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U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC HEARING

Proposed Water Quality Standards for the State of
Florida's Lakes and Flowing Waters
Docket ID No. EPA-HQ-OW-2009-0596

Harborside Event Center
1375 Monroe Street
Fort Myers, Florida 33901

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Volume II of II

Panel:
Ephraim King
Jim Keating

MR. KING: Good evening. We're going to start in a minute or so the evening session of this public hearing that is basically to hear the public's input, questions, comments, and views on EPA's proposed -- January proposed rule to establish numeric nutrient standards for inland waters in the state of Florida.

I have to tell you that we weren't able to get through all the folks this afternoon, so there will be a few -- there may be a few folks who wanted to testify. They'll start up this evening. When we finish up with those, I will then go into a somewhat longer presentation, and Jim will provide an overview of what the rule looks like. So you're going to be -- you're going to experience a little bit of a disjointed part here, where the folks who already heard this spiel this afternoon, they just get to come up and finish their remarks. And then we'll start fresh and explain sort of the broad perspective of why we're here, the background, the public comment period, and then we'll give you sort of an overview of the rule.

So let me just ask, are there any folks here from this afternoon who did not get a chance to speak who would like to start first? This gets simpler and simpler. Okay. Great.

Well, welcome. My name is Ephraim King. I am director of the office of science and technology in the office of water at USEPA in Washington, D.C. To my right is Jim Keating, who is the senior technical expert on nutrients in our office, and Jim and I are going to be teaming up to help this process work.

I want to thank everybody here so much for coming out. I think the evening sessions -- for some people they're a convenience, but for many of us it's hard

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because you've got to either leave dinner or leave other commitments or -- it's a little bit more difficult, occasionally, for folks to come out, and we very much appreciate the fact that you're here.

What we're talking about this evening is EPA's January proposed numeric standards -- nutrient standards for inland waters in Florida. These standards were developed to implement an existing Florida narrative standard, and the goal of this rule-making is to facilitate and expedite the implementation of those narrative standards and the fundamental objective of the rule is to basically address the public health concerns in the State of Florida that are associated with elevated

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nitrogen, phosphorus levels.

It is to do everything possible to strengthen and to support the economic prosperity of the state, which is tied very closely to clean and safe water. And finally, it is intended and we expect will create an effective path forward to providing for more effective protection of all the aquatic -- the unique and remarkable aquatic resources that are in this state, for which it's justly famous, but which at the moment are under some considerable threat from increasing nitrogen and phosphorus pollution.

This is a public hearing, and so we look forward to hearing your thoughts and comments. Those tend to fall in a couple of different areas. Any feelings or views or opinions you have, just about any aspect of the rule, we welcome. We also particularly appreciate, if you have any particular thoughts about any of the technical analysis that the rule reflects, do you think that we have failed to analyze or understand available data appropriately, and would you suggest that we take a different approach? Do you think perhaps that we have missed something? Is there other information you would like to be sure we're aware of. That's -- those are the sorts of things that help us immensely, if that's something that you have information on.

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Otherwise, just getting your viewpoints and your judgements as to what aspects of the rule, to you, seem to be appropriate, which aspects, to you, seem to be -- you would prefer a different approach? That's really what we're here for. One person this morning indicated that she was concerned that we would like or not like somebody's comments. I can -- I can assure you completely that we value all of these comments.

And I want you to know that there's a court reporter here, and all your comments will be transcribed. So we're going to be asking you, as you come up to the podium, to state your name and affiliation. And then we'll listen to you this evening with great appreciation, and then we'll reread all of these comments at least once, if not more, as we go through the final rule-making process.

So let me just briefly give you a background as to what this rule-making process is, for folks who may not be fully familiar with that. At the federal level rule-making process, this is referred to as an informal rule-making process under the Administrative Procedures Act, and this is the process by which most of the Environmental Protection Agency's are done. It's often

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referred to as a notice and comment rule-making process, under which EPA develops a proposal, based upon the best available science and data. It then takes that proposal and it puts it out in the Federal Register for public comment.

Public comment is among the most powerful and effective ways for EPA to evaluate whether or not its proposal is on target or whether there is some aspect of it that can be improved or strengthened with the benefit of additional input. So we regard both this public hearing, the one this morning, and the ones that we're going to be doing a little bit later in the week as being very valuable opportunities for us, and so we thank you for being here.

Following these series of public hearings, we take these comments and we will consider them in conjunction with all the formal written comments that we get on this rule, which are due by April 28th. In that regard, let me remind you that if for any reason you have to leave early and you can't speak, or if you've spoken and you remember one more thing you wanted to say, please remember, we welcome your written comments, and in the materials outdoors out in the hallway, there are the addresses of where you can go ahead and submit those written comments.

Now, I just saw some more people come in, so let me just check one more time, if I may, before I turn the microphone over to Jim Keating to provide an overview. Are there some folks here from this afternoon who were not able to speak, in which case we would welcome your coming forward and -- at this time and offer your comments. After that we'll have Jim provide an overview of the rule, and then we'll go ahead and start the evening session and get your comments on the rule. So welcome.

Thank you.

MR. KEATING: What number are you?

MR. CARTER: I was Number 72 this afternoon --

MR. KEATING: Thank you.

MR. CARTER: -- but I was able to defer.

MR. KEATING: We appreciate that very much.

MR. CARTER: Kevin Carter, South Florida Water Management District, and welcome back to Florida. Speaking of appreciation, we appreciate the EPA holding these second series of publish meetings starting today in Fort Myers, tomorrow in Tampa, and the following day in Jacksonville. And perhaps more importantly, we really appreciate the EPA extending the comment period for 30 days for the written comments. As you are aware, it's a very -- a lot of information to go through in a short period of time, and the extra 30 days definitely helps.

The district supports numeric nutrient criteria. We believe it is important to have clean water quality, good water quality. We, however, feel that any numeric nutrient criteria needs to be based on sound science. It also needs to allow sufficient time to build that science, in order to have the type of rules that are indeed protective of Florida's waters. We feel the EPA has actually taken a step in the right direction by reevaluating the SPARROW model. That was one area of the

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rule where we felt needed more time, and we appreciate you deferring that until next year.

We also feel there are several other areas of the rule that need more time to be evaluated before this rush to judgement, based on the artificial time lines placed on you by the consent decree. One of these areas would be the canals, South Florida canals. In our experience in our inventory and of the science currently available for South Florida canals, we are not aware of any comprehensive study that allows us to know exactly what type of ecology we are trying to protect. Without this knowledge, we feel going forward with numeric nutrient criteria is premature.

For example, we have not found any studies or are aware of any sort of documentation of the chlorophyll a criterion, what it is protective of, and why it's being suggested as a criterion. In addition to this rush to

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judgment for the rule, we feel that from our looking at the documents that are in your appendices and that -- your additional website documentation, we have not found any peer review of the South Florida canal portion of this rule. We also have not found it in your scientific advisory board draft peer review. So we feel that before you would go forward with any rule-making, it is important to have your external scientific peer review process go forward.

The reason -- one of the many reasons to want sound science for this rule-making process is for us, in the restoration initiatives that are currently underway across our great state, as you're aware, the South Florida Water Management District is partners with many federal agencies, particularly the U.S. Army Corps of Engineers, on the comprehensive Everglades restoration plan. So far, the State of Florida has put in over 1.8 billion dollars of investment towards this plan, and in recent months the federal government has also been stepping up, as we now have two ground-breaking projects within the district.

This rule has the potential to make us go back, retrofit projects already in the ground, redesign projects, have to acquire more land. In addition, we have permitting issues that we're unclear of how we can

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go forward. We also have this issue known as cost-sharing of water quality projects within CERP. The original 1996 Water Resources Development Act allowed the Army Corps to cost-share on water quality projects, and through several planning initiatives and projects, including the Yellow Book, 22 components of CERP were found to have water quality attributes.

We are worried that this potential rule -- this proposed rule, as written, has the potential for our cost-share mechanisms with the Corps to not go through. We are unclear at this point where the Corps is with this issue, but based on some previous experiences, where other TMDLs had caused our cost-share not to come to fruition, having science-based numeric nutrient criteria that is not protective of the environment, that will still affect these restoration projects and potentially the cost share that we have with the federal government, is something we really would like EPA to address because Everglades restoration is a comprehensive effort.

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It's more that just water quality. It's water quantity, it's timing and distribution of water, and all those components need to be taken into account in the grand scale of this restoration effort between your state, your local partners, and the federal government. Again, thank you for coming back to Florida, and we look forward to seeing you in the next couple of days.

MR. KING: Thank you very much.

Anybody else here from this afternoon who did not get a chance to speak? Okay. Well, we thank Mr. Carter. He had the courtesy and willingness to let some other folks go ahead of him this afternoon. They had some other commitments they were trying to reach, and so we appreciate your -- that flexibility.

I'm now going to turn it over to Jim Keating, who's going to provide you with an overview of the proposal in January, to give you a sense of what's in it. And then after that, we'll go ahead and I'll tell you the process by which we're going to hear your comments, and we'll go ahead and start.

MR. KEATING: Thank you. I'm going to make my remarks rather brief because we do want to get to all of your remarks and not make it too late an evening here for folks.

But there are three things that I kind of want to cover. The first is nitrogen and phosphorus pollution, and some basics about that, and how that has affected Florida waters. I also want to talk about water quality standards and what are the critical components of that. And then lastly, I do want to briefly go over how those two components come together in our federal rule proposal that we put out in January of this year.

So phosphorus and nitrate pollution. This is excess levels of what we call nutrients that arrive into our water systems, and one of the biggest things that they can cause that are detrimental to our natural waters is a growth of unwanted and nuisance algal species. Now, algae are a normal part of the ecosystem, but in excess amounts and in the wrong types the species composition, it can cause real problems in the water quality.

For example, the species Lyngbya is a detrimental algae that smothers the natural grass that is used as habitat and a food source for aquatic animals, such as the endangered manatee. And also, this particular algal species produces toxins that are potentially harmful to human health, as well as the animals. Another example of a harmful algal species that we see frequently in the state of Florida is Microcystis. Microcystis produces a toxin that can cause liver damage. It can also poison livestock and wildlife.

So this excess algae that we see in our waters not only discolors the water, but it's harmful to the ecology, and it is also produces human health risks, and as it decays and is decomposed in the natural water, it can deplete the water of the dissolved oxygen that's necessary to support fish and shellfish. We also have a concern with algae in terms of its human health effects, when it is present as a -- in drinking water sources because of the disinfection by-products that can result, that are associated with cancer and other illnesses.

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In terms of nitrogen pollution, we also see an inorganic form of nitrogen called nitrate that, in heavily elevated amounts in source water, can produce very harmful effects, particularly in infants. And we see violations of what's called the maximum contaminant level for this effect that do occur in Florida wells and in Florida groundwater, and we understand, you know, that there is quite a connection between surface water and groundwater in the state of Florida.

Florida has an enormous amount of water resources within the state, both freshwater and estuarine, as well as a large number of freshwater springs. And a large proportion of these have already been identified as being impaired from excess nitrogen and phosphorus pollution, and not all of the waters have gone through the assessment procedures. So we see that this is a continuing threat and a detriment to the state's resources that are very valuable for a number of reasons.

I do want to run through a few pictures of what these impairments can look like in the state, so you get a sense of, you know, some of the adverse effects and

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what they look like. This is a picture from a lake near Bradenton, Florida, called Lake Manatee. This is actually a water supply reservoir, and you can see -- this is a Microcystis bloom, along the fringe of this particular part of the lake, and there's a close-up shot on the right that shows its effect on -- certainly on clarity, as measured by that Secchi disk.

This is an older picture from Lake Apopka in Central Florida, but it shows you what an algal bloom on a large scale for an entire lake can look like.

This is a picture from the up in the Panhandle, about an hour west of Tallahassee. This is Merritts Mill Pond, one that's noted for its boating and its -- its fishing potential. And there's a -- there's a particular algal bloom that's affecting that water as well.

Also in Panhandle, this is from Lake Munson, a close-up of a Microcystis bloom that's present in that particular lake.

We see that this issue not only effects lakes, but it also flowing waters, rivers and streams, throughout the state. This is a picture that's closer to our location. This is the Caloosahatchee River at Olga, Florida. It shows a Microcystis bloom that's not only affected the water that's flowing there, it's also -- you can see its remnants there on the banks of the river.

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This is also the Caloosahatchee River, near the Franklin Lock, and I think it's a good illustration of what the water will look like without the presence of algal bloom, and with the presence of an algal bloom. You can see the distinction because of the physical barrier that the lock creates.

Further up north, this is a picture of the Saint Johns River, and can you see -- this is a fairly recent picture, as are the next series. This is another Microcystis algal bloom that's affecting that particular water, and another picture.

What we can see is that when we have conditions such as this, it puts many things that we care about with our water quality at risk. It puts at risk ecology. It puts at risk human health. It puts at risk recreation,

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tourism business, property values. And these are the kinds of use attributes to our waters that are potential compromised.

This is a close-up of an algal bloom again, on a tributary of the Saint Johns.

A little bit further south of that -- and this is the Saint Lucie River, about an hour north of West Palm Beach on the Atlantic Coast, again, a familiar pattern of the bands of algal species.

This is a picture of a freshwater spring. This is

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the Weeki Wachee Spring, a couple hours north of Tampa. And you can see that image from the left is from the 1950s, whether very clearly you can see the native grasses and the clarity of the water. The picture from the past decade on the right is the same stretch of the Weeki Wachee River that has been overtaken by the Lyngbya algal bloom, and it has detrimental effects. It smothers out the natural grasses and reduces the clarity.

We also see algal enrichment and blooms in Florida's canals, and this is one on the East Coast that drains into Biscayne Bay.

Florida does have protection for nutrients in their water quality standards, but it's done through a narrative statement, which is basically a sentence that reads what the desired condition should be, and it speaks to no imbalance of flora and fauna as a result of excess nutrients. And the issue that exists with just a narrative statement is that it often takes time to implement. It's a slow process to figure out what the specific targets are for restoration and for permitting sources.

And another aspect of the narrative is that it can be somewhat of a reactionary type of an approach, where you don't really implement it and start solving the problem until it's already shown itself to be an issue.

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With numeric criteria you have the ability to operate in more of a preventive mode, so that we can look at the targets that we need for water quality and address the sources before it gets to a point of exhibiting the kinds of adverse effects that I just showed you that are occurring throughout the state.

Phosphorus and nitrogen pollution comes from many sources. It comes from the runoff across the landscape, from urban and suburban settings to agricultural settings, as well as from discharges from point sources, municipal treatment plants, some industries, and leakage from faulty septic systems. We also know that better treatment and imposition of management practices on the land can reduce the flow of nutrients and eliminate them from causing problems in our waters.

