers. It scared the bejabbers out of me. "Bejabbers" is a technical term I've substituted for something that would be for more mature audiences. They have been using their waters as sewers for many, many years. It was awful. It was not a pretty sight.
We on Sanibel live, work, and play in an area that today is at the end of a sometimes similar sewer. There is no magic treatment plant anywhere for tainted water that comes down the river. Therefore, dirty water just sits in our estuary, ruining its natural balance. Everything from the land that enters the Kissimmee River, Lake Okeechobee, and the Caloosahatchee ends up in the water surrounding our island. Algae blooms, snot grass, green slime, and all sorts of rotten water gets dumped on us regularly.
Two years ago we had to travel at least six to ten miles offshore to get beyond the green slime that covered the bottom of the Gulf of Mexico. Needless to say, our fishing has been adversely affected. Or to say it another way, we do a lot of fishing and not a lot of catching. We're tired of it. And we have been supporting many water quality effort improvements over the last few years, including PURE, START, SCCF, Sanibel Bayou Preservation, and this coalition put together by the Sierra Club. Don't worry about the acronyms. They're all groups working to improve our water quality.
We have suffered long enough and way too long. It's

time to make -- start making the changes that will bring this mess to a stop. We know it will cost big bucks and put enormous pressure on some businesses and communities. But when we allow excess nutrients to flow into our waters, we are not paying the total cost of operations. Let me say that again. When we allow excess nutrients to flow into our waterways, we are not paying the total cost of our operations, whether we are private, whether we are commercial, whether we are communities.

The cost, both economic and quality of life, either go downstream or into the future. We should not leave this as a problem for our grandchildren. Specific standards put everyone on the same playing field, using the same rules. The result is a fair game can be played. That game is now underway.

Sanibel Island has installed a modern sewer system on the entire island. We have enacted fertilizer control ordinances and are doing wetland reclamation products -- projects, rather. There is still more to do, as we learn to use less water, manage our waste streams, and control the use of fertilizers. We believe that all residents and businesses along this severely impacted waterway should do the same.

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These EPA standards are needed to tell us tell where we are and where we must go. Leaving the situation where we are is not an option, and will leave us with rivers and bays like China, where almost everything is dead. They're starting to do cleanup, but their water will probably never recover. We still have a chance.

I would like to relate a recent personal experience. I was fishing with a club member in a boar near the middle of our causeway island recently, and we were catching bait for an offshore trip the next day. The water was reasonably clear, and we could see the pinfish in 4 or 5 feet of water as we caught them.

Suddenly, a dark brown cloud of water started moving along the east shore of the causeway. It was moving against the tide and gradually spread the whole area. The fish stopped biting and we had to move. Yes, it was water coming down the Caloosahatchee from the Big O. You can bet that that water contained high levels of nutrients. A few days later the same thing happened out by our lighthouse. I'm not looking forward to our summer of slime, which will certainly come.

We can't let this go on. It's time to get the standards in place and get on with the work that's needed to clean up this mess. Thank you.

MR. KING: Thank you very much.

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Speaker Number 22, and Speaker Number 24 come on up.

MS. ANGELO: My name is Percy Angelo, and I live on Lemon Bay in Placida in Charlotte County. We moved there from Chicago in 2004. I belong to several conservation organizations, including the Lemon Bay Conservancy, but I'm speaking today on my own behalf.

I strongly support your numeric nutrient standards, which will be fully protective of our Florida waters, including the use of your downstream protected values. Before retiring, I was an environmental attorney in Illinois. I worked for Illinois EPA, and then was in private practice for over 30 years, primarily representing the regulated community. So I have

experience on both sides of the street.
I can tell you, based on my experience, that enforcement is much more difficult without numeric standards. For a regulated entity, it's much more difficult to know whether you're in compliance without regulated numeric standards. And just as important, without numeric standards, it's almost possible as a citizen to hold the government agencies responsible for their enforcement efforts or lack thereof.
I work with a local conservation organization which buys and preserves natural lands in our area. Currently, we're looking at a property with many small lakes and

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ponds, several of which are covered with algae and duckweed from contaminated runoff. We're facing the need to reclaim those ponds to preserve this property, an expense which should be unnecessary, but will be very real for our small organization.
We have very immediate experience with red tide. Since moving to Florida, we've experienced several bouts of red tide, one of which was very severe and lasted for over two weeks. The experience was very difficult. Our shoreline was covered with dead fish. It was impossible to breathe deeply without coughing. My father, who lived further north on the coast in Sarasota County, was affected so severely that he couldn't leave his home. You've already been told about the devastating effects of such problems on our tourism, so I won't repeat that now.
You're hearing a lot of complaints by the regulated community that your proposal will cost too much. USEPA should be aware that at end of the last week, the Florida legislature passed a bill granting the authority to regulate fertilizer use to the Florida Department of Agriculture, and barring any county from adopting more stringent standards. Thus, our stated itself is complicit in creating the nutrient problem, and is barring the counties from controlling it. I believe it is bad faith to complain about costs, when you are doing

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everything in your power to prevent cost effective and reasonable controls.
In a similar example, my county, Charlotte County, is rewriting its comprehensive plan. The Charlotte Harbor National Estuary Program proposed language requiring development setbacks from waterways, in order to prevent contaminated runoff. Our Charlotte County board recently rejected those very reasonable proposals as being too much of a restriction on development.
Again when a county or a utility complains to you that your standards are too stringent, they should be prepared to tell you what reasonable and cost-effective measures they have adopted to deal with the problem, and what measures they've rejected. Unfortunately, there's substantial evidence that their own policies about runoff, buffers, and storm water management are part of the problem. If they're not willing to make reasonable efforts to avoid nutrient runoff, their objections to your criteria are simply not credible.
And finally, as a last comment, I question your decision to adopt more relaxed standards for the Bone Valley watershed. While the area is a phosphate area, and I recognize that, it's also clear that mining activities, which are allowed to extend all the way up to

the borders of our rivers in that area, are going to tend

to unnecessarily release phosphate into the streams, and I request that you take another look at that decision. Thank you very much.

MR. KING: Thank you.

Speaker Number 23, and would Speaker Number 25 come up?

MR. MEDINTZ: Good afternoon. My name is Marvin Medintz, M-E-D-I-N-T-Z. I live in Placida, at the end of beautiful, formerly pristine Lemon Bay. Before I forget, I want to concur specifically with the comments of the previous speaker on the standards for Bone Valley. That's a problem that's going to blow up in everybody's face, if it isn't handled dramatically and quickly.

I was an environmental lawyer, a young attorney in 1973, when the Clean Water Act was signed into law by Richard M. Nixon. It provided for numeric standards and the State of Illinois, which is historically not a paragon of good government, had effluent standards and had water quality standards by the end of the 1970s.

So when I hear people in the State of Florida, mostly the pooh-bahs and lieutenants of industry -- because we don't have any captains here -- complain about its taking -- Well, we don't have enough time, we've got to contemplate this, the science isn't good, it drives me up a wall. The science has been here for decades, and

the fact that they had their heads in the sand, and ever increasingly polluted sand, should have no bearing whatsoever on their responsibility to at long last do their job.

Instead, we get what I call the hack-and-flack approach. The science isn't good, we hired somebody who will tell you that two plus two equals five, so we have to keep the addition tables away from the children until we resolve the conflict between those who say two plus two is four, and two plus two is five. So you've got the hacks inventing the science, and you've got the flacks publicizing it. And meanwhile, our environment is going to heck.

Don't let that happen to you. We already heard it happen once today. It happens all the time, and the one question that I have that has never been answered is why can't you make as much profit building the sewage treatment plant, as you can building a strip mall that's going to go bankrupt in four years. Do the good work. Adopt the numeric standards, so that we can have transparent enforcement and transparent water. Thank you.

MR. KING: Thank you very much.

Speaker Number 24, and Speaker Number 26, if you would come up, please.

MS. DANIELS: Good afternoon. My name is Ruby Daniels. In addition to being a lifetime resident of Lee County, I am president of ALVA, Inc. That stands for A Living Vision of Alva, Incorporated. We are a civic organization as well as a planning -- community planners.

We are in favor of setting numeric standards for nutrients entering our waterways. We are currently engaged in developing a community plan for the Alva planning community, which is a large rural area in East

Lee County. Our goal is to protect and preserve what we value: our rural lifestyle, our unique history, our huge oak trees, and cypress trees, cattle ranches, citrus groves, farms, our parks, our conservation lands, and our waterways.

Where we live is very pretty. People tell us they travel through Alva because it is so pretty. And then they add, we hope you can keep it that way. We're trying; that's why we're here today. As we contemplate and plan for the future of Alva and the residents that will want to live there in a rural setting, we are very much aware of how important the environment is to the well-being of our community.

I could talk to you at length about the different aspects is of our community we value, but today the focus is on waterways. Not only does the river flow through

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the middle of Alva, but so do Bedman Creek, Spanish Creek, Hickey Creek, Victors Creek, Telegraph Creek, Trout Creek, and Owl Creek, all flow into the river. All pollutants in that water flow into the estuary, wreaking havoc there. We have seen the results of nutrient overloading in Alva -- the slime floating on top of the water in the river, the foul taste of the toxins in our drinking water -- and we are concerned that something needs to be done now to reverse that trend.

As we stand before you today in support of setting numeric standards for nutrients entering our creeks and river, we also support the agriculture industry in our community. It is a part of our rural heritage, and we want it to continue to survive and thrive. However, it's time for them to step up to the plate and joining -- and join us in creating a community and home that is clean and healthy for all of us. We supported the fertilizer ordinance for Lee County because each individual much must take responsibility for a clean environment.

It's time to take the next logical step and implement numeric standards for the nutrients that flow into our river, creeks, and lakes. We appreciate your taking the time to come to our part of the word to listen to our concerns. Thank you.

MR. KING: Thank you very much.

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Speaker Number 25, and would Speaker Number 27 come up?

MS. PARSONS: Good afternoon. My name is Mary Ann Parsons. I am a citizen and resident of Cape Coral, Florida, and I'm also on the board of directors for Riverwatch, that you've heard from earlier today.

Before I start, I wanted to bring up, with your permission, a map of our local area, as well as some pictures that I've taken. I live in Cape Coral, as I said, and I live on a canal. So I wanted to share with you what that canal looks like very often. So I'm going to bring these up.

MR. KING: Sure. Thank you.

MS. PARSONS: This is where we are now and -- this is where we are now, and this is where I live, Cape Coral. Here is the map.

As I mentioned, I live in Cape Coral, and Cape Coral has about 400 miles of canals, and the big draw to Cape Coral is waterfront living. That's the way it is advertised, and I think it's often called paradise, and

certainly it is in many, many respects. Cape Coral is not unlike many other communities in Southwest Florida, where people want waterfront living, but with that comes a responsibility.

On our canals, as in my case and where those pictures were taken, my pool cage has a steep decline right down to the seawall, and the canal that I am -- I am on, as is most canals in Cape Coral, is brackish water. It is tidal, so with the tides, the stuff goes out and the stuff comes in.

My background -- I'm not a scientist. My background is corporate business. I'm a master gardener. But I have taught best management practices not in the agriculture industry, but for our landscapers in Lee County, who need to be trained before they can get licensed to apply fertilizer in this county. So I've been an instructor there, and I'm also involved with Florida Yards and Neighborhoods. I don't know if you've heard it of, but it is part of the University of Florida System public outreach to teach homeowners the proper use of fertilizers and pesticides in their own backyard.

As an instructor in both of those fields, I've seen the light bulbs. I believe education is the key. I believe that most people want to do the right thing, but they need the knowledge. When I've taught homeowners as well as landscapers, I see the light bulbs go off, and they oftentimes come out with a very different view of what they're doing in their daily -- either their home and their backyard, or whether it's their business, how they're impacting water quality.

Now, the pictures I brought up to show you are taken off my dock, off my seawall. The situation is there is I have a bucket. It's a 55-gallon drum that's cut in half, and I get to fill that just about every other day. In the summer the canal is green. It's so green it looks like you could walk across the water, so that I think the pictures very descriptive. The map that I gave you shows our close proximity, Cape Coral, to the Caloosahatchee. The river, as you've heard, impacts Sanibel, it impacts Pine Island Sound and our estuaries. So the situation is very serious.

In my instruction I often wondered how we can measure. What is the metric? How do we know we're improving? How do we really know we're getting worse? So I applaud your efforts, and I support what you're trying to incorporate. So as many other speakers ave said, you know, water pollution gone measured can contaminate offshore fisheries and certain ecotourism, and we need these numeric metrics. So thank you for coming today.

And on the back of the pictures I put my name and e-mail address, in case you'd like the digital images. And the only thing I would like back is my map, if I could.

MR. KING: Okay.

MS. PARSONS: Thank you.

MR. KING: Come get your map.

We're going -- this is how we're -- Speaker Number 26 and then, I think, Number 27, and then we're going take a break for 15 minutes, and then come on back

and proceed after that.
So welcome.
MR. DOVE: Thank you. Good afternoon, and thank you for the opportunity to comment on the rules -- rule-making for nutrient levels. My name is Michael Dove, and I have been fortunate to share a home with my spouse that is located on the Caloosahatchee River in Alva. For those of you not familiar, Alva is located 18 miles east of Fort Myers.
Since Hurricane Wilma in August of 2005, I have visually watched the Caloosahatchee River experience large blooms of algae. Some blooms have been very prolific. Given that I live in the river, I have had the opportunity to photograph what appears to be drainage from a large industrial farm that is continuous to my property. Because of my concern, I made an appointment with my county commissioner, Mr. Frank Mann to show him the pictures. I've brought copies for you to view. The photos speak clearly.
The following are Commissioner Mann's comments after

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viewing the photos, and I quote, "Yes, I flew over that area where the river -- where the farm is located with a representative of South Florida Water Management, and I commented to him that it appears the algae bloom is coming from that farm." According to Commissioner Mann, and I quote, "The representative from South Florida South Florida Water Management then said, the water management representative, they have grandfathered permits."
The photos, in my opinion, are horrific. I am confounded as to how our local and state governments would allow a large industrial agricultural operation the permission to discharge questionable effluent into the Caloosahatchee River. When a business discharges their runoff like this, it has the capacity to have deleterious effects in local economic engine, but most importantly, the environmental health of our community. I would like to present you with these photos right now.
MR. KING: Yeah. Thank you. Okay. Thank you very much.
Good afternoon.
MR. GROSS: Afternoon. My name is Bill Gross. I'm a member of the Alva, Inc.; former director of the Fort Myers board of realtors; former school board member; and chairman of the Survivors of State Road 80. But I do not want to be the future chairman of the Survivors of the

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Caloosahatchee River. I am a citizen living along the Caloosahatchee River for over 32 years, and I'm speaking on behalf the myself.
On March 21st the Caloosahatchee River -- that's of '08 -- turned into a toxic blue-green algae and backed up the Olga Water Treatment Plant near the Franklin Locks. It was so bad that the Olga treatment plant, serving over 30,000 customers, could not treat this toxic, slimy, green, smelly water, and the plant had to be shut down for two or three months.
The Caloosahatchee River was named one of the top seven most polluted rivers in the nation. For many years through the runoffs, the fertilizers and nutrients were washing into the beautiful river and was used for a sewer. The Cyano Lab -- that's C-Y-A-N-O Lab -- quoted that they found several species of toxic algae present,

along with Microcystis. Symptoms of Microcystis poisoning include jaundice, shock, abdominal pain, nausea, vomiting, severe thirst, and death.

