

US EPA ARCHIVE DOCUMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

CASE NO. 4:08-cv-00324-RH-WCS

FLORIDA WILDLIFE FEDERATION, INC.;
et al.,

Plaintiffs,

vs.

LISA P. JACKSON, Administrator of the
United States Environmental Protection
Agency; and the UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Defendants.

**JOINT NOTICE OF
EXTENSION OF
CONSENT DECREE
DEADLINES**

WHEREAS, the Consent Decree entered in this matter sets a schedule for EPA to take certain actions regarding the development of numeric nutrient criteria for Florida waters unless the State of Florida adopts such criteria and EPA approves the State-adopted criteria first. ECF No. 153 at ¶¶ 4-11.

WHEREAS, pursuant to the Consent Decree, on November 14, 2010, the Administrator signed for publication a final rule setting numeric nutrient criteria for flowing waters (other than in the South Florida region), lakes, and springs in Florida (“the Phase I rulemaking”).

WHEREAS, the Phase I rule was the subject of a number of civil complaints filed pursuant to the Administrative Procedure Act and subsequently consolidated by this Court for case management purposes. ECF No. ECF No. 216 at 3.

WHEREAS, on February 18, 2012, this Court issued an Order on the merits of motions for summary judgment in consolidated challenges to the Phase I rule. ECF No. 351. In the February 18, 2012 Order, the Court concluded that the stream criteria and default downstream protection values for unimpaired lakes promulgated by EPA are invalid. The Court directed the Administrator, by May 21, 2012, to (1) sign for publication proposed criteria or final criteria for Florida inland flowing waters (i.e., streams) outside the South Florida region, and (2) sign for publication proposed or final downstream protection values for unimpaired lakes (unless by that date the Administrator has filed a notice that she has decided not to propose or adopt such criteria).

WHEREAS, under the Court's Order of March 2, 2012 extending the Consent Decree deadlines with respect to Phase II rulemaking (ECF No. 359), the deadline for the Administrator to sign for publication proposed numeric nutrient criteria for Florida's estuaries, coastal waters, and inland flowing waters in South Florida (Phase II) is May 21, 2012.

WHEREAS, EPA has been working to meet the May 21, 2012 deadline for

the proposal of the numeric nutrient criteria described above, but has determined that it is necessary to ask for an extension of the deadline.

WHEREAS, counsel for Plaintiffs and EPA have conferred as to an extension, and Plaintiffs have agreed to an extension of the May 21, 2012 deadline until and including June 4, 2012, for the proposal of numeric nutrient criteria for both Phase I and Phase II rules (streams, downstream protection values for unimpaired lakes, and coastal and estuarine waters).

NOW, THEREFORE, Plaintiffs and EPA agree and hereby notify the Court that:

The deadline of May 21, 2012 for the Administrator to: (1) sign for publication proposed criteria or final criteria for inland flowing waters outside the South Florida region, and (2) sign for publication proposed or final downstream protection values for unimpaired lakes, and (3) to sign for publication proposed criteria for coastal, estuarine, and inland flowing waters in the South Florida region shall be extended to and including June 4, 2012.

RESPECTFULLY SUBMITTED this 15th day of May, 2012.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be electronically filed on May 15, 2012. All registered counsel are to receive notice of the filing via the Court's electronic case filing system.

/s/ Martha C. Mann

MARTHA C. MANN

United States Department of Justice
Environment and Natural Resources
Division