Now, a note on water quality standards and what they are, a couple key components. They include both what we call designated uses, and this is kind of what we want out of our water -- aquatic life protection, recreational use, swimming, human health protection -- as well as water quality criteria, which are specific levels of pollutants that, if you attain those, you will have those uses that we described.

Now, Florida has already classified the majority of their waters into designated uses that meet the goals of

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the Clean Water Act, and specifically there's Class I and Class III waters, that share a protection for aquatic life, in terms of a healthy, well-balanced population of fish and wildlife, and they also share criteria for human health protection.

The EPA has recommended numeric nutrient criteria since 1998, and more recently we had the opportunity to confer with our colleagues in the Florida Department of Environmental Protection, who agree that numeric nutrient criteria are necessary. And we made a specific determination that they were necessary and needed in January 2009, and later on that summer the state agency actually proposed a set of numeric criteria and presented it in public workshops.

One of the things that has led us to this point today is a legal agreement that we entered into in August 2009 with several environmental nongovernmental organizations that basically put us on track to do two rule-makings. One is numeric nutrient criteria for inland freshwaters, for lakes and flowing waters, to be proposed in January, and going final in October of this year. A second rule will follow next year, for estuarine and coastal waters, again to be proposed in January and going final in October.

To do these, we have relied on the extensive amount

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of data that has been collected by the State of Florida, as well as analyses that the state agencies have done, and some of our own analyses that we conducted at EPA. There are enormous amounts of data for lakes, rivers, and streams, springs and Florida canals. There are thousands you of sites and tens of thousands of samples, and it all adds up to hundreds of thousands of records that were at our disposal for this rule-making effort.

For lakes, we were able to group lakes into distinct categories, based on their natural color and their natural alkalinity. And those features really kind of help explain what the expectations should be for the kinds of algal and other plant productivity that should be present. And then we were able to use those chlorophyll a targets -- and chlorophyll a is a light pigment that measures plant productivity and is a good indicator of algal growth.

We use correlations between chlorophyll a levels in the lakes and levels of total nitrogen and total phosphorus. And these field date helped us determine protective criteria for lakes. This chart briefly summarizes what they are for each category of lakes, in terms of chlorophyll a, total phosphorus, and total nitrogen.

There are baseline criteria that we set for the

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nutrient levels in each category, and then we have a feature in the rule that, if that particular lake is meeting its chlorophyll a target, meaning there's no detrimental levels of primary production, and there's sufficient data to document this, then we can adjust the numeric total phosphorus and total nitrogen criteria within a certain range here, upon demonstration.

For rivers and streams, we took a somewhat different approach to criteria development. For these waters we divided the state into distinct geographic areas, based on their underlying geology, and we looked at an

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indicator or measurement that the Florida Department of Environmental Protection has for healthy biological conditions called the Stream Condition Index. It's basically going out and measuring, you know, a lot of the bugs that live under the rocks in the rivers and streams, and counting them up and figuring out what species are present, and from that information you can tell whether or not the streams are healthy or not. We took the levels of total nitrogen and total phosphorus that is present in those demonstrated healthy biological systems, looked at their distribution, and chose a representative value to be protective as numeric nutrient criteria.

This slide shows those different geographic regions of the state. You can see that the Panhandle is distinct

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from the Peninsula, and you can also see that there are distinctive areas in the Tampa-Sarasota region, called the Bone Valley, and also in the North Central region. These are distinct because those regions have a lot of naturally occurring phosphorus in the soils, and therefore there would be different expectations for the nutrient criteria in those regions. Another region that's distinct is the South Florida region. This is one that is overwhelmingly dominated by man-made canals, and those systems we took on with a separate approach for criteria development.

In terms of the rivers and streams protection, we know that these waters flow, and they flow into rivers, or they flow into estuaries. In some cases those waters that they flow into are more sensitive, in terms of their effects of nutrient enrichment, than the flowing water themselves, and so we have approaches for making sure that those downstream waters are also protected. For lakes we have a simple equation that relates concentration in a lake to concentration in a stream, and that can be used as a check, to make sure that the numeric criteria that you're applying to rivers and streams are indeed protective of those downstream lakes.

For estuaries you'll recall that I said that we were doing a separate rule-making effort in 2011 to address

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estuaries, but we went ahead and got a head start and proposed what we call downstream protection values for those estuaries that we would apply within the streams in the watershed. And to arrive at those values we used a particular model called the SPARROW model, that was developed by the United States Geological Survey.

A couple features of these downstream protection values is -- one of them is that they tend to be more protective, more stringent than the comparable values for rivers and streams, to protect those healthy biological conditions. We did indicate in our proposal that, although we wanted to take comment and present this approach, we intend to finalize this aspect of the rule as part of the 2011 rule-making. And we recently reiterated that intention to a letter that we sent to the State of Florida.

In terms of springs, we had a wealth of information from both field studies and laboratory studies, that kind of look at where is that tipping point in nutrient enrichment where we start seeing a turnover to a Lyngbya or other nuisance dominated type of system. And we were able to identify a criterion, largely through the work

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that the Florida Department of Environmental Protection has done, for nitrate and nitrate, which is the inorganic forms of nitrogen, and we have a criteria for springs and for the clear streams that flow from them.

For the South Florida canals we recognize that these are systems that are largely man-made for flood control and for irrigation. However, they carry those same designated uses, for aquatic life and recreation and human health protection, as do other streams and rivers for the state. So we took an analogous approach for providing protection for those systems as we used for rivers and streams, where we had -- while we didn't have a Stream Condition Index, we did have information on whether they were meeting their designated uses or not be meeting their designated uses from assessments that Florida had done.

We took the data from canal systems where we can reasonably infer that they're meeting the designated uses, and again, identified a representative concentration from those distributions to be protective. This chart briefly summarizes what those criteria are for chlorophyll a, for total nitrogen, and for total phosphorus.

A couple other provisions of our rule that I just want to briefly bring attention to. One is an allowance for site-specific alternative criteria. And this is knowing that sometimes we've studied other systems a little bit more in depth, and we have other available information to us that would provide an alternative value that is still protective of those designated uses. We wanted to provide a process for incorporating that information into site-specific criteria that could be implemented easily in the federal rule.

We also have a feature that we call restoration standards, and this is recognizing that in many cases it may take years and lots of cooperation among nonpoint sources and point sources to ultimately attain the criteria that we're proposing. This would allow a series of incremental steps along the way, to be identified by the state working with the community, so that feasible process can be made in reasonable time frames.

We did an economic analysis of some of the cost that it would take to implement this rule. We looked at things like updated municipal wastewater treatment, imposition of best management practices on agriculture, a replacement of faulty septic tanks, and our estimates indicated that on an annual basis we would expect approximately 107 to $140 million, and on a total basis, looking over a 20-year period, about 1.2 to $1.5 billion.

So Ephraim mentioned that we certainly do have procedures for accepting written comments, and we encourage all of you to do so. And there are a couple of summary slides of some of the major points that I've made, but I'll leave those to you with the handout that you received in your registration packet. And I think now it's time to start the comments from you-all. Thank you very much for coming and we look forward to hearing from you.

MR. KING: Okay. We -- I hope we have a system that works for all of us here. If you would like to speak,

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you need to have a number. If you do not have a number, please just go on out to the registration desk and get yourself one. And then we'll be calling folks up by number to speak. So again, if you don't have a number, not a problem; just go outside and register, get one, and we'll start up.

The second thing I would just remind us all, for any of us in the room that have cell phones or are waiting for those urgent calls from our families or whatever, if you could turn that on the vibrate, that would be deeply appreciated, I think, by everybody else here. I made that mistake earlier today, so it's worth checking.

In terms of the process we're going to use, we're going to call folks up the to microphone here in order of your number, start with number one. And then I'm also going to invite up the two folks after that first speaker, so you can be sitting in these two chairs up here, so that as one speaker finishes, they can go back

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to their seat, and another speaker can set up. And what we hope is this will make the whole process move a little faster, and a little more smoothly.

Also, you should know that all of your comments are being transcribed by a court reporter, who does a fabulous job, and for that reason, we ask that you please give your name and affiliation, so that we can go ahead and associate that with the comments. All the comments that you give us this evening will be transcribed. We will listen this evening. We will also read them again, at least once, probably two or three times, before we finalize the rule-making process.

These comments will be treated as comments as part of a notice and comment part of the record. Other written comments will be submitted, as Jim indicated, through April 28th. So again, if for any reason you -- you get up to speak, and you then you feel somebody reminds you of a point afterwards that you just want to be sure you made, please feel free to go ahead and send us a written comment. It can be e-mail, it can be in hard copy, whatever works best for you.

A couple of other things to let you know, we have a sign language interpreter here. We also have a capacity to Spanish -- for Spanish translation. So if anybody here would like that service, we would be simply

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delighted to go ahead and provide that for you, if that would be something that would be useful. And then finally, I would make the point that Jim and I are here to listen to you. We want to hear your thoughts and your perspectives. Tonight we will not be answering particular questions, except perhaps for where the men's room is, or the women's room is, or I can tell you the what the weather was the last time I checked.

If you -- so if you -- feel free to ask us a question, but don't think we're being rude. We'll just simply nod benignly and blandly, and thank you for asking the question, and we'll consider it as part of the comments that we get on the record, and we'll probably answer it in our response to comments. So just be aware that we're not ignoring you. We will answer them, but it will be as part of the comment response process.

So I think that's about it. And so what I would suggest is we go ahead and start. So if we can have

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Speakers 1, 2, and 3 come up, Speaker 1 to the microphone, and Speakers 2 and 3 behind that individual, and we're delighted to being this process.

MS. COSTELLO: Good evening. Cris Costello, regional representative for the Sierra Club out of the Sarasota office. I am the coordinator of the Florida Red Tide Campaign. I've brought a couple of visual aids with me this evening.

In order to illustrate the strength of the support of, certainly, the Gulf Coast Florida resident for strong water protection measures, what you have in front of you is a map and a residential fertilizer management ordinance. I would like to start with the ordinance. I've marked the page. It's page 6 of 11.

Over the past three years Gulf Coast communities have been adopting strong fertilizer management ordinances as a way to include residents and commercial applicators in the task of reducing the amount of fertilizer, nitrogen and phosphorus, that runs off of our residential neighborhoods and into our storm water capacity and our coastal waters.

The backbone of those strong ordinances has been highlighted on your page, and that is the weather and seasonal restriction that prohibits the application of nitrogen and phosphorus during the rainy season. We get the vast majority in our rain in this part of the state in the four months between June 1st and September 30th. The strength of that ordinance depends on that four-month rainy season ban. If there is no fertilizer laid down on lawns during that period, then certainly none can flow off of those yards.

I have very little else to say, except that I want you to look at the map. What I've done on this map is I have put a little pink dot on every community, city council, or county commission that has taken a vote to adopt this strong measure. And as you can see from the map, I believe there are 18 dots. 18 different councils or commissions over the past three years have voted to put this kind of weather restriction.

The northernmost is the near Lake Apopka. You had a picture of Lake Apopka. The City of Montverde has a rainy season restriction, and then the rest of them are along the Gulf Coast. And I would be remiss if I did not mention that the first strong ordinance actually was passed right here on Sanibel. So it started with Sanibel. So look at the map, know that we here in Southwest Florida are very happy that you're here. We encourage you to stay here as long as it takes. And thank you very much.

MR. KING: Thank you very much.

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

MR. HOLSINGER: Good evening. I'm Michael Holsinger, and I've been in Florida since 1985 as a resident. I'm a resident of Sarasota County. My background has been extension horticulture agent and county extension director for the University of Florida and Sarasota County for 19 years until 2004. Right now I am operating a small business called Holsinger Horticultural Services, as a consultant.

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I was the consultant or principal consultant for Sarasota County government in the development of their fertilizer management ordinance in 2007, which was the first one in the State of Florida. But I have from a personal experience been around Florida and in Florida for -- off and on for quite some time.

The first time I came to Florida was as a youngster, about 12 years old, in 1949. And we went -- it was in Pinellas County on the Gulf, and I can remember as a kid that one of the highlights was that we, as children, walked in the -- in the inland waterway, and could see the water and see the shells and collected shells, crabs, and what have you. That was very exciting to me, and as I youngster I had a good feeling about Florida.

Came back 15 years later to the same area, and couldn't do that again because the water wasn't clear enough. It had lost its clarity. At the time I didn't know why. I just said, Well, I can't do it anymore, must be all these people. And I'm sure that they had an effect.

And then back in 1985 we moved back down here, and now I live on a barrier island, Siesta Key in Sarasota.

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And I have noticed in the last five or so years, of the 25 that we've been done here, a significant increase in red drift algae on the beach. And we did have the big red tide outbreak in 2005, where we couldn't even walk on the beach. But more than that, just the red drift algae, which would have to be cleaned off by the county with bulldozers and stuff, you know. It wasn't any fun a lot of the times in walking. It smelled. People didn't like it. I noticed the tourist traffic goes down. Now, as a the resident, that probably was pretty good for me, you know, the traffic wasn't as bad. But it wasn't good for the businesses.

So I have noticed those degradations myself. I also have fished in Lake Okeechobee, but the last time I went, I couldn't hardly fish because there's an algae bloom in the areas, and I couldn't do it anymore. I couldn't -- it wasn't effective. I know about the, you know, Saint Johns River in -- up in Jacksonville or the Florida Bay, the Everglades problem. And see, what has happened and how much expensive we have to go now in the Everglades to even clean it up, if we can get it cleaned up.

Now, you know, I don't blame any specific sector for this. I blame us all. I mean, certainly, residentially fertilizers have a role to play here, and I don't think the homeowners are putting so much fertilizer down. I

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think most of it is being put down by those properties that are high-end properties near the water and on the water, that are managed by contract. And that's where I have seen, in my experience, it being all put down.

Certainly, we have best management practices in agriculture. I've worked with some of them and -- but best management practices can be improved. We need to improve it. We need to, I think, collectively put out more and do more and spend more now to avoid a lot of expense later.

To me, the big benefit of numeric nutrient criteria is now we would have something measurable. It's so important to have it measurable. The narrative hasn't worked, not in my estimation. So we need a --

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collectively, we can develop these things, based on the best science, and I would say the best science because I -- it's been my experience -- we got the argument in the fertilizer ordinance, not enough science. We've got to wait, wait, not enough science. Well, we'll wait five years, then, Oh, well, we still don't have enough science. We will always not have enough science.