A letter of March 12th from Douglas Meurer, director of Lee County utilities, informed us that the most affected area of north of Tice to the river, and along the Highway 80 corridor, east to the River Hall. He also said in a letter that the Lee County Department of Health, Charles Walther was taking a helicopter ride up

the Olga water treatment plant east up the river. I heard that Commissioner Frank Mann, as said before, was to fly over the river and follow the algae coming from a large plant farm near Alva, certainly an area of concern.

The South Florida Water Management person -- I think it was Phil Flood that was with him -- said that the farm has water permits that were grandfathered in. My problem with that is -- and I had rewritten this, but what does that mean? If there are grandfathered permits by South Florida Water Management, do they have the right to bypass the current permits standards? I'm not professing that the agricultural concerns are all bad guys. They are hard-working, good people. There are always a few that take shortcuts and ruin it for everybody and abuse the process, and we end up with unhealthy, dirty, polluted water.

So where we are today, years later, we need the EPA to live up to its duty to protect the safety, health, and safe -- and welfare of the people. The only way is for EPA to set reasonable numeric limits that set standards on harmful toxics like Microcystis in our water supplies. When these standards are law, there must be strict, meaningful penalties for those that violate these standards. Pollution kills our people, wildlife, manatees, vegetation, and our economy.

I'll skip one here. And the -- so EPA, the people are waiting -- what are we waiting for? Please don't drop the ball again setting quality -- and do set numeric limits. I've always visualized the picture of the native American Indian with the sad face with the tear running down his eye -- and his cheek, that is, and we are ruining our God-given earth that we are charged to take care of, for us and our children. EPA, we need your help now, and we need a plan of action today. Thank you.

And I want to give you my picture of my backyard, which looks green like this. That's right off my dock on the '08.

MR. KING: Thank you very much.

MR. GROSS: Good luck, guys. You've done a good job.

MR. KEATING: Thanks, sir, for coming down.

MR. KING: Thank you very much. Thank you. We're going to break now for 15 minutes. So we'll get back together at 2:25. The next speaker will be Speaker Number 28, when we get back together at 2:25.

(Brief recess was held.)

MR. KING: Okay. We're going to start up. I need to find a court reporter. There you are. Okay.

So whenever you-all are ready, and we're looking for Speaker Number 28.

(Discussion off the record.)

MS. HECKER: Good afternoon. Jennifer Hecker on behalf of the Conservancy of Southwest Florida and our more than 6,000 members, we're here today to express our strong support for EPA's proposed numeric nutrient criteria for Florida's freshwater bodies, which we believe are necessary, scientifically sound, attainable, and economically feasible.

These numeric nutrient standards are absolutely necessary to protect our vital water resources in Florida because all ten estuaries in Southwest Florida are presently not meeting their state water quality standards, with 43 to 100 percent of their total watershed area currently classified as impaired. Nutrients have become one of the primary pollutants, leading to water quality degradation, largely due to improper regulation with a narrative nutrient standard.

EPA's proposed criteria are based on a scientifically sound rationale, using tens of thousands of Florida water quality samples. The proposed baseline lake criteria uses increased algal abundance, measured by chlorophyll a levels, which is an obvious and proven biological indicator of excessive nutrients being present. The proposed streams criteria were created based on scientifically sound rationale, using the total

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nitrogen and total phosphorus measurements, as well as stream condition indices from healthy rivers and streams.

The proposed nitrate and nitrite criterion for springs and clear streams are based on a rational and robust approach of using extensive laboratory and field studies, determining levels where there are responses to algae from nutrient concentrations. The proposed chlorophyll a, TA, and TN canals criteria uses criteria from existing canals currently meeting their designated uses, and as such, utilizes the best available science for protecting aquatic life and human health. In fact, the criteria proposed by EPA overall closely parallels that proposed by DEP itself in 2008 with very little exception.

Furthermore, despite claims that these criteria are one size fits all, they are anything but. All existing Florida water quality standards are divided into just two types of water bodies: fresh and marine. EPA's proposed criteria will not only divide into fresh and marine, but the freshwater bodies are further divided into five ecoregions by six subtypes, including three separate lakes criteria, rivers, springs, and canals.

Since water quality standards are used for screening and are therefore not meant to be water body specific, the expensive and time-consuming process of developing

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the water body specific total maximum daily load pollutant limits is only pursued if warranted by a water body failing to meet its water quality standards. Thus, these criteria are sufficiently specific to the types of Florida water bodies for their intended purpose.

EPA's proposed criteria are attainable because they've already been met in the Florida lakes, rivers, streams, canals, and springs that were sampled as healthy Florida water bodies, for the basis of these proposed criteria. Also, due to the inherent flexibility of the water quality regulatory system that allows for mixing zones, site specific alternative criteria, as well as the

20-year restoration standards expanded compliance time line offered in this EPA proposal, these standard are attainable from an implementation perspective as well.

Additionally, the proposed EPA criteria are economically feasible. It is often said that an ounce of prevention is worth a pound of cure, and so it is with nutrient pollution as well. While under a dollar a pound to purchase, removing nutrients such as nitrogen after the fact typically ranges from 55 to $100 per pound. Despite claims of these standards being economically infeasible, keeping pollution out the water through low-impact development design, more storm water retention and treatment, and more agricultural BMP implementation

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is cost effective especially when compared to the enormous costs of intercepting and cleaning up such pollution after it enters our waterways.

And that's not to mention that the numerous water bodies already require more stringent nutrient regulation using current standards. Costs in lost real estate and tourism revenue, if nutrient pollution is not adequately regulated, needs to be included as well in any cost benefit analysis of this proposal.

Our environment and our economy depends on clean water. With water-based recreation and tourism, as well as waterfront property values, generating billions of dollars of revenue for Florida each year, we simply cannot afford to let this pollution continue unchecked. Therefore, we are urging EPA to finalize and adopt the proposed criteria for Florida's fresh waters, and then proceed with setting appropriate criteria for Florida's estuarine water bodies as well.

Since I have additional time, I'm going to make one additional comment which has to do with the South Florida canals criteria. There are natural freshwater rivers and streams in South Florida, and they should have rivers and streams criteria. So that is something that we would suggest to strengthen the proposed criteria. And we'll also be submitting the detailed comments for the record

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on-line. Thank you.

MR. KING: Thanks very much.

This reminds me, by the way, if folks have prepared remarks, and you would like to share a copy with the court reporter, that simply increases the already commendable certainly that you'll have great copying here. But you don't have to, but if you would like to, the court reporter would be delighted to take those.

How do you do?

MS. STUBBS: Hi. Good afternoon. Jessica Stubbs, resident from Naples and Collier County, Florida.

I would like to first thank EPA for your diligence and understanding in this very important policy decision. I would also like to thank you for not giving up on the State of Florida in our pursuit for cleaner and healthier waters, for the benefit of not just our amazing and unique wildlife, but all of its citizens as well.

Every person in this room relies on clean water, and feels the effects of what happens when we let the pollution go unchecked. Whether it is losses in our local fish production due to fish kills, water shortages because our water treatment plants can't filter out algae blooms, or seeing less tourism in our area because of

nutrient pollution, we all feel the effects.
It is disheartening to me to hear the entities who

contribute to nutrient overenrichment in this state are the ones saying that these standards are not scientifically defensible, are not attainable, and are too expensive. As a taxpayer in Florida and as a part of the future of Florida, I personally do not want to continue making the mistakes of the past. Business as usual, polluting our waters as usual, has gone on for too long.

EPA and all of us here have known for almost 12 years and our generalized narrative standard is not adequate and not protective of our most vital resource, our water. To me, numeric nutrient standards should be as stringent as they can be. There cannot be wiggle room when it comes to the safety and well-being of our citizens or the health of our environment.

We have heard that numeric nutrient criteria can be compared to a speed limit sign on our roadways. This is a very important concept because imagine driving home from work and the only law that you have to abide by is just to don't go too fast. Well, don't go too fast means very things to very different people. Meanwhile, you have the teenagers zooming by you at 80 miles per hour, while my grandma is in the right lane going 20 miles per hour. And so who knows better than the State of Florida to know what speed limit to set?

And this has shown through countless hours of research and data collection that have all been submitted by the state to EPA to create these standards. There's no doubt that EPA has worked with the state extensively, and it shows in how similar the numbers are from those released last year to those numbers released in January.

And we can't forget that for good reason nutrients are being treated different from every other pollutant in Florida. The proposed numeric nutrient criteria are specific enough to each type of water body that now the proposed standards create over a dozen standards for these new -- for these flowing fresh waters and lakes. And you compare that to any other parameter like copper, where only two standards exist for fresh water. So these are definitely covering our unique water bodies throughout the state.

And I would also like to point out one more concern than -- just one concern that I do have with EPA's proposed criteria. And being from Southwest Florida I'm surrounded by man-made canals, and I definitely appreciate EPA's efforts to protect those waterways because I see people fishing and swimming in them, believe it or not, every day.

But I would also like you to recognize the fresh rivers and streams that we have in Southwest Florida as

well. I myself have kayaked on the Gordon River, the Imperial River, and others in our area, and are well aware that even though the majority of the structures of these do have estuarine qualities, there are upper freshwater portions, and they should be not included in the canals criteria because they are freshwater systems.

And so once again I would like to thank EPA for taking the time to listen to the public today and to

support your continued effort to make our waters cleaner and more enjoyable for future generations. Thank you.

MR. KING: Thank you very much.

Speaker Number 30, and then if Speakers 31 and 32 would come on up, that would be great. Thank you.

MS. HUSHON: I am Judy Hushon, a Ph.D. toxicologist from Collier County. I have over 40 years of consulting experience. I'm currently using this background to help protect the environment and people of Southwest Florida on a volunteer basis.

It's my opinion that the EPA proposed nutrient criteria for freshwater are scientifically sound and represent the best available estimates for standards that should be enforced. They are based on actual data from healthy Florida water bodies and provide practical standards for elevating the quality ever nonperforming canals, rivers, and lakes.

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My only suggestion would be reducing the 20-year implementation period. I'm not sure some of our water bodies can last that long without being cleaned up. I know if you bring in the interim criteria, that will help. One of the other things is that the canals in Southwest Florida are both -- they're saline below the weir and fresh water above the weir, and you need to take that into account as well.

I'm currently the chair of the Environmental Advisory Council of Collier County, and the group has had concerns with the criteria designating artificial retention ponds on lake systems in Southwest Florida. The sizing of lakes is an issue for two reasons: first, because they're constructed of sand and have a tendency to silt in, and the secondly because the lakes become clogged with detritus, due to the nutrients flowing in and the overgrowth of the algae in the lake, which settles to the bottom. Then suddenly these lakes are no longer able to handle the rainwater flow that they were designed for.

And we have real concern about the Harper model being used at this time in Florida for that purpose. We're not sure it's good for Southwest Florida. It may be good for other parts of the state, where it was developed. Our retention lakes are often anoxic and may

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experience significant thermoclines, and this reduces the water circulation and turnover, and it also -- people now aerate them and put bubblers in as a choice to keep them from smelling or from getting algae over the top.

I have studied pesticide levels in the Caloosahatchee River sediments, as obtained by South Florida Water Management District as part of their required monitoring, and all the detected pesticides are terrestrial herbicides. Interesting, they're never tested on algae, I might point out, but collectively I believe they're adversely affecting grasses on the river bottoms, which appear stunted.

I've also looked into the correlation between pesticide detection levels and rainfall, and they're closely parallel, not a surprise. The late rainy season is the peak. It's also the peak nutrient runoff, I would imagine, for the same reason. It's not an unexpected result again. The highest correlation was found using rainfall in the two weeks preceding any sampling of it.

Measures need to be taken to control nutrients and other pollutants in the drainage canals that crisscross Southwest Florida. These canals drop pollutants into the estuaries and cause subsequent problems there. Conservancy of Southwest Florida has done a lot of work and monitoring of the water in Naples Bay, and it does

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receive feed from canals, some of which contains pollutants. So we have real concerns with how these pollutants -- if you drive along the canals or boat along the canals, you see they are not healthy, and this is only going into our waters, and it's going into our estuaries from there directly -- they directly feed.

Recent efforts in Southwest Florida have also demonstrating the advantages of spreading some of the canal water out over natural lands, to have them serve as trickling filters, just as the river grass did for so many years. Several filter marshes have been built recently, and they should be encouraged and rewarded. This is something -- in the best management practices section, one the ways of reaching some of your goals to trickle-marsh some of the contaminated water. It does get rid of both pesticides and nutrients.

Collier County commissioners recently voted to send a letter of nonsupport for this proposed nutrient standard. They also voted last year not to take up a fertilizer ordinance. Collier is the only county and city in Southwest Florida to fail to enact one. It's unclear how they are exactly acting to protect our water quality. We're glad that you're taking -- you're stepping in and taking -- playing a role.

Finally, I would like to comment as a toxicologist

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on the harmful algal blooms. Going back to the Caloosahatchee, they've experienced harmful blooms of green algae, such as Anabaena in 2000, Microcystis in 2005, which is toxic. These are directly caused by increases in nutrients. You can watch that -- you can watch it on the aerials, you can see it on the maps. You know where the outfalls are, and this is, in fact, where you see it.

Tourism -- oh, another interesting point. In 2008 we had a very dry year here. We did not happen to have red tide problems that year. So I just want you to know that when you have a dry year, you don't get the nutrient runoff, and you don't have the problem. Thank you.

MR. KING: Thank you very much.

Speaker Number 31, and would Speaker Number 33 come on up?

MS. ADAMS: Good afternoon. My name is Kathy Adams, and I'm here to speak out of concern for the future of the state where my husband and I, our children and grandchildren, were born and have lived our entire lives. Over the years our families have traveled extensively throughout our beautiful state, enjoying all sorts of recreational uses of our rivers, springs, beaches, and we've been become familiar with their natural systems.

All three generations have many fond memories of

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different trips, exploring the multitude of natural areas Florida has to offer. The changes that our state has undergone and that I have witnessed over my lifetime causes me sadness for my grandchildren, and what their

children might never be able to enjoy.

One example of this is a trip we took to Silver Springs. I have gone to the springs several times over my lifetime, starting with infancy. I have delightful childhood memories of riding the glass-bottom boats and the crystal waters with the silvery bottom and many large schools of fish. I passed that image along to my grandchildren in stories.

So two years ago we took our entire family to experience the springs. Much to our disappointment, the beauty I once knew was gone and now replaced by murky water full of floating algae so thick that you could not see the silver bottom any longer, and the fish were so few. So now the story of the springs is, how it became so polluted over these recent years. The spring is just one of many special places in the state where over the years our family has watched the landscape change. It's for the worst, due to cattail infestation or other such signs of basin system unnaturally manipulated or too many nutrients and pollutants being released into them.

I also have a personal story on how pollution of our

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waters can cause serious health problems. When I was young, it was considered healthful to swim in our saltwater ocean and Gulf. Now if anyone in my home county of Collier has a medical procedure done that causes a cut to the skin, the first thing a doctor will tell you is, Stay out of the Gulf. My son was involved in a boating accident a few years ago and had cuts on his legs from the boat. Due to the highly polluted water he had been injured in, the doctor prescribed that he go to a clinic each day for a month to have a bag of strong antibiotics administered by IV.

