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

April 15, 2010

7:00 p.m. - 8:00 p.m.

Clarion Hotel Airport
Conference Center
2101 Dixie Clipper Drive
Jacksonville, Florida

IN ATTENDANCE:
Ephraim King
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U.S. EPA Office of Water
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Jacksonville, Florida

PROCEEDINGS

MR. KING: Good evening. This is a public hearing to hear the comments of a range of folks on EPA's January proposal to establish numeric nutrient criteria for inland waters in the state of Florida, and we are delighted that everybody is here.

My name is Ephriam King. I am Director of the Office of Science and Technology and EPA's Office of Water in Washington, D.C. To my right is Jim Keating, who is Office of Water's -- one of our senior nutrient experts. We're very pleased and appreciative of the folks that are here, your coming out and taking some time with us to both hear about the January nutrient proposal and also to give us the benefit of your comments and your thoughts regarding that proposal.

EPA has undertaken this effort, recognizing that nutrients, nitrogen and phosphorous pollution are an urgent, widespread and growing problem in Florida as well as other parts of the country as a whole, and today is a particularly important opportunity for us to get feedback on

that proposal.

We're particularly interested in folks that want to get up and give us their thoughts on any opinions or views you have about the scientific or technical support for the rule. If you have any judgments as to whether there is information or data we have not considered that we should be considering or if there's any analysis or data that we have evaluated that in your view should be done in a somewhat different view or way or should be used to support a different conclusion.

This is an opportunity for us to hear from the public, from Floridians, on what are the different sorts of ways we can draw this proposal, and it's an opportunity for us to hear feedback to strengthen and assure that the rule is balanced in common sense and as directly related to the goal as is possible.

I have one part of my opening remarks that I won't offer tonight, which is that we've made every effort possible to accommodate the staggering and large crowd. I think this evening that won't be necessary. I think we've done a great job in that regard.

There are two other parts of our opening remarks, and you all can decide what you'd like,

but I do need to give you a little bit of feedback in terms of the rule-making process we're in, and, therefore, what part of the process you're in, which is the Administrative Procedures Act notice-and-comment rulemaking process. And then I -- Jim Keating is available to give you an overview of the rule itself. It takes about 20 minutes, and for folks who haven't had a chance to really spend time with it, it can be a very helpful overview of what it is we're discussing and give us all a chance to start from the same baseline.

In terms of what EPA is undertaking here, the administrative context of the rule, most of EPA's rules -- regulatory rules are done under the Administrative Procedures Act in a so-called informal or notice-and-comment context. And briefly, what that means is, when EPA sets about doing a rulemaking, we collect all the data, the science and the underlying analysis that we can. We develop a proposed approach. And then really the most important part of the rulemaking is, we propose that and then we hear back from stakeholders, Floridians, experts, as to what their views are on the different aspects of the

proposal. It is through that comment response process that the proposal is strengthened and it's more clearly targeted and we hope more defensible, both scientifically and in terms of policy.

Tonight, we're going to be listening to your verbal comments. We have a court reporter with us, so when you come on up, please give us your name and your affiliation. We will be reading

all of your comments again, at least two or three times, along with all the other comments we get.

I want to let you know that we're going to give each individual speaker about five minutes. If for some reason that isn't enough for you, I want you to understand that the comment period remains open until April 28th, so that if there's something extra you wish to add, or by listening to other speakers, other thoughts come to your mind, we would be delighted to have you send us additional written comments as long as we get them by April 28th. You can send them in by e-mail or hard copy, whatever works best for you.

Following the close of this comment period on April 28th, the EPA reviews all of the comments, as I said, at least two or three times,

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and we subject them to technical reviews, scientific reviews, analytical reviews. Based on that, we then take all that information and compare it and juxtapose it to the original proposal, and we make any revisions that appear to be useful or appropriate, and we attempt to build on the new information we get, to be sure that the rule is as focused and strong and balanced as it can be and as defensible as it can be.

After the comment period, we're in something called sort of a deliberative process phase. We'll take all of those comments, we will review the existing proposal and revise it accordingly, and then we'll prepare a final rule, which will be promulgated on October 15th of this year, 2010.

And that's the process that we're going through, and so you really are sort of in the middle of that process, the most important process, which is the public comment period, which we hear directly from affected stakeholders and experts, and it's the process that we sort of attach the greatest importance to, because it's how we basically get feedback on the rule and be

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sure that we're on target.