I think we have to go on the best science and do the best that we can now to keep our children from inheriting and being responsible for spending tons of money later on to clean something once it's polluted. And once it's

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polluted and once it's impaired, the costs go up dramatically. So I have a lot of trouble with my industry colleagues when they say it's too expensive. It's going to be a lot more expensive down the road than it is now. I applaud your for your leadership to come to Florida and work to establish numeric nutrient criteria. Thank you.

MR. KING: Thank you very much.

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

MS. JONES: Good evening. My name is Linda Jones, and I'm here as an interested citizen. I'm concerned that some of Florida's business interests and major pollutants are attending these hearings to try to delay or pressure EPA from implementing the numeric criteria, without seeming to recognize that citizens and other business rely on and deserve clean water. Among the larger businesses is Mosaic, the phosphorus strip mining company that destroys Florida's ecosystems to produce fertilizer.

As the first speaker mentioned, a number of county and city governments have passed a fertilizer ordinance and implemented a rainy season ban, but even as we speak, the Florida legislature is trying to invalidate local ordinances that prohibit the sale of turf fertilizer during any part of the year. We could avoid a lot of

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cleanup cost by preventing the excess chemical fertilizer in the first place.

Getting rid of phosphorus is expensive wherever it occurs because much of it has been building up over a very long period of time. There are better methods of fertilizing. There are organic fertilizers and new technologies, such as controlled release fertilizers, that protect the environment from excessive nutrient runoff. All of these should be explored and emphasized as a way of saving the cost of cleaning up phosphorus and nitrogen pollution.

And as you pointed out, Mr. Keating, pollution comes from sewage and many other sources as well, but uses in types of fertilizer seem like a logical place to control the pollution in the first place, and by setting the numeric criteria, I think it's a lot more likely that agricultural and fertilizer practices would improve.

And I would like to acknowledge that some members of the agricultural community, through these best management practices, which are not obligatory, however, and other businesses, as well as local governments, are making concerted efforts to reduce the degradation of water bodies, but it's just not enough. Some of Florida's water are still impaired, as you showed, and others need be protected. So it's time to set the numeric standards

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that can be measured. If you put these standards up to vote of citizens, they would vote for the standards.

Some comments seem to focus on financial burdens, but what is not mentioned is the huge cost of letting the pollution become worse. We know about the green toxic algae blooms and this noxious red tide, which killed thousands of fish and made people very sick. The cost to tourism, local businesses, and property owners are in the millions. The state of Florida has had 12 years to address this problem and comply with the Clean Water Act, and while they have some made some efforts, they've just got not gone far enough. They could and should have done more.

That's why I believe the EPA is the only agency that can bring about higher water quality standards and set the best scientific rules that you can. So I urge you to stand firm and protect Florida's waters. Thank you.

MR. KING: Thank you very much.

Speaker Number 4, and can Speaker Number 6 come on up?

MS. ANGELUCCI: So you don't have to take them. And pay special attention to them.

MR. KING: Okay.

MS. ANGELUCCI: Good afternoon. My name is Barbara Angelucci, and I am a resident of Manatee County in Florida.

I would like to thank the EPA for coming to Florida. We have been waiting for your intervention as our state has been negligent in protecting our waters. We do need better treatment and management practices to remove nutrients and prevent them from going into Florida waters.

I've been reading the testimony from the Tallahassee, Orlando, and West Palm Beach hearings and was not surprised to see so many businesses speaking against or questioning your science. They all have a vested interest in their businesses and rightly so, but what they should really consider is the health of their families, customers, and other business partners, and not let greed or bottom line prevent them from supporting these water standards. Maybe the real reason for the opposition is the reinstatement of the polluter pays policy by the EPA, which will begin in fiscal year 2011. It is time for the polluters to clean up their mess or pay up, instead of the taxpayer paying for their cleanup.

I have a real concern about drinking water in Manatee County, especially since most of our county commissioners recently voted to allow the reuse of reclaimed water within an area of the watershed which provides the drinking water for the City of Bradenton.

The board discussions disclosed that the standards for pharmaceuticals and insecticidal chemicals were not in place, but that did not stop this reckless decision.

Florida waters have been under attack for years with destruction of trees, wetlands, out of control housing sprawl, unregulated fertilizer use, exacerbating red tide in a majority of our waterways, and runoffs of toxins from impervious slime pits and phosphogypsum stacks and waste disposal from phosphate mining, which is also our largest business user of water. In 2008 they used

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17.7 billions of gallons of water out of our aquifer, and homeowners were under restrictions for water use. We have dead zones in our Gulf, fish kills in our estuaries, and loss of some of our vital wetland habitat, such as the EPA Level 4 Peace River watershed.

With climate change, excessive demands on our aquifer, and more pollutants entering our waters, and now the threat of offshore drilling, Florida is in -- well, water in Florida is becoming an engaged resource. Consequently, waiting another year to act or burying our heads in the sand will not solve our water quality issues, nor will big business spreading false conceptions that economic growth and environmental protection are incompatible. We do face economical challenges here in Florida, but at the same time we have challenges to our

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quality of life and our environment that require a attention.

I'm tired of the toxins of red tide that choke me and make my eyes tear, the murky waters, the green slime, and the smell of dead fish. Congress enacted the Clean Water Act in 1972 to protect our nation's rivers, lakes, and streams, and the more fragile and vital wetland habitats. It's time to enforce that act.

As a government agency concerned with the American environment and its impact on human health, it is imperative that you respond to our growing environmental concerns. You are responsible for establishing and enforcing environmental standards. And as a regulatory agency, I expect you to require the FDEP, Southwest Florida Water Management District, and other water agencies to abide by the regulations of the Clean Water Act. These agencies have been derelict in their responsibilities to protect our waters.

Again, I am delighted that you are here and look forward to the implementation of these numeric nutrient standards, which will make our citizen feel better about the water they drink. But guess what? I also look forward to the day when the EPA will stop destruction of wetlands by phosphate mining, which pollutes our water, our air, and destroys our environment. And I thank you

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very much again for being here and listening to the true users and the people that dwell here in Florida. Thank you.

MR. KEATING: Thank you very much.

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

MS. SNAPP: Hi. My name is Annette Snapp. I live here in Fort Myers, not far from the Caloosahatchee River. I also serve as the president of the Caloosahatchee River Citizens Association or Riverwatch, and today I'm speaking as a representative of that organization. We have approximately 100 members. Our organization has six goals and objectives related to the Caloosahatchee River: one, to improve the river from its source to its mouth, including its impact and riparian and estuarine systems, wildlife, habitat, and marine life; two, to promote public education concerning the historical significance, present condition, and future of the river and its watershed; three, to increase public awareness of the importance of the Caloosahatchee River to our quality of life; to study the effect of the

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domestic, commercial, and agricultural uses of the river's resources; to monitor and work to improve the river's water quality, quantity, and flow characteristics; and, six, to observe and participate in the activities of the public bodies responsible for the management of the river and its watershed, such as this meeting this evening.

We support the EPA's proposed measurable numeric nutrient standards, which are based on sound science. They're legally proper and economically reasonable. Runoff from agricultural uses, as well as urban runoff, have contributed greatly to the degradation of the river over the years. A lack of water quality standards over the years has resulted in a damaged regional water system.

The economy of this region, people have already talked about this. I'm sure you've heard it all day long. This area of the economy is heavily based on tourism, as well as commercial and recreational fishing. It is -- and that economy then is based on a healthy sustainable environment. Without it, our economy is in jeopardy, along with the health of our freshwater and marine life. A tourist who visits any of our Florida beaches, only to be met by an algae bloom, will not be interested in finding out why it took us so long to establish these standards. They'll be gone before we finish the first sentence.

The health of our human community is also at risk from the algae blossoms and red tide events. We all know the respiratory impacts that these can cause. A clean water and a healthy environment should be something we can all agree on. If these standards had been put in place 10 years ago, we would not have the chronic problems that we see all over the State of Florida, including Southwest Florida.

And just an additional note that I like to add, I teach out at Florida Gulf Coast University. I teach a course called University Colloquium. One of the foci of that course involves sustainability and sustainability of the environment. I want to tell you, from my personal experience, that many of our youth are confused about why we have the environmental problems we have and why we don't act on them. We do have ways of solving them. Why haven't they been solved? It's a very difficult message to try and give them. I, of course, encourage them to come and participate in events like this.

But I think it's time that we step up to the plate and acknowledge that business as usual, as it has been, is no longer an option, that our health and the health of the environment are suffering. Somebody mentioned the costs of prevention versus the costs of restoration. Certainly the costs of prevention are less, and I encourage you to move forward with numeric nutrient standards. Thank you.

MR. KING: Thank you very much.

Speaker Number 6, and would Speaker Number 9 come on up?

MS. GLORE: I'm Lynn Glore, Girl Scout leader of Collier County Troop 319. I'm a little nervous. I'm a mother of four and a Girl Scout leader of a multilevel

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troop of seven girls, Number 319. As a mother and a Girl Scout leader, I am responsible to keep the children safe.

I live in Bonita Springs off of Old 41. My husband and I built our home two and a half years ago from the ground up. We never put in an irrigation system or sod. Because we don't have sod, we don't need to use fertilizers in our yard. We built our home next to a neighbor who happens to have agriculture status on his land. We were unaware of his mango tree farm and what that would mean to us.

We have a retention pond next to our home that is connected to our neighbor's pond by an aquifer underground. We also have a storm runoff canal that runs behind our homes and all our surrounding neighbors. For the almost two years it took to build our home to the past year, we have watched three different kinds of turtles in our pond -- red-eared sliders, soft shelled turtles, and snapping turtles -- die and disappear from our pond. We used to see the wood stork, which is, as

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you know, unusual for that area, and eagles hanging around our pond, but not anymore.

Our neighbor sprays his mango trees sometime 50 feet in the air with fertilizers and pesticides. He claims he's within the legal standard of what he can use and how much. Our pond is now filled with an algae bloom and nitrates. If one neighbor can damage the water this severely, what are so many others doing to the water all around us? I believe that the numeric nutrient standard will help keep the water safer for our children and our ourselves. Thank you.

MR. KING: Thank you very much.

Speaker Number 7, and would Speaker Number 11 come on up? I beg your pardon, Speaker Number 10.

MS. GRATKOWSKI: Hi. My name is Arissa Gratkowski, and I'm representing my troop, my Girl Scout Troop 319. As you know, because of the fact that we don't have clean water right now, excess nitrogen and phosphorus has reached such high levels due to the carelessness from unsanitary ways of disposing of certain chemicals from wastewater treatment plants. It's having a large impact on our marine ecosystems and marine life. Red tides and algae blooms are dangerous and are caused by this.

Considering our tourism-based economy, who would want to come see bad-smelling, murky water? From a

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personal experience I've had, it wasn't very good. Being out with my fellow forage group, looking for marine specimens for an upcoming event, had to be stopped from red tide. We couldn't go in the water because if one of us accidentally swallowed it, we could get very sick. A lot of us experienced burning in the nose and eyes, and even some of us had to go home because of coughing and respiratory issues. Also considering that I would like to become a marine biologist one day, it completely ruined the trip and the hands-on opportunity that I had.

As a Florida citizen, I am entitled to clean water and to have safe water to swim in, good smelling water, and I really, really appreciate what you guys are doing for us. I really do. Thank you.

MR. KING: Thank you very much.

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

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MS. MEYERS: My name is Mary Ellen Meyers. I'm Speaker Number 8.

MR. KING: I just realized I got my numbers wrong, and thank you.

MS. MEYERS: No problem.

I live in Cape Coral, which is in Lee County. Cape Coral, as you know, and you spoke of earlier, Mr. Keating, has all of these man-made canals. Many of us live on water. For me, living on water carries a bigger responsibility than living off water. We have a greater responsibility to ensure that we don't impact the quality of that water. In Cape Coral my understanding is even those who don't live on water, what we do on our property goes off through the storm management water directly into the canals. There isn't a separate system that was established when Cape Coral was constructed.

I found to my shock since I've been -- I've been shocked to find out rather since 2000, that I've lived in Cape Coral, that there seems to be a fair amount of apathy amongst my neighbors who live on water, understanding the impact of their use of chemicals and fertilizer on their properties. I see fertilizer being spread all along the water's edge with it spreading into the water. I see commercial fertilizer companies hired by neighbors who are spraying fertilizers on windy days, that's going into the water.

I talk to them, and try explain to them the impact that this might have on the water and our future. I think one big problem for Cape Coral is, other than a few isolated incidents of green-blue algae bloom in the summer, which then clears up. We have red tide, but that was a couple of years ago. It seems to then disappear. Water pollution seems to be an invisible toxic trash that people -- you just can't see it. If you can't see it, people don't think it's there, and they don't seem to see the connection between their use of nutrients on the land and it running off into the water, and then the development of these algae blooms.

That's why I think, yes, certainly the EPA standards for nutrient use are absolutely necessary. We need to turn this into a concrete, visible documentation of our water quality. Hand in hand with that, we also need education for people to understand that what they do, what they put on their land, what they put on their property is ending up in the canal. We had a bad rain storm on Sunday. I've listened to people talk about the fertilizer ordinances, and I wish we had one in Cape Coral, but temporarily, or I hope, this has been shot down, but we're working on it.

As I watch the water run off of my neighbors' perfectly manicured lawns, weed free, beautifully green and exotic flower beds, I watched this water flowing off down the street, down the storm drains, and out into the canal, I thought, Wouldn't it be great if this was visible trash we were looking at? If we were looking at soda cans for each nutrient molecule flowing into the canal, and they could look out and you see this sea of soda cans, then it wouldn't be more impact. It wouldn't be invisible.

But we don't have that. That's not something -- you

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can imagine it, and you know it's happening, but most people don't have that insight, it seems. People that are here today, I applaud you for coming forward to express your concerns. But it's not the majority, from my experience. I'm finding people are resistant because they don't think it's them. It's someone else. It's Okeechobee. When they release that water from Okeechobee, that's what causes our problems. They don't take possibility. We need these standards to help people understand that there is a measurable -- there is damage that they are doing, and there's something they can do to correct it, not pass it on to somebody else.

I do have one question. With your water quality standards, are there -- are there parts that deal with nutrient -- not nutrient contamination only, but chemical contamination, looking at the excessive use of insecticides and pesticides on properties in Florida as well, which is going into our waterways, too. Is there anything that's being put forward, or is it presently in existence?

MR. KING: I'll make you a deal. I'll give my card, and you call me or send me an e-mail and I'll give you the answer. I'm not --

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MS. MEYERS: Okay. Okay.

MR. KING: -- allowed to give you answers right today because this is -- but just --

MS. MEYERS: Just a forum.

MR. KING: Yeah. But go ahead. You can send me an e-mail, and I'll tell you how many standards we have and be happy to tell you what I can.

MS. MEYERS: I would appreciate that. Thank you.