I do not believe we should be having discussions about how our municipalities cannot afford to give Floridians clean water. We have the engineering skills and knowledge, just as our space discussion, in these modern times to require that more of the pollutants be cleaned up at the source before it ever reaches public utilities, and therefore more of the expense would be the responsibility of the polluter, not the taxpayer.

What we cannot afford to do is to continue the water management standards of the past. They obviously are not working. To quote Rachel Carson, "In an age when a man has forgotten his origins and is blind even to the most essential needs for survival, water along with other resources has become the victim of his indifference."

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We need to move quickly and adopt EPA's criteria, so another 30 years of talking and planning for pollution does not pass, and we are left with even greater damage to our systems, and greater amounts of money will be needed for cleanup. Maybe if we strengthen and enforce the laws and permitting plans we have in place, my grandchildren will be able to tell their children the story of how a very intelligent and caring group of people saved Florida, and returned its water to their intended use and beauty, thus enabling them to experience and enjoy true Florida, the way others have in the past and the way it is meant to be enjoyed. Thank you.

MR. KING: Thank you very much.

Speaker Number 32, and if Speaker Number 34 would come up?

MS. CRAVENS: Good afternoon. Thank you for this opportunity to speak. My name is Marcia Cravens. I'm a Florida naturalist for coastal systems, past president of the Mangrove Action Group, and now vice president of that. It's a small environmental organization. I'm also on the board of Southwest Florida Responsible Growth Management Coalition. And as a member of the Conservancy, Environmental Confederation of Southwest Florida, and other associations that have been speaking here today, I agree with their speakers' statements. I strongly support the EPA to adopt the proposed numeric standards for nutrients for Florida.

Florida is unique among all the United States of America, in that most of it surface area is never more than a few feet above sea level, and its major ridges do not attain more than double-digit height. Our peninsular state is wholly and intimately connected to the Atlantic Ocean and Gulf of Mexico, by virtue of our waters that drain from the uplands directly and indirectly into the those seas. Florida must be made to be accountable and reverse what has become nutrient overloading flowing downstream, reducing waterways' productivity all along the way into the Atlantic and the Gulf.

I support the Clean Water Act. I want clean water. I want clean water, not slime, in our state lakes, rivers, tidal creeks, canals, and estuaries. I want clean water flowing through a restored Everglades -- all of the Everglades. But who is to determine what the term "clean water" in Florida means, and how it is to be developed. Surely the EPA will not allow it to be the polluters, including counties and municipalities who may be seeking ways to avoid or otherwise circumvent effective numeric nutrient water quality standards in their areas.

Water quality standards must be consistent with the Clean Water Act. In order to do this, it must be accomplished through new rules that include measurable numeric standards for nutrients that are scientifically derived for specific categories of water uses. The EPA-proposed numeric standards are effective ways to ensure our water quality standard is consistent with the Clean Water Act for Florida and must not be weakened or made infective by special interest polluters.

However, a major concern in these provisions in the proposed rules may be viewed as loopholes, driving a focused strategy by special interests to mask the water quality problems of coastal canal waterfront developments and avoid or circumvent water quality standards being proposed by the EPA for numeric standards for coastal canals. Special interests, including coastal counties and municipalities, may seek provisions for flexibility of meeting water quality targets of impaired estuaries that allows a phased process for restoration and/or site-specific alternatives as a loophole they could use to avoid meeting the EPA-proposed water standards for canals that are adjacent and, in many instances, connect to Florida's few remaining natural vegetated estuaries.

In some Florida counties there may be a strategy to improperly declare a natural estuary is impaired, in concert with masquerading adjacent coastal canals to be a

part of the natural impaired estuary, in order to misuse provisions for restoration or misuse site-specific alternatives within the canal developments, thereby avoiding water quality standards specifically being developed for the canals.

In Collier County we already are faced with such a strategy, whereby Collier County is improperly attempting to proclaim a highly valued and productive mangrove and sea grass estuary known as the Clam Bay Conservation and Natural Resource Protection Area as impaired, in concert with masquerading an adjacent canal system of Moorings Bay, Doctors Pass seawall canals, to be a part of that Clam Bay estuary, in order to avoid managing the canals in a way that would meet the water quality standards for numerics proposed by EPA for those canals.

The way to prevent this situation of coastal canal waterfront developments from gaming whatever numeric standards that will apply to them is to apply a clear definition of canal systems is distinctly different from that of natural estuaries. Coastal developments that eliminated natural shoreline vegetation and replaced it with hardscape seawalls, should no longer be considered to be estuaries and should be recategorized as canal system. They should not be considered Class II estuarine waters, and instead be recognized as Class III waters, to

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reflect their primary use of artificial canals for navigation. Such developments should be required to conform to numeric standards specifically for canals that EPA is proposing, and still be required for those canals to meet water quality standards that remain fishable, swimmable waterways.

In summary, I reiterate that I am in favor of Florida establishing numeric standards that are specific measurements that must be maintained for categories of water uses, in order to ensure Florida is consistent with protecting our waters according to the Clean Water Act. Provisions for what is required and declaration of impaired status for natural estuaries that allows a restoration process or site-specific alternatives must prohibit adjacent or connected canal waterways from employing natural estuary provisions in order to avoid or circumvent the numeric standards for those areas.

I want to thank the Environmental Protection Agency for providing this public meeting an the opportunity for myself and others to voice our concerns about Florida's waters and support for numeric standards that are long overdue. In response to those who oppose to EPA taking --

MR. KING: We do need to keep going here.

MS. CRAVENS: Okay. It is not too expensive for you

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to not adopt these standards. It is too expense -- to adopt these standards. It is too expensive for you to not adopt them, too expensive in dollars and too expensive in our quality of life. Thank you.

MR. KING: Thank you very much.

Speaker Number 33, and would Speaker Number 35 come on up?

MS. SIMON: Hi. My name is Leslie Simon, and I've lived in South Florida for 42 years. My husband and I have worked, played, raised our children and owned businesses here. We have followed the issues and lobbied

for clean water for at least 30 years. That's a long time. I've been preceded by some well-qualified, articulate speakers, so I'm only going to say a short thing. So she has my time. We strongly support the proposed numeric nutrient criteria, which will finally give specific standards that will be enforceable, and I can only hope will been enforced. Thank you.

MR. KING: Thank you very much.

Speaker Number 34, and would Speaker Number 36 come up?

MR. AQUILINO: Hi. I'm John Aquilino. I'm from Naples, Florida. I'm actually not originally from Florida. I was born and raised in Chicago, and I moved down here a while back for a job. And one of the main

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reasons I took this job was because it was in Florida, even though it was so far away from home. I'm a very active person, I love the outdoors, I love the beach, I love fishing. And that's why I knew Florida would be a great fit for me.

The second week I was here, I went to the beach after work and went swimming. As I walked up the beach after my swim, I noticed there were numerous dead fish washed up on the shore. The next day I read the Naples Daily News the fish kill was a result of the algal bloom that was off the coast of the Naples beaches. The very next month I found yet another fish kill at the same beach, this time as a result of a red tide event. The article I read the next day said, "Red tide, the common name for a bloom of microscopic algae, emits a toxin that can cause respiratory infection and other illnesses, and kills fish and other marine creatures."

That was extremely concerning to hear, and it worried me that was my health could have been compromised, simply by swimming in what I thought was a clean ocean. I can also imagine how the image of dead fish all along the shore as a result of dirty water can alter a visitor's perception of Florida. If you happen to take a family trip down here and it happened to be during a week where a red tide or an algal bloom was off

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the coast of our shores, and there was dead fish all over the beach, it would probably not sit well with you or your opinion of Florida.

Now, I know nutrient pollution is not such a problem in our state. In college I studied the large dead zone that exists in the Gulf of Mexico at the mouth of Mississippi River. All along the Mississippi nutrients and agricultural waste accumulate in the river and eventually flow into the Gulf. This creates huge algal blooms and areas of low or no dissolved oxygen, thus killing any and all aquatic life in the area. A huge part of Florida's economy depends on clean water. If dead zones like this were created off the coast of Florida, it would destroy our fisheries and would be detrimental to the tourism dollars generated here.

We need to learn from the rest of the country and take a stand now. We can save Florida waters. Again, I'm originally from Chicago, and we are a prime example of what happens when you let pollution go on for too long. Back when the city was first expanding, pollution in the Chicago River, which originally flowed into Lake Michigan, got so incredibly bad that in the 1900s they

had to reverse the flow of the river, in order to make it flow away from Lake Michigan.

This was a huge engineering fiasco that cost the taxpayers millions of dollars. It changed the ecology and hydrology in the entire area forever. This is another prime example of why we need to take action now and avoid having to initiate some last-ditch effort in order to try to save our waters. One of the worst things we can do is to acknowledge that we have a pollution problem and then put it off for future generations to deal with.

Additionally, after studying economics throughout college, it seems my professors were successful in brain-washing me to always looking into things from an economic point of view. It's obvious that Florida's economy depends on clean water. One study I recently read stated that beach tourism and related spending contributes about $40 billion to Florida's economy. In 2003, 62 million people visited our beaches. Further, it is estimated that tourism -- that beach tourism supports over 500,000 jobs. Why wouldn't we want to protect a resource that provides such a huge benefit to our state?

Given the current economic conditions, it would be a complete mistake to forgo protecting a resource that provides so many jobs, has historically allowed Florida to prosper, both financially and aesthetically. Investing in and carrying out policies directed towards keeping our waters clean is imperative. And while some implementation cost may be incurred for our generations, what we will be protecting is priceless for ourselves and future generations.

My family vacations here. I now live here. People want to be in Florida because it presents itself as an image of cleanliness. It is a beach paradise for many visitors. We need to keep projecting that image by continuing to take a strong stance on clean water issues and stopping pollution before it goes too far. I think numeric nutrient criteria will be a great way to control, limit, and prevent further degradation of our water bodies from nutrient pollution. I would urge you, as a citizen of Florida, to provide us with the necessary tools to keep our waters clean by adopting these criteria. Thank you very much.

MR. KING: Thank you.

Speaker Number 35, and would Speaker Number 37 come up?

MS. ALLEN: Good afternoon. My name Dawn Allen, and I'm a resident of Naples. I'm here today to express my strong support for EPA's proposed numeric nutrient criteria. These water quality standards are absolutely necessary for protecting public health and safety, as well as for preserving our quality of life.

Our grandfather came here over 60 years ago for fishing, but the changes over the years into our fourth generation are unacceptable. Fish, once plentiful, now periodically die off by the thousands, covering our beaches. Algae now routinely washes up, creating a smelly, tangled mass. As a result, over the years our recreational use has been greatly diminished by the nutrient pollution plaguing our rivers, bays, and

beaches.

Algae green waters are not only unsightly, they are also unsafe. As a waterfront owner, I have personally been affected by bouts of coughing, respiratory illness from the nutrient-fed red tides blooming off our shorelines. Our waterways should be clean enough for our grandchildren to safely swim and to fish. These criteria are vital to ensuring that our rivers and beaches become safe for them once again.

A lot has been said about compliance with these criteria being not affordable, but what we really cannot afford is to continue to have unclean water quality. Water-based tourism and waterfront real estate is the basis of our coastal communities and economy. EPA's proposed criteria are not only -- not only feasible, they will result in a worthwhile investment in creating a sustainable economic recovery.

I urge the EPA to finalize and adopt the criteria as

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proposed, ensuring Florida to once again provide its quiet bounty for its wildlife and for its citizens. Thank you.

MR. KING: Thank you very much.

Speaker Number 36, and would Speaker Number 38 come up?

MR. KELLEY: Hello. My name is Kent Kelley. I'm a fifth generation, born in Fort Myers, Florida. I oppose the EPA getting involved with the water quality of Florida. I think that the DEP and DACS is working on that. And although the speed at which the water quality is not improving as quickly as it should, -- I don't disagree that the water needs to be worked on and cleaned up, but I'm here to help represent agriculture, and I don't want them to get a bad wrap.

Agriculture is a very necessary part of our lives, as far as food goes. I'm in the ornamental plant business, and so our -- what we do is not necessarily life-sustaining to our lives in that matter, but the beautification of our homes and our yards, and also the attributes that plants give to the environment, with giving off oxygen, filtering out air, and that sort of thing, they're very important. And I suggest that if the EPA gets involved with this issue that DACS and DEP are still going to be the ones that regulate the agriculture

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side of it anyway.

So I think to have more regulations, more fees, more complexity to an industry that has been struggling with the economy -- and I don't you want to suggest that this is just an economical issue, that we can't afford to have any other fees or any other time involved with bookkeeping and paperwork because that's not at all what I'm saying.

But I have a vested concern in this area. My great grandfather named Lee County, Francis Asbury Hendry. So I have a lot of roots in the area. If I stand in one place too long, feeder roots start coming out, and I have to jerk my feet to move, I've been here so long.

But a lot of agricultural people are in the BMP program, and it's not just something you sign off on and forget about it. We are stewards of the land. I'm a member of the local farm bureau and have served on the advisory committee for the state horticultural farm

bureau. My father was on the soil and water conservation in Fort Myers for decades. So we have a lot of history and a lot of help in the community, with trying to keep the community good and beautifying it and not wasting and not polluting.

I can't speak for the municipalities that treat sewage. I'm not well versed on that. When the gentleman

spoke -- and I understand he was an engineer -- from the Southwest Chamber, he said a lot of what I would have liked to have said if I was an engineer, that I think this is a complex issue that needs to be dealt with in a way that -- I hear a lot of emotion from the people in the community that the water quality is not good, and they would like a change.

I don't think it's -- it's that simple, and I think people do need to be responsible. People do need to be conscientious about the town and the world that they live in. You know, I've seen people open their door and dump garbage out on the road. There is a law to stop that, but it would be better if they would be more conscientious. And I think that's a lot of what we have here.

I think part of the problem in this area was the growth was so rapid that we've not been able to keep up with the road systems, with the waterways, with the growing -- the agriculture that we do have in the area, and it's been a challenge to try to keep up. But all the people that I serve on boards with, with the farm bureau -- I'm also a member of the FNGLA, which is a nurseryman's group.

People are conscientious. We spend a lot, a lot of money on slow release fertilizers. Some of them have

gotten up to 50 and 60 dollars a bag, and that's the wholesale price. So it becomes very expensive to produce a product to make a living, and FNGLA has just fought recently to -- there were -- they -- we already had one increase with unemployment taxes. I mean, the -- our industry, the agriculture industry is being very impacted, rising fuel costs -- I mean, it just goes on and on. And I'm out of time. So I appreciate your time in letting us speak to you today. Thank you.

MR. KING: Thank you very much.

Speaker Number 37, and if Speaker Number 39 would come up?

MR. ALEXANDER: Good afternoon. I'm John Alexander. I'm a native Floridian, having spent 48 years working in the field of agriculture. I'm the chairman of the board of Alico, Incorporated, a public company headquartered in LaBelle, Florida.

Alico is the owner and operator of about 136,000 acres of land in five counties in Central and South Florida: Collier, Glades, Hendry, Lee, and Polk. We're a diversified land management company growing food and agriculture commodities, including cattle, citrus, sugar cane, sweet corn, and green beans. We've been managing the land for over 100 years and are recognized as good stewards of the land and water. Water is the single most

important factor that we manage in producing these crops, and we are vitally interested in the quality of the water that we use and even reuse.