So that's the administrative rulemaking process. It's one that EPA uses pretty routinely, and it's one that is generally pretty effective and very, very useful to us as an agency, and that's why we're so happy that you're here.

What I'd like to do is ask Jim Keating to briefly review with you what's in the rule. Sometimes folks have a pretty clear sense in their heads that they know what's in the rule. Every now and then, this presentation helps to inform them of other aspects of it. So it's probably useful to go through. I'll then explain how we're going to do the actual comments this evening, and then we'll be up and running.

So with that, Jim, why don't we disengage me here -- I can disengage me, and we can be off and running.

MR. KEATING: Okay. Thank you. Can

everyone hear me, as I successfully turn the mic on.

Okay. I'm going to go through the presentation briefly this evening, because I know everyone's anxious to give their comments. I want to talk just briefly about nitrogen and phosphorous pollution, and just briefly about what Water Quality Standards are, and then how those two things are addressed in EPA's proposal.

One of the things we're concerned about with excess nitrogen and phosphorous in our natural waterways is that they can cause the growth of unwanted and nuisance algae. A couple examples that we see in the state: One is Lyngbya, which smothers out the natural grass and produces toxins. Similarly, Microcystis is another very common algal nuisance species that also produces toxins that are linked to liver damage and can also poison the livestock and wildlife.

We know that in addition to the discoloration and other effects, excess algae can dye, decay and deplete the water of its dissolved oxygen. We're also concerned with nitrates in groundwater and also the effect of nitrogen and phosphorous producing excess algae that becomes a problem for drinking water supply when it's mixed with disinfection processing, which can produce byproducts that are linked to cancer and other illnesses. With the nitrates in groundwater, that can cause problems for particularly infant health, and we've seen violations of the maximum contaminant level in Florida waters.

There are a wide variety of waters in Florida, many thousands of lakes and miles and miles of streams, and many square miles of estuarine water, as well as over 700 freshwater springs. And many of these have already been identified and prepared, although not all of them have been assessed.

I want to run through a series of pictures so you have an idea of what some of the conditions that Florida waters have experienced over the years in terms of the excess production of nuisance and unwanted algae.

This is a picture from Lake Manatee in Bradenton, Florida, and it shows a Microcystis bloom.

This is an old picture of Lake Apopka in Central Florida that shows kind of a lakewide algal bloom problem.

This is another pond up in the Panhandle of Florida, Merritts Mill Pond, known for its fishing and kayaking and boating, but in here it's under a condition of fairly severe algal bloom.

This is a close-up of a Microcystis bloom from another lake in the Panhandle. This is Lake Munson.

We see that it not only affects lakes; it also affects rivers and streams. This is the

Caloosahatchee River showing a Microcystis bloom, as is this. Although it's not a Microcystis bloom, it's another species of algae, but it clearly shows the effect of the algal bloom here, and then this part of the river is not being affected. There's a physical separation here caused by the Franklin Lock.

This is the St. Johns River, a little bit closer to where we are, showing a Microcystis bloom, as is this. This is fairly recent pictures of conditions that have been experienced on this river.

What we see from this is that it puts a lot of things that we care about with our water at risk. It puts at risk ecology, human health, recreational opportunities, tourism business, as well as property values. And you can see again some of the effects of the algal blooms that have been experienced in waters near here. This is a tributary of the St. Johns. It happens across

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the state. This is the St. Lucie River and, again, a picture of an algal bloom.

We've seen effects in the springs in Florida as well. The image -- this is the Weeki Wachee Spring, and the image on the left is from the 1950s. Shows you the natural grasses and the clarity. The image on the right is from this past decade. It shows you a picture of what a Lyngbya domination of a natural spring can look like, smothering out the natural grasses.

We also see the ill effects of nitrogen and phosphorous pollution in manmade canals that run through South Florida. This is one that drains into Biscayne Bay.

What Florida has in their regulations right now is a narrative statement that addresses nutrients. It basically says that they don't want nutrient levels in amounts that would cause an imbalance in the natural populations of flora or fauna. Which is a good statement, and, you know, FDEP has done a lot of good things with that statement. However, the process is relatively slow of developing specific targets for permitting or for TMDLs, using that narrative statement, and it's also one that's rather

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reactive.