MR. KING: Thank you so much. Appreciate it.

Speaker Number 10, and would Speaker Number 12 come on up? I'm sorry, I got it wrong. Speaker Number 9, and Speaker Number 11 come up on.

MS. MORTON: Good afternoon. My name is Carolyn Morton. I live in North Fort Myers. I'm a member citizen of the BBCB community, and I do live right on the Caloosahatchee River. And, of course, I see a lot of what goes on there because my grandchildren, they're out on the jet-skis a lot, and most days it looks pretty good, but I'll tell what. We have had problems different times with my own well, and so, of course, I didn't have any water for a couple of days.

And I thought, Oh, you know, I can go to the neighbor and take a shower. But, you know, I've still have to flush the commode. And I'm telling you what. When it comes to the water that you dip up out of the

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river, and you decide you're going to flush the commode, then you really see what's involved. And, of course, lately it's really sad because probably at least twice a month now I'm starting to see a dead fish come right up on the bank, and I end up having to take it out.

And last week there was even a pelican that was swimming -- well, there was two of them, but one was them was swimming upstream, and other one was kind of just drifting along. And I had a friend over visiting, and I said, I wonder what -- I said, That's kind of unusual. Well, the next morning -- now, I'm not -- I don't know that the pelican died because of the water, but there's a lot of stuff in that water. And the next morning it was

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lying on my bank, and it was completely dead.

So anyway, there are a lot of things that need to be considered. We do have a palm tree nursery. We have in the past probably four years discontinued any spraying. We spray nothing at all on our palms. I'm trusting God to take care of them and keep them green and so -- and keep them bug free. And we have been very, very blessed. We do not have a bug problem. We just -- I just trust that we won't because I know there are things you do need to do, when it comes to healthy palm trees, to keep them, you know, really healthy.

We do -- a couple times a year, do use fertilizer,

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but we are very, very particular. We are scheduled with our fertilizer man, and we do -- we just fertilize very lightly. We just do not because there is absolutely no way that I want to ever be a part of anybody that would cause some pollution into the river, into our waterways because they're so important. We have so much to live here in Florida, and if we don't do it right, we're not going to be able to stay here. So I thank you so much for being here. I do pray that you will be able to continue with these numbers and get this taken care of and help us. Thanks a lot.

MR. KING: Thank you very much.

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

MS. JACKOW: Well, first, I want to thank you for being here. I really appreciate it, and so do all the people who have come to speak. My name is Debbie Jackow, and I'm the vice president of Concerned Citizens of Bayshore.

I have lived in Southwest Florida for 34 years and have seen a drastic and dramatic change in the health of our waterways. The Caloosahatchee River and our creeks and waterways are sick. Pollution from fertilizers, pesticides, herbicides, fungicides, and run off is killing our river and creeks and streams. Toxic algae

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blooms cause massive fish kills and respiratory problems in people, and it also physically makes me sick.

Add to this list mercury contamination, the dumping of wastewater treatment plant excess, which also contains pharmaceuticals and other unknown chemicals, make the fish in the river and the Gulf of Mexico unfit to eat. If we don't solve this serious problem, fishing is just going to become a catch and release. It's not going to become anything more than a sport. You're not going to be able to eat the fish because it will be a detriment to your health.

Trace levels of pesticides are lethal to zooplankton, which form the base of the aquatic food chain. The water in the creeks in the Northern Everglades, where I live in a floodplain, needs to be cleaned before being released into the river. Cleaning out these creeks without grasses left to filter out the pollutants further pollute our waterway. Please start the protection process by passing the numeric nutrient standards presented here today, and help us clean our waterways. Our lives and our livelihoods depend on it. Thank you.

MR. KING: Thank you very much.

Would Speaker Number 11 come on up, and then if

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Speakers 12 and 13 could come up, that would be great.

MR. ENGLISH: Thank you, sir. For the record, I'm Jim English -- James D. English, Jr., from Alva. I'm a member of a family that's been here for a long time. Our grandfather came here by oxcart and made camp on the piece of ground we now own, in January of 1876, and he acquired that piece of property in 1878 and we've owned it since then and operated an agricultural operation on it. And we've witnessed firsthand what's happened to this situation here, particularly pertaining to water resources.

And I can tell you my father learned to swim in the Caloosahatchee River. By the time I came along, you couldn't swim in the Caloosahatchee. We learned to swim in the creeks. And now you can't swim in the creeks. My son and the grandsons, they swim in a swimming pool. And all these regulation are fine, but they don't mean anything unless they're enforced.

And we're in the process of right now of considering this Babcock development up there, on the -- about a 22,000 acre development on the 100,000 acre Babcock Ranch. The balance of the ranch is going to be owned by state -- or it is owned, I think, by the State of Florida and Lee Counties. As I understand it, part of the state land is going to be used for mitigation, and it's a temporary classification. It comes to our mind what's

going to happen if that temporary classification at some point is removed by the state.

The flows to the creeks are being altered, according to our calculations of our engineers, and we've got some citrus property on Trout Creek. The amount of water flowing down Cypress Creek toward Trout Creek, according to the staff report, it's going to be at about 2.4 times what the natural runoff was. They fail to recognize some diversions that they're making to other creeks that are going to be affecting our property, including Cypress Creek, and Hall Creek, and Victor Creek. And we're hoping at some point that you-all are going to take that all into consideration, and that these rules and regulations that are being formulated are going to be enforced.

I noted that the man from the South Florida Water Management District made mention of the fact that they were already in violation of some of these regulations, based on what they're doing down here in the Everglades, and that's not a surprise to us at all. Most of the problems that we have are as a result of projects being done by the government, which were ultimately financed by tax money. That's the biggest problems that we have to deal with, as citizens and taxpayers and people out here, just trying to make a living.

And the failure to enforce these rules and regulations, all of them, pertaining both to water quality and water quantity, are going to result in a financial disaster for us private property owners out there in Northeastern Lee County from the I-75 corridor all the way over into Hendry County. And I would appreciate if you-all would not only promulgate some rules and regulations, but that you enforce them and see that the rights of private property owners are honored,

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or whatever the word might be. We need your help. And I would appreciate you one of your cards. I may want to get in touch with you myself.

MR. KING: Well, I don't know how many I have, but I've got some.

MR. ENGLISH: Thank you, sir.

MR. KING: Thank you.

MR. ENGLISH: Appreciate your time and trouble.

MR. KING: Thank you very much, sir. Speaker Number 12, and would Speakers 13 and 14 come up.

SPEAKER: Excuse me, Number 12 is not here yet. Mr. Judah is on his way.

MR. KING: Well, okay. He'll have to -- we'll catch up.

Speaker Number 13, and Speakers 14 and 15, if you would come up, I would appreciate it.

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MR. McELWAINE: Wow. I get to go ahead of Commissioner Judah.

My name is Andrew McElwaine, and I am a member of the technical advisory committee to the state DEP for their storm water rule development. I'm a resident of the Cocohatchee Estuary and also a staff member of the Conservancy of Southwest Florida, and a very long ago staff member of the Council on Environmental Quality, and a U.S. Senate staff member who worked on the 1987 reauthorization of the Clean Water Act, which was the first time ever the act included provisions for nonpoint source control. So it's only taken us 23 years to get to this point.

The reason for my being here, first, I would like to welcome you to the home of green rivers, blue-green beaches, and red seawater. We're not proud of that. I do want to thank my good friends from Sierra Club for your amazing work here. You're the best with -- so I'll you put my hat on. And I also would just like to acknowledge before I give my brief comments, the Girl Scouts for coming out tonight and reminding us why we do this every day. And then lastly, we have a celebrity in Manley Fuller of the Florida Wildlife Federation, who should be in Tallahassee, dealing with malfeasance and misfeasance, and instead is here. The -- from

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Tallahassee.

First of all, the Conservancy of Southwest Florida, the residents of the Cocohatchee Estuary support your actions. We are also pleased that many -- two communities at least that really feel the brunt of nutrient pollution, Sanibel and Marco Island, support your direction. So the idea that municipal governments are in lockstep against you is not true because those are communities that depend upon clean water for their livelihood.

We hope you will hang tough, particularly as it relates to canals. Efforts to exempt canals effectively exempt all of South Florida because we are canals. Let me point out one little example. Were you to step out the door here and walk about a block and a half, you would be standing on a canal, occasionally known as the Caloosahatchee River. It is a canal. It has being canalled. The Saint Lucie River is a canal. Naples Bay, which is impaired virtually every cubic foot, two-thirds of its watershed is made up of canals. You cannot clean

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the bay if you do not clean canals, period.
The -- I would add that canals are not uniform, in terms of river and stream segments. For example, I live in the Cocohatchee Estuary. The Cocohatchee begins at Lake Trafford and is somewhat free-flowing and also a

mixture of ground and surface water until it reaches the Cocohatchee Canal. For a brief period there, a couple of miles, it is canalled, at which point it becomes free-flowing again, and goes out to form the estuary at Delnor-Wiggins Pass. So only a small portion of that river is canalled. So again, the idea that perhaps the whole Coco should be exempted, because it's one tenth a canal, is a little over the top from my perspective, as a resident of that watershed.
We believe you do have sufficient science-based information to address the problem of canals. We -- and we strongly support your inclusion of those in any final rule because again, their exclusion will result in effectively rendering the standards meaningless in South Florida.
In closing, I want to express gratitude for your coming to Fort Myers, which was not on the original schedule. This is -- we have some of the most nutritious water anywhere in the United States, and we invite you to sample it, if you wish to find out for yourselves. Again, on behalf of the Conservancy of Southwest Florida and the residents of my estuary, we strongly support EPA proceeding to the final rule on the proposed rule.
MR. KING: Thank you very much.
Speaker Number 14, and would Speaker Number 16 come

on up?
MR. MAHAN: Good evening. My name is Ron Mahan. I am with Orange-Co and C.I. Groves, producers of over 5 and a half million boxes of oranges that get squeezed into about 40 million gallons of orange juice every year. My company directly employs about 150 people, and my company positively impacts the employment and livelihoods of more than 500 additional people through the products and services that we engage in our businesses. We manage our citrus trees and our lands throughout the whole year, but we harvest our fruit from October through June. Our combined economic impact is very significant, particularly in our primary citrus grove operations of 19,000 acres in DeSoto County, which is a rural agricultural community of just over 35,000 people.
Orange-Co and C.I. Groves own over 20,000 acres of land in Florida in two locations within the Prairie Creek and Shell Creek watershed management areas. We are members of the Joshua Water Control District and the East Charlotte Drainage District which encompass more than 100 like-minded citrus growers. Orange-Co and C.I. Groves, like most Florida landowners, are dedicated to being good stewards of our lands and the relate natural resources, including water. We understand and operate with the knowledge that our long-term best interests,

both personally and within our businesses, is best served by responsible use in the management -- responsible management of our natural resources.
The proposed water quality standard for the state of Florida proposed by EPA are therefore significant to us.

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We agree that numeric nutrient standards provide the best measurable way to improve anything. However, we believe that the numeric standards the EPA has developed in a very short period of time are not particularly science based or of questionable science basis, that we need to look at this and analyze these standards much more closely.

We're concerned that the broad-brush standards and numeric standards that have been placed and put at large -- large swaths of regional areas, are going to reduce our competitiveness against producers in Brazil and elsewhere in the world. The people of Florida, its citizen, its businesses and our government agencies, have been working hard together to protect our natural resources in unique and innovative, effective ways that stakeholders.

There are a lot of good examples of this, but I'm just going to mention two of them here tonight in the short time frame that I have, and they are the BMPs or best management practices that someone earlier mentioned

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that we use in agriculture in our food production. And then the other Shell Creek and Prairie Creek watersheds management program.

Best management practices were designed and developed in cooperation by the University of Florida, the Florida Department of Agriculture and Consumer Services, and the Florida Department of Environmental Protection, and they involved agricultural industry groups and private companies like my own Orange-Co. We Floridians, through our Department of Environmental Protection, have spent more than $20 million on this successful public-private partnership style program to significantly improve the water quality in agricultural areas and certainly in the ones that I am very familiar with.

But at the same time, we do so in a way that does not impair our farming operations or the many businesses and jobs that depend on them. My company engages these best management practices in its operation, along with a multitude of farmers, representing nearly 2 million acres of Florida farmland, as indicated by analysis published by the Florida Fresh Fruit & Vegetable Association. Analysis of the proposed EPA rules by experts throughout the state tell me that these new rules may impair or render that $20 million of investment, not to mention the

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time, effort, and sweat that was expended by a lot of people who developed them, and make them either difficult to use or make them useless.

The other example of the public-private work that I've seen in Florida that's making a positive impact on water quality, and thus showing how I think that we can do this without certain EPA actions, is the Shell Creek and Prairie Creek watersheds management plan, which my company is a party to. This plan was developed by the Southwest Florida Water Management District, the Florida Department of Environmental Protection, Charlotte County, DeSoto County, the City of Punta Gorda, Florida Citrus Mutual, the Peace River Valley Citrus Growers Association, the Florida Farm Bureau Federation, the Florida Department of Agriculture and Consumer Services, the Charlotte Harbor National Estuary Program, the County

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Soil & Water Conservation District, and the Natural Resources Conservation Service, and many, many others, including my company.

This program resulted from identifying a specific problem, studying the water systems specifically involved, recognizing the uniqueness of each individual water system, and then resulted in a jointly developed plan to address the issues. Over just two years of measured results in this management plan, analysis by the Southwest Florida Water Management District indicates 48.8 percent and 54.5 percent improvement in total dissolved solids for the Prairie Creek at Washington Loop Road and near Fort Ogden, and 41.1 percent and 52.9 percent and a whopping 69 percent improvement for chlorides in Shell Creek at Washington Loop Road, Shell Creek at State Road 31, and at Myrtle Slough at State Road 31, respectively.

We believe that the public-private partnerships and the Florida Department of Environmental Protection is working hard and is doing a lot of good work here in the State of Florida. Thank you.

MR. KING: Thank you very much.

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

MR. HOFFMAN: Hi. My name is Cody Hoffman, and I serve on the board for Collier County Farm Bureau. And the first I would like to say, I appreciate you extending the comment period and allowing us to talk today. I just had a few points that I ask you to consider. One is that everyone in the state of Florida is a part of the problem in some way. And I hope this is something that, as we move forward, people realize. If you have indoor plumbing, I think you're part of the problem, and that's all of us.

Water quality in the state of Florida is vitally important to everyone, including agriculture, and that's why I'm here today, to speak on their part.

MR. KEATING: Could you just speak a little closer to the microphone so we can hear you?

MR. HOFFMAN: Yes. Oh, I'm sorry.