The EPA's proposed numeric nutrient water quality criteria for Florida concerns me on three points. On the first point, the criteria seem to have been arbitrarily set without benefit of science. There's some science, but not all of it is science. For example, Table 4 of the EPA's proposed criteria sets an arbitrary maximum for phosphorus at 42 parts per billion for all canals in the DEP's South Florida region, with the exception of canals within the Everglades Protection Area, where the total phosphorus criteria of 10 parts per billion currently applies.

Some relativity that to that information is data gathered by South Florida Water Management District shows the total phosphorus found in Lake Okeechobee today is 200 parts per billion -- 200 parts per billion. Lake Okeechobee water, after being used for irrigation on South Florida farms and after being treated in permitted retention ponds contains phosphorus in the amount of 70 parts per billion. That's a reduction of 130 parts per billion. So we're working on reducing that.

I think it's good to note that in South Florida the rainfall recorded by South Florida Water Management

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District is recorded at 30 parts per billion. So it's going to be pretty difficult, I believe, to ever get to 10 parts per billion if the rainfall coming down is at 30. And that's in the one of my points, that we haven't looked at all of the science.

On the second point, those of us who work in agriculture in South Florida have made tremendous progress in reducing nutrients, both nitrogen and phosphorus, being discharged from our properties over the past 15 years. We've gone from being accused of being the problem, to becoming a major part of the solution. We invite your inspection of our properties and facilities that, in cooperation with DEP and the South Florida Water Management District, are making significant strides in the reduction of nutrients. We have made process. We are making progress. We understand the problem, and we're committed to do even more, but we request you let the DEP continue its work to establish numeric nutrient criteria based on science and local knowledge, in accordance with the Clean Water Act.

The third point relates to the agreements reached in 2004 and '7 to develop and implement the numeric nutrient criteria for Florida. This was between the DEP and the EPA. Sufficient time has not been spent to evaluate the information and procedures already developed. The

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development didn't come out of EPA until 2001. Only nine years have expired -- transpired since then, during which written agreements were agreed upon and entered into between the state and the Feds. What I say, Where is the EPA's word, its bond, that which we refer to as the full faith and credit of the United States? How lasting will be the next agreement reached with the EPA? If we can change this easily, how long with the next last?

What am I asking for today? We would like you to work with us to accomplish the purposes and goals of the Clean Water Act of 1972. We all want clean water and we're committed to achieve this in a responsible manner. We want numeric nutrient criteria, but we want them based on science, based on Florida water bodies and soils and

conditions, not arbitrarily set. We also think there's a cost to everything. Cost benefit studies should be made before arbitrarily setting the criteria and implementing them. Help us maintain and create jobs, rather than destroying jobs. Thank you for coming to Florida to find out our concerns.

MR. KING: Thank you very much.

Speaker Number 38, and if Speaker Number 40 would come on up.

MR. STORY: Good afternoon. I just want to come down to this hearing today. I saw you-all in Orlando,

and I wanted to show the folks of Southwest Florida what a real farmer is. And I'm going to put my hat up here while I speak. And I don't mean to cover that.

MR. KING: You also need to give us your name if you would, please, sir. Just give us your name --

MR. STORY: I just want you-all to know that I'm --

MR. KEATING: Your name, sir?

MR. KING: You have to give us your name as well.

MR. KEATING: Your name. Name?

MR. STORY: Victor Story.

MR. KING: Thank you. Yeah, that's all right.

MR. STORY: I just want you-all to know that I'm considered a leader in the farm community of Citrus, Florida. I serve on boards of Florida Citrus Mutual, and I also am a former Citrus commissioner. Among other things, I'm active in my county government.

And I want you to know that I've been blessed. My family and I have accumulated some land over the years, and I want everybody here to know that we are good stewards of our land. We're move environmentally aware than we were a number of years ago. We do a lot of things today that we didn't, and we've been active in BMPs. We've spent hundreds of thousands of dollars on variable rate technology. We're also working now on control for these provided, to see if we can use less and

do the same job. But we have to -- we have to consider the economics of what we do, and I want some of the folks here to know that we don't put fertilizer out in the rainy season; that's part of the BMP.

I want these folks here to know also that there's not many of us left. It's pretty tough being a farmer today. You've really got to pay attention to what you're doing, you have to have some luck, and you've got to have some folks that want to succeed you down the road. And so there's got to be some economic incentive for them to do it, so you don't go off and you want to do something else.

I just would like -- as Mr. Alexander just spoke a minute ago, I would like you to base all your decisions on sound science. I would also like them on attainable objectives and sound business practices.

I want you to know that I spent the last week in Tampa Bay. I was fortunate to have a vacation, and I've been going there for over 40 years and the water quality in Tampa Bay is good. It is much better than it was 10 to 15, 20 years ago. I think that the State of Florida, along with a lot of local municipalities, and all kinds of people have cooperated to make that a much nicer place to live and to fish and to do all the things that we enjoy doing.

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I have five children, 11 grandchildren, and blessed last week with my first great grandchild. They all live here in Florida, and I want it to be the same for them as it was for me. You know, we've had a lot of progress in Florida -- I say progress, and things can't ever be the way they used to be. But all of us working together, we can do it. And I would just like to express how attentive both you gentleman have been to these speakers today, and I truly appreciate that. Thank you.

MR. KING: Thank you very much.

Speaker Number 39, and would Speaker Number 41 come up, please?

With the permission of this group this lady has a little bit of difficulty, as I understand it, reading. So if it's all right with the group, we'll just offer a couple more minutes to --

MS. HAUCK: Thank you. I'll try to go --

MR. KING: -- work through the statement, if that's all right.

MS. HAUCK: I'll try to go at speed, though.

My name is Ann Hauck. I'm the cofounder of the Council of Civic Associations, a not-for-profit organization registered with the State of Florida since 1996. Our goal is to make government at all levels accountable for enforcing the laws for which they are

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responsible for the benefit of all citizens, and not just specific special interest groups.

We believe that the EPA is implementing numeric nutrient criteria as a result of a settlement over a lawsuit filed by Earth Justice, not because they thought it was the right thing to do. Looking at recent history, which is important leading into my comments, the Everglades are an example of the utter breakdown of implementation of the Clean Water Act in Florida.

The Miccosukee Tribe of Indians has attempted to obtain clean water for the Everglades, which is its traditional homeland. Their water quality standards include a 10 parts per billion numeric criterion for phosphorus, which was approved by the EPA in 1999 as protective of the Everglades and scientifically defensible.

Unfortunately, the Tribe has had to file numerous administrative actions and permit challenges in federal court to force the State of Florida, the South Florida Water Management District, the Florida Department of Environmental Protection, and the EPA to protect their interests through compliance with the Clean Water Act. The EPA has sided with the state on these challenges, even on appeal.

In each of these cases the judge has ruled in favor

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of the Tribe. Some of the quotes of Judge Alan Gold are: "The Florida legislature violated its fundamental commitment and promise to protect the Everglades. Turning a blind eye, the U.S. Environmental Protection Agency concluded that there was no change in water quality standards. Any further delay through endless, undirected rounds of remands to EPA to do its duty, which it steadfastly has refused to do, is alone insufficient, and that it is imperative that this Court exercise its equitable power to avoid environmental injury to the

Everglades through blanket exemptions.

"The effect of the amended EFA, the Everglades Forever Act, is to replace the phosphorus criterion with an escape clause that allows noncompliance. The amended Everglades Forever Act changes Florida water quality standards by authorizing continuing violations. The rule is layered with avoidance mechanisms, and the EFA has condoned a de facto moratorium on compliance."

A numeric phosphorus criterion for the Everglades was established over a decade ago, and yet the Everglades still receives in excess of 100 tons of phosphorus per year, based on EPA's own studies. EPA Region 4 water managers have repeatedly refused to make the State of Florida incorporate enforceable discharge limits into the National Pollutant Discharge Elimination System permits

for storm water treatment areas.

EPA's track record is that they will work with the stakeholders to ease the implement impacts, which is code for essentially never requiring compliance or postponing compliance while the water resources continue to significantly deteriorate. In fact, Federal Judge Gold will be holding hearing in April, this month, to consider holding the EPA in contempt of court for their repeated failure to protect the Everglades.

If EPA will not protect the Everglades with its already established numeric phosphorus criteria, why should we expect anything different? In a memorandum dated July 2nd, 2009, EPA administrator Lisa Jackson states: "Clean and safe water is a priority for this administration. The American public has a right to expect their water quality will be clean, and EPA has an obligation to use its resources and authorities to the fullest to ensure this result. Too many of our streams, lakes, and rivers do not meet our water quality."

She further says, "We are falling short of this administration's expectations for effectiveness of our clean water enforcement program." She says, "The first step is to improve transparency. Americans have a right to know how their government is doing in enforcing laws to protect the nation's waters."

In a letter dated -- she talks about transparency, remember that. In a letter dated March 17, 2010 from Peter Silva, EPA assistant administrator for water, to Mike Sole, he writes: "First, the agency has decided to delay finalizing promulgation of downstream protection value, or DPVs, with respect to downstream estuary protection, and to address this issue in the 2011 estuary and coastal rule-making. The downstream protection values are specifically stream concentrations that were proposed to assure the maintenance and protection of water quality standards in downstream estuaries. The agency is now committed to fold this aspect of establishing protective water quality criteria into the 2011 rule-making. Any downstream protection values that EPA proposes in January 2011 will also be subject to review and public comment as part of that rule-making process."

"Second," Mr. Silva says, "EPA will seek additional third-party review of the scientific basis for water quality standards to protect downstream estuarine and coastal waters. We commit to consult with FDEP on the

scope of a third-party review and will announce in early April the specific plans for that review."

These are our objections. I'm going to go as fast as I can, please.

MR. KING: We're about -- I'm about -- we'll do about one more minute, if that's all right. Can --

MS. HAUCK: Yeah.

MR. KING: Okay. Great. Thanks.

MS. HAUCK: First, Mr. Silva's proposal to Mr. Sole left the public out of the loop, contrary to Administrator Jackson's belief that the government's obligation is to inform the public about water quality, or actions to protect the water quality, or the need to improve transparency, as the public can be the government's best ally.

Second, the EPA needs to be reminded that they decided that different regions of the state to should different values for surface waters because of the inherent environmental differences in those regions. In other words, the EPA recognizes that various parts of the state are essentially different ecosystems. Well, why not look at the surface water system within each region the same way? Don't just look at the lakes and streams, but also factor in the estuaries, so that a holistic approach is taken -- ecosystem.

Third, Mr. Silva's proposal delays the nutrient criteria with another round of scientific review and another round of consultations with the state, and another round of public hearings. This delay tactic and

the separation of estuaries sounds political to us.

One more paragraph.

MR. KING: Okay. One paragraph --

MS. HAUCK: One paragraph.

MR. KING: -- because we've got some folks waiting.

MS. HAUCK: Okay.

MR. KING: All right.

MS. HAUCK: Lastly, Jim Giatinna, director of the Region 4's Water Protection Division, response to Silva's suggestions was that it was good news. If the same managers who manipulated and suppressed scientific evaluations are still in charge, why should the public expect anything different? We believe that even if nutrient criteria are established, there will be no compliance, no enforcement. Without enforcement, nutrient criteria is a toothless tiger. Who is going to do the enforcing? The state? The EPA? When the South Florida senior scientist spoke up on many of these same issues, he was marginalized, and what we see today is a South Florida office that is all but abandoned.

Thank you for giving me that --

MR. KING: Thank you, and feel free, if you would like to leave your comments with the court reporter --

MS. HAUCK: I also have a letter. I have been asked to give this to you, a letter to Lisa Jackson to the IG.

My bergs --

MR. KING: Sure.

MS. HAUCK: I've been asked by the EPA.

MR. KING: Thank you very much. Let the record reflect that we received a letter, and I'm going to go ahead and hand this to the court reporter, and we

appreciate your comments.
Speaker Number 40? Okay. Speaker Number 41, and if Speaker Number 42 and 43 would come on up, we would appreciate it.
MR. MILICEVIC: Thank you. My name is Michael Milicevic. I live in Lake Placid, Florida, home to many pristine lakes. I'm the general manager for Lykes Brothers, Inc., which is a diversified agricultural operation in South Central Florida. I manage the cattle, forest, sugarcane, landscape, tree, and turf business, as well as oversee our best management practices for our water quality. I'm here today representing myself and my family's ranch as a third generation Floridian, cattleman, and ag producer. I'm the vice president of our family's 4,000-acre ranch, which is southeast of LaBelle, Florida.
I would like to start off and talk off about BMPs very quickly. Ag, in general, has been developing, implementing, and analyzing these BMPs for water quality

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since the early 1990s. We abide by these BMPs. We can't afford to go against these BMPs, especially today, with the high cost of fertilizer we go out and we do tissue analysis, sample our forages, we soil-test, and then we make an analysis of what kind of fertilizer we can put on. We can't afford to put excess nutrients on. We can barely afford to put on the plant is currently needing.
I will tell you that I am opposed to numeric nutrient criteria proposed by EPA as presented, and I want to talk to you today about the economics, efficiency, and sustainability. The EPA's numeric nutrient criteria is flawed in the fact that no economic evaluation has been completed to determine the effects this program will have on the residents, stakeholders, and the state government.
Once again, I feel like the federal government has stepped in and mandated a program on this state that has not had an economic evaluation completed to determine the impact this program will have on the citizens of this state. I propose, before any action is taken, a complete and thorough study of the economic impact should be completed. This should be coupled with the costs and benefits derived from this mandate.
My second point of efficiency has to do with the fact that the FDEP has spent many years in researching

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and millions of dollars compiling data that we just don't need to abandon because some attorneys have convinced a judge that Florida is taking too long to clean up these waters in the state. This state's water is too complex to have one broad brushstroke encompass all the waters in this state. We don't need to clean up our pristine waters, but with these numeric criteria that are proposed, we will be adding in 80 percent of Florida's designated pristine water to this list of impaired waters. This is, in my mind, quite inefficient.
Putting this into perspective, I would like to give you a little different contrast, one that we all use every day. If we have one number for all of the state of Florida for the different waters in the state, it's like having one speed limit for all the highways and roads across the state. It's just not reasonable or is it practical.

My third area is sustainability. This lawsuit-driven numeric nutrient criteria coming from EPA is technically and scientifically unsupported. It's economically unsustainable and not related to the health of Florida farming or the Florida waters. These are all reasons not to comply with this criteria, and if you start out with no one thinking that they can hit the target, then the program has failed before it starts.

The consequences will be the cost of businesses exiting a state and landowners selling out to developers because they can't prosper any longer. Florida businesses, agriculture operations will be put at a competitive disadvantage relative to other states. Florida business and ag operations must be economically sustainable to remain environmentally sustainable.

Instead of using a carrot to entice and help producers, landowners, and utilities to implement and clean up the waters of the state, EPA needs -- has decided to come in through the lawsuit and use a stick to force this mandate on the public. This approach is doomed from the start, as numeric criteria plan does not identify the problems, it does not identify the remedies to the problems, nor does it provide the financial means to obtain the solutions. The nutrient loading of the waters is a known fact, but to come in with unscientific, arbitrary numeric standards is not the answer. The only avenue that this is going to prosper is for the attorney's checkbook.

In conclusion, I would like to say that the cost and benefit of economic studies should be made before this is put into place. EPA should withdraw its unscientifically generated criteria and replace it with the FDEP TMDL quality standards. Now, I appreciate this. I'm out of time, and if you want to see some of these BMPs that are being utilized and in use, you're more than welcome to come to Florida produce and ag producers, and we'll be glad to show you what we're doing. Thank you.