Generally, you'll see an adverse effect of a water we identified is impaired or there is that imbalance, and then they'll work towards recovery. Whereas, what we see with numeric criteria, it's the potential to have a more proactive approach, where we can identify what are the levels that will protect those waters, and then we can use them to set targets for permits and other source control efforts, so that those waters don't turn into the conditions like I just showed you for other waters.

We know that nutrients come from a variety of sources, non-point and point sources from wastewater discharges, faulty septic tanks, nitrogen from atmospheric deposition, surface

runoff from urban areas and from agricultural areas as well. We know that better treatment and better management practices can remove these nutrients and stop their flow into Florida's waters.

In terms of Water Quality Standards, just a couple things to keep in mind. They include both designated uses, which are the statements of what we want from our water -- aquatic life

protection, recreation, human health -- as well as the water quality criteria, which are the specific levels of pollutants that protect those designated uses. Florida has already established designated uses consistent with the goals of the Clean Water Act, which they apply to the overwhelming vast majority of their waters. They call it, for purposes of this role that we are addressing, Class I and Class II. They share the goals and the criteria for a healthy, well-balanced population of fish and wildlife as well as human health and recreational use.

EPA has been recommending numeric nutrient criteria since 1998, and recently we made a determination, after consulting with the Florida Department of Environmental Protection, FDEP, and determined in January of 2009 that they were necessary to protect Florida's waters. FDEP has been working on numeric nutrient criteria, and they presented a draft set of those criteria last summer in a series of public workshops.

Recently, also last year, we entered into a consent decree with environmental nongovernment organizations to do two rulemakings: One this year for inland freshwaters, and that's to be

proposed in January, which we did, going final in October. Next year, there will be a rule that addresses estuarine coastal waters on a similar timeframe.

We use the wealth of Florida data that's available, as well as a number of technical and scientific analyses that DEP conducted, as well as some of our own. The database is extensive for a wide variety of waters. There's hundreds of thousands of records that were available to us.

For lakes, getting into some of the specifics, we divide lakes into three categories, based on color and alkalinity, and we develop criteria for chlorophyll-a, which is a light pigment that, if it makes cells, is a good measure of algal growth. Field good correlations of that parameter to levels of total phosphorous and total nitrogen to arrive at protective criteria. We also have an option for adjusting the total phosphorous and total nitrogen criteria within a certain range, should there be sufficient data that shows that the chlorophyll a levels are being met for a particular lake.

This table summarizes for those three

categories the chlorophyll-a criteria as well as

the baseline criteria and the range to which those baseline criteria can be upwardly adjusted if that individual lake is being a chlorophyll-a target.

For rivers and streams, we classified them by geographic region, where there's differing underlying geology and other natural features. We took an approach where we identified streams that are exhibiting healthy biological conditions, as measured by DEP's stream condition index, and we looked at the distribution of total phosphorous and total nitrogen from those streams, identified a representative concentration that's protective of the rivers and streams from that underlying database. And you can see those regions that we divided the state into: the Panhandle region, the larger peninsula region, South Florida is dealt with separately, as are regions here in the Bone Valley and in the North Central, where there are high levels of phosphates that occur in the soils naturally. The results of the analysis are shown in the table there on your left.

If I didn't mention it before, you have

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handouts that have all these slides.

We did address the need for downstream protection from rivers and streams that flow into lakes, into estuaries, because they carry the nutrient loads with them and sometimes those downstream environments are more sensitive.

For lakes, we had a simple equation that relates lake concentration to stream concentration within the watersheds so that we can adjust the rivers and streams criteria as necessary. For estuaries, we use the USGS, the United States Geological Survey, a model called SPARROW model, to make adjustments for the rivers and streams criteria that flow down to the estuaries.

SPARROW is calibrated using monitoring data from the state of Florida, and we use that tool in two ways; one, to help identify a protective load that's delivered to the estuary and to take that protective load, account for the natural attenuation that occurs as the -- the total nitrogen is transported through a watershed, and arrive at concentrations in the streams that feed into that downstream estuary. We call those downstream protection values. They do tend to be

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lower than the corresponding rivers and streams criteria that we proposed for the protection of rivers and streams themselves.

We have intended to go final with those DPBs as part of the estuarine criteria -- sorry, the estuarine coastal criteria rulemaking in 2011. We recently had an opportunity to reaffirm that position to the state of Florida. So it's something that we proposed and introduced in January that we expect to take up again in the 2011 rules that you'll find.

For springs, we looked at the inorganic form

of nitrogen, nitrate and nitrite, used a variety of field and laboratory studies that were available that FDEP synthesized to come up with a specific criteria for the protection of those water bodies.