Protecting the water supply in Florida is going to be tough. Our water system -- our water supply is vast, and in order to make changes in the state, everyone must help out. It's going to -- it's going to require cooperation from everyone. The best way to do this is to implement guidelines -- a set of guidelines that's based on sound science, that's science based and takes in consideration the complexities of different locations.

And setting reasonable standards, allow it to be possible -- and allowing them to be possible to be achieved is important in these standards. From the guidelines that are set forth right now, it seems that this cannot be done. Setting unattainable standards, I think, is counterproductive, especially for agriculture, and I hope that you can base your decisions based on sound science. This is really all I have to say, and I appreciate your time.

MR. KING: Thank you very much.

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

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MR. BRODKIN: My name is Steve Brodkin. I'm president of Concerned Citizens of Bayshore Community, and the Bayshore community is located in North Fort Myers, towards the east end of North Fort Myers.

I've lived in Lee County for 35 years, and I've watched as red tide has increased in frequency and duration, canals and rivers have at times turned green, and the Ding Darling National Wildlife Refuge was covered with dense green mats of algae for the first time on record.

I strongly support the numeric nutrient standards and hope that they're stringent enough. Weak standards may be worse than no standards at all.

I own and operate a wholesale plant nursery in Lee County, and while I'm not a fertilizer expert, I have considerable experience with fertilizer. Fertilizers are often applied at the wrong time and in excessive amounts. I believe all commercial fertilizer users must implement smart fertilizer practices, which include retention and controlling runoff, testing of soil to determine actual needs of the crops, and applying fertilizers only in the amounts needed by the plant and only to the root zone of the plant. I also think it's very important to use slow release fertilizers, so that all of the fertilizer

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doesn't release at once in a heavy rain event.

I recently looked at lawn fertilizer bags in a big box store and confirmed that lawn fertilizers still contain water-soluble urea as the primary nitrogen source. Depending upon the brand, 85 to 96 percent of the nitrogen was in the water-soluble urea form. With one big rain event, most of that nitrogen runs off into ditches and wetland, lakes, creeks, and rivers. We know that excess nutrients from all sources cause massive algal blooms, which can deplete the water of oxygen and smother aquatic vegetation. Some algae produce toxins which are not just a serious threat for human health, but plants and animals have to live, and often die, in it. Is this what we want to leave future generations? I believe we have a responsibility to clean it up.

We should require all fertilizers to be slow release and improve and expand the state's best management practices to educate everyone about how to eliminate most of the nutrient runoff. Trees, shrubs, and most lawns don't need fertilizer, once established. Lawns should be minimal in size, if needed at all. Good cultural practices can reduce or eliminate the need for fertilizers and pesticides. Weed prone places in yards are usually caused by high soil pH, at least in our area. This usually happens when the subsoil is brought to the

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surface. Instead of using more and more fertilizers and weed killers to attempt to fix the problems, which usually has unsatisfactory results, people can adjust the soil pH. Research and education, along with strong standards, are essential for cleaning up the water.

I've read Lee County documents indicating a hurry to increase the output of the North Fort Myers reverse osmosis water plant because the water plant in Alva, which takes water from the river, has serious water quality problems. Also, I recently toured the Fiesta Village wastewater treatment facility plant in Lee County. I did not see any method for removing water

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soluble nutrients, and they admitted that if bacterial counts are found to be high, that the water has already been dumped into the river before the test results are in. This is not acceptable. Numeric criteria will expedite the development of effluent limits for utilities.

Economically, it should be a no-brainer that tourists don't want to come to areas with algae blooms, fish kills, and water unsafe to swim in. We also shouldn't tolerate living with this in our own area. With proper rules and legislation, education, and enforcement, we can reduce nutrients in the water to a small fraction of what they are today. Government needs

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to take the lead. We won't clean up the water if it's voluntary. We must find ways to live in a sustainable way on the planet, and we are far from achieving that in many ways. These standards are just a start in cleaning up the water. Pesticides, pharmaceuticals, and other pollutants need to be addressed. Thank you very much.

MR. KING: Thank you.

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

MS. KAMENER: Hi. My name is Karen Kamener, for the record, and I'm the treasurer of the Concerned Citizens of Bayshore. I wanted to touch today on possibly some of the reasons why we're in this mess, and the way enforcement has been dealt with.

I first got interested in all of this, as far as the, you know, serious water issues, about in 2006 right after Ernesto went through in August, September. Because what had happened was in 2001 some of my neighbors bulldozed 13 acres without a permit. Lee County put a stop work action against it, and there was rumors that they had been fined.

And so when Ernesto went through and we were so flooded, I was wondering, Well, why -- if they were fined, why weren't they not responsible for fixing what they destroyed? And then I found out they had bulldozed

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3 acres of wetland preserve. So I went to DEP and they didn't know anything about it. Water management didn't know anything about it.

Finally I got a case -- the case from Lee County Environmental Sciences. And when I went down to pick it up, after she dug it out of the warehouse, she told me -- she took me in a little room with glass windows and said, Please don't tell anyone, but this is a coverup. They do it all the time, we try to fight it all the time, and we very seldom win. So I pursued, and she said, See what you can do with it.

So I went knocking back at DEP's door, and they sent me to water management again. There was -- I was told there was this gray area because it was 10 acres, and nobody knew who it belonged to. Anyway, water management should have taken care of it, and they didn't. And when I've talked to like Lee County attorneys, I'm told, Well, you need counsel. So anyway, I started getting into the Babcock Ranch, 22,000 acres, and I've read their water management application, and I've read the Caloosahatchee Regional watershed protection plan that was done by water management.

And I found lots of inconsistencies in the

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application, and no one will address them. As far as like, you know, the head engineer of Johnson Engineering

says, Oh, the water doesn't come onto the ranch, but yet, it says in the Route 31 flooding study that it most certainly does, and it goes all the way to Telegraph Swamp, which is five miles to the east.

So anyway, before they got their permit last September, Lee County filed a petition and I spoke, you know, in February at your other hearing, and I read to you the disputed issues of material fact. And I wanted to read to you now from a letter from Jed Schneck to Doug McLaughlin at Water Management.

And I also wanted to bring to your attention that in May of 2006, Mr. English, who spoke earlier, his attorney brought to light this permit split for the Babcock Ranch because they split it up from one entity to the state, the county, and the developer. Anyway, I'm going to read you part of this letter that was dated January of this year, the 13th of January.

It says, "The applicants for the Babcock Ranch permit are Babcock Holdings, Babcock Ranch Community Independent Special District, and MSKP Town & Country Utility, LLC. They have applied to modify the existing surface water management system that encompasses 91,000 acres of the old Babcock Ranch property. This is an error. These entities have no apparent authority to accomplish everything that they are required to do in the

South Florida Water Management District permit.

"That is the subject of a pending DOAH proceeding, in that they do not own or control the entire 91,000 acres. The permitting rights and obligations for the district permit have not been officially transferred in any manner to these applicants. Currently, the named permittees are no longer the appropriate entities responsible for the compliance of district permit. The Babcock Florida Company no longer owns" --

And I'm going to skip ahead to -- what happened is Lee County wanted to take this before an administrative judge, and so it basically says, you know, if it's determined to be valid -- "If these three permits are determined to be valid by a DOAH judge, it is not clear what permit condition would apply to each permittee. The result would create a compliance and liability quagmire for all parties involved, including South Florida Water Management."

And I'm just real concerned about the way these -- if this was brought up by another attorney for Mr. English, why wasn't it addressed until now? And why did Lee County have to settle over this issue? And in result, all that was put into the water management permit to resolve all of this is they have to do the historical water models, which they've been asked to do since 2006

and sued over repeatedly by either Sierra Club or Lee County, and so on and so on.

And I just feel if the special interests are going to continue to dictate our lives, then they should be responsible, like some of the other speakers said, to clean up the mess that create. And if they find out that this neurotoxin in green algae is -- contributes to autism because they're still investigating all of that,

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then they should be paying the medical bills. They should be paying for the livestock that are killed, and the lost tourist dollars. And thank you very much for coming and listening to our concerns.

MR. KING: Thank you. Would Speaker Number 18 come up, and would Speaker Number 12, if you could just come to the second chair there, we'll get you lined in. And just take a seat, if you would, and then we'll --

Yes, ma'am, please go ahead.

MS. SLEBODNIK: Good evening. My name is Kathleen Slebodnik. I live in Naples in Collier County, and I cannot add to the wonderful comments that people have made today. They've been heartfelt, they've been sincere, and they've been well prepared. I do belong to an organization that is observing and an advocacy in the political process, although today I am speaking for myself. And so often at the local level we've required

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the state to step in for oversight. At this point we're asking the federal government to step in for oversight with the problems that the State of Florida is having.

And my comment today is I don't back down. Do not let the agricultural interest, who will tell you we can't afford it or this is bad times, we -- the economy won't permit us to do this kind of thing. The future of Florida depends upon the quality of our water. It's our second natural -- second most important resource. Our first is our people. Thank you for coming. And stick to your guns.

MR. KING: Thank you very much.

Speaker Number 12?

MR. JUDAH: Hi, gentlemen. My name is Ray Judah. I represent the Lee County commission. Thank you for allowing me to share a few words with you this evening. And first of all, thank you very much for all the time and resources that have been expended to try to get public input, as you move forward with the rule-making to impose the numeric nutrient criteria. I'm here to support your efforts.

And I have to tell you that, as you well know, back in 1998 the EPA sent letters to the Florida Department of Environmental Protection, mandating that the state implement a numeric nutrient rule. Quite frankly, the

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state legislature has ignored the EPA. They've abdicated their responsibility to the state of Florida, and what we have is evidence of that neglect. We have a deteriorating and destroyed ecosystem in Lake Apopka, in Lake Trafford, in Lake Okeechobee, Florida Bay, the Everglades. Our own Caloosahatchee River is an impaired water body. It was deemed by the American Rivers Association a few short years ago as one of the most impaired water bodies in the entire nation.

So I am asking that EPA do, in fact, stay firm, have the conviction of -- have the courage of your conviction. I realize that you have heard from industry, whether it's the wastewater utilities, or agriculture, or developers. And they need to know that this is not altogether only for the environment. It's a good business decision to finally implement a numeric nutrient criteria, as opposed to continuing to rely on narrative criteria. And I think that is what has led to the deteriorating water quality of our waterways throughout the State of Florida.

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In Lee County we know about the terminology of Lyngbya, or cyanobacteria. We know the effects of Lyngbya because of the heavy concentration of nitrogen and phosphorus coming down the Caloosahatchee River from Lake Okeechobee, creating filamentous algae that covers and suffocates the grass beds, which is the basis of our marine food web that we rely on with our multimillion dollar sport, commercial fishing industry. We know about cyanobacteria, toxic to not only wildlife, but also to humans, and we've had public health warnings, again, because of blue-green algae in the Caloosahatchee River.

Again, the industry has got to realize that we cannot sacrifice a $2.5 billion tourism industry right here in Lee County alone, where we rely on water quality that allows us to market the area to the world. And while I know you have been -- your integrity has been impugned, you've been criticized, you are on the right track.

And it's for the best interest for the state of Florida, and I would ask of you, as Lee County continues to struggle with taking on the sugarcane industry that continues to back-bump into Lake Okeechobee, where we feel that effects of that phosphorus and nitrogen being the catalyst for nutrient overloading in our waterways in the fish tide -- or the red tide and the fish kills.

We also are just as concerned and already have lawsuit with the phosphate industry to the north of us because of their impact of the Peace River watershed and the phosphorus coming down the Peace River, and also, of course, the drying up of the Peace River because of the excessive amount of mining operation that is going on today. What you need to keep in mind is the phosphate industry is looking at mining another 150,000 acres over the next 30 years. We're hopeful that the Corps of Engineers will pay heed to the EPA and finally pursue a cumulative wide area environmental impact assessment, so we can once and for all understand the impacts of phosphorus to the region.

But it's tough living downstream, and quite frankly, what I would ask of you is to impose the nutrient numeric criteria. Understand that in Lee County we actually reclaim 70 percent of our wastewater effluent, that even though it's treated, we do not discharge it in the river we use it for irrigation. And what I would ask of you is perhaps consider loading allocation versus concentration, in order to incentivize other wastewater utilities to pursue reclaiming wastewater and to provide an alternative to discharging into waterways and use it as reclaimed water for irrigation purposes.

I really -- my heart is out to you, but in Lee County we hope that you will stay strong and impose the nutrient numeric criteria. It is going to be for the best interest from a business standpoint and from an environmental standpoint throughout the State of Florida. Thank you very much.

MR. KING: Thank you. Would Speaker Number 19 come up, and then Speakers 20 and 21 come up as well?

MR. FULLER: Good afternoon. I'm Manley Fuller, president of the Florida Wildlife Federation, one of the -- your people that the Environmental Protection

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Agency did the settlement agreement, which is a major motivator for this action. We're very glad to see you here today. I was listening to Commissioner Judah's comments, and we wholeheartedly concur with essentially everything he said. We're going to be providing written comments within the comment period. We were joined in that action by allied organizations like the Conservancy of Southwest Florida, Sierra Club, and various River Keepers across the state.

We believe that implementation of this rule will not conflict Everglades restoration, but will aid Everglades restoration and other ecosystem restoration projects across the state. We've known that nutrient pollution has been a problem in the Everglades ecosystem, beginning at least in the 1970s. We think that your recognition -- we agree with your recognition of the intimate connections between surface and groundwaters.

We think that the numerical standards will give measurable targets. When you've got measurable targets -- the regulated industry, the people -- they're composed of very bright people, a lot of -- a lot of good

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people in the agriculture community, but we need to set those goals so that we can meet them, and I think they can -- I think they can harness their experience and knowledge on the land to build upon, not -- this is not in conflict with the work that's been done previously. It seems to us that this would -- this would complement this by setting specific goals and objectives.

We think that fertilizer -- the -- several speakers have talked about fertilizer ordinances, smart fertilizer application. We think that could be done. Get minimum -- minimum effective dose, minimum effective dose at the roots of the plants. It doesn't do anybody any good when it gets in the waterways. We think that the -- that the regulated community and representatives -- and their representatives and some people in the fertilizer industry, we think that they've presented you with exaggerated cost estimates. We think that people just need to look at a top-to-bottom analysis, how can we reduce nutrient discharges into waters. That's what we need to do. We think you're on the right track.

I want to make a couple personal comments. Although I represent a statewide organization, I live near the Wakulla River in north -- in the Big Bend region of Florida. I've personally observed, since the 1980s, a proliferation of nuisance exotic invasive plants, algal

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growth. The Florida Wildlife Federation has participated in litigation to defend Wakulla Springs from nutrient -- excessive nutrient discharges with the City of Tallahassee, and they are now engaged -- they've redesigned their whole wastewater treatment system.