MR. KING: Thank you very much, sir.

Speaker Number 42, and will Speaker Number 44 come on up.

MR. WILSON: Afternoon. Kevin Wilson from Monroe County. That's the Florida Keys, for those of you who don't know. We're a small county we represent less than half percent of the Florida's population, but very we have an incredibly vested interest in the water system because we're -- we have no manufacturing, no agriculture. We're a totally tourist dependent, almost completely water dependent economy.

We're moving to essentially what we're -- advanced wastewater treatment in the all wastewater in the Keys. It's going to cost between 3 and $500 billion across the county to accomplish that, but it's a program that we're working through. We'll be submitting some significantly more detailed comments on -- particularly on the estuary and coastal water rule-making later on. But I wanted to say that we've spent seven years working with our colleagues in DEP and the water management districts to develop reasonable assurance plans for the Keys to achieve coastal water quality improvements.

More important than that is that the water

management district presented some data about two years ago that shows where the nutrients come from in our area down in the Keys, and less than half a percent of the nitrogen comes from Monroe County sources. The vast majority -- 20 times as much nitrogen get into our waters from atmospheric sources, and more than half of all the nitrogen that gets into the Florida Keys' waters comes from the Gulf of Mexico. Phosphorus is a similar kind of story. Monroe County human sources account for the 3 percent of the total phosphorus in our waters.

But that all goes coastal rule-making, and I want to make one or two points about the so-called freshwater rules. We're concerned about how they'll be applied to small, particularly man-made freshwater lakes in the county. We are required by our consumptive use permits for water, and all of our water comes from the mainland, a 36-inch pipe that comes from Miami-Dade County. And the water quality of our drinking water is six times the numeric criterion set today for some of the freshwater streams.

What does that mean? If we irrigate with water that's got a higher concentration of phosphorus, we're already starting above the limits. We reuse water, some

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of our advanced treatment water, in irrigation, and what does that mean for those people who have a requirement for the consumption permits to use that, if they're got not going to be able the achieve the limits you'll set on a small man-made pond or lake. It's a concern that we express. It's not unknown to EPA, DEP, or the water management district. And that's all I have to say. Thank you.

MR. KING: Thank you very much.

Speaker Number 43, and would Speaker Number 45 come up?

MS. JAMES: Thank you for the opportunity to bring some thoughts before your body. My name is Lois James, and I am a resident of a senior citizens mobile home park on the Caloosahatchee River in LaBelle, which is in Hendry County, for the past 25 years. I am also a volunteer board member of the Caloosahatchee River Citizens Association known as Riverwatch, and I want to thank Mr. Keating for making available this overview of the proposed water quality standards, and they will take me a while to get on top of, but I do appreciate that contribution.

Riverwatch reports the Caloosahatchee is in poor condition today, and probably we're not surprised, hearing all we've heard from others, that when the

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volunteer work began 16 years ago, and that is involving research and public education. So it appears to me that, at least in my community, we lack a way for volunteer citizens to take an active role in monitoring water quality, and I believe there would be value if citizens could be encouraged to learn how to play an active role in monitoring water quality standards.

I think that those are the main things, although I have a good thing to report. Our drinking water in LaBelle comes from wells, and after many years of planning and action, we are building a new water plant, and what that will bring to us, I'm sure, is progress. Thank you.

MR. KING: Thank you very much.
Speaker Number 44, and would Number 46 please come on up?
MS. PETERSON: I'm Ellen Peterson, and I live in Estero, Florida. I'm sort of a newbie in Florida. I came neither in the early '60s. I moved to the beach. It was wonderful. You could walk on the beach, you could swim. It was clean, it was nice. In the '70s it began to change a bit, and I thought, Well, you know, maybe -- if this is getting dirty, maybe there's too many people out here. Maybe I better move to a river. So I moved to a river, and the river was beautiful. I could sit on my

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dock and watch the mullet jump, and the manatees came up my river. I haven't seen a mullet in that river in seven or eight years. They're gone.
I go to the beach. I did my own little survey recently at the beach, and I asked people, Are you a native or do you live here? Are you a tourist? And then I asked them if they were swimming. The natives don't swim at the beach. We don't go in the water anymore. The only people who are swimming were the tourists. And I didn't want to tell them that I was a native, and that I wouldn't swim in this water for anything. So we've come to that state in our state, and it's really going to seriously hurt us because we're going to lose the most viable thing we've got here, and that's our tourist industry.
And I also want to speak just a bit about fertilizer. We've spent days, weeks, months, working to get local fertilizer ordinances passed, and we got them passed in much of our state. And guess what? Last week our state legislature passed a law negating all of those fertilizer ordinances. We don't them anymore.
You know, we need help, and I think our last big hope for help is the EPA. And I hate to lay this on you guys because I know you have other things you would rather be doing, but we've got to clean up this water,

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and we can't do it with a global approach. We can't just say all these canals because we've got freshwater streams that are being sort of taken in as canals, as part of our canal system, and we can't do that. They've got to be separate. We've got to have different nutrient standards.
Granted, we must have these nutrient standards. We've waited lo these many years for them, and the first best hope for this meeting was that you-all go find that toxicologist that spoke and hire her as a consultant immediately. Thank you very much.
MR. KING: Thank you.
Number 45, and then if number 47 would come up. And I need to apologize. I just need to take a five-minute break, so I'm going to ask Jim Keating to continue, and the court reporter will continue, and I'll be back in five minutes.
MR. EHAT: I'll try not to take it personally.
MR. KING: I apologize don't take it personally. Thank you.
MR. EHAT: Well, Jim, welcome to God's waiting room. I'm frankly embarrassed that you and Ephraim have to be here. As an adult --
MR. KEATING: Sir, could you state your name?

MR. EHAT: Oh, I'm sorry. Don Ehat, E-H-A-T, as in terrible. As an adult, I'm embarrassed that you have to be here because we elected the people who have responded to special interests to a point that we have allowed our most precious natural resource to be so degraded that it threatens all of our way of life. And so it's really unfortunate that in a part of the country that is conservative and prides itself on personal autonomy and personal responsibility, that we are left to deal with two Satans from Washington to save our ass. And I really wish you we well.

MR. KEATING: Thank you, sir. Could we have Speaker -- could we have Speaker Number 46, and could have Speaker Number 48 join us at the back of the row?

MS. HOUCK: Hi. My name is Denise Houck, and I'm a lifelong Lee County resident. And I won't bore you with how it used to be. We've heard plenty of tales about how beautiful it was, and it really still is, for the most part, but it's getting a little too green in our waterways. And I just want to reiterate that I'm in support of the numeric values that you are going to have in place for us, but I also would like to encourage our farmers and ranchers to continue their job that they've been working on to be good stewards of our land and to work with you guys.

I live in Alva, and I'm part of Alva, Inc., and the farmers and the way of life out here is very important to us. So I would hate to see them have to pack it in because of certain standards that they can't meet. But I would encourage both you to continue to talk to each other, and try to work on this because, as I don't want to see them go, I don't want to continue to see our waterways turn green because that's what brought so many people to Florida is how beautiful our waterways are in our state. That's the goose that laid the golden egg is our beautiful waterways, it would be really a shame if that goose had to swim around in green waterways.

So I just ask of you to continue to work with each other and to help us out with our water conditions, and thank you for being here.

MR. KEATING: Thank you very much for your comments.

Could we have Speaker Number 47, and could Speaker Number 49 come to the last chair?

MS. ARNASON: Okay. I'm sorry that Ephraim is not here. My name is Deb Arnason of 12 Dill Street, Alva, Florida. I've lived in Florida over 20 years. The first year was just blocks from the Peace River in Charlotte County. We were nine years on Caloosahatchee Canal in North Fort Myers, eight years within the walking distance of Vanderbilt Beach in North Naples, one year in Fort White by the Santa Fe River near the Ichetucknee and Suwannee Rivers, currently in Alva on the lock of the Caloosahatchee. And for our court reporter, I'm going to give you -- this is typed up. I might talk fast, though.

Obviously, I might have lots of experience with Florida waters which we cherish. Over the years my husband have been and I have been dismayed to watch them degrade to their present state. In North Fort Myers, for instance, the canal that used to be filled with turtles and fish became a dirty, smelly, oily mess from runoff

after Pondella Road was four-laned by our home.
I have been disappointed living close to Vanderbilt Beach as more and more red tide bloomed, especially when we had friends visit from up North. It seemed to be timed that way. Our beautiful beach was loaded with dead fish and stunk to high heaven. We coughed a lot and believe this red tide is toxic to humans also. Farm runoff is feeding red tide and creating dead zones. This does not bode well for tourism in Florida. We need the EPA to monitor and stop this excess assault on our beaches.
The Estero and Ichetucknee Rivers, where we canoed, have become less clear and filled with scum. Our local Caloosahatchee now has more patches of a algae, although a lock keeps our little area a bit cleaner than the surrounding river. It's funny because you show the

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exactly that on the -- on the map up there. I understand from friends last year that they to move from Olga on the rive due to water pollutants that made their son ill.
I've seen fewer and fewer waterbirds along our shores and at the Gulf beaches from Dunedin to Sarasota to Venice to Manasota Key to Fort Myers to Sanibel to Naples, where we like to take friends who visit. I suppose that's due to less fish and other pollutants. Live shells are nonexistent, and old maids curls and pretty scallop shells are much hard to find. I guess these creatures can't survive in the acidic soup our Gulf waters have become.
We have tried to live in -- we tried to live in Northern Florida in 2005, 2006. We were forced to move from our new home near the Santa Fe Rive because of water and air pollution. Our well water, a beautiful aqua color, was undrinkable, due to heavy phosphorus from local cement mining that invaded the water table. At first we thought we were both stricken with arthritis or Lyme disease or multiple sclerosis, the reaction was so severe. We could hardly move. My husband had trouble breathing from the coal burning we were surrounding with, as did our neighbors. We both had our blood and urine tested, since I was experiencing numbness and tingling -- do you want to --

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MR. KEATING: Can you keep recording while she speaks? Does that work?
MS. ARNASON: We had our blood and urine tested, since I was experiencing the same numbness and tingling and muscle spasms I had previously from mercury poisoning. Sure enough, once we were loaded with mercury, lead, and antimony, as were the fish in our rivers. We were forced to sell our newly built home and move to Alva. Now what?
MR. KEATING: Hold up a second. We'll try to get you a better microphone, and we will give you all the time you need.
MS. ARNASON: Thank you. Oh, I'll take that one. Okay.
MR. KEATING: We'll work on the batteries then.
MS. ARNASON: All right. I do want to make sure everybody heard that. We were loaded with mercury from the -- from the coal burning in Northern Florida, Fort white, near the Gainesville area there, and we had to move. I have tests, and if anyone is interested, I'll be

happy to produce those, showing that we were loaded with mercury and lead. Okay. So were the fish in the rivers nearby. Nobody could eat the fish. We were forced to sell our newly built home and move to Alva. Now what?

We joined Caloosahatchee Riverwatch; Alva, Inc.; Sierra; Audubon; Save It Now Glades, because we care about our Florida waterways, the Everglades river of grass, all the fish, game, and humans that thrive on their natural balance. Evidently, the Florida department of Environmental Protection cannot do that job.

I therefore request that the Environmental Protection Agency closely monitor Florida waters for numeric criteria to clear up this assault on our health, our tourism, our recreation, and our peace of mind. And I will volunteer to help the EPA with this. Please contact me. Feel free to do that, anything I can do to help. Thank you.

MR. KING: Thank you very much. If we could have Speaker Number 48, and Speaker Number 50 come down to the third chair. Thank you.

MS. MILLER: Good afternoon. My name is Laura Miller, and I represent the League of Women Voters of Lee County. At its membership meeting on February 6, the local league voted unanimously to support the adoption by the EPA of its proposed numeric nutrient standards. That let me tell you why.

The league has long supported the idea of clean water. The national league was instrumental in passage of the Clean Water Act, and we've always worked to encourage its implementation. The League of Women Voters of Florida states in its water policy positions, "There should be a priority order among interests competing for water. The environment and public supply should be first in priority, followed by agriculture, industry, and mining in that order." We recognize the needs of industry, but we feel that their needs should never take precedence over those of the environment and the public supply.

Those of us who live in Southwest Florida need no reminders of what happens when the water on our beaches and in our estuaries becomes polluted with such nutrients as phosphorus and nitrogen. The beaches become uninhabitable and the harbors and byways are covered with blue-green slime. Not only does our quality of life suffer, but the tourist industry suffers as well. We support all efforts to prevent such occurrence.

We feel it important that those who use fertilizers must learn to use them responsibly and sustainably. Many communities in Florida have passed fertilizer ordinances so that homeowners who live on waterways will not contribute to the pollution problem. My own community of Fort Myers Beach has such an ordinance. I'm not sure what it means, now that the legislature has acted, but we'll find out. We also encourage those in the agriculture industry to use better management practices. In its agriculture policy, the league supports environmentally sound farm practices, and those practices include the judicious use of environmentally sound fertilizers.

We think the adoption of numeric nutrient standards

is long overdue. We urge the EPA to put them into practice as soon as possible. Thank you.

MR. KING: Thank you.

I just want to do a time check with the folks here. It's about 3:52. We were going to go till about 4:00, but if folks -- and then we'll start up again this evening, but we may extend it. But I just want to find out how many folks here are here to speak that have not yet had a chance to speak? Oh, my gracious. So we can probably go -- but the court reporter needs a little bit of time to get dinner and things like that.

So we can probably go for probably another half hour, maybe 45 minutes. If folks have a way of -- I don't know if there are folks on a bus who need to make transportation -- folks have been here all afternoon, and we really want to accommodate you. So does anybody have a suggestion? Are any folks here time constrained that can't come back this evening?

Okay. I'm not quite sure how we're going to do this, except to say --

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MR. KEATING: I guess on an honor system.

MR. KING: I think we'll have to go through those --

MR. KEATING: If those people will come on up and give us your number, and those who are time constrained.

MR. KING: Jim and I will be here at 7:00, and we'll go through for however long we need to go --

MR. KEATING: We'll be here at 6:00, right?

MR. KING: We'll be here at 6:00, I guess, and we'll go through until whatever the chance we have to listen to everybody. So if I might ask folks --

Just a suggestion. If people aren't time constrained, if they'll pass and let --

MR. KING: Yeah. Right. How about that? So if you're not time constrained, if you could just do a favor to the folks that either may have transportation issues or need to go out with different groups -- just pass, and then you can come on back at 6:00. I think that would be terrifically appreciated. Otherwise, we'll just go ahead.

MR. KEATING: I think it probably would be good if you use your own number. Don't trade around numbers. Just come on up if you're time constrained because otherwise our notes won't match the list. If you have a number and you want -- are you going to come back, ma'am, or --

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SPEAKER: I have at class on the East Coast.

MR. KEATING: Okay. What we're saying is for folks that have time constraints, we'll listen to you right now, and there will be a bunch of folks who can probably come back at 6:00. So if you have time constraints, we'll sit here as long as we can and be sure to get you in.

SPEAKER: If we're leaving and we've got a number, who do you give it to so you'll know.

MR. KEATING: You'll give it to the folks outside.

And I just want to thank everybody for your patience. I know it's been a long day, but also we've heard some terrific comments, and so we really do want to keep this up.

MR. KING: And this evening we'll stay as long as necessary to hear everyone.