For canals, these are manmade structures built for flood control and irrigation purposes that carry the same designated uses, however, as the natural rivers and streams throughout the state. Therefore, we took an analogous approach of identifying a set of data from canals where we could reasonably infer from the FDEP assessments that the designated uses are being met and are

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attained, and took a representative value from the distribution from those locations to identify protective criteria for the canals that run through South Florida, and we have proposed criteria for chlorophyll-a, total phosphorous and total nitrogen.

Couple other real quick provisions that we have in the rules you should be aware of. One is the allowance for the development of site specific alternative criteria that would be administered through the EPA, and we could make adjustments to the federal rule to take account of more specific information that may be available about other individual water bodies throughout the state.

We also have an allowance for what we call restoration standards, which is recognizing that in many cases it will take a lot of time to achieve these protective criteria. It allows the states to work with communities to identify incremental steps in the process that represent, you know, a set of feasible controls that can be implemented over various periods of time, ultimately attaining the goal.

We did do an economic analysis, where we

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looked at the cost of upgrading wastewater treatment and putting the best management practices in place for agricultural sources and replacing faulty septic tanks. The range of the costs that we estimated were 107 to $140 million annually, adding up to a total of approximately 1.2 to 1.5 billion over a 20-year period.

As Ephriam mentioned, the comment period does go on for another couple of weeks. We certainly encourage everyone to submit written comments, and there are a couple slides that have some summary points that you can take home with you. Right now I think it's time to hear your comments, and we thank you again very much for coming and sharing with us tonight.

MR. KING: Why don't you just go ahead and lay out the process by which we do this.

MR. KEATING: Sure. So the way we're going to do this is we have a spot at the podium, and then we have two chairs that are behind the podium. So we'll be calling up the speakers by number, beginning with No. 1, and then at the same time we'll be asking speakers No. 2 and

No. 3 to take those chairs right behind the podium, so that we can have sort of an even flow

and an efficient use of our time, so that the next speaker can be ready.

You'll have a timer for five minutes. It's right up on that big screen in front of you, so hopefully nobody will be confused as to how much time they have left. When it starts getting down to one minute, that would be a good time to kind of make sure that you're wrapping up and making sure that you're giving us the main points that you want us to consider this evening. Obviously, if you have more things to say, the written comment period is -- and written submission is a great way to do that.

The screen will start sort of flashing at you and start getting annoying after five minutes, and at that point it will be time to wrap up.

So with that, I think that's the process. We'd love to hear from speaker No. 1, and if speakers No. 2 and 3 could take their places behind the podium.

And if there's anybody here who does not have a number, please, we want to hear from you, and if you'll go ahead out to the registration desk, because they're keeping track of all this

stuff, they'll be delighted to give you a number so that you can make a comment.

MR. KING: Good evening.

MR. REGISTER: I'm actually No. 2, but they said No. 1 wasn't here, or wasn't speaking.

MR. KING: Well, welcome No. 2. Okay.

MR. REGISTER: And while I'm not qualified to speak on --

MR. KEATING: Oh, I'm sorry. I hate to interrupt you. I just wanted to -- I forgot to mention, when each speaker comes to the podium, please state your name and your affiliation.

MR. REGISTER: I will do so.

MR. KEATING: Thank you.

MR. REGISTER: But I wanted to start by saying, while I'm not qualified to speak to the technical data, as a business owner, I wanted you and EPA to hear my thoughts on what this will do to business.

I'm Darryl Register. I'm a third generation dairy farmer from Baker County, and I'm the executive director of the Baker County Chamber of Commerce. And I want to thank you for scheduling these additional public sessions and taking the time to come here tonight.

As the owner of the last operating dairy farm in Baker County, and one of only six farms left in our five county Northeast Florida region, where there was once more than 90 dairy farms, I stand before you tonight to tell you that Florida's farmers and business owners cannot afford additional costs associated with unnecessary regulations.

While it's always very challenging to produce milk in the state of Florida, the past 18 months have been the toughest I have ever faced in the 23 years that I've operated a dairy farm. The farm price received for our milk that we produce has been at historic lows, while the cost of grain to feed our cattle have been at historic highs. This makes for a situation where equity is lost quickly and additional debt is incurred just to keep operating.