I've observed algal blooms in Lake Apopka, when I was participating in alligator surveys with the University of Florida and U.S. Fish & Wildlife Service. I mean, the whole -- the waterway was orange, top to bottom. There's improvement that's been taking place because there's been a conscientious effort to try and reduce the nutrient discharges into Lake Apopka.

You showed a picture of Merritts Mill Pond in Jackson County. In the 1980s I canoed and swam and fished in Merritts Mill Pond. That picture makes me

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sick. That's not -- that's intolerable. That -- when I saw that in the 1980s, that system was gin clear.

We think that -- there were some comments made about the difficulty of regulating within the canals in the South Florida. One of your previous speakers showed this photograph taken off of his dock in Cape Coral. We have serious problems. You can't effectively deal with the water quality issues in South Florida if you do not consider canals because they are such a large part of the landscape. So we're glad you're here. We know you've

got a tough job, but we're all -- we're all part of the problem, that's true, and we all want to be -- we all need to be part of the solution. We think we can get there. We think this is a critical step, and thank you very much.

MR. KING: Thank you. What we're going to do is listen to the next two speakers and then take a break for about 15 minutes and let some of us do a bio break and others just sort of stretch our muscles in our hands, which would be the court reporter, and then we'll proceed from there.

We're scheduled to end at 9:00. However, we will go for as long as there are speakers who wish to make comments. So don't worry about that. We'll be here into the evening, as that seems to be useful. Okay?

So Speaker Number 20, come on up.

MS. HEUER: I don't know how I got so lucky to follow these two, but my name is Molly Heuer. I'm a 25-year resident of Sanibel Island, and I represent myself.

One of the things that attracted me to Sanibel was, ironically, the very thing that many Sanibel residents now complain about, the many rules and regulations that limit individual property rights. Limited growth, our dark skies ordinance, sign ordinances, many acres

preserves land didn't come easily or cheaply. People do not self-regulate. We all, businesses and individuals alike, need laws to ensure that everyone's rights are protected.

Many of the same economic arguments were made -- that are being made today, were made when the City of Sanibel was in the process of incorporation. However, I would argue that any economic hardship suffered by a few, and often heavily subsided industries, will be end up being passed along to me, the consumer, anyway. So I think that's kind of a moot factor. And the cleanup, after the fact, of contaminated water is a far bigger economic threat to our economy than preventative measures. That's true with healthcare, it's true with many things.

I guess during the massive polluted water releases down the Caloosahatchee several years ago we suffered, at the bottom of the toilet, so to speak, directly observable negative effects. I felt really violated personally to see the actions of those many miles from us threaten what we had worked so hard to preserve. Our estuary became a dead zone. Our tourism suffered. Residents suffered, the wildlife suffered as red tide became a common occurrence. Old-timers said they rarely saw blooms, and suddenly they were commonplace.

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Driving over a causeway, you could smell the stench of sewage. Today you can still notice that smell on Captiva Island, which is all on septic still. We all share in the responsibility of the pollution, I agree, and septic systems are part of the problem. Runoff is part of the problem. Ag interests are part of the problem. I think this is a really good start, what you're doing. I hope you can protect us from ourselves, basically, and pass strong legislation to protect -- our really most precious resource is our water.

The public-private best management processes someone mentioned earlier are the solution, well, they can still be used in addition to regulation. Groups like SCCF, for example, on Sanibel work in conjunction with, you know, private groups, and, you know, it can all be done. So thank you very much for listening, and good luck to you.

MR. KING: Thank you very much.

Speaker Number 21, will you come up?

MS. LARSEN: Good evening. My name is Sarah Larsen, and I'm a student at Florida Gulf Coast University. I am here tonight, just as I was back in February in West Palm Beach, to show my support for protecting water quality in Florida through numeric nutrient standards.

The proposed EPA numeric nutrient standards are an important first step. Excessive nitrogen and phosphorus

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are known to produce harmful algal blooms. These blooms and the associated health impacts are detrimental to our economy, which relies heavily on tourism to our lakes, rivers, estuaries, and beaches.

As an intern at the Coastal Watershed Institute at Florida Gulf Coast University, I have seen firsthand harmful algal blooms clog and suffocate the Caloosahatchee River. I urge the EPA to push forward with numeric nutrient standards. However, I would ask that the EPA relook at the South Region. There are many natural rivers and creeks south of the Caloosahatchee River, such as the Estero River and Halfway Creek. Please do not lump these natural rivers with man-made canals. Both need regulating.

I also suggest the EPA work with the national estuary programs in Florida to assign science-based numeric nutrient standards to watershed basins instead of generic areas. I, along with the other 11,000 students at Florida Gulf Coast University, are not confused as Professor Snapp indicated in a earlier comment. We know how important water quality is for our future, and we know numeric nutrient standards are what is needed. I want to thank the EPA for proposing numeric nutrient standards for the State of Florida, and especially for taking the time to hear our voices here in Southwest

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Florida. Thank you.

MR. KING: Thank you very much. We're now going to take a 15-minute break, which should bring us back together at 10 minutes after eight o'clock. And Speakers Number 22, 23, and 24 will be up at 10 minutes after 8:00, so look forward to seeing you.

(Brief recess was held.)

MR. KING: We're looking for Speakers 22, 23, and 24, and you're on.

MS. NELSON: Hi. My name is Vikki Nelson. I'm a student at Florida Gulf Coast University. And I think as

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members of the EPA, and from listening to all of us, we've made it pretty clear what the environmental issues would be. So I'm just going to say that I think this numeric standard is great. I think it's the first step in a long chain of events that will enforce people to have a higher standard of living and a higher standard of working.

I mean, just agriculturally, having these kind of things will set a precedent for people to use their land better, especially ag -- people who need it for whatever they're working on as a source of income. I mean, we've learned that the misuse of fertilizers has led not -- well, I remember someone else brought some of these aspects up, but I wanted to point out that, in a global

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market, it makes us better just because the new generation coming up, we want things -- we want food that's not only good for us, but it's good for the land that produces it. It's more sustainable. And I know that trying to use our land better is going to bring that forth.

And I've learned that -- I've also learned something interesting. Apparently, the misuse of fertilizers has led to a weaker product in terms of health. Basically, I've learned that -- studies have shown that by using the fertilizers, you deplete a plant's ability to defend itself, and by only giving it such basic amounts of what it needs, it creates just a less healthy product. It doesn't have as many of the nutrients and minerals that humans have learned to depend on for so many years, and it just -- it depletes their resources of defense. By using insecticides, they don't want to use their own defenses, and studies have shown that when they use their own defenses it does create a better product as well.

I also wanted to point out that the better land use would save tons of money overall, just because you're not wasting so much product. You're not wasting fertilizer, you're not wasting insecticide, and obviously, that leads to better economics. I think they pointed out the tour -- I'm sure a lot of people have pointed out the

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tourism factor. I mean, all of this would lead to better tourism. I don't need to go over that anymore.

Not only that -- so I've also learned that by not having a policy -- I'm involved in a lot of clubs in school, and I've learned that by trying to make new policies -- if you don't have a policy, while enforcement could be questionable, and that's the next big step, not having a policy in the first place means no power, there's nothing you can do, and I -- someone came up here earlier basically exemplifying that situation. So I think this is a great step forward.

MR. KING: Thank you.

MS. NELSON: I also want to say that I think it's been made pretty clear here that the majority of people residentially support this, as well as economically, especially in the tourist realm. I can't speak for the others, just because a lot of them haven't come up, but I think it's been made pretty clear that we as Floridian residents want this.

We also think that -- I just want to mention -- someone mentioned that these goals seem unobtainable. I don't think they seem unobtainable. Speaking as someone

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who's at the school, I know people care about this. I know people have been making efforts in their daily lives to work together to try and make less of a carbon

footprint, less of an issue on where we live. And I think if you make these policies, it will make those who might be behind work even better. And I think it might make those who maybe aren't sure of what to do understand what they do need to do. And I'm sure that the EPA would will work on helping people who could be confused, or communities who might not know what to do.

I guess basically that's it. I also just want to say that, as a resident -- my family first moved here because -- well, part of the reason my family moved here is because we love the environment here. It's beautiful. Coming from Chicago, there's really not much. It's just been -- the environment has been a heaven on earth, and I wouldn't -- I don't think I would want to lose that, and I don't think anybody else would want to lose it. My grandparents wouldn't want to lose, who have lived here for more than I care to say. So I just wanted to bring that up, and I think that this would be a great step towards not just a better -- higher standard of living for the people, but a higher standard of working for the people who work here. Thank you.

MR. KING: Thank you very much.

Speaker Number 22, and would Speaker Number 24 come up? Beg your pardon, Speaker Number -- yeah, 22.

MR. GAMEL: 23.

MR. KING: Okay.

MR. GAMEL: Hi. My name is Matt Gamel. I'm an environmental studies major at Florida Gulf Coast University. Pretty well the science behind the need for this has, I think, been pretty extensively covered, so I'm not going to repeat any of that. Basically, we have enough issues that my generation and my children's generation will have to get through environmentally, and had this is not one that we need to add on top of that list. So I really appreciate you guys being here and giving us a chance to show our support for this. We really need it, so thank you very much.

MR. KING: Thank you, and thank you for coming out this evening.

Speaker Number 24, and Speaker Number 26, if you would come up, that would be great.

MS. NARDI: Hi. My name is Hana Nardi. I lead a group of concerned students, a service team within the honors program called Ecoaction, and our mission is to help improve the health of local waterways. I'd like to speak a little bit about my experience in Florida thus far. I moved to Orlando 10 years ago with my family, not for environmental reasons, because of work reasons.

And I remember the only natural waterway that I was close to was the Econlockhatchee River. And I've been

involved in their Ecoaction canoe cleanups up there. And as much as I love and enjoy canoeing out there, I would like to not have to clean that up as much, and I would like to see the health of these waterways improve. I know we're not talking about trash here, but as far as nutrient enrichment goes, I think that's also very important, setting these numeric nutrient standards for

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waterways.

Now, coming down here, I had no idea how special and how unique this ecosystem was until I got to explore the area. I think that's a big part of the reason why students come to school in Florida, is for our beaches and our lovely weather. And if we don't have healthy waterways, then I think that will -- I think that will decrease the likelihood of a lot of people coming and staying here once they graduate from college. So I think that's also something important to take into consideration. So thank you.

MR. KING: Thank you very much.

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

MR. SABOURIN: Hello. My name is Daniel Sabourin. I too am a student at Florida Gulf Coast University, and I am a proud uncle of seven nieces and nephews.

Now, my family is spread across the U.S., Ohio,

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California, even as close as Georgia, but no one else lives in Florida as I and my parents do. So it is a pleasure, when they do come to visit for the summer, and my brothers are always concerned about their children's health. So one thing I just want to mention real quick, whenever they do come to visit, it's always a given that we do take them to the beaches.

And one thing that they love -- more than I can express -- love to do is, when they go into the water they'll drag their feet around on the sand, bringing up sediment, and that will attract fish at to nibble at whatever little bits of good they may bring up. They love that. Now unclean or unhealthy waterways, all water flows back out to the oceans, so that will eventually lead to the algae blooms and red tide, which will kill the fish that my nieces and nephews so love to see and marvel at.

And my brothers are concerned for their health, so if health conditions on coastlines should grow out of control because of a lack of numeric nutrient standards, and red tide and algae blooms become more common, they'll become less and less willing to come to Florida for their summer vacations. And for me, that would just be terrible because I wouldn't get to see my nieces and nephews. My parents wouldn't get to see their

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grandchildren. And I can just see it, if one day and they come to me and say, Uncle Danny, how come you didn't do anything to help keep the beaches clean?

I love my nieces and nephews. My brothers do as well. So I support -- more than I can express, I support anything that is done to help keep the environment clean, safe, and habitable. So I appreciate what you are doing. Thank you.

MR. KING: Thank you very much.

Speaker Number 26, and if Speaker Number 28 would come up.

MS. CASTRET: Hi. My name is Lindsay Castret, and I'm also a student at Florida Gulf Coast University. And tonight a lot of people have been sharing their stories about how they've seen the waterways degrade and stuff, and I just kind of want to take an opposite spin on it and say that I really do want you to bring these standards because of the hope that it can bring.

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Throughout middle school and high school, I had the opportunity to work in an area of land that had been reclaimed from ranches and agriculture, and when we started there, they brought up water samples just full of sludge and nasty, nasty stuff. And there was -- there was nothing there, dead fish -- it was a very depressing area. And by the end of the six years, I mean, the birds were back. You know, you would see the great blue herons and, you know, all the shorebirds.

It's now actually -- they actually have an education center there. There's all these field trips that come. Like the kids are always just so excited to be there. They're like, you know, Look, look at all the birds and so just -- I just wanted to bring a story of hope, and say that this is a good thing, and that it's not too late, and that these can -- these standards can make a difference, and I hope to see them put into place. And that is good first step, and I wish you luck. And thank you for being here.

MR. KING: Thank you very much.

Speaker Number 27, and then if Speaker Number 29 would come up.

MS. HANLEY: Good evening. My name is Mari Hanley, and I live in Fort Myers and I work in the ecotourism business on Sanibel Island as a naturalist tour guide for the past six years.

Having degrees in biology and marine biology, I have observed changes from not only a biological, but in all -- also from an ecotourism business perspective in our Southwest Florida estuaries. Doing three tours a day in the estuary, I see on a daily basis, hour to hour, the changes and the effects of nutrient pollution, causing algal blooms, resulting in the loss of oysters, blue claw crabs, sea grass, fish, et cetera.

Now, in the past these have caused my coworkers to lose hours and income. That summer that we had that wretched red tide, all of the fishing charter captains were dismissed for the summer. They lost a whole summer's worth of income. This past -- we have enough trouble with natural disasters, like the cold snap that we experienced this past January, where fish were killed. We don't have control over the weather, in terms of cold snaps, but we do have control over nutrient pollution in our estuaries.

Tourists visit Florida, which is the number one state in the nation for fishing, and they come here to catch fish and enjoy wildlife viewing. So how do, as a tour guide, explain to customers on my tours the reasons for dead fish washing up in the mangroves; for algal mats smothering the oyster beds; for the stench of sulfur bacteria covering the bay's bottom, where instead sea grass should be growing; for red drift algae inundating our beaches; and for the smell of dead wildlife, as experienced on my kayak tours. I experience it firsthand.

So when you say that the Florida DEP has avoided implementing numeric standards for the last 11 years, this neglect to set nutrient standards, has this brought us a better economy here in Florida? You know, with all the loss of jobs here in Florida, I think we could work

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together to find a way to produce more jobs by protecting the environment instead of destroying it. So the question also becomes then, has this coddling of polluters resulted in more jobs in our state? It certainly has not protected our springs or our waterways.