Yes, sir?
SPEAKER: Can we start before -- the people from this afternoon, this evening will we be before the folks that get here?
MR. KING: The people this afternoon will start ahead of the folks that come this evening. So why don't we go ahead, and I thank you-all for your flexibility, and if you can let folks with transportation or other kinds of constraints go ahead, we would very much

appreciate it.
We'll just call your number, and you can go ahead and say, I'm going to go this evening, if that's a possibility for you. Thanks.
(Discussion off the record.)
MR. KING: We're going to go ahead and take the next two folks. What the court -- let's go, if we can, for another half-hour. What the court reporter has told us is she's willing to keep chugging on through, as long as she can have a 15-minute break, and so we're happy to do that. But let's go ahead and let the folks who have travel constraints move forward and just be sure to use your number and let us know where you are.
Number 49?
MR. HAMEL: Thank you. For the record, my name is Ron Hamel, and I'm executive vice president of the Gulf Citrus Growers Association, and our association is comprised of 146 citrus growers here in Southwest Florida. We operate in the counties Charlotte, Collier, Glades, Hendry, and Lee, and we have over 140,000 acres of citrus groves in our membership, and we represent about 25 percent of Florida's citrus.
Our association has over 25 years of proactive water management experience, and our members have been recognized for their conservation practices and

progressive efforts, as far as water management and water quality is concerned. In fact, in 2005 our group, working through all the various agencies, put together a best management practice manual, and I'll leave that with you-all here for the record, and we certainly are doing what we can to support our state's efforts to enhance water quality.
We appreciate the opportunity to be here and participate. However, we have to express our opposition to the proposed criteria as currently drafted. Here's a few of the reasons.
First, we feel that the approach that we have seen is -- does not recognize Florida's unique and complex water -- surface water bodies. In reviewing the criteria, we feel they're too broad and too general. We also feel that water quality nutrient criteria set by regulatory agencies must be scientifically based and validated by water body and water type, and we have added concerns regarding the science and modeling used by EPA, which seems to be different from DEP. So we encourage you to work with DEP to look into this.
Second, the issue of the canals in South Florida, reports that we've seen from the University of Florida IFAS, which is an agency that we work with very closely on our fertilizer and materials to grow crops, they

indicate to us and we can confirm that, that there's

major concern for the reductions required to meet these criteria. If we have to cut back on our phosphorus in particular, it would basically reduce our production, and it would reduce our ability to produce and stay in business. So we have concerns there.

Third, this whole economic impact analysis. We feel that we reviewed your report. It indicates about $20 per acre per year. Recently, and I know you-all are going to be receiving a copy of this, the University of Florida scientists and a lot of quality people, as well as the Florida Department of Agriculture has just released an economic evaluation of the impact of this on agriculture. And I'd just like to hit a couple of the highlights.

They did a much more comprehensive analysis of this, and what it would take for agricultural to comply with the BMPs by commodity -- by specific commodity. The three that they indicated are going to inherit the greatest impact would be the citrus growers, the dairy people, and the beef industry, not to say that it's considerable for the vegetables.

But here's an example. I believe in your report it indicated about $20 per acre. This indicates, just to get set up at the level that is being required, it would take roughly 4 -- $700 per acre for setting up BMPs, and

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it's estimated that it would also cost over $230 per acre per year to continue those. So if you look at Florida's 600,000 acres of citrus, you can see, you know, just to get this going, it's going to be about a billion-dollar operation for our citrus industry to comply, just on an initial basis, and then millions of dollars annually.

So, again, we certainly encourage you-all to take a hard look at these numbers. We want to do what we can to comply and meet these criteria and work with all parties. Also, we've heard that, you know, the possibility of us being able to adapt the technology as quickly as we need to, to be able to meet these standards is of great concern, and we've heard that through several of the engineers and people that work closely with the industry. So we certainly want you-all to be aware of that concern.

In closing, we certainly appreciate you-all coming back to Florida and hearing the citizens. We want to do our part to meet our water quality standards and to continue to implement these BMPs, but we want it to be realistic and also be economically viable so that we can stay in business while doing this. You know, on one hand we're having to cut our ability to produce if we reduce our fertilizers, and on the other hand we're adding a tremendous amount of expense to our operation. So it's kind of a double-edged sword for us. So again, thank

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you, and I'll leave this for the --

MR. KEATING: Thank you. Could we have the next speaker, and could you also announce your number and your name and affiliation, please.

MR. URICH: Number 50 on the schedule.

I'm Dave Urich, and I'm actually appearing for a Sierra but I am a life member of Responsible Growth Management Coalition, and have been very active for a number of years. I'm just a consumer. I'm not a technician and don't know all these right answers, but I drink the water and I used to swim in the water.

We first came to Florida back in 1960 as a tourist,

as many of the transplants start, and we just loved the fresh, clear water at Fort Myers Beach that our friends took us to. When we moved here in 1974 with our four children, we said when we get to the beach you're just going to love the beach. And unfortunately, that wasn't the case. They looked at it and said, You know, Dad you're a little young to have senility, but this is not clear water, and this is just in a period of approximately 15 years, the degradation at the Fort Myers beach.

I just have to say I'm not going to presume to say what the numeric figure should be, but I think these numeric figures have to be. If we're going to say how

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hot it is outside and we don't have thermostats or thermometers telling us that, we don't have any way of knowing. Same thing with a car that doesn't have any working speedometer. We don't know what our speed limit is. So I'm not going to say what numbers you should use, but I think we should use numbers, and I think we should have therefore the ability to scientifically say what it is, not that it's now clear or now that it's not green.

And I think those folks that are talking about the best management practices -- I don't know if they said ever that. They always keep saying BMP. But we certainly endorse that. I have appeared in front of the Lee County Commission speaking for the fertilizer ordinance that has been passed. I would hope that it is grandfathered in, in spite of what the legislature did. If it's not, then the unnamed grower in the Alva area shouldn't be grandfathered in on still putting pollution in the Caloosahatchee.

Speaking of the Caloosahatchee, I was a little shocked to find that we don't have a Caloosahatchee River. The Corps of Engineers says we have Canal Number. C43 is what you look up, if you're ever looking in the documents. We really need to make it a river because it is. It may be it was slightly reversed in the historic past, but you didn't used to drain Lake Okeechobee, but

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I'm concerned that we casually use these terms, like canals and rivers, in a manner that isn't really appropriate.

I think we, all working together, can do a better job. I think those people who came that spoke against what you're trying to do are probably the good folks that are using the best management practices and are trying to do the right job in agriculture and in their industries. The ones that don't care are the ones that we're concerned about, and we were -- I don't know if I should use the word "chicken" -- when we designing the fertilizer ordinance, but we didn't put any comps in that. We don't have any teeth in our fertilizer ordinance. If you ignore us, we didn't -- we can't arrest you, and we didn't think we would ever pass it. And today, with the economy what it is, I don't think you could ever passed anything it's going to cost the county money.

But one of the biggest issues was what do the big box stores do when they're selling this fertilizer? And we've now tried to do some instruction to the staff and working with that, and I think that's -- again, if -- you can put anything on paper you want, but if the practice

is, Well, you've got to have a green lawn, and this is the way you get it -- and I have a neighbor who uses the fertilizer wheel and all that, and I said, You're just encouraging it, you know.

But I think you do have to take a hard look at these issues, and I think that's what you're trying to do, and I think Florida is so unique -- when I moved here, I didn't know what an aquifer was. Now I know the different levels, and they're all interconnected over the whole state, and we have had people who dumped dye in the aquifer up in Tallahassee, and found it was in the Weeki Wachee Spring before they knew it, in a matter of minutes, not in a matter of several days. And so we are finding the interconnection of these aquifers.

And then we, visually permit mining and what we're doing is taking lime rock over the top of the clay dome over the aquifer, and that's what's protecting the dome from collapsing. So I think we just really need to take a look at all these things. Thank you very much.

MR. KEATING: Thank you very much.

Could we have the next speaker, please? And there is an open spot who also have time constraints.

MS. BOND: I'm Number 51.

MR. KEATING: Thank you.

MS. BOND: My name is Tanya Bond. I live in DeSoto County. I've spent years working with all levels of government, county ordinances, the water district workshop, the state DEP technical advisory committee for a sewage sludge rule. Now I'm turning to you to remedy the pollution into the state's waters.

Although the water is green with algae, if you wish to be clear, quantifying the levels of nitrogen and phosphorus in discharges into the state's waters to comply with the consent decree, now is the time for EPA and the state to save the waters from their total maximum daily loadings of nutrient-rich runoff and discharges into the public's waters.

The practice of land-applied sewage sludge and it's runoff are one cause of nutrient pollution in the state's waters. The phosphorus content in the sludge is too high. Phosphorus is only monitored at the water utility facility that produces the sewage sludge, not the total amount of phosphorus in the sludge dumped in the land at FDEP permitted sludge sites.

In DeSoto County, where I live, there were 240 permitted sewage sludge sites. I'll take just one year as an example. In 2002 a local newspaper reported DeSoto County received 250,000 gallons of Class B liquid sludge every day. Also that year EPA's own record showed DeSoto County received over 43,000 dry tons of Class AA sludge. It was land applied in marginal pastures lands and wetland along the floodplains of Horse Creek and Peace River.

Those high volumes of sludge dumping are not fertilizer, and have the capacity to enter the state's waters. The amount of phosphorus that escaped into the state's waters from too much sewage sludge dumped into the floodplain is huge. Its impact is an unknown, unacknowledged detrimental risk to human health and clean water.

In 2003 the sludge dumping in the floodplains continued in DeSoto County at those high rates. In August Tropical Storm Gabriel [sic] caused a record-breaking flood on Horse Creek, where I live. 14 homes in the neighborhood had floodwater inside them, including mine. 18 inches of sewage sludge laden floodwater polluted my home. The polluted floodwater covered my wellhead and contaminated my drinking water. The stinky black water covered all of my 5 acres, and when the water receded, it left everything blanketed in smelly black sludge residue. That is the worst nutrient pollution you have ever seen or smelled.

To date, there is no amended sewage sludge rule from the state. The county has no protective sludge ordinance, and the water district doesn't acknowledge the nutrient pollution runoff into public waters. Keeping nitrogen and phosphorus out of the state's waters is the

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remedy for nutrient pollution. Thank you for letting me have this moment.

MR. KEATING: Thank you for coming. Could we have the next speaker, and your number --

MS. VANCE: Number 64, and if I may approach the court reporter --

MR. DALTRY: How is this working? I'm sorry, some of us were waiting patiently. We're time constrained.

MR. KEATING: We'll go through --

MR. DALTRY: I'm 55. I have to be someplace.

MR. KEATING: Okay. Let's -- let's --

MR. KING: Sir, why don't you come and take the next spot on the --

MR. KEATING: -- cooperate. We will go through --

MR. KING: -- where we're -- we're working --

MR. KEATING: -- number by number -- number by number, we'll check and see if the people that we call can let the others go ahead of them. Okay? Number by number. So --

MR. KING: Shall we just do 64, and then go number by number?

MR. KEATING: I think the lady is up. You're 64? I think just --

MS. VANCE: Yes, sir. May I?

MR. KEATING: Well, yeah, but then I think if we

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can, we'll go back to 52, and we'll walk through, and we'll just do it that way.

MR. KING: That's fine.

MS. VANCE: Thank you. Good afternoon. My name is Audrey Vance. I'm the city attorney representing the City of Bonita Springs City Council.

Bonita Springs is a 40-square-mile southwest city with beautiful waterways. We have the Gulf of Mexico, we have the Estero Bay, the Imperial River, and we have a lot of creeks -- Spring Creek, Rosemary Creek, Orange, Oak Creek, Leitner Creek -- and a multitude of man-made lakes and canals serving as retention areas. We have a downtown with a river running through it, and we serve as the headwaters of the Calusa Blueway, which is 190 mile -- and I'm sure everyone here knows this -- but it's a 190 mile kayak and canoe paddling trail that starts in Bonita Springs and goes throughout the Gulf of Mexico, all the way to Boca Grande, which is beautiful, historic Florida. So it's obvious that Bonita Springs is

a downstream protection area that the rule is attempting to protect.

However, just like our waterways, Bonita Springs City Council is just as diverse. We have elected officials that are environmentalists, fiscally conservative retirees, pragmatic businessmen. So having

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them reach a consensus on the comments for proposed rule-making is probably almost as unique as our waterways.

Bonita Springs does not necessarily object to having numeric nutrient criteria. What it does object to is the EPA not complying with the Administrative Procedures Act, and we say this because of the following. First of all, one of the requirements when adopting rules is to follow the Regulatory Flexibility Act, which is to prepare and make available for public comment, prior to the Federal Register, an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities.

Bonita Springs is a small entity. We have a population under 50,000. Instead, the EPA certified that there was no significant economic impact on a substantial number of small entities. The screening, which is in the regulatory docket, indicates 46 small governments throughout the state of Florida. The screening totally ignored special districts. Within the corporate body of Bonita Springs alone, there are 12 special-purpose governments, that are known as special districts, impacted by the rule because of storm water and wastewater.

In Florida there are 846 small governments that are

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charged with either NPDES MS4 storm water permitting requirements, or wastewater requirements. And a source I would recommend for this would be to go to the website floridaspecialdistricts.org, and there's an official list at that site.

The second concern that the city has with the proposed rule-making is the Unfunded Mandates Reform Act. A concern the city has is that the proposed rule-making will displace other important governmental priorities. We recognize that clean water is a priority, and in the letter that the mayor has sent for the city of Bonita Springs, it explains that we have adopted a fertilizer ordinance. We have -- we have done everything you can get for best efforts, but at the same time, we have other priorities, too, that we need to calculate into the mix.

The problem with the Unfunded Mandates Reform Act is it does require a cost benefit statement whenever the aggregate cost of the rule is over 100 million. EPA decided not to do one, but asserted that there was no federal mandates in the rule, and any regulatory requirement would not significantly or uniquely adverse small governments. Contrast this to what else is in the docket from the Florida Water Environmental Association Utility Council study, where the cost to meet EPA limits is between 24.4 billion and 50.7 billion. This is not a

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Chesapeake Bay of $2.50 a year per citizen. This is substantially more and deserves to have a cost benefit analysis going through the act.

How does the rule specifically affect the City of

Bonita Springs? First of all, like many small governments, we do have an MS4 permit, as required under the Clean Water Act. The cost for monitoring and enforcement, there is a concern -- you know, the citizens state that nobody follows -- or nothing has been done. Things have been done here for many years.

We're concerned with Downstream Protection Values, we're concerned with SPARROW, homeowners and property owners associations. We rely on private developers, who have storm water systems. If they all go belly-up or they're not able to maintain, it creates a problem throughout the entire -- and end of pipe treatment is also a concern, where we require -- we have irrigation lines, and with this irrigation line, we keep water clean by -- or we get fertilizer as a result of having the irrigation lines in place. If they have to be clean to an unreasonable degree, it will cost not just money, but also cost -- people will have to apply fertilizer where currently fertilizer is not applied. Thank you very much.

MR. KEATING: Thank you. Going through the numbers, just to make sure we're fair, 52?

MR. WRIGHT: My name is Bill Wright. I'm a nursery owner and a local from the Fort Myers area. I grew up here. I also -- well, interesting observation by one the previous speakers a moment ago that most of the farmers here were possibly farmers. That may be the case I use low-impact fertigation through drip when possible. Otherwise, only slow-release IFAS-approved coated fertilizers. I have to agree that this proposed regulation appears to be a good thing for Florida's aquatic environments, but as a nurseryman who was only beginning to recover from Hurricane Charley when the building industry collapsed in 2006, I can only see more hardship ahead with the implementation of these regulations.