The Florida Department of Environmental Protection, Florida Department of Agriculture, and the water management districts in Florida have been working with farmers and other business owners for many years to protect and improve our water quality. They have developed long range plans with total maximum daily loads based on

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site specific evaluations that are working. Almost two million acres of Florida farmland is already enrolled in the Office of Agriculture Water Policy Best Management Practices Program. Why throw all of this out the window to create statewide or regional standards that might never be attained, but will surely drive some of us out of business? Not only is this a bad rule, it's at a bad time.

Everyone is aware of the economic challenges facing us today. This rule might just be the proverbial final nail in the coffin that many small businesses who are struggling to meet payroll and to keep their doors open. When businesses are forced to close, our economic recovery will just be delayed even longer. Additionally, when farmers are forced out of business, our nation will start to become dependent on others for our food supply. We only have to look at our dependency on others for our oil supply to see very quickly this can't be a positive step.

In closing, I stated at the beginning that I'm a third generation dairy farmer. Well, I can tell you without a doubt that if this course of

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action is not changed by EPA, if sound science and common sense are not used to set the path moving forward, there will be no fourth generation dairy farmers in my family, and I believe many other family-owned businesses in our great state will be facing the same fate. Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you for your comment. Speaker No. 3, and then speaker No. 4 and 5 can join us behind the podium.

MR. REGISTER: I'm Lloyd Register, and I'm here also as a farmer. That's all I've ever done all my life. I have made my living out of the ground, you might say. I also was a dairy farmer for 40 years, and no longer. And as Darryl just said, there's no way that farmers can take on more expense, especially at this time.

I hope I'm the only guy here that's old

enough to remember when certain grocery items were rationed. You didn't just go to the store and buy whatever you wanted right after World War II. You took whatever you could get, and you could only buy so much of most items in there. You ever thought about trying to live with limited food? Most of the people in this country now has never thought of such a thing.

As far as Florida goes, agriculture provides 13.7 percent of the employment in this state and 8.4 percent of the gross state product.

(Brief pause.)

MR. KEATING: Keep going. Go ahead with your remarks.

MR. REGISTER: So I just wanted to say that farmers -- there's no way they can take on more expense. And besides that, we need a definite definition of the waters that is to be regulated.

We've heard it said that mud puddles is going to be under control whether they're holding water or not, and things like that has really got us very nervous. Thank you for your time.

MR. KING: Thank you.

MR. KEATING: Thank you. Speaker No. 4. Yes, sir.

MR. TRAYLOR: My name is Dean Traylor. I represent the lawn care industry. I've been in the green industry 37 years, representing -- or involvement in irrigation, landscaping, landscape maintenance, nurseries and product sales. I've seen a lot of changes that have occurred in the Jacksonville area and North Florida in that 37 years, and one thing that I would like to bring to attention -- you know, being a little bit older, you have a little bit more recollection of events that have taken place, and I'd like to go back to 1983, when the Jacksonville City Council enacted the Duval County Landscape Ordinance.

Prior to that, there had been commentary -- you know, the trend of the developer was to build a building, pour concrete and pave, with little regard to replacing the vegetation that might have been destroyed to accommodate development. The city government saw what was taking place, and to preserve the environment or to restore what was being replaced, they set standards. You've got to have -- so much areas got to be green. So much of that area has got to be turf. So much of the area has to be tree -- there had to be so many trees and so many plants. And being in the industry, that was a great thing.

I remember prior to 1983, there was 12 -- there were 12 landscape contractors in the Yellow Pages in Jacksonville, and I think there was one maintenance contractor in Jacksonville in the Yellow Pages. And I wouldn't -- I haven't taken an exact count, but I would say that the pages are in the dozens now for all the services involved. So the city created jobs.

The one thing about complying with regulation is there's an expense, and there was -- there was a lot of discontent with having to spend extra money in development. But the developers complied, the landscapers installed, and there was a minimum amount of turf, green space that was created, because we saw what was taking place -- well, anyway, saw what was taking place, and there wasn't attention placed in replacing vegetation.

All right. So with that said, you've got a government mandate, local level, and people were complying. You make an investment; you've got to maintain it, just like a vehicle or a home or anything else. And to maintain a landscape requires two things: water and nutrients.

So here we are 27 years later talking about the amount of nutrient load -- and granted, it's not all coming from landscapes, but one of the common focuses in most of the articles written about the issue is about fertilizer, urban

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landscapes and leach -- or runoff. Well, I don't recall what year, but there was another government regulation. This one was on a state level by the water management districts, requiring retention ponds, because we needed retention ponds to go with the developments to catch the storm water runoff, to catch the nutrient and slow down discharges into the tributaries and the river.