Recently I've read in the paper that the Springs Protection Bill, S.B. 550, has advanced out of the Senate Government Oversight and Accountability Committee, and is headed to the Senate Ways and Means Committee. It's not just the springs that need protection. We need to protect both our springs and waterways because they are connected. That's our drinking water, as well as our playtime and tourist water and fishing water. They should be protected in a cooperative and concerted effort in this state.

So I want to commend you for your efforts. I support the EPA and their recommendations to the, number one, implement numerical nutrient standards; two, to improve water quality and to phase these requirements in over a reasonably recommended period of time; number three, to allocate monetary support for implementation; and number four, to allocate monetary support for

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enforcement.

You know, industries who generate pollution claim that numeric standards are unnecessary, unattainable, and unaffordable. You know, a lot of people made those claims about going to the moon and to Mars, but look where we've gone. So, you know, we can -- we can accomplish a lot. You never know what you can do unless you make, number one, an affirmative decision, set goals, and work towards reaching those goals. So let's get it done finally. Thank you for your time and efforts.

MR. KING: Thank you.

Speaker Number 28, and then if Speaker Number 30 would come up.

MR. HILL: Good evening. My name is Andy Hill. I guess my resume, I'll share a little bit with you. I am by profession a partner investment advisory firm, focusing on social sustainable investing. My community service is highlighted by being the vice chairman of the Conservancy of Southwest Florida. I am the past chair of the Red Snook Fishing Tournament with Roland Martin, which a catch and release event to raise money for estuary research.

I'm also a participant in the lawsuit to bring about what we're doing here today, and that was focused -- my ambition to be involved in that was to -- is dealing with

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the negative impact of the destruction that we saw years ago as a result of the red tide episodes, which will probably be back again once the weather conditions are correct for such an episode.

And a couple of things that I wanted to bring out today, we've had some very good comments on the science side, but what I would like to maybe highlight is some of the economic impacts. We do know that the -- how the economic engine is driven in Southwest Florida, is where people come down to visit, be it visiting family, be it on business. 40 percent of the visitors to Southwest Florida will fish, according to the Jack Wert, who's in the charge of the tourism development council in Collier County.

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40 percent of the people will fish. And let me make one point clear, if it hasn't been made by the previous speakers: Dead fish don't sell well. With that in mind, if we break the economic cycle by not having control over our ecosystem, that will kill our economic engine for years to come, as we saw back after the huge red tide episode we saw several years ago.

Second thing, the impact of sport fishing tourism is not measured in thousands of dollars, hundreds of thousands of dollars. It's measured in billions of dollars. We can't -- that -- tourism actually is a

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larger industry than agriculture, although I don't think tourism spends as much money as they should on lobbyists, as we know that the sugar industry spends more on lobbyists than does any other part of the agriculture industry, which certainly does very well in supporting lobbyists. Maybe the Girl Scouts who were here earlier should hire a lobbyist to protect their interest in the years to come.

A couple other points that I would like to make is that your PowerPoint presentation indicated a cost of the expenditure is approximately $1.5 billion, if I remember correctly. Now, let's take that and look at what the value is of our ecosystem. Sport fishing, I know, is a multibillion dollar industry. That's a, I believe, about $5 billion annual impact to this -- to Florida. Now we add in tourism -- it's a big number. So if we compare that to only a billion and a half dollars over 20 years, doesn't that make -- I don't know if that's a cost or an investment. Maybe you ought to change your PowerPoint before you head off to Tampa tomorrow, and call it an investment, and I think that's a better way to characterize what we can do there.

Now let's talk a little bit about sustainability. We know that a lot of municipalities have a wastewater challenge to deal with. I think there's a number of ways

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that we can deal with that. At the conservancy they recently have built a filter marsh that actually wasn't that expensive. It cleans up approximately 80 percent of the water coming from the Coastal Mall. If you know where -- know the conservancy in the Naples, that's a huge benefit to the Gordon River and Naples Bay area, which needs help.

We could use the same approach with other areas of wastewater treatment. Those of you who have been into purchase fertilizer lately know where Milorganite comes from, it's from the good people in Milwaukee, I believe. So there's plenty of opportunity to focus on sustainability and reusing some of those wastewater areas. And that will sum up my comments. Thank you for coming today.

MR. KING: Thank you very much.

Speaker Number 29, and if Speaker Number 31 can come up.

MR. COOPER: Good evening. My name is Jim Cooper, and I'm a 46-year resident of Florida, 16 years in the past full-time. I'm also president of Lemon Bay Conservancy, and Protect Our Watersheds.

We are quite concerned about the unnecessary and harmful nutrient and fertilizer and phosphate pollution of our Florida waters. We strongly support what you

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mentioned today, which is your new program of Downstream Protective Values because, as Commissioner Judah said, we downstream people are forgotten about, but we're feeling the impacts and we're feeling the pain.

I built my home in a place called Coral Creek -- where it's a natural waterway; it's in Cape Haze, Florida -- because of the nature views and the wildlife. I regularly use the waterways to fish, to kayak, to photo, and also to take out friends, just to -- actually, to relax and get away from the stress of my regular job. Unfortunately, over the last 10 years I've seen Gasparilla Sound and Lemon Bay, which I look out my window from, from my job every day because I run the Gasparilla Island Bridge Authority -- I've seen it deteriorate in water quality, which is directly resulted in fewer scallops and crabs and the needed natural marine wildlife to feed our fish in our natural fishery, which is Charlotte Harbor.

It's quite clear to me that if commonsense limits on nutrient and phosphate pollution, like you're now proposing, were set into place years ago, we wouldn't be experiencing the many harmful pollution problems we have today. We're 12 years past the 1998 deadline, as Commissioner Judah pointed out. The state has failed to solve it. We need your help because only you can get the job done. Our state can't do it and they won't do it because the lobbyists have them and they will not listen to us.

Florida support and the nutrient pollution, my county, Charlotte County, nearby Sarasota and Lee Counties have all enacted great fertilizer ordinances, only to find out that Tallahassee is now trying to bend the rules and say that we don't listen to the people's will for a small percentage of profits from big businesses like the phosphate industry and the ag industry. That's unacceptable.

Frequently, big businesses like the phosphate industry oppose pollution limits by complaining it could decrease their profits. In reality, they make giant profits -- a lot of them, by the way, overseas -- and we taxpayers can't simply can't afford to clean up their mess, as has been pointed out by many people today. If we truly want Florida to grow positively and to climb out of our economic slump and increase meaningful jobs, we must start by improving our local regional water quality of life. That's what we need to focus on. That's what you're going to do with this thing. That 1.5 billion investment is a very small sum to move us forward.

I want my kids and my grandkids to experience healthy Florida waters. It's not just part of our way of life, it's our primary economic magnet. We must stop using our natural waters as dumping sites for unwanted and costly pollution, which we have to turn around and fix.

A very important point that I'm very extremely concerned about on your slide, you talked about the Bone Valley area, and you had a special color for it. I'm not sure I agree with the color, but anyway, the Bone Valley area currently has the lowest water quality standards in the state. I don't understand that. If anything, it

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needs to be reversed because that's where all the phosphate is being mined, has been mined in the past, and 150,000 acres are proposed in the future, as Commissioner Judah pointed out. Now, if you can enforce those standards, we're not going to have to sue them in federal court, and we don't want to do that, and we would appreciate your help.

We know it's going to affect the sustainability of our harbor. Our Peace River watershed and the Myakka River watershed for the next 30 years in the mining side of it, then there's another 20 to 25 years in the reclamation side of it. So that's more than a 50-year impact from phosphate. So I strongly urge you to work with the EPA -- you are the EPA, excuse me -- to work with the Army Corps of Engineers to require them to

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enforce the Clean Water Act and require an area EIS on phosphate strip mining right away, a regional area of impact study, which is what Commissioner Judah talked about, too.

We must start protecting our vital natural waterways by banning the use of phosphate fertilizers, I believe, within 100 feet of all natural waterways throughout the state, period. Let's have a zone that we can step back from and say, No phosphate here, it's not needed, no fertilizer here, no chemicals here. We can live without it, and our watershed certainly can live without it. So I really urge you to take action now on starting these buffer zones within 100 feet throughout the state.

I'm really glad you came today. I'm really glad you're listening to us. I had to drive about 60 miles to come down and see you, and it's well worth. So thank you very much. And keep doing what you're doing. My groups will be sending you some more specific letters in the future. Okay. Thank you.

MR. KING: Thank you very much.

Speaker Number 30, and then if Speaker Number 32 could come up.

MR. McAVOY: Thank you. My name is Gene McAvoy, and I'm a regional vegetable extension agent with the University of Florida. I'm also secretary of the Hendry

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County Cattlemen's Association and treasurer of the Hendry-Glades Farm Bureau, as well as a private rancher, and I'm here in opposition. I work with vegetable and citrus growers the area in Lee, Charlotte, Collier, Glades, and Hendry Counties. We have 75,000 acres of vegetables, 100,000 acres of citrus in the five county area.

And this industry generates over $9 billion, as well as tens of thousands of jobs to the area. Not only are we important to the local economy, we're important to the national economy. 70 percent of the vegetables consumed east of the Mississippi from the months of November to May are produced in South Florida. So we're not only important to the area we support the national diet.

The growers that I work with have met this challenge head-on. We have been working diligently with the Department of Agriculture, the Florida Department of Environmental Protection, the University of Florida for many years on developing and adopting best management practices aimed at reducing offsite nutrient movement and protection of Florida waters. We've been successful, and

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we have seen significant reductions in the rate of fertilizer application and major changes in fertility and water management on the farm.

By adoption -- or adoption of BMPs has been costly to growers. We have set aside land for water retention on farm, in many instances over 30 percent of the land on which a grower pays taxes is set aside for retention, installation of control structures, changes in fertilization and irrigation. All of this has resulted in major cost increases to our growers and is making us increasingly less competitive on a global and regional market. And despite what people say, we cannot pass these costs on. What we do is our -- we're pushing our growers to Mexico and to other countries and giving them advantages.

Also like to talk a little bit about cattle. Cattle is our largest land use in the area and in the state. It covers over 19 million acres in the State of Florida, and it provides open land, it provides habitat for wildlife, aquifer recharge. And the cattle industry is a very sensitive industry economically. The average cow-calf pair, we sell one cow-calf per year. It costs about $350 to grow that calf each year. We sell that animal for between 50 -- excuse me, between 4 and $500, meaning we make between 50 and $150 profit. It takes 8 acres do to that. Divide 150 by 8, and you're making about $20 an acre profit.

We cannot afford to do very much in addition to what we're already doing in terms of BMPs. And we've seen this happen in Hendry County, where we've actually pushed livestock operations out of business, when we've -- when the state has imposed high standards of BMPs and opened the door to more intensive agricultural and development opportunities.

Also like to put on that BMPs are relatively new. I haven't heard anybody speak about lag time, but it's a well-known fact that we have a lag time in natural systems. Water that falls in the Kissimmee Valley may take up to 50 years to reach the estuaries, and this lag time is not being taken into account. It may take decades for us to see results from the BMPs that have been implemented in the last 10 years. So we need to take that into account.

Also, our waters are very highly variable. In some instances we find rainwater that we collect that will not meet the standards that are being proposed. So the one-size-fits-all standards are going to be very onerous and hurt our industries.

We've been a leader. Our businesses, agriculture and otherwise, our government has invested millions, and we work very hard. We need to support these efforts instead of singling Florida out of all the 50 states and putting us on a noncompetitive basis on a global market. So our agriculture, despite what others have said, and the governor said this in his state of the union -- or his state of the state speech -- agriculture and tourism are $165 billion. Agriculture brings over a $100 billion. We are the first largest business in the state of Florida, and we can ill afford to put that business out of business by imposition of overly harsh

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standards.
So with that, I thank you for your time and...
MR. KING: Thank you. Thank you very much.
Speaker Number 31, and then the question is: Are there any other speakers, Speaker 32, 33? Okay.
MR. ANDRYS: Hello. My name is see Rob Andrys. I live in Alva. It's just a town just east of here on the Caloosahatchee. I'm a former president of Riverwatch, the former president of the Florida Green Building Coalition and Alva, Inc., a civic organization. All these organize have promoted best practices. We've been pushing to make a better place here in Florida, to clean up a lot of what our fathers and grandfathers have done, not knowing what they were doing, but trying to make it a better place. Only through education will we be able to change things, now that we know what is going on.
I just was driving here, and on NPR a guest said -- was talking about the weather. And they said, We've measured the weather, we've talked about the weather, we

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know about the weather, but we really didn't realize, you know, why it is all this rain coming, in all these huge amounts. Well, the atmosphere now has 5 percent more moisture in it than it did 50 years ago, 5 percent more than it did 50 years ago. They know that because they've measured it. How are we to know what's going on in the river if we don't measure it? It's absurd in terms of, My gosh, this seem like a really easy thing to do, so let's do it.
I president of Riverwatch, and we were made promises 15 years ago, when I was president, We're going to make this better, we're going to do this, we're going to do that, we're going to do this -- it didn't happen. Now we get death. Let's just say what it is. The fish die. They're all over the beach. It stinks. Everyone goes, What in the heck is going on? Why should I come here? You know, Rob, I was going to come down to Florida and see you, but I'm not. I'm going to Texas, I'm going somewhere else, and that was what they said.
So, you know, we've got some bad stuff going on the river, and as we add more and more people to this state, more and more fertilizer, more and more people on septic, more and more people saying, Well, let's just do it the cheapest way possible, and we have a history of, Let's do on it the cheap. You know, why should I put in a septic

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system when I can bury a -- put it in a barrel and let it just go into the sand? We've got sand. And when you put anything into this sand, it's into the nearest -- it goes horizontally into the nearest ditch, into the nearest canal, and into the Gulf. It's really quite easy to see what happens.
I live on a creek that feeds -- is one of the tributaries of the Caloosahatchee. When I moved there 20 years ago, there were a lot of fish, just a lot of fish. And two days ago, I went, Oh, wow, there's four mullet. I haven't seen mullet in here in two years. It was a big deal.
You've heard about this from all these people, and so basically, what has to be done is we need to look at what the costs are and just say, What can we do if we -- as a human race, when we've polluted ourselves out of this place, are we all going to move? There's been a lot

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of people who have left this state when they said, You know what? They're not listening. We on a local level say no more fertilizer because we realize what's going on. We are polluting and people are coming down from everywhere else, don't realize we have sand. It's not clay, it's not humus. It goes straight into the water. They don't realize it.