The nursery industry has been proactive in adopting best management practices and has generally been in the forefront in adopting responsible horticultural practices. It is possibly the most carbon positive of Florida's major industries, yet many of its most progressive growers are struggling for survival. This is not a good time to be dropping an expensive regulatory burden on us.

I've heard comments regarding loss of profits for regulated industries. For my industry it's a matter of survival. I find it curious that the Florida Department of Environmental Protection and the Department of Ag and Consumer Services believe that the Florida Watershed and Restoration Act will continue to be the prevailing regulatory system for Florida agriculture. Unfortunately, my prior experience with the EPA, as an owner of an EPA-registered organic insecticide, has demonstrated the agency's predisposition to sudden, politically motivated changes in policy, often in response to public outcry as a result of sometimes questionable but inflammatory scientific studies.

Please reconsider the implementation of this regulation with regard to those responsible farmers who would suffer costly compliance issues. Florida is one of the hardest hit by this current economic recession and

likely to be the slowest at recovery. This regulation will only add to the slowdown. Thank you.

MR. KEATING: Thank you for your comments. Number 53? 54? 55.

MR. DALTRY: Good afternoon. My name is Wayne Daltry, and I represent the Audubon of Southwest Florida and myself. On behalf of Audubon of Southwest Florida, we applaud your efforts to establish numeric nutrient criteria. It's been 35 years in coming. With a higher standard of work, we would not be here.

It was said back in 2001, 2008 days, back in 1975, that we couldn't -- we shouldn't have numeric standards because, after all, we cannot stop a battleship on a dime and the battleship was our economy, and, of course, the dime would have been the impact of the regulation. So we went to the narrative, and the narrative basically says if the water quality deteriorates to such a degree that the battleship stops on a dime, it's finally bad enough for us to do something about it.

And the reality of it is that time has passed. You have the jar in front of you that was delivered by the woman today from today's water. I had a jar of water from the discharge of 2005, and I would have brought it, but I went to it today and discovered it evolved into a life-form and had escaped, and it scribbled obscenities on the side of the jar. The issue we really have is protecting the public realm.

We moved down here in 1950, while my father was away at our war at the time. In the fullness of years, I went to our war at the time, came back to the Clean Water Act. It mobilized our feeling because I knew the town I had left and I knew the town I came back to had markedly deteriorated. I was proud of the efforts we were having in clean water and clean air. Unfortunately, they stopped. It is time to restart them.

I understand this is a process, that this is a first step in establishing numeric standards. I understand you have a process under what's in place that will enable us to apply the locally derived information for the better standard appropriate for our area, which is why the Charlotte Harbor National Estuary Program is working so hard on it, and why local efforts are trying to develop standards more appropriate to our area, but they have to respond to something. They cannot respond well to a statement that if the water quality is so bad, it stops a battleship on a dime, it's time to improve it. Thank you very much.

MR. KEATING: And thank you very much for your comment.

Number 56?

MR. ULLMAN: 56. I would like some ham and some corned beef.

MR. KEATING: Mustard or mayo? Continue on.

MR. ULLMAN: Okay. Sorry I can't help.

Hi. My name is Jonathan Ullman. I live in Coral Gables. I'm with the Sierra Club, and because it's late in the day, and because I didn't bring an exhibit, I'm going to give you my tie. It's a -- it's a coral fish tie because I think it's important and it will tie into my presentation of what we're trying to preserve

here in Florida.

Other than Coral Gables, as I mentioned, I have spent most of my -- practically all my life in Florida, but more importantly my daughter was born in Florida and will continue to live here for a while. Coral Gables was one of the first planned communities -- planned suburbs in the United States. It's a suburb of Miami, and it's called "The City Beautiful." One of the major features of The City Beautiful is the Coral Gables Waterway. In fact, on the advertisements in the Miami Herald, they would talk about the 40 miles of waterfront, and they would actually hire gondolas to go down the waterway to sell people on the community.

Well, a lot has changed since then. One of the features in -- right on the Coral Gables Waterway is the Biltmore Hotel, the fabulous Biltmore Hotel that has been host to many presidents. The latest, I believe, was President Clinton, and this is a -- it's pretty spectacular. And I just want to read you a description of a paddler, a kayaker who posted this on a kayaking forum about their experiences going down the waterway right at the Biltmore Hotel.

"The Waterway opens up into a sort of pond, in the midst of which there's a lovely single-spout fountain, throwing a geyser of cool white sparkling water some 35

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to 40 into the clear blue sky, splashing down into the typical brown/dark green of murky (3 to 4 feet visibility) canal water. A beautiful contrast, that roaring jet of water against the background of brown water, green fairways, and clear blue sky. And there in front of our kayak bows, about 100 feet away, is one of old George's" -- Merrick, that's the founder of Coral Gables -- "big old arched bridges. Beautiful, just beautiful!

"So we keep going on our way to paddle beneath the pretty iron struts of the old bridge, and see the rest of the -- whoa! Damn, what the hell was that? All of a sudden, bam! There's this roiling of water about 2 to 3 inches off my right hip. It's not brown or dark green, but it boils greenish white, and mounds up about 6 inches high, and quite literally, rocks the boat, and scares the stuffing out of me. Well, let's just say I'm happy" -- okay. "And in an instant later, I see bolting away, proceeding along where we wanted to go to the next bridge" -- and they go on.

What he was describing --

MR. KEATING: You may want to put your thing back, yeah.

MR. ULLMAN: What he was describing was the storm water pumps that go into that, and all of that water in

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this beautiful water, where you see mega-mansions and yachts, and it's the most beautiful waterway on all of Miami, the water is polluted. It's coming off of the golf course. It's coming from the storm water. It needs to be cleaned up because that water is going into Biscayne Bay. It's going into Biscayne Bay's aquatic preserve. That's a state aquatic preserve. It's going into the Biscayne National Park, and it's going into our coral reefs.

So my tie is of the coral fish, and they're still there. They're struggling, but they're still out there.

We still have these reefs, and we need to protect them because it's important to how many generations back your a family goes, but it's also important that your family continues to have a future here, and we need clean water to have a future.

MR. KEATING: Thank you very much. Speaker 57?

MR. MARCH: I'm Raymond March, and I'm a Florida licensed engineer. I've been working on storm water projects, particularly in the agriculture industry, for over 20 years, and I'm speaking today on behalf of come enterprises, a company with land holdings in Southwest Florida with interest in citrus, vegetable farming, and cattle ranching.

MR. KEATING: Could you just move a little bit

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closer to the microphone.

MR. MARCH: Sure. I spoke at the February 18 public hearing, and I appreciate the opportunity to provide some additional comments today. Today I want to focus my comments on what I see as a fundamental trade-off in the proposed EPA criteria, and that trade-off, it seems to me, is one of the expediency to get a numeric criteria in place quickly over the level of certainty that we get the criteria right. And this question of how to balance what is always imperfect information with a desire to get a protective limit in place, is inherent in many decisions.

While superficially it may seem that setting a very restrictive limit is the most conservative approach, unfortunately, things are seldom that simple in the real world. Well-intentioned rules which overreach can have unintended consequences and waste valuable resources.

The impacts from this rule on Florida agriculture are potentially enormous. I've seen estimates, and we've heard other people give numbers today, that it could be hundreds of millions, maybe billions of dollars in lost revenues and expenses, plus thousands of lost jobs. With the stakes this high, we need to take great care in getting the science right.

The Florida DEP has been methodically addressing Florida water quality through the TMDL program, and

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developing numeric standards based on water-body-specific biological assessments. This is a time-consuming approach, but it is necessary to develop scientifically supportable relationships between nutrient concentrations and biological responses.

The EPA nutrient criteria are based on a more expedient, but less rigorous reference approach without substantial biological validation. This more expedient approach increases the likelihood that the criteria will overreach scientifically and lead to the misallocation of resources. The financial resources available to address water quality, or any other environmental issue, are finite.

Cost benefit curves bend upwards progressively, so you get less improvement in water quality for each additional dollar spent. The DEP has asserted that 35 percent of Florida's most pristine surface waters will fail the EPA's proposed criteria. Resources spent in these basins will have little, if any, environmental benefit and resources wasted even, for the best of intentions, are still wasted.

The potential unintended consequences to Florida

agriculture of setting the numeric criteria lower than necessary are severe. Already there's a delay in the design and construction of planned water quality

improvements, approved projects, due to the uncertainty of meeting these new standards. We may undermine ongoing effective voluntary BMP programs. There may be a loss of agricultural productivity, profitability, and ultimately the loss of some portion of the agricultural industry in Florida.

Fewer resources will be available for other resource management activities, which benefit the environment, like exotic vegetation removal, habitat improvements or irrigation efficiency improvements. Certain ag uses with marginal profitability may be abandoned, and abandoned agriculture lands may negatively affect the water quality. The economics may result in agriculture intensification or the premature conversion of agricultural lands to other uses. There will be a loss of economic activity, employment, and tax revenues, and this will particularly impact rural communities. Food costs will increase, and we will rely on more imported food.

In summary, if we allow the DEP to continue to methodically develop numeric criteria, using a water-body-specific biological validation approach, it will take longer than it would to implement the EPA's proposed criteria. Therefore it is possible that some water bodies may remain impaired longer. However, we

need to weigh this risk carefully against both potential cost and unintended consequences of a rule which sets the criteria too low.

MR. KEATING: Thank you.

(Discussion off the record.)

MR. KEATING: We're going to take a 15-minute break.

(Brief recess was held.)

MR. KEATING: I think we're on Number 58. We'll just keep going through the numbers and try to pick up as many folks, and then we're going to -- as I said, we're going to go for half an hour, and then we'll have to break and let our folks get a bite to eat and get themselves squared away.

Speaker Number 58?

59?

MS. RESKE: Thank you, Jim. And how are you? I'm Sue Reske. I'm a licensed realtor in the state of Florida. I'm a founder of Greater Charlotte Harbor Group of the Sierra Club and an active member of the ongoing community organizations in and around Charlotte County. I'm going to make it quick, actually. My husband and I moved to this area ten years ago from the -- it was Chesapeake area, e specifically for the boating and recreational opportunities found in and around Charlotte Harbor. And I would personally like it if the EPA and

the DEP would consider lowering the proposed levels of phosphorus for the Bone Valley region. But in general I support what you're doing and appreciate the fact that you're here. Thank you.

MR. KING: Thank you very much.

Number 60?

MS. ROHRER: Kathleen Rohrer, Gasparilla Island, Lee

County. Wildlife rescue rehabilitation, sea turtle and shorebird monitoring, land preservation, trail clearing and monitoring, birding, citizen environmental activism, and I clean up okay.

Mr. King, Mr. Keating, thank you so much for being here today. We very much value that the federal EPA and the current administration are so sensitive to the compendium of scientific information that is available to you and to us, for those of us who are willing to listen and who are willing to learn to respect, rather than rapaciously consume our natural assets.

Florida has long struggled to protect our fragile environment, while growing the economy. A portion of the problem lies with the underlying objectives of the growth mentality. Rather than assess available assets and scale growth to the ability of our landscape to support specific types of human activity, our legislative processes direct resource managers to maximize extraction

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of those resources for economic gain. Limited attention is directed toward preservation of the resource, leading to the degradation and eventual depletion of said resource. Political will leans toward consumption, not conservation.

House Bill 1445, presented by the Florida Natural Resources Appropriations Committee, granted the Department of Agriculture and Consumer Services sole authority to regulate the sale and use of commercial fertilizer. This means that local laws already on the books are no longer valid, to highly extractive industries' benefit, agriculture and phosphate mining, both of which contribute heavy residual pollution to the environment and consume massive quantities of fresh water.

Senate Bill 550, presented by the Committee on Environmental Preservation and Conservation, deals with multiple water issues. This legislation includes important positive inputs, that include an expanded definition of pollution to include nutrients when their concentrations in water bodies cause imbalances in the ecosystem, and it directs the DEP to create nutrient -- numeric nutrient criteria for the state that will fulfill the USEPA mandate under the federal Clean Water Act. However, the proposed new language includes the

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statement -- and I paraphrase slightly -- Page 10, Line 285 that of bill, "To protect water resources and to meet current and future needs with abundant water." This language once again reenforces the concept of consume rather than conserve.

As a resident of Florida and as a citizen of Earth, I welcome the participation of the United States Environmental Protection Agency in the critical effort to establish strict water quality standards for Florida's diminishing and precious water supply. Thank you.

MR. KING: Thank you. Speaker 61?

MR. TILTON: Good afternoon. I'm Andy Tilton, a civil engineer, and I work at Johnson Engineering here in Southwest Florida. I'm a lifelong resident of Lee County and, at 52 years, the Seminoles would say I'm just a newbie. They might ask who's going to be leaving so that things would get back to the way it was 150 years ago when they came.

One of the things that I find interesting is how many people want to have things cleaner, but don't want to pay for it. One of the reasons China has the water system and it has is because it doesn't pay anything to clean it up and it sells products on our market at very inexpensive price. They're not willing to pay the price to clean it up, and so it's challenging for businesses here to compete with a business there that has a whole different operating system.

It's the same problem that our farmers here have with being able to sell a tomato, when they compete with Mexico that sells a tomato grown under a whole different set of rules and regulations. Until we have some way to make those things equitable, this is going to be an extreme burden on the state of Florida economically. And I know people say, Well, economics shouldn't play into it. But if we all go out of business I don't think there will be much left here to worry about protecting. So somewhere there's got to be that balance, and I don't envy you, Mr. King or Mr. Keating, having to work on this. I think actually the DEP probably IS happy that you took the first stab at it because you get to get beat on first.

The other thing is that I hope the people that spoke today and asked for more or better more quality from their sewage treatment plants, I really would like -- wish they were still here, and that they would come to the public service commission meetings and the other meetings when the rate increases are discussed to pay for these, and to stand up and say, Yes, I want higher rates for my utilities to pay for this higher water quality because it will take additional money.

Three things I would like to ask you to take a -- or four things I would like you to take a look at, as you're looking through the rule. A couple of the earlier speakers spoke about how in -- south of here, in parts of Lee County and Collier County, there's some natural streams that today fall within the south area, which is basically canals. And they are natural streams, and I think they need a relook at. Here in Lee County there's a couple of major areas that are canals that fall in the Caloosahatchee and may need to be looked at a little bit differently. So those are two technical areas in streams and canals, that the areas kind of intertwined. There's some natural, some man-made, and I think a little more definition there is more warranted.

Maybe it's just my misunderstanding, but I haven't seen what the implementation period is going to be, and maybe it's clear in the document and I just haven't found it. I just would encourage an implementation period similar to the TMDL process, over a five to 15-year time period, so that -- we don't need to wait until year 14, if it's a 15-year period. We need to work towards it, but a lot of these things take several years to get a permit to build after it's designed, and then to put it in place, and get things running.

I'm not sure why we would need to do a site-specific alternative criteria in areas that a TMDL is already established, since the EPA is involved in approving the TMDLs. I would -- and maybe I misread that, but I would

hope that, if a TMDL is approved, that it already satisfies that site-specific criteria.