Well, there were probably some good intentioned people. They had an objective; this is what we need to do. But they didn't go beyond, I don't believe, and looked at consequences, the unintended consequences of digging retention ponds eight, ten feet deep, taking that soil -- you know, the intent, you would think, would be it could go somewhere else. And it can. It can be transported off site or a site can be raised.

The problem with that is, there's two factors. Soil has pH, and pH determines nutrient availability. The second is, there's microbial activity that takes place within the roots on the existing trees, existing turf. And when you start getting past that root zone, you start --

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the -- the environment -- the microbial environment diminishes. So now we're pulling soil eight feet out of the ground and using it in the landscape. Now, it doesn't matter that it's devoid of beneficial microorganisms. Doesn't matter that the pH is either too acidic, too alkaline. It's dirt. We've got a place for it to go. The developer's satisfied. The city's satisfied. The landscaper's satisfied. And now it's time for the lawn care or lawn maintenance company to come in and take care of this neutral fill. And there's places here --

MR. KING: Mr. -- we'll need your help to understand your key points here.

MR. TRAYLOR: Sir?

MR. KING: We're running at the end of five minutes --
MR. TRAYLOR: I'm sorry.
MR. KING: I just wanted your help --
MR. KEATING: It's just the process we've used in all the other sessions.
MR. TRAYLOR: Okay.
MR. KING: So keep going, but --
MR. TRAYLOR: Well, there were -- there was good legislation, good intentions. Today, we are looking at federal legislation dealing with the consequences of state legislation and its consequences of local legislation. Now, the people that have made an investment need to maintain that investment. And I'm speaking to the lawn -- you know, lawn care.

I hope that whatever your proposal is, that ten years from now or twenty years from now, that there's not somebody else sitting in a hearing trying to address the unintended consequences of what this panel is trying to establish. And I'll let it go at that.

MR. KEATING: Thank you for your comments.
MR. TRAYLOR: Thank you.
MR. KEATING: Is there a speaker No. 5? I think we're already onto, then, the other series of numbers. Speaker No. 101. Could speakers No. 102 and 103 take a seat behind the podium.
MS. ANSELL: Are you ready?
MR. KEATING: We're ready.
MS. ANSELL: My name is Valerie Ansell. I'm a Duval County Farm Bureau Women's Committee Chair.

When I began researching the topic of numeric nutrient criteria, I quickly find out that there's a lot more to this problem than many may realize.

We are all here to tell our story, to give you our opinion. I grew up in 4-H raising dairy cows. Spreading the word that chocolate milk doesn't come from brown cows, like a little boy told me today while I was reading to his class, is part of my passion.

I am against numeric nutrient criteria as the way it is proposed. In what I have to say to you, you will not find a bunch of statistics. I hope to relate a simpler message.

What's one thing that each woman and man carry with them most of the time? It's a purse or a wallet. What's in those purses or wallets? Money. What's one thing everyone buys with their money? Food. This is what I want to talk about. I want us to look for a moment at what the economic impact will be for Florida agricultural producers and how that will affect each and every Floridian.

To me, an agricultural producer is one who puts food on my table. I am raising four teenage boys. Think for just a second how much food is put on that table in my house alone. Let's look

at one item that's consumed at my house. Milk. Gallons of milk. Approximately six gallons of milk is consumed at my house every week. Right now, the price of a gallon of milk is about $3.50.

The principal concern is the economic impact the EPA's nutrient criteria will have on Florida's second largest industry, agriculture. If agricultural producers in Florida are to have a sustainable economy that produces a safe, affordable and abundant food supply, then they cannot be burdened with water quality regulations that will force farmers and ranchers out of business. With the economy the way it is right now, many farms and farmers are just trying to survive.

There are approximately 140 dairy farms in Florida. These farms are family owned and operated. This is not because of the money that is made or the quality of lifestyle. These families enjoy the everyday hard work. Dairy cows have to be milked twice a day every day. The dairy cows do not take a vacation.

Farmers are excellent stewards of the land. Without keeping their land in good condition,

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they would be out of business. Farmers work to preserve the land. The land is how they make their living.