So at some point the federal government needs to

step in. Just like they did in desegregation, it wouldn't have desegregated down here until the federal government came in and said, Do it. And that's what needs to happen now. The federal government needs to step in because the state ain't going to do it. They've shown they're not going to do it. My gosh, when is now going to come? Oh, we're going to do it in 1990. We're going to do it in 2005. Maybe 2012, when the world dies, you know, with the apocalypse that's coming, you know, maybe that's when it happens.

But there's a frustration. You know what? All these environmental people have been very nice and calm. But you know what? Everyone is getting tired of hearing the same old runaround, and I thank you so much for listening to us because the federal government has got to step in because the state won't. Thank you.

MR. KING: Thank you very much.

Speaker Number 32, and then if Speaker Number 34 can come up.

MS. CALKINS: Hello. I'm Susan Calkins. I'm a resident of Collier County and the City of Naples, and I am here to, one, thank you for being here and for the opportunity to speak.

I am speaking in support of these proposed numeric nutrient criteria, and I guess a couple of things. I

was -- thanks to a drunken driver, I have had more opportunity to encounter the medical establishment than I might under other circumstances, and I was just reflecting recently that, you know, it's pretty amazing to say that we don't have numeric standards for the health of our water. We would never, ever, you know, think about assessing our personal health without those numeric standards. And so it's a reminder to me of, you know, just how crazy we are to even consider subjective narrative criteria when it comes to assessing the health of our water.

And we in Florida do value water quality and good water quality, as everybody has stated, but, you know, our governor -- Jeb Bush when he was governor had a Gulf of Mexico alliance and a governors action plan that came out of that, and in that plan we come up with, for example, the city of Naples -- but there were a number of cities, where we asked what the top five priority issues were for people, and for Naples, where I come from, habitat loss was one, and water quality was number two.

And we documented well with the Gulf of Mexico alliance, which was supported by NOAA and our state, that there is tremendous value to our industries, whether it be fishing or tourism, and people have spoken very eloquently to that. And our water quality is clearly

related to those areas.

I am a taxpayer and as such, I am willing to pay

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costs, if they materialize, because I know many of our government officials seem to be very concerned that this new criteria will be too costly. I, for one -- and I know I represent many others -- are willing to pay those costs if they materialize because I believe that the costs of inaction are much greater, not only to our personal health -- I mean, I've experienced red tide on more that one occasion. It's not pleasant and certainly there are costs to our recreational fishing and tourism industries.

I would also add that specific numbers are going to give very strong emphasis to the preventive measures. People have talked again about the best management practices. I'm a social scientist. I know people need push, they need incentives to do what's appropriate. Somebody said, you know, we're not -- we won't clean up the water voluntarily, and that's probably true. We know those best management practices, we publicize them a fair amount.

But I think that these nutrient standards, if they're put in place, will be a real incentive for local governments to enact things such as fertilizer ordinances. The City of Naples has done that, and

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Sanibel, but cities need those pushes. We've been fighting in Collier County at a county level just to go for -- have pervious surfaces because it's not part of the code. So this kind of nutrient criteria will really push, I think, communities to put into practice and demand those best management practices, that we really can carry those out.

So I -- my last comment, since I taught sociology and anthropology for many years, is that I'm very proud of these kids, and listen to them.

MR. KING: Thank you and thank them very much.

Speaker Number 34, and if Speaker 35 would come on up?

MR. EVERHAM: Good evening, gentlemen, and congratulations, I think I might be the last speaker.

MR. KING: That's nice.

MR. EVERHAM: My name is Win Everham. I'm a past board member of the Caloosahatchee Riverwatch Citizens Association, a past member of the Fort Myers Beach Marine Research and Task Force, past chairman and current member of the Estero Bay Agency on Bay Management, and a 14-year resident of the Estero River watershed. I'm also a professor of marine and ecological sciences at Florida Gulf Coast University, though my comments represent my opinion as an ecologist and not as an official stance of

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my institution or any of the organizations that I'm associated with. Although I would like to add that I'm also proud of our students who participated tonight, and particularly, like Sarah, when our students publicly disagree with our faculty. It gives me hope for the future.

I want to add my thanks to you and to the EPA for the opportunity to comment tonight, and particularly your willingness to schedule this locally, making it possible for many of us to participate, and I appreciate your patience on what must have been a very long day.

I'm speaking in support of the EPA's efforts towards establishing numeric nutrient standards. I believe it's

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an important step towards reversing the degradation of water quality in many of our waters. I was struck by Jim English's observations about the different places where each of the generation of his family has learned to swim. And I know that I don't need to point this out to you gentlemen, but perhaps the audience would appreciate being reminded that the Clean Water Act of 1972 included as a goal that all waters of the United States would be fishable and swimmable by 1983. Let me repeat that: All waters of the United States would be fishable and swimmable by 1983. Clearly, 25 -- over 25 years after this deadline we've not yet achieved that goal.

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Commissioner Judah gave a list of many of the local water bodies that are clearly degraded, and I've got to tell you in my time on this landscape, I can't give you one example that I can definitively say of one of our water bodies whose water quality has improved. Although if Commissioner Judah was here, I would tell him I'm cautiously optimistic about Lake Trafford, with all the money we're spending to suck the muck out of the bottom of that lake.

I believe that numeric standards can help. I can't imagine that all of the hearings that you have set up for these numeric standards have been as supportive as this -- most of the comments from the people this evening have been, and I imagine that some of the people have raised issues about whether the proposed numeric nutrient standards are adequately geographically resolved, and I have to say I agree with those concerns.

My experience with the aquatic ecosystems in South Florida is that many of them are very unique, and they might not fit into larger regional characterizations. And as both Andrew McElwaine and Sarah Larsen mentioned, although we have many canals in South Florida, we also have functional freshwater rivers, and I think we don't want to have them overloaded by either mischaracterization or inappropriate standards.

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I hope, as we go forward, that we can also establish a mechanism for refining the proposed standards, if they fail to halt or reverse the loss of ecological function in our aquatic ecosystems, although I can't imagine that you're particularly excited about the next round of public hearings that might relate to changing those nutrient standards, but they might be necessary in the future.

I know that some of the critics have raised concerns about the possible costs associated with this regulatory change, but as other speakers have said, I don't think we can ignore the fact that environmental degradation ultimately costs more in the long run. And just as many citizens are concerned now with the growing national debt and the economic impact that has on future generations, I think we should be concerned about the mounting ecological debt and that cost to future generations.

I appreciate the representation -- the representatives of the farming community that were here today. They are a critically important part of our economy, and most of the farmers that I know, are really careful stewards of the environment, and they're doing the best job that they can, both for ecological reasons and for financial reasons, not to be exporting too many

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nutrients from their landscape.

But I don't think we can ignore that some of the critics that you've heard engaging in this issue about not putting in these numeric standards are really operating on the mechanism that they're able to maximize their profits by exporting their waste to the commons, the water that we all share, and expecting the public to collectively absorb the cost of their doing business. And this is wrong, and I think that numeric nutrient standards can help address this inequity.

I had the opportunity a couple of years ago to present at the National Storm Water Conference, and the plenary speaker was Robert Kennedy, Jr. And in part of his speech, he stated that he believed it was the right of every child in America to go to their local body of water and to catch a fish, and to proudly bring that home, and cook it for their family, and know that they're not poisoning them. And I think that's right, and I think that the proposed nutrient standards can help us maybe that right a reality. And again, thank you, and I appreciate the opportunity to comment.

MR. KING: Thank you very much. And the last speaker? I don't know. Are there any other speakers who would like to offer some comments or perspectives.

One more -- two more.

MR. GRIGSBY: Good evening, guys. Welcome back to Florida. Little warmer than it was when you were here last time. Thanks for coming, and you know we certainly know this is a very important engaging in discussion.

I'm Wade Grigsby. I live in Venus, Florida. I have the privilege to live on the Fisheating Creek and have a condo down in Ten Thousand Islands in Goodland. So I've got the best of both worlds. I've got the uplands, the creeks, and Ten Thousand islands to play in. But I'm here as two things, two hats. As the cattlemen president, certainly this has -- as a land area, we have the -- we will be impacted the greatest. The least number of people, the greatest land area, and always the least number of people become the target.

Interestingly, I've been here all day. Two or three times I've made a round around here, trying to find a water fountain. Lee County must be pretty worried about their water because either -- they don't have public water fountains for one of two reasons. Either they want to sell water, or they're worried about the liability of it. And it sure seems funny that all these problems we've heard about today have always been in the areas where large concentrations of people live, unlike where we live and don't have these problems.

Guys, I was at Alico, when the land -- Alico donated to the university, to the state to build the university. We knew it was going to be an environmental study university. As a land-based agriculture company, do you think we would have put the tenth university in the state in as a $50 million donation for the right -- for the purpose of you-all to regulate us out of business? Heck, no.

We're doing everything we can, as right as science allows us to do it today, the same way that our fathers and grandfathers did it in the past. They followed the

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best recommendations, the best science we had at the time. Now, granted, some of it was wrong, but, granted, we've learned a lot of things over time. But how is it that the landowner is supposed to be responsible for cleaning that property up, if there is an issue, which most of them there aren't -- I don't know -- I can honestly tell you, and you know I've invited you to come that visit ranches with us. I can honestly tell you I do not know of a ranch in this state that is doing anything wrong intentionally. Okay? Some of them may still need some education, but there is nobody doing stuff that you think or we hear about going on.

Agriculture is the most important industry in this country. Without food, we have no national security. And for some reason, we just want to throw our food producers to the wolves. So I'm sorry, I just got a

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little frustrated there. It always goes back to the same thing. You have large numbers of people that want to point fingers at small numbers of people, and there's the problem, politically and otherwise. All right.

The negative economic impact that the Florida Chamber of Commence said would be $75 billion to implement this over 20 years. We had a man here today tell us that the Chesapeake Bay only cost $2.50 a person. Well, I've got news for you. At 75 billion that's about $4,200 a person with 18 million people in the State of Florida. 1950 there were 4 million people in the State of Florida and a million cows. 60 years later we have 18 million people and still have a million cows, but that means we have moved 5,000 people a week into Florida for 60 years.

Do you think our infrastructure has kept up? Do you think the issues might be overgrowth rather than agriculture? Nobody wants to be the problem here. Everybody wants to have clean water. But dadgum it, I'm getting tired of being pointed at time and time again as the culprit. I love clean water. Hell fire, I've got a place in Ten Thousand Islands, and I spend as much time as I can. You know what? I'm going to school skip to this because I'm probably going to lose it.

We had a greater algae flush this month than I've

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ever seen in the 20 years I've been going down there. Gee, I wonder what it came from? Could it be the nutrients of a natural fish kill from the cold? Never seen the fish dead like they were this January, early February. When you went into a bay there would be literally thousands upon thousands of dead catfish, mullet, snook, jacks. It didn't matter. Everything died. Bait fish, everything died. It got colder than heck.

You want to catch snook today? Guys, anybody here want to go catch snook legal snook? Go to Ortona in the Caloosahatchee River, two locks up. Right out just down from Lake Okeechobee, the dirtiest place in the world. Well, that's the only dang place I know to go catch a snook right now. If you want to catch eight or ten of them, you can probably do that up there, too. They're catching them just as hard and fast as they can up there.

So we really need to stop and think this thing through. We've talked about the unforeseen consequences that occur. They're going to be monumental if we go

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ahead the way we are. We're in an economic crash as we are all over. We have a balanced budget, thank God, in this state. I don't know how we're going to clean it up. We can't even pay for our schools anymore. You-all better hope the tenth one isn't the first one to get

closed, you know.

So it's -- we're in a real situation, but I do appreciate you-all coming and I've -- we've spent some time together. I apologize for getting a bit frustrated, but it's -- I get a little worried of -- you know, when you have to defend what you do, and what you do, you think, is as righteous and basic as it comes, that makes it a little tough. So thank you, and I did bring you --

MR. KING: Thank you.

MR. GRIGSBY: -- a copy of our --

MR. KING: Yes, yes.

MR. GRIGSBY: This is our revised --

MR. KING: Yes, yeah. I appreciate it. Good -- good --

MR. GRIGSBY: -- our latest revision.

MR. KING: Appreciate it.

MS. BALAZS: Good evening. Thank you for being here. My name is Vanessa Balazs, and I am also a student at Florida Gulf Coast University. I work at the Southwest Florida International Airport, and so I deal with tourists on a daily basis, and I get to talk a lot with families with kids that come to Florida specifically to go the beaches, and I see these kids' faces light up when they tell me about the dolphins, and the manatee, and the turtles and alligators that they saw when they

were here.

I am really grateful to live in such a beautiful state, but I fear that future generations will not be able to appreciate the great natural resources that we have to offer. Please continue your efforts to establish these numeric standards for Florida waters. Thank you.

MR. KING: Thanks very much.

MS. PRICE: Good evening. My name is Mary Price, and I am also a student at FGCU, and I'm an environmental study major. I just wanted to share a little story about my family. We moved here 16 years ago because my father got a job managing a fish farm in DeSoto County. And it just so happens that the fish farm is located right in between a large land of agriculture, which is like sod fields and citrus. Through the 16 years, I have seen my father and his workers battle the nutrient and phosphorus runoff that essentially is caught by his fish farm.

And I wasn't initially going to talk about this, but an event happened just the other day. I'm free work for my dad, so he calls me when he needs me down there at the fish farm. And he called me and told me that something happened. During the night the pond crashed, and he lost about 1,500 pounds of hybrid striped bass, which is thousands and thousands of dollars for him and my family and the company.

So I get down there, I see rotting fish. He's very, very upset. We're all upset and, you know, I asked Why, Dad? Why does this -- why did something like this happen? And then he educated me about the runoff causes these algae blooms, which sucks the oxygen out of the

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ponds, which essentially kills the fish. So, you know, this -- it ultimately affects -- you know, it affects our family, and it affects the people who are buying these fish, and the fishing industry.

So I think with the standards that you-all are trying to enforce, it will not only help the -- you know, the small -- you know, just the small people low on the totem pole like my family, and it will essentially help the entire of Florida, just everybody. So I really thank you for coming and giving us the time to speak to you. And I really hope that your standards get enforced. So thank you.

MR. KING: Thank you very much.

Are there any other folks that haven't had a chance to speak or would like to speak? Okay. Well, we thank you-all so much for coming, and we thank you for sharing your points of view. And this particular public hearing is now ended. Good evening. Thank you.

(The hearing concluded at 9:11 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, Dana G. Sturdevant, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the public hearing; that a review of the transcript was requested; and that the foregoing transcript, pages 1 through 323 is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 19th day of April, 2010 at Naples, Collier County, Florida.

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DANA G. STURDEVANT

Registered Professional Reporter

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