And the last thing is, I would encourage consideration of an annual loading to establish the criteria for a water body because simply having the concentration doesn't necessarily tell me what the receiving's body is going to get. And if I have an annual loading -- there may need to be an extreme upper concentration because there might be some harmful aspect, but I don't think that should be the sole measure of meeting or not meeting the criteria. And with that, I thank you, gentlemen and court reporter, for listening.

MR. KING: Thank you.

Number 62? 63? 64? 66? Raise your hand when I come to your number. 67? 68? Thank you.

MS. RUFF: Do you need my ticket?

MR. KING: I see it.

MS. RUFF: Okay. My name is Rhonda Ruff. I live in Clewiston, Florida. And I -- while waiting, I typed my comments, to not subject you to my rambling. As a resident of Florida since 1997 and a frequent visitor since the late 1960s, I advocate for the implementation

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of strong numeric nutrient standards for Florida's water as soon as possible. Neither Florida Department of Environmental Protection's enforcement of our current narrative standard nor its attempts to implement numeric criteria have been effective in maintaining acceptable water quality in this state.

Before moving here, I lived in New Jersey, where I was received my degree in chemistry.

Can I lift this? Does it work if I do that? Okay.

Where I received my degree in chemistry from Rutgers University and worked as an environmental analytical chemist for seven years. I think moved into advocacy work, where I provided technical support for citizen suits under the Clean Water Act, lobbied for watershed protection from nutrient, pesticide, and mercury pollution, and coordinated public participation for the New York New Jersey Harbor Estuary Program.

In Florida I worked for the Seminole tribe of Florida water resource management department as a regulatory liaison and in educational outreach. I have always been in love with the Everglades, that historically oligotrophic ecosystem which has been choked by a combination of nutrient-loving exotic vegetation and a canal system originally intended to make it safe and useful to economic interests.

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Being hot and flat, Florida is challenged with maintaining dissolved oxygen in its natural surface waters. Slowing and stopping the flow makes it worse, and adding nutrients adds fuel to that fire. Aquatic fauna do not stand a chance, especially if we consider the warming due to climate change.

My family and I enjoy fishing in canals, canoeing, kayaking, and tubing on the rivers. Our favorites are the Loxahatchee, Imperial, Withlacoochee, Ichetucknee -- are you getting all those? Turner, Suwannee Rivers, and Fisheating Creek. We fish in the Gulf of Mexico and on Florida Bay, on the west side, and we snorkel and scuba on the rock and coral reefs on the East Coast.

The reefs are now just beginning to feel the impacts

of nutrients which have been carried in the groundwater which originates in the Everglades agriculture area. It's about, I understand, a 50 or 60-year trip underground. So even if all application halted in EAA today, legacy nutrients would haunt the reefs well into the next century, as well as the well water in between. Our -- oops. Our very favorite Florida waters by far, though, are the springs, the beautiful, cold, sacred springs. Nutrients have invaded these precious jewels and are turning crystal waters cloudy.

I now live on the Big Cypress Seminole Indian Reservation, about 50 miles south of Lake Okeechobee, where we receive surface and groundwater that has Everglades Agriculture Area nutrient and chemical contributions. The STAs are routinely treated with herbicides to control overgrowth of vegetation, which is due in part to the nutrient-laden waters, which they are intended to treat.

So along with the nutrients come other hazardous chemicals, which find their way into our well tap, canal waters, and wetlands, unbeknownst to the innocent locals, who catch fish, frogs, turtles, and alligators there for personal consumption. This situation is no different than the coastal counties which rely on ground and surface waters for their individual and municipal supplies. Municipal treatment often adds insult to injury, as we know, by chlorinating the decomposition by-products of eutrophication, which the nutrients contribute to, otherwise benign precursors, turning them into in confirmed carcinogens.

Although we are in very tough economic times, treatment is more expensive than prevention, and I believe this has been mentioned earlier today. We are painfully late in implementing these critical standards, but hopefully not too late. So many innocent lives are depending on EPA's action on our behalves. Thank you very much for being down there.

MR. KEATING: Thank you very much.

Number 69? 70? 71? 72?

MR. CARTER: Kevin Carter, South Florida Water Management District. I'm coming back tonight, so...

MR. KEATING: Okay. Thank you, sir.

73?

MS. PETERSON: Thank you. Hi. My name is Melanie Peterson. I come from Palm Beach County, Florida. I'm here representing the Palm Beach County Soil & Water Conservation District.

First, let me tell you that -- a little bit about myself. I'm a graduate of FAU with a degree in geography and environmental resources. I've sat on several boards locally in our county and then statewide. I was a Marshall fellow. I'm a full-time farmer with the successful horse training business in Delray Beach, Florida. I live in the ag reserve, approximately 20,000 acres of farmland, where all of your winter vegetables are grown.

I'm proud to say that at my house, where I am surrounded by all the vegetables grown in South Florida, that I have otters playing in our canal. I have fat freshwater birds eating fish all day long. We're very happy with our community down there, and I'm very proud

of our water and soil and water conservation district because we participate in the best management practices cost-share program administrated by our district in the ag reserve. So we administer that program to our growers because the ag reserve is county land leased back to the farmers. And so they're held to strict regulations and are monitored by our staff to ensure compliance.

The Palm Beach Soil & Water Conservation District works with Palm Beach County in the ag reserve on lands purchased by the county with funds from the March 1999 Conservation Lands Bond. Land in the ag reserve is leased to growers for agricultural production, and the district works with lessees to customize a three-year best management practices plan based on the crops grown. Through our partnership with the USDA NRCS, the district also provides lessees with maps, indicating locations of all field and water control structures, as well as soils, maps, and interpretation. The plan provides ongoing assurance that acceptable agricultural practices are conducted in the form of verified implementation of best management practices.

So in the comments earlier today, just listening, to it was interesting to me because I'm from South Florida, and we've been regulated for so long, and we've been doing this for long, and we've been successfully

achieving water quality standards for a very long time. We all want clean water. We all want to continue the practices that we know are successful and that we are successfully docketing -- you know, the nation can look at what we're doing and see an example of how it can be implemented.

So we're concerned that because we're already adhering to standards, that were in place for the last 15 years -- and there are standards that were adhered to before there were even regulations. We've got cattlemen that started the best management practices program, you know, 30 years ago. They wrote the book before it was written for them. They helped write the book.

So we support FDEP. We support the TMDL program. We feel that by restructuring our water quality standards and regulations to an impossible goal, by far agriculture in Florida will suffer the most. We don't want to punish a valuable tax base to our state, when the biggest offenders are really the uneducated homeowners in suburban and urban areas. You know, a lot of people talked about, you know, it used to be like this, and ten years ago it was like this. Yeah, it was.

25 years ago, when I moved it here, it was a completely different place, and what's changed is, is we have increased our population. So when we increase our

population, we increase our pollutants on the environment. The one thing that hasn't changed is that the farm -- the farming has actually gotten lower in numbers. We've lowered the numbers of farms. We've increased the amount of concrete. We've increased the amount of homes. We've increased the amount of toilets flushing into the ocean.

So what we need to do is think about what we can do to educate homeowners on overfertilizing their lawns, on thinking about where their sewage is going, on lobbying

their local government to clean up its act. So we don't need the EPA to come in and usurp our local government authority. We need to govern ourselves on a local level. We're very proud in South Florida of our efforts, and I have to disagree with the lady before me as far as the EAA's water is concerned. The water that comes out of EAA is actually cleaner than what comes into it. There is evidence of that.

Finally, I would like to read an excerpt of the Right to Farm Act. "The legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental

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resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state.

"The legislature further finds that agricultural activities conducted on farmland in urbanizing areas are potentially subject to lawsuits, based on the theory of nuisance, and that these suits encourage and even force the premature removal of farmland from the agricultural use. It is the purpose of this act to protect reasonable agricultural activities conducted on farmland from nuisance suits."

We thank you for your efforts today. I really appreciate your time.

MR. KEATING: Thank you very much.

Number 74?

MS. WILLIAMS: I wish you would thank the people who gave up their seats for us to let us go early.

MR. KEATING: Yes. If there's anyone who's still here who decided to wait for this evening, thank you very much. We do appreciate that.

MS. WILLIAMS: My name is Carol Williams, and I live in Palm Beach County, the largest agricultural county in

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the state with a great population of urban dwellers also. I know from working with the farmers that this area -- in this area that they take this issue very seriously. Our growers have been using best management practices for over 15 years. In fact, Florida farmers are some of the most progressive and environmentally aware farmers in the world. They do not misuse chemicals because it is not a good practice for their business or their land. It is very expensive and, most important, their families there live there.

They are caretakers of the land and natural resources, specifically water, and with their care, it will continue on. They have invested millions to clean their water, reducing nutrients to the point where they are well under the required levels, making the water cleaner than rainwater. They continue to do more with less every year, but when is enough, enough? When is regulation on agriculture unreasonable? There must be logic and reason. Regulations must be driven -- must not be driven by fanatical environmental extremists and lawsuits.

The EPA's federal intervention disrupts Florida's successful and ongoing water quality restoration efforts because it will unseat the state's water quality that forms the basis for ongoing restoration programs, such as

the numerous state total maximum load initiatives. It also just disrupts our state's BMP programs, as dollars for this are very limited, due to the recession.

Florida is a national leader in protecting its waters from the nutrient pollution. This is why 30 percent of the nation's water quality data is from Florida. I would like to point out that photos in your booklet that you passed out, Page 5 shows pollution in the densely populated Lake Manatee area. The population around the lake is very dense. All the other photos are in populated areas. Why is it that everywhere populations explode, pollution follows? Why is the water and land in agricultural areas pristine until development moves in?

Farm families drink their water and eat its fish, yet are generally a healthy part of the population. Why do urban dwellers buy that little place in the country? Because they know it is pristine and beautiful. At nearly one-mile increments all along our coastlines there are sewage outfalls, each one spilling -- each one spilling millions of gallons of only partially treated sewage into our waters, where we swim, swallow water.

Our urban homeowners can buy all the fertilizer they want, mostly burning their lawns and putting too much on too often, and yet we blame agriculture. This is a

shame. We need Mr. and Mrs. Homeowner to take a look at themselves. What do you pour down your drain and throw on your grass or in your driveway? It doesn't just end up in your driveway. It ends up in your water. We need to stop pointing fingers and work together collaboratively to seek a solution that we can all live with. Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you. Number 74? Oh, I'm sorry, that was you. Number 75?

MR. STIBER: Hello. My name is Don Stiber. I'm from Sarasota, Florida. I have -- I bring my own perspective. In 1992 my house got destroyed by riverine flooding, storm water flooding, sewage 4 feet deep. When I went to a meeting a while -- a little while later, there was after that meeting a restaurant get-together with the local developers, and I was sitting at another table. And they were celebrating that they got something done, some rule that -- that they want defeated.

And while they were there they said, Well, what about Colonial Gables? Which was next to their development of a hospital. And one of them look at them, who happened to be the developer, and he said, Well, hell, we didn't build them houses not to flood; we built them for Yankees to buy. That's part of Florida history.

The second thing I'm going to say is, coming here and saying, Well, my family has been here, oh, forever -- well, my family was in Ohio forever, and we worked in a fairly prestigious area. My first job was on the Cuyahoga River. I was helping weld. And the first warning I got was don't fall in because you can't swim

out of the river. Two years later the river went on fire, miles of it. Every day I turned on my windshield wipers from the soot from the sulfur coming out of the mills.

I moved down here to Florida to go fishing, to bring a nice life for my family. I haven't fished in 10 years because the water right here doesn't support fishing any longer, not real fishing. If you're 30 years old, you don't know. But if you're older than that and fished down here, you know what happened. In the middle of all this, I've gone to public hearings on water for years now.

And up in Cleveland, I would say that there was no corporate conscience for 70, 80 years, while the mills pumped everything they possibly could into the Cuyahoga River. Then suddenly, when it went on fire, then there was a corporate conscience and everybody from the mills showed up at meetings and said, Oh, man, these new rules, they're going to put us out of business.

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Florida is for people. It's not just one thing. But there are a myriad of problems. The difference here is that I'm delivering you a narrative. And the primary part of the regulations that you're looking at is to get some type of specific numbers, so that we don't have to say, I came from here, I came from there, I do this, I do that. Okay?

You can look at some type of empirical evidence. If the narrative is going to continue forever, you will not get anything cleared up. If you have some type of number system established, if it's wrong -- if it's wrong for the farmers, it can be changed, but you need to start. This water has deteriorated. The storm water systems are just now starting to come up to speed. The Greeks managed water, but Florida couldn't when it developed for the last 60 or 70 years. That's all I have to say. Thank you for your time.

MR. KEATING: Thank you for your comments. Number 76? 77? Is there anyone left in the audience who would like to speak? Sir?

MR. McCABE: 79.

MR. KEATING: Oh, I was so close.

MR. McCABE: My name is John McCabe, and I'm the president of the Bayous Preservation Association on Sanibel, which represents about 350 homeowners on Clam

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Bayou, Dinkins Bayou, and Roosevelt Channel on Captiva. In addition to that, I'm vice president of the Ding Darling Wildlife Society, the friends group for the national wildlife refuge on Sanibel Island. And my comments, very specifically, are not directed at city homeowners or farmers individually. They're directed at all of us. This is all of our water, and we all have to take care of it.

There's no doubt that our waters are polluted and contaminated with sewage, fertilizer, and manure, and efforts to date have not been effective. This has threatened our public health, our ability to use our lakes, rivers, and waters, and it undermines our tourist economy and waterfront property values. The proposed rule is essential, it's practical, it's fair, and it will give everyone the numbers needed to manage our system. We've outgrown the ability of the natural system in South

Florida, or in Florida, to manage all of -- all that we throw at it.

It's our position that the objections, such as this rule was implemented expediently, are not valid, and we would counter that delay is the surest form of denial. The only unfunded mandates that we are really concerned about now is the necessity that all of us downriver continue to deal with the pollution that is sent down to

us. The only fertilizer that we're worried about -- we certainly do not want to see our agricultural colleagues lose their production, and the only fertilizer we're worried about is the fertilizer that plants don't use that wash down the waterways and cause all the problems that have been talked about today. There are practices in this country and other countries that have shown that that's not necessary today.

I've also been on the green committee of a golf course for a number of years that just happens to be within the Ding Darling National Wildlife Refuge. We've lived with federal control of what we can and can't do on the water. We don't have any problem with the standards that you're proposing. It can be done. Once we stopped complaining about it and put our mind to it and said how can we do this, we've been very effective. We monitor our lakes, we monitor the water that leaves the refuge -- or that leaves our golf course, and we do not believe we'll have any problem complying.

My training in process management has taught me one thing: What gets measured, gets done. What gets measured, gets done. Without these numerical limits, we will not be successful, as we've not been in the years past. We certainly appreciate your effort. We applaud the rules. We think they're reasonable as they're

written. We haven't -- we haven't had an engineer finish looking at it, but the first blush is they don't see any real problems. They feel that they're reasonable and their implementation periods, et cetera, are reasonable. The way they're divided up around the state makes sense. And so we are completely in support of them and would like to go on record and wish you well. Thank you.

MR. KING: Thank you very much.

MR. KEATING: Thank you. Is there anyone else in the room who would like to speak? Okay. Well, thank you-all for your patience with us, and we appreciate very much everyone's resilience in attending this session. We're going to go ahead and close down this session, and we will pick back up beginning with the numbered speakers who were scheduled to speak this afternoon, at six o'clock this evening. Thanks again.

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(The proceedings continue in Volume II.)