Let's look at these gallons of milk again. It is my concern, if the numeric nutrient criteria as the way it is set up right now is forced upon the agricultural producers of our state, these gallons of milk will be unattainable in my household and possibly in every household in Florida.

I'm sure you knew that chocolate milk didn't come from brown cows. How much milk is consumed in your house? Will you be able to afford the milk that your family needs?

I'm not saying don't implement numeric nutrient criteria. I'm saying I believe that revising the criteria to reduce the impact on agricultural producers and the agriculture industry is what needs to be considered. Thank you for your time.

MR. KEATING: Thank you very much for your comments. Could I ask one question of you? Actually, a request. If you have the opportunity to submit written comments, if you could -- if you or any of the other folks from ABB who are

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giving their comments along these lines, we're interested in knowing specifically, I guess, how our proposed regulations would affect the costs that you incur, and what kind of specific effects on your farms you're seeing that would happen as a result of our regs. That would just be very helpful to us to get more information on.

MS. ANSELL: Okay.

MR. KEATING: Thank you for your comments.

MS. ANSELL: You're welcome.

MR. KEATING: We appreciate it.

Speaker No. 102. Speaker No. 103. Speaker No. 104.

MR. ASSAF: My name is Robert Assaf. I represent the Farm Bureau, Florida Cattle Association.

My grandfather -- I'm going to wax eloquent and then get somewhat philosophical with you, because I'm not a scientist. My grandfather emigrated to this country, took roots in Jacksonville. My father was born and raised here, as was I. I have three sons also born and all have families in Jacksonville, Florida. I live on a 100-acre beef cattle ranch, and I farm an additional 700 acres for commercial hay. I also have a 300-acre beef and commercial hay operation in Southeast Georgia, where we bale premium horse-quality hay.

I'm not going to attempt to debate or enter a dialogue with you over water quality or nutrient criteria or any other scientific based argument, which I am not capable of, and I am not a scientist. But I was born with a boat load of common sense, and I'm understandably a conservationist.

I grew up at the mouth of Trout River, where it flows into the St. Johns, and I fished and I shrimped the permitted length of it. As a teenager, I had a permit for shrimp trawling and commercially trawled the St. Johns from downtown to the ocean. After each trawl, I hurriedly picked up the small game fish to get them over the side and back into the river so they would survive.

I saw our river become polluted by open sewers and industrial waste, and a saw those dumpings halted. I saw the Buckman sewage facility plant opened. I watched as the river renewed itself, and the fish that had left returned along with alternate other species.

I watched man bulldoze the sand dunes for apartment buildings at the beach and thought, that's got to -- that's got to be a stupid idea. God planned the wind to build the dunes, and when the northeaster and the hurricanes came, the dunes took the brunt of the wave action and returned from whence it came. It was cyclical, and so it seemed to me that that's the way it was, and I believe history bears out that I possibly was correct.

The point I wish to make is that the government seems to be hellbent on making people's lives miserable, whether it's changing a zoning law and putting an apartment building where nobody wants it, or whether it's bussing children all over the county to achieve some sort of government-mandated quota system, or whether it's a government educational curriculum teaching our children that there are no longer any standards and any and everything is acceptable.

More to the subject at hand. We're in the fight of our lives with the inheritance tax

threatening to steal our land we worked so hard for to try to leave it to our children, which are the future ranchers and farmers. We just

recently successfully beat the state that declared that it owned all property that ever had a flood on it and calling it a hundred year flood plan or something like that. Some ranchers would have lost more than half of their property, their privately owned property, and lost their land if the state would have been successful.

I worked for the Army Engineers when they desired to make the Kissimmee River, that's crooked as a snake, straight, in what they called a Cross Florida barge canal. They condemned land further than our forest and created more destruction than I could if I had a thousand years to try. And now they're spending millions trying to repair it and put it all back together again.

And let's not even talk about this camping carbon footprint fiasco that Al Gore and the boys and the other kooks like him almost pulled off and probably are still trying, even though the American public has figured it out and understands it's just a get-rich scheme based on junk science backed by the super rich and their anti-American politicians that have helped put them in office.

And now they're scheming to put Florida under some nutrient criteria. With all the variables of the Florida surface water, it's an expense and an exercise in frustration. We've already had ongoing battles where high nutrients or nitrogen content has been blamed on agriculture, and other lengthy battles and expenses, and we find out that the nitrogen -- the nitrogen levels going into the farms via the rivers and creeks are higher than they are going out of the farms.

We have had a Duval County -- there's a man -- gentleman mentioned numerous dairies. We're down to one. And when the dairies were in operation, we didn't have green in our rivers, so it couldn't have been their fault. They're no longer even here.

So my summary is this. Florida is a national leader in protecting its waters. The EPA needs to support the state of Florida and not single us out for more aggravation. I don't think we can stand anymore "I" -- I'm from the government, and I'm here to help you -- programs. Somebody needs to read the mind of "We the people."

There is a Bible verse that says -- and I'll paraphrase -- "Woe unto ye lawyers. You put burdens on men grievous to be borne, but lift not a finger to help." That speaks to the lawyers that wrote it up and the lawmakers that put them up to it. And I might even add the bureaucrats that carry out the mandates and bring this before

the law into the courts.

I say all of this not to insult anybody, but I do encourage you to tell those that put you and EPA on this mission to hear out the populace, that the population is sick and tired of government continuously meddling in our lives and in our business. We have tea party meetings all over every major city in the United States today. People are tired. They're wore out. They're frustrated. We came to live in a nation -- in a land of peace and of freedom, and we're put upon every day.

The government's number one priority, as I read it -- and I spent 28 years in the military. Got in as a private; got out as a major. But as I understand it, our number one priority is to protect our borders, and our government has failed miserably in that category. How about

taking word to them from me and tell them to put all of their resources to work in that area, and when they're finally successful at that, y'all come back, and we'll talk about our water. Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you for your comments.

MR. ASSAF: Yes, sir.

MR. KEATING: Do we have a speaker 105?

MS. GOLLER: Good evening. My name is Leslie Goller, and I thank you very much for having this public hearing. I speak for the public too, and I have a difference of opinion than your last speaker.

I served for seven years on Jacksonville's Environmental Protection Board. I also served on the mayor's environmental advisory board. I am an environmental lawyer, and, although I didn't draft this legislation or the proposed rules, I support it.

I'm afraid that people have become used to having very little regulation and certainly very little enforcement, given what we've had previous to our current administration, and they've gotten spoiled. And unfortunately, humans aren't really

truthfully very good people. We're very selfish, and we tend to not do what's right for everyone.

And if you really look at economic factors, what EPA is now proposing with these standards is actually more cost effective to the entire population of the state of Florida than it is if it wasn't put into effect. The reason why is because it costs more to clean up the damage after it's done to our public bodies of water than it does to stop it to begin with. Yes, it may raise the cost of certain agricultural products, but it's cheaper to pay for that than it is to pay for it to clean it up and to pay for the environmental harm, the health harms that it causes, the lack of fish and aquatic life that is caused by having -- what happens when these pollutants get into our water bodies.

So it really does make economic sense, if

somebody really studies the facts and really looks at it to see that this regulation is for the good of everyone. So I thank you and I commend you, because, unfortunately, the state of Florida has been very lax in developing a standard, and it's about time.

I wish we'd had it long ago, because we wouldn't have had the problems that we do now. All it takes is to look out on our river, and it's actually earlier this year than it has been in other years, of when the green slime starts. And that causes health effects to people. It certainly causes effects to the aquatic wildlife that's in the -- our fishermen are affected by it. It affects economics.

So thank you very much for proposing it. The majority of the people want this. Unfortunately, there's a lot of people that are just like little selfish children and who don't want to have rules applied to them. Nobody likes rules, but if you realize it and you really look at it after the fact, rules are important, because it gives a standard, and we need a standard for people to be able to follow. It puts it in black-and-white, and thank you for doing it.

MR. KEATING: Thank you for your comments. Do we have a speaker 106? Is there anybody else in the room that would like to give us some comments this evening?

Okay. Well, we thank you all for taking the time this evening to come out and share your views and your comments with us, and all of them will be carefully considered. And at this point, then, we will go ahead and close the hearing for the evening. Thanks again for coming.

(Proceedings are concluded at 7:57 p.m.)

C E R T I F I C A T E

I, Celena Soto, Stenographic Reporter in and for the State of Florida, do hereby certify that the foregoing statement consisting of 43 pages was reported by me in machine shorthand and transcribed by me and is a true and correct transcript, to the best of my ability and understanding.

I hereby certify that I am not of counsel, not related to counsel or the parties hereto, and am in no way interested in the outcome of this matter.

DATED this 21st of April, 2010.

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CELENA SOTO
Registered Professional Reporter
Notary Public

State of Florida at Large